

Guma Kunda Komey: The autochthonous claim of land rights by the sedentary Nuba and its persistent contest by the nomadic Baggara of South Kordofan/Nuba Mountains, Sudan.

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The autochthonous claim of land rights by the sedentary Nuba and its persistent contest by the nomadic Baggara of South Kordofan/Nuba Mountains, Sudan

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Introduction

This chapter is a preliminary ethnographic analysis based on fieldwork in *Keiga Tummero* village in the Nuba Mountains region, Sudan. It is part of an on-going research titled ‘Contested autochthony: land and water rights, and the relation of nomadic and sedentary people of South Kordofan/Nuba Mountains, Sudan’.¹ In addition to Keiga Tummero, the main research project covers another three field sites, namely *El-Azraq*, *Umm Derafi* and *Reikha*, which are beyond the scope of this paper. In this introduction, I shall highlight the research’s central question, focus, objectives, methodology and the paper’s overall layout.

Research problem, focus and objectives

The underlying root causes of the Sudan’s civil war – which started in its southern part in 1983 and extended into South Kordofan/Nuba Mountains region in 1985 – were claimed to be diagnosed, negotiated and finally transformed in the Comprehensive Peace Agreement (CPA) signed on January 9, 2005. Despite the fact that many interwoven root causes were behind the eruption of the civil war, the question of the communal customary land rights is hypothesized here as one of the main root causes of the civil war in Sudan in general and in the South Kordofan/Nuba Mountains region in particular. Therefore, after the formal end of the war, in South Kordofan the question arises is how the conflict between the nomadic Baggara² and the sedentary Nuba people on the one hand and the contradictions between traditional land rights and modern state policy on land rights

¹ The project is headed by Professor Richard Rottenburg of the Institute of Social Anthropology, University of Halle, and is part of the Collaborative Research Center 586 ‘Difference and Integration’ of the Universities of Halle and Leipzig (<http://www.nomadsed.de>); and is funded by the German Research Foundation (DFG) for the period 2004–2008.

² The term *Baggara* (plural) or *Baggari* (single), which means cattlemen, applies to “an Arab who has been forced by circumstances to live in a country which will support the cow but not the camel. [...] The physical conditions upon which his existence depends, are a dry district for grazing and cultivation in the rainy season connected by a series of waterholes with a river system where grass and water are available during the summer months” (Henderson 1939, 5).

on the other hand may be resolved? The issue involves aspects of *territoriality*, *space*, *land rights* and *ethnicity* including their political, economic, cultural and religious dimensions.

In view of this central question, the objective of this research project is to examine the *mechanisms of simultaneous differentiation and adjustment* between the Baggara and the Nuba of South Kordofan mainly in the period since the early 1980s. The focus is on the claim of *autochthonous land rights* by the sedentary Nuba and its *persistent contention* by the nomadic Baggara in the region. The bone of contention is that most of these claims are articulated in terms of *autochthonous rights*. Autochthony is the claim to *collective rights* on the basis of belonging to an indigenous group with strong ties to an *ancestral homeland*, associated with an ever-increasing articulation of collective rights in categories difficult to reconcile with the principles of a modern state. To be precise, the claimed land rights are presented in categories of ethnicity, culture and religion, among others. The difficulty to reconcile these categories with the principles of the modern state stems from the fact that all these categories have questionable references and contradict the principle of citizenship, modern contract law and state ownership of all resources below and above the surface of the land. Furthermore, these categories are far from being clearly defined and tend to be invoked rather than being clearly stated.

Another point of contention is that in a region with several centuries of migration, forced displacement and all kinds of ethnic mixture, claims of autochthony are always contested. Moreover, the call for autochthony as a tie between *space* and *collective identity is problematic* not only for the relation between nomadic and sedentary groups but also for the relation between the various Nuba hill communities, which are not used to making of clear-cut territorial boundaries. Against this reasoning, the study explores the local *discourses and practices of autochthony* in South Kordofan within the framework of the general developments and their specific Sudanese forms. The main focus of the study of *autochthonous identity politics* is on questions of *customary land ownership rights* claimed by the sedentary Nuba, on the one hand, and *access to land and water rights* pursued by the nomadic Baggara, on the other.

Methodology

In light of the above-mentioned research focus and objectives, a twelve month period of ethnographic fieldwork was carried out, in two stages, during 2005–2006. In the first stage, a number of criteria were deployed and tested in order to ensure the suitability and practicality of some selected sites as viable ethnographic case studies, namely: El-Azraq, Umm Derafi, Reikha and Keiga Tumero. These criteria include, among others, the history of ethnic settlement succession, inter-ethnic settlement mixtures and the traceability of frequent bound-

ary shifts and changes, documented or verbal claims to land by more than one party pursued in terms of autochthony, the existence of some form of socio-economic interaction between various competing actors, such as the sharing of and/or interaction in market places, cultural events, watering points and farming/grazing lands and finally the existence of political and socio-economic practices related to customary land ownership and access to rights of use.

Following this introduction, a general overview of the Nuba Mountains region in terms of land and people is highlighted. The study then proceeds to present a field-note-centered preliminary analysis of the ethnographic data from the Keiga Tummero site. This part represents the core of the paper and with focus on the dynamics of the autochthonous claims to land rights and the related conflicts and disputes between the sedentary Nuba and the nomadic Baggara in the studied area. The ethnographic field notes analyzed here are a result of systematic participatory observation, informal interviews and the documentation of the people's daily life, institutional discourses and practices related to the sedentary Nuba's autochthonous claims and the nomadic Baggara Arabs counterclaims. It also highlights some persistent forms of sedentary-nomadic cooperation, complementarities and interdependencies despite the recurrent conflict. After that the study traces some on-going local discourses related to land issues discussed in the recent ethnic conferences among the Nuba of Keiga and the Hawazma-Baggara respectively. Finally, it looks briefly at how these debates are reflected in the CPA before the main points of the discussion are summarized in the conclusion.

The Nuba Mountains: an overview

The Nuba Mountains region, officially known as South Kordofan State with Kadugli town as its capital, covers a total area of approximately 30,000 square miles in the virtual geographical center of the Sudan. Its topography comprises a complex mixture constituting four main mountain masses and a number of isolated hills separated by plains of various sizes as part of a basement complex formation. It is part of the savannah summer-rain belt of the Sudan with sufficient rainfall for raising crops and grazing cattle. The plain areas are covered with muddy cracking and/or non-cracking clay soils with some alluvial deposits in the lowlands. Sandy soils dominate in the western and northern parts of the region. Based on these physical characteristics, the region has been a major economic base for the Sudanese agrarian economy; the recently discovered and exploited rich oil fields in its western part have made it even more significant, economically, politically and strategically.

Nuba and Baggara settlement history and land-use patterns in the region

According to the 2003 census, the population of the region is estimated at 1.1 million, representing 3.5 % of the total population in the country. This population comprises two major ethnic groups, the Nuba representing about 70 % of the total population in the region and the Baggara nomads (Komey 2004) and other small but extremely influential groups, including the Jellaba from northern and central Sudan. The Baggara and Jellaba are Arab-speaking Muslims who migrated to the Nuba Mountains in several waves beginning at the turn of seventeenth century for slave raiding and trade purposes, although the nomadic Baggara were initially in search of pasture. A sizable number of Fellata (West African migrants) who migrated to the Nuba Mountains in search for work as agricultural laborers in the cotton fields during the 1920s following the subsequent droughts in the West African Sahel also inhabit the region (M. Salih 1999, 36; see also Manger 1984, 1988).

Several anthropologists, such as MacMicheal (1912/1967), Nadel (1947), Stevenson (1965) and M. Salih (1999), among others, agree that the Nuba peoples were the first to settle in the area more than 500 years before other groups arrived in the region. As a consequence, the term ‘Nuba’ is commonly used to refer to the indigenous inhabitants of more than eighty hill communities of the Nuba Mountains who are dominantly sedentary groups that practice traditional rain-fed agriculture as their main livelihood. Notwithstanding the racial, ethnic and linguistic diversity of the Nuba hill tribes, there exists something like a ‘Nuba culture’, a cultural foundation common to all the various groups. It does not pervade the whole cultural life of the groups but it goes deeper than merely a common form of livelihood – it is a cultural affinity that could be explained as an adjustment of essentially dissimilar groups to identical environmental conditions (Nadel 1947, 3f.). Based on this feeling of togetherness and a common history, their ethno-political identity has progressively been constructed with strong ties to the territory of the Nuba Mountains; although this has systematically been contested by the other ethnic groups in the region.

Due to some major *historical and contemporary* dynamic forces, the indigenous Nuba peoples were forced to resort to the hilly parts of the region, while the fertile plain was forcibly occupied by others, mainly the Baggara. The historical forces include, among others (i) the influx of Baggara Arabs in waves into the region and their effective participation in pre-colonial slave raiding; (ii) the Turco-Egyptian regime and its successive slavery campaigns against the Nuba (MacMicheal 1912/1967; Sagar 1922; March 1954); and (iii) British colonial rule and its closed districts policy (Gillan 1931; Nadel 1947; March 1954; Stevenson 1965; M. Salih 1999). Contemporary forces include (i) the post-colonial state associated with two separate, yet interrelated dynamics, namely: the Jellaba domination of national politics and wealth, including land, and the outright appropriation of land by the government for public and private mechanized schemes (Ro-

den 1972; M. Salih 1984a; Manger 1984, 1988; El-Battahani 1986; Ibrahim 1988); and (ii) the central government's war, associated with mass displacement, ethnocide and genocide.³

The Baggara who moved into the area of the Nuba Mountains over 200 years ago as pastoral nomads represent the major sub-ethnic group of Arab origins (MacMicheal 1912/1967; Sagar 1922; Cunnison 1966; Suliman 1998). They move systematically along a north-south axis between the hilly Nuba areas during the rainy season and the traditional homelands of the peoples of South Sudan during the dry season. In recent years, some of these nomads have gradually shifted to agro-pastoralism and have engaged in traditional and mechanized rain-fed cultivation in the Nuba Mountains (Henderson 1939; El-Battahani 1986; Gore et al. 2004).

Accordingly, land-use patterns in the region are characterized by the co-existence of two traditional systems of subsistence rain-fed cultivation and pastoral nomadism. Agricultural land-use patterns as practiced by the Nuba recognize three types of customary land ownership: (i) individual-owned land; (ii) vacant land, which is recognized as communal land owned by the village or hill community; and (iii) vacant land. They cultivate different types of fields divided into *house farms*, *near farms* and *far farms* (Nadel 1947).

In addition, modern mechanized rain-fed farming systems have been successively introduced into the region since the 1960s. Under the 1968 Mechanized Farming Act, 60 % of the land was to be allocated to local people and no one was to have more than one farm. However, in practice, this was ignored and some outside landowners ended up owning more than twenty farms (Harragin 2003). State intervention was mainly exploited by the private sector based on the concessions made by the governments to secure food for the urban population and cash crops for export. The 1970 Unregistered Land Act, the 1984 Civil Transaction Act and its amended versions of 1991 and 1993 were meant to reinforce government power to appropriate communal lands for mechanized public and private farming. As a result, the local communities and traditional farmers were pushed to the margins and reproduced as landless farm laborers in these large-scale mechanized farms (Ibrahim 1988; Harragin 2003).

The introduction of mechanized capitalist agricultural schemes in the region marked the economic climax of the Jellaba traders, who assumed full control of all economic spheres in the Nuba Mountains. "At the same time, it crystallized the present socio-economic structure and stratification in the region where the Jellaba, the Baggara and the Nuba occupy the top, the middle and the bottom of the socio-economic ladder respectively" (Ibrahim 1998, 6). In short, the introduc-

³ For details, see M. Salih 1984b, 1999; Manger 1994, 2003, 2006; Suliman 1998; African Rights 1995; Rahhal 2001; Harragin 2003; Gore eds. et al. 2004; Komey 2005.

tion of mechanized farming projects in the Nuba Mountains plains had a disastrous effect on the Nuba. Their land was seized and they were evicted and driven from their ancestral land without compensation. It brought suffering to the Nuba people and caused widespread ecological deprivation to the region, resulting in further social dislocation and conflict over diminishing resources (Rahhal 2001). The net result was the participation of the Nuba in armed struggles within the greater framework of the civil war in Sudan. In this regard, it has been argued that “the land question was the single biggest issue of confrontation in the Nuba Mountains on the outbreak of the war, and that the settlement of the land issue, through land and land tenure reforms is a key aspect of making a lasting peace” (Manger 2003, 2).

The civil war and its implication on territory and ethnic relations in the region

The extension of the civil war from the Southern Sudan to the Nuba Mountains in 1985 brought about new dynamics that came to have significant repercussions on the rights of land ownership or access. First, the normal coexistence of the sedentary Nuba and the Baggara nomads ceased to exist as the bulk of the Nuba supported the Sudan People’s Liberation Army/Movement (SPLA/M) while the Baggara sided with the Islamic-oriented central government. Second, as the war intensified, the Nuba Mountains territory was progressively divided into two geo-political and administrative parts: areas either controlled and administered by the Islamic-oriented Government of the Sudan, where the Baggara had the upper hand in political affairs and where the Nuba were alienated from their land; and areas controlled and administered by the Nuba-led SPLA/M, with effective land management by the Nuba peoples while the Baggara Arabs were denied access to the grazing lands and water throughout the war period. Third, the two parties pursued two different policies pertaining to land rights in their respective territories. In the SPLA/M controlled areas, customary practices of communal land rights were recognized as legal rights and strengthened further. The SPLA/M initiated a Land Action Strategy (2004) that meant to empower the Nuba communities in administering their claimed land at different levels of social and spatial organization. The strategy, which is still in making, recognizes two different types of customary land rights in the SPLA/M controlled areas: customary *ownership* rights for the indigenous Nuba people; and customary *use access* rights for nomadic groups with longstanding seasonal access to the same lands (Manger 2006, 13). Contrary to the SPLA/M strategy, the government continued the policy of appropriating arable land for public and private investments based on the 1970 Unregistered Land Act, which considers all lands owned by communities or individuals on customary basis as government lands. Therefore, the government offers no legal recognition for the customary land rights (African Rights 1995; M. Salih 1999; Harragin 2003; El-Imam and Egemi 2004; Manger 2006).

In a nutshell, the war intensified antagonism between the two divided territories along ethno-political lines leading to recurrent mass displacement mostly among the sedentary Nuba. It also stimulated the articulation of ethnic identities in the struggle for land as a source of socio-political identity and economic survival and therefore accelerated the rate and the scale of local conflicts along ethnic lines as demonstrated by the following ethnographic case study.

Keiga Tummero village: a case of multi-faceted land-related conflicts

Keiga Tummero is a cluster of interconnected homesteads, about 50 km north of Kadugli and 5 km from the eastern part of the Kadugli-Dilling asphalt road at el-Queik point. The hill community is part of the Keiga sub-ethnic group, which is composed of five tribes: Keiga Jerru, Keiga Demik, Keiga el-Kheil, Keiga Luban and Keiga Tummero. Each of these tribes has its own loosely defined territorial boundaries within the overall customary Keiga lands. Keiga Tummero, the case in point, is composed of four sub-villages or sub-hill communities – el-Joghba, Tummero, Keidi, and Kolo respectively – situated in a line from the west to the east at the foot of the southern part of their main hill known as Keiga Tummero hill. Southward of each community there are wide plains that continue to the borders of the Laguri and Saburi hill communities. This land is a farming zone during the rainy season and a pasture during the dry season. Beside the horticultural activities of the sedentary farmers of Keiga Tummero it is also a zone for the collection of gum arabic. Two major water courses run through this arable plain, with seasonal water points known as *mashaga* and permanent water resources available along the *bat-ha*. Thus, the *bat-ha* provides permanent water points for humans, livestock and horticulture during the dry season. It is within this ecological environment that nomadic and sedentary peoples are constantly in the process of competition associated with recurrent disputes over the limited land and water resources.

The Arab agro-pastoralists in Keiga Tummero territory

Several agro-pastoral groups of Arabs and Fellata with their own native administration also live on the land traditionally claimed by the Keiga. At present, part of the Baggara of *Dar Jama'i*, a sub-tribe of Rowowga of Hawazma, have established their *Immara*⁴ (native administration) in the Keiga Luban territory with el-

⁴ *Immara* is a term introduced by Islamic-oriented government led by the National Congress Party in the early 1990s as part of its Islamization programme among native leaders. Though it is associated with social leadership, the term also connotes that this social leader, by virtue of his leadership position in time of peace, is also a commander (*Amir*) of the Islamic fighters (*Moja-*

Queik as their politico-administrative seat, under the leadership of *Omda*⁵ Bushra Somi of Dar Jamai' and Abkar Abdella of the Salamat tribe. Although the origin of the Salamat tribe can be traced back to Darfur, they allied with the Dar Jamai' of Hawazma on Keiga Luban territorial land and formed two inter-related *Omodias*, which are currently part of the Dar Jamai' Immara under the paramount chieftainship of Amir Musa Somi.

In addition to the Dar Jamai' and Salamat Arab agro-pastoral groups, there are other smaller but influential Arab groups including (i) part of the Awlad Nuba sub-tribe of Rowowga of Hawazma, who are basically based around their Immara at Tecksowna in Laguri area, although some of them have extended their settlements northwards into Keiga Tummero agricultural land at its southern border near the Hajar el-Tash and el-Darot areas; (ii) the Zenara Arabs, who recently migrated from North Kordofan and are currently concentrated in a fertile area in the Keiga Tummero territory called el-Joghan, although without any native administration; (iii) some Bedeyria from North Kordofan and (iv) several nomadic Arab groups, namely Dar Na'yla, Shenabla, Humr, Messeiriya and Dar Shalango, who only come to the region with their cattle during the dry season. These groups invariably practice agro-pastoralism, mechanized farming and trading, with a recently growing tendency towards claiming land ownership, resulting in the autochthonous claims of the Nuba of Keiga being seriously contested.

The Keiga Tummero autochthonous land claims and the agro-pastoral Arabs contest

The people of Keiga Tummero, like so many Nuba tribes, believe that they are the indigenous population who inherited their present landed territory from their forefathers quite a long time ago. Therefore, others who have lately joined them by ways of settlement, grazing, farming and trading only enjoy rights of access to their autochthonous land, and no rights of ownership. In this respect, the people of Keiga Tummero have several legends and stories related to land autochthony.

For instance, they narrate how the Dar Jamai' Arabs of Rowowga-Hawazma were hosted, for the first time, upon their arrival in Keiga territory. Several elders from Keiga Tummero stated that, according to stories narrated by their forefa-

hideen) during war. In the past this native administration unit was termed *Nazirate* for the Arabs or *Mekship* for the Nuba; the native leaders were called *Nazir* or *Mek* respectively.

⁵ “*Omodia* is a term for a group of villages, numbering from two or three up to thirty or more. The *Omodia* is essentially a concept derived from the Arab tribal organization, whereby each tribe is ruled by a *Nazir*, beneath whom there is a number of *Omdas*, each responsible for an *Omodia*, and beneath the *Omda* is the *Sheikh*, who is the headman of a small group of families, if the people are nomadic, or often of a village if the people are settled” (Population Census Office 1958, 7).

thers, there were inter-tribal conflicts between two sections of Arab tribes of Dar Betti and Dar Jamai' in a place called Baraka at el-Qoz in North Kordofan several generations back. Having lost the battle, the Dar Jamai' were forced to flee southwards to the Nuba lands, seeking refuge and protection. Upon their arrival, they divided into groups with each one targeting specific Nuba communities in their respective hills. A group led by Sheikh Tawir (the founder of Dar Jamai' in the area) approached Keiga Tummero hill at Kolo point. They were well received by the Keiga Tummero leaders and, for security reasons, were settled on top of the hill together with their horses, where some of their material culture still exists today.

Through time, however, and with assistance of various state power forces, these late comers started to strengthen their presence as settlers as well as nomads on land claimed by the Keiga. Today, historical and contemporary evidence on the ground suggests that Keiga Tummero autochthonous claims have progressively been contested by this group of Sheikh Tawir, which maintained its name as Dar Jamai' within the Rowowga-Hawazma federation in the region.

The annual Nuba campaigns of clearing roads under supervision of their native leaders during the Turco-Egyptian and the colonial periods is one of the widely shared arguments among the Nuba of Keiga Tummero supporting their collective ownership rights of their customary land as indigenous territory. My informant, Omda Elias Ibrahim Koko of Keiga Tummero argued that during the British colonial period the people, under the leadership of the local chiefs, used to annually clear the Dilling-Kadugli road, which used to pass in those days through Keiga Tummero. In the process of the campaigns to clear the bushes along the road after each rainy season, the people of Keiga Tummero used to receive the work from the Nuba of Deбри at el-Ganaiya point, and hand it over, in turn, to the people of Keiga Luban, who, in turn, pass it over to those of Saburi. They claim that there were no *kilinki* (borders) between them and any Arab group despite their seasonal presence. These Arabs never participated in the annual road clearing campaigns; and whenever they were asked to participate in the campaign, my informant continued to argue, they used to say to the *mufatish* (the British inspector) or *mamur* (the British administrative officer) in front of the Nuba native leaders that they have nothing to do with the Nuba land, and that they were not inhabitants of this territory but merely seasonal nomads who were passing by. Their homeland, they claimed, was in Kordofan (Interview: Elias Ibrahim Koko, Keiga Tummero, June 5, 2005).

From the Nuba point of view, that was recognition of their autochthonous land ownership rights by the Arabs, who are contesting these same rights today because of several ecological, ethno-political and socio-economic changes. The emerging agro-pastoral Arabs' attitude towards claiming ownership rights over some of the Nuba historical homeland territory have intensified the recurrent

conflicts at grass root levels between the sedentary Nuba and the nomadic Baggara in the Nuba Mountains.

The Keiga Tummero people were also able to narrate numerous historical and current cases of land-related conflicts between them and some agro-pastoral Arabs in the area. For example, it was claimed that in 1952 a land-related conflict arose between the Baggara of Awlad Shadad of Dar Jamai', known locally as *Takarir*,⁶ and the Nuba of Keiga Tummero in the arable area of el-Tash south Keiga Tummero. The conflict resulted in human losses on both sides. The victim from Keiga was seen as a martyr who sacrificed his life for defending the collective rights of the Keiga people. Despite this incident, the family members of one of the Arab victims continued to practice traditional farming in the area. After they accumulated some wealth, they were able to shift to mechanized farming on the same disputed land. By this time the Awlad Shadad family were backed by the government in getting an approval for a mechanized farming project despite the Keiga customary ownership claim to the land. From the Nuba perspective, all these actors, including the concerned government institutions are, in reality, different sides of one coin, the dominant ingredients of state formation in South Kordofan throughout the post-colonial period but most markedly during the civil war.

Another narrative worth mentioning is about a conflict dated to the early 1980s, before the civil war in the Nuba Mountains, when serious tension arose between the Nuba farmers from Keiga Tummero and the Baggara of Awlad Nuba of Rowowga over some arable land in the el-Joghan area on the southern border of Keiga Tummero territory with Laguri. As a result of government intervention, a fact-finding committee was formed to visit the area and try to verify the claims of the contesting parties. After thorough investigation, the committee's verdict was in favor of the Keiga farmers and official documents were given to both parties confirming the contested land to be customarily part of the Keiga territory. The verdict was based on the fact that the disputed area was part of the Keiga Tummero cotton production zone during the colonial period and thereafter. However, at a later stage the Arabs of Awlad Nuba appealed against the verdict and the case was reactivated. The original verdict in favor of the Keiga was nullified in court. My informant believes that some officials and Baggara native leaders hid a certain supporting document for the Nuba claim. By so doing, they were able to jeopardize the Keiga claim over the contested land (Interview: Makein el-Wakeil, Keiga Tummero, June 8, 2005).

⁶ All Fellata and other tribes that come from the west and pass through Kordofan on their way to Mecca for the hajj are subsumed under the umbrella term *Takarir* (MacMicheal 1967, 152). They are part of the Dar Jamai's native administration in South Kordofan despite their being of different ethnic genealogies.

The alienation of the traditional farmers from their lands by the courts, among other institutions, has been widely reported by different sources. For example, in its summary findings, the UN-sponsored Nuba Mountains Program for Advancing Conflict Transformation (NMPACT) concluded that “tension and discrimination, including in the court system, between nomads and settled farmers, between Arab and Nuba remained one of the root causes of the conflict which remain unaddressed in the region” (NMPACT 2002, 21).

The people of Keiga Tummero claim that the land currently occupied by the Arabs of Awlad Nuba in the border area between them and the Laguri tribe was their ancestral land until the 1940s. It is an arable fertile zone that includes the areas of *Hejir el-Ajal*, *el-Tash*, *Khashim el-Girba*, *el-Eriq* and *Shaq el-Gideil*. The area was famous for Keiga Tummero cotton production since the 1940s. Gradually, however, the Baggara of Awlad Nuba started to systematically settle into the area from Laguri territory. Through time they started to claim ownership over the territory while the Keiga peoples perceived them as users and not owners of the land. In this regard, an elder from Keiga Tummero stated that: “These Arab peoples came to us and our grandfathers gave them our land, in good faith, after they took an oath to respect our coexistence and mutual respect to our indigenous land. But they have betrayed this oath and have by now grabbed most of our arable land. Also, those who recently came from Kordofan are deliberately encouraged by their leaders to expand territorially at the expense of our customarily owned lands. As these peoples continue to create many problems including claiming lands, we can not continue the peaceful relationship with them; unless all of our land-related grievances are fairly redressed and all of our inherited territory is restored” (Interview: Adam Abu Shok, Keiga Tummero, June 9, 2005).

Some major aggravating factors to the nomadic-sedentary conflicts in the area

Based on the Keiga Tummero case, three separate but closely interrelated dynamics have been identified as some of the main factors that systematically trigger local conflicts. In fact, all these factors are externally-imposed, on the sedentary and the nomadic populations alike. First, government’s control of the seasonal routes for the nomads on sedentary people’s customary land; second, the forced settlement of the nomads as a result of socio-ethnic and ecological changes in North Kordofan; and third, the establishment of privately or publicly-owned mechanized farming schemes on communal, customarily owned territories with no consideration of the local people claims and interests.

(i) The institutionally imposed seasonal migration routes

Keiga Tummero territory is classified by the government as a formal passing route for nomads during their migration movements. According to the Southern

Kordofan State Act No. 3, 2000, titled ‘Agricultural and Grazing Regulation Act’, Keiga Tummero’s *bat-ha* (a permanent water source) is recognized as a farming and horticultural zone as well as an ‘*Id*’ point, i.e., as a water source for livestock during their dry season migratory movements. The same Act prohibits any farmer from blocking the water points for this reason. But horticultural production is at its peak during the dry season and allowing access to the water for livestock leads inevitably to a situation of severe competition over this water resource. Under such circumstances, recurrent water-based conflicts are unavoidable.

The Arab nomads feel that they have legal rights of access to the water sources as stipulated by the Act while the Nuba sedentary people feel that this is their own indigenous land and, therefore, maintain their primacy in utilizing its resources, including water. Sheikh Makein el-Wakeil el-Zubeir of Kolo sub-hill community in Keiga Tummero remarked that: “We are not developing our rich lands around the water sources into large-scale horticultural schemes despite their economic feasibility because this has been occupied by the nomads’ systematic intrusions during the dry season. Their intrusions are backed by various government institutions and policies, which favor nomads while preventing us from using our fertile lands around the water sources during the dry seasons. It is unfair to remain underdeveloped in our rich territory. We want to establish large and permanent horticultural installations around these water points; but this has always been made impossible by the presence of livestock around these water points throughout the dry season, which is also a peak season for horticultural production for the local sedentary people of Keiga Tummero” (Interview: June 6, 2005).

Another source of sedentary-nomadic conflicts is related to the frequent intrusion of livestock onto fields before they are harvested. Every year, during October–December, the harvest becomes the main economic activity in Keiga Tummero. Thus, it is also a period of frequent cooperation and/or friction between the local sedentary and nomadic population as the latter start their southward migratory movements as early as October every year. In a period of six weeks of participant observation in Keiga Tummero, I was able to experience and document thirty-five cases of farmer-nomad conflicts centered on livestock intrusions onto fields, causing partial and sometimes even total crop damage in Kolo village; another twenty-three cases were experienced and recorded in Keidi village in the same period. These repeated cases of livestock intrusions onto fields not only during the day but also during the night led the Keiga Tummero youth to bypass their *Omda* (who regularly negotiates with the nomads on water source access within Keiga Tummero territory every year), and forcefully prevented any Arab nomads from access to their farming and horticultural zones, within which the permanent water points are found. As a result, the Arab nomads felt the need to seriously negotiate getting access to grazing land and water for their livestock in Keiga Tummero’s *bat-ha* during the dry season of 2006. The situation was tense and the nomads were forced to reluctantly accept a written agreement with harsh

conditions attached to their rights of access to water in that dry season. One such condition imposed upon the Dar Na'yla nomadic Baggara by the Keiga Tummero leaders denied them access to the entire Keiga Tummero territory as of the following dry season, i.e. 2007. But in reality they managed during 2007 to peacefully cooperate in using the same water resources.

Although this local tension was finally resolved peacefully by means of a direct, local-led negotiated agreement, similar cases escalated when they were instrumentalized not only along ethnic lines but along the political dimension as well. The results were lethal fighting with automatic weapons, as was the case in the Deбри area near Keiga Tummero, between the sedentary Ghulfan and the nomadic Awlad Ali of Dar Na'yla during November–December 2005 (Interview: Omda Elias Ibrahim Koko, Keiga Tummero: June 12, 2005). As the spill-over of the conflict into neighboring Keiga Tummero was expected, an excessive presence of weapons in the hands of the young people, day and night, in and around Keiga area was observed throughout the conflict period, the impact of which continued for several months.

It is interesting to see how some of these conflicts were settled by means of direct negotiation, mediation or court settlements while other, similar cases resulted in direct local confrontation on a limited scale. Moreover, some of these local conflicts escalated when they were ethno-politically instrumentalized and given wider regional dimensions. The wide distribution of the weapons among the sedentary and the nomadic people alike seems to be a stimulating factor that triggers the frequent use of force to resolve some of these recurrent conflicts, which historically are quite solvable through peaceful means.

(ii) Ecological changes and forced settlement of nomads in Keiga Tummero

In the last three decades the African Sahelian zone, including some dry regions in central and northern Sudan experienced a series of severe droughts. North Kordofan was severely affected by these droughts particularly during the 1970s and 1980s (Abdul-Jalil 2005, 63; Adams 1982, 268). Due to the ensuing ecological changes, South Kordofan was subjected to the influx of successive waves of Arab nomad refugees from North Kordofan. Upon their arrival, they became partially sedentary and engaged in farming while maintaining their livestock although in drastically reduced numbers. Several local farmers in Keiga Tummero complained that despite the fact that the government had demarcated passage routes for nomads, some of these nomads decided to gradually settle and established permanent hamlets along these migratory routes, thus blocking the traditional migration movements. In this changed situation, as the nomads attempt to deviate from the prescribed routes, they frequently and inevitably find themselves in nearby farming zones, causing destruction and damage to the agricultural production. Several cases of conflict in the area are ascribed to this fact.

For example, the el-Darot plain south of Keiga Tummero hill and the el-Joghan area along the Keiga Tummero-Umm Heitan border are the main 'far farm' lands for the people of Keiga Tummero, with a migratory route passing between the farming zones during the dry season. To be more precise, the el-Joghan area has gradually been transformed into a settlement by *Zenara*⁷ Arabs, who fled the drought in the el-Goz area of North Kordofan. The Keiga people claim that they had frequently hosted these Arabs as they fled southwards with their livestock from their drought-plagued homeland in North Kordofan. Some returned home voluntarily when the situation improved while some did not; and the Zenara people of Jowekaiya and Jafiel areas of North Kordofan are some of those who remained behind on fertile el-Joghan land in Keiga Tummero. The problem is that these Zenara started to claim ownership to one of the most fertile areas in Keiga Tummero. This ownership claim was practically consolidated during the intensive civil war in the 1990s, when the people of Keiga Tummero felt insecure and started to retreat from their plain areas back towards the foot of their main hill. This temporal retreat persuaded several Arab groups, namely Dar Jamai', Awlad Nuba, Zenara and Gommoiyya, to expand their settlements and farming activities into Keiga Tummero territory. And they started developing a sense of ownership over the land under their use and control.

Later, following the Nuba Mountains Cease-fire Agreement of 2002, the people of Keiga Tummero started moving back to their far farmland in el-Joghan area, only to find that the area had been settled and was being farmed by these newcomers. The result was recurrent conflicts and confrontations. In one of these disputes between Keiga Tummero farmers and Zenara Arabs over farming land, the Zenara raised a complaint against these Keiga farmers attempting to re-gain their traditional farming land. Interestingly, though the disputed arable land falls within the jurisdiction of the Keiga Tummero native court, the Zenara Arabs decided to bypass that court and submitted their complaint to an Arab court in Fangalo in Umm Heitan area under the chairmanship of Amir Sanad, the paramount native leader of the Baggara-Rowowga. The implication here is that the Zenara were not ready to subordinate themselves to the Keiga Tummero native authority in this particular case, because their aim was to own land within the Keiga Tummero territory; and it is obvious that this would not find the support of the Keiga Tummero leadership. Although the Zenara did not win the case, they have managed to continue to date with their settlement and farming activities in the area.

⁷ Zenara and five other tribes (Bedayria, Takarir, the Jellaba Howara, Gawama'a and Slaves) make up Halafa, one of the three major sub-sections of Hawazma, the other two being Rowowga and 'Abd el-'Ali. According to MacMicheal (1967, 151–52), of these six tribes that form the Halafa section of Hawazma, none of them is Hawazma by origin; they were all integrated into Hawazma in the middle of the eighteenth century after they swore a solemn oath binding them to the Hawazma.

These new settlement patterns have far-reaching implications for the local sedentary Nuba people. First, the permanent settlements of the newcomers associated with their farming activities in the Keiga Tummero far farmlands have alienated the local sedentary people from their traditional resource-base. Second, the new settlements block prescribed migration routes forcing the actual routes to be modified at the expense of the local farmers' arable lands. Eventually, these changes increased the recurrent tensions and conflicts along ethnic dimensions, i.e., between the sedentary Nuba people and the nomadic Arabs. Third, these newly sedentary Arab groups started to develop a sense of ownership over the land in the course of their permanent utilization of the land for settlement purposes and mechanized as well as traditional farming activities, among others.

Some of my informants in Keiga Tummero believe that this demographic and territorial restructuring in favor of the Arab groups (nomads, sedentary farmers and merchants) is occurring with support from the regional and central governments as part of their policies aimed at empowering the Baggara while weakening and eventually eliminating the Nuba territorially-based identity and livelihood, particularly during the civil war and thereafter.

(iii) The establishment of the privately-owned mechanized farms

The Keiga area as a whole has several mechanized farming schemes owned by merchants from outside, mostly Jellaba based in Kadugli. However, the mechanized farming schemes and the way the government allocates them to outside merchants with no consideration of the views or interests of the local sedentary or nomadic people is one of the main sources of contention between the local population and the scheme owners on the one hand and between local communities and the government on the other. It also aggravates farmer-nomads tensions because both tend to be squeezed out by the mechanized farms that expand systematically at the expense of both. From the Keiga Tummero community perspective, any land allocated by the government as mechanized farming land belongs customarily to certain sub-hill communities in Keiga Tummero. From the nomad standpoint, the mechanized farm projects usually intersect the migratory routes permanently because, unlike traditional farming, the mechanized farm projects owners usually continue their farming activities throughout the dry season. From the government standpoint, all unregistered lands are government property, and it maintains it right, based on civil law and respective regulations, to determine its utilization as it sees appropriate. The contradiction between the communal customary rights of the two traditional communities (farmers and nomads) and modern state civil law, which does not recognize these customary rights, is obvious.

Currently, there are a number of privately-owned mechanized schemes in the north-eastern part of Keiga Tummero. They are part of a wider mechanized farm-

ing area that extends onto Debri communal land in Ghulfan territory in Dilling Province. One of the largest projects in this area belongs to Annies Halim,⁸ a well-known merchant in Kadugli. My informants expressed their dissatisfaction with the government actions of allocating their customary lands to such projects through lease contracts to Arab merchants and senior government officials from Kadugli and other towns in the north because these government actions are done with no consideration to the customary land rights of the indigenous peoples. In this context they referred to a recent case of a wealthy local Arab of Dar Jamai' known as Shadad, whose family had managed to gradually settle as traditional farmers while maintaining livestock in Keiga Tummero. Through time, he accumulated cattle wealth that enabled him to buy a tractor and shift from traditional to mechanized farming. And perhaps through his ethnic-related links to government circles in Kadugli, he was able to get approval for a sizable plot for mechanized farming on Keiga Tummero traditional land without the local community's or their leaders' knowledge. In 2006 some Keiga farmers, who claimed to be the customary owners of the plot, start clearing part of the plot that had been identified by Shadad as his approved mechanized rain-fed farming project. Shadad filed a case against these farmers to the security authorities in Kadugli. But the case remained pending as of March, 2007.

The aggregate results accruing from these public or privately-owned mechanized rain-fed projects, are many, including the alienation of the sedentary Nuba from their traditional arable land, environmental deterioration, acceleration of nomad-farmer conflicts, since they are systematically being squeezed out by the expanding mechanized rain-fed farming, and recurrent unequal conflicts between the mechanized farms' wealthy owners, backed by the state's modern land policies and the local communities, who maintain their claims to their autochthonous and indigenous land, based on their longstanding history of customary land practices as basis for their socio-cultural identity, livelihood and economic survival.

Keiga Tummero market as ethnic, socio-cultural and economic intermediary institution

Despite the above-mentioned recurrent conflicts associated with persistent autochthonous claims by the sedentary Nuba and the responses of the Baggara nomads, the existence of various forms of economically motivated cooperation, complementarities and interdependency is evident. These are observable in intermediary spaces and among actors such as local market institutions, socio-cultural events and especially wrestling, watering points, mixed or neighboring settlements and farming activities.

⁸ Annies Halim is a descendent of one of the families of Syrians employed as civil servants and traders since the Turco-Egyptian era.

Through participant observation, several features of daily cooperation, socio-economic complementarities and ecological interdependency between these competing groups could be recorded. The Keiga Tummero's weekly market as socio-cultural, political and economic intermediary is a case in point. It is an effective intermediary point that brings together different societal actors with their respective functions and interests. Various forms of transactions were exceptionally apparent in this weekly market, which functions as:

- (i) A center for *economic and commercial transactions and exchanges* for all the local communities with their different ethnic, political and economic affiliations. The economic complementarities between the nomads' produce and that of farmers are strongly felt in this market. In market exchange, economic interests supersede all other politically or ethnically-based interests or considerations.
- (ii) A center for *networking and information exchanges* between different actors. For example, information related to lost animals is usually found in the market where nomads from different camps meet, not only for market business, but also for exchanging relevant information, views and news about their possible migratory movements, potential pastoral areas and water sources and other issues of common interests.
- (iii) A *forum for political campaigning and mobilization*. One of the SPLA/M political campaigns that I attended was conducted in the market where a huge number of people attended, including those who were not planning to do so. For the government institutions, the market day remains the most effective forum for disseminating information and realizing other campaigns such as tax collection and immunization.
- (iv) A *meeting point for negotiation, mediation and conflict settlement* including the payments of fines incurred as a result of court verdicts or gentlemen's agreements. Most conflict cases are mediated by the elders or native administration leaders during the market session because everybody can easily be found there.
- (v) A *medium for developing social ties and acculturation* among different socio-economic and ethnic actors. The selection of Friday as a market day has a religious dimension as well. A mosque located at the center of the market represents one of its cultural landscape features. All Muslims of different ethnic backgrounds come together to perform the Friday communal prayers in that mosque. Furthermore, friendships between people of different affiliations are regularly stimulated and strengthened through such local market interactions. This can be observed in a gathering around a woman serving tea to her customers of different ethnic backgrounds. By its very nature, the market imposes certain conditions of physical proximity of different people to the extent that

some warring parties may find themselves forced to peacefully face each other because a third party had brought them face to face without prior arrangement.

The persistence of these forms of cooperation, interdependency and complementarities among the sedentary Nuba and the nomadic Baggara is, perhaps, strong evidence that the root causes of the present recurrent local conflicts, and the way they escalate from local to regional levels, are external rather than internal factors. In fact, several conflict cases, as shown above, are related to national politics and the state's distorted development policies that do not take into consideration the interest and priorities of sedentary and nomadic communities alike.

Emerging autochthonous land claims at the Nuba Conferences: the Keiga case

The autochthonous land claims have become widely popularized among the Nuba people including those of Keiga Tummero. To that end, a communally-initiated land committee was formed in Keiga Tummero in 2005. It was entrusted with the task of tracing, identifying and fixing local communal territorial boundaries. The Keiga 1st Conference (Tummero, Luban, Demik, El-Kheil and Jerru) held on April 12–14, 2006 in Keiga Tummero reinforced this initiative. In fact, issues related to autochthonous land claims were the central subject of the conference deliberations and its final communiqué. The conference was organized and facilitated by urban-based Keiga elites, local community leaders and youth. The elites mobilized their people through the *Keiga Council*, a newly established, community-based organization (CBO) with its headquarters in Khartoum. According to the Council's chairperson, Shamsoon Khamis Kafi, land-related problems were the primary driving force behind the formation of this Council as manifested in its mandate aiming at (i) uniting all Keiga people, (ii) identifying and fixing Keiga territorial boundaries, (iii) laying out a strategy for dealing with other ethnic groups who have or have not shown feelings of belongingness to Keiga territory and (iv) establishing a separate native administration for the Keiga sub-ethnic group (Shamsoon Khamis Kafi, Sudaneseonline.com, June 23, 2006).

In its introductory part, the communiqué of the Keiga 1st Conference demonstrated the solidarity and will of the Keiga people, as a sub-ethnic group, to take collective action for development and to protect their land. It expressed the collective commitment of the conference participants to their autochthonous land claims: "With all our consciousness and free will, we, the people of Keiga Tummero, Luban, el-Kheil, Demik and Jerru, have determinedly decided to totally adhere to our communal unity, to respect democratic practices and principles, to recognize citizenship as a base for rights and obligations, and to work collectively for the sake of developing Keiga while protecting its land territory, people and resources" (The Keiga Council 2006, 1st Conference, April 12–14).

The communiqué enumerated several land-related recommendations and resolutions, with the following being the most relevant to this discussion:

- 1- Formulation of a high commission for Keiga land;
- 2- Affirmation of the complete ownership over communal land and its boundary fixation;
- 3- Nullification/cancellation of all contracts related to the sale of any Keiga land;
- 4- Compensation of the Keiga people, who have been affected by the construction of the oil pipeline at levels equal to that paid to other groups;
- 5- Representation of Keiga people in the Southern Kordofan State's Land Commission;
- 6- Reconsideration of the overlapping native administrations on the same territory within the Keiga land;
- 7- Reviving the indigenous Nuba names among the Keiga peoples and the names of places within the Keiga territory;
- 8- Prevention of the intrusion of nomads' livestock into the farming areas (*hadaba* or *faʿw*) until the harvesting of the crops is completed, i.e. not before March. Severe punishments should apply in cases of violations against people's property or dignity; and
- 9- Confirming that the displacement of the Keiga peoples and their alienation from their land, which has since then effectively been controlled by others, was due to the civil war (The Keiga Council 2006, 1st Conference, April 12–14).

This conference and its resolutions, which centered on ethno-political identity and land autochthony, are similar to numerous other regular tribal conferences among Nuba groups.⁹ All these conferences seem to be inspired by the *All Nuba 1st and 2nd Conferences* held under SPLA/M patronage in November 2–4, 2002 and April 5–8, 2005 in Kauda, the political and military headquarters of the SPLA/M in the Nuba Mountains. The emerging movement among the Nuba ethnic groups, focused on forming themselves as unitary cultural and political communities, is based on a perceived 'Nuba territoriality' as an ancestral homeland and source of the livelihood, ethno-cultural identity and political heritage and part of a comprehensive nation-building dynamic. This movement is expressed in different forms including *Nuba identity and cultural revival* with strong ties between *ethnicity and territoriality* as manifested in the recent process

⁹ See, for example, the Abol 3rd Conference in Kobang, April 13–16, 2005; the Leira 3rd Conference in Hagar Bago, April 16–18, 2005; the Irral Payam Conference in Shwai, April 21–22, 2005, and the Korongo-Messakin tribes Conference in Farandella, Buram County, May 29–June 1, 2005.

of *renaming* of all tribes, places, natural and human features using *original Nuba names* on new maps and records and, therefore, the purging of all names that are not related to the roots of the Nuba peoples.¹⁰

Baggara parallel conferences and land-related discourses

As a reaction to this emerging collective Nuba position, the Baggara of Rowowga-Hawazma decided to hold parallel conferences in response. The Nuba's ongoing attempt to articulate their ethno-political identity in their struggle over land is perceived by the Baggara as a deliberate move aiming at ethnic exclusion of all non-Nuba groups from land entitlement in the region. The Baggara argue that all non-Nuba groups are indispensable ingredients of the Nuba Mountains' demographic, economic, cultural and ethno-political landscape. Therefore, their exclusion is just not a possible or a practical option. This discourse is manifested in the two consecutive Rowowga conferences held in Kurchi in Moro, May 20–21, 2005 and in Kadugli, June 21–23, 2006.¹¹ Looking critically at the resolutions of these two conferences, it is evident that Nuba-Baggara coexistence and land-related concerns and issues were the central themes of the conferences. They emphasize, among others, the following issues:¹²

- 1- The need for renewing the longstanding pre-war Nuba-Baggara alliances based on new principles of coexistence, mutual understanding and respect;
- 2- The need for the other ethnic groups in the region to recognize and accept the reality that the Baggara of Rowowga are part of the indigenous community in the Nuba Mountains region;
- 3- The need for South Kordofan State's Land Commission to reflect the ethnic, cultural and religious diversity of the region;
- 4- The need to re-open seasonal migratory routes and provide necessary social, security, water and animal health services;

¹⁰ This issue of Nuba identity and cultural revival with strong ties to territoriality was listed as resolution No. 27 in the All Nuba 2nd Conference in Kauda, April 5–8, 2005. It was then discussed and put into practice in a number of community-based conferences. For example, the Korongo-Messakin tribes Conference held in Farandella, Buram County, May 29–June 1, 2005, resolved that the Arab names of the Buram, Reikha and Teis areas were henceforth to be known by their original Nuba names as Tobo, Tolabi, and Tromo respectively.

¹¹ See the Khartoum-based daily newspaper Al-Adwaa, Issue No. 996, June 25, 2006, 8.

¹² These points were extracted and translated from Arabic to English from the final documents of the Rowowga 1st and 2nd Conferences held in Kurchi in Moro in May 20–21, 2005 and in Kadugli on June 21–23, 2006.

5- The need to guarantee the rights of all citizens to secure lands for farming, grazing and settlements, among other purposes;

6- The need for the representation of the nomads in legislative and executive institutions at state and local levels during the transitional period; and

7- The need for mobilizing local institutions such as native leaders, singers, artists and various socio-cultural festivals for purposes of promoting a culture of peace and coexistence.

Contrary to the Nuba position, which perceived the Baggara nomads in the region as users and not owners of the land and its resources, these conferences resolutions demonstrate that the Baggara perceive themselves as indigenous inhabitants of the region with full land entitlements and political representation based on the citizenship principle. The resolutions also reflect a strong desire for rebuilding Nuba-Baggara inter-ethnic ties disrupted by the civil war; see this as the only way to ensure sustainable and peaceful coexistence between these ethnic groups in the region.

The Comprehensive Peace Agreement and the question of customary land in the region

The Comprehensive Peace Agreement (CPA) concluded on January 9, 2005 between the Government of Sudan and the SPLA/M addressed the land question in the *Wealth Sharing Protocol*, as well as in the *South Kordofan/Nuba Mountains* and *Blue Nile States Protocol*. However, looking critically at the passages related to land issues, it is not difficult to deduce that ‘land policy issues are not fully addressed in the Comprehensive Peace Agreement’ (Polloni 2005, 21) and that the core land issues were not explicitly resolved despite the *centrality* of the land question in the civil war. The Wealth Sharing Protocol highlights the traditional nature of land tenure arrangements but it explicitly avoids addressing the core issue, i.e., the question of customary land ownership rights. This is evident in part 2 titled ‘Ownership of Land and Natural Resources’. It stipulates that:

“2.1: ...[T]his agreement is not intended to address the ownership of those resources. The parties agree to establish a process to resolve this issue.”

“2.5: The parties agree that a process be instituted to progressively develop and amend the relevant laws to incorporate customary laws and practices, local heritage and international trends and practices.”

The main institutions stipulated in the CPA to deal with land issues during the interim period are *Land Commissions* at national, Southern Sudan, Southern Kordofan and Blue Nile States levels. Their functions are to include *arbitration*

and *consultation* on land reform and customary land rights, *appraisal* of compensations and *recording* of land use practices. The Protocols offer no direct guarantees for securing ownership rights for communally-owned lands, or for incorporating customary land rights, practices and laws in expected new legislation. The final settlement of land issues was left to the discretion of the Land Commissions. In the absence of clear-cut guarantees or solutions in the CPA on issues related to customary land rights, uncertainties have emerged concerning the nature of laws upon which arbitration will be based, the recognition of customary law, the enforceability of verdicts on land and alternatives for redress in case a commission refuses to consider a claim (Polloni 2005, 21f.).

Despite the fact that the Interim National Government has been in power for more than a year, Land Commissions at various levels have not yet been established. Therefore, no progress has been made in incorporating customary land rights into legislation at different levels. This implies that the on-going land related conflicts between the sedentary Nuba and the nomadic Baggara and the government policy of appropriating lands customarily owned by rural peoples in Sudan in general and in the Nuba Mountains in particular continue, despite the existence of the CPA. In fact, it is doubtful as to whether the stipulated guidelines regarding land issues in the CPA are sufficient to redress the deeply rooted grievances among the indigenous peoples of the Sudan in general and the Nuba of South Kordofan in particular.

Conclusion

Ethnographic analysis of this selected village has shown that the most dominant cultural feature of South Kordofan/Nuba Mountains region is the coexistence of sedentary Nuba and nomadic Baggara communities, although with constant competition over the land resources including water. This coexistence has been characterized by intensive and longstanding relations, with various forms of cooperation and conflict at different levels of their social organizations. In the process of competition over land resources, various social institutions are mobilized and often eventually instrumentalized along ethno-political lines, especially when normal competition escalates into direct confrontation.

The land rights claims, being customary ownership claims by the Nuba or rights to access to land by the Baggara, are usually articulated in terms of autochthonous rights on the basis of belonging to an indigenous group with strong ties to ancestral land. The ancestral land itself, especially from the Nuba point of view, is perceived as a basis for collective ethno-cultural and political identity as well as a source of economic wellbeing. This implies that the contested autochthonous claims are multi-dimensional in nature. It is evident that the conflict can be be-

tween the nomadic and sedentary groups over natural resources, including water, between the settled Arabs and Nuba over land ownership or between other socio-political actors such as the Islamic-oriented central government and the SPLA/M over different territories, not only as natural resource base but also as strategic socio-political and military center.

One major recent development in the Nuba-Baggara territorial relations is the emerging Nuba movement to reconstruct themselves as one unified ethno-political group in order to be able to take collective socio-cultural and political actions, including their restless effort to consolidate their claim of autochthonous land rights. However, this emerging collective Nuba position is being contested, persistently and systematically, by the Baggara and other ethnic groups in the region by means of different forms of alliances, solidarity, and power control at various levels of governance, including the manipulation of the native administration and the mobilization of the relevant institutions of the government to support their response.

Despite these conflicting claims between Baggara nomads and sedentary Nuba, it is also evident that various forms of economically motivated cooperation and interdependency exist, discernible in intermediary spaces and among intermediary actors such as local market institutions; socio-cultural events and especially wrestling; watering points and mixed or neighboring settlements and farming activities.

These longstanding historical forms of differentiation, adjustment, conflict and cooperation in the relations of the sedentary Nuba and the nomadic Arab people of South Kordofan have undergone significant changes during and since the civil war. Several pre-war forms of coexistence and complementarities between nomadic and sedentary groups have ceased to exist, with one party losing its control over land ownership or access rights. After the war, the return of various stakeholders to their land has been a tense process. This is due to the fact that each party exerts tremendous pressure to practically consolidate its control over land under its actual use while contesting others' claims. This new repositioning is evident in the struggle of the people of Keiga Tummero to regain their far farms land, which has been occupied by the newly settled Arabs of North Kordofan and some local Baggara groups.

In sum, the case suggests that the settlement of the issue of customary land rights in terms of ownership or access rights is a vital step towards achieving sustainable social and political peace and stability in the region in particular and in the Sudan in general. However, a critical look at the land-related Articles in the CPA and the disappointing performance of the Government of National Unity born out of the CPA itself, raises doubts as to whether the guidelines regarding land issues in the CPA are sufficient to redress the deeply rooted grievances among the indigenous peoples of the Sudan in general and the Nuba of South Kordofan in particular.

Bibliography

- Abdul-Jalil, Musa Adam. 2005. Land tenure and inter-ethnic conflict in Darfur. In *Report of the conference on land tenure and conflict in Africa: prevention, mitigation and reconstruction*, December 9–10, 2004. Nairobi: ACTS Press, 53–71.
- Adams, Martin. 1982. The Baggara problem – attempts at modern change in Southern Darfur and Southern Kordofan (Sudan). *Development and change* 13 (2): 259–289.
- African Rights. 1995. *Facing genocide: the Nuba of Sudan*. London: African Rights.
- Al-Adwaa Daily Newspaper, June 25, 2006, Issue No. 996, 8. Khartoum.
- All Nuba 1st Conference. 2002. Sudan Liberation Army/Movement, Kauda.
- All Nuba 2nd Conference. 2005. Sudan Liberation Army/Movement, Kauda.
- Cunnison, Ian. 1966. *Baggara Arabs: power and lineage in a Sudanese nomad tribe*. Oxford: Clarendon Press.
- El-Battahani, Atta Hassan. 1986. *Nationalism and peasant politics in the Nuba Mountains region of Sudan, 1924–1966*, Ph.D. diss. Brighton: University of Sussex.
- El-Imam, Abdalla El-Tom, and Omer Egemi. 2004. *Addressing land questions in the Nuba Mountains: capitalizing on previous experiences*. Khartoum: UNDP.
- Gillan, J. A. 1931. *Some aspects of Nuba administration*. Sudan Government Memoranda No. 1.
- Gore, Paul Wani eds. et al. 2004. *Eight grassroots conflicts in Sudan*. Khartoum: UNICEF.
- Harragin, Simon. 2003. *Nuba Mountains Land and Natural Resources Study*. USAID & Nuba Mountains Programme for Advancing Conflict Transformation. Khartoum: UNDP.
- Henderson, K. D. D. 1939. A note on the migration of the Messiriya tribe into South-West Kordofan, *Sudan Notes and Records* 22 (1): 49–77.
- Ibrahim, Hamid El-Bashir. 1988. *Agricultural development policy, ethnicity and socio-political change in the Nuba Mountains, Sudan*, Ph.D. diss. Storrs: University of Connecticut.
- 1998. Development failure and environmental collapse: Re-understanding the background to the present civil war in the Nuba Mountains (1985–1998). Paper presented to Symposium on perspectives on tribal conflicts in Sudan, May 11–12, 1998. University of Khartoum: IAAS and FES.

Keiga Council. 2006. *The Keiga 1st Conference, April 12–14 2006*. Keiga Tumero.

Komey, Guma Kunda. 2004. *Regional disparity in national development of the Sudan and its impact on nation-building: with reference to the peripheral region of the Nuba Mountains*, Ph.D. diss. Khartoum: University of Khartoum.

MacMicheal, Harold A. [1912] 1967. *The tribes of Northern and Central Kordofan*. London: Frank Cass.

---- 1922. *A history of the Arabs in the Sudan and some account of the people who preceded them and of the tribes inhabiting Dar Fur*. London: Frank Cass.

Manger, Leif Ole. 1984. Traders and farmers in the Nuba Mountains: Jellaba family firms in the Liri area. In *Trade and traders in the Sudan*, ed. Leif O. Manger, 213–242. Bergen: Department of Social Anthropology, University of Bergen.

---- 1988. Traders, farmers and pastoralists: economic adaptations and environmental problems in the southern Nuba Mountains of the Sudan. In *The ecology of survival: case studies from Northeast African history*, eds. Douglas H. Johnson and David M. Anderson, 155–172. Boulder: Westview Press.

---- 1994. *From the mountains to the plains: the integration of the Lafofa Nuba into Sudanese society*. Uppsala: The Scandinavian Institute of African Studies.

---- 2003. *Perspectives on land tenure and related issues in the Nuba Mountains: a desk study for the Nuba Mountains Program Advancing Conflict Transformation (NMPACT)*. Khartoum: UNDP.

---- 2006. Understanding the ethnic situation in the Nuba Mountains in the Sudan. How to handle processes of groups-making, meaning production and metaphorization in a situation of post-conflict reconstruction. Paper presented at the 1st International Colloquium of the Commission on Ethnic Relations (COER) for IUAES, July 7–9, 2006. Florence, Italy.

March, G. F. 1954. Kordofan Province. In *Agriculture in the Sudan, being a handbook of agriculture as practiced in the Anglo-Egyptian Sudan*, ed. John Douglas Tothill, 827–850. London: Oxford University Press.

Nadel, Siegfried Frederick. 1947. *The Nuba: an anthropological study of the hill tribes of Kordofan*. London: Oxford University Press.

NMPACT Coordination Unit (UNOCHA). 2002. *NMPACT report of the baseline data collection exercise – summary findings*. Khartoum: NMPACT.

Polloni, Domenico. 2005. Land and the Sudan transition to peace. *Forced Migration Review* 24: 21–22 (*Sudan Prospects for peace*). London: The Refugees Studies Center, University of Oxford.

Rahhal, Suleiman Musa. 2001. *The right to be Nuba. The story of a Sudanese people's struggle for survival*. Lawrenceville: The Red Sea Press.

Roden, David. 1972. Down-migration in the Moro Hills of Southern Kordofan. *Sudan Notes and Records* 53: 79–99.

Rowowga 1st Conference, May 20–22, 2005. Kurchi, Moro, Nuba Mountains.

Sagar, J. W. 1922. Notes on the history, religion and customs of the Nuba. *Sudan Notes and Records* 5: 137–156.

Salih, Mohamed Abdel Rahim Mohamed. 1999. Land alienation and genocide in the Nuba Mountains. *Cultural Survival Quarterly: world report on the rights of indigenous peoples and ethnic minorities* 22 (4): 36–38.

South Kordofan State. 2000. *Agricultural and Grazing Regulation Act No. (3)*. Kadugli: The State Legislative Assembly.

SPLM, Governance workshop 2004. *SPLM Nuba land strategy*. Lwere-Kauda: SPLM Land Office.

Stevenson, R. C. 1965. *The Nuba people of Kordofan province: an ethnographic survey*. Khartoum: University of Khartoum, Faculty of Social and Economic Sciences (Graduate College Publications Monograph, 7).

Suliman, Mohamed. 1998. Resource access: a major cause of armed conflict in the Sudan. The case of the Nuba Mountains. Paper presented at the International Workshop on Community-Based Natural Resource Management, May 10–14, 1998, Washington D. C., USA.

Further Readings

Ahmed, Abdel Ghaffar M. 1976. Introduction: The question of nomadism in the Sudan. In *Some aspects of pastoral nomadism in the Sudan*, ed. Abdel Ghaffar Mohamed Ahmed, 1–13. Khartoum: Khartoum University Press.

Comprehensive Peace Agreement between the Government of Sudan and the Sudan Liberation Army/Movement, January 9, 2005. Naivasha, Kenya.

Manger, Leif O. 1998. *Local resource management in the context of civil war and genocide: identity, cultural tradition and territory among the Nuba of Sudan*. The 14th International Congress of Anthropological and Ethnological Sciences (ICAES), July 26–August 1, 1998. Virginia: Williamsburg.

Roden, David. 1969. Lowland farms for a mountain people. *The Geographical Magazine* 3: 200–206.

Salih, Kamal el-Din Osman. 1982. *The British administration in the Nuba Mountains region of Sudan 1900–1956*. London: University of London.

---- 1990. British policy and the accentuation of inter-ethnic divisions: the case of the Nuba mountains region of Sudan, 1920–1940. *African Affairs* 89 (356): 417–436.

Salih, Mohamed Abdel Rahim Mohamed. 1984a. Local markets in Moro land: the shifting strategies of the Jellaba merchants. In *Trade and traders in the Sudan*, ed. Leif O. Manger, 189–212. Bergen: Department of Social Anthropology, University of Bergen.

---- 1984b. National versus regional: some methodological problems in the study of nationalism and nation-building in the Sudan. In *The Sudan ethnicity and national cohesion*, eds. Mohamed O. Beshir, Mohamed Abdel Rahim Mohamed Salih, and Musa Adam Abdul-Jalil, 39–53. Bayreuth: Bayreuth University.

Stevenson, R. 1984. *The Nuba people of Kordofan province: an ethnographic survey*. Khartoum: Graduate College Publications University of Khartoum.