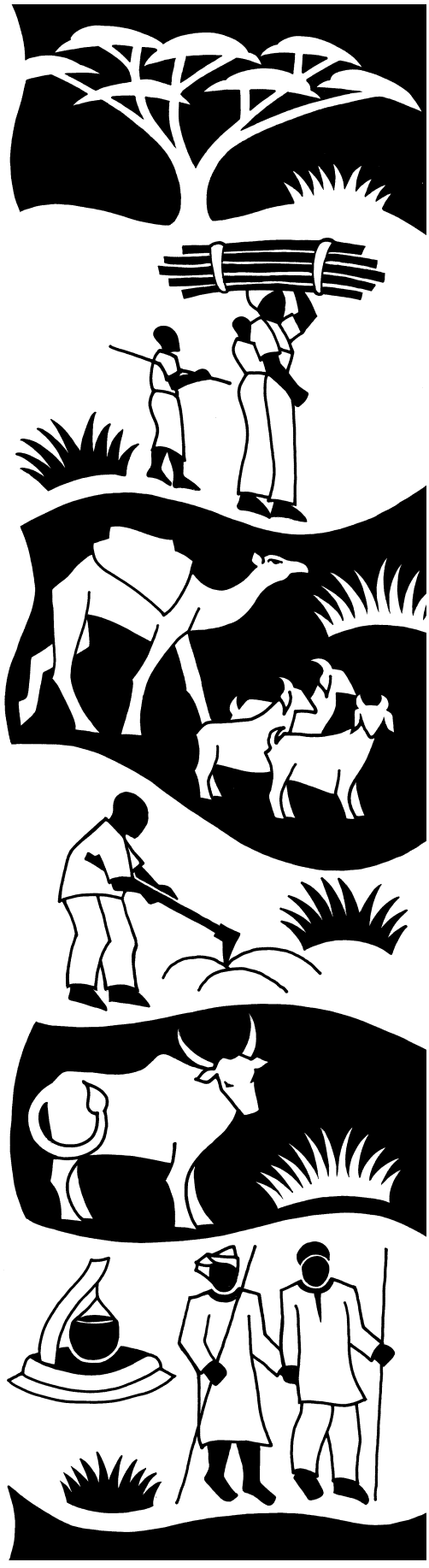
Securing the commons No.5

Towards a local peace

SOS Sahel's experience of conflict transformation between pastoralists and farmers at El Ain, North Kordofan State, Sudan



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April 2003

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1 Introduction

Development agencies of all kinds are becoming increasingly aware of conflict as an integral part of natural resource management in the Sahel. The causes of this conflict are potentially many, from basic competition for natural resources to more complex social and political ambitions of individuals and groups. Fundamental, however, is the existence of different groups of resource users, frequently having different ethnic allegiances, and making increasing demands of a decreasing and often degrading environment.

Until recently, development agencies concerned with natural resource management have tended to consider conflict as either a reason not to work in an area or as something that lies outside their area of competence and responsibility. However, as this case study shows, development projects do not happen in a vacuum and may well exacerbate existing tensions in an area. If development agencies do have a responsibility to acknowledge their role in potentially increasing conflict in an area, then they are faced with a challenge.

This document examines the question of what role/s development agencies could or should play in the context of supporting natural resource management systems, where conflict between different resource user groups is an integral part of resource use. In particular it considers how development agencies can work with existing customary institutions in the current context of institutional uncertainty and complexity.

Our story is based around a natural forest management project at El Ain in North Kordofan, Sudan. The project, which ran from 1989 until early 2001, was designed to take advantage of changes in the legislation that allowed for forestry resources to be managed by local people. Its aim was: "*To design and implement a long term strategy over a period of 10 to 20 years for managing the forest resources of El Ain reserve and the surrounding buffer zone in a sustainable way, while taking into account certain urgent needs of local people, namely: safeguarding access to renewable energy; arresting rapid environmental degradation*". Its work had four main focuses: extension promoting several natural resource oriented activities (improved stoves; micro-catchments, village

nurseries etc); promotion of local management of forests; research work and dissemination of lessons learnt.

From the start, the project targeted villagers living around the El Ain forest, working with them to identify ways to conserve local forest resources by reducing demand for fuel-wood and building materials. Local people identified how the forests would be managed, by whom and for what purpose and began to rehabilitate existing forest.

The project made real progress but, by the late 1990s, it became clear that the exclusion of pastoralists, who also relied on resources in the area, was threatening the sustainability of the achievements and potentially exacerbating existing tensions between pastoralists and resident farmers. The situation was made worse when the government allocated a vast area of pasture to a private company in 1998.

In 1999, the project decided to act to help resolve the situation. Not doing so threatened to reverse many of the achievements realised by the local community, with the support of the project, over the past 8 years. Recognising their lack of experience of working on issues of conflict, in 1999 the project undertook training in the analysis and resolution of conflict together with members of the community, government and civil society groups who traditionally deal with conflict situations. The project then identified an area that they knew well, in which they could pilot an approach to conflict resolution with the support of local leaders and the community.

One year after this pilot case, the project undertook an analysis of the experience, supported by a Sudanese consultant. During this analysis, feedback was sought from as many of the stakeholders as possible, using face-to-face interviews, focus group discussions, and consultation of secondary sources of data[1]. Discussions were held with government officials, pastoralists' and farmers' trade unions and traditional leaders, including people who had been involved in the case as well as those who had not and participants in the training workshops.

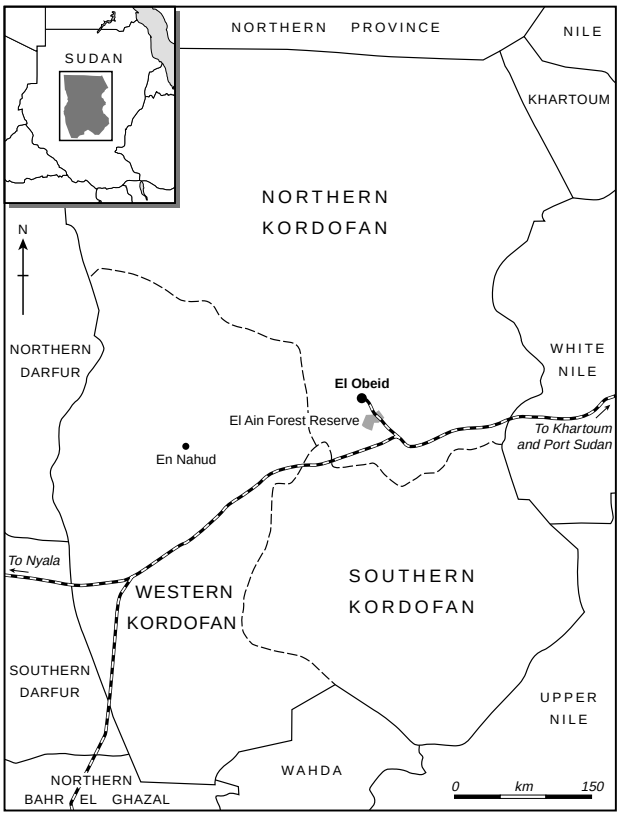
In this document we describe the project's experience and the results of the analysis. However, we begin with a description of El Ain, its people and natural resources, and the broader national context.

2 Background

Gagrur Village, North Kordofan State

Our story is set in the area around El Ain forest, 26 km east of El Obeid town in North Kordofan (Map 1). The area is typical of the Sahelian zone with its characteristic low rainfall (350 mm/year) that varies enormously over space and time. About 90% of this rainfall falls between July and September.

Map 1. North Kordofan State



The village around which our story focuses is called Gagrur and is fairly typical of the area. Gagrur village is a small settlement of 45 households, which all belong to the Gawamaa tribal group. The history of the village dates back to the beginning of the second half of the 20th century. In 1963 the village consisted of only 10 households. The subsequent increase was the result of natural population growth and the arrival of some related families from North Kordofan in the early 1980s pushed by drought and famine. The people of Gagrur are settled farmers depending on dry-land farming for the cultivation of subsistence crops (millet and sorghum) and cash crops (sesame, groundnuts and hibiscus). Many households also own a small number of animals (goats and sheep) as a source of milk and meat and as a cushion against crop failure.

Crops are grown on sandier *goz* soils, often situated close to the village itself. However, a significant part of the village land is left uncultivated. This is generally around the heavier clay soils, known as *gardud*, which are harder to till. The uncultivated *gardud* land is a source of firewood and other forest products such as fruits, twine, and construction materials. It is also the main source of pasture for Gagrur's livestock as well as for livestock belonging to pastoralists who use the area.

Two different groups of pastoralists rely on Gagrur's land as a source of fodder and water for their livestock:

- The Sebeihat (40 households) are transhumant pastoralists who have their base camp in the vicinity of Gagrur (3-4 km). They raise cattle, sheep, goats and camels. They originally come from the White Nile area but their oral history among the *Gawamaa* dates back to around 100 years ago. The development of irrigation and mechanised farming schemes in their original homelands means that the Sebeihat no longer have land/*dar* in the White Nile area. They are now entirely dependant on settled farmers who act as their "hosts" for access to land and resources. The transhumant movements of the Sebeihat now living around Gagrur are extremely short, extending between the highway, where they spend the rainy season, and Gumaiza, approximately 30km to the northwest where they stay from January to March. The hot dry summer (April to June) is spent in the camp near Gagrur, just 3 km from Gumaiza. Some of these Sebeihat (around 10 families) also cultivate a small area of land allocated to them by village leaders, on sharecropping arrangements.

- The cattle owning Baggara tribes, the Messeriya and Hawazma, have their home base in South Kordofan where rainfall is higher. These groups move northwards during the rainy season, *makharif*, to avoid the high incidence of biting flies and mud associated with the cracking clay soils of their home areas. These groups

follow well established transhumance corridors over several hundred kilometres and pass through Gagrur every August. Their home areas in South Kordofan have been affected by Sudan's civil war and many carry automatic weapons.

Once the harvest is complete, customary laws state that agricultural land is subject to public grazing rights, or *tulag*. However, from mid-July to mid-January no animals are allowed to enter cultivated fields until completion of harvest. The village Sheikh sets the start of this period with *Rafaa el asa* (stick raising). This period coincides with the influx of the (armed) Baggara pastoralists from the south and the time of greatest pressure on the pastoral resources in the region.

Conflicts between pastoralists and resident farmers due to crop damage by livestock entering cultivated fields are frequent before *Rafaa el asa* and during the growing season. Conflicts of this nature are settled by the village *Sheikhs*, who are responsible for estimating the damage and determining the appropriate fine (compensation). The amount of the fine is normally based on the type of animal and crop stage. If the farmer is not pleased by the *Sheikh's* decision, he may take his claim further to the local court. However, pastoralists are not involved in estimating crop damage and they are denied the right to appeal.

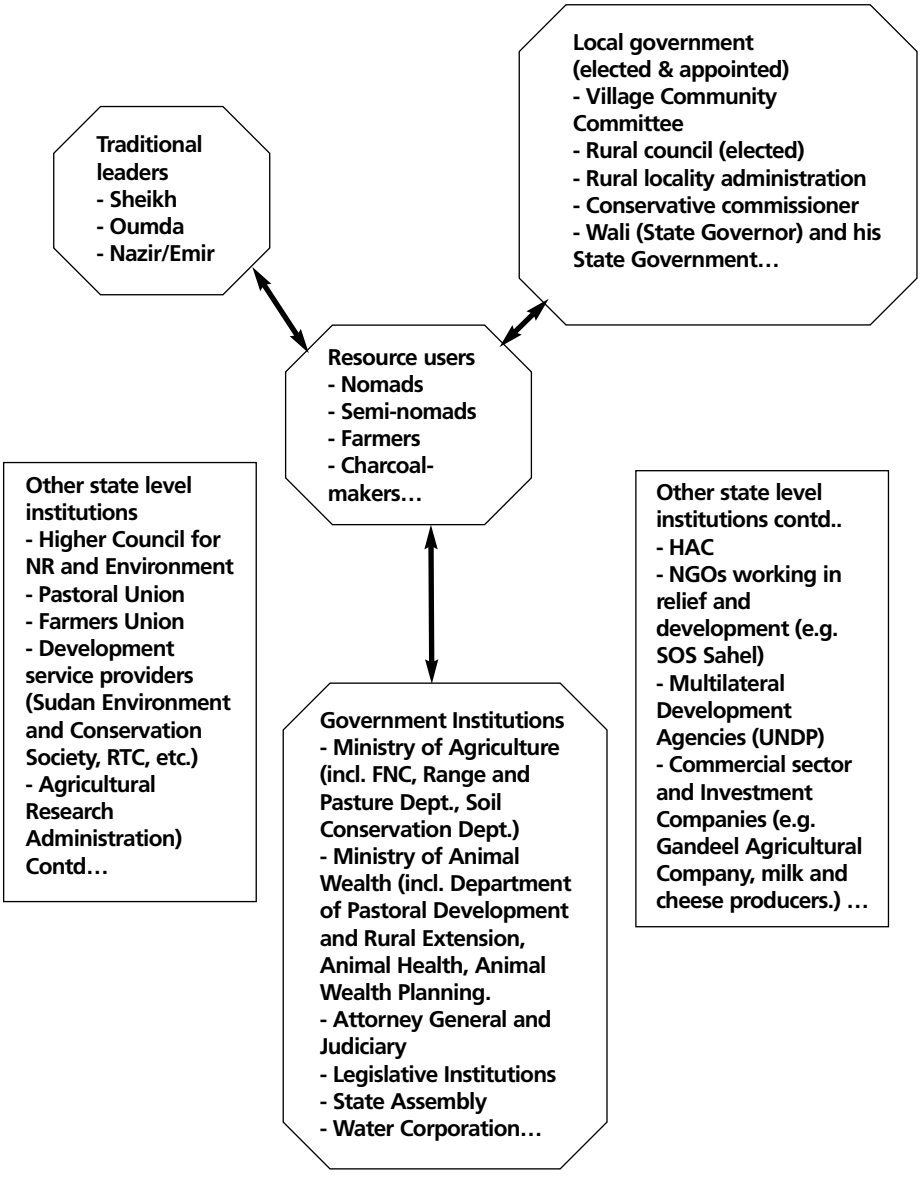
Surveys among resident villagers and pastoralists (both Sebeihat and Baggara) indicate an increase in conflict as the number of livestock in the area has increased and fields have expanded into what were previously grazing areas and livestock corridors.

In 1995, the villagers of Gagrur dug out an improved *hafir*, or reservoir, using food for work facilitated by the El Ain Natural Forest Management Project (NFMP). In 1998, again with the support of the NFMP, the village registered a community forest, covering an area of 7,005.25 feddan[1]. In 1998, the FNC[2] allocated 14,600 feddan (Nawa Forest) adjacent to Gagrur's territory to a private investment company for gum arabic production. The potential for increased conflict was rife between the residents of Gagrur who were concerned with protecting their *hafir* and community forest, and the pastoralists who saw an important water source, large areas of pasture and an important livestock corridor closed off to them.

It was in this area that the NFMP decided to act. Figure 1 describes the different actors involved in resource use around Gagrur. In the next section we describe the legal and institutional context of the area before continuing with our story.

1. One hectare equals 1.42 feddan
2. Forest National Corporation, the Federal body responsible for Sudan's forest resources

Figure 1: The different actors involved in natural resource use and management around Gagrur Village



The broader context

Large-scale environmental degradation is a major problem facing Sudan at present. Major indicators of this include removal and destruction of forests, deterioration of range and pastures, soil erosion, expansion of desert margins and the loss of biodiversity.

The social and economic costs of natural resource degradation are numerous. Prominent among these are: disruption of the rural production systems, food insecurity and famines; a large population of environmental refugees (around four million people in the 1980s); ruralisation of urban centres; increased conflicts over access to resources and widespread poverty (91% of total population in 1996 were under the poverty line compared to 52% in 1968 (Strategic Studies Centre, 1999)). The escalation of civil war in the south and the continuous expansion of civil insecurity northwards have further aggravated the situation.

Four broader level issues in particular have played a major role in disrupting natural resource use in North Kordofan and the area around El Obeid:

- Increased pressure on land due to civil war, investment policies, expansion of mechanised and irrigated agricultural schemes and traditional rain-fed farming.
- Ambiguity in laws governing access to land.
- Implementation of a national policy of decentralisation.
- Neglect of the pastoral sector in national development policies.

Changes in land use

For decades, national development policy in Sudan has focused primarily on the development and modernization of the farming sector. The Comprehensive National Strategy (1992-2002), the official blue print and development action plan for the country, suggests an increase of around 30% annually (from 5.46 million to 21.71 million Ha) in mechanized farming during the lifetime of the strategy.

This has led to ever increasing areas under cultivation (Table 1).

Table 1: Area under crop production in Sudan, 1970/71- 1998/99 (million feddan)

Sector	1970/71	1998/99	% increase
Irrigated	**1.63**	**2.06**	**26.4**
Traditional rainfed	**5.67**	**17.15**	**202.5**
Mechanized rainfed	**2.03**	**12.31**	**606.4**
Total	**9.33**	**31.52**	**237.8**

Source: Department of Agricultural Statistics, 2000

There has been a dramatic expansion in traditional rain-fed farming. The area cultivated by individual households increased from 2.25 to 3 Ha in the 1960s and 1970s to 9.62 to 11.10 Ha at present. Increased use of tractors to cultivate land has allowed people to cultivate the heavier *Gardud* soils, which were previously left as pasture due to the high level of labour they require for cultivation.

More recently, there has been a national policy to encourage private investment in large-scale agricultural schemes, which offer significant potential income to the recently decentralised state coffers.

Vast pastoral grazing areas have been lost due to expansion of agriculture and, in particular, the appropriation of land for large-scale agricultural schemes, particularly those along the White Nile and Blue Nile flood plains. Moreover, the expansion of traditional agriculture, mechanized schemes, and leaseholds given to private investment companies has blocked migration routes (Map 2 shows livestock transhumance routes) and migration distances have shortened drastically. The loss of pastoral lands has further been reinforced by the civil war in the south and long periods of drought in the north, both of which render yet more areas inaccessible to pastoralists. Insecurity in South Kordofan and expansion of mechanized farming has prolonged the stay of cattle owners in the north.

Finally this is all occurring within a context of increasing human and livestock populations. In particular, a growing tendency towards investment in livestock, not only by farmers and pastoralists but also by the urban population (mainly merchants and senior government employees) has increased the number of livestock kept within the area. Investors are generally unlikely to allow their livestock to be herded over long distances and people are able to sell their milk more easily around the urban centres of El Obeid, El Rahad and Um Rawaba.

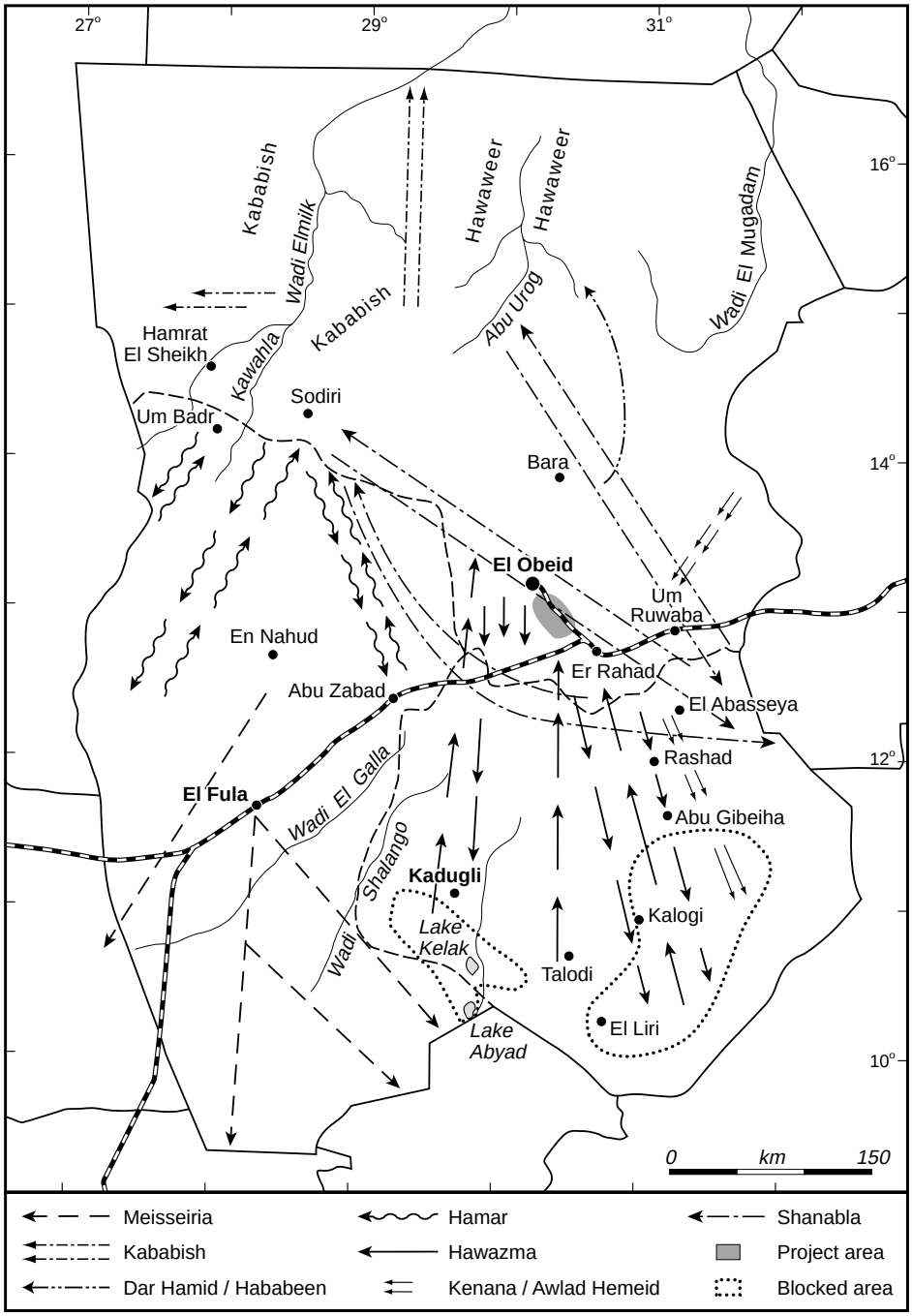
The effect has been to increase competition for limited and degraded resources among settled agricultural communities and pastoral communities, particularly within the area around El Obeid and other urban centres. The situation has been aggravated by ambiguities in land tenure and a sense of tenure insecurity due to the concurrence of customary and formal laws.

Land tenure and resource management

According to the Unregistered Land Act (URLA) of 1970, all unregistered land is state owned. In practice, throughout rural Sudan, registration of land tenure is the exception rather than the rule and all land apart from that of urban centres and the banks of the Nile north of Khartoum remains unregistered.

In spite of the law, people from household to tribal level continue to consider land in their possession as their "own" or held in communal or collective ownership (El Mahdi S.M.A, 1981) and subject to customary law.

Map 2: Migration routes of pastoralists in Northern Kordofan



The situation improved in 1986 when the Native Administration was reinstated. The Native Administration is the customary hierarchical institution of *Sheikhs, Oumdas* and *Emirs* or *Nazirs* which predates the modern state and is responsible for maintaining customary law, including the allocation and management of land. The Civil Transactions Act of 1984 also recognised rights of usufruct[3], or *manfaa*, effectively recognising customary land laws and the institutions responsible for upholding it.

Since 1986, the Government has made efforts to revive the Native Administration (NA) to perform its traditional functions, with mixed results. In places, the appointment of some *Nazirs* and *Oumdas* on a political basis weakened the system while elsewhere the Native Administration appears to remain strong. The Native Administration and the modern local government systems have had to develop formal and informal linkages and systems of co-ordination.

Formally, the Native Administration is accountable to local government authorities at the rural council level. However, in Northern Kordofan State the Native Administration Act (1999) delegated power from local councils to the Native Administration. This authority includes power over land, natural resource management and environmental conservation.

Cases of state or federal government over-riding the Native Administration in the allocation of land, however, continue to create tensions between the two systems. The law still allows for land to be allocated by federal or state authorities as they deem appropriate. For example, federal or state authorities retain the right to define where and when grazing is allowed as well as to designate areas for grazing and related activities for the interest of the whole community. In North Kordofan, leasing land to an international Gum Arabic company was done against the will of the traditional leadership. The company refused access to livestock, which meant that livestock corridors had to be re-demarcated and once again this was done without the agreement of the Native Administration. The result has been widespread conflict between farmers, who consider the land as theirs to cultivate and herders who see the land as their only route through the area to the north.

One final point to make in this section on land tenure is the overlap that exists in the legislation referring to forest and pasture. In the Forest Act of 1989, the definition of "land under government disposal" includes "unreserved forests, particularly in marginal lands and watersheds…". Thus the rights of pasture and

3. Usufruct can be defined as the right of using and enjoying benefits of land the ownership of which belongs to another person. A person in use, possession or enjoyment of unregistered land with or without permission of the government is deemed to be a usufructary.

woodcutting in unregistered land (in other words, all of North Kordofan) are subject to the restrictions contained in the Forestry Act.

The Forest Act does recognise the need to allow passage across an area and access to water resources and grazing (without prejudice to the basic role in production and protection) as an authorised use in a reserved forest. However a later section of the same Act prohibits livestock entering and grazing unless authorised by the FNC and the local council.

Box 1: Land tenure and resource control around Gagrur village

The area around Gagrur village is part of the Gawamaa tribal land that extends from Umm Ruwaba in the east to the vicinity of El Obeid in the west. As such, the Gawamaa hold the territorial customary tenure rights over it.

Within the Gawamaa territory the allocation of land and its distribution are the responsibility of the village Sheikhs who have unlimited power in this regard. Within customary tenure, however, several tenure arrangements take place including intra-community land loans, heritable use rights, rental and share-cropping arrangements.

Being Shanabla and not Gawamaa the Sebeihat are considered a landless (*Ar. Darless*) group with no rights over land and its ownership. However, owing to the flexibility of the customary system, the Sebeihat benefit from the various tenure arrangements that take place within it but they are entirely dependant on the Gawamaa to act as their hosts for access to land and resources.

The Baggara are similarly dependant on agreements made among their leaders to secure access to the area around Gagrur. However, unlike the Shenabla they still have a home territory or *dar* in South Kordofan.

Decentralisation and the environment in Sudan

Sudan has a long history of decentralisation. The roots of the present federal system go back to the early 1970s reinforced by the Regional Government Act (1980), which gave a wide range of powers to the regions and which established regional assemblies. Further reforms took place in 1992 when the country was divided into 26 states. This new division was adopted and officially recognized by the Sudanese Constitution of 1998.

Accordingly responsibilities over natural resources and environmental management are divided between the federal and state governments. The federal government has exclusive jurisdiction over matters relating to minerals, subterranean wealth and trans-boundary waters.

Detailed regulations on land, state forests, agriculture, animal and wildlife are the state's responsibility subject to federal planning and coordination.

The constitution also provides for the establishment of councils to assume responsibility for the division of and planning for land and forests between the federal authority and the states.

At the state level, powers are transferred to (elected) local councils, which have administrative and financial autonomy to implement local level development, including planning and regulations in relation to land use and natural resource management. The Native Administration Act in North Kordofan (1999), which provided powers to the Native Administration as described above, is an example of this.

Although the process of decentralisation in Sudan has created closer relations between the administration and local communities and more opportunities for participation in development decisions, the experience is still faced with many difficulties. Significant among these are:

- The division of responsibilities between the federal and state governments is ambiguous and confusing. This has resulted in conflicting decisions over land use and the encroachment of the federal government on state natural resources.

- The gap in legislation for pastoral resource management and development.

- The absence of a state land register for agricultural land, forests and pastures.

- Conflicts over jurisdiction between the federal ministries of agriculture and livestock.

- Technical and financial institutional weaknesses.

Decentralisation implies that state governments should generate revenues to fund their own development plans. To generate these funds state governments resort to the only resource available; the land.

Box 2: Investment policies and land allocation in North Kordofan

Over the last seven years, the State Ministry of Agriculture has encouraged investment in mechanized farming in the south-eastern parts of the state (around J. El Dair) and private companies around Jebel Kordofan (Gandail Agriculture Company). Land rights for these companies were legalized through levying land rents and royalties.

However, allocation of these areas has been carried out without consideration to pastoralists who for years have used these areas as wet season grazing grounds *makharif*. Due to police patrols provided by Gandail Company, those areas, which had previously not been cultivated by local people, have now been cultivated. These fields have blocked routes to the available source of drinking water for pastoralists. The consequence has been increased conflict between sedentary farmers and pastoralists.

The neglect of pastoralism

Pastoralists, as the major owners of livestock in the country (owning around 90% of the total 116 million livestock head), are the main suppliers of meat and other livestock products in Sudan. In addition, the livestock sector is the main contributor to the national economy as it contributed annually around 142 million dollars (23%) to the government treasury from 1995 to 1999. By comparison, the irrigated agricultural sector's contribution was 95.7 million dollars (16.1% of the total value of exports) (Sudanese Strategic Report 1999).

In spite of this, the pastoral sector as a whole has been neglected and undermined by national policies that have consistently favoured agricultural development at the expense of pastoralism. The problems facing pastoralists are manifested in:

- the continuous drop-out from the sector (from 40% of the total population in 1956 to 8.2% in 1993),
- the concentration of animals into the hands of a few rich mainly merchant and urban-based officials,
- food insecurity and frequent famines,
- increased conflicts with neighbouring farmers,
- population displacement, and
- a rapid process of sedenterisation through impoverisation.

3 The project

El Ain Natural Forest Management Project (NFMP) ran from 1989 until early 2001. The project area fell within two localities in Sheikhan Province as well as North Er Rahad locality in Um Rawaba Province.

It was established within the context of an amendment to the Forestry Act in 1989, which, for the first time, gave local people the opportunity to define and manage collectively areas of forest within their village land. Located in and around the Forest Reserve of El Ain in North Kordofan, over 10 years the project worked with people from more than 30 villages, the majority of whom were from settled farming communities.

The project's aim was: "*To design and implement a long term strategy over a period of 10 to 20 years for managing the forest resources of El Ain reserve and the surrounding buffer zone in a sustainable way, while taking into account certain urgent needs of local people, namely: safeguarding access to renewable energy; arresting rapid environmental degradation*".

The project initially focused in and around the El Ain Forest Reserve, an area of natural woodland covering 11,850 hectares. The reserve was gazetted in 1954 to supply fuel wood and reservoir water to the town of El Obeid, 26 km northwest of the reserve. In 1989, when the El Ain Natural Forest Management Project began, the reserve was badly degraded. It had been poorly managed and over-exploited for commercial gain and subsistence.

Early emphasis was given to surveying the buffer zone and to the establishment of links between the forestry department, local associations and the project in order to facilitate "full participation of the local communities in future management plans" for the reserve and buffer zone. There was a focus on the need to include women's groups, poorer sections of the community, the farming community, the nearby urban population as well as the FNC. Activities during this first stage, included promotion of local level natural resource oriented activities (improved stoves, micro-catchments, village nurseries, etc.), and a small research programme on *kitr* (acacia mellifera) and on appropriate water harvesting techniques.

During the second phase of the project, the emphasis shifted away from the focus on the reserve. In addition to research and extension activities supporting communities within the buffer zone, the second phase focused on the establishment of *Gabba Shabia* or community forests on community land outside the forest reserve and the dissemination of lessons learnt.

Over the next couple of years, the establishment of community forests gradually become the main focus of project activities. It quickly became evident that establishing the community forests was a long and involved process, both in terms of establishing management systems *per se* as well as the formal process necessary to legally register the forests.

Local people identified how the forests would be managed, by whom and for what purpose and, with support from the project, began to rehabilitate the existing forest on their village lands. The Forestry Act demanded surveys of the area to be carried out by Forest Department Surveyors and a series of meetings involving the traditional leaders from the area and government officers to agree on the proposed annexing of the community forest before registration could be approved. Registration fees were demanded at almost every stage. Finally, the communities involved had to agree on a written management plan stipulating rules and regulations controlling the use of forest resources inside the community forests.

By 1999, 14 community forests covering 7,000 *feddans* had been established and registered in 10 villages[4]. With registration, legal control over the area, in terms of determining levels of use, rights of access and distribution of harvests, passed to the named villages. Registration is published in the official gazette and constitutes a legal basis for safeguarding community and individual usufruct rights over the area. This legal control is administered by an elected committee and as such is distinguishable from unregistered land, which in North Kordofan is held in trust under the customary jurisdiction of the native leader, i.e. the *Sheikh* or *Oumda* in the interest of the community at large.

The problem

Since it began in 1989, the NFMP was committed to a participatory and process–oriented approach and the promotion of inclusive NRM. Women, who have traditionally been excluded from resource management, and men from 30 villages were involved in the process.

During most of the lifetime of the project, the main target groups were the settled farmers in these 30 villages. Pastoralists were recognised as important natural

4. For a detailed discussion about community forests see Kerkhof 2000, and SOS Sahel 2001.

resource users from the outset, but were largely considered part of the problem rather than part of a solution. The consequences of not including other resource users in the area, particularly the pastoralists, were not predicted.

However, by 1999 threats to the sustainability of the interventions became evident. Pastoralists were increasingly trespassing on community forests and conflict between villagers and pastoralists, caused by the denial of pastoralists to traditional grazing resources in the area, were on the increase.

The exclusion of pastoralists from NFMP activities exacerbated the sense of a lack of equity of rights over resources. Communication among different resource users and between them and other stakeholders, including NFMP, was poor and there appeared to be an absence of mutual understanding and complementarity between customary and modern legal framework systems. Finally, many local communities, especially pastoralists, did not respect the rules of NRM established by farmers with the help of the project.

Working with existing skills and approaches

Conflict over natural resources is not new. As one *Sheikh* put it during one of the training workshops, "conflicts between herders and farmers are as old as Cain and Abel". Traditional leaders and respected elders are responsible for resolving conflicts of all types from domestic disputes to land allocation, and a sophisticated system known as *Goodiya*, is used, which draws heavily on the Koran and the teaching of the Prophet.

The following description of the *Goodiya* system is from *Oumda* Mohammed Ibrahim of Agrie in North Kordofan.

> "Thank God that He made leaders men of action and not just words"
>
> In general, mediation under the traditional system takes place before going to the law. Accepting mediation in favour of government laws is a strong part of custom. Traditional conventions also conform to religious conventions.
>
> "You should take care of your neighbour as you would yourself"
>
> Tradition dictates that figures of authority are respected by all parties. Most members of the community believe that God made man to resolve conflicts as well as making them. Respect for the mediators automatically brings people closer to each other and most people respect that the traditional leaders represent the community. Mediators either make people favour resolution on their own or else force people to resolve the conflict. The conflicting parties are given both options and are allowed to decide.

Mediators tend to be religious leaders, community leaders, or people of social standing within the communities, such as men of good deed and men of respect.

Mediators decide on a place and time of meeting. It is not like modern institutions where you have to ask a secretary if you want to meet someone of authority – the leaders are all part of the same community or the same family and arranging a mediation is easily done. Mediation generally takes place in the house of an independent person, generally the place of a religious leader or high status person so long as they are not involved in the conflict. Sometimes people are sent to aggravate things or to remind their representative that the community may not want a resolution. Mediators play an important role in controlling such parties.

Most mediation begins by saying that we are gathered here for the goodness of everyone and we do not want any more bloodshed. Mediations generally end in a peaceful solution.

Mediators watch the two leaders of the conflicting communities to see how uneasy they are with each other, often asking a few questions to assess how tense they are before starting to discuss the conflict. If the two are unable to calm down then he will say, "if you cannot be serious about being here than I may as well go".

There are generally two kinds of conflicts – over money and over respect.

During the meeting, the facts are laid down. The leader will ask the two parties to forgive each other before going on to discuss the rest of the conflict. Where one party forgives the other at the start of mediation, this can mean that if a conflict recurs they are likely to forgive each other more quickly in future.

Mediators also relate the current conflict to historical events to find solutions and to provide examples of how things may be easily resolved. Religious leaders often use examples from the Old Testament and events in the life of the Prophet Mohammed.

All members of the conflicting parties share the desire not to let the mediator leave unhappy. They respect the mediator and the fact that the mediator brings a way of resolving the conflict. They look for punishments and fines or rewards and they discuss conditions and pledges for respecting one another. The resolution ends with the recital from the Koran.

Where a member of a community was attacked, reconciliation often begins before resolution when members of the community responsible for the attack go to console the attacked community.

The mediator usually knows the problem before starting and what he is being asked to resolve. Sometimes he may talk to the two parties individually, during which time he works on easing the situation so that when the two come together they are already close to reconciliation.

A mediator may have a fixed picture of how to solve the problem, but he doesn't put it forward. Rather he respects the two parties by letting them put their own stories forward first before he states his solution. He leads both parties to make them feel like the solution for the conflict comes from them and not from him[5].

These days, many conflicts are between members of an official institution and traditional communities. The ways to resolve these conflicts are very different. Community leaders are always convinced that people are coming to impose ideas on a community. Staff of a project are seen as backed by government laws and are therefore seen as a threat to traditional practices. People often refuse to deal with them and do not want to go into reconciliation. A community leader representing the community may go to the government officials to try and mediate but it is difficult because he does not understand the ways of the officials.

In some cases, the role of government officials may be positive where the official takes the role of mediator, but only where the community goes to him and not vice versa. For example, in a case of trespassing, the community knows there is a law and may go to government officials to inform themselves. Most of the time people respect the law and they look for resolutions not through the courts but through knowledge of the law. Also, government officials can act as mediators because they are seen to be independent.

Problems facing the traditional system of conflict management

As the final part of *Oumda* Mohammed Ibrahim's description suggests, the traditional system today is faced with a rapidly changing institutional and economic environment. Four factors in particular are threatening the traditional system as described above: the existence of modern as well as traditional justice systems; undermined authority of and respect for traditional institutions; multiple and competing decision-making systems; and increasing pressure on existing resources.

- The existence of different systems for recourse in case of a dispute opens the way for "institutional shopping" (Lund 2000). If one or other of the parties involved

5. This last point proved to be not necessarily true during the role-play. One participant commented that accepting the solution of one or another party may imply that the mediator is siding with that party and so he is unlikely to do so.

are not happy with the decision reached by the traditional leaders, they always have recourse to alternative institutions, which may be more in favour of their cause.

- Mediators in the traditional system are usually tribal leaders. According to tradition, their decision must be respected by the conflicting parties, even if it is not the best solution. However, as traditional authorities have been undermined, respect for local leaders has been weakened and so the decisions reached may be quickly discarded and the problems recur. This is particularly the case where there is no documentation of the process.

- One of the greatest threats to the traditional systems is in terms of the growing severity and frequency of conflict caused by decisions over natural resource use taken by competing authorities. As has already been stated, the division of responsibilities between the federal and state governments is not clear and frequent changes in the status and role of the Native Administration has created more confusion. This has resulted in conflicting decisions over land use, the encroachment of the federal government on states' natural resources and lack of respect for decisions made by different parties. Conflicts created as a result of these decisions are particularly difficult for traditional authorities to resolve alone using the traditional system.

- Finally, the traditional system is one based on forgiveness, with a policy of avoiding digging too deep into the roots of a problem. As one traditional leader put it, "peeling back the layers of an onion brings tears" and can make a conflict worse. However, as competition for resources becomes more acute, the need to find solutions that will deal, at least in part, with the causes of the problem is becoming more important; forgiveness alone is no longer enough.

Other weaknesses in the traditional system exacerbate these problems. For example, open biases exist where there is an ethnic link between one of the mediators and one of the conflicting parties and there is often no general consensus among conflicting parties on the members of the mediation team. Tribal status, and cultural and economic positions of the conflicting parties also has an impact on the decision produced by the mediators. And length of stay in the area is often a factor used in reaching a decision; as such, pastoralists tend to have a lower chance of winning against settled villagers.

4 Responding to conflict

The project recognised the urgency to engage with pastoralists to ensure the sustainability of their achievements. They also recognised that this would require them to deal with conflicts that existed, at least in latent form, between the villagers with whom they had worked for 10 years and the pastoralists.

However they were faced with a number of difficulties at the level of the project itself:

- Limited understanding of the dynamics of the pastoral production system in the area, its adaptive mechanisms and viability.
- Limited awareness of how the pastoral production system in the area interacts with other land use systems.
- A lack of confidence and inability to effectively engage with pastoralists, including a lack of appropriate skills in participative methodologies and techniques to include pastoralists.
- Limited understanding of customary and legal aspects of land tenure and rights over land and its resources, caused partly by the wide variability and complexity of such aspects.
- Limited awareness of the institutional arrangements pertaining to the decision-making process under the federal system in Sudan.
- Limited understanding of conflict resolution mechanisms and uncertainty over their potential role in conflict situations.
- Concern that working with pastoralists would affect the good relations they had built up with the villagers over the previous 9-10 years.

A process was started to respond to these problems, based around developing new skills among the project team and the local leaders and community members with whom they worked: marrying these new skills with existing ones.

Developing skills and confidence among project staff and partners

The process depended in the first place on investment in the skills and confidence of the project team and the traditional leaders and government officers with whom they work.

- **Training workshops and a review of the existing literature and knowledge on pastoral production systems** in the area built up the confidence of the project team to talk with pastoralists and empathise with their situation.

- **Training workshops on conflict analysis and communication skills**, together with traditional leaders from the area responsible for dealing with conflict, helped create good relations among them, allowed the project to better understand how traditional mechanisms worked and created greater confidence to engage in discussions on resource-related local conflict.

Participants in these workshops included traditional leaders (*Sheikhs* and *Oumdas*), members of rural councils, and representatives of government line departments as well as members of the NFMP and two Oxfam representatives. Five of the 30 participants were women.

By the end of the first workshop on conflict management, the different participants were already talking with each other about the possibility of working together for the first time. The chance to experiment with the tools during the workshop and to see how a new approach could work together with their own traditional systems gave the participants the confidence to try and intervene in one of the local conflicts between pastoralists and farmers.

In the days following the workshop, the project identified an area that they knew to have problems between resource users in which to pilot a new approach. The aim was not for the project itself to resolve the conflict, but for the project to facilitate a dialogue between the interested parties and traditional leaders, to assist them in finding their own solutions.

Identifying a case study

The project had been working in Gagrur village since 1990 and villagers from Gagrur had often complained to the project about conflicts with pastoralists, presenting them as a serious constraint to local productivity and their livelihoods.

Photo: SOS Sahel

A *hafir* provides a secure water source for much of the year, but can also be a source of conflict

Conflicts had already occurred over access to the *hafir* (pond), improved by the villagers with the support of the project (photo above). Villagers were now proposing to exclude pastoralists from the community forest, established with the help of the project, and without any consultation with the pastoralists themselves.

Gagrur was therefore an area where the project felt confident of their relationship with the village communities and also knew of the potential for conflict increasing as a result of their interventions.

The process

The project brought together a team consisting of project staff, traditional leaders (the Nazir of Shenabla Sebeihat tribe, the Nazir of Gawamaa Gagrur tribe, and the Oumda of Agrie area) and a representative of the Pastoralist Union, all of whom had participated in the training workshop on conflict management. The traditional leaders in the team would all routinely be involved in matters of conflict resolution within and between local communities as part of their customary roles.

There were four stages to the overall process: preparation, analysis, negotiation and evaluation. At every stage, all members of the team were involved in agreeing the process to be followed, such as who should be contacted and the type of information they wanted to collect. However, the project influenced the timing of the process as they wanted to finalise the agreement in time for a follow-up workshop.

Preparation stage

The overall aim of the preparation stage was to design a process for conflict management whereby solutions would be based on initiatives and ideas from the people in the village and pastoralist settlements or camps (*fariq* in Arabic).

At the start of the process the team agreed a number of issues.

1) The type of information they needed to collect.

2) The division of responsibilities among themselves in collecting the information in the field (speaker, recorder, observer, facilitators, etc.).

3) A methodology for collecting the data (e.g. direct questions and visual tools, group discussions). In practice the methods used were a fusion of traditional methods and some of the tools introduced during the training workshops.

At this stage, the team also had to gather more information about the conflict to which the villagers of Gagrur had alluded. In particular, it needed to identify which pastoralist groups were considered the main source of this conflict. The first meeting was therefore held at Gagrur village and the village *Sheikh* was the main contact person.

During this initial meeting the team did not talk directly about conflict, or even suggest that there was a conflict between farmers in the village and pastoralists. People were asked draw a map of the natural resources available in the village and to identify the different users. This was presented for the members of the group who did not work for SOS Sahel and therefore would not have heard it before.

The team then asked about competition over resources in the past, particularly during drought periods, using a historical background. This then led to discussion about current competition and conflict over resources.

From the meeting, the team found that conflict over resources occurred between the villagers and both Baggara and Sebeihat pastoralists. However, damage to cultivated crops and competition for water were more severe for the semi-settled Sebeihat. The reason given was that the Sebeihat remain in the area for eight months while Baggara stay for just two months.

The second meeting was held with Sebeihat at their camp. The team followed the same approach as that used in Gagrur. However, this meeting was a bit more difficult for the following reasons:

- The team and the project were not familiar to the pastoralists.

- The Sebeihat had not been involved in project work and were not used to the participatory learning techniques used, which made it difficult to collect information.

- The Sebeihat did not want to mention any conflict with Gagrur in their meeting.

In spite of the difficulty in conducting the meeting the team was able get the information needed and they held a meeting among themselves to evaluate and analyse the results of the preparatory phase. This assisted in planning for the next round of meetings.

The analysis stage

During a second round of meetings, the information collected in the first round was confirmed and built on by the local communities and the team using a range of participatory techniques. The techniques used were conflict mapping, a time line of events, the problem tree and the "ABC triangle" (Box 3).

All these tools were easily understood by the communities and enabled the team and communities to analyse the conflict easily. Using the tools, the team could go deeper into the causes of the conflicts, identifying the core conflict and its effects. Moreover, knowing the position and situation as well as the attitude and behaviour of each party toward the other, the team could get information related to the interests, the desires and the needs of each party. Out of the analysis it was evident that collaboration was important for both of them.

Once again, the team evaluated the results of this phase before planning for the next step: the negotiation process.

The negotiation stage

Both parties mentioned the importance of the role of a third party in solving the conflict and elected a small four-person team (all non-project members) to mediate during the negotiation process (referred to here as the mediation team). They then selected the project centre as the location for negotiations and a date was confirmed. It was also agreed that representatives for each party should get a full mandate from their people in the village and the camps.

The project team was asked to participate whenever they felt it was important to do so and a chairman was appointed to facilitate the negotiation.

Representatives from the two communities were selected based on public meetings organised and held separately by each group, with no involvement from

Box 3: Tools used for analysing perceptions and causes of conflict

The following is an excerpt from the report of the training on conflict, led by the UK based NGO, Responding to Conflict.

1. THE CONFLICT TREE
Evolved in Kenya as a tool for analysing the causes and effects of conflicts. The roots of the tree represent the root causes, the trunk represents the core problem that we see, while the branches represent the effects of the problem, what we see happening around us, the symptoms.

Comparisons between trees drawn by different communities show how perceptions can differ. One tree is not better than another and they should not be seen as being right or wrong. The trees can be a useful way of identifying these differences.

Treating only the symptoms we see (represented by the branches of the conflict tree) makes it likely that the problem will recur, even if it goes away for a while, because the root problems remain.

Comments on the conflict tree (from the first training workshop):

– In Sudan, identifying root causes of problems is part of the normal work of the *Ajaweed*, the institution traditionally responsible for resolving conflict.

– In Sudan, they say a mediator has a needle that he uses to mend a wound. It may be necessary to go deep into the wound to heal it properly.

– Using the tree makes it easier for people to understand the conflict than when people just talk about it.

– The tool is new, but very easy to use, it will "make us like consultants".

2. ABC TRIANGLE
This tool allows us to examine the attitudes and beliefs of the people involved, the context in which we are working and the behaviour of people, which is often in response to the former.

Attitudes may lead to a behavioural response, which may reinforce attitudes. If a minority group feels alienated, they may refuse to compromise, making them stand firmly for their rights rather than look for a solution. This refusal may elicit further abuse from the majority creating a vicious cycle.

This inter-relationship leads different people to attribute a conflict to different causes. No one party is more right than another; all are important, but people tend to see only the factors most important to them and tend to put much energy into attacking the

people who see things differently instead of trying to understand why. Some issues may be more important than others, but all need resolving.

By asking the different parties within a conflict to fill in the triangle you will identify their different views. You can either ask people to describe the behaviour, attitudes and context of the other party, or of themselves or you can invite people to describe their own behaviour from the perspectives of the other party. If one party sees a particular issue or concern as important they can put it in the middle as a "key need". Comparing similarities and differences between triangles of different groups can help identify shared perceptions and shared concerns, which may be a starting point for conflict resolution.

Comments on the ABC triangle (from the first training workshop):

– The tool helps to depersonalise issues, allowing people to say what they want.

– There is a tendency to generalise behaviour, the triangles did not take into account the great variation within the two different groups.

– Attitudes tend to be confused with behaviours. Attitudes cannot be seen and it is very difficult to know what is inside. But sometimes, it is only by understanding these attitudes that we can understand people's behaviour.

– The triangle is a useful tool for seeing different people's perceptions

– The tool shows a way of comparing how attitudes vary between the different parties and how behaviour causes reactions in others.

3. MAPPING

Conflict mapping is used to analyse the different parties involved in a conflict and the links between them. We often focus entirely on the parties directly involved in a conflict with each other, without recognising the roles of other parties or stakeholders. If these indirect stakeholders are not involved in the process of conflict resolution they may sabotage the proposed solution, whether they agree with it or not. Involving them in the dialogue may bring up helpful and useful suggestions and observations.

When different parties draw their own map the results are almost always different. Showing the different parties each other's maps gives both sides an idea of how the other perceives the problem.

Comments on mapping (from the first training workshop):

– The maps are easy to use

– People often hide their own involvement in a situation or do not agree with third party involvement and therefore tend to hide it. The map can help make all parties visible.

the project. All were men, as was noted by some women during the analysis of the process. The main selection criteria were personal qualities, levels of trust in the eyes of the community and their involvement in various spheres of public life at the local level (e.g. head of the mosque committee, the popular committee or the community forest committee).

Ground rules were agreed to make life easy for the group. These were:

- Good listening.
- Equal participation.
- No bias from any side.
- Any agreement should be practical and logical and accepted by both of the parties.

The meetings began by confirming the importance of sharing the resources between the different stakeholders, in order to secure life for them (i.e. according to custom and the need for forgiveness and peace between different groups).

This was followed by a presentation of the results of the various discussions held with the two groups, using posters based on the different tools used during these discussions. The presentation allowed both sides to understand the perspectives of the different parties. Opportunities were given to both parties to agree or to object to the points mentioned, and this opened the door for discussion and negotiation.

Using this approach, the two parties were able to reach a mutual understanding of the conflict. Both could see the problems facing the other and the rights and duties for each to resolve these problems.

Solutions were proposed, often to be confronted with reasoned objections and practical constraints. However, these arguments, why a solution was not feasible or a goal could not be achieved, acted as wonderful keys to improve the outcome. A "don't stop the river, go with flow" approach created room to find new solutions.

Throughout this process, the mediation team played a role of building trust between the two groups, using the religious instructions and cultural customs that call for sharing of resources between relatives and neighbours.

Finally an agreement, acceptable to the two parties, was reached. The agreement was written on paper, given to the two parties' representatives, and signed by them, committing them to its contents.

Difficulties of the negotiation process

The negotiation process was not without difficulties.

- Following the presentation of the results of the initial meetings, more information was put forward by the different parties to strengthen their own positions. This information had not been analysed by the project and mediation team and they felt the meeting was getting out of their control.

- The agenda of the meeting was not clearly defined in advance so that issues could be discussed step by step. The team felt this led to unconstructive discussion and time-wasting.

- Sebeihat representatives at times appeared weak compared to those of Gagrur in terms of their capacity to put forward strong, clear and logical arguments. At times the mediation team felt that they were "throwing away" branches of their problem tree rather than defending the points that had been made in the previous meetings.

- Sebeihat representatives appeared to feel less confident of the level of commitment to uphold the agreement among their people. This may be why they tried to avoid talking about some of the main issues like the damage to crops by Sebeihat livestock.

The evaluation stage

A series of analyses of the process that had taken place at Gagrur was carried out over the next 12 months.

1. Immediately following the negotiation process, the original trainers in conflict management returned to El Obeid and discussed in detail the whole process with all those who had taken part. The entire process had been filmed by a local camera man (with the consent of the people taking part) and this provided a unique opportunity to review the process and the different roles that people had played.

2. Over the next few months, the project team did a more general analysis, discussing the outcome of the process with the communities and traditional leaders concerned. They presented the results of this analysis at an international workshop.

3. Finally, in May 2000, a Sudanese consultant did a detailed analysis of the process in collaboration with the NFMP team. The results of these analyses have all been used in compiling this document.

The immediate outcomes of the negotiation process

The agreement

The negotiations culminated in the drawing up and signing of an agreement (in August 1999) between Gagrur farmers and the Sebeihat pastoralists, over the use, access and management of common property resources in the area (Box 4).

The *Amir* of Gawamaa, *Amir* of Shanabla and *Sheikhs* of Gagrur and Sebeihat, signed the agreement. Witnesses to the signing were representatives of El Rahad and El Obeid Rural Councils and NFMP.

Box 4: The agreement reached by the two parties

The two parties agreed that:

1. **The Sebeihat are allowed to obtain water from Gagrur *hafir* for human consumption only and they have to pay the prescribed fees. The Sebeihat are also required to keep their animals away from the peripheries of the *hafir*.**
2. **Equal representation of the two parties in the arbitration committee estimating crop damage by Sebeihat animals.**
3. **Sebeihat are allowed to settle in a suitable area within the lands of Gagrur and pledged that they will not trespass on either cultivated land or the village periphery.**
4. **Sebeihat have the right to a permanent livestock route leading from the summer to the rainy season grazing. Sebeihat are required to stick to this route in their seasonal movements and Gagrur farmers will not cultivate it.**
5. **Sebeihat have the right of access to Gagrur community forest. This right is restricted to grazing and collection of dry wood.**
6. **Sebeihat are to help Gagrur people in the protection of the forest and its management.**
7. **Establishment of a mechanism for follow-up, monitoring and amendment of the agreement. This mechanism will consist of five persons representing: Gagrur farmers, Sebeihat pastoralists, El Rhad rural council, El Obeid rural council and the NFMP.**
8. **The articles of the agreement are subject to annual appraisal.**

Interviews one year later showed that the overwhelming majority of the population of Gagrur (78.6%) and the pastoralists (88.9%) knew about the agreement and its various articles. 64% of Gagrur villagers and 78% of Sebeihat knew at least four items on the agreement.

One year after the negotiations took place, community groups from both parties, stressed that the agreement to a large extent had been implemented and was still in place, with some provisos.

- **Sebeihat were given access to Gagrur *hafir***, although some Sebeihat complained that they were asked to pay higher prices for *hafir* water than people from other villages.

- **The rights of the Sebeihat to settle** in Gagrur area had been respected, although it had once been threatened.

- **Trespassing of the Sebeihat** on Gagrur periphery had virtually stopped.

- **The rights of access to the livestock route** had been completely implemented, as stated by both groups and verified on the ground.

- **Sebeihat were using the community forest** as agreed. (The community forest record book shows the incidence of rule breaking and misuse of Gagrur community forest. According to the book, offences by the Sebeihat considerably reduced after the agreement in 1999.)

However, three areas of the agreement had not been implemented:

- In practice, **the Sebeihat had not participated in the arbitration committee**, although they acknowledged that they had not been denied this right. The reasons that they gave included the fact that fines had become more reasonable than before and that in the future interest of their group they did not like to "be very strict" with the farmers. In other words, the Sebeihat felt that farmers could retaliate against the families involved in the committee if they were pushed.

- **The Sebeihat had not contributed to the protection of the community forest**. The explanation given by the Sebeihat was that offenders, especially villagers, did not listen to them and that (again) they did not like to create hostilities and enmities with the villagers. They also argued that they do not have any legal rights to enforce rules.

- **The annual revision and appraisal of the agreement was not implemented** and such a review looked unlikely without the support of the project, which, at this stage, was no longer operational.

Broader local impacts

It is too soon to judge the longer term impacts of the process on community

relations in the area. However, the analyses of the process identified a number of important short-term effects.

Improvement in community relations – an "uneasy truce"
While the majority of both communities stated that the relationship between the two parties had improved following the signing of the agreement, there still seems to be a strong mutual feeling of lack of trust between the two parties.

Members of Gagrur village did perceive benefits from the agreement (such as protection of their crops and the community forest). However, 75% of them saw the agreement as being more beneficial to pastoralists than to villagers. According to Gagrur's farmers, the Sebeihat have emerged more powerful as a result of the agreement and some believe that the Sebeihat have become more arrogant and difficult to deal with. One bit of evidence for this, according to Gagrur's villagers, is that before the agreement Gagrur farmers used to borrow donkeys from the Sebeihat for transport purposes. After the agreement all the Sebeihat have taken back their donkeys.

In comparison, all representatives of the Sebeihat perceive the process as one of mutual benefit because:

- The agreement has defined the rights of each party.
- It gives the pastoralists their rights.
- It provides a peaceful solution to the conflicts with the farmers.
- It considers the rights and obligations of each group.

Securing and acknowledging rights of the Sebeihat pastoralists
The agreement secures and acknowledges considerable rights for the Sebeihat pastoralists over traditional pastoral resources in the area among the local communities. These include rights to camping sites, livestock routes, the community forest, water resources and to sit on the crop damage estimation committee.

In principle all of these rights existed prior to this process but they were not respected in practice.

Reduced conflicts between farmers and herders
Incidence of conflict between farmers and pastoralists has reduced after the agreement (Table 3) as perceived by the majority of the two parties.

Table 3: Incidence of conflict between the two groups after the agreement		
Settlement	**Decreased**	**Increased**
Gagrur	**64.3**	**35.7**
Sebeihat	**77.8**	**22.2**

These positive perceptions of the agreement and the overall process in relation to the peaceful management of conflicts have been stressed as an important outcome by other stakeholders. Traditional leaders from the groups involved, traditional leaders from other villages and government officials have emphasised the important contribution of the agreement to the process of social peace and coexistence in the area.

They all considered it an important input to a more genuine and serious consideration of the issue of rights, especially the rights to essential natural resources and the enhancement of social peace in the area.

Dissemination and application of tools and methods of conflict management

Investigations show that the tools and methods for conflict resolution, introduced by the training workshops and the pilot approach at Gagrur, have been used in other contexts. Examples include:

- Resolution of the conflict between the Dajo and Burno, in Shikan Province, over agricultural land.
- Resolution of the conflict between farmers and herders over the use of a *hafir* in Umm Higaliega, El Obeid Rural council.
- At El Furroug village where the conflict tree was used to resolve a disagreement between a man and his maternal uncle.
- Use of the tree method to reconcile differences between husbands and wives has been widely mentioned (in Agri, Gagur and Abu Na Na villages).

The conflict tree was identified as being particularly popular, given its simplicity using an image to which people can relate. In contrast, the ABC triangle was rarely mentioned during discussion.

When considering the effects of the new approach on the indigenous conflict resolution system (*Goodiya*), the majority (71%) of those who involved in the process (participants in the training workshops and in the agreement) thought that the tools

introduced strengthened the indigenous system. According to representatives of the Pastoralists' Union "*we call the new process the new Goodiya*".

The new process was perceived as more transparent and helped to identify and analyse the root causes of problems. These new tools were considered more effective in the presentation of rights and their defence.

5 Analysis of the approach and lessons learnt

The situation around Gagrur is typical of much of rural Sudan in terms of the complexity of land use and social context. Rainfall is highly erratic and harvests frequently fail. People depend on a multitude of different resources to meet their needs in different years or even seasons. And these resources are depended upon by many people from different ethnic and social backgrounds.

For planning purposes, the environmental and social risks involved in demarcating land use in these marginal lands require a comprehensive and realistic understanding of land capability, social demands, access rights and rights of future generations.

Our experience, described above, helped us identify three main lessons in working on conflict at the local level.

Subsidiarity and decision-making

Subsidiarity is the "notion that political authority should vest in the most local jurisdiction possible".[6]

In the case of the conflict between Gagrur farmers and Sebeihat pastoralists, members of the community were feeling the social and economic consequences most acutely, and the approach focused on their participation.[7] However, in practice, many of the root causes of the conflict stemmed from outside the communities themselves. What's more, the agreement reached affected relations between just two communities while in practice each would have to interact with many different communities during the course of any one year.

The focus on the local level in this case highlighted three issues related to the overall idea of subsidiarity in conflict resolution: rights and responsibilities for decision-making; issues of scale; and questions of power.

6. The Penguin Dictionary of Economics, © Graham Bannock, R. E. Baxter and Evan Davis 1998.
7. Provided one party is not benefiting indirectly.

Decision-making rights and responsibilities

Some of the root causes of the conflict between the Sebeihat and members of Gagrur village stemmed from inappropriate or conflicting decisions made by institutions beyond the level of the village.

As we have seen at the start of this document, at present there are three parallel systems or institutions that have various rights over land allocation, each of which has its own hierarchy: government technical departments, the government backed administration, and the Native Administration or customary system.

The first two systems are civil service organisations with responsibilities to respond to and help implement government policies, while acting in the interests of local communities. However, the apparent technical and financial weaknesses of local councils and government departments has led to them becoming increasingly removed from the realities in the field. There are also often conflicts between state and federal level priorities within these institutions as is the case when implementing, for example, a national policy of privatisation. In North Kordofan, it is the Native Administration that has a retained a greater legitimacy in the eyes of local communities for making decisions about land use on behalf of the people they represent.

Just as their decisions can have far reaching implications for local communities, any of these institutions can make or break agreements reached without their participation. Without the support of the government administration and technical departments, there is a risk that they could undermine decisions taken by the communities, with longer-term impacts on confidence and social relations.

The challenge is to identify and put into place mechanisms to include government institutions in peace-making processes while still allowing for full participation and ownership by the communities concerned.

In practice the Native Administration often has close ties with the government administration through membership in and influence over various committees and councils. They have also expressed their support (in theory) for greater participation by local communities in decisions over land use. This fact can and has been used to muster support for locally reached agreements. Building the capacities[8] of those traditional leaders who already have an interest in conflict resolution, together with members of government departments and rural councils provides another concrete means of building common ground.

8. Building capacity in this case means introducing new skills and ideas that can be adapted as appropriate to supplement and improve existing approaches.

In the final analysis, legal mechanisms are needed to protect the different parties and give mandate to those elected to protect natural resources and their use.

Issues of scale

The approach followed by NFMP raised questions of scale, both in terms of time and space.

In this case, the project worked at a very local level, involving just two communities – the settled community of Gagrur and a small community of semi-settled Sebeihat pastoralists.

The nature of pastoralism, in particular the need for livestock to move to access pasture which is highly variable over time and space, means that any pastoral community such as the Sebeihat may need access to land belonging to many different communities. They need to negotiate access to resources wherever they go, and the precise nature of the agreements reached between different groups needs to be flexible to allow for variability from season to season and year to year.

Similarly, Gagrur village is situated next to a major pastoral transhumance route, used seasonally by pastoralist groups coming from the south each year and near a trading station for commercial livestock traders. Gagrur village leaders must negotiate with all these different groups, some of which come every year and some periodically depending on the annual rainfall distribution or levels of conflict to the south.

Formal and potentially rigid bilateral conflict resolution agreements of the type reached between the Sebeihat and Gagrur involve high costs in terms of time and resources. As the Sebeihat said, "it is a partial solution and not more". On the other hand, there was a general consensus that a written agreement gave greater weight to the informal rights held by the pastoralists and in practice reduced conflict. This suggests that local communities need the flexibility to make short-term agreements with different resource users, within an overall agreed framework of rights.

Where agreements affect resource access on a broader scale (e.g. the case of livestock routes) there must be involvement of a broader number of stakeholders. The hierarchy of roles and responsibilities within the Native Administration is well adapted to this issue of subsidiarity. In theory the same should be true of the government administration and technical departments; in practice, however, it is not so.

Issues of power

Individual or institutional interests influence the occurrence of conflict as well as its resolution. Where land plays such an important economic and social role, control over land use is inevitably closely tied to power.

At the national level, ambiguity within the national constitution allows different authorities to stake a claim over natural resources that can influence people at a very local level. The unclear division of power between federal and state governments encourages the federal government to encroach on state powers, especially in relation to land and its allocation as a potential source of income.

For example, according to the constitution, the Wali (State Governor) has the authority to allocate land, but the people also have rights to claim land if they have occupied it for longer than 10 years and specific acts, such as the Forest Act, mandate government departments responsible for managing and controlling resource use.

This institutional instability and overlapping of responsibilities (between local councils, Native Administration, and government departments) results in competing decisions and actors rigorously defending their decisions as these reflect their overall position of power.

At a more local level, personal interests and power similarly play a fundamental role in resource-based conflict. This is particularly acute where members of the Native Administration abuse the power vested in them by local communities. For example, since the agreement was reached between the Sebeihat and Gagrur, the Emir of the Gawamaa, secretly allocated an area of 48 feddans to the leader of the Sebeihat *fariq*. This has led to further mistrust between the two communities as well as undermining the confidence of each community in its own leader[9]. The unrestricted power of village Sheikhs in relation to the allocation of agricultural lands has resulted in vast areas of pasture being converted into agricultural land.

Policy and legislation can also influence the relative balance of power between different communities. The legal vacuum around land tenure and resource allocation has shifted the balance of power firmly in favour of settled communities. Pastoralists are essentially landless and entirely dependent on the welcome of their village hosts to gain access to fodder and water for their livestock. What's more, the prevailing misconception of pastoralists as trespassers, outsiders and strangers who are to be excluded from rights, continually undermines their position in any form of negotiation. As the negotiations and subsequent enforcement of the agreement between the Sebeihat and the villagers of Gagrur suggest, pastoralists do not want to jeopardise their precarious position, while the farmers have no interest in changing the status quo.

9. In spite of the overall esteem awarded the Native Administration, there are frequent references to village *Sheikhs* who manage the land according to their own personal interests.

In summary, a deep understanding and effective consideration of internal dynamics of local communities, together with wider external political and economic influences, is essential for effective management of conflicts at the local level. Where the root causes lie outside the influence of the local communities concerned, there must be recourse to a higher level of decision-making.

Advocating an approach not a model

The main principles of the project's work to pilot a new approach to conflict management in the project area are fivefold:

1. Participation of community members who are involved in and most directly affected by the conflict themselves.

2. Working with traditional institutions, who have the customary authority and legitimacy to manage conflict, building on their existing skills and capacities.

3. Identifying and resolving, where possible, the root causes of a conflict.

4. Allowing the different parties to reach their own solutions through problem solving, with external parties playing a purely facilitative and informative role, not directing or proposing solutions.

5. Seeking the authority of traditional leaders to ratify the agreement and give it authority and a greater chance of sustainability.

It is important to emphasise the fact that the project was working with communities that were not in open violent conflict with each other. Rather, the situation was one of a constant state of latent conflict, with tensions between different communities, occasionally erupting into isolated bouts of aggression or violence.

However, according to traditional tribal leaders and government officials, this latent violence was considered a serious social problem, neglected for along time, and had become a real threat to the functioning of the rural economy and to the general social fabric.

Our experience using this approach has shown that social peace and acceptance of others are not entirely remote possibilities, especially where common interests are felt among the different communities. Rural people are ready and prepared to sit, negotiate and solve shared problems when suitable conditions are provided.

Perceptions of the threats of resource scarcity, while leading to competition can also contribute to the acceptance of resource sharing and the respect of others' access rights to such resources.

The fact that people are adopting and adapting parts of the approach piloted by the project suggests that benefits have been perceived by local communities and leaders. The political, climatic and economic environments are changing and investment is needed to help people develop their own skills and enable them to meet these new challenges. We are not proposing a model, but rather an approach. Different elements will suit different situations depending on the nature of the environment and culture among others.

It is important, however, to emphasise the need to invest in the capacity of all the stakeholders concerned, including government technicians and project staff if they are to give the necessary support to the overall process.

The role of third parties

The effectiveness of the NFMP involvement in the process was widely recognised by the various stakeholders, including the Gagrur and Sebeihat communities. The main reasons stated were:

1) Existing relations between the communities and the NFMP were good, particularly as people saw the objectives of NFMP as responding to their needs.

2) The communities trusted the NFMP and because of that its voice was respected and listened to. In fact the communities trusted the project more than the government; 'the government itself was a guest in the agreement' said one of the Sebeihat.

3) The project had the logistics and facilities to gather the people and bring them together.

4) The NFMP was perceived as neutral.

5) The issue was related to natural resources: the major concern of the project.

One of the key lessons learnt has been that promotion of local management (in this case of forests) requires a flexible response to the local context. This necessitates a detailed understanding of the local context, stakeholders, social relations, the history of tensions and conflicts, local land tenure arrangements etc. The project's involvement in a conflict situation was only possible through its understanding of the inter-dependencies and the overall relationship among stakeholders and not just areas of conflict.

Promotion of local level management systems also requires trust building, which in itself demands time and considerable commitment from a third party. The project's

role as facilitator would not have been possible if it had not proven that it was acting in the people's interest, something achieved by responding to their needs even if these lay outside the original scope of the project.

One of the challenges faced by the project in response to the work at Gagrur was an expectation by the Sebeihat that the project would continue to represent their interests in other villages. Pastoralists wanted the project to defend their access rights wherever they encountered opposition. However, it was important to both sides that the third party was not perceived as defending any one party's rights.

Finally the role of a third party in facilitating agreements over natural resource management and access requires a preparedness and capacity to allow decision-making by local people and not to impose solutions even if they come from good practice elsewhere. Awareness raising, exposure to ideas and practices through a variety of methods can all help promote understanding of imported ideas but the bottom line is if they are not well understood or appreciated by people they will ultimately not adopt them and the concepts or technology will fail.

6 Challenges ahead

SOS Sahel's experience of conflict analysis and transformation, based on wide community participation, has apparently succeeded in creating a level of understanding between two resource user groups and in resolving the conflict between them, at least in the short-run. In the end, each party perceived some important gains. The Sebeihat in particular have secured important rights of access to pastoral resources. The experience has also importantly contributed to an increased understanding of rights and the importance of social peace.

Although the agreement is still in place it is fragile. This is largely due to the absence of legal protection of the agreement. The sustainability of the experience is challenged by both internal and external factors. Internally, inter-tribal relationships in the area and the power of the Native Administration are not always transparent or accountable when making decisions.[10] External challenges include increased intervention of the state in land use, contradictory and conflicting land use decisions, the expansion of private capital in the area, the weak capacities of government institutions and their very low level of involvement in processes promoting social peace. The sectoral and technical approach taken by the majority of government institutions is a particularly important constraint in this respect.

The experience has also demonstrated that in spite of the benefits gained by the Sebeihat pastoralists, their problem has only been partially solved as they have to deal with many other villages. Small, scattered and unrelated agreements fall far short of solving the acute problems facing the Sahelian pastoralists at present. As long as pastoralism is not seen as a productive use of natural resources and worthy of protection, the balance of power will remain against them.

Since the beginning of 2002, SOS Sahel has been a partner in a national programme co-ordinated by UNDP which builds on the experience to date. Linking with a national level programme while retaining a team at the local level is allowing SOS Sahel to pursue the remaining challenges on three different levels:

10. Since the agreement, an area of land was allocated in secret to the leader of the Sebeihat by the *Sheikh* of Gagrur, creating further mistrust between the two groups.

Challenging policy at the national level

At both national and state level, there appears to be a growing recognition of the need for peace and inclusive management of natural resources as a prerequisite for meeting people's livelihood needs. This has been strengthened by the apparent and concrete social and economic costs associated with the conflict situation in Southern Sudan.

However, ambiguities in the interpretation and application of laws and policies for decentralization still need to be tackled at the national level. The principle of subsidiarity for the roles of different levels of government departments and institutions needs to be respected if decisions about local level land use are to be sustainable.

Collaboration with national level institutions with existing links to policy-makers, such as the Institute for Training and Legal Reform (ITLR) and the Sudanese Environment Conservation Society (SECS), is essential for a small NGO such as SOS Sahel to have real influence at a higher level.

Promoting institutional change at state level

Most decisions relating to land use and land allocation are taken at state level and it is at this level that SOS Sahel is focusing its efforts in terms of policy influence. Government institutions at this level need to be actively involved in processes of conflict resolution and promoting social peace.

There are causes for optimism. New legislation (passed in late October 2001) has legitimised the role of the Native Administration and civil society organizations in resource management planning. And a workshop to discuss the implications of SOS Sahel's experience has resulted in an informal alliance between the main actors to work together on issues relating to land use. The process of establishing an alliance was unanimously and strongly endorsed by important community institutions (tribal leaders), government institutions, civil society organizations (Farmers' and Pastoralists' Unions) and the legislative body of Kordofan State, all of whom participated actively in the process.

However, putting these policies and ideas in to practice requires new skills for development workers from governmental as well as non-governmental organisations. This in turn demands investments of time and resources, which are not always available. Strong and effective networking with the various stakeholders including government institutions, NGOs, UN agencies and civil society organizations is essential. The process is a long term one.

Supporting the capacity of civil society

The work at Gagrur highlighted the importance of the different actors concerned in a negotiation being at a similar level of ability and organisation to ensure a reasonable balance of power.

In reality, pastoralists have been marginalized from development processes for so long that they are not in a strong position to lobby for their rights. They are still largely considered trespassers and strangers and even where they have rights, few are aware of them or are able to defend them. A national level Pastoralists' Union is mandated to address these shortcomings, but in practice it does not function well at the local level and tends to represent the interests of large scale commercial "pastoralists".

Finally, discussions with local communities suggested that the promotion of a culture of peace would be more effective in creating social harmony than small bilateral agreements. In addition to carrying out the initiative at Gagrur, the NFMP also developed a play about conflict between a farmer and a pastoralist, which they performed for numerous villages and pastoral communities during the course of a year. From the analysis of this work it seems that popular awareness-raising is a more effective tool for peace building than individual agreements.

Cutting across all three levels, is the need for better information and representation. Debate during workshops involving actors from all three levels quickly led to widespread acknowledgement of the rights of the various groups, including farmers, pastoralists and the state, over access to resources, and widespread recognition of the weaknesses of existing institutions to achieve the objectives of sustainable development.

NFMP was a pilot project, pioneering an approach and testing the law. In many important respects it has been successful. One of its important lessons is that there can be no blueprint and that success is achieved through considerable interaction between stakeholders on the ground and the acquisition of understanding and trust locally.

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