

Intergroup Conflicts and Customary Mediation: Experiences from Sudan

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Abstract

Recently scholars around the globe have given attention to conflict prevention, management and resolution. A considerable body of literature has been added to our academic libraries mostly by scholars from the Western societies. Conflicts in the developing areas by contrast are only minimally researched. For quite some time the assumption seems to have been made that the Western techniques of conflict prevention, management and resolution will also apply to Third World nations. Recently, however, some scholars in the developing countries began to think otherwise. Cultural diversities do not only shape our perception of conflicts but also determine techniques to be employed in handling them. The study of conflicts in the Sudan has significance for scholars in Africa, the Middle East and, indeed, around the globe. Sudan reflects the cultural heritage of Africa and the Middle East. Sudan has known a central authority that brought all its territory under effective control only since the beginning of the colonial era in 1898. Before that time local communities were largely left to administer themselves, inventing their own mechanisms for handling conflicts. Customary mediation is such an important mechanism which appears to have been effective up-to-now among tradition-bound communities. Over the course of time, and because of societal normal processes of change, government-sponsored mediations have been introduced, incorporating to a large extent indigenous practices. Lately, however, government intervention appears to be doing more harm than good, leading to the exacerbation of intergroup conflicts and the inadequacy of customary mediation to solve them. The article explores both phenomena, pinpointing what went wrong. It also argues that customary mediation, as a Sudanese practice, may have relevance for scholars in Sudan, Africa, the Middle East and indeed around the globe.

Introduction

Currently Sudan is troubled by three types of conflict: (1) conflicts with some of its neighbours (e.g. Uganda, Eritrea), (2) a protracted civil war in the south, the Nuba Mountains and southern Blue Nile area and (3) intergroup conflicts that are presently prevailing in the extreme western Sudan and among southern Sudan ethnic and/or tribal groups (Mohamed & El-Amin 2001). To a large extent, conflicts in which the state is involved (i.e. civil war and interstate conflicts) captured the attention of the world community. Oftentimes they make global head news. Intergroup conflicts, on the other hand, go unnoticed, although they are sometimes no less devastating than civil wars. For instance, the Masaleet-Arabs violent conflicts (1996-1998) forced some Masaleet tribesmen to seek refuge in neighbouring Chad after having being looted of every thing they owned and having to flee their homeland for safety. Takana (1998) reported that the Masaleet-Arabs conflicts during the period (1996-1997) left on the side of the Masaleet 722 dead, 109 injured, 50 burned villages, 2833 burned houses and considerable loss of property. Losses on the part of the Arabs were relatively smaller, amounting to 220 dead, 40 injured, 922 burned houses and considerable loss of animal wealth (Mohamed & Wadi 1998).

Unlike the civil war and interstate conflicts, intergroup conflicts are hardly heard of by the Khartoum populace, let alone by the international community. Two factors account for this: (1) they take place in too remote areas (the south and extreme western Sudan) to be of concern to the Khartoum populace, (2) they are oftentimes treated by the government as security matters of which the publication might do

more harm than good. Lately, however, some post-graduate students got interested in the phenomenon and several post-graduate theses have been added to university libraries². It can be generally observed, however, that student theses tend to be case studies and mostly descriptive. Lately, some scholars also got interested in studying intergroup conflicts, but again, these studies are mostly descriptive³. Furthermore, students or scholars have not studied customary mediation as a cultural heritage that has been constantly threatened by local developments and central misguided policies. This article, therefore, briefly discusses the nature of intercommunal conflicts, but places more emphasis on customary mediation as a mechanism for conflict prevention, management and resolution. It will also show how over the course of time it appears that customary mediation has been losing its sanctity and effectiveness, implying what needs to be done to strengthen it.

Intergroup Conflicts

Societal conflicts are inevitable wherever scarce resources are unequally distributed among competitors and inequity is reflected in cultural and political relationships between groups. In the case of the Sudan, the problem is further compounded by a multiplicity of divisive factors: cultural, ethnic and religious. The first population census (1955-1956) estimated that 7 major ethnic groups inhabited Sudan, further subdivided into 46 smaller groups that spoke different languages and followed different religious creeds (Department of Statistics 1994). On the other hand, the 1993 population census estimated that 71 percent of the Sudan population lived in rural areas, competing over meager natural resources. For western and southern Sudan, intergroup competition over natural resources is even more acute and conflict-generating because of the prevailing modes of living. An International Labour Organisation commission that visited the Sudan in 1971 described the principal modes of living in those regions to be traditional rainfed agriculture and livestock raising (International Labour Organisation 1976). Clashes between farmers and herdsmen are inevitable as livestock raising takes the form of pastoral nomadism. In any case, conflicts are always likely among farmers or herdsmen as the increasing numbers of human and animal populations overwhelm the land's carrying capacity. Furthermore, although all rural Sudan is relatively underdeveloped, the rural parts of southern and western Sudan are even more so. Rural populations in those areas still manifest cultures and behaviour patterns of traditional communities (e.g. identity group solidarity, the warrior man image, tendency to take revenge etc)⁴. A war culture and actual engagement in violence are further perpetuated by prevailing illiteracy and absence of modern security forces that prevent and manage conflicts.

In western Sudan, Takana (1998) reported that during the period 1968-1998, 29 major intergroup violent conflicts were recorded. He showed how damaging those conflicts had been. Underlying causes of conflict might be grouped into two categories: competition over natural resources and competition for leadership positions (Mohamed & El-Amin 2001). The tribal or ethnic landholding system also aggravates the conflict situation. Two interpretations exist with regard to land and its uses: (1) that all unregistered land is government land and therefore all citizens are entitled to its use, and (2) that as a "de facto" reality in rural Sudan, every inch of land is claimed by an identity group (ethnic or tribal). Access to land and its uses constantly becomes one of the possible causes of clashes between landowners and newcomers. Over the course of time, and particularly when violence resulted in homicide, intergroup feuds developed and further complicated the conflicting situation⁵. Episodic factors will then add to the conflict-riddled situation. Population exodus because of war or climatic changes is one such episodic factor leading to intergroup violence. The direct causes of conflict might

range from homicide, word or deed of abuse, animal damage of property, to animal theft or elopement with a girl (Mohamed & El-Amin 2001).

Intergroup conflicts in both western and southern Sudan have become more devastating as a result of the proliferation of firearms. Since the early 1970s, firearms have found their way into the hands of ordinary tribesmen in Darfur region as a spillover from the protracted Chadian civil war (Mukhtar 1998). On the other hand, since 1991 when the Sudan People's Liberation Army (SPLA) split into warring factions, divisions were along tribal lines (Mohamed & El-Amin 2001). Even ordinary tribesmen have been armed and trained to use firearms. As a result, tribal militia has become a phenomenon in both western and southern Sudan, making it difficult to prevent, manage or resolve conflicts through traditional customary mediation.

Customary Mediation Experiences

Intergroup warfare is not the only manifestation of conflicts at the grassroots level. In addition, there are conflicts within families, among individuals and within modern social associations. Today, Sudan maintains five mechanisms of handling conflict at the grassroots level: (1) modern state courts and law enforcement institutions, (2) native courts that apply customary laws, (3) Sharia law courts that handle disputes when Muslims are involved, (4) citizen-based customary mediation practices and (5) government-sponsored peacemaking conferences. It is the latter two mechanisms that this article explores. On the other hand, the discussion of conflict is limited to intra or intergroup warfare.

Causes of inter or intragroup conflicts are numerous. Some long-lasting intergroup feuds have structural causes (e.g. competition over natural or political resources). Other causes are episodic (e.g. demographic or climatic changes) (Mohamed & El-Amin 2001). In other words, in rural southern and western Sudan, communal life is often pregnant with conflict. Direct causes leading to violent conflicts are also numerous, ranging from word or deed of abuse, affray, cow theft, animal damage of crops or elopement with a girl, to homicide (Mantier & Dhal 2000, Mohamed & El-Amin 2001). Small-scale conflicts will soon develop into widespread intergroup violence if steps were not taken to handle them. Identity group solidarity drives more and more people into intergroup violence.

a. Citizen-based customary mediation

Fortunately, in both southern and western Sudan, grassroots communities have developed their own mechanisms for conflict prevention, management and resolution. In northern Sudan, particularly in Darfur region, the practice is known as "Judiyya" (i.e. mediation). The people who act as mediators are called "Ajaweed" singular "Ajwadi". In its historical context, Judiyya is performed by the tribal elderly who are versed in customs and traditions and are reputed for their impartiality and peace loving. In general, in rural Sudan the elderly used to enjoy high regard from all members of the local community. Their words of wisdom are rarely disputed. Over the course of time Judiyya acquired sanctity. To fail to respect Judiyya rulings subjects one to considerable communal pressure. One will be labeled as "deviant" a detrimental verdict in situations where group solidarity and support are vital for one's security and well-being.

Two episodes may help to explain how in the past Judiyya had been effective and helped to prevent

limited conflicts from developing into large-scale communal warfare. Cunnison (1966) wrote that among the Humr tribe of western Kordofan, when homicide took place, the Ajaweed would hurriedly hide the killer in a protected place, capture the victim's relatives of kin who would be most likely to go off immediately and commit an act of vengeance, tie them up to trees, and order the killer's clan to change its pastoral route so that they would not come in contact with the victim's relatives of kin. Then they will take both the killer and the victim's relatives of kin to be kept by government authorities. Then the Ajaweed arrange for a series of conflict resolution meetings that would normally end with a grand meeting in which brotherly relations would be restored. Government authorities would then be asked to release all captives (Cunnison 1966:144-145).

The other episode comes from the extreme southwestern corner of Darfur region, where the Fellata and Bani Halba tribes are living. During the colonial era, a Fellati is said to have killed a man from Bani Halba. The Fellati was brought to a state court presided over by the British district commissioner, who eventually released the accused for lack of evidence. The Fellata "Nazir" (paramount chief) ordered that the accused be put in jail until the issue was resolved with the Bani Halba. The district commissioner got furious that his ruling was not honoured by his subordinate. The dispute between him and the Nazir was raised at higher administrative levels, which ultimately supported the position of the Nazir. The Nazir was convinced that the Fellati was the killer and was aware of the possible retaliation by Bani Halba should the case not be subjected to traditional conflict resolution practices⁶.

Several observations may be made: Firstly, about the sanctity that the Judiyya used to have among rural communities. This is exemplified in young men (i.e. the relatives of kin) allowing themselves to be tied up to trees by elderly people. Secondly, about the status and confidence those native administrators used to enjoy from the colonial government. The Fellata Nazir, a follower of the district commissioner, was made triumphant over his boss. Thirdly, it can be seen how citizen-based customary mediation may help avert possible large-scale intergroup violence.

For the most part customary mediation still plays an important role in conflict prevention, management and resolution in areas where modern state institutions do not exist. In an interview with Zakiddeen⁷, he related to me that in most cases he referred disputes presented to his native court to be settled through customary mediation practices. Asked why he would do that, he answered: "The court will postpone the problem, the Judiyya will solve it". The court declares one of the disputants victorious; the other will feel being the loser and will never forgive the victor. The Judiyya, on the other hand, makes both disputants satisfied with its decision, thus pre-empting future tense relations.

Both El-Bashar and Zakiddeen have had wide experience as mediators in conflict situations. El-Bashar asserted that none of the mediations in which he participated failed to reach amicable agreements. Zakiddeen, on the other hand, explains how the Ajaweed proceed with mediation so that they would solve the problem. They divide themselves into "doves" and "hawks". The doves work relentlessly to persuade parties in conflict to forgive and forget. They remind them how their ancestors lived in peace and what types of friendship they maintained. Considerable citation from the Koran, Sudanese proverbs and sayings is also made, praising the virtue of forgiveness and showing how feuds are mischievous in this life and hereafter. The wrongdoers will normally be asked to make friendly gestures, mostly symbolic such as kissing the heads of the victimised. On the other hand, the hawkish group would threaten the recalcitrants about the mischief that they would get into should they refuse to accept Ajaweed judgment.

Although customary mediation is normally performed by a group of Ajaweed, sometimes a single Ajwadi may do the job. For instance, in 1978, Hussain Dawsa, a leading Zaghawa tribesman, managed to avert impending violence between members of his own tribe and another tribe the Rezaigat (Mohamed & Badri 1999). In southern Sudan, customary mediation is performed by even more developed institutions. Depending on the type and magnitude of conflict, it can be resolved by a grand "Mejlis" in which professional actors and ordinary citizens may take part in "talking" (Mantier & Dhal 2000).

Mantier and Dhal (2000) found that among the Dinka and Nuer tribes five categories of mediators might be identified:

- the traditional earth priests;
- the oldest traditional leader;
- members of customary law courts;
- the "rephraser" of story-telling in mediation meetings and
- the cattle camp leader.

In most cases, customary mediations result in deciding several types and amounts of compensation for losses and injuries. Blood money is particularly important when conflict results in homicide. In the past, compensation was paid in kind (livestock). At a gradually increasing rate, it is now being paid in money. Blood money helps to control the drive for vengeance.

b. Government-Sponsored Mediations

The colonial government (1898-1956) adopted two policies that greatly lessened intergroup violent conflicts: (1) a heavy-handed pacification policy and (2) the establishment of a tribal leadership system, commonly known as Native Administration. By definition, colonisation implied pacification so that extraction of economic benefits would be possible. Disturbing law and order was made punishable and in most cases individual responsibility replaced the traditional communal responsibility for dealing with crimes. Homicide, for instance, became a crime punishable by the death of the killer. On other hand, besides the collection of taxes, the primary function of native administrators was to maintain law and order within and between tribes (Mohamed, in Ahmed 1998). They did the job very successfully, enjoying acceptance from the government and their followers (Bakheit 1985). Furthermore, native administrators were encouraged by the government to maintain friendly relations among themselves, holding meetings seasonally to solve problems, exchanging gifts and taking wives from each others' tribes (Bakheit 1985).

Nevertheless, intergroup conflicts were inevitable; and when native administrators failed to resolve them, the government would normally call for a grand peacemaking conference to which several parties would be called: representatives of parties in conflict, representatives of the government authority and, most importantly, the Ajaweed, who are mostly native administrators but also include saints and some community notables that are versed in intercommunal customs and traditions. It is the Ajaweed who actually work out dispute settlements. They do this through soft and harsh tactics as indicated above. Just like in citizen-based customary mediation, in government-sponsored mediation the Ajaweed also decide a variety of compensations for the victimised. Important among these is blood

money in cases of homicide. If properly estimated and paid, blood money will normally help in soothing tensions and preempting resort to vengeance.

Before a government-sponsored peacemaking conference is convened, preparatory measures will be taken by the government authorities, including: deciding the time and place for the conference; directing security forces to prepare lists of deaths, injuries and material losses; selecting and notifying the Ajaweed; asking the parties in conflict to select their representatives; and arranging how the conference is to be managed. A fairly senior public officer, believed to be capable and acceptable to the parties in conflict, will be designated as chairperson for the conference and will be assisted by a working group. Of course, it is the government that meets the financial obligations for the conference.

When the conference is convened, the procedure goes as follows: A moderator will ask one of the saints to recite verses from Koran and the Hadeeth. Citations will normally concentrate on verses and Hadeeth that commend living in peace for individuals and communities. Listeners are also reminded of the mischievous consequences for engaging in feuds and homicide. Then the chairperson addresses the conference acknowledging the difficulty of the task at hand, but indicating his confidence in the Ajaweed whom he is sure have the ability to solve the problem and restore brotherly relationships between parties in conflict.

The next step is story telling by representatives of the conflicting groups. In general, each party will try to demonstrate how the other party was the one responsible for starting and worsening events leading to violence. As a way out, each party will lay down extreme conditions for the other party so that the conflict might be resolved. A written statement will normally be read out by a representative of each party and will be submitted to the Ajaweed and government authorities as a conference document. The floor will then be open for more story telling by representatives of each group, confirming in most cases what the group had decided on in its written document. The meeting will then be adjourned so that the Ajaweed might sit by themselves and deliberate on how they may proceed with the mediation. The government authorities would have already decided about who should be the Ajaweed chairperson. The Ajaweed will then meet with each party in caucuses for deliberations on issues they raised and solutions they suggested. The Ajaweed will be careful not to indicate sympathy with either side. Rather, they would express their understanding of the points parties made, and would advise them to be lenient on certain issues that might block the reconciliation process. Again, the Ajaweed will sit by themselves and agree on what they perceive to be the solution for the problem. They go back and forth between the parties after having assigned roles for the "doves" and "hawks". Their tentative judgments will by now be clear and their most difficult task is convincing parties to accept such judgments. This process of convincing might take hours and sometimes days in which not only the Ajaweed but also the government authorities will put pressure on the party refusing settlement conditions. Certainly no side will want to be labeled as the obstacle to making peace or the one refusing the wisdom of the Ajaweed. The representatives of parties in conflict will normally find themselves in the difficult situation of having to accept Ajaweed judgment while fearing grassroots reaction to what may be perceived as unjust problem solving. This is one of the reasons why increasingly government-sponsored peacemaking conferences have failed to put an end to intergroup conflicts. Judiyya judgments might not always be properly and honestly conveyed to people at the grassroots level⁸.

Why Mediations Fail to End Conflicts

Mohamed and El-Amin (2001) found that for most part customary mediation still functions effectively in tradition-bound communities. Even those rural communities who moved to Khartoum, to stay in camps as internally-displaced persons (IDPs) or in squatter settlements, tend to resolve their disputes through customary mediation rather than resorting to the nearby, modern state law courts. But on the whole, in rural areas customary mediation is no longer having the sanctity and effectiveness it used to have during the colonial era. Post-independence years have been characterized by (1) steady escalation of intergroup violent conflicts, (2) increasing frequencies of government-sponsored peacemaking conferences and (3) increasing failure of such conferences to put an end to conflicts.

As a case study, Darfur region best illustrates these three phenomena. Takana (1998) found that 29 major intergroup violent conflicts took place in a thirty-year period (1968-1998). In other words, every year a major intergroup battle was fought in that region. On the other hand, Mukhtar (1998) reported that in a forty-year period (1957-1997) 29 government-sponsored conferences were held to resolve intergroup conflicts in that region. By contrast, only one conference was held during the colonial era (1916-1956). The colonial authority appears to have held only one major conference to settle disputes among camel nomads of northern Darfur state and their counterparts in northern Kordofan state (Mukhtar 1998). Astonishingly, five conferences were held for the same camel nomads in a forty-year period (1957-1997), indicating not only the multiplicity of conferences but also their failure to put an end to conflicts. Conferences were repeated not only for the camel nomads but also for other groups, nomads and non-nomads, as the following table illustrates:



Sources: (1) Mukhtar 1998.
(2) Bureau of Federal Governance 1999.

In this article our concern is not so much with explaining the phenomenon (i.e. repeated conferences) as with understanding why government-sponsored customary mediations would fail to end conflicts. Two explanations might be hypothesised: (1) that such conferences did not address the root causes of conflicts but rather the superficial ones, (2) that customary mediation as a traditional institution, has been losing its sanctity and effectiveness in a changing society (see Mohamed 2000). That conferences do not address the root causes can be demonstrated by the fact that none of conferences discussed the problems related to modes of living and land carrying capacity; to the controversial issue of tribal "dars", i.e. homelands; nor to the prevalence of illiteracy among combatants⁹.

That customary mediation has been losing sanctity can be explained by reference to several factors. First, as human societies move from traditionalism to modernity, traditional institutions tend to become less effective in controlling individual attitudes and behaviour. For instance, as people become urbanised or educated, they tend to rely on modern government institutions rather than on those of identity groups for settling their disputes. Although rural communities in both western and southern Sudan are still tradition-bound, the segment of the transitional individuals is on the rise, and they are less bound by customs and traditions (Palmer 1980).

Secondly, for the last thirty years, small arms found their way into the hands of ordinary tribesmen. In

Darfur region this was the result of the protracted Chadian civil war. Most tribes of the Darfur region have relatives of kin in neighboring Chad, which enabled Chadian combatants to cross the border and receive shelter with relatives in the region. Often retreating Chadian troops brought with them their weapons and offered them for sale at affordable prices (Mukhtar 1998). Eventually, tribes in Darfur started using firearms to settle old-time intergroup feuds. Tribal militia could not be controlled by traditional means.

Thirdly, post-independence central governments have been consciously or unconsciously undermining the customary mediation institution by undermining the system of "native administration" or by the manipulation of ethnic diversities. At times the central government was captured by revolutionary elements (in 1964, 1969 and 1989). The October 1964 caretaker government was dominated by leftist elements. They passed a resolution for the liquidation of native administration. Traditionally, leaders of the national movement, and particularly the leftists who were urbanized and educated, perceived native administrators as "colonial stooges", founded to help the foreign rule pacifying the rural population and prolonging its existence (Bakheit 1985). Further, radical political elements have always felt that native administrators blocked their way to the rural "masses" (Bakheit 1985).

Radical elements regarded native administrators as influential supporters for the conservative political parties in the rural areas (Bakheit 1985). So, the October 1964 government was quick in passing the resolution that native administration be dissolved. However, the caretaker government was short-lived and the conservative government that succeeded it ignored the implementation of the resolution. But the harm had already been done. Native administrators lost credibility in the eyes of their followers and lost interest in performing their traditional responsibilities (Bakheit 1985). Then the more serious blow to native administration came in 1970 when the second radical government (1969-1985) practically dissolved the system, unseating the paramount chiefs. Although further attempts have been made by subsequent governments to reinstall the system, it has not been possible to make it perform the same functions.

Fourthly, not only revolutionary governments but also all central political associations allowed themselves to manipulate ethnic and/or tribal divisions. In the Fur-Arabs conflicts (1980-1989), each of the two principal political parties (the Umma and the PDP) was allegedly sympathetic with one of the conflicting groups. A much clearer central tendency to support one group against the other can be demonstrated by the stand taken by the present government (1989-2002). Many independent observers are convinced that the central government took the side of the Arabs in the Masaleet-Arabs conflicts. While the Arabs demonstrated their political support for the government, the Masaleet failed to do so. Then the government intervened with the controversial issue of tribal landholding. The Masaleet had a long-history of an established sultanate in which they formed a clear majority and other tribes, including the Arab, were minorities. The Sultanate territorial area had been recognized even by official documents as "Dar Masaleet" (Masaleet homeland). In 1995 the western Darfur state governor took a unilateral decision subdividing the sultanate into administrative emirates, with the majority of them being given to the Arabs (Rabbah 1998). The Masaleet were furious about the decision and were bent on preserving their landholding right. Although the Arabs were a minority, they had advantages over the numerous Masaleet. They are basically nomads, moving from one place to the other, which makes it difficult for the Masaleet to attack them as a group. Furthermore, the Arabs were allowed to possess and carry firearms for guarding their herds. The Masaleet, on the other hand, are settled farmers, living in huts and are forbidden by law to possess and carry firearms. When

violence erupted the Masaleet were sitting ducks¹⁰.

Fifthly, conference decisions are often largely ignored, improperly disseminated to the grassroots or not implemented. Most Ajaweed being interviewed mentioned this as the major cause of renewed violence. Several reasons are behind the failure to disseminate conference agreements or implement them. One: native administrators are either non-existing or demoralised. They are the ones who traditionally used to do the job. The antagonistic central policies towards them made them disinterested in the job and its function. Two: group representatives might not be whole-heartedly in favour of agreements reached. They are less willing therefore to convey conference resolutions effectively to tribesmen at the grassroots. Three: in the past government authorities had no mechanisms for implementing agreements. Native administrators used to do the job. Only recently has a modern mechanism been created. The Fur-Arabs (1989), the Rezaigat-Zaghawa (1996), and the Masaleet-Arabs (1999) are all agreements that were followed by a government-appointed mechanism to oversee that agreements were implemented¹¹. None of them had setbacks.

Implications for scholars and practitioners

Recently, conflict prevention, management and resolution have become global concerns. Statesmen, scholars and non-governmental organisations (NGOs) are all concerned about handling conflict. In the Western world, a considerable body of literature has been produced, delineating techniques of conflict prevention, management and resolution (CPMR). By contrast, in the developing countries controlled studies have been scanty and it appears that a presumption is made that what applies in the Western world will also apply in the developing countries. Lately, however, it has been realised by scholars in the developing countries that this might not be so (see Salem 1997). During the period January 21-23 1998 a workshop was held in Arusha, Tanzania, to look into African experiences with conflict mediation. Statesmen, theoreticians and practitioners took part in deliberation and came to the conclusion that Africa had no such documented experiences (see Othman 1998). The need grows for cross-cultural examination of conflicts.

Irani (1999) made a useful comparison between Western and Middle Eastern nature and perceptions of conflicts and techniques employed in handling them. The Sudan, influenced by both African and Middle Eastern cultural heritages, may present useful experiences that deserve being looked into by scholars in Africa, the Middle East and the Western hemisphere. It will be evident that managing conflicts in rural Sudan reflects clear differences from that of the Western societies. First, in the Sudan conflicts erupt among identity groups rather than among individuals, as it is common in the West. Then, disputes are referred to customary mediation institutions rather than to modern societal professional mediators who are paid by the parties in conflict (Irani 1999). By contrast, in the Sudan, mediators are volunteers who would not ask for compensation for their time and effort. Secondly, while mediators in the Western world are required to be convincingly neutral, helping the parties in conflict to find solutions for their own problems, the Ajaweed in the Sudan, and indeed in the Middle East, are not expected to be neutral. They take the side of the party interested in peace and put pressure on the one wanting to continue with feuds. As Irani (1999) notes, the mediator is perceived as a person with the capability of solving any problem, with a record as peacemaker, and someone enjoying acceptance from both sides of the conflict. Thirdly, although material compensations are decided on for those affected by war, material considerations are not as important as the psychological aspects. Disputants must be persuaded or even pressured to forgive and forget so that tensions might be soothed and

future recurrence of violence preempted. Irani (1999) identifies four rituals as being extremely important for resolving conflicts among Middle Eastern communities: the Sulh (settlement), the Musalaha (reconciliation), the Musafaha (handshaking) and the Mumalaha (partaking of salt and bread, i.e. eating together). Western statesmen and theoreticians need to take these rituals into consideration as they venture to resolve conflicts in Africa or the Middle East.

The African scholars also need to look into Sudan's experiences with customary mediation. It has been argued that among most tradition-bound communities, customary mediation may still be effective but needs to be acknowledged and supported with capacity building. It is less expensive and more effective. When societies move from traditionalism to modernity, however, customary mediations need to be reformed so that they take account of the changing milieu. Sudan's government-sponsored mediations could be cited as an example worthy to be considered by African and Middle East scholars. This article indicates, however, what went wrong so that Judiyya became less effective in ending conflicts. Those are lessons to be learnt by African scholars and statesmen.

In fact, findings reached by this article might be even more relevant for decision makers in the Sudan than elsewhere. It has been indicated that in general conflict transformation rests with changing the modes of living that are up-to-now conflict generating (pastoral nomadism and shifting rainfed agriculture). The areas where intergroup violence is mostly occurring are the western and southern Sudan. They are also relatively the most underdeveloped. Until modes of living are changed through calculated development projects, and until illiteracy rates are reduced, intergroup conflicts will increase rather than decrease over the course of time. Land carrying capacity will steadily become overwhelmed by the growing need to feed human and animal populations.

Until development is realised, however, customary mediation mechanisms will have to be empowered to be more effective in ending conflicts. Citizen-based customary mediations need to be acknowledged and strengthened, as they are now the only mechanism for resolving conflicts in areas where modern government institutions do not exist or are not resorted to by ordinary citizens. The central government must give priority to individual protection of life and property rather than to being overly concerned with building political support for itself in the rural areas. The antagonistic policies towards traditional leaders and policies of manipulating ethnic or tribal differences have greatly impaired the effectiveness of customary mediation.

In view of the growing magnitude of intergroup conflicts, government-sponsored peacemaking conferences appear to be more realistic than the citizen-based customary mediation, although some of the interviewed Ajaweed argue to the contrary. In any case, government-sponsored mediation conferences need to be reviewed so that they become more effective. Firstly, the Ajaweed must be given a free hand to work out solutions in the interests of parties in conflict rather than to realise government-desired solutions. Secondly, the government must improve its image of being biased. The government can make this happen by wholeheartedly supporting judgments reached freely by the Ajaweed. Effective support of Ajaweed decisions implies that government must play an effective role in implementing them. Finally, a consistent policy must be adopted and implemented with regard to the issue of tribal homelands. It will have to be a grassroots creation so that the government might not be accused of taking sides. But once an agreement is reached, its implementation must be universal. The Masaleet are now complaining, not so much about why their territory has been portioned, but rather about why their territory alone has been portioned! A grand meeting for the entire regional population

could resolve this issue once and for all.

Notes

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1. An interview with Ibrahim Yahya Abdul Rahman, a former western Darfur governor. He was interviewed in my office, December 1999. Rabbah (1998) confirms the governor's report but caution must be had, as the governor is a Masaleet tribesman.
2. For instance, in Khartoum University theses included: Naeem 1987; Ayyoub 1991; Ali, M.A.N. 1998; Rabbah 1998; Haggar, A.A., 2001
3. Examples of scholarly studies include Salih 1998 and Harir and Tvedt 1994.
4. For more elaboration on attitude and behaviour patterns in traditional and transitional societies see Palmer 1980 and Evans-Pritchard 1990.
5. For details about how feuds developed among identity groups in Sudan see Evans-Pritchard 1990 and Al-Hardollo 1975.
6. This information comes from Ahmed El-Sammani El-Bashar, the present Fellata Nazir. He was interviewed in my house in Khartoum, 30.6.2000.
7. Azzain, H. Zakiddeen is the present "emir" for the Bedairiyya tribe in northern Kordofan, and president of a native court. He was interviewed in his house in el-Obeid, 16.2.2001.
8. Information about Judiyya processes comes from a personal experience. Besides being a Darfur native, I served as a province commissioner for both southern and northern Darfur states, during the period 1982-1985. I was ex officio participant in some peacemaking conferences.
9. See: Bureau of Federal Governance 1999.
10. For details about the tragic Masaleet-Arabs conflicts see Rabbah (1998).
11. Major General (Police) El-Taib A. Mukhtar was appointed by the government as chairperson of a commission that would follow up the implementation of agreements made in these conferences. He was interviewed in his house in Khartoum 19.11.2000

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