Communal Land Rights, Identities and Conflicts in Sudan: The Nuba Question

by Guma Kunda Komey (PhD, PD)


Organized by

Housing and Land Rights Network – Habitat International Coalition
Communal Land Rights, Identities and Conflicts in Sudan: The Nuba Question

Guma Kunda Komey (PhD, PD)¹

Introduction

Complexity is a key feature of the root causes of many state-community conflicts in worldwide. This paper, however, contends that at the center of these multifaceted root causes is the question of communal land rights, particularly in Africa and the Middle East. In this aspect, the contemporary Sudan is no exception (Saeed 1980; Suliman 1998, 1999; Komey 2008b; Komey, 2010/forthcoming). The centrality of land factor in conflicts stems from the fact that rights to land are intimately tied to membership in specific communities, ranging from a nuclear or extended family, clan, or ethnic group to the nation-state (see, Shipton 1988; Lentz 2007). At these various levels of social identities and organizations, people seek land as collective rights not just as material satisfaction but also as source of power, wealth, and meaning. Therefore, control over land has been and is still used as a means of defining and/or constructing/deconstructing identities and belongings as well as an instrument to control, and a source of, economic wealth and political power.

For these reasons, nothing evokes deeper passions or gives rise to more bloodshed than do disagreements about territory, boundaries, or access to land resources. This is so because, from national governments’ perspectives, land in its entirety is a physical symbol for nation’s political sovereignty and power, and a base for its national economic wealth. While for the bulk of the rural communities at local levels, land is also a symbol for their collective sociocultural and political identities and a basis for their survival and economic livelihoods. This implies that access to land is a fundamental human right and, therefore, its denial does not only deprive the affected communities from their economic and socio-cultural human rights but it may also endanger their very survival and existence.

Despite the centrality of land rights in the survival of the bulk of the rural communities, a field-centered, an empirically grounded, and a theoretically informed material from Sudan, demonstrates that the interests and the rights of the rural majorities and their subsistence forms of life are hardly integrated into, or harmonized with, land policies pursued by the successive national governments in the processes of various development interventions.

Paradoxically, these development interventions are carried out usually in the name of “public or national interests”! The crux of the matter is that some of the affected, excluded, and/or disadvantaged rural groups tend to resort towards employing different survival strategies; including articulation of various forms of

¹ Guma Kunda Komey is Assistant Professor of Geography, University of Juba, Sudan, and Senior Researcher, SFB586-d9, Martin-Luther Halle, Germany. E-mail: gumabrain@hotmail.com.
belongings and identities in order to counteract such government’s disguised and exclusionary national development policies and practices. One possible ramification is an emergence and, subsequently, a recurrence of different levels of land-based conflicts involving communities and state.

In view of this reasoning, the subject matter of this paper revolves around the question of communal land rights of the Nuba as self-identified indigenous people of in Sudan. The focus is on their claims of being denied from their communal land rights and of being excluded from development opportunities by the postcolonial Sudanese State when intervening on their own territory under the banner of ‘national development’. The mechanized rain-fed farming schemes and oil exploration in the region are two examples highlighted here to demonstrate the state disguised and distorted types of state’s development interventions in the area.

The paper concludes that communal land-based human rights violation by the state is one of major causes of the state-community tensions and their subsequent protracted civil wars, therefore, recurrent political instability in the contemporary Sudan

Sudan’s Land Policies and Their Sociopolitical Ramifications

The land tenure system in the Sudan has been and still is characterized by sharp dualism. First, communal traditional land tenure systems are regulated by customary laws and institutions which are not legally recognized in government courts when it comes to legal ownership. The main problem with customary law is that it is “uncollected, unrecorded and uncertain” (Mahdi 1979: 221) in spite of being the main regulatory mechanism of land tenure for the bulk of Sudanese rural communities.

Second, the modern state land tenure system based on civil laws and institutions. A burgeoning literature covering both colonial and postcolonial times demonstrates that Sudan’s modern land laws, policies and, therefore, rights continued to concentrate functionally in the riverain areas of the central and northern Sudan and in the limited urban areas in the remaining parts of the Sudan (see Bolton 1954; MacMichael 1954; Simpson 1976, 1991; Mahadi 1979; Spaulding 1982; Gordon 1986; Goldflam 1988; Kapteijns and Spaulding 2005). As a consequence, the bulk of Sudanese rural communities with their traditional customs in land tenure continue beyond the modern land tenure system (Abdul Jalil 2005; Duffield 1990; Komey 2008b).

In rural traditional communities, land is communally owned with individual rights to use the land in accordance with tribal custom or as tribal authority directs. Hence the significant importance of the concept of tribal land as the main constituent of traditional land tenure in Sudan with a strong link to the practice of native administration. Tribal land is meant “land which has for long been at the
disposition of the tribal land authorities” (Simpson 1965: 90) It is a major tenure system taken on customary lines and follows historically derived tribal territorial rights initially constituted during successive indigenous kingdoms of pre-colonial Sudan. Within the tribal homeland, collective security of the community is constituted with individual use and inheritance rights without alienating the land from the collective ownership of the community. However, as the society concerned undergoes transformation, the land tenure system shifts gradually towards private ownership governed by modern laws and state institutions.

For example, with the rise of the Islamic Kingdoms of Funj (1504–1821) in northern, eastern, and central Sudan, and the Keira Sultanate in Darfur in the sixteenth century, land rights were granted to local administrators and to religious and communal leaders. In this way, some land properties were transferred from communal to individual ownership authenticated by documents known as wathiqah or charter in Funj, and hākūra, or concession/ monopoly in Darfur. Wathīqah was a land granting document bearing the ruler’s seal. Grants were generally made to religious and tribal leaders and other dignitaries in order to win their favor. This land policy was further consolidated and expanded during the Turco-Egyptian era (1821–85) (see, Spaulding 1982; Goldflam 1988; Abdul Jalil 2005). However, the most important stage that shaped land rights and the tenure system in Sudan dates back to the colonial period of 1898–1956 (see Sampson 1965, 1976; Bolton 1954; Lebon 1969; Warburg 1970; Mahdi 1979; Gordon 1985, 1986; Goldflam 1988).

Land Policies during the Colonial Era

During this period, the politicization of land ownership was pursued through a series of land legislation amounting to more than fifteen Ordinances and their amendments from 1899 to 1930 (see Sudan Archive: 627/12/3-44; Simpson 1965). One major strict policy of these Ordinances was “to expand cultivation while safeguarding the inhabitants’ rights and encouraging the formulation of a Sudanese proprietary class” (Warburg (1970: 156). According to the Title to Lands Ordinance, 1899 (Sudan Archive 1899: 627/12/7), for individual land to be recognized by the government as an absolute entitlement in the northern region, a soft condition was put forward that “continuous possession, or receipt of rents or profits, during the five years immediately preceding the date of claim, created an absolute title as against all persons.” Toward that end, a number of land-settlement commissions were appointed in the northern and central districts. At the same time, no registration of similar lands was pursued in the Nuba Mountains, Darfur, southern Blue Nile and South Sudan. Consequently, no individual private landownership was recognized in these regions (Bolton 1954: 187; Warburg 1970: 159).

In sum, six salient features of land tenure systems and the associated policies prevailing during the colonial administration were noted. First, “until legal ownership has been established by a settlement, the bare ownership of all land is
vested in the Government in trust for the native and subject to all rights of user belonging to natives in community or individually” (see Sudan Archive 719/10/2).

Second, tribal lands are well recognized by law. Thus, the colonial Government empowered the native authority with legal, administrative, and financial arrangements to exercise powers not only to address land disputes but also to let out portions of its land to strangers charging them a rent in cash or kind” (Sudan Archive, 542/23/1–2).

Third, in the areas where the processes of land settlement, registration, and expropriation were taking place, namely in the central and northern parts of the Sudan, “the interests of the local population who have to earn their living on the land must override the interests of those who merely wish to draw income out of rents.” That is existed” (Sudan Archive, 627/16/11–12). why “the land was first settled and registered to prove and secure such private titles as

Fourth, the colonial Government retained power “to make use of the land for the purposes of the scheme but at the same time retained to the owners their interest in the land. Power to deal with these interests has been progressively restricted, in order to prevent merchants and persons with no local connection from acquiring land solely for the purpose of investment or speculation” (Sudan Archive, 627/16/11).

Fifth, the colonial Government maintained a consistent and strict policy of paying compensation in land or partly in land and partly in money (Sudan Archive 627/12/17).

Sixth, according to several writers including MacMichael (1954: 80) and Bolton (1954: 195), it was reasoned that the settlement of land rights, followed by registration, has not been extended to the Southern Sudan, Southern Blue Nile, and the Nuba Mountains for three major reasons: (i) there was plenty of land; (ii) the inhabitants were for the most part in a stage of development in which land is held in common by a tribe or group, and an individual has no rights except as a member of such a tribe or group; and (iii) the inhabitants are pagans and unaffected by the recognition given to individual ownership of land by Mohammedan Law prevailing in the rest part of the Sudan.

An important point to note here is that registration of land as private property means acquisition of an asset of significant and durable economic value. Most importantly, this early process of recognition and eventual registration of individual land rights was not practiced for the indigenous peoples of the Nuba Mountains, Blue Nile, the South, and Darfur. In these regions, lands remain communal with no individual rights of ownership recognized apart from rights of use. Based on this reasoning, it is argued here that these early regional differences in land rights policy and practice formed, to a large extent, the basis for the economic differentiation between the communities in the central and
northern parts of the Sudan, on the one hand, and those in the rest of the country, on the other, with far-reaching socio-economic and political implications up to the present day.

*Land Policies and the Destabilization of Communal Rights in Postcolonial Sudan*

In theory, postcolonial land tenure legislation did not deviate much from the colonial legacy. In practice, however, customary land rights and, therefore, the interest of local communities were significantly undermined by national state practices. With the pressure of population over land particularly for agricultural development, the argument of abundant land in areas other than central and northern Sudan becomes a historical fact.

At this stage, it is, therefore, assumed that the national state would progressively take the process of land settlement and registration to its final logical course nation-wide. This would be accomplished by continuing the colonial processes of recognition, settlement, and eventual registration of the customarily and communally owned lands as they exist in the remaining regions of the Sudan. By doing so, it is again assumed that the national state would make use of the land for public purposes but at the same time retain to the customary communal or individual land owners their interest in the land. Contrary to these assumptions, the national state proves to be more repressive when it categorically undermined these fundamental principles.

Instead of redressing the ethno-regional differences in land rights by means of accomplishing land settlement and registration in the remaining regions of the Sudan, the successive national governments have further worsened the situation. They have subjected the unregistered communal lands in the peripheral regions to a systematic practice of land grabbing and expropriation for public and private investment, which again benefited mostly the riverains while impoverishing local communities indigenous to the land. This, along with the problem of excessive regional disparities in national development, suggests that the Sudanese postcolonial state is proving to be a typical example of the exclusionary state. This exclusionary practice of the Sudanese state in land rights, among others, is, to a large extent, responsible for current small and large scale conflicts. It is, therefore, responsible for evoking all kinds of appeals and emotions about belonging, including some mythical autochthonous or indigenous notions by indigenous communities which find themselves landless in their own homeland.

Prior to 1970, the postcolonial state continued to use the colonial Land Ordinances in land settlement, registration, and expropriation. However, it soon becomes evident that the interests of private investors, basically the Jellāba of the riverain areas, start to override the interests of the local population who have to earn their living on the land. The process was and still is a critical development in land tenure policy; particularly for the rural communities of western, eastern,
and southern Sudan, where all land remains communal and unregistered. Moreover, the strict colonial policies of compensation in kind, in terms of alternative land, in cash, or both have ceased to exist as a strict practice in the postcolonial state. Compensation remains valid only in the case of registered lands in the northern and central regions as well as for urban registered lands in the remaining parts of the Sudan. At the same time, the bulk of unregistered land in these peripheral regions remains subject to grabbing and expropriation with no compensation or commitment to local communities’ interests. In this way, land as a source of wealth and power remains one of the main differentiating factors between the central and peripheral regions of the postcolonial Sudan.

With a sharp demand for arable land for public and private projects, the land tenure system becomes a bone of contention between the state and rural communities. To consolidate its land policies by clearly undermining local people’s interests, the national state introduced the 1970 Unregistered Land Act, with far reaching implications as far as the rights of communal land ownership are concerned. The Act represents a major shift in land rights with a dramatic application of state power in postcolonial Sudan. It introduced an important modification to earlier legislation, particularly its section 4(1) which stipulates that:

> All land of any kind whether waste, forest, occupied or unoccupied, which is not registered before the commencement of this Act shall, on such commencement, be the property of the government and shall be deemed to have registered as such, as if the provisions of the Land Settlements and Registration Act of 1925, have been duly complied with (Mahdi 1979: 221, Egemi 2004: 4, italics added).

Effectively, this repealed Section 7(ii) of the Land Settlement Ordinance of 1905, which states that ―[a]l]l waste forest and unoccupied land shall be deemed to be the property of the Government until the contrary be proved‖ (Sudan Archive, 627/12/15). It also repealed Section 14 (iv and v), which allows for compensation in kind (an alternative land), in money, or both for the affected community or individual (Sudan Archive, 627/12/17). One major change to be noted here is that for the first time, occupied land which is not registered is deemed to be an automatic government land, with no chance for recognition, settlement, and eventual private or communal registration of such land or for an alternative fair payment of compensation as was the case during the colonial period. In this way, the Act challenges communal and tribal ownership nation-wide, with enormous socio-economic consequences on the livelihood of rural communities in the peripheral regions who’s communally owned land is unregistered. Looking critically into the Act, de Wit (2003:11) laments that:

> The Act [...] deprives prior users from the right to be compensated for loss of land use rights, or for opportunities to be incorporated in the planned agricultural programme. An immediate consequence of this Act is that “traditional” land uses, including agriculture are being pushed to more marginal areas, the better land being reserved for state interventions.

Under this Act, communal land that was legally recognized by the colonial administration is no longer secure because, in the words of Mahdi (1979: 9), it “is
reduced to a mere license or ‘tenancy’ at will which may be revoked at any time when the Government invokes Section 8 of the Act and evicts the occupant…. Tribal, communal, family and village “ownership” of land is tolerated in so far as it is not repugnant to the Unregistered Land Act, 1970.” Despite the fact that all rural communities in western, eastern, and southern Sudan have or had no previous system of land registration in force, the application of the Act was enforced nation-wide. Moreover, according to de Wit (2003: 10) it “does not provide a transitional period for land users to register eventually their rights under the 1925 Act. On the contrary, according to article 7.1, any registration process in pipeline shall abate on the commencement of the Act.” Obviously, as Simpson (1991: 102) argues, the main intention is to make “it easier for the Government to expropriate land for large agricultural schemes regardless of claims to ownership.” In short, the Act becomes “a government tool to facilitate the acquisition of large tracts of land for agricultural schemes, at the expense of rural dwellers” (de Wit 2003: 10).

Thereafter, the 1970 Unregistered Land Act was implemented indiscriminately all over the Sudan despite the fact that the development of land tenure in the northern and central parts of the Sudan had a different history from that of the South, the Nuba Mountains, the Blue Nile, and Darfur. In fact, The Act proved to have even more repressive and detrimental arrangements than the colonial ones. Under this Act, all rural lands became government lands, while large portions of the land in central and northern Sudan are already privately owned land because it was recognized, settled and registered during the colonial period.

To ensure the suppression of community or individual that might resist the process of land grabbing and to disable their efforts, three interrelated measures were put into place. First, the Act gave the government the right to use force in safeguarding land designated as government land. According to Article 8 of the Act, “If any person is in occupation of any land which is registered or deemed to be registered in the name of the Government, the Government may order his eviction from such land and may use reasonable force if necessary” (de Wit 2003: 10). Second, it was virtually concurrent with the abolition of the native administration, which had acted as an important institution for regulating land and managing inevitable land related conflicts. Third, it also enabled the government to implement a development policy based on the expansion of mechanized farming, and oil exploration, production and transportation by allocating vast tracts of land to private investors (both local and foreign) at the expense of rural communities’ traditional land rights.

With this Act the different form of tenancy instituted in the development of the mechanized rain-fed large scale projects in the central rain land and in the Nuba Mountains during the 1960s was reinforced. Since this is the same land which largely constitutes the livelihood of sedentary and nomadic communities, the new-rich non-local merchants owned huge tracts of land while local communities were confined to small, fixed, and increasingly infertile plots.
The fundamental aspects of the 1970 Land Act were further exacerbated by the 1984 Civil Transaction Act and its amendments of 1991 and 1993. In this Act, any case against the Government pertaining to unregistered land has no legal basis; therefore, no court of law is competent to receive a complaint that goes against the interest of the state. These amendments incorporated the Islamic concept of land as public utility “owned by God” and regulated by the Islamic Sharia principles in an Islamic state. It stipulates that “Land belongs to God.” (Civil Transaction Act 1984: Section 559 (1), quoted in Gordon 1986: 149) It also legalizes some elements of Sharia Law, such as the official recognition of unregistered land rights connected with Islamic ‘urf [custom] (de Wit 2003: 11).

The clue here is that this step institutionalized another form of regional and social differences in land rights, but along religious lines this time. It reinforces the rights of Muslim communities by accepting Islamic ‘urf in legalizing unregistered land. It thus provides an opportunity for a Muslim claimant to transfer Islamic-based customary rights into full legal rights of ownership. No equivalent chance is granted for the bulk of African pagans and Christians in southern Sudan, the Nuba Mountains, and the southern Blue Nile. Despite the fact that both the 1970 and 1984 Acts have never been widely applied on a routine basis, the Government continue to use them whenever and wherever it deems appropriate, instigating a high degree of communal insecurity among the affected communities particularly in rural Sudan (see Mohammed Salih 1999; de Wit 2003; Harragin 2003; Egemi 2004).

The political and socio-economic repercussions of the subsequent national governments' practices of grabbing land for public and private development lie in the persistent undermining of the rights of local people, followed by an incredible devastation of their livelihood and mode of life, with significantly greater impact in the South, Darfur, Southern Blue Nile, and the Nuba Mountains.

The cumulative result is successive differences and disparities in development between the center and the periphery coupled with bitterness and grievances among the local people of these peripheral regions. The result is a crisis of subsistence economies of both traditional farming and agropastoral communities with serious socioeconomic and political repercussions particularly in areas other than central and northern Sudan.

The Denied Communal Land Rights in the Nuba Mountains

Physical and Social Settings

The Nuba Mountains, or alternatively South Kordofan State, lies in the geographical centre of the Sudan. It is situated between longitudes 29° and 31° 30’ E, and latitudes 10° and 12° 30’ N, and covers an area of approximately 88,000 km² within the savanna summer-rain belt. Its land use pattern is predominated by the coexistence of the rain-fed subsistence cultivation practiced
chiefly by the sedentary Nuba, and traditional pastoralism as the main form of life of the nomadic Baqqāra. In addition, modern mechanized rain-fed farming has spread in the region since 1960s (Battahani 1980, 1986; Saeed 1980; Saavedra 1998).

The region is predominantly inhabited by a cluster of the Nuba peoples, self-identified as indigenous to the area. They are composed of more than fifty different ethnic groups while constituting ten distinct linguistics groupings. Despite their ethnic and linguistic diversity, still there exists some sort of commonalities which tie them together (Nadel 1947). They are of African origins and followers of Islam, Christianity and traditional religions. The total population estimates in the region amount to 1.7 million with Nuba representing about seventy per cent. Despite their statistical majority in the region, the Nuba constitute a political minority due to their social and economic marginalization within the political boundaries of northern Sudan (Mohamed Salih 1999: 01).

The Baqqāra started arriving in the area of the Nuba Mountains over 200 years ago. These pastoral nomadic peoples represent the major sub-ethnic group of Arab origin. Some of these nomads became sedentary groups that engaged in trade and mechanized rain-fed farming in the region (Haraldsson 1982; Suliman 1998, 1999). Other small but influential groups include the Jellāba basically traders from northern and central Sudan, the Fellāta, migrants from West Africa and the Shawābna, a creole group of mixed origins (Mohamed Salih 1999, Manger 1988).

As a promising agricultural region strategically located between the equatorial southern Sudan and the desert northern Sudan the region acts as one of the major economic bases for the Sudanese agrarian economy. Moreover, rich oil fields recently discovered and exploited in the southwestern portion in the 1980s have added more economic, political, and strategic significance to the region at national as well as global levels (see Suliman 2001; Mohamed and Fisher 2002; Johnson 2006; Pantuliano 2007; Patey 2007).

State Policy of Grabbing Communal Land in the Region

Indeed, “the war in the Nuba Mountains arises from a long history of discrimination against Nuba peoples and their political, economic and social marginalization” (African Rights 1995: 5). This implies that the spillover of the war from southern Sudan to the Nuba Mountains region is politically driven. Nevertheless, one of the root causes underlying the Baqqāra-Nuba conflict, on the one hand, and the government and the Nuba-led SPLA, on the other, is directly related to the practice of land grabbing by the state for mechanized rain-fed farming (see Mohamed Salih 1995, 1999; Harragin 2003; Pantuliano 2007; Pantuliano et al 2007; Komey 2008b).
After independence, the Sudanese state subscribed to the illusion that mechanized farming is somehow “modern” and efficient, though in reality, it is neither of these things. The progressive introduction of mechanized rain-fed farming into the region since the 1960s led to a disturbance of the ecological system as resource base, and consequently, to an inevitable land-based conflict between local communities and the state. Under the 1968 Mechanized Farming Corporation Act and upon the request of the World Bank to facilitate agricultural development in the Sudan, mechanized rain-fed farming was pursued vigorously particularly in the Gedarif area in the eastern part of central Sudan, the Blue Nile, Darfur, and the Nuba Mountains through public and private sectors. Duffield (1990: 5) reports that

By the 1960s, private interest had shifted to large scale commercial farming of sorghum in rain-fed areas, using tractors to clear the bush and to plough while remaining dependent on manual labor for most other tasks. The process began in eastern Sudan and spread south into the Blue Nile Province and then west through southern Kordofan and Darfur. By the end of the 1970s, about four million feddāns stretching across the central clay plains was registered under mechanized cultivation, compared with about nine million feddān registered as ‘traditional’ rain land. By 1982, the area under mechanized cultivation had jumped to about six million feddāns. In 1986 it jumped again to over nine million feddāns, exceeding the traditional sector.

From then to the present day, land grabbing has become a consistent government policy, with a resultant strengthening of the privileged ruling elites and their allied merchants, who acquired land at the expense of rural communities. In the process of schemes allocation, local communities and their native institutions were hardly engaged. As a result, many entrepreneurs ended up acquiring land which they had never even seen. Through time, the issue of schemes distribution proved to be crucial for the local people when land expropriation became the main practice of state policy in the region from the 1970s to the present day.

In the Nuba Mountains, some local wealthy Baqqāra, Fellāta, and the Jellāba with strong links to the central state became involved in the expropriation of small holdings of sedentary Nuba communities. Johnson (2006: 132) reports that in the process of the mechanized schemes expansion:

Nuba villages began to be surrounded by the mechanized schemes, and farmers were frequently fined (or even imprisoned) for trespass. The mechanized schemes also lay across the grazing routes of Baqqāra cattle herders, and to avoid prosecution for trespass they frequently re-routed their herds through Nuba farmland. In the absence of the old Native Administration to arbitrate the dispute which arose, the government courts generally took the side of the Baqqāra against the Nuba. The dispossessed farmers joined the ranks of marginal wage-laborers seeking work on the scheme or in the main cities.

In theory and according to the 1968 Act, 60% of land was to be allocated to local people and no one was to have more than one farm. Despite the priority given to local and agricultural cooperative societies in the distribution of these schemes, the first beneficiaries were Jellāba merchants and allied local politicians and traditional leaders.
Thus, the way the government allocates the mechanized farming schemes to outside investors, with no consideration of the rights or interests of the local peoples, is one of the main sources of contention in the region. By 1974, the distribution of the schemes in Habila Agricultural Project was as follows: 11% for local farmers, 6% for cooperatives, 49.8% for merchants, 21.6% for retired officials, 5.8% for government officials, and 5.8% for other government related entities (Ibrahim, 1988: 128). By the 1990s, both African Rights (1995: 41) and Suliman (1998: 8) reported that two hundred mechanized farms in Habila were allocated as follows:

Four were leased to local co-operatives; one was leased to a consortium of local merchants, and four individually to local merchants. The remaining 191 were leased to absentee landlords mainly merchants, government officials and retired army officers from the north.

In Keiga Tummero, one of the fieldwork sites, the sedentary Nuba people were discontent with the establishment of the mechanized schemes on their tribal land without their consent. From their perspective, any land allocated by the government for mechanized farming schemes customarily belongs to certain sub-hill communities. From the nomadic Baqqara’s standpoint, the mechanized farm projects usually permanently intersect migratory routes, and that inevitably forces them to detour and pass through some traditional farming zones. From the government standpoint, all unregistered lands are government property, and it maintains its rights, based on civil law and regulations, to determine their utilization as it sees appropriate. The contradiction between the customary communal rights of the two traditional communities (farmers and nomads) and modern state civil law, which does not recognize these customary rights, is obvious.

Consequently, the issue of land expropriation for mechanized schemes monopolized by wealthy outsiders, with no consideration for the rights and interests of local peoples, brought about new political and economic dynamics, not only along the center-periphery line, but also along ethnic lines within the region. Local communities resist the encroachment of mechanized farming, and violent conflicts often erupt between them and the absentee landlords supported by the government. The conflict becomes multidimensional between (i) the local population and the scheme owners, (ii) the sedentary and nomadic local communities, and (iii) between the local sedentary and nomadic communities, on the one hand, and central and regional government institutions, on the other.

What is clearer here is that, under the banner of “public interest,” the mechanized schemes have been involved in privatizing local resources for the benefit of a few wealthy or politically connected individuals. Based on the slogan that “land should be given to those who are able to use it for the national interest,” most of the best arable land in the region ended up in the hands of a few.
The crux of the matter here is that due to the expanding mechanized rain-fed farming schemes in the region, local Nuba communities were and still are being systematically squeezed out, not only to the margins of their livelihood base but also to the peripheral socio-economic and political status. That is why, when the civil war broke out in the South in 1983, the Nuba peoples were ripe for rebellion and armed struggle for their own causes, with land, as livelihood base and source of identification, remaining the single biggest issue.

In fact, several published works have pointed to the land factor, in its wider context, as the single biggest issue that triggered Nuba moves to join the war in the middle of the 1980s (see, Ayoub 2006; Johnson 2006; Suliman 1998). Following this line of argumentation centering on the primacy of the land question in the eruption of the civil war in the Nuba Mountains, Pantuliano (2007: 3) asserts that:

Expropriations were common particularly in Southern Kordofan (namely in the Nuba Mountains area), where illiterate farmers and pastoralists saw their land assimilated into mechanized farming schemes or simply registered in someone else’s name. These land grabs led to massive displacement and was a main reason why in the late 1980s, people in Southern Kordofan joined the Sudan People’s Liberation Army (SPLM) insurgency.

Apart from the mechanized rain-fed farming, evidence shows that the government also committed systematic violent scorched earth policy in the Nuba Mountains since the early 1990s in the processes of oil exploration and subsequent exploitation. Several literature attest to this (see Africa Watch 1992a, 1992b; Suliman 1998, 2001; Mohamed and Fisher 2002; International Crisis Group 2002; Rone 2003; Johnson 2006; Pantuliano 2007; Patey 2007). Moreover, the state deliberately and systematically depopulated and is still depopulating huge corridors through the Nuba Mountains in order to safeguard the oil pipeline from the oil fields to Port Sudan, the main port, in eastern Sudan.

The practice of forceful depopulation of the local communities in the oil fields and along the pipeline line started with Chevron, a US oil giant, and the first company to involve in oil exploration and investment in Sudan in 1978. Later, it sold out its concession in 1992 due to civil war and the associated gross human violations. In 1993, a small Canadian oil company Arakis came in. In 1996, it took in the China National Petroleum Company (CNPC) and Petronas of Malaysia as partners. These companies, together with Sudapet Limited, the Sudanese national oil company, formed the Greater Nile Petroleum Operating Corporation (GNPOC). In 1998, Talisman, the Canadian largest oil and gas producer purchased Arakis and its assets in GNPOC). Talisman involvement in oil investment during the war in Sudan was besieged by complaints from international communities of its possible role in fueling the war and committing human abuses. For example, a Canadian Human Rights group concluded in 2002 that the government forces used airstrips and road established by the company to fly its helicopters and move its heavy military armors to execute offensive attacks on villages in the rebel-controlled areas. UN special rapporteur
on Sudan reported in 2002 that oil has seriously exacerbated the conflict while deteriorating the overall situation of human rights and continue to cause widespread displacements of the local communities. Johnson (2006: 163) describes how the oil was turn into a curse rather a blessing for the local communities in the Nuba Mountains and southern Sudan:

Oil exploitation has been made possible by clearing the oilfields of their civilian population through the activities of the Sudanese armed forces and the Baqqāra militias from Southern Kordofan, and then securing the areas through alliance with the Nuer break-away factions of the SPLA […] Once installed, the Sudanese military has used the oil company roads and airfields to attack civilian settlements within a widening security radius.

Suliman (2001), Rone (2003), and Patey (2007) revealed that the abuse most connected to oil development in Sudan since the early of the 1980s has been forcible displacement—by military means—of tens and perhaps of hundreds thousands of local communities in order to obtain land for the international oil companies. One direct repercussion in the recent days has been series of gross human rights violations associated with violent reactions or alternatively legal responses from the local communities against the government and the oil companies in the region. One relatively recent event attests to this.

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

**Conclusion**

Based on empirical evidence from the Nuba Mountains region of Sudan, the paper has revealed that the exclusionary land practices, in particular, and the overall development policies of the Sudanese State, in general, seem to have had acted as primary factors that evoked all kinds of sub-national identities, belonging appeals and emotions. With the passage of time, these state-induced local conflicts tend to escalate into large scale wars with gross violation of human rights. This implies that land factor can invert, with the progress of a conflict, to become an intrinsic cause and, in the process, increase its complexity, thereby reducing the possibility of managing, resolving, and ultimately transforming it.
The paper suggests a conclusion that, the escalation of land-based conflicts in the Nuba Mountains region in Sudan—from local to national level and their recurring trends in the present postconflict era of the Comprehensive Peace Agreement (CPA) —is living proof of the centrality of land factor in the contemporary Sudan’s recurring local conflicts and their consequent protracted civil wars associated with internal tensions, disunity, and gross violation of human rights. In view of this, socially sound, politically desirable and practically feasible development alternatives must be sought while maintaining communal land rights as a fundamental human right not only for peoples’ livelihoods but for their very survival.
Bibliography

a. Primary Sources


b. References


Waal, Alex de. 2006. “Averting Genocide in the Nuba Mountains, Sudan.” Social Science Research Council (December); retrieved 8 September 2008, at:
http://howgenocidesend.ssrc.org/de_Waal2/.
http://www.google.de/search?hl=de&q=scorched+earth+policy+de+Waal&btnG=
Google-Suche&meta=.
