

DARFUR
HISTORICAL AND CONTEMPORARY ASPECTS
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¹ The authors wish to thank the various agencies who have employed them as consultants, Action Contre La Faim (Tubiana) and UNMIS (O'Fahey).

A DARFUR TIME-LINE

c. 1200-1300	A Daju state in the area southeast of Jabal Marra.
c. 1500-1600	A Tunjur state located in northern Jabal Marra and Jabal Si.
c. 1650	The emergence of a Fur state onto the plains west of Jabal Marra. The first historical ruler of the Keira Fur dynasty was Sulayman Solongdungo “The Arab” (but also with the meaning “red man”).
1700-1750	A series of wars between the Keira state and their western neighbours, Wadai.
1751-86	Reign of Muhammad Tayrab. Expansion east of the mountains. Tayrab conquers Kordofan; the Darfur state now larger than present-day Nigeria.
1791-92	Establishment of a permanent capital at al-Fashir.
1821	Kordofan conquered by the Egyptians and annexed to the Egyptian Sudan.
1850-60s	Darfur a major trading partner with Egypt: a series of largely futile campaigns against the cattle nomads
1874	Battle of Manawashi, which marks the final stage in the conquest of Darfur from the south by the slave-trader, al-Zubayr Pasha al-Mansur. Darfur incorporated into the Egyptian Sudan.
1874-82	Resistance to Egyptian rule by a series of Keira “shadow sultans”.

1882	The Mahdist revolution comes to Darfur.
1893	The last “shadow sultan”, Ali Dinar b. Zakariyya, surrenders to the Mahdists. He is taken to the Mahdist capital, Omdurman.
1898 September	On the eve of the battle of Omdurman, in which the British destroy the Mahdist army, Ali Dinar and a group of Darfur chiefs race back to Darfur. The Darfur Sultanate is re-established.
1916	Conquest of Darfur by the British; Ali Dinar killed.
1921	Revolt of <i>faqih</i> Abd Allah Sihayni in Nyala; the last Islamic messianic revolt in Darfur.
1922	Consolidation of Indirect Rule in Darfur.
1930-50s	Heyday of “Indirect Rule” in Darfur.
1956	Independence of the Sudan.
1966	Formation of the Darfur Development Front; alliance with the al-Sadiq al-Mahdi wing of the Umma Party.
1972	The beginning of the dismantling of the “Indirect Rule” system.
1985-6	Drought and desertification begin to make serious inroads in northern Darfur.
2003 February	Formation of the Sudan Liberation Army/Movement (SLA/M)
2003 April	Formation of Justice and Equality Movement (JEM).
2003-6	Protracted conflict at various levels throughout Darfur.

2006, 5 May	Darfur Peace Agreement (DPA) signed by the GoS and the Minni Minawi faction of the SLA/M
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SOME GEOGRAPHY

Darfur is about the size of France (c. 114,000 square miles); from north to south a slice of the Sudanic Belt, a region that stretches from Senegal to Somalia. The dry northern zone is the home of a number of Arab and non-Arab camel nomad groups, an area now badly affected by drought and desertification. In the central zone, north of 10 degrees latitude, farming communities, largely non-Arab, cultivate varieties of millet, using slash and burn farming techniques. The central zone is dominated by the Marra mountain range (rising to about 10,000 feet). From about 10 degree latitude southwards, the third zone is the home of largely Arab cattle-keeping nomads. Fundamental is the fact that each of the three zones is dependent on the others.

There is a question of definition. Upon independence in January 1956, the province of Darfur with its capital at al-Fashir was approximately co-terminous with the sultanate. In the early 1970s, the province was divided into Northern and Southern Darfur, with the province capitals at al-Fashir and Nyala respectively. In 1994, a further sub-division was made; Darfur now comprises three states (*wilaya*), Northern Darfur State (capital, al-Fashir), Western Darfur State (capital, al-Jinayna) and Southern Darfur State (capital, Nyala). Darfurians today frequently use *Dar Fur kabira* "Greater Darfur" to refer to the region as a whole.

PART ONE: SOME GENERAL CONSIDERATIONS

In this section we propose to discuss briefly and practically some of the general issues behind the current crisis in

Darfur. we have not dealt directly with the current situation, not least because it is extremely fluid. Although we have tried to avoid too much historical background, the fact remains is that much of the conflict has its roots in historical causes. Furthermore, the actors in the conflict tend to see the latter in historical terms.

In Part Two, we give a utilitarian ethnographic overview of the main Arab and non-Arab groups.

THE ARAB/NON-ARAB DIVIDE

This is a contentious issue, but one which seems to be emerging as a key ideological factor in the conflict. The current ideological debate now focused on Darfur needs to be seen against the background of the wider debate in the Sudan on Arab versus non-Arab national identity. That this is a “hot” issue can be seen in any bookshop in Khartoum. The ideological debate in Darfur needs to be linked to the position of the Nuba, Nubians and Beja elsewhere in the Sudan.

A QUESTION OF IDENTITY

Since the emergence of Northern Sudanese nationalism, both political and cultural, in the 1920s, the question of the Sudan’s identity has been a paramount issue. For the Northern Sudanese elite the Sudan is an Arab Muslim country; in other words they have translated on to the national stage the Arab genealogical “map” described by MacMichael (see below). An Arabic-speaking largely Muslim country must necessarily be Arab and its point of reference must necessarily be Islam and Arabia. For the SPLM, the Fur, Beja, Nuba etc., it is self-evident that the Sudan is a multi-cultural country. Understanding this ideological divide is fundamental to an understanding of the modern Sudan.

IN DARFUR

1. ARAB groups claim their identity as Arabs by genealogical descent going back to putative ancestors in Arabia. Most Arabs in Darfur link their ancestry to Abdallah al-Juhayni, the alleged ancestor of the Juhayna group of tribes. The elaborate genealogical “maps” situating all Arab groups in the Sudan (not just Darfur) in a wider linkage were codified by Sir Harold MacMichael in his monumental *A History of the Arabs in the Sudan*, 2 vols., Cambridge 1922 (Note the title, “in” not “of”!). While not denying the physical presence of Arab groups in the region from c. 15th century, most modern scholars (Hasan, Cunnison, Spaulding, O’Fahey & Braukämper) regard the genealogies that are in circulation today as originating in the 18th and 19th centuries and as having very little historical or evidentiary value. In anthropological terms they are “genealogical charters” designed to link present-day groups in wider groupings by reference to a remote and largely fictitious past.
2. Most NON-ARAB groups likewise claim a remote Arab ancestry; in practice this was of no great significance. For example, the Keira Sultans of Darfur claimed ‘Abbasid descent (i.e. from the House of the Prophet), but it seems to have had little significance for them. Often such claims were based on expediency; the Funj Sultans of Sinnar on the Blue Nile claimed Umayyad descent (the Umayya were an early Arab/Muslim dynastic group in opposition to the ‘Abbasids) seemingly as an assertion of their independence vis-à-vis the Ottomans (who claimed ‘Abbasid descent), who were laying claims to the Eastern Sudan at the time.

In practice, the Arab/non-Arab divide and the ethnic boundaries so derived were mitigated by occupational factors, which caused considerable mobility across ethnic frontiers. For example, successful Fur farmers, having invested their profits in cattle, would reach a point where it would pay for them to cross the ethnic divide and “become” Arab cattle-keepers, *Baqqara*, while Baqqara who lost their cattle would move the other way and “become” Fur (Haaland). A similar fluidity is to be found across the Fur/Zaghawa border, with a common sub-group or clan, the Kaitinga. The Kaitinga are a Fur clan, but part of this clan became the royal clan of two mixed dars (Dar Suwayni and Dar Bire, inhabited by Zaghawa, Tunjur and Fur) considered as part of greater Dar Zaghawa. Ethnic boundaries were maintained, but their actual ethnic content was fluid. No ethnic “dar” was ever homogenous.

A question for future research is the “conversion” of relatively neutral colour labels, *zurqa*, “blue/black”, *hamra*, “red” (“Arab” skin colour; *solong* in Fur), *safra*, “yellow” (sallow skin, for example, Egyptians) into a racist ideology from the late 1980s. “Traditionally” these terms were generally used descriptively but neutrally. The conversion of a national debate on Arab versus non-Arab identity into an increasingly racist ideology needs further investigation, but its importance in the Darfur context can hardly be overestimated. Some of the impulses appear to come from outside Darfur, whether from al-Sadiq al-Mahdi from about 1986, when he began the process of arming Arab militia recruited from the Baqqara (then known as *murahilin*), or from Libya (see further below under “Islam”).

THE STATE

Darfur was an area of state-formation, linked ultimately to similar processes in Kanem/Borno, Baqirmi and Wadai, to talk only of the region east of lake Chad and west of Darfur. An important generalization about all these states is that although they may have grown out of a particular ethnic group whether Kanuri, Barma, Maba or Fur, they grew into multi-ethnic polities, but rooted in an African sacral kingship paradigm. The Arabs as groups have played no part in state-formation.

The history of state-formation in Darfur goes back many centuries, as is evidenced by the many sites of large stone and brick complexes that have yet to be seriously investigated (some 250 major sites are registered at the Sudan Antiquities Service).

Oral and related sources talk of three successive dynastic groups, Daju, Tunjur and Keira/Fur. If the Daju are identified with the Tajuwa of the Arab geographers, then the period of their domination was between 12th and 13th centuries, centred on a region southeast of Jabal Marra. The origins of the Tunjur are a mystery, though they themselves claim to be of Arabv Bani Hilal origin. One suggestion is that they are linked to Christian Nubia and flourished from the 14th to early 16th centuries in the area immediately north of Jabal Marra (O'Fahey, Tubiana, Joseph & Marie-José); other traditions link them to the North African Zenata Berbers. The Tunjur were peacefully replaced or, more likely, overthrown by the Keira dynasty in about the mid-17th century.

The Keira expanded outwards from Jabal Marra, first largely westwards competing with the Wadai Sultanate (eastern Chad). When a stalemate emerged in the west, the Keira Sultans turned eastwards, culminating in the establishment of al-Fashir as the sultanate's permanent

capital in 1791-92. Between 1785 and 1821 Darfur controlled Kordofan; the sultanate had reached its apogee.

The expansion of the state led to the emergence of a quadrant-based system of administration; southwestern Darfur, predominantly Fur, was ruled by a line of title-holders, the *aba diimang* (Ar. *Dimanqawi*), who traced their descent back to an immigrant from Borno. Southeastern Darfur was ruled by the *aba uumo* based at Kidinger (the last *aba uumo* died in 1965). Northern Darfur was ruled by the *takanawis* (Fur *togoinga*), while eastern Darfur came under the *ab shaykh daali*, head of the slave administrative hierarchy and generally the most powerful official after the sultan.

A comment on the state's expansion; it is often said in the literature that the sultans were unsuccessful in controlling the nomads to the north and south of them. This is misleading; the nomads had little that the sultans wanted, whereas control of large swathes of the central savannas gave both control of inter-regional trade in such commodities as salt, cloth, iron, copper and livestock within the savannas and control of the long-distance north/south caravan trade to Egypt or the Fezzan in Libya. The northern camel-keeping nomads were too vulnerable to reprisals to dare impede the passage of the caravans, while the Baqqara contributed significantly, especially with regard to slaves for whom they raided southwards, to the trade. The caravan trade was crucial to the maintenance of the life-style of the sultanate's ruling elite; in the mid-19th century the sultanate supplied Egypt with 25% of its imports, receiving in return luxury goods such as silk, glassware, books and warhorses. In Sudanic terms, Darfur was a rich and well-run state with an effective and literate bureaucracy that was able to enforce its will over the administrative system.

In the 19th century, the old-established title-holding class, predominantly Fur, were increasingly overlaid by the *maqdums*, originally commissioners of diverse ethnic origin

sent out on *ad hoc* missions, to lead a military campaign or deal with a specific administrative issue. These, in turn, especially in the west, south and north, increasingly, but never completely, effaced the older title-holders.

Institutional and political life was centred on the capital; in the 19th century there was continuous tension between the old-established title-holding aristocracy, largely Fur, and the “new men”, Arab and non-Arab, slave and free, who made their way to the top by their talents. With the concentration of power in al-Fashir, the balance of power tended to shift from the title-holders to the “new men”; the latter included slaves such as Adam Bosh, who died fighting the cattle nomads in 1856, immigrant holymen such as Muhammad al-Bulalawi (from central Chad), who became a religious confidant of Sultan Muhammad al-Husayn (reigned 1838-73), but who was driven from the sultanate by the sultan’s senior sister, the *iiya baasi* Zamzam (the *iiya baasis* were always powerful figures). This tension between the two groups came to overt expression at the time of the installation of a new sultan, but the outcome was never predictable, if only because the lines between the two groups were blurred. In 1838, the “new men” tried to engineer the accession of their candidate, but the title-holders rallied under Adam Bosh to install Muhammad al-Husayn, while in 1873 the “new men” under Adam Bosh’s son, Bakhit, had no difficulty in putting their candidate, Ibrahim Qarad (1873-74), on the throne. This theme of conflict and tension between old-established power-holders and “new men”, the latter often with a religious status, is still current in Darfur.

A chronological history of the sultanate is not relevant to our topic (see time-line). From 1874, when the sultanate was conquered from the south by al-Zubayr Pasha, through the Mahdist period (1882-98), Darfur was a war zone as the so-called “shadow sultans” fought to keep the Keira cause alive and Darfur was rocked by various messianic revolts directed

against the Mahdist state, culminating in the revolt of Abu Jummayza in 1889. In 1893 Ali Dinar, the then titular sultan, surrendered to the Mahdists and was sent to Omdurman. On the eve of the battle of Omdurman (September 1898) Ali Dinar and a number of prominent Darfur leaders raced back to Darfur, where he restored the sultanate. The sultan spent much of the next eighteen years consolidating his control over the state and driving both the camel and cattle nomads away from the settled central zone.

Ali Dinar was killed in 1916 when the British invaded and annexed the sultanate (O'Fahey: Theobald).

The significance of the Darfur Sultanate for the subsequent history of the province is that the tribal/administrative system of the present day is based on that of the sultans. When the British conquered Darfur, they removed the sultan but kept the sultanic system more or less intact, symbolized up to the 1970s by the placing of the sultan's throne behind the governor's desk. All the titles that appear in this note, with the exception of *nazir*, *omda* and *amir*, have their roots in the sultanate as indeed do most of the territorial divisions. Many changes have made in both the colonial and independence periods, but the underlying structures are sultanic. It should be emphasized that under the sultans the system was far from static, as witnessed by the evolution of the *hakura* system (see below).

The sultanate has left another legacy relevant to the present, especially to the Fur people. The sultanate had its roots in the Fur people; the great offices of state, *abbo Konyunga*, *kamni*, etc., were always held by Fur, even when the sultans recruited non-Fur to serve them. The son of the last *wazir* to Sultan Ali Dinar told O'Fahey in 1968 that his father, a Fulani by origin, had to learn Fur before he could function at court. Ali Dinar, of course, spoke Arabic, indeed he wrote a volume of poetry in praise of the Prophet in Arabic, but he heard court cases in Fur and dictated his

correspondence in Fur which was then taken down directly into Arabic. No attempt was ever made to reduce Fur to writing, unlike West Africa where Hausa, Fulfulde and other languages were written in the Arabic script.

THE BRITISH INTERLUDE, 1916-56

Under British rule Darfur was a backwater; its only contribution to the wider development of the Sudan was the emigration of young men to work in the cotton fields of the Gezira. There was virtually no development in Darfur.

Darfur became, together with Kordofan, the laboratory of “Indirect Rule” in the Sudan. Dar Masalit had a “resident”, i.e. a British official who “advised” the Masalit sultan following Indian or Northern Nigerian models, the only such official in the Sudan. In the later 20s an attempt to revive in part the Keira Sultanate with the establishment of the *amirate* of Zalingei under a son of the sultan who died in 1874, namely Abd al-Hamid b. al-Sultan Ibrahim Qarad (1929-31). Abd al-Hamid was succeeded by his son, Muhammad al-Fadl (1931-37), but the experiment failed and the *amirate* was abolished [The British remained suspicious of Ali Dinar’s descendants, hence their support for the pre-1874 Keira]. Similarly, the British tried twice to revive the *maqdummyate* in the north, but again without success. They had greater success with the Nyala *maqdummyate*, held within the family of Adam Rijal, the rule of the *Dadinqawis* in al-Fashir District [Fur, *abbo daadinga*: a family of Tama origin, who were hereditary governors of al-Fashir District] and the *Dimanqawis* of Zalingei.

The principles of “Indirect Rule” applied equally to the nomads and others, with some groups adapting more successfully than others. Families like the Maddibu of the Mahariyya cattle nomads (part of the Rizayqat), the Baasanga of the Berti, the sultans of Dar Masalit were soon well entrenched and have largely remained so. It may be no

accident that those groups who have managed to stay aloof from the current conflicts, such as the Rizayqat, have a leadership strongly rooted in the colonial period and before.

No part of the Sudan was kept in such a “time warp” by the British as was Darfur. The province was consequently in many ways as unprepared for independence in 1956 as the Southern Sudan, in some ways more so, since both the British and the Northern Sudanese realized that there was a potential problem in the south in the run-up to independence. In 1956 Darfur was on no one’s agenda.

SINCE 1956

The sultans and the British laid down the parameters of administration, law and land tenure in Darfur. Little changed after independence; there was some development symbolized by the railway to Nyala in 1959 and in the 60s the Jabal Marra Development Project. Some progress was made in education.

It is not our intention to engage in a debate about “marginalization”, not least because this is and was hardly peculiar to Darfur. One problem common to all the regions affected by marginalization is the underlying political and economic structural imbalance in the Sudan. The British had bequeathed power in the Sudan to a very small educated elite, recruited from the riverain peoples and clustered around the University of Khartoum and the secondary schools located around the capital that fed the university. This elite came from less than 5% of the total population (mainly from the Nubian , Ja'alyin, Danaqla and Shayqiyya peoples). The imbalance was further enhanced by the relationship between the elite in the national capital and the *jallaba* or traders, who came from the same riverain ethnic groups. What rural development there was came to fall into the hands of the *jallaba* at the expense of local rural groups.

This was certainly the case in regard to the Jabal Marra Development Project, which was increasingly controlled by the *jallaba* or by Fur merchants who emulated the *jallaba* lifestyle.

There was some political agitation in the early 60s, especially with such groups as SONI and “Red Fire” among the Fur, while the Arab and other sedentary communities, particularly the influential Fulani religious families, tended to ally themselves with the Umma Party, especially the wing led by al-Sadiq al-Mahdi. This was not necessarily out of Mahdist conviction, since many were adherents of the Tijaniyya Sufi brotherhood (see “Islam” below); as one prominent Fulani religious leader put it to O’Fahey at the time, “We vote for the Umma, but we do not read the *ratib* [the Mahdist prayer manual]”.

In 1966, the Darfur Development Front/Movement (DDF/M) was formed; it comprised the small group of Western-educated Darfurians and students at the University of Khartoum who, in effect, acted or tried to act as intermediaries between Khartoum and the political groupings there and the traditional leadership in Darfur. A key figure who straddled both groups was Ahmad Ibrahim Diraige, who was both an hereditary Fur *shartay* and a highly-educated intellectual. The need for this intermediary role became ever greater after 1971.

The May 1969 coup brought to power in the Sudan a radical government of young army officers, Communists and independent intellectuals under Ja’far al-Numayri. An important part of their agenda was the abolition of “Indirect Rule” or “Native Administration”. This was put into effect from 1971 onwards, but the fundamental problem was that no viable system replaced it. The consequence was the disappearance of the various “Native Courts”, those of the *maqdam* in Nyala, the *dimanqawi* in Zalingei and the *dadinqawi* in al-Fashir, etc. With them disappeared much expertise on such issues as land tenure and the resolution of

inter-ethnic conflicts. Although the abolition was never complete, the old system was severely weakened.

The other consequence of the abolition process was the radicalization of political attitudes. The tempo of radicalization speeded up, especially from the mid-80s when the onset of drought and desertification rendered much of Northern Darfur uninhabitable and led to substantial population movements (de Waal). Also significant was the breakdown of trust between the tribal leadership and the university-educated Darfurians.

In the late 80s and early 90s, fuelled by the influx of firearms as a side-effect of the Chadian wars, especially between Hisein Habre and Idris Deby, the level of inter-ethnic violence in Darfur grew. The pressures of drought and desertification speeded up the process. It is important to emphasise that the present cycle of violence was not triggered by the SLA attack on al-Fashir airport in February 2003; it had older roots (Morton).

Out of this, and linked to the wider politics of the Sudan, there emerged two political/military movements. One is the Sudan Liberation Army/Movement (SLA/M), which emerged in February 2003; its two main leaders are Abdalwahid Muhammad al-Nur, a Fur, and Mini Arkawi Minawi Domi, a Zaghawi. The SLA is recruited mainly from Fur, Zaghawa and Masalit. The other movement is the Justice and Equality Movement (JEM), recruited mostly from Zaghawa Kobe and whose chairman is Khalil Ibrahim. The JEM has an older pedigree than the SLA, being linked to Dr. Hasan al-Turabi's Popular National Congress, founded in 2000.

It is difficult to say much about the political programmes of either the SLA or JEM, since neither group has published a clear political manifesto, while in 2004 a faction of JEM broke away to form the National Movement for Reform and Development (NMRD: *al-haraka al-wataniyya li'l-islah wa'l-tanmiya*), recruited mostly from Zaghawa Kabka and

close Chadian President Idris Deby. There has been fighting between JEM and SLA forces and between the two main SLA factions.

On 5 May 2006 a Darfur Peace Agreement (DPA) was signed between the GoS and the Minni faction of the SLA/M. As of this writing no other Darfur group has signed. In June a National Redemption Front was established in Asmara; among the signatories were Ahmad Ibrahim Diraije and Dr. Sharif Harir, a leading Zaghawa intellectual.

ISLAM

Islam was spread in Darfur, largely from the 16th century onwards, by immigrant holy families (Ar. *fuqara'*) from West Africa, the Nile Valley and North Africa. Those who came from West Africa were largely Fulani. The holymen operated under the auspices of the sultans. Learning, law-giving, judicial functions, mediation and medical skills were in the hands of these families who were induced to stay in Darfur by the sultans through the grant of land (*hakura*, which see) and tax-free status. Most of these families settled on estates around the capital. There were few such families among the nomads, for whom generally Islam was a marginal concern by comparison with the settled peoples.

Islam in Darfur, based on the Maliki School, was a rural phenomenon. Nothing comparable to the urban learned tradition of Timbuktu or Northern Nigeria is found in the Sudan. Neither are to be found organized Sufi brotherhoods before the 19th century and they came much later to Darfur than to the Nile Valley. The dominant order in Darfur today is the Tijaniyya (founded in Algeria by Ahmad al-Tijani, died 1815), many of whose branches are linked to the Tijaniyya of Ibrahim Niasse (d. 1986), based at Kaolack in Senegal. The Tijaniyya Niasiyya is the dominant Sufi order throughout Sudanic Africa. One of the most influential leaders of recent times was the late Ibrahim Sidi (d. 1999)

who led a *zawiya* or Tijaniyya Sufi centre in al-Fashir; the present head is his brother, Muhammad al-Ghali.

These generalizations about Islam in Darfur apply to both nomads and settled peoples, except that generally the former are less formal in their Islamic practice than the latter. There are no significant differences in Islamic practice between the two groups.

The recent attempts by Arab militias to “delegitimize” the Islam of the settled peoples is a modernist rerun of the Mahdi’s attempt to “delegitimize” the Islam of those Muslims who opposed his claims. Nevertheless, the means used such as the destruction of mosques and the alleged desecration of the Quran recall Shia/Sunni sectarian conflicts in, for example, Pakistan. They have no precedent in the Sudan, but appear to be related to the use of a racist ideology/terminology described briefly above.

One factor in the Islamic equation in Darfur that requires investigation is the role Muammar Qaddafi of Libya. At various times, Qaddafi has espoused a variety of policies – Pan-Arab, Pan-African or Pan-Islamic – throughout Sudanic Africa. Some of these ideas have touched Darfur.

STATE AND CUSTOMARY LAW

According to Fur tradition, their system of law was codified by a Sultan Daali (probably 16th century) under the title *qanun* or *kitab daali*. Several manuscripts from the 19th century have survived that purport to be the *qanun daali*. They have not been systematically examined.

Whatever the historicity of the *qanun daali*, there did evolve among the Fur a system of punishments by fines for such offences as theft, adultery, fornication, and insult (Fur, *utang jaaso*). Fines were generally assessed in terms of three-year old cows (Fur, *toni*), cloth (*dammur*), iron hoes (*hashasha*) or salt cones (*falgo*). This system seems to have

spread under the sultans to their non-Fur subjects. Crimes such as murder, inter-ethnic affray and the like were dealt with by the sultans and the senior title-holders. The sultan was always the final court of appeal who could overturn any previous ruling and the administration of justice formed a large part of his functions.

By the 18th and 19th centuries we have written court records, which confirm a well-developed and sophisticated judicial administration down to a very local level (letters from a sultan concerning the theft of two donkeys). A number of these court transcripts are translated in O'Fahey & M.I. Abu Salim, *Land in Dar Fur*, Cambridge 1983. There was an informal network of *qadis* or judges recruited from the holy families, who seemed to have exercised their functions with considerable freedom. Although there was no formal hierarchy, one judge in each generation is described as *qadi al-qudat* or *qadi al-Islam*.

Ali Dinar introduced a number of judicial innovations based Mahdist practice and his chief *qadi* was a Ja'li from the Northern Sudan.

The documents suggest a hybrid system, whereby the procedure, i.e. layout of the court transcripts (*sijillat*), decisions as to who was plaintiff and who defendant [a crucial decision in Islamic Law made by the *qadi* before the court formally sat], rules of testimony, etc., largely conformed to Islamic Law according to the Maliki School. Such rulings thus followed the procedure laid down in such lawbooks as the *Risala* of Ibn Abi Zayd al-Qayrawani or the *Mukhtasar* of Khalil ibn Ishaq, which books are frequently quoted in the judgments (*hukm*).

But the substantive law behind the documents in such matters as land and the general disposition of natural resources was sultanic and did not necessarily follow the Sharia, which in any event has little to say on such matters. However, in matters of personal status, marriage, divorce, maintenance (Ar. *nafaqa*) and inheritance, Maliki norms

tended to obtain. In this respect, Darfur was no different from most Muslim states, where Sharia operated in matters of personal status, while criminal matters were governed by state law. Contrary to the assertions of some, the sultanate was neither an Arab state nor was the law of the state solely the Sharia.

The British systematically codified sultanic/customary law which was laid out in such works as the *Western Darfur District Handbook*, *The Nyala Handbook*, and in the various tribal files [whose number usually began with DP 66]. By no means all of this material has survived, but O'Fahey has much of it and will use it to compile a work with the provisional title, *Materials towards the Codification of Sultanic/Customary Law in Darfur*. To give some idea of content, we quote from his *State and Society* (p. 110-11),

Among the Fur, fines were commonly calculated in units called *toni* (Ar. *thaniyya*) bearing a conventional but varying relationship to the barter value to a female calf of three years; thus a *toni* could equal eight *takkiyya* [a roll of cloth of varying length], four sheep or thirty *midds* [eight litres capacity] of grain, the precise equivalents differing from district to district. Full compensation for homicide in Dar Diima could be up to ten *toni* units; in the north around Kutum it could be as much as fifty. For adultery the usual fine was between two to three *toni*, for theft two, for assault or insult a few *takkiyyas*; the fine for insult, of which part went to the injured party in compensation was called in Fur *utang jaasol* "wiping the mouth". Fines were divided up along the chiefly ladder; thus if a fine of thirty *takkiyyas* (approximately two *toni* units) was imposed for adultery, fifteen would be shared among the *shartay*, the estate [*hakura*]

steward or *dimlij* and the *aba diimang*, the other fifteen going to the *maqdam*. The village shaykh would sometimes receive a *takkiyya* as a *haqq* or “right”. The scale of fines varied from *shartaya* to *shartaya*, as did their division among the chiefs; among the highland Fur, fines were much heavier than in the lowlands because the former were said to be much richer – in contrast to the situation today. The items with which the fines were paid also varied according to the ecology of the region; around Kutum they were commonly paid in animals, and around Zalingei in grain.

In regard to what may be termed criminal law,

Despite *diya* [blood compensation] and *sadaqa* [here, reconciliation], procedures designed to restore communal or inter-communal harmony after violence, homicide and serious affrays were considered to concern the state. In such cases a levy called *dam kabir* or *dam saghir* “big blood” and “little blood”, was imposed by the *shartay* on the offender’s community. Again the amount and the procedure varied greatly; sometimes several cows or a *takkiyya* from each household were taken. But it seems that not infrequently those guilty of culpable homicide were sent to al-Fashir where they were either beaten to death or, under Ali Dinar, hanged. The centre appears to have intervened with surprising frequency; Muhammad al-Husayn [reigned, 1838-73] writes to the *takanawi* Muhammad ordering him to investigate an affray between to *fuqara* clans that had led to the theft of four donkeys and six waterskins, and send the culprits to him [the clans’ religious status may have been a factor],

while Ali Dinar writes to *shartay* al-Doma Muhammad of Dar Simiyat [northeast of al-Fashir] that he has forgiven a man the bloodprice for a killing and that neither the shartay nor the dead man's family are to intervene. All the indications suggest an effective, not to say an oppressive, judicial system which, above a certain level, left little to local initiative, and where justice was profitable, at least for the rulers.

In regard to the current situation, it difficult to say much concretely. Generally, statutory law takes precedence over customary, however defined, but the situation on the ground in Darfur needs urgent investigation. What courts, of what category, are operative; what law do they administer, who administers the courts, professional lawyers/judges or "traditional" leaders? What is the status, legal and judicial, of the plethora of inter-ethnic reconciliation agreements and the documents arising from them in recent years? Are the latter enforceable in a court of law? Francis Deng's remarks from the late 1960s are probably still applicable (*Tradition and Modernization*, 3rd edition, Washington DC, 2004, 375-76),

Just as Islamic law is favoured, customary law is disfavoured. A number of factors account for this. The obvious one is that customary law is seen in opposition to Islamic law and is accordingly resented. Besides Since customary law in the North has assimilated Islamic principles, customary law as commonly understood is identified with the South and to encourage it would be to impede national intergration. Furthermore, modernization in the Sudan focuses on the already relatively modern

section, mainly the three towns [Khartoum, Khartoum North and Omdurman] and such areas that are governed by customary law are too remote to those who govern the country from Khartoum. There is also the general feeling that customary law is inferior and therefore something to be ashamed of or at least not to be encouraged by any means including the mere knowledge of it.

Francis Deng was writing of the south, but most of what he says applies to Darfur.

LAND TENURE AND *HAKURA*

Like the sultanic/customary law, the land tenure system in Darfur as a whole is under-researched. Sources exist in abundance, both British colonial and independence records, including a valuable work by the first Sudanese governor of Darfur, Ali Abd Allah Abu Sinn, *Mudhakira 'an mudiriyya Dar Fur*, Khartoum 1968, which gives a detailed description of the administration of Darfur. Again, O'Fahey intends to write an extended note on land tenure issues in Darfur based on these sources. we should emphasis that the land tenure system, the so-called *hakura* system, as described and analysed in O'Fahey & Abu Salim, *Land in Dar Fur*, Cambridge 1983, is only a part of the land tenure system. Here we shall describe the *hakura* system within its wider context.

In the various reports we have seen by various NGOs and analysis centres, the term, *hakura*, appears frequently and emotively, the latter in the sense of Arab groups demanding *hakura*-rights.

What does *hakura* mean? The term first appears in the late 17th century to describe estates (technically allodial, i.e. landed, estates) granted by the sultans to office-holders and

immigrant holymen. We know more about the latter than the former because the descendants of the holymen have been better able to hold onto their land and the documents describing such grants than the title-holders. It is important to emphasise that estates could be granted anywhere within the sultanate; they were in no way confined to Fur areas.

The sultans had their own estates throughout their state; Jabal Marra was *ro kuuring* (Fur, “royal estate”, *ro* being the Fur equivalent of *hakura*), while large parts of Dar Fongoro in the southwest was parceled up into royal estates as were all the sites of earlier royal capitals (*fashir*). These estates supplied food, especially delicacies like honey, to the palace complex, which were delivered to the *orre baya*, or “narrow gate”, used by royal women and their slaves.

In terms of size, the administrative estates of the title-holders were much larger than those granted to holymen; indeed the estates of the latter often lay within the boundaries of the former. There was a further distinction made between the *hakuras* granted to the great title-holders and members of the Keira family, who had the right to collect taxes on their estates, and those granted to holymen, whose rights included tax-exemption, but not, generally, the right to collect taxes (see further O’Fahey & Abu Salim, *Land in Dar Fur*, 12-21). Some of the title-holders held several *hakuras*, for example, the *maqdots* of the north held seven scattered throughout the north. How the title-holders’ estates were formed and often were transformed into new administrative units can be illustrated by how Dar Birged Kajjar emerged as a *shartaya*; we quote from *State and Society*, pp.53-54.

A vivid example of the granting of lands, the fortunes of war and the necessities of administrative consolidation is provided by the career of Sulayman b. Ahmad Jafal. A Kinana Arab from Sinja on the Blue Nile, Sulayman came

to Darfur in the time of Tayrab (r. 1751-86) whose favour he won by his skill in the treatment of horses, a vital military skill. He was first granted as a *hakura* the area between Marshing and Jabal Marra in the Birged country; later the region of Torba north of Malumm was added. Just before the invasion of Kordofan in 1200/1785-6, Tayrab dismissed the Birged *shartay* of Shawnga, the area between Marshing and Torba, and gave his command to Sulayman. This move was possibly connected with a revolt by the Birged against Tayrab. On his return from the Kordofan campaign, Sulayman obtained the Adawa and Kadmul districts. By now there were apparently four Birged chiefdoms: Adawa ruled by Sulayman's son, Musa, Musku, Muhajiriyya and Doleaba, the latter three ruled by old-establish Birged lineages. The climax of this development came in Muhammad al-Fadl's reign (1803-38), when the four chiefdoms were consolidated under Muhammad Kubur b. Musa [grandson thus of Sulayman] as first *shartay* of Dar Birged Kajjar.

As noted above, we know more about the estates granted to holymen. By the 18th century the system became elaborated as the sultans issued written charters defining in great detail the boundaries of the estates and the rights so granted. By the 19th century the system reached its apogee as more and more of the central and Fur regions were carved up into *hakura*. The legal language used in the charters defined the holder's rights as *mulkan tamman wa-hawzan najizan*, "absolute freehold and total [right of] usufruct", the language being modeled on the grant of *iqta'* rights in Egypt.

With the restoration of the sultanate in 1898, Ali Dinar systematically confirmed these rights, both to title-holders and holymen, as they had been before 1874.

Between 1916-56, the British generally-speaking upheld *hakura*-rights, although on occasion, especially in Dar Zaghawa, they tried to overturn them, usually unsuccessfully. The problem for the British was that in general they did not recognize private landownership in the savannas away from the Nile (they had a similar problem on the Blue Nile and Gezira with charters from the Funj Sultanate). In Darfur, they were forced to accept hereditary rights to private landownership. During the period of “Native Administration” up to the 1970s, production of a charter recognized as authentic in court was enough to secure title to the land involved (there was a thriving trade in forged charters both under the sultans and the British!).

Under the sultans and the British, a clear distinction was made between *dar*-rights, that is rights within a defined administrative unit, for example a *shartaya* (an administrative unit ruled by a *shartay*) and *hakura*-rights. Both under the sultans and the British, this distinction provided a fruitful field for litigation, not least because of the existence of overlapping land and revenue rights. For example, a chief in one administrative division would have the hereditary right to collect “customary taxes” (*awa'id*) in areas often at a considerable distance from his home area.

Apart from Mechtild Runger's book of 1987, there has been no recent investigation into land rights. It seems today that the land tenure system and its vocabulary, in particular the words *hakura* and *dar* have, at least in part, lost their original meaning. Thus *hakura* is now used by all, Arabs and non-Arabs, to claim mono-ethnic or exclusive land rights, which, together with more important titles, like *nazir* and *omda* for their traditional leaders, have become a battle-cry for the nomads (Tubiana, Jérôme). Behind the battle-cry appears to be a demand by the nomads for land on which to

settle. This change is not just semantic but has, taken with the enormous population growth (from 1.5 million in 1956 to about 6 million now) has profound implications for the present conflict and any future settlement.

PART TWO: PRESENTDAY ETHNOGRAPHIC MAP

The present notes are divided into non-Arab and Arab. This division is very misleading; virtually every “ethnic” group in Darfur has components from both categories, especially at the level of *khashm al-bayt* (lit. “the mouth of the house”), i.e. clans that are the building blocks of a tribe, *qabila*, whether Arab or non-Arab. Among the Fur, a comparable unit is *orre*, although this has to be understood within the context of a bilateral descent system. Even among the Fur some *orres* were of Arab origin; for example, the Baatinga claim descent from a Syrian mamluk or slave soldier.

Nor is language a marker; ethnic communities such as the Berti and Birged have lost their original languages within the last hundred years or so, while the Arabic of the cattle nomads has a strong lexical component derived from Fulfulde (the language of the Fulani). Apart from Arabic, Fur is in terms of numbers the most widely-spoken indigenous language in Darfur; other significant languages include Maslati (Masalit), Tama, Beri (Zaghawa and Bideyat) and a number of smaller languages, Erenga, Kresh, Kara, Runga, mostly spoken in the far southwest. Generally speaking, Arabic predominates east of Jabal Marra and non-Arabic languages dominate in the west.

(a) NON-ARAB

THE FUR

The Fur are the largest ethnic group in Darfur, numbering some 2 million out of 6 million. Their homeland comprises

the mountain range of Jabal Marra and the lands around the mountains to the west, southwest and southeast; their traditions imply a process of systematic expansion away from the mountains, especially towards the southwest. They speak a language seemingly unrelated to any other spoken in Darfur.

Although the Darfur Sultanate was a Fur creation from the 17th century on, they played a relatively muted role in the later affairs of the sultanate. During the conquest phase (17th to 18th centuries), the sultans led armies recruited from the Fur based on an age-grade system, *jurenga*, led by war chiefs, *ornang* (Ar. *aqida*, a term that has re-emerged recently), armed with iron throwing knives (Fur, *sambal*). By the early 19th century these war bands gave way to bands of cavalry, wearing chainmail, equipped with imported swords (mainly from Solingen, Germany) and riding war horses imported from Egypt. Although expensive to maintain, these warbands, before the advent of firearms, were virtually unstoppable, not least because their large imported horses could quite literally ride down those of the nomads.

Recently (July 2006) a group of Fur leaders aligned to the National Congress Party (NCP) proclaimed Ibrahim Yusuf Ali Dinar, a grandson of the last sultan of Darfur, Ali Dinar (r. 1898-1916), as sultan of the Fur.

HEREDITARY CHIEFS

SOUTHERN DARFUR

(a) *Maqdum*: the government has recently (2005) appointed as *maqdum* Salah Muhammad al-Fadl Abd al-Rahman Adam Rijal, of the family of Ali Dinar's general, Adam Rijal, who hold the hereditary position of *maqdum*. They are based in Nyala and are hereditary rulers of,

- (1) Kidinger, southeastern Jabal Marra, originally under the Fur title-holder, *abbo uumo*.
- (2) Jawa.

- (3) Yara, north of Kas.
- (4) Deleba, south of Nyala.

(b) In Kas a Fur *amir* administers Fur and other groups, nomad and sedentary, among them Fallata, Hotiyya, Ta'alba, Bani Husayn and Mahriyya.

NORTHERN DARFUR

(a) The *shartay* of Dar Fia, an old-established (18th century) administrative unit, based at Kabkabiyya; has authority over 15 *omodiyya*, 7 Fur, 2 Zaghawa, 2 Tama, 1 Qimr and 3 Arab (Korobat, Awlad Zayd and 'Irayqat).

There are numerous conflicts in the region, which has become a bastion of the Janjaweed.

(b) The *malik* of Sambakuri or Jabal Si, a small mountain area north of Kabakabiyya, populated by Tunjur and Fur, based at Tom, Jabal Si.

(c) The *shartay* of Sambakora or Jidara East, a Fur chief who is possibly of Tunjur origin. Since their conquest by the Keira dynasty, the Tunjur have adopted the habit of concealing their identity, often saying they are Fur and speaking Fur, so that some are now considered to be Fur.

(d) The *malik* of Dar Sireif Umaro or Jidara West, also a Fur of possibly Tunjur origin.

(e) The *shartay* of Tawila, currently in al-Fashir.

(f) The *malik* of Dar Furnung, the original centre of the Tunjur rulers, northeast of Fata Barnu, is now a Fur of the Falanga clan. After conquering the Tunjur, the Keira sultans gave this *dar* to a Falanga *malik*. Tunjur, Fur, Zaghawa, Rizayqat and Awlad Rashid Arabs live in this area.

(g) Hereditary rulers of al-Fashir and Goz Bayna area belong to the Dadinga, a clan of Tama origin. The current title-holder is *malik* Rihaymtallah Mahmud Ali al-Dadingawi, the twelfth of his line.

WESTERN DARFUR

Fadil Sissei Atim, *dimanqawi* (Fur, *aba diimanga*), hereditary ruler of Dar Dima (Fur, *ro diima*), southwestern Darfur which historically comprised twelve *shartayas*, although these have been sub-divided in recent times. After the sultans, the *dimanqawis* were the oldest title-holding family in the sultanate. Fadil Sissei is the eighteenth of his line.

Historically, among the most important *shartayas* were Konyir, Tebella, Zami Baya, Kulli, Zami Toya, Kobara, Surro and Fongoro.

MASALIT

The Masalit live on both sides of the Sudan/Chad border, but mainly in the Sudan, speaking their own language. In the 1880s a holyman Taj al-Din carved out a separate sultanate, which has survived until today. In colonial times, the Masalit present an “extreme” example of indirect rule, since the British were represented by a Resident, on the British model, the only such position in the Suda.

The current sultan is Sa’d Bahr al-Din Abu Bakr Ismail.

There is also a Masalit community (sometimes called Masalat) in southern Darfur, around Qereida, under a leader sometimes called *malik*, sometimes *sultan*, but with much less power than the sultan of Dar Masalit in Western Darfur. There is a major historical study of Dar Masalit by Lidwien Kapteijns, *Mahdist Faith and Sudanic Tradition*, London 1986.

ZAGHAWA & BIDEYAT

As a “named” group in the central Sudanic region, the Zaghawa go back to the 9th century. The history of the name is not necessarily the same as that of the presentday Zaghawa and Bideyat, who call themselves collectively Beri. Their language, the Beria, is distantly related to the Teda/Daza (Tubu) language group of northern Chad.

The Zaghawa are divided into a number of groups straddling the Sudan/Chad border. In the 18th and 19th centuries they were active participants in the sultanate’s dynastic conflicts through marriage alliances and the like. Since the 1970s they have been actively engaged in Chad’s various civil wars, especially between Hasan Hibre and Idris Deby (the latter is Bideyat). The Zaghawa are well-known as successful long-distance traders.

Dar Zaghawa, perhaps more than any other region of Darfur, has been seriously affected by the progressive southward march of the desert. This ecological reality underlays much of the conflict in north central Darfur.

There are several monographs and articles on the Zaghawa of both Chad and Darfur by Marie-Jose and Joseph Tubiana (see bibliography).

Here we have listed the Zaghawa chiefdoms by name, rather than by ruler.

(a) Kobe

The principal sultanate among the Zaghawa of which the main part is in Chad. After the death of Sultan Abd al-Rahman Firti killed by his French-supported rival, Haggar, his son Dosa, created a small sultanate at Tine on the Sudanese side of the border.

(b) Kapka

Mainly in Chad. There is a small Kapka sultanate at Tundubay, in northwestern Darfur.

(c) Dar Galla

The capital of Dar Galla is Kornoy, west of Tine. It is ruled by a *shartay* of the Kaliba clan.

Furawiya in northern Dar Galla is an *omodiyya* of the Geligerge (or Genigerge) clan, of Bideyat origin, and is a SLA stronghold.

(d) Dar Tuer

Umm Buru, west of Kornoy, is the capital of Dar Tuer, whose ruler, *malik* Abd al-Rahman Ali Muhammadayn has been murdered by the SLA.

(e) Musbat

Once a part of Dar Tuer, but became independent in 1994-95, so that their ruler, once a *basi* under the *malik* of Dar Tuer, is a *malik* in his own right. It is the area of the Ila Gidayn (or Awlad Digayn, the clan of Minni Arku Minnawi), and an SLA stronghold.

(f) Dar Artag

Umm Haraz is the capital of Dar Artag or Unay. An unusual feature is that its ruler is regularly elected from the different clans in rotation. The present *malik* is one of the few Zaghawa rulers operative within an SLA-controlled area.

(g) Dar Suwayni

Dar Suwayni lies between Kutum and Umm Haraz, with its centre at Dor. Its *shartay*, like the one of neighbouring Dar Bire, is Kaitinga, a Fur clan which became the ruling clan of these two *dars* inhabited by Zaghawa, Tunjur and Fur, and considered as part of Dar Zaghawa. The Kaitinga of Dar Zaghawa are now considered as a Zaghawa clan.

(h) Dar Bire

Occupies the easternmost part of Dar Zaghawa with its two centres at Hashaba and Kutum, where its *malik* lives. He

belongs to the Kaitinga clan and has 14 *omdas* under him, 6 Zaghawa, 6 Tunjur, 1 Mima and 1 Sahanin.

(i) Bideyat

Basically, the Bideyat live in Chad, but move freely back and forth across the border. Many Zaghawa clans, especially in Dar Galla and Dar Bire, are of Bideyat origin and still have connexions with the Chadian Bideyat.

(j) Zaghawa outside Dar Zaghawa

The process of desertification has pushed many Zaghawa southwards, in Northern Darfur (areas of Korma, al-Fashir, Shangal Tobay, Dar al-Salam), Western Darfur (Jinayna and Zalingei), and even more in Southern Darfur, namely Nyala, Ghor Abeshei, Muhajiriyya, Labado, Sheeria, Tuwaysha, al-Da'ayn, Ab Karinka, Buram and Qoz Dango (Legediba). This southward move reflects not so much a general lack of land in Darfur but a lack of political mechanisms for a creative redistribution of available land. Outside of Dar Zaghawa, the Zaghawa do not have sultans, *shartays* or *maliks*, but have *omdas* under the non-Arab or Arab rulers of the *dar* in which they live.

BERTI

The Berti are a major ethnic group with their centre at Mellit, who used to speak a language distantly related to Zaghawa. Their current ruler is *malik* Husayn Ahmaday Adam Tamim from an old and well-established ruling family, the Baasanga; he is the eighteenth ruler of his lineage. He controls 22 *omdas* of whom 20 are Berti, 1 Zaghawa and 1 Arab Bani Hamran.

There are three other Berti rulers in Eastern Darfur,

— the *malik* of Dar Simiyat, between al-Fashir and al-Kuma,

— the *shartay* of Umm Keddada,

— the *shartay* of al-Tuwaysha belongs to a traditional ruling family, the Daw al-Bayt.

Ladislav Holy has written two monographs on the Berti.

MEIDOB

The Meidob, who have their own language distantly related to Nile Nubian, live in Jabal Meidob with their centre at Malha. They are both traders and pastoralists. The present *malik* has 11 *omdas*, all Meidob, under him.

There are unpublished Cambridge anthropology Ph.D. theses on the Meidob by Jonathon and Elizabeth Hales.

TUNJUR

The Tunjur are one of the dynastic peoples of Darfur, but are widely scattered in small communities throughout the province. They have lost their original language and speak the language of the people among whom they live, Fur, Beri-a (Zaghawa) and/or Arabic, depending on where they live. Their main rulers are,

(a) the *malik* of Dar Hamra, south of Kutum.

(b) the *malik* of Inga (Inqa) around Fata Borno.

(c) the *malik* of Korma area (or Dar Mala).

(d) the *malik* of Dar Farok, north of Kutum.

(e) the *malik* of Dar Kiriban, between al-Fashir and Mellit.

(f) the *shartay* of Jabal Hurayz, Shangal Tobay and Dar al-Salam area.

DAJU

The Daju are said to have established the first state in Darfur in and around Nyala (a modern city). They speak their own

language, which is said to be distantly related to Nile Nubian. Their *shartay* controls 17 *omdas*, 8 Daju, 3 Zaghawa, 2 Fur, 1 Tunjur and 1 Arab Hotiyya.

BIRGED

A major ethnic group, located to the east and southeast of Nyala. Their language, related to Nile Nubian, has died out within living memory and they now speak Arabic. Historically, they were divided into a northern group, Birged Dali, and a larger southern, Birged Kajjar, based at Jabal Ghor Abeshei (on whose origins, see “Land Tenure and *Hakura*”). Their chief or *nazir* lives in Nyala.

BORGO

A section of the Maba people of Wadai (eastern Chad) who live in Nyala, Dar Masalit and Kabkabiyya; they have an *omda* in Nyala.

MIMA

A small group, whose main body are in Wadai (eastern Chad). In Darfur, they live mostly around Wada’a, Dar al-Salam and Shangal Tobay.

QIMR

The Qimr have a sultanate north of Dar Masalit with their centre at Kulbus. Under the sultans they formed a subordinate sultanate, whose origin was traced to a Ja’ali immigrant, Qimr Hasab Allah, who established the kingdom in the 17th century leading a coalition of Arab groups to the area – one of the few examples in the region of Arab state-formation. A Qimr irredentist dynastic group played an important role in the Sinnar Sultanate on the Blue Nile in the 18th century.

Many Qimr settled in Southern Darfur, in the area of Katila, during the droughts of the 1970s and 80s and constitute

today the main Qimr community. Their ruler is an *omda* under the Bani Halba, their neighbours.

They have played a complicated role in the present conflict, in which different groups have taken different sides.

TAMA

The Tama-speaking comprises of tribes, among the Tama, Erenga and Mileri, the latter around Jabal Mun [by outsiders often described as Misiriyya Arabs; see O'Fahey and Hasan Imam Hasan, *Sudan Notes and Records*, 1968, an example of the complexity of ethnic labels in the region]. The main concentration of Tama is in Chad, where they have a sultanate around Gereda.

One of their principal leaders in Darfur, living at Kabkabiyya, is Salih Sinin, of the family of *faqih* Sinin, who as a Mahdist leader led a long resistance to Sultan Ali Dinar.

FALLATA

Throughout Darfur there are communities of Fallata, both sedentary and nomad (Ambororo), whose origins go back at least to the 17th century. In southern Darfur, around Tullus, there are the cattle-keeping tribe, Fallata (sometimes, Fallayta) under *nazir* Ahmad al-Sammani Isa.

The Fallata are very well represented among the holy families of Darfur and, as a consequence, because of early access to education, among the educated elite, where they are disproportionately substantial. They are often discriminated against in the Nile Valley where they are lumped together with recent West African immigrants, even though many of their families have been resident in Darfur for centuries.

The above list is far from exhaustive; there are Hausa, some of whom are included with the Fallata, and Southern

Sudanese communities in most towns in Darfur, as well as immigrant communities from Kordofan and eastern Chad.

(b) THE ARABS

Crudely-speaking, the Arabs of Darfur may be divided into cattle keepers (Baqqara) and camel-keepers (Abbala; Jammala), although there are various sedentary groups, such as the Bani Husayn.

RIZAYQAT

The most substantial Arab tribe in Darfur, itself divided into Rizayqat Baqqara and Rizayqat Abbala: they form a confederation comprising in particular,

Mahamid,

Mahriyya,

‘Irayqat,

‘Itayfat (originally a branch of the Mahriyya),

Nuwayba,

Awlad Zayd (originally a branch of the Mahamid).

Shottiyya (originally a branch of the Mahamid).

The Rizayaqat federation has its headquarters at al-Da’ayn under the leadership of *nazir* Sa’id Mahmud Musa Maddibu of the Mahriyya. They nomadize southwards towards the Western Bahr al-Ghazal, southeastern Chad and the Central African Republic.

From the mid-80s they were active as *murahilin* or militia armed by the Khartoum Government to fight against the SPLA. They have largely kept out of the present conflicts.

The smaller Rizayqat Abbala groups of northern and western Darfur are primarily camel-keepers; in the north they do not have defined tribal territories but make use of *damras* where various social services, for example schools, are available.

MA'ALIYYA

The Ma'aliyya have their centre at Adila, east of al-Da'ayn. They have broken away from the Rizayqat and now have their own *nazir*, Adam Sharif. There is still a continuing feud between the Ma'aliyya and the Rizayqat.

TA'AISHA

They have their centre at Rihayd al-Birdi in southwestern Darfur. In the rainy season they nomadize northwards towards northern Darfur and Geneina and in the dry season southwards towards the Central African Republic and western Bahr al-Ghazal. Their chief is *nazir* Sanusi.

Attached to the Ta'aisha are the Salamat, whose main body is in the region called Salamat in eastern Chad. In Darfur they live around Idd al-Fursan. Their chief is an *omda*, but they are trying to obtain their own independent *nazirate*.

BANI HALBA

Their tribal territory is in Idd al-Fursan. In the rainy season they nomadize northwards towards northern Darfur and Geneina and in the dry season southwards towards the Central African Republic and western Bahr al-Ghazal. Their chief is *nazir* al-Hadi Isa Dabaka.

MISIRIYYA

The main centres of the Misiriyya are in Chad and Kordofan; in Darfur they are to be found in Kas and Nutayqa under the leadership of *nazir* al-Tijani Abd al-Qadir. A number of other smaller Arab groups — Hotiyya, Taalba, Saada and Tarjam — are associated with the Misiriyya.

AWLAD RASHID

They live mostly in northern Darfur in Kutum and Kabkabiyya areas near to the northern Rizayqat. Associated

groups include the Mahadiyya who live in the Kutum area and western Darfur,

BANI HUSAYN

A long-established Arab sedentary group, whose tribal area is bounded by Kabkabiyya (dar Fia) in the south, Kutum in the east, Dar Zaghawa in the north, Dar Siref Umaro, and Dar Qimr in the west. Their *nazir* is Ajidey Adam Hamid who lives in Serif Bani Husayn.

ZAYYADIYYA

The *nazir* is Abd Allah Adam Jizzu who lives at al-Koma, 80 kilometres northeast of al-Fashir. Their territory stretches from Mellit in the west to the Kordofan border.

CONCLUSION

Much of what we have written up to this point has been descriptive analysis; here we attempt a brief prescriptive analysis.

Implicit in what we have written above are three elements, local administration (*idara ahliyya*), sultan/customary law, and land tenure. All three are essential to any long-term settlement of the crisis in Darfur.

Local administration will have to develop out of a balance between modernizing and “traditional” elements and it is currently impossible to foresee a future “mix”. This is essentially a political process and will have to be dealt with politically. A new element here in the near future may well be the politicization of the IDPs and the need for their voices to be heard outside the established political groupings. The sheer conglomeration of IDPs will create “new” political identities.

Sultanic/customary law, in some guise and in some way modernized, will have to interact with statute law, whether

derived from the central state or local legislature. Customary law has a negative connotation as the quotation above from Francis Deng suggests, but there is no reason why it can not be as judicially rigorous as statute law with the added advantage of a high degree of organic acceptance from local communities. While it may be possible in the Southern Sudan to think of customary law(s), Dinka, Nuer, Shilluk etc., encapsulated each in its community, that degree of separatedness is probably impossible in Darfur and will be even more so in the immediate future.

We say the latter because it seems to us unlikely that the majority of the IPDs will ever go back to whence they came. Darfur, to put it brutally, has experienced a violent speeded-up process of urbanization in the last three years. A strategy to avoid long-term IDP dependency will likely come from the encouragement of true urbanization. This seems to be happening already in Nyala with the elision of small IDP camps along the Wadi Nyala into and behind the walls of existing households. We are not economists, but we imagine programmes of urbanization will be a very costly business, if only in terms of utilities. This leads, albeit indirectly, to a third element, land tenure.

The mapping of land tenure rules – a part of customary law – of the present and recent past will not and can not be an attempt to return to the *status ante quo*, but rather the first stage in a new restructuring to accommodate newly urbanized IDPs, nomads who wish to settle (and there are indications that a number wish to), and nomads from the north who may wish to continue to be pastoralists but who can not be so there. The latter will need secure title to new land. To achieve this, a new land dispensation based on commonly-agreed laws administered by a local judiciary and administration accepted as legitimate are needed. The three elements are indivisible.

To what extent and in what ways outside agencies can assist in these processes is a question for the future.

ADMINISTRATIVE TITLES AND TERMS

<i>Awa'id</i>	Customary taxes; pre-Islamic religious practices.
<i>Faqih</i> , pl. <i>fuqara'</i>	Religious title; holyman.
<i>Maqdam</i>	Originally a commissioner sent to lead a campaign or settle an administrative issue. They became settled as an administrative title in northern and southern Darfur.
<i>Nazir</i>	Ruler of usually, but not exclusively, a nomadic Arab group; a title that was introduced by the British for the Baqqara Arabs.
<i>Omda</i>	See <i>omodiyya</i> .
<i>Omodiyya</i>	Administrative division, administered by an <i>omda</i> , below a <i>shartaya</i> ; the term was introduced from the Nile Valley in colonial times.
<i>Shartay</i>	From the Daju, <i>chorte</i> , meaning "drum" and "chief". Ruler of an administrative division, <i>shartaya</i> . The Fur term is <i>dilmong</i> , which has the same double meaning.

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