

**Knowledge Network  
Dutch Consortium for Rehabilitation  
Research Brief #10**

**The influence of South  
Darfur community  
leadership in decision-  
making over resource  
allocation and public  
services**

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This brief is part of a series of research briefs of the DCR consortium. The purpose is to communicate lessons and corresponding recommendations for programme quality improvement. For more information on the research study, please refer to the full report which is available upon request.

*“From time immemorial, seasonal fluctuations in water and grazing land had led to conflict over natural resources in Darfur. These tensions exploded into a Fur-Arab war in 1987 after drought and famine in North Darfur drove many Arabs south towards Fur lands in South Darfur. Earlier conflicts had been settled by traditional reconciliation mechanisms, but these had been weakened by a series of measures beginning in 1971, when President Gaafar Nimeiri abolished the tribal-based Native Administration. Conflicts and insecurity escalated in rural areas as those with access to firearms took the law into their own hands and started resolving their disputes by force rather than by mediation”.<sup>1</sup>*

The Dutch Consortium for Rehabilitation (DCR) is a collaborative venture of four non-governmental organizations (ZOA, Save the Children, CARE and HealthNet TPO), currently implementing a 5-year programme, starting in 2011. In Sudan, the consortium is comprised of Care International Switzerland (CIS) which is operational in South Darfur since 2009, and ZOA, operational in Darfur since 2004. The DCR in Sudan works with local governments, communities and local NGOs to deliver services to communities and to improve the sustainability of service provision to these communities. Activities include improving basic services, strengthening health, education, WASH and livelihoods as well as strengthening community governance structures and the capacity of local NGO partners. One of the key programme strategies is to link economic activities with the supply of basic services.

DCR Sudan conducted a study in South Darfur to understand the history and current dynamics of customary leadership and its influence over resource allocation, with the goals of contributing to the improvement of its interventions aimed at service provision and to support the advocacy efforts in Sudan. The study is based on the assumption that participatory planning by government authorities and communities is lacking in the DCR intervention areas. This role could be met by traditional community structures which could influence decision making about resource allocation and thus contribute to the quality of basic service provision in South Darfur. Key focus areas of the study are: 1) the position of traditional community leaders in relation to resource allocation; 2) the perception of local government officials and community members towards traditional community leaders and; 3) the link between the DCR programme in Sudan and the traditional community leaders. This research brief provides a brief overview of traditional governance structures and summarizes some key elements of the study.

### The Native Administration

Traditional leaders in Sudan were for a long time in the forefront of handling ethnic disputes related to natural resources and community reconciliation. Based on the traditional governance structures, as developed by the Fur Sultanate (established in the 17<sup>th</sup> century), a **Native Administration (NA)** was set up under British colonial governance and legalized in 1922.<sup>2</sup> With this governance model, the British opted for the incorporation of traditional tribal and village leaders into the government structure. With the introduction of the NA, the colonial administration aimed to a) establish

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<sup>1</sup>Text by Amnesty International: <http://www.eyesondarfur.org/conflict.html>

<sup>2</sup>[http://www.sarpn.org/documents/d0001277/PNADC475\\_Darfur\\_Febr2005\\_Chap2.pdf](http://www.sarpn.org/documents/d0001277/PNADC475_Darfur_Febr2005_Chap2.pdf)

administrative entities which enjoy popular support in the rural areas, b) create an effective local leadership loyal to the central government and c) decrease the administrative cost. The NA was based on several fundamentals, amongst others:

- A political hierarchy of local chiefs that derives its power from the central government and in charge of the maintenance of law and order, organization of labor and the collection of local taxes;
- A parallel hierarchy of native courts which deals with minor criminal, civil and personal cases in terms of customary law and general principles of justice;
- A native treasury that manages local revenues and pays out necessary expenses of local authorities and social services<sup>3</sup>.

The NA comprises of traditional leaders at different levels, named **Maliks, Nazirs, Shartais, Furshas, Amirs, Omdas and Sheikhs**. The role of the NA developed over time and in 1951 a Local Governance Ordinance was established in which the roles of the NA regarding the management and use of natural resources were further defined. This included; the enforcement of grazing boundaries which demarcated the grazing and farming areas, regulation of the seasonal movement of pastoralists in terms of timing and routes from the dry season grazing areas to the wet season grazing areas, limitation as well as containment of tribal intermingling in the grazing areas and the opening and closing of water points<sup>4</sup>.

In 1971 the **Local Government Act** was introduced, which replaced the NA and abolished the jurisdiction and administrative authority of the tribal leaders. After the abolition of the NA system, the position of the traditional leaders deteriorated. However, due to a lack of capacity and means to meet the administrative- and security needs in rural areas, the government maintained the official roles for the lower ranks of NA system (Omdas and Sheikhs). The NA was partially restored due to a change of the political regime in 1985, but with less power and authority. Another regime change (1989) led to the introduction of federalism into the governance system, meaning that three levels of administration were installed: Federal-, State- and Local government.

In 1989, the present political regime installed **Popular Committees (PCs)** as the elected bodies at community level, under the supervision of the local government, with the aim to gain popular support and as a replacement for political parties. In the early years, these committees played an important political role, but after some time the function and political presence of the Popular Committees (PCs) declined. The PCs became service oriented and/or were replaced by local branches of the **National Congress Party (NCP)**. Meanwhile, the NA system (with the Omdas and Sheikhs) was no longer managed by the national government, but by the State governments. These State governments could decide independently if they wanted to maintain the system in their State or not. The Darfur States opted to integrate the NA system in their own **Native Administration Law (NA law)**, based on guidelines provided by the federal government. The NA law deprived the Omdas and Sheikhs off any executive powers at the local level, but made it supportive to the Local Government in terms of political community mobilisation, management of natural resources, maintaining order and security and management of tribal affairs. In addition, **Customary Courts, that were part of the Ministry of Justice system**, were established in the area.

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<sup>3</sup>[http://www.sarpn.org/documents/d0001277/PNADC475\\_Darfur\\_Febr2005\\_Chap2.pdf](http://www.sarpn.org/documents/d0001277/PNADC475_Darfur_Febr2005_Chap2.pdf)

<sup>4</sup>Ibid

### **Decline of power and authority**

The study reveals how the formal role of the native administration in resource allocation in South Darfur State declined over time. The provision of basic services (basic education, WASH, Health & Nutrition, Livelihoods) is the formal mandate and responsibility of local authorities (provinces or counties with local legislative powers, headed by appointed commissioners), and neither the Local Government law nor the Native Administration Law (2006) specify any role or influence for the NA in the allocation of local revenues in rural areas. Almost all interviewees confirm that the authority and power of the NA declined significantly during the last two decades, particularly after the Darfur conflict. Due to insecurity and proliferation of arms, the NA is no longer able to exercise its previous roles and functions, particularly those related to management and conservation of natural resources as well as collection of livestock tax. Its role is limited to tribal affairs, safeguarding tribal customs and traditions, as well as addressing disputes and guiding reconciliation efforts. The current negligence of the NA in Local Governance indicates a continued tendency towards marginalization of the NA.

### **Status of the Omdas and Sheikhs in the community**

Despite the decline of formal power and authority of the NA in the past decades, the study reveals that the NA is still an important community institution, particularly in the rural areas. During the last decades, the higher ranks of the NA (Maliks, Nazirs, Shartais, Furshas) moved to secure urban areas and most of them are now members of the ruling National Congress Party (NCP) and/or the legislative councils at State and Federal levels. However, the middle and lower tiers of the NA (Omdas and Sheikhs) remained part of the community in the rural areas and IDP camps. These traditional leaders still enjoy the full respect of their communities and continue to play a role in handling ethnic disputes related to natural resources and community reconciliation. The strength of the Native Administration is derived from community acceptance.

### **Peace and recovery in Darfur; the role of basic social service delivery**

Access and exploitation of natural resources and lack of basic services are the main drivers of the present conflict in Darfur. The conflict caused massive rural population displacement to IDP camps in the urban areas. Without properly addressing the causes of the conflict, tribal disputes will continue to be triggered. An important peace dividend for the IDPs and refugees is the provision of basic services in the rural areas which will ensure a favourable and attractive environment that could contribute to voluntary return.

Although the provision of services is the formal mandate and responsibility of the localities all interviewees - officials and non-officials - confirmed that during the last two decades the government has largely defaulted from its responsibility to provide service in rural and urban areas. While the private sector has filled the gap in the urban areas to a certain extent, the rural areas still suffer from acute gaps in basic services. The conflict has deprived the localities off their local sources of revenues and they have thus become financially dependent on transfers from the State. The meagre resources of the localities could hardly cover staff salaries. All interviewees - both officials and non-officials - confirmed that the provision of services in rural areas is solely being organised by the communities, very often assisted by the NGOs and UN Agencies. Based on several samples, lessons and experiences from development programs in the region working on community participation, it is argued that the NA system, particularly the Omdas and Sheikh, can play an essential role in the provision of basic services in the rural areas.

### The DCR programme in South Darfur

DCR intervenes in the rural areas of Kass, Greida, Nyala and Al Salam localities, and implements activities related to basic services and livelihoods. DCR collaborates with local NGO partners to implement its activities and has adopted a community participation approach to enhance the delivery of services, e.g. Village Development Committees (VDCs), composed of citizens who actively plan the basic service priorities in their locality and collectively endeavour to bring these to practice. Members of the NA are active members of the VDCs and sometimes they are patrons or even chairpersons. The involvement of Omdas and Sheiks in DCR interventions contributes to the sustainable implementation of activities. It also contributes to the creation of collaborative relationships with relevant authorities. NA could endeavour to obtain governmental support, particularly the provision of staff and operating costs for the running of established services.

The study recommends focusing on capacity building of the lower ranks of the NA. The NA is particularly essential in community sensitization, mobilization and management of community participation as well as to advocate for the provision of basic services and livelihood interventions in the rural communities. Based on the findings and recommendations of this study, DCR Sudan is conducting a needs assessment followed by education for community leaders in areas like advocacy, project management, and finances, to enable them to scale up the provision of basic services in the rural areas of South Darfur post-2015. For this same purpose a training manual in Arabic is being developed.

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