



## THEMATIC BRIEF

# STRENGTHENING THE RULE OF LAW AND CONFLICT RESOLUTION MECHANISMS

October 2021

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### KEY MESSAGES FOR POLICY AND PROGRAMMING

- **Support to increase the coverage and capacity of police and courts is needed** to uphold the rule of law and assist peacebuilding efforts.
- **The Native Administration, rural courts, Judiya and committees are key local conflict resolution mechanisms**, which the government and actors in Sudan need to support so they can effectively mediate and fulfill their mandates.
- **Actors should support the establishment of the Darfur Land and Hawakeer Commission and Special Court stipulated in the JPA.** Support to national level transitional justice institutions is important because local community conflict mechanisms, while important, cannot be expected to solve conflicts that are not confined to the local level.
- **Actors must push for youth and women to be included in the transition, resolving local conflicts and the wider peace processes.** Existing women- and youth-led structures, Resistance Committees and Hakamat female elders for example, can be included and supported to ensure representation.
- There is potential for better management of water, which is a resource that is central to the livelihoods of all. However, managing access to water is more critical in some areas and **actors should prioritize setting up IWRM Water Committees in areas where there is a higher potential for conflict over water.**
- Water Committees tasked with resolving conflict around competing demands for water should equally serve nomad communities and other population groups. Looking to the future, **actors must ensure that nomads are represented in all new institutions and initiatives developed per the Juba Peace Agreement (JPA) and any further agreements.**

Durable solutions for the displaced is an integral part of lasting peace in Darfur. The Juba Peace Agreement (JPA) is a key step on the road to peace, but Darfur's post-conflict environment poses a number of challenges. Results from the eight studies in Darfur conducted under the Peacebuilding Fund (PBF) in 2020–2021 show that the Native Administration and the local committees can play a significant role in mediating conflict especially at the local level, but need support, capacity building and funding to fulfill their mandate. The overall insecurity and proliferation of weapons impacts their ability to mediate in conflict, therefore support to the police and upholding the rule of law is essential. Local conflict resolution mechanisms involve nomad communities, but Water Committees, tasked with resolving conflict around competing demands for water, need to target nomad involvement. Women and youth also need to be included in conflict resolution processes and peacebuilding to build a broader and more durable constituency of peace actors.

Just as durable solutions are integral to peacebuilding, lack of peace is often a key obstacle to achieving lasting solutions to displacement. The JPA recognizes the role of community-based conflict resolution mechanisms and also stipulates the creation of transitional justice institutions to resolve matters that cannot be addressed only at the local level. This brief provides key insights for policy and programming linked to the rule of law at the locality level, including:

What is the level of insecurity and crime?  
What is the capacity of the police and courts to uphold the rule of law?

What are the main sources of conflict? How are conflicts and disputes solved?

To what extent are different groups participating in conflict resolution and peace processes?

This publication is part of a series of five short thematic documents that present key insights and messages drawing upon the eight durable solution and peacebuilding studies carried out across Darfur by the Peacebuilding Fund (PBF).

Prepared by:

## Support needed to uphold the rule of law

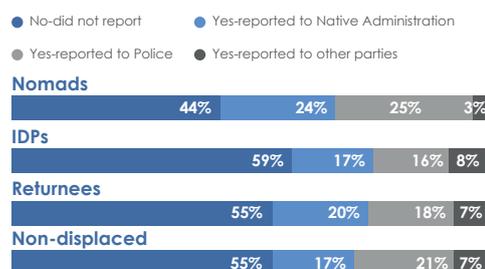
In Darfur, all population groups experience high levels of security incidents. Across the eight localities, 37% of IDPs, about 44% of returnees and non-displaced and 61% of nomads reported damage to property or theft. Between 39% and 48% of all population groups said they were a victim of robbery during the previous 12 months. Nevertheless, one in two did not seek assistance or report the security incident.

Less than 1 in 5 seek assistance from the police and merely 22% say that the resolution was 'effectively resolved and just'. Results highlight that the police in all surveyed localities face serious challenges: a limited number of police posts have to cover large geographical areas and there is a lack of trained staff, vehicles and fuel to respond to security incidents. Often, particular areas and villages do not have access to police services due to long distances. The lack of an effective police force has resulted in a lack of faith in the police, which is reflected in the very low numbers that turn to the police for help. In the words of one community representative, people do not seek help from the police 'because they had previous experiences dealing with the police, which ended up in nothing'.<sup>1</sup>

In the majority of surveyed localities, there were no civil courts and the police mostly worked in tandem with rural courts, whose role is to resolve relatively simple problems and disputes in the locality. Hence, there is often no formal court to handle more complex cases.

**Providing support to the police and courts is key if they are to uphold the rule of law and support peacebuilding efforts.** Respondents emphasized that even basic support can have a significant impact — assistance with transportation and fuel can help the police respond to incidents.

### Reporting practices of households having experienced a security incident



## Limits and opportunities for local conflict resolution mechanisms

The JPA recognizes the role of community-based management in maintaining civil peace and local dispute resolution. As such the peace agreement respects traditional conflict mediation that sits within the existing judicial system in Sudan.<sup>2</sup> Rural courts and the Judiya traditional mediation mechanism are made up of members from the Native Administration, and the judges (Ajaweed) are tasked with promoting dialogue and mediation as avenues to justice and reconciliation.<sup>3</sup>

Less than one-third of all population groups approach the Native Administration, Judiya, rural courts or committees for help to resolve a conflict. Findings show that respondents do not regard local conflict resolution mechanisms as able of addressing the key issue of unlawful occupation of land nor the overarching insecurity. These issues are regarded as the responsibility of the Government and hence it is **critical to join up local-level conflict resolution mechanisms with solutions at the state and national levels.** Actors should therefore support the establishment of the Darfur Land and Hawakeer Commission and Special Court stipulated in the JPA.

What are the key sources of conflict? Competition over land is a key conflict driver in all the surveyed localities and land conflict centres around disputed ownership and boundary conflicts between farmers, conflict linked to pastoralist grazing routes and unlawful occupation of land.

Boundary conflicts are common and occur between farmers, who expand cultivated areas into neighbouring farms during the planting season. Conflicts linked to migration routes are seasonal and happen when grazing arrangements are violated by either side.<sup>4</sup> Disputed ownership of agricultural land especially affects IDPs, who have not been able to maintain their customary rights to land whilst having been displaced. Unlawful occupation of land by secondary occupants or 'settlers' from other tribal groups is a major issue for the displaced populations and are the most difficult to resolve, with the highest potential to spark large-scale tribal unrest.<sup>5</sup>

Committees tasked with conflict resolution exist at the local level in all surveyed localities; some with wider mandates, such as the Peaceful Coexistence and Reconciliation Committee, and others that manage competing demands and conflict linked to specific natural resources, including the Harvest Protection Committee and the Water Committee.<sup>6</sup> **The Native Administration is highlighted as a key actor** that is

represented on all the committees and results show that they can successfully mediate and resolve many of the conflicts linked to disputed ownership, grazing routes and boundary conflicts. However, respondents consistently report that it **needs to be supported, funded, empowered and their capacity further developed.**<sup>7</sup>

Specific issues impact the ability of the Native Administration to effectively mediate. The prevalence of small arms not only leads to an increase in criminal activity but also constitutes a key challenge because it makes it difficult for the Native Administration to mediate in conflict, assert their authority and enforce their decisions. In addition, in some areas members of the Administration are regarded as partisan or politicized by the previous regime, which undermines the Native Administration’s ability to arbitrate. Other challenges documented include alleged corruption and youth preferring modern state institutions rather than a reliance on traditional leaders.<sup>8</sup> Despite these challenges, the Native Administration was highlighted as playing a critical role in mediating conflict within and between communities in all eight surveyed localities and this finding is in line with recent studies in Darfur.<sup>9</sup> Going forward, **peacebuilding actors should assess the optimal possibilities for supporting the Native Administration, committees, and Ajaweed to carry out their conflict resolution mandates.**

## Exclusion of women and youth

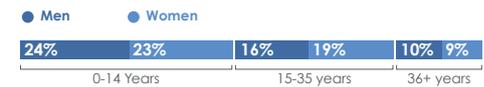
Youth and women are traditionally not included in decision-making forums or conflict resolution mechanisms. Youths were key actors in the popular protests and Sudan’s subsequent regime change, but are not represented in the Native Administration, the Judiya, the various committees tasked with resolving conflict, nor any peacebuilding processes. Findings show that youth are deemed too inexperienced to be part of committees concerned with managing access to natural resources and conflict resolution.

Sudan observers also flag this **lack of inclusion of women and youth in the transition and peacebuilding efforts.** Women make up half of the population in Darfur and can be peace builders as well as conflict actors. A recent Darfur study by UNDP found that women play a significant role in conflict, including instigating men to use violence — often singing traditional Hakamat songs to spur on the men to fight or prevent pastoralists from accessing water.<sup>10</sup>

The Constitutional Charter that establishes the framework for Sudan’s transition period pledges to promote women’s rights in Sudan in all spheres and also recognizes the special role that youth played in

driving change. The Charter instructs state agencies to ‘strengthen the role of young people of both sexes and expand their opportunities in all social, political and economic fields.’<sup>11</sup>

**Total target population distributed by sex and age. Youth category (15-35 years) is defined according to practice among surveyed communities.**



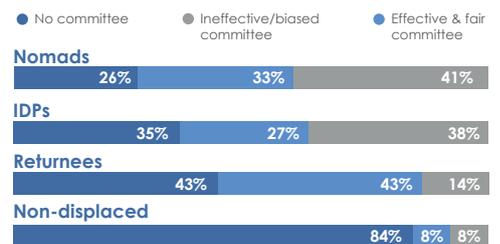
Darfur has a young population and the role and voice of youth remain important. A recent 2021 study of youth-led organizations across Sudan issues a strong warning about the **risks of not engaging youth and incorporating their perspectives in transitional justice efforts and peacebuilding.** ‘Keep youth front-and-center [...] seeking their input on initiatives and encourage Sudanese stakeholders to do the same. This step is vital if Sudan’s transition is to be sustainable.’<sup>12</sup>

## Governance of water

In the surveyed Darfur localities, many communities (38%) do not have a Water Committee to manage the competing needs of water users, while data also suggests that in some areas, significant proportions of residents are not aware of the Water Committees that do exist.<sup>13</sup> Importantly, survey findings show that Water Committees are not inclusive of the nomad communities — 84% of nomad respondents say they do not have access to a Water Committee.

Water Committees tasked with managing competing demands for water need to include nomad representatives and equally service nomad communities. Similarly, **while nomad communities are consistently represented on two key local conflict resolution committees, it will be crucial to ensure that they are also engaged in all new institutions and initiatives developed per the JPA and any future agreements .**

### Availability of Water Committees and Access



## ABOUT

This analysis builds on eight studies that took place across Darfur in 2020–2021 under the UN Peacebuilding Fund (PBF). All displacement and conflict affected communities — IDPs, neighbouring non-displaced residents, nomads, IDP returnees and also return refugees — were included in the analysis in the targeted localities of Tawila, Assalaya, Yassin, Sheiria, Gereida, Jebel Moon plus Nertiti and Um Dukhun. The large-scale sample-based survey was combined with extensive in-depth qualitative data, which together form the evidence-base for the insights and recommendations presented here.

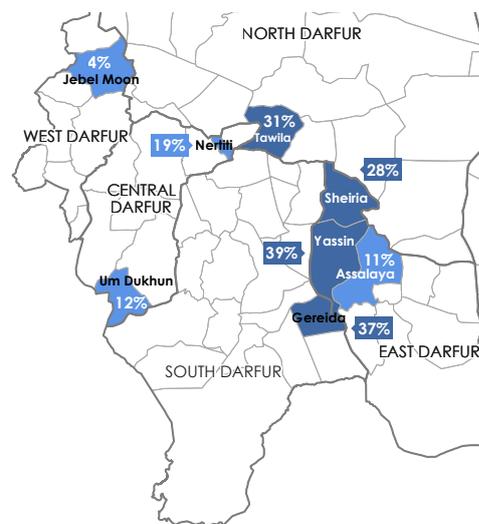
The studies were led by UNHCR and the other PBF agencies (UNDP, UNICEF, IOM, UN-Habitat and FAO), with technical guidance from the Durable Solutions Working Group in Sudan (DSWG). IOM collected the survey data and the Sudanese Development Initiative (SUDIA) undertook the qualitative area-level data collection. JIPS led the design of methodology and tools and conducted the analysis and reporting. The locality reports and thematic briefs can be found on the [below web platform](#).



The five states in Darfur cover a large geographic area, and findings emphasize that both the availability and access to water varies significantly both within states and between states. In some surveyed areas, water was described as scarce and with the potential to drive inter-communal conflict, while in other places water was not regarded as a conflict trigger. Thus, managing competing demands for water is more critical in some areas compared to others.

Results from the eight localities also found that many existing water points were broken, which affected access to water,<sup>14</sup> and therefore equal access to water by different communities and different users is a challenge. In other contexts in Darfur and Sudan, Water Committees have proven that they can play a key role in preventing and resolving conflict and even improve social cohesion when adhering to conflict-sensitive principles and following the participatory Integrated Water Resource Management (IWRM) approach, which ensures that all water users are involved.<sup>15</sup>

Households across all population groups reporting severe shortage of drinking water.



Findings point to a gap and a future potential for better management of a resource that is central to the livelihoods of all, and in some areas a potential conflict trigger. Conflicts between individual water users can easily escalate and pit tribal groups against each, who already have a history of mistrust and violent conflict.<sup>16</sup>

**Suggested citation:** Peacebuilding Fund (PBF) Sudan, DSWG Sudan, UNHCR, JIPS (2021). Thematic Brief: Strengthening the Rule of Law and Conflict Resolution Mechanisms.

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JIPS' technical support was made possible through funding provided from the Peacebuilding Fund (PBF) Sudan as well as the United States Government through their Bureau of Population, Refugees and Migration (PRM). The contents are the responsibility of the profiling partners and do not necessarily reflect the views of PBF or PRM.

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## NOTES

- 1 PBF Sudan, DSWG Sudan, UNHCR, JIPS (2021) Durable Solutions & Baseline Analysis: Key Obstacles to Durable Solutions and Peacebuilding for the Displacement Affected Communities in Jebel Moon locality, West Darfur.
- 2 Rural courts serve as the entry point to the judicial system as these customary courts form part of the formal judiciary structure in Sudan. Tubiana, J., Tanner, V. and Abdul-Jalil, M. (2012) Traditional authorities' peacemaking in Darfur. Peaceworks No. 83.
- 3 Ibid.
- 4 A talique date for when pastoralists can graze their animals is normally agreed between farmers and pastoralists with the help of local authorities to avoid crop losses and conflict. Disputes and conflict happen when talique agreements are violated by either side.
- 5 For further discussion on the issue of unlawful occupation, see Thematic Brief: Access to Land and Tenure. Peacebuilding Fund (PBF) Sudan, DSWG Sudan, UNHCR, JIPS (2021).
- 6 Note that committees may be named differently, but each locality has a committee with a wider conflict resolution mandate, while another committee is dedicated to managing conflict around related to the talique and migration routes. Water or WES committees may also promote sanitation and hygiene as well as managing competing demands for water.
- 7 Capacity development of the Native Administration is also a key priority set out in the UN-Habitat's recommendations in 2020. UN-Habitat (2020) Darfur Land Administration Assessment: Analysis and Recommendations.
- 8 Danish Refugee Council (2020) Conflict analysis, Central Darfur, Sudan. Khartoum: DRC.
- 9 Young, H. and Ismail, M. A. (2019) Complexity, continuity and change: livelihood resilience in the Darfur region of Sudan. Disasters, 43(S3), p. 318–344.
- 10 UNDP (2019) Conflict analysis Darfur.
- 11 Constitutional Charter for the Transitional Period of Sudan, chapter 2, article 7.
- 12 The Carter Center (2021) Sudan's Youth and the Transition: Priorities, Perceptions and Attitudes. August 2021.
- 13 PBF Sudan, DSWG Sudan, UNHCR, JIPS (2021) Durable Solutions & Baseline Analysis: Key Obstacles to Durable Solutions and Peacebuilding for the Displacement Affected Communities in Um Dukhun locality, Central Darfur.
- 14 The chronic fuel shortages due to the economic crisis, are also having an adverse effect on access to water. The shortages and high prices are forcing many water pumps to shut down because they rely on diesel to run. Ibid.
- 15 Corbijn, C. and Elamen, M.H.M. (2021) Technical paper on Integrated Water Resource Management and Peace in Sudan.
- 16 Ibid