

The native administration in Darfur

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A historical background

The native administration is a form of a clan and tribal administration, which appeared in the past to organize the affairs of the tribal groups according to their norms and traditions and to administer and direct the tribe relationships with other tribes in both, war and peace, situations. This tribal administration has been developed through time until it becomes the native administration we know now after some modernization it acquired during the colonization period through issuing some laws to organize and specify its responsibilities (the native administration law and the native court law).

The colonial administration was aiming to achieve by this modernization many objectives some of which are:

- To establish administrative entities that enjoy the influence and the popular support in the rural areas enabling these activities to push away the popular support sectarianism enjoys in the rural areas.
- To give rise to leadership that enjoys the popular support, the sectarianism enjoys in the rural areas.
- To create an effective local leadership loyal to the central government.
- To decrease the administrative cost.

The position of the native administration has changed during the independent period, in terms of its expansion or decline, with the regime changes in the country. Some of the regimes had used the native administration as an easy ride vehicle to achieve their political objectives; others saw it as a tribal backward system that would not give enough help in providing the rural communities with bases for modernity and progress. According to these two theories, the positions of the different regimes towards the native administration varied considerably.

During the first and the second democratic periods, and the first military coup, the native administration remained a tribal system concerned with the internal affairs of the tribes and with resolving conflicts between them, besides assisting the government in collecting taxes and in achieving security and stability. Although the native administration has continued to consider itself as a government tool, it was not involved deeply in political activism openly. During the party-politics periods, in spite of the fact that most of the native administration personalities had political affiliations, their homes were visited by the various parties' delegations that visit their rural areas. The native administration had continued, during this period to play its role according to the system designated to it during the colonial era in accordance to the laws of administration and native courts with some amendments to these laws to cope with the developments of the day.

May 1969 coup:

The native administration was subjected to severe shock during the May rule which came with its progressive socialist slogans. The leaders of the May regime considered the native administration as a form of backwardness and as an element that strengthens racism and tribalism which contradict their notion of a the nation state free of tribalism and racism to.

Soon the May Rule took a quick move to dissolve the native administration in 1971 justifying their decision by many reasons the most important of which are:

- 1- The native administration is a backward system meant to keep the rural population under the control and the dependency of its traditional leaders.
- 2- The native administration became an easy ride for sectarianism and traditional parties. Dissolving the native administration will destroy the bases of sectarianism and the traditional parties.
- 3- May Rule as a revolution against the backward old system must achieve the large popular expansion and the intimate closeness to the masses through new channels that believe in its objectives and able to spread its ideas and principals.
- 4- May Rule as a progressive socialist revolution seek to establish the multicultural and multiethnic Sudanese nation. The native administration doesn't serve this aim because its existence gives strength to tribalism and racist tendencies.

The dissolve of the native administration took place according to the concepts mentioned above. Only the Omdas and sheikhs were spared for their indispensable role of accessing and collecting taxes.

Ten years after dissolving the native administration and during the last years of May Rule, it becomes clear that the dissolution of the native administration to that large scale was a mistake.

The urgent need for the services of the native administration chiefs in the rural areas became obvious. The tribal ties are still recognized and people still listen attentively to what the tribe leadership and elderly say. It also became obvious the failure of the institutions set by the regime like popular councils, popular courts, villages development committees, basic units and others institutions as alternatives to the native administration. These alternative institutions were considered as imposed institutions that didn't gain the acceptance or popular support. As a result some of the regions moved towards bringing back of the native administration. Darfur region was the frontrunner in this direction. It lead the way to bring back the native administration in 1984 in accordance to a by-law issued in that year. With this, a new period of the gradual rehabilitation of the native administration started.

That by-law has granted wide powers in different domains to the native administration under the auspices and supervision of the local and regional rule authorities.

The native administration during the Ingaz rule:

In the beginning, the Ingaz rule moved towards strengthening the rule of the native administration and depending on it in strengthening its popularity in the rural areas. The government encouraged the different states to organize their native administration affairs according to their own regulations and laws. Beside that, the local rule laws issued during the Ingaz period consisted of provision, support and development of the native administration.

There is a federal law for the organization of the affairs of Darfur states native administration affairs. This law is in the process of preparation since 2005 but it isn't released yet. All these activities show that the Ingaz authorities had real desire to contain the native administration. This appeared clearly in the regime move to attract the tribes and to encourage them to deliver the Baia (Pledge of allegiance) and Nasra (Backing up) to the regime. Some of the tribes went further and declared their collective entry to the National Congress (the government party). All these developments took place under the auspices and organization of the native administration figures and personalities of those tribes.

The duties of the native administration

The main duties of the native administration since its establishment are:-

- 1- To organize and administer the tribe affair in accordance to the common norms.
- 2- To organize the tribe relationships with other tribes, to resolve the problems that occur and to manage conflicts with other tribes through wisdom, norms and precedents.
- 3- To administer the native court in the area and to rule between the parties in accordance with the common norms.
- 4- To assist in securing control by helping in chasing perpetrators and following tracks and identifying criminals from the members of the tribe, arresting and controlling them.
- 5- To assist in assessing and collecting taxes and fees.

Perhaps these are the main duties of the native administration during the historical periods we mentioned above but these duties used sometimes to be expanded or limited according to the regime in power and how it looks to the native administration and what the regime wants from it. Sometimes the native administration faces enmity, other times it enjoys protection and care as the case during the last period of May regime and as it is happening now during the Ingaz rule. In these cases we find that the duties of the native administration expanded to include different domains that were not from the traditional domains known as one of the areas of the native administration work. In these cases we find that it takes the responsibility for duties in domains like: health, forestry, pastures, water resources, livestock, hunting, agriculture, census, election committees assistance and other duties.

Perhaps this is a clear sign that the native administration is a flexible apparatus and can be adaptable to use for different purposes. Therefore, it can be used to serve in vital activities like fighting plant diseases, forests and pastures protection, protecting and encouraging tree planting and forestry agriculture, mobilizing citizens to participate in the various developmental activities in the areas such as building schools, health care units, water reservoir, dams and other various services.

Native administration structures

Because the native administration sprang from the actual need of the local communities in serving its objectives and local issues, it develops a structure of its own to fulfil these objectives with very high capability, through its wide spread in the villages and the rural areas and through its hierarchical structure that provides it with different levels of leadership. It also provides the leadership and the grassroots with

new channels for communication, flow of information and guidelines that characterize with a high degree of capability and effectiveness.

These structures have taken now the form of stereotype shape familiar in all native administrations in Darfur with different names but with insignificant difference in the duties and responsibilities. At the base of the pyramid we find the villages sheikhs. They are in direct contact with their village population. They are elected directly by these individuals. Above the sheikhs come the Omdas or Furshas (as they are called in certain areas). The Sheikhs elect Omdas/Furshas.

Above the Omdas in the hierarchy of the local administration come the heads of the administrations that acquire different titles in different areas or tribes.

We find titles like: Nazir, Melik, Sultan, Shartai, Magdum and Dimangawi. Each of these head, generally, a number of Omdas whose number vary according to the size of the administration although we find Dimangawi, Magdum and Nazir in some cases- East Darfur as example- head a group of Shartai. These heads of administrations are usually elected by an integral group of sheikhs and Omdas.

The titles we have just mentioned above are the positions that are familiar in the native administration hierarchy.

There are other positions connected with the native administration but they are not mention within the administration hierarchy. They have specific duties and a recognized social role. These are the positions of Damlag and Ageed. The Damlag is the person responsible for blood issues (blood money and compensation ... etc) in each Batun of the tribe. The chief Damlag who heads all the tribe Damlags is called Dwana. As for the Ageed, it is military position. The Ageed is responsible for leading the youth of the tribe in situations concerning the protection of the tribe. With the expansion of the authority of the state this leader becomes responsible for mobilization of the members of the tribe for different purposes such as Fazaa or fighting plant diseases or other collective activities like the digging passages and building dams and other kinds of collective activities. Both damlag and Ageed work closely with the head of the administration. They get their powers from him and he provides them with the help and support they need to carry out their duties.

We mentioned in this narrative the methods of choosing the different leaderships of the native administration. These methods are referred to in all the laws and regulations of the native administration in various past rules but it is common practise that the way of choosing candidates to fill the various positions is allocated to certain family or Batun of the tribe. This way becomes the norm and people got used to it. It became a well –established practise to the extent that these families consider the issue of choosing candidates to fill certain positions as their legitimate right that they seek to protect and defend. It becomes an accepted norm among people to acknowledge that a specific position goes to a certain family. It is something that has been going on for a long period of time and through the successive regimes that ruled the country although it does not based on any law or regulations.

Summary

From the above narrative we could reach to the conclusion that the native administration has many advantages no other administration, but few, could have. The most important of these advantages are: -

- 1- Wide expansion among the people in rural areas and intimate closeness to them and the deep knowledge about them and about their problems.

- 2- The tribal connections and the kinship loyalty strengthen the ties between the individuals of the tribe and its leadership and prepare them to accept and obey its order.
- 3- The administrative structure is cohesive with well-established relationship enabling smoothness
- 4- communication horizontally and vertically.
- 5- It has work tools that serve different purposes, fulfil the needs of the society, and solve the issues that are important to the stability of the local society and guarantee its security and integrity.

These advantages put the native administration in a high position as an effective tool to serve the rural issues and to help in the control and the orientation of the local community. All these objectives could be achieved by the native administration if this administration is used at its best. In order to achieve these objectives the following conditions are to be satisfied:-

- 1- The native administration is to be built in its social environment that suits it in the rural areas and. it is not suitable for cities and urban centres where the social ties and values are different.
- 2- The administrators of the native administration are to be elected in a free vote by their people or representatives and they must be from those who have comprehensive knowledge of the local norms, traditions and culture.
- 3- To keep this apparatus away from being politicised and to be recognised as fatherly and caring leadership for all disregard of their political and ethnic affiliation in the geographical area in which the administration exists.
- 4- To limit its duties to the issues that concerns the local community, in general, and serves the needs of this community, and to co-ordinate in line with the nature of its own structure and its own abilities.
- 5- This apparatus could be oriented towards serving the development purposes and avoiding disasters.

There is no doubt that this apparatus is the able apparatus to resolve the problems that concern the tribes and the social communities and that is why it is the most capable apparatus to take the following responsibilities beside its duties mentioned above:

- 1- To establish good relationship between tribes and to resolve their conflicts.
- 2- To distribute the tribe land among its members to benefit from it.
- 3- To control delinquents from the tribe members and to help in arresting criminals within its area.
- 4- To contribute effectively to the organization of benefiting from the natural resources such as pastures, water resources and forest products.
- 5- To specify and open passageways for the herdsman and to specify and organize the places of their residence in the tribe Dar (homeland).
- 6- To protect forests and pastures.

Finally, there are no doubts that the native administration is heading towards its end in the future.

This will take place due to the modernization of the rural communities through the spread of the means and ways of the urban life and its values in the rural areas. At that point the conditions that lead eventually to the natural end to the native administration will be fulfilled.