



AUSTRIAN RED CROSS

ACCORD

Austrian Centre for Country of Origin
& Asylum Research and Documentation

Query response on Sudan: Tribe al-Ja'afra (الجعافرة):
difficulties in acquiring Sudanese nationality/passports or
any other form of discrimination [a-7919]

12 March 2012

This response was commissioned by the UNHCR Protection Information Unit. Views expressed in the response are not necessarily those of UNHCR.

This response was prepared after researching publicly accessible information currently available to ACCORD within time constraints and in accordance with ACCORD's methodological standards and the *Common EU Guidelines for processing Country of Origin Information (COI)*.

This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status, asylum or other form of international protection.

Please read in full all documents referred to.

Non-English language information is comprehensively summarised in English. Original language quotations are provided for reference.

Among the sources consulted by ACCORD within time constraints no information could be found on whether members of the Ja'afra tribe face any form of discrimination in Sudan or how they are considered by the Sudanese authorities with regard to nationality.

A request on the issue was sent to an academic expert. In case we receive an answer, it will be forwarded to you immediately.

The following sources contain information on the Ja'afra tribe in general and information on the issuance of nationality certificates and passports in Sudan.

Information on the al-Ja'afra tribe

Remark ACCORD: The Arabic word الجعافرة is being pronounced differently in different regions of the Arabic-speaking world. This results in different transcriptions of the word in Latin writing. The first consonant of that word would be pronounced

J according to classical Arabic, but G according to e.g. Egyptian Arabic. The second consonant has no equivalent in European languages, and is often not at all transcribed; sometimes an apostrophe is used for that sound and sometimes the sign °. In this query response, the following synonymous transcription variants are being used for the tribe in question (spellings are taken over from the original sources): Ja'afra, Ga'afra, Ga°afra, Jaafra, Gaafra

In a book published in 1973 by Robert A. Fernea on the Nubians in Egypt, the Ga°afra are mentioned as an old Upper Egyptian tribal grouping said to be related to the Nubians. They have also been described as 'Arab Egyptianized' Nubians:

"The relationship of the present Nubians to the ancient populations of Egypt and Sudan and to the Nubian kingdoms of Kush has yet to be fully established by archaeologists and historians. However, we do know that contemporary Nubians are a mixture of many peoples. The African, Arabic, and Mediterranean contributions to the population may be surmised from the Nubians' appearance and have been recently demonstrated in studies of blood types. [...] Language distribution is also relevant in examining relations between the Nubians and their neighbors, particularly those of Upper Egypt. Upper Egypt, home of the Sa°idī peoples, conventionally is defined as the area from Asyūt south to Aswan. On the outskirts of Aswan, the Nubian villages began and extended south along the Nile past the Egyptian Sudanese border to Khartoum. If, however, we accept the Nubian view of the location of their people, Nubians are also to be found north of Aswan town, in the rich agricultural areas around Esna, Edfu, Daraw, and Kom Ombo. The inhabitants of many villages in the region look Nubian, being somewhat darker than other Egyptians. Members of an old Upper Egyptian tribal grouping, the Ga°afra, these people are generally considered to be Sa°idīs like their neighbors, and it would be difficult to make a clearcut separation between the various groups in the area. However, many Ga°afra believe they are related to the Nubians, a belief reciprocated by the Nubians themselves. The Fedija, Nubians of the South, have described the Ga°afra people as 'Arab Egyptianized' Nubians with whom they feel at home and share similar attitudes and life styles, even though they no longer share a common language. The Ga°afra apparently feel somewhat the same way, for, during the years of the British

Mandate, many young men from these villages reportedly chose to serve not in the regular divisions of the Egyptian army but in the Hagana, the Sudanese border unit, which contained a large percentage of Nubians. Aside from the possibly related Ga'afra, few Nubians lived north of the Aswan Dam until their total resettlement near Kom Ombo in 1963." (Fernea, 1973, p. 13)

In September 2009, the Egyptian television channel OTV broadcasted a report in Arabic on the customs and traditions of the al-Ga'afra tribe in the Egyptian governorate Aswan. In the video that is available on youtube.com, a member of the tribe describes the tribe as being one of the biggest and most important in the governorate of Aswan (OTV, 21 September 2009, minute 0:55), another member of the tribe mentions that people from the al-Ga'afra can be found in many Arabic countries, among others in the Sudan (OTV, 21 September 2009, minute 5:20).

In 2002, the Egyptian Weekly On-line Al-Ahram published a profile of the prominent Sudanese opposition politician Farouk Abu Eissa, who spent his exile in Egypt at that time. The article states that Abu Eissa belongs to the Ga'afra people who had originally migrated from Upper Egypt to Sudan:

"Born in 1933 in Wad Medani, Al-Gezeira province, central Sudan, Abu Eissa is proud of his heritage. His distant roots are Egyptian, his forebears - the Ga'afra people from Daraw, near Aswan in Upper Egypt - migrated from Egypt down the Nile Valley to Sudan." (Al-Ahram, 12 - 18 December 2002)

In a publication of the United Nations University (UNU) from the year 1986, the Jaafra tribe is mentioned as one of the smaller tribes in the White Nile region of Sudan that does not belong to any of the three main Arab groups of the Sudan. The Jaafra tribe is described as 'more or less settled' and as dominating the town of Ed Dueim:

"It is thought that the original inhabitants of the White Nile region were Nilo-Hamites from southern Sudan and Negroids from western Sudan. In about the twelfth century A.D. the Arabs began to arrive in the area and gradual occupation started (Amir, in press). Some mixing has taken place between the Arabs and the other stocks but most of the Nilotic tribes retreated southwards. The present population is predominantly Arab in origin, at least from the cultural

point of view. However, it should not be thought that all the Arabs are homogeneous in their outlook towards nomadism. The majority of the Arabs of the White Nile are related to one or another of the three main Arab groups of the Sudan: the Gaalin, who are mostly settled people; the Guhayna, who are mostly nomadic; and the Kawahla, who, depending on the physical setting, may be either settled or nomadic. It happens that the majority of the Arabs of the White Nile belong to the Kawahla group and the Kawahla of this region are divided into three tribes, Kawahla (retaining the original name of the group), Hassaniya and Husseinat. Because of their dominance in terms of numbers and influence, the region was officially known, until recent years, as Dar Hassaniya. The Gaalin of the region are mainly the Showeihat, Kurtan, and Magdlya tribes, and none of these can be described as pure Gaalin. The Guhayna are represented by the Shenabla tribe, who are divided between the White Nile and Kordofan. There are also some smaller tribes that do not belong to any of the three Arab groups. These include the Jaafra, who dominate the town of Ed Dueim, the Mesellemiya, and the Arakiyin. All three of these tribes are more or less settled. It is to be observed that most of the Hassaniya and Husseinat occupy areas along the banks of the river and here they became attached to the riverain lands and developed titles to them. Most of the other tribes, including a substantial part of the Kawahla, occupy land away from the river, and have little claim to the riverain land. They were therefore from the start more nomadic and seminomadic than the Hassaniya and Husseinat (fig. 6.1)."

(UNU, 1986)

Application for certificates of nationality, passports, ID documents

In 2011, the independent development research institution Chr. Michelsen Institute (CMI) based in Bergen, Norway, published a report on questions of nationality and citizenship in Sudan written by Munzoul A. M. Assal, associate professor of social anthropology and director of the Graduate Affairs Administration at the University of Khartoum. The author states that hierarchies between different groups can make it difficult for persons belonging to certain ethnic groups to obtain certificates of nationality:

"While the term Sudanese or Sudani implies that nationality entails equality before the law and equal rights, inequality has long been part and parcel of socio-political formation in Sudan. There are hierarchies between the north and the south and between different groups within both north and south, based on religion, ethnicity, and regional or geographic origin. These distinctions sometimes make it difficult for persons belonging to certain ethnic groups to obtain certificates of nationality, particularly among those whose loyalty to the central government is in doubt (Abdulbari 2010: 24). While ethnic identity is not specifically included in the legal definition of nationality, in practice the standards of proof required are higher for members of ethnic groups which are remote from the capital region, overlap national borders, and/or have a history of immigration from neighbouring countries." (CMI, 2011, p. 1)

In his paper, Assal mentions that members of border ethnic groups face difficulties in obtaining nationality certificates or other documents due to their links with more than one country:

"By failing to distinguish between nationality and citizenship, Sudanese law and discourse blur the distinction between cultural origin and rights given by the state. They also give particular emphasis to ancestry ('nationality by descent'), and in practice citizenship by naturalisation is regarded as an inferior status. A senior Sudanese immigration officer affirms that 'nationality by birth gives more rights than nationality by naturalisation.' The current nationality framework in Sudan encourages differentiation even between those who are nationals by birth, due to the prevalence of the hierarchies mentioned earlier. In practice, Sudan still uses ethnic affiliation as a basis for authenticating citizenship claims by persons belonging to ethnic groups domiciled in Sudan; birth certificates are viewed as insufficient. It is more difficult for members of border ethnic groups to obtain nationality certificates or other legally acceptable identity cards since such groups maintain links with more than one country. In a country where registration of births and deaths is very incomplete, ascertaining who is a national and who is not is a daunting task. This opens the door to corruption and lack of professionalism in dealing with the question of nationality." (CMI, 2011, p. 3-4)

Assal quotes persons telling about their experience with applying for a nationality certificate. A man who was born in 1970 and applied for his nationality certificate in 1984 said that he had been asked about his ethnic group and the clan within the group he belongs to. He believes that some people have easier access to nationality certificate than others, depending on the region where they were born and raised (CMI, 2011, p. 5). Assal concludes that people who were born outside Khartoum or the Nile Valley generally face more difficulties in getting official documents, particularly nationality certificates (CMI, 2011, p. 6).

In its state party report to the UN Human Rights Council published in March 2011, the government of Sudan emphasizes that citizenship, not faith, ethnicity or colour, forms the basis for equal rights and duties in the Sudan. The fact that documents of proof, such as identity cards and passports, contain no details of religion is given as an example for this:

"38. The Sudan is a multiracial, multicultural and multireligious country. Muslims make up the majority of inhabitants and Christianity and customary beliefs have a considerable number of followers. The Constitution affirms this fact in article 1 and clearly guarantees to every individual the right of freedom of conscience and religious creed, in addition to the A/HRC/WG.6/11/SDN/1 GE.11-11706 9 associated right of manifesting his religion or creed and disseminating it through worship, teaching or practice, and the right to perform religious ceremonies or rites. It also provides that no person shall be coerced into adopting a creed in which he does not believe or into engaging in ceremonies or acts of worship to which he does not voluntarily consent, without prejudice to the freedom to choose one's religion and without harming the sensitivities of others or undermining public order. Under the Constitution, the assumption of high State office, including the Presidency of the Republic, is not predicated on faith; it is citizenship – not faith, ethnicity or colour – that forms the basis for equal rights and duties in the Sudan. A good example of this is the fact that documents of proof, such as identity cards and passports, contain no details of religion. Nor is any statement of religion required for access to State-provided services." (UN Human Rights Council, 11 March 2011, p. 8-9)

In its 2009 report on documents in Sudan, the Norwegian Country of Origin Information Centre Landinfo mentions the importance of the certificate of nationality:

"The certificate of nationality is an essential document for Sudanese citizens. Without a certificate of nationality, a person will not be able to sit exams at school or university, or obtain a passport. The certificate is issued by the Ministry of Interior Affairs upon application. It has a green cover and contains a photo, personal data, father's name, fingerprints and details of the applicant's tribe. Where no birth certificate is submitted to document or verify the personal data, a witness must be called to confirm the information (Embassy of the Republic of the Sudan, Oslo, 3 January 2008)." (Landinfo, 5 January 2009, p. 14-15)

Landinfo also mentions that the complex bureaucracy and formal fees can make it difficult for people to obtain ID documents (Landinfo, 5 January 2009, p. 12). According to a representative from the Norwegian Refugee Council (NRC) consulted by Landinfo, it is problematic for unregistered persons to receive ID documents, as they need a registered relative as a witness, who they seldom have:

"The Department of Statistics' Birth and Death Register is responsible for issuing birth certificates. Unregistered persons without birth certificate can contact the register to receive confirmation that he/she has not been registered. Subsequently, the written confirmation can be submitted to the Health Commission, who will issue a so-called substitute health document or age certificate based on the given information and confirmation from two witnesses (NRC, Alexander Jones. Interview in Khartoum 5 May 2008). A substitute health document will indicate a person's year/date of birth, but not necessarily place of birth. The date of birth in this type of document is normally stated as 1 January followed by an estimated year.

However, in March 2008 the Sudanese authorities implemented new requirements regarding the witnesses. The witnesses must have ID documents and they have to be related to those who apply for a substitute health certificate /age certificate. This implies that few of those who need the document will be able to obtain one, since those who are unregistered seldom

have relatives who themselves are registered (NRC, Alexander Jones. Interview in Khartoum 5 May 2008).

A birth certificate or substitute health document is required in order to obtain an ID card, proof of citizenship or passport (IRB 2007a, Embassy of the Republic of Sudan, in Oslo, 3 January 2008)." (Landinfo, 5 January 2009, p. 13)

A detailed discussion of Citizenship Rules in Sudan can be found in a paper by Nasredeen Abdulbari (Abdulbari, 2010). The Interim National Constitution of the Republic of the Sudan of 2005 contains 4 articles on Citizenship and Nationality (6 July 2005), the Sudanese Nationality Act (1994) and its amendment (2011) are available at Refworld (see references below).

Technical details on Passport issuance and renewal procedures can be found in a response to information request by the Immigration and Refugee Board of Canada (IRB, 28 February 2007).

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