"It is a joke".
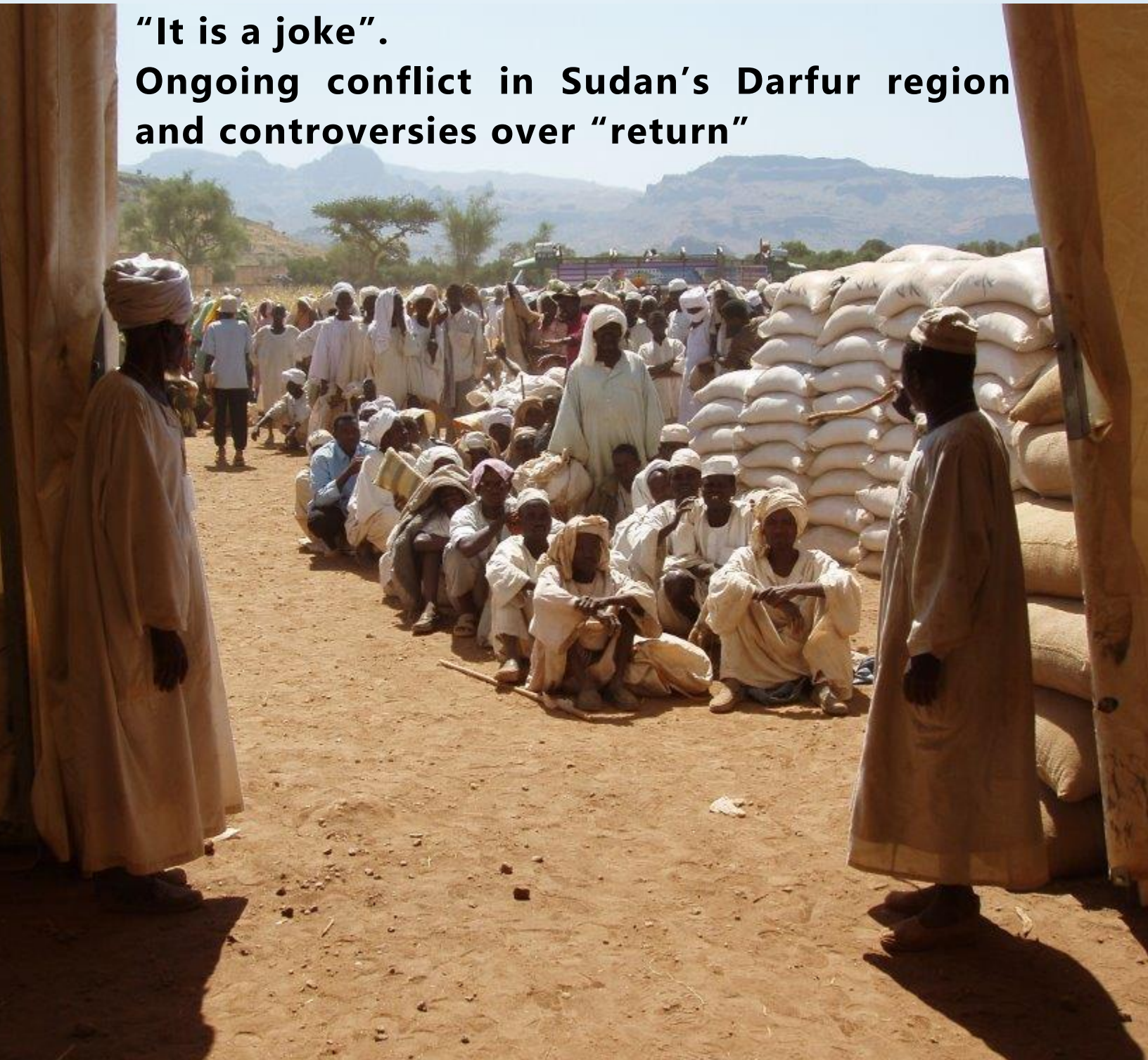# Ongoing conflict in Sudan's Darfur region and controversies over "return"

About the International Refugee Rights Initiative

The International Refugee Rights Initiative (IRRI) enhances the rights of those excluded from state protection as a result of forced displacement, conflict, discriminatory violence and statelessness. IRRI believes that strengthening the rights, capacities and democratic participation of these communities—refugees, the forcibly displaced, the conflict-affected, the stateless and those suffering violent discrimination on the basis of their political status—is essential to building just, peaceful and flourishing states and communities.

IRRI redresses the imbalances in power that fuel the violent exclusion of vulnerable populations from protection through:

- tackling the root causes of exile, statelessness, discriminatory violence, and conflict through which state protection is lost;
- enhancing the agency and protection of those who are forcibly displaced or threatened with displacement; and
- promoting the re-building of just and inclusive communities in which genuine citizenship is forged and displacement and exile comes to an end.

IRRI grounds its advocacy in regional and international human rights instruments and strives to make these guarantees effective at the local level.

Background to the Paper

This paper was written by Dr. Lucy Hovil, Senior Researcher at IRRI. Olivia Bueno and Andie Lambe of IRRI, and Nasradeen Abdulbari, an independent researcher, gave additional input. For reasons of security those who carried out the field research have asked to remain anonymous. The team would like to thank all those who participated in the study.

The quote on the cover is from an interview with an IDP in Nyala, South Darfur State, December 2013.

The cover photo was contributed by a Darfuri activist.

Report Summary

Since the current conflict in Sudan's Darfur region began in 2003, an estimated three million people have been displaced, many for over a decade, living in domestic or international exile. This prolonged displacement has reinforced the notions of marginalisation that lie at the root of the conflict, reminding the displaced every day not only of the government's failure to protect their homes, their families and their livelihoods, but also of its direct and indirect involvement in their displacement.

The destruction in Darfur is part of a broader picture in which the government of Sudan (GoS) has continued to use violence and displacement as a strategy of control. Similar tactics have been used throughout Sudan, including during the war that led to South Sudan's independence and more recently in Southern Kordofan and Blue Nile States. Repeatedly, and in violation of fundamental principles of international humanitarian law, the GoS has shown a willingness to force the mass displacement of its civilian populations in order to alter the political and ethnic fabric of the country – and to strengthen those who are seen as supportive of the regime.

Over the past few years, the conflict in Darfur has faded from the headlines. Although levels of violence decreased following a peak in 2004-5, the conflict is ongoing. A peace agreement, the Doha Document for Peace in Darfur (DDPD), was signed in 2011,[1] but the majority of rebel groups still refuse to sign.[2] And now violence in Darfur is again on the increase, with hundreds of thousands displaced in 2013. In 2014, the Rapid Support Force (RSF), former *Janjaweed* fighters re-equipped and re-hatted as government forces, have gone on the offensive forcing many people who had returned to flee once more.[3] The stark reality is that over 300,000 Darfuri people have been displaced since the start of 2014.[4]

Despite the fact that the conflict is ongoing, internally displaced persons (IDPs) are coming under increasing pressure from the government to leave the camps. This pressure started in 2010 with the release of a government policy paper[5] that talked about the importance of closing the camps as part of a broader plan to "restore normalcy and accelerate development in the region."[6] Not surprisingly, the plan was received with scepticism, and discussions around return have become strongly politicised. A number of civil society actors inside and outside of

---

[1] Talks supported by the African Union and the United Nations and hosted by Qatar, led to the signing of The Doha Document for Peace in Darfur in July 2011 between the Darfur-based Liberation and Justice Movement, led by Dr. Tijani Sesse, and the Gos. A splinter group from the Justice and Equality Movement (JEM-Mohammed Bashar) signed on to the document in April 2013.

[2] These include the Sudan Liberation Movement/Army—Abdelwahid; the Sudan Liberation Movement/Army—Minni Minnawi; and the Justice and Equality Movement, led by Dr. Jibril Ibrahim.

[3] See, for example, Human Rights Watch, "Sudan: Renewed Attacks on Civilians in Darfur," 21 March 2014, available at http://www.hrw.org/news/2014/03/21/sudan-renewed-attacks-civilians-darfur

[4] UN OCHA, Humanitarian Bulletin Sudan Issue 18 | 28 April – 4 May 2014, available at http://reliefweb.int/report/sudan/humanitarian-bulletin-sudan-issue-18-28-april-4-may-2014-enar

[5] Government of Sudan, "Darfur: Towards a New Strategy for Achieving Comprehensive Peace, Security and Development," 2010, available at http://www.operationspaix.net/DATA/DOCUMENT/300~v~Darfur__Towards_a_New_Strategy_for_Achieving_Comprehensive_Peace_Security_and_Development.pdf

[6] Ibid.

Darfur, and some rebel groups, argue that return is not only inappropriate but dangerous: returns that have occurred are viewed as the result of manipulation and an abandonment of IDPs.[7]

The DDPD attempted to address this dynamic by creating a new political dispensation in which concerns about return should have been addressed by a new Commission for Voluntary Return of the Darfur Region Authority (DRA) which was to make provisions for a number of returnee villages and begin a process of voluntary return. However, the agreement has failed to deliver on this. More importantly, it has also failed to deliver on its primary purpose: to generate peace. In reality, the commission itself is limited in its ability to move freely and to undertake programming due to the same insecurity threatening the returns that have happened to date.[8]

This paper seeks to give voice to the most important and relevant views of this polarised debate by focusing on those most affected – those who have been displaced by the conflict. The paper, based on 119 interviews with individuals across the five states of Darfur, seeks to document some of the experiences of the displaced. It considers the way in which they are being forced to make difficult choices in a highly charged and challenging environment, and interrogates how international and national actors can better respond to these realities.

The findings show that while most people remain in the camps for much of the year, people *are* moving to their villages temporarily or permanently – albeit in small numbers and in highly precarious circumstances. They are making rational decisions, but are doing so under enormous pressure due to the poor humanitarian conditions in the camps and the fear of losing their land. In the view of those who have returned, the war is not over and much of Darfur remains insecure. Their return is complicated by a context in which much of the land left behind has now been appropriated by members of militia groups, referred to collectively as *Janjaweed* by most interviewees. It is also important to note that attacks on civilians have increased since the field research took place: the situation in Darfur has only become more rather than less dangerous.

Return – or rather, movement of displaced persons within Darfur – was described as happening in several ways. First, the most common type of return was described as "temporary return" in which the displaced move on a seasonal basis for the purpose of cultivation. This temporary "return" was seen by those interviewed to have been driven by reductions in humanitarian aid since 2008 rather than an improvement in conditions in return areas. Indeed, the findings show that inadequate access to food has forced many to take significant risks in order to feed their families. Many returnees described paying a "tax" to local militia, who they generally identified as *Janjaweed.* This arrangement for accessing land (either land that they see as their own, or land that belongs to other IDPs)[9] is a product of the vulnerability of this population and risks making them even more vulnerable, as the tax is often crippling – between a quarter and a half

---

[7] Correspondence with key informant, June 2014 (on file with IRRI).
[8] Ibid.
[9] It is important to note that the issue of land ownership in Darfur is highly contested and is one of the root causes of conflict.

of their harvested produce. Returnees also reported exploitation, intimidation and abuse, including women being raped on their farms. The tax also risks creating localised war economies that, although not explored in depth by the research, could sustain the conflict.

A second phenomenon was described as "tourist return". In these cases, individuals have moved temporarily with the assistance of the government's Humanitarian Aid Commission (HAC). Interviewees described this as a staged process of return whereby individuals are taken by truck to a specific area where they stay for up to a week. Local government officials allegedly arrange with IDP leaders for a number of IDPs to go to a nearby village, which is then labelled a "return area" and visited by outsiders, before returning to the IDP camps. Interviewees reported that the purpose of the exercise is to allow the government to demonstrate to the international community its progress in assisting return.

Third, incidents were reported in which representatives of groups of IDPs return to their home areas from time to time to check on their land, to see if those who took their land after they fled have left or are still there.

Finally, given that all of these returns are only temporary, the majority continue to spend most or all of the year in IDP camps, where the situation is precarious at best. Not surprisingly most interviewees placed little hope in the future.

The findings demonstrate that "return" is failing to take place "voluntarily, in safety and with dignity," as required by the UN Guiding Principles on Internal Displacement (UN Guiding Principles).[10] Instead, it is operating within the same political dynamic as the ongoing conflict and is building on, rather than challenging, that dynamic. Although localised agreements are being reached between returnees and militias, and are, at some level, creating benefits by reducing outright violence and alleviating some of the food shortages, they are fundamentally unfair and are potentially feeding the broader war economy: inevitably, those with weapons are negotiating from a stronger position than those without. These agreements fail to create an environment in which tensions over land distribution and resource allocation can be addressed in any sort of sustainable way. Communities that might accept such arrangements as a result of precarious conditions in the camps are unlikely to accept them for long, and the injustice is likely to seed new feelings of marginalisation and exclusion – and possibly future conflict.

Ultimately, therefore, "return", understood not merely as a physical movement but as a resolution to displacement, is a deeply problematic description for what is currently taking place in Darfur. While returning physically, for the most part people are doing so in a way that would not meet even the most basic criteria of return as a durable solution.

---

[10] UN Guiding Principles on Internal Displacement, Principle 28, available at http://www.unhcr.org/43ce1cff2.html

Recommendations

Ending the conflict

Sudan has been, and continues to be, a deeply divided country in which the majority of people have been alienated from a minority central power base. The ongoing conflict in Darfur, therefore, is part of a broader picture of violence and marginalisation, and is putting the lives of millions of people on hold. Clearly, it is imperative for the conflict to end. Recognising that the situation is complex, IRRI makes the following recommendations.

- *Localised conflicts across Sudan (in Southern Kordofan, Blue Nile, and Darfur) need to be considered in a holistic way by those seeking to promote resolution.*
    - While there are localised conflicts operating within the broader conflict dynamic that need to be addressed at a *local* level, failure to address inequity at the *national* level is a major stumbling block to progress. The fact that the *Janjaweed* (re-configured as the RSF) have recently been documented as participating in the violence in Southern Kordofan is additional evidence of the interconnectedness of these conflicts.[11] The need to take a holistic approach, which has been articulated by civil society for years, seems to finally be gaining some traction. A coalition between rebel movements from Darfur, Southern Kordofan and Blue Nile have come together under the banner of the Sudanese Revolutionary Front and are promoting a "Roadmap to peace" – which puts both conflicts on the table together: it pushes for a comprehensive approach to peace, reflecting the idea that the road to peace lies first and foremost in resolving governance issues at the national level. This approach reflects both recognition of the interconnectedness of these conflicts and also the greater possibility for rebels to act as a counterweight to the Khartoum government if they pool their resources.

The peace process needs to be reconceived or reinvigorated if it is to have any hope of resolving the conflict. This resolution needs to be a multipronged process including:

- *Adequate implementation of existing peace agreements.*
    - The parties to the current agreements, and in particular the GoS, need to take their implementation more seriously. The fact that the GoS is not implementing the agreements it signs is undermining the credibility of any future negotiations, promoting a military approach to resolving the conflict and undermining political progress.
    - The international community should play a more active role in addressing the deficit of trust that exists by taking a stronger role in monitoring and enforcing existing agreements. If rebel and civil society interlocutors cannot be assured that the GoS is committed to implementing the agreements,

---

[11] Ibid.

reassurance that at least their non-compliance will be monitored and produce consequences for the government will serve as an incentive to participate.

- *The negotiation process needs to be widened to include a broader range of voices.*
  - o The parties to the conflict and the international community need to do more to facilitate greater engagement with local civil society, religious leaders and other local structures in order to ensure that the voices of civilians are heard. Although there have been significant efforts by the international community to bring local civil society to the table, their involvement has been undermined by allegations that the GoS has prevented strong independent voices from engaging.
  - o In addition to ensuring broad engagement, it is particularly important to guarantee inclusion of a cross section of political and ethnic groups. Although those from so-called "African" tribes have developed a particular sense of marginalisation, it is important to remember that "Arab" groups that have not allied themselves with the government also face marginalisation and must be represented separately: one cannot assume that the government is representing their interests. If the concerns of all groups are not genuinely listened to, their frustrations will remain vulnerable to exploitation by those who would seek to mobilise on an ethnic/tribal basis.

- *The GoS must open up political space in order to remedy the perception that truly independent engagement is not possible.* By ending the current state of emergency and releasing political detainees, the GoS can help ensure that those who are navigating their way through this conflict on a daily basis can engage credibly.
  - o *Action must be taken to disarm the Janjaweed and to mitigate their potential to act as spoilers in the peace process.* The *Janjaweed* have not been independently engaged in the peace process on the assumption that the issue of militia violence is one that should be controlled by the government. For example, a number of UN Security Council (UNSC) resolutions have demanded the government disarm the *Janjaweed*.[12] While it is vital that the *Janjaweed* be disarmed, the increasingly complex web of violence in Darfur is evidence that these groups may not automatically put down their arms even if directed to by the government. In order to ensure that this does not derail peace, various policy options could be considered such as including *Janjaweed* in demobilisation programmes and ensuring that a comprehensive agreement addresses the legitimate grievances of those Arab tribes to whom the Janjaweed have been looking for support. However,

---

[12] Sudan Consortium, "The Impact of Sudanese Military Operations on the Civilian Population of Southern Kordofan: April 2014," May 2014, available at
http://www.sudanconsortium.org/darfur_consortium_actions/reports/2014/Sudan%20Consortium%20SK-BN%20Update%20Apr_%202014%20FINAL.pdf

sensitivity to the demands for justice by victims of the actions of the *Janjaweed* must be given priority.

- *The international community should support a grassroots approach to conflict resolution alongside the formal peace process.*
    - o The findings demonstrate that there is potential for pushing forward negotiations at a local level that would allow for a grassroots approach to resolving conflict – a process that is vital in complementing wider, national initiatives. Therefore the potential of localised mechanisms for dispute resolution should not be underestimated but strongly supported. In this regard, the international community has a role to play in ensuring that civil society is facilitated to be part of any ongoing discussions.

Return

While discussions around return remain premature, if and when return does take place it must be done voluntarily, safely and in dignity, and needs to support, rather than undermine, local coping strategies. In the meantime:

- *The GoS should remove restrictions on humanitarian organisations operating in the region and provide them with rapid, impartial and unhindered access to IDPs in the camps.*
    - o Article 3(1) of the Protocol on the Protection and Assistance to Internally Displaced Persons (to which Sudan is a party) provides that states "shall accept and respect the obligation of the organs of the international community to provide protection and assistance to IDPs"[13] placing Sudan under an obligation to allow international actors to assist IDPs in the camps.

- *The international community needs to provide strong and unequivocal support to humanitarian actors to enable them to continue their work.*
    - o Although it is first the responsibility of the GoS to provide sustained humanitarian assistance, where the GoS lacks either the will or the resources, the international community should step in.
    - o Specifically, it needs to evaluate the viability of return on the basis of the extent to which returnees will be able to genuinely live as citizens of the state, as evidenced by the their ability to access their rights.

- *All parties must recommit to bringing genuine security to the region, including through disarmament, to ensure safe return.*

---

[13] ICGLR, Protocol on the Protection and Assistance to Internally Displaced Persons,
http://www.refworld.org/pdfid/52384fe44.pdf

- Provision of security in return areas, including through disarmament, is crucial to ensuring safe return. Although the DDPD makes provision for disarmament and inclusion of the DRA in security mechanisms, these have been stymied by lack of agreement on the numbers to be disarmed and resistance to allow former rebels access to decision making.

- *Greater attention needs to be given to issues of access to land for returnees, and their return should be to their land or villages of origin unless they wish otherwise.*
    - Although some IDPs may have been urbanised, and therefore would be unwilling to go back to their original villages, all obstacles that hinder their return to such villages must be removed. In fact, priority should be given to ensuring return to the IDPs' lands of origin, and IDPs should be properly consulted on where they want to return. This is very important as most of the so-called "model villages" have not often been constructed in the IDPs' places of origin. The GoS must respect its international obligations in relation to access to land for returnees. Both the UN Guiding Principles[14] and, Articles 4 and 8 of the Protocol on the Property Rights of Returning Persons (to which Sudan is a party)[15] place a responsibility on the GoS to assist returnees to recover their land, or provide compensation if this is not possible. At the moment the government is not doing either.[16]
    - The international community should demand that the GoS comply with these international obligations and provide support to ensure this is done.

---

[14] UN Guiding Principles.

[15] ICGLR Protocol on the Property Rights of Returning Persons, https://www.lse.ac.uk/collections/law/projects/greatlakes/4.%20Humanitarian%20and%20Social%20Issues/4c.%20Protocols/Final%20protocol.PropertyRights%20-En%20r.pdf

[16] In addition to the specific issues of returnees, addressing the land question in Darfur as a whole is critical. It is, however, outside the scope of this paper to address those issues.

Background to the conflict in Darfur[17]

The current conflict in Darfur is rooted in historical cycles of violence and injustice that persist today. Specifically, control over land has been one of the main factors that has contributed to conflict.[18] The current phase of conflict started in 2003, when the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) took up arms against the GoS leading to a vicious counteroffensive by government forces supported by the *Janjaweed*. The *Janjaweed* is a militia drawn primarily from camel breeders of North Darfur who operated in North and West Darfur with the support of the Sudanese government, and formed into a full paramilitary wing that undertook joint operations with the government's Popular Defence Forces (PDF). This collaboration made it difficult to distinguish between the two forces.

Those fighting this war have increasingly splintered into smaller groups, with an increase in fighting among the *Janjaweed*, and between other former government collaborators. Indeed, fighting between different "Arab" groups in Darfur was the largest cause of violent death in Darfur from the signing of the Darfur Peace Agreement (DPA) in 2006 to 2010.[19] As such, determining the parameters of "sides" has become increasingly difficult.

International Response

In September 2004, the then-US Secretary of State, Colin Powell, declared the Sudanese government's actions in Darfur to be genocide.[20] The International Criminal Court (ICC) later confirmed Powell's declaration in July 2010 that genocide has been committed in Darfur.[21] The UNSC set up an Independent Commission of Inquiry into Darfur,[22] which found evidence of crimes against humanity and war crimes and recommended a referral of the case to the ICC. In response, the UNSC referred the Darfur situation to the ICC in March 2005. Since then the ICC has charged and issued arrest warrants against Sudan's President Al Bashir, two other

---

[17] This section is an abbreviated version of a longer history provided in a previous IRRI paper. For more details, see IRRI, "Darfurians in South Sudan: Negotiating belonging in two Sudans," May 2012, available at http://www.refugee-rights.org/Assets/PDFs/2012/DarfuriansinSouthSudanFINAL1.pdf.

[18] Today, land is one of the root causes of conflict. The traditional land ownership system, known as *hawakeer* or *dar* system, had previously worked well in organising land relations in Darfur on the basis of customary law. According to this system, tribes owned the land, but they were not allowed to prevent members of other tribes from living on or owning land in their communal lands. Recently, however, this equilibrium was disrupted by two main factors: first, the native administration system has been fragmented and weakened by the central government to the point that it is no longer able to mediate local conflicts; second, drought forced certain tribes to relocate and live in areas that were historically occupied by other tribes. Therefore, land reform in the context of solving the Darfur crisis needs to be a broad and inclusive process, ensuring that it does not lead to further conflict. Unlike many regions in Sudan, 80% of the land in Darfur is owned, making any reform particularly delicate.

[19] Julie Flint, "The Other War: Inter-Arab Conflict in Darfur." Small Arms Survey, Graduate Institute of International and Development Studies, Geneva, 2010, p. 7, available at http://www.smallarmssurveysudan.org/fileadmin/docs/working-papers/HSBA-WP-22-The-Other-War-Inter-Arab-Conflict-in-Darfur.pdf

[20] BBC, "Powell declares genocide in Darfur." 9 September 2004, available at http://news.bbc.co.uk/2/hi/africa/3641820.stm .

[21] See UN News Centre, "Darfur: ICC charges Sudanese President with genocide," 12 July 2010. Available at http://www.un.org/apps/news/story.asp?NewsID=35293#.U73zWvmSz_A.

[22] "Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General pursuant to Security Council resolution 1564 of 18 September 2004." 25 January 2005, at para. 573; UNSC Resolution 1593, 31 March 2005.

government officials, a *Janjaweed* commander and three rebel leaders.[23] To date, the GoS has refused to cooperate with the ICC on the enforcement of the arrest warrants and other governments in the region and the African Union have also objected to, and refused to comply with, the arrest warrant against President Al Bashir.

In addition to the deployment of international justice mechanisms, a number of other strategies have been undertaken locally, nationally and internationally to end the war in Darfur, from the signing of the DPA in 2006 to the deployment of international peacekeepers and the imposition of sanctions.[24] However, the international response to the situation in Darfur was further complicated by efforts to bring an end to the north-south axis of the conflict and implement the Comprehensive Peace Agreement (CPA) which was signed between the Sudan People's Liberation Movement (SPLM) and the GoS in 2005. Although the CPA has been criticised for focusing primarily on addressing North/South animosity, it did integrate a democratic reform programme that reflected a holistic and *national* understanding of conflict in Sudan. However, this wider agenda proved fragile and was further undermined when the SPLM leader, John Garang, was killed in 2005 and power within the SPLM shifted to those inclined to secession. Although the SPLM was nominally part of the Sudan central government, it was unable to address the growing conflict in Darfur, and ultimately the complex and carefully crafted CPA was whittled down to a secession vote in 2010. Since secession, conflict has broken out in Abyei, Southern Kordofan and Blue Nile States in Sudan and, more recently, in South Sudan, reiterating the fact that carefully crafted agreements are only as good as their implementation.

The Peace Process

The most recent attempt to broker a negotiated political resolution to the war in Darfur was the Doha peace process, which concluded with the signing of the DDPD in July 2011 by the Sudanese government and an umbrella of weaker rebel movements/factions known as the Liberation and Justice Movement (LJM). However, these insurgent movements had minimal military and political presence in the region. The DDPD did include initiatives for power sharing, compensation for refugees, and greater respect for human rights.[25] Yet despite these progressive aspects of the agreement, it has floundered. The most important failing of the document has not been in the text, but in the context. Not only have the majority of rebel movements not signed on, but the parties that did have repeatedly failed to meet targets for implementation. This lack of implementation has only reinforced the view that fighting is the only option. Furthermore, accusations of anti-democratic practices within the LJM have led to

---

[23] For more information on status of charges and proceedings in these cases, see http://www.icc-cpi.int/Menus/ICC/Situations+and+Cases/Situations/Situation+ICC+0205/

[24] In April 2004, talks between the government, the SLM/A and JEM agreed to a ceasefire and the disarmament of the *Janjaweed*. The Darfur Peace Agreement between Khartoum and SLM/A leader, Minni Arko Minnawi, was signed in Abuja in 2006. While other parties came on board later, a lack of commitment, particularly on the side of government, meant that the *Janjaweed* were not disarmed and, instead, continued their assaults against civilians, with new waves of violence and displacement subsequently occurring as rebel groups splintered into different factions.

[25] Doha Document for Peace in Darfur, available at http://unamid.unmissions.org/Default.aspx?tabid=11060

the group's splintering further slowing down the implementation of the peace process,[26] although recent, unconfirmed reports suggest that LJM may be addressing these issues.[27]

Ultimately, none of the agreements reached to date have offered a solution to the conflict. They have been marred by the lack of genuine commitment to peace on the part of the GoS; a lack of inclusive representation of different factions within Darfur – and indeed its citizens; and a general delinking of the conflict in Darfur from the wider process of reform that is urgently needed in Sudan as a whole.

The DRA was set up to serve as the principal instrument for the implementation of the DDPD in collaboration with the GoS and with the support of the international partners. However, as our research demonstrates, no interviewees mentioned the DRA by name and people showed little faith in the process. Therefore, while the signing of the DDPD should have opened up space for return by allowing for greater representation of Darfuris in local and national government, in practice this has not happened.

In this context, the government's recent announcement of a process of "national dialogue" is likewise only worth the extent to which it is implemented. It has sparked everything from suspicion to derision from national civil society:[28] government actions to date suggest that this initiative is designed to offer a smokescreen in a context of increased economic and political pressure.[29] Nevertheless, civil society should be (and is) monitoring the process with a view to seeing whether it can be leveraged to encourage more inclusive governance.

Displacement

Displacement has been a deliberate strategy of the war in Darfur. Since 2003, an estimated three million Darfurians – almost half the population – have been forcibly displaced, many more than once, fleeing either to neighbouring countries, to urban areas within Darfur or to urban areas elsewhere in the country.[30] By 2007, there were 220,000 refugees in camps in eastern Chad and over two million people displaced internally. Despite a relative quieting of the conflict since then, there has been a resurgence of displacement in the last two years: in 2013

---

[26] Sudan Tribune, "Sudan: Divisions Threaten Unity of Darfur Peace Partner Group," 3 April 2014, available at http://allafrica.com/stories/201404040827.html

[27] IRRI interview with key informant, 2 May 2014.

[28] For an analysis of this initiative, see the Sudan Democracy First Group, "A National Dialogue, or a National (Congress Party) Monologue?" available at http://us7.campaign-archive2.com/?u=7acabab6ae470b89628f88514&id=aa02729481&e=5127444938

[29] For instance, in May 2014, the National Intelligence and Security Services arrested Sadig Al-Mahdi, the leader of the Umma Party, for criticising the Rapid Response Forces (the *Janjaweed*). In June 2014, it arrested Ibrahim Al-Shiekh, the leader of the Sudanese Congress Party for what it called spreading of "lies."

[30] Internal Displacement Monitoring Centre, "Sudan: 4.9 million IDPs across Sudan face ongoing turmoil," 2009, available at http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/A5170810EB2A7213C12575C300342A91/$file/Sudan_Overview_May09.pdf

alone, an estimated 400,000 fled their homes and so far in 2014 another 301,000 have been displaced.[31]

Camps located within Darfur are around urban areas and are administered by the few humanitarian agencies allowed by the government to operate in Darfur, and the longevity of this displacement has led to rapid urbanisation. While some of the displaced have returned to their homes during the course of the war, particularly when there has been a lull in the fighting, most have not. Instead, as the conflict has morphed from its initial configuration into an increasingly fragmented and polarised struggle, the civilian population has continued to be on the frontline. The African Union-United Nations Mission in Darfur (UNAMID) reports that there has been an increase in armed attacks on aid workers and peacekeepers over the course of the first few months of 2014, and almost a third of the population in Darfur is currently dependent on international emergency aid.[32]

Pro-government militia are still being deployed to the region, currently under the guise of the RSF. They continue to target civilians, burn down and loot villages, and take property including cattle.[33] At the same time, non-signatories to the DDPD have stepped up attacks against government positions, in particular in Jebel Marra in North Darfur and some parts of South Darfur.[34] Furthermore, there has been increased attention on UNAMID's failure to protect civilians, as highlighted by former UNAMID spokesperson Aicha el Basri who took the decision in April 2014 to speak out on the mission's failure to protect civilians.[35]

Despite these realities, a politicised discussion around the issue of return has developed, in which both the GoS and armed militias have demonstrated a strong agenda in influencing the decision-making processes of those who are displaced. The GoS has been encouraging the dismantling of IDP camps for a number of years despite high levels of violence. As stated in its 2010 policy paper, "It is … vital to re-orient humanitarian activity in Darfur towards the resettlement of the people affected by the conflict, providing security for them in their original homes and sufficient help to enable self-reliance." It later states, "… the voluntary, safe and orderly return of displaced people to their homes should be upheld as the ultimate indicator of a successful resolution to the Darfur conflict. Organising such a return is one of the Government's top priorities."[36] When the government announced its strategy, civil society organisations in Darfur in particular, and in Sudan in general, were highly sceptical of the sincerity of the government in implementing it.[37]

---

[31] UN OCHA, "Humanitarian Bulletin Sudan Issue 18 | 28 April – 4 May 2014," available at
http://reliefweb.int/report/sudan/humanitarian-bulletin-sudan-issue-18-28-april-4-may-2014-enar
[32] Gladstone, Rick, "Number of Darfur's Displaced Surged in 2013," 23 January 2014, available at
http://www.nytimes.com/2014/01/24/world/africa/number-of-darfurs-displaced-surged-in-2013.html?_r=0
[33] UN News Centre, "Darfur: UN official urges support for peace process amid unfolding 'new dynamics'," 24 April 2014, available at http://www.un.org/apps/news/story.asp?NewsID=47647#.U14ZiPldVKJ
[34] Ibid
[35] Le Monde, « Au Darfour, l'ONU cache des crimes de guerre »,22 April 2014, available at
http://www.lemonde.fr/afrique/article/2014/04/22/au-darfour-l-onu-cache-des-crimes-de-guerre_4405004_3212.html?xtmc=minuad&xtcr=1
[36] Ibid, p. 1.
[37] Correspondence with key informant, 10 June 2014.

On the other hand, return is being actively discouraged by a number of rebel groups: in addition to a highly precarious security situation, these groups appear to be interested in maintaining visible evidence of the suffering in Darfur, as well as working to ensure that return occurs only in the context of a peace agreement which they support.[38] Not surprisingly, therefore, discussions around the question of return are politically fraught: just as displacement has been a strategy of the war, the issue of "return" is seen within the framework of the same strategy.

This situation presents a dilemma for international humanitarian actors who struggle to interpret IDP voices and wishes in this troubled and politicised environment. They are effectively caught between not wanting to be seen as supporting premature and unsustainable return and yet not wanting to abandon returning populations in need. In addition, their presence and ability to operate in Darfur is also constantly under threat leaving them little space for engagement with the government.

Caught up in the middle of these power games are the hundreds of thousands of individuals who have been displaced by the conflict, who have had their lives effectively put on hold for over a decade. This research set out to see how those who are displaced, those who have returned, and those who have tried and failed to return, understand the situation.

Methodology

Research took place in December 2013 and early January 2014. For the sake of security, exact dates of interviews as well as other details are not included in this report. A total of 119 people were interviewed, including those who remain in IDP camps, those who have returned permanently to their homes, and those who return temporarily in order to farm, but otherwise have kept their base in the camps. In addition, informal conversations took place with a number of local leaders, known as sheikhs, in the different areas in which "return" was taking place. A team of ten researchers were engaged, all of whom were familiar with the areas in which the research took place. Interviews were conducted in the language chosen by the interviewee and were then translated into English by the lead researcher.

The logistical challenges were considerable. Movement around Darfur remains a substantial, and expensive, challenge. As observed by the field research team, there are check-points every five to ten kilometres on the main roads between villages throughout Darfur, and at each check-point the driver has to pay a fee to the Border Guard Forces, who do not provide any documentation showing that the vehicle has paid a fee to travel on that road.

Research was carried out in all the states of Darfur, namely South, East, West, Central and North Darfur. In South Darfur State, interviews took place in villages as well as in two IDP camps.

---

[38] Overseas Development Institute, 2008. "Challenging Voices: Protection and Livelihoods in Darfur", available at
http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/3492.pdf

East Darfur State, which was formerly part of South Darfur State, was created in 2012. During the field research, villages in the western part of the state, which had experienced several recent battles between government forces and rebel groups operating in the area, were visited. These skirmishes occurred primarily on the main road when rebel groups hijacked fuel tankers. Approximately half the residents in the area are from so-called "Arab" tribes, with both "African" and "Arab" groups previously living alongside each other. However, the war has divided the population and the interviews revealed considerable tension between the groups.

Central Darfur State is another new state, and used to be part of South and West Darfur States. The majority of the residents in the western part of this state have been living in displacement. Many of those interviewed return temporarily to their villages to cultivate before returning to the camps in and around the capital Zalingi. In addition, the area has increasingly experienced clashes between the government and the SLM/A (Abdelwahed al -Nur faction).

In West Darfur State, the field research team found that people were returning permanently to or near to their homes. An agreement has been reached between the previously displaced, Masalit tribes and the "Arabs" living in the area to allow them to live in their villages and cultivate, in return, the villagers pay from the harvested grain to protect the crops from the Arabs' cattle. According to two local leaders, the residents of the village studied in West Darfur are returning permanently. This was confirmed by the observation that newly built huts were visible and by a UNAMID official in El Geneina.

Terrible atrocities were committed in North Darfur State in 2004, and it continues to be one of the most insecure places within Darfur with recent reports of attacks, including between Arab groups.[39] There remains a strong presence of *Janjaweed*, as well as the presence of National Intelligence and Security Services (NISS). Due to logistical and security constraints, only a minimal number of interviews were done in this state.

In addition to interviews with current and former IDPs, informal conversations took place with a number of sheikhs, in the different areas visited. Interviews also took place with officials from the HAC, although none of these wanted to be quoted.

As stated in our previous papers,[40] it is important to clarify the use of language in this report to convey the way in which identities are constructed, as binaries have become a tool for describing conflict, as well as a source of manipulation by power elites. At the heart of the conflict in Darfur lies the particularly pernicious and over-exposed "African"/"Arab" binary,

---

[39] See, for example, Radio Dabanga, "Villagers in North Darfur's Tawila repel militia attacks," 14 May 2014, available at https://www.radiodabanga.org/node/72957

[40] International Refugee Rights Initiative, "Darfurians in South Sudan: Negotiating Belonging in Two Sudans," Citizenship and Forced Displacement in the Great Lakes Region, Working Paper 8, May 2012;available at http://www.refugee-rights.org/Assets/PDFs/2012/DarfuriansinSouthSudanFINAL1.pdf and "The Disappearance of Sudan? Life in Khartoum for citizens without rights," Citizenship and Forced Displacement in the Great Lakes Region, Working Paper 9, May 2013, available at http://www.refugee-rights.org/htdocs/Assets/PDFs/2013/Marginalised%20in%20Khartoum%20FINAL.pdf

creating a dichotomy that is "historically bogus, but disturbingly powerful."[41] As such, the labels "Arab" and "African" should be understood as fluid and constantly shifting: they reflect a person or group's perception of their own – or someone else's – identity rather than a fixed form of race or ethnicity, often revealing people's political positioning.

Physical displacement and the possibilities of return

The findings show that displacement has taken place in multiple ways as individuals and families have had to make tough choices in order to best ensure their safety. Some fled the country and became refugees in Chad, the Central African Republic, Uganda, Egypt and further afield. Others became IDPs – either moving straight to the camps, or moving to urban centres within Sudan and staying with relatives or friends. Some of the latter stayed in urban areas, while others later moved to the IDP camps as their displacement became increasingly protracted. Others were initially internally displaced to southern Sudan but then found themselves in a different country when South Sudan became independent, as documented by previous IRRI research.[42] Those that fled directly to IDP camps have either remained or have subsequently left in order to try and carve out new lives for themselves in urban areas within Sudan, albeit often facing insurmountable challenges, also as documented in previous IRRI research.[43] In addition, many have started returning home on a seasonal basis but continue to retain a base within the IDP camps, while a few have returned home permanently. In a context of ongoing insecurity and uncertainty, many communities are doing a bit of all of this in order to spread their coping mechanisms and to limit risk.

Some of those interviewed reported that a few had not fled at all. As one woman who recently returned to her village said, "There are some families who did not move from our village because they are from the Arab tribes and the *Janjaweed* did not attack them. These families came to us in the farms and stayed with us for a while. Their women are protecting us from being raped while we are harvesting. They are still good people as they did not forget that we once lived together."[44] Another man said, "There are some people who stayed here throughout the war but I don't know how they managed to make it, maybe because they are from Arab tribes? However, they have received us very well because they are suffering too."[45] Or, as another man said when asked if anyone remained in his village, "Yes there were some people who didn't flee because they became under the control of the new residents [Arabs from Niger and Mali] and they're being used as slaves. They work for free."[46]

---

[41] Alex De Waal, "Who are the Darfurians? Arab and African identities, violence and external engagement." *African Affairs*, 104 (415), 181 – 205, p. 197.
[42] International Refugee Rights Initiative, "Darfurians in South Sudan: Negotiating Belonging in Two Sudans," Citizenship and Forced Displacement in the Great Lakes Region, Working Paper 8, May 2012;available at http://www.refugee-rights.org/Assets/PDFs/2012/DarfuriansinSouthSudanFINAL1.pdf
[43] International Refugee Rights Initiative, "The Disappearance of Sudan? Life in Khartoum for citizens without rights," Citizenship and Forced Displacement in the Great Lakes Region, Working Paper 9, May 2013, available at http://www.refugee-rights.org/htdocs/Assets/PDFs/2013/Marginalised%20in%20Khartoum%20FINAL.pdf
[44] Interview with returnee/IDP, West Darfur State, December 2013.
[45] Interview with returnee, Central Darfur State, December 2013.
[46] Interview with returnee, Central Darfur State, December 2013.

Experiences of being displaced: "We lost everything except our lives."[47]

Inextricably linked to the question of return is the experience of displacement, which was often brutal and violent. Most of the stories told related to displacement in the years 2004 and 2005. At that time, tactics deployed by the *Janjaweed* ensured that attacks on villages were total and, for the most part, left people with no alternative but to flee. One man, a leader in his village in West Darfur, described how his village was attacked in February 2004:

> The *Janjaweed* attacked us in the afternoon killing people, looting our belongings and then burned the village. We ran in all directions... I tried to protect my people but the devastation was huge and chaotic. Twenty three people were killed and we buried them the next day when I came back with seven people from the village. The police refused to come with us to the village because they feared the *Janjaweed*. Their excuse was that they didn't have a vehicle ready, but the fact is they were not willing out of fear.[48]

Those who fled lost everything: lives as well as livelihoods were destroyed in the attacks. A woman from Central Darfur State described her life before her village was attacked in 2004:

> I had 25 heads of cattle, 50 goats, 30 sheep, 10 sacks of sorghum and 10 sacks of millet, one ton of dry tomatoes, a big house of five huts and two rooms made of mud, five lemon trees and two guava trees, mandarin trees, orange trees and the farm was full of fruitful wild trees. In autumn I used to cultivate spices and sorghum and millet. Then one day in April 2004, Sudanese government vehicles came with arms and attacked during Friday prayers. They brought the men out of the mosque and made them lie on the ground. The commander said, "kill those rebels" but they managed to fight back. After the government went away we came back to the village. The next Friday the government came by land and air and the *Janjaweed* came from behind. They burnt the village and the neighbouring villages, killing and looting everything. They raped the women. We ran to the mountains for refuge and by night we went back to the village to collect the remainder of our burnt sorghum and millet. We stayed there for 45 days, but then I decided to go to Dirbat with my children. When I reached Dirbat, before I could even have a drink of water, an aircraft attacked and I went into a coma. My daughters helped me out and we ran with the people of Dirbat to the mountains again. From there I moved to Nyala and then to Kalma camp.[49]

Now she is barely making a living in a cramped camp with little assistance. As another woman said, "We lost everything except our lives."[50]

Living in exile: "all day people struggle to fetch survival items such as food, water and shelter."[51]

For many, although life before displacement was clearly a challenge, the problems were generally surmountable. As one man said, "We used to farm in the autumn and raise livestock, and go to the revolving weekly markets. We were far away from the arena of politics, and our disputes with the herders never reached the level of the current displacement."[52] However, displacement, and the manner in which it took place, changed the contours of their lives: whether displaced ten years ago or more recently, the impact of displacement is felt every day.

Interviews with those who are still in the IDP camps show that life is a considerable challenge. A decade after fleeing they are still living in overcrowded, makeshift shelters unable to support their families. In particular, people emphasised the fact that they have no access to livelihoods and are dependent on humanitarian assistance – which is often sporadic and unpredictable. As one woman said:

> The conditions of the camp are very bad as all day people struggle to fetch for survival items such as food, water and shelter. The supply of food is sometimes uncertain, and that adds additional burden to women and children. There are three schools and three health centres. But school fees are beyond the capability of families, and the schools are only primary schools to grade four.[53]

The humiliation of being forced to depend on external assistance for over a decade has created a strong sense of futility. Men feel emasculated by their inability to provide for their families: with no access to livelihoods there is little opportunity to improve their living conditions. As one man said:

> Here the camp is dense, full of people living close to each other. I never used to live in such a place where thousands of people could be seen everyday roaming about without doing anything useful. Services are provided by UN agencies and local NGOs including food items. We have become used to depending on others. That is very difficult for a man. Conditions are very bad. We have crowding, shortage of food and sometimes no water. I have no farming land here, simply it is even dangerous to go out from the camp to down town Nyala sometimes let alone going to the wild to find a piece of land to cultivate.[54]

---

[51] Interview with IDP, near Nyala city, South Darfur State, December 2013.
[52] Ibid.
[53] Interview with IDP, near Nyala city, South Darfur State, December 2013.
[54] Interview with IDP, near Nyala city, South Darfur State, December 2013.

In addition, insecurity has continued to be a feature of their lives in internal exile. Many of those interviewed talked about the fact that insecurity prevents them from moving freely outside of the camp – which, in turn, restricts their access to other sources of livelihood: "They kept us away from the city so as not to overcrowd it. It leaves us isolated because it is dangerous to move to and from."[55] This dislocation is having a lasting impact on a generation of children who are growing up with inadequate access to schooling: "we have been here in Otash displacement camp for long years and there are three schools and three health centres. But school fees are very high such that many children abandon schooling simply because the parents have no source of income."[56]

> *At the beginning, people were sympathetic to us. But as time goes on … they began to be suspicious of us.*

The temporary structure of the camps – many of which grew up around the populations who fled to the area – has endured despite the protracted nature of their displacement. Inevitably this has put increased pressure not only on those displaced, but also on those living in the areas around the camps. For instance, tension has grown between those living in camps and the surrounding populations. As one woman in Otash IDP camp said, "At the beginning, people were sympathetic to us. But as time goes on the displaced persons became a burden to the locals and they began to be suspicious of us."[57]

It is clear that life in displacement is hardly a choice: if there was a realistic alternative, it is unlikely that many would remain in the camps. Many of those interviewed said that return was simply not viable. When asked if he knew anyone who had returned home, a man living in Otash IDP camp replied: "to my knowledge no one has returned [to their home areas]. The camp is the safest place for the displaced. Security is somewhat maintained, NGOs provide us with food and water although they reduced the food ration but we believe the government is putting pressure on them to do so."[58]

What hope of return: "how can we go back while the area is full with *Janjaweed*"[59]

Given the challenging conditions in which people are living in the IDP camps, the possibility of return – or at least of moving to a more permanent location in which access to livelihoods and opportunities for an improved standard of living would be a stronger possibility – was foremost in people's minds. Informal conversations with a number of sheikhs in the different areas point to a number of ways in which return is taking place. First, they emphasised the practice of temporary return – or movement to areas where people can farm. Second, they talked of

---

[55] Interview with IDP, near Nyala city, South Darfur State, December 2013.
[56] Interview with IDP, near Nyala city, South Darfur State, December 2013.
[57] Interview with IDP, near Nyala city, South Darfur State, December 2013.
[58] Interview with IDP, near Nyala city, South Darfur State, December 2013.
[59] Interview with IDP, South Darfur State, December 2013.

"tourist return" in which government officials sometimes pay the sheikhs to organise their people in the camps and rent trucks to take them back to their villages where they stay for a few days while government officials show visitors around the village. They use this as proof that the people have returned permanently. After the visitors have left, the villagers go back to the camp where they receive extra foodstuff. Third, they spoke of settlement villages, which are villages that were emptied in the initial fighting and have subsequently been occupied by new residents from Chad, Niger or Mali. The government has allegedly allowed this to take place as "compensation" for the support of these groups in the war. As one sheikh said, "the Arab League paid for building some return villages, and when some were built the government put Arabs in these houses instead of the original owners of the village. Habila Kanary in West Darfur is a clear example of this."[60]

Still there is danger of being attacked at any time, especially during harvesting.

These comments were echoed by interviewees who showed the diversity and creativity being deployed by those who are operating in an environment with few options available, but in which the lack of alternatives was forcing people to make suboptimal choices. Some talked of how they leave the camps on a temporary basis and return to farm their lands during certain seasons of the year. As a woman in Otash camp said, "we go back for cultivation secretly after these long years of displacement to support our families since life is becoming everyday hard and expensive. We face problems because of the *Janjaweed* and Arab tribesmen. We have to give them some of the harvested grains in order to allow us cultivating our own lands."[61] A man also living in Otash said: "We go back for farming in May and June, when the Arab tribes move temporarily northwards of our area. So we go back to cultivate as the time is the rainy season, in June, July and August. But still there is danger of being attacked at any time, especially during harvesting in October/November."[62] This particular pattern of seasonal or temporary return (which, of course, is not return in any true sense of the word) seemed fairly widespread but deeply problematic, and generally was being attempted out of desperation.

More often, people were adamant that return was simply not viable, often because their land has been taken over in their absence. When asked whether or not they had plans to return, many stated that they could not return because "*Janjaweed*" or "Arabs" had moved onto their land. As one man said, "It is unsafe to go back because all the land is occupied by government militias. Meanwhile the movements are trying to recapture these areas. So the area around our village has become a military operation area."[63] As another person said, "There can be no return until we have peace and compensation. Our village was confiscated by the *Janjaweed*, so

---

[60] Interview with sheikh, West Darfur State, December 2013.
[61] Interview with IDP, near Nyala city, South Darfur State, December 2013.
[62] Interview with IDP, near Nyala city, South Darfur State, December 2013.
[63] Interview with IDP, Nyala, South Darfur State, December 2013.

none of us stayed behind."[64] As one woman said, "how can we go back while the area is full with *Janjaweed* militias? Some people from Arab tribes went back, but they are protected by their tribes."[65] In some cases people talked about "Arabs" from outside the country[66] that had come in and taken their land: as a man from North Darfur said, "currently our village has new residents from Arab tribes not belonging to Darfur, because some of Arabs of Darfur that we knew, are staying with us in the camp such as Salamate."[67]

As another man said,

> I am not intending to go back and live [in my home] until someone pushes the Arabs out of our area. Otherwise we will be killed. Their cattle and camels – which they looted off us – have occupied all our lands and they are carrying advanced guns. The government is calling us to go back, but they know our land is taken by others so it is a joke. Not one of us has gone to live there.[68]

The fact that those on the land are closely associated with the government that is pushing for the IDPs' return – and that appears to be doing nothing to reallocate the land – makes return appear not only difficult, but dangerous. The same actors that created displacement have ensured the continuation of that displacement for ten years. With no significant changes in the local political context, therefore, returning home is likely to lead to renewed displacement.

Of course, return is not the only option for ending displacement: some have settled more permanently in urban areas where they have moved in search of alternatives. However, the ability to leave the camp and start again in the towns and cities was generally contingent upon having resources of some sort in order to make this feasible. As one person said, "some have managed to find a place to live in town (Nyala) and have become part of its population. These are the ones who managed to flee with some of their property."[69] For many, however, trying to start from scratch in an urban setting is impossible: they have to remain where there is the chance of humanitarian assistance, however inadequate.

In situations where IDPs and refugees choose to return, it is the responsibility of the GoS and the international community to ensure that the environment is conducive for their return. In this context, there should be mechanisms for tackling the issue of the new settlers, and a distinction may be drawn between those who are from Darfuri tribes, and those who are from outside Sudan. The residency of the former should be governed by customary law that governs land issues in Darfur until a new land system is agreed upon by the Darfuris in the context of a comprehensive and durable solution for the crisis. In the case of the latter, two different sub-categories could be imagined: first, those that might have come from Chad or elsewhere for

---

[64] Interview with IDP, near Nyala city, South Darfur State, December 2013.
[65] Interview with IDP, South Darfur State, December 2013.
[66] There have been persistent reports by local people over a number of years that the GoS is recruiting from outside Sudan to reshape the Arab/African demographic. IRRI is not able to verify these allegations.
[67] Interview with IDP, South Darfur State, December 2013.
[68] Interview with IDP, South Darfur State, December 2013.
[69] Interview with IDP, near Nyala city, South Darfur State, December 2013.

economic or security reasons; and second, those who have been brought/invited by the GoS into the region as mercenaries or as settlers with the intention of changing the Darfur's demographics. The residency of the first sub-category should be organised by international refugee law, which entitles them, inter alia, to the right to remain and encourages states to promote integration. For those in the second sub-category, the GoS has the right to extend residency to foreigners at its discretion, but this must be done in parallel with respect for other international law principles including ensuring that previous owners of the lands are able to either recover, or be compensated for, their land, and that those who are involved in human rights violations are brought to justice.

In addition to access to livelihoods, an environment conducive for the return of IDPs and refugees would include availability of schools and community projects such as milling machineries or grinders, and improvement of the security situation. As there is mistrust between the regular security forces and IDPs, it has been suggested that a community police force should be formed from the displaced in IDP camps and places of return. Although controversial, this could improve the outlook for viable return. As the findings of this research indicate, they are looking for ways to protect themselves and return to the cycle of production for self-sufficiency.

The government's position: "they have become used to an easy life of begging in the camps"

These findings are in stark contrast with the government presentation of return as a by-product of increased stability. Officials from HAC who were interviewed accused international organisations of failing to support the returns process, and of blocking official attempts at promoting return by providing services for the IDPs in the camps rather than in the villages. They alleged that international organisations are prolonging their presence in Darfur for their own financial benefit. Second, they complained that the IDPs in camps have become highly politicised by rebel leaders who promise them things that will never materialise, including individual compensation or the prosecution of President Al Bashir by the ICC. They also complained that no-one wants to go home because they have become used to an "easy life of begging in the camps". They acknowledged that groups attached to government forces might be "out of control" on some occasions, but asserted that the victims have the right to report any incident to the nearest police station. In addition, they stated that the central government is paying considerable attention to development projects in Darfur, but that the people are never happy because they always compare their lives to people in other parts of the world as a result of the available mass media. Finally, they did admit that the issue of return is a political one that needs a political solution, but in the meantime, their policy is to encourage IDPs and others to go back to their lands.

As a result of this policy, the government has allegedly used pressure on humanitarian organisations – for instance failing to issue visas and expelling a number of organisations – to reduce their assistance thereby creating "push factors" which make life in the camps untenable and force the displaced home. In addition to pressures exerted by government on humanitarian

actors the usual problems of donor fatigue and decreasing resources have also put increased pressure on those providing support. A woman had been previously living in Durty IDP camp and had been "encouraged" to return told us:

> In the camp we were satisfied with the food ration that we received up to 2010. Then the NGOs sharply reduced the food distribution. I think it was because the government built an office inside our camp to observe who is coming to do what in the camp and participating in the NGOs' food distribution. This practice of the government was not there before 2009 and since then we started to go back to our village for cultivation although we receive humiliating treatment by the *Janjaweed* who occupied our village.[70]

She returns to her village to harvest, and then goes back to the camp for the rest of the year. Her children stay in the camp where they are in primary school.

Pushed to return: "[W]e have received nothing. All the promises turned out to be nonsense…"

As a result of these push factors people have begun to return to their original homes despite the many problems that it entails. Repeatedly we were told stories of promises made by government that proved to be false. One man told of how he was persuaded to return home: "I returned because I wanted to have a better life. I made the decision after I listened to the return committee's[71] propaganda and I expected them to be trustworthy, but it was the opposite."[72] Another man told a similar story:

> I came back because the government said everybody who returns will be given a donkey-driven cart (*Karro*) and 5,000 Sudanese pounds, in addition to agricultural equipment and security will be maintained. But we have received nothing. All the promises turned out to be nonsense… When I went to my home, I found nothing. I did not find any help. I face problems of housing, ways to eke living. I want to go back [to the camp] but I have no resources to do so.[73]

Many of those interviewed in South Darfur State told of how their villages are considered by the government to be sites of return. Indeed, during the research, sheikhs accused government officials of extorting money from the donor community under the pretence of generating adequate conditions for return. Yet rebels are active in the area, and interviewees said that several clashes had recently taken place, as evidenced by the considerable presence of government armed forces.

Not only have the promises of assistance proved to be false, but of greatest concern is the fact that most of those interviewed reported that their land had been occupied in their absence. Among those who have returned, stories of losing land were repeated over and over again,

---

[70] Interview with returnee/IDP, West Darfur State, December 2013.
[71] Set up by the DRA.
[72] Interview with returnee, Central Darfur State, December 2013.
[73] Interview with returnee, Central Darfur State, December 2013.

with people being forced to rent back the land they once owned. As a man who had returned home only to find his land occupied said: "My home is a place full of thieves and killers."[74] A young woman whose family had considerable resources until her village was attacked in 2003, returned to find the *"Janjaweed"* had taken over her land. "If you want to farm you have to rent it from them although it is our land… We had to choose between security [in the IDP camp] and farming."[75] She has now decided to go back to the camp. As another man said:

> I returned to my exact area and I found my village has changed. New people who belong to Arab tribes from Niger and Mali live in it. Our houses were given to new unknown residents. Now I work as a worker not as farmer. My situation now is even worse than how it was in the camp. In the camp I used to be free but in the return area there is cruelty and mistreatment. They just want our money to buy arms and they rape our women. They just see us as slaves.[76]

The word "slave" was used by numerous interviewees. While there was no evidence that people were, literally, being held in slavery, at best the term refers to the concept of unpaid labour, and at worse it points to some of the subtle ways in which people are enslaved to those for whom they are forced to work in as much as they often have no choice.

Not only have they lost their land, but when they do farm they are forced to pay a locally-negotiated "tax" to the local militia. In one village in West Darfur State, an agreement was apparently reached to allow temporary return in exchange for food:

> We agreed with the Arab group who stayed in our village to allow us to plant during the rainy season and for that we have to give them two bags of grain for every ten harvested bags of sorghum. We are here to harvest our crops but then we will go back to the camp because it is safer than here. Also the state government failed to fulfil its commitment. They promised us shelter, food and the provision of security police, but none of that has happened for two years now. They are just talking and pushing us to come here while they are unable to remove the Arabs from our village. They even wanted us to stay somewhere nearby our old residential area and not have our homes back … The sheikhs have done all they can. So now we need to meet with the international NGOs to explain our situation. It is not the appropriate time to stop the food assistance for us. The sheikhs are talking with diplomacy but we need to explain exactly our difficulties.[77]

Another returnee explained why she thought the "Arabs" had allowed them to return to cultivate:

> Our local leaders agreed with the Arab militia to allow us to farm and on return we have to give them some of our harvested crops. The commissioner of the local government authority was witness to this agreement, which is why we are here for farming. The truth behind this agreement is also the Arabs felt their need for grain because they do not know how to farm;

---

[74] Interview with returnee, Central Darfur State, December 2013.
[75] Interview with returnee, Central Darfur State, December 2013.
[76] Interview with returnee, Central Darfur State, December 2013.
[77] Interview with returnee/IDP, West Darfur State, December 2013.

they have to allow us to farm for their own benefit. This practice has been going on for the last three seasons now, but still there are incidents of crop damage by the Arabs cattle without compensation or reducing the amount of grain we have to give them. The international NGOs have reduced the food ration they used to give us. That is why we have to find our means of living in the presence of humiliation.[78]

Most of all, return has not created safety. An elderly man who was a tribal chief in his area talked of his life when he returned:

> Arms have spread, *Janjaweed* are controlling people, distributing the houses to the new residents and giving away other people's land… My situation now is worse than in the camp. I work as a merchant, but the problem I face is that the *Janjaweed* take my goods without paying the price… The *Janjaweed* are bothering families who return and are abusing them. I regret coming back and now I'm thinking of going back to where I returned from. But when I tried to get back to the camp I couldn't because the *Janjaweed* were controlling and detecting every move in the village.[79]

Another woman talked of the dangers she faces on a daily basis:

> The lack of enough assistance [in the IDP camps] had pushed me to expose myself to dangers that degrade my humanity. We are threatened with death, or sometimes they say they will take us hostage if we try and stop them grazing their animals on our land. All that comes from the government armed militia…. These are the people who consider themselves above the law.[80]

There were also stories of women being vulnerable to sexual violence. One woman talked of her life since returning:

> My main problem is a lack of freedom when travelling and also when working in the woods. Our honour is attacked by militias who harass women, with no-one to protect us. It the same government militias who made me displaced who are now the ones controlling my village. I can't stay here. I will go back to the big camps – if they let me go. They control all your movement here.[81]

Even the possibility of returning to the IDP camps has become difficult for many, leaving them trapped in an untenable situation. In addition to the lack of freedom of movement noted above, many talked about the fact that they do not have the resources to return to the camps. One man came back to find his land occupied "by armed Arab groups with their cattle" but told of how he has no resources left to get himself back to the camp.[82] As another returnee said, "We used to enjoy freedom [in the IDP camps] even though we used to have a little. So now all I want is to go back to the camp."[83]

---

[78] Interview with returnee/IDP, West Darfur State, December 2013.
[79] Interview with returnee, Central Darfur State, December 2013.
[80] Interview with returnee, Central Darfur State, December 2013.
[81] Interview with returnee, Central Darfur State, December 2013.
[82] Interview with returnee, Central Darfur State, December 2013.
[83] Interview with returnee, Central Darfur State, December 2013.

However, amidst the many stories of injustice and the impossibilities of return, in one part of West Darfur State, the story was slightly different. In one study location in West Darfur, the Masalit peoples who fled the area have reached an agreement with the "Arabs" to provide protection so that they could come

back and farm. Similar to the informal agreements mentioned earlier, in return, the cultivators are expected to give them some of their harvested grain. Although the situation is clearly not ideal, and this tax was seen as both unfair and unregulated, here there was a tangible feeling of hope amongst those who had returned that was in stark contrast to the other sites of return. While this agreement appears similar to that reached in other locations in West Darfur, there was notably more optimism amongst those interviewed in this location in West Darfur. It was the only site where people talked about their return as being permanent, rather than temporary or seasonal.

A man from West Darfur, who described himself as being from the Masalit tribe and a returnee from Chad, told of how this agreement had come about:

> Three years ago, the local leaders from our area agreed with the Arabs around our village that they will not attack us or our crops. So the sultan of Masalit encouraged us to come back and said he will assure our safety. We also didn't want to leave our lands for the newcomers. So about 100 families came in trucks arranged by the sultan. We were one of the first groups who came back and we found not one of the Masalit tribe here, only the Arabs with their cattle and camels. But since we came three years ago, we have cultivated and harvested – just a few problems related to Arab cattle crushing our crops, but they were punished and the damage was compensated. We will not leave our place again even if our lives are threatened.[84]

Another man described a similar process through the story of his own displacement and return: "Before I fled, I had a house, cows, camels, goats, a tractor, house furniture. In fact I'm the first person to bring a wardrobe in this area, and I had six big suitcases full of utensils and electronics." He fled to Chad in 2004 when his village was attacked: "I had nothing. Only my nationality ID." He then left his wife in a camp in Kango Haraza in Chad and went to Khartoum and then to Libya before retuning to Kango Haraza in 2009. "We then had many meetings with the mayor [of his village] to secure the area and then to return. We had several meetings with Arab chiefs and the people in the area. We came back and people started to come… I returned to my exact area because I have a land to cultivate, and now I am a farmer and a merchant."[85]

Another man echoed a similar story:

---

[84] Interview with returnee, West Darfur State, December 2013.
[85] Interview with returnee, West Darfur State, December 2013.

I fled in 2003 to Chad. Earlier this year, I heard that my father had come from Mistry camp to our village and therefore I came back from Chad on donkeys, to join the wider family and start cultivation. We finished harvesting just last month… I came to my exact area in March this year, but I left my family in Hajar Hadeed camp to see if it is safe for all of us, and after selling the harvest I will bring the rest of my family from the camp in Chad. I'm a farmer now.[86]

While it is important not to romanticise the situation, it served as a clear contrast to the stories above. As an elderly woman said, now the problems people face relate more to the "everyday" tensions around cattle keeping versus cultivating – in other words "problems of peacetime more than of war."[87]

The findings do not give a full enough picture of why the situation in parts of West Darfur appears to be more permanent and positive than other villages in seemingly similar situations. However, initial indications suggest two factors. First, that those who returned did so at the invitation of the local leaders who wanted them back; and second, that where disputes arise, they are seen to be handled in a fair way with compensation provided, unlike in other examples from other areas given above.

In many respects, the stories and attitudes expressed above point to the way in which individuals and communities have tried to resolve the conflict at a micro-level. It points to a myriad of *ad hoc* deals that essentially allow people to make their way back home, by giving concessions to those who might otherwise kill them. It has created scenarios that were described in terms ranging from bribery to servitude. While the situation is precarious, and is by no means acceptable in most instances, the fact that this is taking place needs to be acknowledged: it points to multiple, localised ways in which people are trying to manage conflict and generate enough stability for them to be able to support their families. These localised mechanisms should be recognised, and supported where they are garnering benefits for the returning population, but they by no means acts as a substitute for wider, national resolution to the conflict: people might be willing to compromise justice in the short-term for the ability to return to their home area, but the situation remains vulnerable and subject to changes in the broader environment.

More than physical displacement: "the real perpetrators are the Khartoum government politicians."[88]

Localised forms of mutual co-existence need to be supported by national structures. These stories describe a context in which war and ongoing marginalisation has maintained a state of exile for hundreds of thousands of Darfuris for over a decade; and this marginalisation, in turn, is built on a far longer history of injustice. After years of war and displacement, whether living in the IDP camps or as partial/permanent "returnees", the broader context is one in which the

---

[86] Interview with returnee, West Darfur State, December 2013.
[87] Interview with returnee, West Darfur State, December 2013.
[88] Interview with IDP, near Nyala city, South Darfur State, December 2013.

vast majority of those interviewed saw themselves as being marginalised, excluded and figuratively "exiled" regardless of whether or not they had physically returned.

The extent to which the language of displacement and return is helpful in this context needs further interrogation. In reality their exile is not necessarily resolved through *physical* return: instead, it is strongly *political*, as represented by the way in which they believe they have been discarded by a state that is mandated to protect them. In other words, there needs to be a political resolution to their exile that goes far beyond physical return.

The government is clearly attempting to circumvent the political aspect of return as focusing on return as a purely physical phenomenon avoids disrupting a political dispensation which they see as in their favour. Addressing the political aspect would involve addressing the extent to which marginalisation from the centralised state helped to ignite the war and to which the conflict has polarised and shifted identities. As one man said:

> The war began as Arabs looting African tribes' cattle and property, then it took the shape of Arabs against the African tribes, then the government came in to change it into government against rebels who revolted against the government. The government armed the Arabs to fight the so-called rebels who were mainly Africans. The former Arab outlaws became the big arm in support of the government. More importantly these Arabs are not the Arabs of Darfur. They are the Arabs of Mali, Chad and Niger who have been received by the Sudan government as being Arabs – and have been given Sudanese identities. This has changed the course of the war.[89]

The need for a supportive national environment is not to say that local arrangements do not have a role to play in addressing causes of conflict. An example is tensions over land, which is a driver of conflict and needs to be addressed at both a national and local level. For instance, one of the main reasons why some "Arabs" were so easily mobilised by Khartoum was because they were left out of the land grants or dispensation made during the Fur Sultanate. They have remained frustrated at being landless in their own country, especially as they have felt increasingly the pressure to become more sedentary. The fact that the vast majority of the leaders of the Darfuri Arab tribes that have *dars* or *hawakeer*, namely Ta'aisha, Rezeigat, Maalia, Bani Halba, and Habbaniya, refused to encourage members of their tribes to join the *Janjaweed* simply because the government could not give them any convincing offer such as ownership of land or political power that would come with it, is evidence of the centrality of this issue. However, unacceptable as their tactics are, or untenable the outcome that is currently being seen, such drivers need to be recognised and properly addressed.

When asked about the nature of the war and the impact it has had, unequivocally people pointed to the way in which it has exacerbated divisions within communities, as evidenced by the experience of return (or the inability to return.) "The war has created racial hatred, tribalism and created new local identities. There is new awareness of self-identity has been created, which is difficult to be removed from one's understanding of the course of the war."[90]

---

[89] Interview with IDP, near Nyala city, South Darfur State, December 2013.
[90] Interview with IDP, near Nyala city, South Darfur State, December 2013.

"The government has managed to split the Darfuris and badly uses some of them to kill other citizens, the real perpetrators are the Khartoum government politicians."[91] "The war has created its own vision of Darfur. Racism and tribalism have established themselves in the psyche of the Darfuris which is very difficult to remove."[92] Thus the impact of the war and the displacement it has generated cannot be simply reversed through physical return.

As one man said:

> As I see it, this war began as robbery and looting then developed into tribal and ethnic conflict, and then into ethnic cleansing. Because of the failure of the ethnic cleansing strategy, the government tried a new strategy of peaceful coexistence without removing the new settlers from the land of the villagers. The declared policy is to return to the former villages. And of course return is the ambition of all the displaced people. But unfortunately without guarantees of security it is a dead end.[93]

In this context, the policy of return is simply a continuation of marginalisation. Given the evidence of conflict and mass displacement in which entire villages were wiped out, there was a prevalent notion that particular groups were under threat of annihilation at the hands of the government. The very core of their identity was seen as being under attack. The attack on themselves as a *people* not just as individuals was a recurring theme throughout the interviews.

The problems we are facing have no solutions.

As one man said, "The future is bleak. Nothing has changed or is due to change. Ethnic cleansing is the open policy followed here by the government and its armed affiliates. As long as we have not gone through extinction, racial cleansing is strongly expected to continue, and that is the future..."[94]

In particular, many described their situation as living in "slavery". As a woman from South Darfur State who had recently returned to her home said, "The problems we are facing have no solutions. There is no safety. When I remember my burnt possessions, I lose interest in cultivation. Here, the people look down on us and consider themselves masters while we're slaves."[95] As another returnee said, "Now I live with humiliation. How just is it to give away some of my harvest to others by force?"[96] Or, as another woman said, "Where is the future? We don't own our present so how can we think about the future?"[97]

Furthermore, the problem is not limited to the government as a direct (or even indirect) source of insecurity. The extent to which rebel groups and militias armed by the government have

---

[91] Interview with IDP, Nyala, South Darfur State, December 2013.
[92] Interview with IDP, Nyala, South Darfur State, December 2013.
[93] Interview with IDP, Nyala, South Darfur State, December 2013.
[94] Interview with IDP, Nyala, South Darfur State, December 2013.
[95] Interview with returnee, Central Darfur State, December 2013.
[96] Interview with returnee, Central Darfur State, December 2013.
[97] Interview with returnee/IDP, West Darfur State, December 2013.

formed splinter groups has also contributed to a context of insecurity, with a bewildering number of armed actors operating within Darfur. Add to this a growing population in a context of land scarcity against a backdrop of displacement, alongside the inevitable tensions between pastoralists and cultivators,[98] and the picture only becomes far more complex. Insecurity, therefore, is affecting people from multiple sources in multiple ways; and the possibility and feasibility of return is extremely complicated. As one man asked us, "The idea of home is good. But where is it?"[99]

The future: "We don't own our present so how can we think about the future?"[100]

Not surprisingly, therefore, people are thoroughly demoralised by a situation that seems to have little hope of resolution or positive change. For many, return has proved as problematic as living in an IDP camp – if not worse – and the hope of reinstating their lives prior to displacement is being lost. As one man said, "I could see that my future and my family's future are totally destroyed. I see them as if they're weeping with no one to wipe their tears."[101]

The only hope people saw was an end to the war, and the return of their land: "The only hope for the future is the disarming of the *Janjaweed* by a specialised mechanism, to drive out the new comers, to bring the criminals to court, for personal and group compensation, the rule of law and freedom."[102] For many, they do not expect this to happen in their lifetime – although they hope for a better future for future generations. As an elderly man who once supported his entire family and now goes into Nyala town to beg in order to feed his family said, "I don't think that I will see my village again but I hope that my granddaughters will go when peace comes."[103] Likewise as a man who had recently attempted to move back to his land only to find it occupied said, "In the current situation, the future is dark. Unless peace prevails, there is no future for our children."[104]

Not surprisingly, therefore, people feel utterly abandoned and, when asked how they see themselves, the answers were revealing. "I am a lost person."[105] "I am just lonely."[106] "I am a woman who is left alone by the African and international communities, and who is abandoned by her government."[107] "As a witness to the horrible events of war in Darfur."[108] "As a man waiting to see peace and security in entire Darfur. I am the owner of my land. Others perceive

---

[98] For more background, see the report by the Feinstein International Centre, Tufts University, (2013) "Pastoralism in Practice: Monitoring Livestock Mobility in Contemporary Sudan." United Nations Environmental Programme available at http://fic.tufts.edu/assets/UNEP_1404_Livestock_mobility_V8_online.pdf.

[99] Interview with IDP, Nyala, South Darfur State, December 2013.

[100] Interview with returnee/IDP, West Darfur State, December 2013.

[101] Interview with returnee, Central Darfur State, December 2013.

[102] Interview with returnee, Central Darfur State, December 2013.

[103] Interview with IDP, Jebel Marra, South Darfur State, December 2013.

[104] Interview with returnee/IDP, West Darfur State, December 2013.

[105] Interview with IDP, Nyala, South Darfur State, December 2013.

[106] Interview with IDP, Nyala, South Darfur State, December 2013.

[107] Interview with IDP, Nyala, South Darfur State, December 2013.

[108] Interview with IDP, Nyala, South Darfur State, December 2013.

me as second class human."[109] "I am a displaced woman. Does that mean anything to anybody?"[110] "I am an ordinary Darfuri who is abandoned by his government. Others see us as slaves."[111] "I am an old man who wants his children and his grandchildren to live in peace."[112] "I see myself as a victim looking for his rights but the whole world is silent."[113] "I am a person without a future. The future for me and my family is a mirage."[114]

These comments were in contrast to the answers given to us by those living in parts of West Darfur who had managed to return home and who felt as if they did have a future. As one interviewee said, "The future is in our hands and we are going to make it. The others who committed the atrocities will account for that one day."[115] Whether or not their situation will prove sustainable, and whether or not tensions will develop in the community, remains to be seen. However, albeit a minority view, it offers a glimmer of hope.

Conclusion

It is hard to overstate the challenges facing Darfur, and Sudan as a whole. With an escalating civil war in South Sudan, the two countries still remaining fundamentally intertwined and a decade of advocacy actions has failed to achieve sustainable peace. Yet the toll taken by these conflicts, both old and new, demands action. With international attention flitting between the two Sudans – and, to a certain extent floundering in the face of seemingly impossible odds – the need to balance the bigger picture with the intimate detail on the ground is as crucial as ever.

In response, this paper focuses on the highly problematic issue of return in just one of these conflicts, Darfur. The findings suggest that return is both contingent upon the conflict being resolved, and a possible means of resolving the conflict. As a result, a careful balancing act needs to take place: on the one hand, returns that are taking place in such a way as to not jeopardise the rights of returnees should be supported; yet at the same time the reality that the conflict is ongoing and that return is dangerous for most, needs to be adequately recognised. In reality, the interviews demonstrate that exile is not going to be resolved through *physical* return alone: instead, it is a strongly *political* process. Those who have been caught up in this conflict believe that they have been discarded by a state that is mandated to protect them. Therefore there needs to be a political resolution to their exile that goes far beyond physical return.

This highly complex situation points to a conflict driven simultaneously by local, national, regional and international factors all of which need to be acknowledged and addressed. The

---

[109] Interview with IDP, near Nyala city, South Darfur State, December 2013.
[110] Interview with IDP, South Darfur State, December 2013.
[111] Interview with IDP, near Nyala city, South Darfur State, December 2013.
[112] Interview with IDP, Nyala, South Darfur State, December 2013.
[113] Interview with returnee, Central Darfur State, December 2013.
[114] Interview with returnee, Central Darfur State, December 2013.
[115] Interview with returnee, West Darfur State, December 2013.

research demonstrates that local allegiances, when functioning well, can be positive in as much as they contain scope for people to negotiate their way through a highly complex terrain. However, any form of local transformation can only take place if it is rooted in broader national change: the two processes are interdependent. Ultimately, therefore, a massive transformation is needed in Darfur – and, indeed, in Sudan – whereby political and legal structures are repositioned from their current default position of inequality and injustice, to one in which they are realigned to support equality and diversity. At the moment, the displaced of Darfur are forced to choose between a rock and a hard place.