



# Sudan Studies

## for South Sudan and Sudan

Number 54

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## Editorial

Welcome to issue 54 of *Sudan Studies* which I hope you will enjoy. The Society and its members have been very active over the last few months and some of the items in the current issue are linked to these activities. Our website has also been rebuilt by our Website Editor Michael Medley. We think it is more attractive and professional looking, and easier to navigate. In the near future, it will offer members the opportunity to log in and access past issues of *Sudan Studies* and post photographs and so on. Please see an update on the website under the section SSSUK Notices at the end of this issue.

The seminar series on Sudan and South Sudan which SSSUK jointly organised with the Centre of African Studies at SOAS was very well received and we hope to work with CAS in the future on further events. One of the seminars in the series was about the use of law as an instrument of power in Sudan and South Sudan and was chaired by **Lutz Oette** a lecturer in law at SOAS and part of the organising committee for the seminars. In this issue Lutz writes about 'Litigation before the African Commission on Human and Peoples' Rights and the struggle against torture in Sudan'. The latest event in the joint series was a lecture by **Eric Reeves** who spoke about the changing relationship between the international community and Sudan in the past five years. There is a short report of this event in this issue together with some photos.



*Eric Reeves, Lutz Oette and Peter Woodward speak at the latest joint SSSUK/CAS seminar at SOAS*

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We have two articles about experience of everyday life in South Sudan. **Elizabeth Hodgkin** takes education as her theme and focuses on a secondary



*Pupils at Ibunyak school, Eastern Equatoria  
(Credit Daga Denish)*

school in Eastern Equatoria, where Liz taught until recently. In the second article **Edward Thomas** writes about two visits he made to Akobo in 2012 and 2016 and reflects on how the changes he observes in markets and the local economy are linked to the wider realities of war and violence in the region.

We also have an article written by an academic living and working in Sudan **Azahir Hassan Abd elrahman** who writes about the provision of

social services in the Rahad Irrigated Scheme on the eastern banks of the Nile. As part of our long running series about Sudanese memorials in the UK, the SSSUK secretary and former Assistant Keeper of the Archives and Special Collections at Durham University, **Jane Hogan**, writes about the Kerr Arch in Durham.

We have four book reviews:

**Heather Sharkey** writes about Elena Vezzadini's book on nationalism in Sudan; **Jack Davies** reviews an edited volume about the relationship between Canada and Sudan; there's a review by **Peter Woodward** of



*The Kerr Arch, Durham School (Credit Jane Hogan)*

Abdullahi Gallab's book on Islamism in Sudan and finally, **Martin Daly's** review of Chris Vaughan's book, *Darfur: Colonial violence, sultanic legacies and local politics, 1916-1956*.

The next SSSUK event is our annual Symposium and Annual General Meeting on 17 September in the Brunei Gallery at SOAS. The notice and a booking form can be found at the end of this issue in SSSUK Notices. Please see the website ([www.sssuk.org](http://www.sssuk.org)) nearer the time for the programme. We hope to see you there.

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## Sudanese Memorials

### The Kerr Arch, Durham School

Jane Hogan

Returning to the theme of Sudanese memorials that was started by Douglas Johnson, I would like to draw attention to a memorial to Graham Campbell Kerr which I have probably passed hundreds of times during the past 30 years, but failed to notice until it was pointed out by a former colleague at Durham University Library.<sup>1</sup>



The Kerr memorial archway, which stands at the entrance to Durham School on Quarryheads Lane, was officially opened at the annual school speech day in 1927, to honour one of its former pupils and Masters, G.C. Kerr. Kerr was born in Aberdeen in 1872 and attended Durham School in 1886-1890 where he rowed,

was captain of the boat club and played rugby, the sort of physical attributes which would later make him a suitable candidate for the Sudan Political Service. He continued his sporting interests at Trinity College where, in addition to taking his B.A. in 1894, he was President of the University Boat Club. He later played rugby for County Durham (1895-1900) and for Scotland (1899-1900). He returned to teach at Durham School in 1895, leaving six years later to take up a position in the Sudan.

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The archway, which now has Grade II listed status, bears the following inscription:



In grateful memory of Graham Campbell Kerr, a loyal son of the school, born 1872, s.n. 1886-1890. Assistant Master 1895-1901, Governor of the Red Sea Province, Sudan 1909. Died August 18th 1913.

Kerr was one of the first civilians appointed to the Anglo-Egyptian Sudan, at a time when the administration was dominated by the military. Apart from a brief posting to Sennar in 1907, he spent his whole career in Red Sea Province, rising through the ranks as assistant inspector (1901-05), junior inspector (1905-06) and senior inspector (1905-06; 1908-09). In 1909, despite the misgivings of Slatin Pasha and some of his British military colleagues<sup>2</sup>, who were opposed to the promotion of civilians and who felt that Kerr was too inexperienced, he was appointed Governor of Red Sea Province, the first civilian to hold such a post in the Sudan.

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2. M.W. Dalv. *Empire on the Nile: the Anglo-Egyptian Sudan 1898-1914*. CUP. 1986);

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## Education in South Sudan

Elizabeth Hodgkin\*

### *Introduction and Context*

I first went to St Augustine's Secondary School in Isohe<sup>1</sup> on 2 February 2012. The previous year, I had decided I would end my working life as I had begun it, as a secondary school teacher in Africa and, having a long family connection with Sudan as well as teaching in the University of Khartoum History Department in 1968–73, I decided to go to South Sudan. As South Sudan is the country ranked lowest in the world for education, I hoped to find a school that would take a 71-year-old former teacher. I was introduced to nuns belonging to the 'Sisters of the Sacred Heart' who are concerned with education and in June, speaking from Nairobi, Sister Paskwina (who had revived the primary school of St Kizito's in Isohe, a remote parish in Eastern Equatoria) offered me a job in the primary school. "I'd be better at teaching secondary students", I said. "There is also a secondary school", she said.

Partly by luck I arrived in Isohe two days before the beginning of the academic year. The headmaster and I were the only teachers, sitting in an empty building. Over the next two weeks students trickled in, after travelling from relative to relative, looking for school fees. Meanwhile, standing under a mango tree in the one spot in Isohe where the elusive MTN network could usually be found, the head teacher urgently telephoned to the absent teaching staff in Uganda. Ugandans and South Sudanese were both on the teaching body and all teachers arrived late but, after 40 years civil war in Sudan, it was the Ugandan teachers who tended to be more highly qualified.

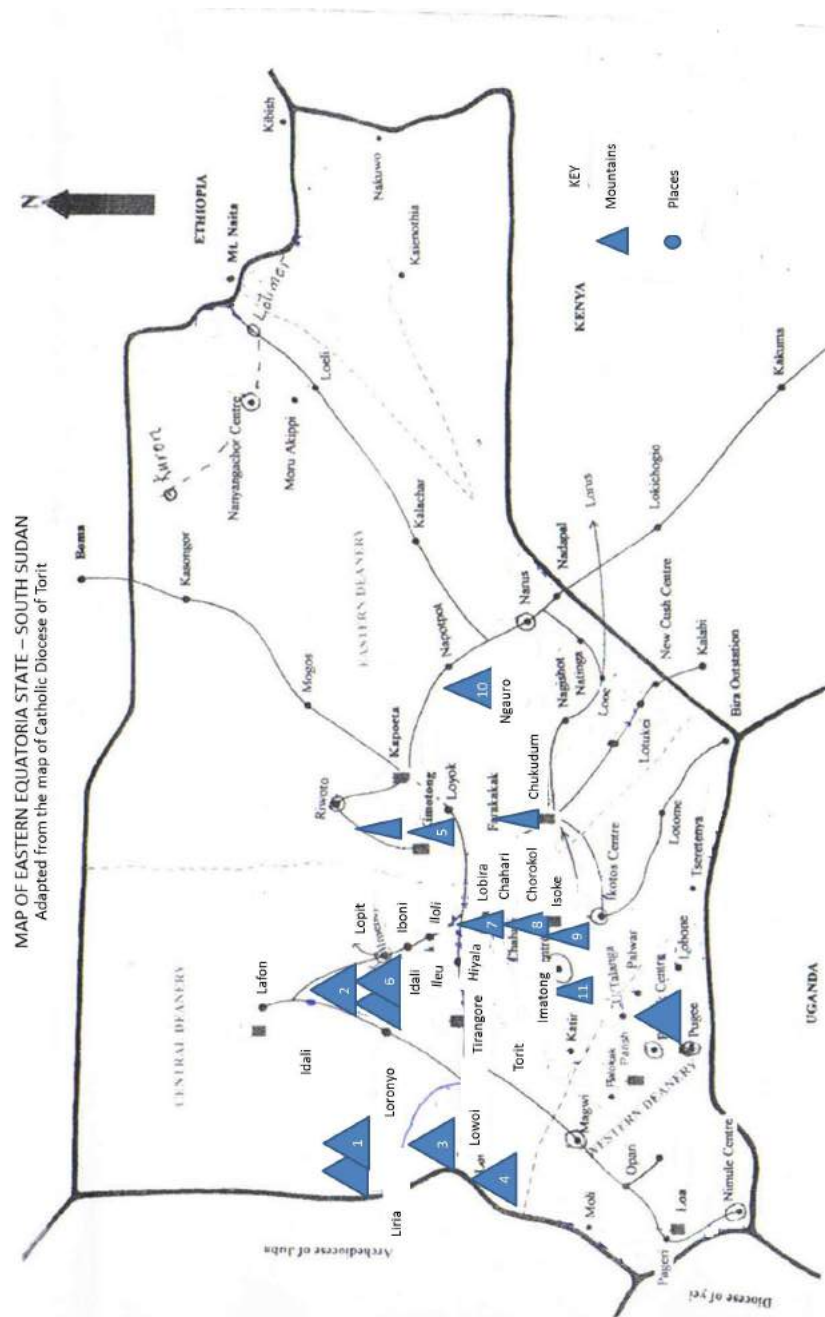
Four years later, in 2016, I was no longer a teacher at the school but by chance I was again in Isohe at the end of January. It was the first day of term and there were only three of us there: myself, the head teacher and the Chair of the Board of Governors who came in to chat to us. Some students were hanging around but they were mostly Senior 4s (S4s), fourth-year secondary students. They should have taken their school certificate exams in December 2015 and left the school for good. As a result of the conflict in the northern areas of South Sudan, however, no exams were held. With 400,000 students out of school in the conflict areas, I was afraid that the Ministry of Education would decide to forget about exams altogether for 2015. In fact they were held, but not until April 2016.

Was it a failed secondary school? St Augustine's had classrooms, uniforms, desks, a regular source of water and, in some classrooms, three hours of

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1. Isohe is sometimes written as Isoka. On the map, Isoka is used.





electricity every evening. Many schools in the region lack one or several of these basic facilities. In 2012 St Augustine's was already using the new South Sudan syllabus instead of the Ugandan or Sudanese one, used during the war. The students were against the changeover, saying: "No one will respect our certificates now". The Ugandan and South Sudanese teachers said: "But now South Sudan is independent, we have to support the new syllabus".

However, like other secondary schools, we had no textbooks to go with that syllabus. St Augustine's is favoured as, unlike most other secondary schools, it has laboratory equipment and materials, sent about six years ago – but no laboratory. It possesses some 700 books in English, mostly novels, passed on by Dutch schools and libraries, but these are largely unreadable for students with a limited vocabulary.

In 2012-13, secondary school education in South Sudan seemed a low



*A class at St. Kitzo school (Credit, Daga Denish)*

from other primary schools in villages around the mountains where they do not teach the full eight-year primary course. Still, in receiving aid, the primary schools come first. Most receive sorghum to feed the children from the United Nations World Food Programme, they receive capitation grants for girls who continue to the upper classes, and they have textbooks (9.6 million in 2013) for the new South Sudan curriculum, mostly from the UK's Department for International Development.

The statistics still quoted by UN agencies and NGOs regarding education in South Sudan seem never to change or improve: “under half the age group”



figure is 16%.<sup>2</sup> The ‘age group’, it should be said, is an NGO standard with little relevance to life in South Sudan. It refers to children aged six to 14, who should attend the eight years of Primary School (P1 to P8): at the end of P8 there is a major passing-out exam. Yet very few children start primary school at the age of six, and many students in the upper forms of primary school are aged 16-20.<sup>3</sup>

The resources poured into the schools came from the UN Children’s Fund, DFID and NGOs, which trained teachers and printed textbooks for primary schools as a matter of urgency. They did not come from the government that in 2012 passed an Education Act stating that: “Primary education shall be free and accessible to all citizens of South Sudan”. The Act is not on the web and appears to express the hopes of the UN and NGOs (for example it bans corporal punishment which remains normal in most schools), rather than the intentions of the government. Universal free primary education exists in many African countries poorer than South Sudan, however in 2012 and 2013, only 4% of South Sudan’s budget was allocated to education, compared to 58% for security and law enforcement.

As far as I could see, anyone in South Sudan with money, and even those with the slightest possibility of finding money, would not send their children to secondary school there. Ministers in Juba or the regional states, civil servants and

2. The figure of those enrolled in Primary School in 2013 is 41.5%. Unless otherwise indicated, all statistics come from Education for All 2015 National Review Report: South Sudan, prepared by the South Sudan Ministry of Education for the UN Educational, Scientific and Cultural Organisation in 2015; <http://unesdoc.unesco.org/images/0023/002316/231645e.pdf>. The 27% per cent figure for adult illiteracy has been cited by UN and others without change since 2009; while for women’s literacy the figure is 16%; see Michael Medley’s comment to Gurtong 12/10/2013: <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/12827/South-Sudan-Literacy-Rate-At-27-Percent.aspx>.

3. In St Augustine’s in 2012, one of the best students in S3 was 23. He came from a small village, but had gone to school, under a tree, with twigs to draw letters in the dust for two years and loved it. Then his aunt had a baby and he was told to look after the child. He carried the baby on his back for the next two years – he said they were happy years, hunting in the mountains for rats and rock rabbits with his friends – until his aunt moved to Isohe, and there he started again at Primary School, in P1, receiving at some stage an Associazione Volontari per il Servizio Internazionale (AVSI) scholarship. So by the beginning of Senior 4 he was already 24. During this final year before school certificate there was great pressure on him from his family to get married; he had to find the bride price, he was absent a lot, and his exam marks plummeted from 70-80% to around 50% but, partly thanks to support through sponsorship, he did well in the exams. After a year working for AVSI, he gained a diocesan scholarship, and is now doing his A-Levels in Uganda.

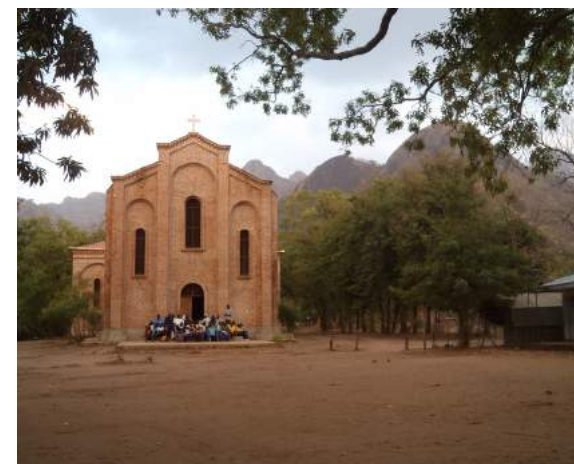
army leaders, all sent their children away to Uganda, Kenya and South Africa, where schools worked properly, had textbooks and opened on the first day of term. These secondary-school and university graduates, I imagined, would in time take the places of their fathers, while our textbook-less students, who gained a partial education at the secondary schools in South Sudan, would find themselves marginalised.

### *Isohe Secondary School*

Isohe, which had a church, house for the priests and school, was founded by the Verona Fathers in 1926. The schools today are strong, brick-built structures, standing behind a beautiful Italianate church, the only building of its kind in the whole of Eastern Equatoria to have survived the wars of 1955-73 and 1983-2005 undamaged.

Before I arrived in 2012, Sister Theresina, one of the Sacred Heart Sisters from Isohe, told me of the location and its beauty: “I was 14 before I left Isohe”, she said, “and it was only then that I realised that it was the most beautiful place in the world. It’s a hall, with one door”.

Indeed, church and school lie in a green hollow surrounded on three sides by the conical peaks of the Dongotono Mountains



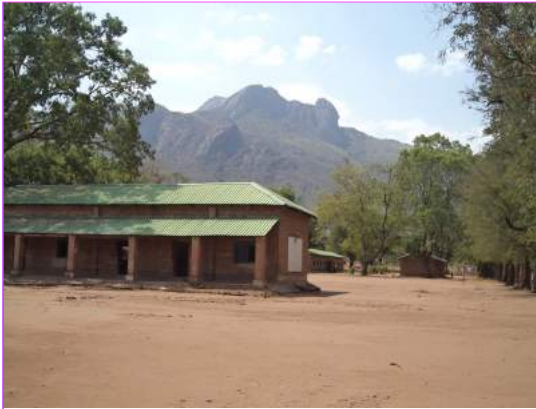
*St. Theresa’s Church, Isohe*

(number 7 on the map above); the highest peak, Lomohidang, approximately 2,600 metres high, is visible as you cross the Iwali, an all-season river.<sup>4</sup> A river which runs the whole year round is a rare and precious thing in Eastern Equatoria. In Isohe and many surrounding villages, Caritas, the Catholic NGO, has constructed water points from streams, springs or reservoirs to provide villages with permanent water.

The school was built as a primary school with seven classrooms; in the 1950s and 1960s there was also an intermediate school. After the fall of Colonel Mengistu Haile Mariam’s regime drove John Garang, leader of the Sudan People’s Liberation Movement which was fighting the Khartoum government, out of Ethiopia in 1991, Isohe became his headquarters for a while between 1991 and

4. The Dongotono live in the mountains and are a branch of the Lotuho, a large and diverse ethnic group in Eastern Equatoria. The Logir and Lokwa live alongside the





*A classroom at St. Augustine's school, Isohe*

scholarships are rarely available. The Catholic Diocese of Torit offered a handful of bursaries enabling students to continue school for two more years and take A-levels in Uganda. The school is co-educational. In 2012, during my first year, there were some 46 students in S1 and 16 in S4, but while the boys only slightly outnumbered girls in the first year and drop out was high among both sexes, the proportion of girls to boys diminished in the higher classes for a variety of reasons, including early marriage and parents giving priority to their sons' education.



*School Assembly at St. Augustine's.*

1992. The school buildings were appropriated by the Sudan People's Liberation Army as a military academy. St Augustine's only became a secondary school in 2001. Today, the Senior Four students take school certificate examinations, which give them entrance to South Sudan's universities and its few institutes of higher education, technical, health and agriculture colleges – if the universities are open, that is. Funds or

When I arrived, school fees per term were 250 South Sudanese pounds (SSP), at that time equivalent to US\$55 in the marketplace,<sup>5</sup> this sum provided full board for the students. I paid a similar monthly rental for my room, with full board at the Fathers' guesthouse next to the Church. There were only 110 pupils at St Augustine's then, which, by my calculation, made it barely viable. In theory, teachers were paid by the Ministry of Education, but in practice salaries came months late. By 2014 the number of students had risen to 170 and was to rise still higher. Some students came from conflict zones; for others, St Augustine's, though far from being among the top schools academically in South Sudan, was attractive because it is a boarding school in a quiet area.<sup>6</sup>

Pupils from the local area seemed happy to elect student leaders who came from other areas and in 2015, the head boy was a Murle, from Jonglei State. Two years earlier the head boy had been one of nine refugees from the Nuba Mountains that were given scholarships by the Bishop. After Bishop Johnson Akio Mutek's sad and unexpected death in 2013, the money for scholarships temporarily came to an end. However, the school bore the cost, no one had to leave and after some months the scholarships were renewed.

#### *School Fees: hard choices*

We were lucky in Isohe in that many students from the area, mostly the orphans, had already been supported in primary school, and subsequently got bursaries from AVSI, an Italian NGO working in health and education. If it had not been for AVSI, I often felt, half the girls might not have been at school.

After a certain age, however, bursaries only covered half the school fees. It was a reasonable idea. Those in secondary school should be prepared to earn the small amount (in 2013, SSP125 was equivalent to \$25 in the market) needed to make up their school fees. The able-bodied students could cultivate their own plots and sell the sorghum, millet or groundnuts they grew. Many students did just that or found other ways of raising money. Weeding a plot of land for someone else would bring in 10 SSP for a day's work (some could manage two plots in a day). One boy bought raw eggs in the market of Kapoeta and sold them boiled at a profit of two pounds for a dozen eggs; another panned for gold with his mother in the Kidepo River, missing a term but raising a year's school fees.

I saw that the dropouts, who suddenly re-appeared after an absence of

5. The bank US dollar-South Sudanese pound exchange rate is always much lower than the market rate.

6. When conflict resumed in 2014, school fees doubled, from SSP250 to SSP500, but the exchange rate with the dollar went up from six to eight times in the market, making school fees even more affordable to overseas friends who sponsored the students as the

a term or more, were often particularly keen, bright and enterprising. In Juba there were more opportunities. A spot check in a Juba street on 31 May 2016 showed that there were many boys aged 9-15 picking up plastic bottles and reselling them to get some cash, while others polished shoes or sold sweets. These small jobs are quite gender-differentiated; the girls were more likely to be helping female relatives to make tea. For a boy the obvious way of raising money was by selling firewood or charcoal, while for a girl it was brewing alcohol.

#### The impact of local livelihood strategies

“If you don’t tell the guardian you are giving school fees, the boy will get another 250 SSP from his parents and flaunt his wealth.” Fellow teachers are always suspicious.

The letter was from Abraham’s father, a former SPLA soldier whose pension had ended after nine years, and was beautifully written. Perhaps the script full of flourishes was the work of a professional letter-writer.

“I was expecting that my son is going to be a villager like some of his age-mates who are now become rebels and raiders... The money I have been paying right from 2011 to 2012 and that half term of second term as school fees always comes out of our destruction of forest i.e. de-afforestation, getting some charcoals and poles and sell them at Hiyala centre, one sack of charcoal costing 30 SSP and one pole is 5 SSP.”

When Sister Paskwina was young, the valley and slopes around Isohe were wooded and buffaloes, even elephants, were to be seen. War, and the accompanying poverty, has almost certainly been the greatest killer of game. There were several reasons for the thinning forest: the bush was burnt for hunting and farming, wood was used for cooking and building and it was also an easily available source from which to earn money. In the present economic crisis charcoal, if sold to Dubai (which reportedly collects it from Eastern Equatoria by air), is almost the only product from South Sudan for which you will receive payment in US dollars.

Brewing alcohol, women’s work, was an equally harmful way of raising money. Drunkenness was rife, and caused deaths by accident or in drunken brawls. A drunken primary teacher took the bush path home to avoid being seen from the primary school on the only road through Isohe. Treading on a snake in the undergrowth, he was bitten and died alone in the fields, a stone’s throw from Isohe Hospital, which had anti-venom supplies. Violence, fuelled by the easy availability of guns and encouraged by alcohol, was widespread. Some drunken nephews killed their 80-year-old uncle, the gifted school carpenter, for the little money that he had. Two friends got drunk together, with their guns leaning against their seats, and shot each other – as though in a game. Yet brewing alcohol was the universal way of raising money for a girl or a woman (often a widow) who was determined to send her son or daughter to school.

#### “Are you determined to complete?”

The dropout rate from secondary school was high; two-thirds of the 46 pupils in S1 might leave by S4, the final secondary form. The burden of school fees partly explains the high dropout rate: 39.1% of pupils in Secondary School and 27.3% in Primary School fail to complete their courses.<sup>7</sup> When the brother, who was paying the fees of a final year student, died in a cattle raid in early 2013, a student at St Augustine’s felt he had no choice: he would take his orphaned nephews, then in primary school, back to Kakuma Refugee Camp in Kenya and there, under the Office of the UN High Commissioner for Refugees, they would all receive free education. We sponsored him and persuaded him to stay.

The years in S2 and S3 were the most dangerous for girls, when the pressure to get married and bring a bride price to the family was strongest. In interviews with each girl, the only woman teacher in the school pushed this point: “Are you determined to complete? What if your parents say: ‘You have to get married? Will you leave?’” One girl muttered, looking at the ground: “That is already there”. Other girls were more feisty:

**S:** If my father refuses to pay, I’ll make alcohol...”

**V:** I won’t leave my studies for a millionaire”.

**M:** They are abusing me but I won’t get married, I want to become a nurse, from P3 I have wanted it – I will refuse my father. I will stay here. I don’t even mind if they are abusing me.”

Most forceful was a girl from a village in the Chukudum Mountains, over 100 kilometres away:

I promise if God helps me to finish my studies I will become a doctor or a nurse. My father died in 1998, he was shot, someone gave 35 SSP for school fees, I sold sorghum and millet and I sold maize for 50 SSP. My mother wanted me to stay at home. I said, ‘My mother, you send me to school, I don’t have a father, I don’t have my brothers and sisters at school’. She said, ‘because you are crying, continue, but if I don’t have money you must come back into the village’. I said, ‘In our village there is not even a good hospital, the people are suffering. There are no boys from the village who have finished school. I’m not even thinking of returning, let me just continue, maybe God will help me in other ways’.

Early marriage is widespread in South Sudan, although there are variations depending on the area, ethnic group and parents’ level of education. In our area, the bride price was between 20 and 27 cows. Among the Dongotono and the Logir the age of marriage was often low. At the beginning of my stay,

<sup>7</sup> UNESCO Education for All 4.1.1, p.28.

trying to decide whether to sponsor a student, I would be tough, “What! Your sister just got married! You have received more than 20 cows, why should I pay for you?” Back in England, I at last understood, when an anthropologist explained that the bride price should be taken out of the school-fee equation – the bride price was not money for school fees, it was money for your brother or cousin’s marriage; you could not use a cow paid as bride price for something else, like school fees – it sometimes happened but it was rather rare.

### *Why be a teacher anyway?*

While we were teacher-less during the first two weeks of term, the assorted group who would sit chatting in the Fathers’ house would talk about how different it was in Uganda: “You register on the first day of term and the same morning there is an exam to place you in your class. You can’t be late”.

However, in Isohe students knew the teachers would be late, teachers knew the students would be late, so why come early? I also used to enjoy those two to three first weeks when I would come on time, and there was always the head teacher, and we would go, un-timetabled, from class to class, teaching whatever we felt like – English language games, poetry, human rights (all students even in Senior 1 knew a lot about human rights), debates (the most vigorous school society, after football, was the debating society of the whole school, meeting on Friday afternoons with very formal procedures). One year, in January 2013, I fell into the same mode, ‘Oh, nobody will come on time’ and accepted an offer to go to Wau during the first week of term and was then punished by being stuck there a second week because of a lack of flights.

Although teachers and students invariably arrived late, the term got under way and most of the teachers were devoted, taking extra classes on Saturdays if necessary. The teachers were also accessible to students (as most had a room or house on the premises), who often came to consult them.

### Teachers’ salaries in Isohe

One of the most serious problems facing both primary and secondary teachers is the abysmal salaries; anyone who can find a job outside the teaching profession does so. When the State Minister of Education or a diocesan representative came to talk to us, they said that teaching was a ‘noble profession’. Yet of all workers in South Sudan, teachers must be some of the worst paid. In 2012-13, a primary school teacher was getting under SSP500 SSP (\$100) a month, while a trained secondary school teacher would normally get SSP850-1,100 (\$200). Inflation has eaten away at the value of salaries; my own, comparatively high, salary of SSP1,200 a month, then worth \$250, would now be worth only about \$30.

The Ugandan teachers suffer particularly badly as the inflation of the past two years has meant that the South Sudan Pound which used to be worth 500 Uganda shillings at Tsertenya on the South Sud.

70 Uganda shillings. As a result, the monthly salary of one of the most qualified Ugandan teachers at St Augustine’s, when changed into shillings, is equivalent to less than \$20 per month.<sup>8</sup> South Sudan is now a member of the East African Community and in theory citizens of member states may travel freely but in June 2016 some South Sudanese border guards continued to charge Ugandan teachers up to \$100 for visas to teachers, which was three months’ salary.

In most schools, the Ugandan teachers teach key subjects and without them schools could not function. As I was writing this article, I sent one former colleague an email asking him why he went on teaching in South Sudan for a salary of \$20 a month. Did he love the job so much, or were there no jobs in Uganda? He wrote back:

‘Hi Liz, truly those questions are right, but the issue is not that there are no other jobs or no jobs in Uganda. You remember some Ugandan teachers left, it’s all about the love to make things go on coz some of us wanted to see improvements, but it’s challenging. You also know, students always wait to see Ugandan teacher before reporting to the school. That’s why some of us are persevering.’

Another problem facing teachers and schools was that it would take a year for a new teacher to be put on the books of the State Ministry of Education so that he or she was able to receive a salary. Luckily it took a year (and often more) for the Minister of Education to take a teacher off the books, so in Isohe the head teacher and the school Finance Committee would manoeuvre, using the salaries of the teachers who had left to pay the newly arrived teachers at least a partial salary; offering incentives for doing extra work; and using any spare money to augment the salaries of the lowest paid teachers with a ‘chalk allowance’.<sup>9</sup> So I, who left the school in December 2013, remained for at least a year (and I would be happy if it was more or if my spirit and salary stayed there for ever) as a ‘ghost teacher’ – the only way to manage a situation full of problems.

As a result of this situation, it was not surprising that absenteeism among teachers was high. A teacher might disappear during term time for some weeks to farm his garden, sort out his children’s school problems, or just because he had had enough. Every term we would find ourselves lacking a teacher; more than once, St. Augustine’s had no chemistry teacher, while a secondary school near Magwi lacked an English teacher. Nothing would happen to absentee teachers, and usually if other teachers were paid s/he would be paid.

8. The maths and physics teacher, who was at a low salary level as he had had no teacher training, was paid under \$6 a month; this was increased to nearly \$17 out of the school funds.

9. The chalk allowance boosts the salaries of some teachers. It is called that as chalk



### Teachers' salaries: the national situation

The situation facing teachers in Juba is even worse than in country areas as they have more expenses. The highest paid teacher in Juba received SSP1,500 SSP a month (in June 2016, roughly equivalent to \$40 on the free market). Teachers working in private schools are usually, but not always, better paid, and more regularly paid, but they can still hardly live off their salaries. One grade 14 teacher at Juba Girls' Primary School said he received SSP290 per month plus SSP270 'chalk allowance', a total of SSP560. He spends SSP150 on rent, 200 on food, 80 on bus fares, 100 on charcoal, 10 on air time (for his mobile phone) and 35 on soap, making his expenses SSP575; to save money, he often walks to work and skips meals during the day. In May 2016, he had not been paid for three months. The only thing that motivates him to teach is because he cares about the future of the children.

Meanwhile, the junior guards for 'Warrior Security', who stand outside the UN and other offices, receive a minimum of SSP2,000 per month; their supervisors are paid SSP3,500. A South Sudanese who gets a job with an NGO may now be paid in dollars because of the collapse of the South Sudanese Pound, getting as much as \$650 a month.

With the present inflationary situation in South Sudan, things have got worse. Informants from the Ministry of Education and Juba University were surprised at the low scores that students received in the school certificate examinations last year. They found that many teachers were simply absent from government schools, having either gone to private schools where salaries are higher or to work outside education, or simply to cultivate land. My informants told me that government universities are accepting lower marks this year as only half the places are taken. In particular, there are few qualified students applying to study scientific subjects, "leaving a bleak future".

### *The educational impetus among South Sudanese*

Travelling through South Sudan, one sees a primary school in almost every village, some with buildings, desks, and paid teachers, others under one or more trees, with children sitting on a pole stretched between two forked sticks and volunteer teachers. With only half the population receiving primary education, many schools are founded by local people. Persuading the state government to build a school is difficult as most of the education budget goes on salaries, with little spent on infrastructure. So there is an incentive to found a school, hoping that eventually the government will pay the teachers. Such schools are often founded by community associations of local people who work elsewhere, commonly in towns inside, or often outside, South Sudan. For example 70% of the schools in Magwi County were founded not by the government but by the local community.<sup>10</sup> In the Lotuho area, many schools under trees are set up by local

10. See Edward Thomas *Community development in Obbo, Magwi County, Eastern Equatoria* in OTCM Vistas Equatoria Case Studies, eds Mareike Schomerus and Edward Thomas 2015.



*The Primary 2 class at Ibunyak school near Isohe. The school was built by the community so that the smallest children would not have to walk across the River Iyale (which can flood in the rainy season), to St. Kitzo school. (Credit, Daga Denish)*



*Teacher Simon Lopi teaches the alphabet at Ibunyak school (Credit Daga Denish)*

people that have some education, often without any expectation of outside funding.

An example of a community school is in Dito, which lies on a plateau above Isohe in the Dongotono Mountains. The Anya Nya rebel movement had an important base there during the civil war of the 1960s. You reach the first hamlet after a stiff climb of two hours up the mountain; there are four villages on distant slopes and a school of spaced out poles supporting a thatched roof, where P2 to P4 studied. P1 was under a tree taught by a teacher who had completed P4. In 2013, the pupils paid

ten pounds a term (then equal to about \$2) which helped the three volunteer teachers who taught the first four years' of primary school and paid for the exercise books that the children filled with the most beautiful cursive writing.

Another example is the school started by Sister

Rose of the Sacred Heart Sisters in Aliya, near her home village. This was supposed to be an all girls' secondary school, but the local people, who gave her a large area of land, pointed out that there was no boys' secondary school within 20 km. of their village, so it is a mixed school. The Silesian Fathers gave money for the first four classrooms, the Combonis in the United States gave \$10,000 towards a borehole and a Quaker foundation in the UK gave £12,000 for dormitories, as some pupils were walking more than ten km. to and from school every day. Local people bring in bowls of sorghum so that students can receive a free meal, but because of a lack of funds, only one class has desks, made by a carpenter in Palotaka, a Catholic centre a kilometre away.<sup>11</sup>

The educational impetus of South Sudanese extends to Khartoum, where in February 2016, I visited some South Sudanese schools. During the recent conflict, more than 200,000 South Sudanese fled to Sudan. More than 35,000 refugees ended up in Khartoum, many living in El Haj Yousif, a sprawling overcrowded suburb of mainly South Sudanese and Darfuris. The same community spirit as in South Sudan led South Sudanese volunteer teachers to



*Community built school at Dito*

set up two schools in in the suburb, which cater for more than 1,500 children who did not receive the support and education given in the refugee camps.

### *Conclusion*

Asked what they want to do with their lives, nearly every student in St Augustine's School says they want to be a doctor; some say a nurse; only one said a teacher. They have obviously not heard of engineers, although John Garang is reported to have said that the building of roads would be the most effective way to develop South Sudan. The students who graduated four years ago often found jobs with NGOs; now those who passed more recently struggle, taking driving tests and even computer courses, but claim they can find no jobs. They beg for support to go to university and we will try our best; but even then, they may find no suitable jobs.

I would be glad if they would be happy to be teachers. Some, like the Ugandan quoted above, are still teaching notwithstanding the difficulties. Now, in 2016, St Augustine is indeed lucky enough to have young South Sudanese teachers from the area, trained in the Department of Education of the University of Juba and who have finished their teaching degrees. They are serious, hardworking – and they will be around on the first day of term. When they came to the school during their teachers' training in 2013, it used to be a joy to me to see how, in forms where many students would get 14% or less for their maths exams, students were now covering the blackboard with equations and geometrical figures. They have recruited other local people, including – at last – a chemistry teacher, who studied in Juba University. As the colleague who stressed the bleakness of the future said: "You must also say that there are some secondary schools in South Sudan which have overcome their difficulties so that students may soon prefer to study at home rather than in Uganda".

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11. This is despite the fact that desks that seat four co





## Litigation before the African Commission on Human and Peoples' Rights and the struggle against torture in Sudan

Lutz Oette\*

### Introduction

The infliction of severe physical or mental pain or suffering for a particular purpose – in short, torture – constitutes an extreme abuse of power. Officials committing torture pervert the state's monopoly of power, depriving individuals of the protection that the transfer of such power was meant to entail. They violate the internationally recognised absolute prohibition against torture, a rule that can be seen as an archetype of how law relates to force:

Law is not brutal in its operation; law is not savage; law does not rule through abject fear and terror, or by breaking the will of those whom it confronts. If law is forceful or coercive, it gets its way by methods which respect rather than mutilate the dignity and agency of those who are its subjects.<sup>1</sup>

Viewed in this light, the prevalence of torture is a key indicator of the level of respect for the rule of law and human rights in a given country. In Sudan, the methods employed after the 1989 coup made it clear that torture was an integral part of a strategy to establish and maintain power. The so-called ghost houses, in which individuals were subjected to what frequently amounted to sustained and extremely brutal torture, were invisible yet all too well known embodiments of this approach.<sup>2</sup> The reality of torture in Sudan over the last three decades has been well documented. Multiple testimonies, reports by human rights organisations and human rights defenders, and findings by human rights bodies and others provide detailed evidence.<sup>3</sup>

From the early days of the current regime, there has been considerable resistance to torture, both in Sudan and abroad. Sudanese torture survivors set up organisations

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1. J. Waldron, *Torture Terror and Trade-Offs: Philosophy for the White House* (OUP, 2010), 232.
2. See in particular Human Rights Watch/Africa, *Behind the Red Line* (1996); A. M. Medani, *Crimes against International Humanitarian Law in Sudan: 1989-2000* (Dar el Mostaqbal el Arabi, 2001); and the Group against Torture in Sudan, [ghosthouses.blogspot.co.uk](http://ghosthouses.blogspot.co.uk).
3. See a recent report, REDRESS and ACJPS, *Sudan human rights crisis: High time to take article 2 of the Covenant seriously: Submission to the UN Human Rights Committee ahead of its Examination of Sudan's Fourth Periodic Report under the International Covenant on Civil and Political Rights*, June 2014, 21-50, available at [www.redress.org/downloads/publications/140613SubmissionSudanHRC.pdf](http://www.redress.org/downloads/publications/140613SubmissionSudanHRC.pdf).

in the United Kingdom and the United States and documented violations.<sup>4</sup> Human rights organisations and rehabilitation centres in Sudan, in so far as they have been able to operate, have equally documented torture and provided rehabilitation.<sup>5</sup> National and international human rights organisations have monitored Sudan's compliance with its international obligations, issued detailed reports and called for legislative and institutional reforms, as well as accountability and justice.<sup>6</sup> They have also advocated, unsuccessfully to date, that Sudan ratify the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Sudanese victims of torture and human rights defenders have also litigated cases with a view to obtaining justice and strengthening the prohibition of torture. Cases of torture brought in Sudan have, with few exceptions, failed (some instances of police torture resulted in prosecutions or out of court settlements). Legal barriers shielding the perpetrators include immunities, amnesties and short statutes of limitation. Institutions, that is the law enforcement and security agencies, are not subject to independent and effective oversight, be it judicial or otherwise. The lack of effective protection against threats and harassment further discourages anyone thinking of taking legal action or publicly exposing torture. The net result is that remedies "are inadequate and ineffective".<sup>7</sup> Victims of torture whose cases failed domestically, or who did not use the inadequate and ineffective remedies in Sudan, and those acting on their behalf, have increasingly taken their cases before the African Commission on Human and Peoples' Rights (African Commission), Africa's main human rights treaty body.<sup>8</sup>

This litigation before the African Commission has generated a growing body of jurisprudence on torture. However, Sudan has largely failed to take action in response, which raises the obvious question of whether and, if so, why, one should use such external avenues. Based on my own experience of litigating several cases and pursuing complementary advocacy strategies,<sup>9</sup> I argue that,

4. In the UK, Sudan Victims of Torture Group and Sudan Organisation against Torture and in the US, the Group against Torture in Sudan.

5. For most of the 2000s in particular, the Khartoum Centre on Human Rights and Environmental Development and the Amel Centre.

6. In addition to the organisations mentioned in preceding footnotes, see in particular the work of the African Centre for Justice and Peace Studies (ACJPS), (the then) SOAT, Amnesty International, Human Rights Watch and REDRESS.

7. Monim Elgak, Osman Hummeida and Amir Suliman (represented by FIDH and OMCT) *v.* Sudan, Communication 379 /09 (2014), paras. 69,70.

8. Organisations that have brought cases against Sudan include ACJPS, REDRESS, FIDH, OMCT, Interights, Sudan Democracy First Group, Human Rights Watch, and Amnesty International (in the 1990s).

9. In my capacity as the then Programme Advisor, and later Counsel, at REDRESS

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for all its apparent limitations, litigation can be highly important for victims of torture. It provides a measure of justice, and forms part of broader strategies to counter the forever present risk of the ‘normalisation’ and ‘forgetting’ of serious violations, both domestically and internationally. Findings by the main regional human rights body that Sudan has been responsible for torture constitute an official record that exposes systemic violations and shortcomings. They also serve as a reminder of the reality of state-inflicted suffering to all those who argue that political imperatives should take precedence over the demands of justice.<sup>10</sup>

### *Litigating torture cases before the African Commission on Human and Peoples’ Rights*

#### A brief overview

The African Commission is at present the only supranational human rights treaty body that can hear complaints brought against Sudan.<sup>11</sup> Sudan is subject to the African Commission’s jurisdiction by virtue of having ratified the African Charter on Human and Peoples’ Rights (‘African Charter’).<sup>12</sup> The African Charter gives broad standing, not only to victims but also to organisations, to file a complaint before the African Commission alleging that a state has violated its obligations.<sup>13</sup> This includes the prohibition against torture under Article 5 of the African Charter:

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

Anyone bringing a case (‘communication’) must meet the formal admissibility criteria, which include having to exhaust domestic remedies in Sudan, or show that they are not available or effective.<sup>14</sup> This usually means having to lodge a criminal complaint or pursue other avenues, particularly taking legal action before the courts,

10. See on this point more broadly, e.g. M. Mamdani, *Saviors and Survivors: Darfur, Politics, and the War on Terror* (Verso, 2009) and L. Oette, ‘Book Review: Mahmood Mamdani, *Saviors and Survivors, Darfur, Politics and the War on Terror*’, *Journal of African Law* 54(2) (2010), 313–18.

11. Cases concerning a violation of the right to liberty can also, exceptionally, be brought (provided the person concerned is still in detention), and have been brought against Sudan, before the United Nations Working Group on Arbitrary Detention, a UN human rights charter body, see [www.ohchr.org/EN/Issues/Detention/Pages/WGADIndex.aspx](http://www.ohchr.org/EN/Issues/Detention/Pages/WGADIndex.aspx).

12. On 18 February 1986.

13. See articles 55, 56 of the African Charter.

14. Ibid. article 56 (5).

unless it is clear that these procedures fail to remedy violations in practice. Upon declaring a communication admissible, the African Commission will consider the merits, i.e. the substance of a case, based on the submissions made by the parties, and, exceptionally, hearings. It will then issue a decision, which includes findings and recommendations (where a complaint is, at least partially, upheld), and is published after its adoption by the Assembly of Heads of State of the African Union.<sup>15</sup>

#### The jurisprudence of the African Commission on torture in Sudan

By late May 2016, the African Commission had published decisions in thirteen communications brought against Sudan, making it one of the states with the highest number of cases against it (after Cameroon, Zimbabwe, Democratic Republic of the Congo and Nigeria).<sup>16</sup> The Commission held, in seven of the thirteen cases, that Sudan had violated its obligations under the African Charter. Eight of the cases concerned torture or other forms of ill-treatment in Sudan (finding of violations in six cases).<sup>17</sup> At least ten cases were pending against Sudan.<sup>18</sup>

15. See further REDRESS et al., *Filing a Communication before the African Commission on Human and Peoples’ Rights, A complainant’s manual* (2013).

16. [www.achpr.org/states/sudan/-Sudan/States/ACHPR](http://www.achpr.org/states/sudan/-Sudan/States/ACHPR).

17. One torture related case not considered further is *Curtis Doebller v. Sudan*, Communication 235/00 (2009), which concerned the forced repatriation of Ethiopian refugees and an alleged violation of the prohibition of refoulement (exposing a person to the risk of being subjected to torture in third country). The Complainant also alleged that Sudan “had mistreated the refugees for protesting their forcible repatriation” but the African Commission, which dismissed the communication on its merits, did not consider these allegations in detail, stating that it had no “substantive reasons to doubt the [very different] account by the Respondent State,” *ibid.*, paras. 160,161.

18. *Abdelrahman Mohammed Gassim and nine others (represented by EHAHRDP, REDRESS, ACJPS and the Darfur Bar Association) v. Sudan*, Communication 391/10; *Sudanese civilians in South Kordofan and Blue Nile (represented by REDRESS, SDFG, HRW and the Enough Project) v. Sudan*, Communication 420/12 (joined with 402/11); *Safia Ishaq Mohammed Issa (represented by REDRESS) v. Sudan*, Communication 443/12; *Ali Askouri and Abdel-Hakeem Nasr (on behalf of persons affected by the construction of the Merowe and Kajbar Dam) v. Sudan*, Communication 452/13; *Magdy Moustafa El-Baghdady (represented by REDRESS) v. Sudan*, Communication 470/14; *Meriam Yabia Ibrahim, Daniel Wani and their two children v. Sudan*, Communication 471/14; *Abdel Moneem Adam Mohammed (represented by REDRESS, ACJPS and EHAHRDP) v. Sudan*, Communication 510/15; *Dr. Amin Mekki Medani and Mr. Farouk Abu Eissa (represented by FIDH, ACJPS, OMCT & REDRESS) v. Sudan*, Communication 551/15; *Dr. Bushra Gamar Hussein Rahma (represented by ACJPS) v. Sudan*, Communication 567/15; and *Hassan Ishaq Ahmed (represented by ACJPS & others) v. Sudan*,

## Ghost Houses

Two cases relate to torture in the early days of the regime following the coup. In a case brought by Amnesty International and others against Sudan in 1990<sup>19</sup> the complainants alleged:

Widespread torture and ill treatment in the prisons and “ghost houses” in Sudan. These allegations are supported by doctors’ testimonies, personal accounts of alleged victims and a report by the UN Special Rapporteur. A number of individual victims are named. Additionally, it is alleged that many individuals were tortured after being arrested at army checkpoints or in military or war zones. Acts of torture include forcing detainees to lie on the floor and being soaked with cold water; confining four groups of individuals in cells 1.8 metres wide and one metre deep, deliberately flooding cells to prevent detainees from lying down, forcing individuals to face mock executions, and prohibiting them from washing. Other accounts describe burning with cigarettes and the deliberate banging of doors at frequent intervals throughout the night to prevent sleeping. Individuals were bound with rope such that circulation was cut off to parts of their bodies, beaten severely with sticks, and had battery acid poured onto open wounds.<sup>20</sup>

The African Commission found Sudan to have breached the prohibition of torture: “[t]here is substantial evidence produced by the complainants to the effect that torture is practised,”<sup>21</sup> and “the acts of torture alleged have not been refuted or explained by the government...”<sup>22</sup>

Another, more recent case was filed by Dr. Farouk Mohamed Ibrahim in 2010.<sup>23</sup> He is a well-known former university professor who had been targeted by the National Intelligence and Security Services (NISS) and repeatedly brought public complaints regarding the torture he had suffered. Having unsuccessfully pursued a fundamental rights petition before Sudan’s Constitutional Court, he filed a complaint with the African Commission, in which he alleged that he had been, in November and December 1989, “subjected to repeated kicking and beating; prolonged bath in ice water; threatened with rape, death; and deprived of sleep for up to three

19. *Amnesty International, Comité Loosli Bachelard, Lawyers’ Committee for Human Rights, Association of Members of the Episcopal Conference of East Africa v. Sudan*, Communications 48/90-50/91-52/91-89/93 (1999).

20. *Ibid.*, para. 5.

21. *Ibid.*, para. 54.

22. *Ibid.*, para. 57.

23. *Dr. Farouk Mohamed Ibrahim (represented by REDRESS) v. Sudan*, Communication 386/10 (2013).

days.”<sup>24</sup> Further, he alleged to have been “detained in a small and dirty 1 metre by 1.6 metre toilet room flooded with water for three days before being transferred to another bathroom where he was kept with five other detainees for nine days.”<sup>25</sup>

The African Commission found that local remedies had not been available, adequate and effective. It nonetheless proceeded to dismiss the complaint as inadmissible, holding that it had been filed out of time even though the African Charter does not set a time limit. It thereby left the complainant without a remedy after having stated unequivocally that no effective remedies had been available in Sudan.

## National Security and Intelligence Services (NISS) torture 1998, 2008 and 2011

In the case of *Law Offices of Ghazi Suleiman v. Sudan*, brought on behalf of 29 individuals,<sup>26</sup> the African Commission upheld the complaint “that in the two months of their detention, the suspects were imprisoned, tortured and deprived of their rights.”<sup>27</sup> In addition, “detaining individuals without allowing them contact with their families and refusing to inform the families of the fact and place of the detention of these individuals amount to inhuman treatment both for the detainees and their families.”<sup>28</sup>

In the case of *Monim Elgak, Osman Hummeida and Amir Suliman v. Sudan*, three prominent human rights defenders were, in November 2008, targeted on account of their alleged crime of spying or colluding with the International Criminal Court.<sup>29</sup> The complainants submitted that

Mr. Amir Monim Elgak and Mr. Osman Hummeida were subjected to sustained and severe beatings. The Complainants describe various acts to which they were subjected, including being punched and hit with a pipe and wooden cane on their feet and soles. Mr. Osman Hummeida in particular was allegedly subjected to sleep deprivation and denied access to medical treatment. It is submitted that Mr. Elgak’s lip was split open as a result of the beatings while Mr. Osman had severe pain and difficulties in walking.<sup>30</sup>

In addition,

all three Complainants were subjected to credible threats and a pervasive climate of fear that caused anxiety in them. Monim Elgak was for example threatened with rape and putting out a cigarette in his eye;

24. *Ibid.*, para. 8.

25. *Ibid.*, para. 9.

26. *Law Offices of Ghazi Suleiman v. Sudan*, Communication 228/99 and 229/99 (2003).

27. *Ibid.*, para. 43.

28. *Ibid.*, para. 44.

29. *Monim Elgak, Osman Hummeida and Amir Suliman (represented by FIDH and OMCT) v. Sudan*, Communication 379/09 (2014).



Osman Hummeida was threatened with execution, having a gun pointed at his head, as well as being exposed to torture instruments. He was also subjected to death threats and made to witness the torture of his colleague and friend. Amir Suliman was threatened with torture, his glasses were removed, the room darkened and the interrogating officers brandished sticks and hoses known to be used for the purposes of torture...<sup>31</sup>

The African Commission, finding that the complainants had adduced evidence to prove the alleged facts, which had not been contested, held that Sudan was responsible for the torture inflicted and the lack of prompt, impartial and effective investigation into the alleged violations.<sup>32</sup> After finding that a series of other rights had been violated, the African Commission also held that Sudan has an inadequate legal framework in place to protect several rights guaranteed in the African Charter.<sup>33</sup>

In the case of *Hawa Abdallah v. Sudan*, a Darfurian community activist, the authors of the complaint submitted that she was tortured while “in the custody of the NISS in El Fashir and in Khartoum”:

Ms. Abdallah was subjected to sustained severe beatings that amounted to torture. It is submitted that during her arrest, she was repeatedly slapped and beaten by the arresting officers with the butts of their guns. She was also allegedly punched, whipped and beaten with various objects including an iron rod and metal wires and subjected to other physical forms of abuse.<sup>34</sup>

The African Commission dismissed the communication on the merits because the complainants had not provided sufficient evidence “to substantiate the allegations”.<sup>35</sup>

#### Conflict-related torture

The case of *Sudan Human Rights Organisation & Centre on Housing Rights v. Sudan* concerned violations alleged to have been committed in the Darfur conflict since 2003 (the case was decided in 2009).<sup>36</sup> The complainants,

submitted that the various incidences of armed attacks by the military forces of the Respondent State, using military helicopters and the *Janjawid* militia, on the civilian population, forced eviction of the population from their homes and villages, destruction of their properties, houses,

31. Ibid., para. 76.

32. Ibid., paras. 96-101.

33. Ibid., paras. 138-141.

34. *Hawa Abdallah (represented by ACJPS) v. Sudan*, Communication 401/11 (2015), para. 72.

35. Ibid., paras. 89-91.

36. *Sudan Human Rights Organisation & Centre on Housing Rights and Eviction (COHRE) v. Sudan*, Communication 279/03-296/05 (2009).

water wells, food crops and livestock, and social infrastructure, the rape of women and girls and displacement internally and outside national borders of the Respondent State [Sudan], constitute violations ... [amounting] to both psychological and physical torture, degrading and inhuman treatment, involving intimidation, coercion and violence.<sup>37</sup>

The African Commission found that Sudan,

and its agents, the *Janjawid* militia, actively participated in the forced eviction of the civilian population from their homes and villages. It failed to protect the victims against the said violations. [Sudan], while fighting the armed groups, targeted the civilian population, as part of its counter insurgency strategy. In the opinion of the Commission this kind of treatment was cruel and inhuman and threatened the very essence of human dignity.<sup>38</sup>

It held that Sudan had violated the prohibition against torture, as well as a number of other rights guaranteed under the African Charter,<sup>39</sup> and recommended that Sudan take a series of measures.<sup>40</sup>

#### Police torture

The case of *Abdel Hadi, Ali Radi & Others v. Republic of Sudan* was brought on behalf of 88 victims in 2009.<sup>41</sup> In May 2005, internally displaced persons (IDPs) had protested against their forced relocation from the Soba Aradi camp in the southeast of Khartoum. In the ensuing riots, 15 policemen and five IDPs were killed. In response, the police arbitrarily arrested, detained and tortured a large number of IDPs.<sup>42</sup> According to the African Commission:

The Complainants have submitted that the victims went through various forms of physical torture during their detention ranging from severe beating with whips and sticks, doing the *Arannabb Nut* (rabbit jump), heavy beating with water hoses on all parts of their bodies, death threats, forcing them to kneel with their feet facing backwards in order to be beaten on their feet and asked to jump immediately after, as well

37. Ibid., para. 158.

38. Ibid., para. 164.

39. Ibid., para. 228.

40. Ibid., para. 229, including investigations, prosecutions, restitution and compensation for victims, major legislative and judicial reforms, rehabilitation of the economic and social infrastructure in order to enable the return of IDPs, establishing a national reconciliation forum, non-application of amnesty laws and consolidation and finalisation of pending peace agreements.

41. *Abdel Hadi, Ali Radi & others v. Republic of Sudan*, Communication 368/09 (2013).

as other forms of ill-treatment. These facts have not been contested.<sup>43</sup>

This treatment, which was inflicted “with the aim of extracting confessions from the victims and as punishment for the killing of policemen at the Soba Aradi IDP camp... resulted to [sic] serious physical injuries and psychological trauma”<sup>44</sup> and therefore amounted to torture.<sup>45</sup> The African Commission held that “incommunicado detention, death threats, denial of medical care and adequate toilet facilities... [is] not in keeping with [a person’s] dignity and pose a threat to his health [and] amounts to cruel, inhuman and degrading treatment or punishment.”<sup>46</sup> In addition, it found a series of other violations of the African Charter, including on account of Sudan’s failure to effectively investigate the allegations of torture and to provide an adequate legal framework for the protection of rights.<sup>47</sup>

#### Corporal punishment

The case of *Curtis Francis Doebbler v. Sudan* concerned the lashing of eight students in 1998,<sup>48</sup> following their conviction in June 1999 for having violated public order (article 152 of the 1991 Criminal Act) by not being properly dressed and acting immorally (having a picnic in Burri, Khartoum, “girls kissing, wearing trousers, dancing with men, crossing legs with men, sitting with boys and talking with boys”).<sup>49</sup> The African Commission held that

there is no right for individuals, and particularly the government of a country to apply physical violence to individuals for offences. Such a right would be tantamount to sanctioning State sponsored torture under the Charter and contrary to the very nature of this human rights treaty.<sup>50</sup>

Significantly, “[t]he law under which the victims in this communication were punished has been applied to other individuals. This continues despite the government being aware of its clear incompatibility with international human rights law.”<sup>51</sup> The ruling dates back to 2003 but these words could have easily and equally been written today.<sup>52</sup>

43. Ibid., para. 72.

44. Ibid.

45. Ibid., para. 73.

46. Ibid., para. 74.

47. Ibid., para. 93.

48. *Curtis Francis Doebbler v. Sudan*, Communication 236/00 (2003).

49. Ibid, paras. 1-8, particularly para. 3.

50. Ibid., para. 42.

51. Ibid., para. 44.

52. See further REDRESS, *No more cracking of the whip: Time to end corporal punishment in Sudan* (March 2012).

#### A brief evaluation of jurisprudence to date

While their number is limited, the cases decided and published by May 2016 offer some important findings. The cases resulting in a ruling against Sudan provide detailed evidence of state responsibility for multiple instances of torture in various contexts. The government of Sudan has responded to most complaints against it before the African Commission. In many cases, it did not contest the factual allegations made. Instead, it focused primarily but largely unsuccessfully on formal admissibility criteria, particularly the failure to exhaust domestic remedies. The Commission’s decisions constitute public and formally validated records of the torture practice of various agencies. The identity of perpetrators and methods of torture point to a systematic use of torture over several decades, particularly by the NISS, and a readiness by the police to resort to torture methods. The findings concerning Sudan’s responsibility for torture and other ill-treatment in the early phase of the Darfur conflict reflects, and reinforces the finding of other bodies, such as the UN Commission of Inquiry on Darfur in 2005. In addition, finding Sudan’s laws on corporal punishment incompatible with its obligations under the African Charter set a major precedent and clear marker for the lack of acceptability of this aspect of Sudan’s criminal justice system under international standards. Finally, the jurisprudence has underscored the failure of Sudan’s legal system adequately to protect the right to be free from torture and to provide victims with the right to an effective remedy. This includes the failure to investigate allegations of torture promptly, impartially and effectively.

There are, nonetheless, significant gaps in the type of cases and issues brought before, and decided by, the African Commission. The cases focus primarily on ‘political’ and ‘conflict related’ torture. They also predominantly address the torture of men. This means that the cases reflect only certain experiences of victimisation. Importantly, torture in the context of the criminal justice system and as an element of social control remains largely unaddressed, other than in the particular circumstances of the Soba Aradi (Abdel Hadi et al.) case and, to some extent, the Curtis Francis Doebbler case. Most cases concern torture committed in Khartoum, with the exception of the Darfur and the Hawa Abdallah case. Torture, committed in the course of other armed conflicts and other regions of Sudan, including as protest against development projects, is notable by its absence. The decisions published to date are also largely silent on rape and sexual violence as a method of torture. These gaps are not the result of a strategy of deliberate omission but rather the outcome of choices made by complainants, and the difficulty of litigating certain cases, such as violations committed outside Khartoum and cases of sexual violence. Nonetheless, the gaps also reflected, to some extent, the focus of actors that have made use of the African Commission as an avenue for litigation.

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pending before the African Commission provide for a broader spectrum of violations. This includes cases of social control in the broadest sense, such as the prosecution for adultery and apostasy, imposition of the death penalty and detention in inhuman conditions in *Meriam Yabia Ibrahim, Daniel Wani and their two children v. Sudan*. It also comprises torture and other ill-treatment alleged to have been committed in the conflict in South Kordofan and Blue Nile (where the African Commission indicated provisional measures requesting Sudan to refrain from violating the Charter, which Sudan has ignored to date), and in the context of protests against the Kajbar and Merowe dams. A number of cases concern ill-treatment and other violations committed against human rights defenders, several of whom are from Darfur. A case of alleged rape at the hands of the NISS, namely *Safia Ishaq Mohammed Issa v. Sudan*, is also pending.<sup>53</sup>

Beyond the finding of violations, what has been the actual outcome of cases? The African Commission made a series of recommendations against Sudan, including investigations with a view to prosecuting and punishing the perpetrators, compensation, and a number of legislative and institutional reforms.<sup>54</sup> Sudan has not acted on these recommendations. There are no laws providing for their recognition and enforcement. While a unit has been established within the Ministry of Justice tasked with dealing with the issue of implementation, little is known about its work, and there is no evidence that it has proactively sought to take measures aimed at partially or fully implementing the decisions made. While limited implementation of the African Commission's decisions is not confined to Sudan, it is widely acknowledged that it undermines the utility of the complaint procedure as a supranational remedy.<sup>55</sup>

#### Assessment: The advantages and limitations of litigation before the African Commission

At first sight, it would be easy to be dismissive about the process of litigating torture cases against Sudan. Yes, there have been a number of decisions in important cases, but victims have still not achieved tangible justice. There is scant evidence of any strategic impact, i.e. that the jurisprudence has brought about changes and contributed to greater human rights protection in Sudan. The procedure before the African Commission is not particularly efficient, being cumbersome and slow (at times taking more than five years from complaint to publication of decision). It is also seen as weak and ineffective, as the African Commission has

53. See case references above note 18.

54. See further REDRESS, *Reaching for justice. The Right to Reparation in the African System* (October 2013).

55. See further R. Murray and D. Long, *The Implementation of the Findings of the African Commission on Human and Peoples' Rights* (CUP, 2015).

no enforcement powers. Is such litigation therefore an exercise in futility, which puts too much trust in human rights and legal processes, and is it time to focus on other modes of engagement instead, such as the politics of resistance?<sup>56</sup> Calling for such a turn seems tempting but it rests on a false dichotomy and would be ill-conceived. It would ignore the various ways in which litigation before the African Commission has provided a vindication for victims and a tool for human rights advocacy. For a torture victim, a positive decision by the African Commission constitutes a validation of his or her account, and a recognition of the state's responsibility for the wrong inflicted. It therefore vests victims with a voice, and with acknowledgment, which they are denied in Sudan's legal system and public discourse. It helps them to set the record straight and is seen as providing them with a measure of satisfaction (though, without implementation, no full reparation).

The growing number of decisions also provides strong evidence of systematic practices and shortcomings. The evidence-based, factual exposure of how Sudan treats its citizens and others within its jurisdiction, including its responses to alleged violations, provides an anatomy of the multiple failings of its legal and institutional system. It shows that torture is not random but an integral tool of exercising power against anyone who actively opposes the regime (or is seen to do so), who does not conform to norms imposed on social, religious or cultural grounds, or is otherwise viewed as an outsider with an inferior status. As found in most cases by the African Commission, torture frequently goes hand in hand with other violations, such as freedom of expression and assembly, particularly, as is often the case, where it is used to deter protests, opposition or non-conformism. Torture is also embedded in the legal system as it is facilitated by the extremely broad powers given to the NISS, which typically result in arbitrary arrests and detention. The legal system enshrines impunity of law enforcement and security agencies, particularly by virtue of immunity laws, and violates key tenets of the rule of law.<sup>57</sup>

The quasi-judicial findings of the African Commission are important for advocacy purposes, as they help to inform law campaigns, such as on the reform of the National Security Act and immunity laws.<sup>58</sup> They also help in countering state narratives before regional and international bodies, as they limit

56. A number of scholars have critically interrogated the supposed shortcomings of human rights discourse and strategies, including litigation, as a means for political change. See for a brief overview, I. Bantekas and L. Oette, *International human rights law and practice*, 2nd edition. (CUP, 2016, forthcoming), Chapter 1, 1.4.2.

57. See M. A. Babiker and L. Oette, *The Rule of Law and Human Rights in Sudan: challenges and prospects for reform* (2014), [www.democracyfirstgroup.org/News/Rule%20of%20Law%20and%20Human%20Rights%20ENGLISH\\_FINAL.pdf](http://www.democracyfirstgroup.org/News/Rule%20of%20Law%20and%20Human%20Rights%20ENGLISH_FINAL.pdf).



the scope for denial.<sup>59</sup> The litigation provides the African Commission with crucial information about the reality of violations, which allows it to challenge the version put forward by Sudan's delegation when attending the Commission's ordinary sessions. The role of the African Commission is particularly important in this context, given efforts by the Government of Sudan to use regional mechanisms, particularly the African Union, as part of its broader efforts to ward off accountability and justice. This has contributed to Sudan agreeing to a mission by the Commission to Sudan in May 2015, thereby showing a level of engagement though with limited tangible outcomes to date. A formally validated counter-narrative is also critical, to challenge the nature and consequences of collaboration between 'Western' states and Sudan based on security and/or anti-immigration paradigms, in which human rights concerns are invariably downplayed.

Looking ahead, a detailed record of violations and systemic shortcomings is highly valuable for any future transition and demands for justice and reforms made in such a context. The cases before the African Commission, including those pending, already give strong indications of key perpetrators, at least institutions, victims and problematic laws and practices, which will need to be addressed when the time comes.

Ultimately, it is clear that bodies such as the African Commission can only be a poor substitute for a functioning domestic legal system. In respect of a state such as Sudan, the complaints procedure before the African Commission constitutes but one of the many avenues that victims and others have used to obtain accountability and justice, albeit with limited effect to date. If used in respect of a state that is generally committed to the rule of law, regional human rights treaty bodies can provide an important forum to correct shortcomings, and for judicial dialogue. In the absence of such commitment, litigants and the African Commission act to hold up a mirror, exposing deep-seated legal, institutional and structural problems and showing what the state should be doing to address them. Cases concerning torture in Sudan have highlighted a number of these challenges already; as indicated above, there is considerable scope to shine further light on remaining gaps. This applies particularly to the workings of the criminal justice and public order system, and the nexus between social inequality, exclusion, marginalisation and various forms of ill-treatment and impunity.

### Outlook

Two important theories have been developed better to understand how international advocacy works and what factors influence states' compliance with their human rights obligations. The 'boomerang effect' focuses on local actors, particularly those who lack national space for effective advocacy, joining forces

with transnational networks to use international fora in order to put pressure on their government.<sup>60</sup> According to the so-called spiral model, ideally advocacy and international engagement follows a trajectory characterised by initial denial by the target state, here Sudan, followed by accommodation and ultimately compliance.<sup>61</sup> Litigation forms part of these broader processes of engagement. In the case of Sudan, a number of national, regional and international actors have engaged in joint advocacy and litigation. However, there is limited evidence that regional and international actors have been able to bring about enhanced compliance. The reasons for this are complex, including repression of domestic civil society, a weak judiciary and rule of law more generally, and contradictory policy objectives of regional and international actors. There are also high stakes for accountability and justice in a country such as Sudan that is facing deep-seated governance problems, multiple conflicts and external accountability threats (particularly the International Criminal Court in respect of individuals subject to arrest warrants). Is litigation useless, or a means to camouflage lawyers' helplessness in the face of power? It would be if one takes a narrow, realist view. It certainly is not if one sees litigation as an important element of a broader, multifaceted struggle for truth and justice, and acts of resistance against abuse of power.

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59. See further S. Cohen, *States of Denial: Knowing about Atrocities and Suffering* (Polity Press 2001).

60. M. E. Keck and K. Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Cornell University Press, 1998).

61. T. Risse, S. C. Risse and K. Sikkink (eds.), *The Persistent Power of Human Rights: From*

## Visiting Akobo

Edward Thomas\*

An airy tree-lined boulevard runs for a mile or so from Akobo's county headquarters to the hospital. It's filled with birds and people. Schoolchildren with turquoise UNICEF backpacks wandering home and out-of-school children peddling wild tamarinds, desert dates or antelope meat. Once I saw some pre-teens sitting behind their stall – an upturned cardboard box – which offered single cigarettes and half a dozen bullets for sale. Old men and smart young men promenading, armed young men ambling, women billowing past with pots or sacks of grain balanced on their heads. Nearly everyone offers Nuer greetings and bright brief smiles. There are big birds rustling in the trees and in the antelope season, birds of prey circling awkwardly around the girls selling bush meat. Behind the women, smaller birds glean spilt grain from the boulevard. The birds are sociable, fearless, smaller than finches. They're called *kayy* in Nuer and *titi* in Murle, with turquoise breasts and a scarlet dot just below their eyes, like a rouged cheek. I wish I knew what they were called in English. They're joyous company and whenever I see them I stop and gaze transported, and they never fly off. Until I realise that I'm making a spectacle of myself on the boulevard, a white-haired XXL outsider stooping to connect with Akobo's smallest birds.



*Red-cheeked cordon bleu or 'kayy', South Sudan*

*(Credit, Ricardo Bitran)*

I visited Akobo back in 2012, a year before the current civil war started. It was a county headquarters with a few schools and a hospital run by an international NGO. It was part of Jonglei State, and nearly all its budget came from the state capital, Bor. I spent a few evenings with a visiting delegation of tax inspectors, who were trying to work out ways to increase local revenue. But it was hard to see how they could succeed.

In those days Akobo town had a depressed little market, mostly selling imports from Ethiopia (Akobo lies on a river whose east bank is in Ethiopian territory). Boats weren't landing at Akobo, because of some shooting incidents on the river

– in one of the local government offices, someone explained to me that it was to do with fighting between Nuer sections, that might be mixed up with rivalries between local politicians. Akobo County also got supplies from Bor, but that was expensive too, because of all the trouble and looting on the roads. A teacher could spend a month's salary bumping down to



*Akobo from the river*

*(Credit, Michael Arensen)*

Bor on a lorry and South Sudanese teachers were among the best paid in East Africa, they said. Akobo used to have a foot trade too: tobacco, grain, cattle and cloth from neighbouring counties. But that had mostly stopped because raiding had started in earnest, a couple of years after the 2005 peace deal that had brought the former rebels of the Sudan People's Liberation Movement/Army (SPLM/SPLA) to power in Juba.

The peace deal ended the long war between the SPLA and the Khartoum government, but it didn't do much for Jonglei. Neighbouring counties carried out massive raids on each other's towns and cattle camps. This was not like the Nuer sections shooting at each other on the river, maybe with a local politico or two whispering in their ears. This was a big war, with more casualties than the war in Darfur, and when people explained it, they said that it was between Nuer and the neighbouring Murle community of Pibor County. In this war, people were killed for no reason. Women were murdered and their children were stolen. Young attackers wrote 'We came to kill all of Murle' on a hospital

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lucidity, it was mystifying. Why would people do such a thing, when South Sudan was supposed to be celebrating independence and the end of a long war?

I was supposed to be writing a set of papers which would answer that question. Instead of looking at the birds, I was supposed to be looking at the violence. The violence seemed to lack precedents, it mysteriously, unexpectedly expressed itself in English, the language of the educated class and it was tangled up with social and economic contradictions that people didn't write about very much. So I wandered over to the market, between the boulevard and the river, to find some contradictions.

The county's cattle had mostly been looted, or taken away to some Ethiopian pasture, and the cattle market was just a tree next to the butcher's; it didn't have cattle in it every day. The butcher had a blood red Orthodox cross painted over his shop; he must have been an Ethiopian. His shop was a small wooden cube with a door and a hatch, its mosquito netting ripped and hanging away. Young Ethiopian women made sour Ethiopian bread silently, glamorously, watched by young Ethiopian men. Darfuri men worked and slept in their womanless general stores and restaurants, built of corrugated iron. They offered tea and full Sudanese courtesies, and guarded responses to questions about the way the market was going. The girl tea workers were chatty and fun, and gave free lessons in the Nuer language, and tossed their heads back with laughter at both right and wrong answers (what a great approach to pedagogy!) Young South Sudanese men in jeans and t-shirts sat at cardboard-box desks selling airtime and fiddling with enormous phones (enormous because the batteries can last a week on one charge). When the lorries didn't get through from Bor, their scratch-cards jumped in value and sales slumped.

So I guess everyone knew about supply and demand, about what the deal was, with markets. That's what the household surveys (produced by South Sudan's amazing statistics bureau) seemed to be saying too. In Jonglei, people spend a lot of their money on food. In 2009, 59 per cent of their food was purchased, and only 25 per cent came from their own production but 63 per cent of people had not used cash in the last seven days. Everyone needs cash to survive, but it was very clear that there was not much cash circulating in Akobo's dispirited little market. Most of the cash seemed to come from the salaries of government and NGO personnel.

How do people manage when the money doesn't come in? Was there a subsistence economy, or a barter economy, that people could revert to, or excavate from the ruined moment? Akobo's cattle economy was where you might look, for evidence of subsistence systems that might be conjured up from the past, as a kind of alternative to the market economy. Cattle have a lot of social meaning in Akobo – they are part of the marriage contract and a whole set of other transactions that people don't want to commercialise. But the cattle economy had been devastated by raiding. Jeremiah, an NGO staffer I met, told me that his father had lost all his cattle twice, first in the inter-sectional Nuer war of 1992

started around the run-up to South Sudan's independence in 2011. We were eating breakfast somewhere, sorghum couscous with yoghurt, flavoured with the bitter kernels of the desert dates, and when I asked if he liked it, he said yes; he hadn't had milk since the cattle were stolen. He said his father was distraught and not sure what he was living for. Jeremiah's mother told him to look after his father,

because she was afraid he would die. Jeremiah told his father not to despair, as he still had an unmarried daughter, and a dowry coming, and that he, Jeremiah, had a salary and was buying up cattle for his father.

Akobo people were living in the chaotic aftermath of the subsistence economy, and it didn't seem likely that they could wish it back. They had to go elsewhere to get money to buy food. Salaries – from NGOs, and before the 2013 rebellion, from government service – offered one way to get into the food market. Another way into the market was guns. Akobo River was once a Cold War frontline, and superpowers had poured guns into the Ethiopian and Sudanese armies on either bank. When Sudan began to fall apart in the debts and droughts of the 1980s, South Sudanese militias started to get hold of the guns, and when South Sudanese militias began to fall apart in the 1990s, local people started to get hold of them. Guns became part of a modernised cattle economy – with commanders accumulating huge herds of cattle and using them to intervene in the marriage choices of youngsters and all the other transactions that were protected from the market. The modern cattle economy empowered generals and, to a lesser extent, young men. It disempowered all the people without guns, apart from the salaried government officers and NGO men.

Guns first came to Akobo in the late nineteenth century, but they were hard to get hold of. In the 1980s and early 1990s, access to weapons widened dramatically. Akobo was a Cold War frontline, the southern rebellion was on the



*Nuer houses and livestock in the Akobo area*

*(Credit, Michael Arensen)*

tary intelligence officers on both sides brought

them into local crises, fomenting the splits between armed groups that reshaped the southern rebellion and poisoned South Sudan's independence. Guns found their way into the systems of production and distribution that made up the old cattle economy. They spread everywhere – and with them, spread a new kind of feud, that was convulsing little villages. Hardly anyone ever heard about these feuds. A local politician from neighbouring Nasir state related one incident:

They were fighting about a dance party at night, so one drunk man fired a gun and killed three people including an 11-year-old boy. It is not intended. The revenge came in the morning, they killed 4-5 people. This was October 2011. It was not even announced by the Commissioner, because he doesn't go there. You could not hear it from Radio Miraya.

People said the feuds were different from the inter-sectional fights on the river (with their whispering politicians) and different again from the raids between different ethnic communities (with their cruel murders and abductions, and vast cattle thefts). However, the feuds were also local adaptations of South Sudan's turn to violence, like the inter-sectional feuds on the river, or the hate-filled massacres of people killed for being Nuer or Murle. The turn to violence began in its civil wars and did not end with peace deals or elections or even South Sudan's independence. Jonglei was too far away from the cash and opportunity that peace was bringing to Juba. It became a mutinous hinterland where disappointed politicians and commanders would go to stir up the kind of trouble that might help get their careers back on track, but left Jonglei with even more contradictions. South Sudan went to war with Sudan in 2012, and Akobo's depressed economy produced a lot of soldiers for the army. People said that Akobo people were dying in big numbers on the frontline. Back in 2012, all these different storms of violence were swirling around Akobo and its downbeat little market.



*A partially completed bridge near Akobo. The bridge was started after the CPA by a Chinese company, but conflict in Jonglei caused the workers to flee*

*(Credit, Michael Arens)*

I went back to Akobo town this year, in January 2016. The boulevard, the trees, the promenaders, and the birds were all still there, and they still gave Akobo its feel of serenity, warmth and languor. South Sudan was at war again, but Akobo had gone up in the world. Every day, long narrow boats from Ethiopia landed sacks of grain and sugar. Nobody was selling airtime any more (there was no signal) but tailors had set up Singer machines in little stalls in the market. There were restaurants and shops full of cheap imported clothing and hardware. In the late afternoon, football teams played on bare pitches by the school. They had matching football strips, and there was a new fashion for trainers in neon-coloured moulded plastic, worn with some panache.

What had happened? The civil war which had begun in 2013 had transformed Akobo. The war arose out of tensions between the elite factions running the SPLM. Many thought these tensions would be resolved in a coup, but the resolution turned out to be far more bloody. Each faction rallied its ethnic constituency to commit atrocities against the ethnic constituency of its rival. The Nuer areas along the Ethiopian border became the unassailable rear bases for South Sudan's rebellion, and Akobo, with its river port, became the import depot for all of rebel controlled Jonglei. There were no lorries, so people in rebel areas had to come to Jonglei to get hold of the food, and that had swelled the town. Jonglei had been the cockpit of the rebellion in the first few months, but since then the war had drifted over towards the areas around the oilfields in Bentiu and Paloich.

The government tried a two-pronged attack on Akobo in August 2014. One column of attackers was driven back by a forest full of bees. Akobo was too remote to capture. It was far from the front-lines of the new civil war. But the violence didn't switch off – the feuds continued. These village revenge tragedies and cousin feuds are still mostly unreported, but they do not seem to have simmered down. I spoke to some people in the courthouse about these killings. They said they had dealt with 70 revenge cases in 2015. Akobo East is a new county made up of four payams that had a population of 82,615 in the 2008 census. This ratio of 70:82,615 suggests a murder rate about 30 per cent higher than that of Cape Town in South Africa (59.9 homicides per 100,000 of population in 2007, which makes the city the 'murder capital of Africa', in journalistic rendering).

The social crisis in Akobo has been hidden in a wider civil war. Although Akobo's traders have made some modest gains from that war, the chaotic, hungry and violent post-subsistence economy that frames most people's lives is still full of unbearable contradictions. The judicial response to all these murders shows some of these contradictions. Akobo's court is a customary court, run by chiefs of Nuer sections. It levies fines. Fines used to be in cattle, but now there are not many cattle around, the fines are in money. People without

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The only people who can pay fines are people with relatives getting salaries, and the only people with salaries work in the NGOs. Although Akobo's market is booming, nearly all of the money in circulation comes from NGO wages – the government has stopped paying wages. The importance of NGO salaries was underlined just after I left Akobo. In March 2016, Radio Tamazuj reported that Yien Malouth, a 25-year-old Save the Children worker, was shot near Akobo market, on his way to a meeting.

We are still investigating all the details, but it appears he was the intended target,' a spokesperson told the radio. 'Sounds like one of these replacement killings we're always hearing about – I need to kill one of yours that is at the same stature (educated, handsome, etc.) as the one of mine that you killed.'

So even though the front-lines have moved out of Jonglei, violence in Akobo does not stop. Will the new transitional government led by the newly-reconciled Salva Kiir and Riek Machar, make a difference to the social crisis in Akobo, or the economic crisis underlying it? The peace agreement that set up the transitional government devotes six of its fifty pages to oil revenues and fiscal policy, but its policies to address land problems or stimulate agriculture or livestock production take up less than a page. The agreement requires 'strictly enforce[d] financial discipline' – austerity measures that will affect salaries for government personnel and soldiers, and increase the economic importance of NGO salaries in places like Akobo. It provides for an Enterprise Development Fund with subsidised credit for small and medium enterprises. Perhaps Akobo people can take these loans, start producing and selling tomatoes or eggs, get them to markets whose liquidity does not just come from NGO salaries, and earn their way out of Akobo's multidimensional rural crisis.

Then again, the business-school mumbo-jumbo in the peace agreement might just be a way of avoiding South Sudan's fundamental economic problem. The financial clout of government in Juba is always based on external rents, rather than on taxing the wealth produced by farmers and pastoralists and the rest of the population. During the twentieth century, these rents came as parsimonious subventions from governments in Cairo or Khartoum. In the twenty-first century, the rents came from oil. Rents mean that the elites share no economic interests with ordinary people: the government is economically autonomous from society. Elite factions fight hard for a share of the rents because they cannot build up economic interests elsewhere. The elite-controlled rentier economy is completely detached from everyday economic experience in Akobo – its cattle economy, its violence, its agriculture and its low-energy markets. At the moment, the people of Akobo have to work out the contradictions that have been thrust upon them for themselves.

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# **The Impact of Irrigated Agricultural Schemes on Social Services in Sudan: A case study of the Rahad Irrigated Scheme**

**Azahir Hassan Abdel Rahman\***

## *Abstract*

The Rahad Scheme is an irrigated scheme that was established on the east bank of the River Rahad in 1977. This was one of the schemes through which the then government chose to expand agricultural production, with the aim of raising the living standards of the population, improving social services and increasing cash crops for export – mainly cotton and groundnuts. In this paper, I discuss the extent to which the scheme succeeded in improving social services for the population.

## *Introduction*

Agriculture plays an important role in the economy and life of the Sudanese people. About 41.8 million feddans of land in Sudan are thought to be suitable for farming and approximately 15-17% of this land is cultivated, while 4.4 million feddans is irrigated. Agriculture in Sudan is classified into four categories based on farming practices, i.e. irrigated agriculture, rain-fed mechanised, rain-fed traditional and livestock.

In a bid to support the economy, the government focused on developing irrigated agriculture from 1920. However, since 1969, it has been clear that Sudanese development planners have adopted a top-down approach towards development, which in many respects has been at odds with the aspirations of the people to have their lives changed by social development.

The Rahad agricultural scheme, the focus of this article, was developed in 1977. The most important objectives were to increase export revenues and add to the gross national product through the production of medium-staple cotton and groundnuts, and to increase the quantity, quality and value of domestically consumed crops.

This paper discusses the extent to which the scheme has succeeded in meeting people's need for social development.

## *Methodology*

The study relies on fieldwork conducted in 2005, followed by a survey in 2010 that used a questionnaire, interviews and observation to collect primary data. This gave the researcher a strong background, enabling her to gain insights into different aspects of the Scheme and critically to evaluate its outcomes.

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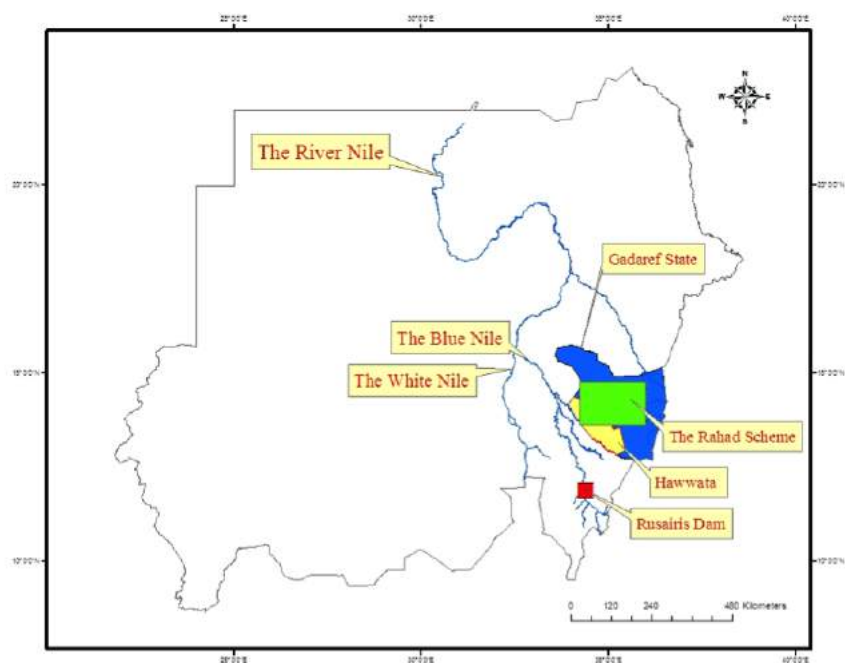


### *Description of the study area*

In the early 1960s, when the Roseires dam was under construction on the Blue Nile (see Map 1), the government conducted a series of soil surveys in the region of the White and Blue Nile rivers, in order to identify which of the two was the most suitable site for an irrigated agricultural scheme. It was concluded that, “the most promising spot was on the East bank of the river Rahad” (Mahasin, 1994, page 22). With the completion of the Roseires dam in 1966, increased quantities of stored water became available for irrigation and the Rahad Scheme went ahead.

The Rahad Scheme lies on the Eastern bank of the Nile and extends 50 kilometres north of the Hawata area to the confluence of the Rahad and Blue Nile. The scheme is 140 km. long and between 6 and 25 km. wide (Ahmed 1985, Amal 1998).

A census in 1985 estimated the population living in Rahad at 200,000 people.



*Map 1: A Location Map of the Rahad Scheme*

*(Source: Author, 2015)*

Most were either semi-settled peoples from the Masalamia, Shukriya, Kenana and Kawahla ethnic groups, or members of pastoral tribes. In 2002-3, there were approximately 15,661 farmers in the Scheme; 14,395 were male while 1,271 were female (Mahasin, 1994).

### *The organisation of the Scheme*

The most important crops grown in the Rahad Scheme are cotton, sorghum and groundnuts and these represent two-thirds of the cultivated area. The production of the cotton crop generates hard currency, which is important in driving the development cycle of the whole area.

The Rahad Scheme is governed and run by a tripartite partnership of the government, the Rahad Agricultural Corporation (RAC) and the tenants. The government initiated and financed the construction of the project, which included land preparation and the irrigation system. The RAC is responsible for general administration and management, and for field inspections. It is also responsible for the provision of production inputs and the extension of credit facilities (in both cash and kind) to tenants during the agricultural season, as well as the marketing of the cotton crop.

The tenants are obliged to cultivate cotton in specific areas of the scheme in a rotational system. However, many of the tenant farmers have refused to cultivate cotton as they are obliged to sell it to the Sudanese Cotton Company at a low price, leaving them little or no profit once they have reimbursed the RAC for inputs such as initial land preparation, fertilisers, pesticides, irrigation water, seeds, harvesting etc. Instead, farmers either lease the land to other people to cultivate as they choose or cultivate it themselves growing vegetables, groundnuts or sorghum that they either sell in the market or consume.

### *The improvement of social services (1989-2003/2004)*

The administrators of the Rahad Scheme endeavoured to provide social services to the population so that the Scheme would achieve its objectives. Table 1 (below) shows that good education, health and other services accompanied the establishment of the scheme; these services made a large contribution to the development of the area. The provision of services attracted farmers to the scheme from different parts of the country. Social services are provided both by the department of social services in the Rahad Corporation and through a system of community self-help.

The Rahad Scheme was planned in two phases. The first phase of 300,000 feddans was started in July 1977 and completed by the end of 1981. The second phase, which proposed 520,000 feddans by the year 2005 (Elamin, 1996), is still not completed due to financial constraints.

The scheme straddles two different states, El Gezira to the north and centre and El Gedaref to the south. Each state has its own rules and regulations, and they also differ considerably from each other in their levels of social development. Levels of development and the provision of services in El Gezira State are much better than those in El Gedaref due to a lack of finance and mismanagement of the scheme; these differences are reflected in the economic and social position of the northern and southern parts of the Rahad Scheme.

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Table 1: Social services in 1989

Social Services by Sector	Number	%
<b>Education</b>		
Primary schools	72	24.16
Intermediate schools	15	5.03
<b>Health:</b>		
Rural hospitals	5	1.68
Health centers	1	0.34
Dispensaries	12	4.03
Dressing stations	47	15.77
<b>Religious and other services</b>		
Mosques	57	19.13
<i>Khalawi</i> (Quarnic schools)	26	8.72
Cooperative societies	23	7.72
Adult education	25	8.39
Nurseries	15	5.03
<b>Total Social Service Units</b>	<b>298</b>	<b>100%</b>

Source: Soad (1996)

While at the beginning of the project health and education services were good, intermediate and tertiary education for girls was not provided, hindering their advancement. The provision of health services was not the same in the northern and southern parts of the scheme e.g. there is only one central hospital in El Gedaref State that lacks provision in most major specialties, while other health facilities are limited and poor. Furthermore, access to health facilities is hindered by the poor state of the roads, with the result that critically ill patients from remote villages are sometimes unable to reach the hospital in time and die on the road.<sup>1</sup>

In the year 2003/2004, there were some improvements in the provision of social services in the scheme, as shown in Table 2 below. Tenants and agricultural labourers were relocated from their original villages to the scheme<sup>2</sup> and this was accompanied by the construction of basic social facilities. These were provided by the community themselves and also the department of social services in the Rahad Corporation.

1. It should be noted that, in many cases, people don't seek health services from hospitals, as they prefer to consult herbalists and other traditional health practitioners.

2. These people were originally nomads or semi-nomads living in the areas around the scheme and practising rain fed agriculture and livestock

Table 2: Social services in 2003/4

Social services by Sector	No. of units	%
<b>Education</b>		
<b>Basic education</b>		
Co-education	17	3.38
Boys schools	37	7.36
Girls schools	37	7.36
<b>High schools</b>		
Boys schools	13	2.58
Girls schools	12	2.39
<b>Health</b>		
Pharmacies	17	3.38
Check points	6	1.19
Dispensaries	29	5.77
Clinics	7	1.39
Hospitals	6	1.19
<b>Religious and other services</b>		
Khalawi	105	20.87
Mosques	69	13.72
Kindergartens	29	5.77
Women's extension classes	32	6.36
Cooperative societies	10	1.99
Social and sports clubs	77	15.31
<b>Total Social Service Units</b>	<b>503</b>	<b>100%</b>

Source: Department of planning and research, Rahad Corporation, 2003/4

Social services not only increased overall, but both boys and girls had access to primary and secondary schools. Health services increased and were easily accessed. Religious and other types of social services had greatly developed, and a number of religious institutions were built such as mosques and schools (Khalawi); nurseries and literacy classes for women were established, and social, recreation and sports clubs, and cooperative associations were formed.

### *Results and Discussion: Assessing the improvement in social services in 2010*

The main objective behind the scheme in 1977 was to make use of the Roseires Dam waters by cultivating cash crops such as cotton, sorghum and groundnuts, and the settlement of nomadic and semi-nomadic people. This was to be achieved by shifting the mode of agricultural production from traditional rain-fed agriculture and livestock herding to mechanised irrigated agriculture. From the early 1990s, the government changed its strategy and began to depend on newly discovered oil reserves to generate revenue, neglecting other economic sectors. In the agricultural sector subsidies were removed, contributing to its decline.

As a result of this change of policy, the Rahad Scheme began to deteriorate gradually; this type of deterioration was also common in other agricultural schemes in Sudan, including El Gezira.

The living conditions of the labourers and the employees working in the RAC were affected and they did not get their monthly payments regularly. As a consequence, they were unable to provide for their daily needs, especially those with extended families. As the author experienced in 2005, families were forced, under these extraordinary circumstances, to do away with the traditional customs of rural Sudanese society, i.e. generosity and welcoming guests from outside.

Initially, social services were maintained and even improved despite the deterioration of the scheme. This was due to the self-help efforts of the community and the political pressure that they brought to bear on local politicians. However, since 2005 and the severe economic crisis in Sudan, services in the Scheme have deteriorated rapidly. Despite this, local people continue to demand better living conditions and services.

#### Water services

At the start of the Scheme in 1977, the RAS connected water supplies to the settlements but their maintenance was neglected and in the majority of settlements, supplies deteriorated and eventually stopped. Some fortunate areas within the Scheme were able to access water from sources which they called “filters” (water tanks in which water is filtered and then distributed to the villages through pumps). In some villages, pumps were still working, while in others, residents had to fetch their water from irrigation canals that were used by both humans and animals, exposing people to water-borne diseases.

#### Health services

Some officials working in the scheme considered that its establishment had led to a great improvement in health services. However, health facilities soon collapsed for administrative and other reasons.

Health outcomes in the Scheme were also affected by environmental factors.

When the scheme was established, malaria and bilh

area. Incidences of these diseases then increased, mainly because irrigation canals provide a suitable environment for insects to breed and *Schistosoma* Sp. worms (that cause bilharzia) to develop. Other problems that contributed to poor health, e.g. water is delivered to people’s houses using metal tanks mounted on a donkey cart; these tanks are made locally and are difficult to clean, with the result that rust contaminates the water. In addition, methods of storing water in local houses are not always hygienic and uncovered water attracts harmful insects, such as mosquitoes.

#### Extension services

During the field survey in 2010, the author observed that two-thirds of farmers accessed extension services including agricultural services, educational services, health services and veterinary services. These services were provided either by different government bodies or by volunteers from among the community itself (organised by local committees). Agricultural extension services were solely provided by the administration (RAC), while the remainder were staffed by volunteers. One third of farmers didn’t have access to any type of extension service i.e. agricultural, social, economic, health, educational or environmental.

It was also observed that people living in the southern part of the Scheme suffered from poverty and its related problems such as malnutrition. Furthermore, the area was badly affected by tuberculosis. The suffering experienced in the southern part stemmed from the fact that it didn’t enjoy the same level of development as the northern part.<sup>3</sup>

#### Conclusion

At the beginning of the Rahad Scheme, there was unprecedented developmental growth given that the area had formerly been totally covered by forest and the herding of livestock was the major economic activity. Unfortunately the impact made by the Scheme did not last long and deterioration began to take place. This was partly due to government economic policies in the early 1990s, when subsidies were lifted in the agricultural sector. A series of sudden and sharp economic shocks have impacted greatly on the provision of social services that at one time were meeting the needs of the people living in the Scheme.

#### Recommendations

The following recommendations are suggested to improve social services within agricultural schemes in general and the Rahad Scheme in particular, and to obtain sustainable social development:

1. The government should revive agricultural schemes to support the national economy.
2. Revise current, free-market, economic policies by adopting people-centred policies.

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nt of Extension Services, Interview 2016

3. Enhance the improvement of social services, especially the critical ones such as education, health and water.
4. Adopt policies that aim to eradicate poverty by creating new job opportunities for poor people, such as launching small-scale income generating schemes.

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## Report of the SSSUK/Centre of African Studies meeting, 'The International Embrace of Khartoum: Causes and consequences for Greater Sudan'

Although this was an evening in the long summer days of Ramadan, an enthusiastic audience thronged the Brunei Lecture Theatre at SOAS on June 7th 2016 to hear Professor Eric Reeves. The event was the latest seminar in a series of joint SSSUK-CAS meetings at SOAS, addressing contemporary issues of concern to both South Sudan and Sudan.<sup>1</sup>

The internationally renowned researcher, academic and campaigner Professor Eric Reeves<sup>2</sup> addressed the topical question of the changing relationship between Sudan and the European Union and UK, and the consequences for Greater Sudan (Sudan and South Sudan). The discussant was Professor Peter Woodward and the event was chaired by Dr. Lutz Oette of SOAS.<sup>3</sup>



*Left to right: Eric Reeves, Lutz Oette and Peter Woodward*

The context for Professor Reeves's talk was the Khartoum Process,<sup>4</sup> which will result in the UK and other EU countries working with the Government of Sudan (and other countries in the region) on issues of migration,

1. The Centre of African Studies at SOAS and SSSUK jointly organised a series of seminars, 'Sudan / South Sudan Seminar Series 2015/16'. See SSSUK website [www.sssuk.org](http://www.sssuk.org) for detailed reports and audio recordings of the meetings.

2. Professor Reeves, then of Smith College, Northampton, United States and now Senior Fellow at Harvard University's François-Xavier Bagnoud Center for Health and Human Rights.

3. Peter Woodward was Professor of Politics and International Relations at Reading University and is a committee member of SSSUK; Lutz Oette is a senior lecturer in law at SOAS, University of London.

4. EU Horn of Africa Migration Route Initiative, otherwise known as the Khartoum



*Eric Reeves at the podium*

trafficking and extremism. This controversial initiative<sup>5</sup> and its ethical and practical implications had been discussed earlier in the day at an All Party Parliamentary Group meeting at which Professor Reeves also spoke.<sup>6</sup>

Professor Reeves gave an overview of the past five years in Sudan and South Sudan in order to make sense of his title. He began by outlining the current realities of the situation in Sudan, including the repression of news media, crackdowns on popular demonstrations, the arrests of human rights observers and lawyers, economic collapse and consequent widespread poverty.

Professor Reeves observed that war had been a constant feature of Sudan since June 1989, when the current regime came to power: first in South Sudan, then Darfur and then with the independence of South Sudan in 2011, in South Kordofan and Blue Nile. He detailed some of the well documented atrocities committed in these regions in the past five years and said:

My point in what precedes is that it is imperative that we understand the character of the regime that the international community is embracing now, at this very moment – and with increasing warmth.<sup>7</sup>

5. This initiative has been discussed and debated in several forums, e.g. by a panel at Chatham House on 14th June, 'The EU and Sudan: Prospects for Effective Engagement'. A report by Pax for Peace presented at that meeting by one of the panel members, Nico Plooijer, 'Sudan Alert: The EU's policy options for Sudan' May 2016, can be accessed at [www.paxforpeace.nl](http://www.paxforpeace.nl)

6. The APPG for Sudan & South Sudan, 'UK-Sudan Relations: Discussing the UK Government's re-engagement with Sudan and the Khartoum Process', Panel chaired by the APPG Chairperson, Mark Durkan MP, June 7th 2016.

7. A copy of Professor Reeves's text can be found at <http://sudanreeves.org/2016/06/09/7319/> accessed on 29/6/2016

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The Speaker then asked how we had come to embrace the Sudan regime given that it, "is guilty of serial genocidal counter-insurgency wars" and went on to outline the ways in which the international community had failed to condemn the military actions of the Sudan Government in Abyei and its brutal assaults on civilians in Blue Nile, Darfur and South Kordofan, resulting in impunity for those who had committed these crimes.

Professor Reeves concluded by linking the failure of the international community to act on war crimes in Sudan with the current policy of appeasement of the Khartoum regime, by the UK in particular, as well as other European countries such as Germany, Italy and Poland, and the EU as a whole. The United States also has "significant responsibility for encouraging this engagement, governed as it is by a lust for counter-terrorism intelligence."

Eric Reeves's hard-hitting presentation was followed by comments from the Discussant, Peter Woodward, who placed Reeves's description of current violence in Sudan in the wider context of long running political strands in Sudan.

Professor Woodward said that the first of these was the politicisation of ethnicity, which was overtly publicised in the Darfur Black Book, with accusations by Darfur rebels of domination by a riverine ethnic elite. A second strand was the politicisation of Islam with political movements mobilising old and new Islamic identities from the days of Mahdism to 'Turabi's Islamism', as different movements in Darfur illustrate. The third strand was economic exploitation of the periphery by the riverine business community, which is common to all the 'marginalised' areas. When South Sudan became independent President Omer el Beshir claimed Sudan could now assert its national identity as an Arab and Islamic state: instead, what it reveals is the perpetuation of these political trends and the realisation that with the current decline in the economy, Sudan is still an unstable state.

A lively question and answer session followed, chaired by Dr. Lutz Oette. The meeting concluded with a drinks reception where attendees had an opportunity to socialise and continue the discussion. This was interrupted by an untimely fire alarm – fortunately a false alarm – and the evening ended with several people breaking their fast with olives and crisps on a bench outside the Brunei Gallery.

SSSUK hopes to be able to continue its collaboration with CAS and to offer more seminars and events in the future. Please keep an eye on the website for up to date details of events ([www.sssuk.org](http://www.sssuk.org)).

Charlotte Martin

## Book Review

Elena Vezzadini, **Lost Nationalism: Revolution, memory, and anti-colonial resistance in Sudan**, James Currey, Woodbridge, UK; Boydell & Brewer, Rochester, NY, 2015, ISBN: 9781847011152 hardback, £45.

Shortly after the Sudan People's Liberation Movement (SPLM) and the Government of Sudan signed the Comprehensive Peace Agreement in 2005, a billboard went up in Khartoum. It featured two images: one showing the SPLM leader John Garang (1945-2005), the other showing Ali Abd al Latif (1896-1948), leader of the White Flag League and the anti-colonial revolution of 1924. The political cognoscenti who sponsored the billboard may have hoped to evoke the historical affinities connecting Sudan's twentieth century and early twenty-first century popular struggles, which stretched across the country's terrain. But in fact, as a grandson of Ali Abd al Latif lamented to the historian Elena Vezzadini, the billboard drew a blank for most viewers: many had no idea who Ali Abd al Latif was, and guessed that he was Garang's son! As Vezzadini argues in her brilliant study, this failure of recognition explains why "the revolution [of 1924] has been lost twice: first in 1924, when it was violently quelled; and then historically, because it never really achieved the status of a stable element of the national narrative" (p.7).

Winners write history, goes the adage – and then they push the losers aside. Inspired by the Subaltern Studies school of South Asian historiography, and by a belief in the power of ordinary people to shape history, Vezzadini resists the marginalisation of the 1924 events in the Sudanese past and makes the case for their historical significance. She bases her book on meticulous research which she conducted in the National Records Office in Khartoum, the British National Archives in London, the Sudan Archive in Durham, and elsewhere. Many of her sources are intelligence reports dating from 1924, when simmering protests boiled into revolts and set off what the late historian Christopher Bayly called, in the Indian context, a "knowledge panic", which led to the build-up of "huge data-bases and armies of informants" (pp.257-58). Because of the paper trail that this knowledge panic left behind, the 1924 Revolution, Vezzadini writes, may now be "the best documented episode of the history of the Anglo-Egyptian Condominium" (p.9).

Vezzadini also sought oral histories from the grandchildren and great-grandchildren of 1924 participants. From these heirs she obtained copies of some treasured but now-tattered photographs, and a handwritten secret list of the White Flag League's inner cadre – mementoes attesting to the continued significance of and nostalgia for 1924 among a small circle of Sudanese people (pp.68, 99, 207).

Vezzadini rejects standard historical narratives of 1924 which present its events as a collective "non-event" carried out by those whom a prominent historian (channeling Condominium authorities) called "a tiny, unrepresentative minority" (pp.10-11). She rejects, too, the tendency of British intelligence reports to dismiss the movement's diverse participants as rabble, riff-raff, delinquents. For a start, she argues, many more sympathisers were involved in these events than earlier sources claimed: not just 120 active male participants (as many have claimed) but at least 900, and perhaps well over a thousand, judging from names gleaned, again, from intelligence data. British authorities counted only men, but there were also female supporters behind the scenes, while at least one woman (Ali Abd al Latif's wife) marched in demonstrations. The 1924 events, she continues, were "several uprisings rolled into one" and together amounted to a *bona fide* revolution – albeit a thwarted one – which cut across social hierarchies and sought radical change including an end to British rule (pp.14, 27). However, the revolution's very secrecy in forming cells made it hard for the Intelligence Department to track, compounding challenges for historians who write now, nearly a century later.

The 1924 revolution depended on burgeoning media and transportation technologies. Its supporters used telegrams, printing presses, trains and more to convey their messages, to cross distances, and to coordinate. They also used photography, which provided some visual proof in the long run for the White Flag League's diverse membership. Consider the famous portrait of Ubayd al Hajj al Amin, Salih Abd al Qadir, Ali Abd al Latif, and Hasan Sharif, seated in suits and ties in front of a map of the Nile Valley, which has become for historians an iconic image from the Anglo-Egyptian period (p.68). By 1924, hand-held cameras were becoming reasonably cheap, easy-to-use, and portable, too. Thus one sympathiser, a Sudanese officer named Zein el Abdin, was arrested and jailed by British authorities for "taking a picture of the demonstration" on the street (p.155). What a change all this was from the Mahdist era, less than half a century earlier, when the Khalifa Abdullahi had to scrimp on his printing because he had access to only one press – a lithographic press left over from the Turco-Egyptian era – and a limited supply of paper to boot!

Who contrived to erase and diminish the 1924 revolution? Vezzadini points to one person: J.E. Ewart, who arrived as the revolution was settling after serving in the Punjab, and who determined to end what he claimed was the earlier ineptitude of the intelligence authorities. The Ewart Report became the definitive account of the 1924 events; it racialised the revolution by attributing its "bad politics" to the "bad blood" of its participants. Earlier intelligence reports (from which he selectively drew) had called the participants riff-raff but had not distinguished them much on the basis of family pedigree. Ewart, on the other hand, blamed

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leaders like Ali Abd al Latif, and vowed to end the practice of allowing men of “unstable slave stock” to rise into responsible government jobs (p.269).

Vezzadini does not fall into the trap of blaming foreigners – especially British colonisers – for all the mess-ups in Sudanese history. She shows that Northern Sudanese elites seized upon and benefitted from this historical (mis)representation as well. For example, in 1946, Muhammad Salih Shinqiti, a judge and a prominent nationalist, boasted of the pure Arabian roots of the modern Sudanese nation and echoed the racialised narrative à la Ewart to dismiss the 1924 revolutionaries as backward and vulgar. According to a British report, Shinqiti “spoke very contemptuously of Abdel Latif (now in an insane asylum). He said his mother was a Negress, his father was unknown, and that he, Latif, had at one time collected tin cans from barracks” (p.8).

Vezzadini makes an eloquent case for the long-term significance of the 1924 revolution. She maintains that its memory “lies at the very heart of the traumas that have marked the postcolonial history of the country: the politics of representation that in the North define[d] any southern genealogy as a sign of social inferiority; the failure of the Northern Sudanese to acknowledge the demands of the Southerners; the identity struggle between a north that sees itself as part of the Arab world and an ‘African’ south, and consequently the explosion of one of the most murderous civil wars on the African continent...” (p.8). The 1924 revolution, she continues, was a modern anti-colonial movement which had the potential to effect “the explosion of social hierarchies” in the making of a broad-based sense of Sudanese nationality (p.272).

Two important questions linger. First, what is the future of the past now that Sudan has broken into the residual Republic of the Sudan and the new Republic of South Sudan, and what lessons can the 1924 revolution still offer? Second, if more Sudanese people in 2005 had been able to recognise Ali Abd al Latif next to John Garang on that Khartoum billboard – and if more Sudanese had looked to the 1924 events for a model of political action that was not ethnic, not tribal, not sectarian, and not elitist – would the Sudan have split apart in 2011 after all?

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## Book Review

Amal Madibbo (Ed), **Canada in Sudan, Sudan in Canada: Immigration, conflict and reconstruction**, McGill-Queen's University Press, Montreal, 2015, ISBN 978-07735-45151 paperback, £23.99

This book contains eight chapters including the Introduction and Conclusion, and is the fruit of fieldwork by 14 researchers, all closely connected with Canadian universities, especially with the University of Calgary, and with first-hand knowledge of both Sudans. It includes an extensive bibliography. In spite of Canada being well represented in the book title, there is no significant reference to the country until page 70. This is because the authors of the first part of the book are anxious to present the reader with some of the reasons why the Sudan fell apart. These include a long history from the 19th Century of northern domination of the South, exemplified by slave raiding. Such attitudes of disrespect for the cultures of South Sudan have persisted and meant that after Independence in 1956, the South was treated as a 'colony' by the north and seen as a region for exploitation. Matters were made worse by the attempt of the northern-dominated fundamentalist government inspired by Hassan el Turabi to Islamise a largely Christian South. Sudan is not alone in Africa in having to cope with similar kinds of problem related to ethnicity, culture and religion.

After the declaration of South Sudan's Independence, many members of the South Sudan diaspora wanted to return home, including those residing in Canada. Chapter 4 discusses some of the problems that they faced. In particular, many women with children were less inclined to return as they felt that Canada had more to offer their children than a rather disorganised South Sudan. Many returnees found themselves ostracised for having 'run away' from South Sudan. Also, many found themselves, especially if they landed a good job, expected to fulfill traditional tribal social obligations and found themselves having to support a South Sudan extended family as well as the nuclear family they had left behind in Canada. Furthermore, there were examples quoted about the insecurity and corrupt practices that were stacked against them as returnees. Some evidence is presented to support the view that bachelor returnees, who had formerly lived in Juba, were more likely to stay and become fully integrated again into South Sudan civil society. Many potential returnees felt that in practice, having lived in Canada for many years, they could not cope with the actual situation in their original homeland compared with the style of life that they now enjoyed. These kinds of difficulty must be faced by many folk who want to return home after many years of exile. However, the particular situation in South Sudan is probably more difficult

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It appears that the late South Sudanese leader John Garang had become aware that at some time in the future there would be a need for well-qualified individuals for the new South Sudan, and especially in medicine. He therefore selected groups of children with potential from the Itang refugee camp and arranged for their education in Cuba. The book goes on to follow about a dozen of these young people who were to be trained as doctors and this is where Canada comes in. A Canadian non-governmental organisation and the University of Calgary agreed with the Canadian government to support the education of these people. Later, they were sent to Kenya to gain relevant on-the-job experience prior to their return to South Sudan. Their experience mirrored what faced other returnees who had 'run away'. The main difference was that they were soon appreciated for the skills that they brought, which were sorely needed because there were very few well trained medical doctors in South Sudan. However, because their numbers were so small, one of their main problems was isolation and a lack of opportunities to discuss their common problems with colleagues.

Another aspect of Canada's intervention in Sudan has been in international attempts to bring about an end to the unfortunate dispute in Darfur. Canada has been involved with the idea that with any dispute, conflict prevention is better than conflict resolution, which requires the development of trust and a genuine desire from all parties to find a viable solution to unresolved difference.

In short, this is a useful book providing some interesting ideas which apply not just to South Sudan, but also to other countries where returnees have lived in a developed country and are now contemplating a return home. The way the Canadian foreign aid programme has been operated in recent years gives food for thought as to how foreign aid monies might best be distributed and used.

Jack Davies



Abdullahi A. Gallab, **Their Second Republic: Islamism in the Sudan from disintegration to oblivion**, Ashgate Publishers, 2014, ISBN 978-1-4094-3572-3 hardback, £65

I could hardly have been asked to review this book at a more appropriate time since its central character, Hassan al Turabi, died in March of this year. Turabi was a leading figure in various phases of Sudan's recent history, starting with his prominent role in the October Revolution of 1964. Gallab sees that first event as key to unleashing Turabi's counter-revolution, designed to oppose in particular the rise of the Sudan Communist Party and with it, the threat of secularism. Using students of the University of Khartoum, Turabi was to build his Islamist movement until he master-minded the coup of 1989 that installed Omer al Beshir as president.

Gallab has written about this in previous books, particularly in *The First Islamist Republic*, but he re-visits it to explore in greater depth the 'nature of Islamism' and especially what he labels 'Turabi's Islamism'. For Turabi was not the follower of an established school, such as salafism, but endeavoured instead to be an original thinker developing his own understanding of the religion. In this he was in the fullest sense an ideologist, working to build both a theoretical approach and a movement simultaneously.

Before 1989, Turabi had outlined the requirement of an Islamic society on which an Islamic state would be established. In reality, the coup he master-minded in 1989 reversed that order with the emergence of what Gallab sees as a regime committed to a 'totalitarian' imposition of 'Turabi Islamism' in the 1990s. Yet was such a project always doomed? As Gallab points out, Islam in Sudanese society took many forms, not to mention the existence of a large non-Muslim minority in the country, and in spite of its own worst efforts, the regime Turabi created was not strong enough to be all-conquering; indeed, it was to be increasingly challenged in the south and elsewhere.

Gallab's deepening of the pre-1999 picture is intended to give a greater understanding of what occurred after that date, during 'Their Second Republic'. In 1999, Turabi over-reached himself in his endeavour to use the legislative assembly to replace the militarised state, but it was the latter that proved the stronger. In Turabi's place there arose what Gallab calls a 'new class' of Islamists composed of former followers of Turabi, prominent amongst whom was Ali Uthman Mohamed Taha, who has often seemed a rather shadowy figure. Ali Uthman and his Sudan People's Liberation Army counterpart, John Garang, were widely acclaimed for the Comprehensive Peace Agreement (CPA) of 2005, but for Ali Uthman, it turned to opprobrium as the new national government disintegrated, to be followed in 2011 by the country itself being officially divided. During that time, security chiefs became ever more dominant as they sidelined the 'intellectuals' such as

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while the drop in oil revenues following the separation of South Sudan (and world oil prices) left a corrupt regime pinning its hopes on the 'Hamdi triangle', the most economically developed area in the centre of the now truncated Sudan.

Oblivion then for 'Turabi's Islamism' but its legacy has been the end of Sudan itself, for Beshir's regime put its still claimed commitment to an Islamic state above 'making unity attractive', resulting in the peoples of South Sudan exercising their right of self-determination enshrined in the CPA to vote for independence. It was not only 'Turabi's Islamism' but Sudan itself that ended in oblivion.

Turabi's death received generally sympathetic obituaries in the local (closely monitored) press. Paradoxically, a few days later there was a full weekend of public celebrations in Khartoum for the life and work of Mansour Khalid. The contrast could hardly have been starker: Turabi the outstanding Islamist and Mansour Khalid the man who popularised John Garang's message of the unified 'New Sudan'. Neither Turabi's vision nor that of Garang was to triumph, leaving Sudan to grapple over an uncertain 'National Dialogue' on its future.

Peter Woodward

Chris Vaughan, **Darfur: Colonial violence, sultanic legacies & local politics, 1916-1956**, James Currey, Woodbridge, Suffolk, 2015, ISBN: 9781847011114 hardback, £45.

Since 'Darfur' became synonymous with genocide and crimes against humanity, much published research and opinion has concentrated on the twenty-first century. The background of disaster, the 'root causes' of civil war and violent suppression, have usually been treated only with careless lists. Although not specifically intended as a corrective, Chris Vaughan's new book on the colonial period (1916-56) of Darfur's modern history testifies to the social and especially the political complexity of that background, and by doing so hints at both the likely continuation of current conflict and the possibility that indigenous institutions might contribute to solutions.

Darfur's experience of colonial rule – the Anglo-Egyptian Condominium – was one of the briefest in the world. In practice, moreover, because of its remoteness (about the significance of which Vaughan is ambivalent), and its negligible contribution to – or plausible exploitation for – the colonial economy as a whole, British officials in Khartoum, Cairo, London (and Darfur) accepted late or never any responsibility that went much beyond the maintenance of order. Social and economic development lagged behind even that of Southern Sudan. Study of the past and present of Darfur's institutions for their own sake or (as in the South) in order for the colonial administration to understand what it faced, was largely relegated to the pages of *Sudan Notes and Records*, where British administrators published the results of their pastimes and observations.

With few exceptions, only after independence in 1956 did the history of Darfur receive scholarly attention, and although it may be an exaggeration to say so, the situation would not be much different now without the work, especially, of R.S. O'Fahey, and of Lidwien Kapteijns, Marie-José and Joseph Tubiana, and a few Sudanese scholars (e.g. Muhammad Ibrahim Abu Salim, Awn al Sharif Qasim, Muhammad Said al Gaddal, and Musa Mubarak al Hasan). During the past two decades or so, more scholarly work has appeared on Darfur, but little of it has delved into the eras before the Turco-Egyptian conquest (1820-21) of Sennar and Kordofan. European-language primary sources for those periods are sparse. Dr. Vaughan's treatment of the Fur Sultanate before 1916 (pp. 20-55) derives largely from secondary sources in English, especially O'Fahey's work. Readers interested in even a hint at what future historians might hope to exploit could consult O'Fahey's bibliographical notes and calendars of documents, and his compilation for the series 'Arabic Literature of Africa', Vol. 1, *The writings of Eastern Sudanic Africa to c. 1900*, Brill 1994.

In choosing to focus on what we will call tribal politics during the Condominium period, Vaughan's maior historiographical problem is the limitation imposed by

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his sources, alas, are almost entirely written ‘from the top down’, that is, by British officials of the colonial regime. These are government records, largely at Dar al Watha’iq in Khartoum, and the private papers of former officials (mostly at the Sudan Archive at Durham.) Even O’Fahey, after all, with contemporary Arabic documents, necessarily concentrated on the Fur centre and its relations with subordinate officials and tribal leaders. Vaughan has set himself the task of relying on British officials’ reports on the conduct or conversation of tribal leaders, often as précised by others. In the archives of the late colonial period, there is more of what ‘ordinary people’ had to say but again revealed only in British translations and second-hand reports. Officers of the Sudan Political Service (SPS) were not known for their linguistic skills; they had ideological and personal axes to grind, as did their interlocutors among chiefs and tribesmen. Nor were any of these people above telling superiors what superiors wanted to hear. The resulting problem for the historian is the need carefully to apply lessons from source-criticism that requires the sort of skills one would rather disdain in the absence of corroboration: a ‘feel’ for the nature of the sources and for their authors, an overall sense of changes over time in, among other things, the local relations of particular rulers (Sudanese and British alike) with the ruled, and even common sense in speculating about motives and reliability. It is for these reasons, among others, that few ‘tribal histories’, upon which a book with Vaughan’s ambitions might have been expected to rely, exist and why, therefore, previous work on Darfur, on the western Sudan in general, and indeed on most other regions of the northern Sudan, have tended to be written ‘from the top down’.

Vaughan is clearly aware of the general problem. In two of several references to this he writes (p. 137): “[T]he sources used here – colonial records – provide only a limited window onto the local discourses of legitimacy. They may themselves misinterpret and mistranslate what appear to be points of discursive overlap” and this volume “focuses mainly on the senior levels of chieftaincy hierarchies,” (p.12). The un-avoided result of necessary care is nuance to the point of circumlocution, ambivalence and pleonasm.

Perhaps because of its origin in a Ph.D. thesis, or of its author’s Africanist orientation, the book adopts social-science jargon and makes comparative references that will be of more interest to the expert than to the general reader. Referring to “The Darfuri elite’s political imagination”, Vaughan writes (pp. 150-1) that,

the state could not suppress ways of imagining political (and religious) community... But the actions of protestors... were imagined to have a determining role... The state was therefore imagined as a system... Rulers were imagined to have obligations...

and (p. 153): “The colonial project in Africa might be seen as centred on the creation of boundaries, both spatial and social – imposing a project of state ‘legibility’ on illegible and complex social realities.”

What does this mean? Defined on pp. 4-5, “legibility” pops up from time to time, with or without a fig leaf of quotation marks. Vaughan looks elsewhere in sub-Saharan Africa for points of comparison, when other areas of the genealogically Arab, Arabic-speaking Muslim world would seem to offer more obvious ones and if, say, neighbouring Libya seems *terra incognita*, why not look elsewhere in northern Sudan, to tribal, nomadic and semi-nomadic Dongola, Kassala, and (especially) Kordofan to discern how British rule in Darfur differed – notably in resort to violence – from that of other provinces of the same colonial state?

Indeed, the tacitly adopted emphasis on Darfur as ‘African’ seems to be reflected in the book’s scanty attention to the region’s Islamic character and its history of religious, commercial and other cultural relations with North Africa and the Near East. Stating, for example, that a chapter “has not considered the role of the *faqih* in any detail” raises the question of why (p. 33). A (very good) account of the background of the Nyala rising of 1921 (pp. 71-3) stands alongside (or rather, above: see footnote 83 on page 73) the implicit belittling of the religiously inspired revolt of Abu Jummayza and other “Mahdist uprisings”. Sharia courts get a mention (pp. 125-6) but the tension inherent between them and the chiefs’ courts imposed under Indirect Rule (“Native Administration”) is hardly explored; the building up of tribal *sheikhs*’ authority, colonial officials’ “winking” at *sheikhs*’ gross abuses of the regime’s own laws, and the endless official excuses proposed for the *sheikhs*’ character flaws and administrative failures were part and parcel of Khartoum’s confrontation with Sudanese Islam’s major Darfuri manifestation: Mahdism. Of the many compromises the regime made with tribal *sheikhs* – and at the heart of their symbiosis – was shared opposition to the “detribalising” effects of Mahdism, with its pronounced rejection of tribalism, its magnetic attraction of disaffected tribesmen from Darfur to Aba Island and other eastern plantations of the Mahdi’s son, Sayyid Abd al Rahman, and its threat to the *desideratum* of Anglo-tribal influence over a “detribalised” Sudanese nationalist movement. At the very least, more attention might have been paid to the specific causes and effects of tribesmen’s “forum shopping” between tribal *sheikhs* and *qadis* (judges). There is great irony in the spectacle of British officials scheming to reduce the role of sharia courts – a pillar, after all, of orthodox Islam – even as they sought to combat heterodox Mahdism by resorting to the tribal courts that so frequently failed to supply justice and equity.

Dr. Vaughan’s nuanced treatment of tribal politics during the era of Native Administration records copious instances of *sheikhs*’ malfeasance, even as he questions generalisations about the failure of the system. He is thus unsparing in

his judgments of abuse while at the same time explaining, in more detail than has heretofore been done, the factors involved in the government's taking steps to correct it or, more interestingly perhaps, in lowly (or not so lowly?) tribesmen's willingness and ability to call attention to it. He resists commenting on the absurdity of the "Emir of Zalingei"—who to the general reader might just as well have been the Akond of Swat—but commendably lets readers see it for the falderal it was (pp. 93-100ff).

The strengths of Dr. Vaughan's book stem from his ability to extract much useful information from the sources he commanded. Although his study is limited mainly to three (enormous) districts of colonial Darfur, he has managed to incorporate a mass of unpublished official papers and private correspondence into a seamless whole, and has checked published secondary (and some primary) sources against such previously little (or never) used papers. He makes a convincing case for his thesis that tribal politics continued under the British as it had under Ali Dinar (the last Sultan) and before, as a complex of immemorial intra-tribal jockeying, personal ambition, constant adjustment to changes of circumstance and personnel, and of tactical manoeuvring among Sudanese, and between them and the British. While this reviewer finds some generalisations insufficiently supported by the evidence adduced (e.g. regarding the festival of drums [pp. 27-8], British thinking behind the Anglo-Egyptian invasion of Darfur in 1916 [pp. 62-7], the role and powers of tribal sheikhs in pre-colonial times [p. 118], and most of all, British violence in dealings with the tribes), much of this is debatable and depends on interpretation. But is it accurate to assert that a government-appointed chief's involvement in slave trading "was enough to ensure their sacking" (p. 131)? And surprisingly omitted from the discussion of Indirect Rule is the role of Reginald Davies (SPS 1911-35) in Darfur and Khartoum, of his memoir (*The camel's back*, London, 1957), his and others' correspondence with G.J. Lethem, the latter's visit to and report on Sudan, and of the reasons for Khartoum's subsequent refusal to bring in a consultant from Northern Nigeria (p. 82). Davies advocated radical devolution, but was checked by none other than Harold MacMichael, whose disdain for *effendis* has often been misinterpreted as devotion to Sudanese feudalism.

Generally well produced, the book would have benefited from another edit. No sources are given for some quoted material, e.g. on pp. 36, 52, 67, 71, 107; and some sources are cited with incorrect page numbers, e.g. on pp. 91, 92, 107. Other quotations are rendered inaccurately, though usually without consequence, e.g. on pp. 28, 35, 36, 39, 40n, 89 (n27), 97, 101n, 106, 109, and 109-10. Proof-reading should have turned up a surprising number of subject-verb disagreements (e.g. on pp. 18, 26, 32, 68, 101, 121); misspellings and typographical errors, e.g. "Saville" (129n, 213) *sic pro* "Savile", "Tenant" (p. 70) *sic pro* "Tennent"; and "M.S. Luce" (p. 212) *sic pro* "M.S. Lush" or "W.H.T. Luce". The superabundant

Bibliography meanly credits this reviewer v

(p. 216) on the aforementioned MacMichael, arguably the most influential administrator of the inter-war years; numerous analytical works on chieftaincy elsewhere in Africa tend to support the point made above about analogues closer to home. The bar is low for indexes these days; *Darfur's* is adequate.

Those interested in a quick survey of 'root causes' of Darfur's twenty-first century disasters will be disappointed, for although Dr. Vaughan stresses, and indeed provides, examples of continuity, convincingly (at least from the late nineteenth century if not from before then), the reader is left wondering which of the many strands in the history of Darfur's tribes and of their relations with the state will in the end save or finally ruin them. There are no pat answers here. More – and even more-detailed – scholarly attention to the history of individual tribes might make the future more predictable. In framing such studies, historians would have in *Darfur: colonial violence, sultanic legacies & local politics, 1916-1956* an engaging and provocative place to start.

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**Annual Symposium and General Meeting**  
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**Saturday 17th September 2016**

in the Brunei Lecture Theatre, School of Oriental and African Studies,  
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Registration will be from 9.45-10.30 a.m. and the Symposium will end at about 4.30 p.m. Programme details will appear on [www.sssuk.org](http://www.sssuk.org) once they are confirmed

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Jane Hogan, Secretary

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Meanwhile, the website manager would welcome offers from members to assist in the running of the website and curating of the material on it.

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