

Land grabbing, artisanal gold mining and pastoralism in al Butana

By Hussein M. Sulieman



THE CONFLICT
SENSITIVITY
FACILITY

Executive summary

Land grabbing in Sudan has not only historically exacerbated tensions but is increasingly a driving factor behind the escalating conflicts we are witnessing today, particularly in regions like the al Butana region of Gadarif, Kassala, River Nile, Khartoum, Al Jazirah and Sennar States. The competition for land, intensified by large-scale mechanised farming and artisanal gold mining, continues to erode communal rangelands, threatening the pastoralist way of life. With the current conflict further eroding governmental capacity and undermining the rule of law, these pressures are likely to become even more severe, exacerbating the vulnerabilities of pastoral communities and contributing to the worsening of tensions in affected areas. The consequences are many, as land grabbing threatens the collective land tenure system which represents the backbone of a sustainable pastoral system, and leads to grievances that can stoke localised conflict. As available lands shrink and as competition increases in a context of increasingly militarised society, conflict over resources is more likely to turn violent. The aim of this analysis paper is to provide a better understanding for aid actors and policymakers on the reality and impacts of ongoing land grabbing and mining in Sudan. It uses al Butana communal land as an example, considering both livelihood and political issues.

Land grabbing strongly interacts with humanitarian and development needs and activities in Sudan. Land rights are a foundational element for resilient local food systems, for equitable access to resources and for sustainable environmental management systems. It is therefore essential for development and aid organisations to take customary land rights into consideration in any activities that interact with land use – in the current context this means work being done on food security, livelihoods, displacement, infrastructure and many types of service provision. Doing so will allow aid actors to have positive, rather than negative, effects on preserving land rights of local users, promoting sustainable land use, and reducing the potential for conflict in the areas where they work.

As a starting point, aid actors and policy makers in Sudan should seek to develop a comprehensive understanding of the local customary land tenure systems prevailing in the areas where they are working. Moreover, they should be effectively trained on the state formal land tenure system (*de jure*) and the on-the-ground functioning land tenure system (*de facto*), seeking to understand how gaps between the two systems can be overcome to avoid contributing to any conflict related to land grabbing and land ownership. Aid actors may also consider working more closely with pastoralists with the aim of helping them to collectively work to advocate for their land rights with formal state jurisdictional system and authorities.

Given the ongoing security situation in al Butana conflict, aid actors and donors must remain neutral and ensure impartiality when providing their services. It is important to refrain from taking sides in the conflict, maintain transparency in operations to build trust with all involved parties, and develop adaptable programmes that can quickly respond to changing conditions. Additionally, it is crucial to be prepared to modify approaches based on the security situation and access constraints.

Introduction

Land grabbing, or the capture of communal resources by investors, is one of the long-running tragedies facing customary land tenure systems across Sudan. This form of land acquisition also has consistently been a major factor fuelling conflict and instability (Sulieman, 2018). It stems from policies of successive governments ruling the country before and after independence adopting commercial large-scale farming investments as a major development approach. The official justifications for these policies are food security and increasing the country's agricultural exports. This form of large-scale agriculture comes at the expense of traditional land uses such as pastoralism and small hold farming. This transition was enabled by impunity for those seizing land and a series of state policies: land tenure laws and regulations in Sudan were modified and new laws were coined to enable land appropriation.¹

When the war broke out in April 2023, large-scale mechanised agriculture was encroaching northwards into marginal areas, such as al Butana rangeland, where the environmental risks are high and long-lasting damage possible if machinery is used. The situation of agricultural land grabbing across Sudan worsened with the unbridled expansion of artisanal gold mining in the country in the last two decades. For example, since 2009 al Butana has seen a rapid expansion in artisanal gold mining. The current armed struggle in Sudan threatens to further contribute to predatory land practices, as state capacity to manage land further diminishes and powerful actors are able to act with impunity. The benefits of the resource exploitation were not shared widely by society, nor have they tended to translate into local development such as services and infrastructure. However, the environmental impacts have the greatest impact on the local populations. Al Butana is a typical dry fragile ecosystem which means the drastic environmental degradation caused by artisanal gold mining might be irreversible. Moreover, violating the land rights of local inhabitants in the area can potentially contribute to the emergence of new armed groups who claim marginalisation.²

The continuous shrinking and fragmentation of customary pastoral land resources across Sudan in the last few decades is threatening many pastoralist groups across the country. As rangelands shrink and as competition increases, conflict over resources is more likely to turn violent. There is therefore a need to strengthen pastoral land tenure security to ensure continued access to and use of communal land, and to enable pastoral communities to protect against the conversion rangeland resources.

The Conflict Sensitivity Facility (CSF) has commissioned this analysis of the intersection of land grabbing, and artisanal mining with pastoralism in al Butana to help aid actors better understand and develop appropriate strategies and interventions for engaging in areas where there is significant land grabbing. It draws on literature and semi-structured interviews with practitioners and researchers. The aim in this analysis is to provide a better understanding for aid actors and policymakers on the reality and impacts of land grabbing and mining in Sudan, and how it relates to both livelihood and

political issues. The analysis will seek to explore the linkages with the emergence of armed groups in early 2023, and to discuss evidence of the encroachment of large-scale agriculture into pastoral resources, with a particular focus on al Butana.

Historical background and current dynamics of land grabbing in al Butana communal land

Due to its excellent grassland vegetation cover, the al Butana area has historically been the most preferred pasture by pastoralists in central and eastern Sudan, with pastoralists in recent years coming from different areas of Gadarif and Kassala. It is a typical open communal grazing land with small hold farming practiced by local inhabitants in the area around valleys. Owing to its marginal soil and rainfall it was excluded from large-scale farming activities until the mid-1980s when investors from urban centres started to cultivate in the area. Box 1 gives more background information on Butana communal land.

Box 1: Al Butana communal rangeland

Currently, al Butana is the only remaining communal rangeland in the eastern Sudan. It is a flat clay plain where land cover patterns and population distribution, to a large extent, have been determined by the combined effects of erratic rainfall and a geological structure which largely contains no aquifers. Rainfall shows a remarkable variation in incidence, intensity, and distribution over the entire area. Most of al Butana's communal land is covered by annual grasses during the rainy season. Therefore, large groups of pastoralists from different parts of the central and eastern Sudan visit the area to benefit from its excellent grass cover.

Al Butana region is located in eastern Sudan and administratively is shared by five States namely Khartoum, Gadarif, River Nile, Gezira and Kassala States. The greatest part of it falls within the Gadarif State. Historically al Butana is considered to be Dar (home area) for the Shukreya ethnic group. However, the 1970 Unregistered Land Act put all unregistered land under state ownership, including communal land used by different pastoralist groups in the country. The act did not define the legal status of the existing historical traditional land users and gave the government broad powers to evict and complete discretion as regards compensation. The act provides the legal basis for land acquisition that dispossesses local communities from customary land rights. The abolition of the administration and tribal homelands in 1971 for collective rangelands, lead further radical changes in the ways and through which pastoralists access land in Sudan. In recent years, conflicting mandates between various government agencies have fueled disputes over control of land use rights, as overlapping jurisdictions and unclear policies have led to tensions between federal, state, and local authorities, each vying for authority over communal lands traditionally used by pastoralist communities.

After fully occupying the fertile soil of the central clay plains across Sudan by the mid-1980s, large-scale mechanised agriculture started to encroach northwards into marginal areas such as al Butana rangeland, typically with investments from Sudanese living in urban areas elsewhere. Large-scale

mechanised farming is illegal to the north of latitude 14°37'N, where erratic rainfall and fragile soil types mean that environmental risks are high if heavy machinery is used. In 1996, the Gadarif State Minister of Agriculture issued an act which legalised the situation for those who are cultivating illegally north of line and the permission extends until latitude 14°45'N. Nevertheless, large-scale farming is currently further exceeding the latitude 14°45'N into the heart of al Butana area up to latitude 15°30'N.³ The grabbing also extended to other pastoral resources such as the livestock routes and water facilities.

In addition to the large-scale agricultural land grabbing, land acquisition by artisanal gold mining in al Butana started in 2009. Since then, it has expanded dramatically across the area. Currently, al Butana is one of the major artisanal gold mining areas in Sudan. Artisanal gold mining attracts labour from different parts of the country and neighbouring countries. A remote sensing-based assessment conducted in 2019 in al Butana depicted that in an area of about 18,225 km² the total number of mines and pits detected by the satellite imagery is 442.⁴ In terms of environmental impacts, al Butana is a fragile ecosystem where the destruction caused by artisanal gold mining might not be reversible. The primitive techniques of extraction and processing, coupled with inefficient or non-existing pollution control of artisanal gold mining activities is causing huge damage to the environment, including natural vegetation cover, the soil and pollution of the water and the air, increased erosion, noise and dusting from heavy transport.

Since conflict broke out in April 2023 in Khartoum and later expanded to Gezira State in December 2023,⁵ the eastern areas of al Butana bordering both states are currently under the control of the Rapid Support Forces (RSF). Those areas are becoming largely insecure due to spreading of armed groups. Consequently, the rest of al Butana is affected by this situation and become relatively unsafe. This situation has created a new dynamics of land acquisition. Most of the areas under large-scale mechanised farming are expected to be left abandoned in the areas bordering Khartoum and Gezira States in the current growing season (2024/2025) due to deterioration in the security situation. However, the large-scale mechanised farmers allied with the RSF are expected to continue their activities. In other areas of al Butana not directly affected by the ongoing war, large-scale mechanised agriculture is expected to diminish due to general fragile security situation and also due to economic crises that is prevailing across the country that cause extreme increase of agricultural inputs.⁶

Concerning the artisanal gold mining in al Butana area, the activity is going on as usual and not affected by the ongoing conflict in the area, including openings of new mining areas. This could be due to the alliance and adjustment undertaken by the mine owners in al Butana with the new dynamics in power in the area.⁷

In the same volatile context, many pastoralist groups in Gadarif State many pastoralist groups decided to abandon their annual journey during the rainy season to al Butana and decide to stay year-round in the dry season camping area in the southern part of the state, which is more secure. This means most will stay within the farming zone for the whole growing season, which means an increase in farmer-herder conflicts in the area (Sulieman and Abdal Kareem, 2023).

Land impact of land grabbing and artisanal gold mining on pastoralism in Al-Butana

Collective land tenure represents the backbone of the pastoral system and is the source of its sustainability. However, the race of land grabbing by large-scale agricultural investments and artisanal gold mining activities means that Sudan's communal rangelands are drastically reduced and becoming more fragmented.⁸ As lands available for pastoralism shrink and as competition increases, conflict over resources is more likely to turn violent, and has the potential to be subsumed into the larger national conflict. Although the causes of these trends are multiple and interacting, pastoral land tenure insecurity has been highlighted as a key factor in Sudan's long-running conflicts. Throughout the contemporary history of Sudan, land acquisition conducted by the government itself or by investors and elites from urban centres supported by the government has consistently been a major factor fuelling conflict and a source of perceived grievances and injustice.⁹ The emergence of a new armed group in the Butana region in December 2022 is linked to these perceptions of marginalisation and grievances.¹⁰ This armed group later joined the RSF and led the control of the RSF over Gizera State and the eastern part of al Butana.¹¹

In al Butana, land degradation has resulted from the removal of topsoils, trees and vegetation with heavy machinery in the process of excavation for gold deposits. One of the significant negative impacts of artisanal gold mining in al Butana is clearance of the natural vegetation cover of semi-desert grasses and Acacia shrubs, which is already sparse and under pressure from different human factors. Illegal tree cutting is carried out mainly to secure wood to be used for burning of stones in the mines and for other domestic use such as building material and energy for cooking. The natural flow of water and hydrology of the valleys has been disturbed, blocked by land excavation for gold mining. The catchment area of the valleys in al Butana provides the main water source for the domestic use of pastoralists and for watering livestock during the rainy season. Moreover, local communities in al Butana practice small-scale cultivation in areas along valleys and seasonal water sources for the comparatively better soil and moisture conditions. The soils in such locations are sedimentary and renewed by sheet floods which come from upstream in good rainy seasons. One of the most major environmental impacts arises from the use of mercury. This pollutant is known to have long-term impacts and is considered to have one of the greatest negative impacts on the biosphere. Despite such risks, it is the preferred chemical employed by artisanal gold miners. The general population is largely unaware of the effects of mercury. The amalgamation method of gold mining in al Butana is expected to cause long-term pollution to water and soil.¹²

Implications for conflict-sensitive aid

Customary collective pastoral tenure (Box 2) in the rangelands in area like al Butana relies on flexible access to resources by multiple users. In these systems, access to resources is more important than securing private ownership. Therefore, conversion of communal collective land tenure systems into private land ownership through activities such as large-scale farming and artesian gold mining is threatening the existence of traditional, sustainable, and environmentally friendly land practices in the area.

Box 2: Collective pastoral land tenure system

There are two main land tenure systems in Sudan. These are the state formal legal systems, which is regulated by the country's formal institutions, and the communal traditional system regulated by customary laws and institutions. The collective pastoral tenure system is a tenure system governed by the tribal administration based on unwritten customary rules and regulations, which are derived from shared values and are based on tradition. Overlapping rights for different users is a common characteristic in communal land across Sudan. The most common overlapping rights and uses in communal rangelands include access to water for humans and animals; and access to routes and passage, access to forest resources. Normally, the collective pastoral tenure system at the local level within one group is managed by the local community tribal leader.

Land rights are a foundational element for resilient local food systems, equitable access to resources and sustainable environmental management systems. They are often an underlying cause or casualty of conflict. Therefore, it is imperative for development and aid organisations to take the issue of traditional land rights and tenure systems into consideration in their land-based activities and interventions. This means being aware of the local tenure and collective resource management systems, and the norms and institutions that govern these systems. It further means ensuring that this understanding is integrated into programme design. Aid actors should also have a critical understanding of land grabbing processes taking place in the area where they work, the actors involved, and the social and environmental consequences. Such an approach should allow humanitarian, aid and development organisations to have positive, rather than negative, effects on preserving land rights of local users in the areas where they work, and if possible, to contribute to local-level strengths.

Considerations for aid actors

Recognition of the intersection of humanitarian and development activities with land grabbing by aid actors is a fundamental initial step. Humanitarian, development and peacebuilding organisations can respond in many ways to land-related issues in areas affected by land grabbing, including research and monitoring, advocacy, legal aid and oversight. To begin, organisations should have a good understanding of all local tenure systems recognised in the area, including overlapping land uses and the difference between formal and informal land tenure and ownership. This is an essential step to identify all forms of land right protections that local communities have, including cultural and statutory protections. Moreover, it is important to take into consideration the existing social differences in term of access to land, and to train staff on these issues. Gender is an important such distinction, as many women do not have adequate land use rights. This analysis may help aid actors to avoid further undermining land rights in areas affected by land grabbing.

Taking into consideration that pastoralists are largely marginalised communities, it is important to support their struggles to own, control and manage their land and natural resources. This effort is complex, challenging and takes time. Aid actors and agencies can play a central role in building the capacity and awareness raising of pastoral communities so that they can advocate for their land rights at local, regional and federal levels against the ongoing land grabbing in their areas.

It is essential to support pastoralists communities in al Butana to set up bodies and institutions that foster accountability and responsibility among actors involved in land grabbing related to gold mining and to pay attention to corporate social responsibility. The mechanism that is currently used to manage the corporate social responsibility is not adequate and does not satisfy the local community. This is mainly due to the lack of representation for the local people and the lack of community consultation and transparency.¹³

After the eruption of the ongoing conflict in April 2023 and its subsequent spread in December to al Butana many organisations and projects fled from the area due to deterioration in the security situation. Some of these projects are operating from secured major cities such as Gadarif.¹⁴

The way forward and recommendations

The long-running race of land grabbing caused by large-scale mechanised farming and artisanal gold mining in al Butana has threatened and destroyed valuable resources and undermined the pastoral land tenure system in the area. This has endangered the livelihoods and the food security of significant proportions of the rural pastoralist and agro-pastoralist population. It is imperative for aid actors to develop appropriate strategies and interventions that take into account the intersection of land grabbing, and artisanal mining with pastoralism. However, since the 2019 revolutionary transition, the subsequent military coup in 2021 and the current war across Sudan, massive political changes have taken place in the country. Some of the land grabbers in Gadarif State are seeking to take advantage of the volatile atmosphere by trying to push the state authorities to issue them land

leases in order to legalise their situation.¹⁵ It is likely that the current political situation in the country will enable even greater rates of land grabbing.

The current situation in Sudan has crippled the national and local formal governments. Development and humanitarian actors are expected to play additional roles and responsibilities. Land grabbing is caused by multiple factors and interacting in complex ways, and aid actors that do not recognise this complexity risk contributing to conflict in the short and long-term. The following set of recommendations are provided to support aid actors and policymakers working in areas and with communities affected by land grabbing in Sudan to be sensitive to land grabbing:

- **Aid workers and practitioners should have a comprehensive understanding** of the local customary land tenure systems existing in the area where they are working, including the different implications for different groups of people, such as women, pastoralists, and displaced persons. Having such an understanding will prevent them from putting land-related interventions in areas under land grabbing and protect them from further fuelling volatile situations. The CSF has a free **one-hour online course on land conflict and aid** in Sudan.
- **Project work plans and indicators should reflect awareness and sensitivity to local land tenure systems and potential land conflicts.** This includes doing adequate due diligence on Housing, Land and Property issues, and inclusive consultations with all communities using local natural resources.
- **Aid actors and decision makers should be effectively trained on the state formal land tenure system (*de jure*) and the on-the-ground functioning land tenure system (*de facto*) and how they can overcome the existing gaps between the two systems so as to avoid any conflict related to land grabbing and land ownership.**
- Due to the deterioration and hijacking of their traditional institutions (e.g. tribal administration) **pastoralists are in need of information and awareness raising** on how they can collectively work to access and advocate for their land rights in front of the formal state jurisdictional system and authorities.
- Aid organisations can also initiate programmes and **conduct pilot studies on the social and environmental impacts and consequences of land grabbing.** The finding of such work could be used in communicating with policymakers, advocacy groups and the affected communities.
- Donors and multilateral institutions should fund research on and **push for policy reform on land tenure, and to stop impunity for land-grabbing.**
- Under the current ongoing security situation in al Butana conflict aid actors and donors need to maintain a neutral stance and ensure that aid distribution is impartial. Avoid taking sides in the conflict and be transparent in operations to build credibility with all parties involved. They also need to develop flexible programmes that can quickly adapt to changing conditions. Be prepared to modify approaches based on the security situation and access constraints.

References

Elhadary Y., Abdelatti, Ho. 2016. The Implication of Land Grabbing on Pastoral Economy in Sudan. *World Environment*, 6(2): 25-33. doi:10.5923/j.env.20160602.01.

Egemi, O. 2006. Sudan: land and peace processes in Sudan. Conciliation Resources. <http://www.c-r.org/sites/c-r.org/files/accord1818landandpeaceprocessesinsudan_2006_eng.pdf (Accessed: 21 March 2023).

Manger, L. 2006. Resource Conflict as a Factor in the Darfur Crisis in Sudan. *Colloque International Les Frontières de la Question Foncière—At the Frontier of Land Issues*, Montpellier.

Sudantribune. 2022. The establishment of the Sudan Shield Forces (SSF) in the central Sudan area of al Butana, December 22, 2022. Link: <https://sudantribune.com/article268570/>. (Accessed: 21 March 2023).

Sudantribune. 2023. Wad Madani's fall to RSF without fight raises questions. Link: <https://sudantribune.net/article280491/>. ((Accessed: 31 July 2024))

Sulieman, H. M. 2013. Land Grabbing along Livestock Migration Routes in Gadarif State, Sudan: Impacts on Pastoralism and the Environment. LDPI Working Paper 19. The Land Deal Politics Initiative, The International Institute of Social Studies, Erasmus University Rotterdam, The Hague, The Netherlands.

Sulieman, H. M. 2015. Grabbing of Communal Rangelands in Sudan: The case of large scale mechanised rain-fed agriculture. *Land Use Policy*, 47: 439 - 447.

Sulieman, H. M. 2018. Exploring the Spatio-temporal Processes of Communal Rangelands Grabbing in Sudan. *Pastoralism: Research, Policy and Practice*, 8:14. DOI: 10.1186/s13570-018-0117-5.

Sulieman, H. M. 2019. Impact of Artisan Gold Mining Activities in Rural Butana on Local Communities' Livelihoods, Safety, Security, Natural Resource and Environment. Butana Integrated Rural Development Project, IFAD. Technical Report (Unpublished).

Sulieman, H. M., Abdal Karem, S. M. 2023. Scoping Report for a Farmer-Herder Conflict Case Study in Sudan. International Livestock Research Institute (ILRI). Nairobi: SPARC.