

## **A ‘justice’ reading of the trans-national struggle of the people displaced by the Merowe Dam**

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### **Abstract**

This paper applies a ‘justice’ lens to the struggle of the people displaced by the Merowe Dam in northern Sudan. Application of distributive, procedural and representational aspects of justice exposes the dissatisfaction of the affected people with the government’s offer and execution of compensation. Consideration of social justice and the utility of norms in trans-national activism brings into sharp focus the difference in interests, and abilities of the many actors involved, and highlights the government’s tactics to divide the communities, and the social divisions sown. As the struggle develops, justice claims are seen to change towards less material issues, suggesting that an expanded and dynamic conception of justice is more helpful than narrow or time-bound conceptions. The findings are of relevance to communities facing possible displacement from dams planned nearby, not least of all for the insight provided on the effectiveness of different tactics in the struggle.

### **Key Words**

social justice, environmental justice, dams, hydropolitics

### **Main Text**

approx 7,300 words

### **Those who still have something to lose can learn from those who still have something to gain**

The water rose quickly when the floodgates of the Merowe Dam were closed on 26 July 2008. The people of the Manasir communities living in dozens of villages along the banks of the Nile were caught off-guard, to varying degrees. Those who were the least prepared fled the rising waters with the few possessions they could gather, to make-shift shelter away from the banks. Many of these would eventually settle with their kin who had earlier moved to the new villages provided for them by the Government of Sudan, dozens of kilometres away from the river, and

into the desert. Just over one month later, the dam's reservoir had flooded the Nile's famous fourth cataract (rapids), and submerged at least 30 villages. Local residents today estimate that, along with the displacement of Hamdab and Amri communities from the dam construction site (in 2003) and earlier flooding (in 2006), over 50,000 people were displaced by the dam. Today, an estimated 20,000 of them live in the resettlement villages.

The dam generates up to 600 megawatt-hours of electricity (some of which powers the resettlement villages), extends the life of the Egyptian Aswan High Dam downstream (by slowing up the silting of the reservoir of the latter), and has led to the construction of roads, an airport, and at least one state-owned farm in the infrastructure-poor region around the dam. The housing and basic services provided as compensation by the state has in some cases made possible the income-generating life that many had hoped for, and been promised. But for many others, the compensation offered, and the way the dam project has been implemented, remain unsatisfactory. Their protests against the government have been met with violence, in a cycle that continues even more than a decade after completion of the dam. The emphasis of this struggle shifts with time, leading to calls for better compensation, retribution and dignity. The struggle also takes on many forms, in local community theatres, university campuses in Khartoum, web-based campaigns of international NGOs, and courtrooms in Khartoum, Cairo and Bonn.

A superficial summing-up of the winners and losers of the Merowe Dam would suggest that the project's planning, execution, and aftermath is a classic example of 'bad' dam-based development (see e.g. Mehta 2013). The state's distant political and economic elite benefit the most, while some of the people most negatively impacted by the dam benefit the least, or are harmed much more than others. Those who rejected the state's compensation from the outset have adapted to a new life on the reservoir shore, with no access to state services at all.

This paper's 'justice' reading of the struggle reveals considerably more nuance, much of which is relevant beyond northern Sudan. Following from the more well-known fate of the Nubians of Wadi Halfa displaced by Egypt's Aswan High Dam in the 1950s (see Bell 2009), lessons learned from the Merowe struggle are directly relevant to Nubian communities in the Dal and Kajbar villages who face the benefits and consequences of two more dams that are planned nearby. As remarked in the research project workshop that brought these communities together in Khartoum: 'those who still have something to lose can learn from those who still fight for

something to gain'. The lessons learned during this struggle also reflect and so can inform other dam struggles, e.g. in India, or Brazil.

The workshop was part of the research project, which ran through 2014 and 2015. This also included an extensive review of the research literature and media articles (in Arabic and in English), two field trips to the resettlement and reservoir villages, and the administration of 200 questionnaires.<sup>1</sup> These were supplemented by nine group interviews, eight of which were held in the villages. Five of these were with women only, the remainder with men only. One group interview was held with local activists and academics following the project workshop. Semi-structured interviews were also conducted with nine key informants, who were identified by the authors as representing a range of views both strongly for and against the government compensation package and process, including people who were not from the communities that were directly affected. Two of these took place in the resettlement villages, and seven in Khartoum. The questions asked in the questionnaires, group interviews, and key-informant interviews were built along the tripartite environmental justice frame of distributive, procedural and recognition.<sup>2</sup>

The application of the lens of justice to data to the data collected provides insight into both the struggle and justice theory. Application of distributive, procedural and representational aspects of justice exposes the extent and nature of some of the dissatisfaction of the affected people with the government's offer and execution of compensation. The expectations of procedural justice are low, for example, while claims for better compensation (read as 'distributive justice') are quite strong. The frame is unable, however, to interpret other forms of injustice that were experienced, such as identity, humiliation, and the enduring effect of the loss of homeland.

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<sup>1</sup> The questionnaires were administered in four locations by two male and two female research assistants who came from nearby communities and were trained by project staff. The four locations were chosen to enable comparison across the communities affected by the dam (Hamdab, Amri, and Manasir), and to contrast the views of those who accepted resettlement (in New Hamdab, New Amri, and Makabrab) and those who did not (the so-called 'local option Manasir'). Graded against a Likert scale, the questionnaires were further divided 50%-50% between women and men. The responses are analysed in greater detail in Dirar et al (2015), and served to shape the key informant interviews and group interviews that followed.

<sup>2</sup> The research is further informed by the experience of two of the authors, who have reputations and insight as national environmental and heritage experts, and one of whom is a Merowe activist (though not from any of the affected communities). This proximity allows access and insight that would otherwise not be possible to achieve, though of course introduces potential bias in the selection of villages visited and people interviewed. Because of the sensitivity of the topic, no government authorities were interviewed. The official perspective would be otherwise a welcome addition to the analysis.

Considerations of social justice in trans-national activism brings into sharp focus the difference in interests, and abilities of the many actors involved, and hints at the government's tactics to divide the communities, and the social divisions sown between those who promoted, accepted, or rejected the government's offer. The paper further shows how justice claims change as the struggle develops, very roughly from material to immaterial issues, and concludes that analysis employing an expanded and dynamic conception of justice that captures the multiple spatial and temporal dimensions would be more helpful than narrow or static conceptions of justice.

### **Justice in trans-national dam struggles**

Until the decision to build the Merowe dam was taken, the villagers and the state developed largely independent of the other, and the dam in many ways a forced encounter between the government and communities at its political or geographic periphery. The dam's submersion of the wealthy vestiges of the Meroitic empire (circa 8<sup>th</sup> century BC) follows the 1950s drowning of most of the remains of the Nubian kingdom under the reservoir of the Aswan High Dam, and precedes the cultural history that is scheduled to be lost behind the Illisu Dam in south-eastern Turkey in 2020. The Sudanese government's justification of the dam as a state and nation-building exercise that necessitates the sacrifice of a few for the good of the many (DIU 2007c) is also in-step with the hydraulic projects of other majority-Arab republics, notably Lake Assad in Syria (Amiraley 2003) [[editors to make link with other papers in the special issue dealing with colonialism and state practice](#)].

The justice struggle related to the Merowe Dam also takes its place alongside a well-documented history of struggles against dams much further afield (see McCully 2001, Hensengerth, *et al.* 2012). The iconic campaigns against the Narmada (see Roy 2007) and Sardor Sarovar dams (see Mehta 2001) in India, or the Belo Monte in Brazil (Bratman 2014), reveal the degree of destruction and contention that dams can lead to. While injury due to dam-induced displacement has been partially righted decades later in a few cases (i.e. Ghana's Akosombo dam (IIED 2015)), even struggles that manage to postpone a project rarely prevent them (Randeira 2003), or end up redressing injustices they have caused.

Dam struggles also tend to draw in people who are far more removed from the direct effects of the dam, notably employees or volunteers of NGOs advocating environmental or social issues. Such 'internationalisation' of dams struggles led to pressure on financiers (the World Bank in

particular), and eventually to the creation of the World Commission on Dams – and the WCD’s 2000 *Framework for Decision-Making* (see McCully 2001). Following the World Bank’s lukewarm response to the framework (World Bank 2004: Annex 1) and its own rapid decline in relative influence over national development, the dam/development debate amongst development actors today is centred on how they can be built more sustainably (IHA 2011, see Newborne 2014, Skinner and Haas 2014). The coordinated push that led to the WCD *Framework* exemplifies what Khagram et al (2002) refer to as a *trans-national movement*, or one that has significant ability to coordinate sustained mobilisations across national boundaries. The bulk of trans-national activism remain as *informal configurations*, bound by shared values and characterized by exchange of information and services; or *trans-national coalitions*, characterized by coordinated action shared strategies and formalized campaigns (Khagram, *et al.* 2002).

Whether configuration, coalition, or movement, the heart of the struggle of the people displaced by the Merowe Dam is the government’s offer and execution of compensation for material losses caused by the dam. The two facets of justice are completely intertwined. Activists almost invariably attempt to influence both the process and the outcome of struggles, while justice theorists debate the extent to which procedural justice influences distributive justice (Schlosberg 2004, Schlosberg 2007, Walker 2009). A focus on *both* process and outcome is useful to convey information about identities of those involved (Clayton and Opatow 2003: 299) – and this interplay pushes into the ‘representational/recognition’ aspect of what is known as the tripartite conception of ‘environmental justice’.

But even the tripartite conception of justice cannot adequately capture the expression of feelings about loss of homeland, or the suffering of physical violence – attributes which may be more accurately associated with the cultural and institutional structures that create the injustices that lead to the struggle.<sup>3</sup> The ‘politics of justice’ interpretations of Young (1990) and Fraser (1996) assert that organised struggles for justice must confront structural political and economic forces that are typically beyond the capacity of most community groups even to contemplate, and possibly against the immediate interests of some community members. Fraser (2001: 25) also

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<sup>3</sup> Researchers investigating environmental justice issues have asserted, “[t]he focus on outcomes deflects attention from the root causes of injustices. Compensation is an ‘end-of-pipe’ intervention that may address distributive outcomes but not the underlying distribution of assets and political-economic power”(UEA-GEJ 2013).

reminds us to consider asymmetry in influence over the process and outcomes, as the lack of “political parity” between those seeking and those denying justice tends to skew the process towards unjust outcomes.

Effective analysis of a justice struggle would thus make use of Fraser’s (1996) call for considering injustices from the perspectives of both the politics of redistribution and the politics of representation (exploitation, economic marginalization, and deprivation in the former (i.e. “being denied an adequate material standard of living”), and cultural domination, non-recognition, and disrespect in the latter (i.e. “being routinely maligned or disparaged in stereotypic public cultural representations”).<sup>4</sup>

But there is yet another facet of justice that should be taken into account, as the lessons from nearby Wadi Halfa remind us. Over the decades, the claims of the Wadi Halfa Nubians (whose towns were submerged behind Egypt’s High Aswan Dam) shifted from compensation for losses to immaterial issues, such as mourning of the loss of homeland (Tvedt 2004, Oestigaard 2009). That justice struggle suggests that a more dynamic view of the Merowe struggle would likely reflect the process more accurately than a time-bound justice reading around a specific event (e.g. the filling of a dam reservoir). A running video or photo album is better than a snapshot, in this sense, and obliges an understanding of the way that conceptions of justice change as the struggle develops. Studies of transformative justice in this volume make the point well (see e.g. Vermeulen ([this issue](#)), Rodriguez ([this issue](#)) and Cauchon ([this issue](#))).

The dynamic nature of the struggle suggests that the most effective ‘justice’ lens would combine distributive, procedural and recognition aspects within the ‘politics of justice’ perspective, *over time*. More accurately, the expanded and dynamic justice lens would consider how events (and possibly further injustices) *develop*. As Vincent (1998: 128) points out, most conceptions of environmental justice obscures the history of a conflict, for turning a blind eye to issues of retribution for past wrongs. Patrick et al (2014: 2481) note how a “constant framing and reframing of issues at different levels on different scales” leads to an understanding of justice as dynamic, and something best viewed through cycles and spirals. In Fraser and Young’s understanding, furthermore, a ‘dynamic’ understanding of justice is also served by considering

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<sup>4</sup> Young’s (1990) five faces of oppression (exploitation, marginalization, powerlessness, cultural imperialism, and violence) are equally relevant to the Merowe case, if well beyond the reach of this project’s focus on distribution and procedure.

shifts in any or all of the structural underpinnings that ultimately determine distributive justice. All justice struggles co-evolve with the political-economic institutions that create them, in other words, and conceptions of justice could be expected to keep in-step.

## **Displacement induced by the Merowe Dam**

### *Context*

The area inundated by the Merowe dam was home to over 60,000 people from Manasir communities, and to 10-15,000 people from Amri and Hamdab communities. Life on the fourth cataract of the Nile had traditionally been dominated by small-scale agriculture on the river's alluvial soils (Haberlah 2011). Date palms are by far the most important crop to the Manasir, both economically and culturally. Date cultivation can be lucrative, with a typical family farm of 9.5 feddans<sup>5</sup> (Ezebilo, *et al.* 2013) holding 26 mature palms that produce about 900kgs annually (Salih 1999). Date palms are also deeply connected with cultural pride and belonging, and are a object of symbolic cultural reverence; for example in invocations voiced while saplings are planted<sup>6</sup> (Näser and Lange 2007, Haberlah 2011, Haberlah 2012).

A strict economic valuation of date trees may be inconceivable amongst the Manasir, due to economic, cultural, and social factors (Haberlah 2012: 3). The fact is also noted by Leach (1919), who records a century earlier that no matter how pressed for cash a family may be, the sale of trees is the last option to be considered. This poses a particular challenge for adequate compensation, of course, if the trees are to be removed or submerged.

The Merowe hydropower dam that did submerge them was built between the years of 2003-2008 by the National Congress Party of the Islamist *Al-Inqaz* (The Salvation) government in Sudan, and implemented by the Dams Implementation Unit (DIU). The stated purposes of the Merowe Dam are hydropower generation (with an operating capacity of 600 MW-hours), and irrigation (centralized agricultural schemes of 300,000 ha) (DIU 2007c, DIU 2007d). The promised

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<sup>5</sup> 1 feddan = 0.42 hectare = 1.308 acre

<sup>6</sup> "... a traditional invocation; the Bismallah is followed by the sentence "The intention is white and the soil is black. The fruits of this tree are freely offered to the beggar, freely offered to the thief". That is to say that the tree should provide alms in the name of Allah to whoever is in need of it, and therefore should be under His protection." (Haberlah, 2005: 5). "Salih recorded a similar saying in the nearby village of Birti: 'It has been planted for hungry people, passing by guests, wayfarers, thieves, good will seekers, enemies and friend' " (Salih 1999 quoted in Haberlah, 2005:5)

benefits of the dam extend beyond electricity provision and agricultural development: President Omar Bashir has stated that the “Merowe Dam is considered the project of poverty elimination in Sudan”<sup>7</sup> (DIU 2007b).

The completion of the dam in 2008 comes after several earlier studies that questioned the feasibility of the project, both for the poor agricultural potential of the soil (SWECO 1983), and significant expected environmental, ecological and social impacts. The Environmental Impact Assessment (EIA) conducted by German firm Lahmeyer International in 2002 raised few such concerns, and opened the route to roughly US\$ 3B in financing from the Government of Sudan, Gulf Cooperative Council (GCC) states, and China (via the Ex-Im bank).<sup>8</sup>

**Figure 1.** The location of the Merowe Dam on the Nile’s fourth cataract, and in relation to other dams, both completed (dark circles) and planned (light circles). From *Nile Basin: Sharing water resources vs developing hydro potential* (African Energy 2012).

The Merowe dam was executed by the Dams Implementation Unit, which was created under presidential mandate specifically for its construction, thereby removing the authority of the Ministry of Irrigation and Water Resources. Until 2014, the DIU was legitimised through Article 13 of the Presidential decree on “exceptions” to be exempt from routine civil service laws, including service retirement law, national social insurance fund law, civil servants accountability law, and fiscal and accounting law (Hashim 2009: 32). The lack of accountability of the DIU sparked much resentment and discontent within other overlapping ministries responsible for tasks related to water, agriculture, electricity and public works (Hashim 2009, Verhoeven 2012), in particular for the statements from the DIU’s head (Osama Abdallah) and its militia’s violent hand with resistance, *as will be discussed*.

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<sup>7</sup> See DIU website [www.merowedam.gov.sd/en/testimonials.html](http://www.merowedam.gov.sd/en/testimonials.html) for testimonies of Sudanese authorities about the project.

<sup>8</sup> More specifically, funding for the Merowe came from the Arab Fund for Economic and Social Development (AFESD), the national development funds of Saudi Arabia, Abu Dhabi, Kuwait, and bilateral funding from Oman and Qatar. Chinese funding, which covered 85% of the cost for the construction of the transmission lines and substations of the dam, totalled \$608 million USD (DIU 2007a). Funding from the Sudanese government was close to \$1.1 billion USD, bringing the total financial investment approx. \$3 billion USD. The figure may be closer to \$5 billion USD (Verhoeven 2012).



### *Compensation and resettlement*

The government's compensation package offered to the people to be displaced by the dam was based on a census conducted by the DIU (itself) in 1999. A technical committee determined the financial value of many aspects of people's lives and livelihoods. Each productive palm tree, for example, was valued at 50,000 Sudanese Dinars (roughly US\$90 in 2014). The bulk of the people interviewed and spoken with admit that they underestimated their assets, having assumed the census was being conducted for taxation purposes.

At the resettlement villages, the DIU also promised (and generally provided) a new house for each house owner,<sup>9</sup> ownership of six feddans (about 2.5 hectares) of land to each family, an additional three feddans of land for every feddan lost, and two years' worth of free agronomic extension services, water, electricity, seeds, and fertilizers (DIU 2007e). The DIU website claims further that the "monetary compensation" would be extended to all house owners, including those that did not relocate to the resettlement areas. Houses built anytime in the decade between the 1999 Census and the filling of the reservoir were not eligible for compensation.

The site selection procedure and compensation negotiations involved the people affected by the dam, through the representative committees that each of the Hamdab, Amri and Manasir communities had set up (DIU 2007f). Further, Lahmeyer's Environmental Impact Assessment emphasizes adherence to international standards in its resettlement approach, with special reference to World Bank guidelines on involuntary resettlement (Lahmeyer 2002: 11-2), which includes the participation of all stakeholders.

The resettlement villages were built in four locations in two different states, as shown in Figure 2. A number of Hamdab communities living near or at the dam construction site (counting for roughly 7% of the displaced population) were resettled in 2003 to the 'New Hamdab' project (a.k.a. El Multaga) in the Northern State, roughly 45km from the dam. Only a handful of members of these communities chose to refuse the resettlement. Roughly 2,800 Amri families (about one quarter of the displaced population) were displaced following the unannounced temporary flooding during the construction throughout August 2006 (The Amri Committee,

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<sup>9</sup> Each house consisted of 2 rooms aligned with each other and separated by a small corridor. They also contain a kitchen, one pit latrine and an outer wall. The rooms are built with unbaked bricks from within and baked bricks from outside. The outer walls are built of unbaked mud bricks and the roof is made of corrugated metal sheets which absorbs heat.

2006), most of whom became stranded in the desert without any aid (IRN 2006, LOHAP 2008). The bulk of these people eventually resettled in five villages (named Villages No. 1 through 5) that are collectively referred to as 'New Amri' (a.k.a. Wadi al Mugadam) roughly 100km away in the Bayouda desert within the Northern State, while roughly 15% resisted resettlement.

**Figure 2.** Locations of resettlement village groups 'New Hamdab' (for Hamdab communities), 'New Amri' (for Amri communities), 'Makabrab' (for Manasir communities), as well as the 'Local Option' (for the Manasir who refused resettlement and re-established their partially-submerged villages). Arrows indicate direction of displacement. All locations approximate. Adapted from *Nile Basin: Sharing water resources vs developing hydro potential* (African Energy 2012).

The Manasir communities who lived further upstream from the dam were forced out by a second and more severe unannounced flooding when the dam was completed, from July-August 2008. By October, roughly 6,000 families from a number of Manasir villages had been submerged or partially submerged (Aljazeera Arabic, 2008). Comprising roughly two-thirds of the displaced population, these people were offered houses in six new villages in El Damer (close to the Atbara River) and Al Fida', both in the River Nile state (DIU 2007f, Hashim 2009, Askouri 2014). Roughly two-thirds of Manasir people have resisted resettlement. While some of these have moved to Khartoum, the bulk live in new villages they have established along the reservoir shoreline, or in the higher areas of their semi-submerged original villages. Referred to locally (and not quite accurately) as 'the local option Manasir', these communities have adapted their livelihoods by engaging in flood recession agriculture when the reservoir is drawn down by the dam's production of electricity. Though the 'local option' resisters were due full compensation by the government (by its own terms), only a minority were provided monetary compensation (for the loss of their trees), and none were provided new homes, services or any of the other components of the compensation package. In effect, the 'local option Manasir' people continue to live independently of the state, and with strained social relations with their compatriots who did relocate after accepting the compensation package.

### **The trans-national struggle of people displaced by the Merowe Dam**

*Lucky is the man who sees his friend eaten by a crocodile* - Sudanese/Nile proverb

*A cycle of repression, sabotage, and violence*

All people interviewed confirmed that the people in the Hamdab communities initially welcomed the dam, and that the resentment they have expressed more recently has grown over time. Following years of repeated failures of irrigation pumps, for example, the General Union of Hamdab Farmers issued a press release declaring the total failure of the government-supported resettlement agricultural scheme in 2009 (General Federation of Al Hamdab Sons, 2009)(Sudan Tribune 2009)(Askouri 2016), and the protest they arranged in March of 2009 (on the day before the presidential inauguration of the dam) was met with police resistance. Aware of the Hamdab experience, and not yet resettled, the Amri and Manasir communities were generally more reluctant at the time to accept the DIU's compensation package, and so organised into committees to defend their interests. The Manasir Executive Committee (MEC), for example, proposed six alternative resettlement locations along the shore of the future reservoir, through their negotiations with state and federal officials (CMDAP 2003). According to Hashim (2009: 32), however, the Committee's efforts were jeopardized by the "broken promises" and "tactics of deception and obscurantism" from the government.

The Manasir Executive Committee's eventual withdrawal of consent to construction of the dam sparked further tactical moves amongst activists, leading to a cycle of arrests by and protests against the DIU. Sit-ins that endured for months outside of local DIU offices typically led to nothing (Zourghani (pers. comm.) 2014). Triggered by the apparent occupation of Manasir wells by the dam's (Chinese) construction contractors in the Sani area local community members set the DIU offices ablaze, leading to more arrests by DIU security forces and the deployment of three army battalions to Al Qab, Sherri and Sani (Sudan Tribune 2005b, Sudan Tribune 2005a). Similar sabotage of DIU offices by Amri communities (Sudan Tribune 2006a) were followed by the public declaration by the head of the DIU (Osama Abdallah): 'I'll flood them like rats' (Abdul Majid (pers. comm.) 2014, New Amri group interview 2014). This was followed on 22 April 2006 by the DIU militia opening fire on an unsuspecting congregation of people while they were having breakfast in the yard (Sudan Tribune 2006b). The subsequent killing of three and wounding of fifty came to be renowned locally as the 'Amri Massacre', and was filmed by the Qatar-based Al Jazeera television station.

Protests in support of the Merowe struggle by students on university campuses in Khartoum in 2011 and 2012 were similarly dispersed by security forces, and ended in arbitrary arrests (Sudan Tribune 2007b, el Wardany 2011, Sudan Tribune 2011, HRW 2012, Sudan Tribune 2012).

Apparently uncoordinated actions also included the sabotage of an archaeological salvage mission set into place by the Sudanese Antiquities Services, the National Corporation for Antiquities and Museums, and international institutions.<sup>10</sup> Klenitz and Näser (2011) read this as a political strategy to negotiate better compensation and resettlement outcomes, part of the people's struggle for justice.

### *Advocacy within Sudan and abroad*

In response to an Amri Committee complaint launched in November 2003, the UN Special Rapporteur on Adequate Housing condemned the actions of the state, and urged the suspension of construction until the violations of the *Basic Principles and Guidelines in Development Based Evictions and Displacement* (UNHRC, 2007) had been corrected (UN-OCHR).

The struggle was also taken up by the US-based International Rivers, which claims to be “at the heart of the global struggle to protect rivers and the rights of communities that depend on them”. The NGO publicised appeals of the community members (IRN 2008), of the Manasir Executive Committee, and of the diaspora communities (LOHAP 2008)(Askouri 2016), as well as injustices it investigated itself (see Bosshard 2010b, Bosshard 2010a). Notably, International Rivers requested the Swiss NGO EAWAG to independently review Lahmeyer's Environmental Impact Assessment. The review subsequently found the EIA “short, superficial, and incomplete” (Hildyard 2008: 4), and wanting in numerous (mostly technical) areas (Teodoru, *et al.* 2006).

International Rivers and (UK-based) The Corner House campaigned jointly in 2005 around the poverty being created by the rapidly deteriorating conditions in the communities affected by the dam (Bosshard and Hildyard 2005). In conjunction with Sudanese activists based in London – the Leadership Office of the Hamdab Affected People (LOHAP) – the US and British NGOs sent protest memos and alternatives to the DIU, to the ambassador of China in Sudan, and to the China EX-IM bank (LOHAP 2007). The organisations' websites were used as a platform for their calls for a negotiated end to the violence in 2005, as well as for the release of dam critics from prison, as recently as late 2014. In 2008, The Corner House also published a report critiquing the actions of multinational construction companies and financial institutions as violations of the World Commission on Dams' *Framework*, and the World Bank's *Involuntary*

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<sup>10</sup> Including the Sudan Archaeological Research Society in London, the British Museum, Humboldt University of Berlin, and University of California Santa Barbara.

*Resettlement* guidelines. The report concludes that the project is in violation of at least five of the seven WCD Strategic Priorities, and of 63 counts of World Bank guidelines (Hildyard 2008: 8).

The struggle has also played-out in international courtrooms. In response to the arrest of seven of its members in 2007, for example, the Manasir Executive Committee launched a lawsuit against the government, leading to their release without charge soon after (AI 2007b, AI 2007a, Sudan Tribune 2007a). Legal action taken against Lahmeyer International in 2010 is still being pursued by the European Centre for Constitutional and Human Rights (ECCHR) on behalf of Ali Askouri, a representative of the Leadership Office of the Hamdab Affected People (LOHAP) (ECCHR 2010)(Askouri 2016). ECCHR picked up the case at the request of the Environmental Defender Law Center (EDLC), to consider if Lahmeyer's actions were in violation of German criminal law (EDLC 2010). With the Egyptian Initiative for Personal Rights, LOHAP also filed a law-suit in 2013 before the African Union's African Commission on Human and People's Rights (ACHPR) in 2013 (EIPR 2013), for violations of several articles of the African Charter and Human and People's rights, to which Sudan is a signatory (ACHPR 2013).

### *The impact of resettlement and compensation*

The forced resettlement and compensation packages have had significant impact on the livelihoods and prosperity of the communities displaced by the dam. While some have thrived, others continue to experience impoverishment more than the promised benefits of development. With agricultural schemes failing, households have been seeking alternative sources of income. In New Hamdab Village No. 3, for instance, there has been so much out-migration of men, that one woman remarked that 'only women, children and the elderly remain in our villages' (Al Multaga group interview 2014). Of the 600 houses in Makabrab Village No. 2, only 38 men remain, as the rest have left to seek work in Khartoum or abroad, or pursue small-scale artisanal gold mining initiatives some distance away (Mixed group interview 2014). Some children in New Hamdab Village No. 3 work as farm labour on commercial potato farms owned by the DIU to support family income. One mother of a child labourer expressed how 'it is painful to see those farms flourish while everything we plant dies' (Al Multaga group interview 2014). She also expressed how the DIU farms are presented on national television as successful 'Merowe agricultural schemes', thus misleading the Sudanese public to believe the opposite of what she experiences.

Issues of misrepresentation were also echoed by the people affected by the dam who now live in Khartoum, along the lines of media-painted images of generous provision of new houses, land, services and financial compensation. With the media very much directed by the state, the public discourse amongst less well-informed Sudanese people interviewed appears to be critical of Manasir and other affected people who protest, despite their compensation provided (e.g. Anon (pers. comm.) 2014c). A member of the Manasir Women's Committee residing in Khartoum, for example, states "...people say to me, 'what else do you Manasir people want, they have given you what's yours haven't they...? Then what are you still complaining about' they have no idea about our families in the locality that have no compensation whatsoever..." (Women's Committee of MAP 2014).

### *Justice in the struggle*

The survey results presented in Dirar et al (2015) confirm clear trends of dissatisfaction with compensation offered by the government. This spans across each community, probably reflecting both the self-admitted underestimates the residents provided during the 1999 census, as well as the high rate of inflation following it (e.g. trees valued at 500 Sudanese Dinars in 1999 were of considerably greater value when they were actually lost, in 2003 and 2009). A clear and widespread dissatisfaction with the new irrigation schemes amongst people in New Hamdab and New Amri is understood to reflect the well-documented failure of the schemes that led to the first protests and violent reprisals. Satisfaction with the new housing is also quite varied, suggesting that a number of people constrained by space and poverty in the original villages were provided opportunities they may not otherwise have had (and as reflected in the testimony of a resident of Makabrab (Anon (pers. comm.) 2014b). In other cases, dissatisfaction with housing compensation was explained by the fact that it was delivered ten years on from the 1999 census, by which point the family size had expanded. As women in New Amri asserted, newly-wed sons and daughters who had built houses after the census had been taken were not compensated, and their situation is such that some houses in the new villages meant for one family are actually home to up to five separate family units (New Amri group interview 2014).

Bucking the trend of dis-satisfaction with compensation were the respondents in the resettlement village of Makabrab. The anomaly may be explained in part by the location of the village, which is close to both the Atbara River and El-Damer town, and therefore much better situated for

agriculture and livelihoods than the more remote desert locations of New Amri and New Hamdab. In light of the social schism amongst Manasir people who accepted resettlement and those who resisted (as will be discussed later), another explanation of the positive assessments of compensation in Makabrab could be the effort to justify or reconcile their decision to accept the government's offer – a speculation offered by others who have requested to not be identified.

### *Dissatisfaction with the Process*

As a member of the Dal Committee at the project workshop remarked: ‘both representational [/recognition] and procedural justice as you’ve explained them are not possible in a police state’ (Tawfik 2014). Others put it more obliquely, ‘justice for us, is complicated’ (Shaddad 2014). Both statements reflect Fraser’s (1995) observation that there is no reason to think that just procedures lead to just outcomes, if there is no parity between the actors.<sup>11</sup>

The survey results on satisfaction of transparency of the dam-building process reflect (again) the communities’ concerns with the the 1999 census (Dirar, *et al.* 2015), which some attribute to a lack of transparency of the state’s actions. Possibly due to being independent from the state for so long, even activists who engaged in negotiations and protests had relatively few or weak claims on participation in the process. One successful farmer from Makabrab who was generally supportive of the resettlement package complained that the 1999 Census was “defective, since it was arbitrary”, and that the displaced “people were not oriented [meaning assisted, e.g. through agricultural extension services] to adapt to the land” (Anon (pers. comm.) 2014b). Instead of relying on government extension services, they learned by themselves to farm citrus and sheep for a few years (in order to enrich with fertiliser the poor quality soil), rather than retaining past practices such as planting wheat.

Most people who were interviewed about the quick filling of the reservoir expressed that the DIU should have warned them about their decision to do this (e.g. Anon (pers. comm.) 2014a), though did not seem to expect to influence or be involved in that decision. Nor did the majority have any awareness that dam reservoirs are usually filled more gradually (often over years), with much less impact. A member of the New Amri community testifies ‘we didn’t know whether to look after our children, or fetch food. We felt very much like what [head of DIU] Osama

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<sup>11</sup> It also reflects the well-known observation that conceptions of justice are culturally-informed (see Vermeulen, this issue).

[Abdalla] called us – “fleeing rats”!’ A villager in Birti pointed out how her family were obliged to rebuild their home four times as the filling of the reservoir progressed, following government-established reservoir contour levels meant to indicate the level the reservoir would be after five years (Birti group interview 2014). Members of the Manasir Executive Committee who *did* try to influence the process through their negotiations expressed their frustration less with the process, as the negotiations led to the promise by the President to visit to address their concerns (Kabna Alfouharah group interview 2014), and even to a signed agreement (Presidential Decree No. 70, 2006). This group’s concern may have been more about the bitterness of the government’s later betrayals, as even these negotiated promises were broken, though the issue has not been explored further.

### *Other Justice Issues: ‘shock and loss’*

Many of the interviewees expressed issues of identity, and other immaterial aspects of justice that were not sought explicitly through the tripartite environmental justice framing. The head of the Manasir Executive Committee, for example, stated that ‘In the Manasir’s case, there is no satisfaction [meaning ‘justice’]. There is only shock and loss. Nothing is left but the sky, the sun, the people, and the rocks. And the psychological impact of the shock and loss’ (Al Maqdom 2014). The claims for these less material aspects of justice appear to grow over time. They are not evident in the surveys of people taken soon after the resettlement (Bosshard and Hildyard 2005, Hildyard 2008). But strong views on being displaced from (or indeed losing) homeland are apparent several years on from the displacement. When asked to elaborate on a comment he volunteered about the irreplaceability of his home, a member of (Manasir) Kahera Village No. 5, who was otherwise supportive of the resettlement, replied with the proverb: *al merba’ terba’*, meaning ‘your birthplace is also your gravesite’ (Anon (pers. comm.) 2014a). Similarly, one activist who refused resettlement from the outset stated ‘you can’t [financially] value losing your homeland’ (Zourghani (pers. comm.) 2014). One student who organised the university campus protests in Khartoum also stated ‘I would not exchange my homeland even for a palace!’, while another introduced the element of tribal politics, stating ‘Osama [Abdallah, head of the DIU] would never have [flooded] his own homeland, or that of the Shagiya or Ja’alin communities’ (Mixed group interview 2014).



It is perhaps this visceral attachment to homeland (as well as strong reactions to the violence and betrayal) that most strongly create the social divisions within the communities. The tensions are evident through numerous anecdotes and innuendo in almost every interview, but most easily traced through use of the label ‘Karazay’. A reflection of the US-supported Afghani president seen to act primarily in the interests of the US government rather than the Afghani people, the term is used in and around the Merowe dam to label community members who are seen as more loyal to the Sudanese government, and who encourage others to accept the government’s resettlement plans (Anon (pers. comm.) 2014d, Mixed group interview 2014, New Amri group interview 2014). ‘Karazays’ are seen by some as ‘part of the problem’ (Anon (pers. comm.) 2014e).

### **A ‘justice’ reading of the Merowe struggle**

A first-cut analysis of the data suggests that the struggle of the Hamdab, Amri, and Manasir people in relation to the Merowe Dam has evolved from reactive actions for better compensation to a more organised effort aimed at a much more broad form of justice. The nutshell summary runs the risk of glamourizing the struggle, however, for all of the important nuance it skips over – and obliges discussion in terms of the theory in trans-national activism.

#### *Justice and norms in trans-national activism*

The Merowe struggle has brought together numerous actors at multiple levels and in very many places. It may fall short of becoming a “trans-national movement”, in the terms of Khagram et al (2002), but the temporary alliances created by local, national, and international activists can be aptly characterised as “informal configurations”, and to a lesser extent, a “trans-national coalition”. The focus of the Manasir Executive Committee and other leading local activists has been on influencing the state and/or federal governments. Committee members have reached out beyond their villages, notably to national intellectuals, and community members abroad. The television coverage of the Amri massacre, the Amri appeal to the UN Housing Rapporteur, and the expulsion of the archaeological teams, all demonstrate further expansion of the struggle to international actors and arenas. Indeed, the will and ability of activists to create alliances was consistently clear: as a member of the Manasir Executive Committee stated: ‘We are finished, we can do nothing but complain, but others should learn from us’ (Al Maqdoum 2014).

The leaders of the struggle have reached out for the hand offered in particular by International Rivers and The Corner House. Though very few people in the new villages or on the shores of the reservoir are aware of the campaigns of the international NGOs, their representatives have identified the potential gains made through links to wider campaigns; against Chinese-funded dams, for example. As was the case of the campaigns against the Belo Monte, Narmada, and Sardor Sarovar dams, there are also distinctions in local and higher-level claims within the struggle. While the local Merowe activists stressed improved compensation and dignity, the international NGOs stressed concerns about the environment, cultural history and adherence to international norms.

For example, while the Manasir fight for recognition of their demand to stay around the reservoir and for delivery of the promised government support in agricultural and residential projects (CMDAP 2003), the Corner House and International Rivers had taken up the “short, superficial and incomplete” Environmental Impact Assessment by the German contractor Lahmeyer as one of the main corner stones of their advocacy campaign. Their investigation of Lahmeyer’s EIA laid the cornerstone for LOHAP’s application into the German courts - and is thus necessarily more responsive to a whole new set of German (and mainly legal and culturally-specific) norms. LOHAP’s presentation of the case before the African Commission on Human and People’s Rights, and the litigation launched by the Manasir Executive Committee in Khartoum are similar moves, (and the subject of a more-focussed follow-on research project).

The dissonance reflects the different interests and circles of influence that each actor in the struggle has, but can also be read as part a dynamic process. National experts and intellectuals involved in the struggle (as two of the authors of this paper) were initially inspired by concerns of destruction of eco systems, or of cultural and archaeological/historical heritage. Their engagement in the struggle has both led to closer alignment with the more material claims of the people directly affected by the dam, and possibly shaped the latter’s thinking towards less material justice claims.

### *Merits of an expanded and dynamic ‘justice’ reading of the struggle*

The use of the distributive and procedural justice frame has drawn out many features of the struggle. Some of these are particular to the case at hand; that is, they are influenced by the relationship of Sudanese society to the state (and specifically to its current long-standing

government). Amongst communities that are very far removed from influence in a state known to tolerate little dissent (and one that is engaged in violent struggles with other communities to the East, West, and South of Khartoum), such low expectations of participatory justice of the community are to be expected. In theory, a fair outcome is possible even in the absence of fair procedure (see Young 1990). But as the evidence of the first dam-related injustice demonstrates, and as events have unfolded, the struggle's focus on fair compensation for material losses shifted to the less tangible aspects of humiliation, respect, identity - and so the 'recognition' aspect of justice became more central. While the struggle for distributive justice continues to be informed by elements of procedural justice, in other words, it is deepened by feelings of disrespect and non-recognition.

But interpretation of the evidence in the strict tri-partite terms 'environmental justice' skips over other detail that is important for both this and future struggles. The people's efforts seem to have extracted unfulfilled promises from the government, at best, and humiliation, violence, and deadly reprisals, at worst. The 'local option' people persisting with life on the shores of the new reservoir, like some in the resettlement villages, have successfully adapted their river-based livelihoods. Many others leave to find work elsewhere, including as wage-labourers on farms owned by the para-statal Dams Implementation Unit that displaced them. Protests have more recently died down in the resettlement villages, but increased on Khartoum university campuses, just as the cases thrown out of the national courts are being taken up in different guises in courtrooms in Bonn and Cairo.

A multi-dimensional analytical 'justice' approach that highlights the abilities and interests of those involved is warranted. In this light, the different focus of the local and international actors (the former more usually on compensation from the government, the latter in some ways on adherence of the funders to international standards) is thus not just a predictable reflection of the different interests and tactics of actors. It also clarifies the overwhelming asymmetry in power between these actors and the government itself. This is particularly the case when considering that the stated interests of the government have been met from the very inception of the project, until today, and a return to Fraser's point about political parity.

Communities facing similar threats and opportunities can learn from the expanded and dynamic 'justice' reading of the Merowe struggle, furthermore. The communities may also anticipate the

government's 'divide and rule' tactics. The government has used oppressive means of destabilizing and sabotaging the social continuity, unity, and harmony of these groups and their representative committees. The claim is substantiated by common testimonies of deliberate tactics of division by the state to break solidarity between the Hamdab, Amri, and Manasir groups, and to weaken resistance to resettlement posed by those who refused it (Anon (pers. comm.) 2014f, Anon (pers. comm.) 2014g, Anon (pers. comm.) 2014h).

The dynamic justice reading also reveals the limitations of static (and normative) evaluations of justice on any issue at any point in time, as in the case of the Aswan High Dam. Particularly when relating justice theory to justice *struggles*, appreciating the dynamic component of the multiple-level struggle over time is crucial. The Merowe struggle as a movement started very locally after the Hamdab communities were first displaced. It grew locally with support from Amri and Manasir communities, and their organisation into committees. The trans-national coalition that eventually formed is weaker, currently, five years on from the last displacement and three years after the last student protests, though it continues locally and through the court cases launched by the diaspora / Askouri (Dabanga 2015).

The shifts in the struggle itself reflect (or may be driven by) the injustices experienced by the people themselves. The initial injustices mainly about inadequate compensation were compounded by the violent actions of the DIU militia, the humiliation by and broken promises of the government, the struggle for life (children working on potato-farms), and the (apparently) increasing longing for homeland. The justice *claims* themselves seem to have shifted, in what very clearly reflect particular components of the 'politics of justice' categories of Fraser (1996) and Young (1990) – marginalization, domination, exploitation, violence, etc.). Apart from the contributions made to progress in the struggle, then, the analysis also concludes with an argument for integrating a broader conception of justice that captures the numerous spatial and temporal dimensions of the struggle, from the outset of the research.

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