



European Commission

Cross-Border Relations Beyond the Referendum Challenges and Opportunities

Workshop Report, Damazin, Sudan, 31st July—2nd August 2010



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1. Introduction

The security situation along the border between Northern and Southern Sudan is extremely tense. Local and national security actors are in frequent confrontation. Further and greater conflicts are brewing, but may yet be prevented. How should communities, policy makers, and development practitioners ensure that the North-South border is managed in a way that contributes to a sustainable peace?

There are two distinct parts to any possible answer. First, *where* is the border going to be? (This relates to *delimitation* and *demarcation*.) Second, *what* will the border be? *How* will it be managed? (This relates to *governance*.) The first question is always raised when borders are discussed. Rightly so, the answer can spell the difference between peace and war. Competing land claims and the presence of resources combined with multiple interests makes delimitation and demarcation of borders hugely complex.

Yet a hard-won agreement on demarcation may not guarantee peace and security. It also matters what the line means for border communities and national elites, as well those *in-between*. **This ‘what is the border?’ question also determines the impact of a border on communities, and helps inform economic, political and security incentives and disincentives, which can influence whether or not violence breaks out in the border areas.**

The nature of the border regime will impact on *inter alia* the economy and trade, movement of peoples, access to services, rights, and security.

Whether unity or secession is the result of the 2011 referendum on Southern Sudanese self-determination, and wherever the border is drawn, communities will live on either side. None are likely to disappear; all have needs and aspirations. Agreements on how the border is governed should reflect the interests of these communities. Furthermore, the border regime must also work for state elites and state institutions. If either condition fails, sources of violence and instability may outweigh those of peace and cooperation.

The workshop on ‘Cross-Border Relations beyond the Referendum: Challenges and Opportunities’ held in Damazin from 31st July – 2nd August 2010 was one part of an incremental process aiming to support border communities to develop principles and proposals to help inform what the border becomes; and help ensure that it works in the interests of a sustainable Sudanese peace.

This report documents the discussions and conclusions of traditional authorities, government officials and representatives of civil society such as leaders of youth and women associations and religious leaders. Participants came from Damazin, Roseires, Tadamm, Bau and Kurmuk municipalities.

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Furthermore, the views and information contained in this report do not reflect positions or views of Concordis International or the Centre for Peace and Development Studies. The contents of the report reflect as closely as possible consensus generated at the workshop as expressed by participants. Attempts have been made to reflect in the text any disagreements expressed. Historical references are presented as recorded in the meeting. Some of the information presented in text box 3 and 6 has been supplemented with information recorded by Concordis staff in interviews with participants which took place outside of workshop activities.

Text Box 1: About the Cross-Border Relations Project

The *Cross-Border Relations Project (CBRP)* is a partnership between Concordis International and the Centre for Peace and Development Studies (CPDS) at the University of Juba (based in Juba and Khartoum). Four CPDS researchers bring expertise to the project, each specializing in a different region or set of dynamics along the North-South border. The team engaged in the project also includes experts advisors the African Union Border Programme as well as individuals with direct experience of supporting cross-border cooperation in Africa at the inter-governmental and grass-roots level.

Workshops and research facilitated by Concordis and CPDS represent an opportunity for border populations to deepen and promote peace by building consensus on principles and proposals regarding North-South border arrangements and development initiatives in the post-referendum period.

Aims and Objectives of Damazin Workshop

- A strategic aim of the Damazin workshop was to *build trust and understanding between the communities on issues pertaining to the cross border relations*. This is a necessary condition to ensure that forthcoming cross-border workshops be constructive and fruitful.
- The Damazin workshop aimed to *develop consensus on principles for how the borders be governed and managed*. These will inform discussions in forthcoming workshops, which will bring together communities from either side of the border.
- The Damazin workshop aimed to *develop proposals for development initiatives* which could improve the economic, social, and security situation of populations along the North-South border. Concordis aims to mobilise interest and resources from Sudanese institutions and international donors to support the implementation of such proposals.

Incremental Process

The Damazin workshop is one part of a broader, incremental process. Concordis and CPDS have implemented such workshops in seven locations along the North-South border (Bentiu, Kadugli, Agok, Renk, Kosti, El-Muglad).

Participants from these States will meet together in a second series of workshops, bringing communities from adjacent states together. These consultations aim to see communities from both sides of the border develop consensus on principles and proposals to inform post-referendum arrangements and development policies.

Following the cross-border brokering exercise, and after a period of consolidation, conferences will bring participants from along and across the border together with policy makers and donors. The conferences should increase the visibility of the principles and proposals generated through the project and provide opportunities for national and international policy makers to engage with border communities and project experts.

2. Opening Remarks

*The Damazin workshop brought together traditional authorities, administrators, and representatives of civil society including leaders of women and youth associations, religious leaders, representatives of the **farmers' commissions, and chairmen of the trade and livelihood unions from Damazin, Roseires and Kurmuk municipality.***

This workshop format has been replicated in seven locations along the North-South border in preparation for cross-border dialogues which will take place from October 2010. The process aims to play a role in ensuring that mechanisms are developed for governing the border and developing the border areas which reflect the needs of border communities and work in the interest of peace across Sudan.

Statements of participants and official guests made during the opening session are summarised here:

The Director of the Strategic Centre for Cultural Studies, welcomed the Governor of Blue Nile State, Concordis International, consultants, and other dignitaries. He stated that the workshop was organised by Concordis International and the Centre for Peace and Development Studies at the University of Juba with the support of the European Union with the following aims:

- 1- Building trust and mutual understanding between border communities.
- 2- Promote joint thinking on how to manage borders.
- 3- Develop and consider projects which

could contribute to peaceful coexistence between communities at the border.

The Concordis International Country Director also welcomed the participants and dignitaries. He thanked all those within the government ministries who had worked hard to make the sessions possible and all those who had travelled to the workshop and otherwise devoted time to participating. He said that Concordis is an NGO based in the UK which works to support peace processes around the world through involving broader constituencies in debates that impact upon them. Consensus at the community level is fed into policy processes and international donor strategies so that they may reflect the needs of communities, who know best the challenges and opportunities in their areas. In this case, this involves feeding the resolutions of the cross border workshops into forums such as the negotiations on post-referendum arrangements. The Country Director stressed that the organisation, despite its use of European Union funds, is neutral and has no political agenda and is not in support of unity or secession. At the same time, it cannot make promises around the impact of the project beyond working in the way that it says it will work.

The Director of the Centre for Peace and Development Studies (CPDS) at the University of Juba welcomed the participants and dignitaries and said it was a huge honour to be in Blue Nile State to share in consultations related to peaceful coexistence. He introduced CPDS as an organisation specialising in research into

organisation specialising in research into dispute resolution, peace and development which was established in 1997 and is based in Khartoum and Juba. CPDS awards post-graduate diplomas and also has a Master's degree and PhD program. During peacetime, CPDS has been involved in a number of policy orientated action research initiatives, one of which is this project on border relations.

The Governor of Blue Nile State welcomed CPDS and Concordis International to the State. He said that the workshop had come at the right time. He noted that the country's administrative and international borders are long and he stated that borders are complex arrangements governing economic, security and social relations. He said that the borders drawn in 1956 affect populations and that border relations between communities will be affected by the result of the referendum. This workshop, he stressed, was an opportunity for participants to consider how border relations can be managed and boosted in ways which promote sustainable peace in the region. He concluded by encouraging all the mayors and tribal chiefs present to make the most of the opportunity and to represent their constituents.

3. Visions and Aspirations

Participants expressed their visions and aspirations for how they would like the North-South border region to look in the post-referendum period. They also identified a number of needs that need to be met before their visions for the future can come true. This section summarises the aspirations and needs as expressed by the participants:

Aspiration 1: There will be peaceful coexistence between tribes underpinned by a common vision.

Aspiration 2: Sustainable development will be ongoing involving health and educational services and improved transport infrastructure. This development will benefit all communities as equally and fairly as possible.

Aspiration 3: There will be justice and equality in rights and obligations.

Aspiration 4: Religious, social and cultural differences will be respected by law and throughout wider society.

Aspiration 5: The distribution of wealth and power will be fair.

Aspiration 6: The 1956 borders will have been swiftly and peacefully defined and demarcated.

Aspiration 7: The Native Administration will have increased capacity to support peaceful coexistence between communities. Ongoing trainings will continue to ensure border communities are equipped with understanding to help promote peaceful coexistence even when situations become trying.

Aspiration 8: Political interventions by national parties will no longer create divisions within the State.

Aspiration 9: Joint forces will be managing security along the borders.

Aspiration 10: Civil society organisations will be present in sufficient number and with sufficient capacity to contribute to improved conditions for populations.

4. Challenges and Opportunities

During the course of the workshop, the participants discussed the challenges they face in their daily life. They also considered how these challenges can be presented as opportunities to improve their living circumstances. Additionally they were asked to define the obstacles to achieving the visions and aspirations mentioned in the previous section and how they as individuals and communities can play a role in achieving their visions for the future. Their responses are summarised below:

4.1 Political

There is currently a lack of clarity around the borders with disagreements even within the Border Demarcation Commission. At the same time, there is a real need for recognition of borders particularly in the event of secession. Areas bordering Upper Nile present the biggest concern, especially given the high population density along these borders. Other borders should still be monitored, for example, the border between Blue Nile State and Sennar State in the Ad-dindir Safari Park. The fate of tribes who span the border or live in one State whilst feel affiliated with another, like the Boroon tribe in Gulli area, is uncertain. If these border issues are not managed carefully could create divisions and resentments leading to instability. Other issues pertaining to the potential for different legal systems to be operating close by each other could generate conflict, especially when one ethnic group spans such an administrative boundary. There could be contestation over how the law of the land applied to certain groups. Participants also said that severe slowness in implementing the popular consultation is exacerbating these issues.

Participants identified a number of ways in which such challenges could be overcome which could be viewed as opportunities. They suggested setting up joint administrative councils to work towards developing positive relations and resolving disputes in accordance with accepted norms and laws. The councils would offer a way for respected native administrators to coordinate their responses to given situations and play a role in overseeing disputes which might arise during the demarcation process.

Participants also identified a certain level of respect between communities and stressed that this could be encouraged so that communities respect each other and authorities ensure fairness in rights and obligations. They said that if unity is to be made attractive, the government should recognise that the cultural project has failed and recognise that the question of Sharia law, among other issues, needs revisiting.

4.2 Security

Militarisation is a huge challenge in the area and the role of political parties at the national level is seen as a divisive one. Lack of implementation of security arrangements provided for in the CPA is behind many of the problems, but these reflect differences between the parties which are playing out in the border areas. The widespread presence of weapons is a serious threat to peace and there are existent militia which can be thought of as sleeping cells which could escalate conflict. Military armament in Blue Nile State is being undertaken by the government and leading to further reduced trust between communities, heightening tensions, and adding to the risk of escalation.

Participants say that cross border coordination of security systems at the border could

lead to opportunities to reduce tensions. They also said that armament in Blue Nile State should be stopped and the military training of non-military Blue Nile populations should be brought to an end. Such a policy would create opportunities for reconciliations.

4.3 Economic

The presence of resources represents both a challenge and an opportunity in Blue Nile State. Participants recognised that in the absence of agreements between the parties, the issue is very divisive and could be a source of conflict in the post-referendum period. Hegemony of the centre over financial resources and the perception that Blue Nile State has not received support like other states is seen as a huge challenge for the populations. This feeling is particularly strong in light of the State's special situation and the extent of war damage in the area. The relationship between farmers and nomads over access to water and grazing land is another potential source of

economic based conflict which needs to be managed carefully.

Participants suggested that coordination in investment and wealth sharing combined with comprehensive development in the area could lead to a stable and healthy social and economic growth in which communities and authorities recognise their shared interests. Participants pointed to a need for roads, water, health and education projects and a higher standard of living allocated in a fair and sustainable way. Compensation should be paid to war victims through the construction funds. Agricultural and industrial opportunities exist but there is a need for provision of agricultural and industrial inputs for these to be exploited for the benefit of all. There is a need for good border relations and systems of governance which facilitate migration in either referendum scenario. Such a system would represent an opportunity for local communities to recognise their shared interests and build trust between them.

Text Box 2: Needs and challenges of neighbouring communities

Participants were asked to consider what were the needs and challenges of neighbouring border populations in Upper Nile, White Nile, and Sennar States. Their responses are summarised here:

Participants said they expected the needs and challenges to be very similar to their own needs and challenges.

Cited challenges

- Lack of respect for communities on the other side of the border and for their southern neighbours.
- Active and latent militia.
- Lack of security

Stated needs

- Roads, electricity, water, health and education services.
- Higher standard of living.
- An end to the hegemony of the centre over financial resources.

5. Scenarios and Expectations

In distinction to their aspirations, workshop participants were asked what scenarios they expected to actually transpire, especially after the Referendum in 2011. Their responses are recorded here:

The participants expressed a high degree of consensus on the following scenarios:

1. In the case of unity participants do not expect problems. Rather, there will be togetherness, neighbourliness, security, stability, and comprehensive development. Militarisation at the border will be reduced and the influence of intervening parties will not lead to conflict, partly because a culture of peace will be in place at the local levels.

2. In the case of secession participants expect conflict to escalate over resources. There will be an increase in the number of crimes in the area and border regions will see the majority of these offences. There will be a renewed conflict between the North and South and total collapse of the Comprehensive Peace Agreement and disintegration of the Sudanese State. Throughout this process there will be a loss of Sudanese identity. Conflict will also develop over traffic and transit regulations. Some participants acknowledged that the situation need not necessarily be like that of Ethiopia and Eritrea because of the extent of intermingling in Sudan; inter-marriage and economic relations could help create a stabilising bond even in the case of secession.

TEXT BOX 3: Attempts to mitigate conflict

Participants outlined a number of initiatives which have contributed to peaceful relations. These included:

- Educational workshops conducted by organisations.
 - National and state media communications
 - Briefings of leaders and communities by members of the Executive and the native administration.
- These efforts have increased the level of popular awareness among citizens about the necessity of coexistence in both cases of unity and secession. However, they have been limited in number and lacked reach to rural areas. Similarly, the population reach of radio and TV transmission is limited due to conditions in the State.
- Electricity in Damazin-Kali-Renk
 - Roads from An-naasir-Olo-Jabal Moya
 - Participation of the Native Administration in solving disputes between border communities across different state. Notably, this has included a role for the Naazir Adam Idress in Kali and Naazir Ali of Upper Nile.
- Security and stability have been maintained and some projects such as electricity have demonstrated the benefits of peace to communities. Complicating factors have included security threats and restrictions to freedom of movement among border communities. These have reduced the potential of successful projects to build trust and a culture of peace. Participants said more needs to be done to implement customary **law including revitalising systems of 'hokoorat' (enclosures and ajaaweed mediators)**. The last hokoora was in 1973 but they could be used again whereby pastoralists pay fees to officials on reaching the 1956 borders to facilitate their safe and secure access. Freedom of movement among border communities should be respected (the Yaftah system).

TEXT BOX 4: Land use, Ownership, and Conflict in Blue Nile State

The erosion of land rights has been a historical grievance for the people of Blue Nile. In 1970 the '**Unregistered Land Act**' gave the Government the ownership of land that was not privately owned, and in 1971 the '**Abolition of Native Administration Act**' deprived local communities and tribal groups of ownership, recognising only rights of land use. The establishment of the Mechanised Farming Corporation Ordinance, which gave Khartoum authority to grant licences to external farmers, followed in 1975 and further alienated indigenous farmers from land they had cultivated for hundreds of years. Many landless people thus took up arms to fight for their rights to land tenure and balanced development.

This developmental trajectory continued throughout the 1990s as the Government began allocating land to foreign investors with seemingly little consideration to the impact on local communities. The rights of farmers, cattle owning nomads, and the environmental impact of mechanised agriculture were felt not to have been considered by policy-makers and investors. Tribal chiefs did not feel they were consulted, compensation was not offered to those affected, and livelihood opportunities were reduced as jobs were perceived to go to Egyptians or labourers from the North with locals often only employed as cheap, seasonal labour.

Localised disputes between nomads and small farmers

The expansion of farming combined with the historical development of the war has put pressure on land use, hardened divisions between communities and increased tensions between pastoralists and sedentary farmers. Disputes tend to occur away from densely populated areas where migration routes pass near mechanised farms, in particular in the northern part of the State. Farmers claim that they suffer crop losses owing to destruction by animals and accidental fires; nomads in turn claim to have lost key grazing areas but still need to seek pasture. The presence of weapons is widespread among communities today, in particular in Roseires, Baw and parts of Geissan and this adds seriousness to the risk of significant conflict in any disputes between nomads and farming communities during the dry season. The situation is further exacerbated by an increase in herd sizes over recent years.

Since CPA signature, Fellata have started moving southwards, generating minor conflict with the SPLA northwest of Kurmuk towards Blue Nile and in Geissan. During the last dry season conflicts occurred in Ulu and Malkan but they remained isolated events. Since the 1970s, the expansion of mechanised farming and the abolition of the Native Administration in 1971, pastoralists have found their routes blocked by large farms and without recourse to traditional mechanisms they were unable to solve the disputes. Their problems were compounded by the government-sponsored resettlement of sedentary farmers into previously non-agricultural land. In response to these changes, nomads continually shifted their routes in search of grazing areas and water points. New routes were often established without the consultation of locals or relevant stakeholders, leading to increased disputes between nomads and farmers.

The war added an ethnic and political dimension to the dispute between farmers and nomads and exacerbated locally brewing conflict. The groups took sides in the national conflict, for example Fellata nomads were armed by the North as militias, and this reduced the opportunities for peaceful coexistence. The SPLA blocked migration routes south of Baw (at the Ingessena Hills) and Geissan, forcing nomads into the areas of Tadamon and North Roseires towards Ethiopia. Greater numbers of people and cattle were consequently forced onto smaller grazing lands and fewer watering points, creating environmental problems and new disputes also between nomads in the North and central belt of the state.

Disputes between sedentary farmers and large-scale farmers

Villages are legally entitled to four-kilometre buffer zones to facilitate local agro-forestry activities. These should not be allocated for agricultural investment. Disputes arise between sedentary farmer and large commercial arable schemes when large mechanised projects encroach on buffer zones in the north of the State. Owners of large-scale farms have in certain cases overcome the complaints of villagers by arguing that the agricultural authorities gave them the land before demarcation of the village buffer zone had taken place. Disputes are local and often non-violent but they contribute to perceptions of economic and political marginalisation among populations.

This box relied heavily on text from the Concordis-United States Institute of Peace conflict assessment of the North-South border in Sudan, 'More than a line: Sudan's North-South border'.

6. Mechanisms to Mediate the Situation: Principles and Proposals

The following section sets out the resolutions and proposals, reached by the participants at the conclusion of the workshop, for how they would like to see their cross-border relations managed in future. These proposals represent summaries of extended discussions and single proposals incorporate the ideas of different working groups where they were consistent. Other proposals were mentioned by one working group only, but no objections were raised publicly.

6.1. Security

Proposed Initiatives: Border Police.

- Protecting rights and assets.
- Security coordination between border regions.
- Imposing the State authority and the rule of law.

Means of implementation: Through a joint mechanism of the two parties and a partnership between the Government of Sudan and Government of South Sudan

Locations for police points: At-tadaamun-Alyaftah- Bao- Khor Aradaib, Kurmuk-Kaisaan-Bao- Roseires -Damazin

6.2. Citizenship and Movement

A regulatory framework is required which facilitates traffic between border communities. This should speed up procedures so that borders may become soft. Identity cards are to be given by the government in coordination with native administration to facilitate implementation of framework for ensuring cross border movement. Corridors for nomadic movement should be established to ensure peaceful relationships be-

tween nomads and farmers.

6.3 Governance

One working group stressed the need for initiatives to build the capacities of native administration in order to help strengthen their ability to play a role in settling disputes. As part of the process, native administrators would also be informed about administrative and penal law. This initiative should be state-wide and be implemented by the Government of Sudan, Government of South Sudan and voluntary organisations.

6.4 Justice

Proposed Initiatives: The Joint Border Justice Apparatus Project

- Maintaining security
- Dispute Resolution
- Imposing the State authority and the rule of law.

Means of implementation: Through relevant bodies of the two governments (Government of Sudan and Government of South Sudan). Coordination between the police and native administration in issuing warrants of arrest is important. Armies and other security agencies should be prevented from intervening unless certain clear criteria are met. Prosecutors Attorney offices would be established in all principalities of the State to facilitate procedures of investigation and court processes. Native Administration courts should be established and empowered with means of transport and facilities. However, the

Locations: Official courts should be established in the head Offices of following Municipalities (Ar-tadaamun – Kurmuk –Bao). Other participants included Roseires.

6.5. Communication and social relations

Proposed initiatives: Initiatives aimed at regulating relations between border communities.

- Promoting stability and peaceful coexistence.
- Securing freedom of movements.

Means of Implementation: A Joint Coordination Mechanism by the two Parties and partnership between the Government of Sudan and the Government of South Sudan. Schemes should be run from head offices of Municipalities (At-tadaamun-Kurmuk-Bao).

6.6. Commerce and Agriculture

Proposed initiatives: Joint Investment Projects aimed at:

- Improving and raising standard of living of border communities.
- More creation of jobs and improving personal income
- Combating poverty and achieving prosperity

Means of Implementation: Formation of a joint co-ordination mechanism and feasibility studies. The joint project should support the following kinds of initiative.

- Cross border/common markets should be established to facilitate exchange of goods and services. Regulating border licenses should be clear and transparent. Regulations and mechanisms to ensure that cattle can be moved for grazing and for markets are needed. The native administration have a role to play in this regard, and to ensure there is appropriate levels of flexibility in application of the law.
- A fruit canning factory should be supported at Keisaan-Kurmuk to create

jobs by exploiting the huge amounts of readily available fruit.

- Chicken and dairy farms also represent potential investment opportunities across the whole State. Bee hiving and honey production is a potential growth industry which could be used to reduce poverty and provide livelihoods.
- Minerals should be exploited in a way which brings local benefits. Minerals at Keisaan-Bao- At-tadaamun- Kurmuk-Roseires should be exploited with this in mind. A foundry could be constructed to exploit raw materials.
- Banks are required to control cash dealings, provide opportunities for investment, and maintain stability in the State. Coordination between authorities should take place to prevent double taxation.
- Roads are required State-wide to facilitate economic and social interactions.

6.7. Infrastructure and services

Proposed initiatives: Development Projects aiming to:

- Achieve sustainable development
- Encourage prosperity
- Build road networks

Means of Implementation: Joint mechanism of both parties: Needs include: Linking border regions with roads and bridges; Providing fresh water for communities and animals; Building schools with strong materials (Primary – Secondary); Building hostels for teachers and improving their conditions; Rehabilitation of health centres and clinics with qualified staff; Fixed and mobile **veterinary centres**; **Rural women’s development centres**; Higher education colleges.

Place: As recommended by feasibility studies

TEXT BOX 5: Summary Resolutions

The following resolutions were agreed by all participants to be of benefit to peace and development in the border areas in both referendum scenarios.

Security

Security provision in the state is currently weak and not serving the public interest. Security forces commonly interfere in or obstruct the movement of populations.

The police force, not the army, should be responsible for protecting the rights and property of the population. Police stations need to be established in all areas to ensure the security of the population, the authority of the government and the rule of law.

In the border localities, there should be joint cross-border policing measures in place. The police should coordinate with the police from the other side of the border when addressing security issues affecting both states in their border areas.

A joint cross-border security committee should define the formation of the joint police operations and specify their mandate and the extent to which they are authorised to carry arms or use force. Ultimate responsibility for joint policing and security arrangements in the border areas should come from the governments in Juba and Khartoum.

The Native Administration should coordinate with the police, as they can enhance their sensitivity to local customs and their capacity to manage local conflicts.

The Army should not interfere in public security issues or justice. Members of the armed forces, the police and all other security agencies should be accountable to the rule of law. Arrests should not be conducted by army, rather by local police with accompaniment from Native Administration, who have acceptance from the local communities.

The media should play a constructive role in promoting understanding, brotherhood and peaceful relations in the border areas, and supporting people in their right to access information.

Justice

Not all of the courts which exist in Blue Nile are fully functioning. There is a need for the establishment or enhancement of many courts in the state.

There is a need for common judicial arrangements across the border between the states, in order to manage crimes and legal issues which occur at the border or effect both sides of the border. Cross-border judicial arrangements should be managed at two levels: the

TEXT BOX 4: Summary Resolutions continued.

level of the state government (at the county or locality) and the level of the Native Administration.

Cross-border justice at the state level should be the joint responsibility of the state governments in the state capitals. The state judiciary requires an inspector general and public attorney to carry out investigations and prosecutions. It also requires official state courts, which should be functioning in the capitals of the localities.

Joint cross-border courts managed by the Native Administration should also be established to address social issues and issues related to traditional justice, which should be identified and agreed between border populations. The Native Administration should have all available means to perform their duties, including means of transport to access the populations who require their services. The Native Administration needs to be strengthened to perform its duties, this can include training and capacity building.

Such cross-border judicial processes should maintain peace, resolve conflicts, protect peoples and support security in the border areas.

Movement, Rights, Citizenship

Local populations should be able to move across the border freely and in safety.

A joint mechanism should be established between neighbouring states to put in place laws necessary to support freedom of movement.

This mechanism should be managed from the capitals of the localities adjacent to the border.

Official procedures regulating movement across the border should be simple and not time consuming, so as to ensure a soft border relationship.

State governments should issue identity cards for their populations, proving that they originate from the state, to enable cross border movement. Identity documents should be easily accessible and free of charge.

The Native Administration can assist state governments in the design of these procedures and in the identification of local residents.

Trade and Economy

Cross border trade should be facilitated. Easily accessible trade licenses should be issued by the state for those who conduct cross border trade.

Current practices of double or multiple taxation should be stopped. Responsible authori-

TEXT BOX 4: Summary Resolutions continued.

and rules for tax collection should be identified and jointly agreed between border states.

Markets and commercial centres should be established at points along the border, on both sides of the border, to support cross-border trade and to coordinate the cross border economy.

Cattle herders need free access to move across borders with the support of local government.

The existing great potential of the land and animal resources of Blue Nile state should be maximised. The land is fertile and animals are numerous but currently many resources go to waste. Factories could be established to intensify agricultural production, such as mango farming, or to modernise and increase the efficiency of other practices, such as honey production. Also, pastoralists should consider how to maximise the economic potential of their herds, for example how to make greater use of potential milk production. Scrap metal can be used to produce tools for use in local small scale agriculture.

Adequate banks and financial services have not been established in the state because of the lack of capacity of the police and judiciary. Bank branches should be opened to increase local access to finance and foreign currency.

Mining projects should be managed in a way which benefits the local population and which leads to the establishment of additional development projects.

Common investment projects between border states should be established to raise the standards of living for border communities, increase local income generation opportunities, build common ties across the border and reduce the frustration of local populations. A joint mechanism should be established between the neighbouring states to design and administer such projects. Resources for investment will need to be provided by the governments in Khartoum and Juba who should also support inception studies, identifying which investment projects would be most appropriate in local conditions.

Currently there exist agricultural projects in Blue Nile State which are managed by the authorities of Upper Nile. Records should be made available and collected from all agricultural projects in the border areas, especially those which have been administered by the Upper Nile authorities, so that there is clarity over which activities are being undertaken in the area under whose authority.

Infrastructure and Services

Roads and bridges are necessary to connect populations, ease freedom of movement and facilitate economic activity both within the state and across the border.

TEXT BOX 4: Summary Resolutions continued.

Basic veterinary and public health services need to be established, and supplied with medicines plus trained qualified personnel. Mobile health and veterinary services are needed by nomadic populations, and these should be accessible to them on both sides of the border.

Drinking water resources for people and animals need to be developed and food security should be enhanced. The agricultural, industrial and service sectors of the state economy all need development.

Renewable energy use should be encouraged.

Housing should be improved.

The Fire Service must urgently be developed in the state.

Specific capacity building and development projects should be made available for women to build upon their potential and increase their welfare and role in society.

Primary and secondary schools need to be built and teachers' conditions need to be improved. Accommodation and meals should be provided for teachers. The education curriculum should be harmonised and stabilised, and ultimately students should have access to IT, internet and email.

Vocational training centres should be established in the capitals of the localities in order to provide opportunities for school drop outs and former combatants.

The Blue Nile University should be enhanced and develop colleges in different subject areas relevant to the area, including nursing and medicine, agricultural development, peace and development, and the documentation of local cultures and local languages. Research should be relevant to local needs and sensitive of the local context. This will enable the Blue Nile to develop its own specialist knowledge and practice to meet the needs of its population.

Participatory planning is necessary in order to involve local communities in development planning processes, to take into consideration their needs and views and also to raise local awareness of development initiatives.

7. Closing Remarks

The Governor indicated that he had listened to the recommendations approved by the workshop relating to security, freedom of movement and citizenship, together with those relating to trade and the economy. He said he found all of them important and that their importance is derived from the fact that they stem from those concerned with the issues and those likely to be affected by changes related to the border. These recommendations come within the very essence of the referendum process at the very time at which these issues are being discussed at the

highest level. He asked those present to treat the result of the referendum with wisdom, vision and acceptance whether it is for unity or for secession according to what the ballot papers dictate. He **concluded by remarking that “if we are not fortunate enough to have unity then we can not afford to fail in the process of managing secession.”**

8. Borders: Definitions and Experiences

The workshop was supported by presentations and general discussions about the nature of borders and experiences in other countries. A summary of the presentations from Concordis International and the CPDS and the following discussion by the participants can be found here:

8.1. Several Border Definitions

The participants were asked several questions to guide them in their consideration of the nature of borders:

- 1) What does it mean that there is a border here?
- 2) What actually is a border?
- 3) What are its functions?
- 4) Why is it there?
- 5) What is it for?
- 6) How does the arrangement between governments impact the border populations?
- 7) How are the relations between the local populations significant for the governments?

Importantly, we should ask, what would be the characteristics of a stable and effective border relationship between Northern and Southern Sudan. Such characteristics might be the same whether or not the border is internal or international, i.e. whether there is unity or secession and wherever the border is drawn.

Borders are often seen as setting limits of ownership and authority, and safety. They can also define differences between groups and determine criteria for inclusion and exclusion

International/state borders tend to be seen

as fixed. They have legal and political significance. They tend to demarcate sovereignty and they set limits of authority and ownership. State borders regulate relationships and there need to be principles in place regarding how those relationships should best be managed.

Borderlands are areas on either side of a border. The populations in these areas have to deal with the system by which the border is regulated. There is a possibility that communities living in these borderlands can be involved in designing the systems.

Borders can be understood as sets of arrangements and institutions as well as relationships. Something to consider is how arrangements between governments affect arrangements between communities. Do they complement or contradict each other?

One way of conceiving borders is as “hard” or “soft”. Hard borders can be associated with: obstruction, barriers, restriction of movement, separation, militarisation, tension, fear and perceptions of threat.

Soft borders on the other hand may facilitate mobility and interaction and be associated with perceptions of safety, opportunity, trust, and common interest.

It is worth considering what kind of border system you want, what kind of cross-border relations and how you will achieve them.

(Some of the concepts in this section were drawn from a lecture given by the Senior Lecturer in Development Practice at the University of London, School of Oriental and African Studies).

8.2. The Value of Comparative Examples

Comparative examples of border experiences were shared at the workshop, to assist participants in considering their own situation and questions with regard to the Sudanese border.

Different states and communities around the world have experience of facing extremely difficult border situations. Different ideas and models of border governance have been implemented with varying degrees of success.

Participants in the workshop raised many issues related to *where* the border should be, *who* should cross the border, and *who* should live where along the border. From doing so, it became clear that the interests of communities and the interests of States can differ.

8.3. Somalia

Somalia is in east Africa. Somalis are Muslim as are the people in Northern Sudan. They speak one language and have one religion. Like the Southern White Nile communities, they are Bedouins and camel herders. But, the Somali state has gone through many crises and divisions since its independence. Nowadays a proportion of the Somali People live in Kenya, others in Djibouti, and others in Ethiopia. These are all regions cut off from what once used to be a complete Somalia. All that remains now, is the present Somali state and its failures.

Regarding the Somali-Bedouin dynamic, **these people's livelihood depends on camels** and although water is plentiful in Somalia, the grazing land for these animals is in

Ethiopia and Kenya. Somalia has international borders in the west with Ethiopia and in the south with Kenya, but the relation with these countries is not always stable. Some of our Bedouin relatives live amongst the Shilluk people and others live amongst the Dinka on the Eastern Bank of the Nile. It is the same in Somalia, where camels move from grazing lands in Kenya and Ethiopia to water in Somalia. Sometimes the borders are closed between Ethiopia and Somalia and sometimes between Kenya and Somalia. When the border relations are bad, it is the animal resources that suffer because of not being able to access grazing. This situation has caused overgrazing in Somalia which in turn has resulted in environmental problems and desertification. Somalia is living in a state of crisis and the consequence of a rigid border policy is a key issue in this crisis.

This workshop is an early warning to remind the participants to keep their cross-border relations healthy. One Somali leader said **'our neighbours are not our neighbours. They are from us, but a division has been created between us.'** So in the event of an international border between North and South Sudan everyone must remember that we are all brothers and relatives.

8.3 Israel and Palestine

The dividing wall between Israel and Palestine represents a clear example of a **hard border. The Israeli's erected this structure** with the pretence that it protects them against repeated attacks by Palestinians. The wall has had many implications for communities on either side. It has obstructed contact between families and social relations. It has complicated access to land, such as for those Palestinians who have farms on one side of the wall but live on the other. The wall has also affected¹⁹

access to goods and services, particularly access to medical supplies and clinics.

8.4. Egyptian-Sudanese Relations

An agreement between Sudan and Egypt provides *Four Freedoms* that their populations are entitled to enjoy in both countries: The Freedom of Movement; the Freedom of Residence; the Freedom of Entry and Employment; and the Freedom to Ownership of property. If Sudan can create the same flexibility in relation to the border between the south and the north, then there is a possibility for peaceful transition.

8.5. The European Union and ECOWAS

A citizen of the United Kingdom is also a citizen of the European Union. EU citizens have the right to live and/or work in any of the EU member countries. There are 27 countries and there are no tariffs on the movement of goods between these countries. Also, many of these countries have agreed to share a common currency, the Euro.

The EU emerged after a series of wars in Europe, the Franco-Prussian war in the late 19th century, the Great War of 1914 to 1918 and the Second World War 1939 to 1945, after which there was a real effort to prevent this level of destruction from happening again (at least in Europe). One of the first initiatives that led to the formation of the EU was the joint management of steel and coal resources, contestation over which had been a significant underlying cause of fighting in Europe. Gradually more and more treaties were signed to create greater cooperation in more areas and more countries joined. Currently there is even an EU

parliament and an attempt to develop a common foreign and security policy.

EU citizens feel the positive impact of the EU in their ability to travel. There is genuine economic integration. This freedom of travel is exclusive to citizens of the EU so not everyone benefits, but people from member countries have real opportunities as a result of this cooperation. The EU countries have had to give up some of their sovereignty in decision making over some areas where European institutions make decisions, although each country is still independent. The idea of war between these countries now seems impossible because of this deeply entrenched interdependence and cooperation.

A comparable example is in West Africa: the Economic Community of West African States (ECOWAS) is based on agreements between countries in this region that allow for the freedom of movement of people and goods.

In addition to inter-governmental arrangements, initiatives have also been pioneered in ECOWAS where local populations have cooperated across the border to manage issues together. For example, local cross-border security initiatives, peace conferences, coordination of markets and trade in local commodities, cross border radio stations and cross border health initiatives.

Cross border cooperation can take place within a single country as well as between countries. One initiative which took place in Nigeria was to establish a commission responsible for development in the **borderlands straddling the country's internal borders** between federal states. It was recog-

-ised that these areas were less developed, remote from state capitals, had distinctive needs and characteristics and could benefit from coordinated investment. Similar initiatives might be appropriate along the border between Northern and Southern Sudan, whatever is ultimately decided in the Referendum.

One recent idea has been to enable local authorities from either side of an international border to communicate directly with each other, in a sense devolving diplomatic relations to local authorities on some issues. It is important to think about how different levels of authority can cooperate with each other. Another issue to question are the arrangements between higher levels. Are they making the relations between lower levels workable? These are ideas to help the participants think about how to manage their own border relations in Sudan in a way that is relevant to their circumstances.

8.6 Self Determination and the Referendum

The referendum granted to the people of the South is not the first of its kind. The first was in 1953 before independence when the people of Sudan were granted the right to self determination: whether to remain under colonial rule or to be independent. What happened in that case was that the nature of the independence of Sudan was largely decided in Khartoum in December 1955 by politicians in Parliament rather than by the people who would be affected by the decision. Now is an opportunity for the people of South Sudan to decide their own destiny by choosing freely unity or secession. Politicians need to respect the result as the wish of the people.

The cause of problems between Ethiopia and Eritrea after secession lie in the lack of advance negotiations and discussions about borders and issues of citizenship. Following secession, Ethiopia expelled Eritrean citizens from Addis Ababa. There was also the issue of currency. Furthermore, there were no talks about freedom of movement of goods between the two countries. Negotiating arrangements for after the referendum now will be key to sustaining peace in Sudan in the case of secession.

Many of those present at the workshop have experienced the horrors of war with all its bitterness. That is why we do not want the next generations to experience those horrors. We know that Sudan has border relations with Central African Republic, Chad and Libya and we expect to have border problems with each one of them. We know that cattle know no borders and in Sudan we face many border problems and will continue to do so. So border communities have to be aware, to make studies and work to prepare and influence the arrangements around their borders whether international or administrative.

Text Box 6: A note on Methodology

A combination of Open Space Technology and more traditional pedagogic techniques were employed throughout the workshop. The workshop proceeded on the basis that participants best understand the challenges which they are facing and are best able to prioritise between different issues. However, lack of existing debate on border governance and the implication of the referendum for border communities also mandated the use of targeted inputs. These took the form of presentations of key concepts and ways about thinking about borders as well as key relevant – or potentially relevant – lessons and experiences from the comparative perspective.

Open Invitation and Working Groups

The workshop offered an open invitation to discuss challenges and opportunities related to cross-border relations. It used a combination of plenary sessions and smaller working groups to refine the agenda and facilitate focus discussions.

The use of working groups reflected the nature of the participants and issues, which can be summarized as:

- A high level of complexity, such that no single participant or small group could fully understand or solve the issue.
- A high level of diversity, in terms of the skills and experience present (administrators and state authorities, traditional authorities, and community representatives and faith leaders).
- The presence of conflict and therefore a genuine motivation among participants to engage with issues.
- A high level of urgency. Time is short to develop arrangements for a post-referendum period.

Working groups took the form of focus group discussions. Participants formed three groups made up of: 1) administrators and state officials; 2) traditional authorities (chiefs); and 3) civil leaders (primarily women, youth and faith groups). Plenary sessions offered an opportunity for presentation of working group discussions, and exchange and dialogue across groups.

Targeted inputs

Concordis International and the Centre for Peace and Development Studies (CPDS) offered key inputs to plenary sessions in the form of concepts and lessons from comparative perspectives.

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