



European Commission

# Cross-Border Relations Beyond the Referendum Challenges and Opportunities

Workshop Report, Kadugli, Sudan, 25-27 July 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 Kadugli from 25-27 July 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 the border communities of Kadugli, Abu Gebeiha, Talodi, and Rashad localities.

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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 Kadugli Workshop**

- A strategic aim of the Kadugli 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 Kadugli 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 Kadugli 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 Kadugli 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, Damazin, 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 Kadugli 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 Al-leeri, Kadugli, Abu Gebeiha, and Talodi*

*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:*

Representatives of the Centre for Peace and Development Studies at the University of Juba (CPDS) said that all along the North-South border communities are seeking ways to live peacefully. They stated that the major obstacle to development is conflict and war, and that this underlines how peace is the foundation for better livelihoods for populations. CPDS and Concordis are at the workshop to learn from border communities who are most well informed and knowledgeable about the situation and who will be most affected by any decisions made about peace, war, and the border. Dialogue and consultation with

communities is particularly necessary in Southern Kordofan, which has the longest border with South Sudan of any State.

The representative of Concordis International explained that the organisation is a neutral British NGO which works in support of peace processes around the world. He noted that in many peace processes those affected by the conflict are often not involved in generating solutions to resolve it's root causes. Concordis is seeking to convey principles and proposals developed by border communities to decision makers such as the parties, the African Union High Level Panel on Sudan and donor governments to help ensure that policy decisions reflect the interests of border communities and sustainable peace in Sudan.

A representative of the Social Reconciliation and Peaceful Coexistence Mechanism (RPCM) welcomed the workshop. He said that the RCPM was set up to deal with disputes which have arisen since the CPA was signed and that a plan has been drawn up to deal with border relations between Southern Kordofan, Unity, and Northern Bahr al Ghazal. He stressed the need for joint workshops bringing together communities across the North-South border, and the need for resolution over local conflict, particularly around water and pasture.

A state government official also welcomed the workshop. She said that there are many misconceptions in Southern Kordofan and Blue Nile State about the popular

consultations and relations with their neighbours to the South. Further, the lack of clarity over the popular consultation, the referendum for Southern Sudanese and border demarcation is opening space for mistrust to deepen. She told participants that reconciliation and agreement between tribes within Southern Kordofan and across the border was a precondition for unity to be made attractive to all Sudanese. She said that southern communities should be welcomed into Southern Kordofan regardless of the outcome of the referendum and that it will be the communities of Southern Kordofan that need to be guardians of this kind of tolerant and peaceful future if it is to come to fruition.

The facilitator said that the Comprehensive Peace Agreement is silent about relations between the North and South after the referendum and that the two governments are now negotiating pre and post-referendum issues around citizenship, nationality, debts, the Nile waters, and the sharing of wealth and infrastructure. All these issues have large ramifications for border populations. At the local level, many communities are linked across the border and these linkages will remain important in either referendum scenario. Good planning, community input and expertise is required to ensure that there can be healthy and mutually beneficial relations across the border in the future.

### **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:*

#### **3.1. On Demarcation**

Participants said they need clarity in border demarcation between the states across the North-South border as well as those within Southern Kordofan. The only border which could satisfy all parties is the 1956 border.

#### **3.2. On Unity and Separation**

The overwhelming majority of participants supported unity of the Sudan. There is a perception that some among the ruling elite, particularly in the South, reject unity and are imposing this on others who would otherwise support it. They said that strong social relationships in the border areas support the case for unity and they need support to promote better interactions with their neighbours to the South.

In the case of secession progress towards respect for the rule of law, building trust between communities, provision of development services, road building to link border regions, and DDR will become even more important.

Participants said that peace and stability could prevail in the case of unity and security and trade will also be promoted. In contrast, they thought that secession would bring an era of chaos and war and

damage economic and social interactions. They were particularly concerned that partiality in implementing the referendum could lead to tensions at the border and they said they need to see a neutral process regarding the referendum.

In either scenario participants stressed the need for respect and tolerance between communities and the strengthening of social justice and economic cooperation. They pointed to previous mechanisms such as the annual conference in Al Abyad, border markets, and social relations such as inter-marriage which could assist in developing such tolerance and mutual cooperation.

### **3.3. On Security**

Participants would like to see a demilitarised and arms free zone along the border supervised by a neutral party. The carrying of arms by native administrators should be regulated and both authorised and unauthorised weapons need to be removed from the system.

They also stressed that military solutions would not be enough on their own. They would like to see a cultural shift from security mindsets to peaceful mindsets. This involves reconciliations, increased understanding, and forgiveness. It also involves communities resisting the temptation to hold entire groups to blame for shameful actions of individuals within them.

Participants said that there is a need to establish joint committees at community and state levels to prevent security lapses and promote coordination and cooperation on security issues.

### **3.3 On Border Governance**

Participants said they would like to see a joint authority from both North and South administer the border region.

They also stress the need to reduce the politicisation of the Native Administration in order that it might play its role as an impartial, fair and competent leadership as it has done in the past. In this respect, participants would like to see improved relationships and interactions between the Native Administration and women and youth and the convening of conventions bringing wider society together with the native administrators in a more formal way.

Participants said they would like to see the opening and management of border pastoral nomadic routes to avoid friction between shepherds and farmers. They also said that their aspiration includes seeing the land commission activated and the land ordinance implemented.

### **3.4 On Livelihoods**

Participants would also like to see at the border an increased presence and availability of basic services in the border areas. This would include access to water, schools, health services, communications and veterinary services.

### **3.5 Popular Consultation**

The popular consultation was held by different participants to mean widely different things but broadly speaking the consensus was that participants hope it will be successful in allowing citizens and organisations to have a role in shaping the future development of the State and its relationships with the federal government.



Kadugli



Participants and facilitators 8

## 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:*

### **Political/Security**

**Demarcation:** Lack of clarity is leading to challenges around land ownership and usage contestation. The process is slow and lacks community input. Participants argued that there is not time enough to demarcate the border with just a month or two after the end of the rainy season to implement the referendum. This represents a significant challenge in managing existing tensions and planning for the future.

**Responsive and capable governance:** Participants said that the government disregards the demands of border communities whilst at the same time there is an absence of strategic planning or the setting of priorities. There is also a lack of finance for the necessary projects as the centralism of revenues has weakened local government. There is a lack of skilled government employees to carry out and follow up development projects. Political tensions between the two parties can also undermine the efficacy of activities.

Participants also said that corruption in government institutions is rife and public money is not being spent on public pro-

jects. There is a challenge in regulating spending public money and there is a lack of qualified civil servants capable of managing money.

**Security lapses:** The number of security incidents is increasing. Participants put this down to the inability of the DDR to complete the process of collecting weapons and said that markets and private houses are awash with them. The continued availability of weapons is a constant challenge to rule of law and community security as well as carrying the risk of flashpoints leading to wider conflict. Participants stressed that simply removing weapons would not be enough to reduce the militarisation of the community, if it were possible. Instead, there is a need for cultural changes in attitudes towards arms and a culture of peace to development.

### **Referendum**

The referendum is a driving force behind many of the tensions in the area. Nomads fear that the outcome of the referendum may affect their access to pasture and water in the South, and the issue is hardening the divide between communities within South Kordofan.

### **Migration**

Challenges around organising pasture areas, migration routes and the intersection of agricultural and pastoral lands are large and exacerbated by the lack of water in regions distant from the Nile. Water should be made available to the communities for the sake of mutual interest and clear management of nomadic routes would help reduce tensions and potential flashpoints.

### **Popular Consultation**

The popular consultation is both a challenge and an opportunity. However, par-

-ticipants were unclear on the process and argued that it was not filling the gaps in debate needed to meet community frustrations. Expectations are high and meeting them is a serious challenge.

### **Mutual trust**

There is a low level of trust between communities and regions. The intervention of politicians and national politics is unhelpful and the influence of party politics at the local level is feeding mistrust. There is a need for the depoliticisation of local governance and the need to build a culture of peace. The resumption of tribal conference between neighbouring states could help rebuild working relationships.

Native Administration Politicisation: Participants expressed very strongly their concerns around politicisation of the Native Administration. They said many native administrators had abandoned their traditional role of caring for citizens and managing their tribes and instead were serving the interests of national actors. As a result, the respect of young people had been lost. The process has been seen before in the Lakes region of Rwanda and Burundi and some argued that the value of the Native Administration to communities has collapsed since 1989. The Native Administration Act has not been implemented yet and this ensures that the politicisation continues.

Some participants said that the native administrators were acting as a security outfit rather than community representatives, and at times even instigating violence. This politicisation of local leaders is leading to politicisation of tribes. It is important, they said to separate Native Administration from political parties, so that their independence is

assured and they are able to act justly without fear of removal from office.

Other participants took pains to stress that not all administrators are acting without principles but rather for political purposes. They pointed out that the status of native administrators in the second chapter of government employees (along with the midwives and the marriage notaries) shows that they are still primarily symbolic of the tribe. They also stressed that communities still put their faith in the Joodiyah arbitrations and that the majority of problems are resolved in the traditional manner inherited from their ancestors. All participants agreed that there is a need for training for administrators and more female participation in administrative structures.

### **Economic/Development**

Agricultural expansion: The expansion of agricultural schemes is occurring at the expense of grazing land leading to additional challenges for nomadic populations and society as a whole due to the resultant tensions. At the same time, farming schemes which were deserted during wartime need to be revitalised as economic resources, but in a way conducive to positive relations between different groups and to the benefit of broader society. Grazing routes which have been obstructed by mines and military activity also need to be reopened.

Transport infrastructure: There is a lack of roads linking producing regions with markets. The resultant transport challenges reduce trading opportunities. An increase trade would benefit communities on both sides of the border.

Reconstruction: There is a lack of resources

**Reconstruction:** There is a lack of resources for the reconstruction of villages deserted in wartime.

**Gum Arabic industry:** A lack of organisation around the harvest of Hashaab gum Arabic leads to tensions between groups and inefficient production. Increasing production and clarity around the harvesting process would be a source of stability.

**Double taxation:** Double taxation between the states of Southern Kordofan, Upper Nile, Unity is a challenge to traders and nomads. The imposition of high dues on trade and grazing without associated benefits increases frustrations and animosity. Similarly, ad hoc charges and a lack of adherence to rules regulating fees and dues on commercial and agricultural exchange causes mistrust and resentment.

**Conflict over water:** Communities face challenges in accessing sufficient water to meet their needs. Private enterprise and donors should be held to their promises regarding implementing social responsibility projects.

For example, IFAD allocated 35 billion pounds to construct 35 'hafirs' but only about 10 were completed.

**Services:** Communities face a lack in health and medical services available to both humans and livestock. There is a large scale of illiteracy and poor level of awareness among the populations and this exacerbates misinformation and a lack of transparency between government and people. Participants also expressed their view that service provision was partial and unequal across different communities feeding perceptions of resentment. Civil society organisations are weak and their activities are not widespread; they need to go to the more marginalised and needy areas.

**Agricultural inputs:** Farmers struggle to obtain the necessary inputs to agricultural production, machinery and agrarian guidance. There is also a lack of capital investment in projects like factories for canning vegetables and fish.



Presentation to the plenary session

## **TEXT BOX 2: Attempts to mitigate**

- Kaka trade conference between Shilluk and Eastern Region tribes was successful in helping to regulate and enhance trade between Southern Kordofan and Upper Nile State.
- Historical and contemporary customary agreements between nomadic tribes and southern tribes around migration. An annual grazing conference took place in Al Abyad . This needs reviving. Demining projects have opened up former grazing routes
- Exchange visits have taken place among sports clubs and schools between the youth of Upper Nile and Abu Gebeiha
- Historically, there were a number of meetings between the Native Administration and the local peoples which led to resolutions. These kind of meetings need to be revived.
- Community Development Fund Projects have led to some successes but not functioning as well as it could.
- A conference between Southern Kordofan, Upper Nile, and Unity State has taken place but the resolutions have not been implemented at the border. Local Native Administration conferences have also developed resolutions which have not been implemented. Peace conferences in Tong 2007, Farbing 2008, and Fashoda 2008 made positive recommendations but they have also not been implemented.

## **TEXT BOX 3: An Opportunity: The Reconciliation and Peaceful Co-existence Mechanism (RPCM)**

In June 2009 Governor Haroun established the Southern Kordofan Reconciliation and Peaceful Co-existence Mechanism (RPCM). RPCM is a “state-level conflict mechanism body with the objectives to (1) address root causes of conflict through a clear understanding of the context and action to mitigate and resolve ongoing local conflicts and prevent the outbreak of future conflicts; (2) successfully reconcile parties to ongoing or unresolved conflicts around the state; and (3) create conditions for peaceful co-existence among communities in the state that will prevent the outbreak of future conflict and create a positive environment for successful CPA implementation”<sup>129</sup>. The RPCM identified in June 2010 eleven high-risk conflicts and seven of lower-level risk<sup>130</sup>. The mechanism is supported by the international community and is a good monitoring and coordination effort despite being hampered by a lack of services and weak State infrastructure.

The RPCM consists of 8 core members and five technical support staff of various tribal and political affiliations, wide-ranging networks, and high levels of influence across the State. Challenges to its performance have been the time pressure under which it has to operate; uneven levels of engagement and expertise among its members; internal challenges to the Chair’s leadership; a lack of resources; and an unclear role and responsibilities vis-à-vis other governmental institutions.

Cross-border dynamics are generally considered lower-level conflicts in relation to the Mechanism’s system of prioritisation. This risks overlooking the effect of regional conflict drivers on internal instability. Cross-border clashes carry the potential to draw in major players and create conflicts which may be difficult to control.

## 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:*

1. Unity will be characterised by peace, stability, increased trade and social cooperation.

1. Secession will be characterised by chaos and confusion and warfare.

In either case the provision of services and implementation of local and national agreements will be key determining factors in whether outbreaks of war occur.

## 6. Mechanisms to Mediate the Situation: Principles and Proposals

*The following section sets out the resolu-*

*tions 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:*

### 6.1. Security

Joint border police should be activated in advance of the referendum and be trained in all the potential complications of the referendum process. A broader joint mechanism should be set up to monitor and take charge of security along the border. This should be composed of representatives of both parties and all communities to ensure that the policy chosen is in keeping with the political, cultural and social dimensions of each community. The mechanism can consist of the Ameers of the principalities of Kenana Awlad Hameid and Hawazmah, the mayor of Alhurrah Um Khawaateem, the mayor and Sultans of Kaka At-tijaariyah, the mayor of Al-leeri, the major of Kayaro Naaro and Talodi, the Mek of Kaar Naaro, the mayor of Gar-

### Text Box 4: Needs and challenges of the Southern Communities

*Participants were asked to consider what were the needs and challenges of southern border populations in Unity and Upper Nile States. Their responses are summarised here:*

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

- Security and stability
- Food
- Increased communication and trust building
- Cross border roads
- Tribal reconciliation activities
- Clear and implemented citizenship rights
- Widespread availability of weapons
- Weak rule of law institutions
- Marginalisation of legitimate local leaders
- Disrespect for religion

Mek of Kaar Naaro, the mayor of Gardood Um Radami, the mek of all Shilluk Suldaans, the mayor of Kadook, the Mek of Kiringo, and the Ameer of Kwaahlah, the mayor and mek of Dirini, and representatives of the Fellata and the Sultans of the Dinka Faaring.

Police points should be established in the border regions (pastoralist, wild-life and civil defence forces) at Kaka, Jadayed, Alhaloof, Um Hami, Kurood, Tanjat Alaraaysh, Faaring, Karandi, Toroaji. Each border post should have transport capabilities including a tractor to facilitate transport in the rainy season. Earthworks should be prepared to ensure posts can be linked up throughout the year.

The Native Administration should be provided with police officers in the following places: Al-leeri Road, Bimba, Malakal, Albo, Alhalloof, Ad-dabkar. The State government should be responsible for managing these police forces and they are needed before the referendum. The Native Administration should also be given a special ordinance giving them more powers for imprisonment, fines and other sentences. The courts of the Native Administration should be supported with police and means of transport.

Cross border disarmament is needed. This should cover both authorised as well as unauthorised weapons and include demilitarisation of PDF and other irregular forces among both pastoralists and farmers. Disarmament should be accompanied with cultural projects which reduce the culture of bearing arms and DDR can be incentivised with sorghum or cash exchanges.

The Native Administration need to be included in DDR proposals and implementa-

tion. They are responsible for providing security and they know who is armed among the communities. Currently, weapons have been distributed to pastoralists and arms proliferation is not being controlled.

Participants demanded the presence of international forces in the border areas. Other armed forces should be removed from towns and highly inhabited places such as Karengo and At-tumah. Military parades should also be stopped. Such shows of strength have a negative impact on the culture and promote military strategies over dialogue and peaceful coexistence.

## **6.2. Citizenship and Movement**

Regulatory frameworks guaranteeing freedom of movement to all border populations (shepherds, traders, visitors) should be designed and implemented. Pastoralist movement should be guaranteed and crossing fees and other taxes should be kept to a minimum. Cattle tax systems should be harmonised and uniform across the southern states and the governments of Southern Kordofan, Upper Nile, and Unity States should coordinate this before the referendum. Grazing lands should be agreed, particularly along the following routes:

- around Toroaji and Al Abyad
- Fayd Karango – Beer Bilaal
- Sheikh Mukhtar to Alkaa
- Almaleeh to Khor Alghadaar
- Kiya – Ar-rikyah
- Kardour At-taweel – Nakar Ash-shaeer

## **6.3 Governance**

Training courses should be provided to government officials to increase competence.

In particular, financial training is needed to ensure prudence in managing and investing public money. Civil Society Organisations and NGOs have a role to support this training.

Implementation of the Native Administration Act should proceed in a way which assists the depoliticisation of the Native Administration.

Bilateral agreements between Southern Kordofan State, GoSS and the neighbouring states in the South are required on a number of issues related to grazing, revenue sharing, and justice. These bilateral agreements between Southern Kordofan State and other structures are necessary to help smooth transition due to the uncertainties pertaining to the health of the relationship between the national parties.

#### **6.4. Justice**

The administrations on either side of the border should be committed to providing justice in case security breaks down and should cooperate, coordinate, and harmonise their responses to potential situations.

The judiciary should be impartial. Rural and native courts should be established along the border and should be equipped with premises and transportation. Each administrative unit should have an attorney's office (Jedayed Abu Nuwara, As-siraajiyah, Al-leeri) to assist establishment of rule of law. Specialised border courts should be set up in Jao, Jedayed, Korongo Abd Allah, and Tunjah. Disputes over land should be referred to the native courts. The whole process should be administered by the Judicial System of the State Government to which appeals can be referred.

The border tribes should be represented in legislative, executive and judicial commissions.

#### **6.5. Communication and social relations**

Social relations and alliances between border communities need to be promoted through conferences and exchanges, particularly between the following tribes: Kenana - Awlad Hameid, Kawaahlah - Al-leeri, Taaloodi – Korongo Tarooji – Fellata – Al Hawazmah, Daar Ali – Awlad Abu Nuwara, As-siraayjah, Kalawki, Al-leeri, and Taloadi Tarooji.

Additional Cross-Border Relations workshops (like the one reported here) are needed in Talodi and Abu Gebaiha Localities.

There should be freedom of religious expression and freedom to build religious centres and places of worship.

#### **6.7. Commerce and Agriculture**

Civic education should promote a cultural shift so that cattle wealth is not seen as a matter of status and pride but is rather considered primarily in terms of a rational economic decision.

Joint border markets should be established in the border regions such as Alhloof, Lima, Humrah, and Um Khawaatim, Al radaibah, Alkardood, Kaka. There could be a local stock exchange established for gum arabic and the wider regulation of gum arabic production in each of these markets. Special cattle markets should also be established in the markets. Taxes on transit goods such as gum arabic should be reduced across the border generally but especially for sale in the markets.

Transport infrastructure should be improved and trucks should be made available to help communities transport fish from source to market.

The Ministry of Finance in the state governments should coordinate to ensure such initiatives are implemented as soon as possible. Progress should be made before the referendum.

## 6.8. Infrastructure

The needs of local people should inform the development of a cross border infrastructure and service strategy managed by state governments. Financial contributions from the Native Administration can be used in cooperation with the State Governments, Federal Government, and NGOs. The establishment of permanent roads linking the following towns would bring positive developments to communities on both sides of the border.

Kadugli – Al Abyad - Faaring  
Abu Gebeiha – Jadeed – Kaka  
Al-leeri – Tonja  
Talodi, Al-leeri, Kadugli, Um Khamsah  
Abu Nuwara Ad-dam Jibaal Kao – Jaaro  
– Al-leeri  
East West road from Abu Gebeiha to  
Kor Ad-dalaib

Dams and reservoirs should be constructed in the following locations (Lima, Um Khor, Almaja, Al haloof, Alboy, Al humrah, Um Khawaatim, Um Shattah, Al leeri, Mabrookah, Sabeer, Ad-dawn, Ad-dabkar, Al Gardood At-taweel, Towrandi, Khor-aladi, As-saraayif Umheetaan. Other participants mentioned Wad Look, Al Gardood Sad Al-humrah and Jarbeeka as priorities.

Women’s development centres and vocational training centres should be established at Buraam, Kalogi Kawyawro , Jedayed , and Taloodi.

Veterinary clinics are most needed at Al Abyad Tunjah, and Karandi. Mobile veterinary units can move from these places to the surrounding areas.

## 6.9 Services

Medical centres are required in Torooji, Gardod Um Radami , At-tumur, Jadeed, and Kankar, Tarooji, Kareed, Karandi.

Primary schools for both boys and girls should be established in the following locations: Butrooji, Kardood Ayyaad, Kaafi Al-leeri, Yarti, Buraam, Tarooji, Abbaad, Um Radami , Jilat Kash, Araayish, Ad-dabkar, Aleeri, Bet Alkalib Bakkarah, Alaradaibah, Kankar.

Secondary schools for boys and girls should be established in the following locations: Buraam, Towmariyah, Um Redmi, Abu Nuwwarah, As-saraajiyah, Al jedayed, Al-leeri, Maranj,

Mixed nomadic primary schooling is required around Jafood, Rahal At-Tumur, Falaatah Jafoon, At-tumur, Daar ali, Alhawzmah, Alhurrah, Um Khawaateem Mabrookah.

Some within nomadic communities (Abu Nuwara , As-saraayjah, Kalogi Al-leeri, and Tarooji) may be interested in projects to help them in settling. This would need a comprehensive set of interventions covering services, education, employment and agricultural inputs.

### 6.9.1 Livelihoods

Participants expect that the referendum and post-referendum period will bring substantial challenges to nomadic communities. They fear that the referendum process and result could lead to restrictions on movements across the border. The consequence of such restrictions will be challenges around accessing resources and markets, threatening livelihoods. Participants suggested that the government should prepare

an emergency fund which could cover around 30% of the costs of water in the post-referendum period so that livestock is not decimated.

Participants said that assistance in securing access to water in Southern Kordofan would reduce the need for them to move into South Sudan. However, they also said that there needs to be more research into this idea to ask whether the land can support



## **TEXT BOX 5: Summary Resolutions**

**The following resolutions will be of benefit to peace and development in the border areas and will be of benefit in both referendum scenarios**

### **1. Security**

The Khartoum Government, GOSS and relevant State governments and Commissioners should sign an agreement guaranteeing that Nomads migrating into the South before the referendum be protected when the referendum takes place and afterwards.

Traditional authorities should resist politicisation and refrain from arming and mobilising their tribes to fight along party lines to support political agendas.

Political and military forces must stop arming the civilian population, which continues to take place in violation of the CPA.

The police force should maintain law and order in the border areas and protect the security and the rights of the local populations. Currently there is virtually no public security provision of this kind and so people are able to act outside of the law with impunity.

Jointly administered police checkpoints at the borders between different localities should be established. Transport infrastructure should be developed to facilitate the police's access to remote areas.

Armed forces should be withdrawn from municipal centres such as schools, which should not be militarised and are needed for civilian purposes. Armed forces should refrain from roaming around civilian areas or impeding the movement of civilian populations, for example from accessing their farmlands.

Farmers, nomads and militia must be disarmed and weapons should be removed from cross-border areas. The DDR programme needs to be reactivated

International observers will be required to oversee security arrangements both before and after the referendum takes place.

Land mine awareness programmes for communities should be intensified as should land mine clearance programmes, especially in the border areas where migrating populations pass through.

Traditional authorities should be empowered to manage disputes in cooperation with the police force.

*Continued overleaf*

## **TEXT BOX 5 continued: Summary Resolutions**

**The following resolutions will be of benefit to peace and development in the border areas and will be of benefit in both referendum scenarios**

### **Justice**

Joint tribal courts should be established to manage social disputes and they should involve the traditional leadership of all the tribes along the border.

Traditional leaders require resources and training to execute this role effectively. It should be done according to rules and principles based on popular consensus.

Communities should jointly draft the rules of these popular courts and engage the political parties and government authorities in the process.

### **Movement, Citizenship and rights**

A law should be enshrined to establish freedom of movement across the border for all tribes, in security, without the need to carry arms for personal protection.

Freedom of religion and respect and rights for the diversity of faiths, ethnicities, genders and cultures should be protected by law.

A popular committee should be established to manage movement across the borders.

### **Trade and Economy**

Common markets should be established for both sides of the border which involve all the relevant tribes.

Such markets could particularly facilitate trade in Gum Arabic and animals as well as other commodities.

Taxes on cross-border trade and movement of goods across the border and between SPLM and NCP controlled areas should be removed. Currently taxes are collected at checkpoints without clear rules for the population. Consistent principles should govern taxation and double taxation should not occur.

### **Infrastructure**

Primary schools and secondary schools are needed— some should be coeducational and some should be exclusively for boys or for girls.

*Continued overleaf*

## TEXT BOX 5 continued: Summary Resolutions

### **The following resolutions will be of benefit to peace and development in the border areas and will be of benefit in both referendum scenarios**

There is a need for mobile schools for nomads that move with them on their migrations, with courses provided at appropriate times in the seasons as agreed with the nomadic communities. Technical training centres should be established to assist communities in the development of their livelihoods.

Health centres and veterinary services are required all across the border areas

Mobile health and veterinary services should be established which can move with nomads.

Water dams and irrigation systems need to be developed to provide greater access to water.

Roads are necessary to connect remote areas along and across the border for social, economic and security reasons.

Social exchanges including sports activities and clubs and for youth and women should be established bringing together communities from both sides of the border to promote understanding and social relations. Women's centres should be established to mobilise them on issues of common concern such as public health.

Some agricultural sectors should be mechanised to increase local productivity.

Plans for infrastructural development should be made by government in conjunction with local populations and traditional authorities, and services should be provided to the populations on a fair and equal basis.



A facilitator explains the workshop's findings in an interview with an international television news channel

## 7. 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 and the following discussion by the participants can be found here:*

### 7.1. 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).

## 7.2. 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.

### 7.3. 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.

### 7.3 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 pretense 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 affected access to goods and services, particularly access to medical supplies and clinics.

#### 7.4. 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.

#### 7.5. 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 19<sup>th</sup> 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 are no customs checks between member states and 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 similar 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 border-

lands straddling the country's internal borders between federal states. It was recognised 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.

## **7.6 The Referendum**

The referendum was agreed upon in the Machakos Protocol of the Comprehensive Peace Agreement. It guarantees to southern Sudanese the right to self determination and must proceed in three stages: 1) legal and administrative preparations for the referendum; 2) The referendum process; 3 Post referendum arrangements. It is important to discuss post-referendum arrangements before the referendum takes place, to avoid misunderstandings and confusion in its wake. Arrangements need to be made so that life can go on as usual whether the result is unity or secession.

Legal and administrative preparations are not complete. Border demarcation is not complete and the Referendum Commission is facing difficulties? Voter registration is complicated, problematic and overdue. Current violence in the South creates an environment which is not conducive to fair and secure voting and the rainy season has obstructed movement and transport around the South. There may be a short delay. Nevertheless, the referendum will happen and is inevitable and we must prepare mechanisms to ensure mutually beneficial relationships continue in either scenario.

## **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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