



European Commission

# Cross-Border Relations Beyond the Referendum Challenges and Opportunities

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## Contents

1. Introduction	p.3
2. Opening Remarks	p.5
3. Visions and Aspirations	p.6
4. Challenges and Opportunities	p.9
5. Scenarios	p.11
6. Historical Attempts at Dialogue	p.13
7. Mechanisms to Mediate the Situation: Principles and Proposals	p.15
8. Borders: Definitions and Experiences	p.22

## Text Boxes

Text Box 1: About the Cross-Border Relations Project	p.4
Text Box 2: Summary of Needs Cited by Participants	p.8
Text Box 3: Summary of Stabilizing Factors Cited by Participants	p.13
Text Box 4: Summary of Conflict Triggers Identified by the Participants	p.14
Text Box 5: Migration and Movement of People	p.18
Text Box 6: General Recommendations	p.25
Text Box 7: A note on Methodology	p.27



Participants and facilitators

## 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.

This workshop on ‘Cross-Border Relations beyond the Referendum: Challenges and Opportunities’ held in Renk on 20th-22nd May 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 northern Upper Nile State who participated in the meeting.

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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 Renk Workshop**

- ◆ A strategic aim of the Renk workshop was to *build trust and understanding between the communities within Upper Nile State living along the North-South border*. This is a necessary condition to ensure that forthcoming cross-border workshops be constructive and fruitful.
- ◆ The Renk workshop aimed to *develop consensus on principles for how the border be governed and managed*. These will inform discussions in forthcoming workshops, which will bring together communities from either side of the border.
- ◆ The Renk 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 mobilize interest and resources from Sudanese institutions and international donors to support the implementation of such proposals.

### **Incremental Process**

The Renk workshop is one part of a broader, incremental process. Concordis and CPDS are facilitating similar workshops in other border states including South Kordofan (Muglad and Kadugli), White Nile, Blue Nile, and the Abyei Area.

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 Renk workshop brought together traditional authorities and administrators from the border payams of Mabaan, Manyio, and Renk counties, relevant State Commissions, Ministries, and civil leaders, including representatives of women and youth associations as well as faith leaders. The workshop format will be replicated in other States along Sudan's North-South border. This process aims to play a role in ensuring that mechanisms are developed for governing and developing the border and 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 meeting's opening session are summarized here:*

Peace is not the absence of guns and war. Peace also means that people live without fear and enjoy key freedoms. If there is anything that causes fear, there is no peace. Peace must be found at many levels but begins in the personal sphere. You should have peace with yourself, peace with your brothers, and peace with your neighbours. Dialogue, talking with each other, is important to achieve peace.

The people of Southern Sudan won key rights through the Comprehensive Peace Agreement (CPA). If the CPA had been fully implemented, a workshop like this one would not be necessary. As it stands, the opportunity to write up the needs of the border communities in northern Upper Nile State and to help these communities

consider the challenges and opportunities of cross-border relations is much needed and very welcome.

The northern payams of Upper Nile State have good relations with the people of White Nile State, but additional help and facilitation is necessary in order to promote good relations between communities in Blue Nile State.

The referendum is going to be of major importance as the people of Southern Sudan will finally have the chance to vote for themselves. However, it is important for the communities to consider their vote thoroughly. No matter the outcome, outstanding issues must be resolved by dialogue, not by force.

Since the independence of Sudan, the national government has imposed structures and systems on grassroots communities by force. This created suffering and long term instability. A country that wants to be peaceful should be governed in a different manner. Therefore the communities present should value this opportunity to share their thoughts and opinions, because they will be listened to.



Chiefs participate in a working group. 5

### 3. Visions and Aspirations

“We should all sit together, Dinka and Arab tribes, to draw the border. Then it will be a real border.” [Paramount chief Upper Nile State, May 2010]

*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 summarizes the aspirations and needs as expressed by the participants:*

#### 3.1. On Demarcation

**Aspiration: The demarcation of the North-South border will accurately reflect the map of 01/01/1956 and the process of demarcation will be implemented according to the Comprehensive Peace Agreement. Therefore the land will also be correctly divided between the North and the South.** The participants identified the need for good relations with their neighbouring communities on the other side of the border. However, they feel this can only happen if the border will be the same as it was in 1956.

**Aspiration: The paramount chiefs of the communities living in the border areas will be included in the process of demarcating the border.** Currently the local administration feel ignored in this process by the Government of National Unity and the Government of Southern Sudan. The chiefs perceive their knowledge of the location of the

border as it was demarcated in 1956 to be of intrinsic value to the process as it is happening at the moment. Their forefathers taught them where the landmarks of the border are, yet they are not involved in the demarcation process. Examples of those landmarks pointed out by the British before they left in 1956 are Yakker Mountain and Tok Tok Mountain. These are part of the foundations that were laid down by the British to mark the border. The participants find it difficult to understand how the border can be drawn from pictures taken from a plane. They believe the Border Demarcation Commission should speak to the people who have been living in the border area their whole lives.

**Aspiration: The participants want to bring together the main chiefs from the Northern and Southern side of their border area, to draw a draft of the border together.** The participants perceive that the border will be ‘real’ if they, representatives of Dinka and Arab tribes, sit together to demarcate the border. Then they want to send a representative to the Border Demarcation Commission to compare their findings and influence the process.

#### 3.2. On Peaceful Coexistence

**Aspiration: Existing peaceful relations with communities on the other side of the border will be maintained, whereas the relations prone to conflict will be improved.** The communities living in Northern Upper Nile state have good relationships with communities living in White Nile State. However, the relationships with communities in Blue Nile State are less peaceful.

An example of the latter is recurrent conflict with the community of Gulli. The participants see the need for dialogue in order to resolve the conflict. They propose to meet with the local government to set up a series of consultations.

**Aspiration: Border relations will be left to the traditional authorities and the national governments will not intervene.** It is perceived that the Central Government and the Government of Southern Sudan tend to spoil the relationships between the local border communities. However, if the relations are left to communal leadership the chances they continue to be peaceful are higher.

**Aspiration: Equal treatment of southerners and northerners.** The participants believe the living circumstances of the people in the South are much worse than those of the people who live in the North, because most of the funds for aid were distributed in northern Sudan. Southern Sudan needs more relief and developmental aid, because its populations struggle with lack of clean drinking water and lack of food.

**Aspiration: Peaceful coexistence after the Referendum in 2011.** The participants believe that this can only be achieved if the following needs are being met: 1) Demarcation of the border according to the map of 01/01/1956; 2) Demobilization of SAF and SPLA near the border; 3) Stationing of international peacekeeping forces to maintain peace at the border; 4) Tribal/community disarmament.

### **3.3. Perceived needs of populations on the Northern side of the border**

*Participants were asked what they thought the needs and aspirations were on of the populations on the northern side of the border, in White Nile State. Their response is summarized here:*

After the Referendum it is expected by the participants that the people who live in the North want nothing to do with people who live in the South and therefore the cooperation between the bordering communities will be put to a stop. Chances to maintain peaceful relations will be slim. However, if the communities can continue to dialogue and negotiate without involvement of the national governments, the prospects for peaceful coexistence will be better. The people from the North need the use of southern land for their cattle to graze and southerners need products from the North such as sugar and soap. Both communities need to cooperate together so as to help fulfil each other's needs.

The needs of communities on the other side of the border as expressed by workshop participants can be summarized as:

- Grazing land for cattle;
- Water for cattle;
- Agricultural land;
- Mineral and oil resources.

## **Text Box 2: Summary of Needs Cited by Participants**

### **The perceived needs of participants in Renk, Mabaan and Manyio Counties in Upper Nile State**

#### **Security:**

- Provision of security in the border areas through UN peacekeeping forces, not through SAF and SPLA;
- Provision of security for resettlement of the displaced;
- Provision of security for the villages in the border areas through police forces;

#### **Movement:**

- Freedom of movement for goods (trading);
- Freedom of movement for people;
- Development of grazing corridors for pastoralists and their cattle;
- Resettlement of the displaced.

#### **Development:**

- Education, including adult education and vocational training;
- Healthcare, including midwives;
- Training of police officers;
- Agricultural means for cultivation;
- Development of transport, for instance river transport;
- Support for local businesses;
- Provision of clean drinking water;



Participants intently listening to presentations at the workshop

## 4. Challenges and Opportunities

*“It is important to realize that our current living situation does not only present us with challenges, but also with opportunities to improve our relations with communities living on the other side of the border.”* [Payam Administrator, May 2010]

*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. A summary of their responses are listed in this section:*

### 4.1. Political/Security Challenges

In the realm of security, the presence of armed militia that undertake banditry and human rights violations was identified as a major challenge by the participants. The weakening of the government is another challenge as the civil administration is politicized and the local administration is excluded from governing their payams. Additionally, government officials lack training and are unprepared for their responsibilities and duties.

The delay in the process of border demarcation has created fear and insecurity for participants, because they do not know what the situation is and what the future will bring. The actual process is considered a challenge itself, because the communities in the border area are not consulted. Numerous incidents were reported where members of the commission were driven to the border payams of Renk, Mabaan and

Manyio in armoured vehicles without warning. This approach caused fear and insecurity for local populations.

### 4.2. Economic/Development Challenges

The border areas in southern Sudan have been neglected, whereas other regions were perceived to have received more developmental aid. Therefore many services are lacking in border communities such as healthcare centres and schools for vocational training.

Many people in northern Upper Nile State survive through agriculture. However, during the workshop neighbouring communities were accused of terrorizing farmers and violently taking over their land. Corruption in local government also is a significant issue, leading to families being dispossessed of their land. Stories were told of how government officials have struck names off the land register in order to reallocate land for personal and political motives. This has caused many families to be displaced.

Continuing with the topic of agriculture, other challenges were named with regards to machinery. If farmers are able to buy machines to cultivate their land, they often lack training in usage and repairing. Irrigation of the land is mentioned as a genuine challenge as well as there aren't enough water pumps in the area.

People who are not from the area cut trees for charcoal or gum that are not theirs. In addition there is a lot of cattle thievery and theft and insecurity on roads.

A major challenge in the region are the pastoralists groups and their cattle. The Falaate from West Sudan were given as an example of a group which represents a serious threat for the people in Mabaan County. Pastoralists allow their cattle to spoil drinking water and they are sometimes driven on farm land and therefore ruin the cultivation. Some pastoralists carry automatic rifles, which makes dialogue very difficult.

### 4.3. Opportunities

Throughout the workshop, participants became aware that they also have ownership of the challenges facing them. With the realization of ownership an awareness of opportunities arose regarding how to improve cross-border relationships.

Between White Nile State and Upper Nile State relations are already relatively good. Possibilities were discussed of how to further benefit from and sustain these relationships in either outcome of the referendum. Examples of opportunities are grazing corridors for animals and enhancement of trade relationships.

The relations between Blue Nile State and Upper Nile State have suffered more deeply from Sudan's two North-South civil wars. However, openings to improve these relationships have been identified. The participants suggested consultations with the local government of Gulli in Blue Nile State in order to organise mechanisms to promote reconciliation and improve their relationships through dialogue.

Traditional leaders gathering outside the workshop venue



## 5. Scenarios

*In distinction to their aspirations, workshop participants were asked what scenarios they expected to actually transpire. Their responses are recorded here:*

### 5.1. Political/Security Scenario

Communities on either side of the North-South border have enjoyed periods of peaceful coexistence, even during wartime. However, relations are currently extremely strained. The peace agreement signed by national actors in Naivasha, has not been translated into peace in the border areas. Despite efforts made in recent years, atrocities are still going on and the perception is that communities migrating into southern Sudan have no interest in peace. Participants reported on cases where pastoralists from northern Sudan violently chased southern farmers away in order to take land. Therefore a number of families and communities in northern Upper Nile State are currently displaced.

But another major cause of insecurity in the borderland of Upper Nile State are the forces of the SPLA and the SAF. An increasing presence of the SAF on the northern side of the border creates fears. Soldiers in the SPLA are also reported to steal cattle, land and violate rights in the northern Upper Nile.

Out of fear of their land being overtaken by groups from the North, southerners are most likely to opt for separation. The land in the South possesses agricultural, mineral and oil resources, which are highly sought after and valuable. In case of self-

determination, the participants expect the North-South border to become closed and the civil war to start again. The deployment of many soldiers on the northern side of the border strengthens this expectation.

A war scenario is also expected because the two parties will most likely not agree on the outcome of the referendum. The people of the North will not accept Separation and the people of the South will not accept the rule of the North under Unity.

### 5.2. Economic Scenario

In the event of self-determination, the participants expect the government in northern Sudan to close the North-South border. This means that the highway linking Upper Nile State and White Nile State will be closed. River transport on the Nile will be blocked, and air transport will be severely restricted as well.

Upper Nile State does not have factories that produce commodities such as sugar, batteries and soap. All of these goods are imported from northern Sudan into the South. Electricity is also not sourced in the South, but comes from the North. In the case of complete closure of the border, the people of Upper Nile State will not have access to these products.

There are examples since the CPA of insecurity affecting cross-border trade. A disagreement at the border of Renk regarding deployment of SPLA forces led to the restriction of barges moving to Malakal. Movement of goods to the South was curtailed. Movements of charcoal from the

South to the North was restricted. It was a situation that was economically damaging for both sides.

Traditional livelihoods will also be disrupted as militarization of the area increases. Migratory corridors will close, at least temporarily. Border communities will accept arms to protect themselves and their livelihoods.

Before or after the referendum the GoSS will restrict oil production in an attempt to gain a bargaining chip to ensure the remaining provisions of the CPA are implemented. The economy of South Sudan relies on oil for 97% of its revenue. This will lead to a financial crisis at the national and local levels.

The restriction in trade, movement, or revenues could either follow from renewed conflict, or trigger conflict in itself.

### 5.3. Social Scenario

In the event of separation with the expected scenario of border closures, movement of people is going to be extremely limited and difficult. Many Southerners in the North are displaced. There are also many Northern communities in Southern Sudan. The likelihood of problems in the post-referendum period leads a number of participants to think that Northern communities in the South should be repatriated in the North and that Southern communities in the North should be resettled in the Southern Sudan before the Referendum takes place. Their safety cannot be guaranteed and it will be arduous for them to visit

their relatives. Acknowledged is that these 'displaced' communities may no longer perceive themselves as displaced, but as settled.

In the case of unity or secession, it was expected that the border authorities will treat communities crossing the border with extra suspicion. This is often already the case. Therefore, this is deemed to further drive a wedge between peoples. In addition, the local and national power struggle over land and resources will lead to further displacement, and leave little room for rebuilding cultural ties across the border.

Representatives of civil society together in a working group



### **Text Box 3: Summary of Stabilizing Factors Cited by the Participants**

- Consultations and other regular meetings with representatives of communities across the border. These should take place at all levels of society such as government, paramount chiefs, and civil society;
- Inclusion of local administration and border communities in the process of demarcating the border;
- Demarcation of the border that is acceptable to both sides;
- Meeting the basic needs of the border communities such as access to drinking water;
- Provision of health centres and agricultural training facilities;
- Possibilities for representatives of border communities to share their ideas regarding border issues;
- Deployment of international peacekeeping forces to maintain peace at the inner border.

## **6. Historical Arrangements: Attempts at Dialogue**

*Participants were asked what historical and ongoing arrangements existed to manage cross-border relations. A summary of their examples follows:*

After a series of incidents and problems, the local government of Renk initiated a process of reconciliation between the Shilluk and the Saha. Even though not all the actors in the conflict were present, the consultation did have a positive outcome.

In 1973, chiefs of Upper Nile State attempted to have a dialogue with Arab tribes after a fight in Aljahalak in which 70 people died. A consultation to forgive each other was successful as chiefs of conflicting tribes realized each side has lost a lot of people.

From 1973 until 1981 there was a series of conflicts between the group of Nesser and the Dinka of Jahad during which many lives were lost. The government intervened to separate the two groups and there was a reconciliation in Jebelayn. The Arabs were granted freedom of movement.

The benefits of these past initiatives could be enhanced if local governments of southern and northern sides of the border areas would get together on a regular basis to address border issues. There is an understanding about the border and its problems, but the follow-up is very poor. Additionally, the paramount chiefs should regain some of their former power. They used to act as police officers and were accepted in that capacity. The cooperation between the police force and the chiefs should be renewed in order to strengthen the local administration.

#### **Text Box 4: Summary of Conflict Triggers Identified by the Participants**

- Lack of justice and equality;
- Violation of rights;
- Lack of development;
- Unequal treatment;
- Demarcation of the border;
- Greed for land and resources that are not theirs;
- If the ideas of the border communities are not included in decision-making regarding border issues.



Crossing the Nile to Manyio county

## **7. 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:*

### **7.1. Security: Joint Border Policing, Civilian Disarmament, and Military-Free Zone**

***Joint border policing and civilian disarmament as well as the development of a Military-Free Zone would improve community security along the border.***

*What?*

Disarmament at the border is necessary. This requires the removal of guns from civilians. Also, a joint border police force is needed to establish rule of law, and increase confidence in security arrangements. The police stations should be equipped with all the necessary instruments for communication, transportation, etc. Additionally, a 10 km zone free from SAF and SPLA forces is required to protect the civilians. To help the police forces, international peacekeeping forces should be deployed along the border, instead of national armies.

*Where?*

In Mabaan county, the location of international peacekeeping forces should be Jafta, neighbouring Kubuk and Bou. Concerning the border between Renk and White Nile State, a good location is the

junction between Rabak and Renk, namely Kor Gor Ayuel. In Manyio county, the town of Atidoi connects the main locations in Manyio and Kosti and is therefore considered to be a good place to deploy international peacekeeping forces.

In Renk county additional police stations should be built in Guang Baha, Dunkin, Duk Deng and Tok Tok. For Mabaan county this should be: Kortumbak, Tulbwagi, Guffa and Bukaya. In Manyio county extra stations are necessary in Aggif, Uggik, Kit Guang and Gedaed.

The only actual joint police force will be based in Jebelayn.

*When?*

A joint border police force, civilian disarmament and a military-free zone with help of international peacekeeping forces should be in place after the demarcation of the border and before the Referendum to maintain peace.

*Roles and Responsibility*

The Central Government and Government of Southern Sudan are responsible for civilian disarmament, a joint border police force, and the military-free zone. The police forces will be managed by the government of the side of the border in which they are based. This means that the police forces based on the southern side, will report to authorities in the South and forces based on northern side to the authorities in the North.

The United Nations will be responsible for the deployment of the international peacekeeping forces.

## 7.2. Justice: Joint Border Courts

***Establishing cross-border courts would promote security, support rule of law, and peaceful coexistence.***

### *What?*

Joint courts are necessary to protect the rights of people on both sides of the border of different tribes. They should be of a local and native nature.

### *Where?*

The following places have been suggested: In Renk county - Wunthau, Dunkin, Duk Deng, Tok Tok, and Guang Baha. In Mabaan county – Tulbwaggi, Jin Dinga, Jin Ding Dingu, Kortumbak, Guffa, and Bukaya. In Manyio county – Kit Guang, Oumie, and Uggik. It is not necessary to have a joint court if there is only one tribe present in the town.

### *When?*

The courts should be established after the demarcation of the border, and before the Referendum.

### *Roles and Responsibilities*

Responsible for developing these courts are the Government of Southern Sudan and the Central Government. State governments should also play a role, as should the local administration of the towns where the courts shall be based.



Tukuls in Manyio County

## 7.3. Trade and Border Markets

***Free movement of trade and traders has a positive impact on border communities.***

Free movement of trade and traders benefits all communities, promoting economic and social gains: a) It brings job opportunities; b) It improves relationships; c) It gives access to goods and supplies; d) It is easy to acquire basic needs; e) It brings small investment; f) Markets bring development; g) It will improve the movement of agricultural goods; h) It increases local revenues.

A note was made that the tax should be reduced on the trading goods.

Additionally, security for the movement of goods and people should be provided.

***Development of border markets supports reconciliation and development***

### *What?*

The markets will be used by communities from both sides of the border. Each side will sell commodities they have easy access to and the other side is in need of such as charcoal and timber to be sold by Southerners and sugar hygiene products to be sold by Northerners.

### *Where?*

The border markets should be based in the following places: In Renk County - Guang Baha, Dunkin, Duk Deng, and Tok Tok. In Mabaan County - Kortumbak, Tulbwagi, Guffa, and Bukaya. In Manyio County - Aggif, Uggik, Kit Guang, and Gedaed.



The traditional leadership in their working group

### The River Nile



## **Text Box 5: Migration and Movement of People**

### **5.1. North-South Movement by Road**

Although border communities sometimes face some harassment or delay at the border between White Nile and Upper Nile States, Sudanese citizens can broadly travel from South Sudan to North Sudan without any paperwork, and without hindrance to trade or otherwise to visit.

### **5.2. Migration Background**

Nomads graze into Tonga, Fashoda, Manyio, Renk, and Mabaan. Some have settled and have become citizens and accepted parts of the community. Both grazing and settling have created some tensions and complications around the border, but particularly settling has been problematic. Some taxation is paid to the commissioners in some areas. In other, even the chiefs are not consulted or notified by the newcomers.

Migration is friendly when compared to the Unity State experience. Agreements exist between Dinkas and migrating groups in Manyio and Renk. Renk is home to many Muslims and this can unite tribes along the border line. Occasional incidents do happen. For example, 3 people were killed in Kodak payam by the Arab Qala (Arabs of the Bush) and incidents arose in Panyika (2 people killed last year) and Malakal (5 people killed last year). These are isolated incidents, but they do affect community security, which in turn affects livelihoods.

### **5.3. Settling**

Settling is a common concern, along with the perception of being squeezed southwards, as places are renamed by newcomers. There has been little attention paid to this process, except by the monitoring of traditional authorities. There is considerable grievance because southern communities are not recognised as owners of the land by those who migrate or settle. This represents a potential flashpoint: "There is no problem with the Arabs, but there is a need to take back what was taken by force when we did not have the authority or opportunity to intervene".

### **5.4. Resolution**

In the past there were cross-border committees who met to discuss and manage issues. There were also systems in place prior to independence to mark people as they entered a territory and vice versa and hence manage movement and the rights of different groups. A 2009 meeting between the State governors of Upper Nile and White Nile and the commissioners from Upper Nile (Melut, Renk, Manyio and Mabaan) and neighbouring White Nile counties established some working systems again. Since this meeting the number of incidences seems to be reduced.

*See next page*

## **Text Box 5 continued:**

### **5.5. County Experiences with Migration Issues**

#### ***Renk***

The border in the North is between the Muharif and the Dinka. In 2010, the nomads moved around Corador in Renk County, grazed into Maban, and moved as far as Nasir. The majority of chiefs are in White Nile State but others come from Blue Nile State. They come in harmony and they will pass back in harmony. There is no serious problem between communities at the local level. Occasional problems arise with cattle entering agricultural areas, but these are not significant.

The Paramount chief of the Rufah acknowledged some principles of land ownership to the Dinka by thanking them for the use of its resources, stressing that Arab groups in the State also need development and water projects to ensure livelihoods. However, the border has been politicised as different actors compete over revenues and the Government is unwilling or unable to resolve difficult issues.

When migrating populations face problems with resources some settle, mostly around Jodah. In the 1940s, there was a Paramount Chief called Chumalee Alom. It was during his chieftaincy that groups of Arabs began to come towards Jebelayn to settle. At this time they requested permission from Chief Alom. Participants say there was no problem at this time, because they knew the land did not belong to them.

The situation has since been complicated by the Government of Sudan's interventions, encouraging the settlement of nomads in Dinka areas. According to the participants, Jodah belongs to Dinka and was the site of a number of Dinka schemes representing over 100 haveshas of cotton. At 1956, this was the official border between north and south, and called Kur Ayuel. In 1969 the Egyptian governor moved the border to Jebelayn, originally called Kur - Wi in Dinka. The border was moved from Jebelayn to Jooda after President Beshir became President. The southern part of Jooda is called Wu Than.

#### ***Manyio***

1/1/56 has been peaceful except individual incidents between SPLA/SAF in 2006. There is little problem with the cattle keepers, who are taxed for their use of the resources. However, Misseriya from Western Kordofan are entering and establishing settlements and companies for exploiting gum arabic, producing charcoal, and hunting. These people are seem to consider the land their own and squeezing local populations.

Manyio sent a committee to Southern Kordofan to discuss administering these populations, but there have been no results yet. Manyio county has not taken any action internally and it is not clear that it has the capacity to do so. Dup Correia (arabic)/Aboot (Shilluk) is the real border, but the Misseriya are now settling up to Um Jellalal. There are reports of a SAF military build up in the area. The settlers would be welcomed as citizens of Manyio county, but should not consider the land is their own.

*See next page*

## **Text Box 5 continued:**

Underlying the inactivity of county authorities in dealing with the settlement issue is the perception that the settlers are backed up by armed forces, or have military personnel among their number. The settlers would be welcomed as citizens of Manyo county, but should not consider the land is their own and have peaceful, cooperative, intentions.

The border between Manyo, White Nile State, and Southern Kordofan is at Mgnessis – a mountain – and there is still a British signpost there. Dup Correia (arabic)/Aboot (Shilluk) is a further point on the real border according to the Manyo authorities, but the Misseriya are now settling up to Um Jellalal. There are reports of a SAF military build up in the area.

### ***Mabaan***

Mabaan witnesses some more resistance as it is home to cultivators. Nomadic communities can cause problems with their animals. Mabaan also has some oil activity – there are no pipes yet, but exploration and drilling has started. This known future value is factored into the strategies of key actors.

Tribes crossing into Mabaan from Sennar and Blue Nile, such as the Fellata, Wajdab, Nabmo, and Kibishuab, encounter some resistance from local communities. There are few problems now, but there is a potential for significant issues to arise in the future. Other groups, such as the Halleib, have settled and peacefully become part of the southern community, whilst retaining their unique identity.

The Uduk people migrate across the border from Blue Nile. 2007 saw groups of Uduk and Jum Jum enter and settle in Mabaan. They are building permanent settlements, asked for farm land, and seemed to want to create problems. These people have pushed local people away from their areas. For example, in Kortumbak. As a result, there is an urgent need to demarcate the border with Blue Nile State.

Western Mabaan borders Dinka Melut, Dinka Plant, and others. 2009 saw land clashes between the Dinka Melut and the Mabaan (potentially related to the perceived presence of oil reserves). Dinka Melut started settling in Kiddo Blurea and built a settlement and a school. A 2009 clash saw nine Mabaan people killed in this area.

In South Mabaan, at Galbuk, participants said Nuer groups are preventing the Mabaan peoples from building there despite the fact the land belongs to Mabaan.

The churches in Mabaan and southern Blue Nile are in contact and these interactions could provide a model for further attempts to promote dialogue and understanding across the border. There is a need for organisations to enter and help populations resolve these issues.



Boys relaxing in the shade in Manyio county

The traditional leadership in their working group



## 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 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?

Thinking about border definitions brings us to characteristics of a stable and effective border relationship. Such characteristics may 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. Boundaries can define limits of ownership and authority, defence lines and safety. They can also define differences between groups. In the case of Sudan they are

about inclusion and exclusion.

Sometimes borders are seen as frontiers. They are dynamic and the extent of authority is often moving, maybe where its is being challenged or contested.

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, and may also be regional. The populations in these areas have to deal with the system by which the border is regulated. They have to figure out a way to deal with these systems to go on with their lives. 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, and perceptions of threat.

Soft borders on the other hand may facilitate mobility and interaction and be associated with perceptions of safety, opportu-

nity, trust, and common interest.

It is worth considering what kind of border system you want, as well as the kind of relations and how you will get them.

## **8.2. The Value of Comparative Examples**

The workshop discussed the value of comparative examples to dealing with Sudanese border questions.

Different states and communities around the world have experience of facing extremely difficult border situations. Each has approached border governance with different ideas and models, with differing 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. This is true of situations elsewhere, even if the details may differ in almost every other respect.

The situation in Sudan is unique, but some of the issues, as well as attitudes and emotions involved might be comparable to those of elsewhere. People learn from teachers because the experience of the teacher is different to that of the student.

Communities who have experienced war sometimes possess a “conflict memory”. This focuses the mind on the uniqueness of local experience, and makes it difficult to consider or compare what is happening in other parts of the world. This is justified in order to recognize and cope with suffering, but it can also lead to missed opportunities

to learn from elsewhere.

## **8.3. Borders affect people: Berlin**

The division of Germany was discussed as an extreme example of how a change in the border regime can affect economic, social, and security relationships between communities. The division took place in 1945 but it took 16 years before the gun towers and barbed wire signaled, in 1961, the coming of the wall and people were prevented from crossing the city.

The wall was not expected by communities. Ministers of East Germany publicly announced that ‘no one has the intention to erect a wall’ just three weeks before construction began. The surprise decision was announced without consultation with communities and immediately before its implementation. There was no time to plan. The decision had a huge impact on the livelihoods and social relations of communities on either side. Families were affected; employees were separated from their jobs; trade relations were cut off; and rights were changed.

## **8.4. Institutions Matter: Examples**

The impact of a border on social relations, trade relations, and rights depend upon how the border is governed. A number of examples were presented from around the world. These included:

Cameroon and Nigeria agreed at the diplomatic level to resolve competing territorial claims on the Bokassi Peninsula. Cameroon took the territory but both countries would

jointly manage and benefit from the oil revenues. These arrangements were made before the transfer of territory and demarcation of the border. They ensured that there were fewer clashes at the elite level over the demarcation decision. However, citizenship arrangements were not so clearly arranged prior to the border demarcation. Nigerians in Cameroon became “second-class” citizens, without adequate protection from the State.

The European Union: has achieved a zone in which goods and people can move freely, just 60 years after total war.

Tunisia and Algeria: negotiated a special trade agreement for border communities which was integrated into national treaties.

Finland and Russia: set up pastoralist parliaments to negotiate and to secure their livelihoods after insecurity related to pastoralist migrations.

Israel-Palestine: Israel constructed a wall between Israel and the Palestinian territories. The reason given for the wall is to prevent violent elements crossing into Israel. The wall has separated many Palestinians from their farmlands, which sit on

the other side of the wall. The result is serious economic problems, amongst others, for border populations.

Eritrea and Ethiopia: The lack of agreement and guarantees on the status of people of Eritrean descent in Ethiopia led to massive population movement.

Sudan: Closed District Ordinances were adopted in the 1920s. The stated aims

included the control of slavery and protection of cultural and religious differences. Northern traders were prohibited from traveling to the South. It also restricted employment of Southerners in



the North and the movement of ordinary citizens around the country. The border regime had long term repercussions. The policy isolated southern Sudan and restricted trade and development.

Other initiatives discussed in the meeting included the East African Community (Uganda/Kenya/Tanzania/Burundi/Rwanda), the Southern African Development Community (SADC), and the Economic Community of West African States (ECOWAS): Three regional organizations promoting socio-economic and security cooperation and integration.

## ***Text Box 6: General Recommendations of Principles to Inform Debate on Cross Border Relations and Post-2011 Arrangements***

***The following recommendations are the summary of the three days deliberations and they should be implemented to support peaceful relations in the border areas beyond 2011.***

### ***On demarcation***

The populations of northern Upper Nile are dissatisfied with the border demarcation process.

They have lost significant agricultural lands as a consequence of the recent demarcation.

They dispute the demarcation. They do not believe that it accurately represents the 1/1/1956 border.

They say that Khor Ayuel is the location of the 1956 border.

They say that their traditional authorities should have been involved in the demarcation process, because they have the historical knowledge of the location of the border. The traditional authorities of the communities from both the north and the south would be able to agree on the accurate location of the 1/1/1956 border if they were involved in the demarcation process.

When community representatives and traditional authorities have attempted to engage with the official demarcation teams, they have been ignored, intimidated or assaulted.

### ***On Cross-Border Relations***

Insecurity is the most significant challenge faced by border populations. The security of their lives and property is their highest priority. They require that the rule of law is upheld and people's rights are respected.

Border communities are also in need of basic social service provision. Police stations, courts, clinics and medical stores, veterinary services, clean water supplies, schools, transport infrastructure and electricity are all required in the populated areas along the border. The administrators, civil leaders and traditional authorities of these areas can identify the specific locations where such services should be established.

Services in the border areas should be available to local residents and migrating populations from the North.

More police stations and police officers are needed in the populated border areas.

The role of the police should be to work for the local communities, to protect their property and physical safety from violence, and to protect people's rights and the rule of law.

See next page

**Text Box 6 continued:**

However, the presence of military forces in the border areas is contributing to increased tension and insecurity. Therefore, the border areas should be demilitarized. The SAF should move 10 km to the North of the 1/1/1956 border, and the SPLA should move 10 km to the South of the 1/1/1956 border. No military equipment or military installations should be within 10 kilometres of the 1/1/1956 border. But the police forces should remain in these areas.

Courts are necessary in the border areas to maintain the rule of law and to protect people's rights. Traditional authorities and official state authorities should be involved in courts.

In areas where there are mixed communities and populations from the other side of the border are present, traditional representatives of all groups should be involved in court proceedings.

Roads and bridges should be built to connect populations living along the border and across the border, as should river transport. This will support connectedness and the commercial and agricultural interests of the border populations. Having such connections is in the interest of all populations along the border, on both sides of the border.

Free movement of people and goods across the border is in the interest of the border populations. Freedom of movement should be supported by the security forces.

These recommendations will be of long term benefit to the border populations in the event of either possible outcome of the referendum – Unity or Separation.

Children playing in the Nile



## **Text Box 7: 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 prioritize 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 Center 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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