



Cross Border Relations Beyond the Referendum Coexistence and Sustainable Peace

Resolutions of a workshop facilitated by Concordis International in partnership with the University of Juba Centre for Peace and Development Studies with support from the European Commission and the United States Agency for International Development

***Bentiu, Unity State, Southern Sudan
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This workshop brought together over 100 government officials, native administrators and traditional authorities and representatives of civil society from the States of Southern Kordofan (Muglad, Talodi and Kalogi), Northern Bahr al Ghazal (Aweil), Unity State (Rubkhona, Mayom, Abiemnom, Pariang, Bentiu) and the Abyei Area.

The purpose of the following recommendations is to maintain peace and development in the border areas and to foster the conditions under which peaceful co-existence, security, trade and development can be enjoyed by the communities living, moving and working on both sides of Sudan's North-South border. These recommendations will assist in establishing and maintaining peace whatever the outcome of the referendum to take place in southern Sudan.

The discussions that have led to these recommendations have taken place under the headings of (i) Trade and Economic Relations, (ii) Justice, Rights and Citizenship and (iii) Security.

These recommendations are a synthesis of the work of 3 working groups comprised of (i) government officials, (ii) representatives of native administrations and traditional authorities and (iii) representatives of civil society (including women's and youth groups). The recommendations have been adopted in a plenary meeting of the workshop and have been read to the Acting Governor of Unity State.

These recommendations are now provided under the following headings: General; Trade and Economic Relations; Administration of Justice; Infrastructure and Services; Citizenship and Rights; Security; and External Assistance.

General

- Whatever the outcome of the referendum communities along the border need to maintain, develop, and manage peaceful relations between themselves.
- The raising of awareness among local people about the benefits of peaceful coexistence will help to protect peace at the border. The whole population should be involved in this process.
- The interests of government and communities sometimes conflict. Border populations should be empowered so that they can engage with issues that affect their communities.
- Border populations on both sides of the border are marginalised peoples. They need basic services and improvements to livelihoods. Water, electricity, health and education need to be developed.
- Sports activities should be conducted between communities and societies along the border.

Trade and Economic Relations

- Security is a precondition for the development of economic activity.
- All-season roads are needed to facilitate and improve trade.

- Taxation and customs duties should be designed in such a way as to promote free trade. Double taxation must be prevented. It causes escalating costs and reduces trust.
- Mechanisms to ensure cross border justice will improve trade relations. These are no such mechanisms currently in place.
- Risks and threats to trade and economic relations are:
 - armed robbery
 - small arms trading at the border
 - weakness of the rule of law.

Border Markets

- Border markets contribute to peaceful relations between communities at the border. Existing markets are known to communities and should be strengthened. Further markets should be established by local government in cooperation with native administrations. There should be a commission for markets and traders and the Governments in Khartoum and Juba should be responsible for providing security.
- The location of markets should be decided by the people. This decision should rest with the communities.
- Provision of security in market locations in particular, and at the borders generally, is extremely important.
- Market places should be completely demilitarised and free of small arms. Weapons should not be carried into border markets and joint committees should establish special measures to ensure this is the case.
- A civil office should register traders in a particular market or area. There should be local rules and principles for the conduct of trade and these rules should be developed by local government.
- Taxes and customs duties should be reduced on commodities traded in border markets.
- Awareness raising and increased understanding is needed between traders and among consumers around cultural norms, language and economic practice on each side of the border. Increased understanding will reduce tension and the potential for conflict.

Administration of Justice

- Joint courts should be established at the border.
- Traditional courts should be depoliticised. Politicisation has reduced their effectiveness in providing justice.
- There should be clear rules for responding to criminality and implementing punishment.
- Rules, regulations and punishments should be understood by the local and native administrations before they are passed or put into effect. They should be appropriate for the communities.
- Criminals who commit crimes on one side of the border should not be protected by communities or administrations on the other side.
- Native administrations at the border should form a joint mechanism to help resolve crimes committed and disputes that take place at the border. The mechanism should ensure that chiefs are able to follow up crimes taking place on either side of the border. This will require a permanent channel of communication between chiefs and native administrations on either side of the border.
- There should also be a joint committee to provide justice on issues between cattle herders and farmers. Traditional reconciliation councils composed of community leaders and chiefs should be established. The state government should ensure that such councils are formed.
- Institutions for reconciliation between different states should be given the necessary powers to administer justice. Except where crimes are so serious that they should be tried by the civil courts, traditional councils are better than the state court and judicial system because they provide an opportunity for the opinions of the communities to be taken into account.
- There is a need for capacity building for the native administration on both sides of the border.

Infrastructure and Services

- Numerous projects are urgently required at the border. Joint committees should be formed to identify their locations.
- The Governments and international organisations should support construction and accessibility of roads. All roads should be safe and secure, especially the road from Muglad to Abyei and the roads between Heglig, Leilak, Nyama, Kharsana and Kelak/Konlek. The means of transport between different locations along the border should be provided without restriction. Such roads will also enable the police to provide security more effectively and respond more effectively to the needs of the population.
- Water resources should be available for nomadic people and domestic animals. Water points should be developed and increased to facilitate peaceful movement, reduce conflict over natural resources and improve livelihoods.
- Health centres and veterinary clinics should be developed and maintained.
- There should be financial institutions to support activities along the border.

Citizenship and Rights

- Citizenship and associated rights should be provided for all Sudanese whether they are from northern or southern Sudan. No one should become stateless.
- Issues relating to passports and identification documents should be addressed by the executive branch of the Government, or the two Governments in the case of separation. In the case of separation, each individual resident in the border area should have the right to decide whether he or she is a citizen of the North or the South.
- Guarantees for free movement of nomadic groups should be assured by the governments in Khartoum and in Juba to ensure such communities can move freely along routes they have traditionally used.
- The security of nomadic groups, cattle owners and farmers should be guaranteed by the relevant state authorities. Nomadic tribes should also respect the rules of the states through which they move. These conditions are applicable whether the country remains united or separates.
- Property rights should be respected after the referendum whatever the result. In the case of separation people in the South should keep their rights to property in the North and people in the North should keep their rights to property in the South.
- There should be no discrimination based on religion, sex, race or cultural difference.
- Freedom to practice one's religion should be guaranteed. Christianity and Christians should be respected in northern Sudan and Islam and Muslims should be respected in southern Sudan. Other African religions should be respected everywhere.
- Freedom of expression should be guaranteed.
- There should be awareness raising to promote respect for either referendum outcome.
- International standards regarding the rights of individuals should be applied to all persons whether there is unity or separation.

Security

- Existing mechanisms should be strengthened and developed.
- Lessons should be learned from models such as the mechanisms managing relations between the Dinka Malual and the Reziegat and Misseriya.
- A joint border police force should be established to provide security and establish the rule of law at the border.
- State governments at the border should organise the police to provide security in cooperation with the native administration.
- Migration routes should be organised and coordinated to ensure safety and security of nomadic tribes and host populations as they move across the border.
- Migrating tribes should be accompanied by a representative of the civil administration so movement can be monitored and communicated to the authorities and localities through which they move, and security can be managed.

- Border committees:
 - Joint committees should be established between communities along the border in order to work in cooperation with local authorities to resolve key issues and coordinate responses to challenges. This will address the lack of coordination between local administrations such as those in Pariang and counties in Southern Kordofan.
 - The composition of the border committees will include the paramount chiefs, subchiefs, and elders of all tribes and representatives of civil administration.
 - The government should provide payment and resources to generate incentives in the structure.
 - Communications and transportation should be provided to the border committees to facilitate their work.
 - Capacity building for the border committees should take place through joint workshops.
 - Systems of communication should be established between the border committees and the local administrations.
 - One international organisation (for example Concordis International) should coordinate and develop the work of border committees and work for continuous peace building along the borders.
 - The presence of a neutral body is extremely important as it will enable free movement across the border.
- Security committees should be established at the state, county, payam, and boma levels. This is in addition to the work of the native administration. The committees should coordinate with the police and security organs.
- Regular conferences at places along the border should take place to deal with issues of security and peace.
- A continuous process of exchange visits should be undertaken between peoples along the border.
- Joint workshops should be conducted continuously along the border especially to build capacity among the native administration and traditional authorities. These workshops should encourage a culture of peace and move populations away from a culture of war.
- Security reports should be exchanged between the states across the border. The local authorities should open up regular communication channels. There should be exchange visits between officials and communities so that people exchange information on security issues.
- Communication channels connecting the border areas should be established. This involves mechanisms for meeting but also infrastructure and technological investment.
- Radio services should be available to communicate issues pertaining to the borders and increase communication and understanding between communities.
- The spread of arms among civilian populations should be halted.
- Civilian disarmament should be completed, especially at the border. The DDR Commissions should undertake disarmament in coordination with the local authorities and native administrations.
- Military positions should be far from inhabited and residential areas.
- A joint committee should address the issue of children and women abducted during the war.

External assistance

- The international community has a role in peacekeeping and guaranteeing security at the border. This should support the formation of joint courts and the efforts of native administrations and traditional authorities. In particular, if local mechanisms fail, the international community should be invited to fill the gap.
- The international community, community based organisations and governments should support conflict resolution activities at the border.