

SUDAN BORDER MANAGEMENT AND SECURITY

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An Introduction to Issues in Border Management

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Summary

- 'Border Management' means different things to different users of the concept. This is to be expected in view of the multiplicity of perspectives and interests in the subject. The first section of this briefing therefore focuses on conceptual issues in a discussion of the relevant basic but contested concepts to clarify their uses.
- The first segment is followed by the discussion of the global and comparative historical manifestations of the evolution oscillation between 'Open' and 'Closed' borders and borderlands, based on the 'Ideal' type.
- The third outlines the evolution of policy choices in post-Independence Africa, from the inherited initial stage of African borders being **barriers** in the on-going era of the African Union (AU) that succeeded the OAU in 2002.
- The fourth and concluding segment is focused on the choice of border approach for the management of the North-South Sudanese border in light of global and African Continental trends.

Introduction

'Border Management' means different things to different users of the concept. This is to be expected in view of the multiplicity of perspectives and interests in the subject - surveyors; regional development planners; law-enforcement operatives, including state intelligence and security community; the defence industry; peace and conflict resolution practitioners; academics of diverse disciplinary locations in mathematics, geodesy, history, geography, law, political science, anthropology, sociology, psychology, ethology, engineering, epidemiology, cross-border cooperation and regional integration policy promoters, to focus on the principal brackets of stakeholders.

Tim Daniel, a well known border legal expert and jurist, has reflected this multidimensional character of the meaning when, in his 'Lexicon of Boundary-Making' in **Boundary Delimitation and Demarcation, An African Union Border Programme Practical Handbook** (AUBP:

Addis Ababa, 2010), he has observed at page 217 that: *"This includes several management issues of on-going concern for both states in the borderland area such as: maintenance of the boundary pillars/marks/tracks; management of transboundary resource such as water, mineral deposits and/or oil and gas; transboundary environmental management for conservation areas; as well as security and access management of cross-border movements. These management issues are best addressed through bilateral cooperation and can pave the way for economic development of borderland areas."*

This multidimensionality points to a two-fold need:

- preliminary clarifications of this and closely inter-related but similarly contested concepts such as **boundary, border, frontier, borderlands and 'cross-border areas'**, and
- a clear indication of the specific approach or perspective chosen for emphasis.

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To start with the issue of perspective, it should be stated that, given that the specific concern in this essay is about relevance to the management of the border between Sudan and newly independent South Sudan, in the context of the on-going implementation of the African Union Border Programme (AUBP), the emphasis is on the over-all goal and common commitment of the two States to the vision and mission of the African Union, including, especially, the promotion of African cross-border cooperation and wider regional integration as strategies for stemming and preventing conflicts and accelerating sustainable development. Thus, while not ignoring the importance of the 'maintenance of boundary pillars' or policing the border and keeping out cross-border crimes and criminality, the emphasis is on aspects of meaning that have to do with peaceful and collaborative 'management of transboundary resources', including 'transboundary environmental management for conservation areas', based on proactive cross border cooperation that 'can pave the way for economic development of borderlands areas' and meaningfully contribute to the deepening of the African integration process. In this perspective, border visibility and border enforcement become means rather than ends in themselves, facilitators of the practice of 'open' rather than 'closed' border regime.

The rest of this brief is organized in four sections. The first, focusing on conceptual issues, completes the discussion of the relevant basic but contested concepts, to clarify the use(s) in the essay. This first segment is followed by the discussion of the global and comparative historical manifestations of the evolution or oscillation between 'Open' and 'Closed' borders and borderlands, based on the 'Ideal' type. The third will outline the evolution of policy choices in post-Independence Africa, from the inherited initial stage of African borders being **barriers** in the era of the Organisation of African Unity (OAU) to their now being radically re-educated to become **bridges** in the on-going era of the African Union (AU) that succeeded the OAU in 2002. The fourth and concluding segment is focused on the choice of border approach for the management of the North-South Sudanese border in light of global and African continental trends.

Definition of Basic Concepts

The term '**border**', so commonly encountered in Anglo-American literature and popular media¹, simply refers to an **international boundary**, more frequently found in British and European research and scholarly documentations and mass communications as '**Frontier**'. Thus, for the purpose of this brief, a **border** is identical in meaning to a **frontier**, an international boundary or a legal delineation and demarcation that defines and distinguishes territories of sovereign states from one another. While **borders** are the best known example of the **spatial category** of **boundary**, it is essential to appreciate the fact of other manifestations than those of state territories. There are borders 'beyond borders', so to say!

Simply put, a **boundary** is a line of demarcation or differentiation, a **limit**; and to set boundary is to set the limit or limits of an entity. Indeed, the more fundamental Latin root, **lime**, means limit, and, so, border studies are occasionally termed **limeology**². More generically, boundary-making is one of man's fundamental capacities and capabilities, ability to define, identify, analyse, differentiate and discriminate. Psychologists and psychoanalysts trace it to the instinctive stimulation of the right and left cerebral spheres, to produce a binary disposition to, integrate or separate, unite or disunite, love or hate. Boundaries may be spatial, as we have seen in its manifestations in the making of state territories, or non-spatial as in the equally crucial cases of functional entities such as cultures, especially, religion and language; ethnicity; race; organisations and institutions; professions and occupations; social class; generation gaps and gender. 'Mental boundaries' or 'Walls in the Head', the other alternative references in academic literature to non-spatial boundaries³, can be far more challenging and difficult to demolish than 'walls' and security 'fences' along spatial boundaries, especially as in the specific case of the border and borderlands between Sudan and the newly independent sovereign Republic of South Sudan, where issues of culture (religion and languages), race and ethnicity combine with those of resource-endowed borders and borderlands. These inherent interconnections explain the multidisciplinary of the subject of boundary, including the sub-category of borders or international boundaries.

Similarly, **borderlands**. Ordinarily, the reference here is to lands and peoples in close proximity to a border or an international boundary and where daily life and living are significantly impacted by such geographical locations. Though often perceived and administered unilaterally by the State in charge of the one or the other side of the border, borderlands on one side are generally so historically, ethnographically and naturally interconnected with those on other that policies and developments on the one naturally have implications for those on the other side. It is this compelling indivisibility and the on-set of the regional integration process every where, notably in Europe and Africa, that has led to the more acceptable alternative perception and identification as 'Cross-border Areas' and the introduction of development planning as 'regional' rather than just 'national' responsibilities.

Depending, then, on the policy put in place by the states on each or both sides, borders and borderlands may be 'open' or 'closed'; collaborative and cooperative or conflictual. This situation of binary opposition, posed by borders and borderlands, has been a subject of observation by generations of scholars and experts. It was what propelled Lord Curzon in his famous Romanes Lecture at Oxford in November 1906 to note that 'Frontiers are the razor's edge on which hang suspended the modern issues of war or peace, or life or death to nations'. Raimondo Strassoldo, the renowned

Italian sociologist of international boundaries, upheld the view when, in a 1989 publication⁵, he opined that 'spatial boundaries, have ambiguous features: they divide and unite, bind interior and link it with the exterior, are barriers and junctions, walls and doors, organs of defence and attack', and, of frontier areas or borderlands in their national or unilateral settings, Strassoldo has also noted that they 'can be managed so as to maximize any of these functions'; for, as he argued, borderlands or border areas 'can be militarized as bulwarks against neighbours, or be made into areas of peaceful interchange'. For Felix Gross, another European expert, writing in 1973, a border, rather than being a paradox or an ambiguity, is a continuum, with cooperation at one end, and conflict at the other; and border relations oscillate between the two extremes, depending on the policies in operation in the State on either or both sides⁶.

Global and Comparative History

The reading of the history of borders and border relations indicates that the oscillation is essentially between the two policy extremes of cooperation and conflict; or, to return to Lord Curzon, 'peace or war', or 'life or death'. As may be easily illustrated with the evolution in Europe since the birth of nation-states, based on the Treaty of Westphalia of 1648 which ended the Thirty-Year Religious Wars of 1618-1648, the period up to the outbreak of the Second World War of 1939-1945 was one of continual international conflicts, mostly territorial in nature, including the imperialist expansionist wars that led to the European colonization of non-European lands and peoples in Africa and elsewhere. However, while pre-1945 Europe of the classical nation-states was predominantly one of mostly territorial and border wars and attendant human tragedies, the worst being the War of 1939-1945, the post-1945 era has been one of a strong collective determination to end the era of wars and, consequently, embrace peace through irrevocable commitment to the regional integration project, galvanized by a systematic engagement with cross-border cooperation policy promotion and a special development focus on the hitherto adversely affected border regions and populations.

As it is too well known to require being further detailed here, this second phase of the evolution in Europe began with the initiatives taken in Western Europe by the six States who became the foundation Members of the European Economic Community, including the leading ones among them, who colonized Africa. The membership has since been substantially expanded into present-day 27-Member European Union, including the so many in Central and Eastern Europe which became members, following the liberation that came with the collapse of communism and the dissolution of U.S.S.R in the early 1990s.

Oscar Martinez's fascinating comparative analysis (see chapter 1 of his **Border People: Life and Society in**

the U.S.-Mexico Borderlands, University of Arizona Press, 1994) has, of course, demonstrated that the evolution of borders and borderlands has not been at the same pace as in Europe. Attention is drawn to the persistence of the tradition of the era of the Cold War in the sealed border structures between the North and South Korea; and the securitization, propelled by the tragic terrorist attacks on the United States of America on 11 September 2001 and reprisal wars against Afghanistan and Iraq. This latter event has led to 'improvements' which have moved border security from the protested 'Tortilla Curtains' along the border with Mexico in the 1970s to today's more restrictive surveillance structures and policing equipment on all of U.S. border and borderlands, but more particularly with Mexico. Elsewhere in Asia, outside the Korean Peninsula, the experience has been one of a mixture of the relatively 'closed' and the relatively 'open' borders and borderlands, China exemplifying the one; and South-eastern Asia States, experimenting with regional integration, illustrating the other.

What Border Management Policy Options for Africa?

To answer this question is to remember that, at continental level, border management policy making would appear to have passed through more or less the same two broad phases as has been the experience with Europe which, in the first instance, colonized Africa and implanted it with today's modern territorial structures and their originally imperially imposed borders, poorly and incompletely delineated and only partially demarcated. In spite of the widely shared awareness of the defects and inadequacies, border policy making of independent Africa may be traced to the relevant provisions of the OAU charter of 1963 and the follow-up Cairo Declaration of 1964, whereby Member States solemnly made the commitment to maintain and respect borders inherited at Independence. This was a wise decision, as it helped to head off the specter of widespread conflicts, if not chaos, and ensuring continental peace, which border redrawing, alternatively advocated by some, would have engendered.

This initial policy of border inviolability or 'intangibility', based on the legal doctrine of 'utis possidetis' or having and holding as inherited, had the additional advantage of doing away with unnecessary detractions, thus enabling the newly independent states, individually, to concentrate on the challenging task of nation-building within the inherited artificial territorial frameworks and, collectively, to focus in solidarity on the liquidation of whatever vestiges of formal European imperialism and colonialism were left on the continent. This solidarity, which involved substantial material and human support on the part of the already independent states, led not only to the subsequent liberation and independence of such former Portuguese colonies as Guinea Bissau and Cape Verde in West Africa, and Mozambique and Angola in Southern Africa but also the freedom of former U.N.

Trusteeship Territory of Southwest Africa, which attained independence as Namibia, the former British Southern Rhodesian which became today's Zimbabwe, and, finally, the liquidation of the Apartheid Regime in the Republic of South Africa. No doubt this initial policy for maintaining the status quo on border and borderlands question worked to stem the detractive tide of a continental conflagration of deadly border disputes.

However, as several incidents in the 1960s through the 1990s would go to show, such as the border wars between Algeria and Morocco, Morocco and former Spanish Northwest Africa, Mali and Burkina Faso, Senegal and Guinea Bissau, Senegal and Mauritania, Ethiopia and Somalia, Somalia and Ethiopia, Ethiopia and Eritrea, Eritrea and Djibouti, Cameroon and Nigeria (just to mention a few examples), clamours for change of the **status quo** have continued unabated. That scholarly debates and popular advocacy for boundary re-drawing never ceased is evidenced in the International Conference on 'Improving African Boundaries', significantly hosted by the Centre for African Studies of the highly influential School of Advanced International Studies of the Johns Hopkins University, Washington, DC, with a grant of the high-profile U.S. Institute of Peace in April 2003. So, of course, were the responses, in and outside academia, for the alternative position of continuing to retain the boundaries but converting them from the **status quo of barrier** functions into more welcome new roles as **bridges**, consistent with the ever increasing seriousness about the regional integration drive.

The upshot is the formal adoption of the African Union Border Programme (AUBP) by the African Union at the Summit of the Heads of State and Government in Accra, June 29, 2007, based on a solemn Declaration of the first ever Conference of African Ministers In Charge of Border Issues in Addis Ababa, June 7, 2007. Based on a special grant of the German Ministry of Foreign Affairs and administered by the German Technical Co-operation (GTZ) Office for the AU and the UN African Economic Commission in Addis, the AUBP implementation process has proceeded quite steadily since 2008 and significantly impacted on each of the three principal dimensions of the Programme, namely:

Acceleration of the Delimitation and Demarcation, with substantial allocation of the funds for the actual demarcation of Mali-Burkina Faso border in ECOWAS and Mozambique borders with neighbours in SADC (Southern Africa Development Community);

Cross-Border Cooperation on the Koulikoro sector of the Mali-Mauritania border in West Africa; and

Capacity Building, as evidenced in the establishment of the AUBP Unit, an operating office in the Conflicts Management Division of the Department of Peace and Security of the African Union Commission in Addis, as

well as substantial support for infrastructural improvements, and two training programmes (Train-the-Trainers Programme in International Boundaries and Borderlands Studies and a Nigeria-Benin Bilateral Pilot Executive Border Policing Workshop) at the African Regional Institute, Imeko, Nigeria, in 2008.

The remarkable progress made has been affirmed in the **Declaration on the African Union Border Programme and the Modalities for the Pursuit and Acceleration of the Implementation**, adopted by the Second Conference of the Ministers In Charge of Border Issues in Addis Ababa, March 2010. The point here, reflected in the authoritative policy statement of the AU Commissioner for Peace and Security at this year's maiden edition of the African Border Day, last June 7, is that:

By adopting the AUBP, African leaders have clearly expressed their commitment to maximize the junction and bridge aspects of the African borders and ensure that they are managed in such a manner to contribute to the achievement of two key objectives of the AU, namely the structural prevention of conflicts and the deepening of the ongoing integration process (see the AUBP brochure, African Union Border Programme, Uniting and Integrating Africa Through Peaceful, Open and Prosperous Borders, Addis Ababa, 2011).

What Border Management Policy Choice for South Sudan and Sudan?

Against backgrounds of the global and African continental trends and contemporary historical contexts, noted above, and bearing in mind the prospects and challenges posed on the border between the new sovereign Republic of South Sudan vis-à-vis the territorially dominant remainder of the older Federal Republic of Sudan to the north, what credible border management approaches are available for adoption by policy makers in the two sister states on both sides vis-à-vis each other?

It takes two to tango; and we have insisted on the reference to both Sudan and South Sudan as 'sister states' because, as we have seen in our introductory discussion of the conceptual framework for this essay, border is, ultimately, a matter of relationship; and, as several authorities have argued quite convincingly, notably Henry Starr and Benjamin Most (1976), 'The Substance and Study of Borders in International Relations Research', **International Studies Quarterly** (Vol.20 No 4, Dec., 581-620), the range of possible actions or state policies is severely limited to one out of only two options: to love or to hate; to settle differences or continue to quarrel; to be at peace or remain at war; to live or to die; to cooperate or to remain in conflict; to contribute to 'uniting and integrating Africa through peaceful, open and prosperous borders' or perpetuate the tragic tradition of continental destabilization through avoidable border wars and attendant prolif-

eration of lethal arms and weapons that bring nothing but generalized human misery.

In his weighty policy statement, contributed to the debate at the Meeting of Governors of South Sudanese States abutting the problematic northern border on "Informing Strategies for Border Management and Security Between North and South Sudan", Juba, June 13-14, 2011,⁷ Honourable Pa'gan Amum Okiech, Honourable Minister of Peace and CPA Implementation, provided the high-profile participating State Governors, Local Government Commissioners, Traditional Rulers, representatives of civil society organisations; political activists and top-level national and international experts with very vital tit-bits on the choice of policy position by the Government of South Sudan (GOSS). Acknowledging that the Independence of South Sudan was coming at a time and into a world of full-scale globalisation and renewed African regional integration to meet the challenges, the Honourable Minister ruled out the policy option of 'closed borders' against any of the neighbouring States, including, of course, the Republic of Sudan.

With particular reference to the North-South Sudanese border, the Minister pointed to several factors of indivisibility and inseparability: the land; several of the key populations; primordial ethnic and kinship ties; shared cultures; infrastructure, including transportation and communication networks; straddling strategic resources including mineral oil and gas; water; pastures; flora and fauna; interdependent occupations, notably animal husbandry and crop farming, nomadism and sedentary agriculture – all of which point to inescapable interdependence and the imperative of collaboration rather than isolation and continuity of conflicts. Happily, the north-south border management policy perception, so articulated for the Republic of Southern Sudan, is not substantially different from the expressed position of sister Republic of Sudan to the north, judging from several key policy statements emanating from Khartoum, including by His Excellency,

President El-Bashir, to the effect of a commitment to the promotion of a 'soft' rather than 'hard' border regime with the Republic of South Sudan, no matter the present challenges. The President's historic visit to and statements in Juba, just before the Referendum, and his prominent presence at the Independence celebration on 9 July 2011 add some weight to these policy statements. The support given by the Government in Khartoum to the articulation, consolidation and ongoing implementation of the African Union Border Programme since its inception in June 2007 is also notable.

This over-arching consensus on principles to guide the two Government's policy positions on the management and security of their common border and shared borderlands, *if applied*, can be expected to contribute to the accelerated evolution of the international boundary and borderlands between South Sudan and Sudan into an African exemplar of a successful transformation from being a 'barrier' into becoming a veritable 'bridge' of mutually beneficial interactions and enduring relationship between the two states. Such bilateral reciprocity, exercised within the wider context of a common commitment to the ongoing implementation of the African Union Border Programme and the deepening of the continental integration process, would provide the solid foundation for good border governance that alone would guarantee the success of all other aspects of border management and security, including collaborative actions to sustain current efforts at demilitarizing the border areas; fast-tracking the border demarcation; organising joint border security surveillance to keep off cross-border crimes and criminality; and, above all, engaging in the systematic and accelerated development of the shared cross-border areas and its resources, thus bringing the succor of enduring peace to a war-fatigued land and people that seek nothing more from the two states and governments.

NOTES

1. For 'Border', notice CNN tune of '**Beyond Borders**' and, on a more serious note, see Tim Miller's bestseller, **On the Border, Portraits of America's Southwest Frontier** (Ace Books, New York, 1981), and the several entries in the more scholarly encyclopedia, **Borderlands Sourcebook, A Guide to the Literature on Northern Mexico and the American Southwest**, Co-Edited by Ellwyn R. Stoddard, et al (Norman: University of Oklahoma Press, 1983). On 'Frontiers' as borders, see, particularly, Lord Curzon (1907), **Frontiers** (Oxford University Press) and, especially, Malcolm Anderson, a leading British authority, in his several publications including **Frontiers: Territory and State Formation in the Modern World** (Cambridge: Polity Press, 1996), and **The Frontiers of Europe**, co-edited with Eberhard Bort (London: Frances Pinter, 1998); P. de la Pradelle (1958), **La Frontiere, etude de droit international**, Paris
2. Strassoldo, R. (1987), '**The Study of Boundaries: A System – Oriented Multidisciplinary Bibliographical Essay**', in *The Jerusalem Journal of International Relations* vol.2. No.3
3. See, William F.S Miles (1998), **Bridging Mental Boundaries in a Postcolonial Microcosm, Identity and Development in Vanuatu** (Honolulu, Hawaii, University of Hawaii Press) and Christopher Harvie (1996), **The Wall in the Head** (Edinburgh: International Social Science Institute, University of Edinburgh)
4. Lord Curzon, already referenced in Note 1
5. Strassoldo, R. (1989), '**Border Studies: The State of the Art in Europe**', in Asiwaju, A.I and P.O Adeniyi, Eds., **Borderlands in Africa: A Multidisciplinary and Comparative Focus on Nigeria and West Africa** (Lagos: University of Lagos Press): p.393
6. Felix Gross, (1973). '**Ranking Tension Areas**' in R. Strassoldo, (ed), **Boundaries and Regions: Explorations in the Growth and Peace Potentials of the Peripheries (Proceedings of the Conference on 'Problems and Perspectives of Border Regions**, ISIG, Gorizia, 24-27, March, 1872), Trieste, Italy, Edizioni LINT)
7. The Ministry of Peace and CPA Implementation in the Government of South Sudan requested support from Concordis International to organise the workshop, which aimed: to inform and equip South Sudanese government officials with guiding principles, technical knowledge and practical experiences in border management; to facilitate dissemination of this knowledge to a wider group of South Sudan officials involved in North-South border management at the central, state and local government levels; and to enable and facilitate discussion between South Sudan officials from local, state and national governments on state and local challenges and strategies related to border management.