



## ***Building Stability and Prosperity through Peaceful Cross Border Relations Bentiu, 1-2 September 2011***

### **Resolutions of a workshop facilitated by Concordis International with support from the Ministry of Peace and CPA Implementation and the Government of Unity State**

This workshop brought together over 40 government officials, traditional authorities and representatives of civil society from Unity State, South Sudan. Participants hailed from the state capital Bentiu as well as from the counties which border the Republic of Sudan.

The conference reviewed, updated and amended recommendations developed through a Concordis-Centre for Peace and Development Studies 'Cross Border Relations Project' and agreed at a regional event held in Bentiu in October 2010. That process of developing the resolutions included workshops along both sides of the North-South border and a regional workshop that brought together over 100 government officials, native administrators, traditional authorities and representatives of civil society from the States of Southern Kordofan, Northern Bahr al Ghazal, Unity State and the Abyei Area.

The purpose of the recommendations is to provide principles and proposals aimed at supporting 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 the border between the Republic of South Sudan and the Republic of Sudan. The recommendations reflect a broad consensus achieved at the meeting.

Participants remain concerned about border management issues in the post-independence period and stressed the importance of peaceful cooperation along the new international border. The resolutions reflect a consensus that any framework for border management and security must meet the needs of the communities living on each side of the border as well as national strategic concerns. While participants from the communities on the Sudan side of the border were not able to attend, the participants from Unity state expressed their desire that these recommendations be circulated and shared with their counterparts on the other side of the border, particularly those who were present for the original meeting.

The reviewed, updated and amended resolutions are copied below with changes and additions shown in *italic font*.

#### **General**

- 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. *Defined crossing points with physical border control structures are needed to manage movement of people and goods.*
- *The value of trade should be recognised by both sides and 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. The Government of South Sudan should establish the regulatory framework for customs at a national level and ensure implementation at state level through routine monitoring.*
- *Trade should not be used as a political weapon.*
- Mechanisms to ensure cross border justice *and uphold human rights* will improve trade relations. *These mechanisms should be based on laws that are shared and agreed by both sides.* 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

- *International norms, laws and best practice with respect to trade should be applied to trade between Sudan and South Sudan.*
- Border markets contribute to peaceful relations between communities at the border *and have done so even during wartime.* 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. *Local authorities should ensure all traders are registered.*
- Taxes and customs duties should be reduced on commodities traded in border markets. *Small traders should be encouraged, for example through establishing reasonable and affordable rates and levies for small trading.*
- 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.
- *Currency should be freely exchangeable at the borders along with adequate precautions to avoid money laundering and other related criminal activities. The two governments should agree on an approach to exchange rates that facilitates easy exchange.*
- *Training and capacity building is required for customs officials and staff of relevant economic institutions, especially regards respect for human rights.*

### **Administration of Justice**

- *All applicable international law should apply in the administration of justice across 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. *The laws of the nation, whether in Sudan or South Sudan, should apply to all people while they are in that country.*
- *Laws, 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 *the two countries* 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 *particularly on those that run between South Sudan and Sudan*. All roads should be safe and secure. 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. *Water services should be provided for communities along the border*.
- Health centres and veterinary clinics should be developed and maintained.
- There should be financial institutions to support activities along the border.

### **Citizenship and Rights**

- Issues relating to passports and identification documents should be addressed by the executive branch of the two Governments. 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. Property rights should be respected *by both countries*.
- There should be no discrimination based on religion, sex, race or cultural difference.
- Freedom to practice one's religion should *be respected as it is enshrined in the Transitional Constitution of South Sudan*. 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.

### **Security**

- Existing mechanisms should be *reviewed*, strengthened and developed. *The joint border monitoring mechanism, as agreed between the two parties, should be supported and its implementation encouraged*.
- 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 *operation* should be established to provide security and establish the rule of law at the border. These arrangements *should be in line with the joint monitoring mechanism established in recent agreements*.

- State governments at the border should organise the police to provide security in cooperation with the *local authorities*.
- *Movement of nomadic people* should be organised and coordinated to ensure *the* 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:
  - *Border 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.
  - *International support should be extended to the community border committees*. One international organisation 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.
  - *The composition of the committees should not be political but instead include members of the community who will serve for an extended period of time, so that their relationships and capacity is not affected by political changes*.
- 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 between peoples along the border *should be undertaken under the auspices of the border committees*.
- Joint workshops *and regular conferences* 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. Local authorities *and border committees* should open up regular communication channels *to exchange information about security*. 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. *Radio communication should be supported by the border committees to ensure information is disseminated to key individuals and the wider population. FM radios should have a channel for security information*.
- The spread of arms among civilian populations should be halted.
- Civilian disarmament should be completed, especially at the border. The relevant authorities should undertake disarmament *simultaneously on both sides of the border* in coordination with the local authorities and native administrations.

- Military positions should *respect the Safe Demilitarized Border Zone* and be far from inhabited and residential areas.
- A *national committee* should, *in cooperation with the state governments*, address the issue of children and women abducted during the war. *Efforts already undertaken by the South Sudan Ministry of Humanitarian Affairs and Disaster Management and the South Sudan Ministry of Gender, Child and Social Welfare to address this problem should be supported.*
- *Migration laws governing movement of nomads and their security, including the ability to carry arms, should be put into place at the national, state and local levels. Entry points and movement corridors should be clearly established and understood by all nomads and local communities to ensure minimal damage to property.*

### **External assistance**

- The international community has a role in peacekeeping and guaranteeing security at the border, *particularly through the mandates of UNMISS and UNISFA*. This should support the formation of *specialised courts* and the efforts of native administrations and traditional authorities
- The international community, community based organisations and governments should support conflict resolution activities at the border.