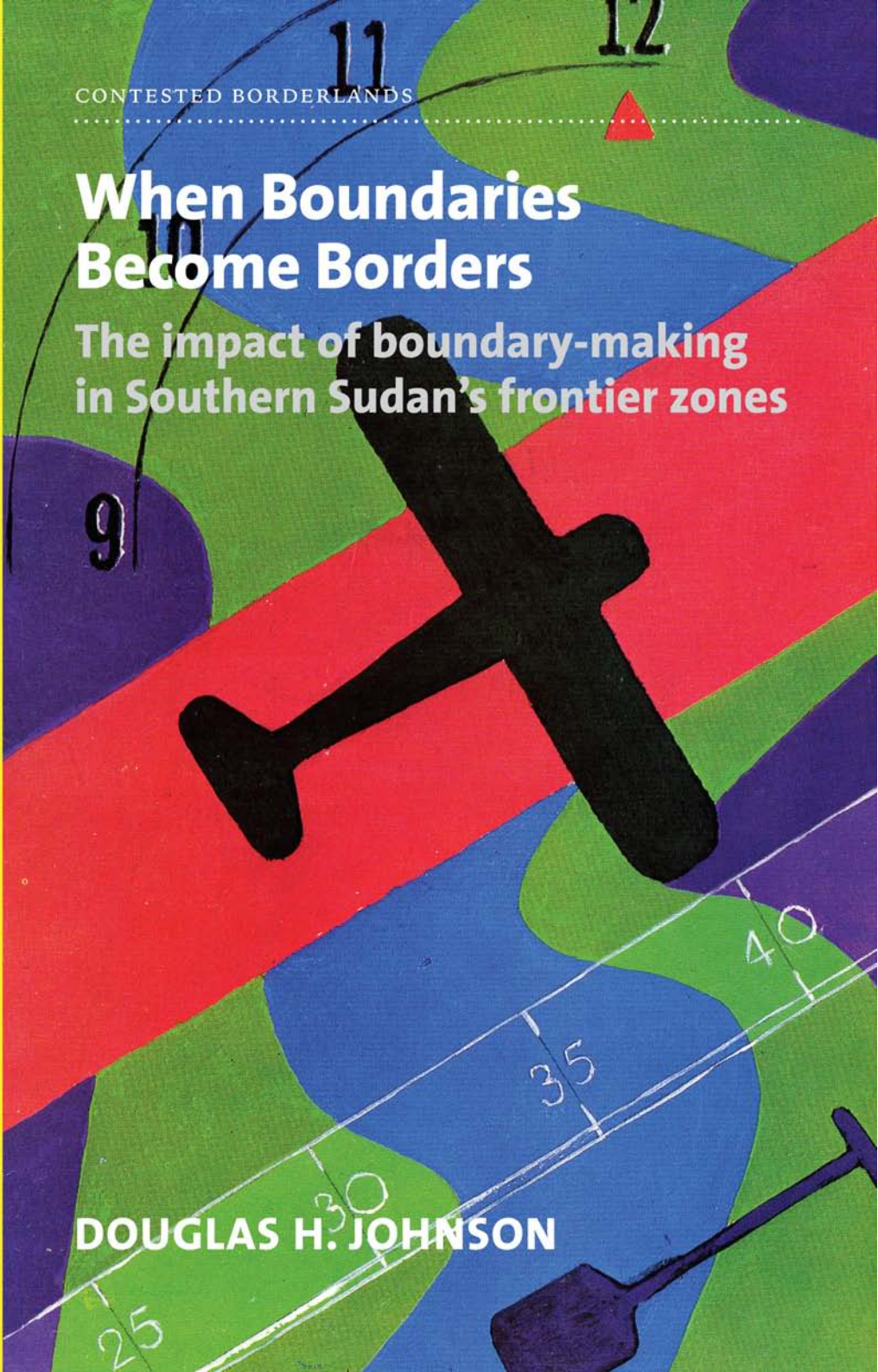
CONTESTED BORDERLANDS

When Boundaries Become Borders

The impact of boundary-making in Southern Sudan's frontier zones



DOUGLAS H. JOHNSON

Map 1. Sudan 2010: Administrative boundaries, contested areas, railways, main towns and rivers

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DOUGLAS H. JOHNSON

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RVI EXECUTIVE DIRECTOR: John Ryle
RVI PROGRAMME DIRECTOR: Christopher Kidner
REPORT EDITORS: Tania Inowlocki and Emily Walmsley
REPORT DESIGN: Lindsay Nash
MAPS: Kate Kirkwood
COVER IMAGE: Jonathan Kingdon
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‘Southern Provinces of the Sudan’ means the Provinces of Bahr El Ghazal, Equatoria and Upper Nile in accordance with their boundaries as they stood on January 1, 1956, and any other areas that were culturally and geographically a part of the Southern complex as may be decided by a referendum. … The Provinces of Bahr El Ghazal, Equatoria and Upper Nile as defined … shall constitute a self-governing Region within the Democratic Republic of the Sudan and shall be known as the Southern Region.

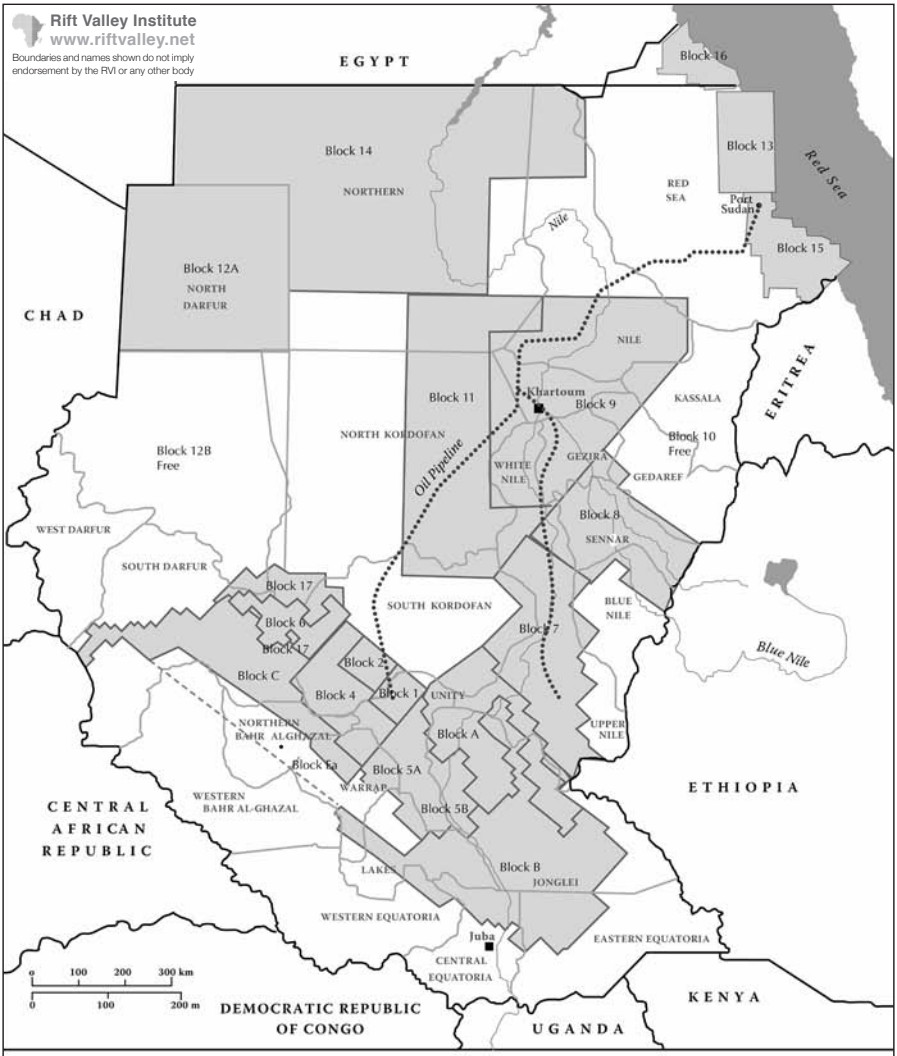
Addis Ababa Agreement (GDRS and SSLM, 1972, arts. 3, 4)

‘In respect of the Southern Sudan, there shall be a Government of Southern Sudan {GOSS}, as per the borders of 1/1/56…

Power Sharing Protocol (GoS and SPLM, 2004, para. 3.1)

‘The January 1, 1956 line between north and south will be inviolate…

Abyei Protocol (GoS and SPLM/A, 2004, para. 1.4)



Block	Oil and gas concession holder	Block	Oil and gas concession holder	Block	Oil and gas concession holder
1, 2, 4	GNPOC	9,11	Sudapak 1	15	RSPOC
3, 7	PDOC	10	Free	16	Lundin
5A	WNPOC-1	12A	Qahtani and others	17	Ansan
5B	WNPOC-2	12B	Free	A	Sudapak II
6	CNPIS	13	CNPC, Pertamina & Sudapet	B	Tota;
8	WNPOC-3	14	Petro SA	C	APCO
				Ea	Free

Map 2. *Oil concessions 2007*

Source: European Coalition on Oil in Sudan

Acknowledgements

Much of the research on which this report is based was undertaken when I was one of five international experts on the Abyei Boundaries Commission in 2005 and later, when I was asked to write a background paper on the north–south boundary for the Government of Southern Sudan (GoSS) in 2007. While the reports based on that research attempted to determine where a boundary line might be drawn, this report analyses the impact of demarcation on the peoples of the borderlands.

This is one of a series of planned reports on the contested borderlands of Sudan conceived and undertaken by the Rift Valley Institute and generously supported by Humanity United.

My thanks go to several persons who assisted me in producing this report: Joseph Madak Both, director of Policy and Monitoring (CPA Implementation Monitoring) in the Office of the Vice-President of the GoSS; Zach Vertin of the International Crisis Group, Christopher Vaughan of Durham University, Aly Verjee of the Rift Valley Institute, and my wife, Wendy James, for sharing their own research with me; and all the members of the Rift Valley Institute's Juba workshop on contested borderlands for their comments on an earlier draft of this report. Thanks are also due to the Public Law and International Policy Group for permission to reproduce their comparative map of the Abyei Area (see Map 3). Jonathan Kingdon's cover painting is reproduced by kind permission of the artist.

Summary

The demarcation of the north–south boundary in Sudan, as stipulated by the 2005 Comprehensive Peace Agreement (CPA), has the potential to draw a new international boundary in Africa, one that will run from the Central African Republic (CAR) to Ethiopia. The boundary between northern and Southern Sudan is some 2,010 km (1,250 miles) long. If Southern Sudanese vote for secession in the referendum due to be held in 2011, this boundary will become a border between two new states.

Debate has hitherto focused on where the boundary line is to be drawn. This report examines a different and equally important question: the potential impact of the new boundary on the peoples of the borderlands, their response to demarcation, and how this may affect local and national political developments.

The report examines the situation of the key communities that coexist on the north–south boundary; it also examines historical relations between ethnic groups living along Sudan's existing international boundaries with the Central African Republic (CAR), the Democratic Republic of the Congo (DRC), Uganda, Kenya and Ethiopia. In the event of secession, these areas will also be part of the extensive borderlands of the new Southern Sudanese state, and their inhabitants will experience a change of status that may have considerable implications for them and for the new state.

Anticipation of the boundary settlement stipulated in the CPA has already exacerbated or created tensions among Sudan's borderland peoples. Whether it is the creation of a new boundary (as in the case of Abyei), the confirmation of an existing boundary (as between the Malwal Dinka of Northern Bahr al-Ghazal and the Rizeigat Baggara of Southern Darfur), or the restoration of an old boundary (as with Kafia Kingi and Hofrat en-Nahas in Western Bahr al-Ghazal), forms of resistance to the

boundary settlements are growing, at the local and national levels.

The demarcation of the boundary is entwined with questions of land ownership, land use, and land rights, which are usually articulated as questions of the collective rights of ethnic groups. Such issues were under-rated as causes of conflict during the CPA negotiations and have been marginalized in the implementation of the CPA. But the intensification of an ethnically defined sense of territory is proceeding apace in many parts of the old war zone, and especially within the borderlands. This has the potential to increase tensions and make the resolution of both internal and international border issues more difficult.

At the same time the defence of ethnic rights to territory can be used to mask the national conflict over the control of natural resources between the dominant political parties in Khartoum and Juba, a conflict that has been set up by the terms of the CPA. Differences over the shared use of land along the border, which might once have been resolved relatively easily between communities, following practices of dispute resolution developed before independence (and before the civil wars that have affected Sudan since independence), are now complicated by national economic development policies that place a high priority on the exploitation of oil reserves and the expansion of mechanized agricultural schemes. Conflicts at the national level feed into competition at the local level and are exacerbated by the promise of state support to address local grievances and the use of state resources to mobilize local forces.

The well-chronicled case of Abyei illustrates many of the complications inherent in the demarcation of the border. Here the shared use of land resources has given way to ethnic competition, in which rights of access are converted to outright ownership. Such competition is sharpened by the environmental impact of national development policies, which have led to the alienation of land for large-scale farming and oil exploitation. The structures created by the CPA have so far proved incapable of resolving either the local or the national conflict in Abyei, and in many ways they have actually hindered a resolution. The role of international meditation or arbitration in the Abyei dispute is of uncertain utility: despite international efforts to ease the deadlock over Abyei at various

levels, the border decision remains unimplemented. This stalemate has implications for other parts of the border.

Relations between pastoralists along the border are among the most complicated intercommunal relationships to manage and they are the most likely to lead to local outbreaks of violence. Since 2005 there has been a serious increase in conflicts among pastoralists on the north side of the border. During the war many such pastoralist communities in northern Sudan were forced to adapt to new environmental constraints (a decline in rainfall and consequent reduction of dry-season grazing) and to developmental pressures (their exclusion from areas reserved for the expansion of the oil industry and mechanized farming). Many of them responded by joining government-sponsored raids into the South. The prospect of a more rigid north–south border, enforced by a potentially hostile Southern army and police force, may well be one of the factors currently increasing competition among northern pastoralists in the border areas, leading to more violent confrontations.

Within Southern Sudan the prospect of a more precise definition of the north–south border is also inspiring a more rigid definition of internal ethnic boundaries. Some local communities in the south have attempted to apply the principle of a restoration of the 1956 boundaries to their own territory. Such an approach overlooks the complications of more than 50 years of large-scale internal movement and settlement within Sudan, including labour migration and war- and development-induced displacement.

There are a number of potential flashpoints along the 2,010 km of the north–south border. These include the following areas: the Dinka–Baggara grazing boundary along the Bahr al-Arab/Kiir River; the large Kafia Kingi–Hofrat en-Nahas area, currently administered as part of the northern state of Southern Darfur, but due to be returned, under the terms of the CPA, to Western Bahr al-Ghazal state in Southern Sudan; the oil blocks in Unity state; the mechanized farming areas of Southern Kordofan and Blue Nile that border Upper Nile state; and the northern boundary line of Upper Nile state.

The international boundaries of Southern Sudan pose a further

challenge for the governance of a future state in the south. These were set by international treaties mainly between colonial powers in the 19th and 20th centuries and re-affirmed at the time of Sudan's independence in 1956. The stipulation in the CPA that Southern Sudan's boundaries will be as at independence applies to the international boundaries as well. Prior to the outbreak of civil war in 1983 the Southern regional governments had little input in decisions concerning these boundaries, but this changed with the war. During the war the Sudan People's Liberation Army (SPLA) controlled most of Southern Sudan's international boundaries and established working relationships with most of the governments of its neighbours. This has continued in the six-year Interim Period of the CPA. Whatever the outcome of the 2011 referendum, the Government of Southern Sudan (GoSS) will want more of a say in international agreements concerning the borders. If the GoSS becomes the government of an independent country, it will be a full partner in any new bilateral relations. As a landlocked country, Southern Sudan will find that it needs to maintain good relations with its neighbours, especially those that provide an outlet to the rest of the world. It is also faced with the challenge of administering the diverse inhabitants of these borderlands, some of whom have long been in conflict with each other and with successive government authorities on both sides of the border.

At present the most serious security challenge to Southern Sudan along its international borders is the presence of the Lord's Resistance Army (LRA) in the DRC. During the civil war in Sudan, the LRA acted as a proxy force for the Government of Sudan (GoS). Although the resolution of this problem rests mainly with Uganda, the GoSS has attempted mediation and might do so again in the future.

Both Uganda and Kenya took the opportunity to attempt some unilateral rectification of their borders with Sudan during the war and have continued to do so since the peace agreement. The most serious potential dispute is over the Ilemi Triangle in Sudan's south-eastern corner, where Kenya has maintained a police presence for some time and has strengthened its administrative presence as well. This issue has lain in abeyance throughout the Interim Period of the CPA.

Ethnic competition and tensions within Southern Sudan could have ramifications along its international border. This has already been the case along the border with Ethiopia, where Nuer and Anuak communities live on both sides of the boundary, and where competition within one country crosses over to the other.

Yet borders present opportunities as well as barriers to borderland peoples, and the experience of beneficial cross-border relations along Southern Sudan's international boundaries could provide examples to be applied to the north–south border. Despite the imposition of international borders, pastoralist peoples on either side have managed to negotiate access to shared resources through intermarriage and exchange, independently of, or in the absence of, government intervention. The very existence of a border influences the siting and development of new towns, markets, and roads, as happened during the war at different points on Southern Sudan's borders with Kenya and Uganda.

As the date of the referendum draws closer there is a need for further focused study on specific border areas to identify the main causes of tension, current and likely flashpoints, and to identify possible solutions. The routes to resolution of actual and potential conflicts lie in a better understanding of vernacular agreements, local accommodations, and the established practices of dispute resolution that endure in the borderlands. Donors and non-governmental organizations (NGOs) can do much to support the Government of National Unity (GoNU), the GoSS, and state governments to implement such processes.

The provisions of the CPA have created structural tensions along the border zone between the north and south. There is a need to re-examine the environmental, social, economic, and political impact of existing development projects in the border areas with a view to designing policies that better meet the needs of borderland communities. The governments in Khartoum and Juba, supported by donor governments—most particularly the guarantors of the CPA—can take concerted action to reduce these tensions by depoliticizing the oil fields of the border states, adopting stricter environmental management of the oil industry and other development projects generally, reviewing land laws in order

to provide for a more equitable allocation of land resources, recognizing the importance of shared secondary rights between border communities, supporting cross-border meetings between border communities and state governments, and backing a more robust demilitarization of sensitive stretches of the border. Finally, since any intervention requires a historically rooted understanding of long-term social and economic trends in the borderlands, all stakeholders can support the development of Sudanese research capacity through collaboration with international research institutions.

1. The problem

The Comprehensive Peace Agreement establishes the boundaries of Southern Sudan as those that were in force on the date of Sudan's independence, 1 January 1956. This is a legacy of the Addis Ababa Agreement, the accord that ended the first Sudanese civil war and was enshrined in the Regional Self-government Act 1972, which similarly established the Southern Region within those same boundaries. In principle the provisions of the Addis Ababa Agreement required the return of any administrative unit that had been transferred away from either of the two Southern border provinces after 1 January 1956. At the time of the Agreement this seemed to be unproblematic, merely an administrative matter requiring little more than a survey. Mechanized farming schemes and oil exploration, developments that later came to complicate the livelihoods of borderlands peoples and national geopolitics, had yet to be established.

Because the date of Sudan's independence was fixed by parliament only a few days prior to 1 January 1956, and no survey was made of the internal provincial boundaries in anticipation of independence, there is no single authoritative source stating precisely what those boundaries were on that date. Much of the boundary area was unsurveyed, and even the most detailed contemporary maps often do not record significant topographical features along the boundary lines. This imprecision and ambiguity could complicate both local disputes and national agreements.

The border area, which lies mainly between latitudes 9° and 12° N, marks a transition between ecological zones. To the north of the borderlands is the *goz* belt of stabilized sand sheets and dunes, an area of low annual precipitation of around 400 mm to 600 mm. To the south is the ironstone plateau and the flood region, where annual rainfall ranges from

BOX 1. TOPOGRAPHICAL DESCRIPTION OF THE BORDER

The topographical description of the border as traced from the pre-1956 Sudan Survey Department maps (1:250,000) is as follows:

- from Jebel Mishmira east to the Ragaba Umbelasha,
- along the course of the Ragaba Umbelasha to the Bahr al-Arab/Kiir River,
- along the course of the Bahr al-Arab/Kiir River, then south, running east more or less parallel to the river,
- turning north-north-west until meeting the Bahr al-Arab/Kiir River,
- then generally north-east following various bodies of water until joining the Ragaba ez-Zarga/Ngol,
- following the Ragaba ez-Zarga/Ngol until Aradeiba,
- then a straight line east, and a right angle north,
- then straight lines north-east and east to Lake Abiad/Jau,
- then a diagonal line south-east,
- turning to run north and west of, but roughly parallel to, the White Nile as it flows east and then north,
- reaching Jebel Ugeiz,
- then in a line going north but curving to the north-west until it reaches Jebel Megeinis,
- then due east to the White Nile,
- then north along the course of the White Nile,
- then due east through Goz Nabbuk to Khor Umm Koka,
- then south along Khor Umm Koka to Khor Umm Dilwis,
- then south, south-east, and south through the Blue Nile foothills until latitude 9° 30' N,
- then due east along that latitude to the Ethiopian border.

around 800 mm to 1,200 mm. Most of the border region runs through flat savannah plains of heavy clay soils, alternating between open grasslands and thickets of acacia bush, with annual rainfall of around 600 mm to 800 mm (SDIT, 1955, p. 3; Whiteman, 1971, pp. 136–37; UNEP, 2007, p. 41). The subsistence economy of many of the borderland communities is a mixture of transhumant pastoralism and the cultivation of grains (mainly sorghum and maize). The concurrence of higher annual rainfall levels with clay soils of high fertility (though these are difficult to cultivate because of their soil structure) means that the borderlands are a magnet for peoples living either north or south of the administrative boundaries, and there are regular seasonal movements of people and livestock in and out of the border region.

Broadly speaking, the northern boundaries of the old Bahr al-Ghazal and Upper Nile provinces—administrative units in the south in the Anglo-Egyptian Condominium-era that were subsequently divided into seven of the current ten states of Southern Sudan—ran for about 2,010 km (1,250 miles) from the western border with French Equatorial Africa (now CAR) to the eastern border with Ethiopia (see Box 1).

In the negotiations over the CPA, the GoSS took the position that it would insist on the north–south provincial boundaries as they were on 1 January 1956 and would neither accept nor request any revision of that line at the time. Since the signing of the CPA in 2005, however, the question of the delineation and demarcation of the boundary has re-opened boundary disputes among the peoples along the border. Many of them—in the south as well as the north—have objected to previous state boundary demarcations, which sometimes imposed inflexible notions of ownership over areas of common resources. It is such disputes over the use of land both before and since independence, rather than disputes over administrative documentation, that lie at the heart of conflict in Sudan's contested borderlands.

Under the terms of the CPA, a North–South Border Technical Committee was created to determine the boundary line. There is no international representation on the committee. This composition stands in contrast to that of other bodies created under the CPA, such

as the Abyei Boundaries Commission (ABC), which had a minority of international members who, nonetheless, had the final decision, or the Assessment and Evaluation Commission, which has a minority of Sudanese members.[1] The Border Technical Committee is chaired by the director of the Sudan Survey Authority, with a deputy chair appointed by the GoSS. It drafted its own terms of reference and agreed to refer all unresolved disputes to the presidency as ultimate arbiter. The committee had not completed its work by the time of the 2008 census or the 2010 elections, though both these processes depended in part on an agreed definition of Southern Sudan's boundaries. By May 2010, the committee had reached agreement on only 80 per cent of the border (*Sudan Tribune*, 2010a). 'Exploratory work' on the demarcation of the border began that month with the Upper Nile–Blue Nile boundary, where it meets Ethiopia. By July 2010, the deputy chair and the GoSS representative on the committee openly stated that full demarcation would be impossible before the January 2011 referendum (*Sudan Tribune*, 2010b). The main points of disagreement are around areas of oil and agricultural production. Agreement at the committee level has thus proved to be difficult enough. Demarcation—and local acceptance of demarcation—will be even harder.

As the date of the referendum on the future of the south approaches, the attitude of the National Congress Party (NCP), the main partner in the GoNU, has been distinctly ambivalent. Senior government officials mix pronouncements of support for the referendum whatever the result with more belligerent statements and threats that the referendum areas (Abyei and the south) will never be allowed to separate. The referendum itself has been held hostage to the delayed border demarcation. At times the NCP states categorically that the referendum cannot take place until the border is demarcated, yet the GoSS asserts equally categorically that the referendum must take place whatever the state of the border

[1] The ABC had a majority of Sudanese members (ten to five international), while the Assessment and Evaluation Commission has a majority of international members (eight to six Sudanese, plus five international observers).

negotiations. Only recently have both parties announced an agreement to conduct the referendum on time regardless of whether a full demarcation has been completed, though doubts remain as to whether there is equal political will on both sides (*Sudan Tribune*, 2010d; 2010e). At the same time that the NCP and security agencies are allegedly encouraging local resistance to border demarcation in certain areas, the GoNU has been promoting a forum whose members are the governors of the ten border states to work out ways to manage and encourage the 'intermingling' (*tamazuj*)—between and cross-border movements—of border peoples.

Anticipation of a boundary settlement has exacerbated existing tensions among Sudan's borderland peoples and created new ones. Whether it is the creation of a new boundary (as in Abyei), the confirmation of an existing boundary (as between the Malwal Dinka and Rizeigat Baggara), or the restoration of an old boundary (as with Kafia Kingi and Hofrat en-Nahas), resistance to boundary settlements is growing, at the local and national levels.

International and national attention has been focused on the 2011 Southern Sudanese referendum, but less attention has been given to the impact the border demarcation might have on the 'popular consultations' scheduled in Southern Kordofan and Blue Nile states.

Nor has much attention been paid to the implications of the referendum for Southern Sudan's international boundaries. Given that most of these remain unsurveyed and undemarcated and were established by colonial-era treaties, some of which date back more than a century, there are plenty of possibilities for international disagreements and misunderstandings in the future. However, during the war the Sudan People's Liberation Movement/Army (SPLM/A) managed to maintain working relations with most of the governments of neighbouring countries, even as these borders were crossed and re-crossed by armies, refugees, and relief agencies. This wartime experience offers a glimpse of how a new north–south international border might also be managed.

2. The historical background

Many features of governance in the borderlands today have their origin in earlier regimes' attempts to impose administrative coherence on the human diversity and geographical remoteness of these areas. The Anglo-Egyptian Condominium, which administered Sudan from the turn of the 19th to the mid-20th century, initially attempted to reconstruct internal administrative units based on the old provinces of 19th-century Turco-Egyptian Sudan. These provinces had themselves incorporated some aspects of the old indigenous Sudanic kingdoms and were often territorially imprecise.

In the 1820s, when Egypt invaded northern Sudan, the Sudanic kingdoms—Sennar on the Blue Nile and Darfur in the West—had established concentric circles of power and coercion around a central state authority. The authority of the state was strongest around the court of the ruler, with those living nearest to it subject to taxation, and diminished the further it moved from the centre into the hinterlands, ending in a slave-raiding frontier, beyond which the power of the state ceased. The sultans of both Sennar and Darfur established a modus vivendi with their subjects by conferring land grants to specific leaders and their followers—the origins of the tribal *dar* (homeland) system in the north. Pastoralists and nomads, the mobile subjects of any state, evaded authority by removing themselves to areas beyond and between states, often forging temporary alliances with 'stateless' peoples further south. The Rizeigat and Misseriya Baggara Arabs regularly fled to the swampier areas south of the Bahr al-Arab/Kiir River (today part of Northern Bahr al-Ghazal state in Southern Sudan) to avoid having to accede to the sultan of Darfur's demands; the majority of the Misseriya moved out of Darfur altogether into what is now Southern Kordofan state (El-Tounsy, 1845, pp. 129–30; Henderson, 1939, pp. 59–61).

The Turco-Egyptian regime in Sudan (1821–85), while more powerful than the sultanates it conquered, never exerted more than partial control over its subjects. Boundaries were flexible to the point of invisibility; provincial authority expanded and contracted; competing centres of power arose, especially in the south and west. The Mahdiyya (1881–98) that overthrew and replaced the Turkiyya reverted even more to the old Sudanic pattern of a central state surrounded by a raiding hinterland. The Mahdist state (established after the fall of Khartoum in 1885) lost control of the South, the Nuba Mountains, and the Ethiopian foothills of southern Blue Nile, except for a few outposts, and never completely dominated Darfur.

The provincial boundaries of Anglo-Egyptian Sudan (1899–1956) were constructed bit by bit throughout the 57 years of Condominium rule. The earliest boundaries were drawn on maps before the government had a clear understanding of the geography, topography, or demography of the country, and were described in the most general terms in province reports (see Box 2). Adjustments to these boundaries were made over time, but only parts that were adjusted were described in detail in official publications (see Appendix 1).

The decisions concerning internal boundaries during the Condominium were often made on the basis of administrative convenience. Districts could be included in one province and not another because of being linked to existing lines of communication. Efforts were made not to divide peoples of the same tribe between provinces, and often it was thought best to place rival neighbouring groups within the same province to facilitate the resolution of disputes. Where different tribes competed with each other for resources across a provincial boundary the resolution of disputes became more difficult (as between the Malwal Dinka and Rizeigat and Misseriya Baggara; see below).

From the 1920s on, rural administration throughout Sudan followed the principles of indirect rule, or Native Administration, whereby local government was based on customary law applied by customary, or tribal, leaders. Since the nature and scope of customary law diverged between Muslim and non-Muslim populations, Native Administration led to the

BOX 2. ON THE BOUNDARIES OF BAHR AL-GHAZAL PROVINCE

1899: 'It will be all the more interesting to learn the details of the course of the Bahr el Arab; that great river, which rises far away to the west in the heart of Dar Fertit, the region where the Chari have their source, and the mines of Hofrat en Nahas are to be found. Almost a century has passed since Brown marked it vaguely on the map, and our knowledge of it is even now hardly more definite. No Europeans have explored the whole course of the stream; in two places only has it been crossed […]. The Arabs even have not much to say about it […] so explorers have only been able to collect very vague and contradictory information (Gleichen, 1899, p. 188).'

1902: 'Mudiria [province] Boundaries. I understand them to be, except for the 'Enclave de Lado' intrusion, as follows; on South and West the hills forming Watershed of Nile and Congo basins, it may be noted that this boundary is understood and accepted by the important Niam Niam [Azande] tribes that it effects [sic]. On East the Bahr-el-Gebel, on North Bahr-el-Ghazal and Bahr-el-Arab as far as Hofret on [sic] Nahas and from latter place a line drawn West to the Water Shed already referred to, or its prolongation North (Sparkes, 1902, p. 230).'

1910: 'On account of the Atwot patrol it was again found impossible to determine the boundary between this province and that of Mongalla [formerly part of the 'Enclave de Lado'].

'The Inspectors of the southern posts constantly report that the difficulties of administering the A'Zande tribe are much increased by the uncertainty as to our frontier, and friction between the various Sultans frequently arises on this account. Several of the Sultans who own [sic] allegiance to us have many of their people living in the Belgian Congo, and vice versa. The delimitation of the frontier would do a great deal towards simplifying the general political situation and would help in consolidating the administration of the Nyam Nyam and kindred tribes (Gordon, 1910, p. 177).'

Note: The Bahr al-Arab/Kiir River was not clearly differentiated from other waterways flowing into the Bahr al-Ghazal River until 1908. It was still listed as 'entirely unsurveyed' on the Sudan survey maps of 1912. The Nile–Congo watershed remained unsurveyed at the time of Sudan's independence.

evolution of a 'Southern Policy' for Sudan's non-Muslim, non-Arabic-speaking peoples in the southern provinces. (These temporarily included the Nuba Mountains, which formed a fourth southern province from 1913 until 1929, when it was re-amalgamated with Kordofan).

Most of the districts in these provinces also were affected by the Closed Districts Ordinance of 1922, which mainly intended to curb what were considered illegal economic activities by persons coming from outside of the restricted areas—'Swahili' poachers from Ethiopia and small-time slave-traders from White Nile, Kordofan, and Darfur provinces—as well as the spread of Islam into what were termed pagan areas. The Southern Policy, drawing on the existing Closed Districts Ordinance and the principles enshrined in Native Administration, was formally announced in 1930. It explicitly promoted the development of administration based on non-Muslim, non-Arab customs, and left open the possibility of eventually separating the southern provinces from the rest of Sudan. It was formally rescinded in 1946, when Sudan as a whole was being prepared for independence, and opposition from both the Egyptian government and northern Sudanese nationalists precluded any separate arrangement for the southern provinces.

The impact of the Southern Policy on the northern boundaries of the southern provinces was uneven. The most extreme application was in Western district of Bahr al-Ghazal, where administrators attempted to create a no-man's land separating the district from neighbouring Darfur.[2] But Renk, the northern-most district of Upper Nile, was excluded from the Closed Districts Ordinance and continued to be a centre of commercial activity for northern Sudanese merchants. In between these extremes, pastoralists from the north and the south, both Arab and non-Arab, continued to cross the provincial borders on a seasonal basis. But an important legacy of the Southern Policy was the creation of the idea of a distinct territorial base for a non-Arab, non-Muslim, 'African' southern Sudan.

[2] For details, see Thomas (2010).

Native administration also attempted to define tribal territories throughout Sudan. Such territories often included not only areas where people had their permanent homes and cultivations (where they exercised 'dominant' rights), but also areas of occasional or 'secondary' use (where they enjoyed seasonal rights).

The 'dominant' and 'secondary' rights paradigm is an important distinction in communal land ownership, access, and use in Sudan and adjoining countries.[3] There are different types of 'dominant' and 'secondary' rights. There are 'exclusionary' rights where dominant occupation, land rights and land use by a community are 'exclusive' to members of that community and permit no cession of secondary-use rights to non-members. There are 'non-exclusionary' rights where dominant occupation, land rights and land use by a community allow for non-members of the community to acquire limited land use rights on a seasonal basis or for sporadic periods. 'Shared secondary' rights involve rights to access and use of land by members of two or more communities within a territory marking the boundaries between them (ABC, 2005, app. 2).

It was not uncommon for the same territory to be used by different peoples during different seasons (such as Abyei and the Bahr al-Arab/Kiir River; see below), whether as part of a non-exclusionary set of dominant rights or shared secondary rights. One function of Native Administration was to regulate such overlapping use. Movement across boundaries would be fixed along specific routes at pre-determined times. Tribal meetings set the terms at the beginning of such movements and resolved disputes at their conclusion.

In northern Sudan the Condominium government codified 'dar rights', establishing the right of tribal authorities of a dar to allocate the use of its resources to the members of the dar, and to grant or deny access to the dar by outside groups (Hayes, 1960). This codification recognized the

[3] See Simpson (1976) and Meek (1968). Kibreab (2002) describes how the distinction between dominant and secondary rights has been interpreted and applied in practice by both local communities and the government in Sudan.

dominant rights of the members of the dar and restricted or curtailed the secondary rights of their neighbours. But not all dars were contiguous. The Condominium government recognized the existence of waste, forest, and unoccupied land, and the 1925 Land Registration and Settlement Act gave the government the presumptive right of ownership of this land, until and unless proved otherwise (Kibreab, 2002, p. 279). Though this and other Condominium land legislation marked the first steps towards more rigid notions of fixed territorial boundaries, their main intent was to preserve the flexibility of customary land tenure structures (Kibreab, 2002, p. 37).

Post-independence land policy remained the same until the 1970s, when the development of Sudan's central clay plains through the expansion of mechanized farming became the centrepiece of the national government's development policy. The Sudan government

> feared that the unsettled status of the country's land resources and lack of clearly defined property rights might discourage investments in projects where there was a dispute over title to land. The assumption underlying consecutive governments' position was that any property that was not owned privately or by the state was considered to be 'unsettled', amounting to being no property or open to all and hence insecure… instead of defining land rights by adjudication and registration as was planned by the Condominium, the post-independence government as part of its comprehensive nationalization programme opted for an apparently 'cost-effective', but in the long term unsustainable, short-cut, i.e. outright confiscation (Kibreab, 2002, pp. 276–77).

The Unregistered Land Act 1970 transferred ownership of all unregistered and unoccupied land to the central government, vesting in itself 'the power to limit the ability of the nomads and the traditional cultivators throughout the country to enjoy the benefits derived from the use and enjoyment of land, water, forest, and other resources in the country',

in effect eliminating the exclusionary nature of dar rights (Kibreab, 2002, pp. 278, 280). Additional legislation passed in the 1980s and 1990s further strengthened the central government's control over land (Pantuliano, 2007, p. 3). These changes had a profound effect on the livelihoods of the peoples of the borderlands, and on the scale and direction of the civil war that began in 1983, as peoples dispossessed or threatened with dispossession by the change in the law and national development policy were recruited into either the SPLA or the national army (Johnson, 2003, pp. 130–39).

The semi-arid clay plains of central Sudan, contained roughly between latitudes 12° and 16° N, lie in a 'marginal climatic zone' between the hyper-aridity of the Sahara and the more humid lands further south (Hulme and Trilsbach, 1991, p. 2). The decision to increase large-scale agricultural exploitation within that zone coincided with a period of steady decline in rainfall patterns (Hulme and Trilsbach, 1991, pp. 2–6). Environmental factors have thus combined with the new national development policy to put increasing pressure on the borderlands as peoples have been pushed out of the areas of their normal economic activity further south into the border region where, even though average rainfall levels also declined within the same period, they remain higher than those north of the borderlands.

The discovery of oil deposits beneath Sudan's clay plains in the mid-1970s added a new economic and political dimension to the borderlands. The earliest oil fields to be exploited straddled the north–south boundary, especially between Upper Nile province and the neighbouring northern provinces (now states) of Southern Kordofan, White Nile, Sennar, and Blue Nile (see Map 2). Conflict over oil increasingly exacerbated north–south relations. It was also the cause of large-scale displacement of the inhabitants of parts of the borderlands.

Khartoum attempted 'outright confiscation' on a grand scale in November 1980, when the National Assembly, under the influence of then attorney-general Hassan al-Turabi, attempted to redraw the boundaries of the Southern Region. This contravened the Addis Ababa Agreement, the Regional Self-government Act 1972, and the Permanent Constitution

of 1973. The areas the National Assembly attempted to exclude from the Southern Region were Kafia Kingi and Hofrat en-Nahas (which had been part of Bahr al-Ghazal province in 1956) and areas deemed culturally and geographically part of 'the Southern complex' by the Addis Ababa Agreement, such as Abyei in Southern Kordofan and Chali el-Fil in Blue Nile. Areas assigned to be annexed to neighbouring northern provinces were the Abiemnhom and Riangnhom areas within the oil blocks of Upper Nile province (now Unity state), and the agricultural areas of Kaka and Geigar of Upper Nile. This attempt to erode the existing north–south border ultimately failed, but, significantly, the areas targeted by the legislation are among the main flashpoints in the north–south borderlands today.

3. The contested areas

There are seven main areas where delineation of the border is unclear, delimitation is disputed, or demarcation has been, or is likely to be, resisted, and where internal conflict is predictable, or already manifest.[4] They are:

- the Abyei Area,
- the Malwal–Rizeigat boundary between Southern Darfur and Northern Bahr al-Ghazal states,
- the Kafia Kingi and Hofrat en-Nahas area of Southern Darfur and Western Bahr al-Ghazal states,
- the oil fields of Unity and Southern Kordofan states,
- the mechanized farming areas along the Upper Nile state boundaries with Southern Kordofan and Blue Nile states, and
- the Chali el-Fil area of Blue Nile state which had been part of Upper Nile until just before independence
- the northern boundary line of Upper Nile state.

In addition to these seven areas on the north–south boundary there are specific areas of the international borders of Southern Sudan that are already problematic and could well become more so. These are the Gambela, Baro, and Pibor river areas of the Ethiopian border with Jonglei state; the Ilemi Triangle of Eastern Equatoria state and Kenya;

[4] The terms delimitation, delineation, and demarcation have distinct meanings. In this report, they are used in the following way: *delimit*, to determine the limits or boundaries; *delineate*, to indicate boundaries by drawn lines or figures, or to describe or represent accurately; and *demarcate*, to physically mark the limits of boundaries on the ground.

the Central Equatoria state and Uganda boundary; and the Nile–Congo watershed separating Western and Central Equatoria states from CAR and the DRC.

Why Abyei still matters

> The territory is defined as the area of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905;…
>
> The January 1, 1956 line between north and south will be inviolate, except as agreed above.…
>
> There shall be established by the Presidency, Abyei Boundaries Commission (ABC) to define and demarcate the area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905, referred to herein as Abyei Area.
>
> *The Abyei Protocol (GoS and SPLM/A, 2004, paras. 1.1.2, 1.4, 5.1)*

The Abyei issue demonstrates some of the difficulties in the three-stage process of border dispute resolution: resolving boundary questions nationally, achieving local acceptance of boundary definitions, and implementing boundary agreements.

The Abyei Area originally contained three Dinka groups (the Ngok, Twij, and Rueng), the first two having been transferred to Kordofan from neighbouring Bahr al-Ghazal, and the last at different times being part of the Nuba Mountains province. Collectively they never formed a separate district within the province, and between 1912 and 1930 the Twij and Rueng areas were transferred out of Kordofan, leaving the Ngok as the only Dinka group within this 'northern' province. In the 1940s and 1950s Ngok opinion was divided on whether to bring the other Dinka groups back into Kordofan in order to create a larger Dinka bloc to balance the Baggara bloc, or to seek to rejoin the Dinka community in neighbouring Bahr al-Ghazal province. During the 1960s and 1970s popular opinion swung towards rejoining Bahr al-Ghazal, and provisions were made in

both the Addis Ababa Agreement and CPA to decide the issue.

Because there had never been a formal internal administrative boundary defining Abyei and separating it from other parts of Kordofan, there was no definitive map of the Abyei Area that delineated its boundaries and could be used for demarcation. As such, this boundary question was unlike the others along the rest of the north–south border, where existing provincial maps have been the starting point for discussion. In other respects, however, the dispute over Abyei has set the pattern for the rest of the border. The boundaries of Abyei were supposed to be defined by a commission established by the CPA, just as the North–South Border Technical Committee is supposed to define the north–south boundary. The disagreements during the CPA negotiations followed party lines, with the GoS and SPLM delegates unable to find any common ground. These disagreements were reflected in the tripartite presidency, which was similarly split between the NCP president (Omar el-Bashir) and second vice-president (Ali Osman Mohamed Taha) on one side, and the SPLM first vice-president (Salva Kiir Mayardit) on the other.

The matter was finally taken outside of the provisions of the CPA to the Permanent Court of Arbitration (PCA) in The Hague, where a compromise was reached. Both sides publicly accepted the compromise and promised to implement it immediately, but Misseriya Baggara groups and Sudan Armed Forces (SAF) units have opposed the demarcation on the ground. The failure to solve this particular boundary issue within the provisions of the CPA is telling. The implications it has for the wider north–south boundary and the international border this might become are dire. This is why Abyei still matters; and why an analysis of the interrupted political process there sets the scene for understanding the fate of peoples in other areas of conflict on the north–south boundary.

Historical background

At the heart of the Abyei Area, both geographically and politically, is the network of waterways flowing south and south-east along the clay plain

into the Bahr al-Arab/Kiir River.[5] This system, known by the Misseriya collectively as the 'Bahr' (river), is separated from the homeland of the Humr section of the Misseriya by a belt of stabilized sand dunes (*goz*). The Misseriya and Ngok occupy two distinct ecological zones: the Misseriya inhabit the savannah belt north of the goz, and the Ngok inhabit the Bahr, where they have their permanent settlements. The pastures of the Bahr are used in a seasonal rotation by both the Ngok Dinka and Humr Misseriya, who move south from Babanusa and Muglad during the dry season from January to May (Cunnison, 1954, pp. 52–54; 1966, pp. 13–27).

The Ngok and the Misseriya are both cattle-keeping pastoralists, transhumant through the dry season and early rains, but each returning to separate areas of more or less permanent settlement where they cultivate during the rains.[6] They entered the region in the 18th century from different directions. The Ngok are a branch of Padang Dinka who moved westwards along the Bahr al-Ghazal River, while the Baggara migrated eastwards along the savannah belt from Wadai, in what is now Chad, through Darfur to Kordofan (Henderson, 1939, pp. 55–62; Cunnison, 1954, p. 50; 1966, p. 1). The Humr Misseriya reached Muglad after the Ngok had settled along the main waterways of the Ngol, Kiir, Nyamora, and Lau,

[5] The name 'Bahr al-Arab' was first adopted as a geographical term by the 18th-century English traveller W.G. Browne, who, while visiting Darfur, heard of a southern 'river of the Arabs' to which the nomad Baggara went, and 'marked it vaguely on the map' (Gleichen, 1899, p. 188). Locally it is known by several names (which is why incoming British administrators at the beginning of the 20th century had such difficulty locating the geographers' 'Bahr al-Arab'): Kiir in Dinka, al-Jurf ('the steep bank') in Arabic, Bahr al-Rizeigat (river of the Rizeigat) for a section flowing through southern Darfur, and even Bahr al-Jange or Bahr ad-Deynka (river of the Dinka) for the section flowing through southern Kordofan, the latter name being recorded in use as late as 1954 (Cunnison, 1954, p. 51).

[6] The 2008 national census did not include categories for ethnicity or tribes (Population Census Council, 2009). The first national census taken at the time of independence recorded the Humr and Zurug sections of the Misseriya as roughly equal (with 59,760—excluding Muglad town—and 59,687, respectively), and the Ngok Dinka (at 30,835) as about half the size of the Humr and one-quarter of the total size of the Misseriya (Population Census Office, 1958, pp. 52–53). These and subsequent census figures have been disputed.

and some sections of the Ngok even helped the Humr seize control of territory from the indigenous Shatt as well as defeat the Zurug Misseriya, who then settled further east near Lake Keilak (Henderson, 1939, pp. 55–64). The two peoples have been resident long enough in their respective home areas—Muglad north of the goz belt for the Humr, and Abyei along the waterways of the Bahr al-Arab/Kiir River for the Ngok—for the different environments of each to be reflected in their breeds of cattle. The Humr cattle are bred to survive long treks over the goz, while the Dinka cattle are better suited to the clay plains around the river system (Cunnison, 1966, pp. 36–37). The Ngok also have traditionally cultivated sorghum and maize more than the Humr, and have sometimes been known by the name 'Mareig', after the white maize they cultivate.

The 19th-century Turco-Egyptian invasion of Sudan and the successful rebellion against Egyptian rule that led to the establishment of the Mahdist state (1881–98) created new disturbances in the region, and these continue to reverberate today. After the Egyptians opened up the Bahr al-Ghazal region to ivory and slave-trading companies in the mid-19th century, Zubair Pasha Rahma Mansur established the centre of his trading empire south of the Bahr al-Arab/Kiir River. From here he launched his conquest of the Darfur sultanate and took control of parts of Southern Kordofan. Operating first in alliance with, and then in opposition to, the Rizeigat Baggara, who were also at odds with the Humr Misseriya, he appointed his own agents over the Humr, most of whom then sided with Zubair, and later with his son Sulaiman in his unsuccessful revolt against Egypt. Sulaiman's defeat and the re-establishment of Egyptian rule in the area led to schisms among the Humr. One faction joined the Mahdi in the 1880s, in the early years of his rebellion, and was eventually removed to Omdurman by the Mahdi's successor, the Khalifa Abdallahi, while another faction remained behind (Henderson, 1939, pp. 67–69).

At this same time the Ngok Dinka increasingly became targets of Zubair and his Baggara allies, particularly the Rizeigat. The leading chief of the Ngok Dinka, Arop Biong, secured a measure of protection for the Ngok and other Dinka groups to the south, first by allying with the Humr, and through them, making contact with the Mahdi. This alliance

benefited the Humr, especially in the latter years of the Mahdiyya, when the Misseriya who broke with the Khalifa and were raided by Mahdist forces obtained refuge and protection in the territory of the Ngok Dinka (Lloyd, 1907, pp. 651–52; Henderson, 1939, pp. 66–69; Deng, 1986, pp. 46–47).

After the defeat of the Khalifa by the British and Egyptians at Omdurman in 1898 and the return of many Humr to Kordofan, the incoming British administrators made contact with the Ngok Dinka in 1902. The Ngok were described as prosperous in cattle at this time, while the Humr were portrayed as rather poor. Trade was thriving in the village of Arop Biong, but the Ngok complained of raids and extortion on the part of the Humr. For this reason it was decided in 1905 to include the Ngok Dinka in the administration of Kordofan province, the same province as the Humr, rather than in Bahr al-Ghazal province, which was home to a Dinka majority. The boundary between the two provinces at this time was vague. The 1905 date later assumed an exaggerated significance in the CPA, taking on much the same significance as the 1956 date for the north–south border generally, because it appeared to mark the date when part of the 'south' was transferred to the 'north'.

For the next 60 years relations between the Ngok and the Humr were managed more or less peacefully within the Native Administration of the same province. Through the mediation of Arop Biong's son, Kwol Arop, but more particularly his grandson, Deng Majok, the Humr were able to expand their seasonal grazing areas further south within Ngok territory and into Bahr al-Ghazal as well. This act of diplomacy on Deng Majok's part was much praised by Anglo-Egyptian administrators but condemned by later generations of neighbouring Dinka and other Southern Sudanese. Prior to Sudan's independence the Condominium administration offered Deng Majok the choice of remaining within the jurisdiction of Kordofan or coming under Bahr al-Ghazal; he chose to remain where he was, a decision that was opposed by a number of Ngok Dinka.

The outbreak of civil war in the early 1960s and the conflict between insurgent Southern Anyanya forces and government troops upset the Abyei equilibrium. Most Ngok Dinka initially were not involved, being

outside Southern Sudan, but a Misseriya skirmish with a Dinka Anyanya unit in neighbouring Bahr al-Ghazal in 1965 brought them out on the side of their fellow Dinka. Fighting between the Humr and Ngok ended in the destruction of many of the Ngok Dinka's northernmost settlements. In the peace conferences convened by the national and provincial governments after the fighting, the Misseriya made their first claim to ownership of Ngok territory as far south as the Ragaba ez-Zarga/Ngol waterway, a claim that was rejected by the intertribal meeting convened to resolve the dispute (Saeed, 1982, p. 421; Deng, 1995, p. 296). This claim would nevertheless be revived and expanded in later years.

The Ngok Dinka of Abyei continued to be affected by the civil war across the border in the south. By ending that war and creating a semi-autonomous Southern Region, the Addis Ababa Agreement of 1972 did not necessarily bring peace to the region. The provision in the Agreement and the Regional Self-government Act, which allowed for 'any other areas that were culturally and geographically part of the Southern complex' to choose by referendum whether they wanted to become part of the Southern Region, was specifically drafted with Abyei and the Ngok Dinka in mind. Based on the theory that a lack of development was the root of civil strife, an accelerated development plan for the Ngok of Abyei was implemented in the 1970s, with Abyei designated an Area Council under the authority of the president of the republic.

This post-1972 focus on the Ngok coincided with a marginalization of the Misseriya. The abolition of the Native Administration in the north by the Nimeiri regime deprived traditional leaders of their legal authority. At the same time the development of mechanized farming schemes (see Map 10) shifted the control of land away from customary authorities to the state, and economic and political power to an incoming urban merchant capitalist class that had strong connections to the central Nile valley and was mainly drawn from other Muslim Arab peoples. The expansion of mechanized farming around Babanusa in the north and Lagawa in the south restricted Misseriya seasonal movements, and grazing areas south of the Bahr al-Arab/Kiir River came under control of the Southern Regional administration, Southern police, and Southern

army units, many of them absorbed ex-Anyanya guerrillas (Keen, 2008, pp. 54–59). The possibility of a referendum among the Ngok that would offer them the choice of joining the Southern Region presented the Misseriya with the prospect of further restrictions on their access to customary grazing areas. Thus post-civil war national politics intruded into the heart of Misseriya–Ngok relations. 'It was not so much a case of a local problem having national implications,' two observers commented, 'but a matter of a national problem being left to fester in a local arena' (Cole and Huntington, 1997, pp. 57–58).

The proposed referendum never took place. Ngok Dinka who campaigned for it were arrested by the central government. In 1980 bands of armed men began attacking Dinka villages along their northern frontier with the Misseriya. The focus of the raids was the destruction of houses, cattle byres, and grain supplies in an attempt to force people to abandon their homes and flee the area; this strategy would be repeated on a greater scale in Abyei and elsewhere by government militias during the second civil war. The army was also sent to occupy Dinka areas, and the national government proclaimed that the violence was a tribal disagreement between Humr and Ngok, even though representatives of the Humr and the Ngok both disputed this claim (Cole and Huntington, 1997, pp. 74–76). An Abyei Liberation Front guerrilla movement was organized among the Ngok Dinka in response to the raids by the Misseriya and the military occupation by the government. This was one of the first of the independent guerrilla bands to merge with the SPLA shortly after the group's formation in 1983. The participation of Ngok Dinka ensured that the war, while focusing on the grievances of the south, would be fought beyond the south's political boundaries.

Abyei was the proving ground for the development of the central government's militia strategy during the second civil war. This strategy involved mobilization by the government of northern pastoralists who had been marginalized or dispossessed by national economic policies; the approach gave them a chance to recoup their losses by passing them on to the peoples of the south. In the post-Nimeiri period senior Misseri in the army and central government armed the Misseriya and organized them

into units of *murahalin* militia. Some of these militias cooperated with the army to protect the oil installations in Upper Nile (now Unity state) and Southern Kordofan; others did so to use the three main seasonal migration tracks (*murhal*) for raids south-east into the Nuba Mountains and Upper Nile, or directly south into Ngok and Twij Dinka territory, or south-east into Bahr al-Ghazal to attack the Malwal Dinka. The tactics were much the same as those used by armed bands in the early 1980s: destruction of the subsistence economy of civilians, who were then driven from their homes (Salih, 1989, pp. 75–76; Ryle and Yai Kuol, 1989; Africa Watch, 1990, pp. 81–90; de Waal, 1993, pp. 144–49; Keen, 2008, pp. 67–69). The displaced Dinka population in the Abyei Area were often replaced by Humr Misseriya resettled in former Dinka settlements. The government persuaded some international development NGOs to assist in this resettlement: Save the Children–UK, for instance, installed deep bore wells and hand pumps in some locations, enabling the permanent settlement of some of the Misseriya population in the Dinka areas.

Omar el-Bashir, president of Sudan since he came to power in a coup in 1989, was stationed at Muglad as a brigadier in the army with authority over the Misseriya militia in 1988–89. After seizing power in June 1989 he promulgated the Popular Defence Act and the Misseriya murahalin became the core of the new Popular Defence Units. Midway through the war one human rights report estimated that the 'Misiriya Murahaleen have probably been responsible for more killing and destruction than any other group during the civil war' (Africa Watch, 1990, p. 91).

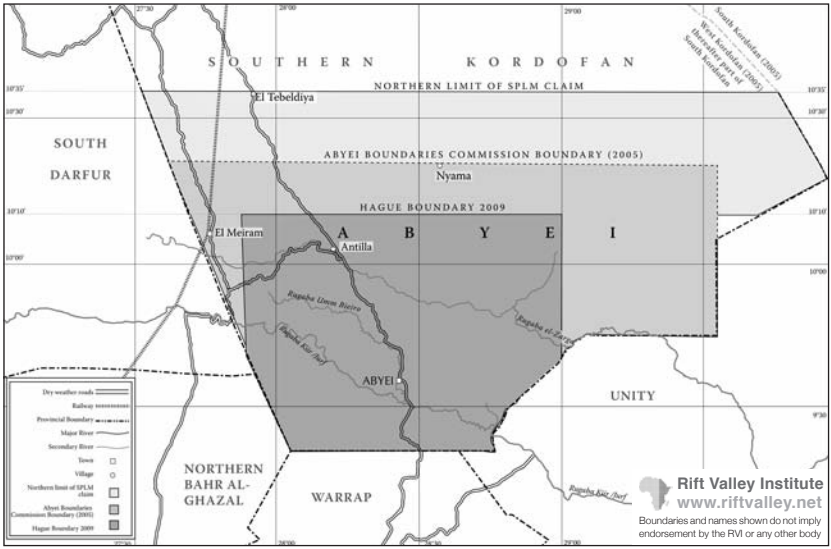
Current situation

The war in the Abyei Area was a direct result of the failure of the Addis Ababa Agreement that ended the first civil war and the subsequent marginalization of the pastoralist population through changes in the political economy of the nation. In the 2002–05 peace negotiations that finally ended the second civil war, Abyei was excluded from the 2002 Machakos Protocol, as were 'areas that were culturally and geographically part of the Southern complex' (to use the language of the old peace agreement—see epigraph above). Nonetheless, Abyei had become part

of the war. In the CPA, its future, like that of the Nuba Mountains and Blue Nile, was subject to a separate set of negotiations and a separate protocol. The Abyei Protocol outlined the establishment of a local administrative body and specifically guaranteed a referendum on the question of the return of Abyei to the South, as was suggested, but never explicitly offered, in the Addis Ababa Agreement. All of this was agreed between the two sides, but what was not agreed was the territorial definition of the area to be so administered and whose future would be decided by a referendum.

There were two reasons for this ambiguity. The first, and most important, was that between the outbreak of the second civil war in 1983 and the signing of the Abyei Protocol in 2004 the oil fields located between Muglad and Abyei were being developed. Being outside the south, these were excluded from the wealth-sharing protocol in the CPA, which governs the exploitation of oil fields within Southern Sudan. The second was the demographic shift brought about by the war, whereby large areas of former Ngok Dinka territory were now occupied by Misseriya settlers. The central government did not want to cede any further oil fields to the south, and the SPLM did not want to include the Misseriya in the definition of the Abyei Area. The compromise incorporated into the Abyei Protocol was to leave the territorial definition of the area to a boundaries commission that was 'to define and demarcate the area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905'. The year 1905 was chosen as a baseline date by the US mediators and accepted by both sides. Other possibilities for a baseline date could have been 1956 (the independence of Sudan), 1965 (the year when the north–south conflict intruded into the area), 1972 (the Addis Ababa Agreement that ended the first Sudanese civil war), and 1983 (when the most recent civil war began). The selection of the earliest date introduced a further element of uncertainty and controversy into the debate. Not only was there a lack of definitive documentation for 1905, but there had been a significant number of demographic shifts during the ensuing century.

The main task of the ABC was to determine how far north the Abyei Area would extend. There was no point on which the parties agreed,



Map 3. *Sudan: Abyei area*

Source: Public Law and International Policy Group

and a final decision was left to the five international experts on the commission. The ABC made its report in July 2005, within the time frame stipulated by the two sides. It was immediately denounced by the Misseriya and rejected by the NCP, the core of the former Government of Sudan within the GoNU. The presidency, divided as it is between the NCP and the SPLM, was unable to resolve the issue and allowed it to simmer until fighting broke out between SAF and SPLM units inside the area in May 2008. It was then that the matter was taken to the PCA in The Hague, partly at the insistence of the international guarantors of the CPA, who funded both sides in this expensive court case.

The comparative map of the Abyei Area (see Map 3) illustrates the bargaining process involved in determining a border in Sudan. The hatched area south of the Bahr al-Arab/Kiir River shows the government's initial assertion of the 1905 area, which not only excluded most of the Ngok Dinka permanent settlements, but Abyei town itself. The 10°35' N line shows the approximate extent of the SPLM's counter-claim.

The shaded area south of the 10°22'30" N line shows the ABC award, based on such documentation as existed, oral testimony, and the spread of Dinka place names; this area coincidentally included the main oil fields in the eastern part of the territory. The dotted black line shows the interim boundary agreed between the central government and the GoSS in 2008 before going to the PCA. The solid bold line at 10°00'00" N is the compromise determined by the PCA in July 2009, including most of the Ngok permanent settlements but excluding most of the oil fields. The whole process resembles *suk* (market) haggling, with extreme initial positions asserted until a mid-way point is agreed.

One aspect of the PCA decision has generally been overlooked, but potentially has positive implications for the resolution of other disputes over shared access to land across boundaries, whether between the north and south, within the south, or across international borders. The PCA ruled that according to the general principles of law, traditional rights are not extinguished by boundary delimitations, explicitly stating that 'the transfer of sovereignty in the context of boundary delimitation should not be construed to extinguish traditional rights to the use of land' (PCA, 2009, p. 260).

The PCA arbitral award, however, has not fully settled the matter. Its definition has narrowed the Abyei Area to a tight focus on the Ngok Dinka permanent settlements. This could have the effect of excluding most of the Misseriya from voting in the referendum, and in fact the PCA's ruling included a judicial interpretation of the Abyei Protocol's principal intent, which is to empower the Ngok Dinka as a whole to choose their status in that referendum (PCA, 2009, pp. 207–08). There is considerable opposition to this among the Misseriya (not to mention ambivalence in Khartoum). Demarcation of the boundary, which was to be completed in 2009, was blocked by the SAF 31st Brigade and local Misseriya (Winter, 2009; McDoom, 2010b). Elements within the NCP are encouraging Misseriya to relocate and settle in the northern parts of the redefined and reduced Abyei Area, insisting that they be allowed to vote in Abyei's referendum (McDoom, 2010b).

The Misseriya are experiencing severe pressure on their livelihoods. In

the area now excluded from the Abyei Area the expansion of mechanized farming and oil field exploitation is decreasing the land available for grazing and is interfering with seasonal migration routes (Pantuliano et al., 2008). This has made access to the grazing areas within the newly defined Abyei Area and beyond in Unity and Northern Bahr al-Ghazal states all the more critical for the survival of Misseriya herds. While access to seasonal grazing within Abyei has been largely unhindered, access to grazing across the boundaries of Northern Bahr al-Ghazal, Warrap, and Unity states is controlled by the GoSS and the SPLA. The GoSS has reaffirmed the right of the Misseriya to enter the south but insists that they come without their weapons. This has led to numerous clashes between the SPLA and incoming Misseriya, as well as some skirmishes within the Abyei Area itself. The Misseriya are uncertain about their future, especially if the 2011 Abyei referendum joins the area to Southern Sudan and if, as expected, the wider referendum in Southern Sudan results in a vote for secession. Many Misseriya are now disenchanted with the government for failing to protect their interests; others have announced their joining the SPLM as a way of safeguarding their rights (Pantuliano et al., 2008). How the GoSS and the SPLM choose to resolve the issue of seasonal movements in and through the Abyei Area will have a bearing on how they resolve similar movements across the rest of the border.

A number of lessons from Abyei could be applied to other parts of the border. The first is to recognize the impact that the modernization of the economy through mechanized farming and oil has had on the livelihoods of border peoples. This is likely to affect both local and national claims about where the boundary runs. Related to this is the growing attempt to safeguard decreasing rights in access to land through a more rigid application of ethnic boundaries defining territory. Such a tendency is visible elsewhere in Sudan, notably Darfur, the Nuba Mountains, and Southern Sudan.

The idiom of the rights of local people, however, can be a screen behind which the battle over the control of oil or other resources is fought. Rather than allow a local accommodation of land use and land access,

the contest for control of national resources not only delays but prevents such local resolutions.[7] The institutions established by the CPA seem unable to resolve such conflicts, as witness the failure of the presidency to resolve the Abyei issue without international arbitration.

Finally, there is a potential role for international mediation or arbitration to resolve such impasses, but that role is by no means guaranteed. Both sides agreed to accept the decision of the international experts in the ABC, but then one side retracted. Both sides bound themselves to accept the PCA award, but it has yet to be implemented. The former director-general of Sudan's National Intelligence and Security Services, Salah Gosh, now a presidential adviser, recently declared that the PCA's 'ruling did not resolve the dispute and was not adequate or fulfilling to the needs of both sides', opening the likelihood that Abyei will be the subject of a new round of bargaining and delay (*Sudan Tribune*, 2010c). Similar Abyei-style delays may be expected concerning the resolution of other parts of the border, such as Unity state, where intercommunal contests above ground coincide with the contestation of natural resources below ground.

'Munro–Wheatley' and the Malwal–Rizeigat boundary

Further west along the north–south boundary, the dispute between the Malwal Dinka of Northern Bahr al-Ghazal and the Rizeigat Baggara of Southern Darfur has certain similarities with that of Abyei. The Rizeigat are one of the largest, if not the largest, of the cattle-keeping communities in Southern Darfur. The Malwal Dinka are also one of

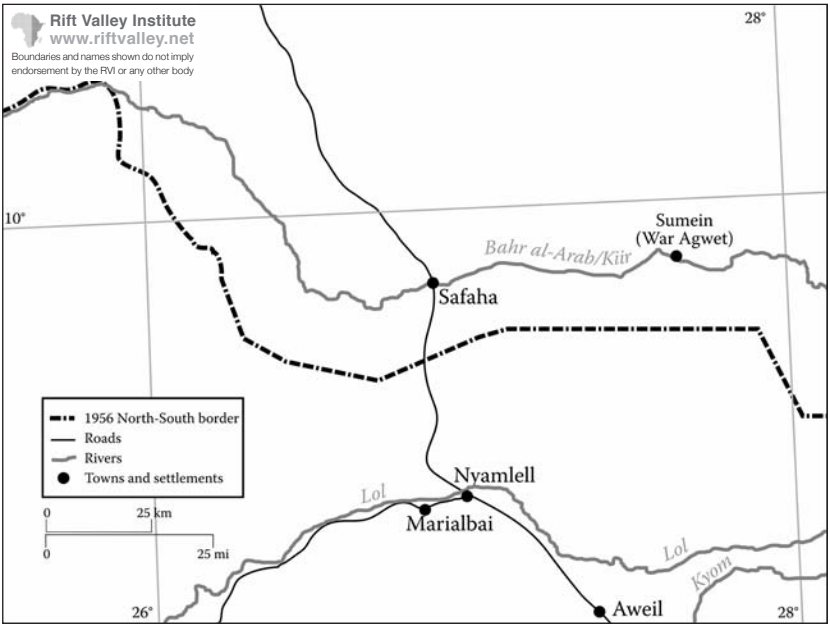
[7] For instance, Mukhtar Babu Nimr, the Amir of the Misseriya, was an early advocate of negotiations between the Misseriya and Ngok. As part of the government delegation at the second round of talks at Keren in 2003, he departed from the government line and criticized the Misseriya who were laying claim to Ngok Dinka territory. He was immediately withdrawn from the government delegation and threatened with dismissal from his position as Amir (Johnson, 2008, p. 10, n. 26).

the largest of the western Dinka pastoralist groups.[8] Historically, the Malwal–Rizeigat dispute was approached in a completely different way by the Condominium government and this has had consequences for the current situation in this section of the borderlands. The border between the Rizeigat and the Malwal Dinka was originally intended as a grazing boundary, but the demands of administration meant that it became a territorial boundary between 'Dar Rizeigat' and 'Dar Malwal', and ultimately a provincial boundary between Darfur and Bahr al-Ghazal. Managing the grazing rights exercised by both peoples on either side of the border became a major preoccupation of local administration before independence and has continued to be one ever since. The management of those grazing rights will become even more important if the border is to become an international one.

Historical background

In the mid-19th century Malwal Dinka territory included a stretch of the Bahr al-Arab/Kiir River, but with the arrival of the slave-trading companies during the 1860s and 1870s, and Zubair Pasha's alliance with the Rizeigat, the Dinka settlements along the river were destroyed and the Malwal were pushed south of the river. They successfully defended this territory, defeating a Mahdist force invading from Darfur in 1893, and preventing the Rizeigat from grazing south of the river in the early 20th century (IDGS, 1911, pp. 55–58; Stubbs, 1933; Parr, 1938).

[8] It is difficult to draw conclusions from the most recent census as the only 'ethnic' classifications used are 'northern Sudanese', 'southern Sudanese', and 'non-Sudanese'. At independence the Rizeigat were the largest community in Southern Darfur district (now state). The first national census calculated them at 106,067, nearly twice as numerous then as the Humr in Kordofan. In 2008 the Bahr al-Arab census district of the 'northern Sudanese' population, of which the Rizeigat form the most significant part, was calculated at 297,371 (Population Census Council, 2009, table T05F). At independence the Malwal Dinka numbered 71,443 (Population Census Office, 1958, p. 17), and in 2008 the four *payams* (administrative sub-divisions) of the Malwal Dinka were calculated at 114,535 (census sheets by payam, Northern Bahr al-Ghazal state, code 82, sheet 9, provided by Aly Verjee).



Map 4. *Sudan: Northern Bahr al-Ghazal–South Darfur boundary area*

Source: Sudan Survey 1:2,000,000 map, Southern Sudan (July 1955)

When the Anglo-Egyptian authorities occupied Bahr al-Ghazal at the beginning of the 20th century Darfur was still an independent state, with the Rizeigat Baggara inhabiting its southernmost area. There was continued conflict between the Rizeigat and Malwal, which Condominium officials interpreted as a feud over grazing and hunting rights. In 1912 they arranged a meeting between the leaders of the Rizeigat and Malwal and set the boundary between the two peoples at the Bahr al-Arab/Kiir River, which was then the recognized boundary between Darfur and Sudan. The Rizeigat were allowed to hunt, but not to graze, south of the river; this arrangement protected the rights of the Malwal, who were Sudanese subjects, and defined the secondary rights of the Rizeigat, who were subjects of the Darfur sultanate, within Bahr al-Ghazal (Johnson, 2009a, p. 180).

The political context changed after 1916, when Darfur was annexed to Sudan with the assistance of the Rizeigat, who sided with the Anglo-

Egyptian alliance and helped to destabilize the regime of the independent sultan. The administration of the Malwal in Bahr al-Ghazal, on the other hand, was very loose, with no Dinka-speaking British officials. When a dispute over grazing arose in 1918, the British governor of Darfur imposed a new boundary, declaring that 'Dar Rizeigat' extended 65 km (40 miles) south of the Bahr al-Arab/Kiir River. This decision was rejected by the Malwal and in 1924 a new boundary was agreed between Patrick Munro and Maj. Mervyn Wheatley, the governors of Darfur and Bahr al-Ghazal provinces, respectively: the Munro–Wheatley (or Wheatley–Munro) Line, 23 km (14 miles) south of and parallel to the Bahr al-Arab/Kiir River (Kibreab, 2002, pp. 80–100; Johnson, 2009a, pp. 180–81; see Map 4).

The Malwal Dinka refused to accept that their boundary with Dar Rizeigat began south of the Bahr al-Arab/Kiir River, and as the Bahr al-Ghazal provincial administration learned more about their Dinka subjects it lobbied for a change in the arrangement. Some concessions were granted for the joint use of the territory south of the Bahr al-Arab/Kiir River, but the boundary was retained. These restrictions on Malwal movement created new problems, with some Malwal seeking new grazing areas further north, in the Abyei Area. This move was opposed by both the Ngok and Misseriya. The governor of Bahr al-Ghazal warned that the Munro–Wheatley agreement, like the Versailles Treaty, contained 'the seeds of future war' (Johnson, 2009a, p. 181).

In annexing the territory south of the river to Dar Rizeigat, the Condominium government had initially supported the Rizeigat in converting their secondary rights into dominant rights. It subsequently modified the rights the Rizeigat could assert over this strip of borderland, making it an anomaly within the dar rights system, because the Rizeigat could not exercise the same exclusionary right of ownership over the land that had been annexed for them south of the river as they could over their original territory to the north of it (Kibreab, 2002, p. 85). By converting the Munro–Wheatley Line into a provincial boundary, the Condominium government imposed new layers of administrative and political complications on local disputes over a shared resource, a process that has been repeated in various forms throughout the north–south borderlands.

Current situation

During the first and second civil wars, and in separate incidents during the period of the Addis Ababa peace (1972–83) between the wars, groups of armed Rizeigat and, later, Misseriya raiders attacked Dinka settlements south of the provincial border. These raids against civilians became more organized during the second civil war, when Rizeigat and Misseriya were mobilized by the central government into murahalin militias, and clashes between the militias, the SPLA, and armed Dinka home guards were frequent. In addition to destroying houses and crops and stealing cattle, the murahalin also captured people (mainly women and children) and took them north. Compensation for the raids of the mid-1970s still had not been fully paid by the time the second civil war began. The issues of blood money compensation for the killing of people, compensation for the theft of livestock, and the return of abducted civilians during the second civil war were left unaddressed and unresolved in the CPA.

During the civil war administrators on the government side continued to attempt to regulate pastoral movements according to the 1924 Munro–Wheatley and subsequent agreements (EBGP, 1991). SPLA administrators, for their part, often made their own arrangements with incoming Misseriya, sometimes setting up what were termed 'peace markets' just inside SPLA-held territory, to which pastoralists and traders from the government-held areas could come.

Since the end of the war the area has been subject to pressure, particularly from the Misseriya in Southern Kordofan. Delays in demarcating the border have also meant that there is genuine confusion about where SPLA units should be stationed under the security arrangements specified in the CPA, and clashes between the SPLA and Baggara have been frequent.

Pressure from the Misseriya is, in turn, a direct result of pressures on them from the expansion of mechanized farming and the oil industry in areas between Babanusa and Abyei (see above section, 'Why Abyei still matters'). As a result, pressure has grown on Misseriya cattle-keepers seeking dry season pasture. The GoSS has publicly declared that Misseriya may enter the Southern states (Northern Bahr al-Ghazal and

Unity) unhindered with their livestock, as long as they come unarmed. The Misseriya, however, who were heavily armed as militia, have often refused this last demand, and fighting broke out between Misseriya groups and the SPLA, also involving the Malwal Dinka, in December 2007 and March 2008. The Misseriya retaliated by blocking the roads leading into Bahr al-Ghazal. This incident resulted, effectively, in a blockade on Northern Bahr al-Ghazal, which affected supplies en route to Wau. A peace conference was convened between the Misseriya and Malwal in Aweil in November 2008.

The conference revealed a number of issues. The first was the desire of both the Misseriya and Malwal for a return to Condominium practices regulating grazing movements, including a more active role for customary authorities (abolished in the north by the Nimeiri regime, and much subordinated to the SPLA during the war in the south). Some criticism of the Munro–Wheatley Line was voiced, but whereas in the past the Malwal had objected to the line on the grounds that it confined their movement, now the Misseriya were complaining about its restrictions on them. Other issues that were affecting Malwal–Misseriya relations were the return of persons abducted during the war, the final demarcation of the boundary, and the deployment of the SPLA: all issues that have to be resolved at the national level (USAID, 2008; Santschi, 2009).

Two other issues were highlighted: security and development. Within the GoSS there is the firm suspicion that the SAF and National Security are behind the arming of the Misseriya and their recent acts of aggression. While this might be true in some cases, it does not address Misseriya concerns that in moving into the Southern states they are moving into hostile territory without firm guarantees for their own safety. At the Aweil conference, security proposals focused on the disarmament of militias and civilians alike, the withdrawal of troops, and 'the creation of a Native Administration from the two tribes', which would be empowered to 'maintain security and rule of law' (USAID, 2008, p. 10).

The demand for more development was quite specific: better roads, more bridges across the Bahr al-Arab/Kiir River, dredging of the Bahr al-Arab/Kiir River to increase the flow of water, more wells, more markets,

the introduction of modern agricultural schemes, and the building of an oil refinery. The last two were perhaps the most surprising and worrying: if implemented, they would introduce into Northern Bahr al-Ghazal the same types of development that have disrupted the livelihoods of pastoralists in Southern Kordofan, Unity, Upper Nile, and Blue Nile states.

A similar meeting was held between the Malwal and the Rizeigat in Aweil in January 2010. The resolutions of this meeting made explicit reference to 'the long history of mutual self respect… fraternity and compassion' through intermarriage, reaffirmed each other's 'right of unhindered access to and sustainable use of natural resources inside both communities' land across the fraternal borders', and, as with the Misseriya–Malwal meetings, recommended more cross-border roads and a support for customary authorities in dealing with intercommunal matters (including the creation of a joint traditional court with an alternating chair). It also passed resolutions that built on the 1930s variations to the Munro–Wheatley agreement: each group was to provide security for members of the other visiting their territory; indigenous place names were to be retained, not to be renamed in other languages; the Rizeigat were to consult with the Malwal customary authorities before entering their land; and the customs and religion of both peoples were to be respected. In this way, the Rizeigat appear to be confirming the Malwal right of access to and use of the territory immediately south of the Bahr al-Arab/Kiir River in return for obtaining a similar right for themselves to graze south of the Munro–Wheatley Line. But the meeting went beyond the old issues of the Munro–Wheatley arrangement by recognizing the political dimension of current border tensions. It presented *both* the Rizeigat and Malwal as having been marginalized by Khartoum governments since 1956, condemned the 'warring parties' for mobilizing 'innocent youth' during the civil war, and denounced the 'political challenge' now emanating from both Khartoum and Juba, which was interfering 'in political issues within the border of the two communities' (PASS, 2010).

The more 'fraternal' tone of the Aweil meeting of the Malwal Dinka and Rizeigat Baggara, the assertion of a common history of marginalization,

and a recognition that members of both communities had participated in the destructive activities of the civil war (including abduction) reflects the long history both of conflict and of cooperation between the two groups. It contrasts with the greater reluctance to acknowledge responsibility for their murahalin activities expressed by the Misseriya Baggara in their meetings with the Malwal. If the Rizeigat seemed more willing to accommodate the Malwal, it might not be just because they had a longer history of negotiating with them; as explained below, a growth of competition between Rizeigat and Misseriya also played a significant part.

Since 2005 there has been a serious increase of conflicts between Arab pastoralist groups north of the border, involving the Habbaniya, Hawazma, Misseriya, and Rizeigat of Southern Darfur and Southern Kordofan. Such conflicts have likely been intensified by the prospect of the imposition of a more rigid north–south border patrolled and protected by SPLA forces. In recent years the Rizeigat and Misseriya have fought each other along the Southern Darfur and Southern Kordofan state boundary, so the movement of Misseriya into Malwal territory represents an extension of the Rizeigat–Misseriya competition south of the north–south boundary. The Rizeigat had the advantage of building on earlier agreements with the Malwal to secure their place against this new competitor.

Important issues for relations between communities along the north–south border are highlighted by the recent history of both Abyei and the Malwal–Rizeigat border areas. There are four main areas of concern.

The first is the tendency of the Baggara groups in Southern Darfur and Southern Kordofan to expand the territory they claim by asserting ownership over areas where they have had only seasonal rights. In Southern Kordofan this is in part a response to pressures within their own territory from national economic projects such as mechanized farming and the oil industry (over which the Misseriya have no control, and from which they gain little benefit). Consequently, continued southward pressure on the border is likely (as it is along the Unity–Southern Kordofan boundary discussed below), especially before and during the demarcation process.

The second issue is security. The peoples south of the boundary have every reason to fear the incursion of armed pastoralists from the north, given their role as government militias during the war; furthermore, ex-militiamen have a well-founded fear of retaliation from their former victims, now closely protected by the SPLA. Disarmament and a commitment to civilian protection will have to go in parallel if Baggara pastoralists are to have enough confidence to move south unarmed, and their host communities are to show willingness to receive them. The GoSS has considered converting this stretch south of the river into a demilitarized zone, but any such zone needs an authority to oversee and enforce it.

The third issue is that of economic development. Underdevelopment has become a convenient explanation for all sorts of conflicts, in Sudan as elsewhere, and while underdevelopment and accompanying marginalization have been issues in the recent war, certain types of development have also contributed to conflict. Development-induced displacement is already affecting large areas of the borderlands, especially in the oil-producing areas (Moro, 2008). The intensification of such projects and their introduction into other parts of the borderlands could have a destabilizing effect.

The fourth issue concerns the importance of understanding local particularities. The belligerence of the Misseriya in opposing the Abyei demarcation and referendum should be contrasted with the more accommodating approach of both the Misseriya and Rizeigat when negotiating access to the lands of Northern Bahr al-Ghazal, within Southern Sudan, as well as the accommodating approach of officials from both Northern Bahr al-Ghazal and Warrap states in facilitating these negotiations. If Khartoum's security agencies have been supporting and instigating resistance around Abyei, within what is still a northern state, it seems there is less scope for them to do so within the south. The outcome of the Misseriya and Rizeigat meetings with the Malwal may have been the result of an implicit recognition that in dealing with Southern Sudanese inside Southern Sudan, the Baggara are now on their own and must make the best accommodation they can under these new conditions.

The return of Kafia Kingi

Kafia Kingi and Hofrat en-Nahas, part of the old Western district of Bahr al-Ghazal province, comprise the largest area of Southern Sudan formally transferred from a southern to a northern province after independence. The area has been administered as part of Darfur for 50 years, almost as long as Sudan has been independent, but its connections with Darfur and its population go back further than that. The main historical theme of this region has been depopulation through war, slave-raiding, and administrative policy (Thomas, 2010). Technically, its return to Southern Sudan should be a straightforward administrative exchange, but in fact there are many aspects of this sparsely populated region that make such a transfer problematic.

Historical background

Kafia Kingi and Hofrat en-Nahas are part of the larger region known as Dar Fartit. 'Fartit' is usually a pejorative ethnic term used by the Fur to describe the slave-raided and shattered communities on their southern edge, and Dar Fartit is a product of the old 18th- and 19th-century raiding frontier of the Darfur sultanate. As the court of the sultan recreated itself in southward raids for slaves (O'Fahey, 1973), Dar Fartit became both the refuge and the source of enslaveable peoples preyed upon by the sultanate. 'One reason for the historical complexity of Dar Fur's southern frontier', observes historian Rex Séan O'Fahey,

> is that it was in fact a palimpsest of movements laid one upon another. The expansion of the Fur and the assimilation or emigration of the Fartit was one layer. The east–west lateral movements of the Arab cattle nomads along the Baqqara Belt was another. The north–south movement of sultanic slaving parties and of the itinerant merchants or *jallaba* who followed them was yet another. There was also a constant interaction between local ethnic change and displacement and the results of political decisions made in al-Fashir and translated into action as campaigns by the maqdums [commissioners]

> against the nomads or as large-scale slave hunts. Furthermore, Dar Fartit, the other side of the frontier, was always on the move; it was not so much a place but rather a state of mind. As the slave raiders moved southwards, so Dar Fartit moved south (O'Fahey, 1982, pp. 82–83).

Who was 'Fur' and who was 'Fartit' thus changed with the frontiers of the sultanate, leaving a legacy of the mutability of ethnic identity that is still present today.

In the mid-19th century the area of Kafia Kingi and Hofrat en-Nahas came under the control of the *zaribas* (armed camps) of the ivory and slave merchants. The most powerful of these was Zubair Pasha, who established his headquarters at Deim Zubair, midway between Wau and Raga; he thus controlled the strategic road linking the Zande kingdoms to the far south-west, on the Nile–Congo divide, with the copper mines of Hofrat en-Nahas to the north-west. This road became important for the transport of slaves to northern Sudan once the route along the Nile was closed off by the Egyptian government's late conversion to the anti-slavery cause. It was from his base in Dar Fartit that Zubair launched his conquest of Darfur in 1873. The area passed into Egyptian control with the defeat of Zubair's son Sulaiman in 1879, only to be evacuated in the 1880s, during the Mahdiyya. Briefly under Belgian and then French occupation at the end of the 19th century, the Kafia Kingi and Hofrat en-Nahas area suffered continued raids, this time from the south, undertaken by Belgian and French Zande allies. By the time Anglo-Egyptian forces arrived in 1903, many of the peoples of Dar Fartit were in 'a desperate state', constant refugees in flight from one raider or another over a period of several decades (Santandrea, 1964, pp. 23–54).

The Anglo-Egyptian administration found the district from Raga up to Hofrat en-Nahas a difficult place to govern. It was Bahr al-Ghazal's version of the Nuba Mountains: hard to reach, hard to organize, and hard to control. Two of the main problems were its remoteness and the plethora of languages and small communities. A third problem was incursions from Darfur, whether of pastoralists, 'freebooters' who still ranged along the southern frontier of the sultanate, or the sultan himself.

In reasserting his authority in Darfur after the fall of the Mahdist state, Sultan Ali Dinar claimed authority over former clients in Dar Fartit and used the district as a reservoir to acquire new slaves. He also launched a number of punitive campaigns against rebellious pastoralists, such as the Rizeigat in southern Darfur, forcing many of them to flee into Bahr al-Ghazal as far as Raga (Sikainga, 1991, pp. 35–38). The overthrow of Ali Dinar by Anglo-Egyptian forces and the annexation of Darfur to Sudan in 1916 established Condominium control over both sides of the boundary. The 1924 Munro–Wheatley Line, which established the boundary between the Malwal and the Rizeigat, also extended into the Western district and regulated Rizeigat grazing and movement in the Raga area.

A constant worry for the new administrators of Sudan was the number of peoples moving into and out of the district from neighbouring French Equatorial Africa (now CAR), some of whose refugees were allowed to settle. Others, like the West African Mbororo, were expelled if they could be located and rounded up (Sikainga, 1991, pp. 42–47).

In 1930, following the promulgation of the Southern Policy, the governor of Bahr al-Ghazal attempted to purge the district of alleged interlopers from Darfur. The area from Kafia Kingi and Hofrat en-Nahas down to Raga was depopulated, and peoples judged to be 'indigenous' were moved into Raga, while a number of other Muslim peoples were forced back into Darfur. Villages were burned and a no-man's land was created along the frontier between Western Bahr al-Ghazal and Southern Darfur districts (Sikainga, 1991, pp. 51–65). This episode was the most extreme local application of the Southern Policy as segregation. It was not attempted elsewhere along the northern boundaries of the southern provinces.

Various attempts were made to tinker with the Bahr al-Ghazal–Darfur boundary in the 1930s and 1940s, in an effort to make seasonal grazing and hunting boundaries coincide with the administrative boundary. There was also much discussion about the repopulation of the district, either with the Fartit peoples who had been removed in 1930, or with Baggara or Dinka pastoralists (Sikainga, 1991, pp. 67–82). As the end of

the Anglo-Egyptian Condominium approached, it became clear that while administrators in both Bahr al-Ghazal and Darfur provinces wanted to be able to use the land, neither welcomed the burden of administration. One departing governor of Darfur was quite explicit in his notes to his successor: the province's interests were best served by preserving their hunting and grazing rights in the area, but refusing to take any administrative responsibility for it. This was a clear statement of asserting the secondary rights of the border peoples of Darfur over an area beyond Darfur's administration (Johnson, 2009a, pp. 184–85).

The maintenance and expansion of grazing rights, however, required the eradication or control of the tsetse fly, which had spread with the advancing bush once the former population had been removed. The presence of tsetse flies more or less precludes the keeping of livestock on a large scale. In 1952, shortly before the Sudanization of the civil administration, the central government and the two province governments agreed to repopulate Kafia Kingi, with returning exiles from Darfur to act as 'fly swatters for the Rizeigat' (Owen, 1952).[9] This reversal of Condominium policy was the prelude to the transfer of the district to Darfur.

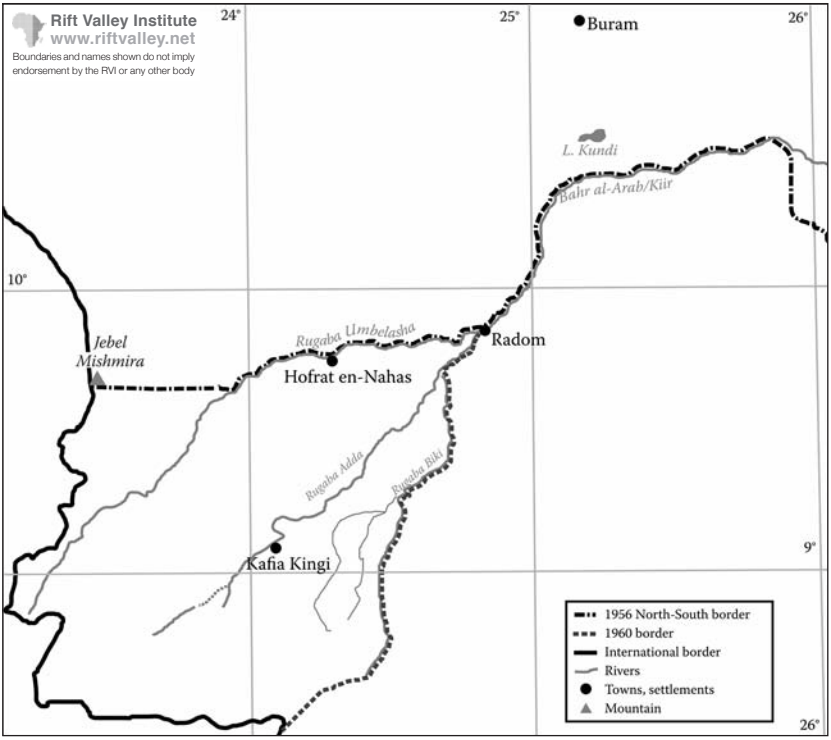
The boundary at independence ran east from Jebel Mishmira on the border with French Equatorial Africa to the Ragaba Umbelasha, and then along the Bahr al-Arab/Kiir River (see Map 5 overleaf).

Another aspect to the boundary was only hinted at in the internal correspondence of the Condominium in the late 1940s. This was the presence of mineral resources around the old copper mining area of Hofrat en-Nahas. Exploration of the mineral potential of the area was undertaken only after independence, following which, in 1960, the section of Kafia Kingi and Hofrat en-Nahas was transferred from Bahr al-Ghazal to Darfur (see Map 5 overleaf). By the terms of the Addis Ababa Agreement of 1972, this was supposed to be retransferred to Bahr al-Ghazal, but the transfer never took place.

[9] The author is grateful to Christopher Vaughan for this reference.

Current situation

The North–South Border Technical Committee established under the CPA initially agreed to the restoration of the 1956 boundary and the retransfer of Kafia Kingi and Hofrat en-Nahas to Western Bahr al-Ghazal state. Yet in 2007 the governor of Southern Darfur maintained that the territory belonged to his state. The resources he sought control over, however, were not its rumoured minerals, but its tropical hardwood forests. He was reported to have sent '*janjawid*' militia, drawn from Arab



Map 5. *Sudan: Western Bahr al-Ghazal–South Darfur boundary area, showing the Kafia Kingi enclave and the 1956 and 1960 boundary lines*

Sources: Sudan Survey 1:250,000 map 65-I (1976) and 1:2,000,000 map, Southern Sudan (July 1955)

inhabitants of Southern Darfur, to occupy large parts of the disputed territory.[10]

The GoS counter-claim to the language in the CPA is that the Munro–Wheatley agreement extended the Munro–Wheatley Line into the Western district of Bahr al-Ghazal, allowing the Rizeigat and Habbaniya from Darfur grazing access.[11] As in Abyei, this is an argument to convert what were originally secondary rights of seasonal grazing into dominant rights of ownership for the Darfur pastoralists.

In April 2010, following violence in the Raga area during the elections, another clash was reported between the SPLA and armed Rizeigat or SAF elements. This fighting took place along the border area either in Western Bahr al-Ghazal or in Southern Darfur, depending on which party's account of the incident was reported (McDoom, 2010a).

Despite clear evidence of where the boundary ran in 1956, and despite the unambiguous language of both the CPA and the Addis Ababa Agreement concerning the restoration of the 1956 boundaries, the Western Bahr al-Ghazal–Southern Darfur borderlands remain a problematic area. This will be the case no matter where the boundary line runs. There are old loyalties as well as old antagonisms, ambiguities of ethnic status and affiliation, new economic interests as well as old. Western Bahr al-Ghazal, especially around Raga, is one of the few areas of Southern Sudan where there is likely to be a significant number of pro-Unity voters—more, certainly, than in other parts of the south (Schomerus et al., 2010, p. 30). These are issues that no drawing, or redrawing, of the border alone can solve.[12]

[10] Author interview with Mark Nyipuoch Ubong, governor, Western Bahr al-Ghazal state, Wau, 26 February 2007.

[11] Information supplied to the author by Joseph Madak Both, director, Policy and Monitoring (CPA Implementation Monitoring), Office of the Vice-President, GoSS, Juba.

[12] These issues are explored more fully in Thomas (2010).

The oil blocks of Unity and Southern Kordofan

The northern half of Unity state, bordering Southern Kordofan, has a number of features in common with the Abyei and Northern Bahr al-Ghazal regions. It has experienced regular movements across the border in both directions: seasonal inward movements by northern pastoralists coming south for grazing or hunting, and outward movements of migrant labour moving from the south to the north. Pressure from northern pastoralists has increased as the expansion of mechanized farming—especially in the Nuba Mountains area—has eroded grazing areas north of the boundary. But the area is sensitive not only to developments across the border in the Nuba Mountains, but to developments closer to home. The northern counties of Unity suffered additional displacement during the last years of the war as large parts of the rural population were forced off their lands by the army and allied militias in order to make way for the exploitation of the oil fields there. It is from these fields that most of Sudan's oil revenue is currently derived. So, in addition to complementary and competing demands on the land from the seasonal movements of indigenous and neighbouring peoples, there are outside economic interests and the demands of national development at work. As in Abyei, and as in Dar Fartit, these factors make the delineation and demarcation of the boundary politically and economically sensitive.

Historical background

The main inhabitants of this area are the Rueng (or Pariang) Dinka and the Bul, Leik, and Jikany Nuer. The Rueng are part of the long sequence of Padang Dinka communities that stretch in a broken crescent along the rivers from Renk in the north to the Ngok in the west. They are a comparatively small group of agro-pastoralists, divided into three main sub-sections (Alor, Awet, and Kwil) and spread thinly along the entire length of Unity state's northern boundary with Southern Kordofan. The Bul, Leik, and Jikany Nuer groups living along the Bahr al-Ghazal River to the south of the Rueng were calculated at independence as roughly equal in size to each other and to the Rueng. The 2008 census figures are probably distorted by the inclusion of growing urban centres around

the oil industry and garrison towns, but the 'Southern Sudanese' populations tabulated in the five border counties are calculated at 94,874 in the two mainly Dinka counties of Pariang and Abiemnhom, and 243,989 in the three mainly Nuer counties of Mayom, Rubkona, and Guit, which corresponds to the size ratios of these four groups in 1956.[13] There was considerable intermarriage between them, especially between the Kwil Rueng Dinka and the Jikany Nuer. The British administrators considered the Bul Nuer the most remote and difficult to access, given the swampy nature of their territory.

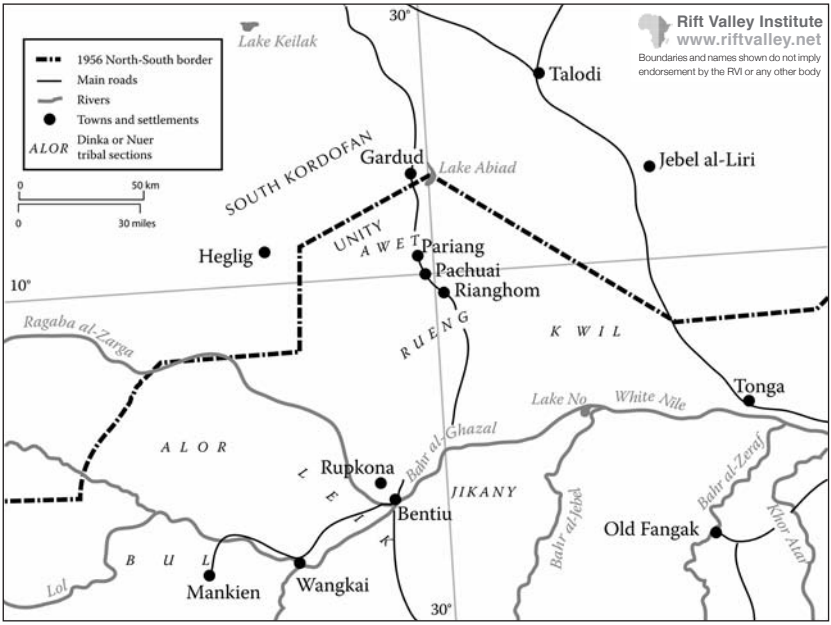
The Anglo-Egyptian administration displayed substantial indecision in settling on which provincial government would have authority over these peoples. Between 1905 and 1931 various Nuer and Dinka communities were shuffled between Bahr al-Ghazal, Kordofan, Nuba Mountains, and Upper Nile provinces. The final piece in the ethnographic jigsaw puzzle was put in place in 1931 with the transfer of the Rueng Dinka and their territory from Kordofan to Upper Nile, as recorded in the official *Sudan Government Gazette*:

> Commencing from a point on the existing Province Boundary midway between Debba Mongok and Debba Karam Nyet (Lat. 9° 21' Long 28° 38') the boundary runs in an easterly direction until it meets Khor Amadgora. Thence northwards to the Bahr el Arab leaving the village of Rumla Ngork to the Upper Nile. Thence in a N. Easterly direction to the Raqaba ez Zarqa at a point ½ mile west of Tibusia, thence along the Raqaba ez Zarqa to 'Aradeib, thence eastward along Lat. 9° 45' to the old Kordofan–Upper Nile boundary, thence north along that boundary and continuing along the old Kordofan N.M.P. [Nuba Mountains Province] boundary to Lat. 10° 5'

[13] In 1956 the Rueng Dinka were numbered at 31,641, the Jikany Nuer at 32,248, the Leik Nuer at 24,552, and the Bul Nuer at 33,893 (Population Census Office, 1958, p. 59). The 2008 census figures for 'southern Sudanese' by county are 78,712 in Pariang, 16,162 in Abiemnhom, 117,845 in Mayom, 95,567 in Rubkona, and 30,577 in Guit (Population Census Council, 2009, table To5H).

> marked on the map 'Clump of Heglig' thence N. Easterly to a point 3 miles due west of the centre of Lake Abyad, thence due east to the eastern shore of the Lake, thence S.E. through the Fed Abu Finyer to the Rest House at the point where the Tonga–Talodi road crosses the Raqaba south of Abu Qussa, thence up that Raqaba to where it joins the existing Province Boundary (SGG, 1931, p. 115).

The location of 'the old Kordofan–Upper Nile boundary' and 'the old Kordofan N.M.P. boundary' are unclear from this description, which relies on features, such as a 'clump of heglig' and a rest house, which might no longer exist. The redefinition of the boundary in the 1930s was based on an assumed delineation of Rueng Dinka territory. The



Map 6. *Sudan: Unity state–South Kordofan boundary area*

Sources: Sudan Survey 1:2,000,000, Southern Sudan (July 1955) and 1:250,000 maps 65-L and 65-H (June 1936)

problem for any demarcation based on earlier documents is that the 1931 *Sudan Government Gazette* description of the boundary change omits any reference to longitudinal or latitudinal measurements of the right angle junction between 'the old Kordofan boundary' and 'the old N.M.P. boundary', which are critical determinants of whether active oil fields lie west or east of the boundary line, within Southern Kordofan or Unity state. No major boundary changes are recorded since the Rueng Dinka were transferred to Upper Nile province in 1931.

The boundary at 1 January 1956 ran from the Bahr al-Arab/Kiir River to the Ragaba ez-Zarga, then angled in straight lines east, north, and north-east to Lake Abiad/Jau (see Map 6), and then south-east in a straight line to what is now the Upper Nile boundary.

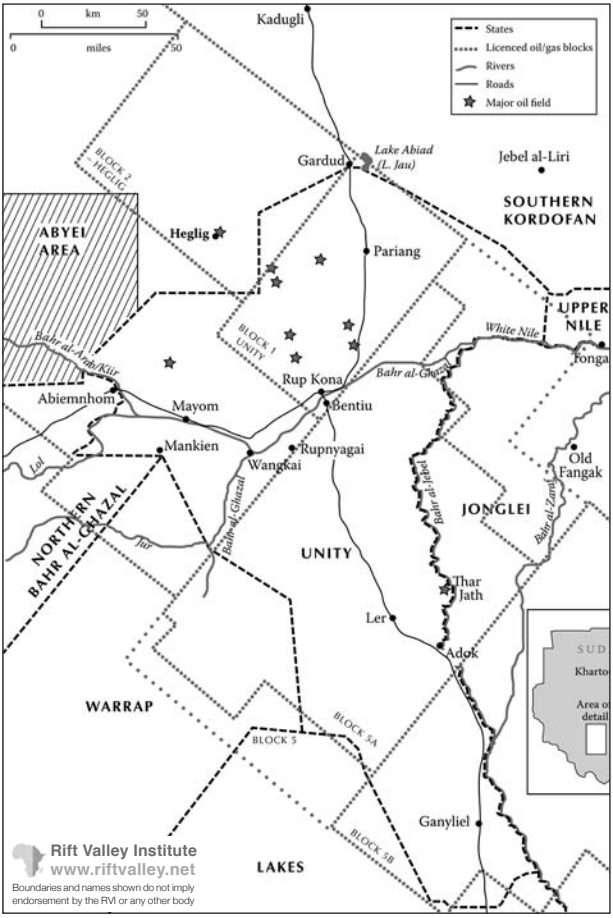
Current situation

Today, the border between Unity state and South Kordofan is potentially the most problematic section of the north–south boundary, as it passes through the area of the main working oil fields. These developments clearly post-date 1956; they hold the key to the resources on which the current economy of Sudan and the future economy of Southern Sudan depend.

Within the contemporary ethnopolitics of Southern Sudan the Rueng Dinka have neither the demographic weight nor the political clout of either the Ngok or Malwal Dinka. Their strategic position within the oil fields of Unity state and along the boundary with the oil fields of Southern Kordofan leaves them vulnerable to being dispossessed by state forces, but it also gives them potential leverage with the state. Current maps locate the Heglig and Kharasana oil fields inside Southern Kordofan (see Map 7 overleaf). Yet both the GoSS and the Unity state government base their claims to these fields on the Rueng assertion that both fields lie within their traditional territory (ICG, 2010b, p. 11).

This part of the borderland has been affected by the oil industry at both the national and the local levels. Nationally, it is a contest between the central government and the GoSS over the ownership of oil as a resource and the future revenues of the industry. Locally, populations

both north and south (and west and east) of the boundary have all been affected by the way the oil industry has been managed on the ground. The outcome of the national contest will have an impact on local contests, but even if an amicable settlement were reached over the future division of the oil industry, the environmental impact that oil exploitation has



Map 7. *Sudan: Oil development in Unity state*

Source: RightsMaps.com

already had will probably contribute to further conflicts between affected communities, or between local communities and the state government.

Early in the war the SPLA ensured by their military presence that the oil fields could not be actively exploited; thus denying much-needed revenue to the indebted Khartoum governments. But the presence of SPLA troops drawn from other parts of the south generated its own opposition. Paulino Mathip had originally organized a militia among the Bul Nuer in self-defence against incursions of the Misseriya, but his antipathy towards John Garang (the chairman and commander of the SPLM/A) and the SPLA enabled Khartoum to enlist him on their side against the Southern guerrillas. With the split in the SPLA in 1991 Riak Machar, who also comes from Unity state, was able to combine his SPLA troops with those of Mathip's to take control of the oil fields, in a surreptitious alliance with Khartoum. The alliance became open with his signing of the Peace Charter with President Bashir in 1996.

The subsequent opening up of Unity state's oil fields to exploitation in the late 1990s was accomplished by wholesale depopulation of the countryside by SAF units and allied militias as part of the government's war strategy (Gagnon and Ryle, 2001; Human Rights Watch, 2003). Both Misseriya Baggara militias from Southern Kordofan and Nuer militia from within Unity were encouraged to lay claim to and settle in the 'empty' lands they had helped to depopulate (Moro, 2008, p. 306; see above section, '"Munro–Wheatley" and the Malwal–Rizeigat boundary'). As in Abyei, development schemes for these immigrants, supported by the oil companies operating in the area, were part of the strategy to make a permanent change in the demography of the region. The Dinka were not the only ones to suffer. As Machar's alliance with Khartoum disintegrated, civil war flared among the erstwhile western Nuer allies, as the breakaway SPLA itself broke apart and different factions fought up and down and across the Bahr al-Ghazal River. Hostilities ended only with the signing of the CPA in 2005 and the incorporation of Mathip's forces into the SPLA through the Juba Agreement of 2006 (Johnson, 2009b).

Today, as the original Dinka and Nuer inhabitants of this section of the borderlands return home, they are coming into an area that has not

only been devastated by war but also damaged by the poor environmental management of the oil industry. Here, as in Southern Kordofan, water sources have been contaminated and drainage has been altered by the building of roads; as a result, the competition between Baggara and Dinka over reduced grazing has grown more intense and has expanded over two states (Moro, 2008, pp. 313–17; Pantuliano et al., 2008). There were clashes between the SPLA and armed Misseriya near Abiemnhom in February and March 2010 over some of the same issues that sparked fighting in Northern Bahr al-Ghazal in 2007 and 2008: attempts by the SPLA and state authorities to tax the Misseriya on their herds and prevent them from entering the state with their weapons. As in previous clashes, the SPLA have alleged that the SAF and National Security have armed and directed the Misseriya in this most recent fighting—a claim denied by both organizations.

Stricter environmental management of the oil industry is needed to reduce conflict among the inhabitants of the borderlands. A wider post-CPA oil arrangement could also reduce the tensions inherent in this border region. The CPA declared the oil in Southern Sudan a national resource to be shared between the central government, the GoSS, and the states where oil was found. But this only applied to the south; it did not apply to oil found elsewhere in the country. Consequently, both sides are positioning themselves to be able to assert ownership over additional fields after the Interim Period of the CPA ends in 2011. The GoSS, for instance, claims that the oil fields of Heglig and Kharasana lie inside Southern Sudan. This claim rests in part on the assertion that Rueng (Pariang) Dinka territory is the true boundary of Southern Sudan, and this lies beyond the current state borders. Some Rueng Dinka claim that their territory extends as far as Lake Keilak, to the north-west of the current boundary at Lake Abiad/Jau. At the beginning of the 20th century Dinka seasonal use did extend as far north as Keilak (Butler, 1902). For the south to assert ownership of these areas on the basis of Dinka seasonal or historical use, however, is on a par with Khartoum's attempt to claim Abyei and its oil fields on the basis of Misseriya seasonal use.

The way the oil industry is managed has an impact on the livelihoods of peoples on both sides of the north–south boundary. But this region is affected by developments on the northern side of the border as well as the implementation of national development policies within its own boundaries. The concentration and expansion of mechanized farming schemes in the Nuba Mountains has had an impact on relations between Unity state's pastoralists and their Southern Kordofan neighbours (Komey, 2010b; see below). The impact of the expansion of mechanized farming has been as disruptive as, if less violent than, that of the oil industry.

The mechanized farming areas bordering Upper Nile

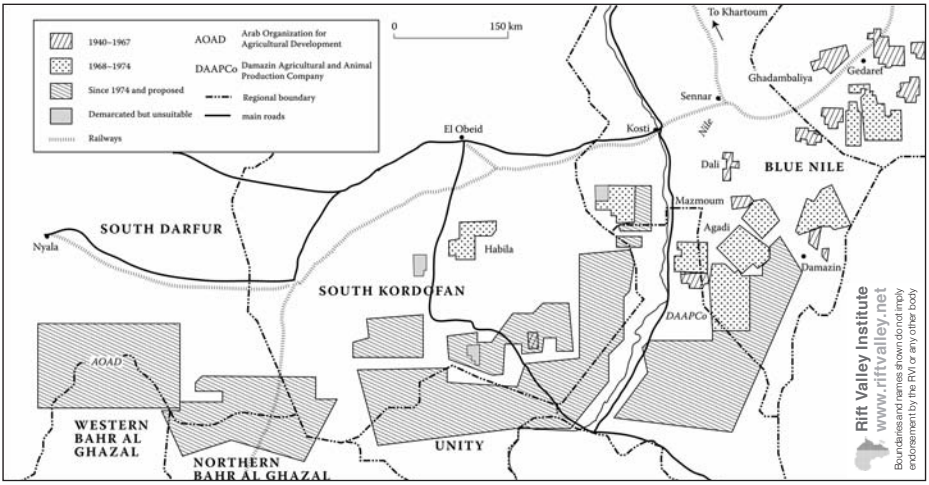
Most of the north–south borderland lies in the fertile clay plain south of the goz belt in a region of relatively high rainfall. For this reason it has become the main location for the development of large-scale mechanized farming schemes. The south experiences more rainfall, so the expansion of such schemes into Southern Sudan has long been planned. It was restricted only by the outbreak of war. The increase of agricultural production is likely to continue as part of the development strategy of the national government, and the GoSS may also begin to favour the introduction of large agricultural schemes based on the northern model. Mechanized agriculture, however, has generally had a disruptive effect on the borderlands, jeopardizing the environment and impoverishing the inhabitants of affected areas.

Historical background

Rain-fed mechanized farming in the savannah belt began in a limited way in areas around Gedaref and the Blue Nile in the late 1940s and early 1950s. Immediately before independence the Ministry of Agriculture proposed to base the expansion of the national economy 'almost entirely' on increasing rain-fed agriculture. 'All the post-independence governments have been faithfully implementing the principles embodied in this colonial report' (Kibreab, 2002, p. 275). The 'bread basket' strategy of national development adopted by the central government in the 1970s

was made possible, in part, by the end of the first civil war and the establishment of peace along the borders of the Southern Region. The areas designated for the development of mechanized farming were clustered closely along both sides of the region's northern boundary (see Map 8).

A series of acts concerning land access and use passed by a succession of national governments from the 1970s through the 1990s eroded the old communal land rights (Kibreab, 2002, pp. 276–80). With schemes concentrating on the intensified production of sorghum and millet for export to the Gulf countries, Sudan's agricultural production was increasingly redirected from an internal to an international market. The rural populations most affected were those living in the border provinces of Southern Darfur, Southern Kordofan, and Blue Nile. Here, large schemes were established with government subsidies granted to merchant capitalists (usually from, or politically connected to, the central Nile valley elite). These schemes were superimposed on communal areas, and smallholding farmers began to lose the right to cultivate their own



Map 8. *Sudan: Areas designated for mechanized farming 1940–2005*

Sources: Davies (1991) and Sudan Information Management Working Group

land. Pastoralists, too, were squeezed, as their seasonal migration routes were eroded by the expansion of these schemes, and former wet-season grazing areas were incorporated into farms. As the area open to pastoralists shrank, confrontations between pastoralists and both commercial and small farmers increased (Kibreab, 2002, pp. 303–08). The schemes relied largely on a dispossessed labour force, whether agriculturalists and pastoralists impoverished by competition with the schemes or, increasingly, people who had been displaced by war from the south, Nuba Mountains, and Blue Nile who became wage labourers on the new schemes (Duffield, 1992, pp. 50–51).

The 'bread basket' strategy, which was supposed to see a rapid expansion of Sudanese agriculture for export funded by Middle Eastern investment, failed to bring the expected benefits. Instead, it fuelled Sudan's national debt and created a massive asset transfer in land from communal and smallholder use to the government, its clients, and investors. Moreover, it spread environmental degradation over a wide area as land was intensely farmed for a few years and then abandoned in a system characterized by its critics as 'use and dispose' (Kibreab, 2002, p. 309).

Current situation

The areas along the Upper Nile border most affected by the agricultural expansion were Blue Nile and Southern Kordofan, especially in the Nuba Mountains. It was the experience of dispossession from their land and loss of rights to the resources of their land that led a number of men from Blue Nile and Southern Kordofan—many of them Muslims—to join the SPLA. Today the inhabitants of these areas expect land issues to be settled by the implementation of the CPA, but little progress has been made in this field during the Interim Period.

The Nuba Mountains were particularly affected by alienation of land for large-scale mechanized farming schemes. The expansion of industrialized agriculture in the 1970s and 1980s was financed first by the World Bank and then by Islamic banks allied to the National Islamic Front (the precursor to the NCP, the governing party in the north). The expansion of these schemes not only destroyed the viability of the Nuba smallholder,

but also poisoned relations between the smallholding farmers and Arab pastoralists who, denied their customary grazing areas, strayed on to the residual smallholding farms. Land ownership was the 'single biggest issue of contention in the Nuba Mountains on the outbreak of war' (African Rights, 1995, pp. 25–44).

The way current land issues are resolved in the Nuba Mountains could have an impact on neighbouring Upper Nile, not only through the potential of further displacement of farmers and pastoralists, but also as an issue that has the potential to re-ignite conflict along this part of the border. Currently the national and Southern Kordofan state land commissions created by the CPA have yet to begin functioning. One observer writes:

> the success of this fragile and volatile agreement is to a large extent predicated on the capacity of the central and state governments to satisfactorily address the issue of pastoralists' rights to land and water in the region (Pantuliano, 2007, p. 8).

This is certainly, to use the language of the CPA, one of the 'root causes' of war in the Nuba Mountains that the state and national governments need to resolve. At a more immediate level, divisions within the Nuba Mountains have deepened during the CPA's Interim Period. The return of internally displaced persons to their home areas has sharpened long-standing tensions between pastoralists and farmers, and between agro-pastoralists and returnees (Pantuliano, 2007, p. 8). As communities seek to secure or exert control over their land, there is a sharpening of ethnic definitions around territory (see below). Where once there were overlapping rights, as with pastoralist seasonal migration through the territory of sedentary farmers, a stricter definition of ethnic territory is now being applied, with exclusive and exclusionary rights being asserted (Komey, 2010a; 2010b).

Unlike the inhabitants of the south or Abyei, the people of the Nuba Mountains were not granted any right to self-determination by referendum at the conclusion of the Interim Period of the CPA. Instead, as in Blue Nile, there is to be what is termed a 'popular consultation' about the

state's future relationship to the central government. This is to apply to the whole of Southern Kordofan, including its Arab pastoralist inhabitants and Nuba farmers, an administrative amalgamation that means that the Nuba form a permanent minority within Southern Kordofan. If land issues are unresolved, or resolved in such a way as to generate further conflict, and if the popular consultation fails to fulfil the expectations of the Nuba minority, conflict could erupt along the northern side of this section of the borderlands.

Upper Nile did not see intensification of agriculture on the same scale as Southern Kordofan during the period of the Addis Ababa peace or the recent civil war. Nevertheless, it has been affected by land issues beyond its borders. Some of these issues are very old, relating to overlapping claims of dominant and secondary rights (as in Abyei and along the Munro–Wheatley Line).

The war—and the ensuing peace—reignited conflict over harvesting rights for gum arabic (*Acacia senegal*) in the Renk and Kaka areas, inhabited primarily by the Abialang Dinka and Shilluk, respectively. The Seleim Baggara had originally been included in Upper Nile province but were incorporated into White Nile in 1914. They continued to claim dar rights as far as Kaka in Upper Nile, on the basis of seasonal grazing along the west bank of the Nile and harvesting of gum arabic inland of Kaka (Johnson, 2010). On the Sudan Survey 1:250,000 maps for Renk and Melut (NC-36-B and NC-36-F, which have not been changed in any significant way since 1936 and 1935, respectively) the Seleim Baggara are still recorded as having temporary 'winter' (dry-season) grazing camps from the northern (Jebel Megeinis–Nile) boundary line up to a line just north of Kaka, bordering the Moamo district of the Shilluk.

This grazing boundary seems to have been fixed as early as 1906. 'The boundary is a very ancient bone of contention, which is periodically exhumed and knawed [sic] by the Seleim in idler movements,' noted one district commissioner in 1935. Kaka and Tonga had been annexed as river ports to the Nuba Mountains province and then returned to Upper Nile when the Nuba Mountains were re-absorbed into Kordofan. During that time the Aulad Himmeid Arabs of Kordofan had occupied the Kaka

hinterland as their riverain outlet. 'From the point of view of pure equity the decision which practically excluded the Seleim once and for all from the Kaka Area, did them less than justice,' the district commissioner continued, 'and they never got over it, especially since the exclusion has been in favour of the Aulad Himeid, whom they consider as upstarts and land grabbers.' The conflict, which led to fighting inside Upper Nile, was between two Arab pastoralist groups, not between Arabs and non-Arabs (Paul, 1935).

The Seleim never gave up their gum harvesting rights and still lay claim to the Kaka hinterland. Since 2003 there has been conflict between incoming Seleim and local Shilluk over who owns the gum trees and who has gum harvesting rights, leading to serious violence in 2005. The issue has become such an emotive one that the Shilluk have changed the Arabic term for gum arabic from *sumuk arabi* (gum arabic) to *sumuk aradi janub* (gum of the lands of the south) (Moro, 2008, pp. 309–10).

Blue Nile, easternmost of the north–south border states, has a high concentration of mechanized schemes, both authorized and unauthorized, especially along its border with Upper Nile (see Map 13). In the early 1990s agricultural schemes along the Khor Umm Dilwas within the north-east corner of Upper Nile (see Map 11) were unilaterally annexed to the neighbouring White Nile and Blue Nile states, and police from those states were used to keep the Upper Nile authorities out. Since the signing of the CPA these police posts have been withdrawn.[14] At the time of writing, this area does not seem to be among the contested ones in the north–south border demarcation; Upper Nile has been able to reassert its claims through the restoration of the 1956 north-east boundary line.

Upper Nile's northern boundary line

The delicacy of determining the north–south boundary is well illustrated by Upper Nile state's northernmost boundary with White Nile state. This

[14] Author interview with Acuil Deng Dak, director of mechanised agriculture, Renk, Upper Nile state, 19 February 2007.

straight line runs west to east and would appear to be unproblematic and a simple matter to confirm. Unfortunately, this is not the case. The north-western corner of this boundary (where it meets Southern Kordofan) is supposed to be anchored on Jebel Megeinis, but modern GPS readings have revealed that Jebel Megeinis is not located on the coordinates that have been recorded on the Sudan Survey maps since the early part of the 20th century. Not only that, but there are two beacons on the mountain, one at the base, and one at the summit.[15] A precise fixture thus turns out to be imprecise, creating room for argument.

A more serious disagreement exists over the line to the north-eastern corner of the state boundary. Initially, this was a dispute over which documents describing the boundary line should be used to determine where it runs. But the current process of boundary-making itself, which has generated new hopes and claims on both sides, has added a new dimension to the dispute.

Historical background

Upper Nile state's northern borderlands are occupied by the Abialang Dinka, the northernmost point of the Padang Dinka crescent. Renk county is currently listed as having 137,751 inhabitants, of which 117,849 are identified as 'southern Sudanese' (Population Census Council, 2009, table T05F).[16] The town of Renk is named after a 19th-century chief, Areng de Com, who negotiated with the Mahdist authorities in Omdurman and died just before the arrival of Anglo-Egyptian forces (Willis, 1995, pp. 144–45). Renk was excluded from the Closed Districts Ordinance and has long been an intersection of northern-based commerce and northern-financed pump irrigation agricultural schemes along the Nile. There has thus been a long period of interaction between the Abialang Dinka and Northern Sudanese merchants and administrators. Many (if not

[15] The author is grateful to Col. Engineer Riek Degoal, deputy chair and GoSS representative on the North–South Border Technical Committee, for this information.

[16] In 1956 Renk district was estimated to have 13,556 inhabitants, including 3,770 residents of the two towns of Renk and Geiger (Population Census Office, 1958, p. 59).

most) of the Abialang are bilingual in Dinka and Arabic; many are also Muslim. Northern Upper Nile has also been a source of migrant labour into the mechanized farms in the surrounding areas. Migrant workers from Renk were among the Southern Sudanese labourers killed on the farming schemes around Jebelein in December 1989 in a dispute about working over Christmas.

Two descriptions of the Upper Nile–White Nile boundary are currently being invoked: one from October 1920 and one from July 1956. The 1920 description reads:

> The previous Southern boundary of the White Nile Province and Northern Boundary of the Upper Nile Province on the East of the White Nile, which, by agreement in 1917 between respective Governors, was fixed as a line running from Jebel Tertera to a point 1 mile North of Abu Haram and thence direct to the river parallel with the parallels of latitude, has now been altered as follows: –
>
> A line from Khor Abu Dirs on Belli [*sic*: Buli] Island approximately 1.5 miles South of parallel 12°15' running to Goz Nabbuk on the Sennar Province Boundary (SGG, 1920, p. 1313).

An alteration to this, published in 1956, records a slight northward adjustment:

> It is hereby notified that the Minister of the Interior has sanctioned the alteration described below in the boundary dividing the Blue Nile Province from Upper Nile Province. The altered portion of the boundary should run as follows:-
>
> A line running due east from the 26 foot triangulation pole No. 6030 at Debbat El Fukhar to meet Kosti–Northern Fung District boundary at Qoz Nabbuk; and due west from the same triangulation pole to the centre of the White Nile, thence going south to meet the old boundary (SGG, 1956, pp. 319–20).

The boundary change was gazetted after 1 January 1956, but later documents record that the decision to change the boundary was agreed by the two provinces in 1955. The district commissioner of Renk wrote in 1961, 'The boundary between Renk and Kosti was fixed in 1955 and was Gazetted in 1956' (Bey, 1961).

Current situation

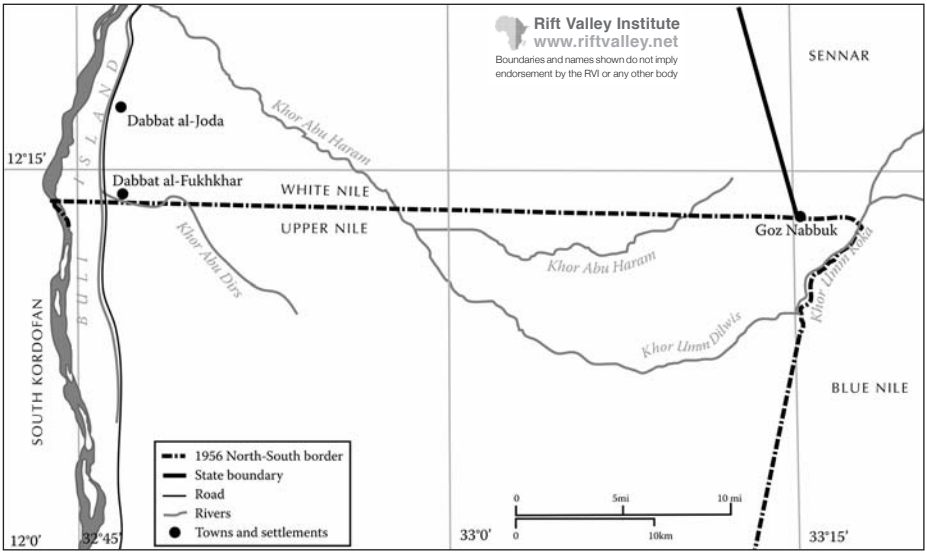
Because the official gazetting of this change was made after 1 January 1956, and no contemporary record of the 1955 meeting has yet been produced, officials from both White Nile state and the central government Sudan Survey Authority have in the past disputed that this is the 1956 boundary. The more southerly line leaves a number of villages of the Giel section of the Abialang Dinka in White Nile, while the northerly line contains most of those villages within Upper Nile. An attempt to demarcate the boundary in 1983 failed when the survey teams of the Sudan Survey Authority and the Upper Nile province government disagreed over which description in the *Gazette* to use. In 1983, the Upper Nile province chief survey officer reported on a disagreement between the survey teams of the central and provincial governments:

> We have disagreed with the Central Survey Team on the following:-
>
> 1. They insist on using the 1920 Gazette which says the boundary is about 1.5 miles south of latitude 12°15'. This would push the boundary by 800 meters into Upper Nile Province.
>
> 2. We say the boundary mark is triangulation point NO 6030 which was fixed in 1955 and gazetted in 1956 [see Map 12]. This can be interpreted as the boundary mark which existed on 1.1.1956. We say our work should be based on this point and another point at Goz Nabak. They disagree with us and say they will continue working according to 1920 gazette (Acien, 1983).

The above records show that the survey teams also should have been looking for a triangulation point on Dabbat al-Fukhkhar, which is north of the 1920 boundary line, as well as the triangulation point on Buli Island (see Map 9). The readjusted line, agreed in 1955, passes through the geographical features of Dabbat al-Fukhkhar and Goz Nabbuk.

A further problem is that where the 1:250,000 Sudan Survey map shows Buli Island as one long continuous island separated from the right bank of the Nile by a *khor* (seasonal watercourse), in fact another, shorter *khor* connecting with the Nile divides the island in two. A boundary beacon was placed on the north-western corner of the southern island, Halaga Island (see Map 10). This beacon has since fallen into the river.

The Upper Nile state administration has continued to use the northern line as the de facto boundary. Even with this line, some Dinka villages may still lie within White Nile state. Increased labour migration during

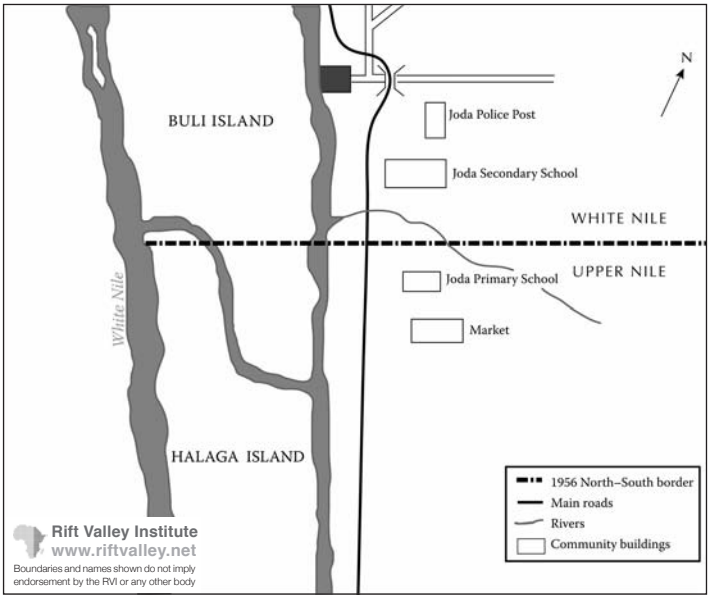


Map 9. *Sudan: Upper Nile–White Nile–Blue Nile–Sennar boundary*

Source: Sudan Survey 1:250,000 maps 55-N, (April 1937) and 55-O (October 1934)

the war years has also meant that large numbers of Dinka workers from Upper Nile can be found in Jebelein and beyond. Some residents of Renk are already claiming that the boundary should be drawn as far north as Jebelein. The example of the Abyei arbitration going to The Hague has inspired them to declare a determination to take their claim to international arbitration, an option nowhere sanctioned in the CPA (ICG, 2010b, pp. 6–7).

The drawing of the northern boundary line also affects the location of any mechanized farming schemes on either side of the border. Pushing the boundary even one mile north of the 1920 line would place schemes currently in or adjacent to Upper Nile's north-east corner inside Southern Sudan, potentially reopening the dispute with neighbouring states over the jurisdiction of agricultural schemes straddling this part of the border.



Map 10. *Sudan: Upper Nile–White Nile boundary at Jodo*

Source: Acien (1983)

Even minor variations in the boundary line can thus have far-reaching economic and political, as well as human, consequences.

Blue Nile state and Chali el-Fil

Yet another sort of problem exists along the boundaries of Blue Nile state. This state already lies alongside one international border (with Ethiopia) and shares a long western and southern border with Upper Nile. Many of its peoples (the Berta and Gumuz, particularly) already straddle the international border with Ethiopia. As a region the southern part of Blue Nile is similar to the Nuba Mountains in that it contains many hill communities speaking different (and often unrelated) languages. Like the peoples of the Nuba Mountains these communities are the product of a history of state expansion and slave-raiding by kingdoms to the north and east.

The peoples of southern Blue Nile have been given a spurious collective identity by outsiders: they are known as Burun in Arabic, Cai in Nuer, and Shangalla in Amharic. Linguistically, they show a diverse origin. The Meban, though sharing many cultural traits with their Uduk neighbours (they are both matrilineal, and neither marry with bride-wealth), speak a Western Nilotic language closely related to that spoken by the Shilluk, from whom they are separated by the Paloich Dinka along the White Nile. The Uduk, on the other hand, are speakers of one of a number of Koman languages—an ancient branch of the Nilo-Saharan family—which riddle this border region like a ragged patchwork. To add to this confusion, none of the peoples of the region answers to the names by which outsiders know them:'"the Gumuz" do not call themselves Gumuz, "the Koma" do not call themselves Koma, "the Ingessana" do not call themselves Ingessana, and "the Uduk" do not call themselves Uduk' (James, 1979, pp. 4–8).

What these groups share is a common history of living between rival kingdoms and states that have expanded into, and then retreated from, this foothill area between the Ethiopian highlands and the Nile. They also have shared a subsistence economy based on the cultivation of sorghum

and maize, hunting, fishing, and the rearing of livestock (mainly pigs) (James, 1979, p. 4). Their lands have been traversed by the Rufa'a al-Hoi Arab pastoralists on their seasonal movements from further north in Blue Nile state, and in very recent times both men and women have been employed as wage labourers in the mechanized farms on which Sudan's national economy used to depend before the exploitation of its oil reserves.

In the course of the 20th century many of these peoples were transferred back and forth between Upper Nile and Blue Nile. At independence part of the territory remained in Upper Nile while the rest rejoined Blue Nile. Thus Blue Nile was drawn into the civil war, despite being a 'northern' state, and the SPLA had a strong presence in the southern part of the state at the time the peace agreement was signed. Its future within a 'northern' Sudan, should the south secede, is therefore full of uncertainties.

Historical background

Before 1938 the southern extension of the old Fung (later Blue Nile) province corresponded more or less to the areas that had been tributary to Jebel Gule, a key southern outpost of the former Funj Kingdom of Sennar, one of the old Sudanese kingdoms that predates the Turco-Egyptian invasion of Sudan in the 19th century. (Jebel Gule is located north-west of the Ingessana Hills, roughly 32 km, or 20 miles, east of the current Upper Nile–Blue Nile border, at about 11° 44' N and 33° 30' E). The chiefs of Gule retained local importance during the Turkiyya (the period of Turco-Egyptian rule in Sudan), overseeing a number of smaller Funj principalities in the hills and valleys of the upper Blue Nile and the Ethiopian border zone, and providing the possibility of patronage and protection as far south as the Yabus valley. Many of the inhabitants of the area had sought refuge in its hills and valleys from the early 19th-century eastward expansion of the pastoral Nilotic Dinka and Nuer and subsequently from mid-19th-century Turco-Egyptian slave raiding southward up the Blue and White Niles. The Condominium government initially provided conditions for relative peace and prosperity, both

for settled peoples and for Arabic-speaking semi-nomadic groups such as the Rufa'a al-Hoi, who had an established pattern of north–south movement through the whole of the southern Funj region (nomadic groups of West African origin appeared later, though they were discouraged by the Condominium).

Following the Italian invasion of Ethiopia in 1936, the strategic post of Kurmuk in southern Blue Nile, on the Ethiopian frontier, grew in importance. Kurmuk became bound more closely to centres of economy and administration further north. Partly in line with Southern Policy thinking, the governor of Upper Nile province mooted a project in 1931 that was never officially adopted or fully carried out but involved incorporating into Upper Nile the indigenous, largely non-Muslim, non-Arab minority peoples of southern Blue Nile up to and including the Ingessana, so as to 'make a definite line of cleavage east and west between the Arabs of the North and the Negroids of the South' (Willis, 1995, p. 345).

In line with this concept, the territories of the Meban, Uduk, and Koma, who lived in the southernmost parts of the Kurmuk district, were transferred in 1938 from Blue Nile to Upper Nile and a new boundary was described (with a confusing mixture of typographical and topographical references) as follows:

1. From a point on the Blue/Upper Nile Province Boundary where Khor Wadudu cuts that boundary.
2. to the middle 'T' [cartographic symbol for waterhole] just North of Um Edeil.
3. in a South-Easterly direction straight to the centre of Jebel Teilu.
4. due East until it cuts the Khor Ahmar (leaving the Jum-jum villages to the North and the Uduk villages to the South).
5. a straight line to Jebel Barfa.
6. a straight line Southwards to Jebel Arabu (any Uduk villages to the East being under the Upper Nile Province).
7. in a straight line through the 'E' of Belbubulu [name on map] to the Yabus River.

8. along the Yabus River to the Sudan–Abyssinian frontier (SGG, 1938, pp. 75–76).

Thus, for a time the Meban, Koma, and Uduk were administered from the Upper Nile town of Renk, on the White Nile. Significantly, this boundary change explicitly recognized and preserved the rights of the Blue Nile pastoralists, such as the Rufa'a al-Hoi, to continue grazing in the transferred territory (Johnson, 2010).

Christian missionaries, confined to the non-Muslim southern provinces for purposes of evangelization, were allowed to operate in this area after 1938. The US missionaries of the evangelical Sudan Interior Mission, having been expelled from Ethiopia by the Italians, were given permission to establish stations in this part of north-eastern Upper Nile, partly because it was a remote area, away from large population centres or politically important tribes, and therefore unlikely to disturb Native Administration (Sanderson and Sanderson, 1981, pp. 240–41). Among these stations was the post at Chali el-Fil, among the Uduk, which soon developed a network of its own among neighbouring peoples. The main access to Chali was still through Kurmuk, in the northern province of Blue Nile, especially as roads were being improved even south of the town during and after the Ethiopian campaign of the Second World War.

In 1953 there was a further change to the boundary between Blue Nile and Upper Nile. This was mainly for administrative convenience: the relatively new *umudiyyin* (sub-districts) of Chali el-Fil, with its Uduk inhabitants, and Yabus (with the Koma) were retransferred to Blue Nile, separating the Uduk from the Meban villages as follows:

> From Jebel Tellu (33° 40', 10° 27') directly to a point (33° 47', 10° 20') between the village Gubartallah (Uduk) and the village Bella (Mabaan).
>
> From thence directly to a point (33° 54', 10° 10') between the villages Faragallah (Uduk) and Timsah (Mabaan).
>
> From thence skirting the foot of Jebel Tombak on the north, and east to the old road trace at (33° 58'–10° 9').

> From thence following the old road trace marked by a dotted line on sheets 66-G, 66-K, until it meets the present boundary between Nasir and Renk Districts namely parallel (9° 30' at 33° 53') (Mynors, 1953).

This re-transfer of the Uduk and Koma to Blue Nile created a new anomaly in this 'northern' province. While the Uduk as a people (numbering no more than about 10,000 at the time) were still neither Christian nor Muslim, the Sudan Interior Mission based at Chali el-Fil had established a network evangelizing the Uduk and neighbouring peoples. To complicate the situation, the Meban people (with whom the Uduk and Koma regularly intermarried) had been left, partly out of geographical and administrative convenience, in Upper Nile, under the continuing administration of Renk. The border was not a major problem before independence, as both local people and missionaries could keep in touch across it. But the expulsion of Christian missionaries from Sudan in 1964 by the government of Gen. Ibrahim Abboud left the church at Chali, now run by Uduk, somewhat isolated, though the Blue Nile missionaries were among the last to be expelled from Sudan.

Current situation

The Chali and Yabus 'umudiyyin were not directly affected by the first civil war. But, as this area was inhabited by largely non-Islamized and non-Arabic speaking peoples, it was 'culturally and geographically part of the Southern complex'; the Addis Ababa Agreement offered the areas of this complex the option of deciding by referendum whether to join the Southern Region. As in Abyei, no referendum ever took place, and Uduk who petitioned for a referendum were reprimanded and imprisoned (James, 2007, p. 35).

In contrast to the first civil war, the second war had a drastic effect on the inhabitants of the area. The entire Uduk community, along with many other groups in Blue Nile, was affected; they were recruited either into the SPLA on the rebel side or into the SAF, or they fled to Ethiopia as refugees or to Khartoum or other northern towns as internally displaced persons. At the end of the war the SPLA controlled not only the two

southernmost Uduk and Koma 'umudiyyin, but also the strategic border hill settlement of Jebel Ulu overlooking the Adar oil fields in neighbouring Upper Nile, the Ingessana Hills, and the border towns of Kurmuk and Geissan. These areas showed the strongest support for SPLM candidates in the 2010 elections.

The CPA recognized the involvement of the people of Blue Nile in the civil war. Like Southern Kordofan, it is covered by a separate protocol. But, as with Southern Kordofan, the provision falls short of the referendum offered to Abyei. Instead, the people of Blue Nile are to be offered a popular consultation about their administrative future. The nature and timing of the popular consultation are left vague. It seems unlikely the process will satisfy the aspirations of the people of Southern Blue Nile. Those who joined the SPLA—many in the central and eastern regions of the new state as well as the far south—did so because of the SPLA's 'New Sudan' policy (a programme for the political transformation of the whole country) and not because they wished to join the south. However, if the popular consultation proves a disappointment and the south votes to become independent, there could be a growing movement among the SPLA's former supporters in Blue Nile to join a new state in Southern Sudan (James, 2007).

New developments are likely to add to unrest. The people of Blue Nile have long been affected by the development of mechanized farming in the central and northern open stretches of the state, having been recruited (or conscripted) as farm labourers before and during the war.[17] New schemes are now planned as far south as Kurmuk (see Map 8 on page 64). In addition, a scheme to raise the level of the Roseires Dam to provide more electricity for national consumption will lead to the flooding of many settled areas along the Blue Nile river upstream of Damazin, causing population displacement as far as the Ethiopian border. The

[17] At the first round of peace talks on the 'Three Areas' of Abyei, Nuba Mountains, and Blue Nile at Keren in January 2003, Malik Agar, now the SPLM governor of Blue Nile state, produced a document from the Damazin Department of Agriculture which he claimed showed that the largest lease-holders of farming schemes in Blue Nile were the family of Hassan al-Turabi and companies owned by Osama bin Ladin.

Land Commissions, for which provision was made in the CPA at the national and state levels, have yet to begin functioning, and the rights of post-war returnees to their former lands in the Blue Nile are looking fragile, as they are also in the Nuba Mountains.

There are, in effect, already three boundaries in force in Blue Nile: the international boundary between Sudan and Ethiopia; the north–south boundary between Blue Nile and Upper Nile states; and the internal boundary separating the territories formerly controlled by the SPLA and SAF. The future disentangling of these boundaries and the reintegration of the borderland peoples thus offers numerous challenges, quite apart from any additional challenges posed by the outcome of the popular consultation. The north–south boundary itself cannot be justified using religious, cultural, linguistic, or ethnic criteria, nor is there any obvious geographical line of separation. Some who were close neighbours and relatives in the past, and in some cases became so again in the refugee camps in Ethiopia during the civil war, may find themselves in different countries if the south secedes. Many who spent up to 15 years in refugee camps and received a basic East African education, being regarded as 'Southerners' even by most of the international agencies, now find themselves facing education in Arabic in line with the Sudanese national syllabus, depending on which part of Blue Nile they have resettled. Others, who were close neighbours and relatives but found themselves on different sides during the 1983–2005 war, now have to live together again, right up against not one international border but possibly two, at a time when there are fears for the security of the whole border zone. It is very unclear what rights returnees from refugee camps in Ethiopia or from internal displacement to Sudanese towns have to their former lands. The seasonal rights of pastoralist groups from the northern part of the state are also yet to be guaranteed. The secure movement of people, animals, and goods within Blue Nile and across the Upper Nile–Blue Nile boundary is essential to the livelihood of all, especially in the southernmost section.

The impact of the CPA on internal boundaries

The redefinition of boundaries in preparation for what could be a major readjustment in Sudan's geopolitical landscape following the 2011 referendum has fed into other and older internal boundary-making projects, generating a recrudescence of ethnicized territorial claims. While defining ethnic territorial boundaries was explicitly part of the project of the old system of Native Administration, some flexibility in that system provided mechanisms for managing shared resources, especially along the frontiers of tribal territories. The new ethnic boundary-making, instead, is in part a continuation of a wider national policy instituted by the NCP government throughout the country prior to the peace negotiations leading to the CPA, a process closely related to the political security of that regime. But in part it is also an attempt by local communities either to validate changes that have occurred during the civil war, or restore the pre-war order in anticipation of the outcome of the referendum.

The breaking up of larger regions into smaller states and the extraction of 'sub-localities' from larger 'localities' has been more a political than an administrative project. In Southern Darfur, for instance, offering smaller groups their own territory by redrawing local boundaries and detaching them from larger tribal groups in return for political loyalty has enabled the central government to weaken those larger groups. Similarly, dividing regions into states that more closely follow ethnic cleavages has reduced the potential autonomy of the regions and increased tribal animosities over border disputes (Takana, 2008). The effect is to give the regime 'room to manoeuvre between different groups in the fragmenting periphery' (Thomas, 2010).

In Southern Sudan many recent boundary disputes over ethnic administrative boundaries were related to securing control over administrative resources and creating constituencies for the 2009 elections. Others have deeper historical roots and are of longer duration, such as the Padang Dinka–Shilluk dispute over the ownership of stretches of Khor Atar and

even Malakal itself.[18] A number of these internal boundary disputes are justified by their protagonists with reference to local, and unverifiable, claims of what the boundaries were at independence on 1 January 1956 (ICG, 2009, p. 17; Nyaba, 2009; Schomerus et al., 2010, pp. 40–43, 46–52), as if 1956 represented a status quo ante for the entire country, to which Southern Sudan must return before emerging as a new nation.

The competition for the resources of modern administration go beyond ethnically driven boundary-making to include ethnically motivated territory-naming. In some areas where old neighbours compete, such as between the Lopit and Pari of Eastern Equatoria state, or the Bari and Acholi along the Nimule–Juba road in Central Equatoria state, the naming of counties is an intensely political contest, as the choice of language in which a county is named implies ownership or predominance (Schomerus et al., 2010, pp. 43, 50–51). Elsewhere internally displaced settlers now compete for ownership with their host communities, importing their own names to a new landscape, as in the Shilluk–Padang Dinka confrontation mentioned above (Schomerus et al., 2010, pp. 48–49, 52).

A different situation exists in the Nuba Mountains and southern Blue Nile, where territory is divided between farmers and pastoralists, former antagonists in the war, and between the SPLM and GoS administrations. In the Nuba Mountains the development of the Nuba identity was closely linked to territorial attachment. The Nuba who joined the insurgency were resisting not only the encroachment of the state through confiscation of land for agricultural and petroleum development, but the incursions by Hawazma and Misseriya Baggara pastoralists into the fertile plains customarily farmed by Nuba hill communities. The CPA, while bringing an end to the war in the Nuba Mountains, established the conditions for redirecting conflict into new areas (Komey, 2010b).

[18] The Padang Dinka in this area include the small Rueng and Ngok settlements around the mouth of the Sobat River, and the land dispute between them and the Shilluk predates the war. Demographic changes since then involve new settlements established in land abandoned by their previous owners during the war.

Neither the wealth sharing nor the Southern Kordofan–Blue Nile protocols of the CPA offered direct solutions or guarantees for securing the ownership rights for communally owned lands, or for incorporating customary land rights into new legislation. Nor did they include compensation for local communities affected by expansion of mechanized farming or the oil industry. By incorporating the Misseriya of the former Western Kordofan state into Southern Kordofan, the CPA added a new complexity to Baggara–Nuba relations in the Interim Period and beyond. The boundary change means that the state assembly will have an inbuilt non-Nuba majority, so that Baggara members could have the deciding vote on any new land legislation (Komey, 2010b).

As early as 2004 Nuba in the SPLA-controlled areas of the Nuba Mountains drew up a land strategy that attempted to establish guidelines for the definition, negotiation, and registration of new boundaries of communal land. This set up a paradox: traditionally, Nuba were not accustomed to making fixed boundaries or delineating landholdings, but the new guidelines created pressure to do so. Because the land strategy dealt only with the hill areas under SPLA control, and not the plains areas under occupation by the government and various commercial schemes, the guidelines shifted the focus of land reform away from the plains to the hills, and away from the contest between Nuba and non-Nuba incomers, to conflicts among Nuba themselves. In the process the definition of tribal boundaries heightened tensions among the Nuba, especially among Nuba communities living along the internal boundaries of Nuba territory (Komey, 2010b, ch. 5).

The implementation of the CPA in the Nuba Mountains seems to have impeded a solution of the dispute between Nuba and incomers. Nuba claims to original ownership of the land are contested by the incoming Baggara. As in Abyei, the Baggara incomers assert that their traditional secondary rights of access to land confer on them a right of ownership under the new dispensation. Another layer of confusion has been introduced as Arabic place names are increasingly used in official documents instead of their Nuba names (Komey, 2010b). As in Abyei, the landscape of Nuba is now riven with dual nomenclature.

The impact of the CPA on both regional and internal boundary-making has been to generate multiple historical claims to territory that have become more rigid and extreme. The politics of renaming has also become more intense, whether in the 'transitional zone' along the projected north–south boundary line, or within Southern Sudan. It remains to be seen whether an SPLM-controlled GoSS will find the redefinition and redivision of Southern Sudan into smaller and smaller ethnic compartments as advantageous to their hold on power there as the NCP has found within the country as a whole.

4. International boundaries

Southern Sudan is landlocked, and its outlets to the wider world and, in particular, to international markets currently lie in northern Sudan or neighbouring countries, especially Kenya and Uganda, but increasingly also Ethiopia. This will be the case regardless of whether Southern Sudan remains part of a united Sudan or becomes an independent state after 2011. In the past, border issues and border relations were directed through the national governments in Khartoum, with little or no formal input from the regional or state governments. During the civil war, however, the SPLA gained control of most of the international borders of the south and established direct dealings with neighbouring governments—particularly Ethiopia, Kenya, and Uganda. Since the war ended in 2005, the GoSS has continued and extended these relations through its Ministry of Regional Cooperation, a ministry of foreign affairs in waiting, and GoSS offices in neighbouring capitals.

Partly because of the international relief effort during the war, which involved the regular movement of goods and supplies over the borders, Southern Sudan today is more integrated into the regional economy than it was before the war. Whatever the outcome of the referendum, the GoSS will want to take a more direct role in managing its borders than was possible before the war. If the south becomes an independent country, the GoSS will become a full partner in any bilateral relations.

The CPA, IGAD, and the 1956 international boundary

Sudan's international boundaries were established by treaties ratified by the European imperial powers. Sometimes this took place even before the conquest and occupation of the territories concerned had been completed, as was the case for Sudan's borders with the Congo. Only

parts of the border were subsequently surveyed and delimited. Sudan was confirmed in its international boundaries at independence, and none of the boundaries of the south have been officially altered since 1 January 1956. To date, however, there has been no complete internationally agreed survey and demarcation of the international boundaries of Southern Sudan (see Appendix 2).[19]

In relation to any potential disputes over the international boundary, the GoSS has the support of the CPA, which defines Southern Sudan according to its boundaries at the date of Sudan's independence. This applies to the international boundaries as well as the north–south boundary. Given that the governments of Ethiopia, Kenya, and Uganda—as members of the Intergovernmental Authority on Development (IGAD)—were facilitators of the negotiation of the CPA, and given that the presidents of Kenya and Uganda signed the CPA as witnesses on behalf of IGAD, it can be argued that the governments of these countries are bound to respect this definition as the starting point in any negations, though being a witness to the CPA does not have the same force in international law as it does in a bilateral treaty.

There are a number of areas of potential dispute along these boundaries. Some are the result of unresolved arrangements dating from the colonial era, but others arise from the events of Sudan's two civil wars, which precipitated population movements across Southern Sudan's various borders, feeding into armed conflict in neighbouring countries. There are at least four potentially serious border issues. The first is Gambela and the Baro Salient in Ethiopia; the second is the Ilemi Triangle in the south-eastern corner of the Sudan–Kenya border; the third involves potential disagreements over sections of the Ugandan border from Nimule to Kaya; and the fourth is on Sudan's south-westernmost border, a result of the activities of the Lord's Resistance Army in CAR, the DRC, and Uganda.

[19] The texts of official written descriptions of Sudan's international boundaries can be found in Brownlie (1979).

Ethiopia, Gambela, and the Baro Salient

Southern Sudan's border with Ethiopia intersects with the eastern end of the boundary between north and south Sudan. The referendum thus has the potential of creating a tripoint—a three-way international boundary—where the two borders meet. The border with Ethiopia is, and has been, easily crossed by armies, transhumant pastoralists, and refugees.

Map 11. *Sudan: Ethiopia–Southern Sudan boundary, showing Baro salient and Ilemi triangle*

Sources: Brownlie (1979) and PRO FO 371/119635, reprinted in Johnson (1998, vol I, p. vii)

In the early years of the war the SPLA had its main bases in Ethiopia's Gambela region along the Baro River. This was also the principal destination for Southern Sudanese and Blue Nile refugees during the war, with the main refugee camps located close to the borders with Blue Nile, Upper Nile and Jonglei states.

Historical background

The Sudanese–Ethiopian borderland is located roughly where the clay plains meet the foothills of the Ethiopian escarpment. In the early 19th century the Western Nilotic-speaking Anuak,[20] culturally and historically related to the Shilluk of Upper Nile and the Pari and Acholi peoples of Eastern Equatoria, could be found in almost contiguous settlements along the upper Sobat, Jokau/Garré, Baro, Pibor, and Akobo river systems. Dinka groups were located on the plains east of the Bahr al-Jebel/White Nile, both north and south of the Sobat.

By mid-century these groups all came under pressure from different directions. The new Turco-Egyptian authorities established a presence along the White Nile from the 1820s, extended it to the Bahr al-Jebel by the 1840s, and radiated out from these rivers to attack the hinterland. Various highland Ethiopian kingdoms were also expanding down into the lower foothills and plains, only to be incorporated themselves into Menelik II's expanding Shoan kingdom and highland Ethiopian empire in the 1880s and 1890s. In addition, various Nuer groups crossed over from their homeland west of the Bahr al-Jebel beginning in the late 1820s and 1830s, displacing and absorbing many of the Dinka and Anuak communities along the Sobat and Baro rivers, and settling in the plains north and south of the Sobat (Johnson, 1994, pp. 44–55).

With the advent of the Mahdiyya, the Turco-Egyptian presence vanished, eventually giving Menelik the opportunity to move further

[20] The spelling of the name Anuak varies. In the ethnography of Sudan it is usually spelled 'Anuak', while in that of Ethiopia it is usually spelled 'Anywaa'. These variations reflect slight dialectical differences between the Sudanese and Ethiopian Anuak, as well as different scholarly approaches.

into what had formally been Egyptian territory. He supported the French Bonchamps mission in its 1898 failed attempt to move down the Baro and Sobat to meet up with the Marchand expedition at Fashoda. Menelik laid claim to all the lands up to the east bank of the White Nile, but Anglo-Egyptian forces moved swiftly along the rivers soon after their victory at Omdurman in 1898 to re-establish Egypt's claim to as much of its former territory as could be secured through effective occupation.

The Sudanese–Ethiopian boundary was agreed by treaties between Great Britain and Ethiopia[21] on 15 May 1902 and 6 December 1907 (Wondwosen, 2009). The 1902 treaty defined the border from the boundary with Eritrea (then an Italian colony) south to latitude 6° N, and the 1907 treaty defined the border from that point to the Sudanese–Ethiopian–Kenyan tripoint (where the three boundaries meet). Most of the areas covered by the 1902 and 1907 treaties were surveyed and demarcated by Maj. C.W. Gwynn of the Royal Engineers in 1903 and 1909. Ethiopia did not participate in these surveys and did not formally accept either demarcation at the time. The Baro Salient, which protrudes like a parrot's beak into Sudan, is one of the few clearly demarcated parts of the border, because most of it runs along the lines of the Khor Jokau/Garré, and the Baro, Pibor, and Akobo rivers, which Maj. Gwynn described in 1903:

> [T]he thalweg of the K. Garre to its junction with the River Baro.
>
> Thence down the thalweg of the River Baro to its junction with the River Pibor.
>
> Thence up the thalweg of the Pibor to its junction with the river Akobo and thence up the thalweg of that river to a point to be hereafter fixed in the neighbourhood of Melile (Gwynn, 1903).

[21] At the time Ethiopia was known internationally as Abyssinia—the name Ethiopia was officially adopted in the 1930s after the accession of Emperor Haile Selassie.

In 1904 Ethiopia granted Sudan a trading enclave around Gambela town with a customs post and, from the 1920s on, a British district commissioner. The Gambela enclave was an attempt to facilitate cross-border trade along the Baro river, but British officials had no administrative authority over the peoples outside the enclave.

The Sudanese–Ethiopian border proved to be highly porous. This was only partly due to the remoteness of the frontier from the centres of power in either country; it also had to do with the nature of the communities through which the boundary ran. Despite the fact that much of the boundary of the Baro Salient has the advantage of following the natural features provided by the network of rivers, it cuts through the territory of both the Nuer and Anuak peoples.

The Nuer most directly affected by this new imperial boundary were the Gaajak and Gaajok sections of the Eastern Jikany Nuer (related to the Jikany Nuer in current Unity state). The Gaajak gradually expanded from their new home territory around Maiwut into Ethiopian lands along the Khors Machar and Jokau and assumed the role of protective patrons over the Koma, Meban, and other 'Cai' groups settled between them and the Ethiopian border. The Gaajok also established settlements along the Sobat, Pibor, and Jokau on either side of the international boundary. Both Nuer sections played the Anglo-Egyptian and Ethiopian authorities off against each other. Sometimes they sought refuge in one country to avoid taxation in the other, while at other times they accepted commissions such as frontier captaincies from the Ethiopians or chieftaincies from the British. Such tactics continued until a Nuer Grazing Treaty between Sudan and Ethiopia and the Italian occupation of the latter in 1936 put all frontier Nuer effectively under Sudanese administration (Johnson, 2000, pp. 228–31).

One of the 'assets' of the border that both Nuer and Anuak attempted to secure were modern rifles. Here Nuer–Anuak hostility was partially reflected across the border in Oromo–Amhara rivalry. For much of the first two decades of the 20th century Jikany Nuer exchanged ivory and cattle for rifles with Oromo traders, and the Anuak, who also accepted frontier commissions from Ethiopian governors, obtained arms from

the Amhara. The alliance was not firm: just as the Nuer sometimes fought with their arms suppliers and other Ethiopian authorities, so the Anuak used their rifles not only to protect themselves from the Nuer (including the Lou settled on the plains around Waat), but also to maintain their autonomy in relation to Anglo-Egyptian and Ethiopian authorities (Johnson, 2000, pp. 226, 230–37).

With the Second World War Sudan was able to secure control over this part of the border through the defeat of Italian forces in Ethiopia, a victory assisted in part by Anuak allies in the Gambela region. At the end of the war the Sudan government proposed an exchange of territory with Ethiopia (then under British military occupation with a number of ex-Sudan Political Service administrators in senior positions in Ethiopia) whereby Gambela and the Baro Salient would be ceded to Sudan in exchange for an area along the Boma Plateau or near the Ilemi Triangle further south. Kenya agreed to support such an exchange if it could strengthen its control over the Ilemi Triangle (Johnson, 1998a, doc. 43). But Ethiopia showed no interest in this proposal.

The Gambela enclave reverted to Ethiopia on Sudanese independence in 1956, but Ethiopia still did not accept the 1903 demarcation until 1967, through a joint communiqué with Sudan. The 1909 demarcation was accepted only in 1972, through an exchange of notes in which both countries agreed to accept 'the basic demarcations made by Major Gwynn on the basis of the 1902 and 1907 treaties' for the boundary south of the Setit River. They further agreed to a boundary rectification along the eastern border of what is now Blue Nile state and resolved to invite the Kenyan government to determine the point of trijunction on the frontiers of Ethiopia, Kenya, and Sudan. There is no specific mention of a boundary rectification along the Baro Salient or elsewhere along the border with Southern Sudan (Brownlie, 1979, pp. 857–58, 877–79, 882–84).

Current situation

Between 1967 and 1972 the border area was affected by the first civil war. Nuer movement to and settlement in Ethiopia, which had continued after the Second World War, accelerated in the late 1960s, augmented by

movements of refugees as well as some Anyanya who used the Gambela region as a reserve base. While Sudanese–Ethiopian relations improved with Ethiopia's hosting of the negotiations that led to the Addis Ababa Agreement and the end of the civil war in 1972, the overthrow of Emperor Haile Selassie in 1974 and his replacement by the Derg military regime brought new strains to those relations. The Nimeiri government in Khartoum supported anti-Derg forces in both Ethiopia and Eritrea, and from 1976 Ethiopia gave refuge and then active support to Anyanya refuseniks from Southern Sudan who had rejected the Addis Ababa Agreement. These formed the core of the 'Anyanya II', who began guerrilla raids in Southern Sudan in 1980, and who emerged as the SPLM/A in 1983.

The Sudanese–Ethiopian border soon became the main locus of war. The SPLA established training camps inside Ethiopia at Bilpam and Bonga along the Baro, and refugee camps around Assosa near the Blue Nile boundary, in Anuak territory at Itang and Pinyudo (Fugnido), and at Dima across the border from the Boma Plateau. In the 1980s and 1990s fighting from the Sudan side spilled over into Ethiopia, and for a time the SPLA became involved in Ethiopia's civil war as an ally to the Derg. Khartoum maintained its alliance with anti-Derg forces and the Derg's fall in 1991 reversed the SPLA's fortunes, forcing the evacuation of their Ethiopian bases and refugee camps, and contributing to the split in the SPLA (Johnson, 2003, pp. 91–97; 2010, pp. 37–39).

The presence of such a large foreign guerrilla army had a detrimental impact on the Ethiopian Nuer and Anuak. Nuer residents in Ethiopia were caught up in factionalism within the SPLA, first when some Nuer Anyanya II units refused to join and then allied with Khartoum, and later with the 1991 split. The Gaajak particularly suffered from SPLA authoritarianism when the Derg virtually devolved the administration of Gambela and much of the southern border to the SPLA. Ethiopian Gaajak were among those who supported Riak Machar's attempted long-distance coup against Garang in 1991. Later on, after Riak Machar broke with Khartoum and battled with a government-backed Nuer militia in the Maiwut area of Sudan in 2001, the Ethiopian Gaajak and Gaajok were drawn in on either side of this factional strife, with Gaajak

sections continuing to ally with Machar, and Gaajok sections allying with the militia (Johnson, 2009b, pp. 36–38; Feyissa and Schlee, 2009, pp. 176–77).

In the early 1980s Sudanese Anuak found themselves under pressure from Gaajok Nuer moving up the Pibor River, pressing against Anuak settlements north of Akobo and forcing many of them across the river into Ethiopia. Throughout the civil war Akobo was occupied by largely Nuer units of SPLA both before and after the 1991 split. They were in a more secure position in Ethiopia because of their greater numbers there. Nuer coming to settle along the Baro often did so by negotiation with local Anuak, through intermarriage, the manipulation of kinship ties and other exchanges (Feyissa, 2009, pp. 185–86). But the balance shifted throughout the 1980s as Anuak came under increased pressure from the Derg administration, the resettlement of Ethiopian highlanders, the SPLA, Southern Sudanese refugees, and more Nuer. Things improved slightly in the immediate aftermath of the fall of the Derg and the evacuation of the SPLA, but as relations between the Ethiopian People's Revolutionary Democratic Front government and the SPLM/A improved, and Sudanese Nuer once again sought refuge in Gambela, soon outnumbering the Anuak by more than two to one, tensions once again rose to the point of conflict (Kurimoto, 2002, pp. 221–22, 228–30, 236–38).

Part of this increased tension has been produced by the new ethnic federal constitution of Ethiopia, which recognizes both Nuer and Anuak as 'indigenous' to Gambela People's National Regional State and places them in direct competition for administrative and elective offices. This is now being paralleled, though to a lesser degree so far, by the way administrative counties and electoral constituencies are being defined in Southern Sudan (see above section, 'The impact of the CPA on internal boundaries'). With the population influx of highland settlers, Sudanese Nuer, and other refugees, the Anuak are now a minority in Gambela, the region they still consider their homeland. In keeping with the ideology of the federal constitution the Anuak continue to assert their autochthony against the Nuer incomers and have been lobbying the Ethiopian government to secure both their own internal boundaries and the international

border against further Nuer infiltration. They see post-CPA territorial competition between Nuer and Anuak in Sudan, such as between the Mor Lou section and the Anuak around Akobo, as linked to their own predicament.

The Gambela Nuer, for their part, have displayed an entirely flexible sense of belonging. Many Ethiopian Nuer opted to register as Sudanese 'refugees' in order to obtain the benefits offered in the refugee camps, such as schooling, in the 1980s; however, they rediscovered their Ethiopian citizenship with the closing of the camps and the establishment of a new federal administration. Others have claimed a right of residence based on long-standing sets of relations with Ethiopian governments going back to the late 19th century. Some sections with long-term relations with local Anuak have opposed the encroachments of more recent settlers as upsetting these relationships. And finally, calls by some 'Sudanese' Nuer in Ethiopia that their territory in the Baro Salient really belongs to Sudan and should be joined to Southern Sudan have confirmed Anuak fears that this has been the intention of Sudanese Nuer all along (Kurimoto, 2002, p. 237; Feyissa, 2009, pp. 186–89; 2010, pp. 34–5; Sima, 2010).

One of the most surprising changes in cross-border movement during the civil war was the arrival of Fulbe-speaking Mbororo and other West African Fallata in Gambela. The Mbororo group, normally based on the Blue Nile in Sennar state, had regularly migrated southwards into Blue Nile and even Upper Nile before the war, sometimes making payments to local groups of Dinka or Uduk for access to water and grazing. Increased conflict during the 1980s and 1990s, especially with the various Nuer factions involved in the SPLA split after 1991, forced them to shift their migratory routes several times. They moved from Blue Nile state into the neighbouring Beni-Shangul Gumuz region of Ethiopia. As many as 15,000 Mbororo then moved even further south and settled in the Gambela region in the 1990s, until they were expelled by Ethiopia in 1997 as non-tax paying, environmentally damaging, suspected Sudanese Islamists (Feyissa and Schlee, 2009, pp. 163–77).

Cross-border movements will continue to have an impact on the local politics of border peoples and relations between neighbouring countries.

Nuer occupation of former Anuak territory in Sudan is reflected by Nuer attempts at further settlement in Ethiopia. Anuak resistance to Nuer encroachment in Ethiopia has been more vigorous than in Sudan, and could, as it did in the early 20th century, invigorate Anuak resistance in Sudan itself.

The SPLM developed close ties with a succession of Ethiopian governments during the civil war, during the peace negotiations, and now in the post-CPA period. These ties have not been without their tensions. Currently relations between the GoSS and Ethiopia are good, with significant economic and military exchanges. There is potential for cross-border development of oil deposits reaching into the Baro Salient. Ethiopia is building road links to its border with Southern Sudan, and its plans for developing the potential for hydro-electric power along the lower Omo River could provide Southern Sudan with a much-needed source of electricity, though such changes are potentially disastrous for the peoples in the lower Omo valley. But good relations are not a given. Addis Ababa's attitude towards Juba will be affected by its parallel relations with Khartoum.

Whatever the outcome of the referendum, no government in Juba can afford to have bad relations with Ethiopia, a much bigger and more powerful neighbour. Internal local political competition between Nuer and Anuak communities in Jonglei state—a competition that some SPLM leaders seem willing to encourage—could have a detrimental effect on cross-border relations. The GoSS cannot allow itself to be swayed by any expansionist nationalist sentiment that might develop among some of its border peoples. The same is true in the case of the Ilemi Triangle.

Eastern Equatoria, Kenya, and the Ilemi Triangle

The attempt to control cross-border grazing and cattle-raiding was not confined to internal boundaries within Sudan. The Kenya–Sudan border cuts through the territory of a number of related Ateker, or Eastern Nilotic-speaking, transhumant pastoralist peoples, and the long-term administration of the border was unresolved at the date of Sudan's

independence. The main issue has been the regulation of grazing and control of raiding between the Turkana of Kenya, Toposa of Sudan, and the Nyangatom, who straddle the Sudanese–Ethiopia border. All three use the pastures in and around the Ilemi Triangle. The Toposa and Nyangatom are the most closely related and often consider themselves allies against the Turkana. Despite a history of reciprocal cattle-raiding the Toposa and Turkana also have a history of intermarriage, one of the main institutions by which grazing agreements and cattle-related conflicts were resolved in the past. As a result of the proliferation of firearms on both sides of the Sudanese–Ethiopian border during the 1980s and 1990s, cross-border and internal cattle-raiding has become more destructive. Kenya sought to resolve the administrative confusion over the area during the civil wars by de facto occupation.

Historical background

The 225 km (140 mile) Sudan–Kenya border was originally part of Uganda and was included in the delineation of the 1913 Sudan–Uganda Boundary Commission. Unfortunately, the Commission visited only about 30 per cent of the total 645 km (400 mile) Sudan–Uganda boundary (Blake, 1997, p. xxiv). The two straight lines drawn on the map as the easternmost portion of the boundary, covering what is now the Sudan–Kenya border, went through country that the commissioners did not visit and which they believed to be uninhabited, but which they assumed ran between Turkana and Toposa territory. In proposing this boundary alignment the commissioners did recommend that 'the exact limits remain for further consideration when the limits of the Turkana and Dabosa [Toposa] grazing grounds are more accurately known'. They further recognized that:

> owing to the inter-mixture of the various tribes, it is impossible to determine a hard and fast tribal boundary and suggest that when the territory on either side of the frontier comes to be closely administered, any small alterations which will facilitate administration can be effected (Blake, 1997, p. 96).

The recommendations of the 1913 Boundary Commission were embodied in an order in council by the secretary of state for colonies in 1914, which, confusingly, provided for two versions of the border line between Mount Lubur near Lake Rudolf (now Turkana) in the east and Jebel Mogila to the west. From Mount Lubur the boundary was to follow 'a straight line, or such a line as would leave to Uganda the customary grazing grounds of the Turkhana [*sic*] tribe', suggesting the alignment was merely provisional until such time as the northern limit of the Turkana grazing grounds could be determined (Brownlie, 1979, p. 917).

In 1926 Uganda's Rudolph province, which included this border, was transferred to Kenya. In 1931 the commissioner of Turkana province (Kenya) and the commissioner of Eastern district of Mongalla province (Sudan) agreed to delineate these grazing grounds. This line (the 'Red Line') was established on the ground in 1938, not as an adjustment to the international boundary, but to allow Kenyan civil administration to intrude into part of the area of the Ilemi Triangle (Brownlie, 1979, pp. 917–19). In 1947 the Kenyan government proposed to extend this line further north in order to protect the Turkana from raids from Ethiopia, and the Kenyan and Sudanese governments accepted this 'Blue Line' as 'a very satisfactory administrative boundary between the Turkana and the Tapotha and Nyangatom' (Johnson, 1998a, doc. 143). In 1953, as the date of Sudanese independence approached, the Kenya government restated the de facto administrative situation:

> In brief, the administrative boundary (or 'red line') which, whilst including the customary grazing grounds of the Turkana, does not guarantee that tribe against attack by Merille or Nyangatom tribesmen [from Ethiopia]. To ensure the tribe's security this Government has for many years past maintained, at considerable expense both in manpower and money, a series of Police Posts beyond the 'de facto' boundary as far North as Kibish Wells. By assuming these police functions *beyond our frontiers*, the number of raids by Ethiopian tribesmen has been considerably reduced and the Turkana

> have been allowed the enjoyment of their traditional grazing grounds (Deputy Chief Secretary, 1953, emphasis added).

The Kenya government then formally requested that the Instrument of Transfer of Power to the Sudanese should require the new Sudan government either to continue the arrangements that allowed Kenya to administer the area up to the Blue Line, or to undertake 'close administration' of the area itself (Deputy Chief Secretary, 1953). The outgoing British officials in Khartoum declined this request, stating that any agreement to maintain or amend the administrative frontier would have to be negotiated by the Kenyan and Sudanese governments of the day (Johnson, 1998b, doc. 328).

The exchanges between the governments of Anglo-Egyptian Sudan and the Kenya Colony cited above suggest that neither the Red Line nor the Blue Line were more than administrative arrangements to facilitate grazing by the border peoples and control cross-border raiding. They were never intended to be new international boundaries between Sudan and Kenya, and certainly were not accepted as such by the Sudan government of the day. The Kenya government even made reference to establishing police posts 'beyond our frontiers' and recognized that the arrangement could continue only with the agreement of the independent government of Sudan. By the end of the first civil war Kenya was still continuing this informal policing arrangement, with the permission of Sudan (McEwen, 1971, p. 134).

Current situation

There are no international agreements relating to this frontier. Neither Kenya nor Sudan challenged the administrative situation after independence. Brownlie notes that in the late 1970s, before the outbreak of the second civil war, the straight-line sector was probably the accepted alignment *in principle*, though in a certain sense provisional, and the topographical references in the 1914 order in council are imprecise (Brownlie, 1979, pp. 919–20).

During the civil war, fighting in Eastern Equatoria had an immediate impact on neighbouring peoples in both Kenya and Uganda, especially

in the Turkana, West Pokot, and Karamoja districts. The Toposa were armed—sometimes by the GoS and sometimes by the SPLA—and frequently crossed the border raiding into Turkana territory. Of more consequence was the flow of arms out of Eastern Equatoria into Kenya and Uganda, intensifying both internal conflicts as well as raiding across the Kenya–Uganda international boundary (Mkutu, 2008).

During the war Kenya occupied the Ilemi Triangle with the apparent agreement of the SPLA, which controlled the adjacent territory of Eastern Equatoria. The GoS of Sadig al-Mahdi protested this de facto annexation but was unable to change the situation. In an under-reported operation in the 1990s the Kenyan army then forced out a large part of the population of the Ilemi Triangle, allowing the Turkana to expand their grazing area further north. Current Kenyan maps show an even greater annexation than the portion covered by the old Blue Line, cutting off the entire south-eastern corner of Eastern Equatoria state. It is frequently alleged that this annexation was agreed by the late John Garang as pay-off for Kenya's support for the SPLA, an allegation the GoSS has so far denied. There is strong feeling in some sections of Kenya that Kenyan annexation up to or beyond the Blue Line is necessary for the protection of Kenyan pastoralist interest; there has even been the revival of a colonial-era solution that would have required Sudan to cede the eastern part of the Triangle to Ethiopia in return for the Baro Salient around Gambela, with Kenya taking the rest (Mburu, 2003, p. 32). Kenya's interests are also said to go beyond securing grazing lands for their Turkana and to lie further beneath the soil in oil and mineral deposits that might, or might not, be there, and the clearance operation of the 1990s has opened up the territory to oil exploration. Prior to the war, and during it, considerable quantities of alluvial gold were panned from the area, mainly by Toposa, so while the oil wealth of the Triangle might be illusory, at least some valuable mineral deposits have been proven.

The occupation of the Ilemi Triangle did little to stop either the raiding by the Toposa or the arms flows from Eastern Equatoria into neighbouring countries. Since the signing of the CPA and the formation of GoSS there have been further cross-border population movements and

arms flows, this time by the Nyangatom into Ethiopia. The Nyangatom have always had an uneasy relationship with the SPLA and appear reluctant to live under an SPLM administration. With the encouragement of local Nyangatom leaders in Ethiopia large numbers of Nyangatom, well armed and well supplied with ammunition, have settled in the Omo river valley, where they are quickly establishing their military dominance in local pastoralist politics. It remains to be seen whether their presence will become a permanent settlement, or an incipient anti-SPLM militia poised to destabilize the GoSS, or both.[22]

Throughout the war the border remained open to both legal and illegal traffic. The Lokichokkio–Narus–Kapoeta road became a major relief artery during the civil war and is now one of the main roadways connecting Southern Sudan to Kenya and its principle port at Mombasa. This has helped relieve Southern Sudan's dependence on the northern supply route through Kosti and Khartoum. Whatever the result of the referendum, this route will remain an important commercial link for Southern Sudan.

But this route has its own complications. In 2009 the opening of a Kenyan customs post with a small Kenyan army garrison inside Toposa territory within Southern Sudan, apparently with prior arrangement with the GoSS, was resisted by the Toposa. They complained that they had not been consulted and viewed the Kenyan presence as an intervention on the side of the Turkana; this view was reinforced when Kenyan authorities began insisting that Toposa who crossed the border needed passports and travel permits. In October 2009 the Toposa attacked the Kenyan outpost. This confrontation led to a suspension of local cross-border contacts and trade, which in turn interfered with Toposa–Turkana contacts needed to negotiate mutual access to grazing and water points. The Toposa have a history of ambivalent relations with the SPLA, having been armed by the GoS as an anti-SPLA militia to interdict relief convoys,

[22] The author is grateful to Professor David Anderson, at the University of Oxford, for additional information on the Ilemi Triangle and Nyangatom movements based on his ongoing Omo River research.

but then defecting with their weapons to the SPLA. Now they accuse the GoSS of waiting until after the referendum before turning its attention to this part of the border, alleging that the GoSS does not wish to upset relations with Kenya (Schomerus et al., 2010, pp. 44–45).

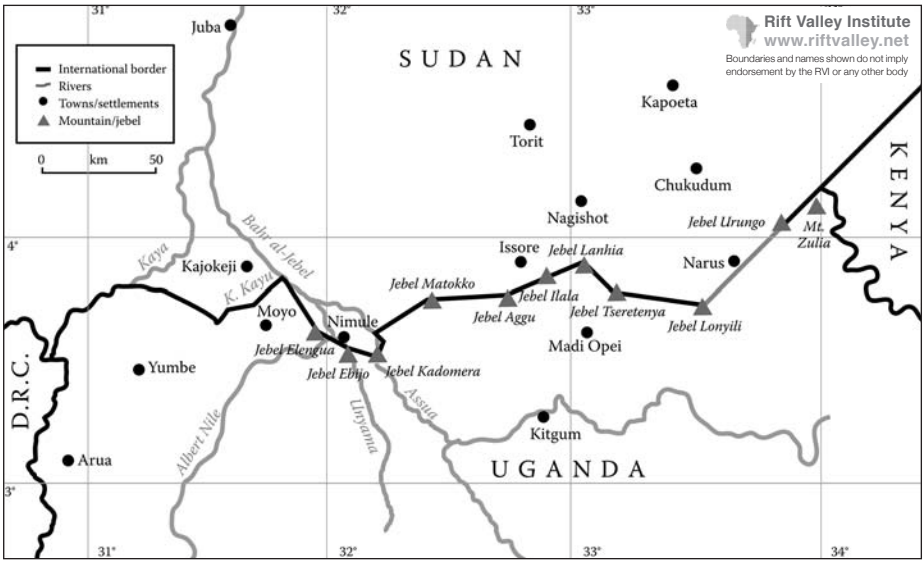
Whatever the truth of a wartime SPLA–Kenya deal, no government in Juba will want to risk isolation through the closure of this route. It cannot afford to be guided by any nascent nationalist sentiment that might insist on maintaining (or even expanding) the territorial integrity of the colonial borders at all costs. At the same time, the GoSS does need to demonstrate to the local population that it can represent and protect their interests in managing the border. A recognition of the *de jure* 1956 national boundaries as a starting point in any future negotiations, as stated in the CPA, might give the GoSS some security in future negotiations with Kenya, whatever concessions might lie in the future.

Uganda and Central and Eastern Equatoria

This part of Southern Sudan's border with Uganda passes through the territory of a number of related, mainly Bari-speaking peoples (the majority of whom live in Central Equatoria in and around Juba). It was once part of the Lado Enclave, the personal property of King Leopold II of Belgium, which reverted to, and was divided between, the British-administered territories of Sudan and Uganda on Leopold's death in 1909. It has since become the main commercial route of trade from Uganda to Juba via Nimule and Kajo-Kaji.

Historical background

The Uganda–Sudan boundary runs for approximately 435 km (270 miles) from the DRC tripoint west of the Bahr al-Jebel to the Kenya tripoint east of it. A Sudan–Uganda Boundary Commission attempted to define a boundary from Nimule east to the Ethiopian border in 1913, but the survey was not completed (Blake, 1997). This survey formed the basis of an order issued by Britain in 1914, and since that date there has been no international agreement concerning the Sudan–Uganda boundary. In



Map 12. *The Sudan–Uganda boundary*

Source: Brownlie (1979, p. 1002)

1960 a joint Uganda–Sudan survey covered and erected pillars along a 48 km (30 mile) section of the boundary from Jebel Lonyili to Jebel Urungo, but the rest of the boundary needs demarcation, and the DRC and Kenya tripoints need agreement as to their location and demarcation (Brownlie, 1979, pp. 1004, 1008–09).

The Sudan–Uganda boundary was established by order of the secretary of state for colonies in 1914, delimiting it in two sections: 1) from the Bahr al-Jebel westward to the Congo–Nile watershed, and 2) from Lake Rudolf to the Bahr al-Jebel. Only about 290 km (180 miles) of the boundary have been delimited in straight-line segments, often between mountain peaks, with most of the remainder being demarcated by rivers. The description of the western delimitation mainly follows lines between or along identifiable topographical features such as mountains, rivers, and villages. At only one place is it vague: between the source of Khor Nyaura (Kigura) and the thalweg of the river Kaya, the boundary is supposed to follow 'the southern boundary of the Kuku tribe' (INR,

1970a, pp. 1, 3–4). In the same way as Sudan's border with Kenya could be thought of as provisional, pending a determination of the northern limits of Turkana grazing, so, too, might this length of the boundary line be considered provisional; to this day, there has been no formal clarification of the 'southern boundary of the Kuku tribe', as required in the 1914 order (Brownlie, 1979, p. 1009).

After the transfers of the Tseretenya area by Uganda to Sudan and the Rudolf province of Uganda to Kenya in 1926, the eastern delimitation of 1914 was applicable to the Sudan–Uganda boundary in two sections, the first being from the Mogila Range to Jebel Urungo of the Didinga Hills. The second section follows a series of straight lines between the summits or bases of mountains from Urungo to the thrice-named Jebel Matokko (or Batogo, or Atokko), then connecting with the Assua River, the Jebels Ebijo and Kadomera, and then the river Unyama and the Bahr al-Jebel (INR, 1970a, p. 4).

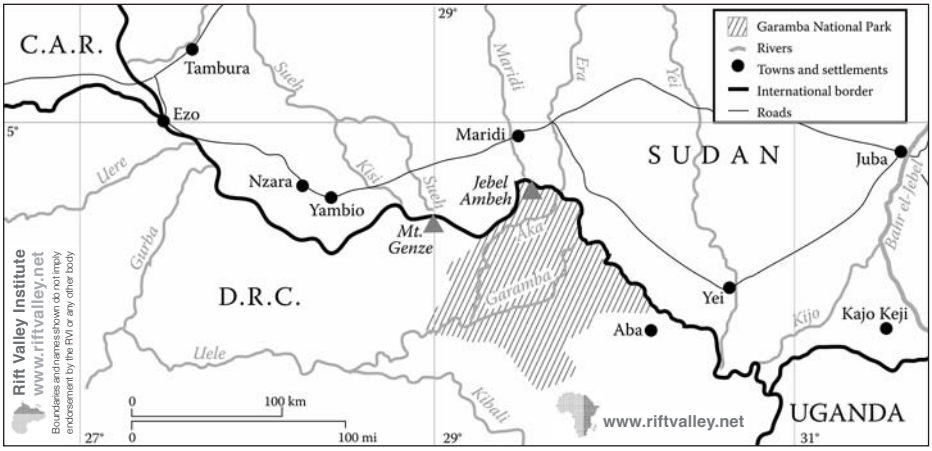
Current situation

The main Kampala–Juba road crosses this section of the border at Nimule and is one of Southern Sudan's main international commercial arteries. There is also traffic from Moyo to Kajo-Kaji, and from there to Yei and Juba. Recently there was a dispute over Uganda allegedly trespassing on Sudanese territory to build a road connecting Moyo and Lefori sub-counties inside Uganda. Road construction was halted by the authorities of Kajo-Kaji county of Central Equatoria state in 2007, and there were confrontations between the Kuku of Sudan and Madi of Uganda, with Sudanese-owned shops in Moyo sub-county being briefly closed. This confrontation goes back to the lack of an agreed definition of 'the southern boundary of the Kuku tribe' since 1914, and Sudanese Kuku are not only claiming 'ancestral ownership' of the 5 km stretch of land through which the road passes, but some 20 km more inside Uganda. A more recent complication to defining this section of the international border stems from the settlement of Ugandan refugees on adjacent territory in Sudan following the overthrow of Amin in 1979 (*Sudan Tribune*, 2010f). This has not yet developed into a major confrontation between

the GoSS and Uganda, whose presidents made a joint visit to the area in November 2009. Construction, which was ordered to resume, still has not started, but neither has there been any reported border friction. Part of the boundary east of Nimule transects Acholi territory, which was the original locus of LRA activity, and could be affected again should the LRA attempt to return to the area.

Western and Central Equatoria, CAR, the DRC, Uganda, and the LRA

Southern Sudan's western international border touches on three different countries, with large communities of Azande living all around these notional boundaries in Sudan, the DRC, and CAR. Civil conflicts starting in one country have fed into conflicts across the border, starting with the Simba rebellion in Congo and the Anyanya rebellion in Sudan in the 1960s, and continuing through to the LRA war today.



Map 13. *Sudan, Uganda, Democratic Republic of the Congo and Central African Republic*

Source: Brownlie (1979, p. 682)

Historical background

This section of Southern Sudan's international border was established by agreements between the governments of Belgium, France, and the United Kingdom. Agreements of 1894 and 1906 between the United Kingdom and King Leopold II established the principle of the alignment as the Nile–Congo watershed, but provided no further description. A Protocol of 1924 between the United Kingdom and France established a precise alignment of the boundary between Sudan and French Equatorial Africa, and that boundary was then delimited and surveyed (Grossard, 1925), though apparently not demarcated. Some triangulation beacons were constructed during the 1924 survey and are included in the description of the boundary. The CAR–DRC–Sudan tripoint was indicated only by a heap of stones. The 630 km (390 mile) border between Sudan and the DRC is said to follow the drainage divide between the Congo and Nile river systems, but it has never been surveyed or demarcated (Brownlie, 1979, pp. 597, 600–01, 683, 685).

Prior to independence the Uganda government (then a British colony) tried to persuade Sudan to agree to a boundary between Sudan and Uganda's West Nile district. They found Sudanese authorities unwilling to discuss any such delineation outside of a Boundary Commission. 'Hitherto we may have been privately aware that we did not know where the international border ran,' lamented the district commissioner of Madi, 'but now both sides, in effect, have admitted ignorance' (Leopold, 2009, p. 470).

For more than a century the Congo–Sudan–Uganda frontiers 'have seen persistent conflict, widespread illegal trading networks, and massive forced migrations, all of which continue to the present' (Leopold, 2009, p. 465). For the Azande of Sudan's Yambio and Tembura districts, crossing the border into the Congo or French Equatorial Africa provided a refuge for runaway wives, tax defaulters, criminals, and members of proscribed 'secret societies'. During the 1960s the border was crossed and recrossed by Congolese Simba rebels and Southern Sudanese Anyanya guerrillas alike. The West Nile district of Uganda, the home region of Idi Amin and the source of much of his support, was favoured under his rule and

became a particular target after his overthrow, with large numbers of its population seeking refuge in the Southern Sudan in the late 1970s and 1980s. The SPLA received support from Museveni in the late 1980s and the SPLA's successful assault on Kaya and Kajo-Kaji in 1990 was launched from West Nile with the help, so Khartoum alleged, of the Ugandan Army. In the 1990s, when Ugandan refugees were being sent back to Uganda (voluntarily or not), Khartoum started supporting Ugandan rebel groups operating along all three frontiers. These included the LRA, West Nile Bank Front, and Uganda National Rescue Front II, many of them Amin's former soldiers or supporters, but many others recruited or forcibly conscripted from peoples in Uganda's northern districts of Arua, Gulu, and Kitgum. West Nile also became full of Sudanese refugees at this time. As a result of the overthrow of Mobutu and the SPLA's offensives in Equatoria, by the end of 1998 the Ugandan Army 'was pretty much in control of the border area in all three countries' (Leopold, 2009, pp. 472–73).

The Sudan–DRC border area has long been a zone of considerable trade, both legal and illegal. There was significant trade across the border from West Nile into Sudan both before and after the SPLA captured Kaya. This trade increased substantially after the peace agreement was signed, and Arua and West Nile have been the main transit point for a three-way trade between the DRC, Sudan, and Uganda, with most of Ugandan commerce into Southern Sudan passing through there since 2005. For this reason—in recent years as in the distant past—'the boundary may be both a negative imposition by powerful outsiders (colonial and post-colonial) and at the same time a valuable resource to be exploited' (Leopold, 2009, pp. 474–75).

Current situation

For much of the recent civil war this section of the boundary effectively did not exist as a barrier; rather, it offered opportunities. The SPLA crossed it at will. The Khartoum government ferried troops to the Garamba National Park, from where it tried unsuccessfully to launch attacks against the SPLA and retake Western Equatoria.

Today the main source of disturbance along this part of the border is the LRA, which was forced out of Uganda and Southern Sudan and in 2006 transferred its main base of operations to the Garamba National Park in the DRC, almost directly across the border from two of Western Equatoria's main towns, Yambio and Maridi.

The GoSS tried to broker peace talks between the LRA and the Ugandan government from 2006 to 2008. When these talks broke down, the DRC, Southern Sudan, and Uganda (with support from the United States) sought to destroy the LRA's base in Garamba. Yet the attempt succeeded only in scattering the LRA into small bands, extending their activities over a wider range of territory in CAR, the DRC, and Southern Sudan and making them far more difficult to apprehend or round up. The Ugandan Army established its own bases inside all three countries, including a base at Nzara in Western Equatoria state. The inability of the armies of the three neighbouring countries to coordinate their activities against the LRA, and the apparent reluctance of the SPLA to take active measures in defence of civilian communities along the border, mean that this part of the international boundary will continue to be disturbed and uncertain for some time to come (ICG, 2010a).

The apparently never-ending LRA war is having a negative impact on the border communities, and contacts across the border with Uganda are both a source of tension and a valuable asset. People feel vulnerable to attack or molestation by the LRA as well as units of the Ugandan Peoples' Defence Force (UPDF) on Sudanese soil; they are thus deprived of the peace they expected to enjoy with the signing of the CPA. Insecurity along the border has inhibited further development of cross-border trade, so often a lifeline for local populations in the past. There is also a local suspicion that the UPDF presence inside Southern Sudan presages a Ugandan land grab along the undemarcated border (Schomerus, 2008, p. 6).

A full resolution to the threat posed by the LRA will ultimately come only from within Uganda. The GoSS might again play a mediating role in future peace negotiations, but a successful disbanding and demobilization of the LRA is unlikely to be achieved without a serious attempt at

addressing the economic and political grievances in northern Uganda, something that is beyond the control of the GoSS. Yet quite apart from collaboration in joint security operations between the SPLA and the UPDF, there is also a need for joint planning and implementation of cross-border initiatives, especially in trade and the support of local market infrastructure, to improve the lives and livelihoods of the border communities.

The lessons of the international borders

Boundaries are usually thought of as barriers and obstacles. But borderlands—the physical space along either side of a border—can also be 'fields of opportunity for the people inhabiting them' (Feyissa and Hoehne, 2010, p. 1). Connections across international borders have historically been a source of both tension and livelihoods for borderland communities. A review of how Southern Sudan's international boundaries were used in the past—for trade and other forms of intercommunal cooperation, as refuges from conflict, or as bases from which to organize political and military opposition—suggests how a more clearly defined and enforced north–south boundary might operate in the future.

Whatever formal political or commercial arrangements are in force, population movements will inevitably continue to take place. Southern Sudan still has greater economic, social, and political links with central Sudan than with any one of its neighbouring countries. In peace time the degree of movement between northern and Southern Sudan has been considerably greater than movement across the international borders. Pastoralist groups based in the northern border states will continue to need free access to the borderlands. Pastoral groups from Southern Sudan will continue to cross international boundaries and establish a variety of relations with borderland peoples in neighbouring countries. And migrant labourers from Southern Sudan will continue to seek temporary or seasonal employment in parts of the north.

By and large, pastoral groups in north-east Africa have not been subject to border checks or visa regulations. At times Sudan and Egypt have

even abolished visa requirements for travel of their citizens between the two countries. Acceptance of open borders is a practical necessity, given the nature of the terrain and the limited resources of states to control, manage, or prohibit movement. States have also been compelled to have a flexible response to large-scale emergency cross-border movements. On receiving the first mass exodus of Southern Sudanese refugees following the failed 1955 Torit Mutiny, Uganda changed its laws to give refugees additional protection so that a pre-First World War Fugitive Offenders from Sudan Ordinance, which applied to alleged criminals who crossed the border, would not apply to refugees and alleged mutineers (Johnson, 1998b, docs. 399, 403, 404). But states as well as borderland peoples can and do effectively close off select parts of the border. Kenyan attempts at interdicting the Toposa, and the Kuku–Madi confrontation on the Moyo road in Uganda, have their parallels in the Misseriya blockade of roads on the north–south border within Sudan, linking Abyei with Northern Bahr al-Ghazal.

Shared secondary rights do not stop at an international border, as the PCA Abyei ruling has already indicated. Paradoxically, governments seem to have less influence on how such rights are shared across an international frontier than they do across internal boundaries. In the south-eastern reaches of Sudan's frontier with Ethiopia and Kenya, Nyangatom and Toposa, Toposa and Turkana, Nuer and Anuak, even Nuer and Nuer, and Anuak and Anuak seem to be the main initiators of negotiations, exchanges and arrangements for the shared use of common resources that straddle national boundaries. State sovereignty is contradicted by such ambiguity. State intervention on one side of the border requires a reciprocal intervention on the other if arrangements over shared rights are not to be unilateral and one-sided.

The flexibility involved in the management of shared secondary rights is further compromised by the tendency of ethnic federalism, as instituted in Ethiopia, to convert rights of access into exclusive ownership. Developments inside Ethiopia around Gambela point to a worrying trend that could be repeated inside Southern Sudan if the idea of creating ethnically defined counties becomes further entrenched. But Gambela

also shows that the complications inherent in ethnic federalism can cross borders from one nation to another.

Borders cannot contain conflicts, and conflicts often spill over from one country to the next, as Sudan's history since independence shows. At times borders can create conflicts, or be the excuse for starting conflicts. The possibility of using local grievances at the border to mobilize local actors is real. Yet the history of Southern Sudan's ill-defined and often insubstantial international borders may point to another conclusion: ambiguity and neglect can lead to a kind of stability. This is a lesson that could be applied to the new border between north and south.

5. Policy recommendations

It is Sudan's two governments—and their electorates— who will determine the success or failure of the new border to be created by the referendum. Their action, or inaction, will determine whether the border's effects are amplified or mitigated.

In order to reduce the structural tensions in the zone between north and south the governments in Khartoum and Juba could re-examine the environmental, social, economic, and political impact of ongoing development projects in the border areas with a view to designing policies that better meet the needs of borderland communities. In particular they could consider the following:

- **Depoliticize the oil fields,** the primary source of border conflict. The parties could address the exclusive focus in the CPA's wealth-sharing protocol on the oil fields in Unity and Southern Kordofan and extend the logic of the agreement to include all national oil resources, known and unknown, on shore and off shore. A post-CPA agreement along these lines could provide a formula for the division of all national oil revenues between the governments in Khartoum, Juba, and the states where the reserves may lie, as well as a development fund for non-oil producing states. Greater transparency in the auditing of oil production figures would be a positive contribution towards depoliticizing Sudan's oil industry.
- **Imposition of stricter environmental controls on the oil industry.** Whatever the outcome of post-CPA oil revenue negotiations, more rigorous environmental management is needed to reduce the current negative impact of oil exploitation on the livelihoods of borderland people—notably its exacerbation of competition for diminishing resources of land and water. Oil

companies already working in the area must urgently repair the damage already done to the local environments.

- **Stricter environmental management of all development projects,** subjecting them to a wider regime of environmental conservation that covers water resources, soil, and forestry.
- **Reformation of Sudan's land laws.** The ill effects on the borderlands of land legislation enacted by successive central governments in Sudan needs to be recognized and addressed. The Government of Southern Sudan, especially, could learn from the history of central-government legislation and introduce laws to provide for a more equitable allocation of land resources.
- **Recognition of shared secondary rights in land.** Official recognition of the importance of secondary rights will help maintain better relations between communities and encourage adaptive use of natural resources.
- **Reinstitution of cross-border meetings and implementation of their resolutions.** Regular meetings between adjoining state governments and between neighbouring borderland communities have helped keep the peace in the past and could do so again.
- **Establishment of an internationally monitored demilitarized zone** where Southern Darfur and Southern Kordofan meet the Abyei Area and greater Bahr-el-Ghazal and greater Upper Nile. The failure of demobilization and disarmament efforts under the CPA shows that more radical measures will be necessary if renewed armed conflict along the border is to be avoided.

Donor governments can influence the adoption of such policies and assist in their implementation, supporting cross-border negotiations and meetings and providing material and technical support for the implementation of their resolutions. Both donors and implementing agencies need to ensure that the interventions they support are based on a historically rooted understanding of long-term social and economic trends in the borderlands. They should seek to promote development strategies

that respect the histories and aspirations of particular communities and promote peaceful relations between them. In particular:

- **Creation of cross-border authorities,** including joint traditional courts, supported by a joint civilian police force drawn from the borderland communities themselves to deal with issues arising out of cross-border grazing.
- **Development of cross-border infrastructure,** especially roads, bridges, and markets.
- **Stricter environmental management of development projects,** including stringent impact assessments as a condition for supporting investment.
- **Technical and diplomatic assistance in developing a demilitarization plan** for the southern borders of Southern Darfur and Southern Kordofan.
- **Research into key questions of long-term development,** including: a typology of factors contributing to cross-border tension; an account of the mechanisms used in the past to manage border movements and cross-border disputes (and consideration of whether such mechanisms are relevant today); and the role of national development policies in easing or exacerbating conflict between border peoples, in particular the impact of land laws.
- **Development of Sudanese research capacity** through collaboration with international research institutions.

Appendix 1: Table of recorded provincial boundary changes, 1905–60

DATE	CHANGE	SOURCE
1905	Transfer of Ngok and Twij Dinka from BGP to KP	SIR 128, p. 3 AR 1905, pp. 3, 111
c.1912	Transfer of Twij Dinka from KP to BGP	ID 1912, p. 7
1912	Adjustment between UNP and KP around Kaka	AR 1912, v. I, p. 261
1913	Separation of NMP from KP	SGG 227, p. 734 AR 1913, v. II, p.75
1917	Adjustment of UNP–WNP boundary	SGG 337, p. 937
1918	Adjustment of UNP–WNP boundary	SGG 337, p. 937
1920	Adjustment of UNP–WNP boundary	SGG 363, p. 1313
1921	Adjustment between UNP and NMP	SGG 386, p. 1512
1923	Transfer of Kaka from UNP to NMP	SGG 414, p. 1808
1925	Transfer of Daja from Fung (BNP) to UNP	AR 1925, p. 13
1926	Transfer of Tonga and Morada from UNP to NMP	SGG 480, p. 253
1927	Transfer of Nuer and Dinka from NMP to BGP	SGG 489, pp. 59–60 SMIR 399, p. 4
c.1927	Transfer of Kaka from NMP to UNP	MRS 1927
1928	Transfer of Tonga and Morada from NMP to UNP	SGG 511, p. 378
1928	Amalgamation of NMP and KP	SGG 511, p. 378 AR 1928, p. 125
1931	Transfer of Rueng Dinka from KP to UNP	SGG 546, p. 115
1938	Transfer of Koma, Meban, and Uduk from BNP to UNP	SGG 660, p. 15
1953	Transfer of Koma and Uduk from UNP to BNP	SGG 858, p. 412
1956	Adjustment between UNP and BNP boundary	SGG 896, pp. 319–20
1960	Transfer of Hofrat en-Nahas from BGP to DP	SGG 947, p. 473

ABBREVIATIONS

Geographical terms

BGP	Bahr al-Ghazal province
BNP	Blue Nile province
DP	Darfur province
KP	Kordofan province
NMP	Nuba Mountains province
UNP	Upper Nile province
WNP	White Nile province

Sources

AR	Annual Report (*Report on the Finances, Administration, and Condition of the Sudan*, Sudan Government)
ID 1912	Intelligence Department, Government of Sudan (1912) *Kordofan and the Region West of the White Nile*
MRS 1927	'The Anglo-Egyptian Sudan (Tribal)' map printed by the Ordnance Survey Office, Southampton, 1928, accompanying General Staff, War Office, *Military Report on the Sudan, 1927*, London: HMSO, 1928 [reprinted in Willis, 1995, pp. 450–51]
SGG	*Sudan Government Gazette*
SIR	*Sudan Intelligence Report*
SMIR	*Sudan Monthly Intelligence Report*

Appendix 2: Dates of international boundary agreements and demarcations

SECTION OF BOUNDARY	DATE
Ethiopia from Khor Yabus to Kenya border	Agreements: • 1902 Treaty between the UK and Ethiopia • 1907 Treaty between the UK and Ethiopia • 1967 Joint Communiqué between Ethiopia and Sudan • 1972 Exchange of Notes between Ethiopia and Sudan, allowing for redemarcation and rectification at certain points Delimited Surveyed: • 1903 by the UK only from the Blue Nile to the Akobo river • 1909 by the UK only from the Ethiopia–Kenya–Sudan tripoint to the river Kibish Demarcated: • 1903 by the UK only from the Blue Nile to the Akobo River • 1909 by the UK only for the area from the Ethiopia–Kenya–Sudan tripoint to the river Kibish; both areas subject to redemarcation
Kenya from Uganda border to Lake Turkana	Agreements: • 1914 by order of secretary of state of the UK • 1926 with transfer of territory from Uganda to Kenya • 1938 administrative arrangement between Sudan and Kenya allowing Kenya police posts within 'Red Line' of the Turkana grazing area • 1947 administrative arrangement between Sudan and Kenya allowing Kenya to place police posts beyond the 'Red Line' up to the 'Blue Line' • No international agreement Delimited

Kenya from Uganda border to Lake Turkana (continued)	Surveyed: 1931 delineation of Turkana customary grazing lands ('Red Line') Not demarcated
Uganda from the Bahr al-Jebel to Kenya border Sudan	Agreements: • 1914 by order of the secretary of state of the UK • 1926 with transfer of territory from Uganda to Kenya and • No international agreement Delimited Surveyed: • 1913 as far as Jebel Mogila • 1960 48 km (30 mile) section between Jebels Lonyili and Urungo Demarcated: 48 km (30 mile) section between Jebels Lonyili and Urungo
Uganda from Bahr al-Jebel to Nile–Congo watershed	Agreements: • 1914 by order of the secretary of state of the UK • No international agreement Delimited Unsurveyed Not demarcated
Belgian Congo/ DRC	Agreements: • Between Belgium and the UK, 1894 and 1906, established an alignment based on the Nile–Congo watershed Not delimited Unsurveyed Not demarcated
French Equatorial Africa/CAR	Agreements: • Between France and the UK, 1924 Delimited Surveyed: 1922–23 Not demarcated

Sources: Grossard (1925); Collins (1962); INR (1962; 1970a; 1970b); Brownlie (1979); Blake (1997); Johnson (1998)

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Glossary

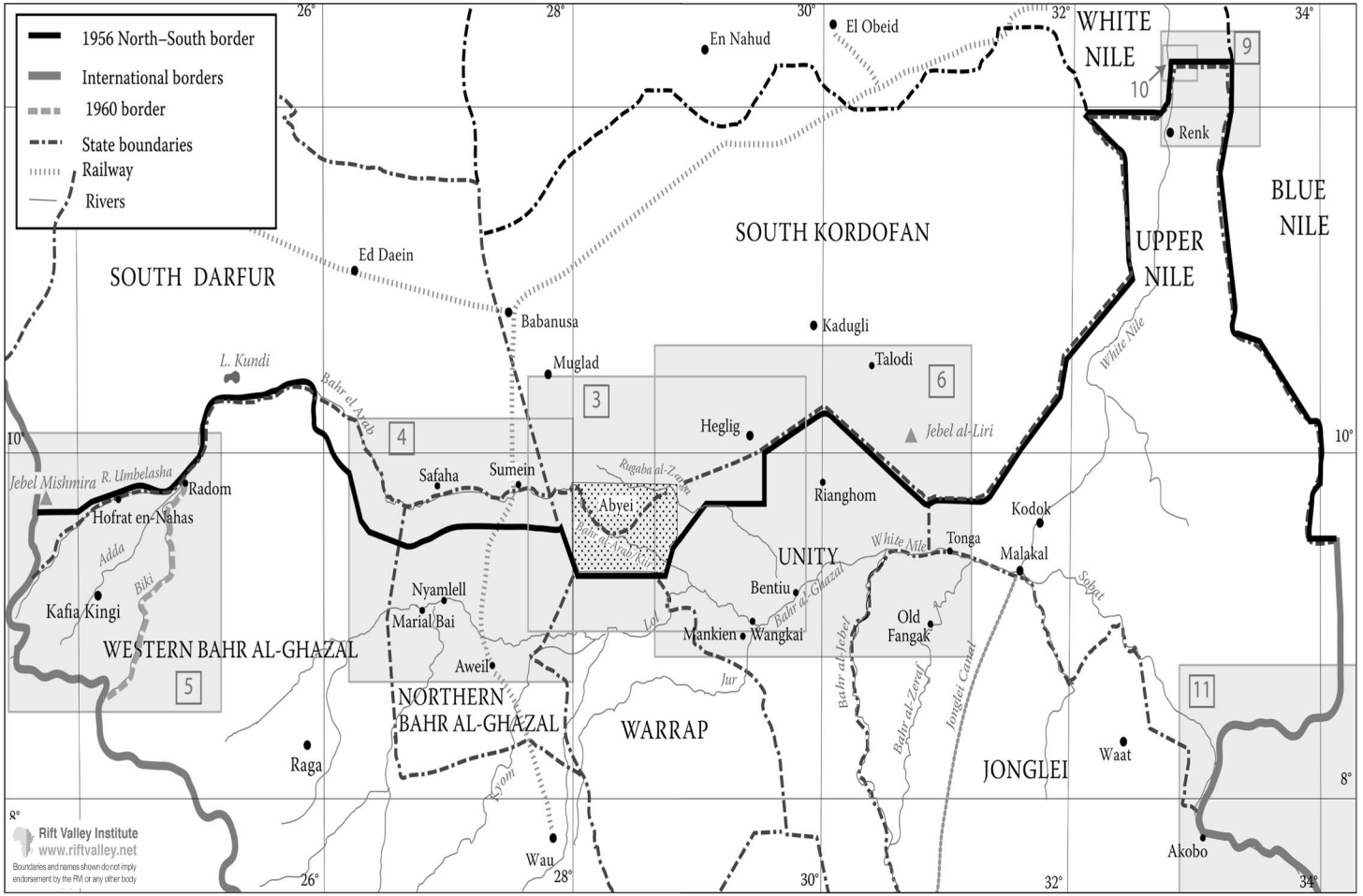
Abialang	ethnic group: Dinka tribe in Upper Nile state
Abbala	ethnic category: Arabic-speaking camel-herding groups of northern Sudan
ABC	Abyei Boundaries Commission
Acholi	ethnic group and language in Eastern Equatoria state and northern Uganda
alignment	arrangement in a straight line, or in correct or appropriate relative positions
Alor	ethnic group: section of Rueng Dinka in Unity state
Anuak (Anywaa)	ethnic group and language in Jonglei state and Ethiopia
Ateker	ethnic category and language family (Jie, Karimojong, Turkana, Toposa, Nyangatom and Teso) in borderlands of Eastern Equatoria state, Ethiopia, Kenya and Uganda
Auled Himmeid	ethnic group: Arab-speaking people in South Kordofan state
Awet	ethnic group: section of Rueng Dinka in Unity state
Azande	ethnic group and language in Western Equatoria state, northern DRC and eastern CAR
Baggara	ethnic category: Arabic-speaking, cattle-keeping peoples of northern Sudan
Bari	ethnic group and language in Central Equatoria state
Berta	ethnic group and language in Blue Nile state and Ethiopia
bahr	(Ar.) river
boma	administrative unit in Southern Sudan, subdivision of a *payam*
Bul	ethnic group: Nuer tribe in Unity state
Burun	ethnic category: Arabic term for several unrelated hill communities in Blue Nile and Upper Nile states
CAR	Central African Republic

Collo	ethnic group, see Shilluk
county	administrative unit in Southern Sudan, subdivision of a state
CPA	Comprehensive Peace Agreement
dar	(Ar.) homeland; territory
delimit	determine the limits or boundaries of a territory
delineate	indicate boundaries by drawn lines or figures
demarcate	physically mark the limits of boundaries on the ground
Dinka (Jieng, Jaang)	ethnic group and language in Upper Nile, Jonglei, Unity, Northern Bahr al-Ghazal, Warrap and Lakes states and in Abyei county in South Kordofan
DRC	Democratic Republic of the Congo
Eastern Jikany	ethnic group: Nuer tribe in Upper Nile state and Ethiopia
Fartit (Fertit)	ethnic category indicating non-Dinka, non-Arab, non-Luo, non-Fur groups in Western Bahr al-Ghazal state
Funj	ethnic category in Blue Nile and Ethiopia, and historic sultanate (16th–19th century, around Sennar)
Gaajak	ethnic group: section of the Eastern Jikany Nuer
Gaajok	ethnic group: section of the Eastern Jikany Nuer
Giel	ethnic group: section of the Abialang Dinka
GoNU	Government of National Unity (from 2005)
GoS	Government of Sudan (before 2005)
GoSS	Government of Southern Sudan (from 2005)
goz	(Ar.) stabilized sand dune
Greater Bahr al-Ghazal	Former province of Bahr al-Ghazal, comprising present-day Western Bahr al-Ghazal, Northern Bahr al-Ghazal, Warrap and Lakes states
Greater Equatoria	Former province of Equatoria, comprising present-day Western, Central and Eastern Equatoria states
Greater Upper Nile	Former province of Upper Nile, comprising present-day Unity, Upper Nile and Jonglei states
Gumuz	ethnic group and language in Blue Nile state and Ethiopia
Habbaniya	ethnic group: Baggara tribe in South Darfur

Hawazma	ethnic group: Baggara tribe in South Kordofan
Humr	ethnic group: a section of the Misseriya Baggara tribe in South Kordofan
IGAD	Intergovernmental Authority on Development
Kafia Kingi Enclave	northernmost part of Western Bahr al-Ghazal state, currently administered by South Darfur state
Ingessana (Gamk)	ethnic group in Blue Nile state
jebel	(Ar.) mountain
jallaba	(Ar.) merchant; used by Southern Sudanese to refer to all northern Sudanese
janjawid	(Ar.) bandits; more recently, pro-government militias in Darfur
Karimojong	ethnic group: part of Ateker cluster in Uganda
khor	(Ar.) seasonal watercourse
Koman	language group in Blue Nile state and Ethiopia
Kuku	ethnic group: Bari-speaking, in Central Equatoria state
Kwil	ethnic group: section of Rueng Dinka in Unity state
Leik	ethnic group: Nuer tribe in Unity state
Lopit	ethnic group in Eastern Equatoria state
Lou	ethnic group: Nuer tribe in Jonglei state
LRA	Lord's Resistance Army
Luo	ethnic group and language in Western Bahr al-Ghazal state
Madi	ethnic group and language in Central Equatoria state and Uganda
Malwal	ethnic group: Dinka tribe of Northern Bahr al-Ghazal state
maqdum	(Fur) administrative agent of the sultan of Darfur
Mbororo	ethnic group: Fulbe-speaking pastoralists of West African origin now found in Blue Nile, South Kordofan, South Darfur, Western Bahr al-Ghazal and Equatoria
Meban	ethnic group: one of the Burun peoples in Upper Nile state
Misseri	singular form of Misseriya
Misseriya	ethnic group: Baggara tribe in South Kordofan state

murahalin	(Ar.) cattle guards on Baggara seasonal routes; Baggara tribal militia
murhal	(Ar.) 'track', seasonal route used by Baggara
NCP	National Congress Party
NGO	Non-governmental organization
Ngok	ethnic group: Dinka tribe in Abyei Area
Nilotic	language group including (in Southern Sudan) Dinka, Nuer, Luo, Anuak, Pari, Acholi and Shilluk
Nuba	ethnic and geographical term: peoples of the Nuba Hills of South Kordofan state
Nuer (Naath)	ethnic group and language in Upper Nile, Unity, Jonglei states and Ethiopia
Nyangatom	ethnic group: part of Ateker cluster in Eastern Equatoria state and Ethiopia
omodiya	(Ar.) sub-district in northern Sudan under the authority of an *omda*
Padang	ethnic group: Dinka tribe in Upper Nile state
Paloich	ethnic group: Dinka tribe in Upper Nile state
Pari	ethnic group in Eastern Equatoria state
payam	administrative unit in Southern Sudan, sub-division of county
PCA	Permanent Court of Arbitration (in The Hague)
ragaba	(Ar.) intermittent stream
Rizeigat	ethnic group: Baggara tribe in South Darfur; Abbala group in North Darfur
Rueng (Panaru)	ethnic group: a Dinka tribe in Unity state
Rufa'a al-Hoi	ethnic group: Arab pastoralists in Blue Nile state
SAF	Sudan Armed Forces
salient	land promontory projecting into territory of another country
Seleim	ethnic group: Baggara group in White Nile state
Shilluk (Collo)	ethnic group and language in Upper Nile state
SPLM/A	Sudan People's Liberation Movement/Army

tamazuj	(Ar.) the policy of 'intermingling' between the north–south border states fostered by GoNU
thalweg	the line following the deepest part of the bed or channel of a river or lake
tripoint	where three boundaries meet
Toposa	ethnic group: part of Ateker cluster, in Eastern Equatoria state
Turkana	ethnic group: part of Ateker cluster, in Kenya
Twij	ethnic group: Dinka tribe in Warrap state
Uduk	ethnic group: speakers of a Koman language in Blue Nile state
umudiyyin	(Ar.) plural of *umudiya*; see *omodiya*
UPDF	Ugandan Peoples' Defence Force
Western Jikany	ethnic group: Nuer tribe in Unity state
Zande	see Azande
zariba	(Ar.) thorn enclosure to protect livestock; armed camp of slave and ivory traders in nineteenth century
Zurug	ethnic group: section of Misseriya Baggara in South Kordofan



Map 14. *Sudan: North-South border with areas of detailed maps*

‘This is the kind of report that could prevent a war’

Alex de Waal, coauthor of
Darfur: A Short History of a Long War

Contested Borderlands

In 2011 Sudan faces its greatest challenge since independence: a referendum on the secession of the south. If Southern Sudan becomes a separate state, the north–south boundary will become an international border, the longest and potentially most contentious in Eastern Africa. Relations between the communities each side—and along the existing international borders of the south—have been complicated by decades of civil war; they will be further affected by the shock of separation. Studies in the Contested Borderlands series examine the historical features of these communities and their role in Sudan’s political future.

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The Author

Douglas H. Johnson is a specialist in the history of North East Africa. He has served as assistant director for archives in the Southern Regional Government, a resource person during the IGAD-sponsored peace talks, and a member of the Abyei Boundary Commission. His works include *Nuer Prophets* (1994) and *The Root Causes of Sudan’s Civil Wars* (2003/2006).

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