

# Drifting Apart?

*The Impact of Secession and Armed Violence on Border Areas in South Sudan*

Peace Research Institute Oslo (PRIO)  
PO Box 9229 Grønland, NO-0134 Oslo, Norway  
Visiting Address: Hausmanns gate 7

Centre for the Study of Civil War (CSCW)  
Peace Research Institute Oslo (PRIO)  
PO Box 9229 Grønland, NO-0134 Oslo, Norway  
Visiting Address: Hausmanns gate 7

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Øystein H. Rolandsen, PRIO.

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Øystein H. Rolandsen  
Alfred Lokuji

Peace Research Institute (PRIO)  
Juba University

**Dr. Alfred Lukuji** is Dean at the College of Rural Development and Community Studies, University of Juba. Dr. Lukuji has extensive experience from researching local conflict and security sector reform in South Sudan.

**Dr. Øystein H. Rolandsen** is a Senior Researcher at the Peace Research Institute Oslo. Dr. Rolandsen is a specialist on governance, rebellions and post-conflict politics in South Sudan.



Peace Research Institute Oslo (PRIO)

Hausmanns gate 7

PO Box 9229 Oslo

NO-0134 Oslo, Norway

Tel. +47 22 54 77 00

[www.prio.no](http://www.prio.no)

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# Executive Summary

On 9 July 2011 the dividing line between the northern and southern parts of the Sudan became the border between two sovereign states. This is not an arbitrary line on a map, but a natural boundary reinforced by cultural and political differences that has not yet, however, become a proper international border: it has not been demarcated; important areas remain contested; and (since June 2011) areas to the north of the purported border have been held by Southern rebels. This policy report focuses on the perspectives and interests of the borderland people, and how these have been affected by the division of the Sudan.

Long-term stability is threatened by disengagement among mutually dependent borderland communities and by impediments to trade and movement across the border. The deteriorating situation is the result mainly of political tension between Juba and Khartoum created by South Sudan's secession and by related violence. Yet, a future negotiated solution to the border problem must address critical issues that manifested themselves during the implementation of the 2005 Comprehensive Peace Agreement (CPA):

- Cattle herders on the northern side of the border need safe and legal access to traditional cross-border grazing and water.
- Local and regional authorities must be empowered (vis-à-vis the central government and military elements) to manage cross-border interaction and to solve conflicts.
- Impediments to cross-border travel and trade must be minimized.
- Wherever it is, a new international border inevitably creates local discontent. Continuous engagement with border communities will be necessary to minimise tension and limit grievances.
- Civilians are at risk because of the large military presence in border areas. The Government of South Sudan and the international community must take measures to minimise the burden this presence represents for people in the borderlands.



# The North-South Border

African borders are often over-simplified as high-handed foreign impositions. The history of the new international border between the Republic of Sudan and the Republic of South Sudan is more nuanced. It is not an arbitrary line on the map, but a natural boundary reinforced by cultural and political differences. Although a foreign colonial regime, the Anglo-Egyptian Condominium (1899-1956), formalised local boundaries while organizing the territory into provinces and districts (Johnson 2010), these local borders, often without demarcation, are in most cases still valid. The autonomy granted the South as a consequence of the Addis Ababa peace agreement in 1972 further formalized the division between northern and southern parts of the Sudan and, consequently, the border between them. When oil was discovered, the Nimeiri regime (1969-85) attempted to redraw these boundaries to the benefit of the North; the first operational oil-field was named “Unity”, and that term entered the lexicon of political geography. The current regime took this a step further by naming the oil producing region “Unity State”. During the civil war, however, the border was for all practical purposes irrelevant, and each of the warring parties had allies on both sides of the border. Since the war ended in 2005, the north-south border has become a national-security issue in Khartoum and in Juba.

The CPA established the border between North and South as of 1 January 1956 as the administrative border of the Government of Southern Sudan (GoSS). After the CPA took effect, the GoSS and Sudan People’s Liberation Army (SPLA) took control; excepting Northern contingents of Joint Integrated Units (JIU), Khartoum’s forces slowly withdrew from the South. During the interim period 2005 – 2011 the north-south border acquired aspects of an international boundary. After independence, if violence had not escalated to the north, there would likely have been few practical changes in how the border was managed. But as recently as November 2011 the Sudanese Armed Forces have been accused of violating the border and bombing South Sudanese territory, including a refugee camp in Unity State (Sudan Tribune 2011b). This represents an escalation of tension between north and south beyond mere departures from the pre-CPA border regime.

Unfinished business of the secession process includes an agreement over contested areas along the north-south border, agreement indeed of the borders of those areas, and creation of a border management regime. These processes have implications both at the national level and for the people living in the borderlands, the livelihoods of many of whom are directly affected. For decision-makers in Juba, however, the border – while of great political importance – is yet abstract



and remote; a wholesale approach might involve trade-offs along the entire border with the North, without sufficient concern for how such a settlement would affect local communities.

This policy report focuses on challenges created by the discrepancy between national and local perspectives towards transformation of the border. It is partly based on research conducted in Unity State in March and April 2011. The fact that Unity state is the main oil-producing area might make this state less representative, but proximity to the border is probably a more important factor in political developments within the state than oil production is. The brief first examines local dimensions of border issues and, in the second part, discusses national concerns and issues from a borderland perspective.

# Local Dimensions of the Internationalisation of the North-South Border

Seen from any perspective but that of governments, the introduction of an international north-south border is first and foremost an inconvenience that complicates daily life. There is a constant demand for movement and communication across the border, and communities and economies on both sides benefit from a soft-border regime (Feyissa and Hoehne 2010). Local traders and their customers in urban centres on the southern side of the border are to varying degrees dependent on goods from the North, and Southerners do not want restrictions or tariffs on the products they sell to the north (livestock and other primary commodities). Moreover, many Southerners in the border areas were displaced during the war and migrated to the North, especially to Greater Khartoum. A significant number returned spontaneously in 2010 and 2011, but in many cases only some members of a family have come back, while the rest stayed behind (IRIN Africa 2011). Greater formalization of the border might create a barrier for borderland people. This process might also offer opportunities: there are indications that both politicians and community leaders in Unity State, for example, regard an international border as strengthening their ability to regulate northern herders' access to grazing land south of the border (Interviews in Unity State March 2011).

## **Cross-border Community Interaction (seasonal migration and conflict mediation)**

Short-distance cross-border interaction between Sudan and South Sudan may be motivated by pursuit of local trade and wage labour opportunity, but the problematic short-distance interaction relates mainly to transhumance, i.e. seasonal migration with livestock. This includes the mechanics of transnational mediation and regulation, formal and informal, that such activities inevitably require. Seasonal migration across the border of today's Sudan and South Sudan predates establishment of any administrative borders. Mutual utility allowed seasonal migration with little or no government involvement. Patterns of migration were severely disrupted by the second civil war, however, and have been complicated further by the increased politicisation of the north-south border since 2005. Transhumant border crossing is local, rural, and seasonal, does not depend on roads, and is therefore difficult to monitor. In the absence of close policing the national government is relegated to patrolling and gathering intelligence volunteered by local people.

During the CPA period of 2005-11, border interaction generated by transhumance was a major issue, in particular in relations between Unity State and South Kordofan. Dry-season migration of Misseriya herders has been the main source of cross-border tension and violence in Unity State, a phenomenon separate from the intra-mural violence occurring there. Dry-season pastures in South Sudan are important for the livelihood of the Misseriya, particularly as competition for resources increases north of the border (Pantuliano 2010). The only alternatives are dry fodder and crop residue combined with water from wells (Interviews in Unity State March 2011; International Crisis Group. 2011), reliance upon which severely restricts herd size. Relations between the Misseriya of Kordofan and the Nuer and Dinka of Unity are therefore lopsided - essential for the Misseriya but merely convenient for the Southerners who trade with them.

In Unity State the visiting Misseriya cattle herders are characterised as imperious, violent and untrustworthy (Interviews in Unity State March 2011). The conduct of the last war is undoubtedly an important reason for this attitude (Concordis International 2010). Militia units recruited from among the Misseriya operated as early as the mid-1980s and seem to have served actively thereafter, infamously against civilians during the late 1990s and early 2000s in operations to clear oil-producing areas (Rone 2003; de Waal 1993). People in Unity State seem to identify these militias with the Misseriya in general (International Crisis Group 2011). Since the signing of the CPA, not enough has been done to reconcile the people of northern Unity State and the Misseriya: priority has been given to monitoring and regulating cattle drives rather than addressing war-time grievances and searching for long-term solutions.

The Misseriya have few friends in an area of general insecurity, and the government of Unity State has limited their arms (perhaps to as little as 1-3 weapons per herd), a number the Misseriya regard as highly inadequate (International Crisis Group. 2011, 17-18). Some herders have nonetheless reportedly observed the limit; some have been attacked and their herds raided (Interviews in Unity State March 2011). SPLA units along the border have moreover made life difficult for the Misseriya by harassing them and demanding payments (Interviews in Unity State, March 2011; International Crisis Group. 2011).

Numbers of ill-adjusted ex-soldiers are reported to be living in gangs in the bush or in rural villages, whence they engage in cattle raiding and other unlawful activities. Local administrators and chiefs, when asked about cattle stolen from the Misseriya, referred to "criminal gangs" over whom they claimed no control (Interviews Unity State March 2011). Herders of the Misseriya are unimpressed: Unity State and the GoSS are responsible for solving crimes that take place on their soil. If Southern authorities forbid these Misseriya herders to defend themselves with legal arms, but cannot ensure their safety, then cross-border herding becomes impossible. And interviews

indicated that Misseriya herders have indeed mostly been barred from Unity State during the last two dry seasons (cf. International Crisis Group. 2011).

Thus the international border and the way it has been managed have been a barrier for the Misseriya and, combined with rebellion along the border, a threat to their livelihood. Uncertainty about the future in this regard has been a factor in Misseriya calculations in relation to the current rebellion in South Kordofan and political crisis between Khartoum and Juba. The current hostilities in Southern Kordofan and Unity State make access to South Sudan pastures in the coming dry season unlikely: massive herd depletion and impoverishment will probably ensue, making cattle raiding and militia recruitment attractive. The Misseriya situation is likely to create opportunities for extensive proxy wars between North and South Sudan. Authorities claim in interviews that the Misseriya are accompanied by and armed by the SAF. This development will make it difficult for the Government of South Sudan and Unity State to improve relations with the Misseriya and will instead prolong enmity. It is therefore necessary to include this aspect of border management in the overall negotiation of borders.

### **Trade and Movement of people**

Long-distance movement of people and goods along roads is inherently different from short-distance transhumance; the former is regulated at border check points or at the first town after a border. Long-distance trade and the movement of people between today's Sudan and South Sudan have deep historical roots and are often associated with the development of an urban monetised culture. Over time, long-distance transportation and communication has fluctuated and been transformed as a result of changing economic structures (e.g., demand for wage labour, access and infrastructures, variation in purchasing power), and also by fluctuating security situations and restrictions on movement.

Even if the central state in Juba may have an interest in regulating North-South trade and to levy customs duties, they have a perhaps stronger interest in assuring the flow of goods and in keeping prices in markets at an acceptable level. During the CPA period people immediately to the south of the border benefitted significantly from a relatively free flow of goods and access to long-distance transportation. Unity State was particularly fortunate because the oil industry had already by 2005 developed a transportation infrastructure linking Bentiu to the North. The urban population of most of Unity State had become dependent on all kinds of goods from north of the border – even fruit, vegetables and to some extent grain and beans. In contrast, the rural population is largely self-sufficient – but they have also been affected by the long interruption in the flow of goods from the North that appears to have begun with an informal blockade since

June 2011. This blockade is instituted by Khartoum, assumedly for the purpose of punishing South Sudan for seceding and to destabilise the border areas. The blockade appears to be most effective in Unity State where people and authorities in Southern Kordofan assist in enforcing it, their motivation is probably related to local enmity and pay-back for being blocked from pastures in the South.

The blockade is attempted mitigated by moving goods in from the South. It is possible, at least during the dry season, to bring goods up from East Africa, but at a much greater cost than from the North since distances are greater and roads inadequate (International Crisis Group. 2011, 22–3). Goods are allegedly coming in from Uganda and Kenya as far up as Leer (Interviews Unity State March 2011). Transportation by barge from Malakal is another alternative. The blockade first and foremost affects the minority of people that do not produce their own food – demilitarised soldiers, town workers, urbanised returnees and unemployed youth – and these are generally most prone to protest and rebel.

A cost-benefit analysis of the North-South border regime is likely to favor a liberal approach to border administration. Even assuming normal North-South relations in future, the internationalisation of the North-South border will probably make goods from the North more expensive and trade routes prone to politically motivated interruptions. It is not only South Sudan consumers who would tend to lose, but also their politicians, as well as the Northern traders, and the producers and transporters of those South-destined goods. But it is not clear how much leverage the body of traders and consumers of cross-border goods have and it is likely that political and security concerns in Khartoum will trump economic benefits and the well-fare of the people in the borderlands.

The movement of people from one country to another is, in principle, controlled by the respective central governments' laws and regulations. The effectiveness of this control is partly a result of interpretation of these regulations and laws. However, in the case of the North-South border during the CPA period, effectiveness of border control was limited by an obvious lack of capacity. A variety of actors (state and county-level officials, military, security personnel, chiefs, militia) were in a position to regulate movement across the border. A group interview in the bus station in Rub Kona, Unity State, revealed that even before the recent outbreak of hostilities, busses and cars transporting people from Khartoum were regularly stopped in South Kordofan, where "taxes" were extorted. On one occasion in January 2011, several busses were detained for a matter of days, allegedly because local Misseriya claimed inadequate compensation for a murderous episode of cattle rustling in Unity State the year before (cf. International Crisis Group. 2011); the Governor, Taban Deng, intervened personally, possibly under pressure from community leaders. On the

other hand, movement of people from Unity State to the North was closely monitored during the CPA period: young men especially needed permission to travel; evidently the state government feared that they could pass sensitive information or would join Southern militias at bases north of the border.

Thus, during the CPA period the North-South border was already managed much as an international border. Examination of movement across the border demonstrates the degree to which security issues, transportation of people and management of borders and border communities are interlinked. It also demonstrates that there is a large degree of interdependence across the border, which gives people a common interest in maintaining amicable relations and building peace. The Northern blockade of border-area markets, let alone the Southern Sudan market as a whole, constitutes a considerable revenue loss to Northern merchants and companies whose goods are sold in the South. Hence, there is a chance that these producers and sellers of goods destined for the markets of the South could represent a counter-balancing interest in the North.

Establishment of an international border between the Sudan and South Sudan is likely to cause the border communities to drift apart as it is likely that barriers and restrictions motivated by antagonistic relations between Khartoum-Juba will hinder any free-trade, soft-border regime to be implemented. A closed border is an even more severe problem; it separates families, cuts the links of interdependence, and forces people to find new arrangements and ways in which to solve their problems and need for trade.



# National Security Dimensions and Border Demarcation

African borders are typically porous. Central government oversight is limited; in the absence of a threat of invasion the state does not prioritise its limited resources to assert comprehensive control over border territories (Herbst 2000). Borders themselves may exacerbate local insecurity and even violence, which may be compounded by the lack of government control and policing capacity in border areas. In the case of the border between the Sudan and South Sudan, which is both porous and so newly internationalized, tension between the two governments demands a more forceful government presence than is usually required elsewhere. The attention and resources that GoSS and state administrations devote to the protection of people in border areas varies considerably and is governed by, among other factors, the influence of border communities in the political centres (e.g. Misseriya leaders' influence in Khartoum) and the extent to which the protection of border people can be elevated to a national issue (e.g. Abyei; cf. the Badme issue in the Eritrean-Ethiopian war, 1998-2000). Such national-security priorities are more obvious to international actors, too, and may therefore govern their priorities as well.

During the civil war, the Sudan Armed Forces and its allied militias were concentrated in garrison towns and at strategic points in the south. After 2005 the North-South border became a security issue in Khartoum and Juba and now, after secession, the SPLA and the SAF face each other across this border. On the Northern side of the border long stretches (most of Darfur, South Kordofan and Blue Nile) are destabilised or contested by regional rebel movements, which are becoming increasingly co-ordinated (Sudan Tribune 2011a). On the southern side, GoSS needs to deter Khartoum from invading; depending on developments in the South, the government in Khartoum might claim a need to assist in establishing law and order to protect its own citizens or economic interests south of the border. Occupation of oil installations in South Sudan would probably result in full-scale war, however, which both parties apparently wish to avoid for the time being.

The need to protect rural infrastructure (such as agricultural schemes and oil installations) close to the border demands a large number of "boots on the ground". In particular the oil areas are the focus of a high-level presence of coercive elements of the government apparatus, but this does not necessarily result in increased security for the people there (Rands 2010). Moreover, the border areas would be in immediate danger if tensions between the North and South should threaten to escalate. The border areas are already the scene of skirmishes and other types of low intensity



warfare. Criminals and dissidents from the other side of the border are given sanctuary by the respective regimes, and Juba and Khartoum also support destabilising elements with bases inside their own territory (International Crisis Group. 2011).

The considerable national interest at stake in the north-south border, and the struggle for control over strategic resources close to it, are therefore a burden to the people living in these areas. The weight of this burden to a large degree reflects the level of tension between the governments of Juba and Khartoum, but policies of the central governments and assistance from the international community can mitigate these consequences. The security situation along the whole border needs first to be properly monitored in order to identify the areas that have the highest level of violence and hence the highest demand for protection. Secondly, measures to protect civilians and contain externally generated insecurity can be taken. Here the new UNMISS may have an important role to play.

### **Agreement on the North-South border and its demarcation**

Reaching an agreement on the north-south border and its subsequent demarcation are necessitated mainly for national-security and economic reasons. Establishment of two separate states has made this issue more acute. To be sure, there are still a number of disputed and non-demarcated borders elsewhere in Africa, and indeed on other continents, but few with a recent history resembling the Sudan's. The North-South border was to be agreed upon and demarcated during the CPA period; the parties agree on about four-fifths of the border, but before demarcation can take place at least six disputes must be negotiated (Concordis International 2010; Johnson 2010). While awaiting external mediation or arbitration in The Hague, this process ground to a halt even before secession. Whichever approach is chosen, concerns of the borderland people should be a factor in the process of establishing the international border. The current lack of clarity has created apprehension and tension at the local and state levels along the border (Interviews in Unity State March 2011).

A closer look at Unity State may illustrate the challenges related to disputed border areas and their prospective demarcation. Local communities, with powerful supporters in Juba, claim that the Heglig and Kheresana areas belong to Unity State. This claim seems to be based in part on a notion of previous occupancy by the Rueng Dinka and partly on administrative arrangements during the civil war (Interviews in Unity State March 2011). That people in Unity have their own names for places in these areas is presented as proof of previous occupancy (International Crisis Group 2010, 11; Johnson 2010, 59–63). Legally the case is weak. These areas are to the north of the 1956 border, which is the foundation of the whole demarcation process. Counter-claims are

moreover made for the Misseriya, who regard the Bahr al-Arab north of Bentiu as their border with the people of the South. And although South Sudan will be taxed to the utmost in gaining control over areas annexed by Khartoum elsewhere along the North-South border since 1956, both Juba and Unity state that their claim to Heglig and Kheresana is non-negotiable.

The oil issue adds considerable political significance to the dispute. Unity State and the areas it claims to the north have oil reserves which, while dwindling, are still significant, and any border adjustment therefore has potential consequences for the Sudan's and South Sudan's economies (Shankleman 2011). The question arises as to whether local claims to territory based on settlement and migration outweigh the importance of oil reserves and oil production. The Government of South Sudan's border demands in Unity State may be a part of a strategy by which claims to one contested area may be traded for another, or even by which compromises on border issues become elements of a general settlement. But trade-offs of this sort perpetrated at the national level might backfire when overlapping and unfulfilled demands have become locally entrenched (International Crisis Group. 2011). If Heglig and Kheresana are traded for other disputed areas, the government in Juba will lose considerable legitimacy locally, and increased unrest may result. The Misseriya might react similarly if South Sudan won these areas.



# Conclusion and Recommendations

The establishment of an international border between the Sudan and South Sudan has not in itself resulted in any sudden change in border management. Several of the dimensions investigated here are playing parts in the lukewarm war between the Sudan and South Sudan. Transhumance and local mediation are hindered by the hostilities at the national level, which nevertheless is fought out by local proxies constituting the people affected by the disruption of their livelihood in the first place. Secondly, blockade of long-distance trade and movement of people has created a desperate situation for people in Unity State, but also hurts the economic interest of northern traders, transporters, and manufacturers. This blockade is also more efficiently enforced in areas where groups on the northern side of the border have hostile relations south of the border, while simultaneously these hostilities are exploited in the national capitals.

The weak central-government presence both to the north and the south of the border exacerbates the challenges related to the very establishment of the international border. The lack of policing capacity and the general insecurity make it difficult to protect people and to manage the border properly. An insufficiently provisioned and undisciplined army increase the distress caused by their presence in the border areas. Poor infrastructure contributes towards dependence on a few roads and makes blockades more effective. Oil infrastructure is also an exacerbating factor. It is therefore the political tension between the two countries and the outbreak of rebellions along the border that have abruptly caused the living conditions for people at both sides of the border to deteriorate significantly.

Nevertheless, the various dimensions of the border issue between the Sudan and South Sudan that could be observed before recent developments will, if not addressed, resurface as soon as hostilities end. Negotiations to solve the current conflicts and any agreement on borders between the Sudan and South Sudan should address the issues outlined above. Left to themselves, border communities argue that they are more likely to reach compromises on cross-border movements since their interests would be driven by local needs. While the motivations of the national governments concerned are not necessarily tied to local interests, but are viewed against the backdrop of the entirety of the nation's international borders and the innate drive to control. Apparently, few (if any) of the people living along the north-south border believe their needs and perspectives are sufficiently represented at the level of national negotiations. Given the history of

hostilities, it is unlikely that the two national governments will permit border control and security considerations to be driven by local needs and initiatives, however likelier those would be to yield results. Hence, at a minimum, the perspectives and concerns of the people living in the borderlands must be given a place in future negotiations; they should also be given seats at the negotiation table and influence over the outcome. Arrangements acceptable to people in the borderlands are still essential: if national dimensions crowd out local concerns, the result may well be a border that is nominal, legal, and ultimately ungovernable.

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purported border have been held by Southern rebels. This policy report focuses on the perspectives and interests of the borderland people, and how these have been affected by the division of the Sudan.

Long-term stability is threatened by disengagement among mutually dependent borderland communities and by impediments to trade and movement across the border. Although the de-

teriorating situation is the result mainly of political tension between Juba and Khartoum created by South Sudan's secession and by related violence, a negotiated solution to the border problem must address critical issues that emerged during the negotiation of the 2005 Comprehensive Peace Agreement.