# ‘RECIPROCAL COMPARISON’: EXPLORING THE AFRICAN TEMPLATE IN BORDER AND BORDERLANDS STUDIES.

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Border studies have so much been dominated by Western literature, notably those of Europe and North America, that scholarly documentations of other regions, especially the developing world of South, have tended to be ignored or, at best, reduced to the status of extended footnotes. While not denying the dominance of Europe as the diffusion centre for the modern Nation-state system and its problematic boundaries and of North America as a region of its earliest expansion, particularities of history and culture have given rise to such regional variations that call into question a prevalent Euro-centric dictation, based on an imbalance of extant researched output that has so much favoured and privileged the North against the South.

Africa has been so particularly ill-ignored. Yet, we have here exceptionally intense manifestations. Apart from the prominence of the region’s experience with boundaries between and within States as bequeathed by European imperialism and colonialism, there are also the equally prominent manifestations of the important undercurrents of pre-existing socio-political structures and institutions which have resulted in today’s functional categories of boundaries such as those that define ethnic and religious identities with roots sunk deep into remotest past.

While the distinctiveness of studies of the African situation has been so acknowledged by some top level European and North American experts, this recognition has not been sufficiently sustained in the mass of the ever expanding literature on the European and North American regions. The disequilibrium between the North and the South has tended to perpetuate a disproportionate emphasis on Europe and North America and the relative inattention on areas outside the Euro-American regions, Africa in our own particular case. Would the African-exclusion clause and conditionality attached to the hard-won funding support for the African Borderlands Research Network (ABORNE) by the European Science Foundation (ESF) not raise the spectre of a systematized entrenchment of Europe as centre for

border and borderlands knowledge production, including about Africa? Is the ESF support for ABORNE not for the cause of Euro centrism and its perpetuation in Border and Borderlands Studies?

The point about this presentation, advocating a new approach of 'putting Europe [and North America] in the African mirror' more than as in the more 'so familiar other way round', is to draw attention to the need for an increased awareness of the wider global and multi-dimensional contexts. The African template in the 'reciprocal comparison' is also aimed at drawing attention to the knowledge production in Africa about Africa, which can only continue to be side-stepped, if not altogether ignored, at peril to the science of border studies or what has been more creatively referred to as 'limology', arising from 'lime', the Latin route for **limit** or boundary.

Prefaced with an introductory clarification on the concept of 'reciprocal comparison', the main body of the presentation is naturally on the assessment of the contribution which African border studies have made and are continuing to make to the comparative perspective on 'modern' as distinct from 'traditional' border studies globally, the latter perspective being the one that this presenter has sustainingly explored. The discussion would focus not only on the interconnection with wider regional integration concerns; it would also draw attention to such other specific aspects of the knowledge production about Africa as the methodological break-through on the issue of quantification of the inherently informal and officially unrecorded cross-border exchanges; the exploration of the historical and anthropological method that has helped to advance the cause of historicisation; the systematic application of multidisciplinarity; and explicit policy responsiveness.

The presentation would draw heavily from much of the author's existing works with emphasis on the African template in 'reciprocal comparison' with Europe and North America, including publications on comparative bibliography. The essay will conclude with recommendations on increased funding support for research and research Institutions in Africa, to balance with those based in Europe; and projects for a more authoritative bibliography and research directory on African border and borderlands studies on the magnitude of those that have been achieved for North America and, to a smaller scale, Western Europe.

# The Cultural Construction of State Borders

## The View from Gambella

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> At the beginning there were two kume [governments]: British were with the Nuer, and Buny kume [Ethiopian government] was with the Anywaa. That was the difference. Then some Nuer became Sudanese and others became Ethiopian. Nuer who live with the Buny are Buny. Those in the Sudan call themselves Sudan. Kume likes everybody. It does not like only those people who work against it. If the Buny kume and Sudan kume fight, if Sudan kume rejects us, if they treat us badly, and if we come to Buny kume; the Sudan kume cannot follow us because we are no longer Sudanese. If Buny does the same; we will be men of Sudan (Kong Diu, Cieng Reng Nuer community leader, November 2000).

**Introduction**

The study of state borders has long been preoccupied with their artificiality and negative impact on the local people who were arbitrarily divided (Touval 1972; Mathias 1977; Asiwaju 1985). Recent studies have shifted the focus on state borders away from constraints to state borders as conduits and opportunities (Asiwaju and Nugent 1993; Barth 2000; Nugent 2002, Horstmann and Wadley 2006) or as resources (Dereje and Hohene 2009). Different factors are involved in determining the conditions of resourcing state borders and borderlands. Cultural schemes could play into specifying the conditions of resourcing the state border. In this paper I discuss this cognitive dimension of state borders, i.e., local perception of state borders significantly factor in how it is used by specific groups of people. The study is theoretically inspired by cognitive psychological works particularly by the seminal work of Perry and Bloch (1989). In Money and the Morality of Exchange Perry and Block examined „how existing world view gives rise to particular ways of representing money … the meanings with which money is invested are quite as much a product of the cultural matrix into which it is incorporated as of economic functions it performs as a means of exchange" (1989: 19-210). Drawing on the ethnography from the Gambella region of western Ethiopia the paper argues for a similar cognitive psychological approach in border studies; the range of cultural meanings attributed to state borders, as the opening quotation from the Nuer elder testifies. The agrarian Anywaa and the pastoralist Nuer are two of the largest ethnic groups who live in the Gambella region along the Ethio-Sudanese border. Although the Ethio-Sudanese border, like any other state border in Africa, is artificial and has arbitrarily divided both the Anywaa and the Nuer whose settlement straddle the international border, they nevertheless have not only lived this border as a constraint but they have also actively sought to utilize it. In so doing they have drawn on their respective cultural schemata.

The Anywaa and the Nuer radically differ in their imagination of a political community. The Anywaa subscribe to a compartmentalized view of political boundaries both at the inter-ethnic and intra-ethnic level. Thus, they have little trouble in experiencing state border as a bounded territory. Conceiving state border as a bounded territory has a strategic dimension in inter-ethnic relations. Subjected to continual territorial expansion at the expense of their territories, the Anywaa invoke the Ethio-Sudanese border to contain Nuer expansion and justify a dominant political status in the regional state of Gambella since the establishment of an ethno-political order in Ethiopia in 1991. Underneath this strategic social action, however, we find Anywaa's cultural representation of a state border. Accordingly, a state border is perceived as Kew writ large. Kew is the Anywaa concept of social border with a stronger version of territoriality. One expects, like the Anywaa do, this discursive link between the Anywaa concept of Kew and the modern state concept of border to be expressed in an „organic" alliance between the former and the Ethiopian state. Much to the disappointment of the Anywaa the Ethiopian state operates along the border with multiple concerns than merely enacting sovereignty. This is one of the root causes of the conflict between the Anywaa and the successive Ethiopian governments. The Nuer, on the other hand, subscribe to a more flexible view of a political community. A tribal boundary (Cieng) is permeable. Individual Nuer changes his tribal identity as the situation demands; often dictated by the natural resources distributional pattern. Individuals are free to choose their tribal affiliation while searching for the „greener pasture". The Nuer do exactly the same in national identification. They do not feel divided by the Ethio-Sudanese border and instead consider it an „identification options" depending on the fluctuating opportunity structure between the two states. Tracking individual biographies gives the impression that the Nuer are relentless instrumentalists. A closer examination of their behavior, however, reveals that in making use of the state border through alternative citizenship the Nuer experience the modern state as „Cieng writ large".

The discussion is organized into three parts. Section one examines the strategic dimension of social action, i.e., how the Anywaa use the Ethio-Sudanese border to ensure identity maintenance as part of their „survival toolkit" and how the Nuer use the same border for individual and social advancement through alternative citizenship as a strategy of renegotiating their marginality. Section two examines the different modes of cultural representation of a state border, i.e., how state border is represented and experienced as bounded territory and permeable, respectively, by

the Anywaa and the Nuer. Section three discusses how the Ethiopian state views the border and position itself in the border-centered political debate between the two. In the last section concluding remarks are made on the need for a cognitive-psychological approach in the field of border studies.

## State Border as an Opportunity Structure

*The Ethio-Sudanese border as a discursive resource for the Anywaa*

The eastward territorial expansion of the Nuer in the second half of the nineteenth century has preoccupied classical anthropology in general and Nilotic studies in particular. The dominant event in the period before the arrival of the Sudanese and the Ethiopian states in what is known today as, respectively, the Upper Nile and the Gambella regions, was the dramatic eastward territorial expansion of the Nuer. They proceeded at the expenses of the Dinka and the Anywaa throughout the second half of the 19th century. Before that, „the Nuer were confined to a small area in southern Sudan in the area west of the Bahr Jebel River. A century later they had pushed eastward to the Ethiopian escarpment expelling all but a few pockets of Anywaa from the Sobat River basin (Jal 1987: 36). By the early 20th century groups of Nuer penetrated deep into Anywaa territory as far east as the Laajak hills, near the present-day Anywaa village of Akedo on the Baro River (ibid.). Despite their brave resistance, many Anywaa were finally defeated by the Nuer and taken as captives (Perner 1997: 144). Prior to the arrival of the Nuer the Anywaa occupied the land adjacent to the Sobat and its major tributaries. According to Evans-Pritchard (1940: 8), „the Anywaa had occupied what is now Jikany Nuer country to the north of Sobat; parts of what is now Jikany and Lou Nuer country to the south of the river; the banks of the Pibor to its junction with the Sobat; and the banks of the Sobat to within a few miles of Abwong.“ The Anywaa were pushed into the upland region in the southwest that they currently occupy, while the Nuer ultimately assimilated those who remained. With a four-fold territorial gain, Kelly (1985:5) described the 19th century Nuer migration as one of the most prominent examples of „tribal imperialism“ in the ethnographic record. This dramatic territorial expansion was halted partly because of the arrival of two competing states in the region – colonial Britain in the Sudan and imperial Ethiopia – and the subsequent demarcation of the international border. The 1902 Anglo-Ethiopian treaty delineated the 1,600 km border between Ethiopia and the Sudan. The Gambella region, also called the Baro Salient, covers the western part of this border on the

Ethiopian side. At the time of drawing the international border, the majority of the Anywaa were placed within Gambella/Ethiopia, and the majority of the Nuer were placed within the Sudan, except for a section of the Jikany Nuer.

The creation of the Ethio-Sudanese border had differentially impacted on the Anywaa and the Nuer. Taking advantage of their settlement pattern and proximity to the Ethiopian highlands the Anywaa had an earlier access to firearms than the Nuer who were subjected to a stricter form of political control under the British. Through a series of high profile military campaigns the British established their authority over the Nuer despite their resistance. Between 1910 and 1930 the Anywaa, one the other hand, had emerged as one of the main players in the regional power game. In their quest to impose order in the frontier area and the creation of legible subjects, the British formulated a „non-permeable" border whereas imperial Ethiopia adopted a more flexible policy of frontier administration. The British border policy made Nuer territorial expansion less attainable than the pre-state period. Whereas the Anywaa had access to firearms from the Ethiopian state, the Nuer were barred from the same by the British colonial establishment in the Sudan. Imperial Ethiopia adopted a policy of indirect rule and Anywaa"s rulers were instrumental in the lucrative ivory trade for which they needed firearms to hunt the elephants. This had drastically altered inter-ethnic power relations. With a differential access to firearms the Anywaa had managed to not only contain Nuer territorial expansion but also embarked on an irredentist project in the first three decades of the twentieth century. In this hegemonic struggle the Anywaa have signified the international border as a political resource ever since.

Adjusting to the changing inter-ethnic power relations the Nuer reoriented their strategy of territorial expansion into a less dramatic mode. Nevertheless, Nuer territorial expansion has continued, albeit through a more „peaceful" way. Anywaa military resistance had the effect of re-orienting Nuer strategies of access to resources from violent to peaceful means, paralleling the symbiotic exchanges between herders and farmers elsewhere in the world. These exchanges, however, involve a certain asymmetry that favors the Nuer. Flexibility in ethnic recruitment, economic clout (cattle wealth) and numerical preponderance have enabled the Nuer to expand continually into Anywaa territories. This expansion has largely occurred through micro-demographic processes: instrumentalization of inter-ethnic marriages and friendship networks. Typically, a Nuer man marries an Anywaa woman. This is initially beneficial to both partners.

For the Nuer it is cheaper to marry an Anywaa whose bride wealth payment is lower. For the agrarian Anywaa, the marriage ensures the flow of cattle wealth. The Nuer anticipate additional gains from such exchanges: marriage ties are then used as a legitimizing discourse in establishing settlements in Anywaa territories. In virtually all the cases, children of the inter-ethnic marriages identify with the Nuer because the Anywaa identity concept is strongly informed by an ideology of ethnic purity that makes it difficult for them to safely claim Anywaa ethnic identity whereas the Nuer are conspicuously assimilationst. Although the Anywaa form of descent reckoning has a patrilineal bias attention is given to the patriline of the mother of a person as well. Unlike the emergence of a hybrid identity that often follows inter-group marriages inter-ethnic marriages between the Anywaa and the Nuer have thus resulted in the expansion of the Nuer. Moreover, the Nuer families which are tied with the Anywaa through marriage relationships gradually serve as a nucleus for more immigrants. In due course the Nuer immigrants outnumber the Anywaa, who are then left with the option of either joining the Nuer kinship and political structures, or leaving their villages in order to maintain their cultural identity. Through these micro-demographic processes the Nuer managed to continually expand into Anywaa territories. In some of the interaction areas these asymmetric exchanges have led to processes of ethnic conversion, i.e., Anywaa becoming Nuer. This territorial cum cultural expansion of the Nuer has induced on the Anywaa discourse of ethnic extinction. Seeking to „arrest" what they consider the Nuer „peril" Anywaa political actors have variously invoked the international border as part of their project of containing the Nuer.

The Anywaa"s signification of the Ethio-Sudanese border as a political resource has assumed a pivotal role in post 1991 Ethiopia which has adopted ethnicity as the official state ideology. The legalization of ethnicity as a unit of political action and the drawing of the administrative boundary on the basis of an ethnic criteria by the ruling Ethiopian People"s Revolutionary Democratic Front (EPRDF) is expressed in the form of reorganizing the centralized Ethiopian state into an ethnic federation. Accordingly, ethno-regional states were carved out. The political ownership of most of these regional states is assigned to dominant ethnic groups whereas others are organized as „multi-ethnic" regional states. The political ownership of these multi-ethnic regional states is contested by the various competing ethnic groups through various narratives of political entitlement. The Gambella regional state is one of these contested regional states. The Anywaa claim a dominant political status on historical ground. In Anywaa perspective, they are

the indigenous people of Gambella whereas the majority of the Nuer are Sudanese citizens. The Anywaa produce evidence for their claim of authentic Ethiopian citizenry by invoking the 1902 boundary agreement between colonial Britain and imperial Ethiopia. Represented as outsiders, the Nuer were not just a competing ethnic other but „foreigners" who trouble „citizens". The Anywaa found evidence for their definition of the Nuer as foreigners by making a reference to the 1902 international border which placed the majority of the Nuer into the Sudan. According to this formulation, all Nuer migrations into the Gambella region after 1902 became, retrospectively, „illegal". The Anywaa also referred to the recent Nuer practice of alternative citizenship between Sudanese and Ethiopian national identities to further produce evidence for the „foreignness" of the Nuer. While commenting on Nuer pragmatism the Anywaa often employ an Amharic expression, *behulet bila yemibelu* („those who eat with two knives"), in reference to the alternative citizenship which was widely practiced by the Nuer. The Nuer have come up with counter narratives by invoking a longer historical frame of reference which recognize Anywaa"s own history of migration in the distant Nilotic past, a history which they share with the Nuer. The 1994 census has provided the Nuer with an additional demographic argument for political entitlement. For, according to the census, the Nuer make up 40% and the Anywaa 27% of Gambella"s population. Expectedly, the politics of the census has accentuated Anywaa"s discourse of ethnic extinction. The more the Nuer frame their entitlement in demographic terms the greater the Anywaa"s invocation of and reliance on the international border has become. These competing bases of political legitimacy have resulted in deadly conflicts between the Anywaa and the Nuer. By and large the Anywaa managed to dominate the political process in post 1991 Gambella until 2003 when the Nuer politics of inclusion began to bear fruits.

*The Alternative Citizenship of the Nuer*

The Nuer mode of relating to the Ethio-Sudanese border instances a different form of signification of a state border. Unlike the Anywaa of the 1990s who called for the rigidification of the border, the Nuer position themselves to benefit while crossing it. The Gambella region is one of the most marginalized parts of Ethiopia in terms of availability of social services. Occupying the outlying districts of the Gambella region the Nuer areas are even more marginalized in comparison to other parts of Gambella. The ongoing Nuer expansion to the east, primarily driven by the desire to gain access to the riverine lands, has also been motivated by

access to modern goods and services alternately delivered by the two states. While coping with marginality, the Nuer have resorted to alternative citizenship. The first attraction was towards Ethiopia. Evading British colonial administration some groups of Nuer crossed the border and settle on the Ethiopian side of the border in the early decades of the twentieth century. This is because the Ethiopian state better delivered in access to firearms than the policing British colonial state. Even those Nuer tribes who were placed in the Sudan managed to create commercial links with the Ethiopian state. The cattle wealth of the Nuer was as attractive to the Ethiopian state as the ivory trade with the Anywaa. Thanks to the cattle-for-gun trade the Nuer managed to catch up with the Anywaa in the local arms race by the 1930s.

Nuer‟s attraction from the 1940s to the 1960s had been towards the Sudan in the 1940s, 50s, 60s and 70s. This is because up until the 1980s, the onset of the second Sudanese civil war, commencement the Sudanese state delivered better social services particularly in terms of educational and health facilities. By the 1950s there was only one elementary school in the Gambella region. Even this was located at the regional town far from Nuer settlements along the border. The quality of education was poor and students from the border villages preferred to attend schools in southern Sudan where the British colonial administration opened a boarding school on the Sudanese side of the border partly designed to attract the Ethiopian Nuer. British investment in education in the border areas was motivated by political reasons; their perennial quest to incorporate western Ethiopia (including Gambella) into their southern Sudanese colonial dominion (Bahru 1976). The potential political implication of border-crossing was noticed by the Ethiopian imperial administration in Gambella which was tirelessly lobbying the central government to counter the British move[1].

The 1970s brought different opportunity structures in Ethiopia and the Sudan. The 1972 Addis Ababa Peace Agreement brought an end to the first Sudanese civil war. As part of the peace deal southern Sudan was granted a regional autonomy. With the establishment of the Southern Sudanese regional administration many Ethiopian Nuer flocked to Juba, the regional capital,

[1] The following archival material reveals this concern of the Ethiopian government: „In order to avoid future political troubles I recommend opening a boarding school on the Ethiopian side of the border. If we do so, the Nuer would not send their children to the Sudan for education and instead will remain as Ethiopian citizens. The attraction to the Sudan is because of the support the students get in the boarding schools run by both the government of the Sudan and the missionaries‟ (a summary of the 1965 Gambella Annual report, Gambella District Administration, Gambella archive)administration, Gambella archive; author‟s translation from Amharic).

seeking job opportunities and access to educational facilities. Contrary to their expectation the Ethiopian Nuer met stiff competition with southern Sudanese who were more fluent in Arabic, the language of the government. As a result, they looked across the border and sought to make use of the new opportunity structure brought by revolutionary Ethiopia. The 1974 revolution brought a regime change in Ethiopia. The monarchy was overthrown and it was replaced by military rule (the Derg). As one of the Nuer returnees put it, „having let go the dreams of Sudanese citizenship we [primary and secondary graduates] made it back to Ethiopia where conditions were much better than when we left. The motto of the new government was based on equality for all under the socialist system. It promised opportunities for the masses and redefined Ethiopia as for all Ethiopians, including our own people." By the 1980s, these Sudanese-educated Ethiopian Nuer advanced to the upper echelon of the regional government in Gambella.

The outbreak of the second Sudanese civil war in 1983 and the refugee phenomena brought a new opportunity structure for the Nuer in Ethiopia. The mutual interference between the Ethiopian and Sudanese governments in domestic politics intensified the Derg time. The Government of the Sudan gave political and military support to the various Eritrean liberation movements. The Derg responded by helping organize a more militant Southern Sudanese liberation movement known as the Sudan People"s Liberation Army (SPLA). By the mid 1980s the long standing mutual interference between the two countries was intricately intertwined with wider political processes; a regional manifestation of the Cold War. The Derg was a staunch ally of the Soviet Block where as the regimes in the Sudan were in the Western fold. This led to the intensification of the Sudanese civil war that produced hundreds of thousands of refugees. The Itang refugee camp in Gambella hosted more than 300,000 Southern Sudanese refugees (Kurimoto 1997). Dozens of NGOs, under the auspices of the UNHCR, had operated in these camps providing social services particularly health and educational facilities. The educational support package included scholarships (food, shelter and allowance) all the way up to the college and university levels. As a result, a lot of Ethiopian Nuer flocked into the camps to have access to better educational facilities. The deteriorating security condition in the border district of Jikaw in the second half of the 1980s was an additional push factor for the Ethiopian Nuer to switch their national identity into Sudanese, for the refugee camps appeared safer than the villages. Throughout the second half of the 1980s all the schools except one were closed down in the Nuer inhabited areas in Ethiopia because of the military clashes between the SPLA and the Sudanese

government inside Ethiopian territories. This complex system of political alliance had the effect of blurring the international border. Reacting to this fluidity, the UNHCR relaxed its screening procedures and refugees were admitted prima facie. This was more so for Nuer refugees of Ethiopian origin who instrumentalized the image of Nuer as „Sudanese" than the Ethiopian Anywaa who were conspicuous with their „Ethiopian" national identity. The refugee camps were also used as recruitment centre for the SPLA. The Nuer SPLA commanders propagated the idea of *tele Buny michar* (which in Nuer language means „no black Ethiopian"), particularly to attract the Ethiopian Nuer to the refugee camps. In fact, the Gambella region de facto came under a dual administration by the SPLA and the regional government of Gambella in the second half of the 1980s. In effect, the Itang refugee camp was de facto southern Sudan in Ethiopia.

Attached to the refugee camp was also an opportunity structure called the refugee resettlement program. UNHCR has identified three „durable solutions" to refugee concerns: voluntary return to the country of origin, local integration in the host community, or resettlement to a third country. Resettlement is most often promoted by UNHCR „when individual refugees are at risk, or when there are other reasons to help them leave the region" (Patrick 2004:1). Making use of this opportunity structure within the aid agencies, a significant number of Nuer have been resettled in North America and Australia. The Nuer diaspora, created through the resettlement program, is estimated at 10,000, a significant number of whom are from the Gambella region. The Nuer from the Gambella region had to first claim southern Sudanese national identity and then to a most favored refugee status through, what Shandy (2002: 3) aptly described as „the framing of asylum claims in the language of religious persecution that allows southern Sudanese to make their experience meaningful to representatives of the international refugee regime". Shandy further noted that „persecution of Christians, oil and allegations of slavery in Sudan are all issues that generate broad based domestic constituencies in the US" (ibid)[2]. The resettlement program has legitimated the way the Ethiopian Nuer migrated to the west, who would have otherwise encountered considerable difficulties in the context of the ever tightening of the immigration policies of the western countries for people who come from the so-called Third World countries. Pushed by dire poverty and political turmoil, many contemporary Africans see



[2] Throughout the 1980s and 1990s Southern Sudanese were one of the favored categories of refugees most eligible for the resettlement program thanks to the rise of the religious right in the US which basically defined the war in Southern Sudan in religious terms; the Arab/Muslim persecution of the African/Christians.

migration to the west as the only exit option to escape the vagaries of life and the deteriorating conditions of life in their homelands. Tight immigration policies and the high cost of international migration have, however, made it impossible for the majority of the „Third-Worlders" to negotiate their marginality through migration. Situated in this wider context, thus, access to the resettlement program provides a unique opportunity structure for those, such as the Nuer, who could make use of it.

By the end of the 1980s the Nuer in Gambella had already surpassed in education the hitherto more educated Anywaa. This camp-educated Nuer were ready to make use of the new opportunity structure laid by ethnic federalism and the creation of the Gambella regional state. In fact, nearly all of the current Nuer leadership in the Gambella regional state who vie for political power with their Anywaa counterparts is educated in the refugee camps. Nuer attraction in the 1990s, thus, became towards Ethiopia. Although the Anywaa managed to construct the Nuer as „outsiders" these camp-educated Nuer elites renegotiated their „foreignness" through various and creative narratives of entitlement. The prospect of peace in southern Sudan after the Comprehensive Peace Agreement (CPA) had been reached in 2005 between the Government o the Sudan and the SPLA has induced on a new wave of switching to Sudanese national identity among the Ethiopian Nuer. Post conflict Sudan and the ongoing state reconstruction supported by donors have injected new resources in the hitherto war-torn Sudan. Better payment scale in Juba has attracted a number of educated Ethiopian Nuer some of whom have already successfully inserted themselves in this lucrative job market[3]. The political uncertainties in the events leading to the 2011 referendum however has still made Gambella a „back-up" place for many Sudanese Nuer. Situated between simultaneous opportunity structures in the two countries (ethnic federalism in Ethiopia and regional autonomy in the Sudan), other group of Nuer from both sides of the border are calling for a dual citizenship, largely spearheaded by the Nuer diaspora. The „rationality" of the partition is well articulated in one of the Nuer diaspora media outlets, the Maiwut and Gambella Educational Research Foundation (MGERF) as follows:

> Though one can talk about the potential problems in the area, it is also unavoidable to talk about the good things that could happen to the border people. First and foremost, is the cross-border trade that people on

[3] The CPA granted a referendum for the South after six years of interim period. Until the referendum the agreement stipulates a wealth and power sharing arrangements between North and South. The wealth sharing agreement promises the South access to the riches of Sudan"s „oil bonanza", which is expected to be used in building infrastructure and provision of social services

> the border enjoy is not found in the districts located away from the international demarcation lines. There is also an important aspect of the fact that Gaat-Jak [Nuer] are the inhabitants of both side of the border. It is a well-known fact that since 1983 the Sudanese government has ceased to provide to the people such important services as education and health care. The rebels who have taken over the control of the area have also been unable to provide those services. As a result, a good number of people have died of simple diseases. In the field of education, illiteracy in the Gaat-Jak area was paralleled by the same condition in only a few areas in South Sudan. Nevertheless, Gaat-Jak in South Sudan can be seen today as better off than many peoples in the South. They have more children in schools today than many groups in the South. Many have an easy access to medical care. All of these have been made possible by the fact that they live just across the border from their own relatives who receive those services from well-staffed hospitals and schools provided by the Ethiopian government. This leaves one to conclude that having blood relatives on the other side of the border is indeed an asset […]. The border is already there. The benefits of being at the border outweigh the problems (Reing Yer, The Gaat-Jak Nuer: One Nation Two States, M. citizenship, MGREF, 2005).

## The Cultural Construction of a State Border

*Anywaa's Perception of the Ethio-Sudanese Border*

The Anywaa‟s call for the rigidification of the international border is not only a strategy in the politics of entitlement but it is also embedded in their cultural world. Territoriality features prominently in the social organization of the Anywaa. Among the Anywaa, territoriality is above all acted out in the two mutually constituted concepts of *jobur* (first comers of a village) and *welo* (latecomers who are considered as guests to the *jobur*). Guests of a temporary or permanent nature are highly respected by the Anywaa but they are not really fully integrated into the *jobur*. The *welo* might contribute to the economic or military strength of the village, but they can also leave at any time. Within the *jobur* there are earth priests called *wat-ngomi*. In addition to ensuring fertility (human and agricultural) and maintaining the dignity of the earth, the *wat-ngomi* also ensure the separation between the human and animal (wild) territories. At times when a wild animal encroaches on a human territory the *wat-ngomi* performs a ritual that „reminds‟ the encroaching animal to leave the „foreign‟ territory (Perner 1994). Evans-Prichard (1940:37) described Anywaa territoriality in the following manner: „the Anywaa are strongly attached to the sites where their ancestors lived and often tenaciously occupied them in face of extermination‟. In a later work, Evans-Pritchard (1947: 93) further noted: „however long strangers and their descendants live in a village and however much they intermarry with the dominant lineage or j*obur* they can never become members of it but remain *welo*, strangers.‟

For the Anywaa, being a guest (*welo*) is a permanent status, a concept that is also used in inter-group (inter-village) relations within Anywaa society. The Nuer immigrants to their villages, now related through affinal ties, are defined as *welo*, no matter how long they stay. The Anywaa mode of identification is closely tied to a specific territory, where they till their lands, go hunting and have their fishing grounds. When forced to settle in a new place, they have to become one with the land by dissolving clumps of earth in the water they drink. Anywaa villages have clear-cut territorial boundaries called *Kew*, known to both its own inhabitants and those of other villages. According to Perner (1997:180) „each village in fact does have its territory with boundaries, well known by everybody" and „the borders of a village"s territories were outlined by runners who went to circumscribe the limits of a site, fixing certain points (such as trees, mouths of rivers, etc.) as boundary posts. The Anywaa believe that clear demarcation of a territory is extremely important as it helps to avoid conflicts between people of different territories, reminiscent of the English axiom, „good fences make good neighbors". The concept of *Kew* also features in Anywaa cosmology. The Anywaa belief system recognizes three „spheres of existence", which Perner (1994) calls the Human Sphere; the Sphere of the Earth, and the Sphere of Spirituality. Each is entitled to exist within its own specific sphere. In Anywaa cosmology, there is a Kew between Jwok (God) and the Human Bieng (the Anywaa) who inhabit their rightful territory, respectively, the Sphere of Spirituality and the Human Sphere. Jwok"s transgression of this Kew is, according to Anywaa cosmology, the explanation for misfortune and sickness.

Against the backdrop of such a radical formulation of territoriality, Nuer territorial and cultural encroachments and their chronic border-crossing have created a sense of bewilderment on the side of the Anywaa. This is evident in the scheme of interpretation the Anywaa often employ to make (non)sense of Nuer territorial expansion:

> God gave each people a language, a land and a system. If the Nuer stay in the land, which we give them, it would have been good. Anywaa have a system called *Kew* [boundary]. There is Kew between countries; *Kew* between neighbors, *Kew* between brothers and even between father and son. The British made a Kew between the Anywaa and the Nuer to create a system so that there would be no problem between us. But the Nuer just move and take other people"s land. The Nuer have no system. They move like the Felata [the Fulbe in the Sudan]. People like the Nuer and the Felata have no system (Extracted from interview with Reverend Pastor James, Presbyterian Church of Sudan, Khartoum, March 2002).

A similar scheme of interpretation was used by another informant with a different social background while reflecting on the Nuer territorial and cultural encroachments:

> The problem with the Nuer is too much democracy. Anybody can go to a Nuer village and live with them and becomes Nuer. That is what happened to the Jingmir Anywaa. Jingmir were originally Anywaa but now they have become Nuer. Some even have goro [sic, gaar, the Nuer male initiation mark]. We are fighting with the Nuer in Akobo but the Jingmir are not siding with us. In fact, some of them support the Nuer. If I go to Bentiue the Nuer will give me a wife so that I gradually become Nuer. With us it is different. Anywaa reproach those who leave their village and join others. Only people who have problem leave their villages and live with other people. This is because the Nuer have no system and that is why they do not respect system where it exists. We got system from our kings. We respect our kings; the wives respect their husbands. Other people say Anywaa are selfish and don‟t want to live with others. That is not true. We respect system because we do not want to create problems. Kings bring system, and you find kings in the bible as well (Omot Agwa, Director, Gambella Peace and Development Program).

The repeated reference to a „system" in the aforementioned narratives is related to the Anywaa's model of political order which is distinct from their neighbors. Their relatively centralized political organization, described extensively by Evans-Pritchard (1940) and Lienhardt (1957), sharply contrasts with their pastoralist neighbors such as the Nuer, whose non-centralized model of political order (the segmentary lineage system) is often described as „ordered anarchy". In traditional Anywaa society there were two types of political communities: The *ji-nyieya* („people of the kings") and *ji-kwari* („people of the chiefs"), which Evans-Pritchard called, respectively, nobles and headmen. Despite some differences in their political status, both the *nyieya* and the *kwaaro* were attached to specific territories and they hardly embarked on territorial aggrandizement. The object of the struggle among the nobles and the headmen was not territory but royal emblems. The Anywaa take pride on their territorially bounded political order as an „index" of civilization and often contrast it with the „state-less" pastoralist neighbors, a status claim which is increasingly inserted into the contemporary identity politics, as it is evident in the references to a „system" in the narratives.

The Anywaa perception of the international border is partly conditioned by their own model of a political community based on bounded territories, i.e., state border is perceived and experienced as *Kew*. Although the Anywaa were politically dominant in the Gambella regional state throughout the 1990s they did not manage to fix the international border as much as they would like to. Management of the international borders is a Federal mandate. Lack of interest by the Federal Government to police the border so that Nuer border-crossing could be checked is interpreted by the Anywaa as an evidence for their status as „second-class citizens" in Ethiopia:

> Some borders are well protected and the government provides security to the border people. Hasn‟t the entire nation gone to war with Eritrea in 1998 because of Badime? The government swiftly declared war on Eritrea because the people who live in the border town of Badime are the Tigreans; the same people who also rule the country. The Gambella border is 360 degree open. Sudanese Nuer could cross the border any time and take over Ethiopian land‟ (Interview with Abula, Nairobi, August 2002).

Collins (1971), the principal historian of the Nilotic societies, shares Anywaa‟s grievances towards the Ethiopian state. He identifies „the failure of Ethiopia to control the frontier, administer the Baro Salient, and provide good governance‟ as one of the root causes of Anywaa‟s troubles with their neighbors. The same author further embeds the government‟s apathy to protect the Anywaa which the Anywaa refer to as evidence for their „second-class citizenship‟ in the „racist‟ framework of Ethiopia‟s national identity which is constructed in the language of skin color; that the blacker one is the less Ethiopian he becomes: „underlying much of Ethiopian policy or lack thereof is the historic disdain by the Highlanders … for the Africans on the Sudan plain below the escarpment […] Racism is compounded on the plains below the highlands by their isolation, swampy and forested terrain, and a porous frontier‟ (Collins 1971: 63).

The Anywaa wonder about not only the border-crossing behavior of the Nuer but also why the Ethiopian state should allow that to happen. While calling for the rigidification of the Ethio-Sudanese border what the Anywaa partly do is demanding the Ethiopian state to live up to its expectation, enforcing political sovereignty over a bounded territory:

> Today the Nuer are taking over our lands. Tomorrow they will go to the highlands. They are already even in Addis Ababa. What do they do there? The Nuer are not just expanding into Anywaa territories but have a hidden agenda of annexing Gambella to Southern Sudan. If the Nuer do not stop pushing us we will also finally go to Bure, and even to Gore [the two nearest highland towns]. Where else could we go then? What makes Ethiopia a country if it does not secure its border? (Opamo Uchok, former head, Gambella Bureau of Education, Gambella town, interviewed in Ruiru, Kenya, February 22, 2002).

For wont of a „plausible‟ explanation other than the pragmatic operational logical of the Ethiopian state, the Anywaa attribute a conspiracy to its „indifference‟ to Nuer‟s border-crossing. In Anywaa‟s narratives of the state border the strategic and the cognitive are entangled that significantly inform their lived realities in a borderland. In order to enhance the plausibility of

their claim the Anywaa even refer to other types of states which are preoccupied with enacting sovereignty over their borderlands. This is the case in the following narrative by one of the principal Anywaa political actors in which he refers to the European imagery of a border with bounded territories to validate Anywaa‟s concept of a border:

> It is migration, which is affecting politics in Europe. The German and the French are angry because a lot of people are going there and disturb their system. They are concerned because if more and more people go there, who would the land then belong to? They fear that they would be minority in their own country. That is exactly what we are saying. We are not saying that Nuer should not be allowed to use the land and the water or even live together with the Anywaa but they should respect that the land belongs to the Anywaa. Germany and France are concerned with immigration because they know that democracy favors majorities and more foreigners would mean more power to them. Once they are in, you cannot say no because they start claiming. Even after the EU was established the state borders are still valid in Europe (Abula Obong, Head, Social sector, Gambella regional council, Gambella town, January 20, 2001).

*Nuer's Perception of the Ethio-Sudanese Border*

In the alternative citizenship discussed above the Nuer might appear relentlessly instrumental The alternative citizenship of the Nuer as a form of political opportunism, however, needs to be situated not only in the context of marginality to which they react but also the cultural context within which it is embedded. Alternative citizenship between states is modeled on the dynamic constitution of a Nuer local community. The Nuer idea of a political community is centered on the notion of Cieng. A Cieng is constituted through three categories of people: *dil* (pl.*diel*), *jang* (pl.*jaang*) and rul. Evans-Pritchard (1940) defined *dil* as an aristocratic clan, the dominant lineage, which, though a minority, provide a lineage structure on which the tribal organization is built (Evans-Pritchard 1940: 220). A Nuer is a *dil* only in the one tribe where his clan has superior status (ibid: 214). A *rul* is a Nuer immigrant who attaches himself into the *dil* clan through affinal ties, and who in certain tribe is not a *dil*, though he may be a *dil* in another tribe (ibid: 216). A *jang* is a non-Nuer, captive or immigrant. A *jang* either joins the *dil* through adoption or attaches himself through affinal ties. It is through these interrelated identity concepts that the process of identification occurs among the Nuer. The concept of *dil* is roughly similar to the notion of a first-comer which is common among many African societies (Lentz 2005). In contradistinction to other forms of a first-comer *dil* is a framework of inclusion, not a mechanism for exclusion. The general trend is that a *rul* attaches himself by marrying into a *dil* family and over generations his descendants will fully localize in the new place and become *gaatniyat* (sons

of daughters of a *dil*) and they are contrasted with *gattutni* (sons of *dil*). *Gaatnyiet* are always *rul*, though *rul* are not all necessarily *gaatnyiat* because there could be Nuer immigrants who follow their friends or relatives and are not related to the *dil* (Howell 1954: 181). The *jaang* are often integrated into a *Cieng* through adoption. In that sense the integration of the *jaang* into the *diel* is more effective than the *rul*, as they are cut off from their homeland links.

Adoption gives a *jang* position in the lineage structure and allows him to attain a legal and ceremonial status. As Evans-Prichard (1940a: 48) noted: „Nuer conquest has not led to a class or symbiotic system but by the custom of adoption, has absorbed the conquered into its kinship system, and through the kinship system has admitted them into its political structure on a basis of equality". That partly explains why the Nuer are more interested in outsiders than fellow Nuer whose loyalty to the local community is precarious because the rul could drop out and rejoin their natal community. In both cases, however, newcomers are encouraged to join the *diel*, an ideology eventually creating real social and economic ties. Unlike the Anywaa's *welo*, the Nuer *rul* and *jaang* are transient categories; for they are encouraged to localize and become member of the village community (*Cieng*). In that regard, the Nuer notion of first-comer provides an ideological framework to recruit and integrate newcomers.

Underlying this extra-ordinarily flexible mode of identification is the distributional pattern of key natural resources. The Nuer practice transhumant pastoralism to tap into spatially differentiated livelihood strategies. Their movements are oriented to and regulated by „milk-producing; grain-producing and fish-producing" (Evans-Pritchard 1940: 123). Not all tribal areas are equally endowed with these key natural resources. Mobility being a central feature in the local economy the identity system the Nuer have crafted is also „mobility-friendly". Individuals are not only tolerated in crossing tribal boundaries they are also actively encouraged to do so. The Nuer power discourse is built around a demographic bias: The larger a Cieng is, the more powerful it becomes and the better security it provides for individuals from cattle raiding. Power conceived this way, individual Nuer is valued as mobile assets in inter-Cieng relations. One of the reasons why the Nuer are keen in recruiting ethnic foreigners into their respective local communities is basically because of this demographic differential in inter-group power relations. Where the Anywaa are busy policing inter-group boundary the Nuer see productivity in border-crossing. A state border is thus perceived through this cultural template. While recognizing the consequential

nature of state borders, border-crossing is positively signified by the Nuer. For a border-crossing to be useful it has to acquire a priori value. Let us see this enigma through an ethnographic example.

In 1983 a group of Sudanese Nuer known as the Cieng Reng crossed the border and settled at a place called Makot in Itang district in Gambella. The push factors are the commencement of the civil war in the Sudan and the prevailing insecurity for pastoral mobility. The border-crossing of the Cieng Reng was also motivated by their perennial desire to secure a foothold along the Baro River. Led by their charismatic leader, Kong Diw, the Cieng Reng occupied a „wasteland" and managed to create social ties with the neighboring Anywaa. The Cieng Reng"s border crossing was politicized in the 1990s by Anywaa political actors in the context of ethno-politics. In the regional power game, the Anywaa elites used the Cieng Reng settlement in Itang district as a convenient example to produce evidence for the „foreignness" of the Nuer. Subsequently, the Anywaa dominated district administration in Itang made several attempts to make their settlement „illegal". When the forceful resettlement of the Cieng Reng into a refugee camp failed, an attempt was made on Kong"s life. This led to a protracted violent conflict between the Anywaa and the Nuer in 1998. While chasing the fluctuating opportunity structures in the two countries, the Nuer have perceived the national state in Cieng"s image: a political entity which needs to celebrate immigration, just like a Nuer Cieng, than fix the border and remain „small". A Cieng is built through a constant flux of people following the availability of natural resources. The Anywaa framing their ethnic concern in national terms since 1991 switching national identity, however, has been politicized. The 1998 conflict in Itang is directly related to this, when the Cieng Reng settlement assumed a new political. Among other strategies, the Cieng Reng have defended their settlement through a cultural scheme of interpretation:

> When I first came to Makot it was a forestland. There was nobody living there [note here that Makot area is traditionally part of the Anywaa village of Pinyman]. The other Cieng Reng heard that the area is good and they came and joined me. That is how Makot became a big village. It is already eighteen years since we have settled at Makot. Makot has become our wech [village]. It is not only we who move. Many people are going to America: the Denka, Anywaa, Nuer, and Buny etc. But the America kume [government] does not say go back to your country. And if we leave Yom [Sudan] and come to Makot this should be allowed. You can change kume, as you like. If Ethiopians want to go to Sudan and stay there, Sudan kume cannot prevent them. That is the case I am representing. We left the Sudan when that kume took our cattle, forced us to make roads [corvee labor]. That is why people are now coming to the Buny kume [Ethiopian government]. If people of Yom want to be Ethiopians they can do that. Like what other Nuer did. It is also the same with

> the American kume. They are accepting people because they want to be many. If we are Sudanese and want to be Ethiopian, what is then the problem? Kume still accepts people. Our children left Sudan when problem started with the Jalab [Arabs]. Previously the Nuer were with the British kume. But later on they were divided. Part of the Nuer became Buny. That is why we supported British and Buny when they fought the Italian kume [during the Second World War]. When the British left we became Sudanese. When the war with the Jalab started we became Ethiopians. We got education and food from Buny. We were happy because our children were getting education. The Ethiopian kume became responsible for our children. Up to know we are happy. That is what I know (Kong Diu, Addis Ababa, November 2000).

This cultural representation of alternative citizenship was substantiated by practical politics. Kong travelled in 1999 all the way from Makot village to the nation‟s capital to appeal to the office of the prime minister to gain Ethiopian citizenship. After a yearlong lobbying, Kong secured a „residence permit‟ to the Cieng Reng, if not citizenship. One of the arguments put forward by Kong for recognition is the eighteen years of stay in Ethiopia which in Nuer terms is "more than enough" for localization into a Cieng. This pragmatic perspective and the flexibility it entails in national identification is well captured in Kong‟s aforementioned narrative: „if we are Sudanese nationals and want to be Ethiopian, what is then the problem?‟ There is no fixation in Nuer identity discourse and there is a strong demographic bias in their mode of identification: the bigger a Cieng is, the stronger it becomes. One can change Cieng identity as the situation demands. In this identity discourse immigration is something to celebrate, not a threat. The Nuer perspective on national identification is similar with Cieng identification; it is a matter of individual choice, not an ascription. As Kong continued his narrative, choosing national identity at the „state market place‟ becomes evident:

> At the beginning there were two kume: British were with the Nuer, and Buny kume were with the Anywaa. That was the difference. Then some Nuer became Sudanese and others became Ethiopian. Nuer who live with the Buny are Buny. Those in the Sudan call themselves Sudan. Kume likes everybody. It does not like only those people who work against it. If the Buny kume and Sudan kume fight, if Sudan kume rejects us, if they treat us badly, and if we come to Buny kume, the Sudan kume cannot follow us because we are no longer Sudanese. If Buny does the same, we will be men of Sudan.

In this narrative the term kume (government) is used as synonymous with Cieng while referring to the flexibility of belonging. For the likes of Kong, the Anywaa‟s call for the rigidification of the border undermines their life options. They respond to the Anywaa accusation of „eating with two knives‟ with the statement, "the Anywaa do not know what the border means", a reference to

the advantages of a border. As it is evident in the aforementioned narratives, there seems to be different logics at work. The Nuer often project their model of political order onto a national state, as if it is nothing but a Cieng writ large. The Nuer give prime importance to locality with an expressed interest in newcomers. By the same token, the Ethiopian or Sudanese states are expected to „celebrate" when new people join in, since Nuer power discourse is largely defined in demographic terms. Border-crossing is thus believed to make states stronger through a demographic augment. If the Anywaa refer to the European imagery of a border which resonates their own, the Nuer, like inn Kong"s narrative, refer to the American inclusive national identity discourse which also resonates with their own.

*The Ethiopian State's Perception of the International Border*

Successive Ethiopian governments have variously responded to the border-centered political struggle between the Anywaa and the Nuer. Imperial Ethiopia openly embraced border-crossing in economic and political terms. It particularly encouraged the Nuer to switch their national identity in the competition over „subjects" with the British. Resonating Nuer"s own power discourse, more Nuer influx was considered to be a transfer of wealth from the British to the Ethiopian government. The socialist government/the Derg (1974-1991) that replaced the imperial regime also tolerated border-crossing on both sides for reasons related to the geopolitics of the period. In the alignment of forces in the politics of the Horn in the 1980s the SPLA was allied with the Derg whereas the Government of the Sudan actively supported the Eritrean secessionist movements and other Ethiopian opposition groups (de Waal 2004). The growth of refugee population also meant a greater share of new resources pumped to the region by the aid agencies and which was jointly administered by the SPLA and the Ethiopian government (Kurimoto 2005). The instrumentalisation of border-crossing by the Ethiopian government gave the impression to the Anywaa that after all the Ethiopian state is also part of the Nuer conspiracy to „dismember" their existence. What else could it be then, reason the Anywaa, that a state ceases to be itself: a political community which is premised on sovereignty over a bounded territory?

The Anywaa managed to establish their concept of border over the state border for most of the 1990s. Taking advantage of the new political order in post 1991 Ethiopia, itself based on the territorialization of ethnicity, the Anywaa sought to fix the international border. Despite their initial success the Anywaa could not sustain their gain since the EPRDF, too, operates through a

pragmatic logic that occasionally takes precedence over an ideological rigor. In fact, EPRDF"s grip over the border region of Gambella appears to be threatened by an emerging exclusivist political posture of the Anywaa in which Anywaa"s territoriality could collide with the Ethiopian state"s project of control over a region which is increasingly valued for its strategic resources[4]. Tolerating Nuer border-crossing and gradually but systematically promoting the Nuer in regional politics is considered by the EPRDF as a counterpoise to the rise of Anywaa regional power. Once again, the Anywaa clash with an Ethiopian government for failing to observe its principal mandate: effectively policing an international border which in effect means containing the Nuer.

The Ethiopian governments, however, do not always tolerate Nuer border-crossing. There are occasions when the culturally defined alternative citizenship of the Nuer was considered as a national security threat. In 1996, for instance, the EPRDF positively responded to the Anywaa"s call for the rigidification of the border in the context of a strained relationship with the Sudan. Under the auspices of the US government, Ethiopia, Eritrea and Uganda were brought into a coalition against the government of Sudan which championed Islamic fundamentalism in the Horn of Africa (Young 2007). With a larger presence in the Sudan and one of their political organizations allied within the government of the Sudan, the Nuer became potential threat to the Ethiopian state[5]. On that basis, the EPRDF, in collaboration with the Anywaa dominated regional government, raided Newland, the Nuer settlement area in the regional capital, in order to „screen citizens from refugees".

To sum up, the aforementioned discussion reveals that border-crossing is variously signified by successive Ethiopian governments and this opportunistic state practice is made sense of by the Anywaa through their own „mental script"; that a border is, whether intra-ethnic, inter-ethnic or inter-state, ought to be a border in the strict sense of the term: fixed and non-permeable. In that sense the Anywaa are de facto „more state" than the Ethiopian state.



[4] The plains of Gambella through which the various tributary Rivers of the White Nile flow are one of the most irrigable parts of the country. The Gambella basin is also targeted for petroleum exploration in recent years.

[5] The Southern Sudanese Independence Movement led by Dr Riek Machar split from the SPLA and was allied with the Government of the Sudan in the mid 1990s.

## Conclusion

The ethnographic analysis in the previous sections amply demonstrates the need for a cognitive approach in border studies. How a state border is perceived by a group of people significantly shapes how it is used as a resource. The Anywaa‟s call for the rigidification of the Ethio-Sudanese border is not only a strategic social action but also an enactment of a mental script which makes sense in a specific cultural context. While relating to the international border the Anywaa draw on their existing world view and understand state border in their own terms, a border which ought to separate the political jurisdiction of two states, just like every village has a *Kew* to distinguish itself from other villages. Likewise, if the Nuer understand state border as permeable and act accordingly they principally get their orientation from their own concept of a social border. For the Nuer a border is not a point of separation but a space of identification option. Like their neighbors the Anywaa, the Nuer, too, project their own model of political order on to the state. It is for this reason that the Nuer consider border-crossing as part of the „natural‟ order of things and they find politicization of immigration incomprehensible at best or they actively contest it in practical politics. A cognitive approach in border studies helps us inject a fresh perspective that enables us to enhance our understanding of the dynamics of state borders and borderlands, particularly in identifying the conditions of resourcing state borders and their particular mode of signification by the local people.

**References**


Aswaju, A. (ed). 1985. Partitioned Africans: Ethnic Relations Across Africa"s. International Boundaries. London: C. Hurst

Asiwaju, A. and P. Nugent. 1993. „The Paradox of African Boundaries", in A. Asiwaju and P. Nugent (eds), *African Boundaries: Barriers, Conduits and Opportunities*. London: Pinter.

Bahru, Z. 1976. „Relations between Ethiopia and the Sudan on the Western Ethiopian Frontier 1898-1935". Ph.D. dissertation. London: University of London.

Barth, F. 2000. „Boundaries and Connections", in A. Cohen (ed). *Signifying Identities: Anthropological Perspectives on Boundaries and Contested Values*. London: Rutledge.

Collins, R.1971. *Land beyond the Rivers: The Southern Sudan, 1898-1918*. New Haven: Yale University Press.

Dereje, F. 2003. „Ethnic groups and conflict: The case of Anywaa-Nuer relations in the Gambella region". Ph.D dissertation submitted to Martin Luther University.

----------2005. „Land and the Politics of Identity: The Case of Anywaa-Nuer Relations in the Gambella Region", in S. Evers, M. Spierenburg and H. Wels (eds.), Competing Jurisdictions: Settling Land Claims in Africa. Leiden: Brill Academic Publishers. 203-222.

Evans-Pritchard. 1940. The Political System of the Anuak of the Anglo-Egyptian Sudan. New York: AMS Press.

---------- 1947. „Further Observations on the Political System of the Anuak". Sudan Notes and Records. 28:62-97.

Jal, G. 1987. „The History of the Jikany Nuer before 1920". Ph.D. dissertation. History Department, School of Oriental and African Studies, University of London.

Kelly, R. 1985. *The Nuer Conquest: The Structure and Development of an Expansionist System*. Ann Arbor: University of Michigan Press.

Lienhardt, G. 1957. „Anuak Village Headmen I". *Africa* 27: 341-355.

Nugent, P. 2008. „Border Anomalies: The Role of Local Actors in Shaping Spaces along the Senegal-Gambia and Ghana-Togo Borders", in A. Bellagamba and G. Klute (eds.), *Beside the State: Emerging powers in Contemporary Africa*. Bayreuth International Graduate School of African Studies.

Perner, C. 1994. *The Anyuak - Living On Earth in the Sky. Vol. I. The Sphere of Spirituality*. Basel: Helbing & Lichtenhahn.

----------1997. *The Anyuak - Living On Earth in the Sky. Vol. II. The Human Territory*. Basel. Helbing & Lichtenhahn.

Sahlins, M. 1961. „The Segmentary Lineage: An Organisation of Predatory Expansion". *American Anthropologist* (New Series) 63(2:1): 322-345.

Hutchinson, S. (1996) *Nuer Dilemmas: Coping with Money, War and the State.* Berkeley: University of California Press.

Lentz, C. 2005. „First-comers and Late-comers: The Role of Narratives in Land Claims", in S. Evers, M. Spierenburg and H. Wels (eds.). *Competing Jurisdictions: Settling Land Claims in Africa*. Leiden: Brill. 157-180.

Matthies, V. 1977. *Der Grenzkonflikt Somalias mit Äthiopien und Kenya. Analyse eines zwischenstaatlichen Konflikts in der Dritten Welt. Hamburg: Institut für Afrikakunde*. Shandy, D. 2002. „Transnational Linkages between Refugees in Africa and in the diaspora", *Forced migration Review* 16: 7-8.

The 1994 Population and Housing Census of Ethiopia 1995. Results for Gambella Region. Addis Ababa: Central Statistics Authority.

# "Sizing up Asymmetry: State Logics and Power Dynamics in the Senegambian and Ghana-Togo Borderlands"

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As we all know, the comforting familiarity offered by cartographic convention – that is lines on maps which define where one sphere of sovereignty finishes and another begins – falls apart in the face of more complex realities on the ground. In some cases, the international boundary may scarcely be visible to the naked eye, whereas in others it may be fenced and heavily policed. The former pattern is especially true of lightly populated regions in Africa - most obviously in the Sahara but also across much of southern Africa and the Horn - whereas in the latter cases the barricade is often expressly designed to prevent large numbers of people from voting with their feet. Where there are great asymmetries of wealth between one country and the next - such as exists between the United States and Mexico or South Africa and Zimbabwe today - it is only natural that people will seek to move in the direction of perceived opportunity. The greater the desperation of the would-be migrants, the more elaborate the mechanisms for keeping them at bay – or, in other words, the more obvious the exercise of state power.

The levels of state surveillance that are so starkly apparent along the United States-Mexico border are an obvious case in point. Whereas Ciudad Juarez, for example, used to be a small settlement facing El Paso across the border, it is now a large city that dwarfs its American neighbour.[1] This prolific growth is due, in part, to the large number of Mexicans who come to Juarez in the hope of making their way across the border. In that sense, Juarez is a classic trampoline town. But at the same time, many people come in search of work, reflecting the fact that American factories have been encouraged to move across the border in order to

[1] Oscar Martínez, *Border Boom Town: Ciudad Juárez Since 1848* (Austin & London: University of Texas Press, 1975).

keep the Mexicans on their own side of the bed. Finally, the American authorities have been forced to compromise, to the extent that very many of the inhabitants of Juarez are daily commuters who study or work in El Paso, but are required to sleep on the other side. If this sounds rather like the apartheid state's attempts to promote industrial development along the borders of the former homelands, that should come as no great surprise, for the intention is fundamentally the same. Through all these stratagems, the demographic onslaught has been stemmed, rather than being decisively repulsed. The Mexico-US example is instructive because it reveals that while the asymmetries of power may appear to be extreme, poor Mexicans have found ways of exploiting the few advantages they do have, which mostly comes down to numbers. The ongoing demographic battle is clearly being won by the Mexicans, as those who successfully cross the line incrementally add to the number living legally in America, who, in turn, create a vocal lobby in favour of a less rigid regime of border controls. In that sense, the power relations that play themselves out are more complex than the arresting image of the fortified border fence would suggest.

In this contribution, I am concerned with examples in West Africa where there are not the same obvious asymmetries of wealth or power. In overall terms, Senegal is no better endowed than the Gambia, and Ghana is only moderately more so than Togo. In some respects, it is the the regional inequalities within these countries that are more striking. Although Senegal and Ghana are significantly larger than the Gambia and Togo respectively, there has been no sustained pattern of difference when it comes to state capacity over the past half-century. In each case, central authority has struggled somewhat with the matter of enforcing its preferred policies. The comparative symmetry would lead one to expect two things: (i) a border configuration shaped less by people seeking to move towards the zones of prosperity and more by other reasons for mobility; and (ii) weaker capacity on the part of the state authorities on either side to regulate border spaces. Both of these expectations are born out in reality. Although there has been movement in the direction of the larger cities, population flows often tend to be towards the border itself, where many of the economic opportunities reside. This is obviously complicated in the

sense that Lomé is a border city and Banjul is located very close to the international boundary. In each case, however, it is the border location that has driven demographic expansion as much as the bright lights of the capital. Equally, it is very difficult for governments to hermetically seal these borders, although there have been sporadic attempts at enforcing temporary closures. Moreover, in stark contrast to the Mexico-US example, governments have sometimes actively encouraged cross-border migration. Hence what unfolds at these West African borders is a constant process of negotiation between officials, traders, traditional authorities, local residents and a range of people passing through.

The power dynamic is one that arises out of serial interactions, in which the rules of the game that have crystallized out of a previous cycle set the parameters for action in the next stage. I call this residue a *convention*, as opposed to a *social contract*, which represents a negotiated understanding between the state and its population at a higher, and ultimately more abstract, level. Because border officials rely on a large measure of local co-operation, they are as much a party to these understandings as anyone else. Lest I be misunderstood, my point is not that these conventions are fixed or non-conflictual. On the first point, they are characterized both by subtle mutations, as actors constantly push the bounds, and by periods of rupture – such as when a change of political regime leads to attempts to 'get tough'. On the second point, conventions help to structure the ways in which conflict plays itself out. Nevertheless, actors in the most fraught border spaces manifest a well-developed sense of what action may be construed as broadly legitimate. The latter is partly a function of the specificities of time and place: hence behaviour that is considered normal in one context may be treated as aberrant in another. For the sale of what follows, I refer to these specific conjunctures as *moments*.

The *social contract*, the *convention* and the *moment* together represent a heuristic device for understanding everyday life at the border. I should perhaps lay my cards on the table at this point. I am not convinced that there can be a borderlands theory as opposed to theory that makes sense of what goes on at borders. The reason is that the constituent elements – states,

trade flows, demography – are rooted not just in the border experience, but are constituted through their intersection and dynamic interaction within other spaces. Hence, one of the things that emerges most clearly from recent research is that African border trade is very much bound up with accumulation and consumption in urban centres, often located far away from the international boundary.[2] The implication is that we need to show how particular forces come together at the border, and create novel manifestations there, but also to avoid artificially separating borderlands from hinterlands. It might be objected that this undermines borderlands studies as an emerging field, but I am not sure that it necessarily does. It actually enables one to get away from the conception of borderlands as peripheries and to see them as embedded in processes that are simultaneously national and trans-national. Indeed, it is this very multi-connectedness that makes borderlands such a focus of contemporary interest. Incidentally, it is also the reason why the members of ABORNE have often disagreed over what we should be engaged in as a network! To address the particular theme of this panel, the importance of a comparative approach lies in enabling us to see how some of the key variables – such as concentrations of population or proximity to the capital city - come together in varying permutations. The act of comparison enables us to separate the contingent from the embedded, and (at least, we may hope so) enables us to formulate sharper questions.

The framework that I am deploying here is premised on the desire to avoid some of the most debilitating dichotomies – the state vs. social actors, power vs. resistance, regulation vs. corruption – and to examine phenomena in more nuanced terms. It is an approach that does not deny the importance of institutions – for the very simple reason that state logics are fundamental to how borderlands have evolved – but it is based on the view that *conventions* emerge in a capillary fashion out of so many discrete *moments*. To that extent, the official document and the most mundane actions at the border are constitutive, in their own ways,

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[2] See, for example, Karine Bennafla, *Le commerce frontalier en Afrique centrale: acteurs, espaces, pratiques* (Paris: Karthala, 2002), chs. 3 and 7.

of the border as lived social spaces. This may all sound very post-modern, and to the extent that power is seen as construed as the outcome of a process, as opposed to a commodity monopolized by some actors and deployed against others, it draws on some of the writings of Foucault and Bourdieu. But the underpinnings of this approach are those of political economy in which fundamental questions of accumulation and extraction are necessarily central.

## 1. The Big Picture: Social Contracts and Borderlands Spaces

I have attempted a more ambitious analysis of the social contract in a separate article, which I present here in a distilled form.[3] The central idea is that it is possible to identify three forms of social contract in modern African history - the *coercive*, the *productive* and the *permissive* – all of which have implications for border dynamics. Coercive contracts emerge out of the capacity of those who would govern to render intolerable the lives of their putative subjects. Hence, some form of tribute is typically paid in exchange for the offer of 'protection'. In the era of the slave trade, this was a common feature of statecraft. In the early colonial period, it was also apparent in those territories in which European power was most fragile, such as Guinea-Bissau, where it manifested itself in the tax raid. In recent times, it has resurfaced in the form of warlordism where those who are opposed to central authority carve out their own fiefdoms in which subject populations are in effect forced to buy their protection. A productive social contract is one where there is some form of bargaining between rulers and subjects over how the persistence of the former may contribute to the wellbeing of the latter. The bargaining typically lies in a trade-off between taxation and the delivery of collective goods.[4] Whereas the colonial 'civilizing mission' was actually about the social contract

[3] Paul Nugent,"States and social contracts in Africa: time, space and the art of the possible", *New Left Review*, forthcoming 2010.

[4] Margaret Levi, *Of Rule and Revenue* (Berkeley & London: University of California Press, 1988). For an ambitious comparative analysis of the bargain, see Lane F. Fargher and Richard E. Blanton,

between the metropolitan state and its citizens, who needed to be persuaded that empire was worth the candle, there was a sustained effort to sell empire to Africa populations in the decade after 1945. Finally, the permissive social contract is one in which state authorities choose not to exercise their powers, or all of them, in return for securing a measure of basic compliance. This might appear to be an admission of weakness, but the underlying principle is that the authorities could revoke the arrangement at any time. Although Bayart, Ellis and Hibou regard such behaviour as evidence for criminalization of the state, I would argue that at particular moments in African history permissive contracts have been conducive to the consolidation of state power.[5] Now let me turn to the specifics of the comparison.

In the Gold Coast, British attempts to introduce direct taxation and control over lands in the nineteenth century failed as a consequence of resolute resistance by coastal intellectuals, chiefs and ordinary people. The reluctance on the part of the British to put up a fight was interpreted as confirmation of the claim that the Gold Coast was not a colony in the conventional sense. That is, it was asserted that it had come into being through the Bond of 1844 in which the Fante chiefs willingly ceded areas of their sovereignty to the British, notably with respect to legal matters, whilst retaining their residual rights intact. The implication was that the chiefs retained ownership of their land, while Gold Coasters as a whole enjoyed the right not to pay taxes. Because the British authorities were never in a position to impose their will by force, consent needed to be hammered out through a constant process of negotiation. A broadly productive social contract ultimately ensued which stood on two legs: the fiscal reproduction of the state through taxes on imports and exports, and a claim to legitimacy based on state provision of public goods such as roads, health facilities and financial support for mission education. The rapid expansion of the

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"Revenue, voice and public goods in three pre-modern states", *Comparative Studies in Society and History* 49 (4) 2007.

[5] Jean-François Bayart, Stephen Ellis and Béatrice Hibou, *The Criminalization of the State in Africa* (Oxford: James Currey, 1999).

cocoa economy, and the growth of a consumer culture in the southern Gold Coast, meant that there were sufficient resources for the British to manufacture consent through a proactive agenda that was decades ahead of its time. Governor Guggisberg's big push in the 1920s prefigured the birth of 'development' in the 1940s.

When it came to borders, this social contract had two important consequences. On the one hand, the crucial importance of customs duties meant that the boundaries needed to be clearly demarcated and effectively policed, lest contraband pull the rug from beneath this delicate fiscal balancing act.[6] Hence, the partition of former German Togoland after 1919 was followed very quickly by the erection of a Customs frontier and efforts to formerly demarcate the boundary. This was driven by an insistence on the part of the British rather than the French authorities, for whom it would have been advantageous to permit the freer movement of goods. Interestingly, the French did not actively encourage smuggling - for fear perhaps of undermining European moral authority in general. But they paid relatively little attention to practical border policing, with the result that alcohol and a wide range of consumer goods continued to be imported through the port at Lomé and offloaded in British territory under cover of darkness. On the other hand, the British validated a discourse of autochthony, or more properly the pre-emptive rights of the landowners. Although some movement across the eastern border did take place, it was difficult for migrants to claim land rights unless they were directly related to the people living on the other side of the line. For their part, the French feared that their direct taxes would drive Togolanders into the arms of the British, and so urged the latter to impose strict controls over migration. This tended in practical terms to reinforce the intended effects of British policy.

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[6] Paul Nugent, *Smugglers, Secessionists and Loyal Citizens on the Ghana-Togo Frontier: The Lie of the Borderlands Since 1914* (Oxford & Athens: James Currey and Ohio University Press, 2002).

In the Sengambia, it was a different story. Here, the British and the French both claimed a right to rule based on conquest, which led to direct intervention in matters relating to land and the implementation of direct taxation. Whereas the French broke down existing hierarchies and introduced new canton chiefs, the British built on what they found to a greater extent. But in the Gambia and Senegal alike, the chiefs were comparatively weak intermediaries. Their most important function was to maintain the population rolls and to ensure that the tax came in on time. In the Casamance, the first decades of colonial rule provided scant evidence for the emergence of a productive social contract and plenty of examples of outright coercion. French attempts to impose the head tax were resisted by force of arms, especially on the part of the Jola, which meant that the Casamance remained under military occupation until the 1920s.

An important element in the equation was the open competition between the two sets of authorities for control of population. The British feared that unless they boosted groundnut exports, the Gambia would become a drain on the metropolitan exchequer. Hence a positive encouragement was given to the Jola to relocate from French territory and to settle inside the Gambia where land was made available to them. Higher taxes led to a net demographic outflow from the Casamance, which the French did their best to counter. By contrast with the Gold Coast, the British attached little weight to autochthony, which meant that Jola settlers quickly sunk roots and established rights to land. The importance attached to these settlers was twofold: they produced the groundnuts that were taxed at the point of exit and they paid the yard tax that defrayed some of the costs of administration. By comparison with the border between the two Togolands, the Senegal/Gambia border remained relatively open. French commercial houses controlled most of the groundnut trade inside the Gambia,[7] and although the French sought to avoid a permanent loss of population, seasonal migrants to the Gambia brought home money that was used to pay taxes in their

[7] Kenneth Swindell and Alieu Jeng, *Migrants, Credit and Climate: The Gambian Groundnut Trade, 1834-1934*, Leiden: Brill, 2006.

home villages. The French authorities also tolerated relatively open borders in the expectation that in the fullness of time the British would grow tired of the Gambia and hand the tiny sliver of territory over to them.

In the decades after independence, there was initially more continuity than change. The integration of British Togoland into Ghana in 1956 confirmed an arrangement that had been an emergent reality since the 1920s. The Ghanaian authorities continued to rely heavily upon taxes on imports and exports, and more specifically on cocoa, to ensure the fiscal reproduction of the state. The greatest innovation was the emergence of a dusted down version of the productive social contract. The Convention People's Party (CPP) appropriated the development agenda of the British, and then in the 1960s began a push for state-led industrialization. Ordinary Ghanaians were presented with a seductive vision of the benefits that would flow from greater self-reliance, including jobs and promises of greater access to the trappings of consumption. But this necessarily entailed squeezing the cocoa sector more thoroughly, for which Kwame Nkrumah made no excuses, whilst at the same time resorting to a degree of protectionism. The introduction of foreign exchange controls in the early 1960s marked the beginnings of state regulation, which deepened in the 1970 with the imposition of price controls on basic consumer goods. The consequence was that the authorities needed to maintain even tighter surveillance over the border regions.

The poisonous relations between Ghana and Togo during the Nkrumah years, and under military rule in the 1970s, made it relatively easy to justify the tightening of the eastern border. Conversely, it was in the interests of the Togolese authorities to encourage the contraband trade. The prosperity of the free port of Lomé depended upon the re-export of goods to Ghana. The Togolese exchequer received many indirect benefits from the thriving commerce of the capital, which could be recycled as development spending in the north where the regime had its power base. But equally, by countenancing a permissive social contract, the Eyadéma regime was able to buy a measure of acceptance in the south of the country. The population of Lomé was never likely to warm to the quasi-military regime, but

the calculation was that they would not protest if they could participate in the contraband trade. With endemic consumer shortages in Ghana, there was good business to be done by both the larger merchants (including the Nana Benz) and the smaller traders alike. The Acheampong regime complained that the Togolese authorities were actively encouraging smuggling in order to assist the cause of Ewe secessionism, but in reality the intention was to consolidate their own position within existing boundaries.

In the Senegambia, the trajectory was rather similar. Whereas the British sought to persuade the Gambian authorities to seek some form of association with Senegal, in the belief that the tiny territory was hardly viable, these negotiations came to nothing.[8] Eventually, the regime of Dawda Jawara found a solution by exploiting its geographical position - that is located at the coast and surrounded by Senegal. As in Ghana, the Senegalese authorities sought to promote national industries behind tariff walls, and taxed the groundnut producers to pay for it. The productive social contract was, however, vulnerable to a Gambian policy of seeking to entice groundnuts out of Senegal and of landing consumer goods at Banjul for re-export to Senegal.[9] In the early 1960s, the Senghor government was already complaining that infant industries were being undermined by cheap imports smuggled from Gambian territory. Evidently, the Jawara government had limited capacity to promote a development agenda of its own, whereas an entrepôt strategy enabled it to support the livelihoods of many Gambians – and most especially those of the capital. From the Senegalese government standpoint, the only practical solution was the merger of the two countries. But although a Senegambian confederation did come into being in the 1980s, it fell apart because the Gambians were resistant not only to the idea that they

[8] Jeggan Senghor, *The Politics of Senegambian Integration, 1958-1994* (Oxford: Peter Lang, 2008).

[9] F.A. Renner, "Ethnic affinity: partition and political integration in the Senegambia", in A.I. Asiwaju (ed.) *Partitioned Africans: Ethnic Relations Across Africa's International Boundaries 1884-1984* (London & Lagos: C. Hurst and University of Lagos Press, 1984), p.80

should surrender their sovereignty, or even agree to policies that would eliminate the commercial advantage that they enjoyed.[10]

Since the collapse of the confederation in 1989, Gambian government policy has rested on two principles: the encouragement of tourism and continued support for the contraband trade. In the context of an acute economic crisis in the 1990s, the Senegalese authorities wrestled with their response. By then, the groundnut basin was facing serious problems of soil erosion, while producers were abandoning their fields and moving to the cities. The Mouride order became an urban movement, and increasingly a trans-national one. Although the authorities might endeavour to seal the border with the Gambia, the reality was that the Mourides were intimately involved in the contraband. One investigative report explicitly mentioned their capital of Touba as being at the centre of operations:

> La ville du Touba appelée dans le jargon des agents de l'economie, 'le Vatican' est une zone où les agents des douanes ne peuvent officier. Ceci est deplorée par les douaniers qui soutiennent que Touba, du fait de son caractère religieux est une zone inondée de fraude. Les daaras aussi constituent des zones à risque car les talibés sont souvent les complices des fraudeurs.[11]

Kaloack, a Tijani town, is even closer to the border and hence to the action. According to Catherine Boone, it was estimated that 80% of the trade conducted in Kaolack in the 1980s involved contraband, and this would have been no less true of the 1990s.[12] There were political limits to the ability of the douaniers to crack down. Consequently, while the markets of Dakar were filled with smuggled goods issuing from Kaloack and Touba, there was not much that the authorities could do about it. Whereas Gambian government policy was pretty transparent,

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[10] On the Senegambian confederation, see Arnold Hughes, "L'effondrement de la Confédération de la Sénégambie", in Momar-Coumba Diop (ed.), *Le Sénégal et ses voisins* (Dakar: Sociétés-Epaces-Temps, 1994).

[11] "Fraude dans les daaras et cités religieuses: les douaniers appellent à la collaboration des chefs religieux", *L'Info*, 30 November 1999. For a detailed study of this town, see Cheikh Guèye, *Touba: la capitale des Mourides* (Paris: Karthala, 2002).

[12] Catherine Boone, *Political Topographies of the African State: Territorial Authority and Institutional Choice* (Cambridge: Cambridge University Press, 2003).

Senegalese government interventions were profoundly contradictory.[13] The ambiguities created a degree of confusion at the border, which left a level of latitude to officials tasked with interpreting government intentions.

## 2. Border Contexts: Conventions and Moments

The kinds of social contracts that have been entered into – an amalgam of the productive and the permissive and, in the case of Togo, the coercive as well – have shaped the manner in which government officials have engaged with border populations on a day-to-day basis. There are a number of variables that are pertinent here, but I will draw attention to two. One is the extent to which the border zone is closely settled. Larger border towns tend to attract government interest, especially when they are situated along the main lines of communication. They also tend to attract a diverse range of actors whose presence requires officials to slot them into some sort of cognitive order. Where the border runs through the middle of related populations, this also tends to enter into such informal calculations. It is generally more difficult for officials to insist on the border as a sharp point of separation when there are many operative social links across the line. The second variable is the extent to which governments have sought to turn border management into a routinized bureaucratic activity. Where this has been the prevailing pattern, officials have tended to come to terms with the local population, amongst whom they live, thereby creating subtle gradings between categories of border crossers. On the other hand, where border policing has been episodic, and essentially punitive in character, the relationship between officials and the local population has tended to be less predictable and characterized more by dissonance.

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[13] The Senegalese sugar industry, which was based on an irrigated scheme at Richard Toll was one of those that was undermined by the contraband trade. Catherine Boone, *Merchant Capital and the Roots of State Power in Senegal, 1930-1985* (Cambridge: Cambridge University Press, 1992), p.243. Ibrahima Thioub, Momar Coumba-Diop and Catherine Boone, "Economic liberalization in Senegal: shifting politics of indigenous business interests", *African Studies Review* 41,2, 1998, p.77.

In the case of the Gambia, state actors have an interest in the flow of people and goods because the entire country represents a border zone. Immigration officials are posted to the principal crossing points, especially those that lie along the main routes linking the two halves of Senegal. In colonial times, relatively little attention was paid to border policing, and some Customs functions were even devolved on to the chiefs. This relaxed pattern continued during the Jawara years when the country did not even have an army of its own. After the collapse of the Senegambian confederation, and the formal creation of the Gambian military, greater attention was paid to border security. The Jammeh regime, which has had good reason to feel insecure, kept a watchful eye. However, in most border locations there is no visible military presence. In a town like Darsilami, which is located south-east of the important commercial centre of Brikama, but also in many smaller villages, there is a visible Immigration presence, whereas Customs officials are hard to find. In general, officials do not interfere greatly with cross-border trade, for the simple reason that central government wishes to encourage trade. Moreover, the Gambian authorities have continued to permit people from the Casamance to settle within their territory, whereas the reception extended to Wolof immigrants from the north is now distinctly cooler. A hundred years ago, the Jola were mostly to be found in the Casamance, but they have since occupied farming land on the two sides of the border. This inevitably means that there is a lot of movement backwards and forwards, and in some instance the same farmers use land on either side of the line. The villages of Darsilami and Touba (not be confused with the Mouride centre) have long been in the habit of exchanging parcels land, in order that farmers can access a mix of wetlands suitable for rice cultivation and other parcels suitable for the production of grains and fruit. Equally, cross-border trade is also important for the maintenance of rural livelihoods. This is reflected in the lively trade through Darsilami, where one can witness large trucks parked at the border, which cross under cover of darkness, but also donkey carts and bicycles carrying fish, rice and an assortment of consumer goods into the Casamance.

On the Gambian side of the border, a convention has emerged which recognizes that border inhabitants have both a need and a right to move back and forth in a relatively unimpeded manner. Gambian officials sometimes demand bribes, which provides one of the points of friction. Larger traders will consider some payments as within the bounds of acceptability, in recognition of the limits of official salaries and the need to maintain harmonious relationships, but beyond a certain point these demands are opposed. Smaller traders and farmers are less willing to pay for the right to cross. On at least one occasion in recent years, the chiefs of Touba and Darsilami have joined forces in making complaints about excessive demands levied upon on ordinary villagers, and have thereby secured the desired change of behaviour. Here we have an example of how the capillary effect of many specific moments helps to shape conventions. A villager who refuses to pay for the right to cross the border immediately focuses attention on what is an acceptable demand. Paying up re-inscribes one of the terms of a convention, whereas raising a complaint may shift the ground. The system is therefore an inherently dynamic one. Government officials who take up a posting will be inducted into these local understandings and will secure local cooperation only if they respect them.

Whereas the Gambian state is represented by unformed officials in the smallest border settlements, the same could not be said of the Casamance. The latter has never been characterized by a very dense fabric of administration by comparison with the northern border zone. With the upsurge of the separatist insurgency in the 1990s, most government officials were withdrawn from the border. A traveller passing along the main road from Banjul to Ziguinchor today will cross the border at Selety, where (s)he will encounter Senegalese soldiers, gendarmes and Customs officials. Some miles further down the road, there is also a presence of gendarmes in the administrative headquarters of Diouloulou. But elsewhere along this stretch of border, that is away from the main arterial road, the presence of the Senegalese state is episodic. During the height of the insurgency, even the soldiers remained pretty much confined to barracks and declined to intervene when villagers complained directly to them about extortion by the rebels. Since the Wade regime pushed

the MFDC rebels out of the border strip, the government has made more of an effort to assert control. Hence, an army camp has been established at Kujube along one of the unofficial routes from Darsilami. But these soldiers display no great interest in what crosses the border, provided it is not weapons. They do not seek to unravel the complexities of border life: it is not their job, besides which they know that they will not be posted to the same location for very long. Hence for the most part, the soldiers behave as if the local population does not exist, which is reciprocated by the villagers. From time to time, gendarmes lurk on the unapproved route from Darsilami through Touba, allegedly in order to take bribes. They do not prevent the vehicles from moving through, but extract a fee for permitting them to do so.

The lack of any bureaucratic presence on the Casamance side of the border imparts an almost disembodied quality to the interaction between officials and border populations. The lack of engagement by state employees, who tend to come from northern Senegal, contrasts starkly with the animated speeches of politicians who continue to claim that the Gambia is draining Senegal of its economic lifeblood. The reason for inaction is certainly not that there is a lack of significant trade, given that the entire southwestern quadrant of the Casamance depends on supplies of consumer goods coming from the Gambia rather than from Dakar. It really comes down to the failure of the Senegalese state to routinize its control of the Casamance since colonial times – a syndrome that is partly rooted in (im)practicalities of governance and is partly a disposition to treat the region as not really part of Senegal. Government officials comport themselves as if they are in a foreign country, where they do not need to get to grips with local realities, rather than seeking to carry out bureaucratic functions across a uniform national space. In such circumstances, when officials do seek to impose their will on border populations, the exchange tends to be abrasive.

Along the Ghana-Togo border, there are some parallels when it comes to the differing levels of border control, but there is nothing comparable to the administrative lapse that one encounters in the Casamance. Whereas the Lomé-Aflao border crossing is saturated with

plain-clothed and uniformed officials, the Togolese official presence is quite limited outside of the capital. Since 2000, my field research has concentrated on Agotime, which has been divided into two unequal segments since 1919. Most of it lies in Togo, but the largest town and commercial centre, Kpetoe, is located in Ghana. The fact that eastern Agotime is positioned on the Lomé-Kpalimé road, while Kpetoe lies on the Aflao-Ho trunk road, means that this is an area that is closely tied into sub-regional trade. There are periodic market days in the main towns, including Ho, Kpetoe and Amoussoukope (on the Ho-Kpalime road), which means that agricultural and consumer goods tend to flow back and forth depending on price and availability.

If one was taking the official route from Kpetoe in the direction of Lomé, one would normally cross the border at Batome Junction. Whereas the Ghanaians have erected quite a large Customs and Immigration checkpoint, there is no Togolese state presence at the border itself. A few miles further on, one comes across a small Customs barrier at the Togolese village of Batome, and then some military vehicles a few miles further on before entering Assahoun (on the Lomé-Kpalimé road). But the official presence at the border is very understated. On market days, most vehicles ply the unofficial routes that criss-cross the sandy terrain rather than passing through Batome Junction. There is an army checkpoint on one of these routes, but to all intents and purposes they are not regulated by the Togolese authorities. The soldiers are interested in security matters and not in monitoring the movement of ordinary people and goods. As is the case in the Gambia, the government of Togo has an interest in encouraging cross-border trade, which renders Customs controls unnecessary.

It has always been a rather different story on the Ghanaian side of the border, where border control came to be been considered as synonymous with defence of the country's social contract. According to official rhetoric from the 1960s onwards, all Ghanaians suffer the consequences of smuggling, which means that perpetrators should be punished as nation-wreckers. The Acheampong regime introduced the death penalty for the smuggling of

certain key items, including gold and cocoa. Although this was never really enforced, exemplary punishments were meted out to those found guilty of engaging in illicit cross-border trade during the 1970s and 1980s. Unlike in the Casamance, there has always been an interest in enforcing bureaucratic control, dating back to the days of the colonial Customs Preventive Service. Over the decades since independence, there have been many experiments aimed at creating more effective border surveillance, which has turned on two axes: the fusion and separation of the preventive and collection aspects of Customs work, and the varying faith placed in military solutions. In the 1970s, the Border Guards were an integral wing of the Armed Forces, with responsibility for preventive work. Today, the Customs Excise and Preventive Service (CEPS) is once more a distinct entity execrising unitary functions, although the Kufuor regime recently declared its intention of divorcing preventive work and revenue collection once more. Whether the Mills regime proceeds with this reform, in the face of vocal protests from within CEPS, remains to be seen.

The fundamental reason for this constant tinkering has been the difficulty of enforcing effective control over the flow of goods which could always be acquired more cheaply from Lomé. In the late 1970s and early 1980s, there were acute shortages of most consumer items in Ghana which established a premium for those who could successfully secure entry for contraband items. Equally, there was good money to be made from moving cocoa, gold, diamonds, timber and subsidized petroleum products (including kerosene) in the opposite direction. As the Ghanaian crisis bit, government officials saw their salaries shrink in real terms, which provided an obvious incentive to cut deals. The conventions that emerged had a great deal to do with the ways in which officials and border populations negotiated the terms of their day-to-day relationship. Given the shortage of government accommodation, officials were often forced to seek housing with members of the local community. They might also attend the same churches. It was also inevitable that they should acquire both friends and/or girlfriends who would steadily initiate them into the ways of the communities concerned. This is a crucial consideration because while a uniform may provide a protective skin during working hours, living in a community also means having

to conform to a en established set of norms. An official may opt out, but this means living a solitary existence stripped of the conviviality that makes life tolerable in an alien environment. The fact that officials tended to bed in, and so to become vulnerable to local pressure, has led to periodic complaints that the gamekeepers have turned poachers. An alternative strategy has been to rotate officials more swiftly, but this had its own downside. It reduces the efficiency of intelligence-gathering and sometimes encourages officers to head down the path of getting rich quickly.

In the early 1980s, at the height of the 'revolution', there was an attempt to break out of this vicious circle by introducing popular control of border policing. This provides an excellent example of a top-down approach aimed at disrupting existing conventions and introducing a new normative framework. On the face of things, it was a strategy doomed to failure: given the financial incentive for border populations to engage in smuggling, what possible reason could they possibly have to participate in stamping it out? However, it would be a mistake to underestimate the force of the message that it was smuggling that was largely to blame for making a difficult economic situation worse and that it was unpatriotic (and mostly wealthy) Ghanaians that were to blame. The People's Defence Committees (PDCs), and later the Committees for the Defence of the Revolution (CDRs) and the People's Militia, were tasked with policing the activities of their own communities, at a time when the border was often officially closed, as well as keeping an independent check on the Border Guards and Police. In practice, the PDCs/CDRs took their border duties very seriously.

Smuggling cases were brought before the Public Tribunal in Ho, whose records provide a rich testament to the amount of illicit trade being conducted through the border as well as to the way in which smuggling was construed by smugglers, officials and the PDCs/CDRs themselves. The Tribunal chairmen sought to establish a simple narrative in order to establish guilt. Where the accused did not immediately confess, a range of witnesses were called with a view to ascertaining the basic facts of the case in question. In order to secure a conviction, there normally needed to be hard evidence in the shape of the goods that had

been seized, a clear account of where and when the seizure had taken place and a statement from the time of arrest outlining the circumstances, possibly accompanied by a declaration from the accused party at the time of arrest. The accuracy of these details was tested under cross-examination. The Tribunal was guided by circumstantial as well as material evidence. Concealing goods, whether inside the depths of a vehicle or in the bush, was taken as evidence of intent to engage in wrongdoing, even if the act of smuggling could not be directly proven. As was the case in colonial times, the burden of proof lay with the defendant.

Clashing with the framework that the Tribunal chairmen sought to establish were the highly complex narratives offered by the witnesses for the complainants (often the Police or the PDCs/WDCs) and the accused alike. These introduced ambiguities over space, time and motive, in which hearsay played an overwhelming part. Establishing what precisely had happened at a given point in time proved to be a frustrating task when even the official witnesses could not agree on the most basic facts. The divergences arose not just out of a conscious desire to massage facts, but out of something altogether more profound: namely the reality that life at the border was often lived as a game of Chinese whispers. This was a reflection of the realities of communication in face-to-face communities, compounded by the premium placed on secrecy and the fact that most of the action took pace at the dead of night. Rumours tended to acquire a life of their own, so that officials often found themselves chasing shadows – and literally so . Even when there were some material facts to work with, the overall picture was often confused. A typical scenario was one in which a CDR member thought he had witnessed something untoward, but it later transpired that his colleagues had a very different understanding. There was frequently a lack of agreement as to what the accused had said about what they were doing and where they were going. This has an important bearing on the question of guilt, because the Tribunal had to come to a conclusion about intent.

A concrete case will illustrate the problem. In 1987, members of the CDR secretariat in Kpetoe became suspicious of someone riding a bicycle along a route very close to the border. At the Tribunal, they stated that they decided to follow the individual and caught him in the act of retrieving items from the bush:

> To their surprise they saw accd tying 2 jerry cans of diesel oil on a bike properly designed for carrying smuggled goods. As the accd was about to take off he was grabbed by the complainants. As they were only 2 they sent a message to the police station. The police came and accd was arrested. The road where accd was arrested is a path road leading to the Republic of Togo. It is an unapproved road. This is the basis upon which he was arrested and charged.[14]

At the hearing, it transpired that there was a cornmill in the village of Bemla, located 2.5 miles from the border, to which the defendant claimed to be transporting the diesel in question. The Policemen involved in the case had evidently learned that this was the case and had made contact with the owner of the mill. The latter testified that he had bought the diesel some time before, but that he had not conveyed it from Kpetoe to Bemla because the machine had developed a fault. When the latter was eventually repaired, he had requested his cousin to transport it to Bemla. The defendant explained that he had failed to carry out this request immediately, an omission that he had sought to conceal from his relative, and had hid the diesel in the bush with a view to retrieving it later on. Unusually, the accused deployed legal counsel who pointed out that it was immaterial that there was a route leading to Togo, given that the entire episode occurred inside Ghana, and that "nobody in his right senses would smuggle in broad day light". The latter was a well-understood principle that might have been expected to carry some weight. The CDR members who made the arrest could not agree as to whether the accused had admitted at the time that he was cycling to Togo, while the Police witness categorically denied that this had been reported to him. The Tribunal was therefore faced with a scenario in which it was entirely possible that the accused was merely going about

[14] Volta Regional Public Tribunal, Ho, 14/1/1987, Case 1/87, Volume 7, "The People Vrs. Ben Komla Agbozo"

his normal business. In his judgement, the chairman conceded that the accused had not been caught in the act of smuggling and that the CDRs had jumped in prematurely. However, the Tribunal was persuaded that the circumstantial evidence – particularly the act of concealing the diesel in the bush - was sufficiently convincing to sustain a guilty verdict. The accused was handed a fine of ¢20,000 or 2 yrs in hard labour in default. Whether the accused was really guilty is very difficult to say. It is entirely likely that the diesel was intended for the cornmill , but that he sought to smuggle it for gain and then replace it without his cousin knowing.

In another case, dating from 1984, members of the PDC in Kpetoe heard a rumour to the effect that there was going to be an attempt to smuggle petrol purchased from the sole filling station in the area. They notified the District Secretary in Ho and tipped off the Police in Kpetoe. Circumstantial evidence was subsequently found in the form of containers of petrol secreted in various locations. In his defence, the accused claimed that his filling station was about to run dry, which was a serious matter in the context of endemic shortages, and that he had set some of his quota aside for the District Secretary who had requested it for government use. Some of this petrol might actually have been intended for the CDR secretariat. The Tribunal accepted that this might explain why some of the containers had been squirreled away, but did not buy the argument that those hidden in the bush belonged to chainsaw operators who had earlier purchased petrol from the accused, or that he could claim ignorance about other containers that were discovered in a vehicle that belonged to him. He was therefore handed down a fine of 10,000 cedis.[15] Whether the defendant was simultaneously smuggling petroleum and being of assistance to the District administration, or whether the District Secretary was himself implicated, did not emerge

[15] Volta Region Public Tribunal, Vol 4, Case 141/84 "People vs Peter Yawtse Akpa and Sylvanus Yaw Agbemavi".

very clearly. But what is apparent is that information passed between the actors in a way that none of them were fully aware of.

These Tribunal cases are also of interest because they point to elements of an ongoing discussion about what was and was not broadly legitimate. In a case dating from 1986, the accused was intercepted by CDR members while riding his bicycle some 200 metres from the border and found to be in possession of tobacco. He did not deny that he intended to cross into Togo or to sell the tobacco there, but he explained that his brother needed to travel and had requested him to sell it in order to acquire the necessary CFA francs. Within border communities, a distinction was typically made between genuine smugglers, that is those who made significant money from trading in contraband goods, and ordinary people who occasionally needed to sell a few items. The one might be considered morally reprehensible, whereas the other was construed as both unavoidable and entirely defensible. This was undoubtedly a point of constant discussion within border villages where PDC/CDR members had to decide where to draw the line. For every case that came to trial, there would have been many others where PDC/CDR members simply chose to look the other way. In this case, the Tribunal came down hard, imposing a prison sentence of 6 months in hard labour and a fine of 30,000 cedis or a further 2 years in default.[16]

In short, there was a disjuncture between the Tribunal's construction of reality, which was as totalizing as it was moralizing, and a lived reality in which facts were never really that clearcut. Government officials placed at the border also operated within this world of Chinese whispers, but with the added consideration that they generally did not speak Ewe (and certainly not the local variant of Adangbe). Thet were therefore especially reliant on their interlocuteurs for processing information. Officials tended to switch between two registers. The official register was the one that was used within state spaces – for example, at

[16] Volta Regional Public Tribunal, Ho, 25/6/1986, Case 49/86, Volume 6, "The People Vrs Alorwo Kedo"

the road barrier or in the charge room. It was a register in which a certain gruffness came with the uniform, and in which there was a presumed right to engage in pointed questioning. But the second register emerged out of living in a community and knowing many people, which encouraged expressions of familiarity and even jocularity. The concrete moments that unfolded at the border often involved a tension between these two registers. For example, a vehicle might arrive at a Police checkpoint driven by someone unknown to the officers on duty. This would generally elicit a brusque line of questioning, but it was also possible that the passenger in the front-seat was the landlord of the officer or possibly even an ex-policemen himself. In order to maintain the terms of conviviality, the Policemen might wave the vehicle through after a cursory inspection, trusting that the person in the passenger seat would vouch for the vehicle as a whole. On many occasions, a vehicle was waved through one checkpoint, only to be stopped at another one where the same personal relations were not operative.[17] When the vehicle was searched it was subsequently found to contain contraband goods, in which case the driver, the passenger and the Policemen might all find themselves placed before the Tribunal. The evidence that was led tended once again to produce imperfect truths. The simple interpretation was that Policemen or Border Guards were acting in league with smugglers. In many cases, this was undoubtedly the case. But often the officers in question seem to have been caught out by the need to appear to trust those they knew personally. Equally, the passengers were sometimes caught out by drivers, who were personally known to them, and who used them as unwitting decoys. Sometimes, it was the drivers who were too trusting in relation to their passengers.[18] Who was the villain and who was the victim was often decidedly murky.

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[17] A vehicle coming from the direction of Batome Junction or Aflao would pass a Border Guard checkpoint and subsequently a Police checkpoint in the centre of Kpetoe. It was often the case that a vehicle that was cleared at one checkpoint would be seized at the next one.

[18] In one case, a driver who left his vehicle at Dzodze market returned to find that it had been loaded with what he thought was fish. When it was stopped at Ho, it was found to contain sandals and women's blouses. The driver was acquitted, but the goods were seized. Volta Regional Public Tribunal, Ho, 16/12/1986, Case 147/86, Volume 7, "The People Vrs. Kofi Adofo".

The experiment with popular participation in border policing was not a total failure, but a number of incidents arose that underlined the difficulty of the task the PDC/CDRs and Militiamen were confronted with. Most obviously, the Border Guards tended to resent the interference of the cadres, especially when the latter accused them directly of involvement in smuggling. The Policemen tended to be posted to one area for longer and therefore were more familiar with the PDC/CDR members. Hence, arrests were often effected by the two working in tandem. The more difficult problem was that of enforcing the rules while still respecting interpersonal relations. In a number of instances where the cadres were directly accused of complicity with smugglers, it transpired that the problem arose out displaying favouritism to family members. Goods that were seized might suddenly be released on the intervention of a member of the executive. Where the CDR members did not see to eye, this might then lead to some members denouncing others. But even where they were agreed on a common course of action, the rumour mill was such that information might leak with the result that all the members ended up being arrested. A case in point came in 1984 when Militamen seized a quantity of smuggled sugar that was intended for use in making akpeteshie. It transpired that the commandant was the uncle of the perpetrator, and so ruled that it would be appropriate for the latter to make a payment of ¢15,000 to each of the men involved. At the Tribunal, one of the latter explained that he had used the money to pay for hired labour on his farm, only to be told later on that it had been decided to return the money. The Commandant promised that he would issue a warning to his nephew instead. Evidently, recouping the money became a problem for those who had spent it and word leaked out about the deal.[19] In the CDR zonal secretariat at Kpetoe, there were enforced resignations in 1986 over the release of smuggled petroleum. But the greatest scandal came when the Ho District Secretary, referred to above, committed suicide when it came to light that he had intervened to ensure the release of smuggled goods. As the decade wore on, the

[19] Volta Region Public Tribunal, Volume 5, Case 142/84, "People vs Joseph Akim Spaco et al."

criticism levelled at the CDRs and the Militia increased, leading eventually to the termination of the experiment and a return to a bureaucratic model.

Since the return to constitutional rule in 1992, CEPS has taken over all aspects of border control. This reform was implemented as the conditions that had created an environment conducive to smuggling subsided: the consumer shortages inside Ghana became a thing of the past, the black market currency rate disappeared, cocoa farmers received more remunerative prices and subsidies on petroleum products were gradually removed. At the present time, it is only the smuggling of Chinese textiles and vehicles that really provides a focus for CEPS activities. For the most part, the border is open and regulated through controls at official crossings and checkpoints. The return to bureaucratic mode, together with the loosening of frontier controls, has created a very different atmosphere from that of the 1980s. Whereas the activities of ordinary villagers were constantly under surveillance by the PDC/CDRs, today most local people cross under the nose of Customs and Immigration officers, almost as if they did not exist. It is usually only those who have come from further afield who are closely questioned and whose vehicles (if they are not on foot) are minutely inspected. Officials are clearly operating a revised convention according to which there are different categories of border crossings. When Agotimes are questioned, they may remonstrate with officials on the basis that they have family on the two sides and that it is their right to move back an forth without interference. In my experience, border officials don't have an effective riposte to this kind of argument and tend to back off from an argument. These occasional moments of confrontation tend to re-inscribe the convention that has crystallized over the past decade.

## Conclusion

In this paper, I have sought to demonstrate the ways in which *social contracts*, *conventions* and *moments* crystallize at the border. Although I have tended to privilege political events,

the relationship between these elements is not uni-directional. Although the social contracts structure the norms that officials are supposed to obey, the fact that the latter also have to embed themselves in local realities means that behaviour is also shaped by the practices of everyday life. Where grand pronouncements from the capital city fall flat, that is an indication of the importance of local context. The conventions therefore emerge out of so many specific moments that are reflected within the records of the Public Tribunals in Ghana. Capturing the dynamic relationship between these three elements, and within a comparative framework, is what I consider the challenge of my ongoing research.

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