Alternative citizenship
The Nuer between Ethiopia and the Sudan

ABORNE Workshop on Sudan's Borders, April 2011

Dereje Feyissa

Abstract

A lot has been written about state borders as constraints to local populations who are often 'artificially' split into two and at times more national states (Asiwaju 1985; Kolossov 2005). The Nuer, like many other pastoral communities arbitrarily divided by a state border, have experienced the Ethio-Sudanese border as a constraint, in as much as they were cut off from wet season villages in the Sudan and dry season camps in Ethiopia. As recent literature on the border has shown, however, state borders function not only as constraints but also as opportunities (Nugent 2002), and even as 'resources' (Dereje and Hohene 2010). The paper examines how the Nuer have positively signified state border by tapping into - taking advantage of their cross-border settlements -fluctuating opportunity structures within the Ethiopian and Sudanese states through alternative citizenship. Nuer strategic action is reinforced by a flexible identity system within which border-crossing is a norm.

Sudan's Southeastern frontier: The Toposa and their Neighbours (abstract)

The Topòsa and some of their neighbours have long been among the groups in particular remoteness from the political and economic metabolism of the state system. Until recently, the borders of the Sudan with three other nations, Uganda, Kenya and Ethiopia, that touch on their area could be considered mere notions and lines on maps of another world. This situation has substantially changed since the 2nd Sudanese Civil War – and with it the meaning of terms like “their area”. In my paper I try to give an overview of these changes.

All three neighbouring countries were strong supporters of the SPLA and in spite of temporary violent frictions with parts of the Toposa and other Equatorian groups, the border areas became important retreat and deployment zones for the rebels. This and the transit of millions of war refugees initialised the buildup of substantial infrastructure, implemented largely by the Catholic church and INGOs. Since then the integration of the area into the modern system is an ongoing process, altering orientation and composition of the population fundamentally.

While this process and the general armament of the Toposa and their Nyàngatom allies with modern weapons allowed them to permanently expel the Suri from a huge area that has since become their most prosperous one, a similar process led to the dominance of the Turkana in the Elemi Triangle where the Kenyan government, churches and NGOs have created an infrastructure that integrates about 70% of its territory into the Kenyan system, with the most prominent exception of Naita / Lotímor, the stronghold of the ‘Sudanese Nyangatom’ in the extreme north, and a southwest-northeast frontier belt.

This is the scene of most of the disputed claims to territory touching on border issues. Their potential was most acutely demonstrated by the violent flare-up of conflict around Nàdapal border point between Kenya and Southern Sudan in 2009 in which traditional tribal rivalry became explosively mixed up with local politics and national concerns. Departing from these events, I intend to discuss the political dynamics of border issues on the ‘modern scene’ in relation to the spatial dynamism of pastoralist societies as an intriguing case of entanglement of different concepts of territoriality and mobility.

Abstract: James, Wendy

Durham workshop on Sudan's Borders, April 2011

Minority languages as a strategic resource? Rethinking the *longue durée* in the Blue Nile Borderlands

The paper will suggest that the patchwork of minority languages often found on the periphery of state-building heartlands, or especially in the borderlands between two different such heartlands (eg central Sudan and the Ethiopian highlands) should not be understood simply as remote left-overs. Living betwixt and between the projects of these centres, for centuries and even millennia, minority language speakers may have opportunities to come and go, change sides, participate and withdraw, and share secrets in various strategic ways. Examples will be given from ancient times and modern (including the uses of Uduk as between fighters on either side of battles in the recent civil war, and uses of various Sudanese vernaculars in political discussions online). Modern international frontiers offer new variations on what is perhaps an old theme, and helps us appreciate the conditions under which threatened languages may persist.

Abstract

The Ilemi Triangle: the challenges of disarming trans-frontier communities of Southern Sudan– Dr Nene Mburu

A conservative estimate is that there are 2 million guns in southern Sudan, one for every 4 citizens. Almost all are in the hands of civilians. I am positing that the culture of arms-bearing is the tragic synthesis of various factors mainly: (i) pristine traditions that place an enormous burden on young males' rite of passage, (ii) a symbiotic relationship between security and economic development; (iii) the proliferation of guns is the outcome of national and international vectors, mainly political alliances that were forged within Sudan by both the SPLA and the government of Khartoum during 50 years of civil war and also by the governments of neighbouring countries.

My presentation will relate to and draw lessons from my research on Uganda's effort since 2001 to disarm the Karamojong. In the end I will be posing the question: in the light of its long struggle to statehood, given the proliferation of illegal weapons and its disputed borders, will Southern Sudan, as the saying goes, choke on the tail after swallowing the whole cow?

Abstract

Conflicts and Cooperation in Sudan's North-South Border Zone

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10 March 2011

As Sudan will split into two in July 2011, tensions over the borders of the new states have been increasing. Indeed, deadly clashes have occurred recently. The North-South border zone is politically sensitive not only because of the traditional tensions among its inhabitants but also because of the valuable natural resources, particularly oil, that political elite in the North and South are keen to control.

Despite the tensions over the border, there are areas of positive, reciprocal relations among the diverse groups that subsist along it. For example, nomadic Baggara Arabs, who drive their livestock from the North to the South during the dry season, frequently conclude agreements with Southerners on access to grazing and watering points. Most of these agreements have been adhered to, and hence many potential conflicts are avoided.

This paper examines the complex relations among the people who live, or seasonally migrate into, the North-South border zone. It is mainly based on fieldwork conducted in the counties of Unity State bordering Northern Sudan this year as part of Cross-Border Relations Project implemented by the Center of Peace and Development Studies and a UK-based NGO.

Bordering on War: The relevance of oil production and border proximity in Unity State, South-Sudan

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State-centred research tends to regard borders as barriers and border communities as disadvantaged. Most African states have, however, a tenuous presence in border areas and borders tend to be porous. In such settings borders are institutions that offer opportunities and give room for the local population to exercise agency in terms of trade and migration as well as in interaction with the central government. However, living close to a border also have consequences that people may find difficult to control or even influence, for instance related to large scale conflict and management of strategic resources in Unity State, South Sudan. A combination of border proximity, oil production and deeply embedded legacies of war is important when explaining political developments in Unity state in the period 2005-11. The border area of Unity State and Southern Kordofan has for decades been an internal political fault line, which after the peace agreement took on many of the properties of an international border. By investigating key issues of the South Sudan post-conflict environment – violence and insecurity, democratisation and reform of local government, and land and natural resource management – as they manifest themselves in Unity State period, the paper demonstrates the importance of border proximity as an explanatory factor and how this factor impinges on a number of political, social and economic processes in Unity State. At a more general level the article paper explores the ambiguity of borders as simultaneously being structural constraints and opportunities to exercise agency. The paper is based on research conducted in Unity state in 2009 and 2011 and related studies of the Sudan over the past decade.

Abstract

Borderlands and the uncertainties of citizenship: The Ambororo

Mareike Schomerus

In Sudan, the Ambororo (or Mbororo or Fellata) have lived across the internal and external borderlands for decades. With a new international border forming, simmering issues regarding the Ambororo's presence have come into sharp focus. Broadly considered—without a sufficient evidence base—as a loyal ally of the North and the Lord's Resistance Army, the Ambororo are now viewed by some as territorial enemies of the new southern Sudanese state. Over the last few years, numerous public allegations of connections with Khartoum have been made; the Fellata/ Ambororo are regularly referred to as *janjaweed*.

Violence committed against the Ambororo, particularly in Western Equatoria, has been dramatic in the past two years; retaliation equally bloody. Evidence that the Ambororo are involved in strategic political violence does not exist, yet during the Sudanese elections and the referendum, the status of the Ambororo as citizens of Sudan and possibly the South became contested. The debate was raging whether the Fellata would be allowed to vote; in the end, each state came up with a different regulation.

This paper looks at the uncertainties of citizenship as seen by the Ambororo, who view themselves as persecuted people in South Sudan and as marginalised in North Sudan. It examines the broader implications of the role of the Ambororo, looking at how southern Sudanese authorities replace fledgling internal state-building measures with an overemphasis on external threats and how Southern Sudanese identity is defined rather differently in different southern states

Cross-border connections in Western Bahr el Ghazal

The most emphatic north-south border in Sudan's recent history ran between Darfur and the Western District of Bahr al-Ghazal. In 1930, colonialists established a no-man's land the Western District (now Western Bahr al-Ghazal state) from Darfur, moving district's population to a new road that was to be built by tax labour. Colonial policy was partially motivated by the desire to end the slave trade, which persisted in the through the instability of the first decades of the twentieth century in Sudanic and central Africa, which saw the incorporation of stateless populations into rapidly changing states based on coerced labour. At the time, the people of the district probably conceived of those borders as lines separating different labour regimes. Groups were motivated by the labour exactions to migrate from one labour zone to another, often accepting harsh consequences for their decision. This paper examines the relationship between labour systems and vernacular understandings of the border in the 1930s. Cultural differences between north and south Sudan, and within northern Sudan were largely shaped by differences in nineteenth and early twentieth century labour regimes, and the paper examines some of the implications of the 1930s period for today.

This paper focuses on the border between Southern Darfur and Northern Bahr-el-Ghazal during the Condominium period, imagined by colonial officials as a 'tribal' - and indeed racial - boundary between Rizeigat Baggara and Malual Dinka.

There are current concerns about the internationalisation of this boundary, and the potential impact of this on a hardening of relationships between Malual and Rizeigat. Yet if we are to look back to the relative stability of this area during the colonial period to inform present-day border management policy, we need to understand what colonial arrangements across this provincial boundary were *not*. Cross-border relationships were not managed by detached, disinterested, neutral state arbiters: rather they were managed by officials who often identified more closely with the interests of 'their' chiefs, than they did with their supposed colleague across the border. Indeed, the tensions between administrators at inter-provincial meetings were at times obvious to all participants, and undermined efforts to produce an impression of cross-border government unity.

The history of this border also challenges some common academic assumptions. Often in the literature on pastoralists, it is demonstrated that colonial boundaries restricted pastoralist mobility, and damaged local livelihoods: that they were an artificial and alien imposition on peoples who knew no borders. More generally, mapping tribal homelands and delineating boundaries between them appears to be one manifestation of the tendency of modern states to reduce 'complex, illegible and local social realities' to simplistic, legible representations that facilitate the exercise of state power.[1] Yet the history of the Darfur-Northern Bahr el Ghazal border, and pastoralist borders in Darfur more generally, suggests that some state representatives recognised the need to preserve some degree of local 'illegibility' to avoid risking the overall goal of maintaining local order. In particular, they often accepted that pastoralists could *not* be confined within territorial boundaries. In the Rizeigat-Malual case, colonial officials accepted that both peoples had shared rights to grazing in the borderland between them: managing these shared rights was a recurrent challenge for the administration. In the 1930s, as I will explain, officials introduced schemes to regulate the grazing movements of Malual and Rizeigat, in an effort to reduce the illegibility of this shared space. Ultimately however colonial regulation of this shared grazing remained something of a fantasy: and, again, officials were well aware of this, and indeed eventually welcomed the attendant flexibility as contributing to local stability. State regulation was never consistently imposed on local patterns of land use.

[1] J. Scott, *Seeing Like a State* (Yale, 1994), pp. 2-4.

Abstract

Pulling the ropes

Negotiations of power through the conduct of the state at the Southern Sudanese borders

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This article aims to unpack the discursive web of power relations in the emerging legal-rational frame of governance in Southern Sudan. The paper looks into two Southern Sudanese border crossings. The two are at only 10 miles distance from one another. Kaya borders with neighbouring Uganda and Bazi borders the Democratic Republic of Congo. The two villages are closely connected in numerous ways, yet quite different in their respective challenges regarding governance.

As will be demonstrated relations between central and local levels of government in the same area, or within the same state agency, are complex and subject to constant negotiation. Through a grounded analysis of the manner in which agents conduct government, notions of the daily practice of Southern Sudanese state building are developed. Old repertoires of authority still play an important role, as do feelings of mistrust and envy. It is argued that these elements are more decisive in the negotiations of statehood than the legal-rational framework of the offices.

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Centre of African Studies, University of Edinburgh

'Borderlands - Zones of Protracted Conflict or Sites of Emerging Sovereignties?'

This presentation will seek to bring two bodies of literature into a productive dialogue: These are, firstly, recent - mostly anthropological - insights into so-called governable social spaces, where the exercise of public authority becomes associated with multiple, partly overlapping, territories (Lund 2006) and group identifications (Arnaut and Højbjerg 2008; Das and Poole 2004; Engel and Mehler 2005; Roitman 2005). Secondly, I will draw on an ongoing debate about the evolution of state- and peace building in borderlands (Boege et al. 2008; Colletta et al. 1996; Milliken and Krause 2003; Rotberg 2003; Goodhand 2008; Raeymekers 2007; Nugent 2002; Zeller 2010). The borderlands perspective involves an important paradigm shift, in that it seriously questions dominant notions of state formation as a top-down, exogenous process of power diffusion from the centre into the periphery. Rather than 'unstable' frontier zones that are waiting to be pacified, this perspective considers that borderlands can manifest as socially productive zones in their own right, generating important political and economic outcomes that have a decisive impact on state formation in a broader sense (see also Scott 2009; Donnan and Wilson 1999).

ABSTRACT ABORNE

Making a life and a living in the Sudanese-Kenyan border area: the rise of a thriving cross-border trade network.

Anne Walraet

Abstract:

This paper documents the making of a life and a living in situations of protracted conflict, displacement and mobility, while simultaneously shedding light on state making and the exercise of power from a borderland perspective. It more in particular zooms in on the Sudanese-Kenyan border area where throughout the war until today IDPs, refugees, migrants and military meet. The paper in particular explores the nature, role and effectiveness of the social networks of these non-indigenous residents in building a livelihood within urban perimeters and investigates the reasons behind the differential success of one particular cross-border business network.

The paper draws on information and insights accumulated during down-to-earth and multi-sited fieldwork between 2006 and 2011.

Territoriality, Conflict & Development: Ethnic frontiers of South-eastern Sudan

Paper for the ABORNE Conference

"Sudan's borders"

2010

by

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{{{ Draft paper, not for public use }}}

Contents

Foreword

Regarding the material for reflections on the problem of boundaries, the South-eastern Sudan (hereafter: SES) is a very interesting area. This is so because it has unique difficulties with an international boundary that was not agreed upon by the key stakeholders for the last century[1] and because this situation is deeply entangled with conflicts over boundaries of a very different kind, boundaries that belong to a type of social organisation that precedes the state by millennia[2] and that leads up to today a parallel existence which partly rivals the modern formal order in its grip on the patterns of perception, reasoning and action of the populations organised in that manner.

By reflecting the situation of South-Eastern Sudan, some of the key questions concerning legal boundaries come up and urge attention. What are the criteria for establishing boundaries we should accept and prefer? What should boundaries be for? What should they bring about and what not?

These questions do partly arise here because of the protracted inconclusiveness of the process. If we would ask people of different affiliation, including different scholars, the answer as to where the 'real' or 'legitimate' boundary is – or should be – would be remarkably disparate. Educated (South) Sudanese of knowledge on that matter will often insist that the line which cedes the maximum of territory to Sudan is the only valid and legitimate one; with Kenyans one is likely to make the inverse experience. And the pastoralists living in the area would give answers that again differ significantly. They often take the discourse on the 'legal borders' into account, according to their particular understanding and interests. Yet it is obvious that while they very self-confidently create spatial realities by way of their daily actions and long-term strategies, they use the discourses on state borders they pick up as mere instruments for their own purposes. They are far from obedient to alien pretensions claiming exclusive powers over their most vital affairs, claims made in spite of the fact that the ideas of those aliens are hardly sufficiently integrated with their own local and tribal[3] world.

In some of these aspects, SES resembles the case of Abyei[4]. We find a similar entanglement of a tribal and pastoralist sphere, a similar situation of protracted uncertainty about the "correct" and "legitimate" political categorisation* of the affected territories and similar weight of the divergence between the concepts the inhabitants of the area traditionally have of territoriality, focussing rather on flexible and not necessarily exclusive rights to passage and resource use as subject of temporary agreements and eternal re-contestation and re-negotiation, to those of the modern sphere that

[1] Regarding the case of the Elemi Triangle see Barber 1968, 1965; Taha 1978, 1976, 1975, 1972-3; Collins 2006, 2005:367-374, 1983:85-112, 1962; Brownlie & Burns 1979:917-921*; McEwen 1971:129ff.; Blake 1997; Mburu 2009, 2007, 2003; as a fatal irony of history, it came into existence because the British (Kelly-Tufnell) expedition of 1913, sent out to establish the tribal (and by implication administrative) 'border line' was not apparently not well enough equipped to complete its mission and cover the distance between the northern end of Mogila, the northern tip of Lake Rudolf (Lake Turkana) and Sudan-Ethiopian border east of the Kauto Plateau; or because they set their preference to explore the Boma Plateaux as a 'more interesting' – and certainly more inviting – area.

[2] This presupposes certain assumptions on the history of social organisations that cannot be discussed here.*

[3] The use of the term tribe could as well be a case for serious discussions I cannot provide here. I am aware of its problems, yet I use it because of its usefulness (in the sense of a Wittgenstein 'language game', see idem, *Philosophical investigations*, § 19-26*) in our contexts as referring to a system of social organisation based on inherited 'traditional' principles of autonomous communal integration that differ significantly from 'modern' and 'formal' ones, among others. Although it is necessary to explain these principles in more detail, I assume sufficient compatibility of what I am trying to express with the common notions the term uses to evoke. Almost all English speaking actors in the research area (as well as Arabic speakers in Sudan with the corresponding term *gabíla*) use it, often just as a synonym for 'ethnic group', yet I my main intention here is to distinguish local societies which are organizing behaviour and crucial daily affairs along traditional tribal structures from other ethnic communities, like e.g. most of Kenya's sedentary population, who ceased* doing so.

[4] See Johnson 2009, 2008

requires clear-cut divisions absolute and markedly exclusive forms of belonging to be compatible with the assumed absolutism of the written word.[5] This apparent incommensurability in principle is another reason to ask the mentioned questions where the two cases partly meet.

Yet while Abyei has gained spectacular importance and prominence from its explosive role for the relations of the North and South Sudan, the most intricate part of the SES case, the question of the Elemi Triangle, remains under the carpet of the amicable relations between Kenya and the SPLA, relations not only based on a tried and trusted alliance, but massive mutual interests in economic and political cooperation. Further difference is to note, apart from the very different political and legal constellations, the weight of the rich oil reserves of Abyei and its symbolic importance for the leading factions of the conflicting parties – in contrast to the so far unsubstantiated guesswork about oil in the Triangle and the relative political marginality of the involved ethnic communities. And while the frontlines seem to be quite simple in Abyei, they are rather complicated for Elemi.

All these factors sum up to vast differences of the character of the two cases and the way they are handled by the involved parties. Yet under the given limitations, this paper cannot but spell out to open a glance at the complexities of the situation of SES, especially regarding boundary issues between different types of political communities[6], while leaving other aspects to more extend versions.

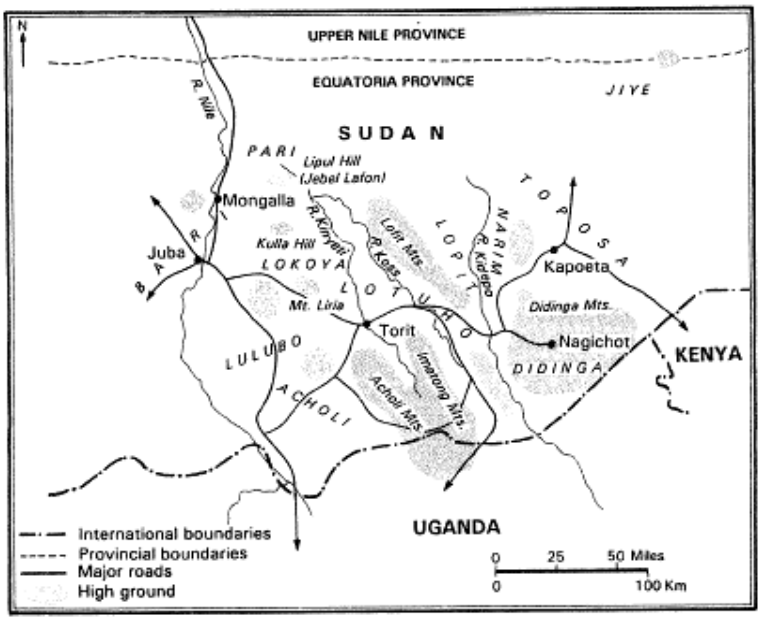
Above: active rural Toposa youth on casual display, Kapoeta East County (Nabeyoìt), 2009

(All photos in this document are my own and with all rights reserved. Interviews are not specified, yet will be in later stages of my ongoing work. This paper is not to be considered a publication and is submitted to the members under condition of provisional confidentiality and respect of intellectual property rights. The author.)

[5] See Scott 1998

[6] I basically concur with Dyson-Hudson (1966) and Knighton (2005, 2006, 2007) in treating tribal communities as such, in their own right and practical relevance, alongside with states and other entities.

The Area



Map: Main ethnic groups of Eastern Equatoria. Fukui & Markakis 1994:94

"**SES**" stands here as abbreviation for the eastern part of Eastern Equatoria state, an area bordering Jonglei State to the north, Ethiopia to the east, Kenya and Uganda to the south and the buffer zone between the Toposa and their neighbours to the west.[7]*.

The country is mainly semi-arid, with defined but unreliable rainfall patterns. This unreliability is historically the reason for the development of a strong **culture of animal husbandry**: when the crops fail due to insufficient rains, there is always still pasture somewhere, even if in areas far from the cultivation sites and more permanent settlements, but in any case according to the unpredictable distribution of rain.

The logical answer to such conditions is **(semi-)nomadism**: while the advantages of more permanent settlement are realized wherever possible, the splitting – or in some cases even complete movement – of households is a routine that ensures the optimal exploitation of available resources for the survival and growth of the extended families that form the base of the pastoralist society and economy.

Left: Toposa family on the move, Kapoeta East county, Southern Sudan, 2009. © Immo Eulenberger

Rivers and **water points** are 'natural magnets' for demographic concentration, wide **plains** with lush grass attract the herds after substantial rainfall, while in times of drought it is rather cool **mountain areas** with local reserves of pasture and water where at least parts of a household would migrate to with most of the segments of the family herds, differentiated according to type, sex, age and milk yields of the animals, often as a part of a migratory herding party composed of relatives and neighbours.

[7] Before the administrative reform* this was roughly the Eastern Region or Kapoeta District of Equatoria Province, yet including Budi county, home to the Didìnga and Bóya, also called Narìm or Longarìm; for those groups see e.g. Kronenberg, 1972a, 1972b; Driberg 1922; Fetterman 1992; Molinaro 1935; Dimmendaal 1998; Arensen et al. 1997; Lokonobei & De Jong 1989;

Population

The dominating ethnic group of this area are the **Topòsa**, with approximately 400-600.000[8] members the largest in Eastern Equatoria and one of the most numerous of Southern Sudan.[9] Some of the other ethnic communities are closely related linguistically, culturally and by lifestyle, so their long time allies in the east, the **Nyàngatom**[10] (ca. 30.000), who have a number of permanent settlements around Lotimor, at the northern end of the Elemi triangle, but with most of their tribe living in the adjacent **Nyangatom** woreda of Ethiopia; to the north the **Jíye**[11], a group of up to 35-50.000 to the west of the Boma Plateau, the Kenyan **Turkána** (ca. 600-750.000)*[12], the fiercest rival of the Toposa and the only even larger Ateker group, to the south-east, and in the south-west the **Dodòth**[13] of Uganda (250- 300.000[14]*), whom the Toposa consider, together with the Uganda Jíe, their ancestors.

All these groups are part of the **Ateker cluster** of Eastern Nilotic languages[15]. The term "Ateker" has come to be routinely used* to address a group of closely related peoples living along the common

[8] The recent census (on its difficulties, although not the logistical ones I have been informed on, see e.g. Carter Center 2009) counted 163,997 inhabitants for Kapoeta East county, 103,084 for Kapoeta North, and 79,470 for Kapoeta South (CBS 2009:24), giving a total of 346,551, yet all people I talked to agreed that a large part of the population was never counted, especially those of villages (*ngiaréa*) difficult to access due to their distance from the few and often poor roads and even more of those in the cattle camps, which actually host a high percentage of the total throughout the year, but particularly in the dry periods; therefore my own estimations suggest that at least some 20% were not recorded, which would lead to a total figure of roughly 400.000, taking the non-Toposa (semi-)urban minorities into account. There was, however, abundant critical discussion on the census, but a mere glance at the extremely low figures for Southern population in and around Khartoum are already enough to arouse serious doubts. Therefore the estimation of 700-750.000 given by Gurtong Peace and Media Project (http://www.gurtong.net/Culture/PeoplesProfiles/Toposa/tabid/234/Default.aspx) already before the last census remains within the scope of possibility. As the Lotuko number only about 100.000 (the census gave 99,740 inhabitants for Torit county, which is home to the bulk of the Lotuko and their 16 big villages, yet there are many non-Lotuko here, too) and the Didinga and Boya together roughly the same number (census: 99,199 for Budi county) and all other ethnic groups are clearly below that level, the Toposa are by far the strongest tribe in EES.

[9] With an estimated 8% of the population of Southern Sudan (according to NSCSE/UNICEF 2004 and Young 2006:16), the Toposa rank as number four among its ethnic communities after Dinka (40%), Nuer (20%), and Azande (10%), the next one in the eastern part of EES being the Didinga with 1%. or c.80.000.

[10] See e.g. Tornay 2009a, 2009b, 2001, 1998, 1993, 1981, 1979a,1979b, Bender 1977, Girke 2008; while the 1999 census indicates 17,640 inhabitants of Nyangatom wòreda (SNNPR 2007:8; the non-Nyangatom there roughly balanced by those beyond its boundaries), the most recent estimates I was able to get on the spot in August 2010 were 22-23,000 for the Nyangatom in Ethiopia + 6-8,000 for those in Sudan.

[11] I am not aware of any scientific publication on the Jiye of Sudan so far; I heard about a Dutch research project, but it was apparently given up before it could yield results. The only estimations available are those on websites like Gurtong, Ethnologue and The Joshua Project.

[12] *While 'Turkana elites' claim their number to be about 1 Million, in the 2009 census – interpreted as manipulated for political reasons – they don't reach even 600.000, yet large numbers to the east of Turkana region (among the Samburu and their neighbours) and in the Rift Valley Highlands is omitted from this figure.

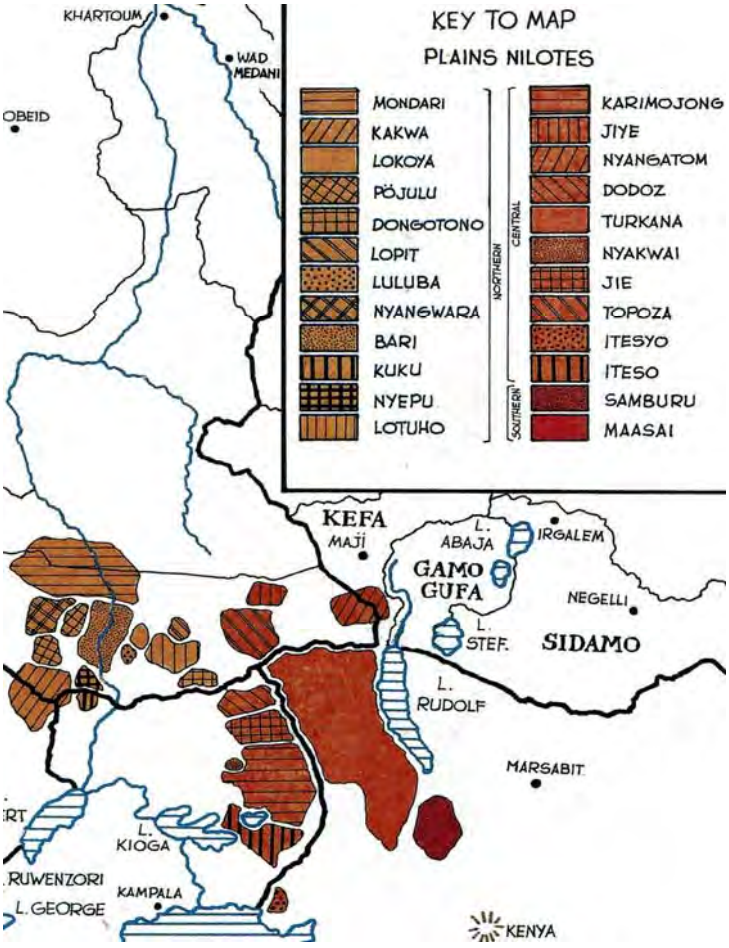
[13] The only monograph on the Dodoth I know is still Elizabeth Marshall Thomas' "Warrior Herdsmen" of 1966, but they are included in numerous publications on Karamoja.

[14] CountryStat Uganda gives a projected estimation of 369,500 for Kaabong district mid 2011 (www.countrystat.org/UGA/), of which more than 300.000 should be Dodoth, the rest, apart from the few immigrants, local minorities like the Ik (Teúso) on the eastern Karamoja Escarpment (c.10.000), Ngangéa-Ngapóre (15,282 Nyangia according to the 2002 census) and Mening (no data) in the western uplands (Karènga, Nyangéa Mountains). The National Census of 2002, however, estimated the total population of Kaabong county (which gained the status as district in 2005) as 379,800 (a ardently disputed and probably indeed exaggerated figure) which would give a population of 540,500 in 2011 on the grounds of the assumed annual growth rate of 4.0%.

[15] For the classification see Sommer & Voßen 1993, Voßen 1983, 1982, 1981, Ehret 1971, Greenberg 1963 (1955), Köhler 1955; for thorough discussions of the cultural group Gulliver 1956, 1952, Gulliver & Gulliver 1953.

borders of Ethiopia, Sudan, Uganda, and Kenya.[16] The earlier history of this context is vast, highly complex, and unfortunately to large extent quite speculative. There is no space to address it here, but plenty of literature can be consulted.[17]*

There are a narrow and a wider definition of the term 'Ateker cluster'. The narrow one refers to the traditionally **pastoralist communities** just mentioned ones plus the Karimojòng and Jìe of Uganda, with all of them speaking different dialects of the same language;[18] the wider one includes also a number of their neighbours who are culturally and historically strongly related to them.



Map Plains Nilotes (Novelli 1988)

This map of Bruno Novelli's "Aspects of Karimojong ethno-sociology" shows the linguistic relations of the "Plains (or Eastern) Nilotes cluster", of which the Ateker group forms the compact ("central") block between Lake Turkana / River Omo and Lake Kyoga.

Much of the empty space between the Toposa, Jiye, and Nyangatom areas on it was well into the 1980ies a shared zone of grazing and cattle camps of them, the Suri (mainly of the Tirma or Tid section) – who had permanent settlements in its northern part - and the Turkana. It has, however, since widely become a part of Toposa land, spotted with permanent settlements of Toposa and Nyangatom migrants of the war period, while the Turkana occupy de facto its south-eastern part, i.e. the bulk of the (here not distinguished) Elemi Triangle.

The Ateker peoples share, in addition to the language, much of the basic features of traditional social structure, cultural institutions, and economic livelihoods (predominantly trans-humance complemented by opportunistic wet season sorghum cultivation), they interrelate and intermarry easily, yet most of them fight each other and less related neighbours over livestock,

[16] In earlier literature they were counted as Nilo-Hamites, mixing up linguistic, racial and cultural criteria; later on the term *Central Paranilotes* came into use (and e.g. Serge Tournay still sticks to it), while most scholars switched (like Lamphear, cf. idem 1993:101) to *Ateker* which addresses the language of the (agro-)pastoralist part of the Teso-Turkana group of Eastern Nilotic languages (Lotuxo-Maa family). I chose Ateker mainly because it has become the most frequently used term in the discourses in the region itself, proliferated especially through the NGO and 'local elite' sector.

[17] See Knighton 2005:35-56; Dimmendaal 2002, 1982; Ehret 2001, 1983, 1981, 1974a, 1974b, 1971; Tornay 2001, 1982, 1981b; Dyson-Hudson 1999; Novelli 1999, 1988; Lamphear 1998, 1993, 1988; Fleming 1983; Voßen 1982, 1981; Mack 1982; Robertshaw 1982; Sobania 1980; Turton 1979a, 1979b; Cerulli 1956; among others.

[18] There is a consensus among all these ethnic groups that the Karimojong are 'the oldest' entity from which all the others splat away at some point. Therefore this group of peoples is sometimes also called "Karimojong Cluster" and their language, following Karimojong practice, *Ngakarimojòng*; *Ngàtekèr* is occasionally used but not yet established as neutral term referring to the common language as shared symbolic system. Although almost any member of the cluster would readily accept that their language "is the same", they actually don't use a common term for it but refer to it in terms of the 'tribal dialects' as *Ngatoposa*, *Ngaturkana*, etc.

pasture, and water, forming part of a belt of persistent pastoralist violence that reaches from Somalia into the central Sahel. But apart from the largely inherited endogenous forms and constellations of conflict, they are situated in a volatile regional context where national and international conflicts heavily impact the local scene, while on the other hand local actions can, as we will see, generate serious regional and even international repercussions, too.

The Toposa

The Topòsa are the inhabitants of vast bush lands with temporary rivers and swamps, plateaus and mountain ranges along the Kenyan and Ethiopian borders of Southern Sudan, roughly occupying the easternmost third of Eastern Equatoria. The cattle wealth of the Toposa is legendary and their martial skills feared by all neighbours. When it rains sufficiently, the women happen to bring in rich harvests of sorghum, but in years when the rains fail, the Toposa pastoralists rely completely on their livestock. In recent years, however, relief food has increasingly become available, both as free aid and as merchandise*.

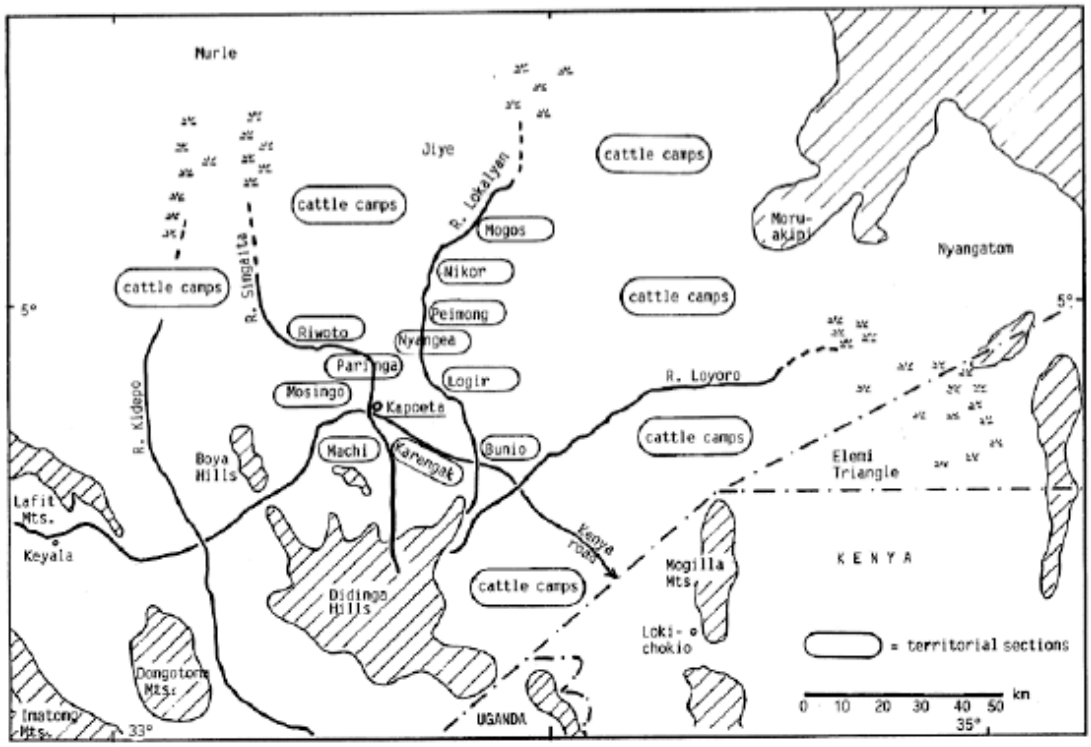
Toposa settlement, Kapoeta East County, 2009 ©I.E.

The Toposa are united by institutions of generation- and age sets, common custom and ritual (*èttal*), including a holy (black) stone, a semi-mythical place of origin (Losólia) to which slaughtered animals and dead persons are oriented, and the strict taboo against inner-'tribal' fighting and homicide (the severest 'allowed' weapon is the stick, *ebèla*). These clear markers of a shared identity do, however, not suspend the far-reaching autonomy of local groups to run their own affairs independently, including to broker, keep, and break their own separate peace with neighbours, sometimes including the settlements of a certain area, sometimes a cohort of related cattle camps. Except for particular markers and details, most of these features apply to the other Ateker groups as well.

When the ancestors of the Toposa migrated into the area, they settled mainly along the twin rivers Thingàita („Western Toposa" / *Ngimosìngo*) and Lokalyán („Eastern Toposa" / *Ngìkor*), absorbing, as common for ethnic groups in this part of the world, elements of other communities in the process.

The Toposa are not a political body in the sense of an ethnic unit taking common decisions or engaging in joint actions, but rather a cluster of 11 territorial groups (*ngikitèla*, sing. *ekitela*) whose individual members frequently cooperate and intermarry and neither raid each other, nor fight other Toposa with lethal weapons. They share a strong sense of common identity and perceive themselves

as we-group in relation to other ethnic groups, yet when it comes to migration, herding activities, or settlement, they usually prefer the company of people of their own *ekitela*.[19]



Map Toposa territorial sections [before the 2nd Sudanese Civil War]

(source: H. Müller-Dempf 1989:43)

This was reflected e.g. by the population movements of the 1980ies. (The 1st Sudanese Civil War had largely spared the area, the 2nd had a deep impact on all groups of the area.) Most of the Western Toposa remained in their original areas, many of them at least temporarily fighting the SPLA, whereas many of the Eastern Toposa groups migrated along their annual dry season routes further east to evade the turmoil, first to the areas on the western slopes of the eastern highlands (Namórpus-Kuròn corridor) or the settlements along river Loyóro where they had already some kraals, but when the fighting came closer, they started moving into the eastern highlands themselves, pushing the Suri-speaking "Koróma" people by force of their newly acquired automatic guns as far as Ethiopia and began to settle permanently in the thereby 'pacified' areas.

The movement to the east was joined by a large group of **Nyangatom** allied to the Toposa and – a decisive factor – to the SPLA, overwhelming other neighbours with the new firepower, and fighting back the powerful Turkana to the south. It brought about a massive shift in tribal boundaries, as I am trying to depict with my map, and profoundly changed the political landscape of the tribal and the modern sphere alike, as we will see further on.[20]

[19] See e.g. Müller-Dempf 1990

[20] Literature on the Toposa is rather scarce, especially compared with the situation for Turkana. The main contributions are of my friend and colleague Harald Müller Dempf (2009, 2008, 2007, 1989, 1988) and his wife Martina (1972); Anon (n.d.) is significant, Beaton (1950) just a minimal sketch; valuable also Collins 1980, (2006), 2004, 1925-1927; some information also in Blake 1997, Lamphear (div.), Pazzaglia 1982; Collins 2006, 2004; Eulenberger, 2009b; Eulenberger & Kamil 2008b; Müller; Müller-Dempf

The Nyangatom

The case of the Nyàngatom draws much of its particularity from their ambiguous national status and their successful strategy to use the cross-border situation, into which both the colonial contests and their own decisions had brought them, for manoeuvres that would open them the advantages and opportunities of *both* sides.[21]

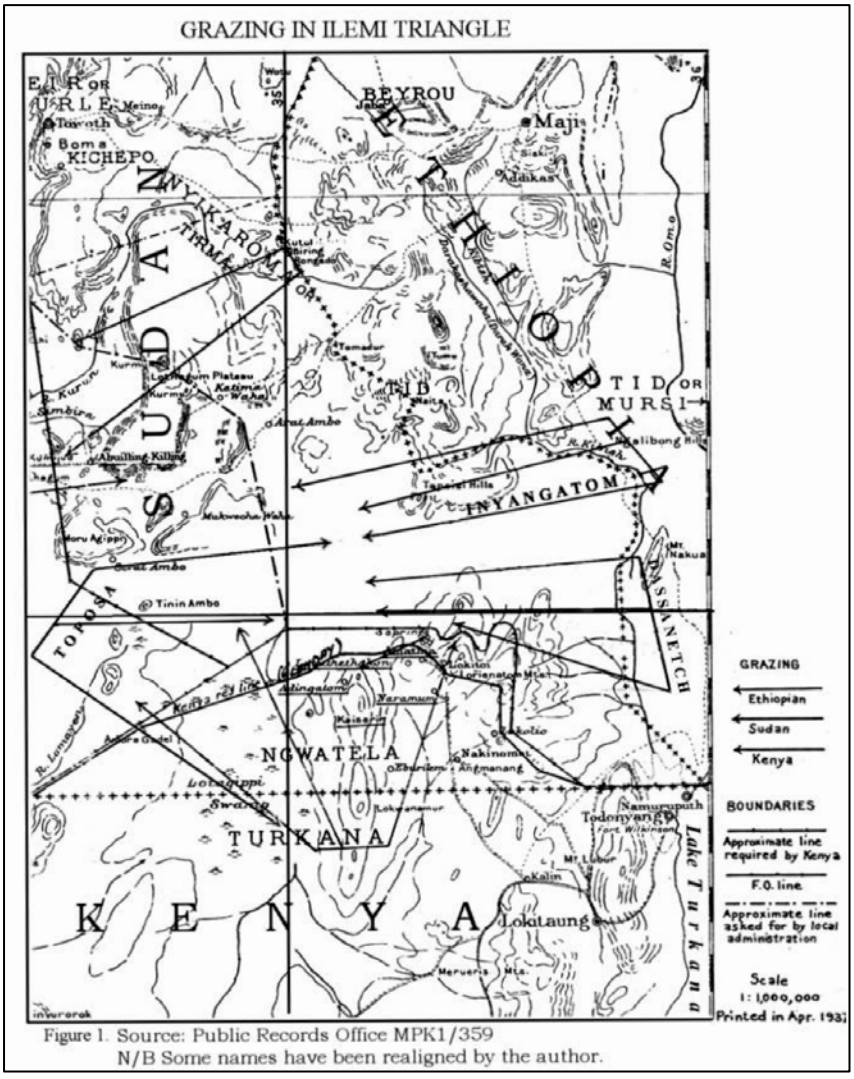


Figure 1. Source: Public Records Office MPK1/359
N/B Some names have been realigned by the author.

Map of communal grazing routes in the Elemi Triangle (1937) [Mburu 2001:19]

Though there are differences in accent and traditional design, the Nyangatom share language and lifestyle of their western Toposa and southern Turkana neighbours, much of their social structure and ritual culture and a long history of interaction with them and the groups of Ethiopia's Maji and South Omo Zone to the east, especially the Surmic speaking Súri (Sùrma or Ateker colloquial: "NgiKoróma")[22] and Mùn (Mùrsi, "NgiKalabong")[23], the Omotic speaking Kára[24] and Hàmar, and the Cushitic speaking Dàssanetch[25] ("Merìlle"). This interaction includes frequent cattle rustling and 'tribal warfare' with high levels of casualties and displacement. While there are periods of peace with all of them, a stable alliance exists only with the Toposa.

[21] See e.g. Tornay 1993

[22] The Suri proper are divided into two main sections: the *Chai* living mainly east of the Upper Kibish and the *Tìrma* (or *Tìd*) nowadays around the west part of its valley. It was the latter group which suffered the eviction from most of their traditional area around Mt. Naita (Suri: Shulugui) and the Kauto Plateau. A closely related group with a very similar language are the *Bále* or *Kachípo* on and around the Boma Plateau in the north-west, often called "Suri" as well. See Abbink 2009, 2007, 2006, 2000, 1996, 1995; Abbink & Unseth 1998; Bender 1977; Cerulli 1956:38-50; Dimmendaal 2002, 1998; Klausberger 1985; Lyth 1947, Moges Yigezu 2002; Rizetto 1941; Tornay 1981b; Unseth 1997b, 1988; Unseth & Abbink 1998.

[23] See Turton 1999, 1994, 1991, 1988, 1979, 1978

[24] See Girke 2011, 2009, 2008, 2007, Matsuda 1994

[25] See Almagor 2002, 1997, 1989, 1983, 1979, 1978a, 1978b, 1972; Carr 1977; Cerulli 1956; Elfmann 2005; Sagawa 2011, 2010a-b, 2009a-d, 2006

The bulk of the Nyangatom, some 22.000[26] out of a total of about 30.000, lives in their traditional homelands of **Nákuá**, famous for rich grasslands along the river of the same name (also called *Kìbish*), and **Nànam** ("the Lake") along the banks of river Ómo to the east, site of remarkably productive flood retreat cultivation. Gradually evicted from most of their traditional grazing lands in the Elemi Triangle west of the Kibish by the British and Kenyan troops in combination with the constant raiding and migration pressure of the Turkana, and following political changes in Ethiopia, almost a third of the tribe migrated into the extreme north-west to **Nàita**, where the mountain of the same name had been "the belly" (see Abbink*) of Suri land.

There is a lot of **mobility** between Nàita, Nákuá and Nànam, due to ties of kin and friendship, economic activities, drought, and conflict. In fact, the Nyangatom do widely act as if they were citizen of both Ethiopia and Sudan, choosing whichever side provides them with better opportunities, be it traditional livelihoods (cultivation and herding) or health care and schools. Although this tendency is to some extent countered by efforts of the governments to formalise their state, that is not only still a very challenging task, but apparently not even so much in the interest of some key players, because this openness keeps considerable advantages for them.

Mobility, Territoriality and Conflict

For the population of the region concerned here, **mobility** is a central feature of their world. Traditionally the people of the area entertain a semi-nomadic lifestyle as part of age-old* adaptations to their environment.[27]* Their economy relies largely on 'mobile, living resources': cattle, shoats and donkeys[28], as 'primary resources', so to say. The annual migrations in search for the adequate pasture and watering, 'secondary resources' in this sense, on which the large herds depend, depend, on their side, on the hazards of the unpredictable climate. Sometimes they have to be driven hundreds of kilometres away from their owners' base areas to secure survival and social existence, even into areas where hostile groups put loss of life to drought against loss of life to fight.

Territoriality and resources

In this raw picture – people moving with herds in search for localized resources and getting into problems with others maintaining conflicting claims on them – we can already recognize mobility as substantially related with (a) the complementary notion of **territoriality** (usage of spaces) and (b) the implicated reference to **resources** as assets of interest attached to the concerned spaces.

Even in the **earliest forms of human economy**, hunting and gathering, this relation is evident[29] and there is a sad range of examples that shows what can happen to foraging populations when they are deprived of the right to mobility and thereby of access to their traditional resource bases.

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[26] According to the last Ethiopian census of 2007 & corrected (interestingly downwards) by the comments of the local administration

[27] Conform with a large number of publications, among them for the concerned area (yet not specifically on Toposa or Jiye) see e.g. Gulliver 1975, 1969, 1966, 1951; Little (ed.) 1999; Little et al. 2001; McCabe 2004, 1994b, 1990b; Fratkin, Galvin & Roth (eds.) 1994; Galaty & Bonte (eds.) 1991; Johnson 1989, 1991a; Johnson & Anderson 1988; Tornay 1981; Abbink 1995; Turton 1991, 1988, 1978; Carr 1977; Almagor 1978a; Odegi-Awuondo1990; for the Sudan e.g. Evans-Pritchard 1940a&b; Lienhardt 1958 or the "common views" of authors contributing to Abdel Ghaffar Ahmed & Abdel Ati 1996 (cf. ibid. p.7, Manger in ibid.:10).

[28] Some camels have been brought into the area through raids on their southern neighbours, the Turkana, yet without establishing them as common part of the livestock economy, although they (would) do very well in many places, as exemplified by the very strong and healthy herd of the only local owner roaming freely in the Nanyangacór valley of Kapoeta East county.

[29] See e.g. Bahuchet 1992, Barnard 1992a, 1992b; the discussion if contemporary foragers can be seen as

The notion of lacking territoriality is as incorrect for foragers as it is for **pastoral nomads**. While in both cases clear-cut boundaries of territory are often missing, there are notions of belonging and ownership of certain key resources, such as waterholes, clusters of nutritive plants and stretches of land, although claims on them can well be multiple and disputed.[30]*

Although the meaning of "territoriality" is thoroughly disputed* and cannot fully discussed here, I would like to touch on it briefly. In "Borders, Border Regions and Territoriality", Anderson & O'Dowd (1999) quote Sack's (1986) 'classical' text for a definition with:

"*Territoriality is a `spatial strategy to affect, influence, or control resources and people, by controlling area'. It is a form of enforcement that uses area to classify and assign things', and it works by controlling access into and out of specified areas (SACK, 1986, pp. 21-34)*."

Yet reading Sack himself relativises this rather aggression-centred stance:

"*Territoriality need not to be defended area, if by that is meant that the area itself is the object of defence, and that the defender(s) must be within the territory defended. [...] Territoriality is a strategy to establish different degrees of access to people, things, and relationships*." (ibid., 19f.)

Foragers (see citations above) and peripatetic groups[31] rarely use "enforcement" and do not usually attempt to *control* 'resources and people, by controlling area' or 'access into and out of specified areas'. And yet I would insist that they practice forms of territoriality in the sense that they adhere to specific patterns of spatial behaviour that serve their interests regarding access to key resources of their respective economies, among others.

The notion of control is often problematic for nomadic* pastoralists as well. While there is a considerably degree of 'defensive territorial aggression' in the case of all groups concerned here, vast stretches of the most important pasture areas are not at all "controlled" and actually open to anyone who likes to graze his animals there, only that at a coincidental encounter it would be upon the communication between him / his group and the other one, maybe with 'customary claims' to come to an agreement or not. That, however, would be the case as well for *two* groups with such claims meeting each other – like the communities under discussion here – or with two groups without any.

Likewise, the notion of "control of people by controlling area" is rather difficult to apply here. There is – as in any society – definitely a considerable degree of social control of individual behaviour in Ateker communities. Yet it works rather through the generalised consensus on norms and the both collective and divine authority of elders than through 'controlling area'.[32]

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representing such "early forms", in which Barnard is clearly taking a "yes"-stance, can not be referred to here, but I am basically o.k. with the complexity and sophistication of his argumentation; regarding controversy on "Hunter-Gatherer *Territoriality*" see Günther 1981, Barnard 1992b, Cashdan et al. 1983; Heinz 1972.

[30] See Barnard 1992b,*

[31] like e.g. a number of ‚Gypsy' groups between Central Asia and the British Islands, Northern Africa and South America, a special research focus at my home university of Leipzig under B.Streck; see e.g. Fabian Jacobs & Johannes Ries (eds.) 2008, *Roma- Zigeunerkulturen in neuen Perspektiven = Romani Gypsy cultures in new perspectives*. Leipzig: Leipziger Universitätsverlag; Stefan Leder & Bernhard Streck (eds.) 2005, *Shifts and drifts in nomad-sedentary relations*, Wiesbaden: L. Reichert; or else e.g. Berland & Rao (eds.) 2004, *Customary strangers: new perspectives on peripatetic peoples in the Middle East, Africa, and Asia*, Westport: Praeger; Aparna Rao (ed.) 1987, *The Other nomads: peripatetic minorities in cross-cultural perspective*, Köln: Böhlau; some articles in Streck (ed.) 2004, *Segmentation und Komplementarität: organisatorische, ökonomische und kulturelle Aspekte der Interaktion von Nomaden und Sesshaften*, Halle / Saale: Orientwissenschaftliches Zentrum der Martin-Luther-Universität; K. Franz (ed.) 2007, *Verwaltete Nomaden. Mobile Viehzüchter und Dienstleister zwischen Autonomie und staatlicher Anbindung*, Halle: OWZ Mitteilungen des SFB „Differenz und Integration" 12; in Rao & Casimir (eds.) 2003, *Nomadism in South Asia*, New Delhi: Oxford U.P. and in Casimir & Rao (eds.) 1992.

[32] This point is especially stressed in Knighton 2007, 2006; in a more general fashion also in Dyson-Hudson 1966.

A member of an Ateker community is basically free to move (with or without his animals) wherever he pleases – if it is not exactly one of the small 'private' gardens or the homestead of an objecting person. The bulk of the territories commonly associated with one or the other 'tribe' is actually 'ownerless' or 'public' grazing land. No one is supposed to refuse access to another member of the same ethnic community, and if he belongs to a different one it is again a matter of interaction that can lead both to amicable agreement or serious fighting.

Although there are notions of 'belonging' of or 'legitimate rights' to areas in traditional Ateker society, there is also acute awareness of the ambiguity of claims and the need of flexibility that can force a group to go even to the one with which there had just recently been the most brutal fighting and killing, but with which one would better come to a peaceful agreement on the shared usage of vital but momentarily scarce resources – a scenario easily to be found elsewhere in pastoralist North-east Africa and beyond.[33]

The territorial pattern of most Ateker groups and many of their pastoralist neighbours therefore distinguishes traditionally between a home area with a concentration of permanent homesteads (sing. *eré*, pl. *ngiereà*)[34], and the vast rest of the lands towards the home areas of other groups, a zone seen and treated as 'open space' for grazing. It is only the danger of 'enemy attacks' that constrains the usage of this space. Although that might 'close' important areas for the thoughtful herder, it is never a total obstacle. Joint armed grazing on high alert is a frequent option for accessing 'dangerous places' even in direct vicinity to 'enemy settlements'. It is a matter of military potential and risk-aware decision making *where* one would move in the eternal pursuit of welfare for ones stock. Yet that is not to mean that there is no sense of 'boundedness' and boundaries whatsoever. To grasp this complex reality a bit better, it is necessary to discuss the 'mobility' of those notions.

Movement of spatial boundaries

In "tribal areas", i.e. territories predominantly used by groups organized along ethnic and kinship lines and far-reaching self-'administration' who would display a certain sense of 'ownership', we would find that the **shifts and drifts of "tribal territories"** were mostly rather gradual and processual. Those territories can be basically understood as different categories of spaces routinely used by a certain group over a considerable period, i.e. including and beyond the annual routines of movement. The group maintains certain, although not always absolute, claims of exclusivity and control on those spaces and is ideally able to defend them. The 'core zone' is usually enclosed by a 'boundary zone', a buffer zone of often hardly coherent or stable definition that is itself mobile in a sense: it shrinks and expands according to the situation.[35]

In most cases there is a certain **balance of power** between neighbouring groups. This power can, in its in regard to spatial, political and economic communal practice most important sense, be understood *as the effective capacity of accessing specific resources even against the active interests of relevant competitors* and, to differing degrees, *to obstruct others from accessing them*. Yet it does not necessarily rely on the sheer military potential of a group. Its *social capital* might bring in the (threat of a) much larger fighting force of an ally and thereby protect even small groups successfully

[33] Even Igor Kopytoff's account on "African frontiers", predominantly drawing on different types of environments, conforms in key aspects with this principle.

[34] as for the Toposa along the Thingaita (western or Mozìngo moiety) and Lokalyán (eastern or NgiKòr moiety) plus nowadays along the Loyóro and around the Kauto plateau, or for the Nyangatom along the rivers Kibish (Nákuá) and Omo (Nànam), plus nowadays around Lotímor and Mt.Naita

[35] See also e.g. Schlee 2010, 1989, etc.

against strong neighbours.[36] *Symbolic capital* in different forms and from different sources might play a substantial role, as in notions of immunity, holiness or magical power.[37]

An *imbalance*, in this broadened sense of the term, would at a certain point lead to a **re-adjustment of boundaries**. Yet in the socio-cultural environment I am trying to describe here, this would in most cases not happen as the sudden, massive, landslide-like conquests we are so familiar with from the world of empires and states. We would rather at first be seeing a strong group peacefully using certain resources together with a population with a longer history of usage in the area, yet less coercive potential. After some time, a flare-up of violent conflicts between the communities might occur. This would often not be *directly* related to the problem of resource use, but spring up around norm trespassing incidents, setting aflame the emotions of an increasing body of antagonists*, and, fuelled by hardened attitudes, lead into full scale escalation. Yet it would often still carry that *notion* to some degree.[38]

And then at some point we would, as a result of a series of development and events, see the withdrawal of the weaker group, leaving a good amount of the concerned territorialized resources 'behind' in a zone that has become 'lost' because of the threat of unmanageable conflict – to be used by the stronger one, although this one might not (yet) settle there, as resources are anyway used rather periodically and opportunistically. For some time there might be hope on the side of the losers that they would be able to 'change the luck' and recover the losses. Sometimes this hope might even be true, if the power imbalance changes to their benefit. Yet often it would rather persist or even increase, sometimes with factions of the defeated defecting, emigrating or joining the winners.[39] This scheme can not only be observed for the documented recent cases[40], but actually for pretty much all the groups represented for some point in their 'migrational' history.[41]

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[36] See e.g. Girke on Kára-Hàmar relations, Matsuda (1994) and Turton (2002, 1982) on the Koégu / Mugùji, or the Toposa-Nyangatom alliance.

[37] This seems to be partly the case for the relations of the Nyangatom to the much smaller Kara, their eastern neighbours on the Omo knee (observations of my colleague Felix Girke* which I could confirm with my own interviews), or according to accounts of the Toposa on the 'Jiye frontier' between the northern Kauto Plateau and the vast uninhabited semi desert plains towards Lafòn and the 'Lowland (or Pibor) Murle', where the respective numerically much weaker, but reputedly fierce groups are held in a reputation of being successfully protected by such immaterial forces.

[38] At times the violence can come like a lightning from cloudless sky, as in the case of the devastating sudden massacre of Nyangatom families that had peacefully settled among the Kara following a time of disaster that made them seek refuge among Kara bond friends, by their trusted hosts and neighbours, now killing hundreds of them, from the baby to the grandmother, with spears, clubs, machetes, stones… However, it was later admitted that the mood of the 'host communities' had already 'gone sour' about the visitors that apparently didn't want to leave anymore. This case was documented by my colleague Felix Girke (2008) and confirmed to me in interviews with Nyangatom in Ethiopia in 2010, especially those from the Ngarìch section, i.e. the Omo Murle from around Aepa who became part of the Nyangatom political and cultural body. Their precarious position between more powerful neighbours supposedly contributed both to this fusion and to their continued victimisation by the Kára.

[39] For the striking examples of Turkana ethno-genesis see Lamphear 1988, 1993, for their eastern neighbours Schlee 1989; for the theoretical framework see Schlee 2008

[40] of the loss of territory (or pasture and water) by the Nyangatom to the Turkana, by the Suri to the Toposa and Nyangatom, or by the Jiye to the Toposa in the area discussed here; it partly explains the ferocity of fighting between the groups – deterring power and violence are crucial means to keep rivals in check – and thereby one's own basic means of existence.

[41] A detailed study of this type of population movement was given by Turton (2005, 1999, 1994, 1991, 1988, 1979) for some groups to the east and, to a lesser degree, by Tornay (2009, 2001, 1993, 1979) for the Nyangatom and their neighbours. They resonate with the above cited case of the Kara massacre on their Nyangatom 'guests' as induced most of all by the concern of the less numerous Kara (ca. 1.500*) that the sense of ownership of the concerned jointly used lands as 'Kara areas' might become 'dangerously' blurred and thereby open the door to eventual claims of Nyangatom on the grounds of 'customary usage rights' as 'another' step in a process of the Kara

Flows of resources, people and relations

If we follow a plausible systematic argument that even the notion of **property**, which rather points in direction of "absolute control" (Scott 1988:35) and exclusiveness, i.e. the right to exclude others, has actually to be taken as "**a system of relationships**" (ibd.)[42], as a contestable arrangement between social actors, we come closer to what territory and attitudes towards resources mean in both, and more explicitly, a pastoral world and, more implicitly, in the realm of social and political activity in general. Migration, human mobility and group conflict are key elements of this **dynamism**, not only in cases of victims of superior powers who forfeit access to traditionally used resources and have to find alternatives as migrants and refugees, but also in the shape of labourers and administrators, merchants and businessmen, missionaries, development workers and other agents of expanding dominant systems who create niches of resource exploitation as entry points for the organisms they represent. Their immigration introduces a different type of change. They do not necessarily alter territorial boundaries of tribal domains, but bring in a whole complex set of relationships that starts tying the 'indigenous populations' to a huge and labyrinthine world of which they so far had rather only vague ideas, thus initiating a process whose likely consequences they are usually incapable to apprehend. The whole situation gets into a flow which enters local society like a steady rain, an invasion of innumerable new species that start forming a new type of environment. Yet although some of these species are of the biological type, the most significant are social, professional, political and technological.

The area concerned here was until recently, i.e. the 1980ies, by and large cut off from the processes of change that shaped, to differing degrees, other parts of Sudan and the neighbouring countries. While the northern part of the Sudanese Nile Valley had been part of complex stratified societies tightly integrated into a trans-continental system of state politics and commerce for thousands of years and the areas east and west of it as well actively part of its different forms of migration and resource flow, the acephalous societies to the south kept jealously an independence that was based on predominant economic **autarchy**, limited exchange and aggressive pursuit of territorial sovereignty which would, as in the examples cited above, not allow for 'outsiders' to exploit and control resources within its realm.

Since the Second Sudanese Civil War, later than many other areas of the South, SES witnesses not only vast population movements, but also a massive **influx of ethnically diverse migrants** into the area, with a (predominantly Bor) Dinka community as the most numerous and influential (a case I have described in more detail elsewhere), but also people from a wide range of other groups of EES (esp. Didinga and Lotuko), as well as Kenyans (esp. Turkana, Kikuyu and Somali) in large numbers, Ugandans and Euro-American expats, the latter most of all working in the increasing numbers of NGOs that dominate the development scene of the area, of which I had been part myself for about two years. While all this goes, in its roots, back to the colonial period where the locals were brought to accept the reality of 'alien' settlement and activity in their 'tribal lands' by convincing demonstrations of both military superiority and social compatibility (in the sense that the activities and requirements of the colonial regime would, by and large, not be harmful to the locals and their interests), the process has since changed in quantity and, subsequently, in quality.

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losing gradually control over them. Turton describes a similar case for the Mursi-Bodi relations, however, in spite of higher numerical similarity, with Bodi starting to fight the 'peacefully encroaching' Mursi, yet unable to match them militarily, seeing indeed the former hosts losing grip over 'their' border areas to the Mursi.

[42] See also Benda-Beckmann, Benda-Beckmann & Wiber 2006, Benda-Beckmann & Benda-Beckmann 2005*

The control of rural communities over the traditional key assets pasture and water remained relatively unchallenged. This can be seen as a key for understanding the relative facile acceptance of the ongoing changes. The altered character of their social makeup, especially the emergence of a (to differing degrees) 'acculturated' stratum of traders, brokers, intermediaries of different kind*, and an 'educated elite' has, however, also gradually produced a **new interest in other resources**, such as 'services', aid and consumer goods, bat also business stakes, posts, salaries, 'aid & development money', regional and national political 'capital', thereby creating an arena of competition of what was formerly rather a niche for qualified outsiders and another one in which westernised 'sons of the soil' would enter a new and volatile field of political struggle – with far reaching consequences.

As a part of this process of integration into wider political and economic contexts, **flows of material and goods, monetary capital and population** have increasingly passed, targeted and affected the area. While 'under the Khartoum government' efforts were widely confined to the maintenance of the colonial administration structure with Kapoeta as only significant centre, and thereby also maintaining a 'stability of indifference' in the relations with the local populations, the strategic interest of the SPLA and its international supporters in the area has, on the one hand, led to the build-up of a considerable 'modern' infrastructure and, on the other, made it an important **transit zone**. During the war it was a main hub not only for **supply** of both guerrilla fighters and civilians 'behind the front line' from Kenya, bringing about facilities still in use and now fuelling the continuing development process, but also for **refugees**, mostly on their way to Kenya where, in the giant camp of Kákuma* and many other places, hundreds of thousands of Sudanese spent long years, and where, especially but not only in Turkana district, uncounted children and youths from Sudan were getting their primary and secondary education – a trend that is now 'reversing' with this young generation coming back and Christian organizations with many Kenyan teachers, again especially from Turkana, covering a lot of the increasing demand for 'modern skills' in the region.

Those movements and developments initiated during the 2nd Civil War brought a degree of **change** to the region that exceeds even the one caused by the colonial era by far. While a pervasive modernization process is going on, patterns of violent conflict continue to follow tribal lines.

'Modernizing' Toposa youth, Kapoeta, 2008

A predominantly pastoralist tribal population continues to engage passionately in livestock **raiding** and related violence, usually confirming the patterns of enmity, rivalry and alliance of the pre-war period, but, according to persistent reports[43]*, increasingly mixed up with local politics and new business interests.

In 2009, to turn to a recent example I came to witness closely, personal changes in the local administration and conflicts within tribal elites coincided with a frightening increase of **cross-border**

[43] See e.g. Schomerus 2008, Schomerus & Allen 2010; Mc Evoy & Murray 2008; Mc Evoy & LeBrun 2010*

conflict, massive raiding, roadside ambushes and border confrontations seriously affecting the vital flow of goods and people on the only artery connecting the Southern Sudan with its key supply base Kenya. This led into a spiral of escalation and inter-governmental irritations that saw numerous Southern Sudanese delegations meeting their excited Kenyan counterparts in order to contain a crisis over massive attacks on Kenyan citizens, state personnel and even travelling ministers that was to become the most serious the two bodies of actual war allies had ever seen. It had unfolded over local notions of 'ownership' of a water- and border-point used by Toposa and SPLA, but seemingly de jure within Kenyan territory.[44] It was intriguing and frightening to see how, according to widespread discourses, actors on a relatively low level of the regional power field could stir up international turmoil by teaming up with warlike tribesmen and unruly soldiers in a scenario that unveiled its actual sensitivity only in the course of events and that even the highest levels of the involved governments had difficulties to contain.[45]

The Nàdapal border crisis of 2009

The local background, the border region around Narus, Nadapal and Lokichoggio, evokes woodcut-like the mixture of features, both ancient and modern, we are currently facing: while key resources of the transhumance system remain disputed objects of a persistently forceful, violent and dynamic tribal demography, new elements like the momentous presence of (at least partly) 'modern' armed forces mainly composed of non-locals, the emergence of motorised transport and semi-urban centres along road corridors, so far unseen concentrations of attractive resources, massive influx of population, deep impacts 'aid', economic, administrative, educational and / or developmental interaction on the local societies, new patterns of social mobility and socio-political alliances arising from these interactions and the full mental and political integration of Western style educated community members, etc.

Due to previous work, I was in the fortunate, yet somewhat tricky position of becoming the assigned reporter of a top-level emergency meeting[46] initiated by the two highest ranking officials of Toposa and Turkana origin, resp., i.e. H.E. Brig. Gen. Louis Lobòng (SPLA), now acting governor of EES and by the chairman of the Southern Sudan Peace Commission, and John Munyès (PNU), GoK Minister for Labour and M.P. for Turkana North District;[47] on the side of the civil society, the initiative was with Dr. Darlington Akabwai, one of the most senior peace activists the region and, by the way, currently the only 'native scholar' of international rank of the Ateker region (see bibliography).

On the following pages I will extensively, but not continuously use the text of my report on this meeting in order to present the Nadapal Crisis of 2009 in more detail.

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[44] This notion is hotly disputed, as no border demarcation has ever been undertaken and 'material interests' are as much at stake as 'collective pride'; yet the wadded but firm insistence of the Kenyan Government in concert with the rather conciliatory attitude of GoSS appears to hint at the correctness of this presumption.

[45] Many voices on the Southern Sudanese side started to see 'the hand of Khartoum' in the issue, yet apart from the harm the events* undoubtedly caused to the interests of GoSS and the SPLA/M, not least by the unfortunate damages its image suffered by the behaviour of some of its local representatives, no evidence was ever produced in this regard. In spite of persistent rumours about the clandestine cooption 'by the enemy' of some few questionable individuals on the local scene who were continuously arousing popular indignation, resentment and anger in the local society, explanations that would remain within the rationality of that *local* political economy would also suffice in terms of plausibility. The possibility of GoS involvement can, however, of course not be absolutely excluded.

[46] See Eulenberger 2009b

[47] Which by the time of his election still included the divisions Lokichòggio, Oropòi, and Kàkuma which play a key role in the conflicts under discussion here; they have since been promoted to become Turkana West District.

In the second half of 2009, the situation along the common border of Kenya and Sudan, an area mainly inhabited by pastoralist members of Turkana and Toposa communities, deteriorated into a full fledged crisis. Cattle raids, not uncommon in the region, increased so much in number, frequency and intensity that they caused extraordinary losses and extensive displacements among the sorely afflicted local population, calling the attention not only of the responsible authorities on the spot, but even of the national governments and the wider public.

This was additionally triggered by anomalous elements that marked the development of the scenario: Alleged repeated involvement of regular forces in raiding incidents; Lethal roadside attacks from vehicles on pastoralists; Assassination of traditional leaders and peacemakers of regional importance[48]; Road ambushes on government and NGO convoys[49]; Harassment and intimidation of national ministers by regular soldiers[50]; Irritations up to top government levels; Repeated emergency meetings of national leadership on the crisis; Rising attention on and tension over issues of the common border; Profound changes in the spatial infrastructure of the border; Cataclysmic rumors about an imminent Kenyan / Turkana invasion on Sudanese / Toposa soil; Cataclysmic rumors about systematic incitement of Toposa against Kenya / Turkana; Persistent rumors about armament of Toposa raiders for the ongoing wave of raids; High-pitched rumors about the cooption of top Kenyan / Turkana leaders by Khartoum government, followed by public statements of top national government officials contradicting the accusations; Continuous heavy attacks on security personnel since the start of the construction process of the Kenyan immigration facilities at Nadapal…

This chain of events was widely interpreted as result of political processes on the Sudanese side. It was eye-catching that the number of Toposa raids had significantly increased after the replacement of the old commissioner of Kapoeta East (2009 renamed into "Nabeyoìt") county by a new man. While the previous one had well working connections to the leading actors on the Kenyan side and a series of prominent peace meetings was conducted, all that stopped now, while the Turkana were getting increasingly anxious about the rising aggressiveness of Toposa warriors and the apparently unlimited amount of ammunition at their disposal.

Although they are sufficiently armed with assault rifles, ammunition is a key constraint for the Turkana. In spite of some obscurity, it is sufficiently clear that they receive a good part through

[48] A case explained further below.

[49] The ambush struck at convoy of vehicles of the local Lokichoggio peace building NGO APEDI with its Chairman Alex Losikìria, officers of local police forces and members of the local government that had reportedly come from Loki town clarification and assistance on information of a massive assault of (presumably Toposa) gunmen that had left an unknown number of pastoralists dead or wounded near the important water point of Lochòr–Àkope between Loki and Nadapal, where they had driven their animals in pursuit of (with the concurrent drought constantly decreasing) watering opportunities. On return from that mission, at 12.00 noon, APEDI's vehicle came under gunfire from close ranges. APEDI's driver and an AP officer died, two, councillor Kuya of Lokichòggio and a KPR, were seriously, others to a lesser extent injured. Some witnesses state to have seen SPLA soldiers participating in the ambush, but that could as well be part of the local folklore that is raised to make things more serious or Toposa wearing military gear, something they sometimes like to do, although rarely fully. In regard to these occasional reports one is drawn to remember many other cases of ill discipline of SPLA and other fighters. Although Lochòr–Àkope is notoriously prone to attacks of pastoralists on pastoralists and some highwaymen have established raids on insufficiently protected civilian vehicles as a semi-constant business, this type of scenario was a rather unusual one. After that, another tacit agreement was broken: a mob attacked a Southern Sudanese office within Loki town, devastating it and beating up whom they could get. For a place which is an institution for the people from across – who make up about half of its customers – that was for many reasons a very tricky scenario.

[50] Involving John Munyés and GoK Minister of Lands, Hon. Orengo, who were stopped at gunpoint by SPLA soldiers at approaching *Nàdapal*, the incident made it, as one among few others concerning this region, into the headlines of national news and the debates of national parliaments; on this and the following points see the articles touching on the different components of the Nadapal Crisis gathered in the Appendix to the report.

different channels from government sources[51] - quite a problem in such a situation. What happened from July to September 2009 was that the Toposa raids came with such relentless vigour that the Turkana, normally very able defenders, were unable to resupply themselves with sufficient speed and incurred major losses because they just ran out of ammunition.

Mogila range is a jewel of dry season pasture, a hot spot for raiders, and graveyard for thousands of souls.

Above right: Turkana cattle and Mogila Mountains, Nadapal–Loki road, 04/09/09, the day of the worst raid; photograph taken on my way back from months 'in the field'; left: 'Toposa G3', Kapoeta East, 2009

The change in personnel of the administration of the county that covers the entire EES border with Kenya and Ethiopia was held responsible for the deterioration among both Kenyan and Sudanese observers (see the interviews in the report). The background story often given to that was a power contest around the question of governorship in the state. Brig. Gen. Aloysius Ojètuk, an ethnic Lotuko who had gained considerable merits as regional SPLA commander in Equatoria during the war, was rivalled in his ambition for this post by the most prominent Toposa politician, Brig. Gen. Louis Lobòng, who had stepped back from his claim in 2005 only under strong conditions like the transfer of the state capital from the Lotuko 'metropolis' Torìt to the Toposa centre Kapoéta and with the prospect of a soon changing of the guard. It became, however, obvious that Governor Ojètuk, in spite of becoming quite divisive, was not exactly keen to surrender when the time came. Exchanging two of the three Toposa county commissioners loyal to Lobòng with his own choices was seen as move to strengthen his position in the eve of the coming elections.

The 'new guys' had few time to build up support in the constituencies. And one of the oldest strategies to gain popularity and get backing is playing the protagonist of a common cause in an emotionally charged conflict with an external enemy. This was at least the interpretation predominantly read into the change of mood and attitude at the border; a change that sat in motion exactly the wheel of escalation needed to that end. With Kenyans hurrying the rapid improvement of security structures as response to the rising tide of violence, the wrath of the Toposa who saw themselves evicted from Nàdapal / Mogila 'for the second time', was very instrumental.

From 2nd of August to 7th of September when five national ministers from Kenya and three of the GoSS came to an emergency meeting to Loki and Nàdapal, Toposa had launched 15 registered attacks in the area, partly at several spots simultaneously and at times with more than 500 fighters, taking in total a reported 4597 heads of cattle (of those over 3500 in one single raid), 950 shoats, 78 camels, 25 donkeys, leaving many people dead or wounded, including among their own. In the same

[51] See Bevan 2008, the most thoroughly researched report on this topic; others discussing of SALW trafficking in this region are Mc Evoy & LeBrun 2010; Matthysen, Finardi et al. 2010; Lewis 2009; Mc Evoy & Murray 2008; Kamenju, Singo & Wairagu 2003; Mburu 2002.

period, the Turkana staged apparently only two raids, interestingly exactly the day the convoy was ambushed and again just when "the government" was holding the Nadapal meeting.

Although agreement was easily reached on the top level discussions here and in the numerous other 'emergency meetings' in Nairobi, the violence at the border continued to rage unabated. The Toposa attacked again on September 8, 10, 13, 14, 15, 20, 21, 29, October 13 and 21 (twice), where my record ends, the Turkana on September 25 and 28. Yet the apparent decrease in October is probably explained by 'shifting attention', as now massive attacks were launched against the Kenyan security forces which had been moved to Nàdapal early that month to guard the erection of Kenyan border facilities. While officials denied reports about terrifying numbers of them dying in Toposa fire (many more than anywhere officially stated), the seriousness of the situation was admitted.[52] Interesting were also some comments posted in the Sudan Tribune:

18.10. 05:06 by Time1 "I agree with the Kenyan ministry of interior that this is a fabricated news in order to stare up conflict between south Sudan and Kenya, but we and Kenyan have close ties that cannot be broken by lies in media. Skye wheeler in Juba should be questioned by the spla security and also by spokes man as to why she quoted him kuol deim in Reuters as being the sources of this information that has now been denied by tht Kenyan side, because Skye wheeler is playing with fire trying to make Kuol deim look like a lair in the eyes of the world. you see this is how most conflict is created through spreading rumours in media."; 07:16 by junub: What the heck is going on with Sudan-Kenya border. Who said Nadapal is our border with Kenya? It was between Ladwar and Lokichokio in 60s, Lokichokio and Keybase in 90s, and now it moved further to Sudan between Keybase and Narus, what the heck is wrong with this border? Who is this person moves the border everytime in Kenya?; 09:30, by Dinkamoi [apparently well conversant with the area]*: Junub I agree with you that it was a huge mistake for Deng Alor, Ayai Deng, Governor Ojetuk and other Sudanese delegations to Nairobi recently 3 months ago. They had a meeting whereby the Kenyan Government wanted to establish a border post at Nakodok, a river just next to Narus but then they were told to establish a temporary post at Nadapal. GOSS is trading with Eastern Equatoria Land for neighborhood. According to recent interview conducted by KTN and Kenyan Foreign Affairs Moses Watangula, he said that Nadapal is a Kenyan territory and the SPLA were using it during the war to hide and now they want the Southern Sudanese to move and even Munyes (Turkana MP) during a rally in Loki, told his Turkana men to use force to chase the Sudanese authorities in Nadapal. I have credible information regarding the meeting attended by the above mentioned officials discussing about the border and they sign documents for the Kenyan to establish a temporary border post in Nadapal opposit to GOSS Nadapal checkpoint. I would like to inform GOSS that if they are trying to trade off with Southern land, then their policy will fail because the people of Eastern Equatoria will and shall fight both the Kenyan and the Ugandan and if GOSS tries to support Kenya or Uganda, then the people will rise against them and they know damn right what the TOPOSA and the rest of people in Eastern Equatoria can do just remember during the war, what happened when any body want to use force against the people of Eastern Equatoria State? President Kiir should protect the borderline of Southern Sudan right from 1956 otherwise, it will be a double standard when Kiir is fighting for the demarcation of Abyei borders while dishing away our land in order to please the Kenyan or Ugandan."*

[52] See the articles in The Nation ("Tension mounts at Kenya-Sudan border") and Reuters ("UPDATE 1-Tribesmen kill 16 Kenyan soldiers -South Sudan army") on Oct.17; while the spokesman for south Sudan's army, Kuol Deim Kuol, was quoted "*the Toposa have killed 16 Kenyans ... including the commanding officer*", the Kenyan denial came immediately, see also The Nation ("Kenya steps up security at Sudan border") and the Sudan Tribune ("Kenya denies killing of 16 troops by Sudanese tribesmen") on Oct.18. In a reaction to this situation, the GoSS Minister for Internal Affairs Gier Chuang Aluong "admitted that Toposa are heavily armed and outside control of Southern Sudan's government. "We are really not governing the Toposa," said the minister, adding SPLM is not arming the Toposa. He also said the Toposa have been made to believe their land is being taken away by Kenya Government." (The Standard, 28/10/2009)

In their 2010 report, Mareike Schomerus and Tim Allen provide another "Toposa view" of the same situation. What stands out is the 'perception' that "the Kenyans have come to take our land", a key point being the qualification of Nadapal and surroundings as "our land". (Ibid:45)

A divide in approaches between the GoSS in Juba and locals of the border region of its Eastern Equatoria State became evident not only during meetings and talks, but in the whole course of events. It appeared that the modern Toposa elite was widely upset about an agreement between GoSS and GoK to have the Kenyans moving their border facilities, based on the assumption that this would not only get them indeed closer to the 'actual legal border', but also tackling the rampant insecurity of the whole infamous 'no-man's land' that too often had become a death trap not only for pastoralists, but also for countless people on transit on the tricky murram road through the thick thorn bush at the feet of the Mogila Mountains.

Toposa spectators and GoSS Minister for Internal Affairs, Gier Chuang Aluong, at the Nadapal inter-governmental meeting on 7th Sept. 2009

But the excitement among the 'rural' Toposa was supposedly not just about the danger of losing the relative safety of access to the water sources of Nadapal – plus by extension and maybe more importantly – their firm grip on northern Mogila. It was supposedly not least the historical experience that the Nyangatom made with the combination of Kenyan troops and Turkana pastoralists, a story of a century of recurrent conflict and periods of fragile and tense peace, resulting in the loss of a huge percentage of their most important grazing grounds, i.e. almost all of those within the Elemi Triangle, due to the lingering threat of attacks of Turkana gunmen or regular forces. (A.a.O.)

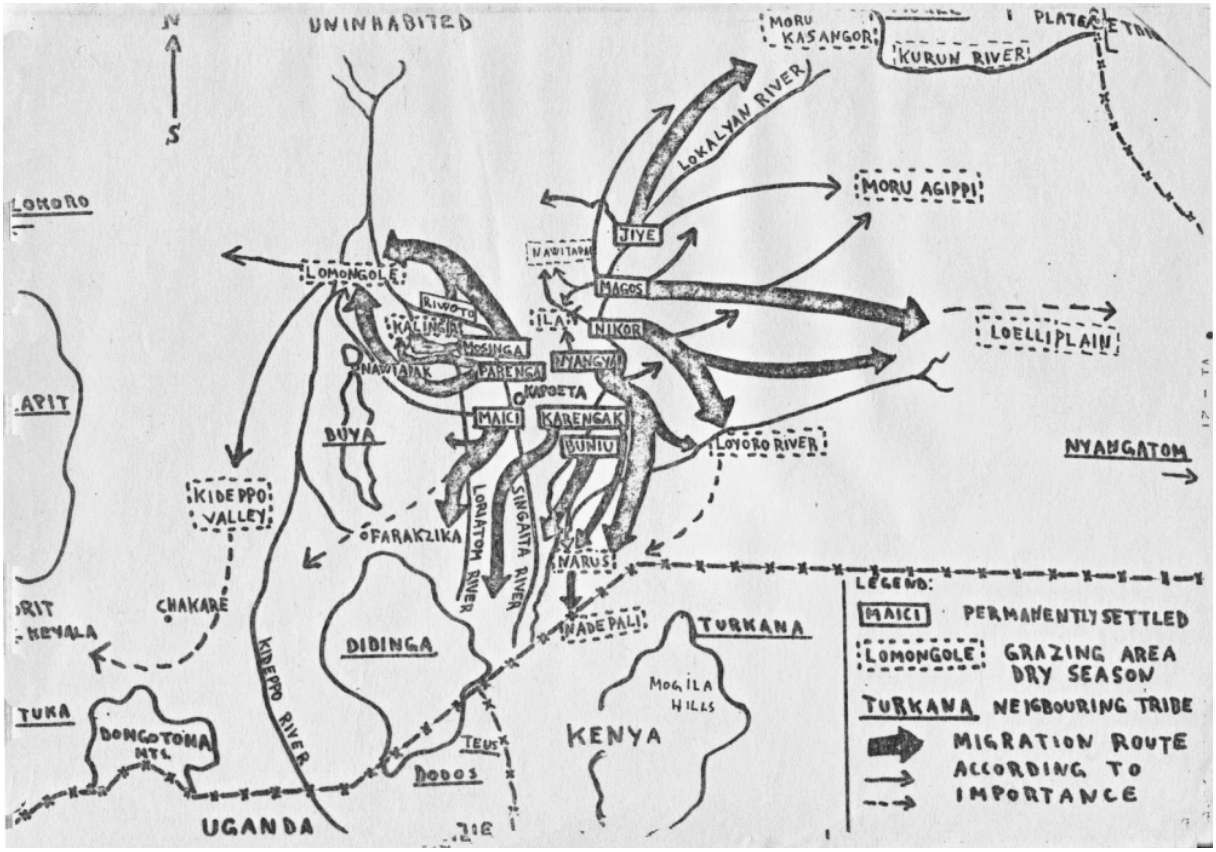
It is, however worth noting that the situation of the two communities differs in many crucial aspects. While the Nyangatom are numerically rather weak in comparison to some of their neighbours, the Toposa are not only the largest ethnic community in EES and of maybe even roughly the same size as the Turkana.[53] Although historically the Turkana have been on average on the gaining side of the boundary shifts between ethnic formations and have reportedly driven the Toposa out of the area between Losólia, Songòt (Thungùt) and Mogìla within living memory, the trend came to a halt on the Toposa frontier during the colonial period – wherever there was an effective border. In contrast, the Toposa have enjoyed immense expansion since, as theirs was 'just internal' from the perspective of the state – a state that had no motivation to interfere in 'tribal bickering' in remote and unattractive corners of its vast and widely 'unused' domains. If not even the international boundaries were clear and demarcated, what about constantly shifting shepherd frontiers in the back of beyond?

[53] In addition, the Toposa settlements form a rather compact block along the North-western border of Kenya and the Triangle that concentrates even more manpower than anything found along the long frontier pastures where the Turkana face a number of very strong and dangerous neighbours who inject chronic insecurity into the much of the better drained stretches surrounding its central desert lands.

It seems that even the (theoretically undisputed) Nadapal border was never demarcated, even in colonial times. There is a story about a tree somewhere near Narús where two chiefs, a Toposa and a Turkana chief, sat under this tree on its two sides, each of which was marked with a certain stroke of a hatchet. But in my interviews with Toposa pastoralists a maybe more important factor became salient: Tt was a shared view among them that the Toposa had originally migrated from *Najíe* (Jíe Land) and Dodoth in today's Northern Karamoja, dwelt on and around *Mount Zulia* (*Losólia*, on the Ugandan side of the Uganda-Sudan-Kenya triangle (I call it the Losólia Triangle), up to today their 'holy mountain', then the area towards and along Mogila between Lokichoggio and Narús, before Turkana pressure drove them further north-west where they established their 'classical' sectional territories along the Singáita and Lokalyán, pushing Jíye and Murle to the north (see Tornay maps*).

Against this historical backdrop it would make sense to see the claims on Nadapal as part of *historical* Toposa claims on the whole of the Mogila area, which derives its justification not from any former state border demarcation, but from oral traditions of a tribal migration history. Therefore it doesn't need to be consistent with the British boundary delimitation, which has for this area always merely existed on paper. Yet it seems that at the time of the British boundary making (see Barber and the diary of Cptn. Kelly) the Mogila area was dominated by the Turkana, although it was part of the Toposa-Turkana 'conflict belt' or 'tribal frontier' by then as well.

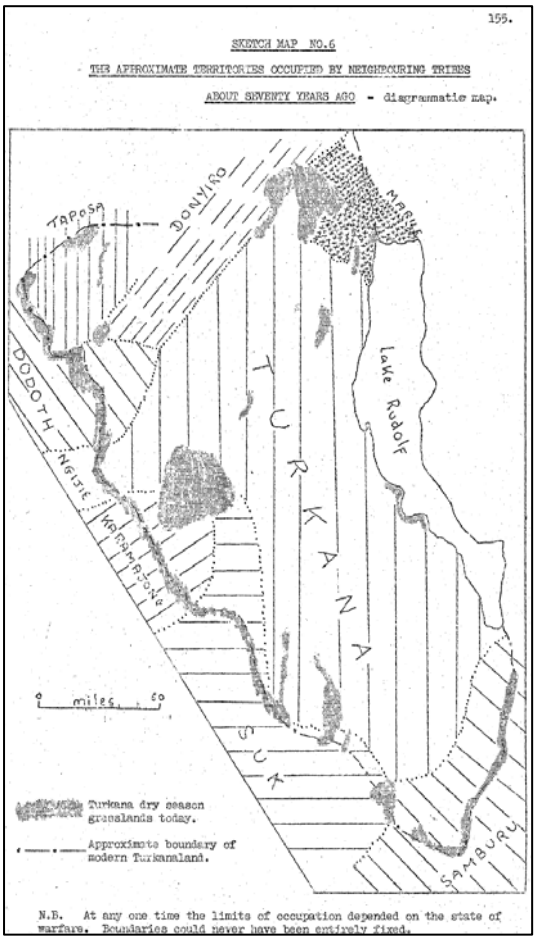
Early maps of the Toposa settlement areas and migration routes (see e.g. Anon) show, in consistency with the statements of my rural Toposa and Nyangatom informants, that the Eastern Toposa had their herds frequently migrating from Lokalyán to the Loyóro cattle camps and Narús. Yet it stands to reason that the further south they got, the more dangerous was the situation for them, and on Anon's map they end north of Nàdapal and don't reach Mogìla or else, although that evidently doesn't mean that they were "never" grazing there, especially in times of peace with the Turkana.



Map: from Anon, *The Toposa*, derived from Sudan Open Archive (http://www.sudanarchive.net),Wednesday 01 April 2009 20:08 GMT, last page

The establishment of New Site and Nàdapal as SPLA bases has certainly reinforced Toposa presence and seen their *áwi*s frequently grazing in the Mogila range, partly alongside the Turkana, but always heavily armed, including with bazookas and the like. Yet they seem not actually to dare and seriously venture into the plains south of Nadapal or east of Mogila*, although Turkana grazing there are constantly under threat of Toposa attacks.

Interestingly, Gulliver mentions in his 1951 account (p.153f.), the first thorough ethnographic study of Turkana society: *"Other tribes occupying territory in Turkanaland·were as follows: (both Turkana and the following tribes agree on this evidence). […] Marile [Dassanetch] – north-western shores of Lake Rudolf, Labur and Lorienetom. Donyiro [Nyangatom] – Lokwànamur and across to the west, to Thungut. Taposa - Thungut and Mogila. Dodoth - Oropoi, Naitera, Thungut and Merzuk […] I have spoken to a very old Karamajong man who knew all of these places in western Turkanaland. Much the same can be said of Dodoth occupation of Oropoi, Naitera and Thungut, of Taposa occupation of Thungut and Mogila, according to both their own and Turkana accounts. The Donyiro and Marile occupation of Lorienetom, Lokwanamur and the adjacent river and plains areas is·the most recent of all, coming within the period of active British authority; and some of the areas are still disputed. There are accounts of Donyiro families being raided and killed in northern and western Turkanaland as late as the 1920's. Glenday found Donyiro living west of Lokwanamur in 1926. Marile herded stock on eastern Lorienetom and Mayen valley 'during the last 25 years. Relations between these last two tribes and the Turkana have been artificial to some extent. They were all three tied up in ivory hunting and stock raiding from Abyssinia between about 1880 and 1920; since when 1the Marile and Donyiro have been more or less driven and kept back by British arms. Where there must have been a good deal of intermingling between the three tribes, they are now forcibly kept apart by what amounts to an enforced no-man's land north and east of Lorienetom."* (See the following map of ibid.155)



Remarkably, the area indicated by Gulliver is still the hotspot of Toposa-Turkana confrontation; and otherwise losses of territory were, in comparison to the overall size of the area under domination, much more serious for the Nyangatom and Dassanetch – and on the other side of the Toposa-Nyangatom alliance for likewise less numerous Jiye and Suri – than for Toposa or Turkana.

The map on the next page depicts the scene of our case, the area just described. I drafted it according to talks with pastoralist Toposa and Turkana friends. The positioning of Nadapal on it was just an unqualified guess and bears no claim on correctness.[54] The main intention is to give an idea of the setting and especially the buffer zone between the two communities and the shifts in grazing according to the circumstances, but within limits which they usually do not pass with their animals. The southern limit of Toposa grazing is indicated by the dotted line, those of the Turkana coincides largely with the bed of Nàdapal / Namerikinyàng river. Interestingly, there is an apparent correlation with the state borders and those of the Elemi Triangle, which begins at the northern end of Mogila, in this area. In times of conflict both sides usually withdraw behind these lines, leaving the area between them as an empty buffer zone were one would only meet with raiders venturing for booty.

[54] And there should actually be an arrow on "Lokwanamor" pointing eastwards, as this is c.60km further east.

In a pastoralist view, Nàdapal is such a contested area. Toposa of the Ngikòr, Nyangéa, and Búno sections and the Kwatèla Turkana used to convene at the profuse riverine vegetation east of Mogila Range with their herds when drought would drive them away from the desiccating plains of Loyóro and Lotikìpi. They would find water in the river bed and browse in plenty for their animals – but at times as well their rivals over these essential resources.

The other two main **corridors** or *ngpidìnga* (sing. *èpiding*), where the migrations would converge, are the flood plains of Lopotukòl, Lochòr-a-kolòng and Namerikinyàng to the northeast that receive the waters of the Loyóro *wadis*, those of the Tàrach system that passes Lotikìpi / Nànam, and the streams coming down from Moruangìpi, Kauto, Naita, and Tepèth Mountains, plus Lochòr-àkope near Losólia where the Jíe and Kwatèla meet Toposa – and where many of the recent incidents took place, all of them forming a pasture migration link between the Kìbish pastures at the Ethipian and the rich Kidépo valley to the south-west, touching Mt. Losólia and crossing the Sudan-Uganda border.

Before the 2nd Civil War, there were only temporary cattle camps (*ngawiyé*) of the Toposa in the area, but in its course a large number of families started taking refuge by migrating permanently to the east and establishing villages (*ngieréa*) there. Eventually they were backed by the efforts of the SPLA/INGO/Catholic Church coalition. **Narús**, originally just a very productive spring, emerged as a relief distribution centre of the Red Cross for the supply of the population under SPLA control from bases in Kenya, and grew into a proto-town with a multi-ethnic population, a whole spectre of services, a county administration, and two lively markets, one for rural and one for urban products.

At the same time, massive influx of **automatic weapons** changed Toposa and Turkana armament alike. The rapid development brought an unseen amount of resources and services into the area along the road that attracted immigration of job seekers from beyond and of pastoralists alike. Yet this **growing concentration** in the volatile frontier zone also increased the moments and levels of conflict. The fighting on Kenyan ground concentrates until today around the Mogìla range, including the outskirts of Lokichòggio, a zone of about 50 km south of the (not demarcated) border is under permanent risk of Topòsa attacks, whereby by the likelihood of major raids decreases in correlation with the increase of distance from the border. Roughly the same applies in regard to Turkana attacks inside Sudan, although small raiding bands reach as far as to the outskirts of Nanyangachór.

When the conflict in the area reached its first peak in 1997-98, AU-IBAR facilitated a peace initiative that was led by the late George Kinga, H.E. Louis Lobong, and George Echom on the Sudanese side, and Chief Barnabas Lochilia with his Jie and Kwatela chiefs on the Kenyan side, as well as traditional leaders on both sides, starting at 1st April 1999, that, implementing Darlington Akabwai's ingenious idea of the Community Animal Health Worker (CAHW) as the messenger of peace to the local communities, became a success and gave the border communities a remarkable period of stability and peaceful coexistence. The two communities would graze together; conventional raids became reduced to isolated cases of theft, persecuted and punished by the very communities of the offenders. This peace, culminating in a traditional burial of hatchet ceremony at Nadapal on October 1st 2002, and the support of the Kenyan government invited the **SPLA/M** to establish an **immigration**/customs centre at Nadapal. The road, graded by an international development organization, became a regional lifeline for the change and a source of income for a whole new population. The strong presence of battle-tested troops of fellow Southern Sudanese in Nadapal, Narus, and New Site made the Toposa feel their position considerably strengthened in the surrounding areas. They started to establish a firm dominance over the territories to the west of the northern Mogila Range, including the Nadapal valley. This scenario resembles somehow the inverse situation in the Elemi Triangle, where it is the Turkana who benefitted from the presence of regular troops and used it to expand their sphere of permanent settlement and frequent grazing, at the same time reducing the space accessible to the neighbouring communities who had previously shared the resources of the area, both peacefully and by force, with them.

The Turkana did not accept that situation easily, but for the time being they had to make do with attacks on outposts and moving targets. (When the Kenyan security forces move in seven years later, the Toposa would naturally fear similar far reaching consequences for the situation on the ground – and try to avert them; more so as the forced displacement of the Nyangatom from Kibish under the Moi regime gave room to **worries** that, although the political atmosphere and situation did actually not really suggest much probability to such a scenario, something similar might happen again.)

In the fertile year of **2004** when the meetings thinned out due to decreasing funding, a capital Turkana raid destroyed that peace. And while livestock trade had seen a rapid ascent with pastoralists from far and wide selling their animals at Lokichoggio, the trek through the 'no-man's-

land' between the SPLA in Nadapal and the barracks of Loki became a magnet for robbers of all kind, a lethal risk. Despite of that, health services for both humans and livestock were introduced to large populations on both sides, the control of Rinderpest achieved by both Toposa and Turkana, education opportunities opened up and projects started by NGOs. There would be livestock theft every now and then and larger raids could still occur, yet protected and supported by the government and international donors, a whole set of emerging Sudanese CBOs, like TDA, LRDA, KDI, DoT, and KENDA would struggle to contain problems together with their Kenyan partners LOKADO, APEDI, RIAMRIAM and TUPADO. The crisis of 2009, however, brought into light how fragile these arrangements are when other potent factors enter the field and 'tribal politics' goes hard-line at both levels simultaneously.

Peace & conflict in the Mogila corridor 03-08.2009: a Toposa account

A pastoralist perspective which I collected while in the Toposa hinterland of Nanyangachór from July to September 2009 gives a picture of a kind quite different from those reported so far:

*It was in **March** or April this year, five Turkana from Mogìla came to Namerikinyàng to see the famous Toposa leader and peace maker Lokaimòe, claiming they wanted to talk about peace. He slaughtered a red he-goat for them and told them to come back later to meet their Toposa counterparts and discuss the issue. After they had left, he undertook the traditional extispicy of the Ateker people; analyzing the intestines of the slaughtered goat, changes in it made him doubt if these men had really come for peace. When Lokaimòe and a young herdsboy moved with their animals to Lomutà later that day, they were ambushed and killed by those very Turkana men, who also took away his machinegun (narikòt) and five he-goats.*[55] *At the end of **June** 2009, a group of Turkana pastoralists from Lokwànamor and Lorúmor (mountainous areas on both sides of the southern limit of the central Elemi Triangle) came to Namerikinyàng to water their herds. When local Toposa met them there coincidentally, both sides decided to talk instead of shooting at each other. They started peace negotiations, agreed and started grazing together. At the beginning of **July**, another group of Turkana herders from around Lokichoggio met a group of Toposa at a watering place in Mogila. They, too, started peace negotiations, agreed and started grazing together. July started as a month of peace: while the drought lay like a spell over the whole region, the Toposa of Nàdapal and Turkana from Loki were in peace with each other in Mogila, and the Toposa of Kalàcha, Napèt, Kaldò, Napusriyèt, Nalièl, Kayapàkan, and Lomotà were peacefully grazing with the Turkana of Lokwànamor and Nànam (the flood plains between Mogila and Lokwànamor) at Namerikinyàng. Towards the end of the month, however, Toposa from Nàdapal raided two Turkana cattle camps. Although there were no casualties, the peace in Mogila had now become shady; while the Turkana from Lokwànamor and Lorúmor were still in peace with the Toposa of Namerikinyàng corridor, both the Toposa of Nàdapal and the Turkana from Loki started to withdraw their animals from Mogila. Shortly afterwards Turkana from Loki retaliated, and the fight continued between the local rivals until the end of July, while the peace in Namerikinyàng still lived on. Then, at the **end of July**,* my Toposa informants told me, "*the Turkana army came to Nàdapal, saying Nàdapal is theirs, and the Sudanese government disagreed. Although the Turkana migrated to Nàdapal, they were told to go back by the Narus Sudanese government*."

This statement tells a lot about the local perception of the unfolding events. The moves of Kenyan officials and their organs were interpreted as those of a "Turkana army", not least because Turkana pastoralists followed in the hope of safe access to the water and pastures of Nadapal, while the reaction of the "Narus Sudanese government" was seen as a laudable defence of their interests.

[55] A Turkana elder from Lokichoggio told me later that these men were related to the famous Turkana kraal leader Lokurón, whose *adakar* used to dwell to the east of the Mogila hills. Lokurón was killed by Toposa between July and August 2008. The local chiefs and peace actors had insisted that his death had not to be avenged, yet it seems that some of his ,extended' relatives had, nevertheless decided to kill Lokaimoe in return, even though he was not involved in the assassination of Lokurón, but just a similarly respected figure in the local Toposa society – another example how the lack of rapid response, communication and compensation can fuel conflict over extensive periods.

In **August**, five Turkana from Loki were called by the Turkana of Nànam, Lorúmor, and Lokwànamor, who were probably concerned about their fragile peace in Namerikinyàng, in order to convince them to start fresh peace negotiations with the Toposa of Narús and Nàdapal. However, according to my informants they refused out of unknown reasons. When those five Turkana from Loki were on their way back, continues the account, they found some Toposa roasting a wild animal. They jumped at the chance to kill one of them and took his gun, while the rest escaped. The attacked Toposa reported the incident to the others, formed group, prepared themselves and finally raided about 1.000 Turkana cattle at Kìbish (Mogila), killing 4 people **(August 23**). Hearing the bad news, the Turkana in Namerikinyàng packed their things and hasted back to Nànam, Lorúmor, and Lokwànamor. In respect of the peace with them that had prevailed without violations since their first encounter earlier this year, the Toposa of the area contented themselves with taking some few donkeys and cows, but did not attempt to harm or even kill anyone beyond that.

Historical changes

Indications of **pastoralism** as mode of livelihood in the area date as far back as **3000 BC***. Before c.**1500** things remain blurred, but scientific research and oral traditions (which, however, don't count in numbers) alike guess that it was around **that time** that groups of Eastern Nilotic language, the ancestors of today's Ateker family, started to move out of the cradle land in the Kotén-Mogòth region where today Karimojòng (Mathenìko), Jíe, Dodòth and Turkána have their boundaries meeting. According to Lamphear they adopted agro-pastoralist techniques from neighbouring groups, or at least they had them somehow, and started multiplying and spreading in all directions, eventually forming ethnic entities on their own that converged into those we know today.[56]*

Right: *Nyangatom compound near Lotimor, 04.2009. © Immo Eulenberger*

Even those groups have changed their social and territorial boundaries constantly, as the tradition of many clans and families can easily tell. The search for resources to survive and expand pitted groups against each other, altering their composition and affiliation, their locations and their modes of action. Yet the state order introduced by the British, with its concept of territoriality as unambiguous, clear-cut, static and compatible with the requirements of bureaucratic administration and mathematical order, tried to **freeze the boundaries** where it thought to find them – and where they could not find that needed inambiguity, they had to make them fit. The **borders** drawn by the British did not just *follow* tribal divides, but did also *create* them to a considerable degree, with implications and repercussions still felt today, and located the different Ateker communities into different administrative entities that later on developed into nation states.[57]

[56] See Lamphear 1994, 1993, 1988; Knighton 2005; Gulliver 1956, 1952, Gulliver & Gulliver 1953; Pazzaglia 1982:17ff.;

[57] For the here concerned region see e.g. Barber 1968, 1965; Blake 1997; Collins 1983, 1962, Lamphear 1994, 1993, 1988; Mburu 2003, Müller 1989, Taha 1974, 1975, 1976, 1978

In terms of political power, **expansion** ended for the local societies usually on the level of the tribe, where it would be countered by processes of fission once the ethnic community had reached a size that started to overstress the cohesive capacities of the social system: the mechanism responsible for the formation of the sub-units of the Ateker cluster, of the Me'en groups, of the Dinka tribes, etc.

Used to defend their sovereignty at the peril of their lives, those societies, especially the more mobile pastoralist ones, dodged their submission under the rules of the intruding powers – whose superior tools, vast resource pools and coercive potential they soon started to assess correctly. Here, **mobility** was an advantageous key strategy **to evade losses** to resource absorption by the centrifugal powers brought in by the colonial order.[58] Pastoralist populations, especially those in the remotest areas like the Toposa, Jiye and Nyangatom, practiced conscious distance and elusion persistently and with considerable success – not least thanks to the rather limited interest of imperial players in the scarce resources of these remote and hostile zones and due to the high costs of virtual control attempts.

This, however, seems to be a pattern that changes, though not constantly into the same direction, but with a tendency towards gradual decrease in the long run. With the growing structure of modernity in an area, the potential for control rises in multiple ways. The frontier of the tribal zone has long shifted from its *spatially political* boundaries into the 'interior' of the increasingly merging societies of indigenous and of external origin.

The main import of the British into the local societies of the far east of Equatoria was the **system of chiefs** and local policing, including some moderate taxing. This institution was relatively fuss-free accepted as a mediating link between the local society and the imperial superstructure, not least because the influence of the chiefs remained limited and checked by the undaunted culture of collective open debate that would not respect anyone's word beyond the reach of its plausibility and credibility – and by the fundamental freedom and autarchy of the pastoralist family to provide and decide for itself – and migrate whenever it would seem indicated.

The main task of the small platoon stationed at Loóle in the Moruangìpi range, the only one between Kapoeta and Ethiopia at the other end of the Elemi triangle was to keep the relentless cattle raider in check and to thereby contain the inter-tribal tensions that would easily slide into full-fledged warfare if the escalating dynamics of attacks and retaliation could unfold unrestrained.[59]

People from the area would recall this time during my interviews as one where the British behaved quite reasonable in contending themselves with some small taxes and the reports of the local chiefs while leaving the locals to deal with their affairs on their own, but 'wouldn't stand any nonsense' when it came to raids in this administrative and tribal frontier zone. Apprehended culprits would be hanged mercilessly, the livestock of their family confiscated and even the settlements burned down when the community of the delinquents was felt to be not honestly cooperative. Although my informants would still judge this approach to be cruel, many would readily acknowledge its effectiveness and deplore the frivolity of contemporary institutions responsible for the management of the same type of problems.

Yet what a pastoralist would hardly be ready to accept is the **restriction of mobility**, something the British partly tried to enforce in the eastern part of the Triangle – without substantial success.[60]* If he

[58] For elusion as systematic strategy see e.g. Scott 2009, 1990, 1985

[59] Detailed accounts on this are given in Barber 1968, Lamphear 1993, 1992, 1988; Collins 2004; 1983:85-112, 1980, 1961; Mburu 2007, 2003.

[60] These measures where mainly directed against the "Ethiopian" Dassanetch and Nyangatom who had a good part of their most important dry season pastures in the Triangle. See sources cited above.

cannot be deterred by the weapons of his worst enemies, why would the herdsmen obey people who don't even keep animals and still try to prevent him from what he needs most – water and pasture for his livestock, for this living materialization of his own life and the life of his family? Being the key resources of his material existence; all of them are limited, often contested and accordingly precious. His people in past and present were fighting for them since uncounted generations, yet the bone of contention, the fiercely embattled matter was not a actually a border or exclusive rights to physical presence, but *access* to these resources – which includes mobility as the chance to leave them again to use others elsewhere. And so the Toposa herder does not bother about Irish priests, Didinga drivers, Dinka soldiers, Kikuyu traders, German anthropologists or Turkana teachers – as long as they don't pose any threat to his claim on water and pasture, to his livestock, his daughters and his migration corridors.

John Wood illustrates this phenomenon convincingly by the example of another Northeast African pastoralist group[61]: what is of importance to them are "*nodes and trajectories rather than areas and boundaries, and […] this difference helps us understand […] their relative equanimity to outsiders and change*." (p.226). "*Metaphors of 'territory,' 'area', and 'boundary', drawn as they are from sedentary experience, do not adequately capture Gabra senses of space or identity. Land is not something people here have owned. If others' activities are not in conflict with Gabra activities, others may move across and dwell on land occupied by Gabra*." (238f.*) It was this same 'relative equanimity' that made the Toposa, after a short, desultory and disillusioning martial display of warriorhood, quite facile subjects of the Queen, as well as later for the Khartoum government, and finally for the SPLA after they had demonstrated with all necessary vigour and clarity that they would be only under the condition of strict respect towards their livestock, their lifestyle, their women and their dignity.

Consequently, the main conflicts the pastoralists engage in are the ones in which these elements are touched, and this is mostly with groups of similar type.

Cattle rustling, boundaries, and nation states

Cattle rustling is a common phenomenon among North-east African pastoralists, and the here concerned communities are no exception from this pattern; it is in fact the most common form of violence affecting them. Usually expeditions of either 2-10 (cattle theft) or, less often, 50-1000 (capital raid) armed herdsmen venture into the territory of a neighbouring group, explore the terrain and strike at herds of livestock in order to capture a maximum number of animals and drive it back into the safety of an area far enough from the common border. In the course of these expeditions people are often killed or wounded.

Tribal warfare that even recently led to significant **displacements** – as of the Jiye from their former Equatorian areas of settlements around Mt. Kathèngor or for the Suri from Kauto and Naita – usually takes the form of intensified raiding. In most cases the vacated area would not be directly occupied by the successful aggressor, but he will be able to gradually shift the buffer zone into the area of the 'enemy' – and thereby extend his own radius of uncontested resource use. In the extreme of significant *permanent* shifts of spatial boundaries, this is admittedly a rather rare event that usually only occurs in cases of sudden and extreme* imbalances of fighting capacity, e.g. when only one side was devastated by a disaster or the other enjoyed a sudden mega-boost of military power, be it by a

[61] the Gabbra of the Kenya-Ethiopia border which are partly badly affected by 'collateral damages' (like pollution and cancer) caused by the oil industry; Cf. idem "Nomadic Understandings of Space & Ethnicity" in Schlee & Watson 2009

massive armament upgrade – as for some groups during the civil war – or by gaining an active ally of superior potential, or by disarmament of the antagonists.[62]

The formal integration into state systems has contained the violence only where those systems are sufficiently potent and their leading factions sufficiently interested in that. The former colonies have become nation states with their own internal dynamics. While fiercely independent groups like the Turkana and Toposa saw those states for a long time as 'foreign' and alien to them (the former e.g. talked about "going to Kenya" when leaving Aturkan southwards), recent developments have generated a quite distinct national consciousness among them. Nowadays they clearly identify themselves with the respective countries, demand help from 'their governments' and perceive the other side of the border as part of a foreign entity that gives the issue of state borders a particular importance, as they are supposed to coincide with territory the pastoralist citizens could rightfully claim as theirs.

The 2nd Sudanese Civil War and the Toposa-Nyangatom alliance

The **SPLA** was neither the first nor the only rebel movement when the Second Civil War started in the **1980ies**, and it was not necessarily foreseeable by that time that it would become the most successful one. Taking off from Dinka and Nuer areas around the Nile valley in the center and north of Southern Sudan, the still very much 'tribalistic' perception of many other groups in the south remained reserved against this 'new group' for a considerable time, especially if first encounters were overshadowed by the problems with discipline that the rebels were too often facing from the ranks of their fighters, which carried still a lot of a mentality informed by centuries of tribal warfare and cattle raiding where fighting and looting were almost inseparable.

The Toposa were no exception. The First Civil War (1954-72) had hardly touched their area and a lack of interest in the area held the infrastructure on rudimentary levels. Apart from some new tools, two or three army posts scattered over a vast shrub land with mountains and swamps, for the rural bulk of the people only a network of chiefs formed tenuous links to a far away government. Their life had remained widely the same as it was before the colonial era. The main concern was still the herds of livestock that a man and his family would try to defend and increase as much as possible, including by raiding one's 'enemies'.

When the SPLA came to the area, the rural Toposa, apolitical and far away from the dynamics of other parts of the country, were at first suspicious, as they would have been with any newcomers, worrying for the safety of herds and women. When the first incidents occurred and tempers went high, Toposa warriors became a serious problem for the rebel army, parading their renowned prowess as guerrilla fighters, not least by gun-hunting SPLA soldiers. While much of the Eastern Toposa evaded the fighting by moving east with herds and families, militants of the western factions inflicted heavy losses on the guerrilla army and wage even virtual battles, as the one of Riwoto, the western headquarters, in 1990.[63]* Only after John Garang managed in 1991 (ibid.) to win over a key part of the Toposa elite under the late Fr. George Kìnga Longókwo and his nephew Luis Lobòng Lojóre, today SPLA Brig. Gen. and Governor of Eastern Equatoria State, and when they started

[62] There are plenty of accounts for this pattern, even from the here concerned area. In the 1970ies a group of young anthropologists studied the correlating patterns of armed ethnic violence and shifts of ethnic boundaries for the adjacent Lower Omo Valley: see Fukui 1994, 1979; Todd 1979; Tornay 2009a, 2009b, 2001, 1993, 1981a, 1981b, 1979a; Turton 1999, 1994, 1991, 1988, 1979. Those results were somewhat later complemented by Abbink's work on the Suri (2009, 2007, 2001, 2000, 1995)

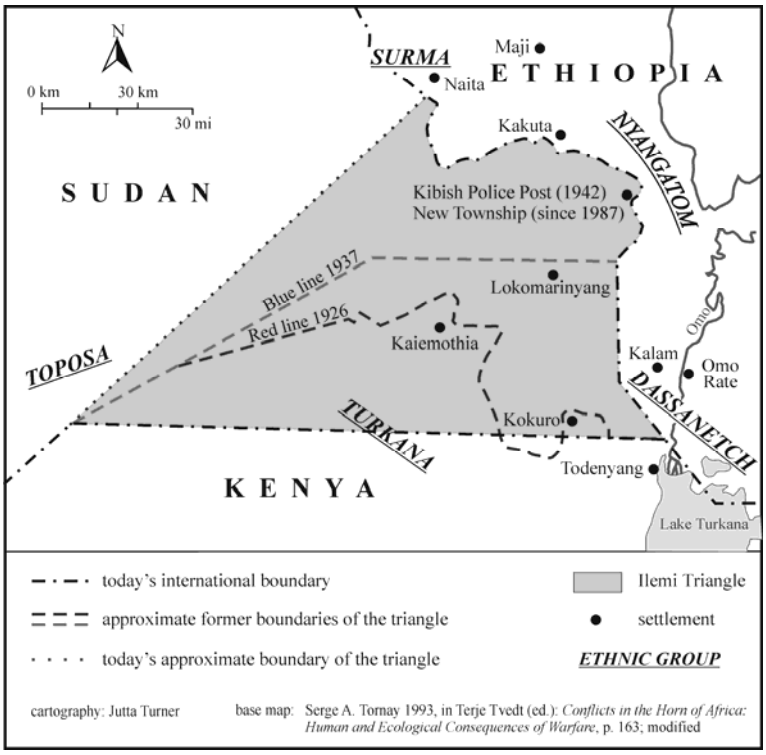
[63] Cf. Müller-Dempf 2007:133

together with the church and some NGOs to bring relief food and "development" – hospitals, veterinarians, boreholes, transport, schools, etc. – into the areas behind the front, the SPLA truly gained the acceptance and support of the Toposa population.

In the 1990ies the **Nyangatom** joined the SPLA in mentionable numbers when their highest ranking representative, George Echòm Ekéno, who had been working as top administrator for the Derg in South-western Ethiopia, had to evade the purge of the new EPRDF government and decided to join his Southern Sudanese friends whom he knew from long time cooperation. Providing manpower, a save transit route and hinterland helped the 'Naita-Nyangatom', who established themselves in the fertile areas around Lotímor, obtaining a certain right on them and on the citizenship in the New (South) Sudan.

Even before that, Nyangatom herdsmen used to move deep **into Sudan** in search for pasture and water, especially in times of drought. In the 1980ies, a large number of them ventured, supposedly due to the high ecological and conflict pressure in the east, into the grazing grounds along the Kenya-Sudan border up to areas around Narus, Kalàcha, and river Loyóro, which by that time had no permanent settlements, but only cattle camps of the different Toposa sections to the West and North, with which they enjoyed times of stable friendship and collaboration, strengthened by common fight against the Turkana to the south and the Suri ("NgiKoróma", Sùrma) to the north.

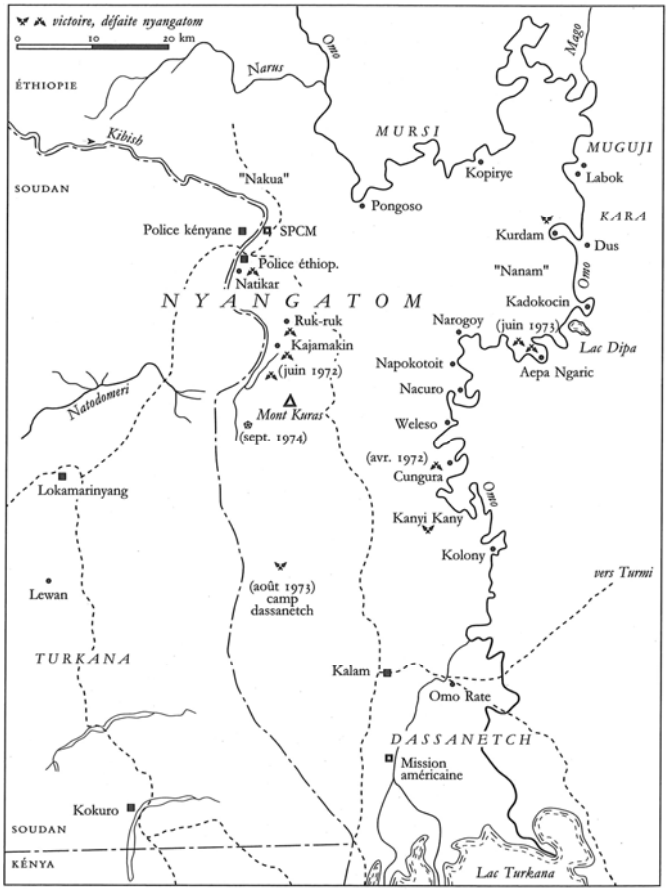
The civil war brought **the automatic rifle as the new standard weapon** of the region. From Juba and Khartoum, Ethiopia, Kenya, Uganda, and even Somalia came modern firearms flooding in and made even bazookas, heavy machineguns (Toposa/Turkana: *nyarikòt*/*erikòt*), and mortars available. They, too, changed the style of pastoralist warfare: in a major raid on an enemy village, mortars, *ngarikòt* and *erepijí's* (RPGs) would be in the center of the half circle that is formed by the attackers on the backside of the camp – and would shell it until the defense fire ceases. Only then would the attackers start entering the fence. Most of the raiding, however, is done just with the assault rifles AK 47 (Toposa: *ebanàit* ,Turkana*: amakadà*), G3 (Toposa: *aramalài*) and FN (*epèn*).



Both Toposa and Nyangatom took the chance to obtain large numbers of those 'new guns' from both sides against promises of loyalty and support, while in practice they did rarely take part in the political fights that widely spared the area, but rather used them to expand into the areas of neighbouring tribes far behind the front line and at least partly leave those of Loyóro, Kalàcha, and Narús that were hotly contested in the war.

During that time, the Khartoum government had no base (and thereby no presence) in the area, while the SPLA was allowed to use Ethiopia as its hinterland and safe haven. It was obvious for both Mengistu and the SPLA leadership that this huge uncontrolled area provided them with an excellent chance to establish a bridgehead in the back of the unreliable

Toposa tribesmen, connecting the bases in Ethiopia with the vital Kenyan border. The Nyangatom would flock in numbers to the SPLA camp on the southern bank of the Kibish at **Kakúta** and barter fair guns and ammunition for food and other products of their local economy.



Map: Confrontations in the Lower Omo valley 1970-76; Tornay 2001:196

As Tornay tells us in all desirable detail*, the situation of the Nyangatom had become really precarious during the 1970ies, simultaneously under pressure from a number of their 'traditional enemy tribes' and suffering defeat from Kára, Mùrsi ("NgiKalabòng"), Turkana and Dàssanetch ("Merìlle"), of which the latter two were the best armed and most dangerous. The weapons brought into the Nákuá by an SPLA Kakúta platoon made a huge impact, changing the original balance of power, enabling the Nyangatom to successfully contain Dàssanetch and Turkana and overpower their smaller neighbours, of which the Súri suffered the most devastating losses, not only in lives, but more than half of 'their area'.

The Y-**road** which nowadays connects Narús and Lokichoggio with the war time SPLA strongholds Bóma and Lotímor (via Nanyangachór) was a joint project of the SPLA, the pro-SPLA Toposa- and Nyangatom leadership and the Catholic Diocese of Torit under Bishop Paríde Tabán of Eastern Equatoria. Taban, one of the most charismatic clerics of Sudan, is up to today sponsored by legions of well-wishers from all over the world. He personally founded the Holy Trinity Peace Village Kuròn as pioneer settlement in the conflict ridden Toposa-Jiye-Murle frontier, converting the area into a gateway and germinating ground for the most serious transformation exercise that the locals have seen so far. Today a network of missions with churches, schools, and dispensaries along this tri-pole road is changing the local society with visible and remarkable speed.

Paride Taban (r), Nigerian and Kenyan priests at mass, Kuròn Holy Trinity Peace Village 06.2009

Yet in the shadow of the events and alliances of the civil war that saw Kenya firmly supporting the SPLA, the Nyangatom lost a dear jewel at the immediate junction of their two 'national areas' to that very supporter of the apparent common cause: Supposedly the most attractive grazing area in the vast eastern half of the Triangle, apart from Naita / Lotimor, but also the symbolic spot signalling total control of the eastern border, **Kìbish** was virtually 'ethnically cleansed' from its 'traditional' Nyangatom population by Kenyan armed forces of the Moi regime, access for grazing denied and Kenyan sovereignty visibly proclaimed through the substantial enlargement of the GSU and AP camps, which were also meant to protect the settlers and to 'fortify' the place.

This move has, however, to be seen not only in context with national politics – where Moi (1978-2002) followed a pattern of expansionist populism, allegedly backed in this case by a secret agreement with John Garang, bartering comprehensive, generous and war-deciding support for the acceptance of Kenyan sovereignty over the Triangle[64], which was of rather marginal importance to the SPLA leadership, but also with local processes and events entangled with the dynamics of pastoralist tribal warfare: in April 1988 allied Toposa and Nyangatom launched a ferocious surprise attack on Lokichoggio, killing 190 Turkana (Mburu 2001:159); those retaliated one month later and drove the Nyangatom out of the Kibish valley, a core peace of their agriculture and herding economy (Matsuda 1994*). Protected by the Kenyan government, Turkana herdsmen whose livestock was seriously depleted by drought moved in from nearby areas and were able to restock their herds in comparably short time with the captured animals and the lush grass of the plains along the river where they would always find enough water for them. The Nyangatom, though, would not accept this painful loss but continue shooting the camps, attacking kraals and attempt raiding livestock every now and then, and never give up hope that their luck might change and the situation reverse again one day, enabling them to come back to enjoy the amenities of the past.

On the other hand the tribe, as mentioned, compensated these losses relatively well by expanding into Suri territory with the opponents cut off from arms supply until the breakdown of the Mengistu Regime in 1991. Now those were increasingly able to catch up, restore their martial capacities, and thereby re-establish a certain balance that would freeze the tribal boundaries again.

The Turkana had found ways of securing their supplies with up to date guns and ammunition and thereby avoiding similar situations where the pendulum would tilt against them, and the Kenyan government would rather support processes and policies that are well suited to avert the reversion of their continuous establishment in previously contested areas. Most of the Turkana settlements with modern infrastructure, like Kòkuro, Koyása, Napàk, Kaemòthia, and Lokamarinyàng, are within the area bounded by the Blue Line of 1937, separating the southern and central mountain pastures from the north-eastern and northern part of the Triangle which is up to date the one used by Toposa and Nyangatom, as far as circumstances allow. But from a point in the 1980ies on, Moi ordered to understand the whole Triangle as Kenyan and to reflect that point of view accordingly in the maps issued in Kenya, including those in school books and atlases, and do away with the dotted lines that signalled the uncertain status of the area before.

In a way there was a **coincidence of interests** between the Toposa, eventually the Nyangatom and "Sudan" (although it is a bit difficult to define who or what "Sudan" actually is or was in that context): while the rival Turkana would be backed by the Kenyan state in their attempt to gain dominance over the resources of the whole Triangle – something any other of the involved pastoralist groups would have tried as well if provided with the opportunity – "Sudan" would definitely not be mad about

[64] Cf. Collins 2005:376-77, Mburu 2003:31

Toposa or Nyangatom using them or establishing themselves in the area, as 'their' territories would give an argument for Sudanese claims on them against Kenya, given they would identify with the Sudanese state. Even so the pastures of Elemi at the remotest backwoods of the country were certainly still not among the serious concerns of any government in Khartoum or New Site.

Development and the shift of boundaries

Although that would supposedly severely contradict the self-image of their vast majority, development actors and their activities have become a key factor in the contest for localized resources and territory. The development brought by NGOs into the hinterland of the SPLA helped the rebels to establish hegemonic influence over it. The expansion of Toposa and Nyangatom into the east, which displaced the Suri from some of their key areas, was put on a sound basis by the build-up of roads, missions, schools and dispensaries by the mentioned 'development alliance' and is now, with the erection of permanent Toposa and Nyangatom settlements containing elements of modern infrastructure, in all likelihood as irreversible as is the loss for the Suri. Even the continued displacement of the Jiye from Kathèngor by the Toposa can be viewed as, albeit unintentionally, reinforced by the establishment of Kuron Peace Village as demographic, economic and social centre of the Toposa at their advancing north-eastern frontier, another push in a long history.[65] Likewise has the Turkana advance within the Elemi Triangle gained substantial standing by the considerable efforts of the British Empire, the Kenyan state, the Catholic church and development-oriented NGOs which brought about permanent buildings and settlements, quite numerous by today, a massive increase in human and livestock population and the burgeoning of the whole set of modern structures in the area. And Tornay has unveiled in his papers* how the initiative of the Swedish Philadelphia Church Mission to 'bring gospel and civilization to the Nyangatom' produced few true conversions, but a massive rise in demographic, economic and, consequently, political strength that enabled them to successfully attack, loot and invade their neighbours.

All of that should be anything but a surprise in the face of abundant historical evidence and cognisance that in contexts of collective contest any improvement of means or boost in resource potential is tantamount to wartime convenience. Yet the idea of 'peaceful development' as alternative to conflict has become so influential that it largely obscures the view on the central importance of merciless competition of systems and social organisms for resources as the very raison d'être of development itself and its existential involvement into this context which still characterizes its macro-social essence. "Development" is so much of a central and sublime value for the whole 'modern spectre' in Africa (and elsewhere) that not only its costs and expenses (which occur for military operations, too) are constantly omitted, but also the insight that the mere fact of its implementation might produce claims and quests on the area blessed that way which remain out of sight because they belong to a different political sphere. And they come with combined power as they, related to the accepted standards of the global modern world, come along as superior and prevalent as compared to claims by illiterate 'tribesmen'. In this modern worldview it is the notion of the 'raw' nature of the traditional, in its perception pre-civilized and therefore pre-real, that doesn't allow it to actually qualify for legal entitlements. It is only what comes from the bosom of '*the one true civilization'* that something can be truly valid in her eyes.

[65] Under pressure from the Murle majority of Boma (see chapter on the Jíye below), the Jíye turned to the leaders of the Peace Village in 2009 asking for a place to settle. Due to more than clear Toposa objection, this option was discarded. Although it could theoretically have served its pronounced objective, the stakeholders were supposedly just realists enough to foresee the almost inevitable problems, frictions, fights and failure to come with it.

If someone erects a thorn fence and a shelter of branches and leafs, materializing in their characteristics the apparently inconstant, mobile character of pastoralist life, it has a different status from the one of an assembly of "permanent" buildings which carry the commanding spirit and style of the centres from where they spread in their civilizing mission, one that finally aims at nothing less than the comprehensive and effective integration of the thus "opened up" (i.e. submitted and colonized) space with its exploitable resource potential into the organism and metabolism of the mega-system. Ephemeral traditional assemblies as the *áwi* or cattle camp of the Ateker people, or like the wooden structure of the Ateker *eré* (village) that can be erected in quite short a time and rebuilt the same way elsewhere, leaving only few traces after a while, are *actually* of the same character and function for their creators and users as are forts, churches and mines for the missionaries, (head-)hunters and porters of civilization. The venturing pastoralists are, of course, colonizers and exploiters of resources in their own way and for their own system, too. But they are regarded as 'atavistic', useless, and not to be taken as serious because they stand for an 'un-integrated' mode of life, production, and resource use – in the sense that it is largely self-sufficient and doesn't aim at producing surplus for exchanges with a system related to the modern global metabolism. As it focuses on 'internal' exchange and circulation instead, it doesn't care so much about the exchange with 'the outside world', how ever necessary it might have become through the changes of armament and economic viability. Self-sufficient acephalous societies are usually not directly linked to any formal state structure, neither 'officially' planned, nor licensed or registered. Therefore they can hardly ever confer on equal footing with their representatives. The case is very different for missions, dispensaries, pharmacies, stores, schools, government and NGO development projects. They have to pass through a series of standard procedures and administrative formalities, including written explanations of purpose and form of existence, permissions to stay, to build, and to carry out activities, and sometimes even land titles. This type of formalities is necessarily related to state institutions – and therefore national state authority.

A pastoralist population can be chased from an area without raising a lot of attention, commotion, or resistance in the relevant spheres of the trans-local public (as seen e.g. in the cases of the Suri, the Jiye, the Nyangatom of Kibish or the Lapúr pastures of the Dassanetch), as they are commonly held to be erratic, vagrant, and highly flexible anyway; that in our days of ubiquitous population explosion and death control there are hardly any unpopulated areas left where they could evade to – that has no special weight in a society like, say, the Kenyan one where the competition for scarce land is one of the main reasons for serious fights in the very centre of the nation, so that such questions for the apparently nearly empty vastness of the pastoral periphery would merely cause a shrug. In Europe as good as nobody would even take note. Yet if numerous settlements with the full set of basic modern infrastructure come under threat of falling to an aggressive neighbour who had done nothing to bring them into existence, the case would be very different: it cannot be taken lightly, as this would be an assault on an integral part of one's own realm, on the branded possessions of the group as whose member the modern citizen identifies himself, too. This is as obvious from daily talk, comments in the Sudan Tribune and the (Nairobi) Standard, but also from national parliament record (I.E. 2009b). In that, his response is not fundamentally distinct from the one of the tribal herdsman – it is only different points of reference, different criteria that make that difference.

The cases of Sudan (Toposa) and Uganda (Karamojong) contain lessons on the possible effects of civil wars, like weakness of the centre as motivation *for* and development as tool *of* integration of hard-headed ethnic groups*; the latter and the other ones (Kenya/Turkana, Ethiopia/Nyangatom) tell also about the long term consequence of the development vision shared by so many global well-wishers.

Whereas the Toposa have not yet reached the limits of their lands' **carrying capacities**, supposedly both because of long isolation and considerable recent gain of territory, **population growth** rates of nearly 1000% in 50 years* have changed the conditions for Karamojong, Turkana and others irreversibly. In Karamoja a large number of people die of hunger even in normal years and about one third of the Turkana does already permanently depend on foreign food aid.*

While semi-nomadic livestock rearing remains the only viable form of production that is significant and sustainable here, it cannot, regardless of all well designed improvement attempts, provide sufficient output for the current population levels on the rise. Any other form of production – be it industry, irrigated farming or else – would not only be unable to compete with rivalling enterprises in ecologically more advantaged areas, but would also overstrain the already scarce resources, especially water, and therefore cause losses elsewhere in the regional ecology and economy.

All cited cases show how much unquestioned modern politics of growth aggravate existing conflicts and impede peace building in a context where maximisation of production means (livestock) is a necessary coping strategy against incessant risks and where people are ready and used to fight for their survival as autonomous economic subjects able to sustain themselves in dignity instead of being reduced to beggars for leftover food.

Development actors in ecologically and politically fragile settings, areas of scarce and seriously contested resource bases still have to become much more conscious of the likely repercussions of their interventions if they don't want to find themselves accused of being actually causal agents of preventable disasters one day. I am certainly not the first one to give this kind of remark,[66] yet my own active encounter with the ubiquitous world of the development industry has brought their awkward importance insistently to my mind.

The other crucial aspect in regard to the expanding modern system concerned here, the legitimacy and legality of boundaries, is a case we have the marvellous chance to productively discuss at our meeting, maybe even regarding its ethical dimensions. My plea in this respect goes for attempts to enshrine fairness and flexibility in the inevitable arrangements, which would ideally be as compatible as possible with the related needs of pastoralists.

Conc. draft map of ethnic spatiality in the SES border zone

This map, circulated together with this text as separate file for convenience of use, is a preliminary attempt to converge available information and research results into a comprehensive picture.

Bold lines stand for areas under rather permanent use of the respective group, thin lines indicate grazing movements. The fat spots with grey crosses indicate areas 'lost' for the group (more or less permanently inaccessible for collective use); the smaller spots of different size approximate attacks by the respective groups on 'enemy' neighbours. Black spots are important settlements and light blue spots peaks, yet this exercise has just started.

The colours represent the following groups: red – Toposa; brown – Didinga; green – Turkana; yellow – Dassanetch; orange – Nyangatom; violet – Suri; pink – Jiye.

Otherwise, this map is a stub and I am happy about any comment that might help improving it.

[66] Munzoul A.Assal (2003) argues e.g. convincingly (not only for the Sudan) that anthropologists have actually a kind of moral obligation of contributing to this kind of reflexivity and checks on development activities.

Alternative citizenship

The Nuer between Ethiopia and the Sudan

Dereje Feyissa

> 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* can not 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, Itang, November 2000).

Introduction

The Nuer are part of the Nilotic societies who predominantly make a living on cattle herding. They are widely known in the anthropological literature as residents of Southern Sudan where they constitute the second largest population following the Dinka. The exact demographic size of the Nuer in southern Sudan is not known but estimates vary from half million to a million (Duany 1992; Yoh 2000). A section of the Jikany Nuer, too, lives in the Gambella region of western Ethiopia. According to the 1994 census, around 60,000 Nuer live in Gambella, constituting 40% of the region's population. With 27 % of the region's population, the Anywaa are the second largest group in Gambella. This makes the Nuer a demographic majority in the Gambella region. They are divided into three primary tribal segments: the Gaat-Jak, the Gaat-Jok and Gaat-Guang. The history of Nuer settlement along the Ethio-Sudanese border dates back to the eastward territorial expansion of the Nuer in the second half of the 19th century (Evans-Pritchard 1940; Hutchinson 1996).

Like other pastoral communities arbitrarily divided by the state border the Nuer, too, have experienced the Ethio-Sudanese border the same way, in as much as they were cut off from wet season villages in the Sudan and dry season camps in Ethiopia. Within this transhumant system of production the year is divided into two separate seasons, which are spent in two separate locations. The rainy season, from May/June to November/December, is spent in villages on high ground away from the rivers. The Nuer are obliged to move here to escape the floods which would otherwise kill their cattle. Most of these wet season villages are located on the Sudanese side of the border. At the beginning of the dry season in November, the Nuer move to their respective camp along the major rivers, most of which are located on the Ethiopian side of the border. Some groups of Nuer, however, have both the wet season villages and dry season camps on either side of the border.

The border, however, has not always been a constraint. In fact, the Nuer have actively sought to make the best out of the Ethio-Sudanese border. Subjected to the British project of political control which put them in a disadvantageous position vis–à-vis their neighbors, the border enabled the Nuer to pursue an evasive strategy through switching to an Ethiopian national identity. When the Italians sought to use the 'Nuer card' to subvert the British colonial establishments in East Africa in the second half of the 1930s the Nuer made use of the Italian interest to advance their own economic interests in the region (Collins 1983).

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. After decades of 'benign neglect' in Gambella, the Ethiopian Nuer tapped into the refugee establishment of the 1980s by switching into Sudanese nationality in order to negotiate their own marginality through access to social services in the refugee camps particularly education. In the Gambella of the 1980s being a southern Sudanese refugee was more rewarding than being Ethiopian citizen. When the Ethiopian state substantially delivered in its historic peripheral regions following the 1991 regime change the Nuer have reoriented to Ethiopia. In the context of fluctuating opportunity structures the Nuer have experienced the border basically by alternating citizenship. It appears from the following exposition that every decade has offered new resources on either side of the border. The Nuer recognize state borders, but borders for the Nuer are not zones of separation but rather a field of opportunities when they are crossed.

Despite the constitutional right to exercise self-determination up to session in the uniquely formulated ethnic federalism of Ethiopia, the Nuer *de facto* seek double citizenship in Ethiopia and the Sudan than pursuing a cross-border 'Greater Nuer' political project. This Nuer perspective on state border is embedded in a cultural world which has generated the Nuer model of a political order with mobile and inclusive communities without bounded territories.

The Making of Alternative Citizenship in the *longue durée*

The Nuer between Colonial Britain and Imperial Ethiopia

In the first three decades of the 20th century the attraction of the cross border Nuer communities was towards Ethiopia although the majority of the Jikany Nuer became British subjects on the basis of the 1902 delimitation of the border. The attraction was two fold. For one, crossing the border was an exit option from British colonial campaigns (Johnson 1986). Secondly, Ethiopia was the key in the local arms race. As part of their wider colonial policy the British sought to enforce their authority over their subjects in southern Sudan. Under the command of Lieutenant Colonel Bacon a powerful patrol was launched against the Jikany Nuer from Nassir in January 1920, 'complete with machine guns and airplanes' (Collins 1971: 133). All the Jikany tribal segments were attacked despite their stiff resistance they put up. Following this high profile military campaign the Jikany crossed the border into Ethiopia. According to Collins (ibid.: 35) 'the fundamental conditions for the unrest was the presence of the Ethiopian sanctuary'. The existence of heterogeneous subjects (more so cross-border communities); imperial Ethiopia's incapacity or lack of political will to coherently govern the frontier and in the spirit of establishing the colonial monopoly of legitimate violence (Bahru 1976), the British had sought the rectification of the 1902 boundary agreement. True to the colonial project of legibility, the British proposed an exchange of territory between the Illemi Triangle, the tri-junctional point at the Ethiopia-Sudan-Kenya border, and the Baro Salient (Collins 1983). This proposal aimed at including all the Nuer, and their neighbor the Anywaa, into a single administrative unit but also creating a more 'natural' border between the plains of the Sudan and the Ethiopian highlands. This proposal was not well received by Imperial Ethiopia which was rather busy extending its own sphere of influence through a

different model of political order. According to Johnson (1986), imperial Ethiopia had managed to penetrate deep into British dominion through the cooption of the Nuer and Anywaa local leaders into new structures of rewards and local autonomy than what the British had managed to realize its political project i.e., the establishment of *Pax Britannica* along the border. As part of their resistance against the political control of the British the Nuer had signified the border as a bargaining chip.

At a local level, crossing the border also offered access to firearms to catch up with the rising military power of the Anywaa. By 1912 the Anywaa were not only able to defend against Nuer land encroachment – the well known 19th century eastward expansion of the Nuer at the expanse of their neighbors - but also strong enough to launch counter offensives by raiding deep into Nuer territories (Bahru 1976). Defying the regulatory colonial regime the Jikany Nuer from the Sudanese side of the border actively participated in Ethiopia's ivory-gun trade which ultimately enabled them to catch up with their neighbors, the Anywaa, in the local arms race (Johnson 1986: 12). By the 1930s the Nuer managed to defend themselves against the Anywaa counter offensives thanks to their extensive cattle-for-gun trade networks that encompassed cross border communities. Difficult as it was to get access to firearms from the British who sought to monopolize 'legitimate' violence, the Nuer crossed the border and established trade networks and political affiliations with various administrative centers of imperial Ethiopia (Johnson 1986).

Frustrated in its drive to create a more legible subject population through the exchange of territories, the British proposed a grazing agreement with imperial Ethiopia in 1932 to enable them to administer all the Nuer including those who graze their cattle on the Ethiopian side of the border during the dry season (Hutchinson 1996). In return for this political right to govern the Nuer, the British proposed to pay financial remuneration to imperial Ethiopia. Like the territorial exchange, the grazing agreement was rebuffed by imperial Ethiopia which had more administrative capacity in the 1930s to govern the frontier region after the coming to power of Emperor Haile Selassie than during the political uncertainties at the time of the delimitation of the border in 1902. As part of the 'Ethiopianization of the frontier', a Gaat-Jak Nuer leader, Koryum Tut, was bestowed with the imperial title of *Fitawrari* (Commander of the Vanguard). In fact, 'many of the Jikany Nuer would have liked nothing better than to be under the light but fickle administration of the Ethiopians compared to the strict and virtuous rule of the British' (Collins 1983: 22).

Inter-state political competition over the border region of Gambella intensified after imperial Ethiopia came under fascist Italian occupation (1936-1941). Reflecting the 'late colonialism' syndrome, Italian colonial design had been inspired by the desire to catch up and excel 'senior colonialists' such as the British. It is thus no wonder that Italy too rejected the British perennial desire to exchange territories as the most effective way of governing the border. In fact, the Italians sought to undermine British colonial standing in the region by using the 'Nuer card':

> It was only by our conquest we have aroused sympathy towards Italy on the part of the Nuer and they look to us with hope and trust. It is necessary to protect and cherish our Nuer [Ethiopian Nuer] as well as the Sudanese Nuer. It is necessary to carry out this policy, that is, of protecting the Nuer, so that it will keep alive in the Nuer the lighted torch of sympathy towards Italy with their political future in the hands of God and our Duce. Involved in a war with the English we should have the sympathy of a quarter million Nuer on our frontier to safely advance into enemy territory. We should

> enroll under our banner thousands and thousands of these magnificent Nuer … warriors at heart, frugal, dignified, solid, faithful, and grateful (Major Colacino, Italian official in the Gambella region, quoted in Collins [1983: 138]).

The Nuer, on their part, instrumentalized the Italian attraction to advance their own economic interest locally. After the 19th century dramatic expansion Nuer forceful territorial encroachment into Anywaa lands was halted after the Anywaa took the lead in access to firearms. It is partly in the context of new power relations that the Nuer had to reorient their strategy of access to vital natural resources from violent to peaceful exchanges. Groups of Nuer also resorted to trans-local political networking. After repeated unsuccessful attempts to expand into the Anywaa villages in the Gilo River area, for instance, the Cieng Nyajani/Gaat-Jak clan leaders appealed to the Italians for help in their fight particularly against the militarily well established Jor Anywaa (Ojullu 1987: 43).[1]

Alternative Citizenship – Coping with Marginality

In the 1940s the attraction of the Nuer was towards the Sudan, particularly, in order to gain access to education. Up until the 1950s there was only one elementary school in the Gambella region. It was located in 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 Sudan colonial dominion (Bahru 1976). In the late 1940s the British decided to intensify educational efforts in southern Sudan in anticipation of the upcoming independence. In 1948 the Rumbek Secondary School was launched with a three-year course and by the early 1950s a trickle of southern Sudanese began to enter Khartoum University College (Collins 1983: 324-28). 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 as the following archival material suggests: '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; author's translation from Amharic).

Aware of the political repercussion of the cross-border movements, the imperial administration had responded by initiating an educational support program known as *meno* by which the Ethiopian Nuer students were provided subsistence, shelter and clothing. These compensatory acts were not adequate, though, as the level and quality of education was poor in comparison with the British schools in southern Sudan. The opportunity structure in the Gambella region had improved in the 1950s. This was related to the establishment of a mission station in the Anywaa village of Akedo on the Baro River by the American

[1] Evans-Pritchard also reported the Italian support for the Nuer in their fights against the Jor Anywaa (1947: 72-73).

Presbyterian Church in 1952. This was a time when Gambella was initiated, for the first time, into modern institutions, particularly provision of social services such as education and health facilities. The Akedo health centre attracted many Nuer from the Sudan who established new settlements around the mission.

In the 1960s the attraction was towards the Sudan. In those days, the first Sudanese civil war began that lasted until 1972. The conflict between the northern-based government of the Sudan and the Southern Sudanese liberation movement, popularly known as Anyanya I, was framed in 'racial' and 'religious' terms: the 'red northern Muslim Arabs' against the black Christian southerners'. In this definition of the conflict situation the Ethiopian government fell within the red side of the 'colored' border. As an act of solidarity many Ethiopian Nuer left to the Sudan and participated in the Anyanya I. In response to the imagined cross-border political community the newly independent government of the Sudan and imperial Ethiopia signed a treaty of 'mutual extradition of criminals' in 1963, a political euphemism for a joint action to put down the rebellion in southern Sudan. The perception and political alliance changed towards the end of the 1960s when the Ethiopian government fell out with the government of the Sudan because of the latter's political and military support to the Eritrean liberation movements. In response to that, the Ethiopian government started supporting Anyanya I (Johnson 2003). The involvement of external players had intensified the fighting along the border, which above all resulted in the influx of refugees to the Gambella region, many of whom were Nuer from both sides of the border. Some of these refugees remained in Gambella after the end of the first Sudanese civil war and localized as Ethiopians citizens through their clan networks. The initial response of the Ethiopian government to the political stirring along its western border was apprehensive for fear of a potential rise of secessionist movement like in its eastern border[2].

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, 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. On the other hand, 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.'[3] By the mid 1980s, these Sudanese-educated Ethiopian Nuer advanced to the upper echelon of the regional government in Gambella. Attempts were made to expand educational facilities in Gambella during the Derg period (1974-1991). As part of

[2] Upon independence in 1960 the post colonial state of Somalia pursued an irredentist policy of 'Greater Somalia' that aimed at 'reunifying' all ethnic Somalis that were partitioned by three state borders: Ethio-Somali; Somalia-Djibouti and Somalia-Kenya.

[3] Interview with Hoth Giw Chan, chairman of the MGERF (Maiwut and Gambella Educational Research Foundation), Minnesota, 2004

the literacy campaign and expansion of education to marginalized regions, twelve schools were opened in various parts of the region and in 1990 a Teachers Training Institute was established. Nevertheless, most of these schools were built on the basis of roadside bias concentrating in and around the two major towns of Gambella and Itang, both of which are located in Anywaa areas. The educational facilities were particularly in dire condition in the Nuer areas since the local transhumance life style did not fit into the national academic calendar.

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 in domestic politics was continued during the Derg time. The Government of the Sudan continued giving 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 the 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. UNHCR made an arrangement with church-based colleges to that effect. 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.[4] 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. Besides, there was a sustained 'Sudanisation' campaign by the SPLA leadership among the Ethiopian Nuer in order to enlarge its political constituency and military capacity. 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:

[4] Interview with Ato Abiye Hailu, Protection Officer, UNHCR-Gambella Bureau, January, 2006.

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 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). 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.[5]

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 migration to the west as the only exit option to escape the vagaries of life and the deteriorating conditions of life in their countries. 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 the resettlement program is an opportunity structure for those who could make use of it. The Highlanders in Gambella, for instance, envy the Nuer for their successful manipulation of the border and benefit from the resettlement program. Neither the Anywaa nor the Highlanders have managed to make use of the international border as much as the Nuer could[6]. The resettlement program was a highly valued as a resource not only for the very fact of making the migration possible but also the benefit packages attached to it which eases the process of adaptation in the west.

Unlike other categories of refugees, resettled refugees receive critical institutional support by the US government upon their arrival. Resettlement benefits for refugees arriving in the U.S. are provided through a combination of public and private funding. The Reception and Placement program welcomes arriving refugees at airports, provides essential services (housing, clothing, food, referrals to medical and social services) during the first 30 days in the U.S. The resettlement agencies also link refugees to longer-term resettlement and integration programs funded by the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services during this initial period. Ongoing benefits for the newly arrived refugees include transitional cash assistance, health benefits, and a wide variety of

[5] As peace in the Sudan has become desirable in US foreign policy since the signing of the Comprehensive Peace Agreement (CPA) in 2005, other groups of people, such as the Somali Bantu, have now become the new 'darling' of the global refugee establishment.

[6] So far only one highlander from Gambella has managed to go to the US through the UNHCR resettlement program by claiming a half Anywaa descent. Otherwise he would have been considered 'too red' to be a Southern Sudanese.

social services, provided through ORR grants (Shandy 2002). The primary focus is employment services such as skills training, job development, orientation to the workplace and job counseling. The refugee program offers citizenship classes to assist refugees who wish to study for the citizenship test (Patrick 2004). The Gaat-Jak Nuer community who were resettled by the UNHCR in North America and Australia are the most educated segment of Nuer society. In effect, the resettlement program has enabled the Gaat-Jak Nuer, many of them are from the Gambella region, to 'catch up' with, in certain regards even excel, their traditional rivals, the Gaat-Jok, who were previously educationally more advanced because of their earlier incorporation into the Sudanese state system. The flexibility in Nuer national identification following changing opportunity structures is vividly expressed in the biographies of Nuer students in Gambella which I collected during my fieldwork. The following was a summary of a biography of one of these students:

> I was born in Lolgunjang in 1967. In 1984 I went to Itang refugee camp to join the school there. In 1985 I was selected by the SPLA from the camp for education and political training in Cuba. Upon completing my education in Cuba as a nurse, I was assigned as an SPLA official in Uganda where I stayed between 1993 and 1994. I then left SPLA and went to the Sudan to look for a job. I got a job in 1995 in Gedarif [Northern Sudan] as a public health worker. In 1996 I came to Addis Ababa when I heard that there are jobs for nurses. I was employed in Black Lion hospital. I was later on transferred to Gambella as a program officer in the Malaria Control Department. In Gambella I joined the Nuer party as a cadre. In 2000 I joined the SPDF [Sudan People Democratic Front] at Pagak [few kilometres from Jikaw across the border]. In 2001 I came to Kenya and became a refugee. Now I am in the waiting list to be resettled in Australia (Peter Kayier, a summary of his biography, Nairobi, August 18 2002)[7].

For some groups of Nuer pastoralists the attraction in the 1980s was towards Ethiopia. The civil war made pastoral mobility insecure in the Sudan. As a result they migrated to Ethiopia. The evolution of the Cieng Reng community in Itang is a case in point. The Cieng Reng are a Gaat-Jak tribal segment who lives mainly in an area called Yom in Southern Sudan. In 1984, a year after the outbreak of the second Sudanese civil war, a small section of the Cieng Reng came to Gambella and settled at a place called Makot. They were led by a charismatic leader called Kong Diu. With the intensification of the civil war in Southern Sudan in the 1990s, the Cieng Reng settlement at Makot increased tremendously and emerged as the biggest Cieng Reng community in Ethiopia. Overtime, the Cieng Reng managed to create links with the neighboring Anywaa communities and were able to obtain access to riverine land through inter-marriage, gift exchanges and payments. Towards that end Kong himself extensively married from the various sections of the long time Nuer residents as well as from the local Anywaa.

The Politicization of Alternative Citizenship in post 1991 Gambella

Once again, the 1990s brought a new opportunity structure for the Nuer. The 1991 regime change in Ethiopia was followed by a restructuring of the state along federal lines. Whatever the reason for its creation the Gambella People National Regional State (GPNRS) is one of the most visible political steps ever taken by the Ethiopian state to politically integrate its historic minorities (Dereje 2006). Designated by the Federal government as one of the 'indigenous' peoples of the GPNRS, the Nuer have sought to make use of the new

[7] Peter got the resettlement program and resettled in Australia in 2004.

opportunities that trickle down from Ethiopia's ethnic federalism. The new political space being dominated by the Anywaa throughout the 1990s, the Nuer had to undertake an intense politics of inclusion.

The establishment of the Gambella regional state and the affirmative actions designed to promote the peripheral regional states have created a new opportunity structure. The affirmative measure includes preferential treatment of the 'indigenous' people in the job market as well as enhanced access to education. This policy introduced new entitlement categories: *tewelaj* (natives) and *mete* (outsiders). The *mete* are the Highlanders who, by definition, belong to one of the ethno-regional states other than Gambella on the basis of their ethnic identity. Under the category of *tewelaj* (which means in Amharic language 'one who is born in the land') are people who descend from Anywaa, Nuer, Majangir, Opo and Komo on the father's or the mother's side; or, who have a brother or a sister from one of these groups (through either the mother or father's line); or, who are married to somebody belonging to one of these groups[8]. The preferential treatment includes employment opportunities for the *tewelaj* as a 'birth right' with a two years experience bonus to give them a more competitive edge *vis-à-vis* the Highlanders[9].

Affirmative actions are also extended in the field of education. The 1994 constitution empowered ethnic groups to use their mother tongue in the schools. As a result, educational facilities in Gambella showed remarkable growth; an 83% increase in the number of elementary schools with a 75% increase in the student population.[10]10 The number of secondary schools rose to six; facilities in the Teachers Training Institute were enlarged. In 1997 the Institute was upgraded to include junior secondary school teachers training and in 2001 the Institute was promoted to a college with a diploma program in Education and Health. A particular point of attraction for the new generation of educated Anywaa and Nuer was the new federal government sponsored Ethiopian Civil Service College (hereafter the ECSC). The ECSC was established in 1995, with the objective of creating conditions under which civil servants working in the new regional states can better serve the people by training them in various skills and professions, giving special emphasis to admission of students from backward regions such that 'nations and nationalities' have the right to determine their own affairs and the capacity to do this[11].This has created unprecedented new career opportunities for aspirants in the modern sector, who otherwise needed to overcome the stiff competition in the national school exit examinations to join any of the colleges and universities[12].

It is in this new opportunity structure that the Nuer now say '*Buny cie turuk* is no longer valid'. *Turuk* is a generic term for state power and modernity, originally used to refer

[8] Gambella People National Regional State, Civil Service Bureau, Guideline on recruitment procedure
[9] The Highlanders still make up more than 50% of the civil servants in the regional government
[10] Data from the Bureau of Education, Gambella town
[11] Ethiopian Civil Service College Brochure
[12] This is called the ESLCE (Ethiopian School Leaving Certificate Examination), which has become increasingly difficult to pass with the exponential growth of the student population at the national level. A student needs to score more than 3:00 on a 4:00 scale to join college. Admission to the ECSC does not require such a high performance, and the main criteria are completion of high school, a year of service in government institutions and above all political loyalty. In fact, the ECSC is run by the Office of the Prime Minister. The college provides training for lawyers, economists, accountants, development administrators, urban planners, municipal engineers and other key professionals needed primarily by the regions and the Federal government agencies.

to the Ottoman Turks, the first 'modern' people the Nilotes encountered in southern Sudan early in the nineteenth century. In the eyes of the Nuer, the Ethiopian state failed to deliver as much as the Ottoman Turks did, however coercive Ottoman rule might be. By comparing the Turks and the Highlanders what they referred to is the lack of any trickle down effect from the Ethiopian rule up until the 1990s when Ethiopia too joined the club of 'moderns', expressed in the form of regional autonomy and the affirmative measures connected to that. There are already hundreds of Anywaa and Nuer ECSC graduates currently working in the Gambella regional state. When the ECSC was launched in 1995 Nuer participation was marginal. By 2000, however, Nuer enrollment dramatically increased by far outnumbering the Anywaa. These Nuer college students were either camp-educated Ethiopian citizens or Southern Sudanese Nuer who switched their national identity.

One of the constraints the Nuer had to deal with in making use of the new opportunity structure generated by Ethiopia's ethnic federalism was the politicization of alternative citizenship by the Anywaa power elites in the regional politics. The political situation of the Ethiopian Nuer who studied in the refugee camps became particularly problematic. In the context of the new ethno politics organized by the EPRDF and the attendant exclusionary political practices of the Anywaa, 'refugisation', whether by default (the push factors to leave the villages) or on design (the pull factors to join the camps), has become a political issue. In 1991 many of the Ethiopian Nuer in the refugee camps left for the Sudan or to their villages, as they found it difficult to continue their education in Gambella schools on security grounds. In fact the ensuing political instability and deteriorating security conditions following the seizure of power by the political party which claimed to represent the Anywaa (the Gambella People's Liberation Movement) produced a new wave of Nuer 'educational' refugees.

As Mizan Teferi is some 75 kms away from the camp, the UNHCR had to organize a dormitory for those refugee students who passed the 8fringes of Anywaa territory, particularly for the Nuer refugees, in order to ensure their safety. Furthermore, the UNHCR opened schools in the camp that were attached to a high school in the neighboring town of Mizan Teferi in southern Ethiopia. More over, qualified teachers were recruited and a very competitive educational system was designed. Accordingly, only refugee students who scored higher than 86% in the 8^{th} grade final examination were eligible for the scholarship in the boarding school. In this boarding school students were offered food and shelter, as well as monthly pocket money and an annual clothing allowance.

Many of the Nuer students in Dimma refugee camp were Ethiopian Nuer from Jikaw district. All of the Nuer who passed the entrance examination in 2000 and joined the ECSC were, for instance, educated in Dimma refugee camp. These new imbalances in educational performance had a direct bearing on power politics in the GPNRS in as much as all of the ECSC graduates could readily be employed in the regional bureaucracy and assume political offices because of the shortage of indigenous educated people. The EPRDF gradually shifting from populism to the language of professionalism towards the end of the 1990s, the refugee camp educated Nuer gained a more competitive edge in the job market. This has induced on Anywaa resentment who see that their dominant political status was progressively 'usurped' by the Nuer politics of inclusion. As a result, they intensified their invocation of the state border as part of their project of containment. The Anywaa discontent and the subsequent measures they took to contain Nuer expansion in government institutions resulted in the deadly riots in schools in Gambella between 1996 and 2001.

The positive change in educational opportunities in the Gambella region in the 1990s contrasted with the dwindling of opportunities in the refugee camps. NGOs support for refugee students decreased by mid-1990. The Mizan boarding school was closed down in 1995. Most of the Nuer students from Dimma refugee camp, then, had to shift to Gambella town to continue their education. Those who were still in high school applied to Openo Intermediate high school in Gambella town, whereas those who already finished high school applied to the TTI (Teachers Training Institute), the only institution of higher learning operating in Gambella region where there was a need for Nuer teachers to teach in the vernacular.

There were very few educated Nuer outside of the refugee camps. The first group of these students applied for admission in the High School and in the TTI in 1996. They were rejected by the Bureau of Education on the grounds that they were not citizens but refugees. The key officials in the regional bureau of education were Anywaa. The criteria used to screen whether the Nuer applicant was an Ethiopian citizen or not was competence in the Amharic language, the language of the Federal and the regional governments, as well as the type of educational certificates they carried. All of the Nuer applicants failed to meet the criteria. Embittered by the rejection, these students formed the Nuer Student Union and appealed to the Nuer officials in the regional council. The Nuer students rioted and occupied school compounds for two days until the regional police and the federal army intervened. This round of the students' riot resulted in the death of many people from both sides. There was a second school riot in 1997 when fourteen Nuer educated in refugee camps applied to the TTI. They, too, were rejected, including those who were competent in Amharic. The Nuer contested the decision on the ground that Sudanese Anywaa students were accepted[13].

The issue became explosive, as one of the Nuer applicants was the son of a senior Nuer official in the regional council. After a protracted political struggle, it was decided, with the approval of the EPRDF officials, to allow the Nuer students to join the TTI as long as they were of Ethiopian origin, which all of them were. The TTI incident generated a heated political debate on issues related to entitlement. The following narrative by a Nuer student depicts the terms of the contestation:

> It is not fair that we are accused of learning as Sudanese. For one thing, we did so because our areas were marginalized. There was no other alternative. The missionaries that reached south Sudan in 1901 did not only evangelize but they also provided social services such as medical care and literacy. They also established an orphanage. The first school in the Nuer areas was established in Nasser [southern Sudan] in 1922. After the missionaries were deported by the Sudanese government they established a mission station at Adura [Ethiopian Jikaw district]. In 1977 the Ethiopian government chased the missionaries at Adura. In the absence of services and facilities in our area, it is no wonder that we looked towards the Sudan. It is the same with the refugee's stories. What we did was very normal. All of a sudden, services were established near to us for those coming from the Sudan. As we did not have anything, we joined them. On the other hand, it is also good for Gambella. We were educated as Sudanese but work as Ethiopians. Mind you! Most of the Nuer officials are either church or refugee-educated. Who would have assumed the administrative posts in Nuer areas, had it not been for our education in the refugee camps? It was a survival strategy; it is not because we wanted to be Sudanese (James Gadet, Nuer Church

[13] Letter written by the Gambella Bureau of Education to the administration of the Teachers Training Institute, dated 21.10.96, File No./138/13/6, TTI archive. The Anywaa applicants were addressed in the letter by the Anywaa officials in the Bureau of education as Ethiopian refugees from Sudan

official, Western Bethel Presbyterian Church, Gambella town, a summary of an informal exchange, August 2000).

The prospect of peace in southern Sudan after the Comprehensive Peace Agreement (CPA) had been reached in 2005 has induced on a new wave of switching to Sudanese national identity among the Ethiopian Nuer. 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[14]. The power sharing arrangement was translated into the establishment of the new Southern Sudanese regional government as well as representation in the national government. These provisions have created new opportunity structures for career aspirants of the Ethiopian Nuer. Some Ethiopian Nuer officials from the Gambella regional state have already made their way to Juba, the capital of Southern Sudan, seeking for what appear 'greener' jobs.

Situated between simultaneous opportunity structures in the two countries (ethnic federalism in Ethiopia and regional autonomy in the Sudan), other group of Nuer are calling for a dual citizenship. This approach is spearheaded by the Nuer diaspora, particularly among the Gaat-Jak who form the largest Nuer community divided by the border. This group of Nuer explicitly formulates the benefits of division by the border. Towards that end, cross border Gaat-Jak organizations have proliferated. Interestingly, none of them is secessionist or a movement which aims at the creation of a 'Greater Nuer' political community but rather advocate for political representation in the two countries. The 'rationality' of the partition is well articulated in one of the Gaat-Jak Nuer media outlet, MGERF (Maiwut and Gambella Educational Research Foundation). Riang (2005: 5), for instance, addressed the issue of dual citizenship under the title 'The Gaat-Jak Nuer: One Nation, Two States' in the following manner:

> 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 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 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

[14] By the late 1990s the Sudan has become one of the largest producers of oil in Africa exporting more than 250,000 barrels of oil a day (Hutchinson 2000).

[16] The attempt by General Dup Dak, a Sudanese government official in the Upper Nile region, to transfer the troubled Cieng Nyajani population from Gambella to the newly created Longchuk County in May 2005 is a case in point.

> 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.

Such a call for 'dual citizenship' is made in the context of the simultaneous attraction to the Sudan and Ethiopia. Anticipating a number-politics in the newly created constituencies in Southern Sudan, Sudanese Nuer officials have also attempted to organize transfer of population from Ethiopia to Southern Sudan[15]. The fragility of the CPA and the prospect of a renewed conflict in the Sudan will undoubtedly lead to a new form of signification of the Ethio-Sudanese border in which access to Gambella will be a factor in the regional power game.

The Cultural Construction of a State Border

In the alternative citizenship discussed above the Nuer might appear relentlessly instrumental; an aspect of what Clapham calls in this volume a 'political arbitrage'. 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 known as Cieng. 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 r*ul* is a Nuer immigrant who attach himself into the *dil* clan through affinal ties. A *rul* is a Nuer 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. The word *jang* might denote any of the following categories of people: any foreigner, a 'raidable' category, specifically a Dinka in his lands, Dinka of absorbed pockets of settlements in Nuer territory, or recent Dinka immigrant.

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 localise 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.

A Nuer cannot be adopted into a lineage; he can only be affiliated through marriage ties. 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. The *jaang*'s and *rul*'s origins matters mainly for marriage purposes as, since the *diel* are exogamous; they are valued as marriage prospects. In both cases, however, newcomers are encouraged to join the *diel*, an ideology eventually creating real social and economic ties. The Nuer *rul* and *jaang* are transient categories; for they are encouraged to localise and become member of the village community. In that regard, the Nuer notion of first-comer provides an ideological framework to recruit and integrate newcomers.

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, for instance, is directly related to this, when the Cieng Reng settlement assumed a new political dimension. 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. Attempts were made, though not successful, to deport the Cieng Reng to the Sudan or relocate them to a refugee camp. 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 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 interpretation 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 year long 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 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* can not follow us because we are no longer Sudanese. If Buny does the same, we will be men of Sudan.'

A similar scheme of interpretation is used by the educated Nuer to justify their alternative citizenship. As it is apparent in the aforementioned students' narratives, Nuer moved in and out of national political spaces as the situation demanded or following the changing opportunity structure: from Akedo village (access to services in the Christian mission station) to Itang refugee camp (access to the NGO resources), to Gambella town (access to the post-1991 federal pie). For some educated Nuer the turnover in changing national identification and political affiliations is quite high. A graphic representation of Peter Kayier's life history presented above bears this**.**

Table 1 A Graphic Representation of Peter Kieyer's Biography

Year	*Place*	*Position*	*Identification*
1967	Jikow/Ethiopia	Villager	Ethiopian
1983	Itang/Ethiopia	Refugee	Southern Sudanese
1985	Cuba	Trainee	Southern Sudanese
1993	Uganda	SPLA official	Southern Sudanese
1995	Northern Sudan	Sudanese civil servant	Sudanese
1996	Addis Ababa	Ethiopian civil servant	Ethiopian
1997	Gambella	Cadre	Ethiopian
2000	Pagak/Southern Sudan	Southern Sudanese rebel fighter	Southern Sudanese
2002	Kakuma/Kenya	Refugee	Southern Sudanese
2004	Australia	Resettled refugee	Southern Sudanese

Peter's life trajectory might be an extreme case of pragmatism, which has carried him through five states and served three political parties. More common is the high turnover in switching between villages and refugee camps. For the likes of Peter, 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. In the new identity politics in the Gambella region, the terms of which was largely defined by the Anywaa, however, Nuer pragmatism, expressed in the high turnover in switching national identities, has become a political liability.

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: the bigger you are, the stronger you become.

Conclusion

The Nuer who live along the Ethio-Sudanese border are actively engaged in making use of a state border. Inhabiting the most marginalized part of the Gambella region in Ethiopia and the adjoining areas in Southern Sudan they have extracted different types of resources from the international border. The cross border settlements have allowed them to keep footholds in the fluctuating opportunity structures offered by the two states. They have done that by practicing alternative citizenship to negotiate their marginality on both sides of the border. In order to further enhance its porosity, the Nuer - unlike the neighboring Anywaa who would like to see the international border fixed so that they could contain the influx of the Nuer to Gambella from southern Sudan – call for the flexibility of the border. Underlying what appears a relentless instrumentalism, we find the cultural framing of the state border. The Nuer project their inclusive idea of a political community and flexible notion of localization onto the national state, yet another instance of the cultural construction of a state border.

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Draft (6 April) for ABORNE workshop on Sudan's Borders, 18-20 April 2011

Minority languages as a strategic resource? Rethinking the *longue durée* in the Blue Nile Borderlands[i]

Wendy James

An old borderland

REFER TO MAP OF BLUE NILE BORDERLANDS

The central-eastern borders of the Sudan with Eritrea and Ethiopia constitute a really old borderland, and one of immense interest to both archaeologists and anthropologists. There are some unusually detailed sources – eg. Schuver, who went in on an impulse in the early 1880s, and got stuck in the hilly region of the upper Blue Nile. He is scarcely referred to by Sudanists, because the regions he came to know well are not inside the modern Sudan (since drawing of modern boundary in 1902); nor by Ethiopianist historians, as most of the areas he described were at the time inside the T/E Sudan. But Schuver provides fascinating glimpses into some of the local communities of the region, even recording word lists in several languages (in what we now know as Kwama, Shyita, Gumuz, Kadalo – the first three Koman, the last not yet classified though may be based on Berta -- Ingessana, and Shinasha; see James, Baumann & Johnson 1996) – something which reminds us of the extraordinary 'survival' of minority languages, not to mention various kinds of 'indigenous knowledge' and cultural traditions such as music and song.

These small groups are not simply remote and forgotten tribal fragments. Their languages may well be connected at a deep level with those spoken in the heartlands of the Nile basin, or the Ethiopian highlands in times past (remember the northern Nubian languages are Nilo-Saharan, and Meroitic may have been Koman). The present populations have certainly sought refuge in the hills, away

from political centres and trade routes at times, but this is not the complete explanation of their persistence. Many groups have involved themselves again in relationships with those centres and trading networks. The Funj Kingdom of Sennar made connections to outlying principalities through marriage, for example, reinforce trading and political alliances on which such centres depended. Outlying groups may value their detachment from centres & try to avoid exploitation; positively value their own languages, geographical sense of 'home' and their cultural traditions eg music. But they can interact quite decisively with 'centres' at times; kings and chiefs – in both the Nile Basin and the Ethiopian highlands -- often surround themselves with retainers from the periphery; musicians from the hills; ritual experts whose presence, as 'others' if you like, may be necessary in all kinds of ceremonial events. There are raw political aspects to this relationship too: soldiers, sometimes in the past 'slave soldiers', were typically recruited from the peripheries of the NE African states and kingdoms.

The Battle of Kurmuk, 1989: showing the strategic potential of marginal languages

SHOW MAP OF J. KURMUK

Here is an iconic image: decribe accounts of the situation at the battle of J Kurmuk (1989). SAF forces were encamped on the south side of the Jebel, SPLA forces approached from Ethiopia and the north side, climbing over it; there were exchanges of fire. I have heard accounts in which Uduk speakers on the mountain heard their own language being used by government soldiers below. They shouted something like 'Is that you lads down there?' and got the answer yes. 'Well, look out, because we're about the fire this great big gun!' This shows graphically how a language like Uduk is not simply remote or ancient as such: it has life in it partly because of the marginal position of the speakers – and at this particular time poised literally on the edge of the Cold War. People conscious of their marginality are not continuously being divided by frontier wars caused by others, of course; but from time to time they do seem to be caught up, if not in

actual wars, then in pressures from outside commercial and political powers which can have the tendency to turn violent.

SHOW POLITICAL MAP OF MODERN SUDAN

Historical and archaeological sources keep revealing more detail about the past, even antiquity, of this borderlands. The archaeologist Alfredo Gonzales-Ruibal and his colleagues have been publishing on the area of W. Ethiopia known as Bela Shangul, and I quote from an article in press. Among other things they have focused on previously unknown sites of stone forts, locally assumed today to be from the Italian period, but are actually from the early Turco-Egyptian invasions.

'The discovery of the forts took place in the context of a long-term archaeological and ethnoarchaeological project of the Complutense University of Madrid in Benishangul-Gumuz Regional State directed by Víctor M. Fernández. The aim of the project, which began in 2001 (Fernández 2004), was to explore the history of the peoples of Benishangul and their relations with neighbouring areas, focusing on material culture. During our fieldwork we have recorded and investigated several archaeological and historical sites spanning from the Late Stone Age (Fernández et al. 2007) to the 20th century (González-Ruibal in press). Many of the oldest sites evince strong relations with the first agricultural and pastoral communities of the Blue Nile region of the Sudan (Fernández 2006). These relations are especially obvious in the pottery styles of the early and middle Holocene period (Wavy Line, Rocker, APS, Ripple, etc.). From the first millennium BC, contacts seem to be less clear or at least more difficult to trace archaeologically. However, links with the Sudan become important again from the 16th century onwards, especially after Benishangul-Gumuz fell under the sway of the Funj kingdom based at Sinnār (Spaulding 1985).'

Pankhurst's survey of early sources on the borderlands of Ethiopia

In Richard Pankhurst's *The Ethiopian Borderlands*, essays on regional history from ancient times to the end of the 18th century, he provides us with a 'snapshot' view of the major borderland zones (arranged into three, four, or five

stretches according to the sources available at different periods). Bordering the heartland and facing variously to the north, east, south and west, for each of six major historical periods in turn he offers a picture of their relations with the centre, their internal changing diversity, and their interconnections with the outside world. The designated periods begin with ancient and early medieval times; concluding with that of the Oromo migration and the Gondarine monarchy. In his command of the sources, Pankhurst is able to trace through many recurrent themes affecting the peoples of the respective borderlands. Here, attention to the varieties of regional trade and social interaction, the movement and reshaping of peoples and borderland kingdoms through economic mobility, slavery, intermarriage, conflict and assimilation, all help 'deconstruct' the image of Ethiopia as a centralized, strong, and homogenous entity. Until modern times, it had no clear boundary at all. It appeared rather as an arena of competing kingdoms, sometimes able to extend their patronage far afield and to absorb less powerful chiefdoms into their own orbit, thus creating a hierarchy of centres of power within the highlands and beyond. The place of Ethiopia's 'border' was often a matter of opinion, or the pragmatic ability to collect tribute.

According to the sources identified by Pankhurst, Aksum was engaged in relatively peaceful barter relations with the people at a gold-mining district which Kosmas in the early 6th century refers to as Sasu, probably in the southern or south-western parts of Agaw country and Gojjam (it seems unlikely to me to have entailed crossing the Blue Nile to what we now know as Bela Shangul). Camps were set up by the long-distance traders, enclosed by thorn fences. Meat from the oxen they had brought, together with lumps of iron and salt, were laid on top of these fences; the natives (I would guess almost certainly Gumuz speakers; 'the language is different and interpreters are hardly to be found') would come bearing gold nuggets called *tancharas* (a word still current in the 20th century) and lay them on what items pleased them. If acceptable, the traders would then remove the gold nuggets, and then the locals would collect their goods.

There is evidence from as early as the fourth century that 'the Bareya of

Demah', presumably war captives, had been given to the great Church of Seyon at Axum. As is well known, the ancient term Bareya, apparently then used in a political-ethnic sense, entered Ge'ez and Amharic as the very word for 'slave'. The evidence seems not so much to indicate that the Bareya were 'one of the earliest peoples to be established in Ethiopia' as that the very pattern of social and political conflict of the day helped shape this 'identity', an assumption of primeval human difference which went with the acceptability of enslavement. In more recent times the term was localized to the people we now know as Nera of Eritrea, but in past centuries it was no doubt applied variously to independent communities of the western 'frontier mosaic'.

Fernandez on much earlier periods: and the relevance of language history

SHOW LANGUAGE MAP OF SUDAN/HORN OF AFRICA

Victor Fernandez, leader of the Spanish team, has an article 'Four thousand years in the Blue Nile, and Ways to Inequality and Resistance', 2003. He notes the parallels between arguably very ancient patterns of movement, and modern ones. To quote some of his points:

> Some linguistic and historical data on the region attest the existence of population movements and contacts across the Butana plain and the Blue Nile river, connecting the Central Sudan and the Ethiopian escarpment. First it is the ancient separation of Kunama languages, a dialect cluster today spoken in south-west Eritrea, and of the Koman languages, spoken in the central Ethio-Sudan border…
>
> Then we have the similarities observed between Meroitic and Barya (Nera), another Nilo-Saharan Eritrean language, possibly by the influence of the state-level language over the people living in its frontiers (Trigger 1964; Bender 1981, 2000: 56). The Meroitic has been also related to the Koman languages (Shinnie 1967: 132, n. 7). Information from Arab travellers in the Middle Ages suggests that Kunama and Barya peoples were at that time installed nearer the core of the Christian kingdom of Alwa, from which a later displacement to their current position in the Highlands is deduced (Murdock 1959: 170; Pankhurst 1977: 3). Oral history from the Berta people, now living at both sides of the central border, indicates that they also moved to the Highlands from the southern part of Sennar kingdom in recent times (Triulzi 1981: 21-5).

> All those frontier groups have preserved hunting-gathering practices until very recently, and though some of them tend cattle, those living in the forested escarpment are mostly hoe farmers (Cerulli 1956: 179). …
>
> What we are presented in all this information may perhaps be considered part of the historical processes of *longue durée* at the Eastern Sahelian region. …
>
> Later on, except for occasional slave raids (Pankhurst 1977), these *Shankilla* (black, slave) populations lived for centuries in an acceptably independent situation at the edge of the Sudanese and Ethiopian kingdoms, as historical data from foreign travellers to the Highlands suggest (Páez, Prutky, Bruce, etc.). Their inferior position in modern times (e.g. Donham 1986: 12) could be more a consequence of Abysissian expansion in the 19th century than the result of earlier enslaving practices. The Sudanese refugees newly settled at the Ethiopian side of the border due to the civil war attest the persistence of the process, which started in prehistoric times, up to the present day. In such cases as the T'wampa (Uduk), the whole ethnic group, some 20.000 people, has been resettled in the old refuge areas (James1994), which are now called the Tsore, Bonga or Sherkole camps. [*Complutum*, 2003, Vol.14 409-425]

We don't actually know what languages were spoken by those who made the objects found by the archaeologists in 'remotest' W Ethiopia. But it is extremely interesting to speculate; and in addition to the movements and contacts noted by Fernandez, we might recall that some other minority languages of the region are now classified as Omotic (Ganza, and two 'Mao' languages) – with a heartland in SW Ethiopia, and a very ancient lineage according to the linguists. One of the well-known groups on the Sudan side is of course Ingessana; like the former and now exinct language of J Gule (which was Koman), we should note the long involvement of these peoples with Sennar (and earlier centres). The Ingessana language itself, or Gaam to use the self-name, is a distinct line within the minor 'Eastern Jebel' branch of the Nilo-Saharan family, and like all the others I have mentioned poses a serious question about the social contexts of language persistence in this geographical and political borderland. The continuing involvement of Gumuz speakers (a Koman language) with the political and economic networks of the state-forming centres has probably been better documented than for any other case (see the Pankhurst note mentioned above; and cf. my own work on the Gumuz (1986, forthcoming).

It is surely reasonable to ask whether the question of language survival is

inked in any way with the strategic effectiveness of such languages as people move between the demands of overarching economic and political demands and their home communities? Is the very survival of these languages linked to this effectiveness? Bilinguality, or multilinguality, is far more common today than people often realize (cf. James 2008), and no doubt this was also the case in the past, including the remote past.

Back to the present

The late Charles (Chuck) Jedrej and I both found ourselves focusing for our main fieldwork in the rather definitely 'peripheral' region of the southern Blue Nile Province, as it then was – in my case on the Uduk speaking people, and he on the Ingessana.

Jedrej noticed how the Ingessana, within their cluster of hills (about the size of the English Lake District) had formulated a very special social world, marked by boundaries in space and structured through cycles of activity and ritual. This space was not so much *set apart* from the outside but set *against it* thematically. Having worked previously in West Africa, Jedrej's perspective was already one in which old centres of power and commercial networks themselves helped shape the culture of those 'isolated tribes' defining their borders; and he applied this vision to the Ingessana very effectively. In particular, he introduced the concept of 'deep rurals' to eastern Africa, a notion first formulated by Murray Last in relation to enclaves of non-Muslim Hausa in northern Nigeria. This concept works well in the politically marginal regions of north-eastern Africa, and in Jedrej's later work he shows how it can be extended with reference to the Nuba Hills in central Sudan and the Hadjeray massif in Chad. Jedrej retained the term 'deep rurals' right up to his later papers on the Sudan: it survives in a substantive footnote in his important paper of 2004, on the southern Funj as a 'frontier society' 1820-1980 (p. 718).

Jedrej's use of deep rurals was, interestingly, picked up by the Spanish archaeologists in western Ethiopia:

> Historically, peoples in this area have resorted to their cultural traditions to avoid subordination and cultural assimilation, as an example of "cultures of

resistance" or **"deep rurals" (Jedrej 1995: 3). …**

Jedrej's last visit to the region was in 1985, just before the most recent Sudanese civil war really got under way. Ingessana found themselves on the front line of the war in the Sudan, and were divided by it, but did not get displaced wholesale from their homeland. The Uduk on the other hand did, which is how (eventually) they came to participate actively on both sides of the war as I mentioned at the start.

Modern networking and minority languages: Uduk examples

Let's return to the minority languages and their remarkable survival, even when spoken alongside lingua francas.

In the case of my own work with the Uduk and the neighbours, I have recently been reading in the archives of the SIM. I came across a small number of letters in the Uduk language itself; most were from members of the community to the missionaries; but a particularly interesting one was sent by one missionary to another, then out of the area. It was about the chances of political trouble among local groups themselves, in the first year of the 2WW, when the Italians had bombed one of the mission stations. I could more or less read it, but the archivist couldn't.

And today, we have the phenomenon of mobile phones which carry the Uduk language (and I am sure Ingessana, Gumuz etc. also) across the ether, between at least the 'relatively deep' rural areas, where the military tend to be based as well as the refugees, and the cities of Sudan, Ethiopia, Kenya, USA and Canada, and Australia. I have myself even been rung up from Kurmuk on a satellite phone, probably without authorization.

There are networking websites; one of them is run by a small number of Uduk speakers based in Salt Lake City, Utah, and Tucson, Arizona. Just occasionally they put up messages in Uduk, a kind of confidential networking which might just become effective one day. They are even involved right now in a series of 'teleconferences' – in which just a few among the diaspora originally from the southernmost district of the Blue Nile, ie Kurmuk county, are arguing among themselves as to whether they should campaign for the transfer of this

district to the South, as against the North of Sudan – contra the provisions of the 2005 peace agreement and the recent Referendum. I have also had the privilege of being given several hours of video footage taken by one visitor from N Dakota who spent the Xmas vacation of 2009 back in the homeland; some of the interviews and conversations in the Uduk language he took back to N America were certainly on the 'confidential' side, and would not have meant much to the Sudan Security apparatus – north or south --even if they had fallen into the wrong hands.

It would be interesting if between us we could collect more examples of the internet and other hi-tech communications – across borders -- working strategically through indigenous languages of the Sudan, as Navaho speakers were once used by the US in the 2WW.

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[i] Earlier presentations drawing on some of the material in this paper were given in Edinburgh, the Jedrej Memorial Lecture, 16 Feb. 2011, and a talk to the student Anth. & Arch. Society in Bristol, 24 Feb. 2011.

REFERENCES TO FOLLOW WHEN SORTED OUT

The Implication of Internationalizing North-South Boundary along the Contested South Kordofan/ Nuba Mountains Borderlands

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Introduction

The signing of the Comprehensive Peace Agreement (CPA) in 2005 brought an end to one of the longest and bloodiest civil wars in the recent history of Africa. The war that broke out in the south in 1983 extended progressively into northern Sudan via the Nuba Mountains in 1985 when some Nuba political activists joined the Sudan Peoples' Liberation Movement/Army (SPLM/A). The involvement of the Nuba, among others, in armed struggle arises from a long history of political, social, and economic marginalization and discrimination by the northern dominant ruling elites (Komey 2009, 2010a, 2010b).

The Nuba strife, which centers on three key issues of 'indigenous identity', 'land rights', and 'political destiny', was and still is linked to north-south's socio-cultural and geo-political relations (Komey 2010b). The Nuba Mountains or alternatively South Kordofan, including the disputed Abyei, and southern Blue Nile are widely known in the Sudanese politics as 'contested', 'transitional', or 'border' areas/ territories for they are socio-politically and geo-administratively located along north-south divides. As a result, they continued to be disputed not only during the war and peace negotiations but also during the on-going transitional period. No doubt, the aftermath of the coming up event of the formal separation of the South Sudan on these disputed borderland areas is enormous and far-reaching on both sides of the divided Sudan (see Johnson 2010).

Following background that includes some theoretical reasoning, this paper attempts to analytically trace the unfolding dynamics associated with 'internationalization' of a mere internal administrative boundary as a result of the separation of the South Sudan. The focus

is on the unfolding events along the South Kordofan/ Nuba Mountains' borderlands and their repercussions on political stability, economic choices and social peace in the region in particular and on the entire future relation of two neighboring states in general.

Region/ Territory and Socio-political Identity: a Conceptual Reasoning

The separation of South Sudan is transforming south-north administrative boundary of 2010 km long into an international boundary/ border. In both sides there are borderland areas inhabited by more than 12 million local populations. These local populations continue to intensively and extensively interact through a series of multifaceted and complementary relations in economic, social-cultural, political and ecological spheres. The heart of the matter here is that 'the demarcation of the boundary is entwined with the question of land ownership, land use, and land rights, which are usually articulated as questions of collective rights of ethnic groups' (Johnson 2010: 10). In view of this, region is 'a source of identity and self-sustaining resources; it is an historic territory, a homeland, a rightful possession of one's forefathers through generations. It is distinctive and a unique territory; and the identity of the nation is bound up with memory, and this memory is rooted in a homeland' (Williams and Smith 1983: 509).

I argued elsewhere (Komey 2008: 992-94) that region as a homeland for any given community is usually loaded with social, economic, and, thus, political meanings and symbols. Therefore, region is conceived here not as a mere geographical space, but as a societal arrangement full of dynamic political, ideological, socio-cultural, and economic realities. To paraphrase Murphy (1991: 27), region is conceptualized as i) a local response to historical dynamic processes of external/ internal forces and realities and ii) a focus of identification, i.e. the inter-relationship between land territory and ethnic/ community identity, and as iii) a medium for social interaction and its role in the creation of regional patterns and characteristics.

Thus, with the rise of the idea that societies are defined territorially, socio-cultural and political identities are fundamentally linked to territorial affiliation. The concept of region

is thus concretized as a political category, a contiguously definable geographical space with specific character, image, and status in the mind of the inhabitants of each region (Komey 2008, Komey 2010a, 2010b).

This implies that regions are explicitly understood to be places whose distinctiveness and identity formation rest on socio-political grounds. It is within this conceptualization of the region as socio-political entity, ancestral homeland, and a base for livelihood and survival that the rural borderland communities along north-south borderlands, their associated territorial attachments and political expressions, and the ramifications of the state development intervention on the life form of the local communities can be understood and analyzed accordingly. The Nuba Mountains region as social world and its emerging status as an international borderland is no exception.

The Nuba Mountains region as eco-social space

As an ecological field, the Nuba Mountains region (alternatively the South Kordofan State) lies in the geographical center of the Sudan and covers an area of approximately 88,000 km^2 (roughly 30,000 square miles) within the savanna summer-rain belt (Map1 below). Its hilly topographic features give it unique physical characteristics in relation to the whole surroundings. It forms an irregular, broken pattern of long mountains ranges, squat massifs and rugged rocks, separated by broad valleys and stretches of plains. These mountains are bounded to the east, west, and north by the semi-arid thin bush country typical of the Sudan in this zone and reach in the south almost to the marches of the Nile valley.

Arable land in the region constitutes 15% of the total arable land in the Sudan. The plain land is divided into the fertile clay soils, the sandy/clay pediment soils found at the foot of the mountain, and the rocky soils on the hilly areas. Over 20% of the total area of the region is gazing land, whereas 14-22% of the area is either cultivated or lies fallow (Harragin 2003: 4; also see March 1944: 1-3). Rainfall is the only source of surface water, and its availability depends on the amount of precipitation, temperature, evaporation, and the

drainage system. In addition, there are a number of natural depressions filled with direct rain water or run-off.

The importance of these distinctive ecological features stems from their key role as a natural resource base that decisively determines the patterns of human settlements, land use, and overall socio-economic activities and organizations. This, in turn, establishes a chain of interconnections and a flow of agents between the ecological/spatial and socio-economic fields induced by human activities as manifested in their land-use system. Based on this ecological setting, land-use patterns in the region are dominated by the co-existence of the two traditional sub-systems of subsistence: rain-fed cultivation, practiced chiefly by the sedentary Nuba and pastoralism, as the main form of life of the nomadic Baqqāra (see MacMicheal 1912/67; Henderson 1939, Hawkesworth 1932; March 1954; Nadel 1947; Cunnison 1966; Komey 2009, 2010a).

These two complementary traditional modes of life are supplemented with irrigated gardens where water is available from the seasonal water courses or shallow aquifers. Most importantly, there has been a successive introduction of modern mechanized rain-fed farming systems in the region since the 1960s (Saeed 1980; Battahani 1980, 1986; Harragin 2003). Mechanized rain-fed farming and trade businesses are dominated by small but extremely influential groups of the Jellāba, from northern and central Sudan, and the Fellāta, migrants from West Africa (Manger 1984, 1988, Komey 2010a).

As a promising agricultural zone strategically located between the equatorial southern Sudan and the desert northern Sudan the Nuba Mountains region acts as one of the major economic bases for the Sudanese agrarian economy. Moreover, rich oil fields recently discovered and exploited in the southwestern portion in the 1980s have added more economic, political, and strategic significance to the region at national as well as global levels (see Suliman 2001; International Crisis Group 2002; Mohamed and Fisher 2002; Johnson 2006; Pantuliano 2007, Patey 2007, Komey 2010).

The Nuba Mountains: From a Central to a Borderland Region

The emergence of South Sudan State as a result of the 2011 referendum has imposed its own logic and dynamics. One of these dynamics is that the southern part of the administrative internal boundary in the South Kordofan State is now being transformed into international boundary. Two major direct implications of the newly born South Sudan State are manifested in (i) the change in the relative location of the Nuba Mountains region as social space from central to borderlands, and (ii) the emergence of undefined/ ambiguous international border along north-south divides. This unfolding situation is likely to have far-reaching security, political and social, and economic ramifications.

The crux of the matter is that many borderlands/ areas/ points along the emerging north-south international boundary are still highly disputed in the on-going process of boundary delimitation and demarcation. Moreover, most of these borderlands are not dormant but rather active social spaces with interwoven and symbiotic economic, social, political and ecological relations among and between the neighboring local communities. It is worth noting that most of the highly disputed border areas/ points along the north-south internationalized boundary are located in the contested Nuba Mountains/ South Kordofan State. Reference can be made here to Abyei, some major oil fields, grazing and arable lands, water resources, and more than forty per cent of the newly south-north international boundary and borderlands.

According to the CPA the border between northern and southern Sudan as of 01/01/1956 should has been defined and demarcated by the end of the six-month pre-interim period in July 2005. It was a precondition for several subsequent key arrangements including, among others, redeployment of Sudan Armed Force (SAF) and SPLA, national census, elections, and more importantly the southern Sudan referendum. Today, the task of border demarcation remains incomplete though the six-year transitional period approaches its formal end. The importance of South Kordofan/ Nuba Mountains region, a case in focus, stems from the fact that it accommodates most of the unresolved issues along north-south borderlands:

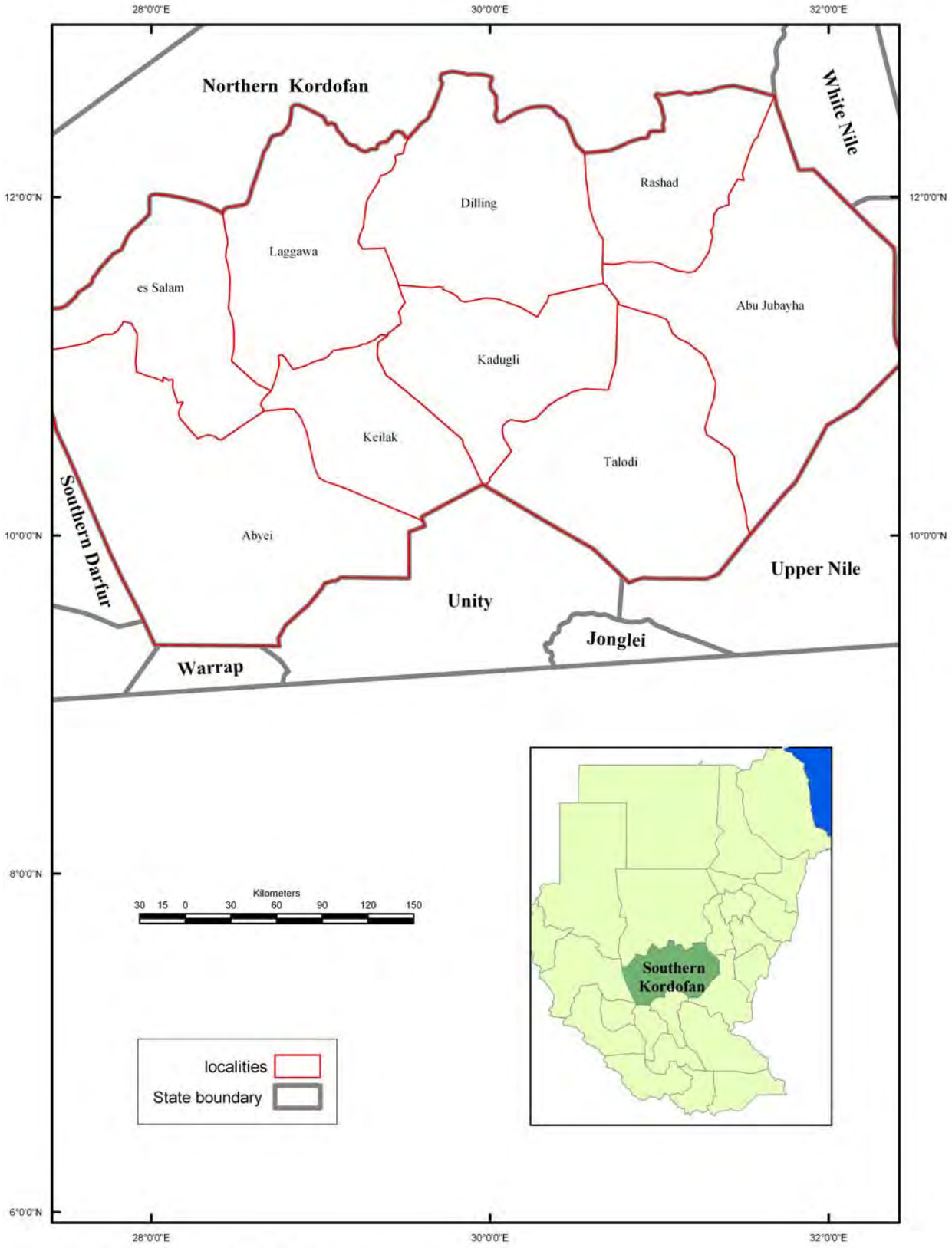
(i) South Kordofan region is part of the longest international boundary between the North and South States with four neighboring southern states of Upper Nile, Unity, *Warrap* and Northern *Bahr el-Ghazal* (see Map 1).

(ii) it hosts most of disputed areas between the North and South, namely conflict-prone border areas of *Abyei*, *Kaka*, and *Megenis* Mountains, and *Karassan* and *Heglig*/ *Bamboo* oil fields in the Southern Kordofan-Unity triangle. As the country's oil resources are concentrated in these areas, the political and economic implications of border demarcation have been amplified, and some border areas remain dangerously militarized.

(iii) its indigenous Nuba people, though located geographically in North Sudan, they maintained strong socio-cultural and politico-military ties with Southern Sudan. The current presence of the Nuba SPLA forces in the southern side of the10/10/1956 border in *Jaw* area in Unity State near Lake *Abyad* attests to this assertion;

(iv) the root causes that trigger, and subsequently extend the war from south to north, namely question of political, economic and socio-cultural representation and land rights, remain without effective redress despite the formal end of the CPA transitional period; and

(v) the region is a home and a passage for most of nomadic groups that move rhythmically from north Kordofan through into southern states. The recurring movement of the northern Sudan's nomadic population with longer period of a year spend South Sudan is something more than looking after grazing land. The nomadic movement involves an interwoven type of economic, trade and market relations between the nomads and local population including those in South Sudan.



Source: Survey department, Sudan 2009

Major Borderland Disputed Points along South-North Boundary in South Kordofan

No doubt, the still undefined boundary line has hindered implementation of the 2005 Comprehensive Peace Agreement (CPA), fuelled mistrust between its two signatory parties and, most recently, contributed to heightened anxiety and insecurity along the border not only between South and North authorities but also between local communities in the borderlands in both sides. Moreover, the CPA itself and the result of the Southern Sudan referendum have intensified local and national conflict over land resources along north-south border (see Concordis 2010; ICG 2010). Most of these borderlands' flash points are located along South Kordofan border line as summarized below.

(i) Abyei Question

According to the CPA, Abyei referendum is to take place simultaneously with that of Southern Sudan. But heated dispute over residency criteria and composition of the Abyei Referendum Commission jeopardize this, resulting in conducting referendum in South without that of Abyei. Throughout the transitional period, there have been recurring local tensions between *Dinka Ngok* and *Misseriya*, and intensified with involvement of both SPLM and SAF forces in backing one of the parties. This situation was aggravated by Permanent Court of Arbitration (PCA) which placed majority of oil fields outside the Abyei area. The Misseriya and the National Congress Party (NCP) rejected the ruling and demanded the participation of the Misseriya in the referendum while the SPLM/A and Dinka Ngok accepted the PCA ruling and rejected participation of the Misseriya in Abyei referendum.

At present, the area is highly militarized with recurring deadly clashes followed by claim and counter claims against each other from the SPLM/A and the Dinka Ngok from one side and the NCA, SAF and the Misseriya from the other. As far as the Abyei question remain unresolved, different types and levels of the tensions and insecurity along north-south boundary and the adjacent borderlands will inevitably recur, and that might derail the two countries into large scale confrontation or war.

(ii) Other Disputed Border Areas in the Region

There are many disputed border areas between south and north (see Concordis 2010; Johnson 2010; Thomas 2010). But Most of those contested areas are located along South Kordofan borderlands, namely *Heglig*/ *Bamboo* oil fields in the Southern Kordofan-Unity triangle *Kaka*, *Megenis* Mountains, and *Karassan*. All these areas have certain economic importance as source of oil and other minerals, and arable/ grazing rangelands while others have also geo-strategic importance like proximity to White Nile River.

For example*, Kaka* is a strategically important point for its access to the Nile and to oil producing areas. Transferred to Nuba Province in the 1920s but returned to Upper Nile in 1928. During that period it was active river port of the Nuba Mountains Province (1922-28) and a market centre that used to bring together a number of villages in north and south. Recently, there has been a low level dispute and claim and counter claim between the authorities in north and south.

Megenis Mountains in South Kordofan-Upper Nile-White Nile States' triangle is another disputed border area between Upper Nile and South Kordofan. The dispute seems to be over part of reportedly mineral/oil rich mountains. Local disputes are over settling of nomads and associated local resource exploitation including rich arable land which has been exploited for mechanized farming schemes.

Southern Kordofan-Unity 'Triangle' that includes *Kharasana*, *Mayram*, *Nyam*, *Keilak* and the *Heglig*/ *Bamboo* oil fields is potentially the most problematic disputed border area. National contestation over *Kharasana* and the *Heglig/Bamboo* oil fields heated up after the Permanent Court of Arbitration ruling over Abyei boundary that placed these areas in South Kordofan borderlands and outside the Abyei Area. Pariang County in Unity State claims that the area was administered in South Sudan in 1/1/56. The oil-based economic significance of these areas for both parties is palpable. Moreover, these areas represent an important arable land for local communities and as well as for grazing zone for the *Misseriya* nomads.

(iii) Militarization of South Kordofan Borderland as a Major Conflict Zone

South Kordofan is a major armed and political conflict zone during the war as well as during the CPA transitional period. Given the current situation in South Kordofan and along north-south borderlands, it is evident that the region will continue as a battle ground as it hosts major unsettled disputes between north and south. As the transitional period approaches its end, there is an excessive army build up by the Sudan Army Forces as well as reactivation of some Arab militias and Popular Defence Forces (PDFs) in South Kordofan State. On the other hand, there is a building up of the Nuba SPLA forces beyond the 1 January 1965 line in the Southern Sudan's borderlands in Unity State. It is possible that the SPLM/A-based Government of Southern Sudan will continue to provide political, logistic and military support for the Nuba SPLA forces inside the Southern Sudan's borderlands after the formal separation of the South Sudan State. This probability is even higher if the on-going election in South Kordofan and the expected popular consultation process failed to effectively address the Nuba's root causes that push them to join armed struggle together with the people of the South Sudan and Southern Blue Nile.

(iv) Unaccomplished Border's Delimitation and Demarcation

The as yet unsettled issues of North-South borders, particularly the oil-rich disputed borderlands are, in one way or another, linked to South Kordofan's borderland zone. Indeed, these highly contested and unresolved local/ national questions will, to large degree, be transformed from national to inter-state questions with far-reaching implications not only for national security of the two states but also to regional and international security and peace. In fact, this gloomy scenario is substantiated by several signs that points to a possible return to political violence or large scale civil war in borderlands of South Kordofan region, and, least two of these signs can be noted.

First; the possibility of the escalation of some on-going borderlands disputes, particularly over the oil-rich area of Abyei along the South-North divide is very likely. Given the present processes of heavy militarization and political mobilization of the local people by the two competing parties in the area, it is not difficult to conceive the political, socio-economic and

security ramifications of any possible escalation of the situation along the disputed borderlands.

Second, the way the two Governments are going to manage the completion of the process of boundary definition, delimitation, demarcation, and management will determine the scale of border trade and economic opportunities, security arrangements, and inter-communal interaction along the borderlands. At this juncture, choosing between two competing options of 'soft' or 'hard' border management policy becomes a vital decision as far as social peace, political stability and security in the borderlands are concerned.

Towards 'Soft' or 'Hard' Border Management Policy: a Concluding Remark

There is no easy choice in managing the emerging north-south international border, at least, in the foreseen future. There are, at least, two key factors that may make the maintenance and management of this long international boundary and border a very complex task.

First, the current south-north internal/ administrative boundary, which is being internationalized, is not only highly ambiguous (see Pratt 2010) but it is also artificial. Moreover, it is permeable and characterized by intensive and extensive social and economic interactions. The manifestation of the permeability of the south-north boundary is manifested in a number of separate, yet, interrelated activities, i.e., (i) the nomadic rhythmic movement from far northern Kordofan to South via South Kordofan and back home; (ii) the existence of strong economic and trade relations between local communities through different types of local market and exchange institutions across the divides not only during peace period but also during the civil war; and (iii) the political and socio-cultural linkages between the population of the borderlands in both sides. The presence of the Nuba SPLA forces in the southern borderlands in Unity State manifests this relation across the boundary.

Second, prevailing lack of political will to resolve north-south issues, including boundary delimitation and demarcation, may intensify military tensions and political insecurity along the border and, subsequently, social disruption of the local population in the borderlands. As far as these disputed issues and border areas remained without effective solution, it is likely that one or both parties will resort to a policy of 'hard' border management after the formal independence of the South Sudan State next July 2011. The crux of the matter here is that "sealed borders are unhealthy and potentially explosive, even if they are effective in providing short-term security" (Pratt 2010: 2).

Despite the emerging international boundary and borders, some sort of social, economic and political interactions across the divides will inevitably continue to act as connectors and intermediary spaces despite the potential intent to make them real barriers or dividers. It is worth noting here that managing state borders have recently 'shifted the focus away from borders as constraints to borders as conduits and opportunities' (Dereje 2010). Indeed, recent studies on state borders of Horn of African States including Sudan proved that State borders are more than barriers. They are connectors as they act as intermediary social, economic and political spaces and as such provide opportunities as well as obstacles for local communities straddling both sides of the border (see Dereje 2010; Dereje and Hoehne 2010; Johnson 2010; Pratt 2010; Thomas 2010).

This implies that a certain degree of 'soft' border management policy is desirable to ensure positive relation between the two Sudanese States and the interacting local communities across. This positive relation is a precondition for working together in order "to develop strategies aimed at future interdependent and even integrated borderlands" (Pratt 2010: 3).

Finally, the overall discussion informs that there is still much to be done by the Sudanese political and civic actors, as well as regional and international communities, namely the IGAD, the African Union, the UN, and the world's major powers, in order to sustain socio-political peace and stability in the two States and, therefore, arrest the emerging tendency towards another possible civil war. The discussion suggests that the political actors and

academics should not only be at alert, but should engage and work out ways and means for a process that must promote peaceful transformation of the two Sudanese States after the formal separation of the South Sudan State in July 2011.

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South Darfur and Western Bahr al-Ghazal

Figure 2 Sudan Provinces at Independence

PERMANENT COURT OF ARBITRATION

IN THE MATTER OF AN ARBITRATION BEFORE A TRIBUNAL CONSTITUTED IN ACCORDANCE WITH ARTICLE 5 OF THE ARBITRATION AGREEMENT BETWEEN THE GOVERNMENT OF SUDAN AND THE SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY ON DELIMITING ABYEI AREA

BETWEEN:

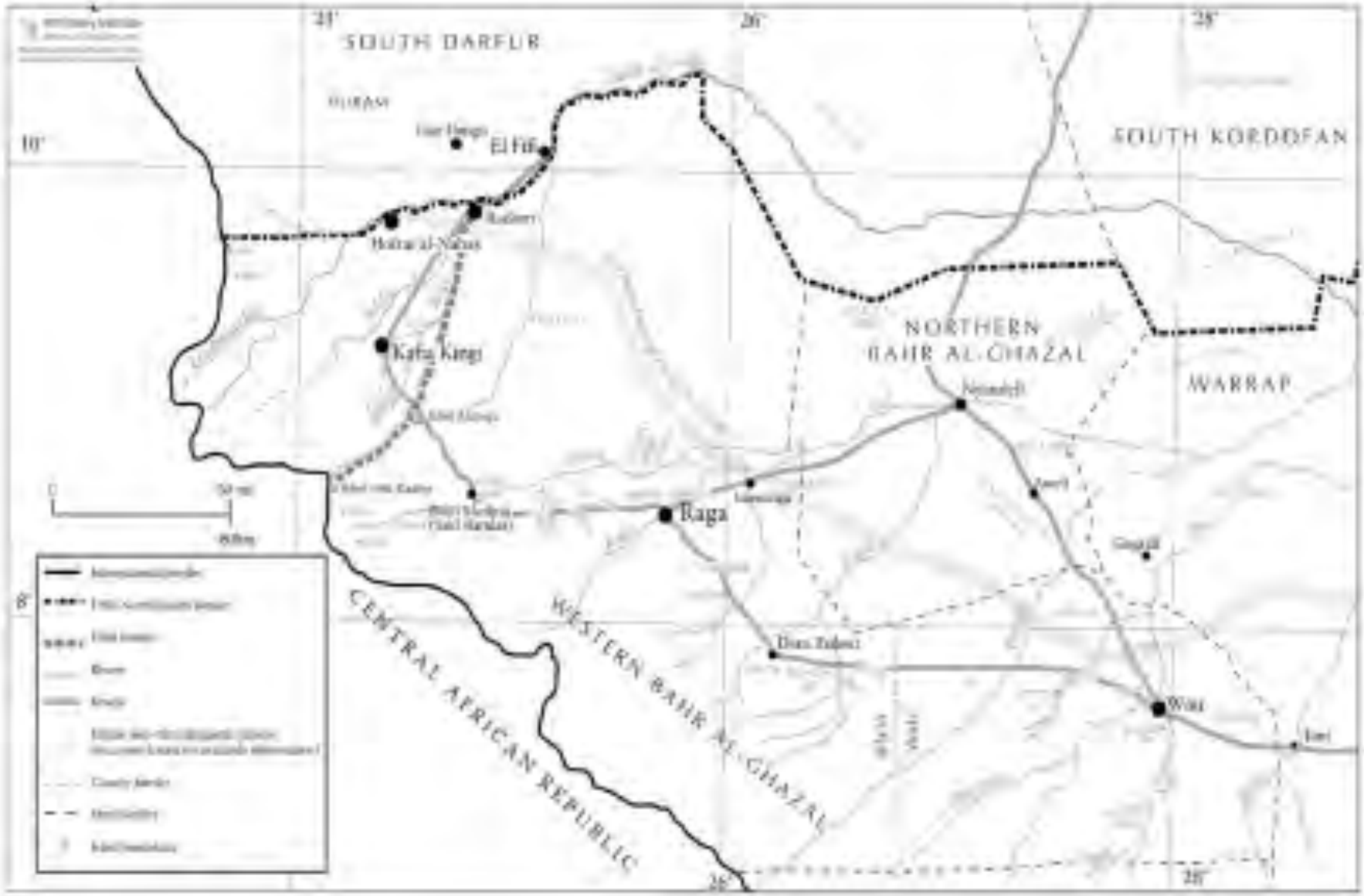
GOVERNMENT OF SUDAN

and

SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY

MEMORIAL OF THE GOVERNMENT OF SUDAN

18 DECEMBER 2008



Map 2: Sudan: Western Bahr al-Ghazal

.

You say that Our only followers are ignorant Baqqara and the idolaters [al-Majus]. Know then that the followers of the apostles before us and of our Prophet Muhammad were the weak and the ignorant and the nomads, who worshipped rocks and trees (quoted in Holt 1970: 58)

.

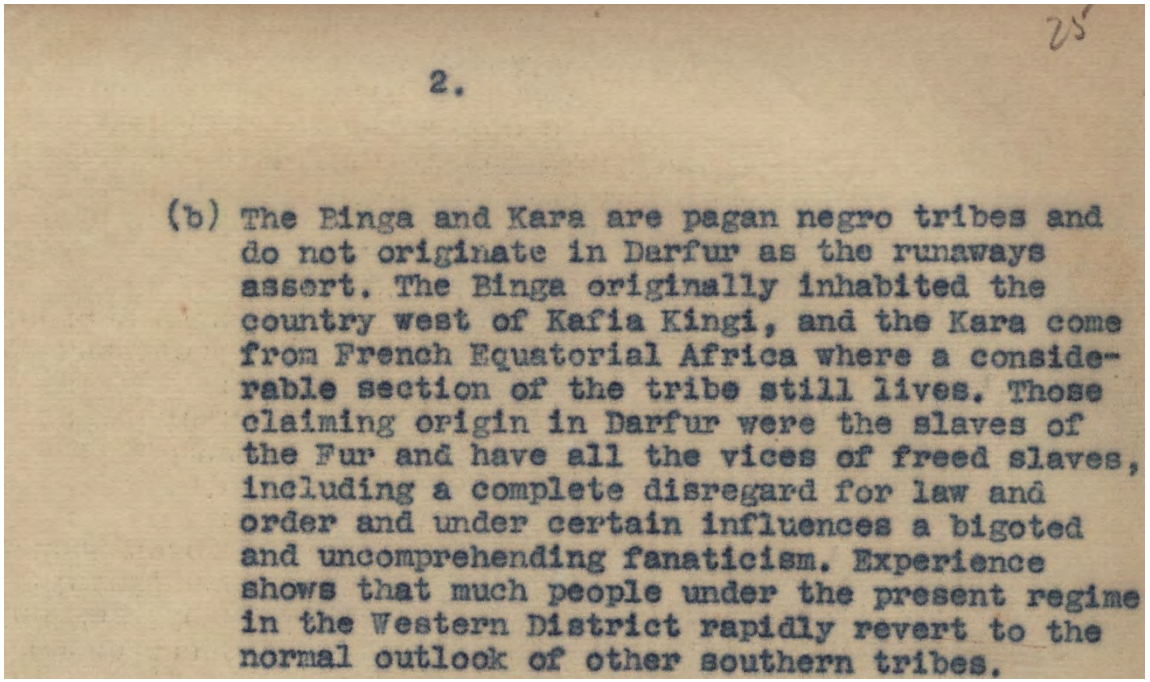
I saw open graves from which the corpses had been removed to serve as food… Never had the people lived through such horrors, even during the worst periods of the Arab invasion

(R.P. Daigre, quoted in Suret-Canale, 1971: 33).

Language	Number of speakers	Language family
Aja	200	Nilo-Saharan
Belanda Bor	8,000	Nilo-Saharan
Belanda Viri	16,000	Niger-Congo
Banda (West Central)	3,000	Niger-Congo
Feroghe	8,000	Niger-Congo
Gbaya (Kresh)	16,000	Nilo-Saharan
Fulfulde	90,000	Niger-Congo
Hausa	80,000	Afro-Asia c
Indiri	7,000	Niger-Congo
Mangayat	400	Niger-Congo
Nyagulgule	900	Nilo-Saharan
Sha	15,000	Nilo-Saharan
Togoyo	Exnct	Niger-Congo
Yulu	3000	Nilo-Saharan

Some languages of Raga County, from www.ethnologue.org, 2009

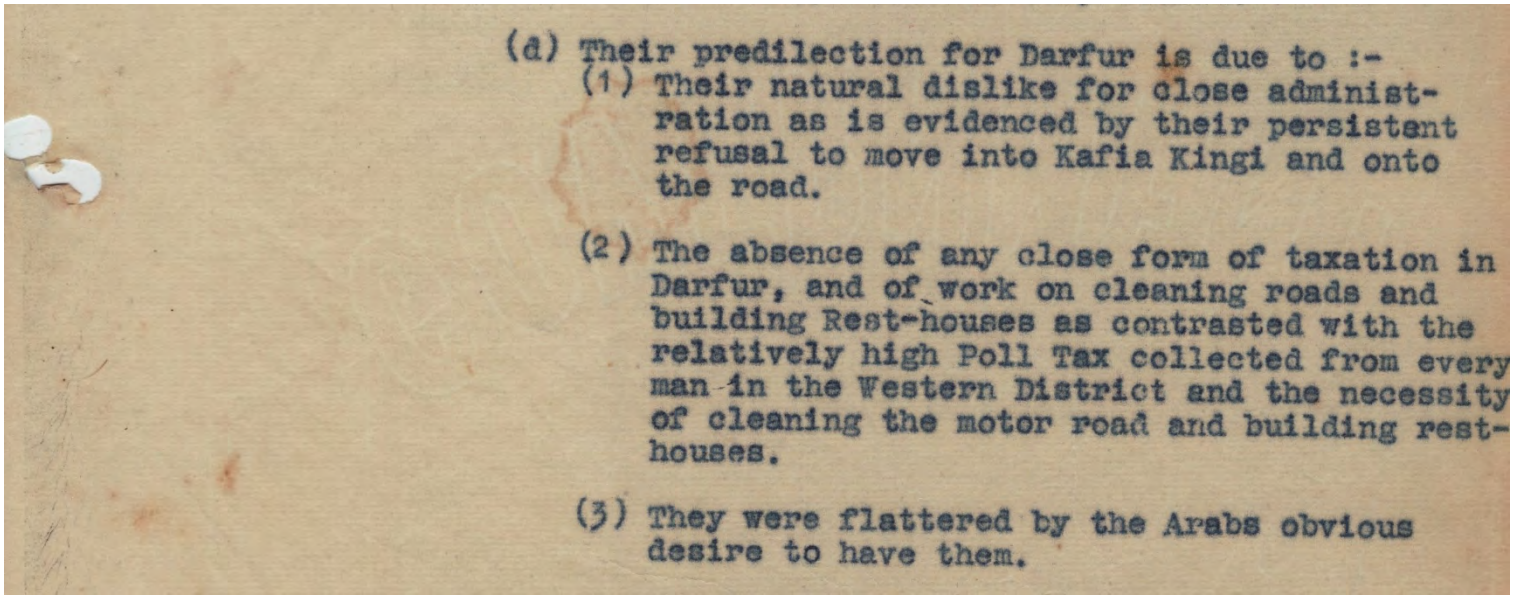

UC-NRLF
B 3 148 371
Black Ivory and White!
The Story of
El Zubeir Pasha



2.

(b) The Binga and Kara are pagan negro tribes and do not originate in Darfur as the runaways assert. The Binga originally inhabited the country west of Kafia Kingi, and the Kara come from French Equatorial Africa where a considerable section of the tribe still lives. Those claiming origin in Darfur were the slaves of the Fur and have all the vices of freed slaves, including a complete disregard for law and order and under certain influences a bigoted and uncomprehending fanaticism. Experience shows that much people under the present regime in the Western District rapidly revert to the normal outlook of other southern tribes.

"Note of a mee_ng between Mr J.F. Madden A.D.C. Southern Darfur Baggara and Mr S.R. Simpson A.D.C. Western District, Bahr El Ghazal held at Safaha on 11 April 1932 to discuss the sea lement of the Binga and Kara," in folder marked "The B+K runaways: their story and its deplorable ending," Wau archives, unclassified



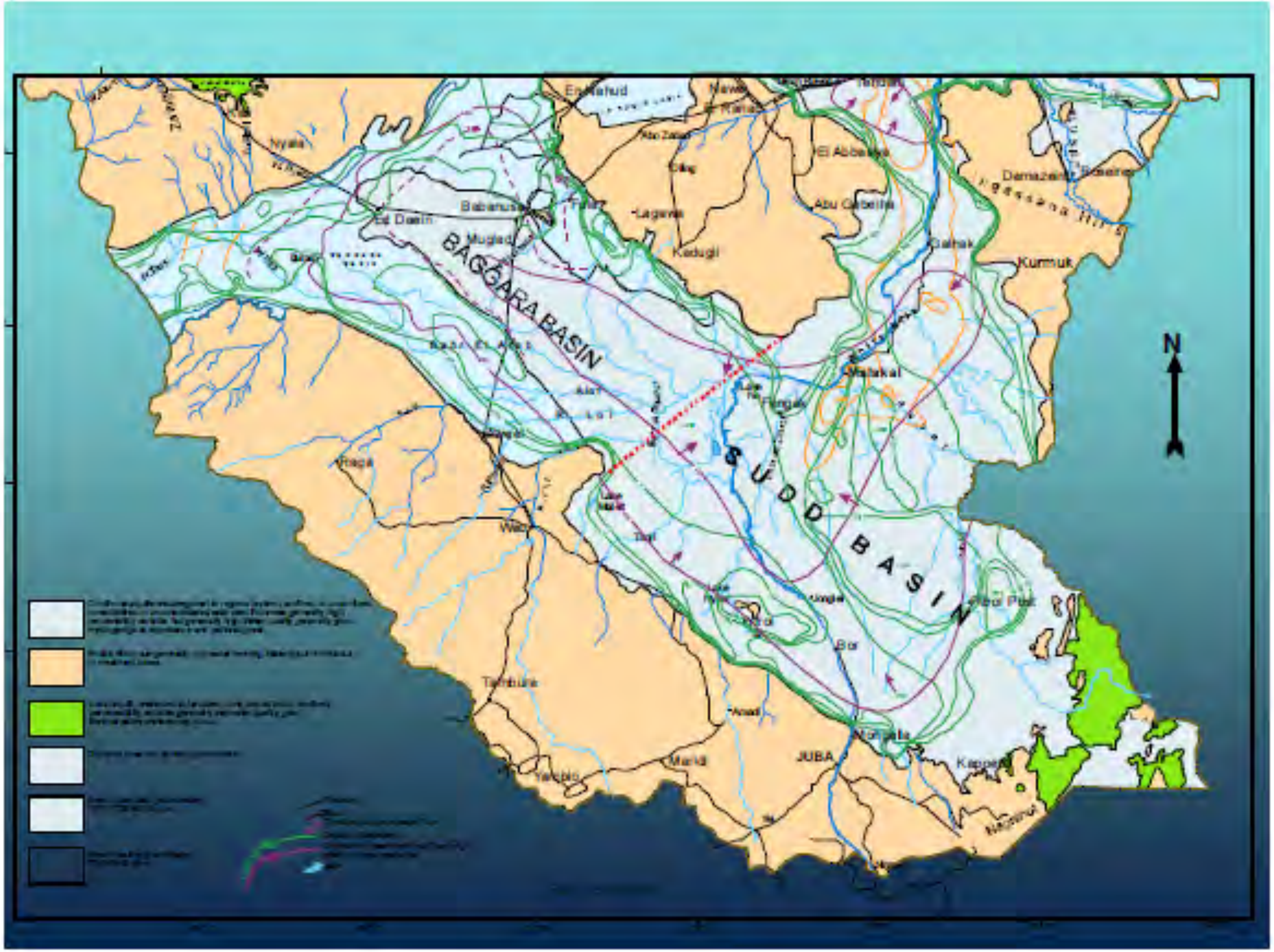
(d) Their predilection for Darfur is due to :-

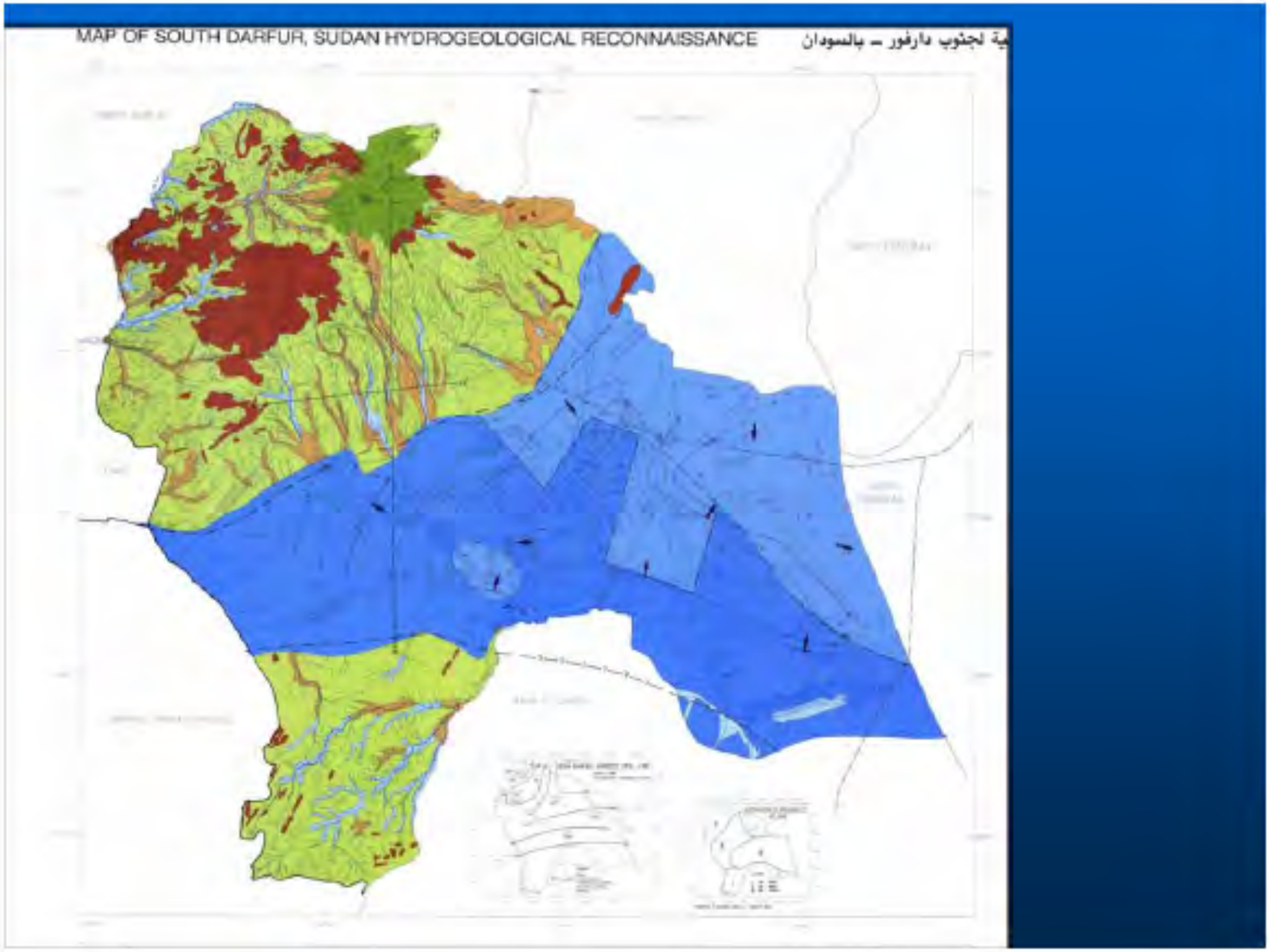
(1) Their natural dislike for close administration as is evidenced by their persistent refusal to move into Kafia Kingi and onto the road.

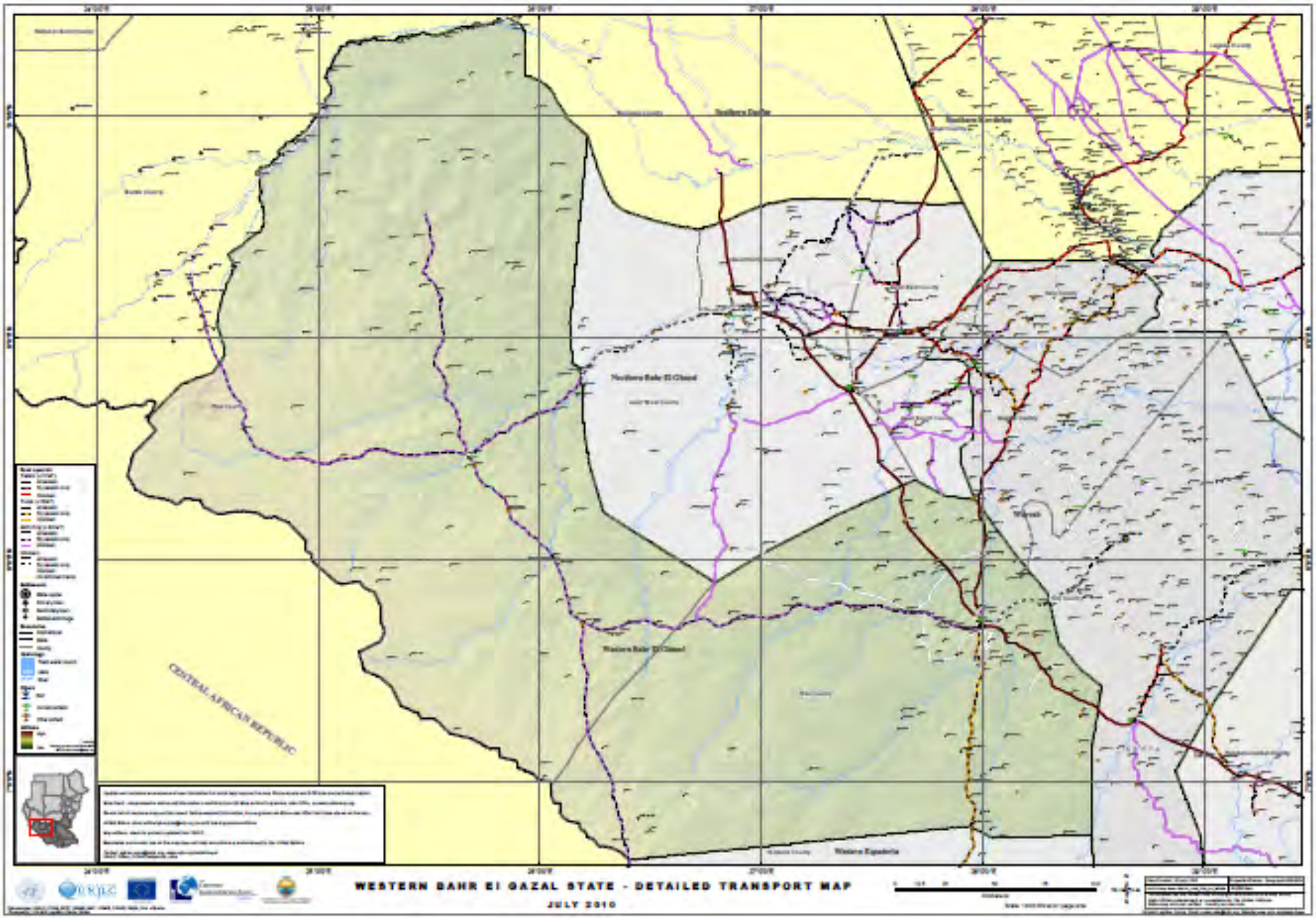
(2) The absence of any close form of taxation in Darfur, and of work on cleaning roads and building Rest-houses as contrasted with the relatively high Poll Tax collected from every man in the Western District and the necessity of cleaning the motor road and building rest-houses.

(3) They were flattered by the Arabs obvious desire to have them.

"Note of a mee_ng between Mr J.F. Madden A.D.C. Southern Darfur Baggara and Mr S.R. Simpson A.D.C. Western District, Bahr El Ghazal held at Safaha on 11 April 1932 to discuss the sea lement of the Binga and Kara," in folder marked "The B+K runaways: their story and its deplorable ending," Wau archives, unclassified


En Nahud
Nyala
El Abbasiya
Abu Gubeiha
Damazein
Babanusa
Ed Daein
Lagawa
Kadugli
Muglad
BAGGARA BASIN
Talhak
Kurmuk
N
Malakal
SUDD BASIN
Wau
Pibor Post
Bor
Tambura
Yambio
Maridi
JUBA
Mongalla
Kapoeta


MAP OF SOUTH DARFUR, SUDAN HYDROGEOLOGICAL RECONNAISSANCE
ية لجنوب دارفور ـ بالسودان



WESTERN BAHR EL GAZAL STATE - DETAILED TRANSPORT MAP

JULY 2010

Referendum Results: Southern Sudan States

States	Valid Votes	Unity	Unity Votes %	Secession	Secession Votes %
Central Equatoria	454,296	4,985	1.10%	449,311	98.90%
Eastern Equatoria	462,909	246	0.05%	462,663	99.95%
Jonglei	429,694	111	0.03%	429,583	99.97%
Lakes	298,441	227	0.08%	298,214	99.92%
Northern Bahr El Ghazal	381,375	234	0.06%	381,141	99.94%
Unity	497,567	90	0.02%	497,477	99.98%
Upper Nile	346,486	1,815	0.52%	344,671	99.48%
Warrap	469,096	167	0.04%	468,929	99.96%
Western Bahr El Ghazal	161,076	7,237	4.49%	153,839	95.51%
Western Equatoria	212,656	1,017	0.48%	211,639	99.52%
Grand Total	**3,713,596**	**16,129**	**0.43%**	**3,697,467**	**99.57%**

Referendum Results: Northern States

State	Valid Votes	Unity	Unity Votes %	Secession	Secession Votes %
Al-Gezira	2,667	1,142	42.82%	1,525	57.18%
Blue Nile	4,810	1,159	24.10%	3,651	75.90%
Gadaref	2,321	655	28.22%	1,666	71.78%
Kassala	1,193	483	40.49%	710	59.51%
Khartoum - Bahri	6,355	2,294	36.10%	4,061	63.90%
Khartoum - Khartoum	7,772	3,456	44.47%	4,316	55.53%
Khartoum - Omdurman	9,258	4,420	47.74%	4,838	52.26%
North Kordofan	3,612	1,804	49.94%	1,808	50.06%
Northern Darfur	1,524	691	45.34%	833	54.66%
Northern State	739	212	28.69%	527	71.31%
Red Sea	1,049	254	24.21%	795	75.79%
River Nile	1,817	604	33.24%	1,213	66.76%
Sinnar	1,901	664	34.93%	1,237	65.07%
South Kordufan	4,625	1,566	33.86%	3,059	66.14%
Southern Darfur	9,253	5,849	63.21%	3,404	36.79%
Western Darfur	540	132	24.44%	408	75.56%
White Nile	6,485	2,533	39.06%	3,952	60.94%
Grand Total	**65,921**	**27,918**	**42.35%**	**38,003**	**57.65%**

States	RC Code	Referendum Center Name	Unity	Secession	Blank	Invalid	Votes Cast
South Kordufan Total			**1566**	**3059**	**92**	**95**	**4812**
Southern Darfur	**71**	Giyada - Nyalla center	1405	989	44	17	2455
	72	Addein centerIDP Camp Khor Omar	693	315	43	26	1077
	73	Adila center- adila school	161	354	162	23	700
	74	Bahr El Arab center- Abu matareig school	298	223	1	27	549
	75	Rahid al-Bardi center- Rahid al-Bardi school	178	50	1	2	231
	76	Abu Agourra center- abu agouraa school	64	76	16	6	162
	77	Sheiriya center -Alfrdous -karikaa locality	316	363	13	9	701
	78	kass center - Kass school	39	29	0	2	70
	79	Buram center - Buram school	197	24	4	2	227
	710	Tolos center- KATELA locality	72	114	31	8	225
	711	Edd Elforsan - Edd Elforsan school	45	11	0	4	60
	712	AL-rdoom center	1757	294	18	38	2107
	713	abu gabra center	298	149	4	13	464
	714	abu karnka center	279	336	13	35	663
	715	blail center	47	77	23	4	151
Southern Darfur Total			**5849**	**3404**	**373**	**216**	**9842**

State	County	RC Code	Referedum Center Name	Unity	Secession	Blank	Invalid	Votes Cast
Western Bahr El	**Raga**	601013	Mangayat Basic School	1	416	2	1	420
		601014	Sopo Market Open Space	134	347	1	7	489
		601015	Ujuku	12	1084	4	0	1100
		601016	Kuru Health Center	1	331	0	2	334
		601017	Abulu Market Open Space	0	255	0	0	255
		601018	Raga South	1396	1947	49	33	3425
		601019	Khor Shaman Basic School	1213	2297	116	59	3685
		601020	Raga West	393	3064	26	12	3495
		601021	Raga East	17	259	1	2	279
	Raga Total			**3195**	**17597**	**222**	**130**	**21144**

State regulation and local accommodations: Rizeigat and Malual on the Darfur/Northern Bahr el Ghazal border in the Condominium period

This paper is based on the final chapter of my PhD thesis which discusses pastoralist borders in Darfur, and focuses especially on the border between Southern Darfur and Northern Bahr-el-Ghazal, a dividing line between provinces of northern and southern Sudan, which was imagined by state officials as a 'tribal' - and indeed racial - boundary between Rizeigat Baggara (seen as Arabs) and Malual Dinka non-Arabs. Both peoples are cattle pastoralists.

This has remained an important internal border in post-colonial Sudan, and is of course now about to become an international boundary between two states. There are current concerns about the internationalisation of this boundary, and the potential impact of this in terms of hardening relationships between Malual and Rizeigat, particularly in the context of recent renewed clashes between the Ngok Dinka and Missiriya in the still disputed Abyei region.

The relative stability of the area in the colonial period has led analysts to look to mechanisms of border management used by the colonial state to contain inter-group tensions. Yet if we are to look back to the colonial period to inform contemporary border management policy, we also need to understand what colonial arrangements across this provincial boundary were *not*. Cross-border relationships in this area were not managed by detached, disinterested, neutral state arbiters: rather they were managed by British officials who often identified more closely with the interests of 'their' chiefs, than they did with their supposed colleague across the border. Indeed, the tensions between administrators at inter-provincial meetings were at times obvious to all participants, and undermined efforts to produce an impression of cross-border government unity.[1]

A detailed examination of this border also challenges other commonly held assumptions. Often in the literature on pastoralists, it is demonstrated that colonial

[1] D. Johnson, 'Tribal Boundaries and Border Wars: Nuer-Dinka Relations in the Sobat and Zaraf Valleys, c. 1860-1976', *Journal of African History*, 23 (1982), pp. 183-203, uncovers similar processes of administrators being drawn into taking sides in inter-community disputes. See also Hodgson, *Warriors*, p. 60; Kibreab, *State*, p. 51.

boundaries restricted pastoralist mobility, and damaged local livelihoods: that they were an artificial and alien imposition on peoples who knew no borders. More generally, mapping tribal homelands and delineating boundaries between them appears to be one manifestation of the tendency of modern states to reduce 'complex, illegible and local social realities' to simplistic, legible representations that facilitate the exercise of state power.[2] Yet research for this thesis suggests that often state representatives recognised the need to preserve some degree of local 'illegibility' to avoid risking the overall goal of maintaining local order. In particular, they often accepted that pastoralists could not be confined within territorial borders. In the Rizeigat-Malual case, colonial officials accepted that both peoples had shared rights to grazing in the borderland between them: managing these shared rights was a recurrent challenge for the administration. In the 1930s, as I will explain, officials introduced schemes to regulate the grazing movements of Malual and Rizeigat, in an effort to reduce the illegibility of this shared space. Ultimately however colonial regulation of this shared grazing remained something of a fantasy: and, again, officials were often well aware of this, and indeed ultimately welcomed the attendant flexibility as contributing to local stability. State regulation was never consistently imposed on local patterns of land use.

Making a boundary

In 1912, four years before the conquest of Darfur, and its incorporation into the rest of Sudan, the British administration had defined the Rizeigat-Malual boundary as running along the river known to the Rizeigat as the Bahr el-Arab (river of the Arabs) and to the Malual as the River Kiir: at this point the river was then made also the boundary between Darfur and Sudan. Howver a few years later this changed. In the early years of British rule in Darfur, after the invasion of 1916, the Rizeigat enjoyed a much closer relationship with the administration than the Malual across the border. The Malual were very remote from the centres of colonial power in Bahr el Ghazal, and in any case early administrators did not speak Dinka. In contrast, the Madibbo chiefs of Dar Rizeigat were strong allies of the British, having helped them in the initial conquest of Darfur. By 1918, two years after conquest, the Malual-Rizeigat

[2] J. Scott, *Seeing Like a State* (Yale, 1994), pp. 2-4.

boundary was re-defined as lying forty miles south of the river, to the advantage of the Rizeigat. Dinka discontent with this decision fed into a rebellion in 1921, and consequently, in 1924 the Governors of Darfur and Bahr el Ghazal met to revise the boundary. After hearing conflicting evidence from each side as to the extent of their territory, the governors moved the boundary north, though it still lay fourteen miles south of the river. This fourteen mile zone south of the river was defined as part of Dar Rizeigat, and the boundary was fixed at the outer limit of this zone. [3]

The Malual expressed resentment with this decision throughout the colonial period: the Bahr el Ghazal governor of the day was remembered as the man 'who gave away the river.' But the 1924 agreement did not stop Dinka grazing up to the south bank of the river, within the Rizeigat *dar*, and administrators did not try to stop this: rather they acknowledged the need for some amount of flexibility in the application of this boundary. They recognized the Malual could not be kept behind it at all times. And as a result contact between the two peoples in this zone of shared grazing was inevitable. As well as creating a boundary of separation between these two peoples, the government therefore also *de facto* recognized the existence of a border zone of interaction between them.

Managing shared grazing

In order to manage this shared grazing administrators instituted annual cross-border meetings between officials and chiefs to discuss inter-group relations and resolve disputes. As well as encouraging stable local relations, the meetings also had another special purpose: as one administrator put it, both groups should see that 'any old ideas as to the relative merits of blacks and Arabs are out of date, but that both tribes are equally subject to a Government which insists that black and Arab shall live together in unity'.[4] The government was meant to be impartial, neutral, removed and distant from local racial discourses. As another official put it, local peoples should see 'there is only one Government whose aim is law and order'; cross-border meetings should

[3] For more detail on this see D. Johnson, *When Boundaries Become Borders* (London, 2010), pp. 43-44.
[4] Arkell, Acting Governor Darfur to Civil Secretary, 12 Aug. 1933, NRO 2.D.Fasher (A) 54/2/9.

'prove the absolute impossibility of playing off any one administration against the other'. But at times, these meetings might fall far short of these ideals.

One important factor which complicated administrative relations across the Rizeigat-Malual border was the introduction of Southern Policy from 1930. In brief, Southern Policy reflected the view of the central administration in Khartoum that the south of Sudan had more in common in cultural terms with British E Africa than it did with the Arab, Islamic north of Sudan. The south was therefore to be sealed off from contact with the north and Islamic culture in general, with the vague view that in the future it would be more closely politically linked to E Africa than to northern Sudan. The impact of southern policy on either creating or reinforcing the divisions between northern and southern Sudan has been much debated: but in the specific case I am examining here, it had important implications for a border zone where contact between Rizeigat and Malual, between Arab and non-Arab had previously been recognised as more or less inevitable.

The ADC of Northern Bahr el Ghazal from 1930, Stubbs, was a Southern Policy ideologue, working from racialist principles in order to set policy: his thinking included statements like these:
‘the mixing of Pagan and Arab races always results in the former taking on some of the customs of the superior race... This meant ‘the pagan’s character alters for the worse due to the ready absorption of the less enlightened customs of the Arabs at the expense of his own best qualities’.
For Stubbs, inter-racial mixing produced ‘detestable people’ who, crucially, ‘do not readily accept their old customary laws’. The fear was, as so often the case, of detribalization and its attendant impact on social order.
Stubbs and others pressed for the southern bank of the Bahr-el-Arab, and the fourteen mile zone south of it, to be split into two sections along an east-west axis in order to prevent contact between Malual and Rizeigat when they were grazing in the area.

Darfur officials on the other hand expressed skepticism about the value of a rigidly applied policy of separation. They responded to the proposals for a new east-west boundary by arguing that ‘free intercourse’ was ‘better security against serious fighting than hard and fast boundaries’. For Stubbs, such arguments merely reflected

Rizeigat preferences for obtaining cheap labour and wives from the Dinka, and the bias of Darfur administrators towards Rizeigat interests.

And indeed Darfur administrators had their own prejudices, indeed sharing the substance of Stubbs' view of the Dinka as 'inferior' to the Rizeigat Arabs. Principally this was a colonial racial prejudice. But one ADC in Southern Darfur also remarked 'I felt from my Arab associations some of the Baggara prejudice against these people.' Indeed, as several historians of Sudan have argued administrators were participating in a local as well as a colonial racial discourse. But this also suggests administrators were very much drawn into taking the side of their chiefs, promoting their interests against those of the neighbouring people, and against his own neighbouring British colleague.

Darfur officials also repeatedly leveled charges of bias against Stubbs, and blamed his bias for a increase in inter-tribal tensions: one claimed that what he termed 'Dinka nationalism' had coincided with Stubbs' arrival: the Dinka had been made to feel 'sure of a government to champion their claims' and 'really believe that all boundaries have been washed out…'. On the other hand, Stubbs was defended by his Governor as an unbiased official who was effective precisely because of his 'intimate knowledge of the Dinka, their language, customs and mentality, and the requirements of their administration'.[5] But the question remained: did local intimacy actually threaten the apparent unity and therefore the authority of the colonial state? Local gossip among Baggara groups on the northern side of the border in the 1930s claimed 'the Government loves only the Dinka; it loves the Arab no longer'. Crawford was told that the Dinka were singing rather provocatively that: 'We water our cows in the river now, next place will be Abu Gabra [the Rizeigat headquarters].'[6] Darfur officials were disturbed by such claims suggesting that they were not protecting Rizeigat interests: their authority depended in part on their capacity to defend the interests of 'their' people against the other.

One sphere in which officials and chiefs clashed was over inter-group marriage disputes. Stubbs interpreted marriages between Rizeigat and Malual as often being the

[5] Brock, Governor Bahr el Ghazal, to Civil Secretary, 20 July 1933, ibid.
[6] Crawford, DC SDD, memo, 19 Apr. 1933, NRO 2.D.Fasher (A) 54/2/9.

product of a continued slave trade, and a cross-border meeting in 1932 broke up in acrimony as officials were unable to reach a compromise over claims from both sides for the return of women and children who were the products of unrecognized or failed marriages. But by the mid 1930s several factors combined to create a consensus across the administrative boundary in favour of increased regulation of grazing in the Rizeigat-Malual border zone. Darfur officials believed that Dinka population and more importantly herd sizes were increasing, leading to increased Dinka reliance on the river. Dinka were also increasingly crossing the river to use the northern bank for grazing, a right which had not been recognized by the colonial state. Within Bahr el-Ghazal itself, the provincial administration there was attempting to impose definite bounded grazing areas on the various Malual sections: the Governor at the time noted that 'a Dinka without adequate and authoritatively recognized grazing for his cattle is little better than an outlaw.' The same logic of increasing control and local order by making local practices more legible was now also to be applied to the Rizeigat-Malual shared grazing. The rape of several Baggara women by Dinka men in April 1933, seen as an act of provocation in the context of increasing northward movement by Malual, intensified a sense of urgency among the administration for the creation of grazing regulation. A 1935 agreement, reached after considerable further disagreement between Darfur and Bahr el Ghazal administrators, created reserved areas for both Rizeigat and Malual in the border zone: the general tenor of the agreement was however to make it clear that the Malual occupied a subordinate position while they grazed in the Rizeigat *dar*. It might be argued that the 1935 agreement was the moment at which the Malual really felt the implications of the 1924 boundary decision.

Unsurprisingly then, the Malual protested, and did so in terms which opposed the very premises of regularized control and 'legibility' upon which the administration was proceeding. They expressed dissatisfaction with 'a written agreement dividing up the grazing instead of treating the area as a common grazing area'. The formality and rigidity of the settlement, its most novel feature, was precisely that which the Malual protested against. They also complained about being excluded from grazing in the season of the early rains. Yet at this point, Ibrahim Musa, the Rizeigat chief, rather dramatically intervened in the process, making a direct offer to the Malual of twenty days of early rains grazing, if the Malual would accept the Rizeigat right to 'cream

graze' on the best land when they arrived first in the dry season.[7] The Darfur official at the meeting, DC Crawford, perceived a 'major change of atmosphere' at the meeting as a result. This made quite an impression on Crawford's idea of maintaining good inter-group relations. He subsequently suggested that ensuring more personal contact between chiefs was the key to continued peace, rather consistent with the views of his predecessors in Southern Darfur. But in Crawford's view this gesture of 'noblesse oblige' by Ibrahim Musa had been made possible by the administration 'slapping down' the ambitions of the Dinka to a greater share of grazing.[8] Both the state and local elites were seen to have a role in creating consensus: the final detail of the settlement was then not merely a colonial imposition.

The consensus between the administrations finally reached in the 1935 agreement however was not permanent or fixed. In 1938 the Governor of Equatoria Province in Southern Sudan petitioned the central government to modify the course of the Malual-Rizeigat boundary, claiming that the 1924 agreement, 'like the Versailles treaty [held] the seeds of future war'. The Governor of Darfur dismissed this, arguing that good relations between the tribes depended on good relations between the two administrations. He emphasized that the idea of revising the boundary had to be permanently dropped: if the idea was 'kept alive in the minds of the political staff it is certain that it will not be eradicated from public opinion.' Moreover, informal contact between the two groups was seen as desirable in itself: there 'must of necessity be blurred edges on [the] fringes' of Southern Policy.[9]

By 1939, despite other disagreements, local officials on either sides of the boundary appear to have broadly agreed with this diagnosis. At the cross-border meeting that year DCs from both sides complained about breaches of the 1935 grazing agreement, and the Bahr el Ghazal DC in particular claimed the Malual's rights were inadequate for their needs. Officials continued to squabble between themselves on behalf of their local clients. Yet a striking area of agreement between the officials was that chiefs too readily made requests and complaints to the DCs rather than to one another, and that this inhibited the working of the 1935 agreement, and indeed damaged inter-group

[7] Ibid.
[8] Crawford, DC SDD to Governor Darfur, 7 Apr. 1935, NRO 2.D.Fasher (A) 54/2/9.
[9] Ingleson, Governor Darfur to Civil Secretary, 10 May 1939, ibid.

relations.[10] Greater self-regulation by Rizeigat and Malual elites was required. In 1941 this finally resulted in agreement between the administrations that they should 'slacken the strict application of the 1935 agreement, except when complaints are received which cannot be settled by the tribes without our intervention'.[11] This was a startling reversal from the ambition of detailed control set out in 1935. A 1946 fight in the common grazing area which caused four deaths provoked a minor crisis in relations, but the payment of a negotiated blood money paid on Dinka scales settled the matter.[12] Demands from both Rizeigat and Dinka elites for exclusive rights in the border zone did not halt (indeed they were very much alive on the eve of independence), but the more relaxed attitude of the administrations on either side was obvious, especially after Southern Policy was abolished in 1946. Considering retrospectively the history of this border, the ADC Baggara in 1948 stated that

> DCs have been too prone to range themselves on the side of their respective tribes, their work has too often been tinged with partiality and some of their arguments make strange reading. It has too often been forgotten that officials on both sides serve the same government.[13]

The periodic wars of words between the administrators on either side of this border were now seen as inexplicable anachronisms, but they had very much exposed the reality of fragmentation and division in the colonial state: and had perhaps had the effect locally of creating the impression that two governments existed rather than one.

'Vernacular' accommodations

The same ADC also observed an important gap between official grazing regulation and practices on the ground. He wrote that 'one gets the impression that the various agreements… made by the DCs… are disregarded, and to a great extent unknown by both Rizeigat and Dinka.' The various reserved areas established in the 1935 agreement were not being adhered to: a Dinka camp had been established on a reserved Arab area for the last five years with the acceptance of the Rizeigat *representative* on the river. In normal years

[10] Record of Safaha meeting, April 1939, NRO Darfur 7/2/7.
[11] Note on conversation between DC SDD and DC Aweil, 9 May 1941, ibid.
[12] Record of Safaha meeting, 1947, ibid.
[13] ADC Baggara trek report, 2-6 Mar. 1948, ibid.

> both tribes move about and graze their cattle in the area south of the river as they have done for generations, respecting each others' well-known camps and altering their arrangements by temporary agreements to suit the season and the flow of the river - irrespective of what may have been decided at past meetings.

This was seen to be a 'wholly desirable' state of affairs, and the ADC believed any threat to public security 'has been exaggerated in the past by DCs on both sides'.[14]

This report represented one extreme in the debate in colonial policy between the value of state regulation or self-regulation of inter-group relations. But it also demonstrated that there was in 1948 (and probably always had been) a significant distance between official attempts to regulate this shared grazing, and a reality of continuing interaction and negotiation on the ground. State power was limited in its capacity to regulate, or even to understand local practices and competition. One Dinka chief remarked: 'Oh DCs, no wives, no children, just come and go, we are here for ever.'[15] State regulation did impose constraint on local patterns of movement, if only by creating some awareness of the risk of punishment, but it was far from fully implemented. Local accommodations mitigated against rigid state control.

Chiefs and their personal representatives of course played a particularly important role in maintaining local order. In 1933, Ibrahim Musa, Rizeihgat chief, sent sheep as gifts to Dinka chiefs in a time of crisis between the two peoples; he also appointed his brother Yahya as his (deputy) on the river. Yahya's personal affability with the Malual chiefs was well known and helped to contribute to local stability.[16] Fifteen years later, a subsequent Rizeigat deputy proposed an annual trek between himself and the Dinka chiefs around the shared zone to agree on the division of grazing and point it out to one another and to their people. It seems as though local elites had internalised some of the colonial logics of 'touring' and 'pointing out' territory.[17] But this also demonstrated the adaptability of local order: arrangements could be regularly

[14] ADC Baggara trek report, 2 -6 Mar. 1948, ibid.
[15] ADC Baggara, note on Rizeigat grazing on the Bahr el-Arab, 1 Apr. 1935, NRO 2.D.Fasher (A) 54/2/9.
[16] Crawford, DCSDD to Governor Darfur, 10 Apr. 1933, NRO 2.D.Fasher (A) 54/2/9.
[17] ADC Baggara, note on Rizeigat grazing on the Bahr el-Arab, 1 Apr. 1935, ibid.

amended depending on local circumstance, without the heavy-handed intervention of the state.

Moreover, officials were often wrong-footed by the way apparently intractable disputes, with the apparent potential for violent conflict, were ultimately resolved remarkably easily. One might speculate that to some extent, the face that elites presented in the course of official cross-border meetings was a performance to see how far they could push their rivals to make concessions, simultaneously exploiting the cross-border administrative division and the support they had from their own DC: there was some brinkmanship being pursued. Moreover, at times the personal animus between rival administrators, each unwilling to risk losing 'prestige' with 'their' people, might have been greater than that between local elites on either side. One Darfur DC recalled

> There was once an occasion when the British officers had reached an impasse and were glaring at each other across the table when Mahmoud the Good [deputy for Ibrahim Musa in the 1940s] and the Dinka chiefs entered and said 'It's alright. You can calm down. We have settled the matter amicably outside while you have been arguing here.'[18]

Local accommodations might even be seen by officials as institutionalized practices in their own right, existing alongside the formal state regulatory order. In the late 1920s a DC, Dudley Lampen, had noted that when environmental conditions were normal, the Malual and Rizeigat had 'evolved a code which allows for normal intercourse'. Yet, in Lampen's view, this 'code' was not simply detached from state power. When environmental strain imposed pressures on inter-group relations, Lampen noted 'the tribal leaders withdraw their outlying camps, restrain the young men and send urgently to the DC to come and send a few police to picket the river'. Thus, in Lampen's view at least, there existed a relatively well-established interaction between state and local regulatory orders: they existed in a complementary relationship, with a relatively predictable set of circumstances where one made way for the other.

[18] Balfour file note with letters, SAD 606/6/2.

This examination of Rizeigat-Malual relations, and the role of the state in regulating these, provides a different assessment of the relationship between the state and pastoralists to that usually presented in the literature. Rather than straightforward marginalization and oppression of pastoralist peoples by the state, confining them behind artificial boundaries, in the Malual and Rizeigat case there was also significant engagement with colonial administrators by local elites. State interventions were the outcome of negotiations and disputes between officials and chiefs. Because of its place as a dividing line between northern and southern Sudanese administrations, the Malual-Rizeigat border was a particularly clear example of the divisions of the colonial state; more importantly it shows how officials might be co-opted into local agendas by sympathy with the elites whom they supported and were supported by. Attempts to project the idea of the colonial state as a unitary, abstract entity, detached from and above local dynamics were sometimes difficult to produce in this intensely personalised context. Yet officials who were close to both groups remained, despite their biases and personal rivalries, an important focus for the agendas and interests of local elites. Indeed, it perhaps was their very partiality which made them so persistently useable. In their vociferous pursuit of highly partial agendas, they also neutralized some of the potential for violent conflict by absorbing it into the state apparatus itself. Even provincial governors were at times drawn into these rivalrous dynamics, which were (for the most part) played out in personal negotiations within the state, rather than in violent conflict between Malual and Rizeigat. Moreover, state regulation and rulings were only one form of order: these persistently co-existed alongside more flexible 'vernacular' accommodations between local elites. The state never had the power to enforce rigid regulation and therefore this borderland was instead a zone of multiple, interacting regulatory orders.

Turning briefly, and finally, to the present day, drawing here on work by Douglas Johnson and Mareike Schomerus, recent cross-border meetings between Rizeigat and Malual have indeed suggested that alongside concerns about increasing tension between these peoples, which this paper began by emphasizing, there is also a genuine desire to maintain what is locally described as a 'long history of mutual self-respect'. This of course very much plays down a history of conflict and violence, but also draws on a real history of inter-marriage and shared access to land. A major 2010 meeting between Maluyal and Rizeigat suggested the establishment of a joint

customary court with the chair alternating between the two peoples. Both peoples denounced interference by Khartoum and, interestingly, Juba 'in political issues within the border of these two communities.' The aspiration appeared to be to maintain local accommodations without the interference of either the northern or southern Sudanese state, both perceived as distant and manipulative, dangerous forces in local affairs. And yet some local officials, on the southern side of the border at least, appear to have had a significant level of autonomy from the central state apparatus they serve, and to have made their own accommodations with local realities, rather as did local officials in the colonial period. Recent Rizeigat-Malual meetings have been facilitated by local SPLM officials who have also supported the maintenance of communication between the two sides after these meetings, a crucial factor in the upkeep of good relations. SPLM commissioners in Northern Bahr el Ghazal talk about the common marginalization of Rizeigat and the Malwal by the northern Sudanese state, and allow Rizeigat to graze in Bahr el Ghazal without imposing taxation on them: this extremely independent approach has not been sanctioned by the Government of Southern Sudan's Ministry of Finance, but is defended by local officials as maintaining good relations on this border. Thus the local state has in this case played an important role in maintaining and reinforcing local informal accommodations up to recent times. Clearly the state also remains a fragmented entity within southern Sudan, and in its local manifestation is clearly not detached or distant from local dynamics. What remains less clear is the likely character of interaction between officials from two different states on either side of the boundary.

Work in progress, please do not circulate.

Pulling the ropes

Negotiations of power through the conduct of the state at the Southern Sudanese borders

By

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Introduction

On the 31st of August 2009 the Chief of Customs in Bazi received a letter from the Chief of Customs in Kaya in which he directed the Customs in Bazi 'to only concentrate strictly on vehicles from DR Congo, not the ones from Kaya' because '[o]n many occasions, travellers, goods and vehicles are detained in your station for one reason or the other'. The chief of the station in Bazi was therefore 'ordered to stop this unnecessary checking at your station' or 'the administration will take some tough measures against you'[1].

As will be demonstrated in this paper, this letter provides an illustration of the complex setting in which the building of government institutions and therefore, more generally the process of state building in Southern Sudan is taking place. Responsibilities and tasks are subject to negotiation between and within levels of government. The outcome of these negotiations shift over time and place depending on factors often different from the framework provided for by the government level. The changes in the political-administrative environment enhance the complexity.

This paper will shed light on the complex relations between the 'authorities'. This complexity is filled by ingredients as for instance the types of power individuals hold, old and new repertoires of governance and personal interests of some state agents,. The scene is provided by two villages in Morobo County, the only Southern Sudanese County sharing national borders with both Uganda and Congo. Subject of our analysis are two ropes in the two villages of our particular focus and the individuals involved in the performance of the Southern Sudanese semi-autonomous state embodied in the

[1] Unpublished letter dated 31/08/2009 in Kaya. Copy with author. When asked what these 'tough measures' could be, the chief of customs could not answer the question.

checkpoints[2]. Kaya, bordering Uganda, and Bazi, a village divided by a road that is the actual border with Congo, are at 10 miles distance from one another along the road connecting Yei in Southern Sudan with Arua, the West Nile District in Uganda[3].

Before we will develop the governance issues related to the ropes and the checkpoints in the two villages, we will look into the complex frame of government as it is emerging in Southern Sudan since the signing of the CPA and link it to the local situation that is of interest here. But let us first take a look into the current and geo-historical setting of our area of study.

Kaya and Bazi

The two villages are at short distance, they have a shared history and both villages lie in Morobo County. The whole area, including the Congolese and Ugandan sides of the border is inhabited by people from the same tribe, the Kakwa. They share language, family ties and a long and history of wars and the subsequent flows of refugees. The Anyanya I war that started in 1955, one year before the Sudanese independence. It led to the first stream of Southern Sudanese refugees moving to mainly Uganda and Congo. When the Addis Ababa peace agreement was signed in 1972, Idi Amin was already in power in Uganda. Being a Kakwa from Koboko, the nearest town from Kaya to Arua, some Kakwa from Sudan joined his ranks in the army. In Bazi there were three individuals who participated in Amin's war. When in 1979 Amin was ousted, the life of the Kakwa was not safe and most of the remaining refugees returned to the stable southern Sudan. Although the second civil war already broke out a few years later in 1983, this time it was the Sudan People's Liberation Army/Movement (SPLA/M) fighting the Sudan Armed Forces (SAF), it only affected the area of study from 1990 onwards. Again large numbers of people fled their homes from and lived in refugee camps in Uganda, others went to family or camps in Congo.

The SPLA's 'liberation' of Kaya, Bazi, Morobo and Yei in 1997 was a major step for the SPLA/M since it unlocked the roads towards Western Equatoria that had already been

[2] In the periods January – April 2009 and September 2009-March 2010 fieldwork was carried out in Juba and in Yei, Morobo and Kajo Keji County.
[3] For more information about Uganda's West Nile district see M. Leopold 2005, 2009.

under control of the SPLA since 1991. After SPLA/M visits to some refugee camps in Northwest Uganda, people from the area slowly started to return and inhabit the villages.

Morobo County was established in 2004 and has 5 payams. Kaya is a Boma part of Kimba Payam (31767 inhabitants according to the –highly contested- population census of 2009). Bazi is officially called Kili Kili Boma, and belongs to Gulumbi Payam (31523 inhabitants). Kimba and Gulumbi Payam are the administrative units to which the services such as police, schools, and healthcare units are supposed to report. Local administrators are supposed to follow the chain of command and contact the payam in case of anything. This is not a problem in case of administrative issues, but as soon as security is a concern, the local administrators contact the chairperson of security in the County which is the Commissioner. In both Kaya and Bazi incidents numerous and as a consequence the Payam level of the administration feels somewhat irrelevant. Many villages in the County border either Uganda or more importantly Congo, but the fact that the Kaya and Bazi have a checkpoint with the neighbouring states, gives them a somewhat distinct position compared to the rest of the County. In Kimba for instance, halfway between Kaya and Bazi, there are some few Congolese policemen looking after the little back-roads and although sometimes there are little incidents, it never leads to major security concerns. These other villages bordering the Congo and Uganda simply don't have a checkpoint.

It seems to be the presence of a checkpoint rather than the border itself that leads to confusion and complexity. It is by means of the checkpoint that the border gains relevance. At the same time it is the national border that shapes the enabling environment in which state agents can perform their tasks and manifest their authority. It is the border, combined with the exercise of state powers at the checkpoint that provides the setting of our analysis in which individual state agents negotiate on authority, discretion and access.

After the liberation in 1997, the SPLA/M established two checkpoints, one in each of the villages. The offices at the checkpoint were the regular institutions at the economy-security nexus of the guerrilla government. Taxes were levied and travellers checked.

Bazi's checkpoint was established to cover the Congolese border. Kingezi-Base, as the Congolese call the area, was an important trading hub in the mid-seventies. Due to the degradation of the road and the crisis in Congo since then, the checkpoint in Bazi never regained the importance it had during those years when coffee was traded for cars and commodities from Port Sudan. In both villages the typical border dynamic pivoting around administrative actions and transactions and economic opportunities can be observed. Although the numbers of staff are bigger in Kaya than in Bazi, the same range of departments and ministries of the Government of Southern Sudan used to be present, including the Central Equatoria State and Local Government offices in both villages.
In both Kaya and Bazi there is numerous staff, state agents[4]. But also the population in the villages is more diverse. Contrary to the other villages, Bazi and Kaya are less homogeneous in terms of inhabitants. Not only they host quite some foreigners from neighbouring states and the region, but also some other tribes of Southern Sudan. Some people are (ex)SPLA and stayed in the villages after the liberation. Others came as state agent in of the offices related to the checkpoint. Incidents are numerous. They most often relate some negotiation or transaction at the checkpoint, or involve smouldering conflict between the communities from different regions in Southern Sudan.

Yet, Bazi and Kaya are also very different in terms of internal dynamics and in their respective positions in the various administrative levels from County to State and GoSS. Kaya is quite a busy town /village having about 30 lodges, many small shops and restaurants, money changers sitting along the road and all other ingredients of a border town oriented towards serving people coming from all over East Africa; some to stay, most of them to take the road again after their vehicles being cleared.
Most of the supplies, commodities, mixed goods, vehicles, building material etc is brought into Southern Sudan via Uganda, often coming from as far as Mombassa, Kenya. There are two major custom stations in the South, Nimule in Eastern Equatoria which is the shortest route from Kampala to Juba and Kaya in Central Equatoria, linking to Yei and from there to Rumbek, Wau and Yambio. Clearances in Kaya have high value,

[4] The 2008 report by the Anti-Corruption Commission on the systems of revenue collection frequently uses the terms 'redundancy' related to the numbers of staff. CPE, SSACC 2008, copy with author.

ranging from beer to mixed goods, vehicles and construction materials. The Morobo County commissioner called it "an inland port with an importance for the South that is beyond the capacity of the County Authorities"[5]. As may be evident from this description, Kaya is of vital economic importance for Southern Sudan. A smooth passing of vehicles and clear rules are to the advantage of traders and consumers. More interestingly, the economic vitality of Kaya is also embedded in personal interest of some individuals working in one of the many government offices. There is a web of linkages between staff in Kaya and the head quarters of various departments in for instance Juba and Yei. Both state agents involved as well as traders and consumers have interest in keeping this network as efficient and smooth as possible.

The same is the case in Bazi, where staff had clear interest in maintaining the checkpoint. But the position of Bazi's checkpoint is much weaker than that of their big bother Kaya. They centre their activity on the crosschecking of procedures in Kaya. But the problem in Bazi is that there is little economic interest to preserve. Therefore the personalised interest of the individual state agents is central in their effort maintaining the checkpoint. Such claim can however not be made in public and as a consequence the discourse around the checkpoint is oriented towards the issue of security, the other vital interest of the GoSS at the borders.

Over a stretch of 7 miles the very road connecting Kaya to Yei simultaneously is the border between Sudan and DRC. Just before the county capital village Morobo, the actual borderline diverges from the road again. Bazi has become commercially unimportant although the village was originally established as a trading hub to facilitate the exchange between Arab traders from Sudan and coffee and other cash crop producers in the North East province. In the seventies it was a busy border crossing supplying parts of Equatoria with Congolese beer for instance. Due to the war and the total degradation of road, the commercial centre deteriorated. Half of the village officially lies on Congolese territory. Most inhabitants of the village are Sudanese, on both sides of the border. The few Congolese living in Bazi mostly originate from different areas of (eastern) Congo and are

[5] Interview with H.E the Commissioner 23/11/2009

active in business such as shops, drug stores or bar. The local Congolese left the area during the war and now live from a few miles into Congo onwards. After a clash between the SPLA and the Congolese army in January 2008, the Congolese negotiated the venue of their local authorities to their side of the village, leading to some changes in the power balance in the village[6]. (*To be developed*)

The ambivalent relation between the GoSS authorities and the Congolese and the alleged threat of the LRA allowed the state agents of Bazi to maintain their claim to the security vitality. This 'threat' enabled the protection of the personal interest of some of these state agents. But the position of the Bazi checkpoint came under pressure, as was demonstrated with the letter cited at the beginning of this article.

Pulling the ropes I

In the letter the chief of customs in Kaya ordered his peer, the chief of the same office in Bazi to "stop the unnecessary checking" in the Bazi station. What the message more importantly ordered was in fact for customs to reduce their claim on the checkpoint with regards to trucks coming from Kaya. Each custom office has the authority to check the papers of trucks, which in practice does not only result in a verification of the papers of the goods transported but also a control of the custom stations where the goods were cleared. In other words, what the letter also suggested was the Bazi custom station to stop looking into Kaya's clearance practice.

The letter is fascinating for several reasons. First of all the impact of such letter on the village of concern was high. Not only the outlook of the village changed, but also the power dynamics at the checkpoint changed as a consequence. Secondly it raises questions on who was at the basis of the changes at the Bazi checkpoint. Thirdly the letter is interesting because it illustrates the different lines of power and organisational structure of customs. Individuals can play decisive roles while formally it would seem they do not have the capacity to take such decisions. It illustrates the complexity of governance in Southern Sudan.

[6] L. de Vries, forthcoming

The letter did not particularly mention that the rope had to leave the street. In fact the letter only ordered the staff in Bazi to concentrate on the clearance of vehicles from Congo. Although the letter came from Customs in Kaya, the first relevant question to ask is who decided on the roadblock and the crosschecking to stop?

According to the Commissioner of Morobo County he was the one. During a meeting he had organized with the Ugandan authorities and businessmen on (trade) relations between the two countries he had learned that the Ugandan business people felt hindered by the number of roadblocks and the custom authorities on the way to Yei. The Commissioner has no capacity to decide on any Government departments beyond his level of Local Government. The little roadblocks put-up by local Boma police are an issue within the authority of the County Commissioner. The checkpoint in Bazi is a national border checkpoint including the offices this requires. The commissioner is the highest authority in the County and the chairman of security so he can put things of 'national[7]' concern on the table within the County or communicate to the Governor at State level. In case of emergency the Commissioner can contact the relevant Ministry directly by copying the Governor into the message. But this issue was not such a priority and communicating with Kaya seems logic since it is within his territory. He therefore asked the chief of customs in Kaya to take care of it. This was not a formal request, which would have been impossible from an institutional perspective, but the result of a discussion between the two men.

The Chief of Customs on his turn also claims to be the one who decided to order Bazi to stop the 'unnecessary checking'. According to the Chief of Custom Bazi is only 10 miles away, and therefore it was unnecessary to crosscheck the good work done in Kaya. On top of that he had heard stories about corruption in Bazi. The issue of corruption and the clearance practice will be discussed later. What is important here, is that he suggests that it was his decision. He does not mention the commissioner as part of the equation. Interestingly enough it seems that officially the chief of Customs in Kaya would not have the authority either to write such a letter. The Commissioner suggests that he was the one

[7] National is a confusing word in the case of (Southern) Sudan. This paper and the way the research has been organized and carried out, takes Southern Sudan as the 'national' level. Legally speaking this is not correct, the GoNU level is the national level and Southern Sudan is could be referred to as GoSS level.

deciding that it had to be over with the delays in Bazi and putting the request at the desk of Customs in Kaya he managed to fix the problem despite that it was beyond it capacity.
The chief of customs is in charge of customs in Kaya, as is chief of Custom in Bazi. Despite the much greater importance of that office than the one in Bazi and the difference in police rank (colonel versus lieutenant colonel); they both are head of a custom station and therefore technically have the same position. It therefore is the type of decision that should to be taken by the Director General of custom in Juba[8].
Custom in Bazi went to Juba to object and argue against such decision taken by their neighbouring office at the next border station. But Custom Headquarters of in Juba endorsed the decision taken by the Custom in Kaya. It was clear who pulled the strings.

A checkpoint comprises of several ingredients. It plays a performative role by itself, even without state agents present to employ the power of the checkpoint. In symbolic and real terms, the rope is the most important ingredient of all its artefacts (among for instance flags, uniforms, stamps, forms, etc). It is the visible demonstration of the authority of those responsible for letting vehicles and people pass, ensuring them to stop.

During the first field visits early 2009 the little stretch of the road with the checkpoint, all the GoSS offices, the Somali petrol station and the local administrative offices and police was the institutional centre of the village. There were trucks lined up before or after the rope, waiting for their papers to be cleared or checked. Cars with travellers and little busses were stopped and checked for goods and travel documents. When the checkpoint closed in the evening, trucks were obliged to spend the night, aiding to the bargaining power of the officers at the station. The four lodges of the village regularly had a few guests and at least Congolese 25 ‘femmes libres’ (prostitutes) were active in Bazi. During the second fieldwork period in October of the same year, the dynamics at the checkpoint had changed.
But by the time I arrived back in October 2009, not only just 4 of the Congolese prostitutes were remaining; custom also had become somewhat invisible in the unwritten

[8] At several occasions I’ve tried to interview the Director General of Customs in Juba. This man was not willing to talk to me and allow me to check with him on the procedure.

hierarchy of the checkpoint. Custom used to be the most prominent GoSS office. All custom officials are officers, which is not the case in the other departments such as migration or taxation. Generally speaking Custom officers have certain seniority at the different checkpoints, as was the case in Bazi. The Custom duties and the valuation of the goods by these officers furnish the data required for the other GoSS departments such as Commerce and Industrial Supply and the State Revenue Authority. By the very fact that Custom was ordered to stop crosschecking Kaya, the other departments of the GoSS in Bazi in practice also lost the right to cross check.

One of the GoSS offices not depending on Customs, the road toll office, belonging to the taxation department of the GoSS ministry of finance, was closed following the letter to the chief of Customs at the order of the Director of taxation in Juba. The two officers responsible for the office were both transferred to Kaya thanks to some successful lobbying of these two staff at the chief of custom in Kaya and his subsequent lobby at the level of the director of the taxation department in Juba. Something the custom officers in Bazi also tried with less success.

The officers in Bazi certainly tried to object the decision. They first talked to the chief of customs in Kaya, and then went to the Commissioner to plea for their case before pushing at the level of headquarters in Juba. They realised that from a clearance point of view there was very little to argue. They had to find another reason to legitimise the checkpoint. They basically had two potential cards to play. Firstly the one generally related to the checkpoint, which was the security concern, legitimising the necessity of the checkpoint including the rope. It allowed the issue to be taken beyond responsibility of Customs. The security dimension allowed other personnel at the checkpoint and local administrators to be part of the debate. The LRA were always brought up as a threat, but also the more general suspicion towards the Congolese was suggested to be a reason legitimizing the rope. The second option was the same card played by the Director of Customs in Kaya towards Bazi; the suggestion of corruption. This one is more interesting for what we try to demonstrate here, not only the confusion in decision making and chains of command but also the role of allegations.

The collection of offices at the checkpoint had to find a new balance in who was allowed to stop vehicles and check travellers. With Customs and the dependent offices concentrating on the very few vehicles from DRC and their rope lying workless in the office, a new pivot in the power play had to emerge. Migration always used to be the other office active stopping cars and checking on people's papers. Their prominence in the new situation was therefore not such a surprise. More interesting and barely visible while the rope was still hanging over the road, the Traffic Police emerged as the only institution with the legal-rational framework to stop trucks and check on their papers.
Essential in the performance of the checkpoint is that people are forced to stop. Loosing the power to cross-check the clearance papers from Kaya is problematic for the offices involved but still much better than no authority left to make sure cars and trucks have to stop. The occasional papers can be crosschecked, authority can be demonstrated and the little resources can still be made on the side.

The suggestion of corruption or personal interests in relation to the conduct of the state through individual state agents is a powerful one. As much as it is true that corruption might be a problem, although type, scale and amplitude differ, the suggestion of corruption and nepotism often suffices to reduce the legitimacy of the office or the agent concerned. In the above case it were the different offices suggesting misconduct of their colleagues at the border crossing at ten kilometres distance. This is interesting not the least because it not only 'blames the other' but at the same time suggests righteousness of the one suggesting.

Pulling the ropes II

In the same period, a second story of a rope arose in Kaya. This case is different for a number of reasons. Most importantly the conflict involved the local authorities, namely the Boma Administrator and the Boma police. Secondly, as in the first case, (personal) interest was the driving force behind a push for change. But where in the previous case the allegations of misconduct were a way of hiding their own interest, in this case the money involved in letting down the rope to let a vehicle pass was openly at the very heart of the matter. When a state agent is in charge of the rope, he will almost always request

for an 'appreciation fee'[9], 5 or 10 Sudanese pounds to let the rope down. The authorities in charge of the rope are lower-ranking Custom or Traffic police. The two services serve directly under their respective Departments of the GoSS police services in the Ministry of Internal Affairs.

Yet just next to the rope and the checkpoint there is the office of the Boma administration. The plastic chairs and benches in the shade are filled with local police attached to the Boma administration. Their chain of command follows the decentralised system. This means that they are accountable to the commissioner of police of the County, who reports to the Inspector at State level, after which the Inspector General of Police (IGP) in the Ministry of Internal Affairs in Juba. The Boma police sit right next to their colleagues' most important and easy source of additional revenues and have no access. The local police became frustrated with the situation and requested to join in the task of managing the rope or, alternatively, simply have a share in the revenues. The GoSS policemen refused.

The local police tried to seriously discuss the issue with the Boma administrator as mediator. They were told that opening the gate was beyond the capacity of the Boma police; whose task it is to take care of the security in the Boma. The rope, allowing people to enter or exit the country is part of the 'national' responsibilities belong the the GoSS police services. Technically this is correct but by dealing with the issue this way but it leaves aside the sneering of the GoSS policemen towards the Boma police and the real reason for the local police to request to join in this task of national concern, access to resources.

There is a clear difference in power between the GoSS and the local police. Both forces serve the same Minister and supposedly enforce to the same police act, but the two have very little in common in practice. Of course they do not have the same mandates but more importantly for this analysis, the authority they claim is fundamentally different.

[9] In Ki-Swahili this is called "Kito kidogu" meaning "little something". It is very common word all over East Africa to refer to the payment of a small bribe. To my knowledge there is no equivalent in the Sudanese language. Kito Kidogu is not a word used by the Sudanese agents, contrary to random police officers in Uganda where they openly ask for their Kito Kidogu.

Also parts of these claims are linked to supposed repertoires of power and authority that have no rooting in the legal-rational claim that could be linked to the task as policemen. (*to be developed*)

The example sheds light on two levels of frustration of the local authorities. The first level is related to a quite deeply rooted sense of inferiority by the local police and administrators. In this particular case they might not have the authority to let down the rope, but there are other cases where the Boma administrator is supposed to be the one in charge but his authority is undermined by an official of a different level of government for one reason or another. The second level of frustration is found in the local departments of police envying those directly falling under the GoSS Ministry of Internal Affairs and the personal revenues these people can collect.

In the eyes of the Boma administrator the issue with the rope showed the injustice between the different levels of authorities. He realised while explaining the Boma police's motivation for participating in the checkpoint that his argument on injustice was in a way undermined by the more fundamental concern of authorities obtaining money from citizens without a legitimate reason. His position is understandable; Kaya vibrates of economic opportunities related to administrative actions, to the conduct of the state. These are carried out by government officials and the transaction of small fees is often part of the procedure. The extent to which officials have and take the opportunity varies between the type of office and the character of the individual. In the league of those having the opportunity, the big majority belongs to those representing GoSS authorities. Especially access to the relatively well-accepted Kito Kidogu at the checkpoint opens a window of opportunities. At the local level it is much more difficult to make some money on the side because at here there are very few administrative transactions involving money or stamps. (*to be developed*)

Concluding remarks (not finished)

The actors performing in this paper are government officials of different levels and natures but all representing the semi-autonomous state of Southern Sudan. The border area of Southern Sudan with Uganda and Congo could be considered one of those areas

where government is absent. The interesting difference between for example Chad or eastern DRC and what is called Southern Sudan is that whatever is happening in Southern Sudan, it is all quite new and emerged since the signing of the CPA. There is the explicit attempt of the GoSS, together with 'the international community" to establish governance and government throughout its territory. The GoSS tries, although with little success in many cases, to assure the vital State responsibilities such as economic supplies and security. The officials in the border stations are the visible extension and representation of this attempt; they are supposed to execute, protect, enforce and administrate things. Below the surface of what is supposed, actual powers of individuals or institutions are constantly renegotiated often based on a myriad of claims.

(*to be developed*)

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Making a life and a living in the Sudan-Kenyan border area: the rise of a thriving cross-border trade network.

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Abstract:

This paper documents the making of a life and a living in situations of protracted conflict, displacement and mobility, while simultaneously shedding light on state making and the exercise of power from a borderland perspective. It more in particular zooms in on the Sudan-Kenyan border area where throughout the war until today IDPs, refugees, migrants and military meet. The paper in particular explores the nature, role and effectiveness of the social networks of these non-indigenous residents in building a livelihood within urban perimeters and investigates the reasons behind the differential success of one particular cross-border business network.

The paper draws on information and insights accumulated during down-to-earth and multi-sited fieldwork between 2006 and 2011.

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Introduction

This paper follows a renewed attention for borders and border zones as key sites of displacement, struggle and transformation.[1] It more in particular zooms in on the Sudan-Kenyan borderland that for many years has been at once a frontline in the war between the GoS and the SPLA and a location providing islands of security: safe havens for military and refugee camps for civilians. It sheds light on displacement economies in general and from a actor specific perspective, while equally directing attention to emerging patterns of power and accumulation. Its specific entry point is that of the livelihoods of the new residents of Kapoeta and Narus, two towns in Eastern Equatoria state nearby the Kenyan border. Both towns have experienced a massive influx of IDPs[2] during the war, and of returning refugees since the peace. In contrast to the widespread assumption that post-war IDPs and refugees invariably want to go "home", many of these new residents of Kapoeta and Narus chose not to return to their areas of origin, but instead to stay or permanently resettle in these particular towns. Rather than examining the push and pull factors of their decision, the research explores "how" they built a livelihood, taking into account that non-indigenous town residents have no access to land, and subsequently rely on self-employment within urban perimeters. Therefore this paper is also about other aspects of borders: between indigenous and non-indigenous inhabitants, between and within ethnic communities, between those with access to a variety of resources (from land, over mobility and education, to the means of protection) and those without, between inclusion and exclusion.

[1] See amongst others: Khadiagala, G.M. (2010), Raeymaekers, T. & Jourdan, L. (2009), XXXX

[2] Internally displaced persons.

Two observations in particular inspired the research: first, the significance of co-ethnic networks for making a life and a living in displacement, and secondly, the differential success of one particular cross-border business network. Both observations have further structured the research and complemented the "how" question with a "why" question.

The network perspective arose as a tempting methodology because of its implicit recognition of IDPs and refugees as social actors with agency, and the widespread assumption that social networks provide important institutional assets for organizing a life and a living in contexts of weak state, economic underdevelopment and enduring insecurity.[3] However, addressing the "how" question through the lens of the social networks the new residents of Kapoeta and Narus engage(d) in does not imply we consider social networks as key instruments of empowering the poor and realizing development in general, as is assumed by the World Bank and other proponents of the social capital paradigm.[4] While the aim of this paper is not to revisit diverse theories of social capital, we find it necessary to call attention to our reservations with respect to the tendencies within a social capital approach to depoliticize development, to attribute the performance of social networks to cultural factors and to translate their potential into an argument to minimize the need for state regulation.

Two lines of debate on social capital are worth recalling to underpin our political approach of agency, our regard for struggle for resources and for political space and our consideration of the state and of state-making as a work in progress: first, the capacity of social networks to foster bottom-up development and secondly, its ability to substitute for state regulation in situations of weak or collapsing states. Whether social networks can move individuals out of disadvantaged positions and hence perform a developmental role is without doubt a heated debate. Believers and critics are diametrically opposed with the former heralding the resilience and resourcefulness of the poor (World Bank, 2000; Lyons & Snoxell, 2005a & 2005b) and the latter underlining the structural restrictions of the poor, the marginalized and the unemployed, in exercising their agency and arguing that social capital itself is strongly determined by political power (Fine, 1999; Loizos, 2000; Gonzales de la Rocha, 2007). With respect to policy implications, opinions are equally divided. While some have heralded the proliferation of social networks as an alternative for state regulation, others have considered this substitution as problematic (Schuurman, 2003; Little, 2003; Cleaver, 2005; Meagher, 2005; Vlassenroot & Raeymaekers, 2008). Critics have pointed in this regard to the neoliberal underpinnings of the social capital approach and the de facto resurrection of one of the keystones of the old modernization paradigm: blaming the victims for their failure to develop.

Meagher (2005, 2010) notes in this respect that downplaying the role of the state and its dynamic interaction with society reinforces an inclination to attribute success and failure of social networks to cultural factors and vice versa. This has confirmed and perpetuated stereotypical explanations for Africa's development crisis. Poor performance is either linked to cultural incapacities, to the prominence of ethnicity or to the inability to form the right social networks. Instead of reducing African networks to broad cultural logics, she consequently proposes to unravel them and to refocus

[3] Refugees, and increasingly also IDPs, have been of particular interest to the study of social capital. Being stripped of their economic capital, and with often little, not valued or not marketable human capital, has raised the question to what extent their social capital can function as a catalyst to transcend their condition of deficiency (see amongst others Lamba & Krahn, 2003; Allen, 2009). This line of research is paralleled by the growing recognition of the resilience of refugees (Lubkemann, 2008; Hammar and Rodgers, 2008), in contrast to their rendering as victims and non-agents as much of the orthodox discourse on displacement assumes and is increasingly reflected in a turn in official policy (by UNHCR, EU and various NGOs), away from 'care and maintenance programmes' to refugee self-reliance (Crisp, 2009; Horst, 2006).

[4] Definitions and perspectives may vary, though across the diverse social capital literature, social networks and relations of trust are commonly put forward as the two key components of social capital (see amongst others Putnam, 1993; Schuller, Baron & Field, 2000; Woolcock & Narayan, 2000).

on their institutional content, power relations and the nature of their relations with the state.

With the above reservations and suggestions in mind, we focused the research on the differences between the "networks of survival" and the "networks of accumulation", a twin phrase we borrowed from Meagher (2006). Searching the dependent variable, while avoiding the trap of ethnic reductionism, eventually prompted us to unravel the networks of success from an historical perspective and to refocus on the nature of their relationship with the state. In sum, it will be argued that the relationship of the networks of accumulation with the state is ambivalent: on the one hand privileged and on the other hand escaping its authority radius.

The rest of the paper is organized as follows:

A first section introduces the research sites and subjects. It clarifies the geopolitical significance of the location of Narus and Kapoeta and argues why alongside IDPs and refugees, migrants and military also require our attention.

A second section explores the networks of survival, documents how most resettled IDPs and refugees have build a livelihood within urban perimeters and assesses the content and magnitude of their co-ethnic networks. It will highlight specific factors to explain the importance of ethnic networks to the new residents, i.e. the reluctance (until 2009) to recognize their right to resettlement and the (continued) functioning of ethnic community organizations as institutional building blocks for (informal) urban governance.

A third section focuses on the networks of accumulation and argues that they cannot be explained by a recourse to ethnicity, in spite of their popular translation into ethnic language. Looking for answers, we first detect the characteristics of the successful businesses. Hereafter we bring in time and space . We look backward to analyze where the pattern of unequal success and wealth distribution came about and to assess the impact of capital accumulation in the past on doing business today. Hereafter we look beyond the Sudan-Kenyan border to also incorporate the transnational dimensions of the successful networks and consider the prospects for future trade.

We conclude with looking within: to the Greater Kapoeta Area, and to the local settings of Narus and Kapoeta. We more in particular direct attention to the two competing but interdependent centres of power and authority: the local politico-administrative class, whose power is rising and linked to progressive state formation and to decentralization and devolution in particular and the military-commercial class, whose power is challenged but reaches beyond the regulatory radius of the state. We weigh the recent progression in state regulation in South Sudan against the unfinished transition of the SPLM/A from a military to a political organization. We also look at the challenge of co-habitation and perceive efforts to overcome ethnic fault lines as well as a more general trend towards hardening of ethnic borders.

Overall, the findings shed additional light on local dynamics of state making in Southern Sudan: on the struggle for economic resources and political space, the divergent and convergent interests of local, national and transnational actors, the simultaneous pressures for decentralization and centralization and for inclusion and exclusion of citizens in governance. They also highlight the renewed interest in this peripheral corner of both Sudan and Kenya and how this interest is translated into territorial claims. The findings equally raise questions and concerns: with respect to the equilibrium between citizenship rights and ethnic community rights, with respect to the dominance of ethnic narratives and related policy implications and with respect to the ongoing, but difficult SPLM/A transition from a military to a political organization.

IDPs, refugees, migrants and military: the new town residents of Narus and Kapoeta

The Sudan-Kenyan borderland is not only home to the people of the Ateker cluster[5], but also to numerous other Southern Sudanese, who during the war and after the peace came to temporarily or permanently resettle in the urban centres of the area. The geographical focus of this research is on two of them: Narus and Kapoeta.[6]

Kapoeta is at approximately 80 km, Narus at 10 km from Nadapal on the Sudanese side of the border. Respectively 30 and 120 km further on the Kenyan side of the border lie Lokichoggio[7], a major hub of relief aid for UN agencies and NGOs during the war, and Kakuma, which became the host town of a refugee camp established in 1992. While Narus became a safe haven for IDPs as early as 1988, Kapoeta saw an influx of returning refugees from 2002 onwards. After the 2005 peace, many of these non-indigenous residents decided to stay.

During the war Kapoeta was a strategic garrison town. Because it was successively in the hands of the GoS and the SPLA the composition of its inhabitants changed correspondingly. Before the arrival of the SPLA in 1987, Kapoeta was inhabited by Arabs (administrators, tradesmen and shopkeepers), Equatorians (Lotuko, Acholi, Bari, etc.), some non-Equatorians (mainly Dinka from Jonglei State) and relatively few indigenous Toposa. When in 1987 the SPLA came in, most of the Arabs fled. The opposite occurred in 1992: the GoS recaptured Kapoeta and the SPLA soldiers moved outside into the bush or to nearby settlements such as Narus, Natinga, New Side, New Cush or Nadapal. The recapture of the town by the SPLA in 2002 and the ceasefire that was agreed the same year, was the start of new population movements: the departure of the Arabs, the settlement of SPLA military - soon joined by their relatives -, the return of refugees from Kakuma camp in Kenya, the homecoming of a limited number of Toposa-IDPs and the arrival of other Southern Sudanese and even Kenyans, who had formal employment prospects or were attracted by perceived post-war trade and business opportunities.

Narus on the other hand, was never occupied by Khartoum. Throughout the war it served as the administrative headquarters of the SPLA, which came to Narus in 1988, and as a safe haven both for SPLA soldiers and citizens on the run, although it suffered badly from bombardments by Khartoum's Antonov airplanes until the 2002 ceasefire. From Narus the SPLA recruited locals to join the SPLA. From 1992 onwards, many Dinka Bor civilians settled in Narus, fleeing the attacks in their homeland by Riek Machar's Nuer militia against them. The same period, quite a number of (mostly educated) Equatorians also moved in to perform jobs in the service sector (education, healthcare, humanitarian aid). Because of the proximity of the border, Narus could easily be reached with emergency aid (mainly food relief) from Lokichoggio. It also attracted a good number of NGOs.[8]

At present, both Kapoeta and Narus comprise a mixture of Southern Sudanese from very diverse communal origins: Lotuko, Acholi, Madi, Didinga, Kuku, Pari, Nuer, Shilluk, Nuba, Dinka Bahr

[5] Also referred to as the Karamajong cluster and comprising the Toposa, Nyangatom and Jiye in Sudan, the Turkana in Kenya and the Jie, Dodoth and Karamojong in Uganda.

[6] Narus and Kapoeta are both County Headquarters : of Kapoeta East County and Kapoeta South County respectively.

[7] Lokichoggio started functioning as a hub for relief aid under Operation Lifeline Sudan from 1989 onward.

[8] Its location also explains the existence of both primary and secondary schools. Until today, these schools have a huge number of boarding students (Bakhita primary for girls:1200; Comboni primary for boys: 900).

al-Ghazal, Dinka Ngok and others. Accurate figures are absent[9], but the overall perception is that the majority of the new town residents in both Kapoeta and Narus are Dinka originating from the Bor area.[10] In the nearby border towns of New Site, New Cush, Natinga and Napadal, Dinka also outnumber the indigenous population.

Despite their differential protected status [11], the distinction between resettled IDPs and refugees is by no means strict on the ground. Nor is it always easy to distinguish between IDPs, resettled refugees and migrants. As became clear from the interviews, mobility is a critical ingredient of local livelihood strategies.[12] Therefore, it makes sense to refer to the various categories of non-indigenous inhabitants as the new residents of Kapoeta and Narus. Many narratives of interviewees suggest that with respect to both life trajectory and livelihood strategy, the dividing line with the military is equally not stringent. Quite some SPLA military - officers, soldiers and "wounded heroes" (disabled soldiers) - have been in the area for many years. Others came in 2002 or later. Over the years, some have been joined by relatives who came from abroad (quite often from Kakuma refugee camp), or from inside Sudan, whether they came from their place of origin or not. What our case study has equally demonstrated, is that it is not uncommon to find various of these categories – IDP, refugee, migrant, military - within one household or (extended) family.

As any visitor quickly notices, there are relatively few indigenous Toposa living inside Kapoeta and Narus town. The most obvious reason is that their economic and social life revolves around livestock, making them live in rural areas. Unlike the new settlers, their access to land is not restricted to urban centres. Nevertheless, this picture is slowly changing. Early 2009 approximately 200 Toposa IDPs returned from Khartoum.[13] Officially they are considered as "reintegrated IDPs". Significant for these and earlier Toposa returnees from Khartoum is that they had access to education and that they are alienated from their traditional lifestyle linked with livestock keeping. They have settled in town and/or are more visible in town life.[14] However, this does not affect the fundamental difference between indigenous and non-indigenous communities: while the former have access to both urban land and customary rural land, the latter's land access is settled on an area restricted to a 5 km radius from the town centre.

[9] There is a general absence of reliable data on returnee numbers, amongst others because the SSRRC/Southern Sudan Relief & Rehabilitation Commission office in Kapoeta only started registering incoming IDPs and refugees (mainly from Kakuma refugee camp) the end of 2007. Interviews SSRRC Kapoeta, 6 May 2009 & County Commissioner Kapoeta East County, Narus, 17 May 2009. Based on 2008 estimates provided by IOM and UNMIS/RRR, there were at least 23,713 IDPs in Eastern Equatoria, the total population of which was set at 906,126 by the 5th Sudan Population and Housing Census of 2008 (IDMC, 2009).

[10] Interviews SSRRC, Kapoeta, 6 May 2009, County Commissioner Kapoeta South County, Kapoeta, 1 May 2009 and County Commissioner Kapoeta East County, Narus, 17 May 2009.

[11] IDPs have been forced from their homes for many of the same reasons as refugees, but have not crossed an international border. No international agency has a formal mandate to aid them. But they are increasingly at the forefront of the humanitarian agenda (Crisp, 2009; Collinson, Darcy, Waddell, & Schmidt, 2009).

[12] The diversity of livelihoods which are increasingly multi-locational and include migration and communting is recognized in much of the development literature.

[13] This figure does not include the non-registered, individualized returns, nor deviating displacement trajectories.

[14] Interviews Toposa SPLM-MP, Kapoeta, 10 May 2009, Toposa physician, Kapoeta 22 March 2010, County Commissioner Kapoeta South County, Kapoeta, 1 May 2009 and County Commissioner Kapoeta East County, Narus, 17 May 2009.

Networks of survival

It is commonly assumed that in times of protracted conflict and displacement co-ethnic networks assume central prominence, as actors turn inwards and favor transactions based on kinship and trust. [15] Our research largely confirms this. Both in Narus and Kapoeta, there was abounding evidence of the significance for the displaced of group belonging and being part of its social network. While ties that cross-cut community boundaries are not absent [16], there was a broad consent that co-ethnic relations were paramount. Whether these ethnic networks also facilitate economic success or confer business resources is explored below. First we address the issue why especially ethnic networks were of such importance to the displaced, despite the multi-ethnic composition of both urban settings. This question cannot be satisfactorily answered by merely referring to the strong ethnic divisions in Sudanese society. At least two reinforcing factors need to be recognized: first, the continuing uncertainty of the displaced with respect to their right to permanently resettle in Narus and Kapoeta, at least until 2009, and secondly, the fact that (ethnic) community organizations (continue to) function as institutional building blocks for (informal) local urban governance. [17]

Although voluntary, most non-indigenous communities in Narus and Kapoeta have their own community organization that regulate their internal and external relations. As such, they mirror institutions at home, while simultaneously reproducing the strong segmentation of ethnic groups in Sudan. Community organizations have a representation and conflict mediating function on three levels: intra-communal, inter-communal and as interface between the displaced and the local government authorities. To this end, they have an elected leader[18], with judiciary powers, usually assisted by a council of elders. Some also have a youth branch and a women's department. Internally, the organizations settle minor conflicts (major offences are referred to county level and eventually to court). Minor inter-communal disputes are equally resolved between the respective community representatives. Also vis-à-vis the county authorities, the community leadership acts as an answerable spokesperson. Furthermore, community chairmen are regularly invited by the County Commissioner for consultations on local affairs and for passing on information.[19] As one new resident of Kapoeta aptly summed it up: "We govern ourselves".[20] Antecedents of this system of self-governance in displacement are to be found in Kakuma refugee camp. With its practice of empowering refugees to participate in their own governance, each of the national and sub-national communities had their own leaders who acted as interface between the UNHCR Head of Office and the communities they represented. For minor criminal facts the refugees had their own court systems, based on customary

[15] Verwijs naar …

[16] Many interviewees confirmed they had built good relations with township residents of other ethnic backgrounds.

[17] The Interim Constitution of Southern Sudan stipulates in this regard that "the objects of local government shall be to […] encourage the involvement of communities and community based organisations in the matters of local government, and promote dialogue among them on matters of local interest" (Chapter II, Art. 173, 6c).

[18] Called chairman, councilor or even chief, although this title is officially the exclusive right of the indigenous Toposa.

[19] Interviews Didinga Community Narus, 14 May 2009, Acholi Community Narus, 15 & 16 May 2009, Lotuko Community Narus, 15 May 2009, Bahr al-Ghazal Community Narus, 19 May 2009, Lotuko Community Kapoeta, 15 March 2010, Kuku Community Kapoeta 16 March 2010, Acholi Community Kapoeta 17 March 2010, Didinga Community Kapoeta, 18 March 2010, County Commissioner Kapoeta South County, Kapoeta, 1 May 2009 and County Commissioner Kapoeta East County, Narus, 17 May 2009.

[20] Interview Kapoeta, 7 May 2009.

law. [21]

Social networks, in particular family and ethnic relations, were reportedly critical in finding housing accommodation and in earning a living. Finding a place to stay was considered a prime necessity for newly arriving or returning IDPs and refugees. Until recently, the occupation of urban plots for residence was relatively "free": wherever the displaced found an appropriate place to build a shelter – a tukul of mud and straw, a shack of iron sheet or even a cement-brick house - he or she could settle. In most cases, the decision where to settle was instigated by the presence of a relative or member of one's own ethnic community. This was clearly the case in Narus, which until the end of the war was designed as an IDP-camp.[22] In Kapoeta, which after its liberation in 2002 saw an influx of IDPs and returning refugees, the same process occurred. New arrivals with little or no means of subsistence mostly joined their relatives or community members on the same plot.[23] So, both in Narus and Kapoeta, it is not uncommon to find several households and a total of 10 to 20 people on the same plot. The settlement pattern that thus developed has an ethnic appearance, although one also finds ethnically mixed neighbourhoods.

This state of affairs was equally fostered by the absence of a regulatory framework for land use and property in general. Because of its complexity and sensitivity, the issue of land ownership in Southern Sudan was deferred to the post-CPA phase (De Wit, 2004:13; Pantuliano, 2007). In 2008, the entitlement of displaced Sudanese to land and property was still unclear, as was their right to permanently resettle in Narus and Kapoeta. Whereas the GoS and the SPLA agreed in 2004 (Policy Framework, 2004) that displaced Southern Sudanese have three options - return, local integration or settlement elsewhere -, the GoSS has until 2008 focused exclusively on the return of displaced persons to their areas of origin.[24] Although there was no forthright policy to send the displaced back to where they originated – their so-called "home areas" – nor was there a regulatory framework to ensure their right of resettlement and entitlement to land and property. It was only in the spring of 2009 that the government changed its official discourse and approved the right to resettlement of all Southern Sudanese. This message was subsequently disseminated in Narus and Kapoeta by the County Commissioners of Kapoeta East and Kapoeta South respectively.[25] The change in official discourse went hand in hand with an attempt to regulate access to (and property of) land within urban perimeters. The lack of a regulatory framework for urban land access has obviously impacted unevenly. On the one hand, it perpetuated the uncertainty for the occupants, who reported it refrained them from long term planning and from constructing permanent buildings. On the other hand, it facilitated access for those privileged with power relations. We will come back to this.

With respect to earning a living, social networks were equally vital. Most of the resettled IDPs and refugees of Narus and Kapoeta rely on self-employment for their survival. Actually, farming or raising cattle is not an option: access to the customary land surrounding Narus and Kapoeta town is the preserve of the indigenous Toposa population. By consequence, access to land to non-indigenous Sudanese is restricted to plots within the urban perimeter. This leaves them with only a few options to earn a living: dependence on emergency assistance, wage labour or self-employment. The first option is not a durable livelihood strategy: the aid provided by UNHCR to returning refugees is minimal and temporary. The possibility to earn wages is mainly restricted to the public and the humanitarian

[21] Interview Gideon Kenyi, UNHCR, ex-commissioner for Eastern Equatoria in Kakuma refugee camp, Kapoeta, 10 May 2009. See also: Jansen, 2008:582-583.
[22] Notwithstanding the name, it was not enclosed (IMU/OCHA, Kapoeta County, 2005).
[23] Interviews ibidem footnote 19.
[24] This option was facilitated by international actors, including UNHCR, IOM and UNMIS.
[25] Interview with the County Commissioner of Kapoeta East County, Narus, 17 May 2009.

non-profit sector. Other options on the formal job market are (so far) rather scarce. Employment in the local administration is in theory open to any Southerner. In practice, due to requirements with respect to educational qualifications and/or knowledge of the local language, government jobs (in the administration, education or healthcare sector) and jobs in the non-governmental sector (CBOs, NGOs and international organizations) are mainly executed by Eastern Equatorians, in particular by Acholi, Madi, Lotuko and Didinga. The local Toposa themselves are underrepresented, because of their lack of education. Therefore, many of the new residents in Narus and Kapoeta try to earn a living in the commercial sector, ranging from brewing alcohol and other petty commodity production, either for household consumption or for petty trade, over setting up a shop, a bar or a hotel, to transport business and cross-border trade in livestock, food and drink or construction material.

The role of social networks in earning a living has been commonly described as mutual support and solidarity at kinship and community level. Speaking in name of their community, community leaders not surprisingly claimed a role in monitoring and promoting the wellbeing of their community members. Nonetheless, it was only in exceptional cases and mostly linked to burials and marriages that the community organizations themselves helped out the needy and intervened with pooling money and resources. Supporting individuals or households in need was reportedly an everyday reality, grounded in the principles of ethnic solidarity and on the basis of anticipated reciprocity. Most cited were the donation of food, the lending of small amounts of money, the temporary use of household equipment.[26]

Networking and pooling of resources frequently exceeded the spatial boundaries of Narus and Kapoeta. It is useful to recall that during the war, families had been scattered throughout the country and beyond. Family reunification was not always possible, but was and still is often not actively pursued, as part of a livelihood diversification strategy that moves beyond the confines of both towns. One frequently mentioned adaptive strategy was the sending of a household member to elsewhere (Kakuma refugee camp was a repeatedly cited destination) to alleviate the pressure of the cost of living, or conversely, the incorporation of a relative from elsewhere in response to a necessity or the occurrence of an opportunity (employment related or because of educational facilities). Apart from that, mutual assistance was minimal and intermittent, because most households were poverty stricken and had no money to spare. Pooling or lending money to start up small enterprises, petty commodity production or petty trade was even less common.

There are some important exceptions to this general pattern, correlated with a discrepancy in wealth within the commercial sector. Indeed, some of the new residents of Narus and Kapoeta have been more successful in business than others. Equally striking is that most of the more successful businesses are in the hands of resettled Dinka, specifically Dinka originating from the Bor area.[27] This fact is a latent source of discontent and was recurrently attributed by respondents to the "superior entrepreneurial qualities" of the Dinka, to their "appetite to rule" or their "many ways of getting things done". [28]

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[26] Interviews Nuba Community Narus, 14 May 2009, Dinka Ngok Community Narus, 14 May 2009, Didinga Community Narus, 14 May 2009, Acholi Community Narus, 15 & 16 May 2009, Lotuko Community Narus, 15 May 2009, Shilluk Community Narus, 18 May 2009, Nuer Community Narus, 18 May 2009, Bahr al-Ghazal Community Narus, 19 May 2009, Lotuko Community Kapoeta, 15 March 2010, Kuku Community Kapoeta 16 March 2010, Acholi Community Kapoeta 17 March 2010, Madi Community Kapoeta, 18 March 2010, Didinga Community Kapoeta, 18 March 2010.

[27] This observation is based on a systematic survey of perceptions by residents of Narus and Kapoeta. Respondents were asked who (individuals, families, communities) was more successful in organizing a living, in doing business, and why.

[28] Interviews Narus, 12, 13, 15 May 2009, Kapoeta, 15, 17 March 2010, 9 April 2010.

Nevertheless the commercial sector is not exclusively Dinka Bor, nor are all Dinka Bor in Narus and Kapoeta wealthy. Lotuko, Didinga, Acholi, Madi, Nuba and Dinka Bahr-al-Ghazal also operate businesses in Narus and Kapoeta and may even organize themselves in business associations. In recent years the indigenous Toposa have also become more visible in the modern economy as shopkeepers or as traders (not transporters) of shop necessities and livestock. Apart from this upcoming but small Toposa business class, a small number of Toposa politicians have equally entered into business and become quite successful. They own bars, hotels and real estate and mostly operate in association with Kenyans, who bring in their business expertise. However, neither in number, nor in size or scope can they be compared to the business empire of the Dinka from Bor.[29]

This is an intriguing observation, since all respondents, irrespective of the community to which they belong, emphasized the importance of ethnic solidarity networks and their paramount role in making a life and a living in their places of resettlement. Nonetheless, the outcome of social networking was just sheer survival in most cases. We therefore assume that where ethnic networks were successful in terms of relative wealth creation, additional and/or particular factors must be at work. Answering the question what makes these so-called Dinka businesses distinctively successful, while at the same time avoiding the trap of ethnic reductionism, will be done in two steps. First we will assess the characteristics of the more successful business undertakings. We then enlarge our time and space perspective to have a better understanding why these businesses have become thriving.

Networks of accumulation

Salient characteristics of the more successful business undertakings that emerged from the interviews were their location within Narus and Kapoeta town, their interconnectedness with other businesses and their geographical reach. [30]

With respect to location, two things stand out: the existence of a so-called “Dinka” market in Narus and the concentration of Dinka businesses in the best locations of Kapoeta. The “Dinka” market in Narus is segregated from a local “Toposa” market, with a river in between.[31] Despite its name one also finds many other immigrants, though Dinka shopkeepers are the majority. The market originated during the war when the area became a safe haven for SPLA military and for civilians on the run. Its origin cannot be disconnected from the nearness of the border and of Kenyan towns such as Lokichoggio and Kakuma which became important links in a cross-border trading network that provided the Sudanese market with vital consumer items. The merchandise imported from Kenya consisted of food, beverages, household items and increasingly construction material. Livestock, gold and tobacco went the opposite direction. The Dinka market contrasts sharply with the open air market across the river where goods are displayed on the ground and where one predominantly finds Toposa selling their local produce: firewood, poles, grass and charcoal. Over time the dichotomies have changed marginally: a limited number of local Toposa established businesses in the Dinka market.

[29] Interviews Chairman Acholi community, Narus, 16 May 2009; Chairman Lotuko community, Narus, 16 May 2009; Chairman Lotuko community, Kapoeta, 15 March 2010; Acholi community, Kapoeta, 17 March 2010; Didinga community, Kapoeta, 18 March 2010.

[30] The pattern described hereafter is based on the elements put forward by all interviewees: both those belonging to the successful business network and others.

[31] The same pattern of a “modern” IDP (Dinka) market and a “traditional” indigenous (Didinga) market can also be found in Chukudum, the capital of the neighbouring Budi County. The origin of the Dinka market in Chukudum goes back to the late 1980s when the (predominantly Dinka) SPLA command built its headquarters in this strategically situated place in the mountains, near the Ugandan and Kenyan border.

Inversely, on the open air market, the Toposa were joined by hawkers from Sudan and neighbouring Kenya, also selling their goods[32] on a free non-permanent place on the ground, while the Toposa themselves have enlarged their "traditional" supply with produce previously not commercialized, such as chicken[33]. Nevertheless, the Dinka market remains a source of tension with the local Toposa, leading regularly to violent outbursts.

In Kapoeta, the most prominent Dinka businesses are located along the main road in the old town centre in the remains of the few brick buildings that previously belonged to the Arabs or other proprietors who have left. These buildings were given to the military commanders by the late SPLM/A chairman John Garang de Mabior himself, who was in command of the liberation of Kapoeta in 2002. [34] Most of the beneficiaries were Dinka from Bor, partly because various non-Dinka military commanders preferred rewards in their place of origin[35], partly because of Garang's favouritism of Dinka, especially those from his home area of Bor (Young, 2008:168). In recent years legitimate owners have come back to claim their property. Although the issue of rectification of confiscated land and property was not systematically researched, several cases were reported where arrangements were worked out, encompassing restitution and registration of title deeds.[36] Even if the compensation was fair, it does not offset the fact that the long-lasting occupation of the superior premises has provided the military with a business advantage and has facilitated their capital accumulation. Most of the Dinka Bor businesses, both in Narus and Kapoeta, are run by extended families that are scattered throughout Southern Sudan and Kenya. As a rule the family network involves a military commander, who resides in the area, elsewhere in Sudan or abroad. The network is injected with remittances from Dinka refugees resettled in third countries. The local Dinka Bor business associations also contribute: they collect money and provide small loans for starting or expanding businesses, prospect business opportunities and foster profits. They also act as interest group vis-à-vis local government authorities, with whom they seek good relationships.[37]

The principle of joining hands as well as the geographical reach of Dinka Bor undertakings is perhaps best illustrated by the Jonglei Traders Association (JTA), established in late 2005 and comprising 7 shareholders, all of them originating from Bor. Among the shareholders are some of the main businesspeople of Kapoeta and also Rebecca Nyandeng de Mabior, the wife of the late John Garang. The company meanwhile owns two trucks – "10 wheels vehicles" – and operates on the Bor-Mombasa transport axis: between Bor, Juba, Torit, Kapoeta and Narus in Sudan and from there to Kitale, Eldoret, Nakuru, Nairobi and as far as Mombasa in Kenya. In Mombasa the trucks are loaded with construction material (cement, iron sheets) and foodstuff (maize), both of which are in high demand in Sudan. Upon their return from Bor, they frequently transport cattle for the booming meat market in Juba, the capital of Southern Sudan. The agents organizing the transport in Kenya as well as the clients in Sudan (wholesale or depot owners) are predominantly Dinka. [38] The transport is

[32] Mainly second hand clothes.
[33] Toposa do not eat chicken and keep them only for the eggs.
[34] Interviews with SPLM MP candidate, Kapoeta, 8 April 2010; Religious Leader, Kapoeta, 6 April 2010; Acholi Community Leader, Narus, 12 April 2010; NCP officials, Kapoeta, 5 April 2010.
[35] Such as Lotuko SPLA commanders who preferred rewards in Torit. Interviews Dinka businessmen and ex-SPLA liberators of Kapoeta, Kapoeta, 7 May 2009, 22 April 2010.
[36] Interviews Dinka businessmen, Kapoeta, 20 & 23 March 2010.
[37] Interviews Dinka businessmen, Narus, 18 May 2009 and Kapoeta, 7 May 2009, 20, 22 & 23 March 2010. Interviews CBOs, Kapoeta, 8 May 2009 & 11 May 2009.
[38] Interviews Dinka Bor businessmen Kapoeta, 20 & 22 March 2010, Narus 18 May 2009.

also protected by Dinka. Two reason were consistently put forward.[39] First, the underdevelopment of banking-institutions in Southern Sudan, necessitating cash payments or credit provision. This calls for trust, that is most guaranteed within family or kinship circles. Secondly, the enduring insecurity along the road linking Kapoeta with Torit and Juba and the precarious nature of the Ugandan and Kenyan border areas. This compels transporters to rely on armed escorts to protect their business or at least to have good relations with SPLA commanders in key locations. The Dinka Bor network has access to both.

There are no Sudanese businessmen in Narus and Kapoeta that operate on a comparable scale and that can rely on a network that resembles that of the Jonglei Traders Association. The Dinka Bahr al-Ghazal businessmen from Narus, for instance, may combine their purchases to supply their shops, bars and restaurants and drive a pick-up across the border into Lokichoggio, though mostly appeal to the transport services of the Kikuyu shopkeepers across the border or the trucks of the Kenyan Somalis.[40] Toposa have only recently established shops and increasingly market their livestock, but depend on others – Kenyans or Dinka Bor – to supply their stores and for the transport of their cows and goats from Kapoeta to Juba.[41]

The issue therefore follows: why? Looking for answers, we hereafter shed light on the genesis of the Dinka business network from a political economy perspective as well as on its transnational dimensions.

Looking backward: the genesis of a thriving cross-border trading route

Eastern Equatoria, formerly part of South Sudan's Equatoria province, now South Sudan's most south-eastern state, was always strategically important during the war for an obvious reason: the fact that it borders Uganda and Kenya, two countries that hosted huge numbers of Sudanese refugees and from where emergency supply lines were set up. For supplying the Greater Kapoeta Area, Kenya in particular was important. Uganda could not fulfill that role, because the Kidepo National Park was difficult to cross. Besides being a lifeline for Sudanese civilians affected by war, the area was also vital to the SPLA: as a frontline (the garrison town of Kapoeta was hard-fought over by the GoS and the SPLA) and as a suitable location from where to attack, to hide or to flee across the border. Hence the high number of soldiers along the border: in Narus, but also in New Site, New Cush and Natinga. New Site and New Cush were designed as an army barrack place and a military training camp respectively. Natinga on the other hand became the settlement where the SPLA child soldiers – the so-called "lost boys" or Red Army - were gathered. The majority of them were later sent to Kakuma refugee camp.[42] Narus served a dual function: as an IDP camp and as an administrative headquarters of the SPLA.

However, the importance of the proximity of the border to the SPLA transcended the strictly military sphere. Unpaid during the war, SPLA soldiers depended on (willingly or forced) donations by the

[39] Interviews Dinka Bor businessmen Kapoeta, 7 May 2009, 20, 22 & 23 March 2010; Ugandan transporters, Kapoeta, 3 April 2010; Toposa livestock traders, Kapoeta, 3 April 2010.
[40] Interview Dinka Bar al-Ghazal businessmen Narus, 19 May 2009.
[41] Interviews Ugandan transporters, Kapoeta, 3 April 2010; Toposa livestock traders, Kapoeta, 3 April 2010; Toposa shopkeepers, Kapoeta, 7 April 2010.
[42] In 2003, the IDP-camps of Narus and Natinga had a combined estimated population of 16,000, most of whom are Dinka from Bor County (IMU/OCHA, Kapoeta County, 2005).

local population and were allowed to loot and engage in trade by the SPLA command (Young, 2003:427). Not surprisingly, the border area offered opportunities. Actually, cross-border trade became an important source of revenue for the military in general and of enrichment for military commanders in particular, both trade in clean (or legal) and unclean (or illegal) commodities .[43] Examples of the former are the trade in local produce, ranging from tobacco and timber over gold to livestock. While clean, these commodities were frequently bought by the military at unfair low prices or confiscated from the local population. Small arms and ammunition are notorious examples of the latter category. In reality, both categories interlocked. Cattle trade is a case in point. Before the war, the marketing of cattle was a marginal activity. During the war it became a profitable business that was predominantly in the hands of mainly Dinka military commanders who organized the commercialization and the trekking of the (at times raided) cattle across the border. The commodities purchased with the proceeds from livestock sale were not limited to scarce necessities, but also Bincluded guns and bullets sold at the many arms markets along the Sudanese border with Uganda and Kenya and offered for sale by the armies and militias active in this borderland.[44] The weapons subsequently found their way to the civilians where they impacted on the escalation of cattle raiding and animosity between local communities, reinforcing ethnicity as the default explanation for local violence (King & Musaka-Mugerwa, 2002; Mkutu, 2006; Schomerus, 2008; Walraet, 2008).

After 2002 part of the capital from illegal or illicit trade found its way to the just liberated Kapoeta, where it was invested in respectable businesses.[45] The same had been done previously in Narus where quite a few of the earliest successful businesses in the so-called Dinka market started off with capital that was accumulated by the military during the war, the origin of which was looting or cross-border trade.[46] The flourishing of this informal war-type trade was aided by the sheer size and remoteness of the borderland and by the fact that official border posts such as Nimule, Tsertsenya and Nadapal were ruled by the military, who were able to facilitate or withhold cross-border traffic.

The regulation of these border posts is still a grey zone: its crossing remains negotiable, subject to having the right connections or to paying a fee for the services rendered. Connected factors that continue to work in favour of the military, and those allied to or protected by them, are their access to transport and coercion. In a country with a war record as Sudan, the temptation to make improper use of scarce resources such as vehicles is great. The frequent crossing of the border post in Nadapal by military and government vehicles loaded with supply products for bars, restaurants, shops and depots suggests this is indeed the case. Civilian vehicles, escorted or protected by armed forces may enjoy the same preferential treatment, such as passing the border without being harassed, without controlling the permits of the passengers, or exempted from custom duties. [47]

Looking beyond the border

[43] The distinction is based on Little (2005) who uses the term clean for trade in relatively benign commodities such as cattle and grains, while unclean trade refers to dirty goods such as drugs and arms.

[44] The SPLA, the Uganda People's Defence Force (UPDF), the Equatoria Defence Force (EDF) and the Lord's Resistance Army (LRA).

[45] Interviews Dinka businessmen, Kapoeta, 7 May 2009 and 20, 22 & 23 March 2010, Didinga businessman, Narus, 13 May 2009.

[46] Interviews Dinka businessman & SPLA military, Kapoeta, 7 May 2009; Nuba soldier, Narus, 14 May 2009, Dinka businessman, Kapoeta, 23 March 2010.

[47] Confirmed by several interviewees, among others by a customs officer at Nadapal border post (23 March 2010) and testimonies by NGO employees in Kapoeta, Narus and Lokichoggio (March 2009 and April 2010).

The networks of accumulation cannot be fully understood without addressing their transnational dimensions that not only spill across the Sudan-Kenyan national boundary, but also reach into the diaspora in the US, Canada, Australia and the UK. To make our point we must recall the special relationship between Kenya and Southern Sudan, the privileged position of the SPLM/A in Kenya and the active role Kenya played in the negotiations to resolve the civil war in Sudan.[48] Ever since their massive exodus from Ethiopia, after the fall of the Mengistu regime, Kenya has welcomed the arrival of Southern Sudanese: refugees, who obtained the *primae facie* status, and the SPLM/A leadership, that was allowed to set up its headquarters in Nairobi and to relocate its relatives in the Kenyan capital. The first category – the refugees - was subject to the Kenyan encampment policy, which restricted their movements. In 1992, Kakuma Refugee Camp was established for this purpose. Despite its growing permanence, the camp remained on emergency footing. In 2005, it hosted 76.646 Sudanese refugees (UNHCR, Statistical Yearbook 2005). Due to the specific characteristics of the war, the majority of them were Dinka Bor, Dinka Bahr al-Ghazal and Nuer (Dube & Koenig, 2005:8-10). The second category – the SPLM/A top - could freely settle. They enjoyed no mobility restrictions. In between is a category with varying degrees of mobility. Depending on their capacity to obtain particular documents [49] and to pay for it (or for the bribes in case of lacking them and being harassed), they can move within Kenya or even across the border with Sudan.

Kenya is not only a major host country for many refugees in the Horn of Africa[50], it is also a hub for refugee resettlement. Each year thousands of refugees are resettled to the US, Canada, Australia and the UK. In 2005, UNHCR Kenya resettled 6.819 of them (UNHCR, Statistical Yearbook 2005). The first Sudanese were resettled in 2001, when the US government accepted a group of over 3000 'lost boys' who formed the original nucleus of Kakuma Refugee Camp. In the years that followed many more Sudanese were relocated in third countries by UNHCR or by other international governmental and non-governmental organizations involved in resettlement.[51] Their remittances have always been an important element in the coping strategy of those left behind, whether inside Sudan or in neighbouring asylum-countries. After 2005, the importance of these transfers increased even further due to the turn in policy by UNHCR vis-à-vis Sudanese refugees, that consisted of three elements: ending their *prima facie* status, stimulating return and restricting educational facilities in Kakuma Refugee Camp. This turn in policy has boosted an already ongoing trend of urban flight by Sudanese refugees to towns such as Kitale, Eldoret, Nakuru and Nairobi. In 2009, UNHCR estimated that of the 40.000 Sudanese refugees registered in Kakuma Refugee Camp, 30.000 actually resided elsewhere, mainly in these urban centres, where their livelihood depends on cash transfers from Sudanese abroad supplemented with the UNHCR food rations they collect in Kakuma. The main reason for their stay is education for the children, which is considered as a crucial investment in the future, and the better life in Kenya, compared to Sudan.[52] With exception of the food aid, they do not rely on the services

[48] See: Crisis Group (2010). Also relevant in this respect is the issue of the Ilemi Triangle, i.e. the supposed 'covert' deal between the then President of Kenya Daniel Arap Moi and the late SPLM/A leader John Garang de Mabior, whereby Ilemi was transferred to Kenya in exchange for logistical support for the SPLM/A, accommodation of its officials and medical treatment of its wounded combatants. See: Johnson (2010) and Mburu (2003).

[49] Alien Card, Kenyan citizenship, Kenyan Consulate letter, Visa.

[50] In early 2011 Kenya hosted 385.000 Somali, 35.000 Ethiopian and 25.000 Sudanese refugees. (UNHCR Kenya, 2011).

[51] Exact figures are not available, because resettlement is done by a variety of organizations and because of the illegal status of most Sudanese in Kenya's urban centres. Leading refugee organizations however are confident that the proportional representation of Sudanese communities in Kakuma Refugee Camp is reproduced in the diaspora and also in Nairobi.

[52] In 2010, UNHCR revised its policy again and re-opened access to education, based on the UN Convention of the Rights of the Child.

of UNHCR or NGOs, as the cash flow from outside apparently suffices.[53]

Kenya is for yet another reason attractive to many Sudanese: as a quick access route to business, whether in their own name or through a Kenyan associate who can provide an operating license and facilitate access to credit. Because of the high level relations between Kenya and the SPLM/A leadership, Sudanese aspiring to do business in Kenya can count on a lenient approach by the Kenyan government. Quite a few Sudanese have been fairly successful. They have bought property and land (in their own name) although these vested interests do not prevent them from shuttling between Kenya and Sudan. Among them are some of the same businessmen operating in Kapoeta.[54] Conversely, Kenyans are increasingly active in Southern Sudan, as laborers, traders or investors. It is no secret that the Government of Kenya has a particular interest in Southern Sudan's oil and that there are plans to connect its oilfields via an export pipeline through Lokichoggio either to Mombasa or to the planned new port of Lamu further north. Equally high on the Kenyan agenda is the boosting of cross-border trade with Sudan and the implementation of infrastructural networks linking both countries (Sudan Tribune, 21 February, 2011; African Business, March 2011; Crisis Group, 2010).

The Sudan-Kenyan borderland indeed holds the promise of becoming a major gate for trade between Sudan and Kenya and even for linking Southern Sudan with Ethiopia. As a matter of fact, the Lamu Port-Southern Sudan-Ethiopia Transport Corridor (LAPSSET) project not only envisages the construction of a pipeline, but also of a road and railway network. One corridor is of particular interest to the Sudan-Kenyan borderland: the road that will connect Juba via Kapoeta and Narus through Lokichoggio, Lodwar and Maralal to Archer's Post. From there two branches start off: one to the Ethiopian border town of Moyale (via Marsabit) and a second to Lamu (via Garissa).[55] Upon completion, the Sudan-Kenya cross-border route remains an important international connection that may also provide an alternative to the Mombasa – Uganda highway via Bungoma, Mbale and Tororo. While not the shortest connection for servicing the state capital Torit and the western part of Eastern Equatoria state (the shortest connection is via the Sudan-Ugandan border post of Nimule and Central Equatoria state capital Juba), it is the obvious link with the current counties of Budi, Kapoeta North, South and East, or what was previously united into one county, known as the Greater Kapoeta Area.

It puts Kapoeta and Narus into a new perspective, no longer as war-time islands of security in a peripheral borderland, but as strategic trade hubs in a emerging Sudan-Kenyan complex. These prospects have not escaped the attention of the local political class, whose interests in the anticipated future opportunities are increasingly translated into territorial claims, one of which is the redrawing of the internal boundaries in Eastern Equatoria state. This potential has neither been neglected by the Dinka traders. [56] With more and more entrants to the market, there is no doubt that the quasi-monopoly of the erstwhile military traders in the Sudan-Kenyan borderland is definitely broken. However, building on their war-time trade network, their successors – the JTA is a prime example – have been able to further accumulate capital and acquire a strong position in the regional and international long distance trade.

Prospects for increased cross-border trade are however jeopardized by persisting insecurity on the Kapoeta-Torit-Juba route and in the border area between Lokichoggio and Nadapal. The recent rise

[53] Based on interviews with Sudanese refugees in Nairobi, 16, 17, 18 & 22 March, 2011 and with UNHCR Kenya (1 April 2011) and GIZ (21 March 2011), Nairobi.
[54] Interview Dinka businessman, Nairobi, 22 March 2011.
[55] Another planned branch is from Garissa to Nairobi, that will join the existing Northern Corridor that is served by the Mombasa port.
[56] Interviews Dinka Bor businessmen, Kapoeta, 20 March 2010 and Nairobi, 22 March 2011.

in incidents on the international border between Sudan and Kenya in particular worries many local and international observers and stakeholders. Resource based conflicts between the Sudanese Toposa and the Kenyan Turkana have been recurring for years. Recently a new dimension has further complicated this field of tension: the hardening of both the Kenyan and Sudanese position vis-à-vis the border line (Sudan Tribune, 18/02/2010; XXX). It may be expected/hoped that neither side will allow these border conflicts to further escalate, as illustrated by recent high-level Sudanese-Kenyan high-level meetings (Sudan Tribune, 21/02/2011) and the cross-border peace gathering end of March/early April 2011.[57] On the other hand, there is that other potentially even more threatening boundary dispute: that of the Ilemi Triangle, which will almost certainly gain political weight in the near future, particularly given the rumours on oil discoveries in the area.

Looking within: state-making as a work in progress

Since the CPA up to now, the question of state-building in South Sudan has been largely framed as a matter of North-South relations and conceived as a top-down issue. Now that the historical 2011 referendum is over and that the CPA era is coming to a close, attention is increasingly shifting to the challenges of internal institution building and to how local dynamics intersect with the national agenda for state (re)construction. This section joins in by zooming back in on the Greater Kapoeta Area and the local settings of Narus and Kapoeta and by directing attention to two marked trends that may offer a glimpse of South Sudan's state formation as "a work in progress": first, an evolution to more state regulation and secondly, a hardening of ethnic borders. What these trends seem to indicate is a reconfiguration of competing but interdependent regimes of power, with on the one hand, the local politico-administrative class, whose power is rising and linked to progressive state regulation and to decentralization and devolution in particular and on the other hand, the military-commercial class, whose power is challenged but reaches beyond the regulatory radius of the state.

Since about mid- 2009[58], there is a notable trend towards more formality and regulation which also cautiously affects the power of the military. This trend is manifest at the Sudan-Kenyan border where efforts have been made to distinguish more clearly between military and civil operating staff and to mixing ethnicities. Until recently, migration, traffic and customs officers at Nadapal border post were predominantly Dinka Bor and military. This has been a recurring point of disapproval and is considered as an important facilitating element in the Dinka business and cross-border trade. Lately however, civil and non-Dinka staff personnel has been brought in (Nuer and Toposa). It is expected that these corrective interventions will be continued.[59]

Progression to state regulation is also noticeable in other sectors. More and more businessmen in Narus and Kapoeta have trading permits and/or vehicles licenses, posses title deeds and/or lease contracts, pay taxes and/or custom duties. Narus has recently established a customs centre. Kapoeta is expected to follow soon. Regulations with respect to urban land access are also on the move. Until recently, a legal framework was absent and land was claimed by different groups and on multiple grounds: by indigenous Toposa on customary grounds, by non-indigenous town dwellers (the broad category of resettled refugees and IDPs) who claimed land as Sudanese citizens, and by the military

[57] Telephone interview with participant at the cross-border peace gathering in Lokichoggio, 5 April 2011.
[58] The turning point seems to coincide with the de facto recognition of the right of the new residents of Narus and Kapoeta to permanently resettle.
[59] Interview with SPLM MP candidate, Kapoeta, 8 April 2010; Interview with migration officer at Nadapal border, Kapoeta, 20 March 2010.

who justified their appropriation of land by referring to their role in the liberation struggle. A new plot allocation system (announced in 2010) is intended to establish an impartial bureaucratic procedure while simultaneously appeasing both the local Toposa, who fear an encroachment on their land by wealthy non-indigenous individuals or groups, and the new town residents, who want to see their right to resettlement – which was eventually accepted and confirmed in 2009 – translated into legitimate access to urban land. By fixing the outer limit of the towns at a 5 km radius of the centre, it was hoped that the Toposa would be reassured that the surrounding land remained customary land, owned by the community and administered by traditional leaders, or negotiable on their terms.[60] Town residents, it was anticipated, would equally be contended, at least in terms of certainty in time perspective. Those wishing to acquire a plot within town must submit an application and can acquire title deeds (or become the legal lessee). On the other hand, the plot size does not allow much subsistence activities, perhaps with the exception of brewing alcohol. The new system builds on the British colonial subdivisions into three classes, whereby plot size, lease terms and the prerequisites with respect to the quality of building materials (temporary or permanent constructions) are in proportion to its class and hence to the amount of annual subscription fees and taxes that must be paid.[61] What is new however, is the allocation system, whereby applicants have no say in which plot they will acquire, because of the government's plan to mix the communities ethnically. With this aim the distribution of plots is organized as a lottery. [62] It is expected that the implementation of this regulatory innovation will also curb land grabbing and confiscation by the military.[63] However, pending the implementation of the new allocation system, a different distributional practice is apparently on the rise, ranking the Toposa as first, Equatorians as second and non-Equatorians as last priority in allotment of plots.[64]

Despite general progression in state formation, the unregulated domain remains substantial and military commanders continue to be fairly "untouchable". Actually, the SPLM continues to suffer from problems due to its nature as a military organization and a low level of institutionalization, the origin of which must be situated in the era of Garang de Mabior, the historical SPLM/A-leader (Young, 2005). Indeed, John Garang has always been reluctant to permit the emergence of accountable institutions of administration, for fear this would have posed a threat to his authority. With Salva Kiir's advent to power, after Garang died in a helicopter crash on July 30, 2005, came not only a change in leadership style but also efforts at transforming the SPLM/A from a military organization into a party of government. However, this shift is far from complete. After the 2005 Comprehensive Peace Agreement, the GoSS and its administration have been largely filled with army officers who do not have the proper skills to carry out what are in essence civilian tasks. The strong military makeup of the SPLM was again illustrated in the April 2010 elections with many SPLA commanders running for candidate. Interestingly, on local level, political power is considered the reserved realm of the indigenous population, in our case Toposa and by extension Eastern

[60] Interviews Toposa SPLM-MP, Kapoeta, 10 May 2009, Toposa Chairman SPLM, Narus, 14 May 2009, County Commissioner Kapoeta East County, Narus, 17 May 2009.
[61] For more details, see: Pantuliano, S., Buchanan-Smith, M., Murphy, P. & Mosel, I., 2008: 29-36.
[62] Both the lottery allocation system and the mixing of ethnicities were positively assessed by various community spokespersons. Interviews Lotuko Community, Kapoeta 15 March 2010; Acholi Community, Kapoeta 17 March 2010; Didinga Community, Kapoeta 18 March 2010.
[63] In Kapoeta the allocation had already started, but people were not yet removed from their old places. The whole operation will also require the necessary infrastructural works (provision of water and roads, etc.). The implementation of the plan is expected after July 2011.
[64] Interview Dinka businessman, Nairobi, 22 March 2011 and telephone interview, Kapoeta resident, 5 April 2011.

Equatorians, who since 2005 have increasingly claimed the political space. [65] As the historical 2010 elections have demonstrated, all candidates for the post of governor of Eastern Equatoria state and for the assembly seats reserved for the Eastern Equatorian constituencies (10 seats in the National Assembly, 2 seats in the Council of States, 19 seats in the Southern Sudan Legislative Assembly and 48 seats in the Legislative Assembly of Eastern Equatoria State), were indigenous Eastern Equatorians.

This evolution to new political realities did not remain unanswered by those who were losing out de facto power. In previous years there had been claims for an independent territorially defined Dinka County along the border, where their political power would be guaranteed. These ambitions proved unacceptable to the indigenous communities, who consider it as a manifestation of "*the quiet policy of Garang".* [66] Key in this so-called quiet policy ascribed to the late SPLM/A leader is the need of the Dinka Bor for "lebensraum". The living conditions in the Bor area of Jonglei are extremely harsh: the terrain and the climate are inhospitable and it is a long way from any developed centre. The plan of a Dinka County was eventually shelved.

The sensitivities of a migrant community with economic interests to defend but uncertain about its right to permanently resettle were again demonstrated in 2009, when Dinka in Kapoeta ostensibly opposed Salva Kiir on the fact that he is a Dinka originating from Warrap State in Bahr al-Ghazal and not a Dinka Bor like themselves and the late John Garang, who was in command of the liberation of Kapoeta in 2002. The renegade Dinka were eventually persuaded not to revolt against Kiir. [67] This short lived uprising suggests the existence of a direct connection with the national power centre that they wanted to address. The Dinka are indeed the largest ethnic group in Southern Sudan and as such have a higher presentation both within the SPLA, the SPLM and the GoSS, while not at (sub)-state level. However, fear for internal resistance prompted Salva Kiir to treat the Garang loyalists with care. In fact, since he took office, Kiir has always been cautious not to alienate important sections of the SPLA in order to prevent alternative centres of power to emerge and to keep the army united and ready in case Khartoum would not honour its commitment to the CPA-provisions. These concerns explain to a certain extent why much of the power of the military has remained relatively untouched until today.

A second marked evolution is the hardening of ethnic borders, within Kapoeta and Narus and within the wider Greater Kapoeta Area, i.e. the most eastern part of Eastern Equatoria state bordering Kenya and Ethiopia. Within Kapoeta there is increasingly intense business competition based on ethnic lines. A striking manifestation of this trend is that more and more residents only make purchases in the shops of their own ethnic communities.

[68] Also county borders have taken on an increased importance and there is a clear rise in (old and

[65] Although the Electoral Act of 2008 does not prohibit non-indigenous residents who are Sudanese by birth from contesting for the nomination as candidate for the election of Governor of Eastern Equatoria State or as candidate for the election as member of a Legislative Assembly, it is highly unlikely that a non-indigenous resident would be nominated. One reason are the procedural requirements for nomination, in particular for the office of the Governor. Another reason is that MPs are expected to represent their geographical constituency. Also the Local Government Act (2009) stipulates no restrictions regarding the candidacies of non-indigenous Sudanese.

[66] Interviews Kapoeta and Narus, May 2009 and March-April 2010.

[67] It was Brigadier Abraham Ajok Alul, SPLA commander for Eastern Equatoria State and a Dinka Bor himself, who eventually reprimanded the Bor community in Kapoeta. Interview SPLM MP candidate, Kapoeta 8 April 2010.

[68]Interview Kapoeta businessman, Nairobi, 16 March 2011 and telephone interview Kapoeta based NGO representative, 3 April 2011.

new) border disputes.[69] Tensions between the two ethnic communities of Budi County –the Buya and the Didinga – have equally flared up. What is at stake is access to resources: to pasture and water, to the alleged resources beneath the soil and to the budgetary resources associated with the promised decentralization and devolution. Despite increasingly distinct class differences – between the "common people" and the patronage network around the actors occupying the local state institutions - the forged alliances and the mobilization is around ethnic identities. The strive of local politicians and administrators for more ethnic homogeneous counties apparently matches with the intentions of the GoSS to effectively delegate authority and resources to sub-state levels as envisaged in the Local Government Act of 2009, while simultaneously trying to appease and politically accommodate ethnic claims. For the Greater Kapoeta Area, two additional counties are envisaged: Nyangatom, for the Nyangatom (living in the south-eastern corner of Eastern Equatoria State bordering Ethiopia and the disputed Ilemi Triangle), to be cut out of the currently outstretched Kapoeta East County and Kimatong, for the Buya, which implies the splitting up of Budi County into two counties. Equally significant are the local aspirations to resurrect the Greater Kapoeta Area (comprising the current counties of Budi, Kapoeta North, South and East) as one political entity, some even dream of an 11th Southern Sudanese state. Given the pivotal role of the state level between central and local government, the alleged resource richness of the area and of the adjacent Ilemi Triangle, this is not surprisingly.

Conclusion/Concluding thoughts

In progress …

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'Borderlands - Zones of Protracted Conflict or Sites of Emerging Sovereignties?'

ABORNE and its agenda – all listed topics are relevant for this workshop

More generally a shared interest in understanding what constitutes power, subjectivity, governance and postcolonial statehood in Africa. State formation is obviously at the heart – more or less explicitly, of what most ABORNE members are doing, and here we have case of newly forming state.

Dominant idea of state:
1. Puzzle image of separate pieces.
2. State formation as a process where centre captures the periphery.
E.g. in his analysis of the historical formation of European city-states Tilly speaks of a so-called "spiral of change" and in particular the relationships between capital, coercion and political representation involved.

But the initiation of a spiral of change can also take place elsewhere than at the centre.
Borderlands as sites where new or alternative political arrangements are made and brokered.
More to say about literature on European borderlands and US-Mexico border, but not here.

Africa:
Going beyond the old story: African boundaries were colonial, arbitrary and artificial.
A suit made by many tailors arguing with each other - it does not fit but has to be worn.
Alternative image: How have borders become part of the landscape?

From borders as colonial territorial container which needs to be filled with state power until the periphery is reigned in.
To borderlands as centres unto themselves.
This ties into a wider field of recent and current thinking, especially in social and political anthropology. Many scholars have been in recent years interested in so-called

'governable social spaces', where the exercise of public authority becomes associated with multiple, partly overlapping, territories and group identifications (Lund 2006) (Arnaut and Højbjerg 2008; Engel and Mehler 2005; Roitman 2005).
Das and Poole 2004 speak of the 'productivity of the margins' and how practices there 'colonize the centre'.
Their concept of the margins is not exclusively territorial, but also embraces the relevance of territorial boundaries as margins.

Within ABORNE the borderlands perspective involves an important paradigm shift, in that it seriously questions dominant notions of state formation as a top-down, exogenous process of power diffusion from the centre into the periphery.

In ABORNE and also among some Asianists and Latin Americanists there is an ongoing debate about the evolution of state- and peace building in borderlands with **protracted conflicts** (Boege et al. 2008; Colletta et al. 1996; Milliken and Krause 2003; Rotberg 2003; Goodhand 2008; Raeymekers 2007; Nugent 2002; Zeller 2010).

Rather than 'unstable' frontier zones that are waiting to be pacified, this perspective considers that borderlands can manifest as socially productive zones in their own right, generating important political and economic outcomes that have a decisive impact on state formation in a broader sense (see also Scott 2009; Donnan and Wilson 1999).
Rather than 'unstable', Baud and van Schendel speak of **'unruly' borderlands**: zones of protracted high-intensity conflict along territorial borders between states, where neither these states nor regional elites have established a full and continuous sovereign regime of domination (1997).

Productivity, innovation, opportunity – these words are often used when speaking about borderlands, for example Nugent, Asiwaju and myself: Opportunities and volatility (danger) depending from whose point of view: trade (legal/illegal), escaping from prosecution, setting up own power-base

But important not to over-emphasize the agency of the borderlands:
Borderlands are also opportunity for the central state to inscribe its power onto the body politic, to demonstrate its relevance, to show what it is capable of, to exclude the enemy.

This relates directly to the ambivalence of the material and intellectual/ideological resources of an armed struggle movement, especially if it becomes the government of an independent country: As things shape up the former periphery becomes a new centre that is often particularly volatile. There is a strong centralised, often military structure, intense paranoia, the suspicion that there is always a sub-plot, intrigue, enemy without and within.

It is **a particular situation.**

Boege speaks of "Hybridized forms of governance" in countries experiencing war-to-peace transitions (Boege et al. 2008).

I speak of Borderland governance: Get it while you can.

The challenge is often to demonstrate that this goes beyond anecdotal evidence but adds up to a larger framework of understanding what constitutes power, subjectivity, governance and postcolonial statehood in Africa.

Secessionism in Africa a big topic, project in ABORNE.

SSudan a particularly rich case for this and I very much look forward to learning from your contributions over the next 48 hours.

Discussion

Winston:

Importance of the current period as productive for years to come. Borderland focus as opportunity to locate the history of this period WITHIN SSudan.

Policy relevance: Importance of understanding the borderlands for the success of policy.

Mareike: academic research and policy-making, hard to separate here

Halle guy: what are the normative aspects of what we do?

Mark Leopold: Looking across the border

Foreign ministry guy: help to secure borders

Wafula: S-NSudan border as "soft" border

Softness versus administrative categories

Understanding not just the borderland but the techniques of regulation

Informed by the other side

Difference in management of the new and old borders of SSudan.

Anne Walraet:

Danger and opportunity

Networks of survival and success