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Dividing lines: Grazing and conflict along the Sudan–South Sudan border

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List of abbreviations

AAA	Abyei Area Administration
AAC	Abyei Area Council
AARC	Abyei Area Referendum Commission
ABC	Abyei Boundaries Commission
AJOC	Abyei Joint Oversight Committee
ALF	Abyei Liberation Front
ARA	Abyei Referendum Act
ARC	Abyei Referendum Commission
ARFP	Abyei Referendum Facilitation Panel
AU	African Union
AUHIP	African Union High-Level Implementation Panel
CBZ	Common Border Zone
CDO	Closed District Ordinances
CPA	Comprehensive Peace Agreement
CSSAC	Bureau of Community Security and Small Arms Control
FAO	Food and Agriculture Organization
GNU	Government of National Unity
GoS	Government of Sudan
GRSS	Government of the Republic of South Sudan
ICG	International Crisis Group
IOM	International Organization for Migration
JBC	Joint Border Commission
JBVMM	Joint Border Verification and Monitoring Mission
JEM	Justice and Equality Movement
JIU	Joint Integrated Unit
JPSM	Joint Political and Security Mechanism
NCP	National Congress Party
NIF	National Islamic Front
NISS	National Intelligence and Security Services

PCA	Permanent Court of Arbitration
PCP	Popular Congress Party
PDF	Popular Defence Forces
PDOC	Petrodar Operating Company
PSC	African Union Peace and Security Council
RoS	Republic of Sudan
RoSS	Republic of South Sudan
SAF	Sudan Armed Forces
SDBZ	Safe Demilitarized Border Zone
SDG	Sudanese pounds
SLA-AW	Sudan Liberation Army-Abdul Wahid
SLA-MM	Sudan Liberation Army-Minni Minawi
SPLM/A	Sudan People's Liberation Movement/Army
SPLM-N	Sudan People's Liberation Movement-North
SPLM-DC	Sudan People's Liberation Movement for Democratic Change
SRF	Sudan Revolutionary Front
SSDF	South Sudan Defence Forces
SSDM/A	South Sudan Democratic Movement/Army
SSLM/A	South Sudan Liberation Movement/Army
SSLA	South Sudan Liberation Army
SSP	South Sudanese pounds
SSPS	Southern Sudan Police Service
SSUM/A	South Sudan Unity Movement/Army
TBC	Technical Border Committee
UNHCR	United Nations High Commissioner for Refugees
UNISFA	United Nations Interim Security Force for Abyei
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in South Sudan
UNSC	United Nations Security Council

Executive Summary

Almost two years after South Sudan became Africa's newest nation-state, its border with Sudan is neither delimited nor demarcated (see Map 1).[1] While a series of agreements were signed in Addis Ababa on 27 September 2012, the status of the contested areas of the border and the explosive question of Abyei were left unresolved.[2] At issue for both states are oil reserves in the border region, as well as some of the most fertile land in the two countries. The border region also contains crucial grazing areas for transhumant and pastoralist groups, which traditionally agreed flexible grazing arrangements between themselves long before discussions began about a national border dividing their territory.

While there has been no agreement on the border's location, the border region was the site of a series of clashes in the first half of 2012, before the rainy season began. In March and April, the Sudan People's Liberation Army (SPLA) took Hejlij[3] from the Sudan Armed Forces (SAF), to widespread international condemnation (*Sudan Tribune*, 2012b). The SPLA said the assault was prompted by a series of SAF attacks on South Sudanese positions along the border, notably at Kiir Adem between Northern Bahr el Ghazal and East Darfur, and in Unity state (Small Arms Survey, 2012b). Fighting continued throughout 2012, with SAF repeatedly bombing SPLA positions along the frontier, especially in the Northern Bahr el Ghazal–East Darfur region.[4] While the clashes indicate a deteriorating relationship between the two countries, the conflict is also a continuation of strategies seen at the negotiating table: both sides attempt to press home a military advantage that can then be used as a basis for subsequent negotiations.

The border region is also the prime location for a low-intensity proxy war. Continuing a long-practised tactic with its roots in the second civil war (de Waal, 1993, pp. 144–51), the Government of Sudan (GoS) has supported and armed militias in South Sudan in an attempt to undermine the Government of the Republic of South Sudan (GRSS), and extract concessions at the negotiating


Map 1 Sudan–South Sudan border zone
EGYPT
Red Sea
RED SEA
NORTHERN
CHAD
SUDAN
NILE
NORTH DARFUR
KHARTOUM
KASSALA
Khartoum
ERITREA
Abyei – Permanent Court of Arbitration boundaries, 2009 decision
GEZIRA
NORTH KORDOFAN
GEDAREF
WEST DARFUR
SENNAR
WHITE NILE
Jebel Megeinis
Jordah border area
CENTRAL DARFUR
Jebel Megeinis
Renk
SOUTH DARFUR
EAST DARFUR
SOUTH KORDOFAN
BLUE NILE
Kaka
Kaka town area
Kafia Kingi
Meiram
Hejlij
Abyei town
UPPER NILE
ETHIOPIA
14-Mile Area
UNITY
NORTHERN BAHR EL GHAZAL
WARRAP
CENTRAL AFRICAN REPUBLIC
WESTERN BAHR EL GHAZAL
SOUTH SUDAN
JONGLEI
LAKES
WESTERN EQUATORIA
Juba
EASTERN EQUATORIA
CENTRAL EQUATORIA
DEMOCRATIC REPUBLIC OF THE CONGO
UGANDA
KENYA
Nominal African Union High-Level Implementation Panel border
Internationally recognized boundary
'Disputed' area
'Claimed' area
National capital
State boundary
0 km 200

table.[5] At the same time, the rebellions in South Kordofan and Blue Nile benefit from weapons and forces sent there immediately before and after South Sudanese independence. The GRSS continues to provide logistical and coordination support to the Sudan Revolutionary Front (SRF) coalition, including access to rear bases in Unity state.[6] While there is no firm evidence that South Sudan is actively arming the SRF, the new nation has offered logistical support to the Northern rebels, and is in close communication with the leadership (Gramizzi and Tubiana, 2012). Northern rebels regard the current conflict as a continuation of the last civil war.[7]

These clashes have destabilized relations between the various communities living along the 2,010-km border. Shortly before South Sudanese independence, Sudan unofficially closed the border to trade and transport.[8] This blockade allowed the GoS to pressure the GRSS by depriving border communities of basic commodities, essentially holding them to economic ransom. While smugglers continued to cross back and forth for the next ten months, bringing much-needed supplies to people on the southern side of the border, following the SPLA/Justice and Equality Movement (JEM) attack on Hejlij, Sudan declared a state of emergency in South Kordofan, Sennar, and White Nile states, almost totally shutting down the border with South Sudan.[9]

The state of emergency meant traders could be arrested or killed if they attempted to cross into the South.[10] The GoS blockade of the border disproportionately affected communities in South Sudan who relied on transport links to the North and who, in more peaceful times, had benefited from strong connections with Sudan. Skyrocketing prices and severe fuel and food shortages also affected South Sudanese relations with Sudanese pastoralists, as Southern communities became increasingly hostile towards groups coming for grazing without the traders who normally accompanied them.[11] As in other cases highlighted in this working paper, Northern pastoralists suffered due to the actions of the GoS, in part because they were seen as its representatives in South Sudan.

The 2011–12 dry season (October through May) was the first since South Sudan's independence. During the dry season, Northern pastoralist groups drive herds of cattle south in search of pasture. While the Comprehensive Peace Agreement (CPA) enshrines pastoralist freedom of movement (Craze, 2013),

which is also something both countries have repeatedly endorsed, the events of the previous grazing season show just how far these commitments are from being realized.

The GoS blocked Northern pastoralists from travelling southwards because it feared border communities would renew links with groups in South Sudan, and thus threaten GoS control of the frontier by reducing these communities' dependence on Sudan.[12] The GoS is eager to prevent such links from developing as the number of Missiriya and Rizeigat—two border communities—now joining the SPLM-North (SPLM-N) and JEM is increasing.[13] As a result of border closures and GoS threats, the political elites of many pastoralist groups, who are dependent on patronage from Khartoum, did not travel to meetings about grazing that were organized by the GRSS and Southern states in 2011 and 2012. The absence of elders and politically important figures undermined the efficacy of the agreements reached at these meetings. Other pastoralists did not migrate for fear of retaliation from SAF on their return.

The situation was no better in South Sudan. In general, migrants faced SPLA harassment and hostility from communities bitterly opposed to their presence after 20 years of civil war. South Sudanese independence also fanned growing nationalist sentiment, and this has undercut the viability of grazing agreements with Northern groups.

The emergence of a national border into a complex environment containing many groups with different histories and narratives—especially during the second civil war—has deeply affected all of the communities in the region. This working paper explores these dynamics through five case studies: the Northern Bahr el Ghazal–East Darfur[14] border; Abyei; the Unity–South Kordofan border; the Upper Nile–South Kordofan border; and the Upper Nile–White Nile border.

The specific findings for the case studies are explored in each section. The broad key findings include the following:

- Grazing agreements are no longer simply between two local communities. Instead, the primary guarantor of migrant safety is the SPLA, and Northern migrants coming to the South must now first interact with the relevant state administrations. This reorientation of grazing agreements towards state-level government and the army has tended to lessen the bonds of community

coexistence; given that the SPLA is the main group from whom migrants need to be protected, it has also undermined the efficacy of grazing agreements.[15]

- All along the border, there is confusion about which administrative levels should organize grazing routes. Maban county, in Upper Nile, organizes its own county-level courts to rule on disagreements between host communities and pastoralists; other counties want such courts to stay at the level of the host communities and the migrant groups. Taxation of migrant groups is similarly disaggregated between different actors, leading to confusion and anger between pastoralist groups and host communities.
- In some places along the border, relations between migrants and host communities have broken down to such an extent that only government intervention keeps grazing routes open. In other places, inter-community relations are relatively healthy, and it is government intervention that has militarized the border, and made trade and migration more difficult.
- Differences in cross-border relations correspond, with relatively high degrees of accuracy, to the different relations seen during the second civil war between groups that are now on either side of the border.
- Prior to South Sudan's secession, cross-border relations were marked by a degree of reciprocity: Northern pastoralist groups and their herds came south in the dry season, while Southern migrant labourers went north. There is now asymmetry along the border, as Northern pastoralists still seek to enter the South, but, due to harassment in Sudan, far fewer Southerners travel north for work.
- The border is highly militarized by a plethora of armed actors. In Unity state, SAF have armed and supported the South Sudan Liberation Army (SSLA), though it has since accepted an amnesty offered by the GRSS and is awaiting integration into the SPLA.[16] In Upper Nile, SAF have armed Major General Johnson Olonyi's forces, providing active military support in at least one attack in 2012. These forces have also accepted an amnesty as of June 2013, though other smaller groups remain active in the border area. The SPLA have bases throughout the border region, as do JEM and the SPLM-N. Although most grazing agreements made by Southern host communities and Northern pastoralists insist that no weapons should be carried across the border, pastoralists generally remain in possession of small arms when in South Sudan.

They report extensive harassment by the SPLA. In a climate of general uncertainty, it is highly unlikely that they will be convinced of the virtues of disarmament in the near future.

The CPA and the 27 September 2012 Addis Ababa agreements affirm pastoralist rights to freedom of movement across the border. However, the changes seen in the border region since 2005—and especially since South Sudanese independence—indicate that the mere affirmation that pastoral groups have the right to continue to seasonally cross the border does not guarantee this freedom of movement (Craze, 2012).[17] Unless all the parties involved are willing to accept that pastoralist grazing will be transformed by a national boundary, and unless they can think seriously about how that transformation should be managed, the livelihoods of the pastoralist groups will be threatened. They will continue to face militarization, blocked grazing routes, increased nationalism, and both states' steady undermining of the inter-community structures of negotiation that had previously allowed coexistence between different groups.

This working paper reviews the Sudan–South Sudan border primarily through the lens of the 2011–12 grazing season, the first since South Sudan's independence. Seasonal pastoralist movements through the border region are one of the central tensions between the two states, and for border communities struggling to adapt to a newly nationalized boundary. This paper is based on fieldwork conducted in June and July 2012 in Central Equatoria, Northern Bahr el Ghazal, Unity, and Upper Nile, South Sudan, supplemented by key informant interviews conducted between August and December 2012. It is also informed by the author's previous fieldwork in South Sudan and Abyei in 2010, 2011, and 2012. Due to government-imposed restrictions on access, fieldwork was not possible in Sudan, though telephone interviews were conducted with individuals north of the border.

Introduction

The border region between Sudan and South Sudan contains some of the two countries' most fertile land. Much of the border lies between the ninth and tenth parallels, just below the dunes and stabilized sand sheets of the *goz* (Johnson, 2010b, pp. 16–17). While the *goz* sees rainfall of only 400–600 mm per year, the border regions, with their heavy clay soil and acacia bush, see rainfall of 600–800 mm per year. Supplies of gum arabic, wood for charcoal, and a variety of precious stones and minerals are also found along the border.

Control of these assets is an issue in some of the contested borderland areas, but none of the contemporary disputes over the border can be reduced to a struggle over resources. The most valuable resource along the border is land, for agriculture and grazing.

While there is oil in the borderlands, none of the contested areas contain oil, with the notable exceptions of Diffra in Abyei, and Hejlij on the Unity–South Kordofan border. In the cases of Diffra and Hejlij, the sense of historical entitlement to these areas, on the part of the Ngok and Rueng Dinka, is just as important a motivating force for South Sudan in its territorial claims.[18]

This is not to say that resources are not crucial to an understanding of conflict in these areas. Most importantly, the border regions offer a dry-season space for pastoral and transhumant groups from both sides to find grazing for their cattle. In this sense, the borderlands have always been a meeting place between different Sudanese groups, and, like all meeting places, they are also centres of tension, where competing claims must be negotiated.

Very schematically, one can say that the history of the borderlands over the last 90 years has been the tale of their transformation from zones of encounter to zones of division.

One of the important moments in this transformation was the 1920 implementation of the Closed District Ordinances (CDO), which were designed to prevent Northern traders travelling south, and to create, as far as possible, a cultural and political separation between Sudan and South Sudan. This policy

was formalized as the Southern Policy in 1930, and attempted to stem the spread of Islam.[19] It was terminated in 1946.

However, even during the period of the Southern Policy's implementation, its effects were not uniform and implementation not standardized. Renk county was excluded from the CDO, and close links developed between the resident Abialang Dinka and Northern Sudanese merchants and agriculturalists (see section VI). The Abialang Dinka also learned to speak excellent Arabic, and many of them converted to Islam. Kaka town, now in Upper Nile state, was moved between provinces during the British colonial period, in part to ensure continued trade links between the town and what is now South Kordofan. In other areas, the separations brought about by the Southern Policy were more absolute.

Sudan's civil wars transformed the landscape along the border.[20] During the second civil war, militias backed first by the National Islamic Front (NIF) and later by the National Congress Party (NCP) displaced primarily Dinka populations and destroyed civilian settlements. In some rural areas, the SPLA held sway and organized 'peace markets' between Northern traders and the Southern Sudanese (SUPRAID, BYDA, and Concern Worldwide, 2004). In other areas, SAF-backed militias organized relations between pastoralist peoples in the border zone, leading, in the present, to markedly different relationships between these areas and the GRSS.

Despite the constant movements of the war, when the criterion for evaluating the border between the two countries was being decided in 2005, the SPLM insisted the border should be the provincial boundary of the southern provinces as it existed on 1 January 1956—the date of Sudan's independence. This date provides a historical datum to which future disputes about the border can be referred. Unfortunately, the provincial boundaries of 1956, to the extent they existed, were not well recorded by the Anglo-Egyptian Condominium government. As Douglas H. Johnson, who advised the South Sudanese government on its border claims in 2006, notes, 'much of the border was unsurveyed [at the time of independence]. Even the most detailed maps do not record significant topographical features along the boundary lines' (Johnson, 2010b, p. 15).

The difficulties of relying on an incomplete, and often inaccurate, set of documents to determine a historical border that has only a dubious relationship to present patterns of cohabitation will be explored in the next chapter. It should

be noted here that the only exception to the legal centrality of the 1956 border is Abyei, where the CPA mandated the Abyei Boundaries Commission (ABC) to establish Abyei as 'the area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905' (Abyei Protocol, 2005, clause 1.1.2). In the case of Abyei, the ABC had to rule on the extent of a people; for the 1956 border, the actual practices and locations of border communities are unimportant. Legally, what counts is a relatively inaccessible historical record. This is the central reason why communities like the Abialang Dinka of Renk county feel so angered by political negotiations over the border; they feel marginalized because, indeed, they are marginalized: where communities *actually* lived in 1956—never mind at present—is, legally, besides the point.

This is significant because, as numerous historians have shown, in many places the Anglo-Egyptian Condominium government had a relatively light footprint, and the administrative boundaries of a given territory may not even have been particularly reflective of how communities were spatially organized in 1956.[21]

Since 1956, much has changed in the border region. Even if an agreement can be reached between Sudan and South Sudan about the location of the border, it will inevitably cause a great deal of disruption, forcing people to reorganize themselves in the present to fit along a line from the past.

Perhaps the greatest obstacle to resolving the crisis along the Sudan–South Sudan border is that it involves tackling not one but many problems. Most fundamentally, there is a territorial dispute between two states, and a series of local tensions between the different groups who live along the border. These two different threads interact in all sorts of surprising ways: sometimes nationalism is taken up in order to advance local interests; sometimes, as in the case of Abyei, local interests are a mask for national politics.

In theory, the disruption caused to local communities by the imposition of a national border should be minimal. The CPA, a raft of subsequent security arrangements, and the 27 September Addis Ababa agreements all safeguard the free movement of transhumant and pastoralist groups. In practice, however, since the signing of the CPA in 2005, Northern pastoralist groups have found it increasingly difficult to enter South Sudan, especially since the country's formal secession in July 2011.

In part, the difficulties of Northern pastoralists can be traced back to the second civil war. Many pastoralists—such as the Missiriya of South Kordofan—were involved in militias whose raids displaced Southern border communities, and these actions damaged traditional conflict-resolution mechanisms.[22] Some Southern suspicions about Northern pastoralists are fuelled by uncertainty about whether a given group is composed of pastoralists or of NCP-backed militia members. This suspicion explains the ban on Thuraya satellite phones in many grazing agreements: South Sudanese communities fear their positions will be reported to SAF. This distrust is not helped by the fact that the extant NCP-backed militias in South Sudan use the same routes into the country as Northern pastoralists, leading to fears that the two parties are collaborating.

Another problem for Northern pastoralists also dates from the second civil war. During this period, when groups like the Missiriya passed into Southern states, they had to negotiate with the SPLA, and not just with local groups. This situation has continued post-CPA, and it has made grazing agreements increasingly a matter for state-level political and military deliberation. This has meant that grazing routes are subject to new and unfamiliar evaluations—security concerns and military positioning—and it has also reduced the need for host and migrant communities to work together, weakening traditional conflict-resolution mechanisms.

These mechanisms were already strained by the second civil war. The GoS organized militias to attack Southern Sudanese border communities, and these militias were often composed of members of the very border communities that rely on grazing in Southern Sudan. Compensation for relatives of those killed by militias has often not been paid, breaking down inter-community links.[23] The legacy of the war is also visible in the number of small arms found along the border. While South Sudan has now made moves towards community disarmament in several border states, in a situation of general uncertainty, many communities do not want to give up the weapons that saw them through the last war. In Sudan, the GoS continues to arm militias and Popular Defence Forces (PDF), and pastoralists do not feel safe in South Sudan without weapons. Even if, as is agreed in the 27 September Addis Ababa agreements, a Safe Demilitarized Border Zone (SDBZ) is established, and both SAF and SPLA withdraw from the border regions, it will still be difficult to ensure that pastoralist groups enter without weapons, a difficulty that current negotiations occlude.

If grazing negotiations are in the hands of state actors, border communities have also increasingly been acting like states. Since 2005, communities have made absolute, quasi-nationalist claims over the border region more frequently. Grazing rights have been guaranteed by a national political framework that does not deliver, driving pastoralist and transhumant communities to frame their demands in terms of the absolute claims of the nation-state.

In Appendix Two of the ABC report, several types of rights claims are distinguished. Dominant rights are those rights that pertain to areas of land over which a group has non-negotiable rights. Secondary rights are often seasonal grazing rights, and are a limited set of rights over an area: the limits often refer to time (in dry but not rainy season), extent (along this grazing route, but not another), or use (for grazing, but not for settling). Often, secondary rights areas can overlap—two groups can share an area where both groups have secondary rights claims—and one can also have secondary rights where another group has dominant rights, such as the Missiriya's grazing rights in Abyei, or Seleim grazing rights on the west bank of the Nile in Upper Nile state.

The CPA does not officially recognize flexible secondary rights claims—it simply says that 'traditional rights' to movement will be respected, rather than spelling out processes by which secondary rights disputes will be articulated and resolved. Since 2005, such rights claims have not been respected, and pastoral and transhumant groups on both sides of the border have increasingly framed their claims as dominant rights, or, in extremis, as claims of absolute and exclusive rights to an area. In a negotiating framework that only thinks in terms of state-based political actors, framing one's demands like a state is an attempt to gain visibility: the Missiriya lay absolute claim to an area south of the River Kiir[24], where historically they had secondary rights, and the Rueng Dinka lay claim to an area that roughly correlates to their seasonal grazing territory in South Kordofan—the maximal area of their secondary, not dominant, rights.

These claims have largely undermined the shared understanding of secondary rights claims that existed among communities along the border. Missiriya claims to exclusive possession of Abyei, for instance, threaten the possibility of cohabitation with the Ngok Dinka, who feel angry that the Missiriya are claiming territory they feel is theirs.

The nationalization of the Sudan–South Sudan border has also changed relationships between border communities in other ways. In border negotiations, the idea that pastoralists are simply foreigners within a nation-state is increasingly invoked. For instance, the Malual Dinka of Northern Bahr el Ghazal compare the Rizeigat to Kenyans and Ugandans. This is a fundamental transformation of the way the relationship between host community and pastoralists is conceptualized. While Kenyans and Ugandans work in South Sudan, they are not afforded the privileges that Northern pastoralists received before the second civil war: they are treated as foreigners within a state framework, rather than as a people with whom the Malual Dinka had a long relationship based on reciprocity and shared ties. Further, the relationship between Kenyans and South Sudan is fixed: the formal frameworks of expectation and action for a migrant worker do not shift relative to family ties, ecological conditions, and political circumstances. This is very different from grazing agreements between pastoralist groups and host communities, before they were redefined in terms of a nation-state framework.

The imposition of a national boundary has also instituted a more general asymmetry. Over the last 60 years, Northern pastoralists came south to graze their herds and buy cattle and, while Southern groups would not generally go north for grazing (especially after having been displaced from their northernmost grazing sites during the second civil war), they would travel north for wage labour, and relied on the trade brought south by Northern merchants.[25] Shortly before South Sudan formally declared independence, Sudan closed its border, and fewer traders got through, causing higher prices and a lack of basic commodities all along the frontier. Moreover, as people returned from Sudan to South Sudan to vote in the July 2011 referendum, and the situation for the South Sudanese in Sudan became increasingly precarious, border communities began travelling north much less. This asymmetry feeds into a belief among Southerners that there is no reason to allow Northern pastoralists into South Sudan as they bring nothing productive with them. Furthermore, as there is no longer any reason to travel north, there is less reason to worry about maintaining relations with Northern groups. Finally, following years of ill treatment in Sudan, many returnees are angry at Sudanese traders and pastoralists for things that happened to them in Khartoum; the pastoralists are taken as tokens of Sudan more generally, and become targets for South Sudanese retribution.

In general, since South Sudan gained independence, community antipathy along the border has increased as GoS-backed militias, intensified nationalism, and trade blockades create new lines of division. While the 27 September Addis Ababa agreements would be a step forward if implemented, even a full agreement on the contested areas would leave a great deal of work to be done to repair inter-community relations and to discover how pastoralist and transhumant groups can retain their livelihoods in the face of a new national border.

Border negotiations

There are two analytically separate issues involved in negotiations over the border between Sudan and South Sudan: *where* the border is, and *what type* of border it is. There is then a third question at stake: *what type* of temporary border should Sudan and South Sudan have while deciding the above, and *where* should this temporary border be located.

The first two questions are related. While, for instance, the Missiriya advance claims to territory beyond the River Kiir (Craze, 2011, pp. 18–21), they are primarily concerned with securing safe grazing routes in Abyei and South Sudan. However, their experience since the CPA has taught them to mistrust South Sudanese promises that their safety and freedom of passage will be secured in an Abyei belonging to South Sudan (Pantuliano et al., 2009, pp. 18–19). Because they do not have faith in the promise of a soft border they can easily cross, they insist on an absolute location for the border, so as to safeguard their rights, with Abyei remaining within the boundaries of Sudan.

One of the reasons negotiations over the border have run aground is that border communities have little faith that the *type* of border dictated by the CPA will be actualized, leading to groups making expansive claims for land, and refusing to believe that their secondary rights will continue after the imposition of a national border. Both the NCP and the SPLM have important constituencies among border communities, and both sides have been intransigent because they fear alienating these groups, who, for the reasons indicated above, fear any concessions on where the border is located.[26]

At the same time, as Johnson has argued (2010b, p. 108), the interests of local groups have been instrumentalized by the NCP and the SPLM to mask national interests, and destabilize the talks in Addis Ababa.

Because the *type* of border guaranteed by the CPA is so vague, local groups have been distrustful of arguments that appear to place areas where they have secondary rights outside the official borders of their respective countries. The CPA gave no space to the very real changes to secondary rights claims that will occur with the imposition of an international frontier. Indeed, there has been little frank discussion of the border as a political issue at all. The border was not, in the structure of the CPA, considered to be a political issue, but one determined by a bureaucratic mechanism—the Technical Border Committee (TBC). Consequently, that mechanism was politicized, as political issues ran aground in a bureaucratic structure.[27]

The CPA

During the negotiations leading up to the signing of the CPA, the GRSS insisted that the line determining the North–South boundary would be the provincial boundaries of Bahr el Ghazal and Upper Nile as they stood on 1 January 1956. This understanding of the border dates from the 1972 Addis Ababa agreement, which defined (articles 3 and 4) the Southern Region in the same way. In 2005, delimiting the boundary was thought to be essential, not simply to confirm the extent of the two territories, but also to establish the area in which a population census and voter registration for the referendum on Southern secession could occur. The CPA tasked the TBC, which was to be established by the presidency, with carrying out the delimitation and demarcation of the border between January and July 2005.[28] The CPA does not give details on the modalities of the TBC's work, and does not give deadlines for specific tasks.

Impasse at the TBC

The TBC was set up later than planned, amid disagreements about its composition. It was finally established in September 2005, after the deadline for it to

complete its work had already passed. The presidential decree that established the TBC stated:

1. *The Technical Committee has the task of demarcating the border line between South and North Sudan as of 1/1/1956.*
2. *Without contradicting the generality of the text in item (1) above, the Committee has the following functions and powers:*
   a. *Consult all maps, drawings and documents.*
   b. *Visit all the border areas between North and South Sudan and overlapping tribal areas.*
   c. *Consult tribal leaders and civil administrators in the overlapping areas, listen to their statements and review any documents provided by them.*
   d. *Solicit internal and foreign expertise if necessary.*[29]

From the outset, the TBC was hampered by a lack of funding and a series of lengthy procedural disputes. The South Sudanese members of the committee said the delays occurred because the NCP members could not take decisions without conferring with those above them in the GoS political hierarchy. An official close to the process said one NCP minister, Idris Abdul Gadir, could be called 'the nineteenth member of the committee.' (ICG, 2010, p. 4). In February 2010, in an effort to break the deadlock, work began on the single stretch of the border that had been agreed upon, between Blue Nile, Sennar, and Upper Nile. However, the project stalled. One problem lay in choosing someone to demarcate the border. The SPLM wanted the United Nations or a separate third party, while the GoS said a Sudanese company should do the work.

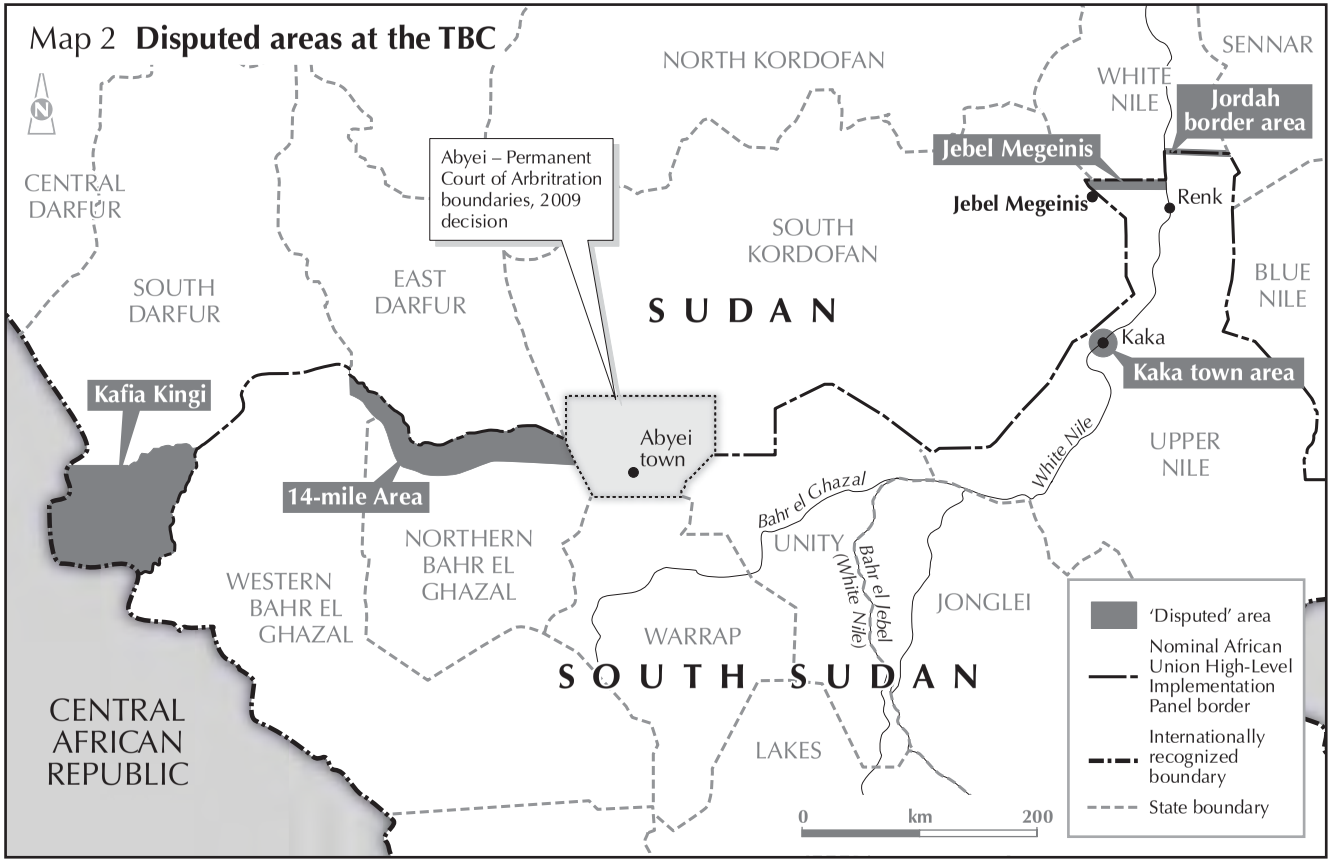
The TBC's central problem was that a highly political question had been placed in the hands of a committee that was not authorized to make such decisions, or even to acknowledge the political stakes of its work. As the committee's work stalled, the NCP blocked discussions of the border and, for a time, insisted that the referendum could not take place if demarcation had not occurred: a claim that—if accepted—would have postponed the referendum indefinitely, and one that the GRSS refused.[30] Eventually, the border dispute would be referred back to the highest political levels of the respective sides, and its political stakes acknowledged.

The disputed territories

Another reason the TBC was unable to carry out its mandate was the entrenched nature of five particular border disputes (see Map 2).[31] It should be noted here that the TBC's work did not include the conflict over Abyei, which is covered by the Abyei Protocol of the CPA, and detailed in section III. The five border disputes that were central to the TBC's work are detailed below. Those that form part of the Case Studies are covered in much more detail in their respective chapters.[32] In 2012, several other territories were added to this list of contested areas; they will be dealt with later in this section.

The Kafia Kingi Enclave (Western Bahr el Ghazal/South Darfur) [There is a summary of the situation at the end of section II]: A remote territory in the far west of Sudan–South Sudan, the area around Kafia Kingi has timber, grazing pasture, and rare mineral resources. It was assigned to the South until it was transferred from Bahr el Ghazal to Darfur in the 1960s, outside the relevant time period for determining the borders as they stood in 1956. If the border is determined as the CPA mandates, then Kafia Kingi will join Raja county in Western Bahr el Ghazal. Its population is extremely diverse, and does not easily fit into any model of what 'Northerners' or 'Southerners' might be (Thomas, 2010).

The 14-Mile Area (Northern Bahr el Ghazal/East Darfur) [section II]: The grazing land just south of the River Kiir is vital for both the pastoralist Rizeigat and the Malual Dinka of Northern Bahr el Ghazal. After clashes between the two groups, the British Condominium authorities granted the Rizeigat rights that extended 40 miles south of the river. Following extensive Dinka complaints, in 1924, the Munro–Wheatley line (named after Patrick Munro, the governor of Darfur, and Major Mervyn Wheatley, the governor of Bahr el Ghazal) was devised, running 14 miles south of the River Kiir. However, the 1935 Safaha Agreement, which dealt with the 14-Mile Area, turned some parts of the territory into common grazing land. This second agreement allows the GRSS to argue that the 1924 line was not an administrative change, but a change in *dar* rights (rights to grazing land, in this context), and that the boundary between East Darfur and Northern Bahr el Ghazal should be the Kiir itself. This is difficult to argue historically, but given current Malual Dinka sentiment,


Map 2 Disputed areas at the TBC
NORTH KORDOFAN
SENNAR
WHITE NILE
Jordah border area
Jebel Megeinis
Jebel Megeinis
Renk
CENTRAL DARFUR
Abyei – Permanent Court of Arbitration boundaries, 2009 decision
SOUTH KORDOFAN
SOUTH DARFUR
EAST DARFUR
SUDAN
BLUE NILE
Kaka
Kaka town area
Kafia Kingi
Abyei town
14-mile Area
White Nile
UPPER NILE
Bahr el Ghazal
NORTHERN BAHR EL GHAZAL
UNITY
Bahr el Jebel (White Nile)
WESTERN BAHR EL GHAZAL
JONGLEI
WARRAP
SOUTH SUDAN
CENTRAL AFRICAN REPUBLIC
LAKES
'Disputed' area
Nominal African Union High-Level Implementation Panel border
Internationally recognized boundary
State boundary
0
km
200

and the political importance of Northern Bahr el Ghazal in South Sudan, this is one of the most controversial of the current border disputes.

Jebel Megeinis (Upper Nile/South Kordofan) [section V]: The area around the mountain of Jebel Megeinis,[33] in the north-west corner of Manyo county, is being cultivated by the Seleim, a Northern pastoralist people. With South Sudan now an independent county, the Seleim are worried about protecting their land and maintaining their rights to seasonal harvests. However, these secondary rights are not within the mandate of the TBC, which should, according to the CPA, focus on administrative boundaries. The historical confusion about Jebel Megeinis is due to the fact that contemporary GPS data suggests the mountain is not where it is recorded as being on colonial-era maps from the mid-20th century, casting doubt on the borders marked on these maps.

Kaka Town (Upper Nile/South Kordofan) [section V]: An important port on the Nile, Kaka town was transferred to what is now South Kordofan in 1923, in order to give Nuba populations access to supplies transported along the river. The GRSS says this change is not relevant when determining the 1956 border, because Kaka was then transferred back to Upper Nile in 1928, when the Nuba Mountains rejoined Kordofan. The contemporary stakes of the dispute revolve around access to the Nile, and rich grazing land. In 2012, the GoS extended its claim over the territory surrounding Kaka by 80 km, pushing into Upper Nile, an area that the GRSS will only discuss if its claim to Hejlij is also put on the negotiating table (see the section on the 27 September Addis Ababa agreements below).

Renk County (Upper Nile/White Nile) [section VI]: The total area under dispute in Renk county is just a few kilometres. The historical dispute is due to the fact that there is a government gazette record from 1920, and another, with a more northern boundary, recorded in 1956 but delimited in 1955. The difference changes the ownership of valuable agricultural land. During the TBC deliberations, the Abialang Dinka, one of the area's principal groups, said the committee ignored them, decrying a lack of interest in local perspectives on where the border was in 1956.

Security arrangements and border monitoring

Due to uncertainty over historical evidence, the bureaucratic impasse at the TBC, and the political stakes involved, no progress was made in delimiting the border ahead of the referendum on secession. In the meantime, with international pressure mounting, and Southern determination to hold the referendum regardless of the progress made in negotiations, preparations were made for what the border would look like post-referendum. In the Joint Position Paper on Security Arrangements of [the] Post Referendum Period, signed on 7 December 2010, both sides agreed to redeploy their respective Joint Integrated Units (JIU), and (clause 1.1.7) to establish 'corridors of legal and peaceful movement of people, goods, animals and services across the north–south boundary and [sic] provided they do not carry arms or illicit substances.'[34] These corridors were never established. Instead, NCP-sponsored militias began attacking Abyei town at the beginning of January 2011, and a sadly familiar pattern was established: agreements over security arrangements on the border, followed by a lack of implementation, clashes, and then further agreements.

Political negotiations over the location of the 1956 border primarily reached an impasse before the referendum because the NCP found it useful to slow down the process of delimitation. As pressure mounted on South Sudan to finalize the situation along the border before its independence, delays in negotiations allowed the NCP to apply maximum pressure. As discussions began about the interim border after the referendum, this pattern was repeated.

On 30 May 2011, following SAF's invasion of Abyei and the displacement of 110,000 Ngok Dinka, the two sides agreed on a Joint Position Paper on Border Security, known as the 'Kuriftu' paper.[35] They undertook to create a demilitarized border region, called a Common Border Zone (CBZ), which would extend for 10 km either side of the 1956 border. (The CBZ was later renamed the SDBZ.) This position paper made another commitment to corridors for the legal and peaceful movement of people: the wording is identical to the 7 December 2010 position paper. The 30 May 2011 paper, however, finishes by marking a difference of opinion: the SPLM/A called for the United Nations Mission in Sudan (UNMIS) to supervise the CBZ, while the NCP said SAF and the SPLA could do the job.

After the signing of the 20 June Addis Ababa agreement, which stated that both sides would withdraw their forces from Abyei and establish a civil administration, an Agreement on Border Security and the Joint Political and Security Mechanism was signed on 29 June 2011 in Addis Ababa. This agreement undertook to create a SDBZ (formerly CBZ), and redeploy all military forces outside of this 10-km zone within ten days. It also, following the 20 June agreement, allowed the United Nations Interim Security Force for Abyei (UNISFA) to provide protection for an 'international border monitoring verification mission.' This represented a significant climb-down from the GoS' previous position.

On 30 July 2011, a further agreement was signed—the Agreement for the Border Monitoring Support Mission. In this document, what had been called the Joint Field Committee in previous agreements became the Joint Border Verification and Monitoring Mission (JBVMM), and the Joint Political and Security Mechanism (JPSM) was expanded to include the ministers of foreign affairs and of interior from both countries. It asked the UN to mandate UNISFA to provide observers for the border, and protection for those observers. This agreement was the first to spell out in substantial detail how a demilitarized border might work.

Following this agreement, some preparatory work was done on implementing the SDBZ. During a meeting in Kadugli on 8 August 2011, the two sides signed the Agreement on the Border Monitoring Support Mission, which committed them to establishing bases for the border monitoring support mission. The JPSM finally held its first meeting on 18 September 2011, in Khartoum, and announced its agreement with the post-CPA accords detailed in this section.

However, between September 2011 and mid-May 2012, the negotiating process stagnated, with both sides increasingly using military assaults to press home negotiating points: SAF attacked Northern Bahr el Ghazal and Unity states, and the SPLA attacked SAF positions along the Unity–South Kordofan state border. In Addis Ababa, post-referendum talks sponsored by the African Union High-Level Implementation Panel (AUHIP) remained at an impasse, and, despite the commitments made by the NCP in the 20 June Addis Ababa agreement, SAF remained in Abyei and the GoS continued to block the border with South Sudan.

In late January 2012, the GRSS decided to shut down oil production, just one day after the latest round of talks in Addis Ababa failed to find an agreement on the fees South Sudan would have to pay Sudan for using its refineries and pipelines to export crude oil. South Sudan relied on oil for approximately 98% of its revenues before it turned the taps off, and the drastic nature of the decision underlies the intensity of the deadlock in negotiations. After the oil shutdown, the rhetoric escalated on both sides, resulting in fresh clashes in February, March, and April 2012. In late February, the SPLA joined with JEM and SPLM-N in a series of attacks on the Jaw area of the Unity–South Kordofan border. Jaw is an important strategic location claimed by both sides as it controls the principal route into South Kordofan from South Sudan. The series of attacks on Jaw that led up to the February clashes occurred in November 2011, when the SPLA attacked SAF positions, finally dislodging them by 4 December.[36] While SAF briefly retook parts of Jaw later in the month, it was recaptured by the SPLA, who consolidated their control over the entire area during fighting in February 2012. SAF repeatedly bombed Jaw in March and April 2012, in an unsuccessful attempt to dislodge the SPLA. For much of the first half of the year, JEM and SPLM-N also had forces based at Jaw.[37]

On 13 March 2012, the two countries committed to demarcate the 80% of the border on which they had apparently agreed, but this was largely to cover up the fact that the latest round of AUHIP-mediated talks in Addis Ababa had ended three days early without any progress on the central issues. The two sides had already announced a similar agreement on 15 February, without any substantive results. Almost immediately after the border deal was unveiled, both sides declared new preconditions for its implementation. On 15 March, South Sudan's president, Salva Kiir, said that the demarcation process could not begin unless contested areas, including Abyei, were included within the borders of South Sudan. On 18 March, Sudan's second vice-president, Al Haj Adam Yusuf, said the 13 March agreement was conditional upon South Sudan withdrawing its support for the SRF.

Amid these tensions, the GRSS published administrative maps of the border region on 11 May 2012. Despite earlier claims that the two sides had agreed on 80% of the border, the map revealed the extent of the disagreements. The map included not just the disputed territories, but also 'claimed territories' that

were not the focus of the TBC, including Hejlij.[38] On 12 May, Abd Allah Al Sadiq, the Sudanese co-chairperson of the joint border demarcation committee, dismissed the GRSS map (*Sudan Tribune*, 2012e).

In the months running up to the 27 September Addis Ababa agreements, the two countries seemed to agree on less and less of the border. The GRSS claim to Hejlij was partly designed to legitimize the SPLA's temporary occupation of the territory, which occurred at the end of March 2012. The military assault served to focus attention on South Sudan's claim to the territory, and SAF's continuing occupation of Abyei. However, as will be discussed in the Unity–South Kordofan case study, the claim also reflects real historical grievances on the part of the Rueng Dinka. The GoS also laid claim to areas extending beyond those discussed by the TBC, including a bigger area around Kaka town. As clashes continued in Northern Bahr el Ghazal, the outlook for negotiations in April 2012 was dire.

The first real break in this impasse occurred on 30 May 2012, when, just over a year after SAF occupied Abyei, its troops withdrew, following fierce international pressure and repeated calls for the demilitarization of Abyei by the United Nations Security Council (UNSC).[39] The move came as Sudan and South Sudan resumed talks in Addis Ababa after the clashes at Hejlij and Kiir Adem, and in Unity state. In response to these clashes, the UNSC passed Resolution 2046 on 2 May, calling for an immediate cessation of hostilities and demanding that both sides remove their forces from Abyei and resume talks within two weeks, under the threat of sanctions.

Both Sudan and South Sudan responded by pledging to cease cross-border attacks, although the SPLA says SAF subsequently attacked sites in Upper Nile, Unity, and Northern Bahr el Ghazal, principally using aerial bombardment to strike targets often well within South Sudanese sovereign territory. Despite continuing clashes, talks resumed in Addis Ababa on 29 May, two weeks after the deadline stipulated by the UNSC. As will be detailed in the case study on Unity state, the clashes are not a failure of negotiations, per se. Rather, military and political actions form a continuum, as the two countries jockey for position, attempting to use military actions to advance political claims, and political negotiations to better position themselves militarily.[40] Equally, neither state is entirely in control of its own military, and political divisions within both countries

have led to a situation where military attacks also advance political agendas at a national level.

A familiar pattern of partial implementation of agreements, low-level border skirmishes, and stagnant negotiations continued throughout this period, until September. On 27 September 2012, nearly two months after the deadline for Sudan and South Sudan to comply with UNSC Resolution 2046, the two countries finally signed a raft of different agreements in Addis Ababa.

The 27 September agreements

The 27 September Addis Ababa agreements were signed with much fanfare. The deal should have allowed oil to flow again, helping two economies that were ailing badly: the cessation of oil production had deprived Sudan and South Sudan of over 90% of their income.

The agreements also marked the real start of the post-CPA age.[41] While the nine-month transition period that occurred after South Sudan's formal declaration of independence had already expired, the 27 September Addis Ababa agreements are the first accords between the two countries that do not continuously take the CPA as their point of reference. Instead, the agreements refer to the raft of security arrangements outlined above. The only place the CPA is explicitly referred to is in the 27 September Borders Agreement,[42] wherein it is reaffirmed that the 'definition of the agreed boundary in accordance with the physical description and delimitation, and corresponding recommendations of the Technical Committee for the 1/1/1956 Border Line demarcation Between North and South Sudan . . . [shall be adhered to]' (27 September Borders Agreement). No agreement, however, was made on the location of the border, nor was any progress made in negotiations over the crisis in Abyei.[43]

Far from there being an agreement over the border in Addis Ababa, there was a dispute about whether some things were in dispute. The TBC originally listed five disputed areas.[44] In a July 2012 proposal, South Sudan referred to a series of 'claimed areas', including Hejlij.[45] These are referred to as 'claimed areas' rather than 'disputed areas' because the GoS declined to accept that the areas the GRSS is claiming are 'disputed', and refused to include them as part of the negotiations. The official GoS line during the September 2012 Addis Ababa

negotiations was that the five disputed areas (plus Abyei) should be thought of as a closed list, because they derived from a process beginning in the CPA: it argued that adding new claims would be neither legal nor legitimate. This understanding is not borne out either by a reading of the agreements made by the two sides, or by the AUHIP, which contends that the two states must address 'all [the] territorial claims' made by the two countries (AUPSC, 2012a, p. 13). In subsequent negotiations, in what largely seems like a tit-for-tat measure, the GoS expanded its claims beyond the five 'disputed territories'. The GRSS has retorted that the GoS' claim to the area around Kaka (as opposed to its claim of Kaka town) was also not discussed at the TBC, and so is, effectively, a 'claimed area'. The GRSS has said the two countries will need an additional agreement, which would allow the two parties to resolve the 'claimed areas' as well as the 'disputed areas' (RoSS Negotiating Team, 2012). Statements by the GRSS indicate its desire to take both the claimed and the disputed areas to international arbitration (*Sudan Tribune*, 2012g).

Even if the claimed areas were included in the list of 'disputed areas', the use of international arbitration means that resolving claims about the border would still take at least another two years. It is instructive to look at the case of Abyei, where there have also been innumerable peace agreements followed by an international arbitration that was not implemented because of events on the ground.

One of the problems inherent in international arbitration is the belief that reference to historical records will provide juridical answers to contemporary political problems, a belief exemplified in the attempt by the Permanent Court of Arbitration (PCA) to resolve the Abyei crisis. If an international arbitration makes decisions that are untenable for communities living along the border, or if one of the two states refuses to implement these decisions, then the arbitrated border will be unworkable. As any arbitration will probably have to refer to the 1 January 1956 administrative boundary, as per the CPA, then it is likely that it will be even less interested in community consultation than the PCA, which at least had to bear in mind that the mandate of the ABC was to determine a community's location, rather than a colonial administrative boundary.

But while there was no agreement in Addis Ababa about the disputed and claimed areas of the border, there was an agreement on border issues, which committed both sides to creating a whole levy of new bodies. According to

the 27 September Borders Agreement (article 7(1)), the two sides agreed to complete border demarcation within three months, an absurdly quick timeframe. As of 1 July 2013, little progress had been made in establishing the relevant border institutions.

The 27 September Borders Agreement commits both sides to a framework that looks very like the 30 July 2011 Agreement for the Border Monitoring Support Mission, a similarity which should give one pause, given the non-implementation of the prior agreement.

Both sides commit (article 14(1)) to 'regulate, protect and promote the livelihoods of border communities without prejudice to the rights of the host communities and in particular those of the nomadic and pastoral communities especially their seasonal right to cross, with their livestock, the international boundaries between the Parties for access to pasture and water'. However, the next article emphasizes that the primary interests to be considered under the agreement are those of the host communities and the *security implications of such movement*. Not only is the agreement extremely vague about commitments both parties have made repeatedly and fruitlessly since 2010, it gives the primacy of military concerns an official basis. Given this clause, the border could be shut at will by the GRSS or the GoS because of 'security concerns'. This will offer little reassurance to Northern pastoralist groups.

In the border agreement, there is also an official commitment to the idea of a 'soft border', which nomads, pastoralists, and transhumant peoples could cross. This border is to be managed by the Joint Border Commission, which was to be formed no later than two weeks after the signing of the agreement. As of 1 January 2013, it had yet to be formed.

A security agreement was also signed in Addis Ababa, and has generated the most controversy. The two sides committed to cease harbouring insurgent groups operating in the other's territory, and to withdraw from the SDBZ, which runs 10 km north and south of the border, except in the 14-Mile Area of Northern Bahr el Ghazal/East Darfur.[46] This was a late modification of the AUHIP map of the SDBZ argued for by the GoS, which felt that a SDBZ that ran along the River Kiir would be conceding territory it claims—the 14-Mile Area—to South Sudan, despite the fact that the SDBZ has no future legal implications relevant to the negotiations on the Sudan–South Sudan border.[47] The SDBZ

will be overseen by the JBVMM, which will in turn be overseen by the JPSM. The agreements provide for a force of 90 officers drawn from each side, and a contingent of UNISFA observers.

There are a number of formal problems with the security agreement. The border is over 2,000 km long, and it would be impossible for such a small force to effectively ensure its demilitarization. Furthermore, neither side is in total control of its own border. South Darfur, South Kordofan, and Blue Nile all have extant rebel movements who control parts of the border, and, given the failure of the GoS' negotiations with SPLM-N in Addis Ababa in the second half of 2012, it is unlikely that these forces will cut themselves off from supply routes to South Sudan. It is also difficult to see how the GoS could ensure the demilitarization of a border over which it has only partial control. Equally, South Sudan is only in nominal control of both the Unity–South Kordofan border in Mayom county, and the Upper Nile–South Kordofan border along the edge of Manyo county. It is hard to see how South Sudan can demilitarize a border partially controlled by dissident military forces without launching a military campaign and violating the SDBZ: demilitarization may require military action. The porous nature of the border leaves space for both smuggling and movement by dissident militias. This will give both sides opportunities to suspend implementation of the agreement, while blaming the other country for non-implementation.

Not only does the 27 September Security Agreement commit both sides to removing armed forces from the SDBZ, it also commits them to ensuring there are no armed civilians within the border area, and mandates the JBVMM to check. Given that, during the 2011–12 grazing season, the SPLA's 3rd Division in Northern Bahr el Ghazal state was unable to prevent armed Rizeigat pastoralists entering South Sudan, it is difficult to see how a smaller force will be able to effectively ensure the demilitarization of the entire border zone. This is especially the case in Northern Bahr el Ghazal state. While South Sudan has made some moves towards community disarmament, in March 2012 President Kiir explicitly excluded Northern Bahr el Ghazal from such programmes. This means that there will be at least two armed communities who will be unlikely to put down their weapons when travelling to the River Kiir—SDBZ or no SDBZ (*Sudan Tribune*, 2012a).

There was a strong reaction against the agreements in South Sudan, in particular in relation to the 14-Mile Area. On 15 October, demonstrators in Juba protested the lack of progress in negotiations over Abyei, and the GRSS' commitment to an SPLA withdrawal from the 14-Mile Area. The reasons for these protests are detailed in section II. Principally, they were driven by Malual Dinka anger about withdrawing from an area they consider historically their own. While the SPLM has been at pains to point out that the SDBZ does not commit either side to a determinant final border, the formal truth of the SPLM's claims hides a more substantive uncertainty. If the border dispute does go to arbitration, then a resolution of the frontier between the two countries might be years away. If the SDBZ were implemented, there would be no SPLA protection for years in crucial grazing areas for the Malual Dinka, who vividly remember the forced displacements and occupations of the second civil war.

As of July 2013, however, it seems difficult to imagine that the SDBZ will be fully implemented. On 2 November, Sudanese Foreign Minister Ali Karti said the GoS was still waiting for the withdrawal of South Sudanese troops from the SDBZ, despite the security agreement stating that 'the Parties shall immediately issue instructions to their forces to withdraw unconditionally'. The initial reason for the delay seems to have been the resistance of Paul Malong Awan, the governor of Northern Bahr el Ghazal state, although statements at the beginning of November 2012 indicated that he would implement the withdrawal if asked.[48] The GoS said the GRSS officially apologized for the delays and blamed them on the rainy season (Radio Tamazuj, 20120).

However, these delays masked more profound political problems. The GoS said it would not allow South Sudan to transport oil through its territory until the security situation was resolved. The GoS also said the implementation of the 27 September Security Agreement would require the SPLM/A to disarm the SPLM-N. The GRSS has dismissed this demand as impossible and correctly noted that it was never part of the 27 September Addis Ababa agreements (*Sudan Tribune*, 2012t). Even if the SPLM/A did want to disarm the SPLM-N, it would not be able to do so: the latter organization is independent of South Sudan. The actual security agreement commits both sides to 'the cessation of harbouring of, or support to rebel groups against the other state' (RoS/RoSS, 2012, 27 September Security Agreement, p. 1). Neither side has fully carried out this commitment.[49]

Other aspects of the agreements have also not been implemented. The road from Meiram in South Kordofan to Aweil in Northern Bahr el Ghazal has been opened and closed repeatedly, in rhythm with the political crisis, during the first half of 2013. This has affected the Missiriya migration, with a large number of migrants being detained in Umm Adham, just west of Meiram, during the 2012–13 grazing season (Radio Tamazuj, 2012k). Equally, the crossing at Jordah in Renk county is not only closed but, subsequent to the 27 September Addis Ababa agreements, the GoS actually tightened border-crossing procedures. Though prices initially dropped in Renk, in anticipation of the border opening, they have subsequently risen as a result of tighter border controls, and a much higher tax rate on goods passing into South Sudan.[50]

The SPLM strategy, recognizing the impasse in negotiations, is to look for international mediation. As such, it would surely have been buoyed by the African Union Peace and Security Council (PSC) statement, adopted on 24 October, which stated (AUPSC, 2012A, paragraph 13) that the two countries were expected, 'under the facilitation of the AUHIP, to reach agreement, within two weeks, on the process for the negotiations for the resolution of the Five Disputed Areas they have already identified, as well as any other Claimed Border Areas'. This declaration is significant because it says the two countries must reach a resolution on the status of the claimed territories, such as Hejlij, which the GoS refuses to acknowledge as disputed. The PSC also said (paragraph 14) that, 'in the event that the Parties fail to reach agreement on the process for the resolution of the Five Disputed Areas as well as the Claimed Border Areas, the AUHIP will present a proposal to Council, which will then make a final and binding determination and seek the endorsement of the UN Security Council [UNSC] of the same'.

This statement shows how the SPLM could have recourse to international mediation—with the possibility of arbitration—if no decision is reached in the near future. However, UNSC backing for the AUHIP proposal seems unlikely: Russia, a key member of the UNSC, sent its special envoy for Africa, Mikhail Margelov, to Khartoum several times in late 2012. It is likely Russia will block any UNSC resolution calling for the implementation of the AUHIP proposal, and it has already said it would rather see a solution to the disputed territories agreed between the two parties, without international intervention

(*Sudan Tribune*, 2012s). An impasse at the UNSC will rob the PSC decision to back the AUHIP proposal of serious weight. In a statement after its 14 December meeting in Addis Ababa, the PSC made no mention of the UNSC, saying it would defer a decision about the crisis, pending future negotiations between Sudan and South Sudan in January 2013 (AUPSC, 2012b).

Negotiations in January 2013 have yielded no progress on the multiple issues dividing the two parties, and the PSC has merely reiterated that both parties should fully implement the 27 September Addis Ababa agreements. As regards the border, the 27 September Addis Ababa agreements are so vague, and the gap between the governments is so large, that the accords risk becoming just the latest in a series of unimplemented agreements.

Current stakeholder positions

The SPLM

Although both countries say they want a peaceful solution to the border crises, it should be underlined that there are also powerful pragmatic reasons behind their refusals to compromise, as well as benefits from a low-key, proxy war.

President Kiir faces deep divisions in South Sudan. These partly represent a split within the SPLM on how to deal with the GoS. Many believe South Sudan will never know peace until the NCP is overthrown, and feel there is no reason to compromise with a party that reneges on its word. During November 2012 meetings in Juba, high-ranking SPLA generals refused to be associated with the 27 September Addis Ababa agreements, believing them to be a concession too far (Martin, 2012). Given this distrust, demilitarizing the border, cutting support to the SPLM-N (which many see as one of the principle ways of forcing regime change in Khartoum), or making further concessions to the NCP at the negotiating table may simply be impossible. The NCP's negotiating position does not help. As will be set out below, the NCP is primarily concerned with the ongoing crisis within Sudan, and its primary position during negotiations is to insist that the SPLM/A break off all contact with the SPLM-N. In the near future, the NCP is likely to tie all substantive implementations of agreements to this condition. The SPLM/A will find this almost impossible to fulfil, given internal tension and opposition to negotiations with the NCP within the SPLM/A hierarchy.

Internal tension in South Sudan has mounted because of austerity measures put in place following the January 2012 oil shutdown. Rumours of a coup in Juba in October 2012 were largely a reflection of discontent over relocations and budget cuts in the army (*Africa Confidential*, 2012b). There are also extant militia groups, and a growing feeling that independence has not brought the improvements in living standards that many people expected (*Africa Confidential*, 2012a). Continuing militarization, as in February–May 2012, helps mobilize support amongst an increasingly beleaguered citizenry.

The GRSS' current negotiating tactic is to try and insist on international mediation.[51] On 24 October, at the meeting of the PSC that gave the two sides six weeks to reach a negotiated settlement to the crisis in Abyei on the basis of the AUHIP proposal (a decision immediately rejected by GoS), Nhial Deng Nhial, the South Sudanese foreign minister, seemed sceptical that any agreement on the contested borderlands would be reached with Sudan (Nhial Deng Nhial, 2012). He asked the PSC to adopt a resolution to allow the team of experts, who will issue a non-binding opinion on the border, to also have purview over the claimed as well as the disputed areas. This would thus include places like Hejlij, over which the GoS refuses to negotiate. The team of experts was established on South Sudan's suggestion, and, after some disagreement, the GoS accepted. The panel of international experts will investigate and offer a non-binding opinion on the five disputed territories, but not the claimed territories. Given the gulf between the two sides, it is difficult to see what a non-binding report will achieve. After an initial disagreement over the terms of reference in relation to Kaka, the team of experts was established.

Nhial Deng Nhial was not convinced a non-binding opinion would end the impasse, and said, '[t]hereafter, if our two states fail to agree—given that we have been negotiating these border issues since the signing of the CPA in 2005—we must have the option to refer the issue of the disputed and claimed border areas and the demarcation of the border to international arbitration'.

After the opprobrium that followed the SPLA's occupation of Hejlij, the current SPLM position is to acknowledge the impasse and attempt to find international mediators. The SPLM is also relatively certain that, for many—if not all—the border disputes, international mediation, and consultation of the extant historical record, will work in its favour. In part, this conviction is

based on the AUHIP proposal, which, in the case of Abyei, already outlines a solution amenable to the SPLM and to much of the international community. More broadly, the SPLM is convinced that for a number of the disputed areas, including Kafia Kingi, the historical evidence is in its favour.

On 24 October 2012, the PSC asked the parties to commit to a process of negotiation to deal with the remaining contested border areas, including *both* claimed and disputed areas (AUPSC, 2012a), a demand that the PSC repeated on 14 December. On its own, however, the PSC does not have enough power to resolve the border disputes through international mediation, and it is likely that any attempt to go to the UNSC will be blocked by Russia and China, leaving South Sudan calling for something that cannot be achieved, and unable to make any more compromises with the NCP given an uncertain internal political situation. The NCP's intransigence during negotiations in January and February 2013, coupled with continuing SAF attacks on SPLA positions in the border region, will likely lead to a continuation of the diplomatic impasse and a low-key, proxy war along the border.

The NCP

The NCP faces extremely constrained circumstances inside Sudan (Verhoeven, 2012). The party is increasingly divided and this split became visible in Khartoum at the end of November 2012, when the National Intelligence and Security Services (NISS) arrested 13 people, including Salah Gosh, the former head of NISS, and SAF Brigadier General Mohamed Ibrahim Abdel Galil (*Sudan Tribune*, 2012q). The upper echelon of the army feels the wars in Blue Nile and South Kordofan are unnecessary, a sentiment not shared by more junior Islamist army officers.[52] A further round of arrests of military officers came in December 2012, but was carried out with less fanfare (*Sudan Tribune*, 2012u). President Omar al Bashir is trying to placate the military leadership, but he has other divisions to deal with as well. Gosh formed part of a group that wanted to negotiate with the SPLM-N, rather than fight (ICG, 2012). On the other side, there is increasing discontent among Islamists in Khartoum, who feel the NCP leadership is only opportunistically Islamic, and is not being aggressive enough in its dealings with South Sudan and the SPLM-N. Bashir has tried to play these two sides off against each other. Part of his strategy also seems to be to revitalize the

Islamic identity of Sudan to undercut dissident Islamists, in particular Al Tayeb Mustafa, his uncle, and owner of *al-Intibaha* newspaper, which has been extremely critical of the NCP.

One of the main issues dividing the NCP is the question of what to do in South Kordofan and Blue Nile. Bashir wants to defeat the SPLM-N, and block their support from South Sudan; the NCP, through military support, uses militias to destabilize South Sudan and achieve this goal. This shows that the NCP is unable to separate what happens in South Kordofan and Blue Nile from the border dispute with South Sudan. As long as Sudan is not in control of its own borders, it will not be able to carry out meaningful negotiations on them. Given that the NCP is refusing to negotiate with the SPLM-N, and that South Sudan's internal politics are such that it is unlikely the SPLM/A will totally end support for the SPLM-N, negotiations will almost certainly remain blocked until there is a major military development to force the NCP to negotiate with the SPLM-N, or a change of regime in Khartoum. As of July 2013, however, at least in South Kordofan, all the signs on the ground point to a military stalemate, or at least a standoff.

At present, all of the NCP's focus is on internal security. The main reason it signed the 27 September Addis Ababa agreements seems to have been to cut support to the SPLM-N and JEM from Western and Northern Bahr el Ghazal, and through Unity state. Whether or not this actually occurs remains to be seen. For the GRSS, the worst case scenario would be if the NCP continues to block further negotiations by insisting that South Sudan is still supporting the SPLM-N. Given the porousness of the border, the NCP's own support for rebel groups inside South Sudan looks likely to continue, despite repeated GoS denials. On 24 September, just three days before the signing of the Addis Ababa agreements, the United Nations Mission in South Sudan (UNMISS) reported that a fixed wing aircraft, presumably originating in Sudan, dropped containers into Jonglei in Pibor county for Yau Yau's forces (Small Arms Survey 2012g).

As has broadly been the case since 2005, the NCP is now playing for time, delaying the negotation process for as long as possible to increase internal pressure within South Sudan. It is resistant to SPLM moves towards international arbitration, because such intervention would separate border negotiations from the situation in Blue Nile and South Kordofan, and because the NCP is suspicious of the international community, which treats it as a pariah.

For the NCP, the most important contested areas are Hejlij, due to its oil production, and the 14-Mile Area in Northern Bahr el Ghazal/East Darfur. The NCP has increasingly been losing favour with the Rizeigat, who have been joining both the SPLM-N and, more recently, JEM in increasing numbers (Gramizzi and Tubiana, 2012, pp. 56–58). If the GoS could reduce SPLA control over the 14-Mile Area, this would help rebuild some of its support among the Rizeigat, and curb the flow of resources from South Sudan to JEM and SPLM-N. At present, however, control of the latter area is firmly in the hands of the SPLA. With negotiations blocked, it seems unlikely there will be a change in the NCP's stance in the near future.

Future prospects

While negotiations over the border are deadlocked in the short term, the outlook is also troubling for the long-term future of the border, whatever the result of any eventual talks.

The 27 September Border Agreement enshrines the idea of a 'soft' border with an 'integrated border management approach'. While the agreement is long on establishing committees and recognizing hierarchies of responsibility, it is short on how a soft border can actually be achieved on the ground. In part, this is promising: one of the advantages of a soft border is that it is flexible and can adapt to changing circumstances.

However, given the current situation, a commitment to a soft border is not likely to satisfy communities along the border. Soft borders require positive inter-community relations. As shall be explored in the following case studies, in many places along the border community relations have almost completely broken down. In these environments, active government involvement and security guarantees for migrants will be needed for successful transhumant grazing. At present, the state infrastructure is not in place to produce such guarantees: instead of protecting the migrants, the SPLA is harassing them.

The situation in Abyei exemplifies some of the problems associated with the idea of a soft border. Any group crossing a soft border may well be a militia. Given the NCP's proclivity to use the Missiriya as a proxy force, soft borders could allow the Sudanese state to advance its interests under the guise of

pastoralist activity. Given the primary focus on security in the 27 September Border Agreement, militia activity would immediately harden a soft border.

In this context, the agreement's lack of specificity about soft borders becomes troubling. The Missiriya do not trust the ABC and PCA, partly because the rights of movement and grazing, referred to in the CPA and subsequent accords, have no enforcement mechanisms. Also, the structure of the agreements does not allow for any discussion of the real changes to secondary rights that will result from the imposition of a national border. It is this absence of debate that underlies the maximal claims being made by communities up and down the border.

II. The Northern Bahr el Ghazal–East Darfur border

Overall findings:

- Grazing agreements between the Rizeigat and the Malual Dinka are increasingly strained. Missiriya pastoralists did not cross into Northern Bahr el Ghazal state during the 2011–12 grazing season.
- The breakdown in grazing agreements with the Rizeigat is partly because the Rizeigat political elite in Khartoum and Ed Da'ein refuses to participate in negotiations with host communities in South Sudan. The GoS is actively trying to discourage pastoralist migration to the South in order to prevent the consolidation of links between the Rizeigat and forces inside South Sudan. Those who do come South to graze and trade tend to have links to, or are members of, the SPLM-N. Internal conflict in Sudan is inextricably bound up with the crisis in the border region.
- In Northern Bahr el Ghazal, there is a resurgent nationalism among the Malual Dinka. In places like Warrawa and Gokk Machar, communities have little interest in acknowledging the grazing rights of Northern pastoralists who spent 20 years raiding them; it has largely been the state government that has guaranteed the passage of Northern migrants. Given that the 27 September Security Agreement indicates that 'joint tribal mechanisms' will resolve disputes in the SDBZ, if implemented, this bodes ill for the coexistence of the Rizeigat and Malual Dinka.
- There is widespread resistance in Northern Bahr el Ghazal to the imposition of a demilitarized zone in the 14-Mile Area. While this opposition has recently softened, the centrality of the Samaha–Kiir Adem area to the SPLM-N and JEM means that the successful demilitarization of this area will be a real test of the 27 September agreements.
- Contemporary relationships between the Malual Dinka and northern pastoralists groups are largely inheritances from the second civil war.

Introduction

Until the dispute over the 14-Mile Area in October 2012,[53] relations between communities living along the border between Northern Bahr el Ghazal and East Darfur[54] were better than those along any other segment of the Sudan–South Sudan border in the post-CPA period. Trade between groups living along the border has continued since Southern Sudanese independence, following contact during the second civil war, when the SPLA encouraged the Rizeigat to come to 'peace markets' around Samaha (SUPRAID, BYDA, and Concern Worldwide, 2004). There have also been successful meetings to negotiate grazing rights for Northern pastoralists seeking dry season pasture.[55] The relative success of these meetings is due to three central factors:

1. A relative lack of NCP politicization among the Rizeigat has meant that, unlike for the Missiriya in Abyei, local political dynamics have not been overwhelmed by national politics.
2. Governor Paul Malong Awan's powerful control of Northern Bahr el Ghazal state[56] has meant agreements with Northern nomads, that are underwritten by the state, have a degree of efficacy not found in states where the political administration has less control over armed elements along the border (e.g. Unity state).
3. While there is a great degree of historic mistrust of the Rizeigat among the Malual Dinka, because of some of the Rizeigat's actions during the second civil war, the antipathy between the two groups is not as intense as that between the Missiriya and the Ngok Dinka in Abyei; trading and pastoralist movement continued, albeit in reduced form, during the second civil war, allowing for a greater continuity of practice post-2005.

That said, while the Northern Bahr el Ghazal–East Darfur border worked better for traders and pastoralists than the borders of other states between 2005 and 2011, it still did not work very well.

In 2012, the Rizeigat and Missiriya reported harassment from the SPLA on the southern side of the border, and from SAF in Sudan, which prevented pastoralists and traders from crossing the border.[57] Decades of distrust, built up during the war, and growing nationalism in South Sudan, threaten to undermine community relations in Northern Bahr el Ghazal. This situation could

explode if the SPLM pressures the state government to move the military back from areas that Northern Bahr el Ghazal state believes it owns because of its struggle to win their possession during a bloody second civil war.[58]

A brief history of the border

The Malual Dinka, part of South Sudan's larger Dinka people, occupy the north of Northern Bahr el Ghazal, just south of the River Kiir. Northern Bahr el Ghazal has a long border with East Darfur, and a short border in the east with South Kordofan. Every dry season, the Rizeigat, one of the largest cattle-owning groups in Southern Darfur, come south to graze on land around the Kiir, one of the richest sources of grazing land for both the Malual Dinka and the Rizeigat. A small number of Humr Missiriya sections also pass from South Kordofan into Northern Bahr el Ghazal during the dry season, though this migration has been greatly reduced since 2005.[59]

Unlike many places along the Sudan–South Sudan border, the 1956 border between what is now Northern Bahr el Ghazal and South Kordofan is relatively well demarcated. In the 19th century, the Malual Dinka occupied a section of the Kiir. However, with the arrival of large slaving companies in Kordofan in the 1860s and 1870s, the Malual Dinka say they were pushed back south of the river (Johnson, 2010b, pp. 43–44). At the beginning of the Anglo-Egyptian Condominium, Darfur was still an independent sultanate, and colonial officials restricted Rizeigat movement south of the Kiir; the Rizeigat were allowed to hunt, but not to graze.

Following the annexation of Darfur into Sudan in 1916, when the British were helped by the Rizeigat, the border became subject to a series of new rulings, which often reflected personal fiefdoms and power plays among colonial officers as much as changes in Rizeigat–Malual Dinka practices on the ground. British administrators in Darfur advanced the interests of Ibrahim Musa, the Rizeigat *nazir*, and believed the administrators of Bahr el Ghazal favoured the Malual Dinka. Meanwhile, administrators of Bahr el Ghazal believed those in Darfur were biased towards Musa.

Following grazing disputes in 1918, the British governor of Darfur tried to impose a new boundary, and set out a *dar* Rizeigat that extended 40 miles south

of the Kiir. The Malual Dinka complained vociferously,[60] and, in 1924, a compromise was agreed; Munro and Wheatley designated the Munro-Wheatley line, 14 miles south of the Kiir (Johnson, 2009, pp. 180–81).

This boundary has remained unchanged since then; it was the boundary on 1 January 1956, and thus should be the frontier between Northern Bahr el Ghazal and what is now East Darfur under the terms of the CPA. However, what this boundary *means* has changed. The introduction of the Southern Policy in 1930 attempted to restrict contact between what was considered an Arabic, Islamic north and a non-Arab, non-Islamic south. Along the Rizeigat–Malual Dinka border, administrators tried to change the boundary agreement, and split access to the Kiir along an east–west axis. They wanted to block contact between the two peoples, but the proposal was refused by the British administration in Darfur. In 1935, an agreement was reached at a meeting in Safaha. The colonial administrators split the southern bank of the Kiir and the 14-Mile Area, with some areas designated as common grazing land, while other parts were reserved exclusively for Rizeigat use. The Malual Dinka said the accord was too rigid, and eventually drew up a series of compromises with the Rizeigat.[61] It is important to note that it is the 1935 agreement that the Rizeigat refer to in their claims over the border, rather than the 1924 administrative decision. As elsewhere along the border, this is a case of a border community attempting to turn what was a complex zone of mixed secondary and dominant rights into a zone of absolute rights.[62]

One of the most striking things about recent attempts to organize grazing routes for Northern pastoralists—either legally, as in the PCA decision, or politically, as in the frequent NGO-sponsored grazing agreements since 2005—is the extent to which they also commit to a process of formalization, in which exact boundaries, both temporal and spatial, are made part of pastoralist interaction. In contrast, recent studies of effective pastoral arrangements emphasize the degree to which they need 'fuzziness' to be effective. Katherine Homewood (2009, pp. 3–5) recently showed how 'spatial boundaries around . . . key resources expand and contract according to circumstances,' instead of being formally delimited. It is this fuzziness that allows pastoralists to deal flexibly with changing ecological and political conditions, and it is a fuzziness that is difficult to maintain in an increasingly dominant framework of national politics.

The central question for the Northern Bahr el Ghazal–East Darfur border is what happens when what was a grazing border becomes a national boundary (Douglas, 2010b, p. 42). It would be a mistake to think that the colonial administrative border between the two states reflected the situation on the ground. There was always a gap between official measures regulating grazing and agreements between the two groups. In 1948, a colonial official wrote that 'the various agreements . . . made by the DCs [District Commissioners] . . . are disregarded, and to a great extent unknown by both Rizeigat and Dinka'.[63] Furthermore, even the formal boundary was never accepted as an absolute boundary: while the Rizeigat had some dominant rights over the 14-Mile Area south of the Kiir, they were never absolute rights, as the Malual Dinka also had grazing rights within the area (Kibreab, 2002, p. 85).

Today, this formal boundary, which was never totally adhered to in practice, is becoming a border with more consequential, and absolute, territorial implications. One of the problems with this, as shall be set out below, is that national- and state-level political authorities undermine the customary institutions that guarantee efficient grazing agreements. The goal of the Southern Policy—to achieve an absolute division between an Arab north and a non-Arab south—may come to fruition 80 years later, in an era of nationalism. If the territorial divisions of the CPA come into effect, then the Malual Dinka may find themselves blocked from grazing land they fought for during the second civil war. In the 1920s, the governor of Bahr el Ghazal warned that 'the Munro-Wheatley agreement, like the Versailles treaty, contained "the seeds of a future war"' (Johnson, 2009, p. 181). His prediction may yet come to pass.

The border: 2005–11

During the second civil war, relations between the Rizeigat and the Malual Dinka were strained, but did not suffer a total breakdown, as was the case elsewhere along the border. During the first civil war and the period of peace (1972–83) that followed the 1972 Addis Ababa agreement, Rizeigat and Missiriya militias raided the Malual Dinka, attacking settlements south of the provincial border. As in Abyei (Craze, 2011, p. 12), during the second civil war, these raids were formalized as the government mobilized raiders as part of *murahaliin*[64]

militias and, in addition to attacking civilian settlements, also began to abduct women and children. People have still not received compensation for these abductions, despite the creation of committees to resolve the issue. In Gokk Machar and Warrawa, stories of strangers returning home, having spent their whole lives in Southern Darfur,[65] are commonplace.[66] The Malual Dinka still have vivid memories of the brutality of the war, and these undermine their trust in the Rizeigat. In March 1987, for instance, at Ed Da'ein, over 1,000 Dinka were killed by a group of Rizeigat; around 700 of those people were burned alive in police and railway stations. Stories of such massacres continue to circulate, and affect relations in the present.

Despite such attacks, relations between the two groups continued during the war. GoS administrators in the main urban centres, which were held by GoS forces, continued to use the Munro-Wheatley line to adjudicate grazing disputes (Johnson, 2010b, p. 45), while in rural areas the SPLA made informal arrangements with the Rizeigat, and even the Missiriya. As the SPLA was not in control of the major towns and cities, markets sprang up around SPLA garrison towns like Warrawa, Majok, and Warguit.[67]

These links help explain why the Northern Bahr el Ghazal–Southern Darfur border has been the most peaceful stretch of the Sudan–South Sudan border since 2005. This relative and tenuous peace has also been buttressed by the fact that the working border is the Kiir, rather than the Munro-Wheatley line further south. The SPLA has been in control of the two towns on the river (Kiir Adem on the south bank, and Samaha on the north) for much of the post-CPA period, and, aside from incidents in 2009 and 2010, when Rizeigat merchants were killed, Rizeigat traders have been protected by the SPLA.

The Rizeigat and the Malual Dinka struck a number of grazing agreements in areas of SPLM control. In 2008, agreements were signed in Aweil, Nyamboli, and Warrawa. These accords were moderately successful: while the migration did occur, the Rizeigat said the SPLA killed some of their herders, and the Malual Dinka reported cattle theft. There were further meetings in 2010 in Aweil and Gokk Machar, although participants said both Khartoum and Juba interfered with the negotiations.

Recently, however, tensions have risen in Northern Bahr el Ghazal. Anger towards the Rizeigat increased in 2009, when militia fighters blocked the road

from Meiram to Aweil, increasing food prices in Aweil town. The NCP has also attempted to cut contact between the Rizeigat and the SPLA, and SAF troops have increasingly attacked the SPLA's northernmost positions; Kiir Adem, for instance, came under attack in December 2010.

The grazing agreement for the 2010–11 grazing season was signed relatively late, on 20–22 January 2011, in Aweil town. It had a strikingly pro-SPLM tone, which reflected the extent to which the border region is currently dominated by South Sudan. The agreement asked the Rizeigat to recognize the long history of Southern marginalization by the North, and demanded that the Rizeigat respect Dinka land and culture. It also detailed agreed grazing routes, committed both parties to the establishment of a Joint Chief's Court (which was never established), and set compensation rates for deaths and rapes that occurred during the dry season migration.[68] During these grazing meetings, Malual Dinka chiefs criticized the fact that special courts to adjudicate cases related to grazing during the previous grazing season had not been set up, and also condemned the presence of armed cattle keepers. Nevertheless, the grazing agreements went ahead, and the pastoralist migration was relatively successful.

The reason these grazing agreements were even partially successful is because they deal with such a politically contested landscape; the SPLM attempted to ensure a successful grazing season in part to ensure Rizeigat and Missiriya participation in the SPLA and SPLM-N, and in part because, if the 14-Mile Area is given to South Sudan during future negotiations, good relations with the Rizeigat will be necessary to ensure such a deal is sustainable.[69]

State support for inter-community grazing agreements was central to their success in 2011 and 2012. While there is a long history of such agreements, and of good relations between the Malual Dinka and the Rizeigat, in other places along the border with similar histories of cohabitation grazing agreements have not fared as well. The relative success of grazing agreements along the Northern Bahr el Ghazal–East Darfur border emphasizes the primacy of the political in ensuring successful grazing routes.

However, the case of the Missiriya in Northern Bahr el Ghazal underlines the fact that state-level politics on its own is not enough to ensure a successful grazing season: because hostility between the Missiriya and Malual Dinka is intense, the Missiriya have found entering South Sudan almost impossible.

Because of their role in attacks in Abyei, the Missiriya have become less welcome in South Sudan since 2005. The two Missiriya sections that migrate into Northern Bahr el Ghazal—Fayarin and Awlad Kamil—clashed with the SPLA in 2007 and 2008. When grazing agreements have been made with the Malual Dinka, as in 2008, the agreements have been poorly implemented. One of the principal sticking points is the question of disarmament. The Missiriya formed PDF militias throughout the second civil war, and are relatively well armed. They are reluctant to come into South Sudan without weapons, citing SPLA harassment. Given this uncertainty, and widespread animosity towards the Missiriya, Fayarin, and Awlad Kamil grazed in Northern Bahr el Ghazal in 2005–10 much less frequently than during the second civil war, leading up to the 2011–12 grazing season, when Missiriya pastoralists didn't enter South Sudan.

The various failures and successes of these agreements tell us much about the potential for successful future grazing agreements, and will be explored below.

The imposition of an international border

After South Sudan formally seceded in July 2011, the 14-Mile Area, which had been composed of grazing, state, and district boundaries, became the area in which an international boundary would be delimited. This change has affected grazing agreements along the Northern Bahr el Ghazal–East Darfur boundary in two major ways.

The first effect is largely rhetorical, but not unimportant. The Rizeigat are hamstrung by the fact that they are not a state, and yet not simply a group. The Malual Dinka know the Rizeigat cannot be thought of as equivalent to the NCP. During a migration conference in Gokk Machar, the MP for Aweil East, Luach Lino Nyal, said: 'The NCP is not solving the problem of the Rizeigat, that is why you are here. If you don't want to stay in North Sudan, you should move here, to South Sudan'.[70]

Though the Malual Dinka realize the Rizeigat are in a precarious situation, and not coming to migration conferences under the auspices of the NCP, they also blame them for actions carried out by the GoS and SAF. In times of tension—as in December 2010 when Kiir Adem was bombed—Rizeigat herders tend to withdraw, in case they are held accountable for the actions of the GoS.[71] This tendency to blame the Rizeigat for the actions of GoS dates from the second

civil war when Rizeigat militias killed and stole for the NCP. Anger among the Malual Dinka over these events was constantly referred to during grazing negotiations attended by the author.

Underlying Malual Dinka suspicions is their fear that the second civil war will be repeated. This is not just an existential fear, but also a real fear of displacement. This fear was evident in a *Sudan Tribune* op-ed on 3 December 2012, which accused 'Arab Rizeigat sponsored by Sudanese intelligence agents' of planting fake graves in Kiir Adem, to allow the NCP to reinforce its historical claim to the area (*Sudan Tribune*, 2012r). The claim itself cannot be verified, and seems highly unlikely, but the sentiments expressed in the newspaper reveal how angry the Malual Dinka still are with Sudan, and the Rizeigat.

This anger was evident in concerns over naming that were echoed all along the Southern Sudanese side of the border in 2012. Because the Malual Dinka experienced the second civil war as a dispossession of their own land, they are acutely aware of the power of names. A constant refrain from Malual Dinka leaders was that the Rizeigat had begun naming *their* land using Arabic words. In the grazing agreement signed in Aweil town on 20–22 January 2012, the Rizeigat are asked not to name territories inside South Sudan. Following independence, and after 50 years of feeling inferior, self-determination is also linguistic, and involves reclaiming the names of the areas of which one was dispossessed.

As elsewhere along the border, the way the Rizeigat are treated is partly determined by a powerful swell of nationalist sentiment following South Sudan's independence. During a migration conference in Gokk Machar on 29–30 June 2012, SPLA motivational songs from the second civil war were played during breaks between negotiating rounds. Current South Sudanese nationalism has its roots in the SPLM/A civil war narrative, but is also now swelled by a feeling that what was fought over for so long has finally been achieved. The deputy governor of Northern Bahr el Ghazal, Madut Dut Yel, gave the closing speech at the conference, and addressed the international community, the Rizeigat, and the Malual Dinka.[72] To the Rizeigat he said: 'We are now a nation, whether you believe it or not and now you are foreigners, who must accept our rules'. This was a reference to Northern hostility to Southern independence. Dut Yel then explicitly asked why the Rizeigat could not come amongst the Malual Dinka as the Kenyans and Ugandans do, without problems. In the context of

the grazing agreement, this comparison was designed to impress upon the Rizeigat the contingency of their presence in South Sudan, but it also indicated the extent to which national- and state-based understandings of foreignness have the capacity to displace what were previously inter-group understandings of the relationship between the Rizeigat and the Malual Dinka. The danger, as shall be shown below, lies in the disastrous effects this transformation could have on Malual Dinka–Rizeigat coexistence.[73]

This rhetorical shift towards nationalist understandings of territory has its correlation in a changing set of institutional arrangements governing Malual Dinka–Rizeigat interaction.

Since 2009, as NCP pressure on the Rizeigat has grown, attendance at migration meetings has declined. The principle problem with migration meetings, as noted by organizers,[74] is that few of the Rizeigat actually turn up. The particular local dynamics of these meetings will be explored below. For now, what is important to note is that this partial attendance leads to a corresponding lack of trust on the side of the Malual Dinka; the agreements worked out at such incomplete meetings are almost never respected.

The Rizeigat are doubly punished by the NCP: for many, it is too dangerous, or politically impossible, to attend migration meetings in South Sudan. On the other hand, within South Sudan, the Malual Dinka fear every Rizeigat could be a militia member or NCP agent. In this context, grazing agreements are especially fragile because what is simply an end-of-dry-season cattle raid could be interpreted as a militia attack, and a satellite phone used to communicate with relatives in Southern Darfur could be thought of as a device for communicating SPLA positions to SAF.

National politics and pastoral grazing also overlap on the South Sudanese side of the border. The key institutional framework for guaranteeing grazing agreements is no longer group meetings, but gatherings of the Rizeigat and state-level political and military structures. As several MPs told the Rizeigat during the June 2012 migration meeting, the most important set of meetings before the migration season should be with the governor's office. Then, the most fundamental determinant of grazing routes is which areas are thought of as security risks by the SPLA. Finally, Rizeigat traders say that, in addition to any fees one might pay to local and state-based government, the SPLA also levy a series of taxes when pastoralists enter South Sudan.[75]

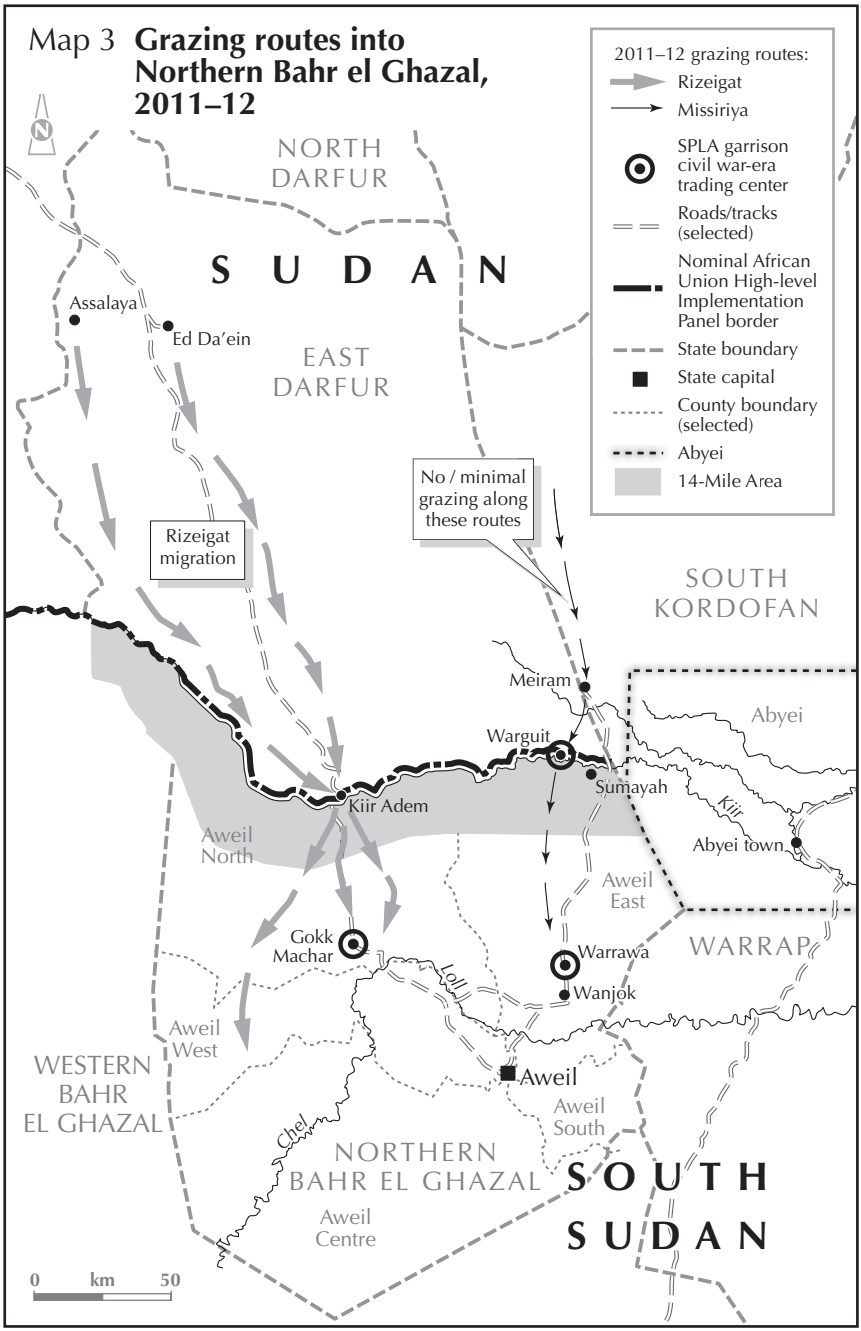
The central axis on which negotiations about Rizeigat movement into South Sudan now turn is state-level security issues. This has several knock-on effects. It means that a successful migration is less a question of delicate inter-communal arrangements, and more a function of national politics. But it also means that the Rizeigat are less formally beholden to their host communities, and that the local dynamics that previously underwrote the migratory season have been destabilized.

However, it would be incorrect to see this shift simply as a function of the imposition of a national border post-2011. Along the Northern Bahr el Ghazal–Southern Darfur border, the move towards a SPLA-dominated set of migration arrangements occurred during the second civil war.[76] The framework for agreeing grazing rights since South Sudan's independence gives a formal character to this shift towards the centrality of military considerations in determining pastoralists' routes through Northern Bahr el Ghazal.

The central role of the military is also seen in the question of disarmament. Along the border, politicians interviewed by the author all agreed that migrants coming into Northern Bahr el Ghazal state must be disarmed. This reflects a reorientation towards ensuring that the army and police services in South Sudan have a monopoly of violence in the territory. It applies equally to civilians within South Sudanese territory.[77] However, the emphasis on disarmament is particularly difficult in relation to the Rizeigat, who feel that their security cannot be guaranteed by the SPLA, which is responsible for some of the worst infractions against them. While migrants entering Northern Bahr el Ghazal are checked for weapons, this is not effective.[78] The complicated status of armed Rizeigat in Northern Bahr el Ghazal is made more uncertain by the accepted presence of Rizeigat members of both SPLM-N and JEM inside Northern Bahr el Ghazal, almost all of whom are armed.[79]

Current political dynamics

The 2011–12 migration season was relatively successful for those Rizeigat who entered Northern Bahr el Ghazal (see Map 3).[80] One of the reasons for this was that the state government carried out a sensitization campaign 4–6 weeks before the start of the migration, and told people at the *payam* and *boma* level about the routes the Rizeigat would take.[81] In line with the 20–22 January 2011


Map 3 Grazing routes into Northern Bahr el Ghazal, 2011–12
2011–12 grazing routes:
Rizeigat
Missiriya
SPLA garrison civil war-era trading center
Roads/tracks (selected)
Nominal African Union High-level Implementation Panel border
State boundary
State capital
County boundary (selected)
Abyei
14-Mile Area
NORTH DARFUR
SUDAN
EAST DARFUR
Assalaya
Ed Da'ein
Rizeigat migration
No / minimal grazing along these routes
SOUTH KORDOFAN
Meiram
Abyei
Warguit
Sumayah
Kiir
Kiir Adem
Abyei town
Aweil North
Aweil East
Gokk Machar
Warrawa
WARRAP
Lol
Wanjok
Aweil West
WESTERN BAHR EL GHAZAL
Aweil
Aweil South
Chel
NORTHERN BAHR EL GHAZAL
SOUTH SUDAN
Aweil Centre
0 km 50

agreement, the Rizeigat coming into Northern Bahr el Ghazal were to pay tax in Gokk Machar, although there was some resistance to the tax rates. The Rizeigat were also supposed to carry no weapons, but subsequent events, detailed below, make it clear that at least some of the Rizeigat migrants took weapons into the state.

Many inside the political administration of Northern Bahr el Ghazal attributed the relative success of the migration to the strength of a cohesive Rizeigat leadership.[82] In this line of explanation, the Rizeigat position differs from that of the Missiriya, whose leadership was fragmented by the NCP in order to isolate it from the Umma Party.[83] Some in the administration claim that the Rizeigat leadership has maintained its centralized power, and is able to ensure grazing agreements are respected.

However, the evidence suggests that this is not the reason for the migration's success. Since the CPA, there has been further recruitment of Rizeigat into the SPLA's 3rd Division, which is based in Northern Bahr el Ghazal, and there is widespread discontent among the Rizeigat about the benefits they gained from membership in the PDF during the second civil war (Gramizzi and Tubiana, 2012, pp. 57–58). With many Rizeigat pastoralists staying away, and none of the Rizeigat elite from Khartoum and Ed Da'ein attending migration conferences, it seems more likely that the migration was successful because the Rizeigat are relatively divided, and politically weak. At grazing conferences in South Sudan in 2012, several pastoralists referred to recent PDF recruitment drives in South Darfur, and to the fact that they had not participated because they were concerned about their relationship with the Malual Dinka.[84] In this light, the reason raiding was minimal during the grazing season was that there was a lack of political force underwriting the migration. This meant that the Rizeigat who came to Northern Bahr el Ghazal wanted to ingratiate themselves with their hosts. This differs significantly from the situation in Abyei, where the Missiriya are backed by a powerful political lobby.[85]

However, the migration did not pass without incident. Eleven people were killed during the 2011–12 grazing season. Several of these deaths were due to local dynamics: in Marial Bai, Rizeigat pastoralists grazed their animals on Malual Dinka agricultural land. In the ensuing standoff, two Malual Dinka were shot, and their killers fled. Other deaths were caused by tensions between the

SPLA and the Rizeigat. While compensation for the Malual Dinka deaths was agreed at the migration review conference held in June 2012, there was a lingering sense of anger in the community, and people accused the Rizeigat of hiding the killers.[86] During the conference, the Rizeigat said they did not know the killers and could not bring them to South Sudan to stand trial; this lack of unity among the Rizeigat, as shown by the participants' lack of accountability for other members of their group, and the thin attendance at grazing meetings, mean that the Malual Dinka still feel the Rizeigat are not being honest.

The Malual Dinka also say the Rizeigat stay too long. It was agreed that during the 2012–13 grazing season the Rizeigat would be allowed to enter Northern Bahr el Ghazal on 15 November, but they would have to leave by April 2013. The anger felt over this reflects a fundamental asymmetry in relations along the Sudan–South Sudan border. Since 2005, in general, Northern pastoralists have wanted to enter South Sudan to access grazing land, but have had little to offer in return.[87] Prior to 2005, South Sudanese would go north for wage labour. Increasingly, this opportunity is closed. Furthermore, trade—explored in more detail below—has been shut down by the GoS' closure of the border. This makes the arrangement with the Rizeigat seem increasingly one-sided, and explains Malual Dinka disgruntlement when the Rizeigat overstay their welcome.

Arrangements with the Missiriya were much less successful. While there was a meeting between the Malual Dinka and the Missiriya in Aweil in February 2012, very few Missiriya crossed through to Aweil East. In part, this was due to the SPLA's insistence that they must cross without guns. Given the degree of animosity felt by the Dinka towards the Missiriya—in part for historical reasons and in part due to the ongoing situation in Abyei—few Missiriya felt safe without weapons.[88] Missiriya merchants in Warrawa also said there was heavy pressure from the NCP not to come into South Sudan, and that the Missiriya leadership, which is largely dependent upon NCP largesse (Pantuliano et al., 2009, p. 25), had encouraged people not to cross over into South Sudan. Large numbers of Missiriya pastoralists gathered on the Northern side of the River Kiir at Grinti. The SPLA and SAF allowed them to water with their animals there on occasion, but only at night. The result, Concordis International reports, was the loss of 70 out of every 200 head of cattle (CI, 2012e, p. 24). Without strong state-level support for the Missiriya migration inside Northern Bahr el Ghazal,

and a lessening of the hostility felt by the Malual Dinka, it is difficult to envisage a workable Missiriya migration during the 2012–13 grazing season. While very few Missiriya pastoralists migrated to Northern Bahr el Ghazal, Warrawa, one of the traditional destinations of the Missiriya, did see Missiriya traders arrive.

Towns like Warrawa played an important role during the second civil war. While access to major towns was blocked, SPLA garrisons, like Warrawa, were privileged sites for trade with Northern merchants. However, following the closing of the Sudan–South Sudan border in 2011, it is precisely these towns—located close to Sudan and along major transport routes—that have suffered the most from the GoS-imposed trade blockade. In Warrawa, there was a dramatic increase in the price of a jerry can from 2 South Sudanese Pounds (SSP) in 2011 to 13 SSP in 2012.[89] At the beginning of 2012, while the route from Nyala to Kiir Adem and on to Gokk Machar remained open, the road through to Warrawa and Wanjok was closed.

Unlike in parts of Upper Nile, trade was still possible in Northern Bahr el Ghazal following the border closure in 2011. Supplies were being smuggled in by motorbike from Meiram, and the road to Kiir Adem was still open in July 2013. However, merchants in several border towns expressed anxiety about the amount smugglers would be able to bring during the rainy season. Supplies were still coming through as of January 2013, albeit in reduced quantities.[90]

The passage of goods from the North really dried up after the conflict in Hejlij in April 2012, when it was made a criminal offence to bring commercial goods into South Sudan. Several Rizeigat and Missiriya vehicles were stopped, and the drivers were arrested. Nevertheless, while the trade axis running through Meiram is shut down, goods are now coming up from Uganda and Kenya through Juba. Because the SPLA control Kiir Adem and positions just to its north, it is relatively easy to acquire goods from Sudan. However, it is unlikely that this would continue to be the case if the SPLA retreated from the 14-Mile Area south of the Kiir. If the SDBZ was implemented, and the GoS decided to impose a trade blockade, the results could be disastrous for the Malual Dinka because the abandonment of Kiir Adem would leave smugglers struggling to get through to South Sudan.

The acute food shortage experienced in Aweil over the last year is not primarily due to trade blockages with the North, but is the result of a bad harvest.

Aweil Rice Scheme's production fell 20%, and the sorghum harvest declined by 34% (Gurtong, 2012a). Northern Bahr el Ghazal state has received a large number of returnees, further compounding the food problem; food prices have skyrocketed, with the price of a bag of onions increasing around 500% from 2011 to 2012.

Armed actors

The contested border between Southern Darfur and Northern Bahr el Ghazal has seen an extensive military build-up since the signing of the CPA, and increasingly since 2010. Part of what is at issue is the growing power of JEM, as its forces move east from their bases in Darfur. The successful spread of JEM, its use of positions inside South Sudan, and SAF's loss of control of the south of Southern Darfur could produce what the NCP wants least of all: a united front, no matter how tenuous the alliances, against the GoS, stretching from Darfur through to South Kordofan.

The current phase of military build-up began in October 2010, when parts of the SPLA's 3rd Division occupied Kiir Adem, a village next to the only bridge over the River Kiir in the area. When SAF bombed these positions in October and November 2010, the SPLA increased its force on the river to a battalion, reinforced with T-55 tanks (Gramizzi and Tubiana, 2012, p. 67–68). As of 1 January 2013, the SPLA maintains positions at least 5 km north of Samaha (see Map 4).[91]

In 2011, SAF built up a presence north of Kiir Adem, with UNMISS sources reporting that there was a company-sized unit positioning itself between Abu Matareq and the Kiir in December 2011. In 2012, SPLA sources reported a continuous build-up of SAF forces near the river, with SAF using helicopters to fly in infantry in mid-June 2012.

The first half of 2012 saw not only an extensive SAF air campaign, both along the border with Southern Darfur and in areas clearly within South Sudan's sovereign territory, but also ground attacks on northerly SPLA positions. From 12 April 2012, Warguit was subjected to continuous aerial bombardment and ground attacks. The attacks lasted until 28 May, and resulted in five civilian deaths and roughly 750 internally displaced people. Nonetheless, the SPLA managed to retain control of Warguit, as well as Kiir Adem, and Samaha, the market town just north of the river, opposite Kiir Adem.


Map 4 Clashes and military positions along the Northern Bahr el Ghazal–East Darfur border, 2011–12
Military clash
SAF position/ Militia presence
SPLA position
Kiir
SAF aerial bombardment
Maximal claim of Government of South Sudan
Government of Sudan
Nominal African Union High-Level Implementation Panel border
State boundary
State capital
Abyei
14-Mile Area
Roads/tracks (selected)
NORTH DARFUR
NORTH KORDOFAN
To Nyala
Ed Da'ein
EAST DARFUR
S U D A N
Nyala–Kiir Adem road remained open, 2011–12
SOUTH KORDOFAN
Meiram
Abyei
Warguit
Samaha
Sumayah
Kiir Adem
Kiir
Abyei town
Gokk Machar
Warrawa
WARRAP
Loll
Wanjok
Wenyik
Aweil
WESTERN BAHR EL GHAZAL
Chel
NORTHERN BAHR EL GHAZAL
S O U T H S U D A N
0 km 50

Throughout 2011, JEM also maintained a presence along the border between South Kordofan and Northern Bahr el Ghazal. Up until the occupation of Hejlij, which focused attention on the relationship between JEM and the SPLA, there were extensive reports of JEM bases close to Aweil town. Since May 2012, JEM have relocated away from urban centres in Northern Bahr el Ghazal, though they maintain positions in the border area: if the SDBZ is to be implemented, one of the most difficult decisions will be what to do about JEM positions south of Meiram.

Some of the anger in Northern Bahr el Ghazal over the 27 September Security Agreement is due to the casualties and suffering endured by the SPLA in the clashes of April and May. Withdrawing from those hard-won positions was a bitter pill to swallow. In a sense, the 27 September agreements offer an inversion of the May 2011 invasion of Abyei. If, during that invasion, the NCP achieved on the ground what it could not achieve at the negotiating table, in the 27 September agreements they attempted to negotiate an SPLA withdrawal from areas they failed to occupy during conflict.

Since the signing of the 27 September agreements, events have done little to increase security in the border region. While President Kiir engaged in intense diplomacy in Northern Bahr el Ghazal to mollify those aggrieved by the 27 September Security Agreement, SAF continued to bomb SPLA positions along the Kiir in November and December 2012, making an SPLA withdrawal increasingly difficult to envisage (*Sudan Tribune*, 2012l, 2012w). On 20–22 November, SAF bombed positions just north of the river, and responded to GRSS criticisms by saying they were bombing SRF positions. The argument was that, if the GRSS was claiming these SRF positions as its own, this showed it was still supporting rebel movements inside Sudan. Ground assaults and air bombardments of SPLA positions at Kiir Adem continued in December. Governor Paul Malong Awan, who visited Kiir Adem shortly after the attacks, was bellicose (*Sudan Tribune*, 2012x). Some of these clashes involved the Rizeigat, with between 8 and 28 killed around Warguit. Mohamed Isa Aleu, a member of the Rizeigat Shura council, said the SPLA had shelled SAF positions. It appears that SAF launched attacks on SPLA positions at Warguit, before being driven back beyond Meiram. As of December 2012, Rizeigat pastoralists had not come south of positions 20 km north of the River Kiir (Radio Dabanga, 2012a). As it becomes increasingly

apparent the SDBZ will not be implemented, the NCP has shifted to trying to drive the SPLA away from the Kiir, and sever links between the SRF and the SPLA by force.

As in Unity state, successful migrations are also a function of broader military currents, and the ongoing conflict in Northern Bahr el Ghazal is likely to massively disrupt the migratory season currently under way. SAF's continued attacks will only intensify the feeling among the Malual Dinka that it is not safe to withdraw from the 14-Mile Area, leading to a political impasse on the Northern Bahr el Ghazal–East Darfur border.

Stakeholder positions

The SPLM and the NCP

In the 27 September Security Agreement, the South Sudanese government committed to a SDBZ that will extend 10 miles from the border, except in the case of the Northern Bahr al Gazal–East Darfur border, where (clause 3) the entire stretch of the 14-Mile Area south of the Kiir (up to the Munro-Wheatley line) was to be demilitarized and monitored by the JBVMM. This was a late modification of the map of the SDBZ, created by the AUHIP, made at the request of the GoS. In a negotiating file of the Southern government, released on 6 September, Deng Alor, the acting chief negotiator, wrote that the GoS gave two options during negotiations—either the 14-Mile Area would be under the GoS' administration, or the SPLA forces in Samaha would be withdrawn (RoSS Negotiations Update, 2012). As the first option is clearly not viable from the point of view of the SPLA, and would mean having SAF troops very close to Aweil town, the second option became the compromise solution. This concession was a way of getting the agreements signed by Khartoum. The explicit justification given by the GoS for the extension of the SDBZ to the entirety of the 14-Mile Area was that the Rizeigat had expressed fears that they would suffer from SPLA harassment if they moved into these areas during the dry season without the SDBZ in place.

While it is true there was some SPLA harassment of the Rizeigat during the last dry season, it is also true that, by guaranteeing a demilitarized zone, the NCP wants to shore up its credibility with the Rizeigat elite in Ed Da'ein, and respond

to an increasingly split set of Rizeigat actors, many of whom are now looking to join either the SPLM-N, or the SPLA itself, for security. Having a SDBZ in the 14-Mile Area is also an effective military strategy for the GoS. Since the SPLA took Kiir Adem in October 2010, it has been increasing its military force along what is a strategically important bridge (Gramizzi and Tubiana, 2012, p. 59). Not only does the imposition of the SDBZ, if carried out, remove a sizeable SPLA force, it also cuts crucial supply routes from Darfur to South Sudan for JEM and SPLM-N. Most of the Darfuri traders the author interviewed in Gokk Machar admitted smuggling goods—originally from Nyala—through Kiir Adem to the south, and there is unquestionably a JEM presence in the Bahr el Ghazal region, even if no evidence could be found to support GoS allegations of JEM camps south of the Kiir after May 2012. The SDBZ would make moving troops and goods through the region more difficult, given the international scrutiny of the agreement and its implementation.

It remains unclear just how operational the SDBZ will be. Certainly, smugglers have been able to get through the border as it currently exists, as well as armed Rizeigat pastoralists. The JBVMM's exact size has also yet to be determined. Both the SPLM and the NCP are clear that the 14-mile SDBZ is 'temporary whilst the parties resolve the final status of the boundary' (RoS/RoSS, 2012, 27 September Security Agreement, p.3). Within the SPLM in Northern Bahr el Ghazal, there is largely agreement that the border between South Darfur and Northern Bahr el Ghazal should correspond to the Kiir, although some claim it should be as far north as Meiram.[92]

The SDBZ is exceptionally unpopular at the state level, with Governor Paul Malong Awan saying he would fight anyone who attempted to 'take the land away from me' (*Sudan Tribune*, 2012m). The SDBZ will pose problems for the state government in multiple ways, which will be dealt with below.

At present, the NCP's primary concern is internal. The strategic importance of the 14-Mile Area is not simply due to Rizeigat interests, but also rests on the fact that the NCP is attempting to dislodge the SPLA from the Kiir, and cut support to the SRF. SAF's December 2012 attacks on the area show the NCP will use SAF to carry out militarily what has not been implemented through negotiations. The SPLM's focus is on determining the borders, and while a SDBZ seems like a possibility, albeit a remote one, in the current context of SAF attacks

on South Sudan, it is likely that moving the SPLA away from the River Kiir remains a distant prospect. The SPLA has emphasized that the implementation of the SDBZ must be carried out by both sides simultaneously, while the NCP has said the SPLA must cease support to the SPLM-N as a precondition for implementation of the 27 September Addis Ababa agreements. In such conditions, the SPLA is not likely to withdraw from the 14-Mile Area.

The Malual Dinka

In a statement in October 2012, Governor Paul Malong Awan thanked the Malual Dinka for standing firm in their refusal of a SDBZ in their 'ancestral land' (*Sudan Tribune*, 2012i). Some of the anger voiced about the agreement derives—as elsewhere on the border—from a longer history of displacement; Southern border communities feel they have been violently pushed south, out of a landscape they used to consider their own. In interviews, SPLM and local government personnel in Northern Bahr el Ghazal referred to former Malual Dinka settlements as far north as Meiram, and said that, now South Sudan was independent, these areas would be resettled.[93]

The SDBZ does not commit South Sudan to abandoning its claims to these areas. The SPLM in Juba say anger about the 27 September Addis Ababa agreements is misplaced, and based on a misunderstanding over what the agreements commit South Sudan to doing (*Sudan Tribune*, 2012j).

This is partly true. However, the Malual Dinka also have a keen sense of what will be lost, even if the establishment of a SDBZ does not mean a future commitment to the 1924 border. Trade routes running through Kiir Adem to Aweil would be endangered by the loss of SPLA positions on the Kiir. In theory, this should not be an issue because Bashir ordered the opening of the borders on 7 October. However, as of 1 January 2013, the borders are still shut and, even if they were to be opened, the Malual Dinka are keenly aware that they can also be closed again. A break in the smuggling route from Kiir Adem would leave Aweil uncomfortably reliant on Bashir's word. Thus far, the route from Meiram to Aweil remains closed, and the authorities in Meiram, as of 3 November 2012, said they would require the JPSM to open the route. A withdrawal from the SDBZ would also involve a military retreat from positions the Malual Dinka feel they have battled to achieve.

Finally, the establishment of the SDBZ casts a cloud over the fate of the Malual Dinka who live in the 14-Mile Area, and those who graze cattle there. The 27 September Security Agreement states that, along with the complete demilitarization of the area, the 'status quo of the joint tribal mechanisms for the resolution of disputes' (RoS/RoSS, 2012, 27 September Security Agreement, pp. 2–3) will be maintained. However, as this section has shown, the joint tribal mechanisms rely on the SPLA and the Northern Bahr el Ghazal state government to function effectively. Furthermore, even if the JBVMM is able to keep out military groups, it remains to be seen whether they would be able to block politically motivated settlers, especially in a situation in which it will be hard, if not impossible, to distinguish Rizeigat grazers from NCP operatives.

All of this is made more troubling by uncertainty over how long the SDBZ will be in place. If the border negotiations go to arbitration, as the GRSS seems to want, it could take years for the borders to be delimited and demarcated.

In the long term, many of the Malual Dinka leaders the author spoke to showed a desire to hand over the organization of Rizeigat grazing to state-level administration.[94] This situation is almost the opposite of that in Renk (see p. 148), but very similar to that in Pariang (see p. 108). Malual Dinka leaders in Warrawa said they did not want to sign any agreements with the Rizeigat, and that they did not want to have anything to do with Northern pastoralists, now that South Sudan is independent.

Malual Dinka traditional leaders said it was the state government that pushed them to sign agreements with Northern pastoralists. This is strikingly true of all the border negotiations that have occurred in Northern Bahr el Ghazal over the past few years. The SPLM—no doubt with an eye on a future in which the Rizeigat might form part of South Sudan in the 14-Mile Area, and on current Rizeigat involvement in both the SPLA and the SRF—has pushed for Rizeigat grazing rights. On a local level, however, people distrust the Rizeigat after decades of raiding. This points to the centrality of state and government intervention in ensuring workable grazing agreements. It also reveals a problem at the heart of the 27 September Security Agreement, which both eliminates the states' means of ensuring compliance in a crucial border area by removing the army, and leaves joint tribal mechanisms for the resolution of disputes whose function in prior grazing seasons has been dependent on state-level administration.

The Rizeigat

Over the last seven years, the Rizeigat have become increasingly dependent on the state of Northern Bahr el Ghazal for access to grazing. This dependence intensified following the SPLA occupation of Kiir Adem in 2010. Since then, those Rizeigat who have entered the South have been very careful not to do anything that could be read as hostile. Rizeigat pastoralists and traders, interviewed in June and July 2012, insisted they did not participate in the clashes of April and May because they did not want to damage relations with the Malual Dinka.[95] According to the Rizeigat, the GoS minister of defence visited Abu Matareq in December 2011 to ask them to cooperate with SAF. In order to safeguard relations with Northern Bahr el Ghazal, the Rizeigat refused to cooperate.

Furthermore, the Rizeigat largely understood that their most important negotiating partner is not the Malual Dinka community but the state government of Northern Bahr el Ghazal, which paid compensation for deaths during the 2010–11 grazing season, instead of the Malual Dinka, who would traditionally have paid. The state government also pushed various Malual Dinka chiefs into negotiations.[96] This indicates the degree to which, within a nation-state model, grazing agreements are being reformulated first and foremost as a matter for migrants and state-level political institutions.

At the same time, this should not be taken as the position of all Rizeigat. Almost all of the traders and pastoralists present at the migration review conference in June–July 2012 professed allegiance to the SPLM-N, and several said they were trading in order to funnel money back into the struggle in the North.[97] On the other hand, many Rizeigat did not enter South Sudan, and several members of the elite, which is more closely aligned to the NCP, protested the SPLA presence at Kiir Adem. Those Rizeigat who did not enter South Sudan say the 'line' created by the 1935 Safaha agreement delimited the absolute extent of *dar* Rizeigat. Within a nation-state framework, claims to areas of mixed grazing are translated into claims of absolute ownership (Radio Tamazuj, 2012h).

This disagreement indicates a split among the Rizeigat.[98] However, this split is largely opportunistic, rather than definitive. As during the second civil war, the Rizeigat have found ways to further local political interests by tactically allying themselves with larger military and political currents in the region (Gramizzi and Tubiana, 2012, pp. 57–58). If the 14-Mile Area does become part of Sudan—as discussed below—it is likely these alliances will transform themselves again.

The Missiriya

Since 2005, the Missiriya migration into Northern Bahr el Ghazal has been much more tenuous than that of the Rizeigat, primarily because the Missiriya are perceived as having played a central role in GoS-sponsored militias during the second civil war.[99] There is thus a great deal of suspicion about whether Missiriya herders are simply pastoralists, or whether they are militia members. This uncertainty could transform a cattle raid into an international incident, and influences the severity with which the Malual Dinka and the SPLA enforce bans on pastoralists carrying arms. Correspondingly, this suspicion makes the Missiriya much less willing to travel unarmed, given the very real risk of revenge killings.

Since the CPA, there have been a series of clashes between Missiriya on the one side and either the SPLA, or Dinka fighters, on the other. Most notably, Missiriya militias worked with SAF during the May 2011 invasion of Abyei.[100] As most of the Missiriya pastoralists who come to Northern Bahr el Ghazal pass through Abyei, it should be noted that grazing dynamics on the Northern Bahr el Ghazal–Southern Darfur frontier are also affected by the political situation in that territory; if, as during the 2010–2011 season, attacks or political disturbances render Abyei impassable, then the vast majority of Missiriya will not get to Northern Bahr el Ghazal either.

In Northern Bahr el Ghazal itself there have also been clashes, primarily between the SPLA and Missiriya pastoralists. The most damaging clashes occurred during the 2007–08 grazing season, and erupted due to a disagreement about disarmament. A peace conference, involving the Malual Dinka and the Fayarin and Awlad Kamil sub-sections, took place in 2008, but conflict erupted again almost immediately afterwards and led to the Missiriya closing the Meiram–Warrawa road to trade and migrant passage. These clashes show the degree to which trade, migration, and historical memory are delicately intertwined on the borders of Northern Bahr el Ghazal state, and the degree to which, in the absence of the reciprocal trust that underpinned grazing agreements before the war, existing state-based safety guarantees for Northern pastoralists will be insufficient for a workable border. It is precisely the SPLA—the sole force mandated to use violence, and supposed to protect migrants—that the migrants fear most.

While the Missiriya find it more difficult to enter Northern Bahr el Ghazal, they are also more precariously positioned in South Kordofan than the Rizeigat are in Southern Darfur. In Sudan, the expansion of the oil industry and intensive industrial farming since the 1970s have reduced the amount of grazing land available for the Missiriya, and increased their dependence on grazing areas in South Sudan (Siddig et al., 2007; IFPRI, 2006).

Over the last 30 years, the Missiriya's political power base has also been decimated. West Kordofan, traditionally the bastion of Missiriya power, was amalgamated into North and South Kordofan in 2004 as part of an NCP effort to change the balance of power in South Kordofan.[101] Many Missiriya were angered by their loss of influence. The Missiriya leadership has also been increasingly alienated from its community as the NCP fragmented traditional leadership structures and increased the number of chiefs in an attempt to wean the Missiriya away from the Umma Party.[102] These machinations have resulted in a leadership that is increasingly tied to—and resident in—Khartoum. Popular paramilitary groups have emerged in the vacuum left by these authorities.[103] In terms of North–South relations, the fracturing of the Missiriya political leadership has led to a polarization of positions; an elite that is increasingly dependent on NCP benevolence refuses to engage in negotiations with the South, and makes maximal claims about the border region, while pastoralists and traders, who are excluded from these networks, either try to maintain passage into South Sudan, or join PDF militias.[104]

Increased pressure on both grazing land and water has also fuelled tensions between the Rizeigat and the Missiriya. In the post-CPA period, this came to a head in 2008, when there was a series of clashes between the Rizeigat and the Missiriya sub-sections Fayarin and Awlad Jibril. A reconciliation congress was held in June 2010, but more fighting broke out in August (CI, 2010d, p. 42). In 2012, clashes between the two groups resumed, with confrontations west of Kass on 7 February 2012. There was supposed to be a conference between the Fayarin and Rizeigat just after Eid al Fitr, in November 2012, but instead the beginning of December saw residents of East Darfur fearing further clashes (Radio Tamazuj, 2012s). Some of the causes for these clashes are structural; it is possible that the fighting will intensify if access to grazing in South Sudan remains as difficult as it is at present, putting further pressure on the limited amount of grazing land within South Kordofan and East Darfur.

Just as with the Rizeigat, the Missiriya have been torn between loyalty to Khartoum and the possibility of joining both the SPLM-N and JEM. Until September 2011, the head of JEM in South Kordofan was Mohamed Bohar, a Missiriya. As JEM moved into South Kordofan, there were also reports of Missiriya members of the SPLM-N leaving to join JEM—beginning with JEM's main commander in the area, Fadel Mohamed Rahoma, who commanded the JEM troops that participated in the assault on Hejlij.[105] One of the largest recruitments to JEM occurred in 2004, after the death of Musa Ali Hamadein, the founder of Al Shahama, a former PDF fighter, and member of the Popular Congress Party (PCP). When Al Shahama split, Hamadein's nephew led one part of Al Shahama into JEM. More generally, JEM has managed to establish itself among the Missiriya—much like the militias who organized among the Missiriya before it—by capitalizing on Missiriya marginalization under the NCP government.

Future prospects

While the Northern Bahr el Ghazal–East Darfur boundary has in many ways been the most peaceful since 2005, it is also the most potentially combustible. Members of the Khartoum-based Rizeigat elite have already threatened to turn the 14-Mile Area into 'Abyei 2' if the SPLA does not withdraw from positions around Samaha. The Malual Dinka are resolutely opposed to a withdrawal. With JEM and the SPLM-N moving through the area, and active PDF recruitment drives, the region could be drawn into the Sudanese civil war, with international consequences.

Even if the SPLA does withdraw from the 14-Mile Area, it is unlikely the JBVMM will be able to ensure it remains demilitarized: Rizeigat pastoralists regularly smuggle guns and goods past SAF and SPLA positions. Furthermore, while the area is to be demilitarized under the 27 September Security Agreement, given the hostility the Malual Dinka have for the agreement and the tendency of the Rizeigat and the Missiriya to travel with guns, there could be a subsequent remilitarization through the use of militias or pastoralists, especially as the 'joint tribal mechanisms for the resolution of disputes', specified in paragraph 3 of the agreement, rely almost entirely on a functioning Northern

Bahr el Ghazal government. It is difficult to imagine a successful migration given that the Missiriya have not even attended the grazing conferences arranged under the protection of the state.

Even if the SDBZ is successful, and the NCP and SPLM reach agreement on the delimitation of the border, it is unclear whether border management devices will be able to mediate between three groups with deep historical grievances, especially when the Malual Dinka require government prodding to reach any accord with Northern pastoralist groups.

In Northern Bahr el Ghazal, resolution of the border conflicts, a successful migration season for the Rizeigat and the Missiriya, and the internal situation in Sudan are all inextricably bound together. For instance, current SAF attacks are aimed at cutting SRF supply chains to the South, and many of the successful Rizeigat pastoralists in the South are tied to the SPLM-N; any future agreements or negotiations that do not treat these three different problems as a whole are likely to fail. Migration agreements which do not also take into account the conflict between the SPLA and SAF along the River Kiir will fail to allow migrants to pass into South Sudan. If the implementation of a SDBZ and an end to SPLA–SAF conflict in the border region are not accompanied by sustainable grazing agreements for the Missiriya and Rizeigat, the border region will return to violence, this time between host communities and pastoralists, but with international consequences.

Western Bahr el Ghazal

Western Bahr el Ghazal is composed of three counties—Wau, Jur River, and Raja. The latter shares a long border with South Darfur, and includes the contested territory of Kafia Kingi. Raja county is also one of the most remote counties in South Sudan, and is both underpopulated and ethnically extremely complex. It comprises part of *dar Fertit*, a collective term for the people resident in Western Bahr el Ghazal.[106] Finally, it is one of most difficult areas of South Sudan to gain accurate information about. UNMISS is restricted to Raja town, the county capital, and it is hard to verify reports further to the west. The events outlined in this brief section have not been verified due to the difficulty of accessing Western Bahr el Ghazal state.

There has been extensive SAF military build-up in and around Kafia Kingi since 2009. There have also been extensive clashes between SAF and the SPLA in Western Bahr el Ghazal, and between SAF and JEM in South Darfur, notably in December 2011 and February 2012. Several international commentators believe access to Western Bahr el Ghazal is so difficult because of SPLA–SRF movements on the Darfur border.[107] Indeed, one of the reasons Kafia Kingi is so important to the NCP is that, if it joins South Sudan, JEM will have an immediate supply route between South Darfur and South Sudan. Given difficulties of access, this speculation cannot be confirmed.

What can be asserted is that there was almost no migration into Western Bahr el Ghazal during the 2011–12 grazing season. A Concordis cross-border migration conference, due to be held in February, was cancelled in May because of violence in the border areas (CI, 2012e, p. 15). Preparations have been made for another conference to be held in Raja, but it has yet to take place.

In December 2011, South Darfur authorities instructed migrants not to enter Western Bahr el Ghazal; over the following months, the government of Western Bahr el Ghazal echoed this message, telling the Fellata and Habbaniya that they were not welcome. There was no reported Fellata or Ambororo migration. There was a limited Rizeigat migration, but this also caused clashes with the SPLA after it was reported that SAF was arming Rizeigat militias in Bulbula, where the SPLA has a base.[108] Many of the Rizeigat who would otherwise have come into Western Bahr el Ghazal entered Northern Bahr el Ghazal state through Kiir Adem (CI, 2012e, p. 15). While this put greater pressure on Northern Bahr el Ghazal, it is also consonant with the very flexible grazing routes that are typical of Western Bahr el Ghazal because of the lack of reliable, dry-season grazing.

The effective closure of the border has also affected food supplies. Following the 27 September Addis Ababa agreements, the border has still not opened, although there are reports that trucks from Darfur arrived in Timsah in November 2012. This has stabilized prices, with the cost of a sack of sugar dropping from SSP 400 to SSP 260 in Raja town (Radio Tamazuj, 2012q). There is nevertheless widespread displacement in Western Bahr el Ghazal due to clashes and, as of August 2012, up to 14,000 facing serious food shortages in Timsah (Radio Tamazuj, 2012q).

Kafia Kingi was, up until 2011 and JEM's movement eastward, the central zone where the conflict in Darfur interacted with the conflict in South Sudan. It is difficult to assess the contemporary stakes of the conflict in Western Bahr el Ghazal. Certainly Kafia Kingi, with its possibilities of mineral wealth, might be a valuable resource for both countries. More importantly, however, since 2011, Western Bahr el Ghazal has taken on a renewed importance as the Darfur conflict, Sudan's other internal conflicts with the SPLM-N, and its struggles with South Sudan have increasingly become part of the same battle. In this context, the clashes in Western Bahr el Ghazal show how supply lines, migratory routes, and the people living in Kafia Kingi and Western Bahr el Ghazal all interact. It also reveals how military considerations, on both sides, can totally disrupt the lives of the people in *dar* Fertit.

III. Abyei

Overall findings:

- Following the NCP's rejection of the AUHIP's proposal for a referendum in Abyei in October 2013 in favour of a renewed attempt to divide Abyei in half, the two sides' negotiating positions are essentially the same as they were in November 2010, just before South Sudan's referendum on secession.
- While the Missiriya successfully migrated to Abyei during the 2011–12 dry season, this was due to the absence of the Ngok Dinka, who were still largely displaced in Agok, and UNISFA's success in mediating conflicts between the two sides. However, given the level of frustration in Abyei about the lack of progress in negotiations, a durable path for the Missiriya through Abyei is unlikely; the Ngok Dinka feel there should be no migration until there is a political solution to the crisis, and that is a long way off.
- Other than SAF 'oil police' at Diffra and the UNISFA peacekeeping force, the territory has been demilitarized since the May 2012 withdrawal of SAF.[109] However, repeated attempts by the SPLA, SAF, and militia groups to enter the territory underline just how tenuous the peace in Abyei is, and how easily conflict could return.

Introduction

The situation in Abyei offers a textbook example of the dangers faced by communities across the Sudan–South Sudan border as they come to terms with the implications of a new national boundary that will divide up territory whose use, prior to the first civil war, was determined by flexible grazing arrangements. In Abyei, the second civil war (1983–2005) created a devastating rift between the Ngok Dinka and the Missiriya, the two communities who claim Abyei; the GoS backed Missiriya militias from South Kordofan systematically razed Dinka settlements in the north of Abyei, creating mistrust and hostility that remain to this day.

Events since the signing of the CPA in 2005 have not improved relations. The Ngok Dinka have twice had to flee Abyei, as GoS-backed Missiriya militias burned down Abyei town. The territory's political future remains unresolved.

In Abyei, two transhumance groups that used to share grazing territory are now divided. The Ngok Dinka fear increasing political marginalization, following South Sudan's independence, while the Missiriya, who are bitterly opposed to Abyei becoming a part of South Sudan, fear losing crucial dry-season grazing for their herds. Political dynamics at the national level have consistently worsened community relations on the ground, as the GoS used Missiriya militias to destabilize the negotiating process.

As the imbrication of local political processes with national political dynamics accelerated after the signing of the CPA, both the Ngok Dinka and the Missiriya increasingly sought to use national politics to advance their respective interests. Claims to areas of secondary rights—where there are traditionally shared grazing rights—have become claims of absolute territorial control, as both the Missiriya and the Ngok Dinka have sought to maximize their authority over the territory of Abyei, making it increasingly difficult to see how the two groups will be able to continue living together, even if a political settlement on the status of the territory is found.

For now, such a settlement is a distant prospect. In the run-up to the signing of the 27 September Addis Ababa agreements, the AUHIP made a new proposal in an effort to overcome the impasse. The GoS rejected it in favor of a proposal first outlined by the AUHIP[110] in November 2010 that called for a presidential decree to divide Abyei in two. By October 2012, 15 months after South Sudan's independence, the two countries' negotiating positions were almost identical to those they took in the run-up to the referendum on secession.

A brief history of the border[111]

Abyei is a small territory nestled between Unity, Warrap, and Northern Bahr el Ghazal states in South Sudan, and the Sudanese states of South Kordofan and East Darfur. The area's primary inhabitants are the Ngok Dinka, a transhumant group that is a branch of the Padang Dinka, and part of South Sudan's larger Dinka people. In the dry season (November–April), several sections of

the Missiriya, a transhumant Arab people, traditionally pass through Abyei en route to areas of what is now South Sudan, in search of pastures for their cattle.[112]

Before the first Sudanese civil war, Missiriya grazing routes through Abyei were decided during meetings between the Ngok Dinka and the Missiriya, and would have been organized relative to a shifting set of ecological, economic, and political considerations. There would have been no absolute boundaries, but instead a changing set of routes, agreed upon by the authorities of the two groups.

In the 19th century, relations between the Missiriya and the Ngok Dinka fluctuated. During the Turkiyya (1820–55), when Sudan was under Turkish rule, Humr Missiriya allied themselves with large slave-trading firms in Bahr el Ghazal and Kordofan, and raided the Ngok Dinka for slaves. The Ngok Dinka, in turn, formed alliances with some sections of the Humr (Johnson, 2008, pp. 3–5). Following the fall of the Mahdiyya,[113] and the establishment of the Anglo-Egyptian Condominium government, some elements of the Humr began raiding the Ngok Dinka again.

In 1905, the Anglo-Egyptian Condominium transferred the territory of Arop Biong, then paramount chief of the Ngok Dinka and some of the Twic Dinka, from Bahr el Ghazal to Kordofan province, as part of an attempt to keep feuding groups within the same administrative territory so that colonial officers could deal with disputes more easily.

Just over 100 years later, the ABC was forced to revisit this decision as part of its mandate from the CPA, which required it to determine the borders of Abyei (defined as the nine Ngok Dinka chiefdoms transferred to Kordofan) as they were in 1905.

Unfortunately, maps of the period do not show the area transferred to Kordofan, and those maps that do exist reveal confusion about the rivers that run through Abyei; the ABC had to determine the territory's borders based on an uncertain and fragmentary documentary record (ABC, 2005, p. 4).

Abyei continued to be a part of Kordofan until independence in 1956. It was very lightly administered under the Anglo-Egyptian Condominium government. A positive relationship between some elements of the Humr and the Ngok Dinka had begun after the former group took refuge with the Ngok Dinka against the Mahdist state in the late 19th century. In the 20th century, this positive

relationship led Kwol Arop and Deng Majok—the son and grandson of Arop Biong—to allow the Humr to expand their grazing routes south through Abyei. This history indicates the possibility, given the right political circumstances, for Missiriya and Ngok Dinka coexistence, and demonstrates that 'traditional rights' are not constituted outside of broader political dynamics, but are co-constitutive of them.

Relations between the two groups began to worsen during the first Sudanese civil war (1955–72), as the Missiriya were recruited into government militias, and the Ngok Dinka became some of the first members of the Anyanya rebel movement, a precursor to the SPLM. This period saw one of the worst massacres in Abyei's history, when 72 Ngok Dinka civilians were burned alive at Babanusa in 1965 (Deng, 1995, p. 292). People in Abyei still recall this incident, and it is indicative of the long history of antagonism that is one of the many hurdles to a productive relationship being established between the two groups.[114]

As clashes increased during the first civil war, the lines between the two groups hardened, with members of the Missiriya first laying claim to the entirety of Abyei in 1966.[115] The end of the war did little to reduce the growing gap between the two communities.

The Addis Ababa agreement of 1972, which brought an end to the first civil war, promised the Ngok Dinka a referendum on whether they wanted to be incorporated into a new Southern Region (Addis Ababa agreement, 1972, clause 3(c)). This provision worried the Missiriya, who were under pressure in South Kordofan from expansive Sudanese agricultural projects. Changes in rainfall patterns had also altered their traditional grazing land, making them more reliant on Southern dry-season pastures (Keen, 1994, pp. 60–62). The Missiriya felt that if Abyei joined a Southern Region, with a Ngok Dinka administration, they would lose crucial grazing land permanently.

Before the second civil war broke out, the Missiriya tried to take preventative action. They organized themselves into *murahaliin* militias[116] and attacked Ngok Dinka settlements in the north of Abyei. These attacks were not traditional raids, which are normally done at the end of the dry season when Missiriya pastoralists take their herds back north and attempt to acquire extra livestock. Instead, these raids focused on destroying settlements and attacking the civilian population; they were designed to secure Abyei for the Missiriya alone (de Waal, 1993).

The attacks intensified during the second civil war (1983–2005) as the Sudanese government began supporting the militias. After the discovery of oil in Abyei in the late 1970s, the militias were used in the north of the territory to remove Ngok Dinka settlements and open up a path for the exploitation of oil reserves. In the 1980s, international aid agencies inadvertently assisted in this strategy by helping to settle Missiriya on Ngok Dinka territory (Johnson, 2010b, p. 36). Bashir then formalized some of these militias as the PDF in November 1989 (Salmon, 2007, p. 12). The raids, which focused on destroying cattle and buildings, and displacing or killing civilian Ngok Dinka, continued throughout the second civil war.[117]

The Abyei Protocol was only agreed after all the main issues of the CPA were resolved. Indeed, Abyei was such a controversial issue in 2005 that, rather than the SPLM/A and the GoS jointly composing the protocol (the procedure for the rest of the agreement), an American team drafted it in an effort to break the deadlock. A constellation of factors was responsible for the impasse, including the GoS' determination to hold onto the oil reserves in and around Abyei, and its fear of alienating the Missiriya, an important constituency for the NCP. The Ngok Dinka, equally, are an important constituency for the SPLM, and giving up Abyei would have also meant abandoning one of the territories over which there had been some of the bitterest fighting during the second civil war.[118] The Abyei Protocol managed to placate both groups—it defined the territory of Abyei as being that of the Ngok Dinka, which appeased the SPLM, but it did not delimit the territory, leaving open the possibility that the oil fields of Hejlij and Diffra could still be placed within South Kordofan, and remain under GoS control.

The Abyei Protocol tasked the ABC with delimiting the borders of Abyei, 'defined as the area of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905' (Abyei Protocol, 2005, clause 1.1.2).[119] The ABC consulted historical evidence, and took oral testimony from the Missiriya and the Ngok Dinka. The Missiriya claimed their territory extended south of the River Kiir, while the Ngok Dinka said the boundary between themselves and the Missiriya should run just below Muglad (ABC, 2005, Proposition 1, p. 12).

The fragmentary historical record, and the wide divergence between the two parties, made the ABC's task almost impossible. Both the NCP and the Missiriya

rejected the report when it was released. The NCP said the ABC had not simply demarcated the historical boundaries of Abyei, as it was solely mandated to do.[120] Underlying this objection was the placement of Hejlij and Diffra within Abyei, threatening NCP control of crucial oil reserves.

The Missiriya felt marginalized by the whole process, and claimed their views had been ignored by the ABC and the NCP, whose position had been that the River Kiir was the boundary between Kordofan and Bahr el Ghazal provinces. The NCP wanted to ensure Hejlij and Diffra would remain in South Kordofan, but its position did not attempt to get Missiriya the control they wanted over more southerly grazing in Abyei. The NCP had dominated the oral hearings and threatened Mukhtar Babu Nimr, a Missiriya leader, with dismissal from his position if he opposed the government's claims (Johnson, 2008, p. 10). For the Missiriya, the ABC report constituted the latest in a series of decisions that pushed them away from much-needed grazing land.

After the ABC decision, no progress was made in demarcating Abyei's boundaries; the demarcation team was forced to stop its work following threats of physical violence, and tensions continued to rise in the area. In May 2008, after clashes between the SPLA and SAF contingents of a JIU (Craze, 2011, pp. 54–55), a wider conflict erupted in which Abyei town was burned down and more than 60,000 inhabitants fled.[121]

In June 2008, just after the violence in Abyei, the NCP and SPLM drew up the Abyei Roadmap, which said any dispute over the ABC report should be taken to the PCA in The Hague.

Following a difficult arbitration at The Hague, on 22 July 2009, the PCA determined that the ABC had exceeded its mandate, and reduced the overall size of Abyei, focusing the territory on the areas of contemporary Ngok Dinka settlement. In what was widely seen as a sop to the NCP, the oil-producing areas of the northeast—Hejlij—were placed outside the boundaries of Abyei (PCA, 2009, pp. 207–08).[122]

The NCP and the SPLM agreed to be bound by the ruling, but the Missiriya rejected it, saying they were not properly consulted. There is a great deal of truth in the Missiriya claims. The GoS and the SPLM were the only two parties officially represented at the PCA, and Missiriya consultations during the ABC hearings were limited due to NCP pressure. On 5 October 2009, a Missiriya

congress publically rejected the PCA decision, and warned that it would use all available means to prevent the demarcation of the border.[123] As of December 2012, apart from four of the planned 26 beacons placed in the south of the territory, Abyei has not been demarcated.[124]

However, the actual boundaries of Abyei are no longer a direct object of contestation between the two countries. The GoS' recent revival of a November 2010 AUHIP proposal to divide Abyei does not affect the borders of the area, but merely splits the sovereignty of an already delimited—if not demarcated—territory. In part, the lack of concern over the actual border is because the boundaries of Abyei do not interest the Missiriya. For the Missiriya, the precise boundaries are less important than the way political changes associated with the borders will affect their lives. The Missiriya fear that, if Abyei is firmly demarcated and then decides to join South Sudan, the territory, and the grazing areas they need, will be out of their reach. While the Abyei Protocol decrees (clause 1.1.3) that the 'Miss[i]riya and other nomadic peoples retain their traditional rights to graze cattle and move across the territory of Abyei', the Missiriya are distrustful: since 2005, they have been systematically blocked from entering the territory and increasingly taxed whe they do. In these circumstances, it is not surprising that many Missiriya will use violence to prevent Abyei from joining South Sudan.

The Abyei Protocol of the CPA, like the 1972 Addis Ababa agreement, promised the people of Abyei a referendum on the territory's future. This was to have been held concurrently with the South Sudanese referendum on secession, and was to have presented a choice between joining what was to become the state of South Sudan, and remaining a part of what is now South Kordofan. In the Abyei Protocol (2005, clause 6.1), voting rights in this referendum were to be given to residents, defined as: 'The Members of the Ngok Dinka community, and other Sudanese residing in the area'. The criteria for evaluating residency were supposed to have been laid down by the Abyei Referendum Commission (ARC). The Abyei Referendum Act (ARA), which was passed into law in December 2009, should have led to the establishment of this commission, but there was disagreement about its composition, with the NCP vetoing all the nominees put forward by the SPLM.

At the heart of the failure to hold the referendum was a debate about who was eligible to vote. The SPLM and the Abyei Area Administration (AAA) held that residency must refer to the permanent occupancy of land, and thus only applied to the Ngok Dinka, who were already guaranteed the right to vote under the CPA, and other permanent residents, mainly the Darfuri and Sudanese merchants in Abyei town. 'The Missiriya', an SPLA spokesperson said, 'have the right to graze cows here, but no right to vote. '[125] Other positions advanced by members of the Ngok Dinka community included the claim, made by Deng Alor Kuol, then chief administrator in the AAA, that the Missiriya could not simultaneously be residents of South Kordofan and of Abyei, and that nomads, properly speaking, are not resident anywhere. There was a sense that, if the Missiriya were to vote, then the NCP would push all of the Missiriya into Abyei—the Missiriya constituting a far greater population than those who pass through Abyei—and thus tip the referendum in favour of remaining within Sudan.

In turn, the Missiriya feared that a referendum without their participation would result in Abyei joining a newly independent South Sudan. They said they should be allowed to vote given that they spent six months a year in Abyei.[126] The NCP held a similar position for different reasons. On 31 March 2011, Bashir told the press in Doha that 'there will be no referendum on Abyei without the Missiriya' (Middle East Online, 2011). Just as the NCP claimed that it was open to negotiation about Abyei's borders, and indicated that the borders should be redrawn in line with the AUHIP proposal, it also said it was open to the possibility of holding a referendum in Abyei as long as the Missiriya participated. The party knows that the SPLM will refuse both proposals. This strategy allows the NCP to position itself as open to the process of a referendum, while in reality ruling out a referendum as a political possibility.

Negotiations in Addis Ababa in October and November 2010 made it clear that the referendum was not going to take place as scheduled. Tensions mounted in the weeks ahead of the vote on Southern secession. Missiriya militia attacked Maker, 15 km north-west of Abyei town, on 7 January 2011, just two days before the referendum. Over the next three months, the Ngok Dinka community endured a series of militia attacks, which displaced people southwards, leaving Missiriya forces in control of the north of Abyei.[127]

The NCP blamed these attacks on errant Missiriya militias over which it said it had no control (SUNA, 2011). However, eyewitnesses said they saw SAF uniforms and vehicles, and UNMIS officials privately confirmed that SAF military helicopters were used to evacuate casualties.[128] The attacks mirrored those carried out during the second civil war: civilians were targeted, as were schools, cattle byres, and homesteads. The assaults were not directed at military positions but rather aimed to eliminate the possibility of Ngok Dinka habitation in Abyei, and establish *de facto* control of the north of Abyei. These attacks opened up the possibility of Missiriya settlement, just as, during the second civil war, 'the displaced Dinka population in the Abyei Area was often replaced by Humr Missiriya' (Johnson, 2010b, p. 36). As later events made clear, however, the attacks also served to clear Abyei police positions before a final invasion.[129]

The excuse SAF needed for the final assault was provided on 19 May 2011. Following a series of stand-offs between JIU units, a SAF JIU with an UNMIS escort appeared to come under fire near Dokura. There are conflicting versions of what actually happened but the SAF invasion that was to follow appeared pre-planned, with the events of 19 May acting as a trigger rather than the cause (Craze, 2011, p. 41). On Friday, 20 May, Antonov transport planes bombed Todac, Alel, and Mabok, while ground troops, heavy artillery, and tanks moved south, quickly over-running Abyei police positions. By 10.30 p.m. on 21 May, UNMIS said there were 15 SAF tanks in Abyei. Early on 22 May, Missiriya militias and NCP-backed PDF militia moved into Abyei town and began looting and razing houses, killing the remaining residents, while SAF forces in the town stood by. By Tuesday 24 May, SAF had advanced up to the River Kiir, south of Abyei, and there were no Abyei police or SPLA forces left within Abyei. The military occupation completed what the militia attacks had started in January, and gave the NCP control of Abyei as a basis for future negotiations.

One month after the invasion, the SPLM and the GoS signed the 20 June Addis Ababa agreement. It committed both sides to establish a new AAA and withdraw all military forces from Abyei. Shortly afterwards, on 27 June 2011, the UNSC passed Resolution 1990, authorizing the establishment of UNISFA, which was to be the sole body tasked with providing security in the Abyei area, alongside a new police force.[130]

Over the course of the next year, the GoS stonewalled the 20 June agreement, insisting that SAF troops were providing necessary security in the area, and would only be withdrawn upon the full deployment of the Ethiopian UNISFA force. That force was relatively slow to deploy, in part for administrative reasons, and in part because of the difficult conditions in Abyei. International pressure on the GoS continued throughout the year, with the UNSC releasing a statement on 4 November that 'deplored the failure' of both sides to withdraw forces from Abyei. The statement said that, under the terms of the 20 June Agreement, there 'were no-preconditions for the implementation of the agreements signed by the parties, including the withdrawal of forces'.

Over the course of the year, frustration rose among the Ngok Dinka as the UNISFA force presided over an empty landscape populated only by SAF soldiers. Nothing was done to establish a new administration, leaving Abyei with a military command structure. The 20 June Agreement stated that '[t]he Parties shall constitute a committee to nominate and agree on the Abyei Area Administration including the Chief Administrator and Deputy Chief Administrator, by 22 June 2011'. But there was no agreement on the composition of the new AAA during the occupation, with Ngok Dinka leaders saying that the Sudanese government was not nominating people from Abyei, or even Missiriya, but instead nominating NCP members from Khartoum.

UNISFA did successfully manage the Missiriya migration. Amid the intensifying clashes around the time of the Southern Sudanese referendum, the 2010–11 grazing season marked the first time in living memory that the Missiriya had not managed to get to the River Kiir. From 2005–10, the Missiriya found their grazing routes into South Sudan increasingly fraught; high tax rates from the SPLA, and tensions over the possession of small arms, meant that many smaller herders could not afford to travel south (Pantuliano et al., 2009, p. 25). During the 2011–12 grazing season, in contrast, the Missiriya passed down to the River Kiir without problems. Indeed, the season started early, with UNISFA reporting the presence of Missiriya herders above Abyei town around the beginning of December 2011. During the migration, UNISFA successfully diffused tensions between the remaining Ngok Dinka in Abyei and the Missiriya pastoralists.

As the occupation continued, so did the negotiations in Addis Ababa, to little effect. Sudan persisted in saying Abyei was part of Sudan, and rebuffed a series

of South Sudanese offers to settle the issue. As the negotiations stalled, the situation changed because of military developments elsewhere.

Current political dynamics

At the end of March 2012, fighting erupted around Hejlij, the disputed oil-producing area that the GoS considers part of South Kordofan, and that South Sudan claims as part of Unity state.[131] The SPLA said it was responding to Sudanese air and ground attacks on Unity state, and chased SAF back to Hejlij. SAF said the attack was unprovoked but that claim is difficult to sustain given continual Sudanese air bombardment of positions in Unity in the weeks leading up to the attack. The actual impetus behind the capture of Hejlij is still unclear. JEM fighters were certainly involved, although it is not clear just how coordinated they were with the SPLA; several SPLA and SPLM-N fighters said JEM led the attack, with the SPLA joining afterwards. This would tally with JEM's attacking strategy, which involves lightning-fast raids in Toyota Land Cruisers.[132] The SPLA and JEM temporarily took possession of Hejlij, forcing SAF into a retreat.

There was widespread international condemnation of the attack, and possible sanctions were discussed at the UNSC. South Sudan's initial position was that Hejlij—like Kafia Kingi, Abyei, and other contested areas along the border—does not have a settled legal status, and its occupation was thus not a violation of Sudanese national sovereignty. Given the breakdown in negotiations in the months leading up to the assault, the SPLA seemed to be trying to achieve militarily what it could not achieve during talks: the establishment of what it considers to be the 1956 border.

Sudan used a similar strategy during its occupation of Abyei: a physical occupation with the possibility of legal recognition of the facts on the ground at a later date, and a vastly strengthened hand at the negotiating table.

On 20 April, following clashes along the Sudan–South Sudan border, the SPLA said it was withdrawing from Hejlij. The exact reasons for the withdrawal are still unclear; it is likely the result of a mixture of diplomatic pressure and extensive military losses following a heavy bombing campaign by SAF. Despite the international condemnation, the occupation played an important diplomatic

role for South Sudan. It focused international attention on the disputed nature of the territory,[133] and brought SAF's occupation of Abyei back into the limelight. The SPLM had long been frustrated with what it saw as a policy of moral equivalency on the part of the international community, in which both Sudan and South Sudan were equally condemned for problems along the border. South Sudan felt, certainly in the case of Abyei, that while it had withdrawn its troops in line with the 20 June Agreement, SAF was still occupying the territory. In one sense then the occupation of Hejlij can be read as a move towards a genuine moral equivalency, in which both sides occupy territory illegally.

UNSC Resolution 2046, passed on 2 May in response to the clashes along the border, called for an immediate cessation of hostilities, and demanded that both sides remove their forces from Abyei, and resume talks within two weeks, under threat of sanctions. South Sudan responded by withdrawing its police force; UNISFA confirmed that 700 South Sudan Police Service (SSPS) members had withdrawn from Abyei by 10 May. The withdrawal was intended to further focus international attention on SAF's continued occupation of Abyei. On 17 May, a day after the deadline for the forces of both countries to redeploy outside of Abyei, the UNSC issued a strongly worded statement demanding that Sudan immediately and unconditionally withdraw its troops. Finally, on 30 May, just over a year after SAF occupied Abyei, almost all of its troops withdrew.

The May 2011 invasion of Abyei displaced 110,000 people. While some fled deeper into South Sudan, primarily into Warrap state, the majority settled in Agok, just south of the Kiir, which also became the base for the now-exiled AAA, and the centre for humanitarian relief efforts. As the year unfolded, many Ngok Dinka started to make cautious trips back into Abyei, to survey the damage done to their property. By April 2012, UNISFA said there were 5,100 returnees in Abyei, although it was not clear whether they had moved back permanently. During this period, people in Agok said they were afraid to return because of landmines, the presence of SAF, and the absence of food and infrastructure.[134] NGO workers have questioned the accuracy of UNISFA's reporting: in practice, UNISFA has interpreted its mandate to include assisting in the return of the displaced Ngok Dinka. It has provided transport for their return, but the actual mandate provided by UNSC Resolutions 1990 and 2024 does not specifically charge them with this duty.

The rate of returns sped up after the withdrawal of SAF from the Abyei area. However, during June and July, most of the displaced population remained in Agok. In part, this was due to continuing uncertainty about Abyei's political future. But the rainy season also increased the Ngok Dinka's reluctance to return. Without crops in the ground, and with almost no health services and infrastructure, sustaining life in Abyei would have been very difficult.

The International Organization for Migration (IOM) completed a comprehensive survey of returnees in July–September 2012. In July, the report recorded 10,757 individuals present in 47 villages. At the end of August and the beginning of September, IOM returned to 20 of these villages and found that up to 84% of the initially registered population had remained, indicating that the Ngok Dinka are not simply going back to inspect their property. Since the rainy season ended in November the pace of returns to the Abyei area has picked up.

On 3 October, international NGOs and UN agencies met to discuss how humanitarian aid would be supplied to the Ngok Dinka and Missiriya during the dry season. In the meeting, it was said that approximately 75,000 Ngok Dinka would be living in Abyei by June 2013.[135] One of the reasons international NGOs have been slow to expand operations to Abyei is because they do not wish to create a 'pull factor' that would encourage people to resettle in Abyei. NGO workers say that, while they did not want to aid a Missiriya occupation of the north of Abyei, they also did not want to contribute to a Southern reoccupation.[136] While aid workers concede that it might be politically important for the SPLM to move people back into Abyei as quickly as possible, they said that given the existing infrastructural provisions in Agok it made sense at this time for people to stay there. NGO workers also say that, until a local administration is established, it will be very difficult to coordinate the supply of humanitarian aid in the territory.

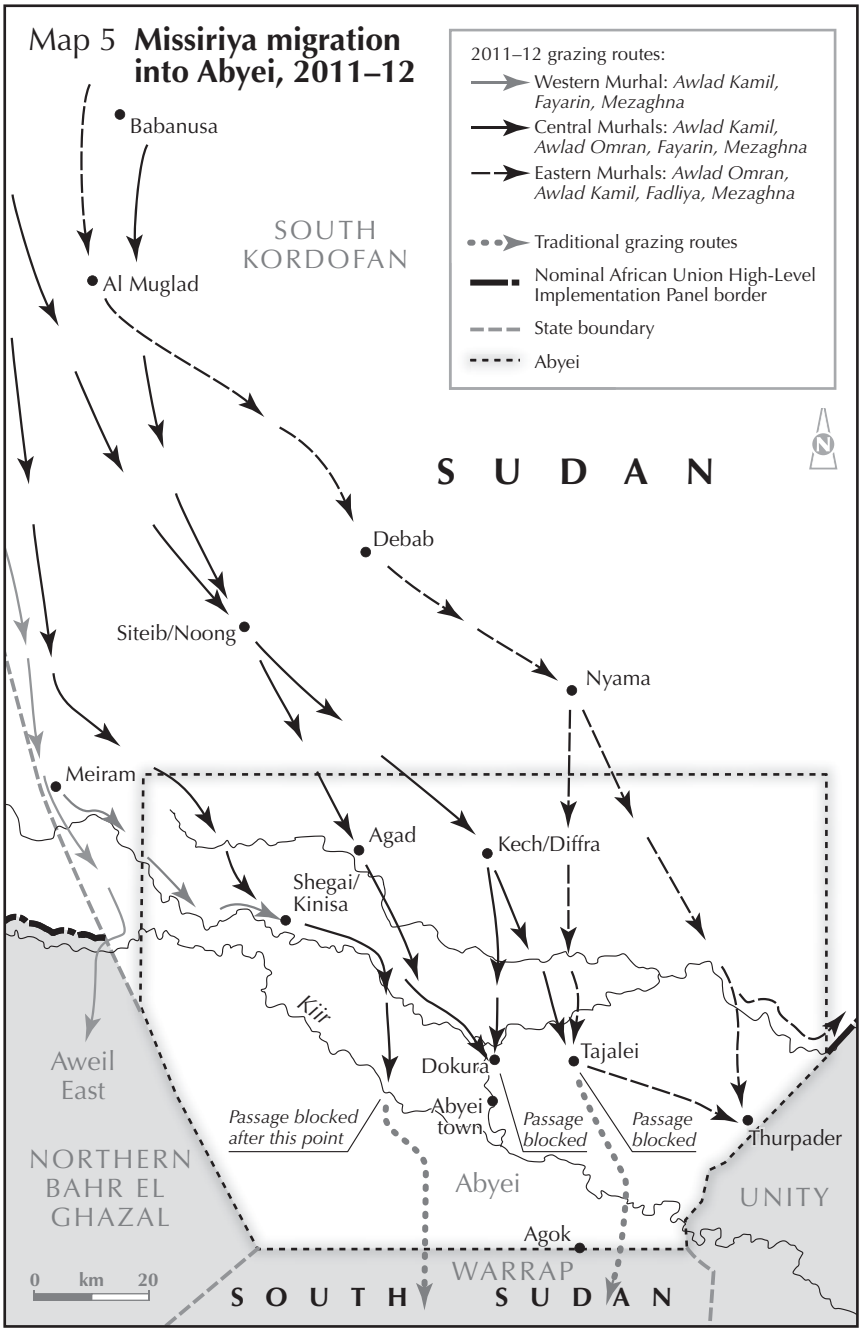
NGO workers involved in Abyei during June and July 2012 also said they were blocked several times from helping the Missiriya. On one occasion, the former AAA turned back an exploratory trip to meet the Missiriya in the north of Abyei; the former administration, it seemed, feared that the provision of humanitarian assistance to the Missiriya would encourage them to stay. NGO workers have also been blocked from undertaking exploratory missions to the

north by the Sudanese government, in part because the supply of aid would lessen Missiriya dependence on the NCP, and partly because of NCP suspicions that international NGOs would have intentions other than delivering relief, such as information gathering.[137]

NGOs' reluctance to be used as a 'pull factor' ignores the real desire on the part of many Ngok Dinka to return to Abyei as quickly as possible. Over the next few years, with or without the provision of humanitarian aid, much of the Ngok Dinka population will move back to Abyei. The next great challenge for Abyei will be dealing with the simultaneous return of two populations—the returnees, and the Missiriya, looking for dry season grazing.

UNISFA handled the 2011–12 migratory season relatively successfully (see Map 5), with only 600 Ngok Dinka cattle and 127 Missiriya cattle reported stolen (UNISFA recovered 167 of the cattle). Most of the Missiriya raids occurred in May 2012, suggesting they are traditional cattle raids rather than part of a more expansive raiding pattern, as was the case during the second civil war. UNISFA also successfully intervened twice in February 2012 to defuse tensions around Cwein, where Missiriya herders attempted to move their livestock without authorization from the joint security committee appointed to oversee the migration. Recent tensions again show the difficulties UNISFA will face in the 2012–13 grazing season. On 24 October, the SPLM said Missiriya herders stole 108 cattle from the Ngok Dinka outside Dokura, just 10 km from Abyei town (*Sudan Tribune*, 2012n).

At initial UNISFA planning meetings in October 2012 (see Map 6), the force said it would attempt to set up a zone between the Ngok Dinka returnees and the Missiriya to prevent conflict. This would involve creating migration corridors in the west into Warrap state, and in the east into Unity state. Those Missiriya who traditionally move through the central corridor would be funnelled into the eastern corridor to avoid most of the returnees' villages and Abyei town. The strategy's success will be conditional on the Missiriya being able to negotiate satisfactory conditions of entry into Warrap and Unity, otherwise they will not be able to find sufficient grazing, especially in the now overpopulated eastern corridor. Continuing tension over whether the Missiriya can bring firearms with them when they migrate, and hostility from local populations, will make it difficult for the Missiriya to enter Unity state.[138] That these


Map 5 Missiriya migration into Abyei, 2011–12
2011–12 grazing routes:
Western Murhal: Awlad Kamil, Fayarin, Mezaghna
Central Murhals: Awlad Kamil, Awlad Omran, Fayarin, Mezaghna
Eastern Murhals: Awlad Omran, Awlad Kamil, Fadliya, Mezaghna
Traditional grazing routes
Nominal African Union High-Level Implementation Panel border
State boundary
Abyei
N
SUDAN
SOUTH KORDOFAN
Babanusa
Al Muglad
Debab
Siteib/Noong
Nyama
Meiram
Agad
Kech/Diffra
Shegai/ Kinisa
Kiir
Aweil East
Dokura
Tajalei
Abyei town
Passage blocked after this point
Passage blocked
Passage blocked
Thurpader
NORTHERN BAHR EL GHAZAL
Abyei
UNITY
Agok
WARRAP
0 km 20
SOUTH SUDAN

issues were not addressed caused further tension during the 2012–13 grazing season, as the Missiriya pressed into UNISFA's buffer zone.

Since its establishment, UNISFA has also been able to handle military challenges within Abyei. On 26 May, just before SAF's withdrawal from Abyei, 700–800 SSLA members entered Abyei from Ral al Jamus in South Kordofan before taking up positions around Kadama, just to the east of Abyei.[139] UNISFA managed to successfully negotiate with the GoS and the SSLA fighters, equipped with heavy machine guns, anti-aircraft guns, and rocket launchers, who then withdrew from Abyei. On 13 September, as negotiations in Addis Ababa were ongoing, SAF deployed to Abu Ajela, south of Nyama and just 3.5 km from the PCA-delimited borders of Abyei. SAF withdrew after UNISFA's intervention.

While UNMIS-Abyei was heavily criticized for not intervening in either the May 2008 violence in Abyei town, or the May 2011 invasion[140]—when one UN diplomat described the performance of the Zambian peacekeepers as 'pathetic' (*Guardian*, 2011)—UNISFA's overall performance to date suggests it can maintain security in Abyei in low-intensity situations such as those it confronted in 2011 and 2012. Initially, the Ngok Dinka community had little confidence in UNISFA—especially as soldiers were given an initial briefing in Kadugli, which the Ngok Dinka took to be evidence of the sway the GoS would have over the peacekeepers—but the force's recent performance, and its relatively robust Chapter VII mandate, have created a degree of faith in its ability to secure the territory. Whether UNISFA would be willing and able to successfully repel a full invasion is uncertain, but it has the mandate to do so.

As more returnees come back to Abyei, and Missiriya migrants move into the territory, the absence of a functional administration will be felt more strongly. Under the 20 June Agreement (clause I. 4.), an AAA—composed of a chief administrator, a deputy chief administrator, and five heads of department—is to be created, along with an Abyei Area Council (AAC) whose 'Chairperson shall be elected by the members of the Council from a list of three (3) persons nominated by the GoS' (clause I.8.). As of July 2013, 25 months after the signing of the agreement, there was still an impasse over the composition of the administration. According to Ngok Dinka community leaders, the GoS informally agreed to nominate a member of the Ngok Dinka community for the position of council chairperson.[141]

However, unlike the 2008 Abyei Roadmap, which specifies that administrative nominees must be chosen from among residents of the Abyei area (clause 3.4.), the 20 June Agreement does not specify that either the AAC or the AAA must be chosen from residents of Abyei. It says the AAC shall 'continue to be composed of twenty members consistent with the Abyei protocol' (clause I.8.). In 2005, the Abyei Protocol initially envisioned elections for the AAC and the AAA, prior to a postulated referendum in 2011 (clauses 2.2. and 4.2.). These elections were never held, due to continuing disagreements over how to determine who lived in Abyei. Prior to these elections, the Abyei Protocol states, administrative posts would be determined by the presidency of the Government of National Unity (GNU). The GoS is correct to point out that it had no legal obligation to nominate either a Ngok Dinka or a Missiriya for the position of council chairperson. It also denies the existence of an informal agreement. South Sudan continually refused to accept NCP nominations for the post of council chairperson, saying the nominees were members of the NCP, based in Khartoum, and not residents of the region.

The GoS viewed the previous administration, under the direction of Chief Administrator Deng Arop Kuol, as extremely pro-South, and seems determined not to let another such administration run Abyei. Moreover, nominating candidates that it knows will be rejected is a tool to stall negotiations more generally. In the run-up to the May 2012 withdrawal, the NCP attempted to tie the SAF withdrawal to the establishment of the administration. With the GoS' September 2012 letter to the AUHIP, refusing its proposal, the government tied any future political resolution of the crisis in Abyei to the establishment of the administration.

Finally, the continued absence of the administration provides a justification for the presence of SAF troops around Diffra. As of July 2013, despite repeated international condemnation, and in violation of the 20 June Agreement and UNSC Resolutions 1990 and 2046, Sudan still retains around 150 troops as oil police. In May 2012, following the primary SAF withdrawal, Al Sawarmi Khalid, SAF's spokesman, said that these forces would not be withdrawn until an Abyei area police force had been established. The 20 June Agreement says the Abyei Joint Oversight Committee (AJOC) should establish an Abyei Police service.[142] However, Al Khair Al Fahim, the Sudanese co-chair of AJOC, has insisted that

both the police service and the entire administration should be established at the same time, thus blocking the creation of a police force, and ensuring that SAF forces at Diffra have a justification for remaining in position.

While NCP intransigence fulfils multiple functions, the SPLM finds itself stymied. The Ngok Dinka are increasingly angry with the SPLM, which many feel abandoned them during negotiations over the 27 September Addis Ababa agreements. For the SPLM, this meant that agreeing to NCP demands to place an Arab from Khartoum at the head of the legislative council was politically very difficult.

The absence of a political administration complicated the return of the Ngok Dinka. On 26 June, Luka Biong Deng, the South Sudanese co-chair of AJOC, instructed the civil servants of the previous AAA to return to Abyei town to create appropriate administrative structures for the return. The GoS seized on this to accuse South Sudan of sending the former AAA back into the territory. However, interviews in June and July 2012 with members of the former AAA, now resident in Juba, made clear that only civil servants and not the political administration—called the executive council in the 20 June Agreement—were sent back to Abyei.[143] On 16 August, the GoS sent a letter to UNISFA, informing them that the Abyei Area Executive Committee was going to be sent back to the territory. The GoS formed this committee following SAF's May 2011 invasion, and it is not viewed as legitimate by the Ngok Dinka. This administration's return would have inflamed the situation. On 26 August, following discussions between the co-chairs of the AJOC, the Sudanese government backed down, and decided not to send the committee to Abyei. It is uncertain whether Sudan ever intended to follow through on its promise. It is clear, however, that the row over the two rival administrations led to the cancellation of the AJOC meeting on 10 September and sowed further uncertainty in an already fragile political landscape.

The first real change in this situation occurred after the PSC issued a statement on 24 October calling for the immediate creation of an administration in Abyei, and endorsing a September AUHIP proposal (discussed in detail below). What is important to note here is that the NCP's reaction to the PSC communiqué was to refuse its six week-deadline for an agreement on Abyei. The SPLM became increasingly convinced that dialogue between the two countries was now useless, and that international mediation was the best way to get a referendum in Abyei.

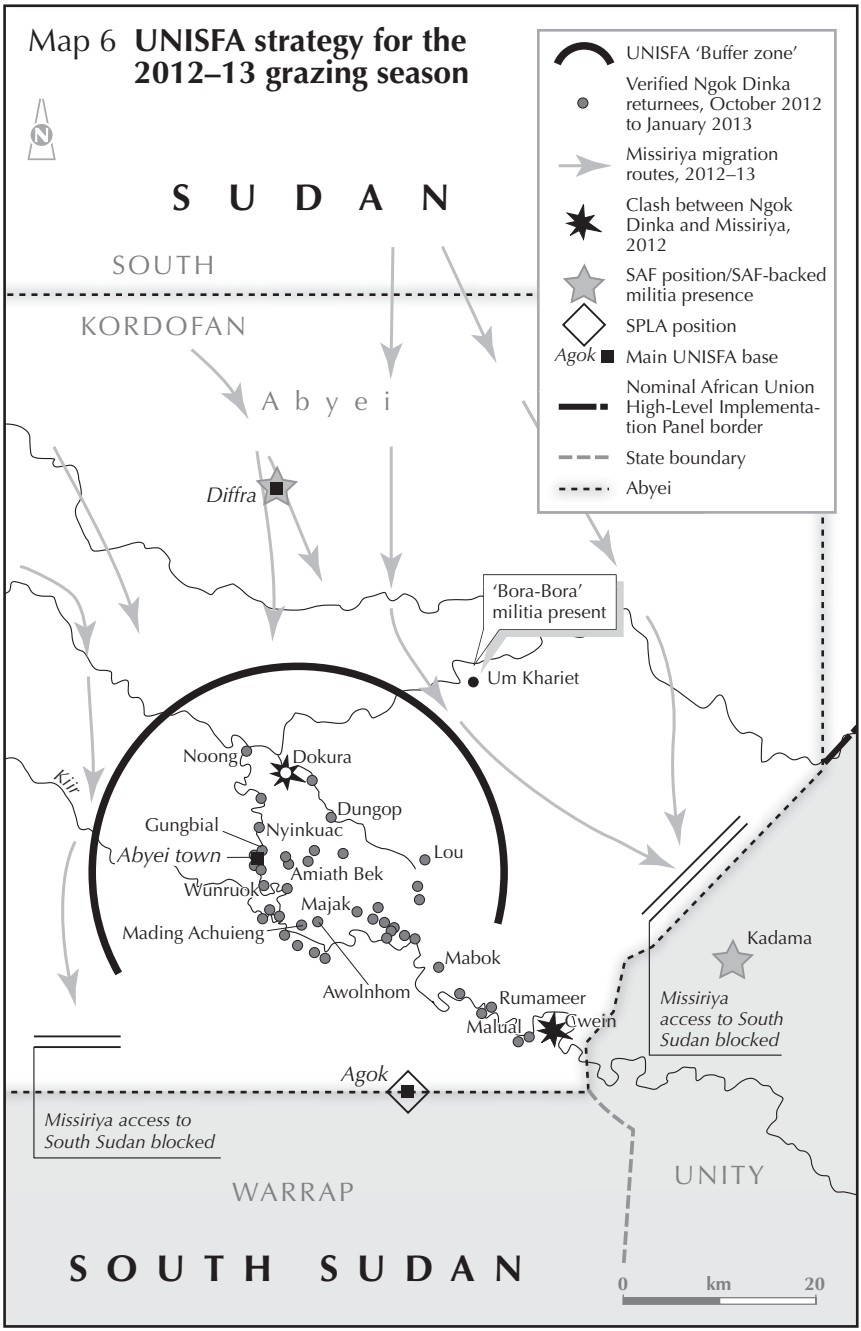
Part of their strategy has been to remove as many of the NCP's means of stalling the negotiating process as possible.

On 9 November 2012, President Salva Kiir finally authorized the establishment of an interim Abyei AAA and AAC. In a statement on 9 November, Biong Deng said this would be a 'bitter pill' for the Ngok Dinka, who might have to accept a Missiriya as AAC chairperson, but that it was a necessary decision, for the SPLM needed 'to seal off [the] delaying tactics of the government of Khartoum'. The two lists of nominees were to be confirmed at the 7th meeting of the AJOC on 22 November, in line with lists of nominees first circulated by both sides in June and July 2011. However, the GoS cancelled the meeting, saying it needed more time to prepare its list of nominees. Finally, on 16 December, South Sudan said it had received and accepted an NCP list of nominations for a series of positions in the joint interim administration in Abyei. The administration, if it becomes functional, should allow for better management of migration and returns.

The 2012–13 migratory season was largely peaceful. UNISFA created a buffer zone around the main Ngok Dinka areas in the centre of Abyei (see Map 6), and attempted to force the Missiriya into the eastern and western corridors. However, many of the Missiriya have nonetheless tried to take the central corridor, due to a shortage of water and grazing land. This resulted in a series of clashes between the Ngok Dinka and the Missiriya in Tajalei, Noong, and Dokura, among other locations, from February to June 2013.

One of the central reasons UNISFA's strategy has led to clashes is that the efficacy of the buffer zone is predicated on Missiriya access to South Sudan, without which Missiriya in the eastern corridor will not have access to sufficient grazing land. But during the 2012–13 grazing season, Warrap and Unity states refused to allow the Missiriya passage into South Sudan, and migrants complained of SPLA harassment.

Tension between the Ngok Dinka and Missiriya in 2012 is indicative of the level of enmity felt by the two communities. On 12 November 2012, for instance, a group of Missiriya leaders entered Abyei town hoping to meet members of UNISFA, who had not received advanced notice of the visit. Ngok Dinka anger towards the Missiriya—whom they hold at least partially responsible for preventing Abyei's referendum—boiled over, with Ngok Dinka youths stoning the


Map 6 UNISFA strategy for the 2012–13 grazing season
UNISFA 'Buffer zone'
Verified Ngok Dinka returnees, October 2012 to January 2013
Missiriya migration routes, 2012–13
Clash between Ngok Dinka and Missiriya, 2012
SAF position/SAF-backed militia presence
SPLA position
Agok Main UNISFA base
Nominal African Union High-Level Implementation Panel border
State boundary
Abyei
S U D A N
SOUTH KORDOFAN
A b y e i
Diffra
'Bora-Bora' militia present
Um Khariet
Noong
Dokura
Kiir
Dungop
Gungbial
Nyinkuac
Abyei town
Lou
Amiath Bek
Wunruok
Majak
Mading Achueing
Mabok
Awolnhom
Rumameer
Malual
Gwein
Kadama
Missiriya access to South Sudan blocked
Agok
Missiriya access to South Sudan blocked
WARRAP
UNITY
S O U T H S U D A N
0 km 20

mosque in which the Missiriya leaders were staying. As UNISFA attempted to restore calm, one UNISFA employee, who was among the youths stoning the Missiriya leaders, was accidentally killed. Following negotiations between UNISFA, Missiriya leaders, and the Ngok Dinka, the Missiriya leaders withdrew from Abyei town along the Diffra road.

Armed actors

As of July 2013, both SAF and the SPLA have withdrawn from Abyei, with the exception of a small force of oil police stationed at Diffra. The GoS said it would withdraw this force would when the AAA was fully established. In theory, given that the NCP nominations have been accepted, this force should be withdrawn.

The UNISFA presence in Abyei is now at full strength, with three battalions amounting to 3,974 troops as of 1 December 2012. The 3rd Battalion is based in Agok, south of Abyei proper; the 4th Battalion is based in Abyei town; and the 5th Battalion is based at Diffra, and covers the northern part of Abyei. UNISFA also maintains a quick reaction force. UNISFA currently carries out around 85 patrols a day, but it intends to increase that number now the dry season has begun with the arrival of Missiriya in Abyei. State and non-state forces have tried to cross into Abyei on a number of occassions. During the border conflict over Hejlij, between 13 and 29 April, both SPLA and SAF attempted to enter the Abyei area, and withdrew only after negotiations between UNISFA and the respective political groups responsible for the military units.

On 26 May 2012, a force of 700–800 SSLA entered Abyei from South Kordofan, moving through Dumboloya to Kadama, just east of Abyei. The force had more than 60 vehicles, and was armed with heavy machine guns, an anti-aircraft gun, and rocket launchers. After UNISFA engaged with the GoS, the force withdrew to South Kordofan.

On 13 September 2012, a SAF battalion deployed south of Nyama, just over 3 km from the Abyei border, and remained there until UNISFA asked them to withdraw.

None of these incursions seemed designed to occupy Abyei. Rather, the ready presence of military forces, in the case of the incursions by SAF and the SSLA, was designed to put pressure on negotiations, and sow uncertainty in the civilian population.

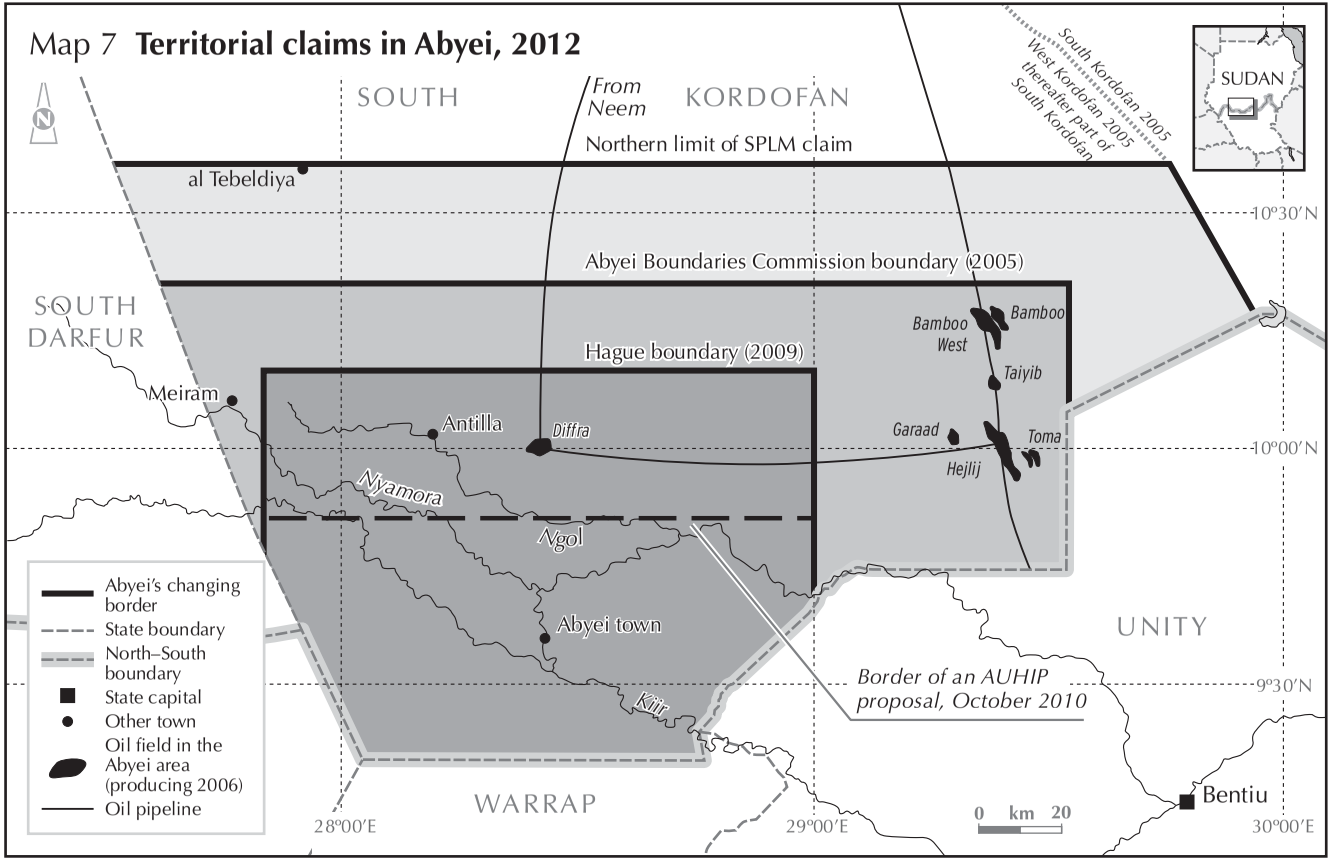
The state of negotiations

In September 2012, with negotiations over the referendum stalled, the AUHIP attempted to push forward a new proposal. The GoS received a letter on 21 September containing AUHIP's 'Proposal on the Final Status of the Abyei Area', as well as a document it had previous circulated on 27 November 2010, to try to break the deadlock before Abyei's scheduled referendum in January 2011.

The current AUHIP proposal attempts to resurrect the idea of a referendum in Abyei, to be held in October 2013. Unlike previous suggestions, the current AUHIP proposal defines who is eligible to vote. Voters must belong to either the Ngok Dinka community or 'other Sudanese residents'. This second category is defined as those who are 'having a permanent abode within the Abyei Area'. This qualification differentiates the AUHIP proposal from the Abyei Protocol, which also states that 'other Sudanese residing' in Abyei will be allowed to vote, but indicates (clause 6.1(b)) the criterion by which residency is assessed should be determined by the ARC, a commission that was never established due to disagreements over precisely who should be eligible to vote.

By defining the criteria for residency, the AUHIP proposal aims to sidestep this disagreement. It also specifies the composition of the Abyei Area Referendum Commission (AARC) (Points 29–32), which should include two representatives from each country, and a chairperson appointed by the AU. The proposal also outlines a second committee, which would mediate any tensions in the first committee. This second body would be called the Abyei Referendum Facilitation Panel (ARFP), and would be composed of three 'individuals of international stature' (AUHIP Proposal, Point 33(a)). While the AARC still has the final say in cases of voter eligibility, and the ARFP would have only 'advisory status', the AUHIP proposal attempts to move the determination of who gets to vote towards the AU to end the impasse between Sudan and South Sudan.

The agreement also attempts to allay Missiriya fears about what would happen if Abyei were to join South Sudan, by making that country guarantee by law 'the customary rights of all pastoralists to migrate, and utilize pasture and water, within South Sudan in accordance with their traditional seasonal migratory routes' (point 8). The proposal also tasks South Sudan with guaranteeing the migrants' security, and allows them to carry weapons for self-defence. Despite these guarantees, it is unlikely Missiriya concerns will be allayed. Under the


Map 7 Territorial claims in Abyei, 2012
SOUTH KORDOFAN
From Neem
Northern limit of SPLM claim
South Kordofan 2005
West Kordofan 2005 thereafter part of South Kordofan
SUDAN
al Tebeldiya
10°30′N
Abyei Boundaries Commission boundary (2005)
SOUTH DARFUR
Hague boundary (2009)
Bamboo West
Bamboo
Taiyib
Meiram
Antilla
Diffra
Garaad
Toma
Hejlij
10°00′N
Nyamora
Ngol
Abyei's changing border
State boundary
North–South boundary
State capital
Other town
Oil field in the Abyei area (producing 2006)
Oil pipeline
Abyei town
UNITY
Border of an AUHIP proposal, October 2010
9°30′N
Kiir
WARRAP
Bentiu
0 km 20
28°00′E
29°00′E
30°00′E

Abyei Protocol's clause 1.1.3, the SPLM/A also committed to the idea that the Missiriya retain their traditional rights to move across Abyei. However, since that time, the Missiriya have reported continual harassment in Abyei, and beyond, in South Sudan. Finally, the proposal suggested splitting Abyei's future oil revenue, with 30% going to Abyei, 20% to bordering areas of South Kordofan, for a period of at least five years, and 50% to whichever government would control the territory after the referendum. The financial support to South Kordofan is also meant to placate the Missiriya, who are firmly shut out of the referendum in the AUHIP proposal.

The proposal was accepted by South Sudan and supported by the US Ambassador to the UN, Susan Rice, but the GoS rejected it outright. In its response to the AU, Sudan said the proposal 'contradicts the Abyei Referendum Act.' Clause 14(1) of the ARA does allow residents to vote in the referendum, and also states that the ARC shall determine the criteria of residence.

The Sudanese object to an externally imposed criterion of residence. The government of Sudan also says the way the AUHIP proposal formulates residency is 'singling out the Miss[i]riya nomads whose lifestyle is inimical to the concept of permanent abode'.

The arguments over the AUHIP proposal are identical to those seen in the run-up to the referendum on secession. Sudan insists the Missiriya are part of Abyei, have a right to be part of the process of self-determination, and refuse any suggestion they might be excluded on the basis that they are semi-nomadic. South Sudan insists that Abyei is fundamentally the Ngok Dinka's territory and that it is up to them to decide where it should belong.

At the end of its letter to the AU, the Sudanese government proposed resurrecting an AUHIP proposal from November 2010, which suggested splitting Abyei in two by presidential decree (see Map 7). This would see the northern half, including Diffra, go to Sudan. South Sudan refused this proposal, leaving the two countries in the same standoff as before the referendum on secession.

This time, however, the context was somewhat different. Publically, at least, South Sudan is exasperated. On 2 October, Pagan Amum, South Sudan's lead negotiator, told the press that the 'issue of Abyei is a finished case. There will be no more discussions. On our side as the government, we accepted the proposal by the mediators'. South Sudan's current strategy is to insist on international

mediation: it wants the PSC to rule on the situation, and both sides to accept the ruling. Sudan, on the other hand, says it wants a direct resolution by the two countries. The 24 October statement by the PSC will be seen by the SPLM as encouraging. It states (clause 9) that the parties should 'engage each other with the facilitation of the AUHIP, on the basis of the AUHIP's Proposal on the Final Status of Abyei Area of 21 September 2012, seeking to reach consensus on the Final Status of the Abyei Area, within a period of six weeks from the date of the adoption of this communiqué. Council further requests the AUHIP to report to it on the results of this engagement, immediately upon the expiration of the six-week period mentioned above'. The PSC communiqué (clause 10) warns that, if the parties fail to agree on Abyei's political future, the PSC will endorse the AUHIP proposal 'as final and binding, and would seek the endorsement by the UN Security Council [UNSC] of the same'. The SPLM was disappointed with the six-week extension while, on 31 October, the NCP said the GoS would resist any efforts to refer the situation to the UNSC, and insisted there could not be a unilaterally imposed solution. On 1 November, Osman Taha, the first vice president of Sudan, rejected the time limits in the PSC communiqué.

The question then became what would happen at the end of the six weeks on 5 December. Sudan engaged in heavy diplomacy with Russia, culminating in a visit by Presidential Assistant Nafie Al Nafie to Moscow. He returned on 8 December and said Russia would support the idea of Sudan and South Sudan resolving the Abyei issue together. In other words, Russia would not support a binding UNSC resolution imposing a referendum on Abyei, and this would mean any UNSC resolution endorsing the AUHIP proposal would be blocked.

The UNSC's first opportunity to comment on the PSC communiqué came on 17 November, when the Council renewed UNISFA's mandate for another six months, until May 2013. UNSC Resolution 2075 asked both countries to immediately finalize the AAA, but remained noncommittal on the PSC edict, merely asking both parties to 'engage constructively in the process mediated by the AUHIP toward [a] final agreement'. The PSC, in a meeting on 14 December 2012, also remained non-committal, despite its statement of 24 October. It merely stated that 'determination on the issue of the Final Status of Abyei [will be referred] to its meeting . . . on the margins of the 21st Ordinary Session of the Assembly of the Union, in Addis Ababa, in January 2012'. Without a UNSC

motion supporting the AUHIP proposal, and with the PSC having little in the way of enforcement mechanisms, it seems that the distance between the two sides will prevent any developments in the negotiations over Abyei for the foreseeable future.

Stakeholder positions

The SPLM

Within South Sudan, the reaction to the 27 September Addis Ababa agreements has not been unanimously positive. In addition to continuing unrest in Jonglei, the SPLM now has to deal with popular anger over the proposed withdrawal from the 14-Mile Area above Northern Bahr el Ghazal. On 3 October, just after the agreements were signed, Kuol Deng Kuol, the paramount chief of the Ngok Dinka, submitted a letter to the UNISFA, to be given to the UNSC, complaining about the lack of progress in the talks on Abyei.[144] Just two days later, on 5 October, youth groups in Abyei said they were to organize protests, and on 7 October Deng Mading, the chairperson of the Abyei Community Organization in Juba, condemned the Sudanese government for refusing to implement the AUHIP proposal. Most of the Ngok Dinka anger is directed towards the NCP. However, the Ngok Dinka retain several powerful seats in government and have a strong lobby in Juba, making further compromise on Abyei almost impossible.

The SPLM now wants to internationalize the dispute (*Sudan Tribune*, 2012p). However, with Russia, and probably China, blocking any UNSC resolution, negotiations at the AU level will continue for the foreseeable future.

Even if there is international arbitration in the Abyei crisis, it is uncertain how it will play out on the ground. Previous international interventions are not encouraging; three years after the PCA ruled on the borders of Abyei, they have not been demarcated, and the GoS now suggests splitting the territory once again. Without the agreement of Sudan and the Missiriya, it is difficult to imagine a sustainable and lasting solution to the crisis in Abyei.

The Ngok Dinka

There has been considerable anxiety among the Ngok Dinka since the Southern referendum on secession. Fears that Abyei would be left behind led to the AAA

organizing a unilateral declaration of independence, which was only halted after intense internal political pressure from the SPLM. This anxiety intensified after Abyei was invaded, shortly before South Sudan became independent, and continued during the year of occupation. There were repeated calls by members of the community for outside intervention. The Ngok Dinka also wanted to break off contact with the AUHIP.[145] The fact that there was no agreement on Abyei in the last round of negotiations in Addis Ababa has only added to this sense of marginalization.

The Ngok Dinka perspective on current negotiations must be placed in historical context. The Ngok Dinka believe they made concessions on their land long before the ABC ruling that positioned Ngok Dinka territory south of their claims. The decision not to return to Bahr el Ghazal in 1953, the referendum promised during the Addis Ababa agreement that never took place, the seizure and dispossession of Ngok land during the second civil war, the loss of territory through the decisions of the ABC and PCA, and finally the failure to hold a referendum in the post-CPA period together cohere into a historical narrative of dispossession and mistreatment. Many Ngok Dinka leaders insist that, unless there is a solution to the political crisis in the territory, they will prevent the Missiriya—whom they hold partly responsible for the impasse—from migrating into the territory (Radio Tamazuj, 2012i).

The Ngok Dinka do not want any further compromises on Abyei. However, the community is also aware that it depends on the SPLM to find a resolution to the crisis, and so criticism of the SPLM is muted.

The NCP

The 27 September Addis Ababa agreements were also met with some disgruntlement in Khartoum. *Al-Intibaha*, a newspaper run by Bashir's uncle, Al Tayeb Mustafa, criticized the agreement and the NISS shut down its printing press.

The NCP must contend with Missiriya discontent over the prospect of Abyei joining the South. While the NCP has instrumentalized and fed this discontent for years, it now finds itself in a bind. Having promised Abyei to the Missiriya for 20 years, it cannot now abandon them without causing a great deal of anger. Missiriya interests are not just important because they are a valuable constituency that the NCP won over from the Umma Party. Increasingly, JEM has been

attracting a lot of support among the Missiriya, and there is also a large Missiriya contingent in the South Kordofan branch of SPLM-N. With the Missiriya increasingly alienated from the NCP since West Kordofan was amalgamated into North and South Kordofan—removing one of the Missiriya's main political bases—the NCP cannot afford to further anger the Missiriya over Abyei. The NCP's recent decision to re-establish West Kordofan must be seen, in part, as a further attempt to placate the Missiriya.

The NCP currently has two proposals for the future of Abyei—either the Missiriya take part in any future referendum on the territory's future, a measure that the NCP knows will be ruled out in advance by the SPLM, or Abyei should form an 'integrated area': again, a measure that the NCP knows the SPLM will refuse (Radio Tamazuj, 2012e). The NCP's tactics in negotiations since September 2012 resemble its strategy in the run-up to the referendum on Southern secession: block any possible resolution to the crisis, whilst appearing to offer alternatives that it knows will be ruled out in advance.

The Missiriya

It cannot have escaped the Missiriya's notice that the most successful grazing season they have had since 2005 was 2011–12, when Abyei was virtually empty, and controlled by SAF. Since 2005, the Missiriya have complained about SPLA harassment, debilitating tax rates, and a lack of security.[146] None of these are likely to end soon. Worse, the NCP's main negotiating strategy has been to insist that the Missiriya must participate in any future referendum; for the Ngok Dinka, the Missiriya themselves are blocking any future referendum. When this is added to anger over decades of displacement and raids, including the attacks of January–May 2011, and bearing in mind that traditional means of conflict resolution have almost entirely broken down, it becomes clear that the Missiriya can have little hope, on their own, of guaranteeing grazing in Abyei.[147]

In the current dry season, the presence of UNISFA, which successfully dealt with the problems of the last grazing season, has enabled Missiriya grazing. However, the Missiriya have no faith that any settlement that involves Abyei joining South Sudan will preserve their secondary rights to graze in the territory. This is partly why they have maximized their claims, and argued for a *dar* Missiriya that extends south beyond the Kiir. Even if a political solution is

found, not all the Missiriya may accept it. While SAF clearly armed and supported militia activity in Abyei in 2011, it would be wrong to assume that all fighters were under SAF's command; many Missiriya youths feel disaffected and alienated from politics on both sides of the national border, and this could prove immensely difficult for any future settlement of the crisis in Abyei.

The Missiriya also feel marginalized by the NCP. The current proposal backed by the NCP—to split Abyei in half—serves NCP interests insofar as it keeps Diffra in Sudanese territory. However, it does not give the Missiriya access to vital grazing along the River Kiir. Legally, the Missiriya are guaranteed the grazing, but the hostility the Ngok Dinka feel towards them means it would be unlikely the Missiriya would be able to reach the River Kiir.

One of the few constants of the agreements of the last six years has been a commitment to pastoralist freedom of movement. The Abyei Protocol holds that '[t]he Missiriya and other nomadic peoples retain their traditional rights to graze cattle and move across the territory of Abyei' (Abyei Protocol, 2005, clause 1.1.3). The final decision of the PCA tribunal retrenches this commitment, claiming that '[t]he exercise of established traditional rights within or in the vicinity of the Abyei Area, particularly the right . . . of the Missiriya and other nomadic peoples to graze cattle and move across the Abyei Area (as defined in this Award), remains unaffected' (PCA, 2009, point 268). What these laudable statements do is decouple traditional grazing rights from political realities in the territory. As this paper will show, in each of the five case studies under consideration, grazing rights and political dynamics are bound together, and, along the border, national- and state-level political and military institutions have increasingly replaced traditional conflict resolution mechanisms as the primary locus for organizing grazing. Thus, the only mechanisms that could satisfy the Missiriya would also have to have a political logic.

Future prospects

The crisis in Abyei shows everything that could go wrong along the rest of the Sudan–South Sudan border. Political negotiations and international arbitration have systematically excluded the two communities—the Ngok Dinka and the Missiriya—whose lives and territory are at stake, leading to tension on

the ground when the communities failed to agree to what was decided for them. The absence of a genuinely consultative approach, encompassing not only the political parties but also the local communities, is one of the central reasons that the NCP has been able to monopolize proceedings among the Missiriya. By only allowing national voices to speak, the voices of both the Missiriya and Ngok Dinka have become increasingly nationalized.

Because of this, what were once zones of shared use are now being claimed as zones of exclusive rights (Johnson, 2010a). Both the ABC report and the PCA's final decision unwittingly undermined existing secondary rights claims in favour of firm borders. One of the more unusual aspects of the ABC report, much criticized by the GoS during the PCA hearings, was its decision to demarcate the area of shared rights, and so make the northern boundary of Abyei bisect the middle of the area of shared rights. To formalize zones of shared rights, the report applied the principle of *ex aequo et bono* (equity and justice). This is problematic because shared rights zones were previously not definite spatial areas, but functioned in terms of personal relations and a shifting set of contextual political factors. In the report, secondary rights zones were made into blocks of territory with longtitudes and latitudes: an approach that is an anathema to the flexible grazing lines, dictated by kinship and cattle, that previously organized grazing. The PCA intensified this transformation of secondary rights into absolute rights when it ruled that the northern extent of the shared rights area given by the ABC report had been inadequately reasoned, and reduced the area of Abyei, leaving the northern extent of the area of shared rights in Sudan, and effectively turning it into the exclusive territory of the Missiriya (PCA, Final Decision, 2009, p. 235).

In Abyei, a national border—whether one defines it as the north or the south border—will cut through shared grazing land and result in the unhappy marriage of two incompatible frameworks: the absolute demands of national sovereignty, where one entity claims exclusive jurisdiction over a territory as a definition of its existence, and fluctuating transhumant movements in a zone of shared rights. In these circumstances, it is perhaps unsurprising that shared rights areas have now become the basis for exclusive rights claims.

The PCA's final decision is emphatic and notes that 'the transfer of sovereignty in the context of boundary delimitation should not be construed [so] as

to extinguish traditional rights to the use of land' (PCA, 2009, p. 90). In reality, however, the transfer of sovereignty will necessarily affect traditional rights to the use of land. The tragedy inherent in the way the international community has dealt with Abyei is that the separation of traditional rights from concrete political rights will likely eliminate the 'traditional rights' that this separation sought to preserve (Craze, 2012).

IV. The Unity–South Kordofan border

Overall findings:

- The conflict over Hejlij and Kharasana in South Kordofan, and the accompanying militarization of the border, largely prevented the Northern pastoral migration into Unity state during the 2011–12 grazing season. Continuing tension and a series of clashes during the 2012–13 migration season have hindered Missiriya migration into Unity.
- During the 2011–12 grazing season, relations between host communities and Northern pastoralist groups largely reflected historical ties established during the second civil war. In Pariang, which is dominated by Rueng Dinka and was an SPLA stronghold during the war, there was no migration from the North. This was partly because the Rueng Dinka were angry over decades of raiding by SAF-backed militias. In Mayom county, which was not controlled by the SPLA during the war, and which had a much closer relationship with Sudan, partly through the presence of militias, Northern migration still occurred.

Introduction

With the possible exception of the disputed territory of Abyei, the 270-km Unity–South Kordofan state border is the most problematic section of the frontier between Sudan and South Sudan. This area includes most of the contested oil reserves and experienced the bulk of the conflict seen since South Sudan declared independence on 9 July 2011. Disputes over the actual location of the border in this area are so entrenched that the GoS makes a distinction between territories 'claimed' and 'disputed'. Shortly after the Addis Ababa agreements were signed in September 2012, the NCP said again that Hejlij was not on the initial list of disputed territories, and that no further territories would be added to the list. Essentially, the GoS is refusing to countenance the possibility that the GRSS could dispute these areas. In its eyes, these territories, including Hejlij, are merely claimed, not actually disputed.

In March and April 2012, SAF Antonov planes[148] and Sukhoi ground-attack aircraft bombed locations inside Unity state, while SPLA forces, working with JEM fighters, invaded Hejlij, which the GoS considers part of South Kordofan. After the SPLA withdrew from Hejlij at the end of April, fighting eased on the borders of Unity, although clashes continued inside South Kordofan, and SAF continued to bomb areas of Northern Bahr el Ghazal.

However, while the conflict has eased in Unity, there was continuous militia presence up until April 2012. These militias were funded and armed by the Sudanese government, but also draw support from within the state, including from the Bul Nuer who feel marginalized. The militias benefit from divisions entrenched during the second civil war, when Unity was a patchwork of different zones of influence, with some areas held by the SPLA, others by semi-autonomous warlords, and yet others by SAF. Most militia activity in Unity since April 2012 has been confined to Mayom county, an area largely outside SPLA control during the second civil war. In many respects, as this case study will show, events in parts of Unity mirror what happened during the second civil war, when GoS militias sought to undermine South Sudanese control of the oil fields at a time when there was little effective state control of the current border zones.

There have been some changes to the pre-2005 situation since South Sudan declared independence. The fighting along the border, along with intensified nationalist sentiment in South Sudan, has transformed the migratory season; many of the grazing routes normally used by Missiriya herders to cross into Unity are impassable. Despite a series of recent grazing agreements, most Northern pastoralists believe the creation of the new national border means they can no longer cross onto the land upon which they would normally graze their cattle during the dry season.

While the GoS has continued to support rebel groups within Unity, the GRSS has been supporting the SPLM-N inside South Kordofan since independence. The conflict has affected migration and threatens any future border agreements. This support by both sides for rebel groups has its origins in the second civil war, but their positions are not identical: the GRSS continues to support an SPLM-N insurrection that is almost totally autonomous, and has extensive local support in South Kordofan; in Mayom county, the GoS supports militias

with minimal local support, despite well-founded, historical grievances against the SPLM/A. GoS support is crucial; it is unlikely these groups would survive without SAF weaponry and backing.

The effective closure of the Unity–South Kordofan border during the last year has also affected the livelihoods of Northern merchants, who have found it increasingly difficult to cross into South Sudan following the GoS decision to impose a trade blockade, and subsequent SAF harassment. Like neighbouring Upper Nile, Unity relied on trade with Sudan for up to 90% of its goods prior to independence. Unlike Upper Nile, Unity does not border a third country, such as Ethiopia, which could supply goods if routes to Sudan were cut. Because of Unity's dependence on the North for goods, prices have skyrocketed since South Sudanese independence. The impact of the blockade is most severe in border towns that used to be the first ports of call for traders from Sudan. These towns are furthest from the supply roads linking Bentiu, the state capital, with Juba, and the markets of Uganda and Kenya.

What has happened in Unity over the last year represents a worst-case scenario for the whole border zone. There is no agreement on the actual border, an almost total trade blockade, and almost total disruption of Sudanese pastoralist groups' access to grazing land.

A brief history of the border

The borderlands of Unity are predominately populated by groups of Bul, Leik, and Jikany Nuer.[149] They are settled just north of the Bahr el Ghazal River, which wends its way through the centre of the state. To the north, there are the Rueng Dinka, a community of Padang Dinka.[150] The Padang Dinka is a group that can be found in the riverine areas across the Sudan–South Sudan border, and include the Ngok Dinka in Abyei and the Dinka of Renk in the far north of Upper Nile state. The Padang Dinka are in turn part of the larger Dinka people of South Sudan. Most of the border area is composed of the northernmost section of the southern clay plain, which cuts northwards from the River Kiir up to the base of the Nuba Mountains. This area largely delimits the extent of dry season grazing used by Northern pastoralist groups.

Two groups of Humr Missiriya also inhabit the border region: Awlad Omran, based in Muglad, South Kordofan, take their livestock south every year during the dry season, passing through Abyei, and then moving on to Abiemnom and Mayom; Awlad Kamil migrate from Lake Keilak, through Kharasana, and on to Pariang county, in the north of Unity.[151] Fellata and Fallaita groups also move through Hejlij and Pariang, traditionally migrating as far as Rubkona county.

The Rueng Dinka have a particularly complicated history. In 1902, at the start of the Anglo-Egyptian Condominium government, there were reports of Rueng Dinka as far north as Lake Keilak, now in South Kordofan and the northernmost limit of contemporary Rueng Dinka territorial claims (Johnson, 2012, p. 1; ICG, 2011b, p. 11). In the first two decades of the 20th century, Rueng Dinka regularly told British colonial officers that Missiriya raids were forcing them to move south. Up until 1931, Rueng Dinka communities, along with Nuer communities in the border region, were constantly transferred between Bahr el Ghazal, Kordofan, the Nuba Mountains, and Upper Nile provinces (Johnson, 2010b, pp. 57–58). The last major transfer before independence in 1956—and thus the predecessor to the contemporary border between Sudan and South Sudan according to the CPA—took place in 1930, when the Rueng Dinka were transferred from Kordofan to Upper Nile. The official record of the provincial boundaries in 1931, detailed in the *Sudan Government Gazette,* is unclear about the precise location of the Kordofan–Upper Nile border, and the Kordofan–Nuba Mountains provincial border,[152] as it is in part described using landmarks that no longer exist. It is effectively impossible to work out which 'clump of Hejlij' is being referred to in the *Gazette* record.[153]

What is now Unity state was known as Western Upper Nile during the first civil war, and during the establishment of the Southern regional government under the 1972 Addis Ababa agreement. The discovery of oil in the late 1970s dramatically changed the dynamics of the border region. Unity state was first suggested as a name in the early 1980s when President Jafaar Nimeiri attempted to create a new province composed of Western Upper Nile, the Abyei area, and parts of South Kordofan. Ostensibly, as its name might suggest, Unity was designed to promote harmony between North and South. In reality, Nimeiri's plan was part of a long history of efforts by successive Sudanese government to redraw internal boundaries to ensure that resources remained under their

control. In this case, the creation of Unity state was meant to prevent the Southern Regional Government (SRG) from accessing recently discovered oil fields around Bentiu. But SRG protests scuppered Nimeiri's proposal for a new state (ICG, 2011b, p. 2). Unity state was only finally formalized in 1983, when the Sudanese government split the Southern region into three zones: Bahr el Ghazal, Upper Nile, and Equatoria. Upper Nile was then carved up into three areas, one of which, Western Upper Nile, was then renamed Unity state.

While the Sudanese government used political mechanisms to try to ensure the Unity oil fields remained under its control, it also used a concerted military campaign during the civil war, displacing South Sudanese border communities from the oil fields. Hejlij was one of the first oil fields to be developed, although oil production was quickly stopped by the outbreak of the war. Unity state was one of the first places where war took hold (Johnson, 2011, pp. 60–61).

Following the outbreak of war, the Sudanese government armed proxy militias that, with SAF, attacked and bombed civilians in the border area. The resulting massive displacement is still viscerally remembered in Unity, motivating contemporary South Sudanese border claims, which aim partly to overcome the losses and displacements of the war.[154] Missiriya militias were involved in the attacks on Unity, and this complicates today's grazing agreements: the pastoralists now asking to be allowed into the South are associated with those who displaced South Sudanese populations from areas further north only 20 years ago. The Alor section of the Rueng Dinka was particularly marked by this history; in Abiemnom, armed *murahaliin* drove out almost all of the Dinka inhabitants, many of whom fled to Ethiopian refugee camps (Gagnon and Ryle, 2001, p. 16). These areas of past displacement are today being contested in border negotiations. Every year the Rueng Dinka of Abiemnom commemorate the killing of Rueng Kur Kuot, then paramount chief of the Rueng Dinka, on 16 April 1983. The community blamed the Missiriya for his death, and say this is part of the reason they rejected the South Sudanese migration during the 2011–12 grazing season (CI, 2011).

The faultlines of the second civil war also persist internally within Unity state. During the early years of the war, the SPLA defeated the largely Nuer Anyanya II movement. After its defeat, and the death of most of its leaders, the bulk of the remaining Anyanya II fighters, under the leadership of Paulino Matiep, received

support from SAF, and some of them functioned as oil guards, preventing the SPLA from accessing Blocks 1, 2, and 4 in Unity.[155] First under Sadiq al Mahdi (1986–89), and then under Bashir (1989–), successive governments in Khartoum used principally Nuer militias to control oil-producing areas in Unity state, while presenting the conflict as a 'Nuer Civil War'[156] and disavowing responsibility for the militias.[157] A comprehensive account of this complicated period in Unity state's history is beyond the scope of this paper.[158]

What is important to underline here is that these divisions in Unity state continue to be felt today. In 2011, the rebel groups that coalesced to form the SSLA were principally forces that had served under Matiep, or were loyal to officers who had served under him. In April and May 2011, the SSLA, under the command of Peter Gadet, who played an important role in the South Sudan Unity Movement/Army (SSUM/A), launched a series of attacks in Mayom county.[159] Both Gadet and Matiep are from Mayom, and both are Bul Nuer. The SPLA responded with force, and the people of Mayom accused the Southern army of burning villages, stealing cattle, and shooting at civilians (Small Arms Survey, 2011b). Gadet defected from the SSLA to the SPLA in August 2011; his forces are now integrated with the SPLA. Bul Nuer fighters, who served under Paulino or Gadet, commanded all the remaining militias in Unity up until the beginning of their integration into the SPLA in April–May 2013. People in Mayom feel alienated by their treatment at the hands of the South Sudanese government, and this has led to continued support for rebel fighters. The SPLA frequently holds the Bul Nuer of Mayom responsible for rebel activity more generally, an assumption that recalls the divisions of the second civil war.[160]

Civil war divisions in Unity state have also affected Northern migration in the post-secession period. During most of the second civil war, Pariang was under the control of the SPLA. The massive displacement of Rueng Dinka—Pariang's main inhabitants—by Missiriya militia attacks, and tensions around the border just north of Pariang, have combined to greatly limit seasonal Northern migration.

In Mayom county, in contrast, the second civil war saw continuous contact with Sudanese pastoral groups, as the county was under the control of Matiep's SAF-sponsored militias for much of the war. In 1991, for instance, Riek Machar made an agreement with a number of Missiriya sections that led to the establishment of a peace market in Mayom county. The market was only destroyed

in 1997 after the signing of the Khartoum Peace Agreement led to fighting between Riek and Matiep.[161] Another peace market was established in Mankien and governed jointly by Nuer and Missiriya representatives.

Up until 2006, there were continuous water-sharing agreements between the communities in Mayom and Missiriya migrants. Since secession, Northern merchants and migrants have continued to come to Mayom, albeit in smaller numbers. Even in Mayom county, with its wartime links to Sudan, intensified South Sudanese nationalism has affected the movement of people across its borders. Indeed, relations between Northern pastoralists and Southern host communities were actually better *during* the war than they have been post-2005.

The people of Mayom county are indignant that, post-secession, the Missiriya are claiming land they believe is theirs, up to and including the Kiir. In the first two years after the CPA, grazing agreements between the Missiriya and the county authorities in Mayom were not implemented.[162] As in other border areas, events elsewhere affect the dynamics in Mayom. In February 2010, for instance, a proposed meeting between Missiriya and Bul Nuer chiefs was aborted following Missiriya attacks on Abiemnom that killed 39 people.[163]

The border: 2005–11

Despite the successive waves of displacement endured by the Bul Nuer, the Missiriya were allowed to move into Mayom county until 2006. Since then, the relationship between the two groups has deteriorated, although it is still more functional than the relationship between the Rueng Dinka and the Missiriya in Pariang county.

Since the signing of the CPA, an important change in mood has been caused by what the Bul Nuer say are Missiriya claims to own the land up to the River Kiir. The Missiriya's maximization of claims has led to their exclusion from the land they claim, as the Bul Nuer act to preserve their existing land rights. In parallel, if the Missiriya claims were actualized, the Bul Nuer would be excluded from the same land. There have also been reports that some Missiriya have asked for land in order to stay in Mayom county beyond the end of their dry season grazing. These accounts are almost certainly exaggerated, but they show how worried the Missiriya are about the perceived precariousness of their grazing arrangements.

The deterioration of the relationship between the Bul Nuer and the Missiriya has three other causes. First, NCP-backed militias in South Kordofan used the same routes into Mayom as the Missiriya. Many Bul Nuer believe that these groups were acting in concert, with the militia members informing the Missiriya where herds are, and then conducting raids with them.[164] In April 2011, Unity officials accused the Missiriya of participating in militia attacks in Mayom county. While this could not be confirmed, such accusations have led to a growing mistrust of the Missiriya.

Second, attacks in 2005–10 have shattered the understanding the two groups shared during the war years. Up until April 2008, there was a market—principally for charcoal and timber—at Garasna, just north of the extant Unity–South Kordofan border, which was jointly administered by the Rueng Dinka and the Missiriya. It was destroyed during fighting between the town's Rueng Dinka inhabitants and Missiriya forces. The violence displaced some 4,000 civilians, who fled to Unity, and enabled SAF to consolidate control of the area. The attack significantly worsened relations between the Bul Nuer and the Missiriya in the post-CPA period.

In 2009, three Bul Nuer were killed in Wankai, on the eastern edge of Mayom county. Then, in the run-up to a February 2010 meeting between the Missiriya and the chiefs of Mayom county, sections of Awlad Kamil attempted to follow the eastern grazing route, which runs through Abyei into Unity state. They were stopped by the SPLA around Abiemnom because they were carrying weapons. The standoff turned violent and 39 people were killed, with an estimated 800 families displaced. During the same period, Awlad Omran clashed with SPLA units on the same grazing path. A meeting in Bentiu in March 2010 attempted to resolve these tensions. A series of grazing areas were agreed, and the number of small arms that could be brought into the state by the Missiriya while grazing was also determined.[165]

The agreement, however, was not implemented. One reason was that the SPLA refused to allow the Missiriya to enter with the minimal number of small arms permitted by the accord. Given the very real Missiriya fears of cattle theft and revenge attacks, this meant that the Missiriya did not travel into South Sudan, and the rest of the agreement was not implemented. What this highlights is the discrepancy between a series of agreements—similar to most

of the other agreements made along the border zone—that function because they assume the existence of an effective state actor with a monopoly of force, and the reality: that there are multiple armed actors in an area like Unity state, and that state-based government is incapable of dictating terms to local actors, including the SPLA.

Third, despite a plethora of grazing agreements made at state level, Missiriya herders have to negotiate with the SPLA on the ground. As in Northern Bahr el Ghazal, this is not a new development post-2005, but a continuation of wartime practice, in which grazing routes and taxes for grazing were administered and organized by the SPLA. In Unity, as of 2013, almost no grazing meetings take place that do not rely on some sort of external legitimization, from either the state government or the army. This means that grazing is now dependent on the military situation. In times of crisis, as during the border clashes between February and April 2012, the grazing season effectively stops. In 2012, for instance, Missiriya in Abiemnom immediately pulled their cattle back north when the SPLA/JEM attack on Hejlij began.[166]

SPLA blockades of Missiriya movement have, in turn, led to blockades in Sudan. In the run-up to the referendum on secession, the Missiriya prevented a number of vehicles from going through South Kordofan, at least partially in retaliation for grazing routes being blocked. This situation has intensified the distrust between Southern Sudanese and the Missiriya.

One of the most significant fractures in this relationship resulted from an attack on Kharasana in 2008.[167] Kharasana is the most northerly point of the Unity–South Kordofan boundary claimed by the GRSS. During the war it changed hands several times, and also operated as a market. When the SSDF were absorbed into the SPLA in 2006, the SPLA continued to hold Kharasana (Small Arms Survey, 2006). SPLA forces clashed with the Missiriya in December 2007, and in January and March 2008 around Meiram. The fighting was triggered by the SPLA's treatment of Missiriya herders. In April 2008, clashes again erupted between the SPLA and the Missiriya, due to a dispute over a court case, in which two Missiriya brothers were attempting to reclaim money from a Dinka man. On 24 April, fighting broke out around the village of Garasna (also known as Kilo 23, or Checkpoint 23), and the village was destroyed. Afterwards, Ahmed Haroun, then governor of South Kordofan, and Taban Deng Gai, then

governor of Unity, came to an agreement, and Taban Deng ordered the redeployment of the SPLA further south.[168] The Rueng Dinka were angered by the SPLA withdrawal from an area they consider to be one of their historical zones of habitation. The fact that Kilo 23 subsequently became a base for militias increased their anger.[169]

There were further clashes along the Unity–South Kordofan border in 2011, especially in Mayom county, where the SPLA fought with the SSLA.[170] Despite these tensions, there was a successful migration into Mayom during the 2011–12 grazing season (AI, 2012).

The relationship between the Rueng Dinka and the Missiriya in Pariang county is even more strained that that between the Missiriya and the Bul Nuer in Mayom. The Dinka of Pariang county report cattle raids and attacks every time the Missiriya return north after the grazing season. These are traditional forms of raiding, which occur at the end of the grazing season to increase herd size. However, since South Sudan's independence, and amid increasing nationalist sentiment, the Rueng Dinka feel they should no longer have to endure such raids, and these attacks thus contribute to a steadily worsening atmosphere between the two groups.

Scheduled migration conferences in Lalop in 2007 and 2008 were derailed by events in Kharasana.[171] A further migration conference, held in Bentiu in 2008, was undermined by clashes in Pariang in November that left four Dinka dead. In 2009, there was more fighting in Pariang, and 10 casualties were recorded. The violence has contributed to an almost total breakdown in relations between the Missiriya and the Rueng Dinka.

While there have been several grazing accords since 2005, almost no migration has occurred, a fact that reveals the weaknesses inherent in the formal agreements, which are deemed so important by the state authority and the international community: if host communities are not receptive, and feel historical wrongs have been committed against them and not addressed, then official agreements will not enable substantive migration. It will be almost impossible for a successful migration to take place in Pariang county during the 2012–13 grazing season. This is especially the case in Unity, which does not have as effective a system of state control as Northern Bahr el Ghazal.

Since 2005, GoS efforts to shut down cross-border trade have also caused problems for border communities in South Kordofan and Unity. The trade embargo that came into effect in May 2011 caused the price of fuel and other commodities to skyrocket. However, even before this, the flow of trade across the border had been reduced, as had opportunities for Southern Sudanese to cross the border in search of work. This movement had helped assuage the previous asymmetry, which saw Northern pastoralists heading into Southern territory but no movement north by Southern pastoralists. South Sudanese, who returned to South Sudan to vote, found it extremely difficult to go back to Sudan for work, and those returning from Sudan told stories of harassment and conscription. This worsened perceptions of Northern pastoralists in Unity, where they were once more branded as proxies for the GoS.[172]

At the beginning of the 2011–12 grazing season, host communities in Unity struggled with food insecurity, with fighting in Mayom county displacing people into Rubkona and Abiemnom counties. Abiemnom, in particular, experienced food shortages as it continued to host a large number of those displaced from Abyei. With relations between the Missiriya and host communities extremely frayed, and limited food and water available to share with Northern pastoralists, the omens were not good for the grazing season to come (USAID, 2011).

The imposition of an international border

Grazing agreements in Unity for the 2011–12 season differed from those signed during the two previous years. Rather than organizing the process at state level first, negotiations began at county level.[173] This process seems to have resulted in less violence than during earlier post-2005 migrations. Under the 29–31 March 2012 Bentiu migration agreement, Missiriya representatives were to meet the county commissioner and county traditional chief before beginning the migration, and it is with these representatives that the migration was to be discussed. However, the state administration would regulate the possession of firearms, and security organs, such as the SSPS, would primarily monitor security for the Missiriya.[174]

Since secession, it has also been difficult to differentiate between militia members and pastoralists. After a long civil war, in which the Missiriya were

centrally involved in militias that depopulated Rueng Dinka and Bul Nuer settlements, many people suspect the Missiriya of being NCP spies. This possibility both alters grazing routes, as the SPLA intervenes to ensure the Missiriya do not graze near sensitive military sites, and affects what the Missiriya may bring with them. Phones and cameras were mentioned in grazing negotiations as suspicious items. The uncertainty also means events can spiral out of control more easily; a cattle raid can be taken for a militia attack and have unwarranted international consequences.

On both sides of the border, state dynamics have shaped grazing in particular ways. One of the main problems mentioned by traditional authorities in Unity state is that grazing meetings are not attended by many leading Missiriya figures.[175] This is partly because the GoS actively prevents Missiriya politicians from coming to these meetings, does not recognize the agreements signed, and threatens those involved. For more established figures in the Missiriya hierarchy, networks of patronage and support from Khartoum are at stake. As one Missiriya youth, who was attending a meeting, tactfully put it: 'Our elders are affected by political matters and can't come' (CI, 2012b, p. 5). This absence means the various South Sudanese dignitaries who do attend doubt the Missiriya will adhere to the agreements. For the members of these groups, for whom age and position in political hierarchy are no small matter, sending only the young and untitled to a political meeting signifies a lack of respect, and it certainly indicates that those at the meeting cannot speak for the whole group. This lack of confidence in the Missiriya representatives also undermines the efficacy of grazing agreements more generally.

On the South Sudanese side of the border, military considerations shape the routes that the Missiriya can take, and what they can bring with them when migrating into South Sudan. However, state authorities are not able to ensure the security of the pastoralists. Fellata groups, historically less numerous and less politically influential than the Missiriya, have regularly reported intense cattle raiding, with little hope of compensation. In 2009, 1,300 Fellata cows were stolen by Dinka youths, and none were recovered (Concordis, 2010d, p. 59).

In general, the structure of migration has not qualitatively changed since South Sudan's independence. The last substantive shift came with the second civil war, when SPLA- and GoS-backed militias emerged as the most significant

political and economic actors in the border region, and grazing agreements began to be reoriented towards the military. The grazing routes of 2013, and the problems surrounding them, are largely inherited from this period.[176] In the post-independence period, these changes have been formalized in official state policy.

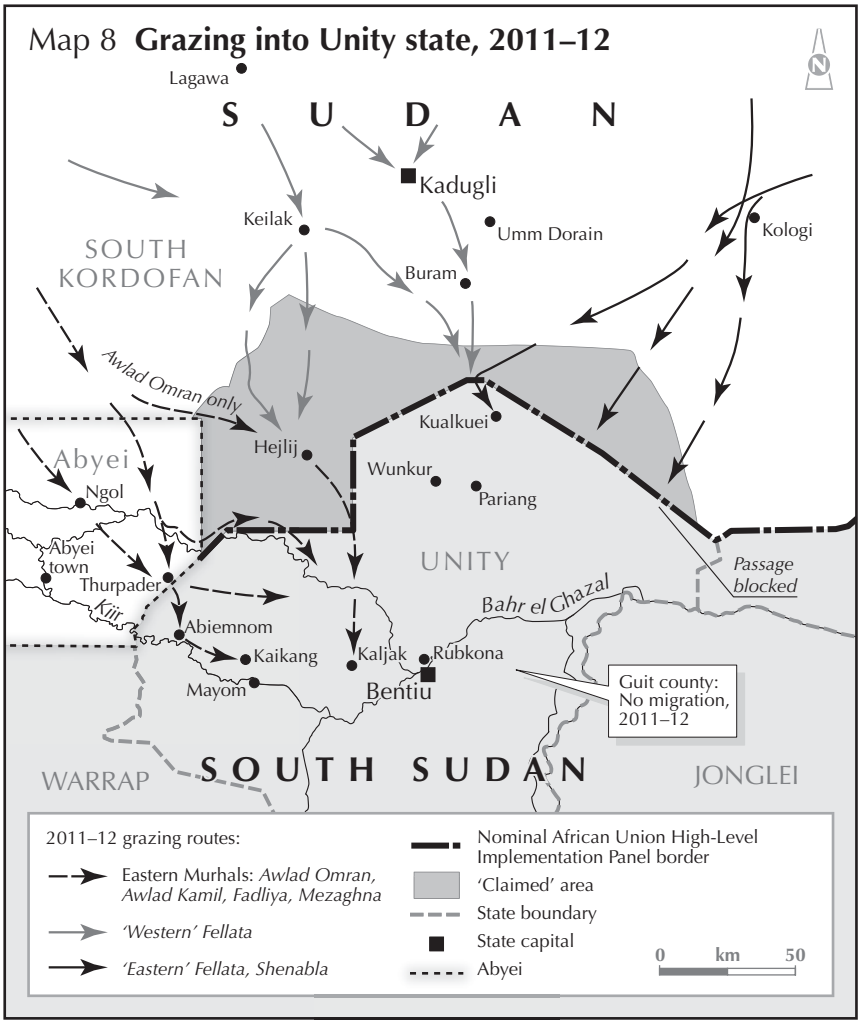
Current political dynamics

There was minimal grazing into Unity during the 2011–12 season (see Map 8). Unity officials estimated that only 10–15% of the Missiriya, who normally pass into the state, actually entered. The grazing season began with a number of meetings, and a series of grazing agreements were signed: there were local meetings in Mayom, Abiemnom, and Rubkona during January 2012, and a state-level meeting in Bentiu, from 29 February to 2 March 2012.

Limited migration into Mayom county followed, with the Missiriya—principally Awlad Omran—passing through from Abyei into the north-east of the area, around the Kaikang grazing area. The Missiriya say they were taxed multiple times during this period, and harassed by the SPLA. On 24 April 2012 they said 127 cattle were stolen, with only 23 returned by the county commissioner (CI, 2012e, p. 61).

There was also some Missiriya migration into Abiemnom, mainly involving Awlad Omran. In general, the Northern pastoralists caused minimal disruption, though there were a few incidents. Shortly before the state-level meeting in Bentiu, on 25 February, two Missiriya were killed and cattle were stolen on the Rubkona county border. The meeting went ahead as planned. In June 2012, Missiriya pastoralists stole 200 cows from along the Mayom–Abiemnom border. The SSPS recovered the cows,[177] but three Missiriya and two Dinka were killed in the process.

Awlad Kamil, in contrast, did not migrate to Pariang county. Despite the agreement signed in Bentiu, the Missiriya did not arrive. In part, this was due to the clashes at Hejlij and Garasna (just south of Kharasana), which is on Awlad Kamil's migratory path. The Rueng Dinka in Pariang are also almost universally hostile to their presence. Market traders in Pariang said repeatedly that the community did not want the Missiriya to graze in the area, but that the



government insisted.[178] Even if the border is not as tense ahead of the upcoming dry season, it remains highly unlikely that Awlad Kamil will be able to pass into Pariang county without problems.

The Fellata did not even attend the meeting in Bentiu in February–March 2012. After an earlier visit to Pariang in February 2012 to establish the terms of the grazing season, the chief of the Fellata was shot by unknown assailants on his way back to Sudan, leading to the suspension of the grazing season.

While there were no major clashes, the grazing season was overshadowed by events along the border. At the beginning of June 2012, UNISFA had to prevent militia groups from moving into Abyei, and in June and July 2012 there was recurrent rebel activity in and around Abiemnom. The Missiriya were suspected of helping these groups.[179] The migration also changed its rhythm in response to the clashes on the border, with Missiriya herders pulling back from Abiemnom during the fighting at Hejlij. Two chiefs in Abiemnom said they did not want the Missiriya to come because they brought insecurity, adding they only allowed their passage because of pressure from the state government.[180]

Of all the South Sudanese states, Unity was perhaps hardest hit by the trade blockade imposed by the GoS in May 2011. The absence of trade also affected Missiriya grazing routes. One of the symbiotic elements of the grazing season is that Northern merchants would traditionally bring salt, sesame, fuel, sugar, and flour and buy cattle in the South.[181] These exchanges created a relationship of mutual dependence. Both trade and migration stopped in Pariang county, driving fuel prices up by 400%. There was a minimal migration into Mayom county and smugglers continued to operate, with Missiriya traders remaining in Mayom after the pastoralists left in June 2012.[182] While the Kharasana–Hejlij road remained closed for most of the dry season due to conflict, smugglers managed to cross into Mayom county, though there were fewer traders than usual because of threats from the GoS.[183] This reduction in trade caused massive price increases in Unity, with fuel in Bentiu rising by 200% over a year. Following the 27 September Addis Ababa agreements and the GoS commitment to reopen the border, prices began to drop, with Missiriya traders in Mayom county reporting that the price of sorghum fell from SDG 700 (USD 160) to SDG 500 (USD 110). However, in Pariang county, the trade routes had not reopened by July 2013 (*Sudan Tribune*, 20120). These differences in prices reflect contrasting relations with Sudanese merchants in the two counties.

More broadly, considering Unity state as a whole, the continued tension in the border region could undermine economic exchanges between the two countries, and this is not simply due to Sudan's continuing economic blockade. Distrust of Northern merchants has led to continuous arrests. For instance, on 1–2 December 2012, 15 Northern traders were detained in Abiemnom and transferred to Aweil, Northern Bahr el Ghazal, on suspicion of being spies (Radio Tamazuj, 2012r). Such distrust could undermine continuing trade with Sudan.

Hejlij

One of the areas of the Unity–South Kordofan border that warrants special attention is Hejlij, the site of the fiercest fighting between Sudan and South Sudan in 2012. South Sudan's attack on Hejlij cannot simply be seen as an attempt to gain territory; it was also driven by a deep historical memory. The presence of Rueng Dinka around Hejlij dates back just over 100 years, and they see their group's history since then, with some justification, as a series of forced displacements at the hands of the Missiriya, much like the Ngok Dinka of Abyei.

These displacements were particularly severe during the second civil war. Oil production ground to a halt before the 1990s, when SAF and militia forces cleared swathes of the Unity–South Kordofan borderland of civilians, with the area around Hejlij particularly affected. The administrative status of Hejlij during this period is ambiguous; in 2003, Joseph Monytuil, the NCP-appointed governor of Unity state, referred to it as part of his state in his annual report. Nafie Ali Nafie, then minister of federal government chambers, rebuked him in 2004 (Johnson, 2012, p. 4). This reprimand was issued as the CPA negotiations were drawing to a close, and was seemingly an attempt to maximize the territory that could be claimed as part of Sudan. It is important to note that none of these disagreements should affect whether Hejlij is historically part of South Sudan or Sudan, a determination that, according to the CPA, should be made on the basis of evidence as to the provincial boundaries as they were on 1 January 1956.

Hejlij's status is intimately connected with that of Abyei. The initial report of the ABC, mandated by the CPA to determine the area of Abyei, placed Hejlij within Abyei's borders. Douglas H. Johnson, one of the members of the ABC, said this decision was motivated by an understanding of the Rueng and Ngok territories as contiguous, 'and that the province boundary drawn on the map in 1931 after the final transfer was complete represented the dividing line between Rueng and Ngok territory' (Johnson, 2012, p. 5). After the rejection of the report by the NCP and the Missiriya, and during worsening violence in Abyei in 2008, the PCA in The Hague was asked to determine whether the ABC had exceeded its mandate. In what was widely seen as an effort to placate the NCP, the PCA ruled in 2009 that the oil-producing areas in the north-east of the territory, including Hejlij, were outside Abyei. The court did not rule on whether Hejlij was part of South Kordofan or Unity. This would have exceeded the PCA's mandate, which was merely to determine whether the ABC had exceeded *its* mandate and, if it had, to redraw the boundaries of Abyei appropriately.

After the PCA ruling, the GRSS said Hejlij was part of Unity (*Sudan Tribune,* 2009). The GRSS continues to maintain this position. In a letter sent to the UNSC on 14 April 2012, South Sudan noted that the PCA 'defined the boundaries of the Abyei Area, and placed Hejlij outside of Abyei. This has been misunderstood to mean that Hejlij is definitively inside the Republic of Sudan.

However, the PCA did not rule on the border between north and south—it ruled only on the boundaries of the Abyei Area' (Deng, 2012).

Hejlij will be one of the most contentious topics in future border negotiations. As of July 2013, the GoS continues to refuse to allow it to be counted among the 'disputed territories', and instead refers to it as a 'claimed territory'. It also refuses to add it to the AUHIP's list of border areas whose sovereignty is to be negotiated. The clashes in Hejlij in March and April 2012 must be seen as an opening salvo in negotiations over an area that the Rueng Dinka feel is part of their ancestral homeland.

On or around 26 March 2012, fighting between the SPLA and SAF began around Hejlij (see Map 9). The SPLA says it was responding to Sudanese air and ground attacks on Unity state, and chased SAF back to Hejlij. SAF says the SPLA attack was unprovoked—a claim that has little basis in fact, given the Sudanese air bombardment of Unity over the previous two weeks. The SPLA seized the area with support from JEM and the SPLM-N, groups that the SPLA had denied supporting just one month previously.

The extent of pre-planning for the raid on Hejlij is not clear. The attack certainly seemed to take the SPLM leadership by surprise. JEM leaders and international observers have said JEM actually led the charge into Hejlij.[184] These claims were denied by the SPLA, but would fit with JEM's increasing presence in South Kordofan, and its characteristic tactics, which prioritize quick assaults by vehicle.

The occupation of Hejlij led to widespread international criticism and a discussion of possible sanctions at the UNSC. On 20 April, South Sudan said it was withdrawing from the area. It is likely the retreat was prompted by a mixture of diplomatic pressure and military losses following a heavy bombing campaign by SAF on SPLA and JEM positions in and around the town. The capture of Hejlij raised international awareness of South Sudan's claim on the territory, and put SAF's occupation of Abyei under increasing focus (see section III).

Yida

While the battle over Hejlij underlines the extent to which the struggle over the Sudan–South Sudan border has deep historical roots, it also indicates—through JEM's involvement—that current internal struggles within Sudan can

only be artificially separated from disputes over the Sudan–South Sudan border. Nowhere is this clearer than at Yida.

Since South Sudan's official secession from Sudan in July 2011, the conflict in South Kordofan and Blue Nile has been considered, legally and politically, as separate from South Sudan's relationship with Sudan. This obscures the depth of feeling—and organization—uniting the SPLM-N and the SPLM/A. During the second civil war, many SPLM/A fighters were not battling for independence, but for a new government in Khartoum. With the signing of the CPA, and the offer of dimly defined 'popular consultations' in South Kordofan and Blue Nile, many Northern members of the SPLM/A felt abandoned by their colleagues' definitive turn to nationalism and secession. Just before independence was officially declared, fighting broke out in South Kordofan and Blue Nile, sparked by a contested election in South Kordofan and a disarmament campaign directed against SPLA JIU police units. Weapons had already been placed within South Kordofan by the SPLA, in anticipation of conflict, and, despite repeated allegations by the GoS that the SPLA continued to arm the SPLM-N, these weapons, and those recovered from SAF units (Tubiana, 2012), seem to make up the SPLM-N's entire present supply.

That the SPLA is not arming the SPLM-N does not mean that South Sudan has no role in the conflict, however. Not only does South Sudan offer organizational support to the SPLM-N, the existence of South Sudan as an independent country offers the SPLM-N new opportunities. In many respects, the current conflict in South Kordofan mirrors the structure of the second civil war. The fundamental causes are identical, and though there are some differences in the way the war is being fought—the SPLM-N is better armed and more numerous than the SPLA in the Nuba Mountains ever was during the second civil war, and the SPLM-N has an increasingly large Missiriya component, which was not the case during the second civil war—there is a now familiar pattern of SAF strikes on civilian settlements, and rebels concealed in the Nuba Mountains.

Another similarity is that neither side is strong enough to achieve a decisive victory. An additional 'repetition with a difference' can be found in the mechanics of aid. During the second civil war, in the 1990s, the NCP's campaign against the Nuba Mountains reached its peak when a force of over 40,000 troops and militia fighters attacked Nuba villages, causing a massive population displacement

that the UNSG referred to as an 'enforced displacement' (UNSG, 1993, p. 19). Others described it as 'ethnic cleansing' (Africa Rights, 1992). Aid groups played a crucial role in this campaign. Islamic relief agencies and national parastatals, like the National Development Foundation, set up camps around rebel-held areas, and called them 'peace villages'. The creation of these camps functioned as a counter-insurgency operation because the promise of supplies lured people away from rebel-held areas, depriving the SPLA of both support and recruits. The peace villages also became sources of labour for mechanized farming schemes in Sudan, creating a displaced population who could also be conscripted for military service.

Aid is again partially dictating the dynamics of the current conflict in South Kordofan, after the GoS banned international NGOs from operating there in July 2011. Recent reports suggest food security is critical in some areas of South Kordofan (Enough Project, 2012).[185] The GoS has signed a series of agreements to allow relief in, including a Memorandum of Understanding on 5 August 2012, pledging to allow aid into South Kordofan and Blue Nile. However, it is still blocking humanitarian aid operations in the two areas, although some NGOs have managed to supply some aid indirectly through South Sudan.[186]

The SPLM-N has not used starvation as a weapon of war, nor restricted the provision of humanitarian aid. However, refugee camps have played a role in its military strategy. Yida is currently South Sudan's biggest refugee camp, with 65,541 individuals present at the camp as of February 2013. Yida's location was selected by the SPLM-N,[187] and it is strategically useful for the Northern rebels because it is on the road to Jaw, the SPLA's most northern operating site on the Unity–South Kordofan border, and a base for both the SPLM-N and the SPLA. Yida lies along the supply road leading from South Sudan into South Kordofan and the Nuba Mountains.

It is also close to the frontlines with easy to access as a transit point for supplies. The primary rationale for Yida's location is military rather than humanitarian. The camp's institutional structures are still largely organized by SPLM-N, despite Yida being within South Sudan.[188]

There are multiple checkpoints around the camp. In the first half of 2011, these were run by the SPLM-N. However, after complaints from UNHCR and implementing partners, SPLA fighters were included on the barricades. SPLM-N

Military Police Units, whose main role is to identify SPLM-N soldiers and return them to their units inside Sudan, are active within the camp. In June and July 2012, both SPLA and SPLM-N soldiers were reportedly passing through the camp, with, on one occasion on 25 July, some 500 soldiers coming down from Jaw.

This incident indicates some of Yida's usefulness to the SPLM-N. It is at once a place where soldiers' families can stay *outside* the war zone and cared for by international organizations, and simultaneously—due to its *proximity* to the war zone—a place where soldiers can go to see their families, and rest. The fact that it is close to South Kordofan means desertion is less likely. A pass scheme operated by the SPLM-N determines who can go to Yida. A heavy SPLM-N military police presence also prevents desertions. Yida also functions as a relatively safe link in the supply chain; the soldiers who arrived from Jaw on 25 July were primarily on a resupply mission. There is no evidence that supplies from Yida are being diverted by the SPLM-N.[189] Rather, it is a relatively safe point on the resupply chain from Bentiu; although the camp was bombed in November 2011, the substantial international presence is a deterrent for SAF.

The very qualities that make Yida such an attractive site for the SPLM-N make it problematic for UNHCR. The refugee agency's central concern is that the camp is too close to the war zone, putting civilians at risk. It is also worried about the presence of SPLM-N fighters. UNHCR proposed moving the camp to a village called Nyell, just below Pariang. However, the refugees refused to go; for families whose husbands or brothers are in the SPLM-N, Nyell is simply too far away from South Kordofan. There were also complaints that the site was too muddy. The camp's administration also refused to move.[190] UNHCR has decided to withhold materials—including educational items, seeds, and farming equipment—on the basis that long-term settlement at Yida should not be encouraged (Radio Tamazuj, 2012l).

As of the beginning of July 2013, there were over 70,000 refugees in Yida. State-level authorities in Unity have now agreed to move Yida to Ajuong Thok, some 70km to the east. However, many refugees say the new location is too close to SAF positions, and they do not want to leave.

The situation at Yida shows how economic supply routes, political struggles, and humanitarian crises cross over the Sudan–South Sudan border: it is impossible to tackle one issue without addressing the others simultaneously.

Armed groups

In the first half of 2011, the security situation in Mayom county was explosive, with several Bul Nuer commanders leading insurgencies against the SPLM. In April 2011, Bul Nuer commanders came together in a Unity state-centered alliance, the South Sudan Liberation Movement/Army (SSLM/A),[191] under Gadet,[192] a former SSDF commander answering to Paulino Matiep. Shortly after founding the SSLM/A, Gadet issued the Mayom Declaration, which accused the SPLM of tribalism, and also alleged corruption within the government. Gadet's forces then launched a serious assault on Mankien, just south of the county capital, Mayom town. Another attack was launched in May 2011. During fighting around Mankien and Mayom town in April–May 2011, the commissioner of Mayom county, Charles Machieng Kuol, accused the SPLA of deliberately burning down over 7,000 houses. While this allegation could not be confirmed, Amnesty International quoted multiple civilian witnesses saying the SPLA deliberately torched houses (AI, 2012, p. 13). Such actions, if confirmed, will widen the rift between the Bul Nuer and the state authorities and army.

After Gadet was reintegrated into the SPLA in August 2011, the other commanders decided to keep the SSLM/A moniker and remain in the bush, with James Gai Yoach assuming the leadership. These fighters were involved in clashes in Mayom county on 29 October 2011, and elsewhere in Unity state in April 2012, around the same time as the clashes in Hejlij.

An incursion into Abyei on 26 May 2012 demonstrated that the SSLA was relatively well armed: the attack involved a force of 700–800 men with 60 vehicles, heavy machine guns, rocket launchers, and anti-aircraft guns. The SSLA's dependence on SAF was clear: it was by negotiating with the GoS, rather than with the SSLA directly, that UNISFA managed to get the SSLA troops to withdraw. Bapiny Monytuil, at that time an SSLA commander, said in December 2011 that he had bought 10 SA-7 surface-to-air missiles. This claim has not been verified.

The SSLA seems to have been based in and around Garasna, otherwise known as Kilo 23, between Kharasana and Hejlij. This is extremely inauspicious for the Missiriya because it was the site of a market until its destruction at the hands of Missiriya militias in April 2008. In Bentiu, local politicians allege

that groups of Missiriya stay with the SSLA at Garasna, and that they coordinated cattle raids in Sudan and South Sudan.[193] Regardless of the truth of these accusations, they revealed the suspicion and hostility felt towards the Missiriya and the militias in South Sudan.

Puljang, one of the SSLA commanders and a Bul Nuer who left the SPLA in 2010, was reportedly based at Kelea at the time.[194] But, by June 2013, he was with his forces in Mayom town, near one of the main Missiriya grazing sites in Mayom county.

In the second half of 2012, militia forces in Mayom county were on the decline and struggled to get supplies from the North. In July 2012, there were at least seven defections from Puljang's group. The Sudanese army seems to be, at least formally, cutting ties with the SSLM/A, further isolating them. On 30 September, just after the signing of the 27 September agreements, Sudanese security forces attacked Yoach's home. The police arrested 75 people, but Yoach mysteriously escaped, lending credence to the theory that this was a deliberate effort to make it seem as if the GoS was stopping its support for militias inside South Sudan, in accordance with its obligations in the 27 September agreements.

However, it seems unlikely that the attack signified a complete break between the GoS and the SSLA. In August 2012, internal divisions emerged within the SSLA, and clashes took place between Yoach and Nyang, on one side, and Monytuil and Puljang on the other. Nyang was killed. After the raid on Yoach's house, Monytuil assumed command of the SSLA (Small Arms Survey, 2012f).

On 24 April 2013, President Salva Kiir offered an amnesty to a series of militia leaders, including Bapiny Monytuil. Shortly afterwards, on 26 April, the SSLA, including Monytuil and Puljang, announced they were to return to South Sudan and negotiate their integration within the SPLA, and then arrived in Unity with around 3,000 men.

Stakeholder positions

The SPLM

At the beginning of 2013, there was still no agreement between Sudan and South Sudan over the status of the 'claimed' areas, including Hejlij. With negotiations deadlocked, there is little incentive for the SPLM to compromise. In

any event, control over the Unity–South Kordofan border is a priority objective for the SPLM.

It is no accident that Kiir Adem, on the Northern Bahr el Ghazal–East Darfur border, and Jaw, on the Unity–South Kordofan border, have witnessed the most intense fighting between the two countries. Both are vital military bases positioned on important supply routes. Moreover, both are crucial sites for the SRF, and enable supplies to move from South Sudan into Sudan. It is likely that March–May 2013 will see renewed fighting in these two locations, as the floods recede and the dry season reaches its peak, providing the best fighting conditions of the year.

Even if Jaw were not such an important location militarily, there are other reasons the SPLM does not want to compromise on the border. Long-held Rueng Dinka sentiment about its former villages (discussed below); increasing nationalism within Unity state; and the potential oil wealth of Hejlij conspire to make the Unity–South Kordofan border one of the most tense and disputed parts of the Sudan–South Sudan frontier.

With the potential for further fighting, it is likely that Northern pastoralists will continue to struggle to enter Unity state. Missiriya pastoralists, who almost always come armed, will be viewed as a security threat by the SSPS and the SPLA. Furthermore, even if the state government does make an agreement with Northern pastoralists, it is unlikely to be upheld on the ground. An agreement in March 2010, and another in Kadugli in January 2011, which guaranteed Missiriya entry with a minimal number of small arms, were not honoured; SPLA units refused to allow the Missiriya entry. The lack of state control over military and political forces at the border means that formal negotiations will not be sufficient to create substantive changes in relations between groups along the border.

The NCP

As with other locations along the frontier, the NCP views the Unity–South Kordofan border primarily through a security lens. For the NCP, it is of paramount importance that it manages to sever links between South Sudan and the SRF, links that run from Bentiu through Yida to Jaw. To do this, the NCP is trying to get the SPLM to implement the 27 September Addis Ababa agreements, and

it has also carried out relatively continuous air and ground campaigns against Jaw since 2011—a combination of diplomatic and military strategies. Given the NCP's single-minded focus on security, it is unlikely it would be willing to compromise on locations such as Hejlij. Furthermore, since South Sudan's secession took some of Sudan's oil wealth away, extant oil production sites, like Hejlij, have become even more important to the country's economy.

Finally, an NCP compromise on the border is rendered almost impossible by the changing ethnic dynamics of Sudan's internal conflict. Frustrated by years of empty promises, the Missiriya are increasingly turning away from the NCP. Shortly after the occupation of Hejlij, Missiriya politicians from the NCP tried to get the Missiriya PDF to move against the occupying SPLA/JEM forces. The Missiriya refused, saying those who fought and died for the government were not recognized as martyrs, and their families had not received compensation (ICG, 2013). A second recruitment drive in South Kordofan failed because the Missiriya said there were now Missiriya fighting with the SRF, and they did not want to get involved in internal clashes. The NCP will increasingly need to look for ways to convince the Missiriya to return to their sponsorship.

The Rueng Dinka

The Rueng Dinka's hostility towards Northern migrants has two central aspects. First, they suffered a long series of displacements from areas further north at the hands of the Missiriya. Then, for Pariang in particular, the fact that the area remained an SPLA stronghold during the second civil war and did not join any of the militias allied to SAF active elsewhere in the border region means that, while limited trade continued around Jaw, there was little of the wartime connection that endured between the Bul Nuer and the Missiriya. Abiemnom, which has a markedly more mixed history during the second civil war, has been more open to Northern pastoralists and traders.

Since 2005, the Rueng Dinka's experience of the Missiriya has largely been one of raiding and crop despoilment. They are opposed to the Missiriya grazing inside their lands in South Sudan; Rueng Dinka in both Abiemnom and Pariang say they would only allow Northern pastoralists on their territory to satisfy the SPLM.

The Rueng Dinka want a very heavily regulated border. As Rolandsen has noted, this is a borderland people who are 'more state than the state,'[195] and who demand a strict regulation of the border and an end to Northern raiding (Rolandsen, 2013). More assertively, contemporary Rueng claims say their territory extends up to Lake Keilak, and they argue that Hejlij and Kharasana are both areas of historical Rueng Dinka settlement (CI, 2010a). This sensitivity to historical settlement can be seen in the frequent Rueng Dinka refrain that when the Missiriya come to South Sudan they rename everything. After 50 years of displacement and discrimination at the hands of the Missiriya, this allegation can seem well founded. However, most of the Rueng the author spoke to conceded that the Rueng Dinka's Northern settlements were rainy-season settlements in areas of shared rights. Which is to say, as Johnson has noted, that these claims are something of a mirror image of Missiriya claims to areas of Rueng Dinka dominant rights: both sets of claims transform, under the pressure of conflict and nationalism, what were previously secondary rights claims into absolute claims to territory (Johnson, 2010b, p. 62).

The Bul Nuer

In general, the Bul Nuer had a much closer relationship with the Missiriya and other Northern pastoralist groups during the second civil war than the Rueng Dinka and the Alor Dinka, the other major group in Mayom county. This has continued since 2005. While all border communities have suffered because of the GoS' trade blockade, continued smuggling into Mayom county, and the degree of safety the Missiriya feel there—unlike in Pariang—mean that prices in Mayom county are often lower than in Bentiu for several important products.

However, like elsewhere along the border, the relationship between the Bul Nuer and the Missiriya has deteriorated post-2005. The Missiriya have been involved in attacks on Southern Sudanese populations in Unity—including at Garasna in 2008—and they have continued to raid cattle from the Bul Nuer. The Bul Nuer have also been angered by expanded Missiriya claims to Southern land—claims which have only emerged because of Missiriya fears that crucial grazing land will be closed off if it does not become part of Sudan. Because of this, the Bul Nuer have been less interested in negotiating with the Missiriya. Finally, the Bul Nuer increasingly talk about the migration in terms of situational

cost-benefit analysis. One reason that the Missiriya were able to migrate into Mayom county was because they brought traders with them, and so the Bul Nuer had something to gain, given the trade blockade. This use of the language of profit-and-loss is very different to the shared understandings expressed in previous grazing agreements, but it seems part of the new structure underlying grazing agreements, with South Sudan an independent nation, and state-level political and military authorities responsible for organizing grazing routes.

The Missiriya

As elsewhere along the border, in Unity state the Missiriya's access to grazing land is imperilled. This is partly a legacy of militia activity during the second civil war, when the government integrated the Missiriya into the PDF, and backed *murahaliin* militias. Both these groups attacked South Sudanese settlements, creating anger and resentment in areas where the Missiriya would now like to graze. With strengthened South Sudanese nationalist sentiment, and Missiriya implication in militia activity in Abyei, the situation since 2005 has actually been worse for the Missiriya than during the second civil war.

However, since 2005, the analysis of the situation on the Unity–South Kordofan border has also changed *among* the Missiriya, who have become increasingly disillusioned with the NCP. This discontent has a number of causes: anger that pastoralists are increasingly pushed off grazing land by intensive agricultural projects and oil fields, which provide the Missiriya with no revenue;[196] discontent with a lack of political power, especially since the NCP dissolved West Kordofan, the traditional bastion of Missiriya influence; a lack of development initiatives in South Kordofan; and the fact that the GoS still has not guaranteed grazing in South Sudan for the Missiriya, creating a perception that access to grazing is increasingly at risk.

In these circumstances, the Missiriya have increasingly turned to the SPLM-N and the SRF. It is notable that the sub-group that had the most success in crossing into Unity state, Awlad Omran, is primarily from Debab. After the signing of the CPA, some former PDF fighters, mainly from Debab, joined the SPLA—the unit was known as the 'Al-Debab Force' and numbered 2,500 recruits, though there were reportedly many more who volunteered (ICG, 2013, p. 9).

Khiir Ismail Khiir, the Missiriya leader who negotiated the most successful migration with Unity state, has found himself at the intersection of two of the

determining currents dictating migratory success. He has a long political history within Unity state, having negotiated some agreements in the 1990s with Riek Machar, and thus had links with the Bul Nuer, which allowed him to stay in Mayom county after the close of the grazing season (CI, 2012e, p. 66). He also guaranteed that rebel groups would not use the grazing routes to launch attacks within South Sudan, and is well positioned with the Missiriya fighters inside the SRF. A mixture of links based on a wartime history, and contemporary political positioning close to the SRF, have enabled a relatively successful migration.[197] It is likely that this will set the pattern for future migrations, with the Missiriya having to juggle a conflicting set of political priorities to gain access to grazing in South Sudan.

Future prospects

The Unity–South Kordofan border remains the most likely place for further clashes between Sudan and South Sudan. South Kordofan is the most active front in the SRF's campaign against the GoS, and the base at Jaw is one of the most obvious targets for SAF bombing. With negotiations at a standstill, and the political positions of the two sides as far apart as ever, the rhythms of the conflict in 2011 and 2012 are likely to be repeated.

On 14 February 2013, the SPLA reported fresh bombardments at Jaw (*Sudan Tribune*, 2013c). The GoS did not comment on these attacks, but said it had seized 50 trucks in South Kordofan, loaded with goods and bound for South Sudan. This indicates that the GoS is likely to intensify its trade blockade of South Sudan, while continuing its military campaign against positions on the Unity state border.

As in 2011 and 2012, this will have a negative effect on the migratory season now under way. On 7 February 2012, Missiriya reportedly attacked cattle herders in Mayom county, killing two people and stealing 365 cows. Afterwards, people in Mayom county demanded that all ties with the Missiriya be severed, while the government alleged the Missiriya had backing from the GoS (*Sudan Tribune*, 2013a). None of these allegations have been confirmed, but they are indicative of the symbiotic relationship between grazing problems and broader political tensions on the border, and suggest a peaceful coexistence seems a dim prospect.

V. The Upper Nile–South Kordofan border

Overall findings:

- SAF sponsored Major General Johnson Olonyi's largely Shilluk militia forces in Upper Nile.
- The Shilluk continue to be politically marginalized at the state and county level, and are harassed by the SPLA, who accuse them of militia activity and of supporting the NCP. This has led to rising anger among the Shilluk community on the west bank of the Nile.
- The Seleim, one of the main groups migrating from White Nile into Upper Nile, are trapped between the GoS, which attempts to prevent them travelling south, and the SPLA, which harasses them in South Sudan. Nonetheless, the 2011–12 migration season on the west bank of the Nile in Upper Nile state was largely successful.
- Partly as a response to an unclear situation with regard to Seleim land rights in South Sudan, some Seleim have elected to stay in the South.

Introduction

The border between Upper Nile and South Kordofan is composed of Manyo, Fashoda, and Panyikang counties on the South Sudanese side, and of Talodi and Abu Jubaiyah districts in South Kordofan. This case study will focus on the western bank of the Nile, which runs through Upper Nile and marks the eastern boundary of Manyo county. The west bank of the Nile, including Manyo county, is principally populated by the Shilluk, a Nilotic people with a difficult relationship with the SPLM/A in Upper Nile. A variety of Northern pastoralist groups annually migrate into the area during the dry season. Many of these groups, including the Seleim and the Nazi, are extensively involved in agriculture, as well as pastoralism. A typical dry season migration would take some of these groups through Manyo to Fashoda, and then down to Panyikang county—the route for the majority of Seleim. Others take an eastern corridor on the other side of the Nile (see section VI).

There are two disputed border zones in this region: around Jebel Megeinis, which marks the north-westerly extent of Manyo county; and Kaka, a port on the Nile. To some extent, both sites are contested by the two states because of their valuable transportation links. Both also have rich agricultural land, and are crucial sites for Seleim migration. The Seleim have also settled near Jebel Megeinis, and rely on the areas around Kaka for gum arabic and charcoal. Seleim interest in these areas complicates the conflict between the two states, and raises questions about how Seleim claims to land and resources south of the border will be upheld now that South Sudan is an independent nation.

Further complicating disputes over the west bank of the Nile is the fact that, for much of the second civil war, there was little to no SPLA presence in Manyo county. Most Shilluk areas were controlled by SAF during this period. There is thus not the same set of extant connections between the SPLA and Northern pastoralists as one finds in Northern Bahr el Ghazal. This absence has complicated relations between the two parties.

Following the signing of the CPA in 2005, there was substantial militia activity in the zone between South Kordofan and Upper Nile. Unlike militia activity elsewhere on the border, predominantly Shilluk militias in Upper Nile are partially the product of the very real marginalization of the Shilluk community since 2005. However, these militias do not have the backing of the majority of the Shilluk, despite occasional interventions on the west bank of the Nile by SPLA forces, who treat the Shilluk community as if they were all militia, increasing Shilluk alienation from the SPLM. Since 2011, the militias have been relatively inactive in Upper Nile.

With the militias rather subdued, the Northern pastoralist migration onto the west bank of Upper Nile was extremely successful, when compared to the rest of the Sudan–South Sudan border. While the Seleim reported SPLA harassment, and SAF discouraged migration into South Sudan, Upper Nile saw only a slight reduction in the number of migrants in the 2011–12 migration season, relative to flows in the 2005–10 period.

In general, the combination of a relative lack of political tension between the two states along this border, and a very flexible approach from the state government, allowed the migration to be more successful here than anywhere else along the border.

A brief history of the border

The Shilluk have long settled the north-west corner of Manyo county, around Jebel Megeinis. More recently, Seleim pastoralists have also begun settling and cultivating in the area. While this has led to some tension, in general this settlement has been amicable. Since 2011 and South Sudan's independence, however, the Seleim have become worried that they will lose both their agricultural land in the South, and their secondary grazing rights in South Sudan. They are now contesting the location of the North–South boundary.

The Seleim were originally in Upper Nile province, and were incorporated into White Nile in 1914. Sudan survey maps of Melut, which did not change significantly after 1935, record the Seleim having dry season grazing from Jebel Megeinis up to the north of Kaka (Johnson, 2010b, pp. 67–68). The area under dispute is not extensive. The historical point of contestation is twofold: according to contemporary GPS readings, Jebel Megeinis is not located where it is located on Sudan Survey maps from the 20th century; and there are two recording beacons on the mountain, rather than one, leading to uncertainty as to where the reading of the mountain's location should be taken (Johnson, 2010b, p. 69).

The second contested area on the Upper Nile–South Kordofan border is the port of Kaka on the Nile. It became important to communities in South Kordofan following the implementation of the CDO in 1920, which meant that it was difficult to bring goods and services into the state. Kaka port allowed food and goods to be brought into the Nuba Mountains. It was also surrounded by important grazing land for Seleim cattle. The Sudan Government Gazette records that Kaka was incorporated into what is now South Kordofan in 1923. During discussions on the Technical Border Committee (TBC), the SPLA argued that this change was not relevant for determining the 1956 border of the Southern provinces because Kaka town was transferred back to Upper Nile in 1928, when the Nuba Mountains became part of Kordofan.

During the second civil war, what is now southern Upper Nile saw some of the worst fighting between factions of the SPLM/A. Many of the Shilluk who were not involved in the fighting retreated to the west bank of the Nile, to today's Fashoda and Manyo counties. However, when the SPLM/A split in 1991, and

Riek Machar and Lam Akol formed SPLA-United, many Shilluk supported Lam Akol (a Shilluk himself).[198] This support persisted after SPLA-United split, with Lam Akol continuing to command a faction called SPLA-United.[199] In 1997, he signed the Fashoda Agreement, which provided his troops with support from Khartoum, and enabled him to join the GoS as minister for transport.[200] Hostility between the Dinka and the Shilluk continued intermittently throughout the second civil war, and took the form of military clashes—even after Lam Akol rejoined the SPLM/A in October 2003—and disputes over land along the Nile.

The events of the second civil war underlie contemporary disputes between the Shilluk and the Dinka in Upper Nile. Mainly Dinka settlers occupied land on the banks of the Nile when the Shilluk retreated to the west side of the river during the war. The Shilluk believe this land was unjustly taken from them by Dinka settlers, who took advantage of what the Shilluk claim is a Dinka-dominated government.

The border 2005–11

After the CPA was signed in 2005, the relationship between the Shilluk and the Dinka in Upper Nile deteriorated even further because of a series of territorial struggles. Many of the Dinka say the boundary between the two groups is the Nile itself, while the Shilluk say they have a history of settlement along the east bank of the Nile, a zone that includes Kodok, Nagdier, and Malakal town. Since 2005, many Shilluk have returned from Sudan—where they fled during the war—only to find their former settlements occupied. The Shilluk also feel they are marginalized within the Upper Nile government, which they say privileges Dinka land grabs while ignoring Shilluk voices.[201] This discontent has been intensified by the perceived neglect of community issues by senior Shilluk politicians in Juba. For instance, there is a common perception in Manyo county that Oyay Deng Ajak, the then chief of staff of the SPLA and a Shilluk, should have done more in September 2009 when Nagdier and Abonheim were burned down, and that Pagan Amum, the most senior Shilluk politician in South Sudan, is too close to Dinka politicians within the SPLM.

The divisions that emerged during the second civil war were forcefully restated after the signing of the CPA. Shilluk residents said that when the SPLA first entered Manyo county, Dinka and Nuer soldiers from outside Upper Nile evicted them and treated them like enemies.

Lingering SPLM/A suspicions about the Shilluk, and their role during the second civil war, were reawakened in June 2009 when Lam Akol again broke away from the SPLM and founded SPLM-Democratic Change (SPLM-DC), and claimed that he would expose corruption and inefficiency in the SPLM.[202] The SPLM says that Lam is still supported by the GoS, and is backing militia groups in Upper Nile.[203] The SPLM's hostility towards the SPLM-DC can be partly explained by the fact that the SPLM is still emerging as a political force and finds it difficult to acknowledge the existence of other possible political forces in the national arena (Human Rights Watch, 2011b). However, this hostility also reveals the level of tension between the Dinka and the Shilluk in Upper Nile.

This tension spilled over into violence in 2009. On 9 January, anniversary celebrations of the signing of the CPA degenerated because of a dispute between the Dinka and the Shilluk over the ownership of Malakal town; two people were killed. The situation further deteriorated after Lam created the SPLM-DC in June. On 4 September, unidentified fighters attacked a Dinka settlement in Bony-Thiang, burning homes and killing the paramount chief and 20 villagers. The Upper Nile government blamed supporters of the SPLM-DC. A number of revenge attacks immediately took place, and several Shilluk settlements were burned down, including the villages of Nagdier and Abonheim. Much of the Shilluk population fled to the west bank of the river—just as they had done during the second civil war.

These tensions in Upper Nile state increased in the run-up to national elections in 2010. Four SPLM-DC candidates were elected to the South Sudan Legislative Assembly, representing Shilluk areas of Upper Nile, but the SPLA refused to accept the results and arrested the four candidates.[204] Some of the Shilluk took this as confirmation of their marginalization under the SPLM, and sought revenge.[205] On 25 June, a barge was attacked near Kodo, the capital of Fashoda county. The barge was carrying SSPS officers and cash from the Constituency Development Fund. In theory, the fund is a resource for local development,

paid for by oil revenues, but the Shilluk commonly describe it as an illicit means of distributing resources. Three officers were killed during the attack.

The SPLA blamed Lam Akol and the SPLM-DC, in particular Robert Gwang, a former Upper Nile prison officer who declared his opposition to the SPLM/A before the 2010 elections were even held. The SPLA deployed its 7th Division's infantry to Fashoda county to 'clear the area of Lam Akol militia' (Small Arms Survey, 2010). Human rights observers say the SPLA campaign to root out Gwang's militia did not distinguish between SPLM-DC supporters and the Shilluk in general, and that during the campaign SPLA soldiers raped, looted, and executed (Ibid). By August 2010, Gwang had signed a peace deal with the SPLA, securing a promotion to the rank of major general.

Despite Gwang's personal gain during the post-election violence, the militia activity that occurred in 2011 and 2012 in Upper Nile should be clearly distinguished from militia activity during the same period in Unity state, which largely does not reflect community discontent.[206] The uprisings in the Shilluk areas of Upper Nile derive from deep-seated land grievances and anger about political marginalization. These two resentments feed into each other: the post-war, Dinka-dominated administration is believed to be entrenching wartime Dinka land appropriations.

Just before the election, three uprisings began in the Shilluk areas of Upper Nile. As well as Gwang's short-lived struggle, Ayok Ogat and Olonyi launched campaigns against the SPLM/A, which, rather than petering out, intensified in 2011.

On 6–7 March 2011, Olonyi, a former officer in the SPLA, launched an attack on the headquarters of the 7th Division in Owachi, Panyikang county; 50 people were killed in the fighting. After being repelled from the army base, Olonyi's forces regrouped and attacked Malakal on 12 March (Human Rights Watch, 2011a). It took six hours for the SPLA to clear the town. In doing so, Human Rights Watch reported that the SPLA detained and harassed numerous Shilluk civilians in Malakal.[207] These clashes resulted in 30 military deaths. There are no available statistics for civilian casualties.

On 19–20 August 2011, fighting broke out again in Upper Nile, this time in Kaka, one of the two contested territories. Several rebel groups seem to have worked together, including those of George Athor,[208] Gordon Kong,[209] Olonyi,

and Ogat. The approximately 5,000-strong rebel force briefly held the town, but was repulsed by the SPLA, which said it killed 60 rebels (*Sudan Tribune*, 2011).

The SPLA's hostility towards Shilluk communities on the west bank of the Nile has often led them to assume that all Shilluk are militia members. Equally, in a state where cross-border alliances have been a crucial tool of military and political organization, relations between Northern pastoralists and Shilluk communities have fed SPLA suspicion. For instance, the fact that Manyo county has often enjoyed lower prices for basic goods than Malakal (2010–12) has been taken as evidence of Shilluk cooperation with Northern militias, rather than the natural result of the presence of Northern traders.

Since 2005, the Shilluk of Manyo county have also faced external pressures on resources. The oil firm Petrodar Operating Company (PDOC) started construction of seismic lines in March 2006, in the process destroying homes and acacia trees, the source of gum arabic (Moro, 2009). Despite tensions between the Dinka and the Shilluk, and pressure on resources caused by the expansion of oil company activity on the west bank of the Nile, relations between the Shilluk and the Seleim were reasonably amicable in 2005–11. In part, this is because of the lack of SPLA control in these areas, and the absence of the heavy taxation policies and harassment that normally follow in the SPLA's wake.

During this period, the Seleim typically gathered around Awet, just south of Kwek, and then entered Manyo county, migrating as far south as Lagowa and Hamza.[210] In these more southerly locations, the Seleim rent agricultural land from the Shilluk. The income from the sale of crops is shared between the Seleim farmers and the Shilluk owners. While this system worked well until South Sudan's independence, it has become increasingly difficult to sustain given the Seleim's marginal position in South Sudan and both growing Shilluk recognition of the value of the land, and their increasing exclusion from viable farming land along the Nile.

There is also increasing Shilluk concern about Seleim settlement in Kaka and Megeinis; these concerns have been exacerbated in recent years by Seleim attempts to turn their secondary rights into claims to exclusive ownership. There are also problems in Kaka over the harvesting of gum arabic.[211] Tensions between the Seleim and the Shilluk over gum arabic began during the second civil war, and intensified after the signing of the CPA in 2005. The dispute over

control of this valuable commodity is now so fierce that the Shilluk have changed the Arabic name from *sumuk arabi* to *sumuk aradi janub*, or 'gum from the lands of the south' (Moro, 2008, pp. 309–10). If the Shilluk continue to lose land to Dinka groups along the river, and the Seleim become further marginalized in South Sudan, as seems likely, tension between the Seleim and the Shilluk will probably intensify.

The imposition of an international border

The Upper Nile–South Kordofan border poses a particularly pertinent challenge that will be felt up and down the frontier with varying degrees of severity, and will notably affect the Shilluk areas of Upper Nile. During the 2011–12 grazing season, as explored below, the Seleim stayed for longer than previously, with some announcing their intention to spend the year at Wadkona in Manyo county. According to the 27 September Nationals Agreement, 'nationals of each State shall enjoy in the other State the following freedoms: (a) Freedom of residence; (b) Freedom of movement [;] (c) Freedom to undertake economic activity; (d) Freedom to acquire and dispose of property'.

These rights have yet to be tested, and the 27 September Addis Ababa agreements are almost entirely unimplemented. An agreement to leave South Sudan by a given date was part of almost all grazing accords during the 2011–12 grazing season across the Sudan–South Sudan border. In all the border states visited by the author, there was tension caused by Northern pastoralists staying longer than had been agreed. These tensions are driven by pressure on resources, and longstanding anxieties given Sudanese encroachment on the rights and land of Southern Sudanese border communities during the two civil wars. The guarantees given in the 27 September Nationals Agreement highlight the strains: one of the central dilemmas in this area derives from the tension between international agreements that guarantee unlimited rights of residence and property, and the delicate negotiations over limited grazing rights that Northern pastoralists have traditionally undertaken before entering South Sudan.

Despite the 27 September Nationals Agreement, it is unlikely that host communities in South Sudan would welcome groups like the Seleim if they attempted to take up permanent residence, given that an increased population density

would alter precariously balanced patterns of resource use already under threat from oil exploration and agricultural projects.

More generally, the Northern migration into Upper Nile has proceeded relatively successfully since 2005. This is partly because of continuities with the second civil war period. Unlike Pariang, an SPLA stronghold which had extremely limited contact with Northern pastoralist groups during the war, the west bank of the Nile in Upper Nile state had almost no SPLA presence, and was effectively controlled by SAF. The Shilluk in this area had continuous relationships with pastoralists, like the Seleim. This has allowed for a continuity of practice and relations impossible elsewhere on the border.

Unlike in Northern Bahr el Ghazal and Unity state, where there were sometimes positive cross-border relations through the mediation of the SPLA, in Upper Nile the SPLA did not become the prime negotiator of grazing accords.[212] This has continued to be the case since 2005. Part of the reason is that there has been little inter-state tension along the border—in comparison to around Kiir Adem or Jaw—and so the SPLA and SAF have not built up forces as they have elsewhere. Another reason for the minimal SPLA presence is the lack of accord between the Shilluk and what they perceive as a Dinka-dominated SPLA.

Put simply, the imposition of an international border on the west bank of the Nile in Upper Nile state has had minimal consequences for the migration of Northern pastoralists, and on relations between the Seleim and the Shilluk, because the international border has yet to be established. It is unlikely that current migration patterns, and Seleim settlement in South Sudan, will be sustained if there is a strong SPLA presence in Manyo county and Fashoda, given the hostility the SPLA has already demonstrated towards the Seleim (see below) and the Shilluk.

Current political dynamics

During the 2011–12 grazing season, Seleim pastoralists complained of harassment by the SPLA and SSPS, and this does not bode well for their future in an independent South Sudan. Nonetheless, the grazing season was relatively successful for the Seleim (see Map 10). The same cannot be said for their relations with the GoS. Fears over repercussions in Sudan from having contact


Map 10 Grazing routes into Upper Nile from South Kordofan, 2011–12
WHITE NILE
Jordah border area
El Salam
SOUTH KORDOFAN
Jebel Megeinis
Gerger
Rashad
Manyo County
Renk
Abu Jibeha
Banjang
White Nile
SUDAN
BLUE NILE
Kologi
Kaka town area
Kaka
Melut
Werni
UPPER NILE
Aburoc
Fashoda County
Kodok
Fathau
Panyikang County
Malakal
Athakong
Doleib Hill
Sobat
JONGLEI
SOUTH SUDAN
0 km 50
2011–12 grazing routes:
West Bank route: Suleim also Al Hamda, Subha
Seleim
Awlad Hamayd, Fellata, Hawazma
Fellata, Hawazma, Missiriya
Nominal African Union High-Level Implementation Panel border
'Claimed' area
'Disputed' area
State boundary
State capital

with groups in South Sudan—despite the fact that the Seleim have important positions within the White Nile state government—meant that many Seleim still did not travel south in South Sudan. Of those who did, many did not return to areas further north than Kwek. This was partly due to fears about retribution from SAF and the NCP, and partly because the Seleim are worried about the status of their agricultural land in South Sudan. Those Seleim who have attempted to stay in South Sudan also worry that, if the situation on the border changes, they would be cut off from their agricultural land in South Sudan. Following the 2011–12 grazing season, many Seleim stayed in Manyo county to protect their claims to land they are cultivating on the west bank of the Nile. Seleim herds have also remained in the South. While the continued Seleim presence has so far been relatively uneventful, it has the potential to cause problems in the long term. If the Shilluk are further displaced from land on the banks of the Nile, there will be increased pressure on land resources to the west of the Nile. Given the very slight protection given to the Seleim under current South Sudanese law, this would leave the Seleim with only a precarious hold on their resources.

One of the reasons the 2011–12 grazing season in Upper Nile was so successful, compared to Unity state, was that state authorities adopted a very hands-off approach. There was an initial meeting between several Northern pastoralist groups and state authorities in Malakal in September 2011, though there was no public announcement of a state-wide grazing policy until a state migration conference in February 2012; even this announcement limited itself to a general set of principles. The migratory season was organized at the county and payam level. It is important to note that this arrangement was successful on the west bank of the Nile because of the relatively good relations between the groups; in other areas of the border region, where relations between host communities and Northern pastoralist groups have deteriorated following the second civil war, such an arrangement would be a disaster.

The local flexibility of the Upper Nile agreement meant that Northern pastoralists arranged tax rates with county and payam authorities, and with local chiefs. Thus in Upper Nile, unlike in Unity state—where, at least in theory, there are standard rates of taxation—there is considerable county-by-county variation in how much pastoralists are charged, and which bodies should collect

these taxes. During the second civil war, tax collection was largely standardized by the SPLA in areas under its control; it decided on rates, and collected taxes. During the 2011–12 grazing season in Upper Nile, some of the variations in tax rates and collection came from pre-existing wartime practices. Some of the areas of Upper Nile with the greatest variations in tax rates were outside of SPLA wartime control, and grazing rights were correspondingly less formal. For instance, in Longechuk county, each payam was allowed to collect a 'door payment', while in Maban county tax is, at least formally, standardized and paid to the county (CI, 2012c, 2012d). In Longechuk, this difference is largely due to the absence of a county-level administrative capacity to levy taxes, leading to a reliance on more informal means. The uncertainty about who should be collecting taxes, and how much they should levy, leads to frequent allegations of overcharging by Northern pastoralist groups, and to significant variance in policies and rates. These variations also blur the lines between different administrative figures at the local level.

As elsewhere along the border, the greatest difficulty for Northern pastoralists is negotiating 30 years of suspicion and paranoia. The case of Sheikh Al Bir is exemplary.[213] In April 2012, three Seleim traders were transporting fuel in a truck in Manyo county. Following an altercation in Mustakabal with a local man, whose brother was in the SPLA, the traders were arrested on suspicion of spying and illegally transporting fuel. While the brothers were illegally transporting fuel, it must be noted that all trade was technically illegal given the GoS blockade. This ban means that cross-border traders live in a permanent state of precarity, and are liable to be arrested on either side of the border whenever it is instrumentally useful for the arresting authorities. The brothers were moved to Wadkona prison in Manyo county. Sheikh Al Bir, who was in the South to negotiate grazing rights, went to investigate. He discovered that they had been taken to Panyikang county. When he went there on 13 April 2012, the Sheikh himself was arrested. The Sheikh was still in prison in October 2012, as well as the traders, and their lorry was being used by the military on the Malakal–Tonga road. Such incidents have done little to increase Seleim confidence in the GRSS' ability to safeguard their rights in a new South Sudan.

Clashes in Manyo county (see below) affected agricultural production on the west bank of the Nile, with many farmers taking their equipment from the

fields because of insecurity, including the theft of some equipment. [214] Farmers in Manj county said in September 2012 that it was difficult to find labour to work their farms. This scarcity has also caused problems in White Nile and South Kordofan; in the latter, Kamal Osman Bala, the Sudanese minister of agriculture, recently spoke about the wage increases that have resulted from the scarcity of labour (Radio Tamazuj, 2012f).

However, Manyo county was largely spared the price increases in basic foodstuffs because of the continued presence of Seleim merchants. Unlike in Fashoda county, the majority of people in Manyo are Muslim, and there is also more inter-marriage with Northern pastoralists and traders, guaranteeing more enduring relationships. The downside is that the Shilluk say the SPLA suspect they are allied to SAF. Nevertheless, these close links allowed Manyo county to not suffer too adversely from the attack on Kaka town, detailed below.

Armed groups

Since Gwang's return to the SPLA, the two main rebel groups operating on the west bank of the Nile belong to Ogat and Olonyi. Of the two, Ogat's group has been much quieter in 2013. It is apparently composed of former JIU forces formerly stationed in Upper Nile, though numbers are not known. On 10 June 2012, four members of the group surrendered to the SPLA—two Nuer, one Shilluk, and one Dinka. This shows that Ogat's group is not a monoethnic Shilluk force.

Olonyi's group was much more active in 2011 and 2012. Following the February 2012 defection of Peter Kuol Chol Awan, who had been appointed leader of the SSDM/A after Athor's death, Olonyi took command of the remaining SSDM/A forces.[215] There were unverified reports of SSDA attacks on 31 May 2012 around Kungar and Tungor, both former strongholds of SAF-backed militias during the second civil war.

Olonyi did attack Ogot payam on 25 April 2012, causing people to flee temporarily to Malakal town and Lelo. He launched a further attack on 19 June, this time against Kaka town. The commissioner of Manyo county said the attack was the result of SAF collaboration with Olonyi's group, a claim SAF dismissed.[216] Eyewitness reports suggest there was no SAF presence. Instead, witnesses said Olonyi's forces were disguised as traders and drove 14 vehicles into the market.

This shows again the difficult position of Northern traders; this event is likely to fuel distrust of them in the future. The SPLA repulsed the attack, killing two militia members, and capturing six, as well as one mounted vehicle. Nine civilians were killed.

While SAF was not involved in the attack on Kaka town, it has provided support to Olonyi's group. His force's bases were located west of Kaka, near Mabrowka, as well as at Hamra and Kwek: they hug the South Kordofan–Upper Nile boundary, precisely the area of the SDBZ. According to UNMISS, SAF provided artillery cover in a March 2012 attack on Kwek. Many of the militia members who were captured or who surrendered during the Kaka attack said they were forcibly conscripted in Khartoum—a strategy used by the NCP during the second civil war. It is not known how active SAF were in resupplying Olonyi's forces. It seems likely that these forces were being held in reserve, and will be supported and deployed instrumentally, either as a function of the ongoing war in South Kordofan, or to cause havoc within South Sudan as part of an effort to extract further concessions at the negotiating table.

Following President Salva Kiir's amnesty offer on 24 April 2013, Olonyi began negotiating the terms of his reintegration into the SPLA, culminating in his arrival in Fashoda county on 9 June along with a force that he claimed was 3,119 soldiers strong. He is now beginning his integration into the SPLA, and alleged that his militia received SAF support.

The forces that repelled Olonyi's militia were part of the SPLA's 7th Division, which operates in Manyo county. It is mainly composed of the forces of former SSDF commander and Bul Nuer, Gadet. They are not primarily Shilluk, and there is a great deal of tension between this force and the local population, with the latter reporting harassment. Continued militia activity is likely to make this harassment even more acute.

Stakeholder positions

The SPLM

The SPLM's greatest problem in Upper Nile is an internal one. It is struggling to incorporate the Shilluk within South Sudan's body politic, and ongoing disputes over land along the Nile have worsened matters. The Shilluk community's

alienation has been exacerbated by frequent discrimination by the SPLA whose members are largely not from Fashoda and Manyo, and who have a tendency to see all Shilluk as members of the SPLM-DC, or as Northern militia men.

The SPLM has often accused Lam Akol of possessing his own militias, though no evidence has been put forward to support these claims (*Sudan Tribune*, 2012k). However, the SPLM in Upper Nile does not simply face tensions with the SPLM-DC: it must also deal with internal strains. For instance, in September 2012, the governor of Upper Nile, Simon Kun Puoc, attempted to create a city council and the position of mayor for Malakal town. The Shilluk saw this as another attempt to solidify external state control over a town they claim as theirs. Pagan Amum, the highest-ranking Shilluk member of the SPLM, publically criticized the governor's efforts.

Resolving these issues will also require tackling explosive claims about land, and disentangling, legally and politically, a complicated history of settlement along the Nile during the second civil war, and post-2005. Part of this process will involve deciding on the status of the Northern groups who have settled in South Sudan, and in the areas around Kaka town.

The Seleim

The Seleim are increasingly threatened on both sides of the border. In White Nile, the GoS is pressuring them not to make any further agreements with South Sudan. This has caused some Seleim to choose to stay in White Nile, putting further strain on grazing land already made scarce by agricultural projects. Some Seleim have, alternately, decided to stay in South Sudan to safeguard their land. They fear that the imposition of an international border will prevent both agriculture and pastoralist grazing in South Sudan. Since the secession, the Seleim people find themselves effectively divided by the border.

In South Sudan, the situation is hardly better. As the Shilluk are pushed off the east side of the Nile, there will be increasing pressure on the remaining land in Manyo and Fashoda, putting greater strain on existing Seleim sites. This, combined with uncertainty about the legal status of Seleim land, makes for a very uncertain future. Becuase militia fighters use the same routes into South Sudan, sometimes disguising themselves as Northern traders, the SPLA do not trust the Seleim, and these suspicions have been hardened by 20 years of civil war.

The Shilluk

Following post-election violence and continuing militia activity in Upper Nile, SPLA doubts about Shilluk loyalties have strengthened. Although the SPLA believes the Shilluk support Lam Akol, this is not necessarily the case, with many believing him to be as distant from their concerns as Pagan Amum.

But Pagan Amum is not as removed from politics in Upper Nile as his detractors claim. He comes from a family with a long history of political influence and regularly consults the *reth*: the Shilluk king who has still has an important role in Shilluk society. He recently intervened in a dispute over the establishment of the Malakal city council, which was perceived as an attempt to further undermine Shilluk influence. At the same time, Lam Akol does have some support among the Shilluk, as seen in the SPLM-DC's victories in the April 2010 election.

The most fundamental challenges confronting the Shilluk are structural, and include political marginalization and alienation from land they feel is theirs on the east bank of the Nile. As clashes over the last year have shown, without better relations between the Shilluk and the SPLA's 7th Division, and a more inclusive state-level political administration, violence in Upper Nile could flare once more.

Future prospects

The Sudan–South Sudan border contains within it a series of different challenges. In some places the border was effectively integrated into the one-party state by SPLA activity during the second civil war, but in others, such as along the Upper Nile–South Kordofan border, the dynamics of life for border communities was more orientated towards Khartoum. Now, following South Sudan's independence, the challenge for these communities is to work out how to ensure continuity with the past, in the face of what is frequently an antagonistic South Sudanese admimistration. For the SPLM, the challenge is to successfully integrate the west bank of the Nile into the state. To do this, it will have to tackle increasingly bitter land disputes between the Dinka and the Shilluk.

Neither Jebel Megeinis nor Kaka town are as central to the SAF–SPLA border disputes as sites in Northern Bahr el Ghazal and Unity. Nevertheless, they

remain contested areas, with much hanging on their fate for both the Shilluk and the Seleim. If negotiations remain stalled, and the two countries return to war, the militias in South Kordofan, partially formed from Shilluk communities in Upper Nile with legitimate grievances against the SPLM, will surely make their presence felt again.

VI. The Upper Nile state–White Nile border

Overall findings:

- Communities in Upper Nile's Renk county, which juts north into White Nile state, have traditionally had good relations with the Seleim and Northern merchants who come to graze their cattle or to do business. This is due in part to historically strong links between the two communities. In Renk, unlike elsewhere along the border, the two governments have used military harassment and border blockades to try to prevent a harmonious relationship from developing between the two sides.
- Increased militarization has affected agricultural production in what is one of the most fertile border areas. Farmers have abandoned their fields, SAF have occupied farms, and ongoing tensions over large-scale agricultural projects have stoked insecurity and disrupted farming.
- Because of GoS pressure, none of the Northern seasonal migrants who traditionally come to Renk attended migration meetings during the 2011–12 migratory season.

Introduction

The border region between Sudan and South Sudan contains some of the two countries' most fertile land. In the 1970s, as part of Nimeiri's 'bread basket' strategy of national development, this region saw intensive development in the form of rain-fed mechanized agriculture projects. These projects reduced available grazing for Northern pastoralists, especially in South Kordofan. A series of land acts since the 1970s also undermined communal land rights (Kibreab, 2002, pp. 276–80) by nationalizing territory and pushing small-scale cultivators off their land (Johnson, 2010b, pp. 63–65).

While what is now Renk county was less affected by these developments than South Kordofan or Blue Nile, its situation helps shed light on the future of these projects, now that the border region is to be divided between two

sovereign states. Renk county is bordered by Jebalayn county in White Nile. The disputed territory between them measures only a few square kilometres but decisions about this border could affect several agricultural projects.

Renk was one of the few places along the Sudan–South Sudan border to be excluded from the CDO—an act promulgated in 1920, which dictated that Southern Sudan should have separate policies on education and political development, and that travel from Sudan into the South required permits. During the 20th century, Renk maintained strong links with Sudan—if it were not for the blockades, it would be much easier to travel to Khartoum than to Juba. In some ways, Renk does not fit the pattern seen in other counties on South Sudan's side of the border, where communities are distrustful of the North after decades of marginalization and raiding.

However, there are still serious problems to resolve. The Abialang Dinka, the traditional residents of Renk county who claim territory well to the north of the 1956 line, feel cut off from political talks about the border. They are also concerned that South Sudan will nationalize agricultural projects, impoverishing local communities. Finally, the Seleim, who live in White Nile, depend on grazing land in Renk county. South Sudanese nationalism could endanger the coexistence of the Abialang Dinka and the Seleim.

A brief history of the border

The Abialang Dinka are the traditional residents of Renk county. A transhumant group, they belong to the Padang Dinka group, which spreads along the border region and includes the Ngok Dinka of Abyei and the Rueng Dinka of Unity. More recently, Renk town has become majority Shilluk, and also includes a large proportion of Northern Sudanese traders.[217] Two Northern pastoralist groups, the Seleim and the Rawat al Maganis, also move through Renk county.

There are two recorded boundaries between White Nile and Upper Nile. One record is from 1920, and there is a boundary to the north of that one, which was gazetted in 1956 but recorded as having been delimited in 1955 (Johnson, 2010b, p. 69). This later boundary was contested in an attempted demarcation of the border in 1983, when Upper Nile and the Sudan Survey Authority disagreed over which boundary should be used. At present, a boundary approximating the 1956 gazette record is recognized by the administration in Upper

Nile. A slight change in this line could affect the ownership of agricultural schemes. The actual border charted in the British records is not easy to determine: in the north-east corner, a boundary beacon used to orientate the border during that period has now fallen into the Nile (Johnson, 2010b, p. 72).

In the 1970s, Renk began to flourish as a centre for irrigation schemes and commerce, both financed by Sudanese capital. Many Sudanese merchants settled in Renk town and have remained there, resulting in a long period of coexistence with the Abialang Dinka, who are mainly Muslim and speak mainly Arabic. As Northern traders came south, many Southern Sudanese headed north to work in intensive agricultural schemes in White Nile and South Kordofan, further embedding Renk county in the Sudanese economy.

In the 1970s, several land tenure bills were enacted, stating that land not registered with the state was assumed to be state land.[218] Thousands of feddans[219] were transferred to large parastatal companies, and this loss of agricultural land still rankles with the Abialang Dinka (CI, 2010d, p. 93). The Unregistered Land Act of 1970 allowed the GoS to acquire land for agricultural schemes, mostly at the expense of pastoralists and small-scale farmers (Maxwell et al., 2012, p. 10).

Following the 1972 Addis Ababa agreement, conflict broke out between the Abialang Dinka and the Seleim over the right to harvest gum arabic.[220] Between 1973 and 1981, there were clashes in and around the contemporary border areas of Jordah and Jebalayn. Peace negotiations in 1973 failed. The GoS intervened in the early 1980s, granting Northern pastoralists freedom of movement in Upper Nile, but this did not resolve the long-term tension over resources. Despite these clashes, Renk county was spared the destruction that characterised the second civil war in other border areas.

The border 2005–11

Since 2005, grazing agreements between the Abialang Dinka and the Seleim have generally been respected. A 2009 agreement between the governors of Upper Nile and White Nile established working relations between the two states and set the tone for a series of subsequent meetings. During the 2010–11 grazing season, the Seleim moved through Renk to graze in Maban. From 2005

to 2010 there was minimal friction between the SPLA and SAF, despite a heavy build-up of military forces. Nevertheless, structural problems began to develop, and these threaten the successful coexistence of Southern host communities and Northern pastoralists.

The presence of the states, and in particular their armies, is the main threat to border migrations. In 2010, there were two disputes: the first occurred when Sudanese police entered a no-man's land between the two armies; the second happened when SAF moved a platoon closer to the border and brought up a company-sized force behind it. In both cases, the incidents were resolved without loss of life.[221] But the border at Jordah divides the town in two, and there is significant military build-up in the area. This has made it increasingly difficult for Northern traders to access the South, and has also affected the price of commodities in Renk.

The Seleim accuse the SPLA of upsetting the dynamics of cross-border migrations, and this has been exacerbated by the erosion of traditional negotiation structures. The GoS punishes groups crossing into South Sudan, who also find themselves excluded from negotiations over grazing in the North.[222] The Seleim want the SPLA to withdraw from the border area, and fear for their investments in the South—both in agriculture and in a number of boreholes (CI, 2010b, p. 16).

The imposition of an international border

One of the most critical problems in Renk relates to agricultural land. The east of Renk county contains a large amount of land that is used by Sudanese agriculturalists. The Abialang Dinka say this land was sold to Sudanese investors at less than its market value. Furthermore, these sales were carried out through the GoS ministry of agriculture in the 1970s and 1980s, when Southern Sudanese believe they did not have an equal chance to invest.

The South Sudan Land Bill of January 2009 identifies the people of South Sudan as owners of land within the country, and recognizes customary land rights. In areas like Renk county, the status of land owned by Sudanese investors, and purchased prior to South Sudan's independence, is unclear and requires political and legal resolution.

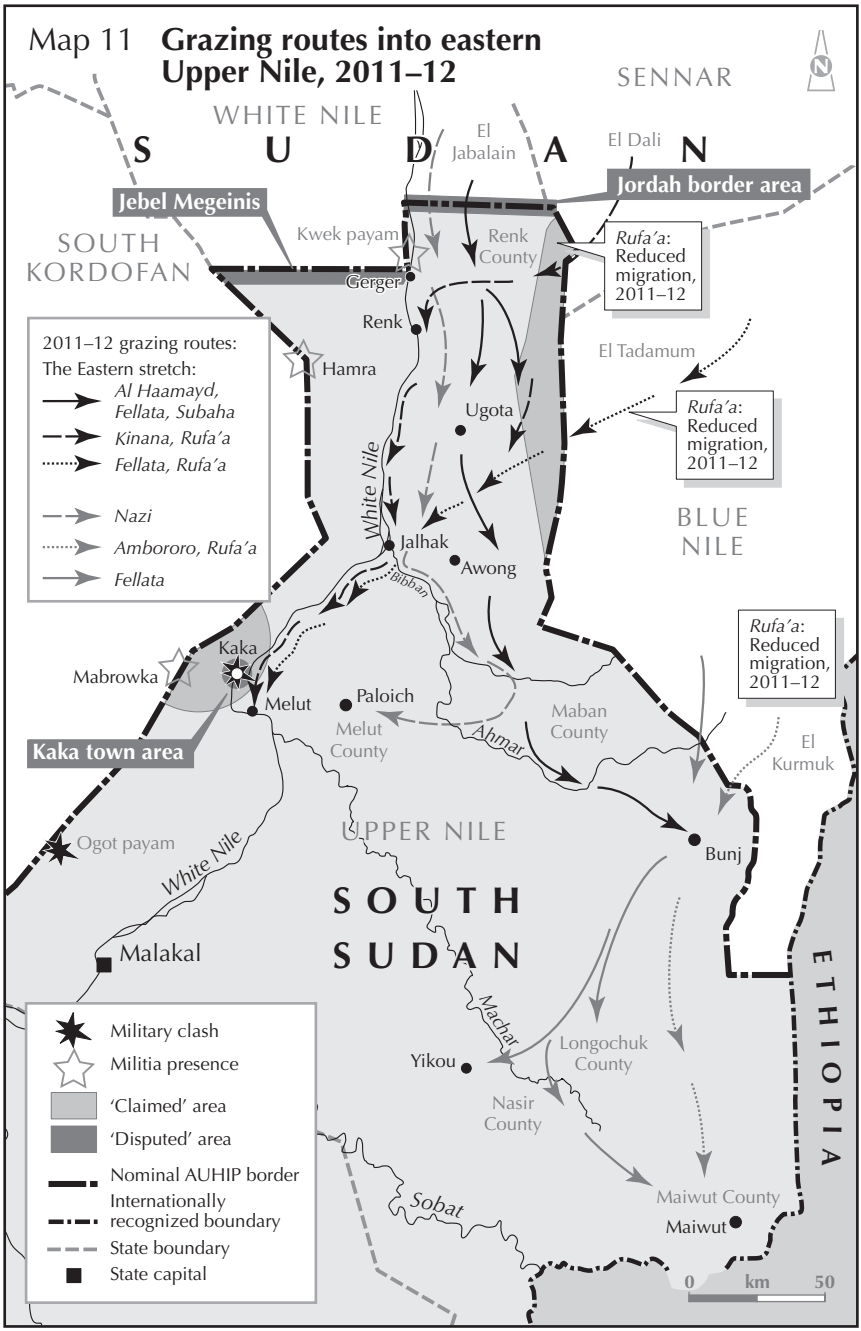
Even if this land is taken from Sudanese investors, it is by no means certain that it will go to the Abialang Dinka, or even to the Shilluk population that now makes up the majority of Renk town. During 2007–10, foreign companies, governments, and individuals acquired approximately 2.64 million hectares of land in South Sudan, primarily for investment in agricultural production (Deng, 2011). Interviews with the Land Commission in Upper Nile state suggest that, although the issue of what happens to Sudanese-owned land in Renk county is not settled, it is likely that the state will seek large investors, rather than return the land to the local community.[223] Such a measure risks alienating the local population.

Furthermore, it is not evident that such land appropriation would be acceptable to the Sudanese government. The 27 September Nationals Agreement states in clause 4(d) that Sudanese nationals who have already acquired property in South Sudan will not have that property taken away. There is, nevertheless, widespread fear among Sudanese in South Sudan over whether this agreement will be respected.

Current political dynamics

After informal negotiations between several Northern pastoralist groups and state authorities, a meeting on 24–25 February 2012 in Malakal led to a general statement of principles by the state government. As noted in the previous case study, the substantive organization of the grazing season was left to the county- and payam-levels of administration. However, in the case of Renk county, neither Northern pastoralists nor traditional leaders attended the conference, although the county commissioner was present. Northern pastoralists came under pressure from the GoS not to attend (CI, 2010c). The grazing season nevertheless went ahead (see Map 11), though there were fewer Rufa'a—one of the groups who would normally come through Renk on their way to Maban county—than usual because of uncertainty about Upper Nile's migration policy, high rates of taxation, and pressure in Sudan not to come south.

The migration was complicated by the formal closure of the border. Unlike in Unity state where wide stretches of the border are unguarded, the frontier is tightly controlled in Upper Nile. Like elsewhere along the Sudan–South


Map 11 Grazing routes into eastern Upper Nile, 2011–12
SENNAR
WHITE NILE
SUDAN
El Jabalain
El Dali
Jordah border area
Jebel Megeinis
SOUTH KORDOFAN
Kwek payam
Renk County
Rufa'a: Reduced migration, 2011–12
Gerger
Renk
Hamra
El Tadamum
Ugota
Rufa'a: Reduced migration, 2011–12
2011–12 grazing routes:
The Eastern stretch:
Al Haamayd, Fellata, Subaha
Kinana, Rufa'a
Fellata, Rufa'a
Nazi
Ambororo, Rufa'a
Fellata
White Nile
BLUE NILE
Jalhak
Awong
Bibban
Rufa'a: Reduced migration, 2011–12
Kaka
Mabrowka
Melut
Paloich
Melut County
Ahmar
Maban County
El Kurmuk
Kaka town area
UPPER NILE
Ogot payam
White Nile
Bunj
SOUTH SUDAN
Malakal
ETHIOPIA
Machar
Yikou
Longochuk County
Nasir County
Military clash
Militia presence
'Claimed' area
'Disputed' area
Nominal AUHIP border
Internationally recognized boundary
State boundary
State capital
Sobat
Maiwut County
Maiwut
0 km 50

Sudan border, the route between the two countries was officially closed by Sudan in May 2011. For three months, however, the border remained informally open, with border guards at Jordah allowing smugglers to pass. Following South Sudan's formal declaration of independence in July 2011, however, it was much tougher for merchants to get through on the Sudanese side of the border. By June 2012, border trade had almost ceased.

This created an extremely difficult situation in Renk, which has much stronger transport ties to Sudan than to South Sudan. The scarcity of provisions in Renk made manifest its tensions with Malakal. Earlier in 2012, the Upper Nile government had refused to allow goods to move north from Malakal, in a tit-for-tat measure designed to respond to Sudan's closing of the border. This restriction was also designed to ensure sufficient supplies stayed within the state capital, where the price of many basic commodities had doubled over the year because of the trade embargo.[224] The decision affected food security in Renk county, which was already suffering from the trade embargo. On 4–5 June 2012, a reported 112 trucks, which had crossed the border from the North at Jordah, were prevented from going further south by authorities in Renk, partly because of concern about the amount of food needed in the county, but also in revenge for the earlier decision by the state administration in Malakal.

The situation worsened last year because of a lack of fuel, caused by the border blockade. Farmers had difficulty getting fuel for the planting season that began in May 2012, and were also crippled by a lack of funding from the South Sudanese government. As a result, much of Renk's farmland is not being used. On 2 November, the Upper Nile state ministry of agriculture said Renk county did not spray its agricultural schemes for the third year in a row, due to a lack of resources (Radio Tamazuj, 2012m).

Following the 27 September Addis Ababa agreements, and in anticipation of the border's reopening, prices dropped dramatically in Renk, with the cost of a sack of sugar falling from SSP 700 to SSP 400.[225] However, this decline was not sustained, and the borders were not fully reopened. By mid-December 2012, prices had risen again, amid reports of vehicles being confiscated in White Nile while travelling to Upper Nile (Radio Tamazuj, 2012t).

The standoff over the border is a vivid reminder of how difficult it is to consolidate South Sudan's economy; Renk county has better economic and transport

links with Khartoum than it does with Juba, and Sudanese business interests in Renk are closely entwined with the local economy, leading to massive disruption when the border is closed.

Jordah—the border town between the two countries—typifies the difficulties faced by Renk county. Border guards from Sudan and South Sudan face each other over the line that divides the town. In 2012, Seleim merchants would cross over to their shops during the day, before returning home at night. The goods they sold, however, would have to be brought up from Juba, at least officially, and South Sudanese merchants could not cross into Sudan. Instead, young men would cross freely, ferrying allowable goods back and forth across the border.[226]

These arrangements increase fears that national politics will interfere with what was a very practical arrangement between the Sudanese and South Sudanese communities. During a consultation carried out by Concordis International in Renk in 20–22 May 2010, the Seleim and the Abialang Dinka proved remarkably prescient in predicting the consequences of South Sudanese secession. They said if the South seceded, the Northern government would close the border, the GRSS would restrict oil production to influence talks, and there would be restrictions on commerce, grazing, and revenue collection from trade (CI, 2010c, p. 12). Unfortunately, their predictions were accurate and stand as gloomy indicators for communities along the Upper Nile–White Nile border.

Armed actors

Renk county is home to the SPLA's 1st Division. In 2011 and 2012, there was significant troop build-up in the area.[227] SAF has also been moving troops into the area; on two occasions, it sent forces dangerously close to the border. These worrying movements were likely meant as provocations as they took place during crucial stages of the Addis Ababa negotiations.

Since independence, the SPLA has been more assertive in establishing its control over the circulation of people and goods in Renk county. It has stopped boats from Kosti and traffic along roads from the north. Civilians living in White Nile say these restrictions have been accompanied by harassment and theft.

Whilst the 1st Division is considered one of the most effective fighting forces in the SPLA, it also contains a number of factions. Following the Juba Declaration in 2006, a number of militia commanders were assimilated into the 1st

Division, including Gordon Kong's fighters[228] and troops loyal to several of Paulino Matiep's former commanders, including Samuel Both and Chol Lueth, under the command of Tahib Gatluak (Rands, 2010, pp. 15–16). However, a claim by Bapiny Monytuil, then of the SSLA, that Lieutenant Colonel Deng Tito Lual Ajak rebelled with the force under his command, on 9 September 2012, is false.[229]

In August 2012, there were several SAF attacks in Upper Nile, centered on agricultural land in the east. At the beginning of August, SAF occupied farms owned by Northern Sudanese investors in Renk county, some 20 km south of the border (Gurtong, 2012b). There was also an earlier attack by SAF in December 2011, and these attacks seemed designed to aggravate food shortages and economic losses in Upper Nile. Visiting the farms after the attacks, John Ibo Muntu, the deputy governor, said much of the mechanized industry had been destroyed (Radio Tamazuj, 2012g). These attacks suggest that any South Sudanese attempt to take over Sudanese farmland within Renk could fuel inter-state violence.

On 4 February 2013, SAF launched ground attacks on positions inside Renk county, at Babanis and Adahm. Guot Akoi, Renk's county commissioner, said SAF was moving troops towards the border.[230] This militarization sealed the border even further, with the price of a sack of flour in Renk town rising from SSP 250 to SSP 350.

Stakeholder positions

The Abialang Dinka

Like some of the other Padang Dinka communities in the border region, notably the Ngok Dinka in Abyei and the Rueng Dinka in Unity state, the Abialang Dinka believe their recent history consists of a continuous dispossession of territory north of the extant Sudan–South Sudan border. They are also angry about recent marginalization during political discussions on the future border, which they rightly feel have failed to take into account the views of local communities.

The Abialang Dinka say the 1956 border was in Khor Ayul, which is close to Kosti, the capital of White Nile. They say the border was only moved south to Jebalayn in 1969—outside the period for determining the border between the two countries—and only transferred to the town of Jordah in 1989 (ICG,

2010, pp. 6–7). While these claims cannot be reconciled with historical evidence, they show how angry the Abialang Dinka are about their marginalization during talks, and indicate the degree to which, yet again, historical claims about secondary rights are being transformed into absolute claims over territory in the post-CPA era.

There is also widespread suspicion in Renk about what pastoralists coming from the North intend to do. However, as noted above, relations between Northern pastoralists and Southern host communities are better in Renk county than perhaps anywhere else along the border.

Both communities are concerned that friction between the GoS and the GRSS could totally disrupt relations between communities. This is already happening as increased militarization is intensifying the distrust South Sudanese feel for their neighbours.

The Seleim

The Seleim fear that South Sudan's secession will block them from their traditional grazing lands. In border negotiations, and in consultations with Concordis International, their most frequently articulated demand is to move freely across the border with less harassment by the SPLA.

Underlying their concerns is a need to protect their areas of *tadakhul*—grazing land in South Sudan. They fear these may be appropriated by local residents, or sold as part of blocks of agricultural land by the GRSS. Like other Sudanese farmers, the Seleim are also concerned about the future of their agricultural land in the South.

Future prospects

As discussed below, one of the reasons for the military build-up around Renk is its proximity to Blue Nile, and to the conflict with the SPLM-N there. For the NCP, Renk county has a number of important strategic resources: its agriculture, trade, and grazing land make it an important point of contestation during negotiations. It is also relatively difficult to access Renk from Malakal, and the lack of transport links makes it an attractive military target.

In the long-term, there are three possible scenarios that could dictate Renk's future. In one scenario, increased nationalization and militarization would lead to the effective closure of the border. While this would confirm South Sudan's ownership of important agricultural resources, it would mean Renk would struggle to receive supplies, important machinery, and resources to effectively work the fields. A total closure of the border would leave groups like the Seleim effectively stranded, cut off from vital resources—and their own property—in the South, and without sufficient grazing land in Sudan to make up the shortfall.

A second scenario, in line with the 27 September Addis Ababa agreements, would see Sudanese movements and investments in South Sudan protected as rights of Sudanese *nationals.* This would likely intensify hostility towards groups like the Seleim, but would allow resources to flow to Renk, and secure the livelihood of Northern pastoralists.

In the final scenario, the border would be demilitarized, and negotiations over grazing and agricultural land would be handled by border communities. Given the military build-up, and increased nationalist sentiment in South Sudan, this seems like the most unlikely scenario. In reality, the future promises a messy combination of all scenarios; it is unlikely the overlapping—and at times conflicting—rights of pastoralists and nationals will be resolved in the near future.

VII. The Upper Nile–Blue Nile border[231]

Just like Unity state, the Upper Nile–Blue Nile border zone has been drawn into the ongoing Sudanese civil war. This short summary of the situation along the border will focus on Maban county, home to most of the refugee camps established in Upper Nile. Maban county is mainly occupied by the Mabaan, who are principally agriculturalists, and speak a language closely related to Shilluk. Every year, a number of groups migrate from Sudan, including the Fellata. Several of the problems found here mirror those that plague the other stretches of the Sudan–South Sudan border. Following South Sudan's independence, pastoralists feared they would no longer have access to traditional grazing land, and reported SPLA harassment. Southern host communities, on the other hand, were concerned about encroachment on their farming land. In Maban county, however, these issues are heightened by the presence of large refugee camps, which also tax resources. As elsewhere in Upper Nile, pastoralists from Sudan are staying longer in Maban, and with refugees from Sudan also bringing livestock, tensions in the county are running high.

The diverse areas of southern Blue Nile, bordering Upper Nile, are home to the Uduk, Koma, and Ingassana; the latter group constitutes the majority of refugees in Upper Nile (James, 1980, 2000, 2009). These groups were moved between Upper Nile and Blue Nile several times during the 20th century. In 1938, the territories of the Uduk, Koma, and Mabaan were incorporated into Upper Nile in a bid to separate the Arab-speaking populations of the north from southern minority populations (Johnson, 2010b, p. 76). In 1953, the area around Chali al Fil—a place disputed by Sudan and South Sudan—and its Uduk population were transferred back to Blue Nile along with its Yabus and Koma inhabitants. Thus, at independence, some of the territory of southern Blue Nile remained in Upper Nile, while some of it formed part of Blue Nile. Since 1956, Blue Nile has become a strategic territory for the GoS because of a hydroelectric dam at Roseires and, mineral resources such as gold, chromite, and manganite.

While the Upper Nile–Blue Nile border area was relatively untouched by the first civil war, it saw some of the worst fighting during the second, especially in southern areas around Kurmuk. This area was strategically important for the SPLA, as it assured supply routes into Ethiopia, where rebel forces were also training. As the war expanded, populations like the Uduk faced a grim choice: join either the SPLA or SAF, or flee to Ethiopia or Khartoum in search of work and shelter. During the war, Blue Nile was effectively split in two, with the north held by SAF, and the SPLA taking control of the south. This split effectively continued after 2005, with the SPLM administering Kurmuk and Geissan.

As was the case in South Kordofan, the population of Blue Nile was affected by the expansion of mechanized farming even before the second civil war. Laws passed in the early 1970s allowed the GoS to steadily undermine pastoralists' land rights, and groups like the Fellata increasingly found their grazing routes blocked by intensive agriculture schemes. The second civil war intensified tensions between sedentary populations and pastoralist groups, and between the state and pastoralists. As elsewhere along the border, the GoS sponsored militias—in this case composed of Fellata pastoralists—who carried out raids into Upper Nile. Mistrust dating from this period continues to influence feelings about Northern migrants today.

At the end of the war in 2005, Blue Nile was promised a popular consultation, just as South Kordofan was. Despite the years of relative stability that followed the signing of the CPA, many refugees were slow to return. The Uduk, who had been almost entirely displaced during the second civil war, found it extremely difficult to return because humanitarian relief was intermittent and because others had settled on their lands. Some of the Uduk who fled Blue Nile between 2011 and 2013 had only been back for five years (Danish Demining Group, 2012).

Though the area remained peaceful between 2005 and 2011, there were simmering fears of SAF intervention in Maban. The Mabaan, concerned about exploitation by oil companies and the threats posed by SAF JIUs, attempted to restrict land use. A 2009 meeting between the state governors of Upper Nile and White Nile established some mechanisms for organizing the migration of Northern pastoralist groups. The migration during these years was largely uneventful.

During the 2011–12 grazing season, however, migration was put under great strain. In September 2011, fighting began around Ed Damazin, and by November 2011 there were already more than 30,000 refugees in Maban county. As of the beginning of February 2013, there were 113,725 refugees in the main camps in Upper Nile (UNCHR, 2013).

Different groups have been affected by their flight into Upper Nile in different ways. The Uduk were displaced to Maban county with very few resources, having only recently returned to Blue Nile. The Ingassana, who make up the majority of refugees, are better equipped; in the camps, they are well organized and draw on structures put in place in Blue Nile under Afandi Badi, a *nazir* who has been their leader for 10 years.

However, even for the Ingassana, conditions in the camps are difficult. Because the settlements are so large, there is fierce competition between refugees and host communities for food and water. In September 2012, more than 20 people were killed in clashes between the two populations. The main causes of conflict include grazing and pressure on livestock. An assessment from August 2012, by Italian group CESVI, put animal mortality at 18% (cited in FAO, 2012). A subsequent livestock livelihood assessment by the Food and Agriculture Organization (FAO) suggested this number was likely inflated, but agreed animal mortality was extremely high in Maban county, adding that refugees were the worst affected (FAO, 2012). If refugees' animals die, they lose a vital safety net because livestock enable them to earn money during times of need.

Refugee encroachment on Mabaan agricultural land is also causing friction. The same CESVI study estimated that refugee livestock needed 2,300 km^2 of grazing. The Mabaan say refugees' animals are destroying their farmland, and damaging the sorghum harvest. However, there are few alternative income strategies in place to enable refugees to cope without their herds.

In the camps, there are also SPLM-N fighters who have reportedly caused conflict.[232] The proximity of the camps to Blue Nile has also raised concerns that Sudanese security personnel are in the camps (Radio Tamazuj, 2013a). At least two spies were arrested at the beginning of 2013, and Northern pastoralists are increasingly suspected of reporting to SAF.

Along with the massive influx of refugees, the Mabaan have had to cope with the regular migration from Sudan. During the 2011–12 grazing season, four of

the Fellata sections travelled to Maban county. During the last few years, the Fellata have increasingly spent longer in South Sudan because of insecurity in the North, moving from Kostom to Maban, and back again.[233] Even if the migration during 2011 and 2012 was smaller than in previous years, the increased timeframe for the migrants' movement into Blue Nile is fuelling tensions with the Mabaan, who are already feeling the strain from refugee camps.

Conclusion

The 2,010-km border between Sudan and South Sudan is home to a bewildering number of different groups. Since South Sudan became independent in July 2011, the impending imposition of a national border has transformed cross-border dynamics. In some places, such as on the Upper Nile–Blue Nile border, the putative national border will slice communities in two; in others, the border threatens to block access to grazing land needed by Northern pastoralist groups, who are under pressure from intensive agriculture and oil exploitation in their home Sudanese states.

This working paper has surveyed the Sudan–South Sudan border as the younger state celebrates its second birthday. In some respects, the creation of a new state has not been as disruptive as one might have expected. Along the border, as during the second civil war, security concerns—on the part of both states—are central to determining whether and when pastoralists can cross, and whether traders are allowed to enter South Sudan. The fact that the SPLA and SAF are the primary decision-makers continues the practice of the second civil war. In an important sense, the post-CPA period—seen from the perspective of a Northern pastoralist—has merely placed on a semi-formal footing what had long been practice: that the SPLA have the final say on grazing routes, and are often the central force levying tax.

But if the way the border is organized has not changed much, the language used to talk about it has changed immensely. All along the frontier, South Sudanese are speaking with a renewed sense of power and agency: they have finally achieved a state, and should no longer have to suffer injustices at the hands of the Sudanese.

This sense of purpose has been articulated in a variety of ways. In Northern Bahr el Ghazal, Malual Dinka compare Northern pastoralists to Kenyan and Ugandan migrant labourers. While this comparison was used to impress upon the Rizeigat the contingency of their presence in the South, it also indicated a change in the way Northern pastoralists were perceived, and was echoed by

Southern host communities along the border. In general, Northern migrants were no longer simply accepted as belonging to a set of long-standing interconnections between groups; instead, in some places, they were accepted conditionally, depending on what they brought with them. In Pariang county, Unity state, people said they wanted to be rid of the Northern pastoralists, arguing that organizing the entry of foreigners into the country was the government's job and that local communities should no longer play a role. Tired of raids by Northern pastoralists, people in Pariang invoked the state. Their position reveals the growing divide between state-based frameworks governing migration, and increasingly marginalized processes of inter-community negotiations.

These changes are matched by institutional changes at the national and state levels. In the 27 September Addis Ababa agreements, national security is, perhaps understandably, paramount. Considerations of state security will override any agreements made at a local level. Security *for* Northern pastoralists is also now in the hands of the SPLA. During the 2011–12 grazing season, this yielded few benefits—the SPLA was responsible for most of the infractions *against* Northern pastoralists—but the SPLA's role highlights the gradual removal of Southern host communities' responsibility for Northern pastoralists, and the steady undermining of the mutual chains of obligation that previously made grazing agreements workable.

With the dominance of a state framework along the border, incidents involving Northern pastoralists are now magnified. Previously localized cattle raids can now become international incidents; every pastoralist carrying a weapon now is a potential militia member. As the stakes have increased along the border, so too have suspicions; Northern pastoralists are often seen as representatives of the Sudanese government, and are treated accordingly by Southern host communities, who were displaced and attacked during the civil war.

In some places along the border—such as at Renk, Upper Nile—militarization and the dominance of state interests have prevented cross-border relations. In others—such as in Warrawa, Northern Bahr el Ghazal—the desire of state authorities to keep migration going is the only thing restraining host communities' animosity.

But whether the state has encouraged or disrupted border relations in the short-term, state-based negotiations have always excluded border communities.

The very nature of the 1956 line, supposed to determine the border between the two countries, means that where people live at present, or even where they lived from 1957 to 2013, is irrelevant. Groups up and down the border complain of being excluded from talks over the future border because they *are* excluded. Once again, state interests dominate.

In theory, none of this should matter. The CPA, and all subsequent agreements about the border, guarantee pastoralists freedom of movement. In reality, state interests have blocked and disrupted Northern pastoralism all along the frontier. The NCP is trying to prevent people and goods from moving southwards, and harassing pastoralists who do cross the border. When pastoralists do manage to get across, they face harassment from the SPLA, high rates of taxation, and blocked migration routes.

In such a situation, it is unsurprising that groups on both sides of the border are maximizing their claims to territory. Areas of secondary rights, where once groups seasonally grazed, have become subject to claims of absolute ownership. The logic of Northern pastoral groups is both simple and understandable. Given that their access to seasonal grazing in South Sudan cannot be assured, they have maximized their claims, hoping to arrogate as much of their temporary grazing land as possible to stay within Sudan. As state negotiations do not take into account the complexities of local talks, Northern pastoralists have started to act like states, making absolute claims to territory.

Ultimately, these claims will be self-defeating. Already ill disposed to Northern pastoralist groups, Southern host communities have reacted angrily to their claims, which have undermined inter-community relations. In attempting to preserve grazing land now in South Sudan, these claims may well destroy precisely the thing they seek to protect: Northern access to seasonal grazing.

Sudan has also instrumentalized border communities. Continuing a tactic of the second civil war, Sudan has sponsored militias consisting of both Northern pastoralists and dissident Southern groups. These militias attempt to grab land and resources for Sudan, and fuel tensions within South Sudan. Following South Sudan's independence, Sudan's sponsorship of militias aims to exploit existing tensions within the nascent state, with a view to breaking it up.

The war continues to cast a cloud south of the border as well. After decades of forced displacement, Southern border communities are also making claims

to territory well inside what is currently Sudan. These claims are fuelled by the feeling that Southerners can now begin to rebuild after decades of war, and take back territory and resources that are rightfully theirs.

These territorial claims, often to areas of secondary rights, also undermine inter-community relations across the border and are a reminder that the second civil war is not yet truly over. The whole border region is also affected by the current civil war in Sudan. This too finds its origins in the second civil war, and the inadequacies of the CPA. For fighters crossing the borders of Unity–South Kordofan and Upper Nile–Blue Nile, this conflict is a continuation of the last war; a war of self-determination against an extractive centre in Khartoum. For the NCP, this struggle takes precedence over everything else; its priority during border negotiations is to cut South Sudanese support to the SRF. Troop movements along the border, trade blockades, and support for South Sudanese and Northern pastoralist militias are all driven by this goal. It is impossible to conceive of an agreement on either delimitation of a border, or a set of border institutions governing trade and migration, until Sudan's civil war ends.

The border region more generally harbours a series of tensions. Accords between the two states support, undermine, and conflict with agreements made by non-state groups up and down the border. There are tensions over whether Northern pastoralists will simply be thought of as foreigners in a state framework, or as partners in delicate inter-community negotiations. The interests of the two states—themselves highly divisive—fundamentally diverge from those of border communities.

Definitive moves to resolve any of these tensions in the border region are highly unlikely. In many cases, inter-community relations, based on a century of practice, will prove more enduring than the state-based forces driving communities apart. Patterns of flight across borders—such as the Seleim moving into Upper Nile, South Sudan—can also be viewed as repetitions of early practices; Sudan has a long history of groups migrating to escape state authority.

In the long term, it is likely neither state-based authority nor inter-community grazing will triumph. Rather, we will see the emergence of new forms of interrelations, as communities up and down the border struggle to survive in the 21st century.

Endnotes

1 Delimiting refers to the formal determination of the boundaries of an area, while demarcation is the process of actually marking out the boundaries on the ground.

2 The agreements signed were: the Cooperation Agreement between the Republic of Sudan and the Republic of South Sudan. Addis Ababa, Ethiopia. 27 September 2012. (Henceforth: '27 September Cooperation Agreement'.) The Agreement between The Government of the Republic of South Sudan and The Government of the Republic of Sudan on Oil and Related Economic Matters. Addis Ababa, Ethiopia. 27 September 2012. (Henceforth: '27 September Oil Agreement'.) The Framework Agreement on the Status of Nationals of the Other State and Related Matters between the Republic of Sudan and the Republic of South Sudan. Addis Ababa, Ethiopia. 27 September 2012. (Henceforth: '27 September Nationals Agreement'.) The Agreement on Trade and Trade Related Issues Between the Republic of the Sudan and the Republic of South Sudan. Addis Ababa, Ethiopia. 27 September 2012. (Henceforth: '27 September Trade Agreement'.) The Agreement on a Framework for Cooperation on Central Banking Issues between the Republic of the Sudan and The Republic of South Sudan. Addis Ababa, Ethiopia. 27 September 2012. (Henceforth: '27 September Banking Agreement'.) The Agreement between The Republic of the Sudan and The Republic of South Sudan on Border Issues. Addis Ababa, Ethiopia. 27 September 2012. (Henceforth: '27 September Borders Agreement'.) The Agreement between The Republic of the Sudan and The Republic of South Sudan on Certain Economic Matters. Addis Ababa, Ethiopia. 27 September 2012. The Framework Agreement to Facilitate Payment of Post Service Benefits between The Republic of the Sudan and The Republic of South Sudan. Addis Ababa, Ethiopia. 27 September 2012. The Agreement on Security Arrangements between The Republic of Sudan and The Republic of South Sudan. Addis Ababa, Ethiopia. 27 September 2012. (Henceforth: '27 September Security Agreement'.) Collectively, these agreements are referred to here as the '27 September Addis Ababa agreements'.

3 Hejlij/Panthou shows the wider problem of naming disputed areas along the border. Years of raiding and occupation by Northern militias have made South Sudanese groups in the border regions very sensitive to the politics of naming; every Arabic name used for an area that the South Sudanese feel is their own, for instance, is thought of as part of a Sudanese attempt to gain territorial control.

4 In November and December 2012, SAF repeatedly bombed SPLA positions around Kiir Adem and in the border region between Northern Bahr el Ghazal and East Darfur states, and conducted a series of ground assaults. See *Sudan Tribune* (2012w).

5 For examples of GoS armament of militias in South Sudan, see the case of militias active in Unity state detailed in the Unity–South Kordofan chapter of this paper, and Small Arms Survey (2012d).

6 On 13 November 2011, following extensive negotiations, four of the Darfur rebel groups—JEM, Sudan Liberation Army-Minni Minawi (SLA-MM), Sudan Liberation Army-Abdul Wahid

(SLA-AW), and SPLM-North—announced the formation of the SRF, which calls for regime change in Sudan by any means possible. The alliance is rather tentative, united mainly by its common enemy rather than by any internal coherence. As of early 2013, the SRF was continuing negotiations with the political opposition in Khartoum in an attempt to consolidate a united front against the National Congress Party (NCP) within Sudan. See Small Arms Survey (2012e). For evidence of Southern logistical support for the SPLM-N, see Gramizzi and Tubiana (2013).

7 For many SPLM-N cadres, the Comprehensive Peace Agreement (CPA), with its vague promises of popular consultations for South Kordofan and Blue Nile, merely marked a pause in the civil war, rather than its end. Interviews, SPLM-N fighters, names withheld, Unity state, July 2012.

8 While the government denied closing the border, there were multiple reports of traders being blocked. Interviews, traders, Warrawa, April 2011; Gokk Machar, June 2012; Malakal, July 2012. See also BBC News (2011).

9 Telephone interviews with traders, names withheld, Renk, September 2012. Interviews with Rizeigat traders, Gokk Machar, June 2012. See also *New York Times* (2012).

10 Interviews with traders in Northern Bahr el Ghazal, Unity, and Upper Nile states, June–July 2012.

11 Interviews with local government officials, Bentiu, July 2012.

12 Interviews with Rizeigat traders, Gokk Machar, Northern Bahr el Ghazal, June 2012.

13 Interviews with Rizeigat traders, Northern Bahr el Ghazal state, June–July 2012.

14 In January 2012, the state of East Darfur was created out of the south-east corner of greater Darfur, with its capital at Ed Da'ein; it is centered on *Dar* Rizeigat (the principal territory of the Rizeigat).

15 For more on the central role of the army and state-level governments in the implementation of grazing agreements, see CI (2012b; 2012a). For more on SPLA harassment, see each of the individual Case Studies.

16 The SSLM/A was a primarily Nuer militia active in Mayom county, Unity state, and South Kordofan. It will be analysed in detail in section IV.

17 For an example of the type of diplomatic affirmation currently in circulation, see the 27 September Borders Agreement (paragraph 14 (1)).

18 Both Rueng and Ngok Dinka, with some justification, see themselves as having been forced off land that now lies north of the current border between Sudan and South Sudan. The Ngok Dinka of Abyei have several important positions in the current GRSS administration, and are a vital constituency for the SPLM. The Rueng Dinka are a much less valuable constituency, but the claims of both groups to Diffra and Hejlij, respectively, are based on a narrative of historical dispossession from territories now occupied by SAF. For the SPLM, sidelining either group's claims would be politically difficult.

19 For the text of the 'Southern Policy' see Wai (1973, appendix I).

20 For a brief treatment of the history of the border areas during the first civil war, see Johnson (2003, pp. 44–45).

21 Christopher Vaughan makes the point that colonial administrators were aware that the various agreements they made about the border of what is now Northern Bahr el Ghazal were not adhered to by the Rizeigat and the Malual Dinka. See Vaughan (2013).

22 In both Northern Bahr el Ghazal and Abyei, for instance, non-payment of compensation for deaths during militia raids in the second civil war was given as one of the reasons that Northern

pastoralists were no longer welcome. Interviews with pastoralists, Gokk Machar, June 2012; Abyei town, March 2011.

23 Interviews with community leaders, Abyei and Northern Bahr el Ghazal, March and April 2011.

24 This river is called the Bahr al Arab, or Jurf, in Arabic, and the Kiir in Dinka. For ease of reference, this working paper refers to this river as the Kiir.

25 The author owes this insight to Rolandsen's essay on Unity state (2013, forthcoming).

26 For instance, the importance of the Ngok Dinka for the SPLM and the Missiriya for the NCP has helped prevent agreement over Abeyi (see section III).

27 A similar process occurred during the Sudanese census in 2009. It was supposed to be a purely bureaucratic affair, but was then relentlessly politicized. See Craze (2010).

28 In the CPA, the national executive is headed by the 'presidency'—the presidents and vice presidents of Sudan and South Sudan. At that time, they were Omar al Bashir as president, Salva Kiir as first vice president and the president of the GRSS, and Second Vice President Ali Osman Taha.

29 Internal TBC document based on Presidential Decree 29: 'The Internal Regulations of the Technical Committee on the Demarcation of 1/1/1956 Boundaries between Northern and Southern Sudan for 2006.' See ICG (2010, p. 3).

30 See *Sudan Tribune* (2010). This claim was resurrected just before South Sudan was to formally secede in July 2011, with the NCP again insisting South Sudan could not become independent without demarcating the boundaries of its territory.

31 The resolution of the borders of Abyei was not part of the TBC's mandate; the issues surrounding the borders of Abyei are covered in section III. The other centrally contested area, Hejlij, is covered in section IV.

32 For an excellent overview of these five contested border zones, see Johnson (2010b).

33 Jebel, in Arabic, means mountain.

34 The JIUs, composed of SAF and SPLA troops, were mandated by the CPA to maintain internal security in 2005–11, and to function as a symbol of national unity. During this period, the JIUs were neither 'integrated' nor 'joint', and division marred their performance. See Small Arms Survey (2008).

35 For an estimation of how many Ngok Dinka were displaced in SAF's May 2011 invasion, see Small Arms Survey (2011c).

36 SAF had earlier taken control of both Jaw and Troji, the two central garrison towns on the South Sudan frontier along the Unity–South Kordofan border.

37 INGO member interviews, names withheld, Juba, 17 July 2012.

38 The distinction between 'disputed' and 'claimed' territories is explored below.

39 See Small Arms Survey (2012c). On 17 May, a day after its deadline for both forces to redeploy outside Abyei, the UNSC demanded that Sudan immediately and unconditionally withdraw its troops. It is unclear what effect this had on SAF's decision, but following the SPLA withdrawal from Hejlij, and the South Sudan Police Service (SSPS) withdrawal from Abyei, the international community was particularly unsympathetic towards SAF's presence. On 28 May, just one day before negotiations were due to start again, SAF spokesman Al Sawarmi Khalid said the Sudanese army would redeploy. On 30 May, UNISFA confirmed that SAF had withdrawn its forces from the area.

40 For instance, the main advantage the NCP hopes to gain from the SDBZ, agreed upon in the 27 September Addis Ababa agreements, is to cut SRF lines of support from South Sudan.

41 See Verjee (2012) for the origin of this insight.

42 See endnote 2 for the full titles of all the 27 September Addis Ababa agreements.

43 The relevance of the 27 September Addis Ababa agreements for Abyei, and the AUHIP proposal, are dealt with in section III.

44 Those five areas are: Kafia Kingi; the 14-Mile Area; Kaka town; Jebel Megeinis; and Jordah, in Renk county.

45 The 'claimed areas' are: Hejlij (claimed by South Sudan), on the border between Upper Nile and South Kordofan; an 80-km strip around Kaka town (claimed by Sudan); the area above the River Kiir on the Northern Bahr el Ghazal–East Darfur border, up to Meiram (claimed by South Sudan); the area east of Renk county called Babanis, up to the Blue Nile–Sennar border (claimed by Sudan). See RoSS (2012).

46 A detailed explanation of this provision is to be found in section II.

47 The SDBZ is a temporary zone designed to demilitarize the Sudan–South Sudan border. The delimitation of the Sudan–South Sudan border is to be determined solely in reference to the historical record for the line between the northern and southern provinces of Sudan as they were on 1 January 1956.

48 Telephone interviews with administration officials, names withheld, Aweil town, 1 November 2012. See also Radio Tamazuj (2012n).

49 Just days before the 27 September Addis Ababa agreements were signed, the United Nations Mission in South Sudan (UNMISS) saw a SAF Antonov dropping packages to David Yau Yau, a militia fighter in Jonglei state. Telephone interview with UNMISS personnel, names withheld, Juba, September 2012.

50 Telephone interviews with INGO members, names withheld, October 2012. See also Radio Tamazuj (2012j). Interviews with INGO members, names withheld, Renk county, November 2012. See also Radio Tamazuj (2012t).

51 It is important to emphasize that the position that there can be no more talks between the two countries is itself a negotiating position, designed to appeal to the international community, on the basis of agreements already made. That is to say that the GRSS may yet negotiate with the GoS, but now from the position that the international community supports its stance.

52 For more on the Islamist roots of the NCP, see ICG (2011a).

53 On 23 October, nearly a month after the 27 September Addis Ababa agreements were signed, Paul Malong Awan, the governor of Northern Bahr el Ghazal, reiterated his refusal to implement the security agreement, which would have seen the SPLA retreat 14 miles from the River Kiir. As of mid-December 2012, the SPLA remained positioned on the River Kiir, at Kiir Adem.

54 As part of the Doha Document for Peace in Darfur, the GoS divided Darfur into five states in January 2012. Since then, Northern Bahr el Ghazal has bordered East Darfur state. For ease of reference, this paper refers to the whole boundary as the Northern Bahr el Ghazal–East Darfur border. The term 'Southern Darfur' refers to the broader area now composed of South and East Darfur states.

55 There were meetings between the Rizeigat and Malual Dinka in 2008, 2010, 2011, and 2012. See CI (2010d, pp. 38–50).

56 Interviews with government officials, Aweil, Gokk Machar, Warrawa, Northern Bahr el Ghazal, June–July 2012.
57 Interviews with Rizeigat traders, Gokk Machar, 29–30 June 2012.
58 Phone interviews with administration officials, Aweil town, October 2012.
59 Interviews with Missiriya traders, Warrarwa, 1 July 2012. The two Missiriya sections that pass into Northern Bahr el Ghazal are Awlad Kamil and Fayarin. For more details on Missiriya section organization see section III.
60 Malual Dinka discontent was one of the underlying causes of the Ariandhit rebellion in 1921.
61 For a superb analysis of the debates on the Rizeigat-Malual Dinka border in this period, see Vaughan (2013).
62 Interviews with Rizeigat pastoralists, Gokk Machar, July 2012.
63 ADC Baggara trek report, 2–6 March 1948. See Vaughan (2013, p. 236).
64 The *murahaliin* were formed during the first civil war to protect cattle from attack.
65 'Southern Darfur', as used in this report, refers to the geographic area corresponding roughly to the administrative states of South Darfur and, since January 2012, East Darfur.
66 Interview with Bureau of Community Security and Small Arms Control (CSSAC) officer, Aweil town, 28 June 2012.
67 Interview with Deng Luol Akwei, paramount chief of Warrawa, 1 July 2012.
68 Interestingly, the agreement called for both sides to recognize their prior commitments to agreements, and includes in the list of prior agreements the 1935 Safaha accord that formally restricts Malual Dinka influence within the 14-Mile Area, and allows them only delimited zones in which they can graze cattle.
69 Missiriya and Rizeigat participation in both the SPLA and the SPLM-N has its roots in the second civil war, and has been growing since 2011, as both groups became more unhappy with the NCP (Gramizzi and Tubiana, 2012, pp. 56–81).
70 Migration conference, Gokk Machar, 29–30 June 2012. It should be noted that Gokk Machar is south of the 14-Mile Area, and thus the Munro-Wheatley line.
71 Interviews with Rizeigat herders, Gokk Machar migration conference, 29–30 June 2012.
72 He spoke in English, Arabic, and Dinka. This was a linguistic performance: many of the Rizeigat spoke Dinka, and almost all the Dinka spoke Arabic.
73 This rhetorical shift should also not be over-emphasized. It is an instrumental deployment of an idiom to impress upon the Rizeigat how tenuous their position is in South Sudan.
74 Interview with Gabriel Giir, acting executive director of Gokk Machar, 29 June 2012.
75 Interviews with Rizeigat merchants, Gokk Machar, 30 June 2012. The tax rates specified were: 50 South Sudanese Pounds (SSP) for 250 cows, 10 SSP for a large sack of dry goods, and 5 SSP for a small sack.
76 Interviews with political leaders, Gokk Machar, Warrawa, Aweil town, June–July 2012.
77 Interview with Amiath Akol Akol, Small Arms Control, Aweil town, 27 June 2012.
78 Rizeigat pastoralists said they would either smuggle weapons across, or leave them buried just next to, the Kiir. Interviews with Rizeigat pastoralists, Gokk Machar and Warrawa, 28–30 June 2012.
79 As will be explained in the next section, most of the Rizeigat present at the June migration review meeting in Gokk Machar said they were members of SPLM-N, and the author also

witnessed Rizeigat JEM fighters moving together with SPLA soldiers outside of Aweil town, to the delight of the SPLA soldiers with whom the author was travelling.

80 Interviews with multiple Rizeigat pastoralists, and with Malony Tong Ngor, Aweil Peace Commission, Aweil town, 28 June 2012. It is estimated that the Rizeigat brought 2,750,000 head of cattle into Northern Bahr el Ghazal state during the 2011–12 grazing season. See CI (2012e, p. 23).

81 Below the level of the state, political administration in South Sudan is organized into counties, payams, and boumas.

82 Interviews with Small Arms Control, the Peace Commission, and local MPs, Aweil town, June–July 2012.

83 Historically the Missiriya have had three *nazirs.* When the NCP took power, they divided the leadership into 16 paramount chieftainships (ICG, 2010, p. 13). The Umma Party was one of the main opposition parties in North Sudan. Founded in 1945, it was run by Sadiq al Mahdi, a descendant of the Mahdi, for much of the last 50 years, although recently it has splintered.

84 Interviews with Rizeigat pastoralists, Gokk Machar, 29–30 June 2012.

85 The two Missiriya sections that pass into Northern Bahr el Ghazal are relatively united. The Fayarin, a sub-section of the Ajaira, migrate to Aweil East, and are a relatively small section. While they are organized, Missiriya traders in Warrawa report that youths from the Fayarin have also recently joined the PDF. Awlad Kamil, in contrast, is the largest of the Ajaira sub-sections, and its members follow Mukhtar Babu Nimr. However, Awlad Kamil, who traditionally pass through the central route in Abyei with only a small number entering Northern Bahr el Ghazal, have also been connected to the PDF who have attacked Abyei over the last 20 years. This partly explains Malual Dinka hostility towards them.

86 The SPLA had already paid the Rizeigat compensation for deaths earlier in the year.

87 For a consideration of this point in Unity state, see Rolandsen (2013, forthcoming).

88 Interviews with Missiriya traders and members of the Peace Committee, Warrawa, 1 July 2012.

89 Interviews with Darfuri merchants, Gokk Machar, 1 July 2012.

90 Interviews with Darfuri merchants,Warrawa and Gokk Machar, July 2012. Phone interviews, November–December 2012.

91 Interviews with UNMISS officials, names withheld, Aweil town, 28 June 2012. Phone interviews, December 2012–January 2013.

92 Interview with SPLM Secretary General George Garang, Aweil town, 27 June 2012.

93 Interview with General George Garang, SPLM Secretary General for Northern Bahr el Ghazal, Aweil town, 28 June 2012.

94 Interview with Deng Luol Akwei, paramount chief, Warrawa, 1 July 2012.

95 Interviews with Rizeigat pastoralists and traders, names withheld, Gokk Machar, June 2012.

96 When two Rizeigat merchants were killed by the SPLA in Kiir Adem, it was the state government that paid compensation.

97 In Gokk Machar, Rizeigat merchants spoke proudly of their participation in the Abu Matareq Brigade of the SPLA's 3rd Division, and their participation in the SPLM-N. Interviews with Rizeigat traders, and the chairperson of the Rizeigat association, names withheld, Gokk Machar, June 2012.

98 This split was again in evidence during the December 2012 attacks on Warguit, with one member of the Rizeigat Shura Council saying the Rizeigat had been attacked by the SPLA. *Nazir*

Mahmoud Moussa Madibo said: 'The government of Khartoum is responsible for the attack. But the Rizeigat want to restore the relationship with the Dinka Malual and the government of the Republic of South Sudan. We as Rizeigat emphasize that we don't have any connection to this attack. We have not at all been involved in any of these actions.' Radio Dabanga (2012b).

99 The Missiriya had an existing wartime relationship with the Malual Dinka. The Missiriya began grazing in Northern Bahr el Ghazal relatively late compared to their grazing patterns in Abyei and Unity state. Interviews with Missiriya pastoralists, Warrawa, June–July 2012. They did not begin visiting Northern Bahr el Ghazal until President Jafaar Nimeiri's rule. However, throughout the 1990s, the Missiriya would participate in peace markets (SUPARID et al., 2004) in SPLA garrison towns, and pay tax to the SPLA.

100 See section III (Abyei).

101 On 20 December 2012, Sudanese First Vice President Ali Osman Taha said West Kordofan would be re-established, and would include Abyei; this is no doubt, in part, a sop to the Missiriya. See *Sudan Tribune* (2012v).

102 For further details on the splits within the Missiriya leadership, please see section III.

103 Mohamed Omar al Ansari, the leader of the Abyei Liberation Front (ALF), which emerged in 2008 after Edward Lino was elected SPLM chairman for the Abyei Area Administration, is from a small sub-section (Dar Omshaiba) of Awlad Kamil. While he lacked a natural constituency, and had little support among the traditional leadership, he was charismatic, received GoS support, and managed to mobilize some of the Missiriya by giving voice to their sense of disenchantment with established political figures. The ALF and Al Shahama, which emerged in 2004, were two of the most stridently military of the organizations to emerge after the end of the second civil war. Both are now defunct. However, JEM has had some success in recruiting among former Shahama members close to Hassan al Turabi's Popular Congress Party (PCP) (Gramizzi and Tubiana, 2012, p. 73). Ansari has been given a prominent role by the NCP, making statements against the Abyei negotiations.

104 Interview with a Missiriya member of the Warrawa peace commission.,Warrawa, 1 July 2012.

105 The SPLM-N also has a Missiriya section in the area, led by Lieutenant Colonel Bokora Mohamed Fadel, an uncle to Fadel Mohamed Rahoma. See Gramizzi and Tubiana (2012, p. 15).

106 For a superlative essay on the history of Kafia Kingi, and its rich ethnic make-up, see Thomas (2010).

107 Interviews with INGO members, names withheld, Juba, July 2012.

108 The Rizeigat clashed with the SPLA in 2009, and again in April 2010. The SPLA strategy has been to try to shut down the area to international observers and Northern pastoralists.

109 Diffra is known as Kech, or Kej, in Dinka.

110 The proposal angered the Ngok Dinka community, which thought that any further division of Abyei would entrench the land grab that occurred during the second civil war, when militias forcibly displaced Ngok Dinka in the north of Abyei. Such a presidential decree would accomplish *de jure* what had been achieved *de facto* by force. Interview with Rau Manyiel, civil society organizer, Abyei town, 1 March 2011.

111 For a more detailed history of Abyei, see Craze (2011, pp. 9–12).

112 The Missiriya are organized into two main sub-groups, the Humr and the Zuruq. The Humr are centrally concerned with Abyei and the annual migration through the territory. The

Humr are divided into two main sections, called *gabily*: the Ajaira and the Felaita. The Ajaira and the Felaita are also then split into units, which are also referred to by the Humr as *gabily*, although they are also called *omodiya*—an administrative term referring to a group under one '*omda*. The Ajaira are composed of the Fayarin, Awlad Kamil, Mezaghna, Fadliya, Menama, and 'Addal, while the Felaita are composed of the Metanin, Ziyud, Awlad Serur, Jubarat, and Salamat. For more information on Missiriya organization, see Cunnisson (1966, pp. 8–13).

113 The Mahdiyya (1881–85) refers to Muhammad Ahmad al Mahdi's Islamic revivalist movement, which waged a successful campaign against the Turkish–Egyptian government. During this period, the Humr Missiriya split, with only some supporting the Mahdiyya. Those who supported the Mahdiyya raided the Ngok Dinka for slaves following the establishment of the Anglo-Egyptian Condominium. See Holt (1958).

114 Interviews with members of the Ngok Dinka community, Juba, July 2012.

115 This claim was extended during consultations for the ABC report, when some Missiriya said their land extended all the way to the Bahr al Arab. The latter claim was also repeated at the PCA in The Hague, which ruled on the ABC report. See ABC (2005, Part 2, Appendices, pp. 187–90).

116 These militias were originally groups of cattle guards, formed during the first civil war.

117 The raids were designed to destroy the material means for reproducing Ngok Dinka life. For a powerful evocation of the period, see Ryle (1989).

118 During negotiations in Addis Ababa in October and November 2010, as it became increasingly clear that Abyei's referendum would not go ahead, the AUHIP put forward a number of compromise proposals. One of these proposals called for a further division of Abyei, with the northern half going to Sudan, and the southern half to South Sudan. The Ngok Dinka community saw this as legitimizing the violent displacement of the Dinka population from the north of Abyei during the second civil war. The Ngok Dinka still vividly remember the displacement today.

119 The ABC was composed of five members of the NCP, five members of the SPLM, and five international experts; given the distance between the two parties, the international experts became the deciding group.

120 One of the contested points of the case at the PCA was that the ABC had divided up the Goz—the stabilized sand dunes that lie between the Missiriya and the Ngok Dinka—stating, 'the two parties lay equal claim to the shared areas and accordingly it is reasonable and equitable to divide the Goz between them' (ABC, 2005, Part I, Proposition 19, p. 22). Critics said this decision, known as an *ex aequo et bono* decision,, was beyond the mandate of the ABC. The PCA did not uphold the critics' claim, finding that the ABC had competency to determine the extent of its mandate.

121 For a detailed account of the conflict, see HRW (2008).

122 Hejlij/Panthou is more fully discussed in the section on Unity state.

123 The congress brought together some, but not all, of the Missiriya leaders; furthermore, its rejection of the PCA ruling is not necessarily reflective of all the constituents represented by the leaders. It is, however, indicative of the frustration that most Missiriya feel about the PCA decision.

124 While demarcation was supposed to be completed by 10 December 2009, the demarcation team abandoned its work in the run-up to the January 2011 referendum following repeated threats from Missiriya militias.

125 Interview with David Kiir, SPLM spokesperson, Abyei town, 3 March 2011.

126 It is not clear, legally, why this claim would qualify the Missiriya as residents of the area. As Johnson has correctly noted, this insistence on Missiriya voting rights in a referendum on Abyei's future is inconsistent with the precedent of the Southern Referendum Act, which 'did not give seasonal migrants to the South voting rights in the Southern referendum' (Johnson, 2010b, p. 7).

127 For a full account of January–March 2011, see Craze (2011, pp. 28–35).

128 Interviews with UNMIS-Abyei officials, 6 March 2011. Interviews with residents of Maker and Abyei Administration officials, Abyei town, 9 March 2011.

129 Officially, there were no SPLA forces in Abyei. Instead, there were Abyei police units, armed with small arms, mortars, and jeep-mounted 12.7 mm machine guns.

130 The UNISFA mandate was expanded on 14 December 2011, and the force was additionally tasked with assisting in the creation of a demilitarized zone between the two countries. This mandate was again extended on 17 May 2012 under Resolution 2047, and most recently by Resolution 2104 (2103), which also increased its force strength.

131 For a longer discussion on the clashes at Hejlij, see Small Arms Survey (2012b), and section IV.

132 Interviews with SPLA and SPLM-N troops, Unity state, July 2012. See also Gramizzi and Tubiana (2012, pp. 74–75).

133 See Johnson (2012).

134 Telephone interviews with Agok, April 2012.

135 As of the beginning of June 2013, IOM tracking and monitoring teams suggest that 25,000 Ngok Dinka have returned north of the River Kiir.

136 Interviews with INGO workers, names withheld, Juba, 18 July 2012.

137 Interviews with NGO staff, names withheld, Juba, June–July 2012. Phone Interviews with Agok, July–August 2012.

138 See section IV.

139 For more on the SSLA, see section IV.

140 For a full account of the deficiencies of the UNMIS performance in 2011, see Craze (2011, pp. 55–57).

141 In the previous administration, which Bashir illegally dismissed in May 2011, the NCP was represented by several Ngok Dinka members, including Ayom Matet, who was secretary for social services and who fled to Khartoum following the SAF invasion. The deputy chief administrator in the former administration, Rahma Abd-al-Rahman al Nur, was Missiriya. Bashir's dismissal of the administration was illegal as the Abyei Roadmap stipulates that such decisions should be taken in consultation with Salva Kiir.

142 The AJOC, under the terms of the 20 June Agreement, is composed of two members of the SPLM and two members of the NCP, as well as the UNISFA force commander and AU commission chairperson as non-voting members. It is designed to exercise political and administrative oversight over the executive council. The AJOC—centrally composed of Luka Biong Deng as co-chair for the SPLM, and Al Khair Al Fahim—is the most active political institution in Abyei. Importantly, the 20 June Agreement transfers authority over security from the AAA to AJOC (clause I.6.). This is a significant change from the Abyei Protocol, which leaves the AAA to 'supervise and promote security and stability in the area' (Abyei Protocol, paragraph 2.5, sub-paragraph 2.5.2). This transfer, designed to ensure that neither party gets to dominate the AAA and thus the security arrangements for Abyei, is one of a succession of

agreements, beginning with the Abyei Roadmap in 2008, that have transferred power from civilian institutions towards representatives of the two political actors involved in Abyei: the NCP and the SPLM.

143 Interviews, former AAA members, Juba, June–July 2012.

144 On 4 May 2013, a Missiriya militia member assassinated Kuol Deng Kuol, following a stand-off between a Missiriya force and a UNISFA convoy on the road to Diffra, plunging relations between the two groups to a new low.

145 For instance, on 30 November 2011, Kuaj Yai Kuol, then the chairperson of the Abyei Relief Coordination Committee, called on the government of South Sudan to cease allowing the AUHIP to mediate at the Addis Ababa negotiations.

146 In 2007, for instance, the Missiriya reported being forced to give SPLA soldiers one or two calves per herd to enter the Southern provinces, while Missiriya crossing into Unity state reported having to pay SPLA SDG 15,000 (USD 6,300). In 2008, the majority of the Missiriya cattle herders stayed north of the River Kiir and suffered a shortage of grazing and water. The 2010–11 grazing season was the first in living memory during which the Missiriya did not reach the River Kiir. See Pantuliano (2009, p. 25).

147 The last grazing agreements were made in January 2011, and never followed through, due to the subsequent attacks on the Ngok Dinka in Abyei. See Craze (2011, pp. 30–35).

148 The Antonov is a Russian- or Ukrainian-made transport plane converted to include bombing capability.

149 Mayom county is dominated by the Bul Nuer; Rubkona county is predominantly Leik; Guit is mainly Jikany Nuer.

150 The Padang Dinka of Unity state are known as the Rueng Dinka, and primarily occupy Abiemnom and Pariang counties. They are divided into three sub-groups: the Alor, Kuil, and Awet.

151 Interview with county commissioner, Pariang county, Unity state, June 2012.

152 The Nuba Mountains became a separate province in 1913. It was absorbed into Kordofan in 1927.

153 This word is the Arabic name for the tree *Balanites aegyptiaca*, common in the Sahel. Its fruit, lalop in Dinka, is commonly used in cooking by the Dinka, whose name for Hejlij, Panthou, takes its root from the Dinka name for the same tree, thou. The reason there is so little detail in the Sudan Survey maps, as Johnson notes (2012, p. 3), is that the area was outside British officials' main travel routes; the maps do not record indigenous settlement but 'the limits of administrative knowledge.'

154 Multiple interviews in Bentiu and Pariang, names withheld, June 2012.

155 As part of the Anyanya II movement, Paulino Matiep had earlier led the February 1984 attack on Chevron oil wells that led to the company temporarily suspending operations; a suspension that would turn out to be permanent as Chevron did not return to the area. See Coalition for International Justice (2006). For further details on the role of oil guards, see Human Rights Watch (2003, p. 152).

156 See Johnson (2003, pp. 111–26).

157 The career of recently deceased Paulino Matiep illustrates the complex mixture of loyalties and motivations at play in Unity state during this period. Matiep was a commander in the Anyanya II movement against the Khartoum-based government. After the movement's defeat by the SPLA, Matiep's remaining forces received backing from Khartoum. His forces joined

with Riek Machar's in 1991, and merged into the South Sudan Defence Forces (SSDF) in 1997. He formally joined SAF in 1998, as a major general, and became chief of staff for the SSDF in 2002. Matiep finally joined the SPLA in 2006, becoming deputy commander-in-chief, a rank that indicates his influence. However, he was marginalized in the SPLA and his role became increasingly ceremonial. He died in 2012.

158 For more comprehensive accounts, see Gagnon and Ryle (2001); Coalition for International Justice (2006); Jok and Hutchinson (1999, pp. 125–45); Hutchinson (1996).

159 The SSUM/A was a militia led by Matiep that merged with the SSDF following the Khartoum Peace Agreement in 1997.

160 Interviews with politicians in Bentiu, and phone interviews with Bul Nuer tradespeople in Mayom county, names withheld, June 2012.

161 The Khartoum Peace Agreement formalized an agreement made in 1996 between the GoS and Riek Machar's South Sudan Independence Movement, amongst other rebel groups in Southern Sudan.

162 Interview with Mayom county commissioner, Bentiu, June 2012. See CI (2010d, pp. 67–79).

163 See section on current political dynamics below for more information on events in Abiemnom in 2010.

164 Interview with Peter Dak, MP for Mayom county, Bentiu, 4 July 2012.

165 It was agreed that the Missiriya could bring five small arms for a cattle camp with more than 1,000 head of cattle, and three small arms for a smaller camp. It was also agreed that a joint disputes court would be established, a commitment was made to pay compensation for outstanding deaths and losses of cattle, and administrative fees for grazing were fixed at 5 SDG per head of cattle.

166 Interview with Concordis International staff member, Bentiu, 3 July 2012.

167 Interview with the commissioner for Rubkona county, Bentiu, 3 July 2012. Kharasana is called Wunkoi on the maps the GRSS released of their border claims but it will be referred to as Kharasana in this paper.

168 Interview with MP for Pariang, Bentiu, 3 July 2012. Also see UNMIS (2008).

169 In May 2012, SPLA spokesperson Philip Aguer told the media that a militia convoy left Kilo 23 to attack Mayom county. *Sudan Tribune* (2012f). Militia activity at Kilo 23 was confirmed to the author in multiple interviews in Bentiu, July 2012.

170 See also the armed groups section of this case study.

171 Interview with Mabek Lang, commissioner for Pariang, Pariang, 5 July 2012.

172 For a thorough investigation into conditions for Southern Sudanese in Khartoum prior to South Sudan's independence, see Humanitarian Policy Group (2011).

173 Interviews with INGO workers, names withheld, Bentiu, 3 July 2012.

174 The agreement does not determine whether or not the Missiriya can bring small arms with them, merely stating that all weapons must be checked for safekeeping before the Missiriya enter a town (part 2, article 2). The agreement states that two committees are to be established: the first—composed of the host community, Missiriya, and law enforcement agencies—will oversee implementation of the agreement, while the second—composed of SSPS, security services, and INGOs—will provide security for the Missiriya.

175 Interviews, Bentiu, 3 July 2012. See also CI (2012b, p. 5).

176 Interviews with MPs from Rubkona and Pariang, Bentiu, 3 July 2012.

177 Multiple interviews, Bentiu, 3 July 2012.

178 Interviews with market traders, Pariang, July 2012.

179 This reflecred badly, in particular, on Awlad Omran, which was able to assure relatively safe passage into Unity partly because, during negotiations with state-level government, the section chief, Khiir Ismail Khiir, assured Unity state officials that rebel groups would not use its grazing routes. See CI (2012e, p. 65).

180 Phone interview, Abiemnom chiefs, names withheld, Abiemnom, 6 July 2012.

181 Multiple interviews, including with the MP for Pariang, Bentiu, 3 July 2012.

182 Telephone interviews with traders, Mayom county, 15 July 2012.

183 The trade blockade effectively had two stages: post-May 2011, the GoS forbade trade, but smugglers paid bribes to cross the border (interviews with traders, Warrawa, Gokk Machar, Pariang, June–July 2012). Following the attack on Hejlij, the GoS took active steps to have traders arrested, and bribes could no longer be paid, leading to greater shortages of basic commodities in Unity state. See *Sudan Tribune* (2012c).

184 Interviews with INGO members, Aweil town, Juba, and location withheld, names withheld, June–July 2012. See also Gramizzi and Tubiana (2012, p. 75).

185 An NGO working in South Kordofan wrote this report, under condition of anonymity. It showed that food security has deteriorated over the last year, with 81.5% of households surviving on only one meal a day, compared to 9.5% one year ago, and none two years ago.

186 INGOs have been supplying South Kordofan indirectly from South Sudan since the start of the conflict.

187 Interviews with INGO officials, names withheld, Juba, 18 July 2012.

188 Interviews with INGO officials, names withheld, Juba, 18 July 2012. Interviews with SPLM-N cadres, names withheld, Pariang, 5 July 2012.

189 Travelling to Pariang in July 2012, the author saw SPLA 3rd Division troops, on a resupply mission to Jaw, and SPLM-N troops, resupplying positions further north; both sets of troops were going to pass Yida. Among the troops, there was a sense of a continuous war: for them, the CPA was not the end of the struggle, but rather a pause.

190 After this refusal, UNHCR refused to make a number of investments within Yida. It refused to provide education, saying it 'cannot undertake interventions that fix refugees in dangerous locations, through, for example, establishing formal schools' (Radio Tamazuj, 2012a). Education services were eventually established in Pariang by Save the Children, which was contracted by UNHCR. However, few pupils turned up, as the refugees preferred to stay in Yida. Interviews with INGO employees, names withheld, Pariang, July 2012. UNHCR also outsourced some vital functions. This caused problems in June and July 2012. The contracting partner tasked with digging boreholes experienced substantial delays getting to the site. As the rainy season began there was an acute lack of clean water, and mortality rates spiked at beyond emergency threshold levels. Interviews with INGO workers, names withheld, Pariang, July 2012.

191 These included James Gai Yoach, Kol Chara Nyang, Bapiny Monytuil, and Matthew Puljang.

192 See Small Arms Survey (2011b).

193 Interview with Peter Dak, MP for Mayom, Bentiu, 4 July 2012.

194 Interview with UNMISS official, name withheld, Bentiu, 3 July 2012.

195 See Feyissa (2010, pp. 27–44).

196 For a recent example of this dispossession, see Radio Tamazuj (2012p).

197 But even here the Missiriya complained of excessive SPLA harassment, multiple and unclear levels of taxation, and cattle raiding by Southern host communities.

198 Lam Akol had been in command of the SPLA in the Shilluk areas of Upper Nile in 1987–88. For reasons of space, only a short summary of this period is possible here. For a longer account, see Johnson (2011).

199 Founded in 1994 in Fashoda, just south-west of Manyo county, and a Shilluk heartland.

200 Not all Shilluk supported Lam Akol who had already antagonized the Shilluk *reth* (king) during his time as an SPLA commander. When Lam Akol split from John Garang, there was heavy fighting between his supporters and those who wanted to stay with the SPLA.

201 The SPLM has contributed to this perception; State Minister of Information Peter Lam Both told Bloomberg in April 2011 that, 'Of course, some of the Dinka moved into Shilluk land. This is a federal government, any citizen can live in any state.' See Richmond (2011). It should also be noted that, under the 2009 Land Act, land is conceived of as the property of the relevant community, not something that can be transfered without prior community agreement.

202 After the signing of the CPA, Lam Akol was appointed minister of foreign affairs in the GNU, before being replaced by Deng Alors in 2007 because of his increasing separation from the SPLM elite. Lam Akol created SPLM-DC two years later.

203 As this paper was being finalized, this allegation was reiterated in relation to a 7 February militia attack in the Obudi area of Upper Nile state. See *Sudan Tribune* (2013b).

204 The four candidates were arrested in May 2010. On 31 August, the South Sudan Legislative Assembly voted to restore their immunity as elected officials; by then, however, violence had already erupted. See Small Arms Survey (2010).

205 It should be emphasized that by no means all Shilluk support the SPLM-DC; the *reth* (king) declared in favour of the SPLM during the election, and there are splits in the Shilluk community, both between those who favour the SPLM and those who do not, and, within the latter camp, between supporters of SPLM-DC and those who do not trust Lam Akol.

206 This is not to say there is no community discontent in Unity state, but militia activity, as detailed in the case study in this working paper, is largely a function of SAF support, rather than local grievances.

207 Malakal, referred to as Malak in Shilluk, is contested by the Shilluk.

208 George Athor, a Padang Dinka, was a loyal SPLA commander during the second civil war. After the CPA was signed, Athor became a deputy chief of staff and commander of the 8th Division in Jonglei, his home state. He ran for governor of Jonglei, with the SPLM backing the incumbent, Kuol Manyang. After losing the election, Athor took to the bush, taking defectors from the 8th Division in Jonglei and the 3rd Division in Northern Bahr el Ghazal. He said the SSDM/A was fighting for military and political reform. After carrying out a series of attacks in Jonglei, and failed peace talks with the SPLA, Athor was killed in disputed circumstances on 19 December 2011. See Small Arms Survey (2011a; 2012a, p. 5).

209 Gordon Kong was an SSDF commander in then Eastern Upper Nile. Unlike many of the SSDF local commanders, he refused to align himself with the SPLA when the Juba Declaration was signed, and kept active troops near Adar in then Northern Upper Nile state. See Small Arms Survey (2006, p. 5). He is still active, but his troop numbers are much reduced since Major General John Dueth Yiech and Brigadier General James Duoth Lam, two of the leaders

of Kong's forces, joined the SPLA as part of an amnesty the GRSS offered to rebel groups post-secession. See *Sudan Tribune* (2012d).

210 This case study will focus on the situation of the Seleim in Upper Nile, due to considerations of space; their situation raises many of the issues encountered by other groups that migrate into Upper Nile and come to the west bank of the Nile.

211 Gum arabic—a key ingredient in soft drinks, as well as in watercolour paints and certain printing techniques—is a crucial export crop in much of the Sudan–South Sudan border region. Sudan is the world's biggest producer of gum arabic.

212 This is in part due to strongly centralized Shilluk institutions. See Evans-Pritchard (1948).

213 Sheikh Al Bir is an *emir* of the Seleim. He has a close relationship with the county commissioner of Wadkona, and his brother is chief of the Seleim locality in White Nile. He acts as a mediator between the Seleim and South Sudanese local administration.

214 See Radio Tamazuj (2012c). 'Mengenis farmers machines robbed in White Nile.' 2 August 2012.

215 In April 2013 David Yau Yau, based in Jonglei, was announced the new chairman and commander-in-charge of the SSDM/A.

216 Sudan Radio Service (2012). The commissioner of Manyo county, Al Tayeb Anyang, said SAF troops based around Hejlij were behind the attack. See Radio Tamazuj (2012b).

217 Renk town is named after a 19th century Abialang Dinka chief, Areng de Com, who died shortly before Anglo-Egyptian forces arrived in the territory (Johnson, 2010b, p. 69).

218 These included the Unregistered Land Act of 1970 and the Civil Transaction Act of 1984. See Pantuliano (2007).

219 A feddan is a unit of land measurement, roughly equivalent to 0.42 hectares.

220 The Seleim also came into conflict with the Shilluk over gum arabic in what is now Kaka county (see section V).

221 Interview, UNMISS personnel, Malakal, 11 July 2012.

222 Interview with INGO member, name withheld, Juba, 18 July 2012.

223 Interviews with Land Commission staff, names withheld, Malakal, 12 July 2012.

224 In July 2012, the State Legislative Assembly decided to stop fixing the prices of basic commodities, leading to sharp increases. The border closure, the rainy season, and near-impassable roads from Juba drove prices up further. In July 2012, a sack of flour cost SSP 340 and a sack of sugar SSP 450.

225 Skype interview with INGO personnel, names withheld, Renk county, October 2012.

226 Phone interview, INGO personnel, names withheld, Renk county, September 2012.

227 Interview with UNMISS officials, names withheld, Malakal, 11 July 2012.

228 Gordon Kong, along with Lam and Riek, split from the SPLA in 1991 and created the Nuer-dominated SPLA-United. He went on to become one of Paulino's deputies, with his base in Nassir, eastern Upper Nile. When his fighters were integrated into the SPLA after the Juba Declaration, Gordon was in Khartoum, and chose not to return. Former SSDF leaders say Kong will not leave SAF due to extensive property holdings in Khartoum and Ketbec, which he fears would be threatened if he joined the SPLA (Young, 2006, p. 33). His remaining forces suffered a series of defections over the past year, with James Doth Yiech, Gordon's second-in-command, joining the SPLA in May 2012 with a force of 215 men, equipped with 11 Toyota pick-up trucks, and a variety of small arms. International observers do not consider Gordon an active military threat to South Sudan. See *Sudan Tribune* (2012d).

229 Telephone interview with INGO employee, name withheld, Renk, 20 September 2012. See also *Sudan Tribune* (2012h).

230 In particular, he said SAF brought 650 central police officers with 36 vehicles to Guli, while a force of 338 soldiers, with artillery, took over land belonging to the Mahbob agricultural company. These claims could not be confirmed at the time of going to press. See Radio Tamazuj (2013c).

231 The author did not travel to the Upper Nile–Blue Nile border. This brief section is intended to give an overview of the challenges faced there.

232 Radio Tamazuj (2013b) and interviews with UNMISS personnel, Malakal, July 2012.

233 Interviews with UNMISS personnel, Malakal, July 2012.

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