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Sudan: Defining the North-South Border

I. OVERVIEW

The January 2011 referendum on self-determination could result in Sudan's partition, and the country's North-South border may ultimately become the world's newest international boundary. The 2005 Comprehensive Peace Agreement (CPA) that ended two decades of civil war called for the border between the North and the semi-autonomous South to be demarcated within six months. Five years later, the task remains incomplete. The sooner the parties break the border deadlock the better, though the process need not necessarily be completed prior to the referendum as Khartoum has argued previously. Furthermore, a solution to the border is about not only drawing a line, but also defining the nature and management of that border and the future relations of communities on both sides. A "soft" boundary is ideal, one backed by a framework for cross-border arrangements and, if necessary, safeguarded by a joint monitoring mechanism. Progress toward both demarcating and defining the border will prevent it from becoming a source of renewed conflict in the post-CPA era.

The undefined boundary has hindered CPA implementation, fuelled mistrust between its signatories and, most recently, contributed to heightened anxiety and insecurity along the border. The governments in Khartoum and Juba alike rely heavily on oil revenues that derive primarily from the border lands. The concentration of resources there has amplified the political and economic dimensions of an already contentious task. Both the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) have exhibited an aggressive military posture in some border areas. And many of the country's trans-boundary populations – some of whom represent significant political constituencies – fear possible secession of the South could result in a hardening of the boundary and a threat to their livelihood.

This important issue has for far too long been tied up in the Technical Border Committee (TBC), the body mandated to demarcate the border as it stood at Independence Day in 1956. The committee's extensive deliberations – as well as a poisoned atmosphere – have led to an impasse. Solid information regarding the process, the work of those tasked to undertake it and the disputed areas has been scarce, leading to considerable confusion and speculation among political elites, border communities and

international partners. While the committee has agreed on most of the border, five specific areas are disputed on technical grounds; and others remain contested in the public arena. Any prolonged review of maps and records is unlikely to yield agreement on the disputed areas, underscoring that this is no longer a technical issue, but a political one, and should be treated as such.

The two parties that signed the CPA – the long ruling National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) – began critical negotiations on post-referendum arrangements in July 2010. Border demarcation is not an agenda item, but the issues of border management and cross-border relations will undoubtedly arise and be affected by several others that are, including citizenship, national resources, economic cooperation, grazing rights and security. Progress on these fronts may lessen the potential impact of where exactly the boundary is drawn in the end.

The type of border and its exact location could well become bargaining chips in a grander set of trade-offs that will define the negotiations on post-referendum arrangements. And, while not everyone will be satisfied in the end, stability along the border will depend in part on the extent to which local actors feel they have had some role in defining border management and trans-border relations. Border communities are among those most directly affected by the current atmosphere of post-referendum uncertainty; examination of the disputed areas illustrates that the border can mean very different things to political elites than it does to the communities who live on it.

It is essential to feed into the post-referendum negotiations the promising work county and state actors, as well as international partners, are doing to lay the foundation for future cross-border relations. The NCP and SPLM, in concert with the UN and international partners, should:

❑ Recognise that resolution of the outstanding border disputes is no longer a technical issue, but a political one. As such, the national presidency – possibly through the recently established joint committee headed by Pagan Amum (SPLM) and Salah Gosh (NCP) – should assume full responsibility for achieving a solution. It should also decide on an agency to implement the demarcation, agree to UN participation in that process, and act upon renewed commitments to resume demarcation in the undisputed areas.

❑ Establish a sensitisation and feedback mechanism to allow border communities to contribute advice and ideas directly to negotiations on cross-border arrangements. Such a mechanism should also communicate to border communities the goals of those arrangements, namely that a vote for separation should not mean the boundary will become a barrier, and that movement, trade, grazing rights and the interests of host communities will be protected. The "Tamazuj" forum – aimed at cooperation and integration among border state communities – is an appropriate framework for such a channel.

❑ Design one or more complementary border-monitoring mechanisms to support a soft and stable boundary, ensure the rights and responsibilities of border populations, and possibly monitor population movements and new security arrangements. This may include a monitoring and observation role for the UN and/or an alternative with a light footprint, high mobility and a focus on building local relationships, funded by international partners and employing lessons learned from previous models that have been used in Sudan.

II. RESOLVING THE BORDER

Because of diverse livelihoods and patterns of movement, the same land in Sudan is often used by two or more groups. This complicates territorial assertions and boundary claims, and the North-South border is no exception. Matters are further complicated by competing demands for valuable natural resources. The regimes in Khartoum and Juba both rely heavily on oil revenues, and much of the country's known oil deposits are located along this border, as are considerable commercial agriculture schemes and grazing areas valuable to pastoralists. The failure of the CPA process to consolidate real peace and the persisting mistrust between the parties and their armed forces means the border – particularly its resource-rich areas – remains dangerously militarised.

Successive regimes in Khartoum have employed strategies aimed at pushing this internal border further south, particularly during a civil war which devastated communities in border states. Militias and irregular security forces, especially those recruited among nomadic Baggara tribes in Northern border states, [1] were sometimes an instrument of this policy. These groups were armed and

encouraged to displace their neighbours further south, thereby asserting Khartoum's control over coveted territory and resources and securing a wider buffer zone.

The 2005 CPA called for precise demarcation of the North-South border, as it existed on 1 January 1956, the day of Sudan's independence. Establishing the exact line was considered important not only to finally confirm the respective territories of North and South, but also for implementing other aspects of the peace agreement, such as the population census, voter registration and redeployment of Khartoum's army (the Sudan Armed Forces, SAF) and the formerly rebel Sudan People's Liberation Army (SPLA).

The envisaged timeframe for determination of the border was the agreement's "pre-interim" period, between January and July 2005. The task was to be completed by a Technical Ad hoc Border Committee, established by the presidency[2] and supported by national and international experts.[3] Beyond that, the CPA is vague, offering no further guidance as to procedures or timelines for the complex processes of delineation and physical demarcation.[4] The committee's fundamental challenge, and its raison d'être, is that no single map exists that accurately depicts the North-South boundary at independence.[5] Yet, while the CPA deadline was unrealistic, there is little justification for the issue to remain unresolved more than five years later.

The border ambiguity has caused headaches on other fronts and complicated CPA obligations. Conduct of the 2008 census was hampered, as some Northerners who had settled in counties across the border in South Sudan demanded that they be counted in the North; simmering tensions meant census bureau officials were prevented

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[1] Because Baggara groups are largely Muslim and Arabic speaking, they are often regarded as Northerners. But, while they inhabit Southern Kordofan and Southern Darfur (North Sudan), many Baggara groups migrate seasonally and spend a considerable part of their year in South Sudan.

[2] The CPA provides for a National Executive, headed by the "presidency", which comprises members of North and South in a power-sharing formula. At present, this consists of President Omar Al-Bashir (NCP), First Vice President (and Government of South Sudan (GoSS) President) Salva Kiir (SPLM) and Second Vice President Ali Osman Taha (NCP).
[3] The Comprehensive Peace Agreement, Implementation Modalities of the Machakos and Power Sharing Protocols, Part III.46. The CPA refers to a "Technical Ad hoc Border Committee". The committee refers to itself in documents as the "Technical Committee on the Demarcation of 1/1/1956 Boundaries between Northern and Southern Sudan". In this briefing, it will be referred to simply as the Technical Border Committee (TBC).
[4] Delineation involves the mapping of the boundary; demarcation involves the physical marking of the boundary on the ground.
[5] Members of the TBC travelled to Egypt, the UK and the U.S. in search of relevant maps and documentation.

from visiting sub-districts in several counties.[6] Given the location of many oil deposits, border uncertainty has also contributed to mistrust, as Southerners have questioned whether Khartoum was sharing as much revenue as required by the CPA.[7]

Security incidents have resulted from disputes over administration of territory and escalated an already tense atmosphere between the military forces. Build-up remains a serious concern in many areas of the border, as well as in the vicinity of oilfields. Redeployment of the SAF and the SPLA – a central element of CPA security provisions – hinges upon clear definition of the border. The SPLA has accused Khartoum of delaying the border committee's work so as to maintain SAF elements in resource-rich areas along the border and inside the South.[8] Likewise, insufficient monitoring and verification have led to concerns that some SPLA troops may remain unaccounted for north of the border in South Kordofan and Blue Nile states.[9] While it should not be enough to significantly challenge or delay the referendum registration process, the heated issue of voter eligibility – who is technically a Southerner – will doubtless extend to both sides of the contentious border areas.

A. THE TECHNICAL BORDER COMMITTEE (TBC)

The TBC was established by Presidential Decree 29 in September 2005, though it did not begin substantive work until mid-2006.[10] Since then, it has been hampered by procedural disputes and accusations of political interference. The atmosphere in which it has operated can best be described as poisoned. The decree outlined that:

(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.[11]

Following the collection of maps and historical records and a subsequent consultation and analysis phase, the committee was to submit a report to the presidency outlining its recommendations on a final border, including highlighting any remaining areas of dispute that could not be agreed. Simultaneously, it was to compile a descriptive text to be used as the chief reference for the ensuing demarcation on the ground. Endorsement by the presidency and a political decision resolving any contested regions was to allow demarcation to begin.[12] However, a string of deadlines for completing the report have come and gone, and the file has for too long been stuck with the TBC.[13]

Led by its chair, Dr Abdullah Alsadig Ali (North), and deputy chair, Riek Degoal (South), the committee has eighteen members, including from all the border states. The seven members from the South as well as those from the Northern border states are assigned full-time to the committee, while the remaining Northern members, including the chair, have other jobs. Full-time appointees attribute the difficulties in convening and making substantive progress in part to this asymmetry.

Initial lack of funding and subsequent shortfalls have also hampered work, obstacles for which the SPLM has long blamed the NCP.[14] A lack of clarity as to the scope of the committee's mandate has likewise proven problematic, both for the members and for communities along the bor-

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[6] This included counties in Western Bahr al Ghazal, Unity and Upper Nile states. Crisis Group interview, Isaiah Chol Aruai, chairman, South Sudan Commission for Census, Statistics, and Evaluation, Juba, June 2010.

[7] The CPA's wealth-sharing protocol dictates that 2 per cent of oil revenue be allocated to the oil producing state, after which "fifty percent (50%) of net oil revenue derived from oil producing wells in Southern Sudan shall be allocated to the Government of Southern Sudan", and "fifty prevent (50%) to the National Government and States in Northern Sudan". CPA, Chapter III, Section 5.5-5.6.

[8] Skye Wheeler, "Sudan accused of delaying North-South border deal", Reuters, 18 February 2009.

[9] Crisis Group telephone interview, UNMIS official, August 2010.

[10] The committee's initial members were appointed in November 2005. Its first substantive meeting was in May 2006, and its first reconnaissance visit to a border area was in early 2007.

[11] TBC document obtained by Crisis Group, "The Internal Regulations of the Technical Committee on the Demarcation of 1/1/1956 Boundaries between Northern and Southern Sudan for 2006", and based on the mandate outlined in Presidential Decree 29 of 2005. Like other committee documents, the original was available only in Arabic, despite some members' requests for English translations. Translation by Crisis Group.

[12] Ideally, an implementing agency would then take over and carry out physical demarcation.

[13] Missed deadlines include late 2007, October 2008, September 2009 and May 2010.

[14] The TBC work is financed through a fund administered by the Government of National Unity (GNU).

der. While the CPA gives responsibility for establishing a technical border committee to the presidency, ambiguity persists as to who those members represent: North/South, national government (GoS)/Government of South Sudan (GoSS), or even NCP/SPLM. Accusations of political interference in what should be a purely technical mandate have fuelled further mistrust and delays. The fact is, any committee tasked with resolving a key CPA issue, regardless of the terms of reference, is bound to have political undertones, a reality not fully grasped by all members of this committee of technocrats.[15]

Southern committee members register a series of complaints against their northern counterparts, including: that decisions have been taken and reports have been submitted to the presidency without consensus; that the agenda is controlled exclusively by the chair (a Northerner) with little or no room for input; and that official meeting minutes have been manipulated.[16] Southern members also attribute the body's slow pace to the fact that their Northern counterparts are not empowered to make decisions without consulting their political handlers.[17] Those most immediately associated with TBC oversight thus far have been two NCP ministers, Idris Abdul-Gadir and Muhammad Mukhtar.[18] An official close to the process remarked, "one can call him [Abdul-Gadir] the nineteenth member of the committee".[19]

The conduct of Southern committee members has also generated criticism. Officials close to the process assert that delays have been caused by their excessively rigid fixation on procedure, that their engagement has at times been sub-standard or uncooperative and that the deputy chair has occasionally been otherwise engaged.[20]

As a result of the poisoned atmosphere and perceived strong-arming by Northern leadership, the Southern component suspended its participation more than once. After the chair reportedly rejected reform proposals, Vice Presidents Ali Osman Taha and Riek Machar finally intervened in September 2009 to break the deadlock. A series of directives aimed at rectifying the problems and clarifying operations were agreed, but many remain unimplemented.

While the committee has now agreed on most of the boundary, a handful of areas remain contested, and more final report deadlines have thus been missed. To advance the stalled process, a February 2010 presidential directive ordered the committee to commence preliminary field steps toward demarcation of the agreed segment of the border.[21] Supported by the UN Mission in Sudan (UNMIS), the TBC began aerial surveys and mapping of boundary points on the border shared by Blue Nile (North) and Upper Nile (South) states, the only segment of the border fully agreed.[22] However, little progress has been made since.

Choosing an agency to implement demarcation has also been a point of contention. Members who fought to put this issue on the committee agenda were repeatedly stymied. The SPLM insists the UN or another neutral entity take part in the demarcation, while the NCP appears reluctant to accept the UN in this role,[23] proposing instead a series of Sudanese companies and experts to work in concert with the National Survey Authority.[24] Donors are eager to support this work but require an agreement on an implementing agency and a demarcation budget. The decision on the implementing agency should be taken by political leadership, not the TBC.

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[15] Some note the committee's Southern members are not schooled in NCP political tactics, and have been left in Khartoum without sufficient political guidance. Crisis Group interviews, Khartoum and Juba, May-June 2010.

[16] Such conduct would be in breach of several internal committee regulations, approved in 2006 and obtained by Crisis Group.

[17] The Southern component has argued that an independent body should set the agenda, the UN should have a seat on the committee and members should be empowered to act without being beholden to political oversight.

[18] Crisis Group interviews, international officials and SPLM members, Khartoum, June 2010. Attempts by international supporters to convene an informal meeting to review the committee's work were referred to the presidency. Minister Abdul-Gadir made clear that any contact with the chair must go through him, and the meeting never materialised.

[19] Crisis Group interview, Khartoum, June 2010.

[20] This is a reference to the deputy chair's candidacy for the Unity state assembly in the 2010 elections. Others called these unfounded assertions intended to divert attention from NCP

responsibility. Crisis Group interviews, diplomats and UN official, Khartoum, June 2010.

[21] This included the border shared by Upper Nile and Blue Nile states, from Ethiopia to the nexus of Blue Nile and Sennar states. "Report of the Secretary-General on the United Nations Mission in Sudan", UNSC S/2010/168, 5 April 2010.

[22] This section runs from the Ethiopian border to the nexus with Sennar state. In addition to facilitating this aerial reconnaissance, UNMIS has offered a variety of forms of support to the committee, including workshops in both capitals led by international boundary experts, training visits to the UN logistics base in Brindisi, Italy, Global Positioning System (GPS) and Geographic Information System (GIS) training, maps and satellite imagery equipment, as well as survey, logistics, reconnaissance and transportation assistance.

[23] Whether or not it has a more direct role in the process, both sides acknowledge some UNMIS technical assistance, including air support, will be necessary.

[24] Southern committee members are concerned about this proposal, because demarcation may not occur until after the referendum. If the vote is for secession, they would not want demarcation to be carried out by Northern Sudanese institutions alone.

B. THE DISPUTED AREAS

There is disagreement over which and how many disputed areas remain, but the following were the five identified in the TBC's first periodic report to the presidency in 2010. While each of the sub-sections below describes a contested area, the first is addressed in greater depth to highlight the complexities of the disputes and the all-important perspectives of local actors. The sub-headings give a popular name for each unresolved area and identify the two states – in South and North respectively – which share the border in question.

1. Renk/Jabalain (Upper Nile/White Nile)

Part of the native territory (*dar*) of the Dinka Abilang, Renk County is the northernmost point of Southern Sudan and lies east of the river in Upper Nile state. Immediately north of the current border is Jabalain County, in White Nile state, home to a number of ethnic groups, many of them nomadic, including Seleim, Sabaha, Ahamda, Rufa'a and Nezi. In addition to pastoralist life, the area has large swathes of arable land that have been, and could further be, developed as mechanised agricultural schemes. The

government-driven expansion of mechanised farming that began in the 1970s contributed to displacement, disrupted migratory routes and eroded customary land rights of communities on both sides of the border, including in Renk and Jabalain counties.

The shared border between the two counties (running approximately 50km east-to-west) remains disputed. The Abilang believe nomadic tribes from the North were for decades party to deliberate government schemes to drive this border further to the South, thereby gaining access to valuable grazing areas, arable land, oil reserves and local tax revenues.[25] Dinka Abilang elders cite periodic raids, during which their people were killed and settlements burned, that accompanied a series of southward border shifts from Rabak to Khor Ayuel, to Jabalain, to the current location near Wonthau. As a result, Southern resentment of Arab expansion and Islamisation is particularly acute among some groups in this region.

Today, Northern pastoralists regularly migrate south into Renk county in the dry season in search of grazing lands for their herds.[26] Likewise, Dinka communities occupy areas north of the border. Many seek goods and services, medical care and education in the North; the majority of commodities in the area are sold by Northern traders.[27] Thus, maintaining cross-border movement is important to those in North and South alike. While this trans-boundary relationship has been amicable since the CPA, there is anxiety on both sides that it could be damaged in eco-

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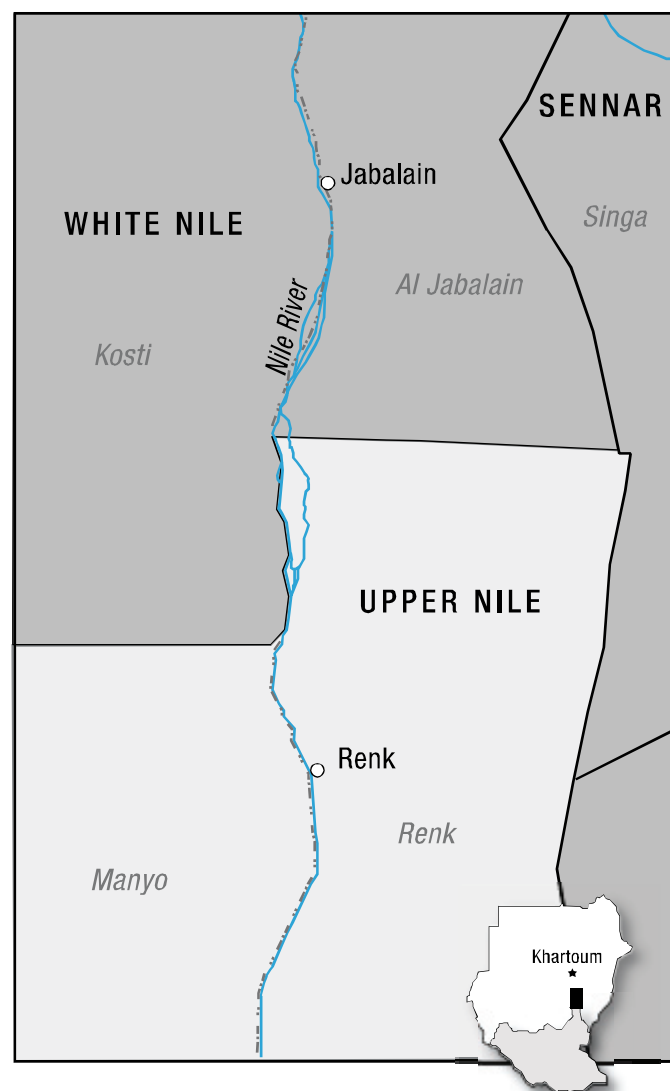
[25] Historian Douglas H. Johnson describes "a steady erosion of Dar rights under post-independence governments, especially so under the National Congress (Party)". "Decolonising the Borders in Sudan: Ethnic Territories and National Development", in M. Duffield & V. Hewitt (eds.), *Empire, Development and Colonialism: The Past in the Present* (Woodbridge, 2009), pp. 176-187. This policy was not specific to Upper Nile. For example, following the discovery of oil near Bentiu in the early 1970s, multiple attempts were made to re-draw the border in Khartoum's interest. The administration of then-President Jafaar Nimeri attempted to include the oil in a new Northern province but was rebuffed by Southern protest. In 1980, National Islamic Front leader Hassan Al-Turabi devised a plan to re-draw Northern territories as part of the proposed People's Regional Government Act, thereby attempting to annex valuable portions of several Southern states, including northern Upper Nile, to increase control of oil and prime agricultural land. David H. Shinn, "Addis Ababa Agreement: Was it Destined to Fail and Are There Lessons for The Current Sudan Peace Process?", *Annales d'Ethiopie*, vol. 20, no. 20 (2005), p. 252.
[26] Nomads and their herds move as far south as the Sobat River in the dry season (around November), and often return north around June.
[27] Renk town is roughly 450km by paved road to Khartoum; there are regular buses. Travelling to Juba is far more difficult.

nomic, social, migratory and security terms following the referendum, should the border be hardened.[28]

The parameters of this dispute as identified by the TBC concern only a few kilometres of territory, hinging on government gazetting in 1920 and a set of contradictory maps. Some maintain the gazetting was incorrectly imposed on maps maintained by the central government. Citing precedence of documentation over maps, Southern TBC members believe the border should either be re-drawn per the gazette of 1920, or drawn slightly further north, from Debat al Fukhar in the east to Qoz Nabak in the west, per a 1955 agreement between the then governors of the two territories.

Upset that the scope of the TBC deliberations is so limited, Renk leaders have called for the committee's work to be negated. Dinka elders and local government officials assert that the border should instead lie near Khor Ayuel, some 90km north of the area under review. As in other disputed portions of the border, local officials argue that historical grazing agreements allowing seasonal access to Arab nomads were later asserted by some to represent actual boundary changes. They claim provincial governments later formalised those changes without consent of the community, and the land was subsequently settled by those who had previously exercised only secondary rights.[29]

Community leaders in Renk assert the primacy of tribal boundaries, and local knowledge of the *dar* is relied upon far more than maps or historical gazetting.[30] They argue that traditional tribal lands stretch north of Jabalian county, currently administered by White Nile state.[31] While tradi-

tional Dinka territory indeed extends at least that far north, administrative changes implemented over the last century are likely to supersede, because administrative – not tribal – boundaries are the purview of the committee. Thus, local communities will probably be disappointed. Despite this, numerous officials at local and state level in Upper Nile share what seems an erroneous belief, that the SPLM leadership will "not give an inch" on their claim.[32]

Among the other reasons for Renk county's "unflinching opposition"[33] to the work of the TBC is its complaint of insufficient consultation, a fact disputed by TBC members. Local officials assert that the TBC travelled to and consulted communities in Blue Nile, White Nile and Sennar states during a preliminary demarcation assessment in May 2010 but did not visit Renk or sufficiently consult them.[34] A local committee was then formed and travelled to Khartoum to discuss its concerns with the TBC's Southern representation as well as SPLM party leaders. It also published an article calling the committee "tyrannical" and warning of "protracted resistance [should there be] any move to deny us our legitimate rights to our land".[35] SPLM leaders have advised local officials to prevent communities from expressing discontent by force, which could inadvertently provoke broader conflict.[36]

Local, county and state officials are unanimous that more serious local consultation is the only way forward, as decisions should not be made by elites in isolation from the communities.[37] A county official leading local efforts said, "responsibility [for determining the boundaries] should lie with local elders of the area, not the commissioner, not the governor, not the president, nor anyone else".[38] Renk

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[28] Crisis Group interviews, government officials and community elders, Renk, June 2010. For more details on concerns of communities in Upper Nile and White Nile states, see "Cross Border Relations Beyond the Referendum Challenges and Opportunities", state workshop summary, Kosti, White Nile State, Sudan, 25-27 May 2010; and "Workshop Report", Upper Nile State, 20-22 May 2010. While it may merely be public posturing, the NCP recently rejected the prospect of a "Four Freedoms" agreement with Sudan, similar to its agreement with Egypt that guarantees both countries' citizens the right to move about, work, reside and own property in the other but that remains to be fully implemented. "SPLM to boycott referendum meeting with Sudanese president", *Sudan Tribune*, 17 August 2010.
[29] Crisis Group interviews, local government officials, Renk county border committee, Renk, June 2010.
[30] Committee leaders report that they generally accept British colonial boundaries, but reject changes made by successive governments in Khartoum between 1920 and 1956. Ibid.
[31] In addition to tribal claims, local and state officials argue that maps used by the committee should be deemed invalid due to inaccuracies in gazetting. They also complain that their appointed state representative to the TBC is from the southern part of the state, thus has little sense of the historical geography

of the disputed region. Crisis Group interviews, senior state officials, Malakal, June 2010; local elders, Renk, June 2010.
[32] Crisis Group interviews, senior state officials, Malakal, June 2010; local elders, Renk, June 2010; GoSS officials, Juba, June 2010.
[33] "Opposition to the Findings of the National Committee for Border Demarcation between the North and the South", *The Citizen* (Sudan), 3 June 2010.
[34] The county commissioner travelled to the border area to meet committee members but remains unsatisfied. Committee members maintained they were present to conduct research, not to visit county seats or give briefings. The deputy chair reported that the committee briefed the commissioner anyway. Communities also displayed anger at the prospect of demarcation, and some said they would "reject" demarcation if it went ahead. Crisis Group interviews, Renk county commissioner, Renk; TBC members, Khartoum, June 2010.
[35] "Opposition to the Findings of the National Committee", op. cit.
[36] Crisis Group interview, Renk county official, Renk, June 2010.
[37] Crisis Group interview, senior government official, Malakal, June 2010.
[38] Briefing to Renk county border committee, attended by Crisis Group, Renk, June 2010.

officials are calling for meetings between representatives of the four relevant border states (Blue Nile, White Nile, Sennar, Upper Nile). If this does not satisfy them, local officials say, they plan to pursue international arbitration. Despite a demonstrated wish to resolve the issue peacefully, many worry that a protracted dispute could spark renewed conflict. Hence their collective forewarning that "we shouldn't entertain any illusions as to the problems that will arise on the borderline", should the correct boundary not be recognised and implemented.[39]

2. Megenis (Upper Nile/South Kordofan)

Jebel Megenis is a mountain at the north-west point of the currently accepted boundary of Manyo county, in Upper Nile state. It separates Upper Nile from White Nile to the north and Southern Kordofan to the west. This western area of Manyo is inhabited by the Shilluk people, among others.[40] Ostensibly, the cause for this dispute is a claim the area is part of the traditional *dar* of the Seleim Baggara, a nomadic tribe which primarily inhabits White Nile state. The Seleim traditionally migrated seasonally to the area, but some have since settled. That said, the Megenis area also has considerable agricultural potential, and many
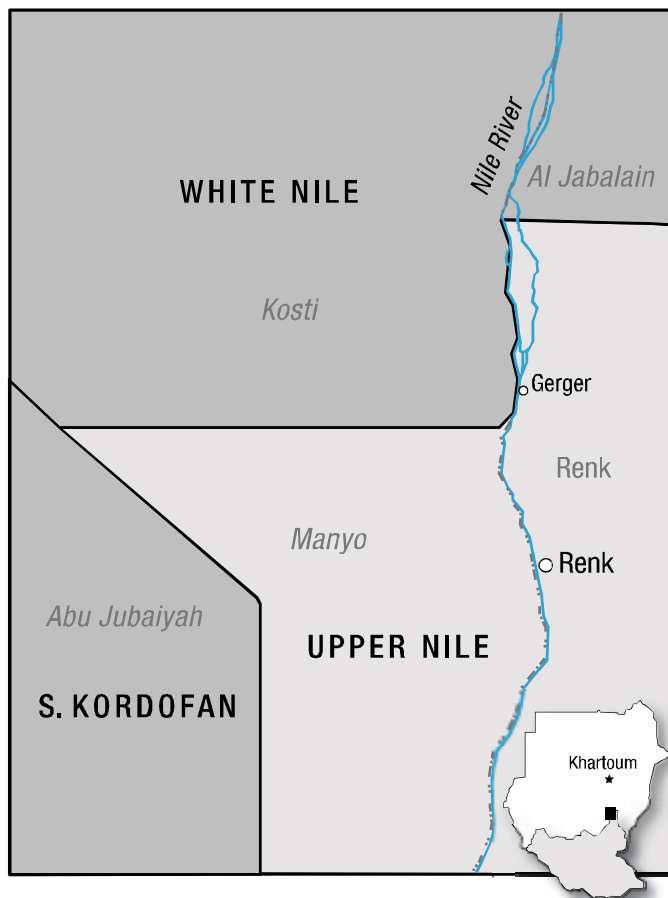
believe (true or not) that exploration is likely to find additional oil deposits. Many see these possibilities as the primary motivation behind the technical claim.

The Seleim do occupy parts of the area and regularly reap gum arabic and other seasonal harvests.[41] However, as the TBC mandate is oriented to administrative boundaries, there appears little basis for the traditional *dar* claim. Southern proponents argue that if the NCP would indeed like the committee to expand its deliberations to give weight to historical tribal boundaries, they would be happy to do so, as the South would undoubtedly benefit in multiple areas, including the coveted Heglig oil fields.[42]

3. Kaka Town (Upper Nile/Southern Kordofan)

Kaka, a small port town on the Nile, is north of Malakal near the border between Upper Nile and Southern Kordofan states. In the 1920s, Sudan's British administrators

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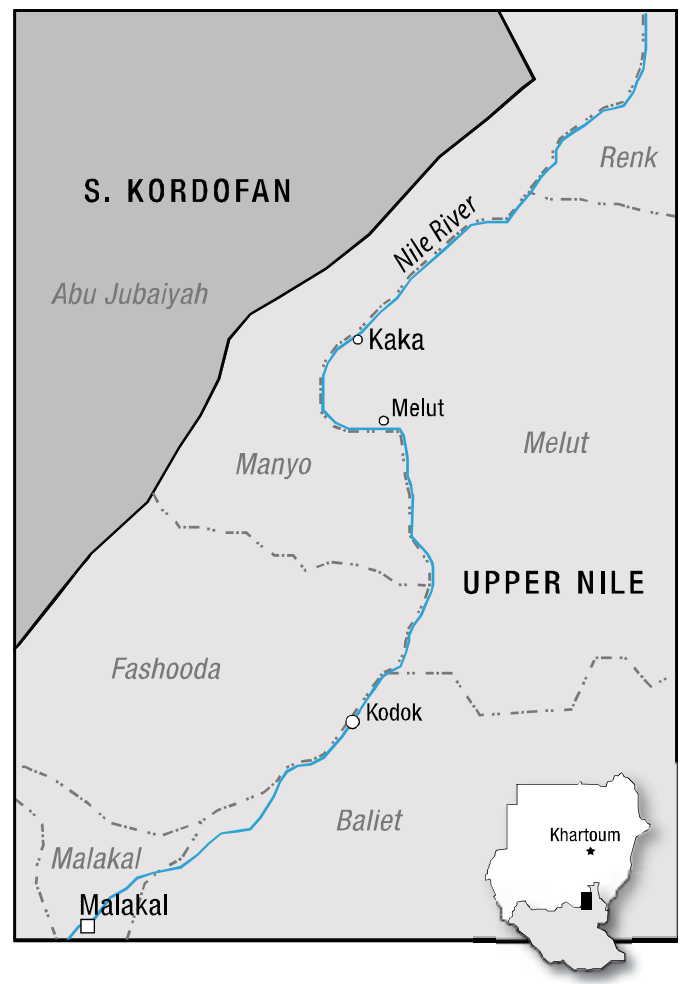
[39] "Opposition to the Findings of the National Committee", op. cit.
[40] The Shilluk in Upper Nile are among the Southern tribes being courted by Khartoum as part of its campaign for unity.

[41] Gum arabic (or gum acacia) is a tree sap that acts as a stabilising agent in food items and soft drinks, most notably Coca-Cola. Sudan is the single biggest producer of gum arabic in the world; its production is an important livelihood for many Sudanese, and the government exercises significant control over its export.
[42] While output is in decline, the Heglig oil fields remain among the country's most valuable.

instituted the Closed Districts Ordinance, a policy which in effect divided North from South, severely restricting movement and trade. As a result, communities in present-day Southern Kordofan could not obtain goods and services from the North and instead looked to the South, including by way of the Nile.[43] To address the problem, a 1923 Sudan Government Gazette transferred administration of Kaka town – and in effect management of its port – from Upper Nile province to what is now Southern Kordofan, thereby granting Nuba communities access to a supply route and a source of water for their cattle. Since then, communities from Southern Kordofan have gathered seasonal harvests in the area (gum arabic in particular), and mechanised farming has been developed.[44] However, the Southern component of the TBC argues these changes do not constitute a change of boundary.[45]

4. The Bahr al Arab (Northern Bahr al Ghazal/Southern Darfur)

The Bahr al Arab – literally "River of the Arabs", or Kiir River as it is known by Southerners – flows west to east through Darfur, forming part of the border between Southern Darfur and Western Bahr al Ghazal. It then passes through Abyei and Unity state en route to a convergence with the White Nile. At present, the area is ad-

ministered in effect by county-level officials from Northern Bahr al Ghazal, and UN officials report no objections from Southern Darfur.[46] The river and its resources are utilised by the Dinka Malwal of Northern Bahr al Ghazal and the pastoral Rizeigat and Misseriya (Baggara) of Southern Darfur and South Kordofan. All see access to the area as essential, and while violence has riddled the relationship between these two groups for generations, recent accounts of individual agreements negotiated at local levels are promising.[47]

The Bahr al Arab, which historically formed the customary boundary between the Dinka Malwal and the Rizeigat Arabs, has been the focal point of boundary and land-use disputes and negotiations for centuries. Historical records and accounts of the territory do not paint a particularly clear picture of the location or nature of the border or this important river. The most pertinent boundary decision was in the 1924 Munroe-Wheatley Agreement, aimed in part to quell intermittent conflict between the two.[48] After a series of earlier shifts to the Dinka-Rizeigat tribal boundary, it proclaimed the *dar* of the Rizeigat to be roughly fourteen miles (22km) south of the river, and this eventually became the provincial boundary. However, some argue that the hybrid nature of the agreement, which detailed rights and restrictions for both groups rather than conferring outright ownership, left the official status of the area open to interpretation.[49]

Northerners argue the Munroe-Wheatley agreement was a binding document that changed the provincial boundary. Somewhat similar to the case of Kaka, the Southern component argues the agreement did not sanction a formal border adjustment or transfer to the Darfur province, but was merely intended to harmonise the grazing and land-use rights of two groups. Furthermore, they say the procedures required for an official change – including approval of the (British) governor-general – were not implemented.[50] Referring to traditional boundaries, the local Malwal and many Southerners believe the river is the true boundary, though they may find it difficult to achieve that objective on technical grounds. Regardless of where the final line is drawn, the least contentious scenario would involve an affirmation of continued river access and grazing rights in the contested area for both groups.

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[43] This area of Southern Kordofan state was then part of the Nuba Mountains Province, and was in effect grouped with South Sudan under the colonial policy.

[44] Crisis Group interview, SSLA member (Upper Nile state), Juba, August 2010.

[45] Others argue the transfer lost effect when the provinces were reconstituted several years later.

[46] Crisis Group interview, UNMIS official, June 2010.

[47] Crisis Group interview, Bahr al Ghazal expert, Rumbek, June 2010.

[48] Sir Patrick Munroe was the governor of Darfur province and Mervyn J. Wheatley the governor of Bahr al Ghazal province.

[49] Douglas H. Johnson, "Decolonising the Borders in Sudan", op. cit. This important work details the history of Rizeigat-Malwal boundary negotiations in much greater depth.

[50] Crisis Group interviews, TBC officials, June 2010.

5. Kafia Kingi (Western Bahr al Ghazal/ Southern Darfur)

In the far west, near the border with the Central African Republic, is a pocket of hard-to-access territory, which includes Kafia Kingi and Hofrat en Nahas and the surrounding areas. The current boundary locates them in the southernmost part of Buram county (Southern Darfur), just off the border of Raja county (Western Bahr al Ghazal). Interests in the area include copper deposits – Hofrat en Nahas literally means "hole of copper" – as well as timber, wildlife, grazing pasture and other minerals, one of which is possibly uranium.[51]

Previously assigned to the South, the area was transferred from Bahr al Ghazal to Darfur in the 1960s, seemingly –
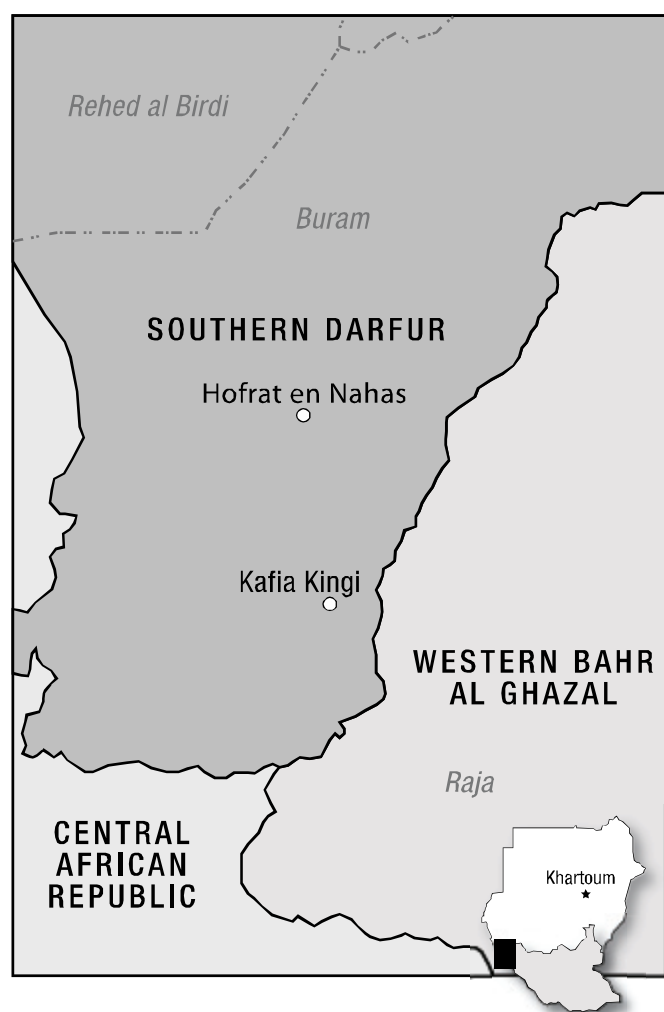
for administrative purposes.[52] The 1972 Addis Agreement defined the "Southern Provinces of Sudan" as they stood at independence, thus mandating a return to the South, per maps dated prior to 1956.[53] No such transfer ever took place. The area is home to a diverse set of identities and ethnic groups of Darfuri, Southern, Central African and other backgrounds. During the civil war, it was administrated from Darfur. While, trade, services and supply chains extend primarily from the North and stretch further south into Western Bahr al Ghazal, connections to Juba and East Africa are growing. Cattle herdsmen including Rizeigat also travel deep into Raja county in the dry season, and are often well armed.

GoSS administration and SPLA forces increased their presence in this north-western part of the state following the CPA. While some groups in the contested area identify with Southern Sudan, others see themselves more socially, culturally and economically akin to Darfur. Local tensions have increased, exacerbated by the national political climate and the pending demarcation, most notably in April 2010 clashes near Balballa, involving SPLA, Rizeigat and, less visibly, the SAF.[54]

A series of maps from the 1930s, on file with the national survey authority, are cause for dispute within the committee. They show an amended boundary that places Kafia Kingi and Hofrat en Nahas in the North, not the South as per the original maps. However, there is evidence to suggest the maps were amended in 1959, after the critical date, thereby rendering the alteration invalid according to Southern committee members. This assertion, coupled with the historical commitment to return the areas to Bahr al Ghazal, suggests Khartoum has little chance of making good a claim to the area on technical grounds.

6. Additional contentious areas

The long-disputed Abyei area is not within the committee's mandate; the coveted Heglig area is but did not become one of its disputes. However, both are arguably more controversial than any of the technical disputes outlined above, not least because of their oil deposits. Furthermore, progress on the post-referendum negotiations may have less of a positive impact in these areas, particularly Abyei.

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[51] The area is also reputed to be a training ground for SAF and government-backed Baggara militias. Unconfirmed reports also alleged that Joseph Kony's Lord's Resistance Army, the notorious Ugandan insurgent group, sought refuge and Khartoum's support in the area in 2009. Crisis Group Africa Report N°159, *Sudan: Regional Perspectives on the Prospect of Southern Independence*, 6 May 2010.

[52] Some also speculate that mineral potential was a motivating factor, though this has not been confirmed.
[53] The Addis Ababa agreement of 1972 ended what is known as the first civil war and established regional government in the South.
[54] Opheera McDoom, "Clashes in Sudan kill 58, raise tension on border", Reuters, 25 April 2010.

Abyei. Located between Northern Bahr al Ghazal, Warrap and Unity states to the south and Southern Kordofan to the north, Abyei is geographically, ethnically and politically caught between Northern and Southern Sudan.[55] It is home to the Ngok Dinka and Misseriya Arabs who migrate seasonally through it. Abyei has long been a flash point; polarisation between the two began during the first civil war (1955-1972), but a new dynamic was added when oil was discovered in 1979. By way of a special protocol, the CPA granted the disputed territory special administrative status under the presidency and its own January 2011 referendum to decide whether to continue that status within the North or become part of the South.[56]

Its territory was to be defined by an Abyei Boundary Commission (ABC).[57] That body's 2005 ruling meant that a significant percentage of Sudan's known oil reserves fell within the territory of Abyei (though output from the producing fields has since been in steady decline).[58] Due to the financial implications of having to share Abyei's oil revenues, the NCP rejected the ruling. After three years of deadlock and a series of violent clashes in 2008, the parties submitted the dispute for arbitration. The Abyei Tribunal, constituted at the Permanent Court of Arbitration (PCA), announced its final award in 2009, which reduced the size of the area set forth by the ABC.[59]

Because of the declining reserves and the fact that the PCA decision placed some fields outside Abyei, some had hoped the area would be less contentious by 2011.[60] However, the PCA decision has not been implemented, and more than oil is at stake. Thus, the fight for Abyei remains fervent.[61] The area has experienced considerable instability in recent years, most notably 2008, when clashes between the SAF, SAF-backed militia and SPLA left more than 100 dead, thousands displaced and the town largely destroyed. In early July 2010, symptoms of the underlying tension again appeared, as new fighting and displacement produced accusations of political provocation.[62]

While the NCP's primary interest has long been oil and the Greater Nile Oil Pipeline that traverses Abyei, local Misseriya fear that secession of the South – possibly including Abyei – could result in a loss of grazing and community rights, thereby threatening their way of life.[63] Many reject the PCA award and desire a more active role in decisions about Abyei's future. In recent months, UN officials have received unconfirmed reports that Misseriya may be increasingly taking up permanent presences in northern Abyei beyond the seasonal migration period, and there are indications that some Misseriya may now be framing the issue as one of land ownership, not just land-use rights.[64]

The Abyei referendum is supposed to coincide with South Sudan's, though preparations are far behind schedule, and the danger of it being de-linked from the broader exercise is real. As with the South Sudan referendum, voter eligibility – who is or is not a resident – is controversial, particularly with regard to the status of Misseriya.[65] The area's two principal ethnic groups are important constituencies neither the NCP nor the SPLM can afford to alienate. During the war and at times since, the Misseriya were an integral part of the government's military effort as

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[55] For more, see Crisis Group Africa Briefing N°47, *Sudan: Breaking the Abyei Deadlock*, 12 October 2007.
[56] A referendum was first promised for Abeyi in the 1972 Addis Ababa agreement, but never took place.
[57] The ABC mandate was to "define and demarcate the area of the nine Dinka Cheifdoms transferred to Kordofan in 1905". Comprehensive Peace Agreement, Chapter IV: The Resolution of the Abyei Conflict, 5.1, 26 May 2004.
[58] Crisis Group interview, petroleum sector expert, Sudan, June 2010. For more background on the situation in Abyei and oil production, see Crisis Group Briefing, *Sudan: Breaking the Abyei Deadlock*, op. cit.
[59] "The Government of Sudan and The Sudan People's Liberation Movement: Final Award", Permanent Court of Arbitration, www.pca-cpa.org, 22 July 2009.
[60] Some argue the PCA decision prioritised permanent settlement and may have set an unhelpful precedent given the reality of primary and secondary land users in Abyei and elsewhere along the border. Crisis Group interview, international border expert, June 2010.
[61] Abyei Chief Administrator Deng Arop Kuol has repeatedly accused the NCP of actively working to destabilise Abyei. In July 2010, Presidential Adviser Salah Gosh reiterated the PCA decision did not resolve the Abyei dispute and that new solu-

tions must be found to fulfil the needs of both parties. "Sudan's security adviser says PCA ruling on Abyei 'did not resolve dispute'", *Sudan Tribune*, 1 August 2010.
[62] Abyei Chief Administrator Deng Arop Kuol accused Khartoum of being involved in the attacks, which he argued were "organised in order to re-settle the Misseriya in Abyei". "Clashes and protests in Abyei", *Daily Nation*, 8 July 2010.
[63] Transfer of Abyei to the South was considered as early as 1972, per the Addis Ababa agreement. Playing on Misseriya fears, the national government soon after encouraged and supported Misseriya attempts to drive Dinka communities south by force.
[64] Crisis Group telephone interview, UN official, August 2010; Crisis Group email correspondence, UN official, August 2010. Abyei Administrator Deng Arop Kuol has made similar claims. "Arab nomads settling in contested Sudan region: official", Agence France-Presse, 1 August 2010. Abyei leaders believe the new Misseriya settlements are being orchestrated from Khartoum in an attempt to influence the outcome of the Abyei referendum.
[65] The CPA's Abyei Protocol notes "the Residents of Abeyi shall be a) The Members of the Ngok Dinka community and other Sudanese residing in the area"; and "b) The criteria of residence shall be worked out by the Abeyi Referendum Commission". CPA, Chapter VI: The Resolution of the Abyei Conflict, Section 6.1, 26 May 2004.

members of its Popular Defence Forces (PDF).[66] While the community's relationship with the ruling party has since soured, and it is deeply divided, its capacity to influence local and national political and security dynamics should not be underestimated. On the other hand, many of Abyei's Ngok Dinka were the first to join the SPLA, were close to the late Southern leader, Dr John Garang, and today occupy senior SPLA and government positions.

Despite the long struggle to define Abyei's territory, its southern border – the current North-South boundary – is not in dispute, because the PCA confirmed that portion of the ABC findings. However, demarcation of the remainder of the borders as defined by the PCA, which would become the new North-South boundary should Abyei join the South, was forcibly prevented by local Misseriya in late 2009 and has been complicated by NCP intransigence since.

Just as demarcation of the entire North-South border has no connection to the South Sudan referendum, demarcation of the PCA-defined border should have no bearing on Abyei's referendum, a point reiterated by Vice President Machar in a July 2010 appeal to resume demarcation. He also said to the people of the region that "the SPLM wishes to tell you that there is nothing to fear about the demarcation of the Abyei Area and you should not let any person fill your heads with lies or misunderstanding about it. Demarcation does not prevent people and their animals from moving freely ... and demarcation will not change the now defined boundaries of the Abyei Area".[67]

Heglig. The July 2009 PCA decision placed the Heglig oil fields outside Abyei.[68] Yet, SPLM figures remain firm that Heglig is part of Unity state and thus in the South, while NCP officials argue it is part of the North.[69] Those who believe it is in the South cite Dinka and Nuer tribes now residing in Pariang, Abiemnhom, Rubkona and Mayom counties in Northern Unity state, whose claim to traditional tribal lands historically extended further north west. Beginning in the mid-1960s, those communities were displaced from present-day Southern Kordofan, including Heglig, and much of the area has since been settled by Misseriya.[70] As in other tense border areas, these communities hope to see their traditional territories returned to them as part of the new South. Residents report unresolved problems with neighbouring communities to the north, considerable insecurity and a build-up of national armed forces in the area.[71]

Areas unforeseen. Lastly, while Southern sentiment for independence is strong, it is not necessarily absolute; nor is Southern cohesion. Communities on the Southern side of the border at odds with the SPLM or with strong ties to the North are being solicited by Khartoum. It is conceivable that some could align with Khartoum after the referendum, which could complicate border matters even further. Meanwhile, Northern Baggara communities which previously partnered with Khartoum are unhappy with the regime on a number of grounds, including broken promises, lack of development, their share of the national wealth and the environmental impact of the oil industry.

C. THE POLITICAL CONTEXT

The border committee's work has foundered in part because it has been allowed to. Neither CPA party nor any individual of significant political stature has sustained attempts to advance the border demarcation process within or beyond the committee since its inception, one of multiple indications that the issue has not been a top priority. It has not been politically expedient to champion a poten-

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[66] Formed in the late 1980s and legalised in 1989, the Popular Defence Forces (PDF) fought Southern rebels, carried out government-orchestrated displacement and were once among the NCP regime's "primary instruments of Islamist political and popular mobilisation". See Jago Salmon, "A Paramilitary Revolution: The Popular Defence Forces", Small Arms Survey, Sudan Human Security Baseline Assessment, December 2007. PDF elements remain active.

[67] Riek Machar, "VP Machar says Abyei Referendum will occur with or without Border Demarcation", *Sudan Tribune*, 21 July 2010. Machar's statements notwithstanding, the optimistic picture he presented of the future border depends upon the results of the post-referendum arrangements that remain to be negotiated by the NCP and SPLM.

[68] Concession Blocks 1, 2 and 4, known as the Heglig Basin, produce Nile Blend, Sudan's highest quality oil. While production is split between North and South, these blocks are managed as one unit and piped north via common infrastructure. Further complicating the division of oil resources is the possibility that oil may be drilled on one side of the border from an underground reservoir that may extend far to the other side of the border. Crisis Group interview, petroleum sector analyst, Sudan, June 2010.

[69] A 14 June 2004 government document, signed by then Minister of Federal Affairs Nafie Ali Nafie, informed the governor of Unity state that the Heglig region did not belong to Unity state (South) as indicated on a map annexed to the state's annual performance report to the Council of Ministers, but rather to Western Kordofan state (North), as shown on a map drawn by the National Geodesy Corporation. "Letter from the Minister of the Federal Government Chambers to the Governor of Unity State, Subject: position of Heglig on the map", in Arabic, dated 14 June 2004; see Crisis Group Africa Report N°96, *The Khartoum-SPLM Agreement: Sudan's Uncertain Peace*, 25 July 2005.

[70] Crisis Group interviews, Khartoum and Juba, June 2010. Later, the discovery of oil and development of oil infrastructure also played a role in disrupting life and displacing communities on both sides of the border.

[71] "Cross-Border Relations Beyond the Referendum: Challenges and Opportunities: State Workshop Report, Unity State", Concordis International, 29-31 March 2010.

tially divisive process that will inevitably leave some important domestic constituencies unhappy, thereby creating additional problems at a time when capacity to govern and to implement the CPA is already stretched.[72]

Strategic motives have also been behind NCP delays past and present. Border demarcation has always been complicated by two hot-button issues: the presence of oil in border areas and the build-up of national armed forces on both sides. The NCP's early reluctance to implement border demarcation, coupled with a policy of agitation along the boundary, allowed it to maintain greater control of the petroleum sector and management of its revenues.[73]

Similarly, if the current negotiations on post-referendum arrangements do not progress favourably or the CPA is derailed, an undefined boundary would again leave an open door for the NCP and its proxies to re-assert control of as much border-area development potential as possible, including land and oil.[74] If, however, the ruling party is able to negotiate favourable deals on the post-referendum arrangements, the border may prove less contentious. Khartoum may thus use the border as a bargaining chip as it attempts to leverage as much as possible against the referendum exercise – the South's principal objective.

Most recently, the NCP has attempted to use the unresolved border as an excuse to delay the referendum. While there is no basis to make the referendum dependent on demarcation, Foreign Minister Ali Karti and other senior NCP members have publicly suggested that the vote cannot be held before demarcation has been completed.[75] Vice President Riek Machar and other SPLM officials have countered, arguing that the referendum cannot be held hostage to demarcation.[76] Some, though certainly not all,

SPLM party members now maintain that demarcation need not be rushed, as the South, they say, will be in a stronger position to negotiate such matters once it is independent.[77]

1. Disconnects

The level of knowledge of the border disputes and the TBC's work is relatively low among political elites. Members of the TBC briefed the South Sudan Council of Ministers in June 2008 and the Government of National Unity Presidency in June 2009, but there has been minimal formal engagement since. A GoSS ministerial committee was formed to follow the issue after the former meeting, but it seems to have existed largely in name. And like so many other items on the CPA agenda, border demarcation was overshadowed by the elections and the subsequent formation of governments in April and May 2010. As a result, the disconnect between the technical committee and the political elites in Juba and Khartoum grew even wider early in the year.

As illustrated above, border communities – many of which are eager for demarcation to be completed – also lack an accurate grasp of the committee's limited mandate and its consequent focus on administrative boundaries. Many who hope to see the border resolved before the referendum but also believe that local consultations are necessary to ensure a sustainable agreement fail to recognise that time is short.

2. Delineation versus Demarcation

There are different opinions within the South regarding the ultimate need for and timing of physical demarcation, that is, the placing of concrete pylons at fixed intervals on the ground once the border is agreed on paper. Despite GoSS President Salva Kiir's insistence in his May 2010 inaugural address that actual demarcation happen prior to the referendum, he and many in his party now agree that would be ideal but is not necessary. They would like the agreed areas to be demarcated as soon as possible, but many note that the key date for completion is the end of the CPA period (July 2011), when they hope to achieve independence. They are also aware that erecting physical markers before border communities are assured of future cross-border arrangements and their citizenship rights could result in unnecessary confrontation and unwanted violence.[78]

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[72] The difficult experience of the Abyei border dispute and arbitration may also have been a disincentive for the parties to again become tangled in a contentious border issue while many other CPA items required attention.

[73] Some believe the anticipation of new oil discoveries may also have contributed to foot-dragging by the parties.

[74] Most of Sudan's oil is located in the South, while the infrastructure (pipelines, refinery, export capacity) to exploit and market it is in the North. Thus, the parties need each other, and an agreement on future oil revenue sharing – which could take a variety of forms – is economically essential for both.

[75] Sudanese Foreign Minister Ali Karti (NCP) said on 15 June 2010, "We cannot hold a referendum before the border is demarcated". President Bashir also warned that some parts of the disputed border could be explosive, thus unity was a better option. "Sudan may witness new war if parties disagree over referendum results – minister", *Sudan Tribune*, 16 June 2010.

[76] "Referendum can be conducted without demarcated borders – Machar", *Sudan Tribune*, 9 June 2010. Some think that the SPLM may also need to use the demarcation issue as a bargaining chip in the negotiations on post-referendum arrangements.

Crisis Group interviews, diplomats, international officials, Khartoum, Juba, June 2010.

[77] Crisis Group interviews, SPLM members, international officials, May, June 2010.

[78] Even if there was sufficient political will among the parties to demarcate before the referendum, it is not likely it could be

In the long run, most see demarcation on the ground as necessary. Wary of a continuation of Khartoum's policies of southward expansion, some Southerners hope physical markers will help to prevent any future confusion or encroachment. They are, however, quick to note that such markers should not in any way constitute a barrier.[79] SPLM leaders maintain that border posts will allow citizens to know on which side of the boundary they are, and thus which rights and responsibilities apply. They believe clear markings will also assist the respective governments in providing administrative services and security. Others are not certain that physical demarcation will ever be necessary.[80] Citing South Sudan's five present international borders – all porous – many see delineation by GPS coordinates, if accompanied by the appropriate legal instruments, as sufficient.[81]

III. BREAKING THE DEADLOCK

The extensive research and deliberations undertaken by the committee toward a final border line have been exhausted, and the body is now deadlocked. Further research, data gathering or legal arguments are unlikely to yield agreement on the still disputed territories. Resolution of the border is no longer a technical issue, but a political one, and should be treated as such.

The TBC should have submitted its mandated and long overdue findings on both agreed and disagreed portions of the border in a final report to the presidency. Because it has not, the Northern chair and Southern deputy chair should instead submit parallel reports with their respective assessments of disputed areas, rather than allow this important issue to decay further. The African Union High-Level Implementation Panel, which has a mandate to assist CPA implementation, recently urged just that. The Southern component then submitted its views to the presidency in mid-August, and the Northern component followed soon after. The NCP says that a composite report is still being prepared. When pressed for a proposed

deadline, however, NCP representative Idris Abdul-Gadir responded only with "soon".[82]

The deadlock became increasingly public in July 2010, prompting the presidency to establish a four-person ministerial sub-committee to help narrow the gap within the TBC.[83] This body, all of whose members have other important commitments, is yet to convene. Following a 29-30 August meeting of the presidency, another high-level political committee, led by Salah Gosh (NCP) and Pagan Amum (SPLM), was tasked to help advance the demarcation process, and reports indicate that demarcation commitments on the agreed areas were renewed. Whatever the format, real political action is necessary. It is to the presidency and these political designees that responsibility should now wholly be passed.[84] There must be a shift from process to action; the presidency must summon the requisite political will to break the deadlock and advance what is long overdue. A final agreement on delineation – the sooner the better and certainly before the end of the CPA period (July 2011) – would help to avoid future complications, including possible hostilities.

IV. TOWARD A "SOFT" BORDER

Regions just north of the 1956 border are among the most populous in Sudan and contain many important resources. If partition results in a "hard" border, and access to the South is restricted, land and resource pressure would intensify, as Northern governments and communities would depend even more on these areas. Too firm a barrier would threaten pastoralist livelihoods in North and South alike, create hardships for Southerners who rely on goods and services from the North and unnecessarily restrict communities which see the benefit of joint cross-border initiatives and interaction. Thus, the ideal scenario for post-referendum arrangements, particularly in the event of a Southern decision for secession, is one in which the parties and their border constituencies can achieve the softest border possible. Vital to this aim is cooperation on and regulation of a series of interdependent issues, chief among

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completed, as the rainy season which extends until October/November would prevent work in some areas.

[79] Crisis Group interviews, senior SPLM officials, Khartoum, June 2010; Juba, August 2010.

[80] Crisis Group interviews, SPLM officials, Juba and Khartoum, June 2010.

[81] The still-outstanding border dispute that was the proximate cause of the recent war between Ethiopia and Eritrea is worth mentioning. While the undefined border was both a symptom and an instrument of a much broader dispute, Ethiopia regards "virtual demarcation" by GPS coordinates as "legal nonsense". For more, see Crisis Group Africa Report N°141, *Beyond the Fragile Peace between Ethiopia and Eritrea: Averting New War*, 17 June 2008.

[82] Unofficial minutes of the 57th AEC plenary session, Khartoum, 17 August 2010; Crisis Group email correspondence, Khartoum-based international officials, August 2010; Crisis Group interview, Juba, 24 August 2010.

[83] The committee is comprised of two members from the NCP, Ministers Idris Abdul-Gadir (presidency) and Muhammad Mukhtar (council of ministers), and two from the SPLM, Cabinet Minister Luka Beong Deng and State Minister Weik Mamer Kwal (presidency).

[84] Chaired by Second-Vice President Ali Osman Taha and GoSS Vice President Riek Machar, the Joint High Executive Political Committee is a creation of the parties, often tasked to tackle CPA implementation disputes.

them citizenship, seasonal migration and grazing rights, economic activity and security.[85]

For example, Southern officials at all levels of government were unanimous that historical pastoral migrations by Northern communities should continue, regardless of border demarcation or referendum outcome.[86] All sides have a responsibility to better communicate this sentiment to nomads who fear secession could prevent them from reaching traditional grazing areas in the South. And the CPA parties now sitting at the negotiating table must translate such pledges into action by establishing a framework to identify and regulate cross-border arrangements. Details to be ironed out include: who can cross the border; their legal status; how they are to be identified; where, when and for how long they can cross; and the rights and responsibilities of individuals on both sides of the boundary (including economic activity, grazing fees, social arrangements and taxation).

For those to whom these issues are most pertinent – pastoralists and host communities – the question of bearing arms is particularly hot (cattle keepers often carry weapons to protect their herds). A joint mechanism to manage these and other cross-border issues is desirable, ideally one structured to allow space for local-level agreements as well as dispute resolution and dialogue.

These are the tasks of the parties, the facilitators and the international backers, as they negotiate the vital post-referendum arrangements.[87] Ideally, the parties will make as much progress as possible before January 2011 and also put in place a framework to continue negotiations through – and possibly beyond – the end of the CPA period in July 2011. There is no shortage of examples of inter-state practice from which the parties can draw creative solutions, including in a scenario where demarcation is not yet complete. In addition to mechanisms to guarantee and regulate movement, practices from which lessons might be taken include joint natural resource management, revenue sharing and rental or lease of extractive infrastructure, all of which are relevant to Sudan's oil. Single and dual citizenship models and special residence, movement and identification arrangements employed elsewhere can help guide talks on citizenship and nationality. Discussions on financial and economic issues can benefit

from examples of currency transitions, monetary unions, joint development and special tax zones.[88]

A. HARNESSING BORDER COMMUNITY VOICES

Despite the tension and hard rhetoric that accompanies the final stages of the CPA, some are leading efforts to turn attention to the benefits of future North-South cooperation and peaceful co-existence. For example, promising initiatives have germinated in the form of the Tamazuj (intermingling) forum. Convened first in February 2010 in Kadugli (South Kordofan state), then in July in Aweil (Northern Bahr al Ghazal state), the Tamazuj meetings bring together leaders of each of Sudan's North-South border states, as well as the special administrative area of Abyei, to work toward greater economic, social, security and development integration.[89] Initially spearheaded by state governors and pushed forward by a few key actors, the forum is gaining steam and is now propelled at the national level.[90]

A long list of joint initiatives has been proposed under the umbrella of this forum, including agricultural investment, road and other infrastructure construction, resource exploitation, poverty reduction and micro-finance schemes, joint policing, weapons control and dispute resolution among many others. Roads are an important example of the potential of joint efforts, as expanding such networks between North and South would not only facilitate a variety of other integration efforts, but also serve a symbolic purpose, representative of links instead of barriers.

Genuine national support for translating these appropriately ambitious initiatives into action, most critically by their incorporation into the negotiations on post-referendum arrangements, would prove that this forum represents real

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[85] Thus, in this phase of defining the nature of the boundary, tribal boundaries and customary rights would necessarily be considered.
[86] Crisis Group interviews, Khartoum, June 2010; Juba, May and June 2010.
[87] The NCP and SPLM signed a memorandum of understanding in Mekelle, Ethiopia, on 23 June 2010. It set forth structure, format and principles for negotiations on post-referendum arrangements. Talks began in earnest in August 2010.

[88] A variety of international consultants, as well as the African Union (AU), the UN and the Assessment Evaluation Commission (AEC) – an international body created by the CPA to monitor and support implementation – have assembled a notable amount of relevant material and expertise on these issues in order to support the discussions among working groups and lead negotiators.
[89] The next Tamazuj forum is tentatively scheduled for November 2010 in Abyei. The Unity Fund, the National Council for Strategic Planning, UNMIS-Civil Affairs, the U.S. government, the AEC and the AU are among the institutions that have supported the forum.
[90] In addition to a role for Vice Presidents Ali Osman Taha and Riek Machar, key actors driving the process include: South Kordofan Governor Ahmed Harun, GoS Cabinet Minister Luka Beong Deng, GoS Oil Minister Lual Deng, Unity Support Fund Director Yahia Hussein and Secretary-General of the National Council for Strategic Planning, Taj Al-Sir Mahjoub.

commitment to the aspirations of border communities and is not just another nice idea. Tamazuj governors should work with the post-referendum negotiating teams to establish a channel, through which advice, ideas and feedback from border constituencies can be fed directly into the talks in a timely manner. This should be accompanied by an information dissemination campaign – through the Tamazuj channel as well as radio – detailing progress on cross-border issues by the negotiating teams.[91] This kind of participation could secure greater buy-in for border management arrangements negotiated by NCP and SPLM elites in Khartoum.

Originally, some strong NCP advocates for Tamazuj hoped the concept could help make the case for unity. Thus, there is a risk that this useful forum will be short-lived if Southern independence becomes the new reality. The challenge will be to ensure that Tamazuj endures regardless of the referendum outcome, as it can be a helpful mechanism no matter what the future relationship between North and South.[92]

B. BORDER SECURITY AND MONITORING MECHANISMS

Security is a post-referendum priority for communities on both sides of the boundary. Depending on delineation, demarcation and progress on cross-border relations, one or more complementary security and/or monitoring mechanisms may help ensure stability and the rights of trans-border populations. They might also monitor new population movements and/or implementation of new security arrangements for SAF and SPLA personnel.[93] Ideally, the Sudanese parties themselves would be involved in shaping any such initiative. While it may be too early to tell if a mechanism will be necessary, and if so what kind, contingency planning should take into account both short and

long-term contexts, given potential roles in deterring hostilities and/or supporting a porous but stable border going forward.[94] A range of options might be considered.

1. A UN Monitoring Role

The future of UNMIS remains to be determined, but a considerable presence can be expected, at least in South Sudan. Many Southern Sudanese, both political elites and local actors, voice a desire for some kind of UN role in monitoring the border.[95] Defining that role will depend on the outcome of the referendum, the results of the negotiations on post-referendum arrangements, the general atmosphere that characterises the final six months of the CPA period (January-July 2011) and the willingness of host government(s) to welcome continued UN presence.

The Secretariat's Department of Peacekeeping Operations (DPKO) began planning for a future UN presence in earnest in April 2010, but much remains to be done and will depend on future circumstances.[96] Potential post-CPA roles in protection of civilians, disarmament, demobilisation and reintegration (DDR), rule-of-law, capacity building, security sector reform and peace-building all remain to be fully fleshed out and the costs and funding calculated. An active role in monitoring (and possibly stabilising) the border should also be a central part of contingency planning.[97] The fundamental challenge in this regard will be achieving an appropriate design, as a too-heavy presence that inadvertently hardens the border would be counterproductive.

Size, scope, functions and civilian-military balance must be considered. If negotiations on post-referendum arrangements produce ideal outcomes, little or no military presence may be necessary, and border efforts could focus on

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[91] The SPLM has at times restricted the UN and its radio station "Miraya" regarding broadcasts on CPA implementation. Crisis Group email correspondence, UNMIS official, 23 June 2010.
[92] Other national and international partners have undertaken projects toward constructive cross-border relations. In a European Commission-funded project, Concordis International (a UK-based NGO) and the University of Juba have organised valuable workshops in border states with the aims of elevating local voices, building trust across state lines, channelling local aspirations to national level and better informing donor policy. The U.S. Agency for International Development (USAID) and its contractor AECOM have supported the Tamazuj forum, as well as a series of projects in border areas on capacity-building and state planning, conflict management and reconciliation, water management and the like.
[93] For example, if the vote is for separation, the status of SAF JIU forces in the South and SPLA JIU elements in the North must be addressed.

[94] An immediate concern referenced by communities on both sides of some border states is the military build-up at numerous points. For example, there are unconfirmed reports of an SAF build-up along the borders of Upper Nile state, including in White Nile state north of the contested border; western Blue Nile state and near Megenis. Likewise, observers speculate about an SPLA build-up in eastern Upper Nile state, where UN military observers have at times been restricted.
[95] Crisis Group interviews, GoSS ministers, SSLA representatives, county officials and local elders of bordering states, May and June 2010.
[96] UN contingency planning for a future presence in the South was originally hindered by political sensitivity that it could be seen by some Security Council members as presuming the outcome of the self-determination referendum. By early 2010, however, it had become increasingly clear that the Security Council, as a CPA guarantor, had a responsibility to be prepared for all eventualities.
[97] UN peacekeeping began in the 1940s and 1950s with ceasefire observation, border monitoring and separation of forces.

ensuring rights and supporting cross-border initiatives as well as early warning and dispute resolution. If the situation severely deteriorates, UN officials believe more military presence may be necessary to stabilise the border and separate armed actors, be they professional or irregular forces.[98]

Multiple scenarios between these two extremes are at least as likely. Under any circumstances, changes to the mandate, civilian and military strength, concept of operations, rules of engagement and budget may be required. At present, DPKO is planning the future presence on the basis of the mission's current budget, though it will probably not have an accurate idea of future budget allocations or the kind of presence necessary until after the referendum. Only then can implementation of the changes begin. If there is an expedited process, a new UNMIS orientation could possibly be implemented between the mission's April 2011 mandate renewal and the end of the CPA period in July.[99] However, the time and steps necessary to reorient the mission limit the UN's ability to have near-term impact in a border-monitoring context.

In considering options, lessons should be drawn from similarly mandated UN missions.[100] A number of UN missions around the world have been or are currently involved in patrolling border areas, often in the context of territorial disputes, including the need to physically separate belligerents. Traditionally, where the UN has undertaken variations of this classic peacekeeping role, it has done best when it has the consent of parties on both sides of the boundary. It is more difficult when one party does not accept its presence,[101] Many believe Khartoum will be eager to rid itself of a UN presence in the post-CPA era, so may not agree to a UN monitoring arrange-

ment, particularly one with an expanded area of operation and/or mandate.[102] In such a scenario, the mission's mandate could be designed for observation only on the Southern side of the border, though this would require careful planning and execution.[103]

In any scenario, the 2,100km border in question could require the dedication of significant civilian and military assets. These could be kept within reasonable limits, however, by concentrating efforts in known areas of concern and designing not a heavy, partitioning presence, but a dynamic one that facilitates ample cross-border movement, trade and cooperation. Though UNMIS may be able to play this role, the decision on the best mechanism should take into account operational constraints. Cumbersome UN internal procedures, regulations on size and composition and stringent force protection requirements would undoubtedly limit UN mobility and sustained access to communities. However, some senior UNMIS officials are convinced none of these issues are insurmountable and confident the right design could be achieved with a well-tailored mandate and good mission planning.[104]

2. Alternative Monitoring Mechanism

For those who fear a future UN border presence would be too slow, cumbersome and oriented toward its own protection, a more innovative option could be attractive, one

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[98] The worst-case scenario would be continued stalemate and a highly militarised situation in which SAF, SPLA, JIUs, police, other state security elements and a variety of militias maintain positions along the border. A senior SPLA official said, "I know this issue of the border will again cause us to fight", Crisis Group interview, Juba, May 2010. In a situation that calls for military presence, there will be Security Council pressure for UN elements to have civilian protection capacity. Unless UNMIS's concept of operations and rules of engagement are altered, however, the conservative approach it has hitherto followed with regard to civilian protection may limit the otherwise stabilising benefits of peacekeepers.

[99] A reorientation of troops might also be used as a stop-gap measure until a new mandate can be implemented.

[100] Conditions for exit should also be a major consideration. On the logistical front, lessons might be drawn, for example, from UNAMID's experience in trying to access areas of difficult terrain in Darfur.

[101] The UN Mission in Ethiopia and Eritrea (UNMEE) and the UN-AU Mission in Darfur are among recent examples in the region.

[102] However, if the border remains undefined after the referendum, it is also conceivable that Khartoum could agree to a very limited UN presence that serves its interests at particular points or in areas where SPLA forces may be located in violation of security agreements.

[103] While not ideal, patrolling only one side of an international border has been done by UN peacekeepers, though under different circumstances and sometimes with considerable difficulties. The United Nations Interim Force in Lebanon (UNIFIL) operates on one side of a border (Lebanon) between conflicting parties. In its current form, it does not operate inside Israeli territory but does have an institutional relationship with the Israeli military and maintains close contact with the government in the course of its work. While UNIFIL is not solely a border monitoring entity, it does work to defuse tensions between the parties and is responsible for reporting violations of the Blue Line – the de facto border between Israel and Lebanon established by the UN. After Eritrea in effect forced UNMEE out of the Temporary Security Zone on its side of the border, the mission continued patrols from the Ethiopian side for a short time, until its mandate became untenable for multiple reasons. However, that mandate originally involved a UN presence on both sides. India has placed some restrictions on the activities of the UN Military Observer Group in India and Pakistan (UNMOGIP) on its side of the border, though it provides enough assistance for the mission to continue to operate. Warranted or not, perceptions of bias are also a risk in such a scenario.

[104] Crisis Group interviews, senior UNMIS officials, Khartoum June 2008; Juba, August 2008.

drawing lessons from alternative monitoring models employed previously in Sudan.[105] Such an alternative, which might become operational in a relatively short timeframe and would undoubtedly cost less than the UN model, could also be appealing for those who believe a presence in place immediately following the referendum could have an important impact. A flexible mechanism with a light footprint, high mobility and singular focus could perhaps be more effective in monitoring border management, population movements, defusing potential conflict and building confidence. Successful monitoring models of this kind are often as much – or more – about building confidence among Sudanese parties and supporting mutually-agreed arrangements as they are about verifying and reporting on legal obligations. Lessons may be drawn from three previous monitoring missions in Sudan.[106]

Joint Monitoring Mission/Joint Military Commission (JMM/JMC). The JMM/JMC began monitoring the Nuba Mountains ceasefire agreement between SPLA and government forces in April 2002.[107] It covered an area of more than 80,000 sq km with some twenty international monitors, 34 Sudanese government and SPLA monitors and 160 support staff. Importantly, the JMC was unarmed and performed its monitoring activities only when all international, SAF and SPLA monitors were present, so as to ensure trust and impartiality. Its tasks included monitoring force levels and weaponry, observing and reporting ceasefire compliance, declaring violations and contributing to dispute resolution. The annual expense was roughly $18 million, an attractive figure for donors seeking cost-effective schemes.[108]

Hailed by many as a success, the mission ensured safe passage for tens of thousands of internally-displaced persons (IDPs) returning to the Nuba Mountains and created space for relief efforts to gain a foothold. No violations of the ceasefire were recorded.[109] Critical to its work was an active public information unit, ownership of the mission by the conflict parties themselves, simple and flexible or-

ganisational structure and high mobility.[110] It also enjoyed active support – and political intervention when necessary – from its international backers.[111] The mission's reputation for local presence and excellent community relations is the most often cited explanation for its success.[112]

Civilian Protection Monitoring Team (CPMT). Brokered by then U.S. Special Envoy John Danforth, a 2002 SAF-SPLA agreement underscored a new commitment not to target civilians and mandated an international verification mechanism. The CPMT operated in areas of concern inside both SAF and SPLA-controlled areas from October 2002 until 2005, monitoring the activities of the armies as well as the PDF and other militias. Backed and funded by the U.S. State Department, the mission was comprised primarily of retired U.S. military personnel, as well as a handful of civilian monitors. It consisted of only two small teams of six to eight personnel each, plus pilots and a support unit in Khartoum, and had a roughly $1 million annual budget.

Compared with current UNMIS capabilities, the CPMT was remarkably flexible, able to get an investigative team into the air almost immediately in response to alleged abuses, in addition to conducting almost daily routine flights. With dedicated focus, less bureaucracy and fewer security restrictions, it conducted in-depth reviews and analysis in a relatively efficient manner and aimed to hold belligerent actors to account. It regularly publicised reports and analysis, some of which were critical in the Naivasha (Kenya) peace negotiations between the government and SPLA.

However, it was not without weaknesses. Its early reporting was lauded, but despite being dominated by its military contingent, it had no formal links to the SAF or the SPLA and little authority to follow-up on its findings. Its former military personnel had scant background in protection-of-civilians concepts, and PAE, the U.S. logistics contractor, was inexperienced in this type of contract. Khartoum responded to the CPMT's documentation of abuses and unauthorised activities by reneging on the agreement, grounding the mission in early 2003 and insisting on advance notice of investigations – a demand that hampered its subsequent work. At times, the U.S. government and its Khartoum embassy were crucial in intervening to lift the restrictions, but on other occasions, they interfered in the mission's work.[113]

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[105] That said, UN and alternative mechanisms need not be mutually exclusive.

[106] The aim is not to replicate any past model, but to draw out the principles on which the Sudanese and their international partners can build.

[107] Among those contributing monitors and funds were the U.S., UK, Norway, France, Italy, the Netherlands, Canada, Belgium, Denmark, Sweden and Switzerland. Logistics in the Nuba Mountains were provided by the US contractors PAE. The mission terminated operations in June 2005, as UNMIS stood up.

[108] Paula Souverijn-Eisenberg, "Lessons Learned from the Joint Military Commission", UN Peacekeeping Best Practices Department, August 2005.

[109] Robert O. Collins, *A History of Modern Sudan* (Cambridge, 2008), p. 264.

[110] Air assets were secured via commercial contract and included fixed- and rotary-wing aircraft. Souverijn-Eisenberg, op. cit.

[111] Ibid.

[112] Crisis Group interviews, Sudan analysts, Nairobi, Juba, July 2010.

[113] Crisis Group telephone interviews, former CPMT personnel, August 2010. Some saw the mechanism as ultimately oriented

Verification and Monitoring Team (VMT). Following a broader cessation-of-hostilities agreement brokered in 2003, the VMT was established to help enforce the recently violated ceasefire, under direction of the Intergovernmental Authority on Development (IGAD).[114] It operated from Nairobi, with a liaison office in Lokichokio, near the Sudanese border, and ultimately four field posts in Sudan. It reported to those accompanying the peace process, including the parties, IGAD neighbours, the U.S., UK and Norway (the "Troika") and Italy. It was envisioned to have a similar mandate and principles to the JMC – including SAF and SPLA buy-in and participation in monitoring.

The mission's reports were not made public, nor was it active in the media. At the local level, its most important role was to build trust, initiating dialogue between field commanders and confidence-building measures among war-afflicted communities. At the top level, its fundamental aim in the eyes of its backers was to help keep the parties signing renewed cessation-of-hostilities agreements and thus moving toward a negotiated settlement.[115] It struggled to define itself, as the IGAD secretariat lacked the capacity and experience to operate such a mission.[116] Problems of structure, management, funding and difficulties with field presence also hampered its potential.

While none of these mechanisms were perfect, an arrangement which builds on important lessons learned from them could have utility. In lieu of – or as an independent complement to – a UN peacekeeping option, the parties and their international supporters might thus consider establishing a new Border Monitoring Mechanism, comprising both civilian and military elements and operating under a strong political forum. A light footprint, reasonable budget, fast and reliable communication and high mobility should be hallmarks of any such mechanism. Depending on its aims, it might also have an active public information unit, and its operations and objectives should be well advertised.

A central tenet of any such mechanism should be the cultivation of relationships with local actors. Similar missions faltered where they focused exclusively on the military and failed to develop partnerships with community leaders in their area of operation. A civilian-military mix carefully fitted to mission objectives would be essential. Staffing should prioritise long-term contracts, as continuity of personnel is the surest way to cultivate mutually beneficial relationships on the ground. Previous mecha-

nisms were rooted in the peace negotiations. A new mechanism might be most successful if a similar dynamic were achieved, that is, linkage to an institution fostering Sudanese interests in the border area.

The official area of operation might include the entire 1956 border, though personnel and resources should be concentrated in known sectors of concern, and a quick-response capability would be vital. Planners must recognise that instability may occur not only in the areas of dispute identified by the TBC, but in resource-rich areas, at points of frequent and large-scale border crossings and where land is regularly used by more than one group.

3. Zone of Separation

A monitoring mechanism might also be accompanied by the creation of a zone of military separation, if deemed necessary. The proximity of SAF, and SPLA, as well as proxy forces, in some areas along the border presents a considerable risk of unintended conflict.[117] Command and control structures are put to the test in such circumstances, as a single hostile incident could inadvertently ignite much broader conflict, particularly in the period around the self-determination referendum, when emotions will be running high.

The SAF and SPLA are the primary institutions of concern, though armed militias historically employed in border areas and other security elements also warrant attention. The joint integrated units (JIUs) – the failed CPA security mechanism comprising both SAF and SPLA elements, which has itself initiated conflict on numerous occasions – are an extreme manifestation of the proximity of forces.[118] A zone of separation, perhaps 15 to 25km on each side of the border, would serve multiple ends. First, it would demonstrate to border communities a commitment to preserving the peace, thereby defusing local tensions that have drawn in national forces in the past. Secondly, it would ensure that any return to war would be deliberate, requiring a formal decision from the respective capitals.

In advance of the referendum, SAF and SPLA forces are unlikely to desist from building up strategic positions at

toward providing the U.S. State Department with information, rather than benefiting the Sudanese.
[114] IGAD was the regional international organisation that facilitated the peace talks in Naivasha.
[115] Crisis Group telephone interview, former VMT and JMC official, August 2010.
[116] Collins, *A History of Modern Sudan*, op. cit., p. 265.

[117] Communities on both sides of the border cite the presence of military forces as a primary threat to their safety. The zone of separation idea has already gained support among some border communities.
[118] In November 2006, fighting erupted between SPLA and SAF components of the JIU in Malakal and drew in civilians. Weapons were looted, contributing to the re-arming of local groups and an ensuing cycle of violence. Heavy fighting again erupted between JIU elements in Malakal in February 2009, leaving more than 60 dead and nearly 100 injured.

select areas near the border.[119] Though UNMIS military observers require no permission to conduct patrols near the border, SPLA forces have restricted them on a number of occasions, and the UN observers have little data on SAF activity.[120] This means proposals for monitoring and military separation zones may meet with some reluctance, at least in the near-term, but it also underscores the need. The forces must be reminded of the risks of accidental conflict and persuaded that a mutual separation is in their interest.

V. CONCLUSION

The line between Sudan's North and South and the nature of that boundary remain undefined. This has hindered CPA implementation, fuelled mistrust between that peace agreement's two signatory parties and, most recently, contributed to heightened anxiety along the border. The technical phase of the process is now over. The parties must be urged to make the political decision to advance demarcation and harness local voices in designing a border regime that benefits and secures communities on both sides. Most importantly, doing so would help to prevent Sudan – whether as one country or two – from relapsing into conflict and squandering the bright future its people desperately deserve.

Juba/Khartoum/Nairobi/Brussels,
2 September 2010

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[119] Senior SPLA officers allege SAF, PDF and police build-ups in numerous border areas, including near Heglig, Jebel Aine and along the border between Blue Nile and Upper Nile states, each involving two brigades. Crisis Group interview, senior SPLA official, Juba, June 2010. International officials also express concern about simultaneous SPLA build-up, citing the areas of Heglig and northern Upper Nile state in particular. Crisis Group interviews, Juba, August 2010.

[120] Crisis Group interviews, UNMIS military observers, June 2010; Crisis Group email communication, UNMIS official, June 2010. The UNMIS force commander, Moses Bison Obi, also reported such restrictions to the Security Council in August 2010. That said, UNMIS seems to have placed some unnecessarily conservative restrictions on itself.

APPENDIX A

MAP OF SUDAN

The maps contained in the body of this briefing are meant to be informational, intended only to offer a general idea of the disputed borders outlined in this briefing. They are not suitable for legal or other professional purpose. The maps were constructed by Crisis Group, using information from a variety of international sources, and do not claim to be definitive.

APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Crisis Group's international headquarters are in Brussels, with major advocacy offices in Washington DC (where it is based as a legal entity) and New York, a smaller one in London and liaison presences in Moscow and Beijing. The organisation currently operates nine regional offices (in Bishkek, Bogotá, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina and Tbilisi) and has local field representation in fourteen additional locations (Baku, Bangkok, Beirut, Bujumbura, Damascus, Dili, Jerusalem, Kabul, Kathmandu, Kinshasa, Port-au-Prince, Pretoria, Sarajevo and Seoul). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Bangladesh, Burma/Myanmar, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, Russia (North Caucasus), Serbia and Turkey; in the Middle East and North Africa, Algeria, Egypt, Gulf States, Iran, Iraq, Israel-Palestine, Lebanon, Morocco, Saudi Arabia, Syria and Yemen; and in Latin America and the Caribbean, Bolivia, Colombia, Ecuador, Guatemala, Haiti and Venezuela.

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APPENDIX C

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