SUDAN BORDER MANAGEMENT AND SECURITY
Concordis Briefing 3
June 2011

Strategies in Border Management and Security

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Summary

- This briefing paper provides a discussion on the effective management of borders. The aim is to inform ongoing conversations around North-South Sudan border management strategies. The paper argues with reference to a number of case studies that the benefits of a soft border outweigh those of a hard border.

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Nature and Functions of African Borders

A border (or boundary) can be described as an alignment or a line described in words in a treaty, and/or shown on a map, or chart, and/or marked on the ground by physical indicators such as concrete pillars or stones[1].

African Border towns have unique characteristics such as a high concentration of cross-border ethnic linkages through intermarriage and political history; informal cross-border trade; a high number of security personnel; heavy traffic in the form of trucks ferrying merchandise across the border; tourists crossing from one country to another; a mushrooming of all forms of small and informal businesses such as money changing to siphoning of fuel from transiting cargo trucks; and a continuous stream of residents inhabiting the periphery of either side of the borders[2]. For these residents, the entry/exit points are not confined to the official border crossing infrastructure where the immigration officials, police and/or the intelligence officers and revenue authorities are located, but include unofficial entry points commonly known as *panya* routes[3]. Often, too, convoys of government officials and VIPs cross the borders.

The North-South border in Sudan, which is over two thousand kilometres long[4], is a source of survival (income) to the majority of its inhabitants, most of them poor. The situation is comparable with conditions in African borderlands more generally: A survey conducted along the borders of East African Community (EAC) countries revealed that: (i) Over 85 percent of traders along borders are young women and children eking a living by vending foodstuffs, particularly cereals, vegetables and fruits. The start-up capital is usually very small (less than $50) and is raised through family contributions or selling livestock, while the quantities involved are small and are typically carried by head, bicycles, handcarts, etc. (ii) The vast majority wish to expand their businesses. (iii) Over 80 percent of the officials managing the borders are men[5].

Typical African Border Security Challenges

One of the biggest challenges to African borders is the transference of instability (spillover) from one country to a neighbouring

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[1]Ian, B. 1979. *African Boundaries – A Legal and Diplomatic Encyclopaedia.* London: Oxford University Press.

[2]*Alusala, N. 2010. "Informal cross-border trade and illicit arms in East Africa, the case of Uganda-Rwanda border." Paper presented at the ABORNE Conference. Switzerland: Basel.*

[3]*In Swahili, a panya route literally means a 'rat route,' and refers to an informal or clandestine route across a border. A typical panya route in the EAC comprises a shortcut, usually a small path, which is commonly used by civilians living around a border to cross to another country in the course of their daily business without being monitored.*

[4]*Concordis International Sudan Report, 2010. "More than a Line: Sudan's North-South Border," at: http://www.scribd.com/doc/39327841/More-Than-a-Line-Sudan-s-North-South-Border. Accessed on 2 June 2011.*

-ders is the transference of instability (spill-over) from one country to a neighbouring one. Examples include the entry into the DRC by the Rwandan *Interahamwe* militias after the 1994 genocide and the Somalia conflict that has generated refugees in the region. Another security challenge is the cross-border cattle raiding amongst inhabitants of the borders of Kenya and Uganda, and South Sudan and Kenya. Border insecurity in the region can therefore be related to factors such as (i) expansion of a national crisis beyond its borders, (ii) difficulties in establishing sovereign control over the territory, leading to easy entry of criminals, (iii) unconsolidated security sector institutions such as the border security apparatus.

The Relationship Between Effective Border Security and 'soft' Borders

An effective border management system is one that meets two objectives:

(i) facilitates the movement of bona fide travellers by providing a welcoming and efficient movement in and out of a country; and

(ii) provides a barrier and disincentive to entry for **those seeking to circumvent a country's migration** laws. Such a system is therefore one that takes into account the fact that facilitation and control are two equally important objectives that must be addressed at the same time. This balance can only be achieved using a soft border approach.

However, state parties involved have to lay down the **rules for governing the 'softness' of the border. Some** of the factors that the two states would need to agreed upon include:

(i) the physical characteristics of the border;

(ii) **the border's permeability (i.e the nature of docu**mentation required); and

(iii) In the case of airports, whether sufficient mechanisms are in place to monitor illegal movements at airports. In the case of North and South Sudan, these elements will call for collaboration in developing the technological capacity required (where agreeable), such as in training. The case of the border between Rwanda and the Democratic Republic of the Congo (DRC) provides a good case of a soft border in the Great Lakes region.
In this case, the Rwandan town of Rubavu (formerly Gisenyi), and the DRC town of Goma are both situated on the opposite sides of the border, which operates on a twenty-four hour basis. The residents of Goma and Rubavu bear identity documents (voters card for DRC and national identity card for Rwandese) identifying them as residents of Rubavu and Goma. To cross either side of the border, the residents are issued with a stamped piece of paper *(jeton)* bearing the date and name of the bearer. A similar process is repeated on return. Non-residents of Goma and Rubavu require a passport or laissez-passer to cross. The border operates 24 hours and has led to thriving trade and enhanced security amongst people living on both sides of the border.

The strong cultural and commercial interdependence between Goma and Rubavu towns is demonstrated by the volume and variety of agricultural goods traded and consumed in the two towns. Also, incidences of insecurity curtail the flow of goods thereby raising their prices.

Confidence and Security Building Measures (CSBMs)

Confidence and security building measures (CSBMs) are agreements between two or more governments regarding exchanges of information, joint activities and achievement of mutual goals about the size, composition, disposition, movements and use of their respective military forces and armaments. CBMs have been applied in post-conflict peace-building situations in efforts to reduce armed violence and to arrive at ways of addressing insecurity by giving each participant confidence that the other party is not preparing military action against them[7]. The success of CSBMs depends on whether the parties involved accept the need for mutual security and in preserving the territorial status quo regardless of existing disputes between them. Each has to accept certain historical conditions as given.

Since they are mutual agreements and not necessarily conditions, CSBMs have tended to have greater chances of success if countries or parties can readily identify common interests and have the following factors in common: (i) Historical experience (ii) Cultural and religious heritage (ii) Similar form of social and political organization (iii) Strong states or other strong administrative structure (iv) Stable governments (v) Civil control of the military (vi) Effective multilateral institutions in other issue areas (vii) In some cases approximately equal military forces.

[5]*Alusala, N. 2010. "Informal cross-border trade and illicit arms in East Africa, the case of Uganda-Rwanda border." Op. Cit.*

[6]*Border Management Systems, at: http://www.iom.ch/jahia/Jahia/about-migration/*

[7]**Meek, S. 2005. "Confidence**-Building Measures As Tools For Disarmament and Development**,"** African Security Review, Vol 14 No1.

[8]*Measures (CSBM), at: http://www.creativeassociatesinternational.com/CAIIStaff/ Dashboard_GIROAdminCAIIStaff/Dashboard_CAIIAdminDatabase/resources/ghai/toolbox5.htm. Accessed on 2 June 2011.*

-ments (v) Civil control of the military (vi) Effective multilateral institutions in other issue areas (vii) In some cases approximately equal military forces[8].

CSBMs are most effective where the terms of the pact are clear and accepted by both sides. They can also be applied in preventing intra-state conflicts between a government and non-government parties or between two or more non-government parties.

In East Africa, CSBMs have been applied widely. For instance in 1972, Idi Amin's forces attacked Tanzania in pursuit of Ugandan exiles suspected of undermining the Uganda regime. When tensions escalated, the two countries negotiated a peace agreement (Tanzania-Uganda Mogadishu Agreement of 1972). The agreement included the following confidence-building provisions: (i) Cessation of military operations against each other's territory and withdrawal of all military forces to ten miles behind their common border, (ii) Halting hostile propaganda, and (iii) Refraining from allowing subversion from one country against the other. Although this agreement broke down completely with the onset of the 1978 war, it reduced tensions between the two countries for a while.

a)   Demilitarised zones and their linkage to soft
      borders
Demilitarised zones are areas where combat has ceased, owing to an agreement between contesting parties. The principle of demilitarised zones is enshrined in the Article 60 of the 1977 Additional Protocol I, which provides that the agreement (to establish a demilitarized zone) shall be an express agreement, and it may be concluded verbally or in writing, either directly or through a Protecting Power or any impartial humanitarian organization, and may consist of reciprocal and concordant declarations. The agreement may be concluded in peacetime, as well as after the outbreak of hostilities, and should define and describe, as precisely as possible, the limits of the demilitarized zone and, if necessary, lay down the methods of supervision[9].

Since then, many countries have incorporated this norm in their law of armed conflict (LOAC) manuals. **For instance Cameroon's Instructors' Manual (1992),** while defining demilitarized zones as zones where all military activities have ceased, states that conditions regarding demilitarized zones are established by an express agreement between the belligerents. The Côte d'Ivoire's LOAC Teaching Manual 2007) states that while demilitarised zones may have different names, they always have two elements in common:

- to protect civilian and military victims against the effects of hostilities;
- to keep these victims separate, guaranteeing that there are no military objectives in the defined zones.

Similarly, Kenya's LOAC manual, which is similar to that of United Kingdom of Great Britain and Northern Ireland, stipulates that the conditions to be fulfilled by both demilitarized zones and non-defended localities are the same in practice, and they are:

- that all combatants as well as mobile weapons and mobile military equipment must be evacuated;
- that no hostile use shall be made of fixed military installations or establishments;
- that no acts of hostility shall be committed by the authorities or by the population; and
- that any activity linked to the military effort must cease.

As a CSBM, demilitarised zones have enhanced stability and security within borders, hence serving as a pillar for soft borders. For example, Mexico and the United States of America have strengthened information-sharing mechanisms for tracing firearms, ammunition, explosives and other related materials that may have been illicitly trafficked, in coordination with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). This has led to the detection of illegal firearms and ammunition across the border[10] and improved the conditions for free movement of goods and services.

b) Importance of Mutual Threat Reduction
Based on the foregoing discussions, security is a priority for communities on both sides of the North-South Sudan border. Of prime importance is the way forward on delineation and demarcation of unresolved borders such as Abyei. An amicable agreement will lead to a reduction of the mutual threat between the parties and enhance progress on cross-border relations. Once demarcated, a commendable approach would be for both parties to initiate complementary security and/or monitoring mechanisms, aimed at ensuring stability and the rights of trans-border populations. the Sudanese parties themselves should be involved in shaping any such initiative, which would also take into account tribal boundaries and customary rights.

It is increasingly clear that cross-border mutual security and development are closely related. In the case of the North-South Sudan, a hard border would threaten pastoralist livelihoods in North and South alike, and unnecessarily restrict communities, which have traditionally benefitted from joint cross-border interac-

[9]Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), Geneva, 8 June 1977, Article 60. Article 60 was adopted by consensus. CDDH, Official Records, Vol. VI, CDDH/SR.42, 27 May 1977, p. 215.
[10]**Report of the UN Secretary General,** "Confidence-building measures in the regional and sub-regional context," A/65/135, of 15 July 2010.

It is increasingly clear that cross-border mutual security and development are closely related. In the case of the North-South Sudan, a hard border would threaten pastoralist livelihoods in North and South alike, and unnecessarily restrict communities, which have traditionally benefitted from joint cross-border interactions. Thus, the ideal scenario for both parties and their border constituencies should be to achieve the softest border possible. This would necessitate cooperation on and regulation of a series of interdependent issues, chief among them citizenship, seasonal migration and grazing rights, as well as economic activities and security.

c) Cross Border DDR and Community Security and Small Arms Control

In order to further enhance cross border security and confidence, both the North and South Sudan parties will need to formulate a process of community disarmament, demobilisation and reintegration (DDR). The disarmament process should be conducted simultaneously on both sides of the border, so as not the render either side vulnerable. Collected weapons should be destroyed with the participation of the communities. Government stockpiles should be marked, documented and stored in line with regional instruments such as the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa.

The participation of village heads/elders from both sides in setting the rules is paramount to the success of the disarmament, which should be wholly voluntary, and based on improved security. Demobilisation and reintegration of former fighters (Sudan Armed Forces-SAF and Sudanese Peoples Liberation Army-SPLA) should be handled comprehensively by either side so as to lessen the risks of ex-combatants relapsing into armed life.

Conclusion

The importance of borders to their inhabitants has been summarised by the African Union (AU) when it observed that boundaries are often perceived by borderland populations as imposed barriers which rarely reflect local realities. The AU further emphasised that strategies need to be developed by governments to involve borderland populations in delimitation and demarcation exercises to ensure that clearly delimited and appropriately demarcated boundaries are seen as a valuable foundation for borderland development rather than a threat to local communities[11]. Borderland populations also have much to contribute to the development and implementation of effective border management strategies[12].

[11] African Union, 2008. "2nd International Symposium on Land, Maritime, River and Lake Boundaries Management," AUBP/EXP/3(VI). Maputo: Mozambique, December.
[12] 2012 is the date set by African leaders for the completion of delimitation and demarcation of Africa's boundaries where such an exercise has not yet taken place. This was outlined in the Memorandum of Understanding on the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) adopted by the OAU/AU Assembly of Head of States and Government held in Durban, South Africa, in July 2002.