

Pastoralists, economies and politics: Aspects of South Sudan's 'Kenyan frontier'

By Immo Eulenberger, Max Planck Institute for Social Anthropology,
Advokatenweg 36, 06114 Halle (Saale), Germany (eulenberger@eth.mpg.de)

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Acronyms:

GoK – Government of Kenya

GoSS – Government of Southern Sudan

MP – Member of Parliament

NGO – Non-Governmental Organisation

SPLM/A – Sudan People’s Liberation Movement / Army

Introduction

While the country has still minor border problems with some of its neighbours (notably Egypt, Ethiopia and Kenya), the only threat to the existing borders is the secessionist sentiment in the South.

Francis M. Deng (2005)¹

“In the rural tradition of the boundary walk, as a special form of communication with neighbours and residents, were not only interests stated and defended: the established and own could be put up for negotiation or give way to chaos that was both enacted and exorcised by ritual.”

Bernhard Streck²

This article intends to contribute to a better understanding of boundary problems, patterns of state building as a continuous process, and ‘parallel structures’³ in South Sudan and similar settings. It focuses on a border region known for its contested boundaries, violent conflicts and strategic importance.

The South Sudan-Kenya frontier is a zone largely inaccessible to motorised transport and under constant threat of violent attacks by members of competing indigenous tribes⁴. Its two most town-like settlements lie, like islands in a pastoralist world largely following traditional patterns of life, on the only trans-border road: Narús, headquarters of the district covering the border (Kapoeta East or Nabeyoît county)⁵, and Nàdapa⁶, location of the only official border point. State institutions, otherwise leading a rather faint existence, concentrate on the c.5 per cent of the area around them.

Analysing a crisis ensuing here in 2009 and relating it to the affairs of the ‘remoter’ surroundings and the wider political context, I will address structures that produce destructive potentials and conflicts in the region, as well as practices of cooperation and compromise; the difficult relation between state boundaries and ‘pastoralist borders’; the character of state authority in South Sudan; and the ways in which fields of power generated by different social bodies between the local and the international level contain, differentiate and thereby constitute each other. Asiwaju, Nugent, Feyissa and Höhne, and for this region most explicitly Tor-nay, brought the human and local dimensions, problems and opportunities of African borders and borderlands into focus.⁷ Their work illustrates, as does this chapter, the interplay of spatial and political dimensions of social relations in contexts where it becomes eminently important for the state as a material, relational and symbolical entity, not least because these dimensions relate here in especially obvious ways to normative images of statehood, notably claims to control.

This contributes to the perennial inter-disciplinary debate on the nature of the state, as it reveals some of its key mechanisms in spaces that at first glance appear peripheral. To “view borders from both local and national perspectives”⁸ and to relate local discourse to national and international discourses⁹ helps to understand opaque practices that link actors on different levels to structures of state power.

Borderlands are often depicted as spaces where ‘a lack of state control’ allows alternative centres of power, of accumulation and ‘illegal’ activities to flourish. The deficiency of available knowledge on the region under discussion has allowed certain authors to fashionably exaggerate these themes into wild fantasies about it¹⁰. Nevertheless, the underlying sensationalism builds on elements of reality that deserve exposition.

Borderlands are areas of key concern for state systems, whether they serve as frontier zones for predation with low moral hurdles or as icons of political integrity (‘We are guardians of our nation!’). It is surprising, therefore, that the politics of silence, hesitation and avoidance have left the case of the undefined (South) Sudan-Kenya boundary open for more than a century. The reasons can be found across the national-local divide. They originate partly from the difficulties with diverging forms of territoriality and political authority in modern states.

Max Weber’s understanding of a state monopoly of legitimate force continues to dominate the ideological base of political and development practitioners, but many scholars grappling with the empirical facts have come to accept reality as contrasting with this ideal for much of the world. Ethnic and local communities have often been, and partly continue to be, partners rather than subjects of “the state” or kindred entities; and ‘strong man’ figures, ephemeral or more permanent, in the multi-layered power structures can exercise surprising (extra-legal) influence. I see the area in question as a case in point.

The resident ethnic communities in this border region figure as strong political actors vis-à-vis their states. They keep large fields of autonomous action, are able to exercise significant power in local, regional and border affairs, and are clearly taken into account by national players and decision makers. Individuals capable of manipulating them can derive huge benefits from that, yet if they are able to do so only momentarily or long-term depends very much on how prudently they use this resource.¹¹

The situation here shares with that of the Sudan–South Sudan border components like the lack of consensus on the course of the border, shifting and violent “tribal claims”, a sequence of conflicting administrative regulations, and increasing involvement of political ambitions. Although these issues have a lower level of national impact and nationalist sensitivity as

compared to Abyei or Mile 14, the case of this border has been dubbed “the most serious potential dispute”¹² between South Sudan and its principal ally Kenya. This underlines the importance of understanding its complex and widely unknown reality.

“Greater Elémi”, South Sudan’s south-eastern frontier

The east of Eastern Equatoria State is the driest part of South Sudan and home to the closely related Topòsa¹³, Jíye and Nyàngatom¹⁴ who, like the neighbouring Turkána¹⁵ of Kenya, in their vast majority continue a very mobile and ‘traditional’ pastoralist life and belong to the Ateker language family of Eastern Nilotes.¹⁶ The border was and is partly supposed to separate them and the socio-economically similar Súri¹⁷ and Dásanech¹⁸ of Ethiopia from each other. That its course is unclear seems to be one of the reasons why these well-armed communities continue to contest it violently.

Although national boundaries are porous and not demarcated for much of the world’s youngest state, the problem goes further in this case. It involves zones often referred to as “the Elémi (or Ilémi) Triangle” which are according to (South) Sudanese and many other maps part of the nation’s territory, yet are Kenyan according to Kenyan and plenty of other maps, too. About 90 percent of its inhabitants are Turkána,¹⁹ who nowadays largely consider themselves Kenyans on Kenyan soil, and are under varying degrees of administration by the Kenyan state.

This situation cannot be properly understood without regarding neighbouring areas which are indisputably part of Ethiopia and Kenya. This examination therefore also considers a larger cross-border region we could call “the Greater Elémi”, encompassing areas inhabited by all groups with traditional claims on parts of the Elémi Triangle.

Although originally conceived as the northern limit of “the customary grazing grounds of the Turkhana [sic.] tribe”²⁰, the line that came to be the only officially ratified boundary between the two British colonies was drawn in admitted ignorance of this detail. Later amendments based on growing knowledge and understanding always bounced back from a wall of sensitivities of far away governments (including that of Egypt), governments with no actual interest in or social relations to the area.

The Elémi Triangle never came under any form of Sudanese administration, but continued being the battleground between (a) *de facto* ungoverned pastoralist tribes who only recently started to loosely identify themselves with a nation state, albeit rather with Ethiopia,²¹ and (b) the Turkána.²²

The latter happened to be disarmed by the, until recently, only government that made serious attempts to set up a significant degree of control and structure in the area: British East Africa / Kenya.²³ Their neighbours had used that temporary advantage to massacre and displace the Turkána population. Embarrassed by its inability to protect its new subjects, this government started experimenting from the 1920s onwards, even if inconsistently, with the exclusion of specific ethnic communities from parts or all of the Triangle.

Yet such protection could be achieved more comprehensively only when, in a process of gradual rapprochement from the 1930s into the 1980s, state forces and Turkána developed a form of cooperation with each other that, especially from the 1970s onwards²⁴, abandoned government attempts of migration control and, instead of disarming them, supports the Turkána in struggles with tribal opponents.

It has, however, rather taken again the traditional form of a volatile ‘balance of deterrence’, seconded by state agents purposefully suspending their supposed monopoly of force. Experience and pragmatism continuously reminded them that the pastoralists were much better prepared to master the challenges of deadly proficient tribal ‘guerrilla’ warfare than recruits from ‘civil environments’ with no heroic craze for sacrificing their lives, for a pittance, to a cause unconcerned with their personal fate.

Although structurally limited by the routine transfer of personnel and the persistent mental distance between pastoralists and *ariàng* (Ng’Àteker for ‘modern people’, especially those in service of the state), this partnership led, after government-alone attempts to achieve that had repeatedly failed, to the exclusion of Dásanech and Nyàngatom from nearly all ‘customary pastures’ in the Triangle.

While the issue of the Elémi Triangle attracts the attention of journalists and scholars, the structure of its political reality remains widely unknown. Some authors²⁵ have gone to great lengths to explain the main *causes* of its current situation are, yet so far little information has been provided that would help to explain what *the situation actually is*. They have focussed on the well documented parts of Greater Elémi’s history: mostly the pre-independence period. The dramatic decline in available documentation after 1963, however, requires substantial efforts to dig into oral history and ethnography to get a more topical, comprehensive and process-conscious picture of its dynamic reality.

Specific aspects of the situation have, at least for parts of the region, already been illuminatingly analysed, e.g. the ‘ethnic’ sociology of the post-war Kenya-Sudan border trade²⁶, small arms and ammunition trafficking²⁷ and some crucial ethnographic facts.²⁸ But a systematic

account of the overall configuration of structures and factors is still missing.²⁹ While I can provide only a sketch of it here, I will discuss some of the often ‘invisible’ dimensions, starting with a paradigmatic case.

The development of a border crisis from a pastoralist perspective

I spent much of 2009 in Kapoeta East County, mostly in its relatively remote eastern part. One day my local Topòsa friends had visitors from the cattle camps around Narús and Nàdapal near the Kenyan border. A series of interviews revealed a chain of events absent from any official documentation.³⁰ I could only understand their implications when I returned from the ‘outback’ to the world of modern political discourse, but now with a better idea of ‘the local view’.

In early spring 2009, five Turkána from the area around the Kenyan border town of Lokichòkkio, belonging to the western Kwatèla sub-section³¹, came to a Topòsa settlement at the wâdi Namerikinyàng, straddling the Topòsa-Turkána / South Sudan-Kenya frontier, to see the famous Lokaimòì, a respected elder and widely known peace maker. They said they wanted to talk about peace.

Lokaimòì slaughtered a red he-goat for them and told them to come back later to meet their Topòsa counterparts and discuss the issue. After they had left, he undertook the traditional extispicy of the Ateker people; analyzing the intestines of the slaughtered goat he noticed signs that made him doubt if these men had really come for peace. When later that day Lokaimòì and a young herdsboy moved with their animals to Lomutà, they were ambushed and killed by those very Turkána, who also took his heavy machinegun and five he-goats.³²

A few months later at the end of June 2009, a group of Turkána pastoralists from Lokwànamor, i.e. of the central Kwatèla sub-section, came to Namerikinyàng to water their herds. When local Topòsa met them there by coincidence, both sides decided to talk instead of starting a fight. They slaughtered livestock, shared ritual meals, negotiated peace, agreed and started grazing together.

At the beginning of July, a grazing community of Western Kwatèla met a group of Topòsa at a watering place in Mogìla. They, too, started peace negotiations and went on to graze jointly. Now virtually all sections along the common border were in peace with each other, and could take refuge to remaining frontier pastures from the deadly stress of a long dry spell.

Towards the end of the month, however, Topòsa from Nàdapal raided two Turkána cattle camps. Although there were no casualties, the peace in Mogìla had become shady; while the Lokwànamor Turkána were still in peace with the Topòsa of the Namerikinyàng corridor, the Topòsa of Nàdapal and the Western Kwatèla started to withdraw their animals from Mogìla. Shortly afterwards Turkána from Loki retaliated, and the fight continued between the local rivals until the end of July, while the peace in Namerikinyàng still lived on.

Then, at the end of July, my Topòsa informants told me, “the Turkána army came to Nàdapal, saying Nàdapal is theirs, and the Sudanese government disagreed. Although the Turkána migrated to Nàdapal, they were told to go back by the Narús Sudanese government.”

In August, the Lokwànamor Turkána tried in vain to convince the Mogìla Turkána to start peace negotiations with the Topòsa of Narús and Nàdapal. On their way back, the five ‘delegates’ from Loki attacked some Topòsa they found roasting a wild animal on the way, killed one and took his gun. The Topòsa responded by raiding Turkána in Mogìla, killing 4 and taking c.1.000 cattle [August 23].

Hearing the bad news, the Lokwànamor Turkána in Namerikinyàng packed their things and hasted back east. Out of respect for the peace with them that had prevailed without violations since their first encounter earlier that year, the Topòsa of the area contented themselves with taking some few donkeys and cows, but did not attempt to harm or kill anyone beyond that.³³

‘Pastoralist’ and ‘modern’ conflicts entangled

The background to the account that “*the Turkána army came to Nàdapal... but were told to go back*” was that the governments of Kenya and Southern Sudan had agreed to move the Kenyan immigration facilities from Lokichòkio (“Lòkì”), the wartime NGO hub for the supply of southern Sudan, some 35 km up to Nàdapal³⁴ where the SPLM/A had its border checkpoint since 2002. This was based on the understanding that the ‘actual border’ on the only transit road connecting the two countries was approximately at the river Nakódok, which would locate Nàdapal c.1km inside Kenya. Yet when the first Kenyan moves in that regard reached the spot, things escalated rapidly.

On 30th July 2009, a Kenyan convoy with two national ministers, Kajwàng (Immigration) and Munyès (Labour; MP for Turkána North constituency) was stopped – on what they insisted was Kenyan soil – by SPLA soldiers at their first make-shift Nàdapal checkpoint and told to return. The statement that this was Sudan and their presence undesired was given emphasis by the ex-rebels by holding them at gunpoint. This caused outrage among the Kenyan public

and strong calls for action in the face of such insult.³⁵ The highest levels of Southern Sudan's autonomous government saw themselves forced to apologise to their Kenyan colleagues and to assure them that this was nothing more than the unfortunate excesses of ill-disciplined individuals.

But the peak of the crisis was not yet reached. In the five weeks that followed, Topòsa warriors launched 15 registered attacks against the Turkána herding communities of the region, sometimes simultaneously in different areas, and using squads of more than 500 fighters. They took in total a reported 4597 heads of cattle, c.950 sheep and goats, 78 camels, and 25 donkeys, leaving many people dead or wounded, and many more destitute.³⁶

After one of the heaviest raids, on the 22nd of August, in which witnesses claimed to have seen SPLA uniforms and fighters with signs of non-Topòsa ethnicity³⁷, a convoy with Kenyan NGO activists and police was ambushed, two were killed and others severely injured. In Lokichòkkio, throughout the war a safe haven for southern Sudanese where no such thing had ever happened, a furious mob started beating up "Dinka" and looted the office of an SPLM/A institution. The border was closed, and at reopening expensive visas were demanded for the first time from Sudanese. In turn the GoSS immigration personnel at Nadapal ramped up the fees for the thousands of Kenyans crossing over. The crucial cross-border traffic suffered painfully, tensions rose and 'the hand of Khartoum' was increasingly suspected to be fomenting the escalation in the background.³⁸

In the same period, the Turkána, who rapidly ran out of ammunition, responded with only two raids: on exactly the day the convoy was ambushed and on 7th of September when five GoK and three GoSS ministers rushed, with an enormous motorised trail of 'minor participants', to the highest ranking meeting the border had ever seen. *The govverman*, as this type of people is called in 'local English', staged a demonstration of unity and made clear that the border question was first of all a national, not a local affair and therefore out of reach for troublemakers, would secondly neither lead to immediate demarcation nor to the cession of "a single inch of Sudanese territory", and thirdly that "cattle rustling", the local form of warfare employed here to 'file' land claims in an international context, would simply be treated as a criminal act.

During this meeting, substantial rifts on the southern Sudanese side became apparent. Contrary to the confrontational stand of some local politicians, the delegates from Juba took a clear position against territorial disputes and any conflict with Kenyan authorities or tribesmen. The agreement with Kenya to have their immigration and security installations erected

in Nàdapal just opposite the GoSS offices was confirmed as an unchangeable fact beyond the competence of any local player.³⁹

Yet it transpired that the mood at the border was boiling not just from bushfires laid by isolated squads of outlawed cattle thieves, and that certain Topòsa officials, mainly based in nearby Narús, did less than nothing to cool it down.⁴⁰ Public opinion in the Kenyan part of the borderland held them fully responsible for the crisis, while the Topòsa pastoralists I talked to lauded them as ‘defenders of Topòsa land’, not least because they were told that this was only the beginning, that Kenya and the Turkána would continue advancing “into Sudan” and evict them as they had evicted the Nyàngatom from Elémi before.

In the 20 days following the meeting the Topòsa staged eight more raids; the Turkána attacked twice. Then Topòsa raiding decreased, or rather: It transformed into continuous assaults on Kenyan personnel manning the construction site for the border facilities. Despite GoK denials, high numbers of Kenyan troops were reported killed time and again by the heavily armed and well supplied warriors. The GoSS minister of Internal Affairs “admitted that Toposa are [...] outside control of Southern Sudan’s government” and told the public ““We are really not governing the Toposa," [...] adding SPLM is not arming the Toposa. He also said the Toposa have been made to believe their land is being taken away by Kenya Government.” (The Standard, 28/10/2009)

While the frankness of this confession was somewhat surprising, it was not hard to believe. No government or modern organisation had actually ever gained comprehensive control over the Topòsa, and arms are so readily available that direct SPLA supply was not even needed.

Hectic top-level diplomacy revived for some time, then Topòsa pressure seemed to gradually subside. The relations between the two governments, the two countries and their national societies showed no signs of damage. The border remained, as ever, undemarcated, and its course over hundreds of kilometres unagreed and subjected to unending tribal warfare between people supposed to be citizens of different countries who would occasionally stake their claims in reference to those formal realities. Business went on as usual.

Levels of conflict

If we analyse the case of the 2009 Nàdapal crisis, some key elements of the situation (confirmed by a multitude of parallel cases) stand out immediately:

(1) Pastoralists on both sides of the border refuse to take the existence of a state boundary more serious than the vital needs of the animals they rely on. Especially under the lethal pres-

sure of a prolonged drought they routinely hazard the consequences entailed by a movement into territory prone to attacks by nearby “enemies”, including in what they know as territory of ‘the enemies’ state’. (2) Although the realms of peace and violence are divided along ethnic lines, contractual peace and enacted conflict follow sectional lines; here sections of the same tribe don’t fight each other, yet peace with ‘tribal enemies’ is a ‘local’, not a pan-tribal affair.

(3) While the nation state and its government are still treated as an alien entity by the ‘traditionalist’ pastoralist majority whose life is socially and culturally extremely detached from this modern outfit, a degree of identification is produced by acts of partisanship staged by actors nominally representing the state, resembling the effects of certain decisions taken by colonial administrators that endeared them to the ethnic ‘flocks’ they were entrusted with (see e.g. Vaughan’s chapter).

It is important to note that the tribalist escalation strategy of the Narús marplots was according to the common narrative, asserted by a vast number of well-informed people on both sides of the border, related to a power struggle at the level of the government of Eastern Equatoria State:

The governor, Brig. Gen. Aloysius Ojètuk, a Lotùko, with considerable merits as SPLA commander during the war, had, as the more anecdotal part of the story goes, become the first post-CPA governor thanks to an agreement with his main rival for the post, Brig. Gen. Louis Lobòng, a Topòsa, who had stepped back from his claim only on the basis of several significant conditions, among these the prospect of a changing of the guard after the first term. In view of the coming SPLM-internal nomination of January 2010 and the elections of April 2010, however, it became, apparent that Ojètuk was not very keen to surrender. As the Topòsa are not only numerically the strongest group, he needed support from within their elite to keep up the contest. He co-opted some by vesting them in key positions, not least on the county level, previously held by Lobòng loyalists.

The ‘new guys’ had little time to build up support in the constituencies. One of them, for example, had spent most of his life in schools in Turkana and elsewhere in Kenya and was in serious need of acceptance and trust from the 95 percent pastoralist majority.

Now, one of the oldest strategies to gain popularity is playing the protagonist of a common cause in an emotionally charged conflict with an external enemy. And this was how the change of mood and attitude at the border was interpreted; a change that set in motion exactly the wheel of escalation that was needed to produce a wave which political freebooters could

ride. With Kenyans hurrying the rapid build-up of security structures as a response to the rising tide of violence, the wrath of the Topòsa who feared eviction from Nàdapal / Mogìla, was very instrumental.

Yet the extremism of this strategy ran against the interests of the GoSS elites in Juba, who had not only to prioritise the common southern Sudanese need for undisturbed border traffic and good relations with Kenya, the emerging nation's oldest and most reliable ally, the largest harbour of second homes, capital and business activities. It also went beyond the informal deal that reciprocates Topòsa-internal *de facto* autonomy with non-interference in (national) SPLM affairs. In fact the instigators' strategy was to declare the Nàdapal boundary question a "Topòsa issue" and to thereby debate its belonging to the realm of 'national' politics and GoSS authority, insinuating national players were "trading Toposa land" or "Sudanese territory" for personal interests. This was a psychologically efficient transference of what the local politicians themselves were doing (with the lives and interests of the borderland people) on the Juba government. This government knew how convincing the accusation would look to a public with strong 'nationalist' or tribal sentiments, a public that was only too well aware of the stake of South Sudanese politicians in both Kenyan and Toposa issues.

Due to the need to keep the deal between the SPLM and the Topòsa as unofficial as the globalised Weberian ideology of statehood demands, the local politics of threat and violence could not be brought to the stage of national and international publicity; except for some online comments in the Sudan Tribune. Having "uncontrolled tribal warriors" acting it out was convenient because it could be interpreted as 'understandable fury of the people' and thus remove responsibility from the elite instigators of violence. (The innocence of the Juba government in this situation is evident from its reactions and obvious interests.)

In this context, the question of the "true location of the border" was in fact of secondary importance. Archive material would have provided sufficient backing for the common stand of the two national governments. Yet while it is clear that the Toposa fought to keep Nadapal as stronghold from which they had extended their grip on precious pasture lands far into – according to all maps clearly "Kenyan" – pasture lands in and west of Mogìla, there was a base for their claims in history. Gulliver presents evidence that the Mogìla-Songòt area had shifted from Topòsa- to Turkána domination only shortly before the advent of colonial rule.⁴¹ The British tried to fix the border where it saw the 'watershed' of those two blurry spheres, using convenient topographic features (like the 'northern end' of the Mogìla range) as markers. Archival sources show that it succeeded insofar as tribesmen tried to avoid being caught 'on the

wrong side' by *ariàng*, but continued to cross it at their convenience if the inter-tribal situation allowed it.

In 2009 the main point for the local Topòsa was the prospect to lose ('again') the precious grazing grounds to which the strong and exclusive SPLA presence had given them relatively easy access. Kenyan troops moving up to the profuse spring of Nàdupal would inevitably entail an influx of Turkána herdsmen into the area who had previously been deterred by combined Topòsa and SPLA firepower.

In the course of the unfolding crisis, complicity between the Toposa and SPLA had been continuously pointed out in Kenya. Topòsa raiders would lead the stolen animals into southern Sudan through points along the border with strong SPLA contingents – who would repulse Turkána pursuit squads 'crossing into Sudan', in apparent accord with shared ideas of legal territorial sovereignty. Kenyan NGOs and locals claimed the animals were subsequently shared among raiders and soldiers.⁴² While some local traders and military men might have partly supported the Topòsa's 'little war', not least to keep their vital relationship with the 'dominant group' of the area 'on affectionate terms', both national structures of subordination and, perhaps more importantly, economic interest in cross-border opportunities would ultimately restrain them.

Dimensions of cooperation and conflict in the strata of local reality

Group conflict is structured by specific patterns of cooperation. If we ask which complexes of interaction constitute the conflicting parties in the region, we would be ill advised to avoid examination of how the pastoralist majority organises the bulk of their cooperative and conflict practices.

Among the vast majority of Ateker pastoralists reproducing the 'realm of tradition', daily social interaction and economic cooperation takes place predominantly between members of cohabiting segments of extended families and families on friendly terms. However, every member of an Ateker tribe has a claim to solidarity and the right to graze anywhere within the territory dominated by this tribe.

Conflicts with other members of the tribe, members of allied tribes, or of segments of rival tribes with which a temporal peace is in place, are supposed to be kept below the level of (most importantly: lethal) violence and predation (theft); violations have to be compensated.⁴³

This aspect marks the most crucial point of differentiation, i.e. the contrast between the realm of permanence of this taboo (ethnos and allied groups) and the realm of its periodical and unpredictable inversion into the mode of nearly unrestrained enmity (“enemies” and “strangers”, the two related meanings of the NgÀteker word *ngímòì*, sing. *emòit*).

Although theft occurs and killings do, even if rarely, happen, they remain strictly individual. Indiscriminate killing or large scale looting is unthinkable within the ‘realm of peace’, but normal outside it. The most problematic liability of this system is the elusiveness of the taboo where people outside the ethnic group are concerned.

This applies especially to ‘traditional neighbours’; in contrast it is rather rare in relations with most *ariàng*, be it the European, the Equatorian or Kenyan labour migrant (like the employees of churches, state bodies and NGOs); but it has been similar with the SPLA whose fighters all too often behaved like enemy tribesmen.

Yet this behavioural dichotomy is ambiguous:

On the one hand, personal relations with pastoralists of potentially hostile tribes tend to be much more intensive, durable and eased by a vast base of common values and concepts.⁴⁴ Friendship often becomes institutionalised and provides chances of survival among a different ethnos in times of disaster.⁴⁵ But here both the positive and the negative part of the spectre are based on direct reciprocity, i.e. tit for tat.

Conversely, the relation with the *ariàng* is usually much less intimate, limited by vast differences in worldview and cultural norms, but profoundly influenced by the element of charity that is perceived as a particularity of the strange people ‘from beyond’ in possession of a virtually divine wealth of resources and powerful tools. Experiences with superior weaponry, relief and development organisations have established a ‘mode of conduct’ towards the *ariàng* that reduces the immanence and imminence of hostility decisively.

The modern Ateker elite has, as so often, become respected as a broker with the stupendous other world, and has gained unprecedented power by manipulating its energies. In the right position, that also enables them to manipulate the vast military power of their pastoralist tribesmates. *This* power remains, however, largely autonomous here.

Defense is mostly an ad hoc affair of all tribesmen coincidentally present. Squads for stealth raid expeditions (comprising of 2-c.20 men who sneak into the proximity of ‘enemy herds’ and use the force necessary to capture some livestock and retreat swiftly) are usually recruited from an informal and flexible network of kin, friends and neighbours, and circles of age mates forming institutionalised peer groups.⁴⁶

The larger ‘battle raids’, uniting often hundreds and at times even up to several thousand fighters, recruit trans-locally, along the same lines, but much more extensively, often across sectional and even tribal boundaries. However, in such ventures the charismatic power of famous war leaders, “sharpshooters” (*ngikagumàk*), diviners and ‘prophets’ (*ngimuròk* and *ngikaduràk*) plays an important coordinating and regulating role.

Modern politicians have, as far as I could see, no *commanding* authority over large contingents of tribesmen the way some ‘traditional leaders’ (temporarily) do, and the common talk of “militias” appears to me a misleading paraphrase of what the dreaded combat units of Ateker pastoralists are.

But simultaneously it seems evident that at least some politicians are, nevertheless, able to influence the conflict behaviour of large parts of the pastoralist population significantly. Notable are here the success of Fr. Kinga and Louis Lobòng in bringing practically the whole Topòsa tribe onto the side of the SPLA, and in containing the flare up of a fashion among some ‘lazy’ youths of forcefully feasting on the ‘soft target’ of NGO convoys during the war; the decisive contribution of the modern political leadership to keeping up the volatile peace with the Súri at the eastern frontier⁴⁷; and, inversely, the influence of modern politics on the Topòsa of Narús and Nàdapal during the 2009 crisis.⁴⁸

This influence is apparently produced through a combination of oratory performance (one of the main mechanisms of traditional Ateker decision making and power production), gatekeeping of the relations between the tribal population and a modern world into which they were socialized, and the ability to use (including some coercive) powers of the modern realm and channel resources into their constituencies. In return the pastoralist population lends their support to co-ethnic *ariàng* they feel represent their interests.

That this is a matter of consequence is not only indicated by the temporary triumph of militant tribalist populism in the 2009 Nàdapal case, but also by the ease with which Lobòng, a far-sighted moderate, maintains himself in the position of ‘paramount leadership’ among the modern Topòsa players as a kind of permanent reward for his aptitude and enduring success in managing the external affairs of the tribe within the country. As was the case previously with Kinga, no other Topòsa is seen as even nearly on a par with him in this role.

The cooperation between the two unequal classes of the ethnic community is based on a win-win deal: Modern “elites” ensure the maintenance of military fitness by granting, even if indirectly, access to weapons and ammunition; plus some “services” supporting it (especially medical, veterinary and water); and represent the community in the modern arena, not least by

protecting their land rights (in most cases against competitors from within South Sudan, like neighbours and Dinka migrants, and only in very few cases at a national border).

The tribesmen supply them with votes, military backing, and trans-local legitimacy by conceding relative restraint in strategically important relationships, e.g. with the SPLA, NGOs or the Súri. (The instigation of Topòsa violence against Kenyans was not least a strike against Lobòng, who was opposed to it, because it challenged his authority as ‘paramount leader’, although even he and other moderates criticised that GoSS had not sufficiently involved the Topòsa in the negotiations with GoK over the Nàdapal issue.⁴⁹)

The relationship between the Topòsa and the SPLM/A (including in the local perception both the South Sudanese state and “the Dinka”) follows similar patterns of compromise. The regionally strong Topòsa community accepts the SPLM/A domination of the national state, integrates into its structure without opposition (as it also did with the Khartoum government before the war, and with the British before that), and acquiesces in the “Dinka domination” of the lucrative trade in modern consumer goods.

In turn all central governments found it conducive to limit interference into Topòsa ‘internal affairs’ to a minimum acceptable to both sides and to acquiesce in the tribe’s regional dominance⁵⁰. The Nàdapal 2009 crisis was one of the few moments where this arrangement did not work out, because of the political agenda of a faction of reckless local players.

That this was not a conflict between “*the* Topòsa” and the Juba government (and even less “*the* SPLA”) is illustrated by the quite limited level of Toposa participation in the violence (mostly warriors from the local groups of the Búno, Nyangéa and Ngikòr Topòsa living around Narús) and the anti-escalation stance taken by the modern Topòsa leadership around Lobòng, who fired some of the most notorious incendiaries after he took office as governor.

The anti-Lobòng racket had incited local tribesmen to rush into a fight they could not win. An unknown number of young men lost their lives in the futile attempt to defy the decisions of two powerful nation states. Even if the Ateker warriors are more effective fighters than the uniformed Kenyan troops, the will and ability of the Kenyan state to continue replacing officers and recruits it sent to man a border post (a material sign of national sovereignty) marks a crucial power disequilibrium.

The capacity of a modern state to mobilise the resources necessary to do so exceeds that of local interest groups of tribal politicians or warrior pastoralists, as tough and able the warriors might be.

Conclusion and outlook

We could read the events described here as a bloody form of the ritual “boundary walk” of the initial quote: while somehow everyone lost, all parties had simultaneously confirmed their most important claims and their readiness to defend them, and in this sense, nobody lost.

Even if ‘the Topòsa’ could not keep ‘Kenya’ away from Nàdapal, the fact that Juba did not try to stop or punish them, but assured that ‘no Sudanese land would be given away’ and just left them to tire themselves by running against a Kenyan wall, confirms that the basic deals remained in place: Juba’s non-interference in Topòsa affairs in exchange for Topòsa political loyalty in national affairs (i.e. not joining or forming opposition camps, even if implicitly opposing certain official policies); and an adamantly amicable and strikingly forbearing fashion of interaction between Juba and Nairobi against all disturbances.

Ritually battling the nightmare of ‘losing land’ (i.e. access), ‘the Topòsa’ affirmed their sovereignty as a ‘political community’⁵¹ and their claim to partner status. However, in contrast to the civil war, the violent exorcism of the threat of being imprinted with the stigma of inferiority and dependence did not actually succeed this time.

The boisterous hype of an alleged menace by ruthless wannabe-leaders could not arouse the same massive force of tribal unyieldingness as the existential threat the Topòsa had to face during the war. In comparison to the vastness of their pastureland and ‘deep’ inter-ethnic frontiers, the few square kilometres around Nàdapal could appear insignificant, so they had to be charged with lots of instrumental ‘prophecy’ and symbolism.

Leading Topòsa politicians know that they have to be careful with joining such manoeuvres, as they owe their position to the ability to assess costs and benefits clear-sightedly, and, to a significant extent, to the clear-sightedness of their pastoralist tribesmates whose deeply ingrained pragmatism judges ‘leaders’ unswervingly by the fruits they reap.

The ruling elite of South Sudan needs both the cooperation of the modern Topòsa elite as a mediating body brokering the massive military power of the Topòsa as a tribe, and of Kenya as partner and society. The neighbour is a crucial link to the resource flows of the global system, provides South Sudan with much of the personnel manning the growing development and business sector that helps running its modern metabolism (and driving it into the zone of remaining tribal autarchy) and constitutes a long-time safe haven for personal projects.

The importance of their common border has not decreased since independence. As the tensions in the relations between Khartoum and the new nation have become pathological, they promote Kenya as essential alternative for the export of its 98 percent revenue commodity,

oil. And in the case of a return of full-fledged north-south war, the tried and trusted friendship of Kenya would be as essential as ever.

These factors make Greater Elémi an intriguing case of tacit agreement between an ancient pattern of blurry, ambiguous and flexible territoriality and the silent policies of modern governments that are actually expected to enforce the opposite.

Dafinger's⁵² observation that traditional African territoriality is produced by a symphony of strategies that are exclusive *and integrative* even towards outsiders of ethnic we-groups is confirmed by the age-old tradition active at the Elémi- and other pastoralist frontiers where the admission of latently hostile 'enemy tribesmen' into areas claimed as one's own is an indispensable option aimed at securing reciprocal concessions in times of need. This pattern, disregarded out of ignorance and conceit by the agents of the modern order, is one of the pillars of the 'structures of peace' in the indigenous tradition. Together with the vital need for migrational flexibility in an environment where the availability of water and pasture is extremely localised and erratic, it demands for reconsideration and amendment of the formal standards, of their exclusiveness and rigidity.

The structural problems arising from the application of the modern concept of clear-cut administrative boundaries by colonial and post-colonial governments to pastoralist contexts have recently been convincingly laid out by Schlee⁵³. Although the British here did not invent the tribes as such, they certainly did invent bounded "tribal territories". As the changing and overlapping use of local resources had been an important factor stimulating peaceful interaction and compromise, the policies of rigid separation led to the deterioration of inter-tribal relations rather than to the pacification they were meant to bring about.⁵⁴

That a certain *area* (rather than a line) can be considered something like "the northern limit of customary grazing" of the Turkána, for example, does not imply that we could regard it as identical with the "southern grazing limit" of the Topòsa. The latter would, if we consider the last century, be far south of Nadapal and include much of Mogila, while Turkána grazing parties were frequently found north of the border in both the colonial and post-colonial period.

In fact, most of the Elémi Triangle has been customary grazing ground for three communities, with the Nyangatom dominating the north, the Turkána the south, the Dásanech the south-east, and the Suri roaming it from their Naita heartlands. A "fair" solution to the border problem should, ethically speaking, regard all these facts as constituting usage- and residence rights.

The violent component of the patterns of interaction between pastoralist communities certainly poses considerable difficulties for their reconciliation with the ideal of protection of citizens by the state. Yet the search for a new kind of solution seems recommended by both the failure of “pacification” through the exclusionist policies of Elémi’s first century of statehood and the difficulties with finding a fair settlement between the Kenyan state (which has – as the only one – burdened itself at a considerable price with security and development in the Triangle), and the new South Sudan (which has adopted a group of Nyangatom migrants to the Lotímor region and their modern elites into its citizenry, holders of a historical claim to land in Elémi as strong as that of the Turkána).

Finally, the two typical dimensions of a state border situation – the opportunities arising from the division by crossing it and the opportunities of defending interests through fencing them off – are distributed unevenly among the main collective players here. Modern actors from both South Sudan and Kenya gain from the division by using the advantages of cross-border activity. The large and well-connected tribes – Topòsa and Turkána – were able to expand their territory and benefit now from the ‘fencing’ as they manipulate modern structures.⁵⁵

While using the border situation with evasion- or hit-and-run strategies, smaller and more marginal communities like Suri, Nyangatom and Dásanech are gaining the least, principally because of the restrictions on movement which both the supposed border and their relative weakness at least partially impose on them.

Regarding the character of the South Sudanese state, it appears that the problem is less the vast autonomy of the tribal population or the implicit ‘contractual’ character of its relationship with the forces dominating the central government, but the culture of autonomous and predatory power of position holders within the modern sphere. Their unfortunately frequent freedom to harass, extort and intimidate with impunity produces the ugly image of a state misused as a dangerously loose framework for the exercise of power via uniforms, arms and orders, instead of being the guarantor of the rule of law and protector of citizens and their legitimate rights.

In that context it is significant that the worst recent escalations of borderland violence did not occur where the border is most invisible and the state most absent (which would be the eastern 75 percent of the Elémi frontier zone), but where garrisons, businesses, roadblocks, and immigration facilities draw attention to the pretensions of state sovereignty and the (only partially legal) powers of its brokers.

Endnotes

¹ ‘Sudan's turbulent road to nationhood’, in: R.R. Larémont (ed.), *Borders, nationalism, and the African state* (Boulder 2005), p.42

² B. Streck, *Fröhliche Wissenschaft Ethnologie* (Wuppertal, 1997), p.12 (translation by I. Eulenberger)

³ I use single marks to point at the relativeness or potentially problematic notions of a term.

⁴ In accordance with the habit of the majority of involved English-speakers, I will call these ethnic groups “tribes”, not because I am not aware of the extensively discussed problems of the term, but because it refers to a *dimension of political organisation* and resulting binding norms of cooperativeness and conflict regulation that is indeed much more pronounced here than among other (partly “mere”) ethnic groups who have widely lost it.

⁵ Narús grew out of a (1980s) wartime relief food distribution centre (see H. Müller-Dempf, ‘Normalität im Ausnahmezustand’, in: B.Streck (ed.), *Tradition, Migration, Notstand* (Göttingen, 1990) c.10 km from Nädapal, and turned into a magnet for (mostly Dinka-Bor) IDPs, church- and NGO facilities, Equatorian and Kenyan labour migrants.

⁶ Nädapal became the SPLA border checkpoint during the war and was continuously extended with offices, *hotels*, bars and shops.

⁷ See A. I. Asiwaju, *Partitioned Africans* (New York, 1985); P. Nugent & A.I. Asiwaju (eds.), *African Boundaries* (London-New York, 1996); Feyissa & Hoehne (eds.), *Borders and Borderlands as Resources in the Horn of Africa* (Woodbridge etc., 2010); S.Tornay, ‘More chances on the fringe of state: The growing power of the Nyangatom (1970-1992)’, in: T. Tvedt (ed.), *Conflicts in the Horn of Africa* (Uppsala, 1993), pp.143-163

⁸ T. M. Wilson & H. Donnan, *Nation, State and Identity at international borders* (Cambridge, 1998:3)

⁹ T. M. Wilson & H. Donnan, *Border approaches : anthropological perspectives on frontiers* (Lanham, 1994)

¹⁰ K. Simala & M. Amutabi, ‘Small arms, cattle raiding, and borderlands: the Ilemi Triangle’, in: Schendel & Itty (eds.), *Illicit flows and criminal things* (Bloomington, 2005)

¹¹ The fundamental patterns of manipulation and mobilisation of identities as tools and resources in conflicts have been most systematically analysed by the Halle School of conflict theory (see e.g. B. Donahoe, J. Eidson, D. Feyissa, M. Höhne, G. Schlee, et al., *The formation and mobilization of collective identities in situations of conflict and integration* (Halle, 2009); G. Schlee, *How enemies are made* (New York, 2008); a collection of regional cases studies e.g. in G. Schlee & E. Watson (eds.) *Changing Identifications and Alliances in North-East Africa* (Oxford, 2009).

¹² D. Johnson, *When Boundaries Become Borders* (London, 2012), p.12

¹³ I will use accents to indicate the pronunciation of less familiar names, ` marking a short and ´ a long vowel.

¹⁴ For basic information on these groups see e.g. Anon., *The Toposa* (c.1976). URL: www.sudanarchive.net; R.O. Collins, *The Toposa question, 1912-1927* (<http://reed.dur.ac.uk/xtf/view?docId=ead/sad/collinsr.xml>, 1980); G. Longokwo, *Family and Marriage among the Toposa* (Chicago, 1981); H. Müller, *Changing generations* (Saarbrücken, 1989); S. Tornay, *Les fusils jaunes* (Nanterre, 2001), etc.;

¹⁵ Among the numerous publications on this ethnos, P.H. Gulliver's *A Preliminary Survey of the Turkana* (Cape Town, 1951) is still the outstanding ethnography.

¹⁶ See P.H. Gulliver, *The Karamojong Cluster*, in: *Africa* 22:1-22 (1952); Gulliver & Gulliver, *The Central Nilo-Hamites* (London, 1953); J. Lamphear, ‘Aspects of “Becoming Turkana”’, in: Spear & Waller (eds), *Being Maasai* (Oxford, 1993); R.Voßen, *The Eastern Nilotes* (Berlin, 1982).

¹⁷ Jon Abbink's texts are the main source on this group.

¹⁸ The most relevant authors here are Uri Almagor, Claudia Carr, and Toru Sagawa

¹⁹ Apart from multi-ethnic Kenyan “security personnel” and a few traders, mainly Kenyan Somali, only the Nyangatom keep some form of presence in the Elémi Triangle, mostly as incursions, and a centre of settlements along its north-western fringes around Lotímor, south-west of Mt. Naita.

²⁰ Order of the UK Secretary of State of April 21, 1914 (In: *The Uganda Official Gazette*, May 30, 1914, p. 255)

²¹ This applies to Nyangatom, Dàsanetch and Súri, while the Toposa launch raids in the Triangle, yet have never settled there (see also Anon. c.1976, Gulliver 1951, Tornay 2001).

²² Regarding the history of the Elémi Triangle and its borders see e.g. J. Barber, *Imperial frontier* (Nairobi, 1968); G. Blake, *Imperial Boundary Making* (Oxford, 1997); R.O. Collins, *The Ilemi Triangle* (Santa Barbara,

2004); Kenya Ministry of Defence, *The Kenya Sudan Boundary and the Elemi Triangle* (Nairobi, 1956), KNA DC/ISO/2/5/5; H. Marcus, 'A History of the negotiations concerning the border between Ethiopia and British East Africa, 1897-1914', in: *Boston University Papers on Africa, II* (Boston, 1966); N.Mburu, *Ilemi Triangle* (Dagenham, 2007); J.S.S. Rowlands, *An outline of Northern Turkana history from the records in Lokitaung*. (Lokitaung, 1951), KNA DC/LOK/5/3; F. Taha, 'The Sudan-Kenya boundary', in: *SNR* 56:37-52 (1975)

²³ See *ibid.*; R.O. Collins, 'The Turkana Patrol of 1918 Reconsidered', in: *Ethnohistory* 53:95-119 (2006); J. Lamphear, *Scattering Time* (Oxford, 1992); M. & P. Lokuruka, 'Ramifications of the 1918 Turkana Patrol', in: *Ethnohistory* 53(1): 121-141 (2006); R.G. Turnbull, *Memorandum Turkana Frontier Affairs* (Lodwar, 1944), KNA DC/LDW/7/1.

²⁴ According to the numerous inhabitants I interviewed between 2008 and 2012

²⁵ See above (footnote 22)

²⁶ A. Walraet, *Displacement in Post-War Southern Sudan* (Brighton, 2011), and this volume

²⁷ J. Bevan, *Blowback* (Geneva, 2008)

²⁸ Gulliver, Lamphear, Müller-Dempf, Tornay

²⁹ It is envisaged as publication of the author for the Rift Valley Institute's Sudanese Borderlands Series.

³⁰ more details in I. Eulenberger, *Report on the Peace and Reconciliation Emergency Dialogue between Toposa & Turkana Elites* (Nairobi, 2009), URL: http://www.sopa.or.ke/?reportid=68#.Vp6_pUbiTaI

³¹ Àteker sections (*ngitèla**, sing. *ekitèla*) are territorial identity groups that prefer cohabitation, dominate certain regions and share migration routes. The Turkána sections along the South Sudan border are: Ngijíyè; Ngikwatèla (western sub-section dominating the Mogila area, the eastern one is divided into Lokwànamor- or Central- and Kádu- or Loriònetom-Kwatèla); Ngisigèr (southeast); Ngiyapakúno (hinterland). The here concerned south-eastern frontier of Topòth (Toposaland) has a rather 'sectionally mixed' population because it attracted vast migrations during the war.

³² Turkána elders told me later that these men were related to the famous Turkána kraal leader Lokurón, whose *àdakar* (herding community) used to dwell east of the Mogila hills. Lokurón was killed by Topòsa in mid-2008.

³³ Later cross-checking with Turkana from the region affirmed the traits of this account with the remarkable candour typical for Ateker pastoralists.

³⁴ This stretch of the Mombasa-Juba road was infamous as its most dangerous part, a 'no-man's-land' where uncounted times vehicles were waylaid, pastoralists assaulted and robbed of their livestock, and people killed, while the identity of the perpetrators roaming the thick bush remained usually unknown. Moving Kenyan troops up to Nádapal was not least supposed to reduce this disturbing constant threat by 'closing the gap of territorial control', although it was obvious that this could not be 'automatically' achieved only by having troops stationed at its other end.

³⁵ see the concerned media reports, the protocol of a session of the Kenyan parliament (26th August, 2009), etc. compiled in Eulenberger 2009 (appendix).

³⁶ see Eulenberger 2009

³⁷ Apart from the legendary 'tall-and-rangy' stature, facial features, ritual scars on the forehead and the effects of the customary removal of the lower incisors are generally taken as quite safe indications of Dinka-Nuer ethnicity, and thereby of SPLA affiliation.

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ This was confirmed in interviews with Louis Lobong and others compiled in Eulenberger 2009.

⁴¹ Gulliver 1951:153ff.

⁴² In numerous interviews 09-10.2009 and reports of Turkana CBOs, including to IGAD/CEWARN. Other studies confirm the wartime-'tradition' of 'shadow trade' along the border, with raided livestock and weaponry as key components; see e.g. C. Ochan, *Responding to Violence in Ikotos County, South Sudan* (Medford, 2007); M. Schomerus, *Violent Legacies* (Geneva, 2008); Walraet 2011.

⁴³ The here listed basic facts are confirmed not only by my own research, but also 'ethnographic classics' on Ateker society like N. Dyson-Hudson, *Karimojong politics* (Oxford, 1966), Gulliver 1951, Lamphear 1992, Müller-Dempf 1989, Tornay 1981, etc.

⁴⁴ See e.g. T. Sagawa, 'Local potential for peace', in: Gabbert & Thubauville (eds.), *To live with others* (Köln, 2010), p.18.

⁴⁵ See the literature on bond friendship in the region, e.g. F. Girke, 'Bondfriendship in the cultural neighborhood', in: Gabbert & Thubauville (eds.); N. Sobania, 'Feasts, famines and friends', in: Galaty & Bonte (eds), *Herders, Warriors, and Traders* (Boulder, 1991); W.G. Tadesse, 'Entering Cattle Gates', in: *Northeast African Studies*, 7/3:119-162 (2000).

⁴⁶ See Müller-Dempf 1989; U. Almagor, *Raiders and elders*, in: Fukui & Turton (eds.), *Warfare among East African herders* (Osaka, 1979); Gulliver 1961, 1958; Tornay 2001.

⁴⁷ See Eulenberger 2009

⁴⁸ Apart from my conversations with pastoralists, elites and aid workers in 2008-9, the crucial influence of modern Topòsa and Nyàngatom politicians in these different cases is confirmed by scholars and prominent witnesses like Douglas Johnson (2003), Simon Simonse (2000 and personal communication) or Bishop Taban (Eisman 2011 and personal communication).

⁴⁹ See interviews in Eulenberger 2009.

⁵⁰ nowadays including a restriction of 'non-indigenous' land use to urban perimeters

⁵¹ Dyson-Hudson 1966

⁵² A. Dafinger, *Anthropologie des Raumes* (Köln, 2004); A. Dafinger & M. Pelican, *Land rights and the politics of integration* (Halle/Saale, 2002)

⁵³ G. Schlee, *Territorialising ethnicity* (Halle/Saale, 2010)

⁵⁴ as confirmed by my interviews 2009-2012; see also Lamphear 1992, Sagawa 2010

⁵⁵ It is remarkable that in the interviews (in Eulenberger 2009) the Toposa representatives clearly distinguished between drought-driven temporary cross-border migrations of the Turkana, which they approved in principle, and 'shifts of the (state) border' (disfavouring the Topòsa), which they repudiated in the strongest terms, as the latter would imply the transfer of a kind of 'official ownership' that entitles a community to allow or refuse access to members of other groups.