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Deals and Dealings: Inconclusive Peace and Treacherous Trade along the South Sudan–Uganda Border

Mareike Schomerus and Kristof Titeca

Abstract: Since Sudan's Comprehensive Peace Agreement (CPA) was signed, its border with Uganda has become a hub of activity. Contrasting developments on the Ugandan side of the border with those on the South Sudanese side, the paper draws on empirical fieldwork to argue that the CPA has created new centres of power in the margins of both states. However, in day-to-day dealings on either side of the border, South Sudanese military actors have become dominant. In the particular case of Arua and the South Sudan–Uganda border, past wartime authority structures determine access to opportunities in a tightly regulated, inconclusive peace. This means that small-scale Ugandan traders – although vital to South Sudan – have become more vulnerable to South Sudan's assertions of state authority. The experience of Ugandan traders calls into question the broad consensus that trade across the border is always beneficial for peace-building. The paper concludes that trade is not unconditionally helpful to the establishment of a peaceful environment for everyone.

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Mareike Schomerus is the consortium director of the Justice and Security Research Programme in the Department of International Development at the London School of Economics. She trained in both social sciences and humanities. Her work currently focuses on violent conflict and obstacles to transformative peace processes. Since the signing of Sudan's Comprehensive Peace Agreement, she has conducted extensive fieldwork in South Sudan.

Kristof Titeca is a postdoctoral fellow from the Research Foundation – Flanders (FWO), based at the Institute of Development Policy and Management, University of Antwerp. His main research interests are informal cross-border trade on the frontiers of the Democratic Republic of Congo, Sudan and Uganda; armed movements in central Africa; and the provision of public services in so-called "failed" states, with specific attention to the Democratic Republic of the Congo. He has conducted extensive fieldwork in Uganda and the Democratic Republic of the Congo. On the South Sudan-Uganda border, decades of violent conflict have determined how people live, move, survive, and interact with each other. The 435-kilometre stretch that connects Uganda's north with what are today the Republic of South Sudan's Eastern and Central Equatoria states has been an extraordinarily violent place.¹ In northern Uganda, violence stemmed from the conflict between the government of Uganda and the Lord's Resistance Army (LRA) until 2006, and from the activities of rebel groups such as the Uganda National Rescue Front (I and II) and the West Nile Bank Front in West Nile in the 1990s; on the South Sudanese side, decades of consecutive, complex civil wars, which came to an official end in 2006, influenced all aspects of life. This paper sets out to show how post-conflict consolidation of local power in South Sudan shapes how things function along this border and how this in turn influences what happens in South Sudan. The 2005 Comprehensive Peace Agreement (CPA) between the government of Sudan and the rebel Sudan People's Liberation Movement/Army (SPLM/A) unsurprisingly had a major effect. Examining how post-CPA processes and existing and emerging power structures shaped interactions around the Uganda-Sudan (later South Sudan) border, the paper aims to disentangle the different groups involved in these interactions, and their respective power positions. Taking such a perspective allows us to refine the argument that state and non-state power structures in border regions can threaten state authority.

The border dynamics of inclusion and exclusion become particularly clear when looking at the cross-border trade between South Sudan and Uganda. From Kampala, the border might seem like a peripheral region at the margins of Uganda's territory and state. From South Sudan's vantage point, the border emerges as an important centre that ensures that supply gaps are filled, with vast quantities of goods originating in or passing through Uganda's border boomtowns, Gulu and Arua (Yoshino et al. 2012). The post-CPA demand for goods and state-building processes created a range of economic opportunities for traders. This was particularly the case for Ugandan large-scale traders, who became an important and empowered group. Simultaneously, post-conflict problems have emerged in South Sudan, as wartime authority structures determine access to opportunities for other groups, such as small-scale traders and ordinary citizens, in a tightly

¹ In 1999, Kenya's *The Nation* ran an article that described this as "the border area that defies security" (Peter Kamau, Border Area that Defies Security, in: *The Nation*, 29 June). While recent months have seen greater numbers of civilian deaths in other parts of Sudan (OCHA 2010), the border remains a source of permanent low-level conflict that does not necessarily end in killings, but infuses everyday life with a permanent threat. One such example is the burning down of the market in Nimule on 1 September 2009.

regulated, "inconclusive" peace. This paper will show how the particular authority structures of South Sudan – a military authority with an individual/local hold on power that still relies on coercive structures – create tension among a new set of vulnerable groups of people, who either suffer from these individual practices or do not gain access to these military structures. Ugandan small-scale traders in particular have become more vulnerable to expressions of authority on the part of South Sudan's post-CPA state, in which state or individual military might is used effectively to control trade. Through an analysis of the organization of cross-border trade and the dynamics of interactions along the border, this article aims to demonstrate why the current inconclusive peace in South Sudan maintains structures of war instead of leading to true peace.

Method

This paper draws on fieldwork data gathered by Schomerus in pre-independence southern Sudan between 2006 and 2009, and by Titeca in Uganda between 2006 and 2012.² For purposes of clarification, pre-independence southern Sudan will be referred to here as "South Sudan". In South Sudan, fieldwork covered rural areas in Western and Eastern Equatoria, including remote areas, such as the Imatong Mountains, as well as major towns such as Juba in Central Equatoria and Torit in Eastern Equatoria. In Uganda, fieldwork was conducted in Arua and the wider West Nile region. Most data consists of semi-structured interviews with traders, civilians living along the border, and military and government authorities, supplemented by smallscale surveys regarding prices of goods. This method adds qualitative grounding by including often-overlooked personal narratives of those conducting the trade.

Background

Recently, there has been increased awareness in academic circles that viewing border regions as the "fringe" is unhelpful, and that borders need special

² By combining our fieldwork findings, we aim to avoid "methodological territorialism" (Brenner 1999: 46) by taking the borderland, rather than the nation-state, as a primary unit of analysis. Baud, Van Schendel and Asiwaju support a similar approach in understanding a borderland as one region across both sides of the border, rather than two regions divided by a border. See Asiwaju (1993); Baud and van Schendel (1997).

attention.³ It is argued that borders are also agents of change within the nation-state, rather than just reflecting changes that occur at the centre (Donnan and Wilson 1999: 4). In this sense, they are not marginal at all, but are precisely "where the action is" (Jackson 2006: 426). Strongly state-centred analyses cannot grasp these dynamics, as they analyse spatial forms and scales as "self-enclosed geographical units" (van Schendel 2005: 5; Brenner 1999: 45-46). Jackson reminds us that

borderlands are among the principal arenas within which distinct (but by no means discrete) conflicts taking place within neighbouring states become entangled within "regional conflict formations" (Jackson 2006: 426).

The Uganda–South Sudan border exemplifies such conflict dynamics. A brief look at its history shows why.

During both Sudanese civil wars, intense intra-Sudanese fighting between government soldiers, rebel armies and militias took place here. Uganda's rebel LRA and the country's army, the Uganda People's Defence Force, have been active on both sides of the border since the 1980s. In a perfect proxy war, the Ugandan government supported the rebel Sudan People's Liberation Army (SPLA) soldiers, while in turn the government of Sudan delivered weapons and supplies to the LRA (Prunier 2004). As a result, Uganda's army has had a problematic presence in South Sudan, helping the SPLA and purportedly fighting the LRA (Schomerus 2012). A number of other rebel groups were part of these "regional conflict formations" as Sudan and Uganda used proxy rebel groups, as Prunier writes, to run "an undeclared war on their common border" (Prunier 2004: 359).

After Uganda's president, Idi Amin, was ousted from power in 1979, many people from Amin's home region of West Nile fled across the border (Titeca 2009). A number of rebel groups – such as the Uganda National Rescue Front (UNRF) and the Former Uganda National Army (FUNA) – emerged to fight the new regime under Milton Obote. Both groups were active in West Nile; FUNA actively staged attacks from Sudan against Uganda, stopping their armed activities in 1986. Soon, new rebel groups emerged along the border, this time with the support of the Sudanese government, making the border a dangerous place for civilians caught in crossborder attacks. Of these new rebel groups, the West Nile Bank Front (WNBF) was active from 1994 to 1998, mainly on Ugandan territory. In 1998, the Uganda National Resistance Front II formed in southern Sudan, from which it launched attacks into Uganda (Refugee Law Project 2004).

³ A recent UK report highlighted the fact that "the border areas have received limited and/or belated support" (Associate Parliamentary Group for Sudan, 2010: 20).

Yet while the border served as a source of tension, it also offered opportunities for the population. Despite cross-border attacks, it acted as a protective line for huge numbers of refugees crossing back and forth,⁴ facilitated by ethnic links across the border (such as the Kakwa); families began to settle on both sides of the border. The entire populations of certain Equatorian villages were displaced to Uganda in heavy fighting during Sudan's civil wars. In the early 1980s, large parts of the population of northwestern Uganda sought shelter from Uganda's civil war in Sudan. Violence at times curbed the amount of movement across the border, but never stopped it entirely.

Historically, trade in the region pre-dates colonial borders. Egyptian businessmen from Khartoum had been trading with northwestern Uganda since the late 1830s. Colonization and the introduction of borders made trade between these groups illegal; trading patterns continued regardless. Measures to formalize the economy in the colonial and postcolonial period largely pushed traders toward the informal economy (Meagher 1990: 66). Cross-border trade and contacts intensified through new cross-border markets in the late 1970s and 1980s, aided by refugee movements (Titeca 2009).

Currently, both Uganda and South Sudan find themselves in situations of unreliable peace. Invigorated border trade and the opportunity to move freely between South Sudan and Uganda without military control are often quoted by border residents as the benefits of residing near a border and living in peace. Yet life at the border remains challenging: Security is fallible with unpredictable movements by home and foreign armies; just a few police officers and untrained border guards are tasked with tackling armed smuggling. Their work is made more challenging by the border not being fully demarcated and because markers such as trees are disputed, limiting civilians' freedom to move in disputed areas, with arrests and incursions on both sides of the border.⁵ Unclear immigration regulations, erratic customs charges, and fluctuating exchange rates make trading across the border very difficult.

However, the border also offers opportunities: Residents identified improvements in cross-border trade and employment opportunities, including access to education and health services, facilitated by easy means of

⁴ For discussions on aid agencies' involvement and the history of refugees in the area, see, for example, Harrell-Bond (1986); Allen (2008) and Leopold (2001).

⁵ See, for example, South Sudan Accuses Uganda of Moving International Border, in: New Vision, Uganda, 26 October 2011 or Ronald Batre, Moyo Council Resolves to Expel Sudanese Nationals, in: Uganda Radio Network, 7 April 2012; Sunrise reporters, Gov't Warned over Rising Tension at Sudan Border, in: Sunrise, 15 September 2011; Simon Waakhe Wudu, South Sudan–Uganda Border Dispute is Threatening, in: Gurtong, 9 January 2012.

transport.⁶ Some residents of Ikotos County in South Sudan viewed being part of a cross-border community emerging from war as a unique chance for international interaction in "a spirit of togetherness", as a local border official from the area expressed it, manifested in joint cultural activities and cross-border peace initiatives.⁷ On the Ugandan side of the border, residents of Arua consider the populations on both sides of the border the "same people with the same interests".⁸ However, some long-standing community conflicts have created a volatile and distrustful environment.⁹ In addition, contrary to the "spirit of togetherness", cross-border relationships are often marred by, as a member of a local peace committee in Ikotos County said, "an attitude of revenge towards one another", along with language barriers at times.¹⁰

An Inconclusive Peace

Hopes that peacetime life at the border would allow civilians reliable access to resources have mostly been dashed, as residents are experiencing what might be called an inconclusive peace. The inconclusive peace at the Sudan– Uganda border is a natural extension of the inner nature of the inconclusive wars this region has experienced. Kaldor argues that today's wars are of a different nature than previous wars, their primary characteristics being that they are "inconclusive" and have a "different inner nature" than previous wars, thus a Clausewitzean understanding can be counterproductive, particularly when examining the role of military forces in inconclusive wars (Kaldor 2010). Kaldor refined her earlier conceptualization of new wars as lowintensity transnational and identity-driven conflicts (Kaldor 2007). She elaborated that "new wars" are about "capturing political power rather than pursuing political programmes" (Kaldor 2010: 279).

⁶ For a more detailed discussion on trade across this border, see Meagher (1990), Titeca (2009, 2012), and Titeca and de Herdt (2010). For a history of conflict in this area, see Allen (1994).

⁷ Schomerus fieldwork notes, Border Posts Tseretenya/Magwi, Ikotos and Magwi Counties, June 2008.

⁸ Focus group discussion with Arua residents (names withheld), facilitated by Titeca, Arua, 2 October 2008.

⁹ For example, Ronald Batre, Moyo Council Resolves to Expel Sudanese Nationals, in: Uganda Radio Network, 7 April 2012; Sunrise reporters, Gov't Warned over Rising Tension at Sudan Border, in: Sunrise, 15 September 2011; Simon Waakhe Wudu, South Sudan–Uganda Border Dispute is Threatening, in: Gurtong, 9 January 2012. The reasons for this tension will be explained below.

¹⁰ Schomerus fieldwork notes, Border Posts Tseretenya/Magwi, Ikotos and Magwi Counties, June 2008.

The CPA, following this leitmotiv, has shifted power relations between the military and civilians in a power consolidation process, rather than redefining them in pursuit of political programmes. In South Sudan, the military - as represented by both individual soldiers and command structures - remains the defining factor of everyday life, infiltrating every aspect of the practices that constitute the border, from trade to resource exchange and security. These practices manifest themselves in official and unofficial and often violently enforced taxation, as well as real and perceived unequal trading opportunities. With the official enemy gone, the focus of the military has turned to controlling resources. This consolidation of military power structures in an inconclusive peace does not lead to a more effective regulation along the border; instead, this increased military power has what Andreas calls its own "border control priorities" (Andreas 2003), in which both the interests of the state and the personal financial interests of military actors play an important role. Using the authority structures of war to control resources during peacetime has proven effective both for wealth accumulation and for establishing rules. What these resources are has changed in some ways but not in others. New valuable border assets are immigration stamps, signatures, personal connections or crates of beer. For Ugandans wanting to transport goods into South Sudan, guaranteeing safe passage involves making use of rules that existed in wartime and that have been confirmed in the inconclusive peace.

Processes in post-CPA South Sudan have meant that the Uganda–Sudan border has become the centre of grass-roots interaction: It is the place where actors – official representatives and non-state actors alike – from two nationstates meet. On the Ugandan side, the representatives are largely private traders. On the South Sudanese side, representatives are mainly soldiers of the SPLA, which officially represents the state but does not act solely in state interests.¹¹ This might be because the central government in Juba did and does not reach far enough to control the SPLA's dealings in the state's border regions. Yet it seems more likely that the set of military rules in place along the border is a manifestation of the South Sudanese state as it emerges post-CPA.

This state has two characteristics that are tightly connected to the military: The central state draws on existing military structures in which military men search out new ways to retain their now-official powerful positions. Individual actors in the military state structure, however, also use this power

¹¹ Fieldwork was mainly conducted prior to South Sudan's independence during a time when the SPLA acted as a newly empowered state actor, although individuals within the SPLA tended to adhere to rules established at a time when the SPLA was a powerful, armed non-state actor.

to sidestep the very state structures that are empowering them for personal gain. This characteristic double structure of South Sudan means that activities at the border thus do not, as is so often the case, challenge the state's power through activity in the margins, but in fact assert what is at the heart of South Sudan's state power: a broader military authority with an individualized and localized hold on power. This gives power to the state and to the military and allows for a relatively quick process of introducing state structures. Yet because they draw on past wartime authority structures, these structures are not necessarily legitimate in the eyes of citizens. This is not surprising, as state-building is a naturally exclusive process that involves ongoing negotiations to translate coercion or power into legitimacy. Legitimacy is thus often based on obedience and recognition rather than physical force (Hagmann and Péclard 2010: 543).

A New Power Centre on the Frontier

The development of a strengthened power centre on the Uganda-Sudan border since the CPA was signed can be witnessed in daily dealings between travellers, migrants, refugees and returnees, buyers and sellers, and controllers. This is a space of continuous negotiation in which fortune-seeking opportunists as well as political opponents try to evade state regulation and control, while others try to exert just that. Tension appears when power is achieved or consolidated. With the CPA, South Sudan began its path toward sovereign statehood with its own international borders, established in 2011 after a referendum on independence from Sudan. South Sudan's border with what is now the Republic of Sudan is likely to remain the country's most volatile international border for a long time; in turn, the border with Uganda has gained tremendous importance as South Sudan's most reliable supply line. For cross-border trade, the signing of the CPA has created significant opportunities in two ways: It has facilitated vibrant trade activities in areas that had been largely dormant due to the war, and, crucially, peace in South Sudan has significantly increased the demand for goods. The capital, Juba, is attracting vast numbers of returnees, people seeking opportunities in the city, and supply-hungry aid agencies (see Keen and Lee 2007: 12-13). This border now provides what Vlassenroot and Buscher call "attractive spaces of opportunity" (Vlassenroot and Buscher 2009: 3).

Reliable and safe roads are still scarce, limiting agricultural production and distribution of produce in a country with strong regional production variations. South Sudanese production cannot meet the demand for goods; the closing of the north–south border in 2011 due to conflict between the two Sudans means that all foreign goods now come over the southern border.

13

Goods mainly originate from Uganda, or from Kenya, where they are either locally produced, or enter Uganda through Mombasa (having originated for the most part in the Far East). Both formal and informal exports from Uganda to Sudan have skyrocketed since the CPA went into effect. According to the permanent secretary of the Ugandan Ministry of Tourism, Trade and Industry, southern Sudan represented almost 40 per cent of the Ugandan export market in 2011.¹² In 2008, Sudan was by far Uganda's most important export destination, taking in 68.9 per cent of Uganda's total exports.¹³

Informal exports to Sudan have grown enormously over the years, from 9.1 million USD in 2005 to 456.4 million USD in 2007 and 929.9 million USD in 2008. Formal exports increased, but less dramatically, from 50.5 million USD in 2005 to 245.9 million USD in 2008. In short, formal exports to Sudan have increased five-fold while informal exports increased 100-fold (Uganda Bureau of Statistics 2009).¹⁴ In 2008 Uganda exported agricultural goods worth 111.5 million USD and industrial goods worth 816.1 million USD – together accounting for 68.9 per cent of Uganda's exports (Uganda Bureau of Statistics 2009: 15). As soon as security had improved in the post-CPA situation, a large number of Ugandans flocked into southern Sudan, trading a wide variety of goods for consumption (for example, beer, water, general foodstuffs) and construction goods (for example, cement, iron sheets) (Yoshino et al. 2012: 43-45).

However, as we will explain in detail below, tensions that arose from the trade relationship and the volatile political situation within South Sudan have affected the trade relationship between the two states. After an initial post-CPA boom, exports from Uganda to South Sudan significantly reduced starting in 2010. While formal exports remained at similar levels (Yoshino et al. 2012: 44-45), informal exports strongly decreased, from 448.48 million USD in 2009 to 196.9 million USD in 2010 (UBOS 2011). One reason for this is unaddressed tensions at the border between Ugandan small-scale traders and South Sudanese state and non-state actors.

In the period immediately following the signing of the CPA, northern Ugandan small-scale traders dominated the cross-border trade: They lived close to the border, there were historical connections between the regions on either side, and these small-scale Ugandan traders also lacked other op-

¹² M. Strike, The South's Trading Trajectory, in: The Independent, Uganda, 8 July 2011.

¹³ As summarized by a Ugandan trader: "We want the government to come out clearly – too many traders have lost their lives. But the government is protecting South Sudan! Sudan does what it wants. Uganda only looks at Sudan as a hub for its products" (Interview with trader, conducted by Titeca, Arua, 19 May 2012).

¹⁴ Although this major increase could also signify improved methods to track informal exports, it still highlights the huge increase in informal trade.

portunities. Yet traders from other parts of Uganda soon became aware of the opportunities that were arising. The number of South Sudanese traders has since increased – some of them not only getting their supplies from northern Uganda but even travelling as far as the major supply points in Kampala and Kenya – but non-South Sudanese traders continue to play an important role.¹⁵

Theoretically, increased trade ought to be good news: It is widely agreed that trade has the potential to bring economic development and strengthen links between communities. This is particularly useful in a post-conflict situation needing a foundation for peace and reconciliation (Carrington 2009). However, Carrington writes that in this particular case Ugandan traders perceived trade to be "conducted unfairly, [...] exploitative in nature, [and] dominated by or serving the interests of a select elite" or that it "[is] marginalizing specific groups [and] risks fuelling unresolved tensions and creating new conflict dynamics" (Carrington 2009: 7). Specifically, southern Sudanese have negative feelings toward foreigners (particularly Ugandans) and toward elites for dominating the trade.¹⁶

Southern Sudanese civilians find it extremely difficult to access trade opportunities since they have little to offer and can see no employment opportunities beyond trade. They struggle to engage with the inherently exclusive structures of an inconclusive peace.¹⁷ A civil society representative from the South Sudanese border region said during a 2008 cross-border conference in Arua that "there are very [few] chances for the ordinary Sudanese in the cross-border trade".¹⁸ The few goods that South Sudanese can offer are not easily traded: For example, taking a few chickens across the border to exchange them for manufactured goods such as soap is extremely costly due to seemingly random taxation and customs charges and controlled immigration fees (Yoshino et al. 2012: 44-50). At different times, cross-border regulations have included the following: In 2008, each Sudanese who crossed the border had to pay the Ugandan authorities 25,000 UGX – unless visibly ill – even if the person crossing the border was a student returning for education. Sudanese small-scale traders reported that additional charges and customs were

¹⁵ All of the traders involved deal in similar goods (consumption and construction goods): There is no division among the different nationalities.

¹⁶ Sudanese are particularly angered by the fact that the Ugandans are also active in small-scale trade (tea-selling, chapati-selling, etc.), as they feel that at least these minor activities should be left to them.

¹⁷ For a more detailed discussion of these issues, please refer to Mareike Schomerus (2008a).

¹⁸ Interview with a Sudanese border resident at cross-border conference in Arua, conducted by Titeca, 2 October 2008.

15

highly unpredictable, curbing most small-scale trade.¹⁹ Moreover, the Ugandan shilling remains the more powerful currency for trading along the border area, putting Sudanese at a disadvantage. Money exchange is dominated by Ugandans. The exchange rate became even more unfavourable for Sudanese following the 2007 replacement of the dinar by the pound (SDG), whose future is uncertain. Currency issues and rising prices – some connected to local trade structures, others influenced by world market developments – taint the relationship between the two countries on a hyperlocal level.

In turn, Ugandans claim that they are targeted by the South Sudanese; reports of Ugandan traders being arrested, intimidated, harassed and even raped are common.²⁰ While the border is profitable for Ugandan traders, the inconclusive peace also makes them vulnerable when South Sudan's state authority is asserted through the military. Many traders crossing the border tell horrendous stories of their mistreatment by South Sudanese security personnel.²¹ The list of specific complaints is long. According to Joint Action for the Redemption of Traders in Southern Sudan (JARUT) – an umbrella organization for Ugandan traders in South Sudan – Ugandan traders are faced with "murder, torture, robbery and non-payment of owed monies by, among others, GOSS government agencies/officials and the military".²² Other reports have claims about "SPLA members raping Ugandan businesswomen,

¹⁹ For example, in June 2008 a crate of beer incurred customs charges of 40,000 UGX. A crate usually sells in Juba for 62,500 UGX. The result is that local small-scale trading, which could be a stabilizing factor in the border region, is discouraged. In addition, currency trading has further discouraged small-scale trading in goods as trading currencies becomes more profitable due to high customs charges on goods (Schomerus fieldwork notes, Border Posts Tseretenya/Magwi, Ikotos and Magwi Counties, June 2008).

²⁰ Human Rights Watch, "There is no protection": Insecurity and Human Rights in Southern Sudan, New York, February 2009; C. Bwogi, Over 20 Ugandans Killed in Sudan, in: New Vision, 12 September 2007; C. Musoke and J. Odyek, Govt Urged on Report on Ugandans Killed in Sudan, in: New Vision, 20 September 2007; New Vision, Ugandan Traders in Juba Attacked, 19 February 2008; New Vision, Ugandans Will Benefit from Investing in Sudan, 25 September 2007; H. Sekanjako, Sudanese Warned against Mistreating Ugandans, in: New Vision, 6 June 2011; P. Kagenda, Uganda Traders Threaten to Blockade South Sudan, in: The Independent, 8 December 2009.

²¹ The situation is considered so bad that it led to the visit of a Ugandan government delegation to Juba; C. Musoke and J. Namutebi, Uganda: Government to Probe Juba Harassment, in: *New Vision*, 26 September 2007. Further meetings were held between Sudanese authorities and those of individual Ugandan districts; for example, in 2008 Sudanese authorities met with authorities from Arua District. Meetings have also been held in Yei, South Sudan.

²² P. Muwonge, Uganda–Sudan Trade Turns Ugly, in: The Sunrise, 20 May 2010.

ambushing trucks, and refusing to pay for goods they have consumed".²³ One newspaper article stated: "Southern Sudan's capital of Juba has turned into a death trap for traders from Uganda and other states."²⁴

Having property illegally confiscated is common. The experience of one man who lost a motorbike after soldiers accused him of stealing it is typical. He was severely beaten with a stone and whipped across his back; another deep wound was inflicted on his head. During the beating, the attackers kept shouting "Uganda, Uganda". Having spent three days in prison, he was released after paying 50 SDG (25 USD) to a police officer who did not issue a receipt or official release papers. He was later told that without official release papers, he would not be able to reclaim the motorbike, which was now being "used by the police".²⁵

Another Ugandan taxi driver tells the story how he was kept in custody by soldiers in uniform who accused him of being complicit in a theft:

They took me down and removed my shoes, my shirt, my belt. They said whatever you have, you give us, money and documents [...]. They started beating me. They said "Don't you know, we are all soldiers here." It was eight men beating me. They put pistols in my mouth and in my ears and somewhere else. They then told me to call my parents and tell my parents that my life is over. After I called my mum, they switched off my phone. They told me they will kill me [...]. They told me they are soldiers, they can do anything.²⁶

According to the chairman of the Ugandan Traders Association in Juba, in the first eight months of 2007, at least 20 Ugandans died in southern Sudan at the hands of Sudanese security personnel.²⁷ The problem was acknowledged at the time by the Southern Sudan Human Rights Commission (SSHRC), who kept track of cases of killings of Ugandan traders in Juba's Customs Market and Konyo-Konyo Market. A string of rapes of Ugandan women in the markets was reported and monitored by the SSHRC in 2008. "The question that needs to be answered is," said then-Human Rights Commissioner Joy Kwaje, "is it systematic, organized, criminal?"²⁸

²³ M. Doya and F. Oluoch, Ugandan Traders Leave Southern Sudan amid Election Tension and Violence, in: *The East African*, 12 April 2010.

²⁴ Inter Press Service, Ugandan traders face attack in Sudan, 19 November 2008.

²⁵ Interview with Ugandan trader (name and details withheld), conducted by Schomerus (with translator), Juba, 27 March 2008.

²⁶ Interview with Ugandan taxi driver (name and details withheld), conducted by Schomerus (with translator), Juba, 27 March 2008.

²⁷ New Vision, "Ugandan traders raped in Sudan", 18 September 2007.

²⁸ Interview with Joy Kwaje, government of Southern Sudan human rights commissioner, conducted by Schomerus, Juba, 18 March 2008.

In February 2010, a Memorandum of Understanding was signed between the trade ministries of Uganda and southern Sudan to address the difficulties. In April 2010, a petition addressing the dangers of doing business in southern Sudan that was signed by Ugandan traders in Sudan was filed in the Ugandan parliament.²⁹ According to the petition, "many influential Southern Sudanese have assaulted and killed Ugandan business people with impunity, and thrown hundreds more in jail on trumped-up charges".30 Ugandan traders feel that reporting their cases could endanger their position even more because Sudanese security agencies are seen as complicit. There is a general feeling that Ugandan traders in South Sudan are denied justice.³¹ "When you go to the military police, you always fail to get assistance," said the chairman of the Ugandan Traders Association. "At times, you find nowhere to get help."32 In August 2011, just after South Sudan's independence, the Ugandan Ministry of Trade, Industry and Co-operatives established an arbitration committee to handle the complaints of the Ugandan traders.33

Roles of Small- and Large-scale Trading

These petitions, Memoranda of Understanding, and arbitration committees have, however, had a limited effect on the ground, as the position of smallscale Ugandan traders remains very precarious. As a consequence, the traders express the sentiment that the Ugandan government has not put enough effort into addressing their problems and has abandoned them. Traders and analysts both argue that this is because Uganda does not want to jeopardize its political and economic relationship with South Sudan.

With formal and informal export figures decreasing, the problems experienced by small-scale traders ought to be a priority for Uganda's government. That the response has been limp implies that other interests are at

²⁹ P. Muwonge, Uganda–Sudan Trade Turns Ugly, in: The Sunrise, 20 May 2010.

³⁰ M. Doya and F. Oluoch, Ugandan Traders Leave Southern Sudan amid Election Tension and Violence, in: *The East African*, 12 April 2010.

³¹ P. Kagenda, Ugandan Traders Threaten to Block Sudan, in: The Independent, 8 December 2009.

³² Interview with Ugandan Traders Association official (name and details withheld), conducted by Schomerus, Juba, 27 March 2008. Another example is given by the chairman of the Ugandan business community, who claims in an interview with *The Independent* that he was detained for six months in a military detention camp when he refused to hand over his truck to a Sudanese major (P. Kagenda, Ugandan Traders Threaten to Block Sudan, in: *The Independent*, 8 December 2009).

³³ Abimanyi, John, The Tragedy of Ugandan Traders in Sudan, in: *Daily Monitor*, 23 May 2012.

stake. Small-scale traders have clearly spelled out what they believe these interests to be: They argue that the Ugandan government is acting primarily to protect the interests of large-scale traders, who often work closely with SPLA officials and Ugandan government officials. In this situation, largescale traders are in a better position than small-scale traders to trade their goods along the border. Further, when South Sudan puts out a procurement tender – for example, to deliver goods or do construction work – large-scale traders, Ugandan government officials and SPLA officials participate jointly in business. At the heart of what Roitman (2005) calls this "military–commercial nexus" are high-level SPLA officials who determine access to the South Sudanese economic space for Ugandan officials and large-scale Ugandan traders. With all three actors sharing profits, such business naturally receives better protection.

An example of favouring of large-scale traders over small-scale traders can be found in the activities of the above-mentioned arbitration committee created to handle the Ugandan traders' complaints. South Sudan has agreed to pay 41 million USD in compensation to the Ugandan traders;³⁴ small-scale traders complain that they had not been paid. The Joint Action for Redemption of Ugandan Traders in Sudan (JARUTS) instead claims that only large-scale traders benefitted:

There are some traders who are in contact with government officials who happen to be key business allies with the ruling clique of the Sudanese government. So they identify some people for payment in South Sudan by giving them documents to present in Juba and they have their money. But some of us who are unlucky not to know anyone are still stuck moving up and down for our money.³⁵

³⁴ Sudan Tribune, Ugandan Traders Seek \$41m Compensation from S. Sudan, 2 January 2012; Jocelyn Edwards, Unwanted in Juba, in: The Independent, 21 April 2012.

³⁵ Sunrise reporters (2011), "We shall die with Sudanese", Ugandan traders vow, in: *Sunrise*, 26 August 2011. On another occasion JARUTS had argued, "Only four people who are deemed big or influential were duly paid their money by the South Sudanese government with assistance from our very government, and some of us small traders were left out until now. What's shocking and annoying is that we were on the same list of compensation together with the four individuals," Stepehn Bwire, Government Compensates only 4 Ugandan Traders, in: *Youtblink News*, 6 June 2012, online: <www.youthlinknews.com/columns/col1/traders.html>, (18 June 2012). Another trader summarized this in the following way during an interview: "The government only takes care of the big people who are involved in this trade. [...] The government only says that they are mounting pressure, but nothing happens. It [is] the big people who do business [who] are protected, while the smaller ones lose a lot of money. They don't care about the small people's money" (interview with trader, conducted by Titeca, Arua, 20 May 2012).

The trade involvement of Ugandan government officials builds on the long history of support of the SPLA: similar trade patterns between Ugandan

history of support of the SPLA; similar trade patterns between Ugandan traders, Ugandan government officials and SPLA elements occurred in the past.³⁶ Additionally, Ugandan government officials have been involved since the mid-1990s in cross-border trade through large-scale traders in other parts of Uganda – for example, on the Uganda–DR Congo border (Titeca 2011, 2012). As beneficiaries of the murky areas of regulation an inconclusive peace brings, large-scale traders, Ugandan government officials, and SPLA officials have no incentives to change the current situation to create a safer environment for small-scale traders.

Tension and Hostilities

Frustration among small-scale Ugandan traders has fuelled hostility between Ugandan and Sudanese nationals in South Sudan as well as in Uganda. When a Ugandan driver was killed in Sudan by South Sudanese, major clashes ensued on the Ugandan side of the border, particularly in the driver's Ugandan home district of Koboko. South Sudanese became the targets of violence and had to seek police protection. In these clashes, several South Sudanese were killed.³⁷ Similar incidents occurred in other areas on the Ugandan side of the border.³⁸ In September 2009, residents of Uganda's Moyo District demonstrated against the presence of Sudanese, shut down Sudanese-owned shops, closed down the border point in order to prevent Sudanese from entering Uganda, and attempted to attack Sudanese patients in the hospital. The event was sparked by the perception that SPLA soldiers were harassing people in the district, and specifically by an alleged attack by SPLA elements in a land dispute with residents. These events are particularly problematic for the many Sudanese civilians in Uganda, many of whom have been living in the area for two decades, but are now for the first time being targeted.39

³⁶ For example, fuel traders from Arua and Ugandan military officials were trading fuel to SPLA units in the late 1980s and early 1990s (Titeca 2006).

³⁷ Reports are not clear as to whether two or four people were killed.

³⁸ Focus group discussion with Koboko civil society representatives and traders (names and details withheld) at the cross-border conference on security, IKV Pax Christi, facilitated by Titeca, 2 October 2008. Fieldwork observations, Titeca, Arua, 2006–2009.

³⁹ Cf. E. Draku and F. Mugabi, Moyo Riots over Border, in: New Vision, 2 September 2009; Sunday Tribune, Ugandan Rioters Attack Sudanese after Border Dispute, 3 September 2009; M. Okudi, T. Butagira, S. Akello and W. F. Okello, Sudanese Border Shut, in: The Monitor, 3 September 2009.

Supporting Military Structures for Protection

Finding themselves in a precarious situation with no state support, smallscale Ugandan traders are trying to develop protection mechanisms by appeasing SPLA soldiers. Crucially, they are investing considerable amounts of money to connect with SPLA soldiers by paying to cross border points or roadblocks from the border to the major trading points.⁴⁰ SPLA officers shelter traders in several ways. Escorting a goods convoy through border posts and roadblocks is the most obvious technique. Another common method is that an SPLA officer will inform SPLA soldiers and South Sudanese border officials whenever a delivery is imminent. This protects goods and traders from harassment and exempts the goods from revenue payments. Higher-ranking SPLA personnel commonly sign documents that indicate that a goods truck is their personal property. Lower-ranking SPLA soldiers will then allow the goods to pass into South Sudan without a problem.

It is a well-known fact that this is a lucrative collaboration. A southern Sudanese government official said that it is seen as particularly attractive to be stationed within the SPLA border points because much profit can be made there.⁴¹ Traders prefer to pay bribes than be abused by soldiers; they fear SPLA soldiers who are known for their violent behaviour.⁴² During a discussion with Ugandan cross-border traders, the traders concluded, "[South] Sudan is a new country, but the law is in the hands of the soldiers! They do whatever they like."⁴³ Andrew, a Ugandan trader who trades in drinks to South Sudan, has made these structures work for him:

⁴⁰ In this context, Carrington (2009: 24) speaks about the existence of "protection rackets", in which foreign traders "[enter] into agreements with senior military or security figures in Southern Sudan to receive protection or enjoy special status". While this statement is certainly true, it seems to suggest that engagement with Sudanese officials only happens with bigger traders. We argue that this occurs with all kinds of traders.

⁴¹ Individual traders can be charged between 5,000 and 20,000 UGX; groups might pay up to 300,000 UGX. Interview with Ugandan trader (name and details withheld), conducted by Schomerus (with translator), Juba, 27 March 2008.

⁴² As a Ugandan trader summarizes, "In Juba, you have to bribe. Even a kid there has a gun. For no reason, they can confiscate your goods. They take the law in their hands. You have to pay to avoid this!" Interview with Ugandan trader (details withheld), conducted by Titeca, Arua, 22 January 2008. With unlimited quantities of light weapons in southern Sudan, trade is insecure; these weapons make it easier to threaten Ugandans.

⁴³ Focus group discussion with Ugandan traders (names withheld), facilitated by Titeca, Arua, 30 September 2008.

21

I have a Sudanese friend, a higher military [SPLA member] who helps my business in many ways. He introduced me to the people of the revenue and the soldiers: These are behaving rough, and he offers me some protection. This is just a friend which you get! When you trust one, they introduce you to his friends. They call it "protection": When you go, they take you to the safe places; they introduce you to the elders, to the government officials. They introduce you to the person who is in charge.⁴⁴

The situation for traders is dangerous and unpredictable, but there are ways to navigate the waters with the SPLA soldiers. As a result, different levels of South Sudanese military officials engage in different kinds of cross-border activities: Lower-level military officials (soldiers) use the inconclusive peace to ask for bribes; middle- and higher-level officials collaborate with large-scale traders in more consistent business arrangements. The often rather murky command structure of the SPLA exacerbates the struggle for control as it is often not clear to whom exactly individual military men answer. In sum, the combination of unclear command structures, lucrative business opportunities and a lack of alternative income opportunities creates an incentive for those in control to maintain the current situation of an inconclusive peace with its military structures. While insecurity and violence happen almost as a by-product of these entrenched business arrangements, they are also manifestations of the post-CPA nature of South Sudan's inconclusive peace.

Since the CPA was signed, the SPLA/M has been struggling to make significant strides toward reducing military behaviour as a political tool; their commitment to building a democratic state was questioned early on (see, for example, Metelits 2004). Kalpakian has argued that a transition from military group to political party is still a long way off for the SPLA/M (Kalpakian 2008). Others - for example, Rolandsen - find that the SPLA has undergone significant transformations and mastered difficult situations (Rolandsen 2005). The reality is that in most cases, exerting military power, even in peacetime, makes for better living conditions for the soldiers. In an inconclusive peace this means that military actors retain a strong influence on political realities, while they, as Gazit writes, constitute "the primary manufacturers and managers of localized temporal cores of power" (Gazit 2009: 88). South Sudanese residents along the border talk about the power of the military and its influence on their everyday lives. It is generally seen as an assertion of the nature of South Sudan, rather than a movement toward changing this very nature.

⁴⁴ Interview with drinks trader (name withheld), conducted by Titeca, Arua, 28 January 2008.

Manifestations of post-conflict power in South Sudan raise questions about who is or is not a state actor. With South Sudan now a sovereign state and numerous programmes underway to reform the SPLA into a professional army, soldiers are officially state representatives. In reality, however, soldiers in units far away from central command often violate state rules; such violations on the border are, as discussed above, most often manifested in taxation by soldiers. An easy assumption would be that the SPLA in border regions acts in these ways because they are disconnected from the centre of power in Juba. That Juba has evolved as a power centre since the signing of the CPA is a logical development, as a new government first had to be set up, which, by definition, involved creating a power centre (Temin 2009). South Sudan's theoretical emphasis on decentralization to counter the marginalization that was at the heart of both Sudanese civil wars has been repeatedly stressed (Awet Akot 2006). From that point of view, the independent actions of state actors from Juba might be seen as early, if unregulated, signs of decentralization. However, in reality what happens on the Sudan-Uganda border is an assertion of the nature of the South Sudanese state. Looking at borders as areas in which the state's authority is challenged is misleading in this case. Rather than empowering the border region in a decentralized way, the power exerted by military actors entrenches existing patterns of the state. Englebert and Tull suggest that "reconstruction is the continuation of war and competition for resources by new means" (Englebert and Tull 2008: 107) and in the highly militarized border area, military personnel have entrenched the power structures of war for their benefit in peacetime.

While maintaining control of the border and its trade is an effective way for military men to retain their powerful positions, it is also a mirror image of the reality of the South Sudanese state, which remains largely driven by military structures. This reflects developments on the central-state level: Peacetime is run like a wartime project and whoever has a gun or military connections can assert control over not only prices, but also access to and value of resources. Ron (2000: 610 and 617) argues that borders are "tools of statecraft" which help elites to "implant notions of state legitimacy in the minds of relevant audiences". While this might be a positive process that helps build durable institutions and stabilize peace agreements, on the South Sudan-Uganda border the "tools of statecraft" are very much military. Moreover, as we discussed earlier, these military structures of power engender particular processes of inclusion and exclusion, which are particularly visible at the border and in cross-border trade. These processes are not one-dimensional: While Ugandan traders in general gain from the trade, small-scale traders suffer the negative consequences of it. These processes

of winners and losers manifest themselves not only along socio-economic lines, but also spatially.

Interviewees said that in the past, the border allowed them access to markets in Kitgum and Lira in Uganda, which were good places with many goods on offer and willing buyers. Today the biggest market is Juba, and most goods around the border tend to end up there, leaving border residents with supply shortages. Particularly in Eastern Equatoria, residents were reminded of wartime when power and resources were centred around Khartoum (Schomerus 2008a). Soldiers taking control of the border and its trade are generally perceived to act solely in Juba's interest. This has implications for the SPLA/M's image among the local population in Sudan who do not share tribal or party membership connections, but see the SPLA/M as being as hostile to their interests as was Khartoum (Branch and Mampilly 2005; Schomerus 2008b). This feeds the perception that the SPLA/M alone wants to claim ownership of South Sudan's peace, including its benefits.

For most ordinary citizens, the benefits of international trade are firmly concentrated on the Ugandan side of the border, and more particularly in Uganda's "border boomtowns". The town of Arua (in northwestern Uganda) illustrates the consequences of this unequal relationship: It attracts traders from Uganda, Congo and other areas; South Sudanese come here to buy goods.⁴⁵ Since the CPA took effect, a daytime population of about 150,000 has been crowding the town.⁴⁶ About ten supermarkets, along with several banks, have opened. For Ugandans who have money to pay for border charges and who have goods purchased in northeastern DR Congo or Uganda to trade, the CPA has turned the border into a golden opportunity (Titeca 2009).

Yet, this opportunity also creates particular processes of exclusion: Arua was unprepared for the vibrant trade and the increase in population following the signing of the CPA. Rather than being an example of a town that is becoming more peaceful thanks to growing cross-border trade, the town is suffering negative consequences, most notably a severe strain on public services. The national government had budgeted for its service provision based on the results and estimates of the 2002 national census, which

⁴⁵ The district chairman summarizes the impact of trade with Sudan as follows: "Arua is a hub attracting trade and investment! Arua has been overwhelmed with work. There are so many people coming, there is an influx of people! There is an explosion of business!" Interview with LC 5 chairman, conducted by Titeca, Arua, 31 January 2008.

⁴⁶ According to the 2002 population census, Arua was expected to have 65,400 inhabitants in 2008, but these numbers have most likely long been surpassed (Arua District Local Government 2007).

showed a population less than one-third (45,000) of the current daytime population. When the district suffered a meningitis outbreak in 2007, district personnel ordered vaccinations for 180,000 people. Approximately 270,000 people turned up to be inoculated.⁴⁷ Many South Sudanese have settled in Arua to take advantage of the functioning schools, which has further stretched the already-strained education system. Public services such as water, garbage collection (the responsibility of two small municipal lorries) and medical services are overwhelmed. Heavy day and cross-border traffic means that roads are in permanent need of repair.

Increased demand for goods from South Sudan has affected prices of a wide variety of goods, at times creating shortages on the Ugandan side of the border, as goods are exported to South Sudan. This can lead to microinflation. When, for example, a Sudanese trader bought almost all the fish at Gulu's fish market to take it to South Sudan, fish prices in the area skyrocketed (Carrington 2009: 19). While price increases are most dramatic in the border area, the increased trade in foodstuffs has a domino effect on food prices all over Uganda.⁴⁸ In Arua, prices of foodstuffs have risen by 26.3 per cent, considerably more than the national average of 13.6 per cent (or 12.3 per cent recorded in Kampala) (UBOS 2009).49 The trend is similar for other goods such as beverages, tobacco, clothing, footwear and even transport. In Arua, where transport to post-CPA Sudan is in high demand, transport costs have risen on average 33.6 per cent, compared to 17.5 per cent in Kampala (16.6 per cent nationally) (UBOS 2009). The situation in these border towns is repeated in other towns on both sides of the Uganda-Sudan border: Similar increases in prices can be observed on the Sudanese side of the border, exacerbated by a global increase in food prices. In Madi Opei, a 50-kilogramme bag of grain cost 18,000 UGX in June 2008. The same quantity was sold six months earlier for just 10,000 UGX. The price of maize had increased from 5,000 UGX in

⁴⁷ Titeca fieldwork notes, Interviews District Planning Department, Arua, 25 February 2008.

⁴⁸ T. Benson, S. Mugarura and K. Wanda, Uganda Bans Food Exports to South Sudan – Report, in: *Sudan Tribune*, 30 August 2009; N.A. Garang, South Sudan Seeks Alternatives to Reduce Food Prices, *Sudan Tribune*, 27 November 2009.

⁴⁹ These findings are reflected in data on consumer prices, which have increased greatly in Ugandan border towns: In Arua in the financial year 2007/2008, there was a total increase of 19.6 per cent from 2005/2006. In Gulu, another border town, prices had increased 18 per cent, while the average national increase was less than half of that: 7.1 per cent (UBOS 2009).

2003 to 30,000 UGX in 2006, when Juba became accessible; customs duty per bag was raised from 2,000 UGX to 5,000 UGX. 50

Price and trade developments meant that, effectively, border populations on both sides became worse off. The increase in food prices, the devaluation of the currency and the pull towards Juba means that border residents now pay crippling prices for basic goods. Low-income South Sudanese, by far the biggest group of people living near the border, have few opportunities to engage in the cross-border trade and are facing additional difficulties because their incomes have barely changed. Traders running kiosks and small retail shops are forced to leave Arua town for the outskirts as they cannot afford the higher rents.⁵¹ This presents the greatest challenge to people residing in towns with no access to agricultural land, as they do not have the option of subsistence farming and their options to engage in trade are also limited. In this situation, the picture that emerges is that crossborder trade is far from a stabilizing factor. There is a strong perception that because of unequal access to trade, the benefits of peace are distributed unequally. This is the case for both the Sudanese and the Ugandans who do not have the resources to access this cross-border trade, and suffer the negative consequences of it.

In the long run, this situation may well have detrimental effects, because the concentration of power in one area makes it more challenging for other regions to implement their own development measures. Roden pointed this out as a potential problem in Sudan when the Addis Ababa agreement was signed, quoting Myrdal and Hirschman's concept that the "polarization effect", the need to attract more growth resources, significantly reduces growth opportunities for other regions, which generally do not experience a trickledown effect (Roden 1974: 498). The result is imbalanced development. Similar effects are being seen today in this border region.

Conclusion

The South Sudan–Uganda border region has been undergoing great changes in the post-CPA period. Groups of people have become empowered to create new and exclusive enclaves along the border in a manifestation of the nature of South Sudan and its interactions with neighbouring non-state actors. What has emerged for the residents along the border and traders

⁵⁰ Schomerus fieldwork notes, Border Posts Tseretenya/Magwi, Ikotos and Magwi Counties, June 2008. When compared with the Ugandan data on prices, the Sudanese data are more limited.

⁵¹ Titeca fieldwork data, Arua, 2008–2009.

passing over the border is an inconclusive peace in which existing war structures are maintained or strengthened. This inconclusive peace has certainly generated a number of positive consequences: Security has improved considerably; cross-border trade vields substantial profits. Yet power dynamics since the CPA also mean that for some, trade furthers inequality and maintains instability. Many of the border regulations are unclear; traders are at risk of being harassed and/or having their goods confiscated by SPLA soldiers. Peace, in the experience of most civilians, has become an extension of the military's power; opportunities are afforded to very few people. Most opportunities are created by accessing the still-existing structures of war through bribery or collaboration with soldiers; maintaining these structures entrenches the inconclusive peace. Those who do not have access to these structures experience life as unpredictable, unstable and unsafe. Currently, power-holders operating at the geographical margins of the two states are in danger of pushing everyone else aside - for example, by treating small-scale traders unfairly, through unregulated behaviour by SPLA soldiers, and by excluding ordinary civilians. This creates violent tensions on both sides of the border, fuelling exclusion with possibly explosive consequences - particularly in South Sudan, where groups are extremely sensitive to further marginalization.

This article has attempted to show how struggles over access to trade opportunities maintain the inconclusive nature of the peace, as increased opportunities lead to greater assertion of wartime military power and exclusion. Since in South Sudan military power tends to be synonymous with state power, the South Sudan–Uganda border presents a particular challenge in peace- and state-building, causing ripple effects of the peace agreement for people living on both sides of the border. That these effects are not always positive highlights the great challenge of implementing peace in a way that benefits the region's war-affected population.

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Geschäfte und Deals: Gefährdeter Frieden und riskante Handelsbeziehungen entlang der südsudanesisch-ugandischen Grenze

Zusammenfassung: Seit Unterzeichnung des Comprehensive Peace Agreement (CPA) im Sudan hat sich die Grenze zwischen Südsudan und Uganda zu einem lebendigen Drehkreuz entwickelt. Gestützt auf eigene Feldforschungen stellen die Autoren die Entwicklungen in den Grenzregionen beider Länder dar, wo seit Abschluss des CPA neue Machtzentren entstanden sind. In den alltäglichen Geschäftsbeziehungen entlang der Grenze dominieren allerdings militärische Akteure. Im konkreten Fall von Arua und der südsudanesisch-ugandischen Grenze bestimmen Machtstrukturen aus Kriegszeiten den Zugang zu Handelsgelegenheiten, die in der Nachkriegsphase noch starken Regulierungen unterliegen. Ugandische Kleinhändler – für die Versorgung des Südsudan von zentraler Bedeutung – sind in dieser Situation zunehmend durch Eingriffe der neuen südsudanesischen Staatsmacht gefährdet. Die Erfahrungen der Händler aus Arua stellen den breiten Konsens infrage, grenzübergreifender Handel sei für einen Friedensprozess grundsätzlich förderlich. Die Autoren kommen zu dem Schluss, dass Handelsbeziehungen nicht in jedem Fall dazu beitragen, ein friedliches Umfeld für die gesamte Bevölkerung zu schaffen.

Schlagwörter: Südsudan, Uganda, Friedensprozess, Transithandel