PATCHWORK STATES: THE LOCALIZATION OF STATE TERRITORIALITY ON THE SOUTH SUDAN–UGANDA BORDER, 1914–2014[*]

In 2014, Ugandan local government officials took national census enumerators to villages they claimed were inside Uganda's Moyo District, in the north-west of the country. There they were arrested by South Sudanese authorities, who insisted that this territory belonged to South Sudan's Kajokeji County. They were soon released, but the incident sparked off days of cross-border violence along ethnic lines: the international border here remains defined by a 1914 British colonial order, which sought to make it a 'tribal' boundary between the Kuku of Kajokeji and the Ma'di of Moyo.[1] Yet this conflict a century later was in many ways

[1] The author was in Kajokeji and Moyo during and after the conflict; interviews from this period of fieldwork as well as interviews in South Sudan in 2013 and 2015 and Uganda in 2017 are cited in this article. See also UN Mission in South Sudan,

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surprising and unprecedented.[2] Despite recurrent armed rebellions spilling across the border, the Kuku and Ma'di themselves had a long history of peaceful relations, intermarriage, trade and common farming livelihoods in the green hills above the west bank of the Nile. Never formally demarcated, this international border has been described as the epitome of an 'artificial' colonial boundary, resisted or ignored by local communities with enduring cross-border solidarities.[3] 'We are the same people, same blood', representatives of the closely allied national governments had declared in 2011, seeking to defuse the rising local tensions over the border.[4] So why had this boundary become such a focus of tension and conflict on the ground, and why was it the local — rather than central — government administrations on either side that were leading the competing assertions of state territorial limits?

Answering these questions entails addressing more fundamental questions about the nature and history of state territory in these countries, with implications for how we

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(n. 1 cont.)
'South Sudanese Displaced by Kajo-Keji Conflict Receive Aid Items', 25 Sept. 2014, <https://unmiss.unmissions.org/south-sudanese-displaced-kajo-keji-conflict-receive-aid-items>; Robert Obetia, 'Thousands Stranded after Conflict on South Sudan–Uganda Border', *Niles*, 25 Sept. 2014, <http://www.theniles.org/en/articles/archive/2461/>; Radio Tamazuj, 'Uganda-S Sudan Agree to "Stop Fighting" between Kuku and Ma'di', 21 Sept. 2014, <https://radiotamazuj.org/en/news/article/uganda-s-sudan-agree-to-stop-fighting-between-kuku-and-ma-di> (all accessed 5 Nov. 2018).

[2] For example, Alfred Geri, 'Implications of Moyo–Kajo-Keji Conflict', *Gurtong*, 27 Oct. 2014, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/15771/Implications-of-Moyo-Kajo-Keji-Conflict.aspx> (accessed 5 Nov. 2018).

[3] Ade. Adefuye, 'The Kakwa of Uganda and the Sudan: The Ethnic Factor in National and International Politics', in A. I. Asiwaju (ed.), *Partitioned Africans: Ethnic Relations Across Africa's International Boundaries, 1884–1984* (Lagos, 1985); Jozef Merkx, 'Refugee Identities and Relief in an African Borderland: A Study of Northern Uganda and Southern Sudan', *Refugee Survey Quarterly*, xxi (Geneva, 2002); Mark Leopold, 'Crossing the Line: 100 Years of the North-West Uganda/South Sudan Border', *Journal of Eastern African Studies*, iii (2009). For other examples of boundaries uniting rather than (or as well as) dividing 'borderlanders', see Donna K. Flynn, ' "We are the Border": Identity, Exchange, and the State along the Bénin–Nigeria Border', *American Ethnologist*, xxiv (1997); Alexander Horstmann and Reed L. Wadley (eds.), *Centering the Margin in Southeast Asia* (New York, 2006); Thomas M. Wilson and Hastings Donnan (eds.), *Border Identities: Nation and State at International Frontiers* (Cambridge, 1998).

[4] 'Resolutions of a Joint Meeting between the Republic of South Sudan and Uganda, 21–23 July 2011, Kajokeji County', Moyo District Records Office, Moyo District Council File no. CR 1203/1: Disputes.

approach state formation as a spatial process more broadly. This article draws on oral histories from Moyo and Kajokeji and largely district-level documentation to reorient our understanding of border-making and state-formation processes from the centre to the local. This approach reveals the historical and contemporary role of local-level actors in constituting state territorial sovereignty by investing in their own jurisdictional and political patches. The result has been the ongoing emergence of these states as patchworks of local government territories, making the international border simultaneously a boundary of the local state.

This argument runs counter to the tendency of scholarly and media analysis to see the intensification of local territoriality — whether understood as the resilience of primordial ethnic divisions[5] or as newer populist political reactions to globalization[6] — as a sign of the fragmentation and failure of states in Africa and beyond.[7] Such approaches often imply that state control of territory depends on the capacity and will of the centre to project or 'broadcast' its power across the periphery.[8] Yet the work of borderlands scholars has increasingly demonstrated that states can also be constructed from the outside in, as borderland inhabitants play a crucial role in giving meaning and value to national boundaries on the ground.[9] To some extent, however,

[5] For example, Ole Frahm, 'Making Borders and Identities in South Sudan', *Journal of Contemporary African Studies*, xxxiii (2015); Max Fisher, 'The Dividing of a Continent: Africa's Separatist Problem', *Atlantic*, 10 Sept. 2012.

[6] For example, Charles S. Maier, *Once Within Borders: Territories of Power, Wealth, and Belonging since 1500* (Cambridge, Mass., 2016), esp. 290–1.

[7] See, in particular, Achille Mbembe, 'At the Edge of the World: Boundaries, Territoriality, and Sovereignty in Africa', trans. Steven Rendall, *Public Culture*, xii (2000), esp. 284.

[8] Jeffrey Herbst, *States and Power in Africa: Comparative Lessons in Authority and Control* (Princeton, 2000); Frahm, 'Making Borders and Identities in South Sudan'; Malcolm Anderson, *Frontiers: Territory and State Formation in the Modern World* (Cambridge, 1996), 87. More broadly, see Christopher Clapham, 'Sovereignty and the Third World State', *Political Studies*, xlvii (1999), 525; Ronan Paddison, *The Fragmented State: The Political Geography of Power* (Oxford, 1983), esp. 12.

[9] Paul Nugent, *Smugglers, Secessionists and Loyal Citizens on the Ghana-Togo Frontier* (Oxford, 2002); Peter Sahlins, *Boundaries: The Making of France and Spain in the Pyrenees* (Berkeley, 1989); Rafe Blaufarb, 'The Survival of the Pays d'États: The Example of Provence', *Past and Present*, no. 209 (Nov. 2010); Dereje Feyissa and Markus V. Hoehne (eds.), *Borders and Borderlands as Resources in the Horn of Africa* (Woodbridge, 2010); Christopher Vaughan, Mareike Schomerus and Lotje de Vries (eds.), *The Borderlands of South Sudan: Authority and Identity in Contemporary and Historical Perspective* (New York, 2013); Horstmann and Wadley, *Centering the Margin in Southeast Asia*.

such approaches continue to replicate centre–periphery spatial models, even if they seek to reverse these by placing borderlands at the centre of the analysis. Rather than emphasizing the distinctive features of international boundaries, this article suggests that the Moyo–Kajokeji border dynamics reflect broader internal processes of boundary-making across Uganda and South Sudan.[10] And while these borderlands undoubtedly represent some of the most marginalized and alienated peripheries of either state, this centre–periphery geography has been cross-cut by the horizontal tensions between neighbouring territories and partially counteracted by the resulting local appeals to higher state authority.

This article thus explores the territorial implications of approaches to state formation that have sought to replace centre–periphery models with an emphasis on the centrality of the local state. The term 'patchwork' is intended not only to describe patterns of state territoriality but also as a spatial metaphor for the way in which state authority has been co-produced through local engagement and appropriation. As scholars have increasingly argued in relation to other periods and places, this 'localization of state power' has been central to state formation rather than a sign of state weakness or fragmentation.[11]

It is not unusual, of course, to describe states and nations as patchworks of regions, localities, ethnicities or federated units.

[10] On the neglected significance of internal state territoriality, see Peter Vandergeest and Nancy Lee Peluso, 'Territorialization and State Power in Thailand', *Theory and Society*, xxiv (1995).

[11] Steve Hindle, *The State and Social Change in Early Modern England, c.1550–1640* (Basingstoke, 2000), 23. See also, for example, Akhil Gupta, 'Blurred Boundaries: The Discourse of Corruption, the Culture of Politics, and the Imagined State', *American Ethnologist*, xxii (1995); Philip Whalen and Patrick Young (eds.), *Place and Locality in Modern France* (London, 2014); Madeleine Reeves, Johan Rasanayagam and Judith Beyer (eds.), *Ethnographies of the State in Central Asia* (Bloomington, 2014); Thomas Blom Hansen and Finn Stepputat (eds.), *States of Imagination: Ethnographic Explorations of the Postcolonial State* (Durham, NC, 2001); Christian Lund, *Local Politics and the Dynamics of Property in Africa* (Cambridge, 2008); Catherine Boone, *Political Topographies of the African State: Territorial Authority and Institutional Choice* (Cambridge, 2003); Jocelyn Alexander, *The Unsettled Land: State-Making and the Politics of Land in Zimbabwe, 1893–2003* (Oxford, 2006); Naseem Badiey, *The State of Post-Conflict Reconstruction: Land, Urban Development and State-Building in Juba, Southern Sudan* (Woodbridge, 2014); Chris Vaughan, *Darfur: Colonial Violence, Sultanic Legacies and Local Politics, 1916–1956* (Woodbridge, 2015); Tobias Hagmann and Didier Péclard, 'Negotiating Statehood: Dynamics of Power and Domination in Africa', *Development and Change*, xli (2010).

But often the implication is that states have been superimposed onto prior, smaller territorial identities or polities.[12] Instead this article uses the term 'patchwork' more precisely to characterize the mutual constitution of local and national state territories. The metaphor is particularly apt because a patchwork involves the fabrication of both the individual patches and the overall quilt. The 'patches' in Sudan and Uganda did not lie intact waiting for state power to stitch them together, but have been imagined, drawn, cut and sewn — and recut and resewn — by multiple actors engaged and invested in state territoriality at the local level.[13] In turn, the state is not a mere 'décor' or 'façade', as has been argued in relation to the postcolonial African state more widely,[14] but is fundamentally *made* of these constituent patches. A patchwork can be reworked, unstitched and re-stitched, thus emphasizing territory as a 'work' always in progress. It can be rough and messy, allowing for the fraying of seams and entanglements of prior geographies in the production of state territory. As political geographers emphasize, 'entanglement' is a similarly useful spatial metaphor for describing the 'threadings, knottings and weavings' of power relations as these are 'spun out across and through the material spaces of the world'.[15] The material environment has also given patterns to the political construction of space:[16] natural features are seen as a source of historical evidence in continuing debates

[12] For example, Alon Confino, 'The Nation as a Local Metaphor: Heimat, National Memory and the German Empire, 1871–1918', *History and Memory*, v (1993), esp. 48; Linda Colley, *Britons: Forging the Nation, 1707–1837*, 2nd edn (New Haven, 2005), 17. For similar implications in recent Russian state discourse, see Emil Persson, 'Tears in the Patchwork: The Sochi Olympics and the Display of a Multiethnic Nation', *Euxeinos*, xii (2013).

[13] See also Paul Nadasdy, 'Boundaries among Kin: Sovereignty, the Modern Treaty Process, and the Rise of Ethno-Territorial Nationalism among Yukon First Nations', *Comparative Studies in Society and History*, liv (2012), 503.

[14] Patrick Chabal and Jean-Pascal Daloz, *Africa Works: Disorder as Political Instrument* (Oxford, 1999), 15–16.

[15] Joanne P. Sharp *et al.* (eds.), *Entanglements of Power: Geographies of Domination/ Resistance* (Abingdon, 2000), ch. 1, p. 24 (editors' intro.). The term is used similarly by Mark Pittaway, 'National Socialism and the Production of German–Hungarian Borderland Space on the Eve of the Second World War', *Past and Present*, no. 216 (Aug. 2012), 152.

[16] See Stuart Elden, 'Legal Terrain: The Political Materiality of Territory', *London Review of International Law*, v (2017); Joost Fontein, *Remaking Mutirikwi: Landscape, Water and Belonging in Southern Zimbabwe* (Woodbridge, 2015); and for a broader perspective on human–material entanglements, see Ian Hodder, *Studies in Human–Thing Entanglement* (2016).

over the South Sudan–Uganda border, for example, and played an active role in determining working boundary lines made on the ground by local officials.[17]

A patchwork state is not, then, simply a conglomeration of smaller entities or identities (as any state might appear), but a dynamic work-in-process in specific contexts where local territories emerge through and as a fundamental part of state formation. Such processes are particularly apparent in many African contexts, where twentieth-century colonialism entailed an unprecedented attempt to contain, govern and define people within bounded territories.[18] The shift from personal, plural and overlapping jurisdictions to territorial sovereignty occurred as a much longer-term process in Western Europe, for example.[19] But European governments took an increasing interest in defining and defending their boundaries and, from the late eighteenth century, in unifying and controlling the fabric of national space.[20] In contexts like Sudan and Uganda, by contrast, governance strategies have instead worked to accentuate and multiply the internal seams. While territory may be an outcome of state formation everywhere, its particular patchwork patterns in these contexts reflect political and economic dynamics that have rendered territorial control and identification more important for political power and resource access at the local level than at the national level. These dynamics will be explored through the rest of the article and include recurrent decentralization programmes, changing land values and the territorialization and politicization of ethnicity as the basis for citizenship.

The sporadic and limited interest of central governments in defining or demarcating the boundary between Uganda and Sudan (now South Sudan) is apparent in the archival record

[17] Interview with clan land custodian and former local government officer, Kajokeji, South Sudan, 16 Sept. 2014.

[18] Christopher J. Gray, *Colonial Rule and Crisis in Equatorial Africa: Southern Gabon ca. 1850–1940* (Rochester, NY, 2002), 19; Carola Lentz, 'Decentralization, the State and Conflicts over Local Boundaries in Northern Ghana', *Development and Change*, xxxvii (2006); Gillian Mathys, *People on the Move: Frontiers, Borders, Mobility and History in the Lake Kivu Region 19th–20th Century* (Ghent Univ. Ph.D. thesis, 2014).

[19] Sahlins, *Boundaries*.

[20] Maier, *Once Within Borders*; Charles Tilly, *Coercion, Capital, and European States, AD 990–1992* (Cambridge, Mass., 1990).

and previous studies of the border.[21] The new perspective presented in this article on local-level investment in state boundaries derives from new documentary and oral sources as well as from the analytical approach to state formation outlined above. Interviews and local-level documentation produced in Moyo and Kajokeji immediately before and after the 2014 conflict narrated the history of the international border through a series of key markers in both space and time, in order to evidence contemporary territorial claims. The conflict context no doubt produced newly virulent rival assertions of the border — both oral histories and the archival record simultaneously emphasized the historical prevalence of more peaceful cross-border relations. But the very production of rival historical narratives is an aspect of the local investment in the international boundary with which this article is concerned. As Newman and Paasi argue, it is through such narratives that boundaries are constructed;[22] telling the story of the border through key moments in time was working to fix its location in people's spatial imaginaries, demonstrating the temporal and processual nature of territory. The article therefore takes these narratives seriously and in their own terms, not to suggest that the boundary has always been as significant or contentious as in recent years, nor to try to verify one or other side of the story, but because they reveal what local actors have identified as the key moments and factors in a long-term process by which the international boundary came to be a focus of conflict — something that they too often described as a historical puzzle. These key moments also appear in the archival records, along with the repeated initiatives by local government officials, chiefs, councillors and politicians to try to define and demarcate the international boundary in the face of central government disinterest. Strikingly, both oral and documentary sources also revealed similar struggles over internal boundaries, as the unfulfilled colonial vision of bounded 'tribal' territories has

[21] Douglas H. Johnson, *When Boundaries Become Borders: The Impact of Boundary-Making in Southern Sudan's Frontier Zones* (London, 2010), 101–4; Faisal Abdel Rahman Ali Taha, 'The Sudan–Uganda Boundary', *Sudan Notes and Records*, lix (1978); Ian Brownlie, *African Boundaries: A Legal and Diplomatic Encyclopaedia* (London, 1979), 1002–10; Leopold, 'Crossing the Line'.

[22] David Newman and Anssi Paasi, 'Fences and Neighbours in the Postmodern World: Boundary Narratives in Political Geography', *Progress in Human Geography*, xxii (1998).

increasingly become the basis for the administrative and political geography of both Uganda and South Sudan.

The border between the Nile and Kaya rivers (now Kajokeji's border with Moyo and Yumbe Districts of Uganda) exemplifies the colonial attempt to base state boundaries on tribal territories (see Map). A 1914 Order of the British Secretary of State for the Colonies remains the only legal definition of the boundary, despite geographical inaccuracies and its problematic use of 'the southern limits of the Kuku tribe' to define part of this stretch.[23] Even a later British colonial official in Uganda pronounced this 'the world's most idiotic' boundary description, asking 'If the Kuku tribe decide to move, do they carry the international boundary with them?'[24] Yet this is a question which has continued to be asked of internal administrative jurisdictions in these states — are they exercised over (mobile) subjects or over bounded territories? The continuing disputes over this question demonstrate that the constitution of territory is an ongoing and incomplete process.[25]

By defining part of the Sudan–Uganda boundary in such tribal terms and more generally assuming ethnic identities to be territorial, the British colonial administrations established a basis for changing and emerging local definitions of ethnic territory to work their way into rival assertions of the boundary line. Section I of this article therefore begins by exploring recent, predominantly oral, local accounts of territorial history in this borderland to emphasize the impossibility of entirely disentangling 'indigenous' from 'government' territorialities or uncovering a distinct pre-colonial basis for the current patchwork. Section II argues that the colonial ambition to map and fix people within boundaries was repeatedly undone by the limits of central government capacity or will, and by the resistance of borderland inhabitants, but that the patchwork state territories nevertheless began to take shape through the initiative of local government actors between the 1920s and 1940s. Section III contends that, despite an increased

[23] On geographical inaccuracies regarding streams, see *Imperial Boundary Making: The Diary of Captain Kelly and the Sudan–Uganda Boundary Commission of 1913*, ed. G. H. Blake (London, 1997), p. xxv (editor's intro.).

[24] Walter R. Bazley, 'Reminiscences as District Officer in Uganda' (n.d.), Bodleian Libraries Commonwealth and African Collections, Oxford (hereafter Bodleian Library), MSS.Afr.s.924.

[25] See also Stuart Elden, *The Birth of Territory* (Chicago, 2013); Maier, *Once Within Borders*.

MAP

SUDAN–UGANDA BOUNDARY PROPOSALS AND ADMINISTRATIVE AGREEMENTS BETWEEN NILE AND KAYA RIVERS (ALL LINES APPROXIMATE)
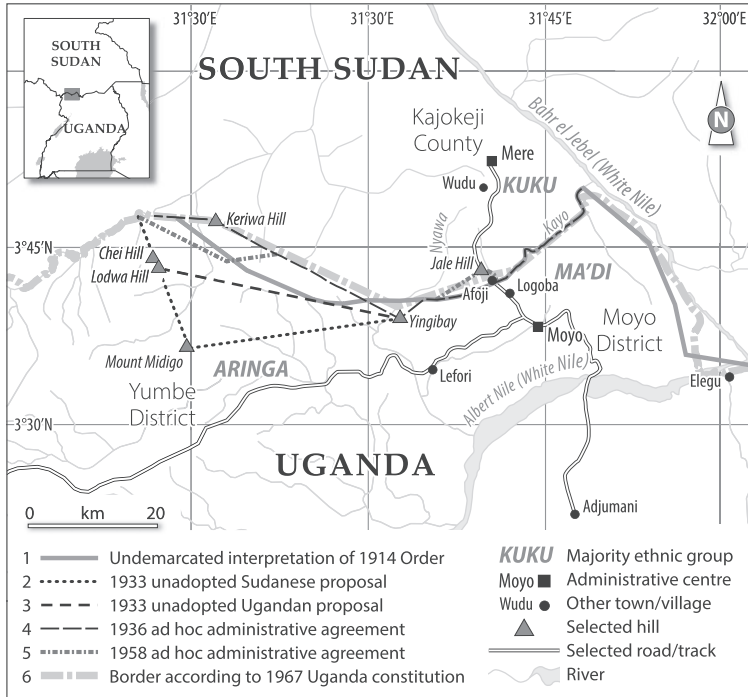
© **MAP***grafix* 2019   Based on a map for The Rift Valley Institute

Line 1 based on Sudan Survey Department 1:250,000 maps 86-A and 86-B, showing undemarcated international boundary, including 'Approximate Boundary described as "following the southern boundary of the Kuku tribe" ', Sudan Archive, Durham. Lines 2–4 based on 'Sketch illustrating the alignment of the boundary reached by compromise in 1936', enclosed in M. Lloyd, Directorate of Colonial Surveys, Surbiton, to I. S. Wheatley, Colonial Office, 9 April 1956, TNA, CO 822/954. Lines 4 and 5 shown on 'Sketch map to illustrate the ad hoc administrative agreement', enclosed in Acting Governor of Uganda to Iain Macleod, Secretary of State for the Colonies, 20 Dec. 1960, TNA, CO 822/2818.

central government investment in asserting territorial sovereignty around and after Sudanese and Ugandan independence, it was largely at the local state level that the international boundary was a focus of concern and action in the period from the 1950s to 1980s. The final section of the article focuses on the parallel policies of decentralization espoused both in Uganda by the

ruling National Resistance Movement since 1986, and in South(ern) Sudan by the Sudan People's Liberation Movement/ Army (SPLM/A) during its war against the Sudan government (1983–2005) and its establishment of new state structures in advance of South Sudan's independence in 2011. This period has seen an intensification of local government territoriality, encouraged also by the channelling of international development resources to the local level and by the commercialization of land and natural resources. As boundary disputes have proliferated, the entanglement of multiple territorial layers and logics has become more evident than ever in the ongoing production of these states as patchworks.

I

A PRE-COLONIAL PATCHWORK?

Africanist historians often contrast pre-colonial/indigenous and colonial forms of territoriality, and associate the latter with the imposition of linear boundaries and more ethnically defined and exclusionary ideas of territory.[26] Yet interviewees in Kajokeji and Moyo were swift to assert that 'boundaries are known' and to emphasize the deep historicity of the territorial arrangements that upheld their competing definitions of the international boundary. Their accounts, however, drew on multiple threads of legitimation for their territorial claims, from oral traditions of ancestral migration to the markers of colonial and post-colonial boundaries. There were some national differences in these accounts: Ugandans often evoked legalism and technical expertise, asserting that the boundary had already been defined with GPS coordinates in Uganda's 1967 constitution and simply needed to be demarcated, while pointing to various 'illegal' incursions by South Sudanese since the 1990s.[27] South

[26] For example, David Gordon, 'Owners of the Land and Lunda Lords: Colonial Chiefs in the Borderlands of Northern Rhodesia and the Belgian Congo', *International Journal of African Historical Studies*, xxxiv (2001), 318; Bill Bravman, *Making Ethnic Ways: Communities and their Transformations in Taita, Kenya, 1800–1950* (Portsmouth, 1998), 108–16; Günther Schlee and Abdullahi A. Shongolo, *Pastoralism and Politics in Northern Kenya and Southern Ethiopia* (Woodbridge, 2012), 26–32; Carola Lentz, *Ethnicity and the Making of History in Northern Ghana* (Edinburgh, 2006).

[27] Interview with male district councillor, Moyo, Uganda, 24 May 2017; Petition of the people of Moyo District to the Parliament of Uganda, presented by Hon. Alero Aza Tom, MP, West Moyo County (n.d., *c*.2012), copied by the author at the Lefori Sub-County Office, Moyo District, Uganda, on 13 Oct. 2014.

Sudanese in Kajokeji reached much further back in history to support their claims that 'the southern boundary of the Kuku tribe' reached well south of the Ugandan constitutional definition, even claiming that there had once been a boundary signpost on Lake Albert, or in Moyo town.[28] At the same time they asserted ancestral Kuku land rights in the borderlands, based on the histories of individual 'clans'. These different claims show that the threads of contemporary territoriality cannot simply be disentangled to reveal an underlying pre-colonial patchwork, though the idea that such a patchwork exists has long been asserted as the basis for boundary definitions by a range of state actors.

The South Sudanese references to historic boundary markers located deep in what is now Ugandan territory — though dismissed as ludicrous by Ugandans — are rooted in the messy history of imperialism and boundary adjustments in the region.[29] This was a frontier zone even in the mid to late nineteenth century, at the violent edges of ivory and slave trading emanating both northwards from the east African coast via the lacustrine kingdoms, and southwards from Sudan and Egypt, closely followed by the expanding frontier of Turco-Egyptian imperialism. The latter reached into what is now northern Uganda until the overthrow of Turco-Egyptian rule by Mahdist forces in the 1880s. Initially a focus of intense interest for European explorers, by the 1890s the upper Nile had become the object of competing European imperialisms. The Belgians were first to establish a presence on the ground and a claim to territory that would eventually be restricted by the 1906 Anglo-Congolese Agreement to a lifetime lease of the 'Lado Enclave' to King Leopold. Upon his death in 1909, the Enclave was incorporated into the Anglo-Egyptian Condominium of the Sudan, which had been established by the British-led 'reconquest' in 1899. For a brief period between 1911 and 1914, the West Nile region of Uganda, including what is now Moyo District, was indeed

[28] Interviews with two clan land custodians, Wudu, Kajokeji County, South Sudan, 19 Sept. 2014; with male teacher/historian/political officer, Wudu, Kajokeji County, South Sudan, 28 Sept. 2014; and with young male spokesperson for a Kuku ethnic association, Juba, 22 July 2015.

[29] See Leopold, 'Crossing the Line'; Robert O. Collins, *King Leopold, England and the Upper Nile, 1899–1909* (New Haven, Conn., 1968); Robert O. Collins, 'Sudan–Uganda Boundary Rectification and the Sudanese Occupation of Madial, 1914', *Uganda Journal*, xxvi (1962).

administered from Kajokeji in Sudan. But the British administrations of Sudan and Uganda soon decided to adjust their boundary to include the West Nile region in Uganda in return for Sudan acquiring territory east of the Nile. This history of dramatically shifting boundaries explains some of the more extreme South Sudanese claims to Ugandan territory now, and is also expressed in local stories of boundary marker stones being carried back and forth by various individuals from each side until they were eventually left somewhere in the middle.[30]

That boundaries move with people is also implicit in the territorial logic embedded in clan histories and ideas of spiritual authority over land. Oral traditions focus not on tribal origins of 'the Kuku' or 'the Ma'di' but on the origins and relations of the numerous clans that are now said to make up these ethnic groups. Each exogamous clan is said to be descended patrilineally from a particular heroic ancestor who migrated from elsewhere to settle as the 'firstcomer' in the place now defined as clan territory (usually several square miles in extent). One of his direct descendants inherits ritual responsibility for this clan land as its 'custodian' or 'landlord'. Oral traditions also tell of other people who came later and were invited to settle around the firstcomers to act like a protective 'fence'; again there is the idea that people can constitute a boundary.[31] 'It is like a *zariba* [fenced/fortified enclosure]: those in the north, south, east and west defend us and we landlords are here in the middle. And [we] intermarry with these tribes until they become one now'.[32] In common with many other African oral traditions, these accounts reveal the inclusive and flexible nature of clan kinship and territoriality, in which clans sought to build strength in numbers, or 'wealth-in-people', by absorbing newcomers through marriage, alliance or subordination.[33]

[30] Interviews with local politician from Kajokeji in Juba, South Sudan, 5 Aug. 2013, and with young male spokesperson for a Kuku ethnic association, Juba, South Sudan, 22 July 2015.

[31] Interviews with male clan land custodian, Saregoro, Kajokeji County, South Sudan, 15 Sept. 2014, and with local politician/businessman, Kajokeji County, South Sudan, 23 Sept. 2014.

[32] Interview with male clan land custodian and former local government officer, Wudu, Kajokeji County, South Sudan, 16 Sept. 2014.

[33] Igor Kopytoff (ed.), *The African Frontier: The Reproduction of Traditional African Societies* (Bloomington, 1987); Jane I. Guyer, 'Wealth in People, Wealth in Things:

Nowadays clan territories are often asserted to be clearly bounded: 'Every person knows the boundaries, because we are divided into clans and the clan boundaries are known'.[34] Yet at the same time boundary-drawing is considered a morally and spiritually dangerous exercise, connoting an antisocial divisiveness. Like falsely claiming land or disputing boundaries, it is seen to provoke the dangerous spiritual forces associated with the soil and streams. Land custodians are said to point out boundaries to people, but 'they don't put marks like a signpost; they use natural things, like trees, streams, hills. If any of us uses a hoe and starts making a boundary, that is already a curse' — 'that is a sign of division and it will bring curses, death'.[35] In effect, this means that boundaries are constituted in the knowledge and memory of clan land custodians and other respected elders (preserving a central role for them in boundary disputes) more than they are visible on the ground — a technique of territoriality not entirely different from the existence of boundaries as lines on maps, interpretable on the ground only by those with the necessary technical expertise and equipment.[36]

Clan traditions thus suggest the existence of territory before or beneath the creation of states, in the sense that the firstcomer/custodian families claim to have long exercised exclusive — albeit largely ritualized and latent — authority over land and its resources within bounded clan territories, which form an intricate small-scale patchwork across the region. But this depiction is complicated by the limits of clan-based authority and existence of multiple wider forms of political power, such as rainmakers or local allies of the nineteenth-century commercial and military forces.[37] Oral

(n. 33 cont.)
Introduction', *Journal of African History*, xxxvi (1995); Gray, *Colonial Rule and Crisis in Equatorial Africa*; Carola Lentz, *Land, Mobility, and Belonging in West Africa* (Bloomington, 2013).

[34] Interview with young male journalist from Kajokeji in Juba, South Sudan, 8 Sept. 2014.

[35] Interviews with two male state government officials from Kajokeji in Juba, South Sudan, 14 Sept. 2010; with a male church pastor, Wudu, Kajokeji County, South Sudan, 20 Sept. 2014; and with a clan land custodian, Leikor, Kajokeji County, South Sudan, 21 Sept. 2014. See also Zoe Cormack, 'Boundaries are Galaxies: Interpreting Contestations over Local Administrative Boundaries in South Sudan', *Africa*, lxxxvi (2016).

[36] See also Elden, *The Birth of Territory*, 15.

[37] Cherry Leonardi, *Dealing with Government in South Sudan: Histories of Chiefship, Community and State* (Woodbridge, 2013).

traditions are also influenced by changing understandings of clan territoriality in the twenty-first century as the increasing monetization of land transactions has given new value to the ritual and historical expertise claimed by land custodians. As we shall see, increasing disputes over administrative boundaries have further entangled and politicized clan boundaries in the assertion of larger ethnic territories. Yet the strikingly consistent thing about the clan traditions is that they tell of multiple origins: all the founding fathers of clans in both Kajokeji and Moyo are said to have come from other places and from different ethnic origins; the same clans are also found now within different ethnic groups.[38] The process of becoming Kuku or Ma'di appears to have emerged through co-residence in a particular area and the gradual ascendancy of one or other language and identity.

This is a process that was certainly encouraged, if not coerced, by colonial administrations. European colonialists arrived in the region on the expansionist tide of confidence in their technological capacity to control vast territory and with a zeal for imposing 'a geometry of lines and areas', as they already had across much of Europe and beyond.[39] Yet boundaries were not simply decided by arbitrary haggling and line-drawing in European boardrooms.[40] For the broader cartographic obsession of the nineteenth century also sought the control and categorization of space *within* territories, exemplified in the Great Trigonometrical Survey of India — though the illusory power of maps frequently belied the limits of imperial knowledge and the complex realities on the ground.[41] In much of Africa the illusion of colonial order rested on 'tribal' categorizations. From the earliest stages of boundary negotiation in what would become the Sudan–Uganda

[38] Interview with local politician/businessman, Kajokeji County, South Sudan, 23 Sept. 2014. See also Leopold 'Crossing the Line', 137–8; Emory Bundy, 'Madi', in Joel D. Barkan *et al.*, *Uganda District Government and Politics, 1947–1967* (Madison, 1977), 273; Tim Allen, 'Social Upheaval and the Struggle for Community: A Study of the Ugandan Madi' (Univ. of Manchester Ph.D. thesis, 1993).

[39] Maier, *Once Within Borders*, 215.

[40] See also Simon Katzellenbogen, 'It Didn't Happen at Berlin: Politics, Economics and Ignorance in the Setting of Africa's Colonial Boundaries', in Paul Nugent and A. I. Asiwaju (eds.), *African Boundaries: Barriers, Conduits and Opportunities* (London, 1996).

[41] Maier, *Once Within Borders*, 230; Matthew H. Edney, *Mapping an Empire: The Geographical Construction of British India, 1765–1843* (Chicago, 1997); Steven Seegel, *Mapping Europe's Borderlands: Russian Cartography in the Age of Empire* (Chicago, 2012).

borderlands, the same logics of 'tribal mapping' were thus at work in both internal and inter-colonial territorial ordering. During the protracted Anglo-Belgian negotiations over the Lado Enclave, King Leopold's negotiator produced 'an elaborate tribal map of the southern Sudan', derided by British negotiators as 'a fantastic combination of the King's imagination and Junker's explorations made some twenty years before'.[42]

The British were soon engaged in their own attempts at such mapping, and decided in 1911 that the new boundary between the Anglo-Egyptian Sudan and the Uganda Protectorate 'should be a tribal one'.[43] To the west of the Nile, the subsequent Boundary Commission was instructed to identify a line that would separate Bari language-speakers, that is Kuku and Kakwa, from the Ma'di and Lugbara, despite a Ugandan report of close relations between Kuku and Ma'di.[44] The first British administrator in Kajokeji, Captain Chauncey Stigand, was particularly fond of stereotyping entire tribes, and had already decided in 1911 that the Kuku around his headquarters were of a 'peaceful disposition' while the Ma'di were 'a treacherous and cowardly people'. He also reported that the Kayu/Ayo stream was 'the boundary between the Madi and Kuku country', a definition that would be included in the Commission's decision.[45] Yet in a more detailed account published posthumously, Stigand noted the very recent migrations in the area (reporting that some Kuku had previously lived south of the Kayu stream), and the ethnic 'mixture' in many areas.[46]

Captain Kelly, Chief Commissioner of the Sudan–Uganda Boundary Commission, casually acknowledged that creating a tribal boundary might necessitate 'the transplanting of a few villages' and that 'it should remain with the officials conversant with actual local conditions to arrange the exact line which will most conveniently separate the mixed population'. Despite this presumptive confidence in the colonial capacity for territorial

[42] Collins, *King Leopold*, 122, cited in Leopold, 'Crossing the Line', 466.

[43] Viscount Kitchener to Edward Grey, Cairo, 27 Oct. 1911, The National Archives, London (hereafter TNA), WO 181/236.

[44] Collins, 'Sudan–Uganda Boundary', 144; Leopold, 'Crossing the Line', 469; F. J. Jackson, Governor of Uganda, to Lewis Harcourt, Secretary of State for the Colonies, 14 Mar. 1912, TNA, WO 181/236.

[45] Sudan Intelligence Report 198, Jan. 1911, TNA, WO 106/6224; Leopold, 'Crossing the Line' 469. This stream is called Kayo by the Kuku and Ayo by the Ma'di.

[46] C. H. Stigand, *Equatoria: The Lado Enclave* (London, 1923), 69–92.

reorganization, he admitted that 'the boundary recommended is not based on first-hand knowledge'.[47] The Sudan Director of Surveys suggested 'that a definite settlement should stand over until a reliable map has been prepared', and the Sudan government therefore only agreed to the publication of the Uganda Order on 21 April 1914 'as a provisional measure'.[48]

The governments of Sudan and Uganda did not make any immediate effort to clarify the boundary, however. Instead, as the Commission had advised, it was left to provincial and district administrators on the ground to try to make sense of it. From the outset, these local officials were as or more preoccupied with mapping and organizing internal territory. The first British administrator of the new West Nile District of Uganda (including Moyo), A. E. Weatherhead, met Stigand soon after his arrival and was clearly influenced by the latter's categorization of tribes in the area and his goal of amalgamating small communities under chiefs in order ultimately to build 'tribal' administration.[49] Weatherhead complained about the ethnic mixing in the district, including Kuku among Ma'di — a situation he set out to remedy by trying to establish clear boundaries between 'tribes', if necessary by moving settlements.[50] Once again, however, colonial confidence outweighed actual knowledge: a later British officer serving in the same district described a map drawn by Weatherhead in 1920 as 'not merely inaccurate, but completely wrong. Whole tribes are shown in the wrong places, rivers flow in the reverse directions, and distances are mistaken by hundreds per cent'.[51]

The creation of the Sudan–Uganda boundary was flawed from the outset by the gap between European cartographic confidence and actual geographic knowledge, and more fundamentally by the assumption that a 'tribal' chequerboard should be the basis

[47] H. H. Kelly to Governor-General of the Sudan, 'Sudan–Uganda Boundary Rectification', 22 Apr. 1913, Sudan Archive Durham (hereafter SAD), Wingate Papers 186/1/293; also in Sudan Intelligence Report 228, July 1913, TNA, WO 106/6225.

[48] Kitchener to E. Grey, Cairo, 8 May 1914, TNA, WO 181/236.

[49] Mark Leopold, *Inside West Nile: Violence, History and Representation on an African Frontier* (Oxford, 2005), 105–6.

[50] A. E. Weatherhead, Annual Report on West Nile District, Uganda, 1914/15, Bodleian Library, MSS.Afr.s.586; Allen, 'Social Upheaval and the Struggle for Community', 113.

[51] Bazley, 'Reminiscences as District Officer', 168.

for territorial governance within and between colonial states. This set up a lasting tension between 'the social definition of territory' among pre-colonial clans, and the 'territorial definition of society' imposed by colonial states;[52] between the flexibility and fluidity of clan affiliation, authority and settlement patterns and the colonial vision of a permanent and precise tribal boundary. The partial entanglement of clan territories into a new patchwork of ethnic, administrative and national territorialities would be a complicated and gradual (indeed still ongoing) process that was little noticed or remarked by colonial officials. Yet this process would draw clan territoriality into even the highest levels of inter-colonial border negotiations by the 1930s.

II

AN EMERGING PATCHWORK: LOCAL TERRITORIALIZATION UNDER COLONIAL ADMINISTRATION, 1920s–1940s

After the First World War, colonial territorial ambitions were largely confined within agreed boundaries and directed towards the ordering of space within these. In this 'age of territory', Maier emphasizes the spreading and powerful idea that identity space and political space should be congruent.[53] In the African context this manifested in colonial attempts to construct territorial hierarchies of chiefdoms and ethnically defined local government districts, within which subjects could be controlled and taxed.[54] Boundaries between colonial territories were now subject less to European rivalries than to the same imperatives of containment and regulation of colonial subjects that drove internal territorial ordering. This was given added urgency in the case of the Sudan–Uganda boundary by concerns about the northward spread of sleeping sickness. But even in this era, colonial ambitions to map, impose and regulate boundaries did not follow through into the creation of a clear boundary line between Sudan and Uganda, or succeed in confining people within territorial chiefdoms, districts or colonies. That these territories began to materialize owes far more instead to the

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[52] Gray, *Colonial Rule and Crisis in Equatorial Africa*, 19.
[53] Maier, *Once Within Borders*, 3.
[54] Mbembe, 'At the Edge of the World', 265–6; Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, 1996).

initiative of local administrators and chiefs with more direct interests in clarifying or extending the boundaries of their jurisdictional patches.

The sleeping sickness campaign was one of the most centrally directed interventions in the borderlands, yet the boundary that it created was not a clear line but a wide uninhabited no-man's-land, which in the long run has contributed more confusion than clarity to the borderline. The creation of boundaries as sanitary cordons has earlier parallels in European history.[55] In colonial Africa, the whole approach to sleeping sickness was territorial and focused on preventing its spread across borders.[56] This justified the creation of 'an uninhabited belt of ten miles on each side of the Sudan–Uganda boundary' through a coercive resettlement programme.[57] 'My uncles resisted moving, so the British administration set their houses on fire to drive them out of the land by force'.[58] Colonial officers and Anglican missionaries in Sudan reported continuing cross-border movement on hidden pathways by people 'visiting their Uganda relatives', despite the threat of punishment.[59] But the extended relocation of the borderland inhabitants was nevertheless brought up by interviewees as a key aspect of boundary creation:

> The [clan] are in both South Sudan and Uganda; I am from the Uganda side . . . The [clan members] here speak Ma'di and there they speak Kuku. The British . . . divided us into Ugandans and Sudanese; we became Ma'di and Kuku . . . [The clan members] on both sides know each other and do not intermarry; we have one grandfather. Because of sleeping sickness,

[55] Sahlins, *Boundaries*.

[56] Heather Bell, *Frontiers of Medicine in the Anglo-Egyptian Sudan, 1899–1940* (Oxford, 1999); Maryinez Lyons, *The Colonial Disease: A Social History of Sleeping Sickness in Northern Zaire, 1900–1940* (Cambridge, 1992); Maryinez Lyons 'Foreign Bodies: The History of Labour Migration as a Threat to Public Health in Uganda', in Nugent and Asiwaju (eds.), *African Boundaries*.

[57] Sleeping Sickness Annual Report 1923, National Records Office, Sudan (hereafter NRO), Mongalla 1/6/39. See also Equatoria Province Monthly Diary, Apr. 1947, Mar. 1949, NRO, Dakhlia 57/2/5; Yei District Monthly Diary, May–June 1942, Dec. 1943, Feb., Apr. 1944, NRO, Equatoria 2/24/87; Leopold, 'Crossing the Line', 470; Collins, 'Sudan–Uganda Boundary'; Allen, 'Social Upheaval and the Struggle for Community', 126.

[58] Interview with senior official from Kajokeji in the state government, Juba, 7 Sept. 2014.

[59] Rev. Finch, Kajo Kaji Annual Letter, 10 July 1935, Church Missionary Society Archive, Birmingham (hereafter CMS), G3 AL; Sleeping Sickness Annual Report, 1923, NRO, Mongalla 1/6/39.

the British took us to Marale, near the Nile, and those on the other side were moved to Kansuk, so that divided [the clan].[60]

While sleeping sickness was in itself a very real concern, it also provided district officials with the opportunity to resettle people in more concentrated villages along the roads and closer to the government-recognized chiefs. Both colonial administrations had established a new institution of chiefship, known among Bari-speakers like the Kuku as the *matat lo gela/miri*, 'the chief of the whites/government'.[61] In both Kajokeji and Moyo, the recognized chiefs had some prior authority as rainmakers or war leaders. But the idea of a single chief having executive authority over multiple clans was alien, and their new role as the tax collectors and enforcers of colonial orders was often a fraught one. The governments gave them their own courts and police to enhance their authority, and sought to establish territorial chiefdoms within which they would collect taxes and maintain roads. But chiefly jurisdiction retained considerable uncertainty as to whether it was strictly territorially defined, as the governor of Sudan's Equatoria province (in which Kajokeji sub-district was located) complained in 1947:

We must have things in terms of territorial as opposed to tribal or clan administration, though of course the ideal is for the two to administer [*sic*]. We cannot permit persons to live in one Chiefs [*sic*] area and owe allegiance to another chief. If people want to change their chief they must also be prepared to move their villages and cultivations.[62]

Recent oral accounts reflect this uncertainty:

Our people settled around the valleys and hills, but the British moved them to live along the roads . . . So proper demarcation of boundaries was not easy — you find people from a particular clan were living far away from their indigenous community. So the chief had to go a long way to

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[60] Interview with male local councillor, Logoba, Moyo District, Uganda, 14 Oct. 2014. Also interviews with a female district councillor whose clan was similarly divided by the border, Moyo, Uganda, 10 Oct. 2014; with male retired engineer known as a Kuku community elder, Juba, 3 Aug. 2013; with a senior official from Kajokeji in the state government, Juba, 7 Sept. 2014; and with two clan land custodians, Wudu, Kajokeji County, South Sudan, 19 Sept. 2014. Evidence of deserted settlements lying 'squarely' across the later administrative border was noticed by a British DC of West Nile District, Uganda, in 1958: Bazley, 'Reminiscences as District Officer', 226–8.

[61] Leonardi, *Dealing with Government in South Sudan*.

[62] B. V. Marwood, Governor of Equatoria Province, to DC Juba District, 29 Mar. 1947, South Sudan National Archives, Juba (hereafter SSNA), EP 66.D.8.

collect taxes from those people somewhere, crossing many boundaries on the way.[63]

Perhaps reflecting change over time, others asserted the opposite: 'People knew in the British time where the tax collection boundaries were because chiefs cannot collect tax in another area'.[64] In an attempt to keep control of people within chiefdoms, chiefs had to keep registers of taxpayers (that is, adult men) and update these annually; compulsion and remuneration for tax collection gave chiefs a vested interest in trying to keep people within their jurisdiction.[65] As the Sudan administration began to condone cross-border labour migration to the plantations in southern Uganda, it was chiefs and elders in Equatoria who complained about its 'very unsettling effect' and the loss of the young men's labour and taxes.[66] In the later 1930s, chiefs were also made responsible for issuing the official sleeping sickness passes required to cross the border legally (and which were contingent on the payment of poll tax), giving them a further role in border governance.[67]

The devolution of tax collection to local chiefs and district officials would be a recurrent factor motivating local-level attempts to clarify and enforce the Sudan–Uganda boundary, in order to define the boundaries of local taxation regimes. It prompted the first local-level attempt to demarcate a clearer line in the early 1930s, when the neighbouring British district commissioners (DCs) conducted a 'border march' with their chiefs to agree 'provisionally, where the boundary was' by marking 'prominent trees' and 'rocky outcrops'.[68] The creation of the border thus involved the entwining of British officials' and

[63] Interview with male local politician from Kajokeji, Juba, 9 Sept. 2014. Also interviews with male clan land custodian, Mondikolok, Kajokeji County, South Sudan, 13 Sept. 2014; with village headman, Kajokeji County 17 Sept. 2014; and with male local politician, Kajokeji County, 24 Sept. 2014.

[64] Interview with male teacher/historian/political officer, Wudu, Kajokeji County, South Sudan, 28 Sept. 2014.

[65] See also Lentz, 'Decentralization, the State and Conflicts over Local Boundaries in Northern Ghana', 905–6.

[66] Equatoria Province Monthly Diary, Mar. 1938, NRO, CS 57/7/29; Equatoria Province Monthly Diary, Sept. 1941, NRO, CS 57/14/53; F. J. Finch, 1939 Diocesan Review, CMS, G3 S1/7-9.

[67] Yei District Annual Report, 1939, NRO, EP 2/26/94; Equatoria Province Monthly Diaries, 1937, NRO, Civ Sec 57/4/17.

[68] John Winder, 'Fifty Years On: Service in Mongalla Province, A-E Sudan 1930–33' (1979), SAD 541/7/22-23.

chiefs' visions of its geography from the outset, as well as being shaped by natural features.

The DCs' demarcation, or 'red line' (see Map, line 4), became the basis for fresh intergovernmental attempts to agree on a final definition of the boundary in the 1930s. But both governments were clearly influenced by the claims of their own subjects, and so local territorial interests reached a surprisingly high level of government dialogue: while the Governor of Uganda asserted Ma'di claims to fishing rights on the Nile, the Governor-General of the Sudan expressed 'grave misgiving' that the boundary 'would deprive the Sudan tribes of the ancestral rainmaking sites to which they attach so much importance', and even named several specific clans with claims to territory as far south as Mount Midigo (Map, lines 2–3).[69] No final settlement was reached, however. As the sleeping sickness restrictions were lifted and people returned to the border areas in the 1940s, the uncertainty of the borderline became more contentious. In 1943, twelve Kuku hunters were killed, reportedly just south of the Kayo/Ayo stream. The authorities reacted swiftly to try to prevent retaliatory conflict and an individual Ma'di man was executed for the killing.[70] But it is striking how frequently interviewees recounted this incident without prompting, as an origin of ongoing Kuku–Ma'di tensions and a motive for revenge on both sides.[71] Hunting conventions were one of the primary ways in which authority over land is said to have been recognized: 'In the past when people hunted or trapped animals, they give the foreleg to the landlord, or he will curse you. So everyone knows whose land

[69] Governor-General of the Sudan, Khartoum, to Governor of Uganda, 26 Oct. 1933, and B. H. Bourdillon, Governor of Uganda, to Governor-General of the Sudan, 10 July 1933, TNA, FO 141/723/22. For a similar case of provincial bias over an internal boundary, see Christopher Vaughan, 'The Rizeigat–Malual Borderland during the Condominium: The Limits of Legibility', in Vaughan, Schomerus and de Vries (eds.), *Borderlands of South Sudan*.

[70] Yei District Monthly Diary, Dec. 1943, June–Sept. 1944, Feb., April 1945, NRO, Equatoria 2/24/87; correspondence in Uganda National Archives, Kampala (hereafter UNA), C-series Box 8, no. C.389.

[71] Interviews with clan land custodian/church pastor, Wudu, Kajokeji County, South Sudan, 19 Sept. 2014; with male church pastor, Wudu, Kajokeji County, South Sudan, 20 Sept. 2014; with retired male local government officer, Moyo, Uganda, 10 Oct. 2014; and with two male clan elders, near Moyo, Uganda, 21 May 2017.

it is'.[72] The incident may thus have reflected ongoing disputes and uncertainties over land and boundaries as people returned from extended displacement.[73]

Hints such as these in both the colonial records and local memory indicate that clan territoriality was on occasion asserted vociferously enough to reach the attention of local and even central governments, and that there is a long history to contemporary disputes over the relation between clan territory and the international boundary. Far from clarifying the borderline, the colonial governments had established considerable uncertainty over it by their unresolved negotiations and their creation of a wide no-man's-land as a cordon sanitaire. The boundary that came closest to being accepted was the 'red line' made by district-level officials and chiefs in around 1930 (recorded as the '1936 ad hoc administrative agreement', line 4 on Map), driven by local administrative imperatives and the convenience of using prominent natural features. But this does not appear to have been mapped in any detail and it clearly left unresolved questions over the reach of chiefs' jurisdictions as well as clan territorial claims in the borderlands.

III

PATCHWORK NATIONALISMS: DISTRICT POLITICS AND NATIONAL CONFLICTS, 1950s–1980s

Reflecting the wider associations of nationalism with territoriality in the mid-twentieth century, the leaders of newly independent African states would be swift to enshrine the existing colonial boundaries as their national borders.[74] Indeed, central government interest in the

[72] Interview with male teacher/historian/political officer, Wudu, Kajokeji County, South Sudan, 28 Sept. 2014; also interview with senior official from Kajokeji in the state government, Juba, South Sudan, 7 Sept. 2014.

[73] 'Position of the Kuku Community on the disputed land along the common border with neighbouring communities of Moyo and Yumbe Districts' (n.d., c.2009–10), copied by the author at the Lefori Sub-County Office, Moyo District, Uganda, on 13 Oct. 2014.

[74] 'Introduction: The Paradox of African Boundaries', in Nugent and Asiwaju, *African Boundaries*, 5–6 (editors' intro.); Herbst, *States and Power*, 97–112; Peter Geschiere, *The Perils of Belonging: Autochthony, Citizenship, and Exclusion in Africa and Europe* (Chicago, 2009), 30. On the wider effects of nationalism on territoriality in the twentieth century, see, for example, Omer Bartov and Eric D. Weitz (eds.), *Shatterzone of Empires: Coexistence and Violence in the German, Habsburg, Russian, and*

Uganda–Sudan boundary was at its height in the 1950s and 1960s. Sudan's independence in 1956 followed an uprising in parts of Southern Sudan, where the new, largely northern Sudanese, administration was therefore preoccupied with pursuing the remnants of what it termed 'mutineers' and 'outlaws', many of whom took refuge in the Uganda borderlands.[75] This produced some tension with the still-colonial government of Uganda, and the British were eager to resolve the boundary delimitation before Uganda too became independent. But efforts to establish a boundary commission were hampered by the fact that Uganda's border with Kenya also needed to be resolved, and the British government in Kenya was wary of stirring up the unresolved issue of its own borders with Sudan and Ethiopia. Several years of high-level government correspondence over the Sudan–Uganda border still failed to produce a resolution by the time Uganda became independent in 1962.[76] Even in this era of nationalism and centralizing state authoritarianism, it was thus largely at the local level of government that more practical attempts would be made to create and administer the international boundary. At this district level, the transfer of rule from British to Ugandan or Sudanese administrators, councillors and political representatives produced an intensified interest and investment in local state territory, and it was these interests that would primarily drive disputes over both internal and external borders.

By the late colonial period, districts were becoming the primary territorial units not only of local government administrations but also of emerging political organization and representation. Local government reforms from the late 1930s were not successful in

(n. 74 cont.)
Ottoman Borderlands (Bloomington, 2013); Maier, *Once Within Borders*; Pittaway, 'National Socialism and the Production of German–Hungarian Borderland Space on the Eve of the Second World War'.

[75] Øystein H. Rolandsen, 'A False Start: Between War and Peace in the Southern Sudan, 1956–62', *Journal of African History*, lii (2011); Øystein H. Rolandsen and Cherry Leonardi, 'Discourses of Violence in the Transition from Colonialism to Independence in Southern Sudan, 1955–1960', *Journal of Eastern African Studies*, viii (2014).

[76] See extensive correspondence on Sudan/Uganda/Kenya boundaries in TNA: FO 371/119660, CO 822/954, FO 371/155531, FO 371/159116, CO 822/2818, FCO 141/18458, FO 371/165692, FO 371/165693, FO 371/173190; and Governor of Kenya to Secretary of State for the Colonies, 26 Jan. 1961, Gulu District Record Office, Uganda (hereafter GDRO), Box 33, File C.LAN.4.

their aim of diverting African political energies from nationalism, but they established the district as a focus for political action and ambition — often understood, in Uganda at least, in ethnic terms.[77] One effect was to produce demands for new independent districts, and to generate tensions over district boundaries, sparked by localized jurisdictional interests.[78] For example, disputes over tax collection along the Madi–Acholi district boundary in Uganda were reported to be driven primarily by chiefs, while their people enjoyed close relations and had little interest in the boundary.[79] New motives for administrative independence were also emerging among local elites through the district-level organization of cotton cooperatives and ginneries, and by the basis of political constituencies in administrative boundaries.[80] Madi (later Moyo) gained full district status in 1962, according to its new Ugandan DC, because its people 'had for a long time wished to have a separate District having nothing to do with either West Nile or Acholi Districts'.[81] Already in 1964, 'certain hard feelings seem to have developed between the people of Aringa County in West Nile District and their neighbours in Madi

[77] Cherry Gertzel, 'Kingdoms, Districts and the Unitary State: Uganda 1945–1962', in D. A. Low and Alison Smith (eds.), *History of East Africa*, iii (Oxford, 1976); H. B. Hansen, *Ethnicity and Military Rule in Uganda* (Uppsala, 1977); Nelson Kasfir, 'Introduction: The Districts and the Center', in Barkan *et al.*, *Uganda District Government and Politics*; Leonardi, *Dealing with Government in South Sudan*; Cherry Leonardi and Chris Vaughan, ' "We are Oppressed and Our Only Way is to Write to Higher Authority": The Politics of Claim and Complaint in the Peripheries of Condominium Sudan', in Emma Hunter (ed.), *Citizenship, Belonging, and Political Community in Africa: Dialogues between Past and Present* (Athens, Ohio, 2018); Chris Vaughan, 'Reinventing the Wheel? Local Government and Neo-Traditional Authority in Late-Colonial Northern Sudan', *International Journal of African Historical Studies*, xliii (2010).

[78] Pamela Khanakwa, 'Inter-Communal Violence and Land Rights: Bugisu–Bugwere Territorial Boundary Conflict', *MISR Working Papers*, No. 6 (Kampala, 2012).

[79] DC Acholi District to Asst. DC West Nile I/C Madi, 2 Oct. 1951; Asst. DC West Nile I/C Madi to DC Acholi District, 27 June 1952; Asst. DC Madi District to DC Madi District, 1 May 1962; DC West Nile District to DC Acholi District, 18 June 1962, all GDRO, Box 531, File C.LAN.5.

[80] Madi Sub-District Annual Report, 1956, Makerere University Library, Kampala (hereafter MUL) Microfilms. See Boone, *Political Topographies of the African State*, 28, on the increasing dependence of African rural elites on agricultural income more widely from the 1940s.

[81] Madi District Annual Report, 1963, MUL Microfilms.

District' as a result of Aringa fears that Madi District sought to annex the county.[82]

Districts in Southern Sudan were not usually defined in such overtly ethnic terms, though their territories were still shaped by colonial understandings of tribal boundaries.[83] But the identification of chiefs and councillors with their district was clearly strengthening in the 1940s and 1950s,[84] and here too on occasion disputes over hunting rights or settlement and taxation could prompt the revisiting of district boundaries.[85] Indeed the colonial district territories have retained considerable salience up to now in South Sudan, despite later rearrangements: in 2014, the new rebel opposition proposed a federal government structure based on the twenty-one colonial districts and their boundaries.[86] In Uganda the colonial district boundaries have been retained even as districts have been internally subdivided in recent years (usually along former sub-district/county boundaries).[87] Colonial administration in both countries thus established a patchwork pattern of chiefdoms and local government units with lasting effect. Chiefs, local government officials and councillors in Kajokeji and neighbouring Moyo and Aringa were increasingly invested in the territoriality of their administrations, and hence in the international boundary that would be created by first Sudan's independence in 1956 and then Uganda's in 1962.

In 1958, it was disputes over 'the jurisdiction of local chiefs and the collection of taxes' that prompted a meeting between the Sudanese DC of Yei and the British Assistant DC of West Nile to resolve disputes between chiefs at Keriwa, on the border

[82] West Nile District Intelligence Committee Report, 22 May–8 July 1964, UNA President's Office, Confidential Papers, Box 41, File S.6190/19.

[83] The Condominium government shifted administrative policy from separating to amalgamating potentially conflicting groups: see Douglas H. Johnson, 'Tribal Boundaries and Border Wars: Nuer–Dinka Relations in the Sobat and Zaraf Valleys, c.1860–1976', *Journal of African History*, xxiii (1982).

[84] Leonardi and Vaughan, ' "We are Oppressed and Our Only Way is to Write to Higher Authority" '.

[85] For example DC Yei, 'Note on Meeting between District Commissioner Yei and the West Bank Bari of Juba District to Adjust the Boundary between Yei and Juba Districts', Kajokeji, 10 Mar. 1942, SSNA, EP 16.A.1.1.

[86] Mareike Schomerus and Lovise Aalen (eds.), *Considering the State: Perspectives on South Sudan's Subdivision and Federalism Debate* (London, 2016), 6.

[87] Morris Adam Nsamba, 'Decentralization and Territorial Politics: The Dilemma of Constructing and Managing Identities in Uganda', *Critical African Studies*, v (2013), 49–51.

between Kajokeji and Aringa County.[88] They discovered that their maps differed but agreed to adopt the Ugandan version of the line 'because it was easier to follow on the ground', demonstrating again that administrative pragmatism and natural features did more to shape the boundary than high-level directives.[89] This was apparent again two years later, when a Sudan chief tried to collect taxes from Kuku people who had already paid taxes to the Uganda government.[90] The British DC of Moyo insisted that Jale Hill, on the road between Moyo and Kajokeji, had been accepted as 'the locally recognized border' for the past twenty years.[91] At a meeting held at Kajokeji in 1960, however, the Sudanese representatives disputed the boundary line at both Jale and Keriwa hills. The meeting nevertheless agreed that the existing 'administrative line should be recognized as a purely temporary expedient'; that the current tax arrangements in the borderlands should be preserved and that new settlement in a four-mile-wide border zone deterred. The accompanying sketch map was 'deliberately left vague' (Map, line 5).[92] In other words the border remained a zone, not a line: a no-man's-land, as it had been under the sleeping sickness restrictions. Clearly this agreement did not solve the problem: just a year later, a member of the West Nile District Council in Uganda asked whether the chair was aware 'that there is dispute in Kerua [Keriwa] because there is no definite boundary lines in the County', and, if so, 'what steps are being taken to stop such a confusion?'[93]

As conflict in Southern Sudan intensified by the mid 1960s, district-level intelligence reports from the Ugandan border districts increasingly focused on the accelerating refugee influx

[88] Acting Governor of Uganda to Iain Macleod, Secretary of State for the Colonies, 12 Feb. 1960, TNA, CO 822/954.

[89] Bazley, 'Reminiscences as District Officer', 235.

[90] Acting Governor of Uganda to Iain Macleod, Secretary of State for the Colonies, 12 Feb. 1960, TNA, CO 822/954.

[91] W. B. H. Duke, DC I/C Madi-Moyo, to C. Powell Cotton, Northern Province Commissioner, 28 May 1959, UNA Northern Province Box 2, GAM.2.

[92] Acting Governor of Uganda to Iain Macleod, Secretary of State for the Colonies, 20 Dec. 1960, enclosing 'Notes of a Meeting Held at Kajo Kaji on November 7th between Sudanese and Uganda Representatives to Discuss the Sudan/Uganda Border' and 'Sketch Map to Illustrate the Ad Hoc Administrative Agreement', TNA, CO 822/2818.

[93] Councillor B. Moro, 'Question No. 2 1961', in Minutes of the Seventh Meeting of the West Nile District Council, 17–19 Jan. 1961, UNA Northern Province B3 002.

and military activities in the borderlands. Many of the refugees took advantage of their close relations across the border to settle locally in Moyo and West Nile. But already in 1964, a District Intelligence report recommended the removal of Sudanese refugees from West Nile to prevent them laying claim or bringing conflict to 'Uganda's soil'.[94] Over the next two years, the borderlands became increasingly insecure, as the 'Anyanya' rebel movement activity and Sudan government counter-insurgency intensified. In 1966, Sudan army soldiers were reported to have crossed the border at Afoji where they killed one refugee and took others to Sudan. The DC Madi protested this 'invasion' to the Ugandan Prime Minister and requested a Ugandan army presence in the district, and for the refugees to be relocated further inside Uganda.[95] Local government officials thus appealed to the idea of state territorial sovereignty to claim greater central government support in the borderlands.

That support came in the form of an army operation to relocate the Sudanese refugees away from the borderlands, at the same time as the Ugandan army was increasingly co-operating with the Sudan army against the Anyanya rebels.[96] This is another episode in the border history that is bitterly recalled in current narratives in Kajokeji. Yet in Moyo too, interviewees expressed considerable ambivalence about the coerciveness of the operation.[97] At the time, the Ugandan DC of West Nile had to respond to complaints about it in the district council:

> The operation was intended to take away refugees from the border and put them in an area far from the border and where they could be registered and known. We must know who are living in Uganda. At present people are

[94] West Nile District Intelligence Report, 15 Sept. 1964, UNA Presidential Office, Confidential Papers, B41 S.6190/19.

[95] G. W. M. Wabomba, DC Madi, to Permanent Secretary, Office of the Prime Minister, 13 Mar. 1966, UNA Office of the Prime Minister: Madi District Intelligence Committee Reports, 1960s (copy kindly shared with the author by Professor Tim Allen).

[96] West Nile District Intelligence Committee Meetings, Sept.–Oct. 1966, UNA Presidential Office, Confidential Papers, B41 S.6190/19; Kenneth Ingham, *Obote: A Political Biography* (Abingdon, 1994), 117.

[97] 'Position of the Kuku Community on the Disputed Land along the Common Border with Neighbouring Communities of Moyo and Yumbe Districts' (n.d., *c*.2009–10), copied by the author at the Lefori Sub-County Office, Moyo District, Uganda, on 13 Oct. 2014; Group discussion among chiefs, elders and youth at Keriwa, Kajokeji County, 26 Sept. 2014; Interviews with male elder from Logoba, Moyo, Uganda, 26 May 2017, and with retired male local government officer, Moyo, Uganda, 10 Oct. 2014.

entering Uganda at will, like a market, and as if this is a "no-man's" land. It has been very difficult to plan services for our people because we just don't know who are living in Uganda. Even this Council has already experienced this from shortage of drugs at the dispensaries.[98]

This statement epitomizes a recurrent local government discourse, protesting at unregulated cross-border movement and citing service provision and administrative imperatives as the basis for asserting territorial sovereignty.

Yet the border itself has frequently taken the form of a no-man's-land rather than a clear line. This was again exacerbated by the intensifying Sudanese conflict in late 1966: 'the border up to a radius of four miles inside Uganda became more and more dangerous to live in and people are increasingly deserting their homes'.[99] Even in the midst of such insecurity, there are hints that the borderline was already a source of tension in some of the villages disputed up to now between Moyo and Kajokeji:

It is also rumoured that some refugees of Afoji and Chunyu have refused to move inward and claimed that those places belong to the Sudan and if *the Madi* would try to interfere with their settlement they are prepared to fight by any means. It is believed that the Anyanya would be willing to assist them in case of any fight [emphasis added].[100]

Meanwhile in 1967, the government of Uganda under Milton Obote published its own definition of the Sudan boundary in its new constitution, running across the summits of Keriwa and Jale hills, the latter now said to be marked with a surface beacon (Map, line 6).[101] This definition is alleged by Kajokeji leaders nowadays to have resulted from a clandestine agreement between Obote and the Sudan government, in exchange for Obote's military support against the Anyanya.[102] Certainly it seems to have received little attention at the time or subsequently, despite the

[98] Minutes of the 19th Meeting of the West Nile District Council, 22–27 Aug. 1966, Appendix A: Speech by the District Commissioner on 22 Aug. 1966, UNA NP B3 001.

[99] Madi District Intelligence Report, 9–31 Dec. 1966, UNA Office of the Prime Minister: Madi District Intelligence Committee Reports, 1960s (copy kindly shared with the author by Professor Tim Allen).

[100] Madi District Intelligence Report, 6–31 May 1966, UNA Office of the Prime Minister: Madi District Intelligence Committee Reports, 1960s (copy kindly shared with the author by Professor Tim Allen).

[101] Government of Uganda, *The Constitution of the Republic of Uganda* (Entebbe, 1967); Taha, 'Sudan–Uganda Boundary'.

[102] Interviews in Kajokeji County, South Sudan, with male county councillor, 13 Sept. 2014; with elderly male university professor, 14 Sept. 2014; with male clan land custodian/schoolteacher, 19 Sept. 2014; and with male schoolteacher/historian/ political officer, 28 Sept. 2014.

vociferous Sudanese protests against such Ugandan claims in 1960; by 1967, Sudan was under a caretaker coalition government, and both its international reputation in the region and its territorial control in the border areas had been increasingly eroded by the rebels.[103]

Indeed the local concerns over the border would receive diminishing interest from either national government from now on. Ugandan policy was shifting as Obote's army chief, Idi Amin, pursued closer relations with the Anyanya and their supporter, Israel.[104] Amin, who would seize power from Obote in the coup of January 1971, was himself of a 'liminal identity' from the westernmost Uganda–Sudan borderlands,[105] and his period of rule did much to further blur the international boundary; Hansen suggests that 'he regarded the national frontier as penetrable and subordinate to ethnic considerations'.[106] He heavily recruited Southern Sudanese as well as West Nile Ugandans into his military and security forces and administration. The 1972 peace agreement in Sudan led to the re-opening of the border and gradual return of Sudanese refugees, and in subsequent years, peace and 'cordial relations' were reported, with 'free movement and contact' across the border.[107] Once again it was left to local and provincial authorities to handle the implications of this movement. A border meeting between the local administrations at Keriwa in 1974 resolved to tighten controls on cross-border movement of people, livestock and trade goods and agreed that 'People at Keriwa village are to pay taxes where they want to and the respective Chiefs to issue receipts', suggesting that chiefly jurisdictions were still uncertain in the borderland.[108] Soon after, Sudanese crossing into Uganda in this area complained of being taxed again by the Ugandan local authorities, despite carrying Sudanese poll-tax receipts.[109]

[103] P. M. Holt and M. W. Daly, *A History of the Sudan: From the Coming of Islam to the Present Day*, 5th edn (Harlow, 2000), 162–3.

[104] Robert O. Collins, *A History of Modern Sudan* (Cambridge, 2008), 105; Ingham, *Obote*, 134.

[105] Leopold, 'Crossing the Line', 471.

[106] Hansen, *Ethnicity and Military Rule in Uganda*, 88.

[107] Madi District Annual Reports, 1968–74, MUL, Africana G.EAU/M (058) 1.

[108] Yei People's Rural Council Monthly Report for March 1974, SSNA EP 57.D.3.

[109] Yei People's Rural Council Monthly Report for Sept. 1974, Oct. 1975, SSNA EP 57.D.3.

As the Ugandan economy collapsed in the later years of Amin's government, the informal economy, or '*magendo*' emerged as a major and enduring source of income and survival, creating new vested interests in cross-border trade and smuggling.[110] As Tidemand points out, however, the collapse of the formal economy in Uganda had limited impact on district administrations, since their revenue base was 'graduated taxes and market dues rather than taxes on formal sector incomes'.[111] This also heightened the concerns about local tax collection on both sides of the border, as local governments struggled to get this revenue in the absence of central government support.[112]

While Amin's regime may have done more to blur and subvert the international boundary than to define it, conversely it also contributed to the hardening of internal boundaries in Uganda and thus to the overall strengthening of a patchwork geography. From 1972 the government began redrawing district and regional boundaries, claiming 'to meet the aspirations of various small societies which had hitherto been pressed into unwanted associations with their neighbours'.[113] The move was ultimately part of attempts to secure greater centralized control over the districts, however, and local administrative positions were increasingly taken over by military personnel. Divide-and-rule tactics even within Amin's home region of West Nile contributed to the fragmentation of any regional identity and the 'contraction of boundaries',[114] a process that would only accelerate in later decades.

Such local differentiation did not prevent reprisals against the people of West Nile in general following Amin's overthrow in 1979, leading to their flight across the Sudanese and Congolese borders. Some Ma'di refugees settled among the Kuku of

[110] Kate Meagher, 'The Hidden Economy: Informal and Parallel Trade in Northwestern Uganda', *Review of African Political Economy*, xvii (1990); Kristof Titeca, 'Tycoons and Contraband: Informal Cross-Border Trade in West Nile, North-Western Uganda', *Journal of Eastern African Studies*, vi (2012).

[111] Per Tidemand, 'New Local State Forms and "Popular Participation" in Buganda, Uganda', in Peter Gibbon (ed.), *The New Local Level Politics in East Africa: Studies on Uganda, Tanzania and Kenya* (Uppsala, 1994), 20.

[112] Dennis A. Rondinelli, 'Administrative Decentralisation and Economic Development: The Sudan's Experiment with Devolution', *Journal of Modern African Studies*, xix (1981).

[113] D. A. Low, 'Uganda Unhinged', *International Affairs*, xlix (1973), 224.

[114] Hansen, *Ethnicity and Military Rule in Uganda*, 97–119.

Kajokeji and may have even 'adopted a Kuku identity for a period'.[115] By around 1986, Sudan People's Liberation Army (SPLA) attacks forced a reverse migration once again, with both Ma'di and Kuku returning to Uganda. Again, many Kuku were able to settle among relatives and friends in Moyo and neighbouring districts.[116] This capacity to self-settle near the border and to shift ethnic or national identity has been an important strategy for the borderland inhabitants. But refugee movements also created tensions among them and sharpened national identities. The relocation of Sudanese refugees from Moyo to neighbouring districts in the late 1990s was referred to by several interviewees as a cause of deteriorating relations, as one man from Kajokeji emphasized:

> In 1987 I left [Kajokeji] and ran just across the border and joined school there [in Moyo]; I even went to school with some of the current leaders there. There were always some tensions; we were seen as refugees. In 1997, when I was in Senior 4, we were evicted from Moyo; all the refugees were sent away from Moyo and Metu because we were foreigners . . . It was a really bad experience; it soured relations. We were taken to Waka camp in 1997–8, and there were a lot of problems with insecurity because of the West Nile Bank Front attacks.[117]

The Ugandan rebel West Nile Bank Front targeted the refugee settlements from its bases across the border in Sudan because it suspected refugees of supporting the SPLA, as was the Ugandan government. More general refugee–host tensions emerged over resources, services and jobs in the humanitarian agencies, and Ugandans reportedly associated crime and insecurity with the refugee presence.[118] While refugee movements might in some ways blur borders then, in other ways they could provoke the defence of territorial interests among 'hosts', harden the distinction between 'nationals' and 'foreigners' (particularly in relation to land rights), and thus increase the value of territorial belonging and homeland for refugees.[119]

[115] Allen, 'Social Upheaval and the Struggle for Community', 216.

[116] *Ibid.*, 55.

[117] Interview with male youth leader, Wudu, Kajokeji County, South Sudan, 28 Sept. 2014.

[118] Lina Payne, *Rebuilding Communities in a Refugee Settlement: A Casebook from Uganda* (Oxford, 1998).

[119] Merkx, 'Refugee Identities and Relief in an African Borderland'; Lucy Hovil, 'Hoping for Peace, Afraid of War: The Dilemmas of Repatriation and Belonging on the Borders of Uganda and South Sudan', *New Issues in Refugee Research*, Research Paper No. 196 (Geneva, 2010).

In recent years, debates over the disputed border areas often focus on whether particular groups of people were settled in these areas temporarily as refugees or were internally displaced within their own country.[120]

> Following the outbreak of war in Uganda in 1979, the Ma'di took refuge in Dwani Wano. They were received warmly and allowed to settle among the people before they were repatriated to Uganda. During this time the Ma'di refugees paid taxes to Sudanese authorities. Now the district local authorities in Moyo have extended claim over Dwani Wano through which the disputed road passes. Yet the land is undoubtedly Kuku land in which is located salt water where rituals used to be performed.[121]

This statement from the 'Kuku community' reveals the entanglement of a ritual landscape of clan-based authority with the logics of state territoriality defined by the boundaries of taxation regimes. These threads would be woven ever more closely into the patchwork of local state territoriality from the 1990s, even as the patches themselves were being cut up and re-stitched.

IV

'TOO MANY CUSTODIANS OF BORDERS'? DECENTRALIZING TERRITORIAL SOVEREIGNTY SINCE THE 1990s

With the end of the Cold War and growing attention to 'globalization' and regional integration policies in Europe, Maier suggests that territorial priorities were becoming seen as 'anachronistic' in the West by the late twentieth century.[122] The revival of the East African Community in 2000 promised a similar softening and opening of borders here, while peace agreements in Sudan and Uganda in 2005 and 2006 enabled a massive acceleration of cross-border trade and investment. In the same period, however, disputes proliferated along this international border, and over internal boundaries in both Uganda and South(ern) Sudan, signifying an intensification rather than

[120] Petition of the people of Moyo District to the Parliament of Uganda, presented by Hon. Alero Aza Tom, MP, West Moyo County (n.d., *c*.2012), copied by the author at the Lefori Sub-County Office, Moyo District, Uganda, on 13 Oct. 2014.

[121] 'Position of the Kuku Community on the Disputed Land Along the Common Border with Neighbouring Communities of Moyo and Yumbe Districts' (n.d., *c*.2009–10), copied by the author at the Lefori Sub-County Office, Moyo District, Uganda, on 13 Oct. 2014.

[122] Maier, *Once Within Borders*, 1.

disappearance of territoriality — epitomized perhaps above all in the secession of South Sudan from Sudan in 2011.[123] Yet within the new state and its neighbour Uganda, the overall effect has been to strengthen state territorial sovereignty, as local authorities and citizens appeal to its logics and assert its boundaries in pursuit of local interests.

The localization of state power and territoriality has received particular impetus from programmes of decentralization in both Uganda and South Sudan since the 1990s.[124] In Uganda, the National Resistance Movement/Army of Yoweri Museveni followed up its military victory in 1986 with the consolidation of a five-tier system of Local (initially 'Resistance') Councils (LCs), from village to district levels, with substantial financial decentralization to the district councils. These reforms have thus re-intensified the concentration of power and politics at the district level, leading to heightened competition for positions and to proliferating demands for the creation of new districts, often expressed in ethnic terms. The result was an increase from thirty-three districts in 1986 to 121 in 2017.[125] Uganda's LC system has been much heralded for bringing local democracy, development and genuine decentralization after the centralized authoritarianism of Obote and Amin. But critics have also argued that new district creation has become an electioneering and patrimonial strategy, rewarding local politicians loyal to the ruling party, and confining much political debate and competition to the district rather than national level.[126] Campaigns for new districts have 'allowed

[123] The basis of the new international Sudan–South Sudan boundary on colonial province boundaries ensured that the creation of the new state did not entirely violate the principle of maintaining colonial boundaries agreed by the Organisation for African Unity in 1963: see Peter Hakim Justin and Lotje De Vries, 'Governing Unclear Lines: Local Boundaries as a (Re)source of Conflict in South Sudan', *Journal of Borderlands Studies*, xxxiv (2019), 32; Kateřina Rudincová, 'When Colonial Borders Still Matter: The Emergence of South Sudan', *Journal of African History, Politics and Society*, i (2015).

[124] As elsewhere: see, for example, Lentz, 'Decentralization, the State and Conflicts over Local Boundaries in Northern Ghana'.

[125] *Republic of Uganda Ministry of Local Government Factsheet* (Kampala, 2017), at <http://molg.go.ug/sites/default/files/MoLG%20-%20%20Fact%20Sheet.pdf> (accessed 12 Oct. 2018).

[126] Nsamba, 'Decentralization and Territorial Politics', 48, 53; Nicholas Awortwi and A. H. J. Helmsing, 'In the Name of Bringing Services Closer to the People? Explaining the Creation of New Local Government Districts in Uganda', *International Review of Administrative Sciences*, lxxx (2014).

local extremists to assume power and exacerbate ethnic tensions', leading to increasing conflicts over old and new boundaries.[127] The channelling of aid and development directly to the districts by international agencies has also furthered the 'build-up of assets' at this level.[128] This reflects broader processes by which development programmes assume a territorial definition of recipient communities or localities and thus enhance the value of controlling local administrative territories.[129]

Similar processes are evident across the border in South Sudan, where by the late 1990s the SPLM/A had begun to establish its own local government system in the 'liberated' areas of Equatoria, including Kajokeji. Districts were renamed counties, and new sub-county divisions created, often based on chiefdoms. These structures would be formalized by the Local Government Act of 2009 and inherited by the new state in 2011.[130] There has been little sign here of the extent of decentralization occurring in Uganda. But local governments still became the focus for competition over their limited resources, in the form of intermittently salaried positions and control over local taxes, court revenues, land transactions and aid projects. As in Uganda, there has therefore been a rapid fragmentation and proliferation of new counties and lower units, including chiefdoms, and widespread disputes and conflicts over boundaries.[131]

The increasing value of controlling local government territories has been furthered by growing concern and competition over land in both countries, and the associated politicization of customary

[127] Elliott D. Green, 'Decentralisation and Conflict in Uganda', *Conflict, Security and Development*, viii (2008).

[128] *Ibid.*

[129] Pierre-Yves le Meur, 'State Making and the Politics of the Frontier in Central Benin', *Development and Change*, xxxvi (2006); Thomas J. Bassett, Chantal Blanc-Pamard and Jean Boutrais, 'Constructing Locality: The Terroir Approach in West Africa', *Africa*, lxxvii (2007); Rony Emmenegger, 'Decentralization and the Local Developmental State: Peasant Mobilization in Oromiya, Ethiopia', *Africa*, lxxxvi (2016); Geschiere, *The Perils of Belonging*.

[130] Government of Southern Sudan, *The Local Government Act 2009* (Juba, 2009); Leonardi, *Dealing with Government in South Sudan*.

[131] Justin and de Vries, 'Governing Unclear Lines'; Schomerus and Aalen, *Considering the State*; Cherry Leonardi and Martina Santschi, *Dividing Communities in South Sudan and Northern Uganda: Boundary Disputes and Land Governance* (London, 2016); Frahm, 'Making Borders and Identities in South Sudan'; Cormack, 'Boundaries are Galaxies'; Edward Thomas, *South Sudan: A Slow Liberation* (London, 2015).

land governance. In first Uganda and later South Sudan, customary land tenure has been given novel constitutional and legal recognition by the current ruling regimes, accompanied by declarations that 'land belongs to the people'. Yet at the same time, state and military interests have frequently ridden roughshod over these rights in the commercial exploitation of land and natural resources, generating new insecurities over land tenure among ordinary people.[132] In addition, the rapid growth of cities, towns and smaller market centres along roads has created new pressures on land in particular areas, and fuelled an unprecedented market for leases or land titles, formal and informal. The new value of land was further enhanced by a revival of commercial farming, land leases for government or NGO infrastructure and development projects, and a vague but confident anticipation of 'investors', which was particularly intensified by oil and mineral prospecting in north-western Uganda.[133] Both northern Uganda and South Sudan were the focus for massive externally funded programmes of post-conflict reconstruction after 2005, which if nothing else contributed to a boom in infrastructural development, construction and cross-border trade.[134]

This combination of factors had an obvious impact on customary land governance just when it had also been given new legal recognition. Local governments established land

[132] Leonardi and Santschi, *Dividing Communities in South Sudan and Northern Uganda*, 73–82; David K. Deng, '"Land Belongs to the Community": Demystifying the "Global Land Grab" in Southern Sudan', Land Deals Politics Initiative, Working Paper 4 (Cape Town, 2011); Judy Adoko and Simon Levine, *A Land Market for Poverty Eradication? A Case Study of the Impact of Uganda's Land Acts on Policy Hopes for Development and Poverty Eradication* (Kampala, 2005); Giuliano Martiniello, 'Accumulation by Dispossession, Agrarian Change and Resistance in Northern Uganda', Makerere Institute of Social Research Working Paper No. 12 (Kampala, 2013).

[133] Leonardi and Santschi, *Dividing Communities in South Sudan and Northern Uganda*, 97–103. Interviews with female state government advisor and with male Land Commission official, both in Juba, South Sudan, 23 July 2015; Julius Kiiza, Lawrence Bategeka and Sarah Ssewanyana, 'Righting Resource-Curse Wrongs in Uganda: The Political Economy of Oil Discovery and the Management of Popular Expectations', *Mawazo*, x (2011).

[134] Wolfgang Zeller, 'Get It While You Can: Governance between Wars in the Uganda–South Sudan Borderland', in Benedikt Korf and Timothy Raeymaekers (eds.), *Violence on the Margins: States, Conflict, and Borderlands* (New York, 2013); Mareike Schomerus and Kristof Titeca, 'Deals and Dealings: Inconclusive Peace and Treacherous Trade along the South Sudan–Uganda Border', *Africa Spectrum*, xlvii (2012).

committees and worked with clan land authorities and customary chiefs to handle increasingly lucrative land transactions and disputes.[135] Competition for land was generating more exclusionary definitions of land rights, based more strictly on patrilineal descent, fuelling disputes over history, genealogy and law even among close neighbours and relatives.[136] Similar principles were extended to the level of administrative boundaries, as neighbouring local governments laid claim to territory and key sites like markets on the basis of ethnic and customary land boundaries. Rights and access to resources were becoming defined by whether or not one could claim ancestral belonging to a particular clan and ethnic territory, so that migrants and minorities feared having less rights unless they could claim their own sub-territory with its own administration. As well as driving the proliferation of new administrative units, these logics presume that administrative boundaries should align with clan and ethnic boundaries. The historical knowledge and spiritual authority claimed by clan land authorities has thus gained new political and even commercial value as the basis for defining control over and rights to land and territory.[137] The effect has been to further rework and entangle clan territoriality in the stitching, cutting and re-stitching of the seams between local administrative patches in both states, and to engage more people than ever in this work as they seek to protect or extend their own land rights.

Horizontal tensions between neighbouring territorial administrations have tended to work ultimately to reinforce vertical political relations, thus strengthening rather than fragmenting state power. By 2014, both Moyo District in Uganda and Kajokeji County in South Sudan were embroiled

[135] Leonardi and Santschi, *Dividing Communities in South Sudan and Northern Uganda*, 82–96; Tiernan Mennen, *Customary Law and Land Rights in South Sudan* (Oslo, 2012); Rasmus H. Pedersen *et al.*, 'Land Tenure and Economic Activities in Uganda: A Literature Review', Danish Institute for International Studies Working Paper 13 (Copenhagen, 2012).

[136] Leonardi and Santschi, *Dividing Communities in South Sudan and Northern Uganda*, 97–134.

[137] Interview with male county councillor, Wudu, Kajokeji County, South Sudan, 14 Sept. 2014; Justin and de Vries, 'Governing Unclear Lines'; Leonardi and Santschi, *Dividing Communities in South Sudan and Northern Uganda*; Johnson, *When Boundaries Become Borders*; Anders Sjögren, 'Battles over Boundaries: The Politics of Territory, Identity and Authority in Three Ugandan Regions', *Journal of Contemporary African Studies*, xxxiii (2015).

in multiple boundary disputes, including between Moyo and neighbouring Yumbe District (formerly Aringa County). Threats of bloodshed over this boundary compelled central government intervention in the form of a delegation of junior ministers and lands ministry personnel, which met with district representatives in Moyo in 2017. The delegation sought to assert the sovereignty and technical capacity of central state institutions: 'the custodian of all borders is the Ministry of Lands; otherwise there are too many custodians of borders'. But even state technocratic solutions were vulnerable to local appropriation, according to district spokespersons who claimed that the GPS machine used in a previous demarcation attempt had been programmed to understand only one of the local languages — a potent expression of the way that seemingly neutral technologies of state territoriality could become entangled in local territorial rivalries. The delegation repeatedly criticized local politicians and district administrations for inciting conflict, including by creating new administrative subunits in the disputed areas: 'We realize the two local governments have rushed to those areas to put villages and give names in their own tribal languages'.[138]

As we have seen, there is a long history to the idea that boundaries could be carried by people, and to the strategy of using local administration, taxation, infrastructure and services to stretch the seams of the territorial patchwork. Even while the Sudanese war was still ongoing in the 1990s, tensions were reported in the long-disputed international borderland at Keriwa, where, according to an SPLA officer, 'the local people (Sudanese) believe that these areas have been encroached upon' by the Uganda local government authority having 'extended services — schools, health clinics and roads to these areas' and 'even gone further to encourage the local Sudanese people to pay tax known in Uganda as "Machoro" '. Border meetings held in 1997 had failed to resolve the issue, because the meetings were only 'locally initiated' — once again, the border was being left to local governance.[139] The extension of Ugandan administration to this border area remained contentious in 2014 among people in

[138] Notes taken by author at a meeting in the Moyo People's Hall, Moyo District, Uganda, 29 May 2017.

[139] Malual Ayom Dor, 'Conflict and Cooperation between Uganda and Sudan: The Impact of Transnational Ethnicity, 1962–2002' (Makerere Univ. MA dissertation, 2003, 92–3).

Liwolo Payam of Kajokeji County, who claimed that part of their territory and people had become the sub-county of Keriwa in Yumbe District:

> The Uganda government brought services, so people considered Uganda as the only government which helps them, but people in that sub-county are on their own land, not Ugandan land; they did not go there as refugees. But the Uganda government created positions for them as LCs, village chiefs — that is the Uganda administration.[140]

Ugandan authorities argue that the ethnicity of the population should be irrelevant to the international border line.[141]

The escalation of conflict over the international boundary from around 2007 was similarly triggered by potent assertions of administrative sovereignty, such as naming of villages, construction of a road and telecommunication mast, and most notably the extension of the Uganda national census — the most powerful 'instrument of modern territoriality', according to Gray[142] — to disputed border areas in 2014. Commercial farming initiatives by local elites in the fertile border zone also contributed to the escalating tensions.[143] Local government leaders in Kajokeji were explicit about their strategies of staking claims to disputed areas:

> Before under the Arabs [Government of Sudan] there was no development, so nobody bothered about the borders. But since 2005 there is change — now we are building schools at the border, at Bamurye, to show the government presence . . . There are good relations at the high level between South Sudan and Uganda — the problems are at the local level, with the LCs.[144]

The Kajokeji–Moyo boundary, with its poor road connections, was of much less significance to higher authorities than the major border crossing points either side of it at Kaya and Nimule, where

[140] Group discussion among chiefs, elders and youth at Keriwa, Kajokeji County, 26 Sept. 2014; interview with male local politician from Kajokeji, Juba, 9 Sept. 2014.

[141] Interviews with local government official, Yumbe District, 1 June 2017, and with young male community development officer, Moyo District, Uganda, 13 Oct. 2014.

[142] Gray, *Colonial Rule and Crisis in Equatorial Africa*, 113.

[143] Interview with local politician/businessman, Kajokeji County, South Sudan, 23 Sept. 2014, and with young male community development officer, Moyo District, Uganda, 13 Oct. 2014; Petition of the people of Moyo District to the Parliament of Uganda, presented by Hon. Alero Aza Tom, MP, West Moyo County (n.d., *c*.2012), copied by the author at the Lefori Sub-County Office, Moyo District, Uganda, on 13 Oct. 2014.

[144] Interview with local politician from Kajokeji County, Juba, 7 Sept. 2014, and with another Kajokeji politician in Juba, 9 Sept. 2014; also attested by female district councillor, Moyo, Uganda, 14 Oct. 2014.

customs revenue was the focus of competition among different levels of government.[145] Local government leaders in both Moyo and Kajokeji therefore complained at the lack of interest or security provision from their own central governments, who were said to see the dispute as 'just a local border issue'.[146] But they also repeatedly petitioned the national governments for support and to demand border demarcation, appealing to the idea of territorial sovereignty.[147] In 2011, for example, the Moyo district chairman wrote to the Minister of Internal Affairs complaining of South Sudanese incursions across the border and requesting government action: 'To make it abundantly clear that the laws governing this nation are adhered to by all who are within the territorial boundaries of the Republic of Uganda'.[148] Similarly a district council member for Moyo emphasized that 'it is also important to have marks so that the border is clear, *because this is a country*'.[149]

Higher authorities responded by reiterating the joint directive of the South(ern) Sudanese and Ugandan presidents in 2009 that major economic activities or projects in the border zone should be suspended until a boundary commission had resolved the borderline. Once again then, central government policy worked to produce an effective no-man's-land along the border, which is also conspicuous in the mile-wide gap between border posts on the main road between Kajokeji and Moyo. At the same time, higher-level authorities urged 'amicable solutions' at the local level and dialogue between chiefs and

[145] Lotje de Vries, *Facing Frontiers: Everyday Practice of State-Building in South Sudan* (Wageningen Univ. Ph.D. thesis, 2012).

[146] Interviews with local politician and businessman, Moyo, Uganda, 6 Mar. 2017; with male district councillor and with male retired government employee, Lefori, Moyo District, Uganda, 21 May 2017; and with local politician from Kajokeji in Juba, South Sudan, 5 Aug. 2013.

[147] See similar cases in Øystein Rolandsen, 'Too Much Water under the Bridge: Internationalization of the Sudan–South Sudan Border and Local Demands for its Regulation' and Joshua Craze, 'Unclear Lines: State and Non-State Actors in Abyei', both in Vaughan, Schomerus and de Vries, *Borderlands of South Sudan*; also Dereje Feyissa, 'More State than the State? Anywaa's Call for a Rigidification of the Ethio–Sudanese Border', in Feyissa and Hoehne, *Borders and Borderlands*.

[148] LCV Chairperson Vukoni Jimmy Okudi to Hon. Eng. Hillary Onek, Minister of Internal Affairs, 13 July 2011, copied by the author at the Lefori Sub-County Office, Moyo District, Uganda, on 13 Oct. 2014.

[149] Interview with male district councillor, Moyo, Uganda, 24 May 2017.

elders to resolve any border disputes, reprising the long history of local government responsibility for the international boundary.[150] In 2015, a South Sudanese minister explained this in terms of the more pressing problems of armed rebellion and economic crisis faced by the central government: 'We have boundary issues with all our neighbours, but this is not the time to address them — only that this administration in Moyo stirred up the issue'.[151]

The colonial resort to an unmapped ethnic definition of the Kajokeji–Moyo boundary has given particular prominence a century later to ethnic identity and the politicization of clan territories in the borderlands, contributing to conflict along ethnic lines, and to the attempted conflation of national citizenship and territorial sovereignty with ethnic and clan identities. Nearby stretches of the boundary were not defined in such ethnic terms, where other factors such as control of the navigable Nile outweighed the colonial preference for tribal boundaries: like several other ethnicities, the Ma'di east of the Nile were thus divided between Sudan and Uganda. Yet here too, tensions have arisen in recent years as new settlement patterns and lucrative cross-border markets have politicized clan-based land claims, leading to intra-ethnic disputes. In one case, rival Ma'di clans have been supported by neighbouring district administrations in Uganda, with one clan accusing the other of being South Sudanese and hence having no right to land in Uganda.[152] Here the boundary line was more clearly delimited, and the people on both sides share the same ethnicity. Yet here too, local administrative, economic and political ambitions are entangling clan territorialities — which may actually traverse the international boundary — in the assertion of national territorial sovereignties and citizenship.

[150] Permanent Secretary, Ministry of Local Government, Kampala, to Chief Administrative Officer, Moyo, 9 Aug. 2011, 'Land Matter in Ijupi-Moyo Sub-County' and 'Resolutions of a Joint Meeting between the Republic of South Sudan and Uganda, 21–23 July 2011, Kajokeji County', both in Moyo District Records Office, CR 1203/1: Disputes.

[151] Interview with government minister from Kajokeji in Juba, 22 July 2015.

[152] Julian Hopwood, *Elephants Abroad and in the Room: Explicit and Implicit Security, Justice and Protection Issues on the Uganda/S. Sudan Border* (London, 2015).

V

CONCLUSION

International boundaries need to be understood not just as the result of cartographic impositions by and between states, or in terms of centre–periphery relations, or even as products of specific cross-border dynamics, relations and resources, but also as part of the internal territorialization processes across states on either side. These internal processes in Uganda and South Sudan reveal that state territory and sovereignty is co-produced through local-level as well as national political work, by local actors and institutions investing in defining and defending their 'patch' of jurisdiction and constituency.

The stretch of boundary on which this article has focused exemplifies this argument — central governments over the past century have had little direct interest in locating a clear boundary within the no-man's-land created by recurrent state policies and conflicts. Instead it has been left to local institutions and actors to assert the boundaries of state sovereignty via their own jurisdictions. There are obviously stark contrasts with more heavily policed and taxed boundaries around the world, where international borders may be clearly demarcated and where central state institutions may exert more direct control. But even in such contexts, the meaning of external state borders is at least partially produced by the territorial organization within states as well as between them. This is apparent, for example, in Anssi Paasi's case study of a Finnish locality on the Russian border, which, as the East–West frontier, was formally closed and securitized during the Cold War. Yet here too, the local history and meaning of the border for its inhabitants was 'inseparable' from the production and institutionalization of other scales of territory, from the village or commune to the province, region and state.[153] Even in the context of France — often seen to have initiated and epitomized the formation of the unitary, centralized, territorial nation state — state decentralization and heritage policies in recent decades have

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[153] Anssi Paasi, *Territories, Boundaries and Consciousness: The Changing Geographies of the Finnish–Russian Boundary* (New York, 1996), 308; see also Nadasdy, 'Boundaries among Kin'.

invigorated and articulated 'multiple local territories' with the 'territoire/s of the nation'.[154]

But while state formation everywhere may involve the construction of local and regional as well as national territory, these processes have been particularly intense, entangled and mutually reinforcing in the context examined in this article. From colonial indirect rule to ongoing programmes of decentralization, state sovereignty in South Sudan and Uganda has been produced through the interests of local as well as national elites in the control of territory. The resulting patchwork territoriality of these states exhibits horizontal tensions that to some extent work against centre–periphery tensions, helping to hold the fabric of the state together even as they might seem to pull it apart. As Boone writes, local government institution-building across Africa has 'tied distinct rural peripheries . . . into the national space', through 'patterns of segmented authority whereby regions . . . were tied to the center, but at the same time separated from each other by the very institutions of the state (as under colonial rule)'.[155]

Rather than seeing such horizontal tensions as the fragmentation and failure of states then, we should see them as the product of state strategies (at multiple scales) for exercising control over people and territory over the past century. And rather than seeing in the segmentation of local government units a reversion to ethnic solidarities, we might better explore this as a process of 'spatial socialization' over that period,[156] in which discourses of tradition, indigeneity and historical memory are employed in the construction of new forms of territorial identification with administrative boundaries.[157] But this shift to an increasingly 'territorial definition of society' has been an incomplete and ultimately 'ambiguous' process, as Gray argues for the case of colonial Gabon.[158] The boundaries themselves

[154] Alexandra Kowalski, 'The Nation, Rescaled: Theorizing the Decentralization of Memory in Contemporary France', Comparative Studies in Society and History, liv (2012), 327.

[155] Boone, Political Topographies of the African State, 344–5.

[156] Paasi, Territories, Boundaries and Consciousness.

[157] For exemplary processes of territorial ethnogenesis that did not threaten the state's territorial integrity, see Julie MacArthur, Cartography and the Political Imagination: Mapping Community in Colonial Kenya (Athens, Ohio, 2016); Gabrielle Lynch, I Say to You: Ethnic Politics and the Kalenjin in Kenya (Chicago, 2011), esp. 222.

[158] Gray, Colonial Rule and Crisis in Equatorial Africa; also Zeller, 'Get It While You Can'.

have never been stable, for as Paasi reminds us, 'territorial units and regions, states and nations — and their representations — are in a continual state of flux, rising and disappearing in perpetual regional transformations'.[159] The persistence of the idea that people can carry boundaries with them — as well as the ongoing fragmentation of administrative territories — demonstrate the continuing instability of boundaries and identifications in the South Sudan–Uganda borderlands. The structures of political control can also prove to be 'subversive of the territorial integration they were intended to promote', leading to fractures, secessions or coups.[160] The story told in this article is not then a straightforward account of the role of borderlanders in constructing state territory, any more than it is a story of state fragmentation and failure. Rather, it is an illustration of the much more ambiguous, unpredictable and fluctuating processes whereby state territoriality has been localized and local territorialities have been worked and reworked in messy and tangled ways into the fabric of states.

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[159] Paasi, *Territories, Boundaries and Consciousness*, 302. Similarly Pittaway, 'National Socialism and the Production of German–Hungarian Borderland Space on the Eve of the Second World War', esp. 178; Vandergeest and Peluso, 'Territorialization and State Power in Thailand'.

[160] Boone, *Political Topographies of the African State*, 345; see also Lotje de Vries, Pierre Englebert and Mareike Schomerus (eds.), *Secessionism in African Politics: Aspiration, Grievance, Performance, Disenchantment* (London, 2019). By 2016 Kajokeji would be heavily affected by South Sudan's civil war and most of its population fled once again to Uganda: see Nicki Kindersley and Øystein H. Rolandsen, 'Civil War on a Shoestring: Rebellion in South Sudan's Equatoria Region', *Civil Wars*, xix (2017).

ABSTRACT

This paper takes a localized conflict over a non-demarcated stretch of the Uganda–South Sudan boundary in 2014 as a starting point for examining the history of territorial state formation on either side of this border since its colonial creation in 1914. It argues that the conflict was an outcome of the long-term constitution of local government territories as patches of the state, making the international border simultaneously a boundary of the local state. Some scholars have seen the limited control of central governments over their borderlands and the intensification of local territorialities as signs of African state fragmentation and failure. But the article argues that this local territoriality should instead be seen as an outcome of ongoing state-formation processes in which state territory has been co-produced through local engagement and appropriation. The paper is thus of wider relevance beyond African or postcolonial history, firstly in contributing a spatial approach to studies of state formation which have sought to replace centre–periphery models with an emphasis on the centrality of the local state. Secondly it advances the broader field of borderlands studies by arguing that international boundaries have been shaped by processes of internal territorialisation as well as by the specific dynamics of cross-border relations and governance. Thirdly it advocates a historical and processual approach to understanding territory, arguing that the patchwork of these states has been fabricated and reworked over the past century, entangling multiple, changing forms and scales of territory in the ongoing constitution of state boundaries.