A decorative border of palm trees surrounds the text. There are 15 palm trees in a horizontal row at the top, 15 in a horizontal row at the bottom, and a vertical column of 15 palm trees on the right side.

*The Boundary Technical
Committee Between North
Sudan and its Southern
Part 01/01/1956*

Areas of disagreement

The Boundary Technical Committee between North Sudan and its Southern Part 01/01/1956.

Introduction.

The Boundary Technical Committee (BTC) was established vide the Presidential Decree No. 29/2005, dated 8/9/2005. The Committee completed its full membership in May 2006. After that, the Committee set to plan for its programs, budgeting, rules and Regulations, archival research and field data collections that included the dissemination of information to the various communities on the border line.

By the end of the year 2007, the Committee finished its work and closed the research and data collection process. Thereafter, the Committee started with the interpretation and analysis of the records, documents and all the maps collected for that purpose so as to make the delineation or delimitation (describing the boundary in text, and drawing the map on the paper).

After several delays in the work, the delimitation process took a much longer time and this was completed in early 2009. In the briefing to the Presidency on 21/2/2010, the Committee received immediate directives from the Presidency to submit its report on both the agreed and the disagreed upon points on the boundary issues to the Presidency. Also, the Presidency directed the Committee to start the border demarcation in the areas that have been agreed upon by the members. Again, the Committee was not able to address these issues as directed by the Presidency.

The Committee had agreed up a part of the Eastern boundary namely, Upper Nile-Sennar, Upper Nile –Blue Nile states sectors (from Goz Nabbuk to the Ethiopian Borders.

As members from the Southern Sudan on the Boundary Technical Committee, we have decided to clear our position in the attached document in order to address the unnecessary delays and confusion. Our position shall resolve the confusion as indicated in the two letters, one dated 21/02/2010 and signed by the Chairman of the Committee, Para 3, addressed to the Presidency; and the other letter signed by the State Minister in the Presidency, No. ٣٥ / ١ / م / د / ج / ق dated 30th May 2010, Para 4. The position shall also address the inability to come up with the executive report to the Presidency that has remained un discussed till to date.

The executive report aims to identify all the agreed upon areas including the textng of the description and drawing the relative maps. Also, the executive report shall identify the disagreed upon areas as well as the summary about the types of disagreements that have emerged in discussion process. Generally, the members from the Southern Sudan on the Boundary Technical Committee have summed up their position in the different areas of concern. This position report has underlined the types of the boundaries and the issues that have generated the disagreement in some sectors as outlined below:-

Types of Boundaries

- (a) **Type one:** These are the boundary lines whose descriptions are based on the records only. The boundary lines details depend upon records only.
- (b) **Type two:** These are the boundary lines whose descriptions are based on the maps only. The boundary lines details depend on the maps drawn only.
- (c) **Type three:** The third type of the boundaries are those with disputed records. These are the boundaries which have been drawn (or not drawn) based on such disputed records.

The report has underlined each type of the boundaries in all sectors along the entire boundary line from West to East.

In the subsequent pages of the report, the different types of disputes have been outlined as:-

Disagreement 1: This disagreement is on whether or not the records and documents are in conformity with the relative maps drawn based on those records and documents. However, the records and documents are **always** precedent over the maps.

Disagreement 2: This disagreement relates to the adoption of the tribal boundary. This applies to the Ben Al Hamada and Salem tribal boundaries in Upper Nile/White Nile States, and the Pariang Dinka tribe boundary in the Unity State as discussed the in meeting No. 67,68,69-2009.

Disagreement 3: This disagreement relates to the records and documents which are being disputed by the parties, ref meetings No.97,98-2010 .

Disagreement 4: This disagreement relates to the non- adoption of the criteria or the standards set and agreed upon by the Committee itself in earlier meetings. Also, in the report, the reasoning behind each disagreement has been clearly presented.

Please, this summary is intended to clarify the crucial issues at stake and the confusion that surrounds the implementation of the North-South Sudan Border; and which hinder the progress of work of the Committee.

Thanks,

Yours,

Hon. Col. Eng. Riek Degoal Juer



GOSS Representative-North South Border.

The North-South Sudan Boundary Technical Committee

Date: 16.06.2010

THE BOUNDARY TECHNICAL COMMITTEE BETWEEN NORTHERN SUDAN
AND ITS SOUTHERN PART, 01/01/1956-KHARTOUM

Position Paper on the Delineation of the North- South Sudan
Boundary Line

TYPES OF BOUNDARIES

In processing the delineation of the North- South Sudan Boundary line 1/1/1956, the Boundary Technical Committee, hereafter known as the Committee, collected many records, documents, and maps from the Sudan national institutions such as the National Archives, Ministry of Interior, Ministry of Defense, Ministry of Federal Bureau, and Survey Corporation. Also, the Committee made time and efforts for field data collection from some concerned nationals.

Also, the archival research included foreign countries such as the United Kingdom and the Arab Republic of Egypt. In addition to that, the Committee received contribution of several relevant maps from some of the interested parties for peace in the Sudan, namely the Ambassador United Kingdom in Sudan and the Consulate of the American Embassy in Juba.

After collecting these records, documents, and maps in context with the North -South Sudan Boundary line, the Committee made the necessary technical studies and analyses that was concluded by dividing the entire length of the boundary line into three (3) types as follows:-

(1) The Boundary Line Description Based on Records Only.

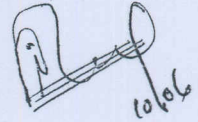
This type of boundary line is described by using detailed description from the records. That is, these records and documents describe all the details of the path of the boundary line which is then superimposed on a map. The boundary sectors described in this manner are:-

- (a) Upper Nile- White Nile States sector
- (b) Upper Nile- Sennar States sector.
- (c) Upper Nile- Blue Nile States sector.
- (d) Southern Kordofan-Unity States sector.

(2) The Boundary Line Description Based on Maps Only

This is the boundary line which has no records or documents upon which the description was based. That is, the details of the boundary line depend wholly on the data which have been superimposed on the existing map. The boundary line dependent on maps include the following sectors:-

- (a) Southern Darfur- Western Bahr El Ghazal States sector.
- (b) Southern Kordofan-Northern Bahr El Ghazal States sector.
- (c) Southern Kordofan (Abyei)-Northern Bahr El Ghazal (+ Warap) States sector.



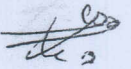
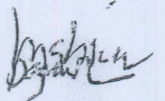
(3) The Boundary Line with Disputed Records and Documents

This is the boundary line that was drawn or not drawn, determined or not determined based on the disputed records and documents.



These disputed areas include the following sectors:-

- (a) South Darfur- Northern Bahr El Ghazal States sector.
- (b) Kaka Town on the west bank of the White Nile River in northern Upper Nile State.



AREAS OF DISAGREEMENT

In the process of interpretations and analyses of the records and documents to determine the geographical description that is defined by coordinates (latitude and longitude lines), and to compare them with the maps that are in context with the same records and documents, the Committee could not agree on the various issues as outlined below:-

TYPE ONE DISAGREEMENT

This disagreement is on whether or not the records and documents are in conformity with maps. That is whether or not the records or documents have been superimposed correctly on the existing maps which are to be used for the description by the Committee. This type of disagreement applies to the following sectors:-

(1) Upper Nile-White Nile States sector at Wantho Area.

Note the description:- "A line runs from Khor Abu Dris on Belli island....."

Position:- a) The Gazette No. 363 dated 30th October 1920 is not in conformity with Map Sheet No. 55 N, April 1937.

b) Here, the boundary line was plotted on Khor Abu Dris outside Belli island. This means that the disagreement is the inappropriate manner in which the above-mentioned Gazette was superimposed or translated on to the Map Sheet No. 55 N, April 1937. The issue now is how to place the boundary line in its appropriate position on the ground to be in conformity with the boundary line which is known to all.

Quoting Molana Dr. Muaz Ahmed Tangu, a member of the Committee, he once said: "If the Survey Department deviated from such adopted delimitation (description), such maps shall have no legal value as to the line they adopted". End of quote.

The mistake of the Gazette No 363,1920 was discovered by Surveyor of Blue Nile Province in the letter No. UNP.2.E3/34, dated 4th February 1955. As I quote (It was maintained by inspector Blue Nile, that Debat El Fukhar which is the recognized province boundary was wrongly sited on the 1/250000 map—end of quote.)

The statement of Surveyor H. Khogali proved the deference between the map and the Gazette 1920. As I quote-(Khor Abu Dris mentioned in the description, runs from South to North as shown in plan scale 1/100000. It does not run from East to West as shown in plan scale 1/250000.

Then, Surveyor H. Khogali made a new description to be in conformity with his mistake as follows:-

"The boundary runs from Belli Island across Khôr Abu Dris....."

Comments :- "This description is against the law", as stated above by Molana Dr. Muaz Ahmed Tangu, as well as" that the Surveyor cannot be an arbitrator".

Note:- In the process of exchanging the letters between the Governors of Blue Nile and Upper Nile Provinces, both Governors agreed to restore their relations and resolve the mistakes committed. In their agreement which was on 24-25 December 1955, and vide telegram No.3516, it was resolved that Debat El Fukhar became the boundary between the two Provinces..

We believed in the process of the boundary recovery. Where ever there is a record or document, it has to be superimposed without necessarily taking the map into consideration since the records and the documents are superior to maps. This means that the records and documents give the boundary details that should be superimposed correctly on the map drawn.

Summary:- As shown above, we propose the following :-

- (a) Either to superimpose correctly the text of the gazette NO.363, dated 30.10.1920,
- (b) Or to adopt the correction as accepted by the parties in December 1955.

(2) Upper Nile -White Nile States sector (western bank of the White Nil e)

The disagreement arises from the wrong imposition of the Gazette No 70, dated 1/1/1905 on the Map Sheet No. 66B December 1936. In other words, the Gazette No.70, dated 1/1/1905 is not in conformity with the Map Sheet No. 66B, dated December 1936.

Position:-The Gazette No. 70, dated 1/1/1905 is in conformity with Map Sheet

No. 66B 1929.

Or to superimpose on that Map Sheet the above- mentioned Gazette.

I quote Molana Dr. Muaz Ahmed Tangu, a member of the Committee, during the Regular Meeting No. 61. He stated that .." When the White Nile Province was established in 1905, the boundary line was not amended as it was created". Again, he said that "If the Survey Department deviated from such an adopted delimitation / description such map shall have no legal value as to the line they depicted". The records and documents are superior to any map.

The Map Sheet No. 66B, dated December 1936 had not proven to have changed the boundary shown; the map has no legal value as quoted above. Hence, we have no moral grounds to discuss it.

TYPE TWO DISAGREEMENT : Adoption of Tribal Boundary.

The Type Two Disagreement applies to the following boundary sectors:-

- (1) Upper Nile –and White Nile States sector on the western side of the White Nile River.
- (2) South Kordofan-Unity States sector.

The discussion about the geographical boundary of Ben Al Hamada (Dar Ben Al Hamada) in the White Nile State and the geographical boundary of Salem tribe in Upper Nile State. The Salem tribe has an extension of land into the white Nile to north and into Kordofan State to West. In Southern Kordofan and Unity States sector, the Pariang Dinka tribe of Unity State has an extension of land into Aleny (Higlig) to the West and towards Kole Lek (Lake Kailak) in the Northwest.

Position: The mandate of the Committee was only to adopt the administrative boundary ,
determined by geographical description based on coordinates of Latitudes and
longitudes.

Hence, it is incorrect in attempting to adopt and incorporate elements of tribal boundaries into the work of the Committee. The assignment was specific and, therefore, tribal boundaries are not part of the mandate given to the Committee because:-

- (a) The Committee has no mechanism to decide and to set the tribal boundary on the map, and in addition to the fact that tribal boundary cannot be determined and decided upon far from, and in the absence of the communities concerned.
- (b) The tribal boundary is decided by the rightful owners and custodians, the neighboring/adjacent tribes, which often takes place through conferences and meetings. The Boundary Technical Committee has no such legal powers or mechanism.
- (c) Also, the disposal of land is not a tribal power. It needs state sovereign power to adopt such tribal decisions; as well as it needs sovereign power to endorse and enforce such decisions. Legislation is prerogative of superior authorities which have sovereign power.

TYPE THREE DISAGREEMENT : Records and Documents in Dispute

These are the records and documents which have been gazetted previously and they were either used or not used in delineation of the boundary line between Northern and Southern Sudan. **This issue is reflected in the following boundary sectors:-**

- (1) Southern Darfur- Northern Bahr El Ghazal States sector.
- (2) Southern Kordofan- Northern Bahr El Ghazal + Warrap States sector.

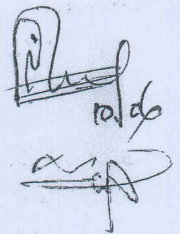
The boundaries between these sectors were drawn based on the Wheatley – Munro Agreement or the Malual- Rizigate Agreement.

Position:- Wheatley –Munro Or Malual -Rizigate Agreement is not a binding or legal document for the changing (redrawing) the boundary between Bahr El Ghazal and Darfur Provinces at the time. I quote Molana Dr. Muaz Tangu, a member of the Committee

⇒ (Whatever size of that territory might be from one province to another ----is wanted in all cases that who possess the capacity to ----is one who possesses superior administrative and sovereign power –end of quote . At that time it was only the Governor General to order the change of the boundary.

The Agreement :-

- (a) Did not mention in any paragraph, a change of the boundary line or to sanction this part of the boundary to be a land for Darfur Province.
- (b) According to the system of mapping process or stages of the boundary industry (changes) in Sudan , this agreement did not complete its circle of the process .
- (c) There was no any order affirming or directing to draw the maps (Nyamelle Sheet No.65-J, May 1936 and the Abyei Sheet No. 65-K, July 1936) with this new description, against the ordinary system whereby maps are drawn by geographical description using Latitudes and longitudes; and finally to obtain the approval of the Governor General.
- (d) The agreement was for the organization of the grazing or pasture between the tribes within Behr El Ghazal Province.
- (e) The Fur tribe as well as the Salem tribe of Upper Nile Province living in White Nile Province have the rights to own lands as citizens in next province.
- (f) The map which was drawn based on the Wheatley –Munro Agreement had included areas which are not part of the Malual tribal Land, such as the Mandala tribal land. The terms of the agreement should be strictly implemented by restricting the grazing area in question to the precise boundary of the Malual tribal land south of the river.



As I quote Dr. Muaz Ahmed Tangu --Survey Department on its own initiative has no legal standing to introduce or effect new boundary description or amend existing one shown on its maps. It has by law applied the description decided upon and adopted by the Sudan Government and directed to apply on its maps through an administrative decision or legislation—end of quote..)

(3) Kaka Town on the Western Bank of White Nile River in Upper Nile State

The Gazette No. 414, page 1808, dated 30/4/1923, transferred Kaka Town from Upper Nile Province to the Nuba Mountains Province on administrative basis.

Position:- This gazette did not mention to sanction this town to the Nuba Mountains Province. The aim was to serve the Nuba Mountains from the South because of the implementation of the 'Closed Districts Order ' that did not allow services to be brought in from the northern Sudan. Kaka Town has another name called (Morada Town). See Gazette No. 480, dated 15/9/1926,page253; and Gazette No. 511, dated 21/12/1928, page 378.

TYPE FOUR DISAGREEMENT : The Map Sheets That Describe the Boundary Line

This type of disagreement applies to the following boundary sector:-

- (1) South Darfur- Western Bahr El Ghazal States sector.

Position :- Adoption of the Criteria or standards Set and Agreed Upon by the Committee.

During the technical studies that were made by the Committee on all maps that give the detail description of the boundary line or the details of the boundary line that depend on maps drawn, the Committee disagreed on the implementation of its own criteria or standards that it had set and agreed upon.

The criteria set and agreed upon by the Committee were that:-

- (a) An uncorrected or unrevised Map of 1:250,000 (quarter million) scale shall be used as records or documents for the description of the boundary line.
- (b) All the corrected 1:250,000(quarter million) and 1:100,000(one hundred thousand) scale maps shall be used for additional information, such as for rivers, Khors, and other physical and human features.
- (c) All the small scale maps 1:1,000,000(million scale maps or less shall be used for tracing the track of the boundary line .

In this case, the Committee has disagreed in applying the corrected Map Sheet of Hofrat El Nahas No.65-I, dated October 1934. The information on the map sheet No. 65-I October 1934 proved that this map was distorted.

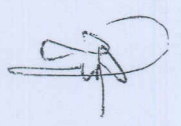
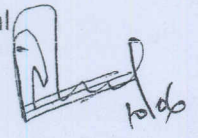
On this issue, the proper Map to use is the uncorrected Map Sheets of Hofrat El Nahas, No. 65-I, dated October 1934; Buram No. 65-E, dated July 1936; Birka Khadra No. 64-L December 1934.

Handwritten signatures and initials on the right side of the page, including a signature that appears to be 'A. S.' and another signature below it.

Note:- These Map Sheets of United Kingdom, Egypt, and American Library archives, were photo-copied from the Office copies or from the true Map Sheets before they were distorted.


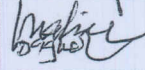
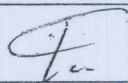

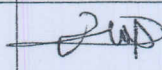
The Office or true copies of the five (5) Map Sheets in the Survey Department archives were distorted. On the above mentioned map sheets, there is writing of the word 'changed' on the Boundary ((signed by miraly Ahmed Bahari Minister of Interior -20 July 1959. The writing mentioned proved that this part of land (Kafi - Kingi) was, indeed, in Bahr El Ghazal before 1/1/1956.

As it was put By Dr. Muaz Ahmed Tangu, a member of the Committee that: ...the critical date is 1/1/1956 as far as this Committee is concerned. In accordance with the international law of boundary delimitation and demarcation, the critical date denotes the date that invalidates all conducts undertaken after it. Whereby, no party to the dispute may rely on conducts undertaken after it, to prove a territorial right, administrative or sovereign jurisdiction on any disputed territory. The principle of applicable law in international law, especially boundary law, denotes the legislation in force prior to the critical date (prior to or on 1/1/1956 in our case), not the legislation in force subsequent to that date—End of quote.



**The Boundary Technical Committee between
North Sudan and its Southern part
01/01/1956.**

**Names and places of the Southern Sudanese
Members in the Committee.**

No	Name	Place	Signature	Remark
1-	Hon .Col.Eng. Riek Degoal Juer	Representative Government of the South Sudan (GOSS)		
2-	Molana / Darious Garang Wol	representative of the North Bahr el- Ghazal state		
3-	Mr /John Gile Lul	representative of the Upper Nile State		
4-	Mr /Mahamed Wadu-Allah	Representative West Bahr el- Ghazal State		
5-	Professor/ Joshua Otor Akol	Expert		
6-	Eng / James Laa Ajarial	Expert		
7-				