ABYEI BOUNDARIES COMMISSION REPORT

PART 1

14 JULY, 2005

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PREFACE

The Protocol Between the Government of Sudan (GOS) and the Sudan People's Liberation Movement/Army (SPLM/A) on The Resolution of the Abyei Conflict, signed at Naivasha, Kenya, May 26, 2004 provides that the Presidency shall establish the "Abyei Boundaries Commission (ABC) to define and demarcate the area of the nine Dinka Chiefdoms transferred to Kordofan in 1905."

The Protocol states that the Commission "shall include, *inter alia*, experts, representatives of the local communities and the local administration."

The final text of the Abyei Annex, "Understanding on Abyei Boundaries Commission," adopted by the two principals on December 17, 2004, states that the composition of the ABC shall include five members representing the GOS, five representing the SPLM/A, and five impartial experts nominated by the US (1), the UK (1), and IGAD (3). The ABC "shall listen to representatives of the people of Abyei Area and the neighbours, and shall also listen to presentations of the two Parties." In addition, the experts in the Commission "shall consult the British Archives and other relevant sources on Sudan wherever they may be available with a view to arriving at a decision that shall be based on scientific analysis and research."

The Annex also provides that the experts shall determine the rules of procedure of the ABC and that "the report of the experts, arrived at as prescribed" by those rules of procedure "shall be final and binding on the Parties." Consistent with this proviso, the Rules of Procedure for the Abyei Boundaries Commission, which the experts presented to the Parties on April 11, 2005 and were accepted by the Parties, state that the "Commission will endeavor to reach a decision by consensus. If, however, an agreed position by the two sides is not achieved, the experts will have the final say." This rule is consistent with the language of the Abyei Annex to the effect that the report of the experts shall be final and binding on the Parties.

On April 12, 2005 the GOS and SPLM/A members of the ABC submitted to the experts the two parties' preliminary presentations. The next day the ABC flew to Khartoum and on to Abyei Town, arriving there on the morning of April 14. Over the ensuing six days, the ABC heard testimony from the Sudanese in Abyei Town, areas to the northeast and northwest of there, Agok, and Muglad. The ABC returned to Khartoum on April 26, and the experts flew from there to

Nairobi, where they reviewed their notes on the testimony heard in southern Sudan and consulted with IGAD.

The experts returned to Khartoum on April 27 and for the next two weeks examined historical documents at the Sudan National Records Office, maps at the Sudan National Survey Authority, and additional documents at the University of Khartoum library. They also listened to testimony of a group of Ngok Dinka living in Khartoum and a group of Twich Dinka also residing there.

No map exists showing the area inhabited by the Ngok Dinka in 1905. Nor is there sufficient documentation produced in that year by Anglo-Egyptian Condominium government authorities that adequately spell out the administrative situation that existed in that area at that time. Therefore, it was necessary for the experts to avail themselves of relevant historical material produced both before and after 1905, as well as during that year, to determine as accurately as possible the area of the nine Ngok Dinka chiefdoms as it was in 1905. In doing this the experts are mindful that the drafters of the American proposal which was incorporated into the Abyei Protocol have stated: "It was clearly our view when we submitted our proposal that the area transferred in 1905 was roughly equivalent to the area of Abyei that was demarcated in later [years]." This position was, according the American participants, conveyed to the two sides at the Naivasha talks.*

Returning to Nairobi on May 11, the experts met with IGAD Special Envoy Lt.-General Lazaro Sumbeiywo the next day to report to him the progress that had been made and the work that had yet to be done. They made known to him the need for the professional services of a cartographer. On May 16 the experts convened again at the IGAD office to meet and brief the fifth expert, Professor Shadrack B.O. Gutto. The following day after another meeting with Professor Gutto – ABC Chairman Petterson, UK appointee Johnson, and IGAD appointee Muriuki travelled to England.

During their stay in England from May 17 to May 27, the three experts first went to Oxford University, where they examined documents at Rhodes House Library and documents and maps at the Bodleian Library. Subsequently, they met with former District Commissioner Michael Tibbs in Sussex and with Ian Cunnison, anthropologist and author of *Baggara Arabs*, in Hull. They also travelled to Durham, where they reviewed documents and maps at the Sudan Archive of the

* Email from Jeffrey Millington to the American Embassy, Nairobi, Kenya, April 27, 2005.

University of Durham. During this same period, Professors Berhanu and Gutto undertook additional research in Addis Ababa and Pretoria, respectively.

All five experts reconvened in Nairobi on June 14 and 15, and on June 16 and 17 the GOS and the SPLM/A made their final presentations. The experts then continued their deliberations, completing them on June 20. On that same day, they met again with Lt.-General Sumbeiywo. He agreed with their pledge not to reveal to any person or institution the substance of their decision before they present it to the Sudanese Presidency.

In the preparation of this report, a simplified phonetic script has been used for writing Arabic and Dinka names.

ACKNOWLEDGEMENTS

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Ambassador El-Dirdeiry, Commander Deng Alor Kuol, and Deputy Governor Ahmed El-Salih for the wise counsel they gave to the people who attended our meetings in Abyei Town and the surroundings, Agok, and Muglad.

The authorities in Abyei Town and Muglad, who gave us accommodation, meals, transport, and venues for our meetings.

The Agok authorities, who gave us meals and a venue for our meeting.

The Joint Military Command, which provided aircraft for our trip into the field.

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Ali Karrar, Director of the National Records Office, Khartoum, and his staff.

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Finally, the Sudanese people who gave their testimony to the ABC, and all others who gave their direct or indirect assistance to the experts.

LIST OF DELEGATES

TO THE ABYEI BOUNDARIES COMMISSION

GOS DELEGATION

1. Ambassador El-Dirdeiry Mohammed Ahmed	Head of Delegation
2. Mr. Ahmed Assalih Soloha	Member
3. Mr. Abdul Rasoul El-Nur	Member
4. Mr. Zakaria Atem	Member
5. Mr. Ahmed Abdalla Adam	Member

SPLM DELEGATION

1. Commander Deng Alor Kuol	Head of Delegation
2. Mr. James Lual Deng	Member
3. Mr. Victor Akok	Member
4. Mr. James Ajing Path	Member
5. Mr. Deng Arop Kuol	Member

EXPERTS

1. Ambassador Donald Petterson	Chairman, USA appointee
2. Professor Godfrey Muriuki	IGAD appointee
3. Professor Kassahun Berhanu	IGAD appointee
4. Dr. Douglas H. Johnson	UK appointee
5. Professor Shadrack B.O. Gutto	IGAD appointee

IGAD SECRETARIAT

1. Mrs. Felicita W. Keiru
2. Mr. Boniface Mwaka
3. Mrs. Virginia Gitau
4. Ms. Soila Kasaine

SUMMARY OF EXPERTS' REPORT AND DECISION

Role of the ABC experts: As the preface to this report notes, the Annex to the Abyei Protocol and the Rules of Procedure adopted by the Abyei Boundaries Commission (ABC) state, in essence, that if the fifteen-person ABC is unable to reach a consensual decision on what the Abyei Area's boundaries should be, the ABC experts' decision shall be final and binding on the parties. Also as noted in the preface, the Abyei Area has been defined as the area of the nine Ngok Dinka chiefdoms transferred from Bahr el-Ghazal to Kordofan in 1905 (**Appendix 1**).

As it happened, the two sides, i.e., the Government of Sudan (GOS) and the Sudan People's Liberation Movement/Army (SPLM/A), were unable to reconcile their differences on the Abyei issue. Thus the decision arrived at by the five ABC experts shall be the determinant of the boundaries in question.

It should be emphasised that in reaching their decision the experts did not accept or reject either the GOS or the SPLM/A final positions. Rather, they used both positions as points of departure for their investigations, which drew additionally on Anglo-Egyptian Condominium government documents. They also used the testimony they heard in the Sudan, observations made to them by British sources familiar with the Abyei Area prior to independence, and relevant secondary sources.

Popular misunderstanding about the impact of establishing a boundary: The experts found in their meetings with people in the Abyei Area that there was considerable misunderstanding about the effect that setting a boundary for the area will have. The experts therefore want to stress that the boundary that is defined and demarcated will not be a barrier to the interaction between the Misseriya and Ngok Dinka communities. The decision should have no practical effect on the traditional grazing patterns of the two communities as those patterns were followed for many years until they were disrupted by armed conflict. The experts trust that the Presidency will take measures to ensure that word of this is widely disseminated, particularly among the two communities.

The testimony: The ABC held fourteen meetings in the Abyei area, hearing formal testimony of 104 persons (47 Dinka, 57 Misseriya) between April 14 and April 20. All testimony was gathered in public meetings, where the witnesses spoke under oath, could hear the testimony of others, and could be heard by a large audience as well. The places where the testimony was given were: Abyei

Town, Goleh/Langar, Pawol, Dembloya/Dak Jur, Lau, Umm Bilael/Tordach, Chigei/Thigei, Lukji/Kol Yith, Agok (in SPLM/A territory), and Muglad town.* Time was made available for questions from the ABC at only seven of the meetings – in Abyei Town, Agok, and Muglad town. An additional visit was made to Mathiang in SPLM/A territory, but no meeting was held there. Further testimony was taken from representatives of the Ngok and Twich Dinka in Khartoum. In all 125 persons were interviewed (**Appendix 4**).

At the outset of each session the ABC Chairman explained the Commission's objectives. Spokesmen for the GOS and the SPLM/A delegations of the ABC then spoke, stressing that the outcome of the Commission's deliberations would not affect the free movement of either group of people or their traditional access to land. The two sides then presented their own positions concerning the mandate of the ABC and their contrasting definitions of the area under consideration. As a result, no one at the meetings was left in any doubt about where each side stood. This was reflected in the statements subsequently given by many of the witnesses which made it clear that not only were they speaking to the position of either the government or the SPLM/A, but that they also sometimes attempted to refute claims made at earlier meetings at which they were not present.

Some accounts were given of events long before and immediately prior to 1905, but details of actual events in 1905 were scanty. Many witnesses – Ngok Dinka, Misseriya, and other Dinka – made reference to later periods and later events (even after independence), and drew inferences from those periods about the situation that existed in 1905.

Most of the oral testimony from the Ngok Dinka and the Misseriya presented the ABC with two sharply differing versions of what constitutes the Abyei Area. No one denied that both the Misseriya and Ngok had made use of the same territory in recent times. Where they differed on this was whether such use constituted "ownership" of the Area. As was true with the final presentations of the GOS and SPLM/A (**Appendix 3**), the oral testimony by itself did not validate one case or the other.

The Misseriya position: The Misseriya contended that the land from their northern permanent settlements to south of the Bahr el-Arab has been theirs for several centuries, that the Ngok are newcomers who were destitute and had, at their own request, been allowed to reside in the southern river area in recent

*Where applicable, the different Misseriya and Ngok Dinka nomenclature for place names is indicated by a slash (/) between them.

times as guests, that there are no boundaries between the two groups, and that the whole area has been under the administrative jurisdiction of Kordofan, never under the jurisdiction of Bahr el-Ghazal. In support of these claims some witnesses stated that the Ngok had never paid taxes to Bahr el-Ghazal, that the Ngok had been administratively treated as a section of the Misseriya with their paramount chief coming beneath the Nazir of the Misseriya, and that the Misseriya had cotton plantations in such places as Nyama (the northern-most area also claimed by the Ngok).

The Ngok position: The Ngok, supported by testimony from the Twich, Rek, and Rueng Dinka, contended that they had occupied the river area (Bahr el-Arab/Kir, Ragaba ez-Zarga/Ngol) before the Misseriya arrived in the Muglad area; that therefore they were not guests; that before, during and after 1905 their permanent settlements were situated both north and south of the Bahr el-Arab/Kir; and that there had been no major changes to their areas of permanent settlement or grazing from 1905 to 1965. They gave a detailed account of place names for permanent settlements and grazing grounds for each of the nine Ngok chiefdoms.

GOS and SPLM/A positions: The Government of Sudan's position is that the only area transferred from Bahr el-Ghazal to Kordofan in 1905 was a strip of land south of the Bahr el-Arab/Kir; that the Ngok Dinka lived south of the Bahr el-Arab/Kir prior to 1905, and migrated to the territory north of the river only after coming under the direct administration of Kordofan. Therefore the Abyei Area should be defined as lying south of the Bahr el-Arab/Kir, and excluding all territory to the north of the river, including Abyei Town itself. This is opposed by the SPLM/A position, which is that the Ngok Dinka have established historical claims to an area extending from the existing Kordofan/Bahr el-Ghazal boundary to north of the Ragaba ez-Zarga/Ngol, and that the boundary should run in a straight line along latitude 10°35′ N (**Appendix 3**).

Examination of historical records: Because the initial presentations of the GOS and SPLM/A, along with the oral testimony of the two communities, largely contradicted each other, and did not conclusively prove either side's position, the ABC experts set out to obtain as much evidence as they could from archives and other sources in Sudan, the United Kingdom, South Africa and Ethiopia. They confined themselves mainly to records contemporary with or referring to the period of the Anglo-Egyptian Condominium (1899-1956). They note that a 1905 map showing the Ngok territory does not exist. Nor do the historical records of the then government definitively attest to the Ngok boundaries of that time. In

analysing the material collected, the experts have applied the generally accepted historical method of comparing oral with written material. They have also been guided by established legal principles in determining land rights in former British-administered African territories, including the Sudan (**Appendix 2**).

PROPOSITIONS

Certain propositions emerged from the GOS and SPLM/A presentations and from the oral testimony. To test those propositions, the experts subjected each one to analysis based on relevant historical evidence. An exposition of the evidence and the analysis applied to each proposition is contained in a separate section of the full report and in **Appendices 4**, **5** and **6**. A summary of the propositions and evidence, along with the experts' findings, is given here.

Proposition 1: *The Ngok Dinka territory originally extended to El Oddaya, and the boundary between the Ngok and Misseriya should run from Lake Keilak to Muglad.* (Ngok oral testimony)

There are very few contemporary records of any kind referring to the region between El Oddaya and the Bahr el-Arab before the beginning of the twentieth century. One of the few sources is an itinerary recorded by W.G. Browne, which he obtained while residing in Darfur in 1794-95, and which places the Misseriya in Baraka (near Muglad) and the Dinka a five-day journey to the southeast. K.D.D. Henderson, who was district commissioner in Nahud in the early 1930s, confirmed this itinerary. Henderson put the arrival of the Baggara Arabs in Muglad in the decade 1765-1775.

It is beyond question that Muglad was, and remains, the heart of Dar Misseriya. Henderson characterised Muglad as "the key to Dar Homr."* Kordofan district officers, traveling in southern Kordofan in 1901 and 1902, reported that Muglad was the headquarters of the Humr. They also reported that Keilak was in Humr territory. Writing in 1954, Ian Cunnison, the anthropologist who lived among the Humr in the early 1950s, stated: "The Muglad is regarded by the Humr as their

* The people who today are known as Misseriya are Baggara Arabs who in the eighteenth century were composed of two tribal divisions, the Humr and the Zurg. The latter were referred to as Misseriya. The Humr settled in the Muglad/Babanusa area, the Zurg farther east. In 1942, the British amalgamated the two groups, who henceforth were both called the Misseriya. References to Misseriya in British records before 1942 should be generally understood as referring to the Zurg, and not the Humr.

home. Their arrival there from the Bahr is the occasion of great rejoicing and anticipation."

It is clear that the claim that the Ngok-Misseriya boundary lies between Muglad and Keilak has no foundation. This naturally rules out any possibility that the boundary was at El Oddaya.

Proposition 2: *Misseriya territory originally extended south of the Bahr el-Arab as far as the current Kordofan–Bahr el-Ghazal border.* (Misseriya oral testimony)

The known dry-season grazing areas of the Humr in the early twentieth century were concentrated near the Ngol River, not the Bahr el-Arab, much less to the south of the Bahr el-Arab. In January 1908 and again in October of that year, Governor of Kordofan Province Watkiss Lloyd reported that the Humr took their cattle to the Bahr el Humr (Ngol) in the dry season.

This observation was repeated by District Commissioner R.B. Bence-Pembrooke in a report written in 1916: "As soon as the grass and the fly permit, the [Humr] Agaira disappear to remote watering places on the Bahr el Homr." It was not until some years later that the Humr extended their dry-season grazing farther south to the Bahr el-Arab. This was illustrated in a 1923 report filed by a Bahr el-Ghazal official, Major Titherington, complaining of incursions there by Arabs with their cattle.

Cunnison has pointed out that the Misseriya migration into the Sudan followed the savannah belt, a natural environment neither semi-desert (to the north) nor seasonal swamp (to the south). For their part, the Ngok settled along rivers and waterways. The Humr and Ngok have occupied their different environments long enough to be reflected in their different breeds of cattle. The environmental evidence argues against any long-term Humr occupation of the river system (Bahr).

It is instructive to look at how a parallel case was resolved. In the early twentieth century a dispute between the Malwal Dinka of Bahr el-Ghazal Province and the Rizeigat Arabs of Darfur was a constant source of tension. A decision by the Condominium government in 1924 recognised the Rizeigat claim and gave them a southern boundary that was twelve miles south of the Bahr el-Arab. No such decision was ever made regarding the Ngok and the Misseriya, inasmuch as during the Condominium period the Misseriya never formally claimed any territory south of the Bahr el-Arab.

Proposition 3: *The Ngok are newcomers to the territory, having left the Zeraf Island in the Upper Nile in the nineteenth century, and were brought in as destitute refugees at their own request to Humr leaders.* (Misseriya oral testimony and GOS presentation)

If W.G. Browne's evidence (cited in Proposition 1, above) establishes that the Misseriya were in the Muglad-Baraka area, it establishes with equal force that the Dinka were settled in the Ragaba ez-Zarga by the same date. For in his study of the migration of the Misseriya, Henderson wrote: "Under Kwal Dit of the Abyor section, the Ngork [Ngok] moved west along the Gnol [Ngol]....This was one generation before the Baggara came south to Turda." Henderson put the arrival of Kwal Dit on the Ngol at 1745-1755.

Historical research carried out in Upper Nile demonstrates that there is no connection between the Ngok migration into Kordofan, and the events surrounding the nineteenth century eastward expansion of the Nuer into the Zeraf Island.

The evidence is compelling, then, that in no way were the Ngok newcomers in the early twentieth century.

There is no evidence that the Ngok requested refuge from Abu Gurun or Ali Julla. The latter, in fact, was carrying out raids against the Ngok and Twich Dinka in the early years of the twentieth century and would, therefore, hardly be someone to whom the Ngok would make a request for refuge. Not many years earlier, it was the Ngok who came to the aid of Misseriya. As Henderson noted in his study of Misseriya migration, non-Mahdist Humr were chased out of their country by the Mahdists, and some survivors "found asylum until [1898] with Chief Arob Biong in the swamps of Baralil."

The assertion that the Ngok Dinka were destitute is rendered doubtful by contemporary observations made by British officials in the early 1900s. For example, on a trip from El Obeid to "Sultan Rob's country" in1902, Governor Mahon observed that the Ngok were "well off and owned immense heads of cattle." This was in contrast to other observations that pointed to the relative poverty of the Humr.

Proposition 4: *The inclusion of the Abyei Area in "Dar Messeria" District is recognition that Ngok territory belongs to Dar Misseriya.* (Misseriya oral testimony and GOS presentation)

Again, the Ngok did not ask for or receive refuge from the Humr. They did not physically move from one area to another. What occurred in 1905 was that because of Dinka complaints about Humr raids, the British authorities decided to transfer the Ngok and part of the Twich Dinka from the administrative control of Bahr el-Ghazal Province to Kordofan Province. This action put the Ngok and the Humr under the authority of the same governor (a fact cited in both the GOS and SPLM/A presentations).

Despite the adoption by many Ngok of Arab dress and their assimilation of certain northern cultural traits, the Ngok preserved their autonomy. Michael Tibbs, the last British District Commissioner for Dar Misseriya, has said that in 1952, when the Ngok became a part of the District Council, joining into it with the Misseriya, they were not members of the Misseriya tribe, did not come under the jurisdiction of the Misseriya leadership, and had their own court.

Proposition 5: *The Ngok were administered as part of the Misseriya, both in taxation and in the court system.* (Misseriya oral testimony and GOS presentation)

The record shows that the Ngok were administered separately. For example, in 1908 in the list of tribute paid to Kordofan Province, the Dinka are included separately from the Arabs. There were separate entries for the Ngok in the 1932 Kordofan budget, which also showed the Ngok paying taxes directly to the Kordofan government, not through the Humr Nazir. Misseriya tax lists from the late 1940s do not list the Ngok.

The evidence from the Condominium records is conclusive that the Ngok Dinka courts were independent of the Misseriya courts and were administered separately throughout the period of the Condominium. Chief Kwol Arop's court functioned informally throughout the 1920s, until it was designated Court Number 12 (separate from the Misseriya courts) in 1936. In that year outgoing District Commissioner J.W. Robertson described separate court systems for the Humr and the Ngok. Of the latter, he wrote: "The Dinka Court is a flourishing concern...." At the end of the Condominium in 1954 Michael Tibbs recorded that the Ngok continued to have their own court (see Proposition 4, above).

Proposition 6: *The Misseriya claim that specific locations north of Abyei Town (e.g., Goleh/Langar, Pawol, Dembloya/Dak Jur, Umm Bilael/Tordach, Chigei/Thigei, Lukji/Kol Yith, Lau, Nyama) have belonged to them since the time of the Turkiyya, through 1905, to the present.* (Misseriya oral testimony)

In addressing this proposition it is necessary to establish the existence of "dominant" (permanent) and "secondary" (seasonal) rights of occupation and use of land or territory (**Appendix 2**).

Although this claim was stated to the experts at each of those places, there was no physical evidence to support the claim of dominant rights of occupation or use. There were no permanent structures in any of them or other indications of substance that they are now or ever were Misseriya permanent settlements.

There is good reason to believe that the nomadic Misseriya had few permanent settlements outside their headquarters in Muglad. In 1902 Major E.B. Wilkinson remarked on some "badly built" huts of the Feleita Humr at Keilak, where the Feleita moved their cattle in the dry season. He saw no indications of permanent Misseriya settlements farther south on his trip from El Obeid to "Dar Jange [Dinka]". Writing in 1948, British anthropologist-official Paul Howell described the transportable nature of Misseriya dwellings and household goods. He made no mention of permanent settlements. In his book on the Baggara, Ian Cunnison states that the Humr "are continually on the move, and do not have permanent houses anywhere." In an interview with three of the experts May 22, 2005 he said: "The Humr had no land claims, no permanent settlements, no houses, unlike the Dinka." He added that the Misseriya do have permanent areas in the Muglad where they cultivate.

The secondary rights of the Misseriya to all of these locations visited by the Commission, however, were established and were not disputed by the Ngok.

Nyama, which the Commission was not able to visit, is a place of considerable importance to both peoples. It is a site of clay soil within the Goz where water can usually be found throughout the year. It has been an abundant source of fish for the Ngok at the end of the rainy season and towards the beginning of the dry. The Misseriya began cultivating cotton there, as part of government-supported schemes, in the early 1950s. Neither side was able to conclusively establish a claim of dominant rights to Nyama, but both have been able to demonstrate secondary (seasonal) rights.

Proposition 7: *The only area affected by the 1905 decision of the Condominium authorities to administer the Ngok Dinka as part of Kordofan was an area south of the Bahr el-Arab; and that the Ngok Dinka settled in territory north of the river only after 1905.* (GOS presentation)

The Government of Sudan maintains that at the time of the decision to place the area of the Ngok Dinka under the authority of Kordofan Province, Arop Biong, paramount chief of the Ngok, and his people were living south of the Bahr el-Arab, that the Bahr el-Arab was recognised by the Condominium government as Arop Biong's northern boundary with the Humr, and that the only area transferred to the jurisdiction of Kordofan was the territory south of the Bahr el-Arab occupied by the Ngok and Twich Dinka. At first glance, the evidence adduced by the government in support of its interpretation of the 1905 boundary is persuasive. It is based on contemporary documents contained in annual reports of both Kordofan and Bahr el-Ghazal provinces which include explicit statements about the Bahr el-Arab being the boundary between the two provinces and contemporary or near contemporary maps showing the boundary between the two provinces as running along the Bahr el-Arab.

Keys to this rationale by the GOS are a 1904 Sudan Intelligence Department map and Major Wilkinson's account of his 1902 journey from El Obeid to "Dar Jange".

Reading the Wilkinson account, it is logical to conclude, as the GOS has done, that Humr Arabs were living in the vicinity of the Bahr el-Arab and that Wilkinson came to no Ngok Dinka villages until he was fifteen miles south of that river. However, if one plots on a modern map the mileage that Wilkinson carefully marked down for each stage of the journey, it becomes clear that the river he called the Bahr el-Arab was actually the Ragaba ez-Zarga/Ngol. For example, Wilkinson recorded that at mile 261 ½ from his starting point, he arrived at Kuek, where he encountered Arab dry-season settlements and many cattle. Ten miles later he reached Fula Hamadai and about fifteen miles farther on he came to Fauwel (Pawol). Then, about fourteen miles to the southeast of Fauwel, Wilkinson reached what he said was the Bahr el-Arab. He was wrong. Fourteen miles or so southeast of Fauwel lies the Ngol. Wilkinson wrote that some 28 miles to the south of that river, "the Kir River, or Bahr El Jange, is struck, as one reaches the settlement of Sultan Rob [Arop Biong]." The Kir was, as later became known, the Bahr el-Arab.

Wilkinson was not alone in erroneously demarcating geographical features in the Sudan. For example, traveling from Wau to Arop Biong's area in 1904, Major

Percival described the Kir as being 50 miles south of the Bahr el-Arab. Other reports make it clear that administrative officials mistook the Ragaba ez-Zarga/Ngol for the Bahr el-Arab, and thought the Kir was a different river.

The experts' research revealed to them that there was considerable geographical confusion about the Bahr el-Arab and Bahr el-Ghazal regions for the first two decades of the Condominium rule. This was part of a broad range of geographical inaccuracies regarding most of the Sudan in that time.

1905-06 surveys correctly identified the Kir as the Bahr el-Arab and the Ragaba ez-Zarga/Ngol for what it actually was (and labeled it the "Bahr el-Humr"). It was not until 1908, however, that local administrators in Kordofan consistently described the Ragaba ez-Zarga as the "Bahr el-Humr" in their official reports.

The maps submitted by the government in support of this proposition do not reflect those corrections.

The government's assertion that only the Ngok Dinka territory south of the Bahr el-Arab was transferred to Kordofan is, although understandable, incorrect.

Contemporary documents before 1905 record that the Ngok Dinka occupied an area that extended from the Bahr el-Arab/Kir north to at least the Ragaba ez-Zarga/Ngol. In the immediate aftermath of the Mahdiyya both the Humr and the Ngok benefited from the British administration's general policy in the Sudan to encourage peoples to return to their original homelands in order to revive abandoned rural areas. Documents which report internal movements within Ngok Dinka territory after 1905 cannot, therefore, be taken as evidence of mass population migration from one territory to a new territory.

Proposition 8: *There was a continuity in the territory occupied and used by the nine Ngok Dinka chiefdoms which was unchanged between 1905 and 1965, when armed conflict between the Ngok and the Misseriya began.* (Ngok oral testimony and SPLM/A presentation)

In assessing this claim it must be recognised that contemporary documents are incomplete in that no British official ever visited the Ngok in the rainy season; therefore they did not observe the Ngok rainy-season use of some of the northern-most territories now under dispute. However, in keeping with the Condominium administration's general policy of encouraging the full use of tribal territories by their original inhabitants, it is evident that over a period of years

successive administrators accepted a continuity of settlement and use, even if they did not observe it personally.

The administrative record of the Condominium period, along with the testimony of persons familiar with this area at the end of the Condominium, establishes that there was a continuity of Ngok Dinka settlements in the area of the Bahr el-Arab/Kir, the Umm Bieiro, the Ragaba Lau, and the Ragaba ez-Zarga/Ngol. For instance, in 1909 Kordofan official C.A. Willis wrote that Ngok settlements were found all along the Jurf (Bahr el-Arab) and that "Dinka influence extended a considerable distance further North at one time." Michael Tibbs states categorically that there was continuity of the Ngok settlements up to the end of the Condominium. Ian Cunnison was equally definite in stating that the general area in which the Ngok maintained their permanent settlements remained the same over the years. At the peace agreement between the Misseriya Humr and the Ngok Dinka in March 1965 both sides agreed that the Ngok could return to their homesteads at "Ragaba Zarga and other places where they used to live" and that the Arabs would have unrestricted access to all ragabas that they had been frequenting before the outbreak of hostilities.

From the above evidence it stands to reason that the Ngok had established dominant rights of occupation along the Ragaba ez-Zarga and the area to its north, while the Misseriya enjoyed established secondary rights of use in the same region. Further to the north, however, the two communities exercised equal secondary rights to use of the land on a seasonal basis.

Proposition 9: *The Abyei Area is defined as the territory of Kordofan encompassed by latitude 10°35′ N in the north to longitude 29°32′ E in the east, and the Upper Nile, Bahr el-Ghazal and Darfur provincial boundaries as they were at the time of independence in 1956.* (SPLM/A presentation)

Latitude 10°35′ N represents the northern-most limit to the claim of dominant rights for the Ngok that the SPLM/A is willing to put forward.

The experts, having examined the evidence presented in the preceding propositions, are confident that the area south of latitude 10°10′ N contains the territory in which the Ngok have dominant rights, based on permanent settlements and land use.

The area between latitudes 10°10′ N and 10°35′ N therefore represents the area of secondary rights shared between the Ngok and Misseriya.

This area closely coincides with the band of Goz, which a number of sources identify as the border zone between the Ngok and Misseriya.

Based on the legal principle of the equitable division of shared secondary rights, therefore, the northern boundary should fall within the zone between latitudes 10°10′ N and 10°35′ N.

As neither the Ngok nor the SPLM/A have presented claims to the territory east of longitude 29°32′15″ E, it is reasonable to take this line as the eastern boundary.

CONCLUSIONS

After careful consideration of each proposition put forward by the Misseriya, Ngok Dinka, GOS and SPLM/A, and a thorough examination of available evidence, the ABC experts have made the following determinations:

- In 1905 there was no clearly demarcated boundary of the area transferred from Bahr el-Ghazal to Kordofan.

- The GOS belief that the area of the nine Ngok Dinka chiefdoms placed under the authority of Kordofan in 1905 lay entirely south of the Bahr el-Arab is mistaken. It is based largely on a report by a British official who incorrectly concluded that he had reached the Bahr el-Arab when in fact he had only come to the Ragaba ez-Zarga/Ngol. For several years afterward maps, some of which were cited by the GOS in its presentation to the experts, manifested this error.

- The Ngok claim that their boundary with the Misseriya should run from Lake Keilak to Muglad has no foundation.

- The historical record and environmental factors refute the Misseriya contention that their territory extended well to the south of the Bahr el-Arab, an area to which they never made a formal claim during the Condominium period.

- Although the Misseriya have clear "secondary" (seasonal) grazing rights to specific locations north and south of Abyei Town, their allegation that they

have "dominant" (permanent) rights to these places is not supported by documentary or material evidence.

- There is compelling evidence to support the Ngok claims to having dominant rights to areas along the Bahr el-Arab and Ragaba ez-Zarga and that these are long-standing claims that predated 1905.

- There is no substance to the Misseriya claim that because the Abyei Area was included in "Dar Messeria" District, it belongs to the Misseriya people. The Ngok and the Humr were put under the authority of the same governor solely for reasons of administrative expediency in 1905. After that action, the Ngok retained their identity and control over their local affairs and maintained a separate court system and hierarchy of chiefs.

- The administrative record of the Condominium period and testimony of persons familiar with the area attest to the continuity of Ngok Dinka settlements in, and use of, places north of the Bahr el-Arab between 1905 and 1965, as claimed by the Ngok and the SPLM/A.

- The experts considered the presentation by the SPLM/A that their dominant claim lies at latitude 10°35′ N, but found the evidence in support of this to be inconclusive.

- The border zone between the Ngok and Misseriya falls in the middle of the Goz, roughly between latitudes 10°10′ N and 10°35′ N.

FINAL AND BINDING DECISION

Having duly considered, assessed, and weighed the evidence before them, the experts have come to the following decision:

1) The Ngok have a legitimate dominant claim to the territory from the Kordofan–Bahr el-Ghazal boundary north to latitude 10°10′ N, stretching from the boundary with Darfur to the boundary with Upper Nile, as they were in 1956;

2) North of latitude 10°10′ N, through the Goz up to and including Tebeldia (north of latitude 10°35′ N) the Ngok and Misseriya share isolated occupation and use rights, dating from at least the

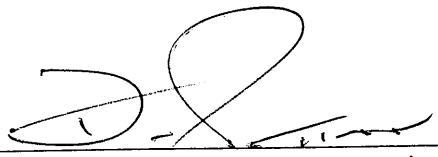
Condominium period. This gave rise to the shared secondary rights for both the Ngok and Misseriya;

3) The two parties lay equal claim to the shared areas and accordingly it is reasonable and equitable to divide the Goz between them and locate the northern boundary in a straight line at approximately latitude 10°22'30" N. The western boundary shall be the Kordofan-Darfur boundary as it was defined on 1 January 1956. The southern boundary shall be the Kordofan-Bahr el-Ghazal-Upper Nile boundary as it was defined on 1 January 1956. The eastern boundary shall extend the line of the Kordofan-Upper Nile boundary at approximately longitude 29°32'15" E northwards until it meets latitude 10°22'30" N;

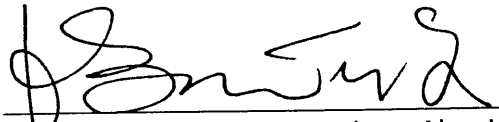
4) The northern and eastern boundaries will be identified and demarcated by a survey team comprising three professional surveyors: one nominated by the National Government of the Sudan, one nominated by the Government of the Southern Sudan, and one international surveyor nominated by IGAD. The survey team will be assisted by one representative each from the Ngok and Misseriya, and two representatives of the Presidency. The Presidency shall send the nominations for this team to IGAD for final approval by the international experts;

5) The Ngok and Misseriya shall retain their established secondary rights to the use of land north and south of this boundary.

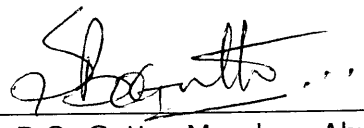
Signed by the international experts of the Abyei Boundaries Commission



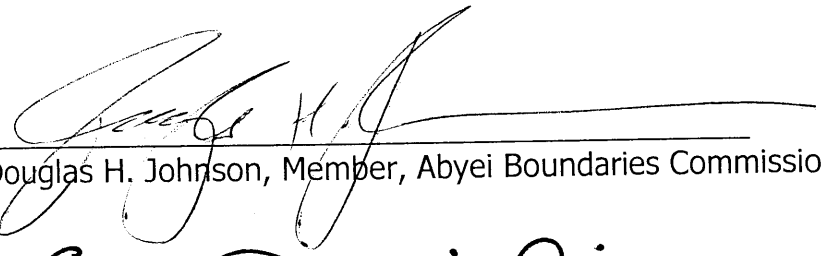
Donald Petterson, Chairman, Abyei Boundaries Commission



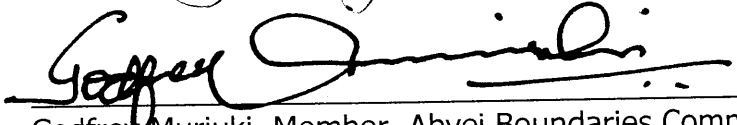
Kassahun Berhanu, Member, Abyei Boundaries Commission



Shadrack B.O. Gutto, Member, Abyei Boundaries Commission



Douglas H. Johnson, Member, Abyei Boundaries Commission



Godfrey Muriuki, Member, Abyei Boundaries Commission

PROPOSITIONS

It might be remarked here that the position of the Ngork Dinka as a friendly buffer state between the Homr and the Bahr el Ghazal has proved of such value for the preservation of good feeling and the prevention of friction that apart from the impossibility of drawing a boundary *it would be a political mistake to transfer them on racial grounds to another province.* Such a proposal should only be considered at their own request *(at present most improbable)* or in the event of the Homr becoming a sedentary people.

K.D.D. Henderson, 1935[1]

The competing claims of the GOS, Misseriya, SPLM, and Ngok can be summarised in nine propositions:

1) The Ngok Dinka territory originally extended to El Oddaya, and the boundary between the Ngok and Misseriya should run from Lake Keilak to Muglad (Ngok oral testimony);

2) Misseriya territory originally extended south of the Bahr el-Arab as far as the current Kordofan–Bahr el-Ghazal border (Misseriya oral testimony);

3) The Ngok are newcomers to the territory, having left the Zeraf Island in the Upper Nile in the nineteenth century, and were brought in as destitute refugees at their own request to Humr leaders (Misseriya oral testimony and GOS presentation);

4) The inclusion of the Abyei Area in "Dar Messeria" District is recognition that Ngok territory belongs to Dar Misseriya (Misseriya oral testimony and GOS presentation);

5) The Ngok were administered as part of the Misseriya, both in taxation and in the court system (Misseriya oral testimony and GOS presentation);

6) The Misseriya claim that specific locations north of Abyei Town (e.g., Goleh/Langar, Pawol, Dembloya/Dak Jur, Umm Bilael/Tordach, Chigei/Thigei, Lukji/Kol Yith, Lau, Nyama) have belonged to them since

[1] K.D.D. Henderson, "Note on History of Western Kordofan Baggara", January 1935, SAD 660/11/165, emphasis added.

the time of the Turkiyya, through 1905, to the present (Misseriya oral testimony);

7) The only area affected by the 1905 decision of the Condominium authorities to administer the Ngok Dinka as part of Kordofan was an area south of the Bahr el-Arab; and that the Ngok Dinka settled in territory north of the river only after 1905 (GOS presentation);

8) There was a continuity in the territory occupied and used by the nine Ngok Dinka chiefdoms which was unchanged between 1905 and 1965, when armed conflict between the Ngok and the Misseriya began (Ngok oral testimony and SPLM/A presentation);

9) The Abyei Area is defined as the territory of Kordofan encompassed by latitude 10°35'N in the north to longitude 29°32' E in the east, and the Upper Nile, Bahr el-Ghazal and Darfur provincial boundaries as they were at the time of independence in 1956 (SPLM/A presentation).

These propositions can be tested by comparing the oral testimony gathered with contemporary records to which the Commission had access.

Proposition Number 1: *The Ngok Dinka territory originally extended to El Oddaya, and the boundary between the Ngok and Misseriya should run from Lake Keilak to Muglad.* (Ngok oral testimony, **Appendix 4.2**)

There are very few contemporary records of any kind referring to the region between El Oddaya and the Bahr el-Arab before the beginning of the twentieth century. One of the few sources is an itinerary recorded by W.G. Browne, obtained while residing in Darfur in 1794-5,which describes the Misseriya in Baraka and the Dinka a five-days journey to the southeast. K.D.D. Henderson, who was district commissioner in Nahud in the early 1930s confirmed this itinerary, finding that it placed the Misseriya in the Muglad–Baraka area[2] and the Dinka at Debbat el-Mushbak, near Hasoba on the Ragaba ez-Zarga/Ngol (**Appendix 5.1**).

[2] The wells at Baraka were described in 1905 as "one of the few permanent villages in Dar Homr" (W. Lloyd, "Report of patrol in Dar Homr, November and December 1905", 16 December 1905, *SIR* 137 (December 1905), App E, p.10. NRO INTEL 6/4/15)

Even if future archaeological evidence were to establish that Dinka settlements at one time did extend as far north as El Oddaya, Browne's itinerary and Henderson's confirmation establish that this was not the case by late eighteenth century. This claim, which was not supported by all the Ngok (**Appendix 4.2**), therefore is not relevant to the current issue.

All of the twentieth century administrative reports the Commission saw agreed that the Muglad was the headquarters of the Humr, and that Lake Keilak had been used as the summer pastures of the Felaita Humr (and in some cases occupied throughout the year) since at least the beginning of that century (**Appendix 5.2**). P.P Howell, District Commissioner at Nahud in 1948, wrote, *"Among the Homr the central zone is the muglad which is the pivot on which all movements are based and provides a rallying ground for the tribe during the rainy season."* Ian Cunnison, the anthropologist who lived among the Humr in the early 1950s, wrote in 1954, *"The Muglad is regarded by the Humr as their home. Their arrival there from the Bahr is the occasion for great rejoicing and anticipation"* (both cited in **Appendix 5.2**).

The claim of a northern boundary for the Ngok reaching from Keilak to Muglad, therefore, cannot be sustained.

Proposition 2: *Misseriya territory originally extended south of the Bahr el-Arab as far as the current Kordofan–Bahr el-Ghazal border.* (Misseriya oral testimony, **Appendix 4.1**)

The claim made by several Misseriya witnesses that Misseriya territory extended south of the Bahr el-Arab, and that the Misseriya boundaries were with the Rek and Twich Dinka was compared with other oral testimony.

This claim was not made by the informants recorded by Henderson in the 1930s or by Cunnison in the 1950s. One of Cunnison's informants does make the claim that the Humr began going to Goleh on the Ragaba ez-Zarga/Ngol and the Umm Bieiro/Nyamora late in the Turkiyya, but this does not place them south of the Bahr el-Arab (**Appendix 5.3**).

The oral testimony of the Rek and Twich Dinka heard at Agok specifically rejected the Misseriya claim to have borders with them (Agok interviews in **Appendix 4.1**).

There are also explicit statements from local observers in 1902, 1904 and 1905, recording that the section of the Bahr el-Arab occupied by the Ngok was known either by its Dinka name, "Kir", or as the "Bahr el Jange [Dinka]" (Wilkinson 1902 in **Appendix 5.10**, Boulnois 1904 in **Appendix 5.11**, Bayldon 1905 in **Appendix 5.12**), and that even in the early 1950s the Humr themselves referred to it as the "Bahr ed Deynka" (Cunnison 1954 in **Appendix 5.3**).

Professor Cunnison, in his description of the Humr migration through the Sudanic "Baggara Belt", is sensitive to the variations in ecology in his reconstruction of Humr and Ngok migration into and settlement of their respective territories. Cunnison points out that the Misseriya migration into the Sudan followed the savanna belt, *"in a natural environment of the same general kind,"* neither semi-desert (to the north), nor seasonal swamp (to the south). The Ngok, on the other hand, settled along the rivers and waterways, similar to the ecological niche along the White Nile from which they came. (Cunnison 1966 in **Appendix 5.1**; Cunnison testimony in **Appendix 4.3**) The Humr and Ngok have occupied these different environments for long enough to be reflected in their different breeds of cattle.[3] The environmental evidence argues against any historical or long-term Humr occupation of the river system.

There is, however, evidence of the expansion of the Humr grazing area in the twentieth century throughout the Condominium period.

The Humr were heavily taxed during the Turkiyya, especially by Zubair Pasha's agents when he controlled this area from his base in Deim Zubair in Bahr el-Ghazal (El Fiki El Nur Musa and Henderson 1939 in **Appendix 5.6**). During the Mahdiyya the Humr were split: many going to Omdurman when called by the Khalifa Abdallahi, but many also evading the Khalifa's agents and seeking refuge among the Ngok Dinka of Arop Biong along the Ragaba ez-Zarga/Ngol until the overthrow of the Khalifa in 1898-9 allowed them to return to their homes further north (Abu Mastura and Lloyd 1908 in **Appendix 5.3**; Deng 1986 in **Appendix 5.6**). The herds were much reduced by the beginning of the twentieth century (Howell 1948 in **Appendix 5.6**). Their grazing area, in consequence, was also reduced.

The earliest British administrators in the area commented on how quickly the Humr took advantage of more settled conditions to expand their seasonal grazing further south into Dinka country (Bayldon 1905 in **Appendix 5.12**). In

[3] Ian Cunnison, *Baggara Arabs: Power and the Lineage in a Sudanese Nomad Tribe*, Oxford: Clarendon Press, 1966, pp.36-37.

the dry season of 1902 they were found grazing their cattle at Pawol ("Fauwel") on the Ragaba esh-Shaib, and along the Ragaba ez-Zarga/Ngol at places such as Abu Kareit and Mellum (**Appendix 5.10**). By 1908 the Condominium government had mapped out Humr movements and recorded that they had dry season grazing in four main areas besides Lake Keilak: around Turda; around Kawak ("Koak"); along the Ragaba Dawas at Dawas, Antila, and Buk ("Bok"); along the Ragaba ez-Zarga at Goleh ("Goli"), Abu Azala, Abu Uruf, Dimsoia ("Demsoi"), Fagai, Mellem, Hasoba, and on to Pawol ["Fauel"] on the Ragaba esh-Shaib (Lloyd 1908 in **Appendix 5.3**) [see **Map 3**].

By the 1920s the Humr were reported to be grazing in the dry season along the Bahr el-Arab, and by 1933 they were using extensive areas along the north bank of that river (**Appendix 5.3**, **Appendix 5.4**). This movement brought them into conflict with the Dinka of Bahr el-Ghazal province, living south of the Bahr el-Arab. In the early 1920s there were complaints of Humr trespass into Twich Dinka territory (Bahr el Ghazal Province Intelligence Reports 1923 & 1924 in **Appendix 5.4**). In the 1930s the complaints were reversed, with Humr objecting to Malwal Dinka incursions north of the Bahr el-Arab. The Humr objection was supported by the Ngok, who also sought to limit Malwal incursions (**Appendix 5.4**) [see **Map 4**].

In the meantime, the Ngok were also expanding their own grazing south of the Bahr el-Arab, and in the mid-1930s negotiated full grazing rights as far south as Khor Alal in Twich Dinka country, in return for Twich grazing rights up to the Bahr el-Arab (**Appendix 5.4**). According to the Twich and Rek Dinka, the Ngok were instrumental in bringing Humr further south, into their territory (Agok interviews in **Appendix 4.1**; Twich interviews in **Appendix 4.2**). In so far as it was the Ngok who opened up the way to the common grazing south of the Kordofan–Bahr el-Ghazal Province boundary, the documentary evidence lends some support to this claim.

A comparison with the contemporary grazing dispute between the Malwal Dinka and the Rizeigat Arabs along the Darfur stretch of the Bahr el-Arab/Kir is instructive. Before 1916 Darfur was an independent state and the Sudan government in Bahr el-Ghazal Province supported the Malwal Dinka in their resistance to Rizeigat Arab incursions south of the Bahr el-Arab/Kir from Darfur. After 1916 Darfur was conquered and incorporated into the Sudan. The Rizeigat and Malwal were now both subjects of the same Sudan government, with the difference that the new provincial administration in Darfur sought to woo Rizeigat loyalty, while the Bahr el-Ghazal Province administration increasingly regarded

the Malwal as hostile and difficult to deal with. Both the Malwal and Rizeigat claimed dominant rights to the grazing area south of the Bahr el-Arab/Kir. In 1918 the two province administrations awarded the Rizeigat dominant rights to an area forty miles south of the Bahr el-Arab. This was rejected by the Malwal and led to unrest among the Dinka in Bahr el-Ghazal. In 1924 the line was readjusted to fourteen miles south of the river, in a compromise that seemed designed to reward the Rizeigat for their loyalty to the government (in contrast to the Malwal), but, which through its qualifications tacitly acknowledged that the Rizeigat did not have full "Dar rights" (**Appendix 2**) south of the river. Despite what some might have seen as a concession to the Dinka, the Malwal never gave up their claim to the south bank of the Bahr el-Arab/Kir, even though the Sudan government refused to reopen the case (**Appendix 5.5**).[4]

Given the Condominium government's favourable treatment of the Rizeigat claim, even after considerable doubts were raised about its validity, it would be surprising if the Humr had not also received at least a sympathetic hearing if they had ever made similar claims. No such claim was recorded in the documents the Commission saw.

The Misseriya assertion that their territory traditionally extended south of the Bahr el-Arab, therefore, is not sustained. The documentary and oral evidence indicates that the expansion of Humr grazing areas along and to the south of the Bahr el-Arab/Kir dates from the Condominium period of the twentieth century, and was made possible by their collaboration with the Ngok Dinka.

Proposition 3: *The Ngok are newcomers to the territory, having left the Zeraf Island in the Upper Nile in the nineteenth century, and were brought in as destitute refugees at their own request to Humr leaders.* (Misseriya oral testimony, **Appendix 4.1**; GOS presentation, **Appendix 3.1**)

The evidence of the Browne itinerary, as confirmed by Henderson (**Appendix 5.1**) applies with equal force to the claim that the Ngok arrived only during the lifetime of Ali Abu Gurun (*c.* 1825-35),[5] or, even later still, Ali Julla, who became Nazir of the Humr in about 1900. If Browne's evidence establishes that the

[4] See Gaim Kibreab, *State Intervention and the Environment in Sudan, 1889-1989: The Demise of Communal Resource Management*, NY/Lewiston/Queenston/Lampeter: Edwin Mellen Press, 2002, pp.80-100 for a fuller account of the politics surrounding the Malwal Dinka–Rizeigat decision.

[5] K.D.D. Henderson, "The migration of the Messiria into South West Kordofan", *Sudan Notes & Records* 22/1, 1939, p.76.

Misseriya were in the Muglad–Baraka area by the mid-1790s, it also establishes that the Dinka were settled the Ragaba ez-Zarga/Ngol by the same date.

None of the earlier oral testimonies from Humr informants recorded by Henderson and Cunnison make this claim. Rather, Henderson is quite specific that the Dinka were settled along the Ragaba ez-Zarga/Ngol before the Humr occupied the Muglad (Henderson 1935 & 1939 in **Appendix 5.1**).[6] One of Cunnison's sources did state that only a few "shady characters" were living around Goleh on the Ragaba ez-Zarga/Ngol and along the Umm Bieiro/Nyamora when the Humr first went to the Bahr during the disturbed time of the late-Turkiyya (Humr History, Ali Rahma in **Appendix 5.3**; though Cunnison thinks this unlikely, **Appendix 4.3**), when the merchant king, Zubeir Pasha, was expanding his *jallaba* fiefdom from Deim Zubeir in Bahr el-Ghazal to the Bahr el-Arab and Darfur (Humr History as Related by El Fiki El Nur Musa and Henderson 1939 in **Appendix 5.6**).

The evidence that the Dinka referred to by Browne were Ngok and not Rueng (who inhabit part of the Ragaba ez-Zarga/Ngol further to the east) is suggested, first, by Browne's specifically linking the Dinka of the area to the cultivation of the white sorghum known to the Baggara as *mareig* ("Mariekh" in Browne). Henderson notes that this is the Misseriya name for the Ngok (Henderson 1939 in **Appendix 5.1**), and, in fact, this name for the Ngok appears in many Sudan government reports and on government maps from 1902 to the present day (e.g. Wilkinson 1902 in **Appendix 5.10**; the 1934-6 documents formally establishing the Ngok court in **Appendix 5.7**; Summary of information from map 66-L in **Appendix 6**). Neither the Ngok nor the Rueng Dinka have an historical tradition that the Rueng preceded the Ngok to the Ngol (Abyei and Agok interviews in **Appendix 4.1**.)

Both the Misseriya and the Government of Sudan claim that the reason the Ngok came to Kordofan was that they were displaced from their home on the Zeraf Island in Upper Nile by floods and the Nuer invasion in the nineteenth century (Misseriya testimony, **Appendix 4.1**; GOS presentation, **Appendix 3.1**). They are confusing two separate series of events, involving two separate groups of Ngok, one now living along the Sobat in Upper Nile, and the Ngok in Kordofan.

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[6] Henderson's 1939 *Sudan Notes and Records* article (above) is the source for most subsequent dates for the Humr and Ngok migrations. He revised his dating between his 1935 draft (now in the Sudan Archive, Durham) and his 1939 publication.

P.P. Howell, who was often cited as the source for the claim that the Ngok came to Kordofan in the nineteenth century, explicitly stated the opposite when he wrote, *"The Ngork do not mention this Nuer invasion of their original country and it may be that they migrated earlier. It is clear too that there were Dinka living in the present country of the Ngork long before the Nuer invasions eastward started"* (Howell 1951 in **Appendix 5.1**). There are Dinka historical traditions of the Nuer attacking the Ngok, but this was after the Ngok were already established on the Ngol (Maker Manyrol Maker at Agok in **Appendix 4.1**).

An examination of such flood data as exists for the Zeraf valley in the early nineteenth century also throws doubt on the claim that the Ngok would have been driven westwards by floods at that time. The eighteenth century, the standard date when the Ngok arrived on the Ragaba ez-Zarga/Ngol, was a period of generally high Niles, which could indicate periods of flooding upstream. The first quarter of the nineteenth century (when the Nuer eastward migrations began) was a relatively dry period for the Zeraf Island, whereas Nuer country west of the Bahr el-Jebel was affected by serious local flooding, part of the reason for their eastward movement. The area east of the Zeraf Island was also affected by floods in the 1820s.[7] For the Ngok to have split at this time, one group moving east to the Sobat and the other west to Kordofan, the western group would have had to have crossed the White Nile into Shilluk country before moving west through Rueng country and on to the Ragaba ez-Zarga/Ngol. There is no record of such a major westward population movement of Dinka in Shilluk historical traditions, while they *do* recall the eastward movement of Nuer at that same time.[8]

The Misseriya assertion that the Ngok were destitute refugees is contradicted by the contemporary accounts of the incoming British officials at the beginning of the twentieth century. We have already seen the accounts of how the Humr were impoverished at the end of the nineteenth century (**Appendices 5.3 & 5.6**). This is confirmed by the observations of the earliest British administrators, many of whom remarked on the poverty of the Humr relative to their neighbours, both Baggara and Dinka, at the beginning of the twentieth century (Wilkinson 1902, Mahon 1902, O'Connell 1906 in **Appendix 5.6**; Wilkinson 1902

[7] Douglas H. Johnson, "Reconstructing a history of local floods in the Upper Nile region of the Sudan", *International Journal of African Historical Studies*, 25/3, 1992. See also Douglas H. Johnson, *Nuer Prophets. A History of Prophecy from the Upper Nile in the Nineteenth and Twentieth Centuries*, Oxford: Clarendon Press, 1994, chapter 2, for a general account of the Nuer nineteenth century migration east of the Bahr el-Jebel.

[8] F. Hofmayr, *Die Schilluk*, Vienna, 1925, pp.94-9.

in **Appendix 5.10**). The Ngok Dinka are singled out for their wealth in cattle and grain, while the Humr were noted for their poverty.

This claim was first formally made by the Misseriya in 1966, at the beginning of the current conflict between the Humr and Ngok (Abdelbasit Saeed 1982 in **Appendix 5.9**). The fact that two separate Humr leaders, Ali Abu Gurun and Ali Julla, who lived fifty years apart, are mentioned as the persons who first welcomed the Ngok, is further evidence that the "tradition" is recent. Repetition of the claim over the last forty years has re-enforced Misseriya conviction, and by now there are many Misseri who may genuinely believe it is true. It is, however, refuted by contemporary documents; if anything, the reverse is true. It should be set aside, once and for all.

Proposition 4: *The inclusion of the Abyei Area in "Dar Messeria" District is recognition that Ngok territory belongs to Dar Misseriya.* (Misseriya oral testimony, **Appendix 4.1**; GOS presentation, **Appendix 3.1**)

Documents from the end of the Condominium period record that from 1948 to 1952 there was great uncertainty about whether to incorporate the Ngok Dinka into what later became the "Dar Messeria" Rural Council. Not only were a number of Ngok Dinka opposed to this incorporation, but so were a number of Misseriya. In the end the inclusion of the Ngok Dinka as equal members of the council was a pragmatic decision. The choice of the name "Dar Messeria" Council was made to reassure the Misseriya, since the district commissioner responsible for the area had always been known as "DC Dar Messiria". The testimony of Mr. Michael Tibbs, the district commissioner in charge at the time of the change, is categorical that this name did not imply any recognition of the Misseriya having "Dar rights" over the entire territory (**Appendix 5.8**, Tibbs interview in **Appendix 4.3**).

The Commission finds that the inclusion of the Ngok in "Dar Messeria" Council cannot be used retroactively to lay claim to ownership of the entire Abyei Area on behalf of the Misseriya.

Proposition 5: *The Ngok were administered as part of the Misseriya, both in taxation and in the court system.* (Misseriya oral testimony, **Appendix 4.1**; GOS presentation, **Appendix 3.1**)

Claims made by various Ngok Dinka and Misseriya informants that the Ngok never paid taxes to Bahr el-Ghazal Province (**Appendix 4.1**) were found to be true. The administration made a conscious decision not to collect tribute before closer administration could be established (Mahon 1903 in **Appendix 5.7**). Tribute or tax was collected only after the Ngok had been transferred to Kordofan. Such records as the Commission saw were consistent in recording that the Ngok Dinka tax was calculated and collected separately from the Misseriya tax from 1908 (the first tax record available to the Commission) through to independence. Whereas at independence (1956) the Misseriya paid both a herd and a poll tax, the Dinka paid a poll tax only (**Appendix 5.7**).

Local courts, administering sharia law and customary law under the authority of shaikhs and chiefs were formally established with specific powers in legislation in the 1930s. The evidence from the Condominium records is conclusive that the Ngok Dinka courts were separate from the Misseriya courts, and were administered separately throughout the period of the Condominium. Chief Kwol Arop's court functioned informally up through the 1920s, until it was designated as Court Number 12 (distinct from the Misseriya courts) in 1936, under a warrant issued under the Native Courts Ordinance 1932. Because the court was a Dinka, and not a Muslim, court, the warrant was modified to make the court conform with the regulations of the Chief Courts Ordinance 1931 applied to customary courts in the three southern provinces. At independence the Ngok court continued to be under the direct responsibility of the district commissioner, the chief civil administrator in the district, while the Misseriya courts had been placed under the judiciary and were the direct responsibility of the Resident Magistrate in Nahud (**Appendix 5.7**).

The evidence of both tax and court records substantiates the Ngok Dinka assertion that they were administered autonomously within Kordofan Province and Dar Messeria District and were not absorbed into the Misseriya native administration. The fact that no tax was levied on them until after 1905 has no bearing on this case.

Proposition 6: *The Misseriya claim that specific locations north of Abyei Town (e.g., Goleh/Langar, Pawol, Dembloya/Dak Jur, Umm Bilael/Tordach, Chigei/Thigei, Lukji/Kol Yith, Lau, Nyama) have belonged to them since the time of the Turkiyya, through 1905, to the present.* (Misseriya oral testimony, **Appendix 4.1**)

Competing claims to the ownership of a number of sites between the Ragaba ez-Zarga/Ngol and the Bahr el-Arab/Kir are both justified and complicated by the fact that many places have both Arabic and Dinka names. Dinka place names were recorded on Sudan Survey Department maps up through 1918, but began to be removed in 1931, for what reason is not known (**Appendix 6**).

When the Commission visited Lau, Pawol, Goleh/Langar, Dembloya/Dak Jur, Um Bilael/Tordach, Lukji/Kol Yith, and Chigei/Thigei, they found no permanent structures of any kind. There were temporary markets and wells dug into the ragabas for watering livestock, but there were no Misseriya permanent settlements in evidence. Nor was the Commission shown traces of any former Dinka villages that were said to be in those locations before being destroyed in the conflict.

Two of the above places, Lau and Pawol, have Nilotic names (Lau is from *lou*, a Dinka cattle colour; Pawol has the prefix *pan* or *pa*, meaning village, which is a common in the Dinka, Nuer and Shilluk languages and is found in many of the place names of Upper Nile and Bahr el-Ghazal; it is a contraction for *pan awol*, the place of water).

Pawol, as we have seen above, has been a major centre of Humr dry season grazing since at least the beginning of the twentieth century.

Chigei/Thigei is mentioned by a Ngok source as long ago as 1974 – before the armed conflict began – as a Ngok Dinka site visited seasonally by the Misseriya (Pagwot Deng cited in **Appendix 5.9**).

Nyama, which the Commission was not able to visit, is a site of clay soil within the Goz where water can usually be found throughout the year. It has been an abundant source of fish for the Ngok at the end of the rainy season and towards the beginning of the dry (Abyei interviews in **Appendix 4.1**)[9]. It has also been the site of increasingly intensive cultivation by the Misseriya, beginning with cotton in the 1950s. We have Michael Tibbs' testimony that it was merely a site, with no settlements, when he visited it in March 1954 (**Appendix 5.9** and **Appendix 4.3**). Against this we have confirmation by some of the Ngok's Dinka neighbours that it was a Ngok settlement (Agok interviews in **Appendix 4.1**).

[9] The Commission was given two meanings for the name of Nyama. One is the Dinka word *nyam* for gill, from the number of fish heads people ate there during the fishing season (Appendix 4.2; see also Arthur Nebel, *Dinka-English, English-Dinka Dictionary*. Bologna: EMI, 1979, pp.66, 144). The other is that Nyama is an old Shatt place name whose meaning is unknown.

The fact that fishing usually took place in December, and the fishing camps would be abandoned later in the dry season by the time an administrator might visit the area, partially explains the discrepancy between the two testimonies, but does not fully reconcile the difference between a reported "site" and reported "settlements".

Such evidence as the Commission has been able to gather suggests the following:

1. The Ragaba Lau is unquestionably a Ngok Dinka primary settlement area; it was not visited by the Humr at the beginning of the century; the Humr were able to expand their seasonal use of the area only later in the Condominium period, as a result of the stability fostered by the government of the day and the good relations between the ruling families of the Ngok and Humr (**Appendix 5.9**);
2. The Ragaba ez-Zarga/Ngol has similarly been a site of Ngok Dinka permanent settlement since at least the late eighteenth century. This was formally recognized by the Misseriya in the peace agreement between the Humr and the Ngok of March 1965 (Abdelbasit Saeed, 1982, **Appendix 5.9**);
3. The Dinka established seasonal use of Nyama as a fishing ground which was used at the end of the rainy season. The expansion of Humr cotton cultivation into the Nyama and Subu areas dates from the early 1950s and was part of the government's pre-independence development policy. It was the outgrowth of an earlier desire to increase the percentage of the sedentary population among the Humr (**Appendix 5.9**).

The Commission finds that the Ngok have dominant rights to Chigei/Thigei, the Ragaba Lau and Ragaba ez/Zarga Ngol, while the Misseriya have established secondary rights to those areas. The Ngok and Misseriya have shared secondary rights to the Nyama area.

Proposition 7: *The only area affected by the 1905 decision of the Condominium authorities to administer the Ngok Dinka as part of Kordofan was an area south of the Bahr el-Arab; and that the Ngok Dinka settled in territory north of the river only after 1905.* (GOS presentation, **Appendix 3.1**)

It is the claim of the Government of Sudan that the southern boundary of Kordofan Province at the inception of the Anglo-Egyptian Condominium was the Bahr el-Arab river, and that all peoples living north of that boundary before 1905 were already in Kordofan. It is also their claim that in 1905 Sultan Arop Biong, paramount chief of the Ngok Dinka, was living south of the Bahr al-Arab; that the Bahr el-Arab was recognised by the government of the day as Arop Biong's northern boundary with the Humr; and that the only territory transferred to the administration of Kordofan Province in 1905 was this territory lying immediately to the south of the Bahr el-Arab, occupied by both Ngok and Twich Dinka. The Twich were subsequently re-transferred to the jurisdiction of Bahr el-Ghazal Province, leaving the southern Ngok settlements in Kordofan.

The government's proposition was supported by reference to the Annual Reports of both Kordofan and Bahr el-Ghazal Provinces prior to 1905, which made explicit statements about the Bahr el-Arab being the boundary between the two provinces (Bahr el-Ghazal Province Annual Report 1902, Kordofan Province Annual Report 1903, and Bahr el-Ghazal Province Annual Report 1904, all cited in **Appendix 3.1**).

The government also produced a number of contemporary and near-contemporary maps showing the location of the province boundary as running along the Bahr el-Arab (Specifically: "Map of the Anglo-Egyptian Sudan drawn by H.W. Mardon Oct. '01, Revised Oct. '03", in Count Gleichen, *The Anglo-Egyptian Sudan*, Vol. I, London: HMSO, 1905; "The White Nile and Kordofan", Survey Department, Cairo, 1907, compiled from 1904 Sudan Intelligence Department sheets).

In support of the maps the government presented the 1902 route report of Major E.B. Wilkinson, reprinted in Count Gleichen's 1905 *The Anglo-Egyptian Sudan*.[10] This report situates Dinka country south of the Bahr el-Arab, and places Arop Biong ("Sultan Rob") even further south, below the "Kir or Bahr el Jange". The government also cited a 1905 report by Bimbashi A. Percival to the effect that the Bahr el-Arab was Sultan Rob's *"Arab frontier on the north"* (**Appendix 3.1**).

The evidence presented supporting the government's interpretation of the 1905 boundary is strong. In testing it, the Commission compared it with contemporary administrative reports from the early years of the Anglo-Egyptian

[10] Count Gleichen, *The Anglo-Egyptian Sudan*, Vol. II, London: HMSO, 1905, pp.151-157.

Condominium, in order to discover what the local administrative understanding and practice of the day was on the ground.

The Commission discovered that there was considerable geographical confusion about the Bahr el-Arab and Bahr el-Ghazal regions for the first two decades of Condominium rule. This was part of a general geographical confusion for the whole of the Sudan.

Prior to the Reconquest (1896-8) the incoming Anglo-Egyptian forces relied heavily on the nineteenth century exploration literature for their knowledge of the geography of the country. Captain Count Gleichen wrote in his first *Handbook of the Sudan*, issued prior to the Battle of Omdurman, that *"it can hardly be expected that important changes can have taken place in the territorial aspect of the countries dealt with,"* and he was confident that the geographical account *"will be found to be accurate."*[11] Within the first year of re-occupation Gleichen had to issue a supplement to the handbook, admitting an unanticipated geographical confusion. The new supplement cautioned that, *"owing to the fact that no two descriptions (whether* per *map or report) of the same bit of country or river agree as to distances or spelling, several discrepancies as to mileage, &c., will be noticed. An attempt has been made to strike an average between the various authorities, but it is not expected that the result will be entirely satisfactory..."* (**Appendix 6**)

With specific reference to the Bahr el-Arab Gleichen wrote,

It will be all the more interesting to learn the details of the course of the Bahr el Arab; that great river, which rises far away to the west in the heart of Dar Fertit...Almost a century has passed since Brown [sic] *marked it vaguely on the map, and our knowledge of it is even now hardly more definite. No European has explored the whole course of the stream; in two places only has it been crossed...The Arabs even have not much to say about it, as their convoys have always preferred the route by Dara or Shakka towards the North, so explorers have only been able to collect very vague and contradictory information.... It therefore follows that nothing definite has resulted from these diverse observations, except that the Bahr el Arab is subject to violent changes, a fact to be expected by the length of the dry season.*[12]

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[11] Captain Count Gleichen, Intelligence Division, War Office, *Handbook of the Sudan*, London: HMSO, 1898, p.iii.
[12] Ibid., pp.188-9.

The map accompanying the *Supplement* showed the Bahr el-Arab joining the Bahr el-Ghazal north of a second river labelled the Bahr el-Homr, which joined the Bahr el-Ghazal just north of Lake Ambadi.[13] The location and identity of these two rivers were to be a source of confusion over the next few years (R.M. Saunders 1900; Lake No–Meshra el Rek itinerary 1905, both in **Appendix 5.12**). This geographical uncertainty for the Bahr el-Arab basin continued until the end of World War One. The 1912 edition of the Sudan Survey 1:250,000 map 65-K, covering what was later to be known as the Abyei area, warned that *"The course of the Bahr el Arab is entirely unsurveyed."* This was not corrected until December 1918, when major changes to the courses of the Bahr el-Arab and the Ragaba ez-Zarga to the north were added to the map (**Appendix 6**).

The Commission plotted Major Wilkinson's 1902 route from Lake Keilak to the Kir (the relevant extract of which appears in **Appendix 5.10**) on the current 1:250,000 Sudan Survey maps NC-35-H (Lake Keilak) and NC-35L (Ghabat el Arab) (**Appendix 6**).

As can be seen on **Map 2**, the following locations south of Lake Keilak are still clearly identifiable: Keilak, El Geref, El Yoi, El Debekir [Ed Dibeikir], El Anga [El Angar], Kuek [Duhul Kawak], H. Debib [Dabib], Fula Hamadai [F. Hamedai], Fut, and Fauwel [Pawol] . Shortly after Fauwel was reached the road turned S.S.E. along a river identified as the Bahr el-Arab. This is in fact the Ragaba ez-Zarga (Arabic name), or the river Ngol (Dinka name). As Wilkinson's return itinerary clearly stated, Fauwel is on the Ragaba esh-Shaib, which flows into the Ragaba ez-Zarga/Ngol.

It is apparent from this, and other, reports that administrative officials mistook the Ragaba ez-Zarga/Ngol for the Bahr el-Arab, and treated it as the boundary between Kordofan and Bahr el-Ghazal. Bimbashi Percival's 1904 visit from Wau (the capital of Bahr el-Ghazal Province) to Arop Biong on the Kir river repeats this mistake, describing the Kir as being 50 miles south of the Bahr el-Arab (**Appendix 5.11**).

It was not until 1905-6 that surveys along the Bahr el-Ghazal, and into the mouths of the "False Bahr el-Arab" and the Bahr el-Arab corrected this error. Lt. R.C. Bayldon, R.N. first correctly identified the Kir as the Bahr el-Arab in his survey in March 1905 (**Appendix 5.12)**. He further identified the Ragaba ez-Zarga/Ngol as the "Bahr el-Homr", the place where the Humr brought their cattle in the dry season (it was to be labelled the Bahr el-Homr on official maps for

[13] Ibid., Map "The Sobat and Bahr el-Ghazal".

some time thereafter). His findings were confirmed by surveys in 1906, where it was noted that the local name for the Bahr el-Arab was the Kir, and that the Ngok Dinka chiefs Arop Biong (Sultan Rob) and Alor Ajing (Sheikh Lar) both lived along this river (Huntley Walsh, **Appendix 5.12**).

The Survey Department noted this change in 1906 (Lyons, **Appendix 5.12**), after the Ngok had been transferred to Kordofan, but did not record the name changes on their 1:250,000 maps until 1909 (**Appendix 6**). Local administrators in Kordofan continued to confuse the two waterways. It was not until 1908 that they consistently described the Ragaba ez-Zarga/Ngol as the Bahr el-Homr in their official reports.[14]

The maps submitted by the government in support of their claim do not reflect these corrections. The 1907 map "White Nile and Kordofan", which was compiled from 1904 Sudan Intelligence Department sheets, has been misunderstood. The dotted lines along the two southern-most rivers, including the Bahr el-Arab, do not show the province boundary, as the Government of Sudan has interpreted them; they show that the area had not yet been surveyed.

The government's claim that only the Ngok Dinka territory south of the Bahr el-Arab was transferred to Kordofan in 1905 is therefore found to be mistaken. It is an understandable mistake, given the geographical confusion at the time, but it is based on an incomplete reading of the contemporary administrative record, the full context of which reveals that the Ragaba ez-Zarga/Ngol, rather than the river Kir, which is now known as the Bahr el-Arab, was treated as the province boundary, and that the Ngok people were regarded as part of Bahr el-Ghazal Province until their transfer in 1905.

Evidence of the Ngok presence north of the Bahr el-Arab before 1905 is found in many of the same sources the Government of Sudan has cited to prove that they were south of the river. The 1902 Wilkinson itinerary (**Appendix 5.10**) notes

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[14] J.R. O'Connell, Governor of Kordofan Province in 1906, descried Hasoba as "on the Bahr-el-Arab" (J.R. O'Connell, Governor Kordofan Province, "Annual Report. Kordofan Province 1906", *Reports on the Finance, Administration and Condition of the Sudan 1906*, London: Waterlow & Sons, Ltd., 1907, p.671). Watkiss Lloyd, Governor of Kordofan Province in 1907, described the southern boundary of Dar Humr as "between the Bahr el Arab and the river Kir, the latter being occupied by the Dinkas under Sultan Rob" (Watkiss Lloyd, "Some Notes on Dar Homr", *The Geographical Journal*, 29/6, June 1907, p.649). By the end of that year he had changed the reference from Bahr el-Arab to Bahr el-Homr (W. Lloyd, "Report on a Tour of Inspection in South-Western Kordofan, 26 December 1907", *SIR* 162 (January 1908), App G, p.55. NRO INTEL 6/5/18). See also Lloyd 1908 in Appendix 5.3.

Dinka settlements south of the Ragaba ez-Zarga (the supposed Bahr el-Arab) and north of the Kir or "Bahr el-Jange" (the real Bahr el-Arab). All references before 1908 to "Sultan Rob's" northern boundary with the Arabs being the Bahr el-Arab now must be understood as meaning the Ragaba ez-Zarga/Ngol.

There is an environmental argument, too, concerning Ngok permanent settlements north of the Bahr el-Arab/Kir and their seasonal pastures south of it. As P.P. Howell noted, permanent villages and cultivations are located on higher ground, which is found along the banks of the rivers and *"north of the Bahr el Arab, while dry season grazing grounds are for the most part in the open grassland (*toich*) south of the river"* (Howell 1951 in **Appendix 5.13**). The *toich* is seasonally flooded grassland, unsuitable for permanent settlement (see, for instance, Twich Dinka interviews in **Appendix 4.2**).

It is evident that there was a certain amount of internal movement by the Ngok Dinka both north and south of the river after 1905. The GOS has interpreted this movement as Ngok migration into lands upon which they had no previous claim. Such a clear-cut distinction is hard to maintain from contemporary records. At the beginning of the twentieth century the Condominium government believed that the population of the Sudan had declined some seventy-five percent under Mahdist rule, from around 8,000,000 to less than 2,000,000.[15] The conclusion drawn from these figures was that the Sudan, as a whole, was desperately underpopulated, and people displaced during the Mahdiyya were encouraged to return to their abandoned homes. Reporting the return of these "immigrants" was a regular feature in province annual reports in the early years of the Condominium. Kordofan Province, for instance, noted with satisfaction the return in 1904 of people from Sennar and the Gezira, *"These are generally the most desirable people, as they come in families with goats, sheep, etc., and rebuild old villages."*[16]

The fact that land may have been abandoned or left unused during the Mahdiyya was not treated as evidence of the lack of any claim to that land. The general policy of the Condominium government was to revive and repopulate tribal

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[15] Lord Cromer, "Annual Report by His Majesty's Agent and Consul General on the Finances, Administration, And Condition of the Sudan, 1904", in *Reports on the Finances, Administration and Condition of the Sudan, 1904*, Khartoum: El Sudan Printing Press, 1905, p.13. For a discussion of these population estimates and their implications on policy see M.W. Daly, *Empire on the Nile: The Anglo-Egyptian Sudan, 1898-1934*, Cambridge: Cambridge University Press, 1986, pp.18-23.

[16] J.R. O'Connell, "Annual Report. Kordofan Province, 1904", in *Reports on the Finances, Administration and Condition of the Sudan, 1904*, Khartoum: El Sudan Printing Press, 1905, p.99.

homelands wherever they could. In Kordofan, as much of the evidence already cited in the **Appendix 5** shows, both the Misseriya and the Ngok were encouraged by government not only to return to their homes, but to expand their use of the land.

This has a direct bearing on the Commission's evaluation of the evidence for the continuity of Ngok Dinka territory between 1905 and 1965.

Proposition 8: *There was a continuity in the territory occupied and used by the nine Ngok Dinka chiefdoms which was unchanged between 1905 and 1965, when armed conflict between the Ngok and the Misseriya began.* (Ngok oral testimony, **Appendix 4.1 & 4.2**; SPLM/A presentation, **Appendix 3.2**)

In examining this proposition we must first evaluate the detail and authenticity of the oral testimony.

It is an established principle in historical research that the best sources for a people's internal history are the people themselves. The historical traditions of neighbours can add different perspectives on a people's history, but generally their neighbours will lack the same detailed internal knowledge. It is also recognised that in disputes over territory the disputants might produce "invented" oral traditions to support their claims.[17]

The Ngok oral response to the questions the Commission asked about their settlements and grazing areas was detailed and extensive (**Appendix 4.1** and **4.2**). The Commission has not been able to verify each of these statements, either through systematic field visits or by corroborating testimony from many other sources, but something can be said about the testimony itself.

Representatives of each of the nine chiefdoms were able immediately to give detailed accounts of their territory, both permanent villages and seasonal grazing areas, when asked. Some of the sections mentioned that they shared villages and grazing areas with other sections, which confirms what is attested in even the earliest sources, that sectional use of territory is not exclusive, but overlaps, and people live where they can (e.g. Willis 1909 in **Appendix 5.13**). Despite the paucity of Dinka place names on the Sudan Survey maps, a number of the

[17] See, for instance, the claims and counterclaims in the dispute over Kikuyu ownership of Kenya's "White Highlands", in Godfrey Muriuki, *A History of the Kikuyu 1500-1900*, Nairobi: Oxford University Press, 1975.

names given by Ngok witnesses could be located on the older maps (**Appendix 6**), including Akotok (Aradeib), Barajak (Dul), Kol Adet (Rg. Dibdi), Aigel (D. Aman), Abin Angui (D. Saheib), Kol Dhur (D. Fadlullah), and Noong (Naam). These Dinka names no longer appear on the Sudan Survey map. A number of the settlements that the Ngok mentioned were also confirmed by the testimony of their Dinka neighbours in Agok (**Appendix 4.2**), specifically the sites of Dhinydhuol (Tebeldiya), Nyama, Pagai, Tuba, Ruba, Akotok, Maper Amal and Majeng Alor.

This contrasts with sparse details given by Misseriya witnesses (**Appendix 4.1**), who confined themselves to mentioning a few contested sites, such as Nyama, Chigei/Thigei, Lau and Pawol, and the current boundary points with Bahr el-Ghazal. When asked direct questions about the location of the graves and shrines of prominent Dinka chiefs, which were well known to the Dinka, they would neither confirm nor deny their existence. We have already seen how the Misseriya have also invented traditions about the Ngok being displaced by the Nuer in the nineteenth century and brought into their present territory as guests by Ali Julla at the beginning of the twentieth century.

In the opinion of the experts, the detail cited by the Ngok witnesses, especially that detail corroborated by the testimony of neighbours and by maps no longer in current use, is in itself evidence of an intimate knowledge of the area, while the Misseriya witnesses demonstrated a more restricted knowledge of the same area.

The SPLM/A also presented a table of Ngok Dinka age-sets, along with a map showing the sites where the age-sets were initiated (**Appendix 3.2**).

It has not been possible to verify the dating of these age-sets from other sources. Applying the age-set dates to some of the events mentioned in interviews (**Appendix 4.2**) revealed some anomalies, especially with the earlier dates from the mid-nineteenth century back. No interval between initiations is given, so it is difficult to know on what basis the calculations are made. Those age-sets dated from the mid-nineteenth century onwards are probably more reliably dated than the earlier ones. If one confines one's analysis of the age-set map to these later sets, then the clustering of age-set initiation sites south of latitude 10°35′ N does illustrate a continuity of settlement from before 1905 to the late twentieth century. But without supporting evidence, it is not possible to accept such a claim on its own.

There are strong arguments for the continuity of Ngok Dinka settlement along the main waterways of the Bahr el-Arab basin (the Bahr el-Arab/Kir itself, the Umm Bierio, the Ragaba Lau, the Ragaba ez-Zarga/Ngol and its tributaries). This is not only suggested by the evidence cited in the previous propositions, but is confirmed by the testimony of two impartial witnesses who were familiar with the area and the use to which its inhabitants put it immediately prior to independence (Tibbs and Cunnison in **Appendix 4.3**).

We do not have a detailed and systematic description of Ngok settlement and land use patterns throughout the Condominium period, because of the seasonality of administrative visits to Ngok territory. Since officials came only in the dry season (between December and April: Tibbs in **Appendices 5.7** and **5.13**), what few descriptions we do have are of Ngok dry season activities, which were concentrated around the rivers. But there are suggestions from the beginning of the twentieth century that administrators were aware that Ngok Dinka territory extended further north (Mahon 1903, Willis 1909 in **Appendix 5.13**), and this seems to have been the basis on which settlement and grazing patterns were condoned and managed by subsequent generations of administrators throughout the Condominium period, following the general principle of reviving tribal homelands.

There is, as yet, no clear independent evidence establishing the northern-most boundary of the area either settled or seasonally used by the Ngok. The lack of distinctive physical features and the overlapping use of the area discouraged Condominium administrators from attempting to define such a boundary (see Henderson's 1935 comment, quoted above). There is some evidence in the administrative records of attempts to segregate Ngok and Humr communities in some areas: e.g. the expulsion of Ngok and other Dinka from Hasoba in 1932, at the request of both the Humr and the Ngok leaders (Henderson Diary in **Appendix 5.13**); the allegation that chief Kwol Arop was encouraging the Ngok to settle among the Humr in 1940 (Kordofan Monthly Diary 1940 in **Appendix 5.13**). But these citations lack either the context or the details that would enable us to draw any firm conclusions from them.

The Ngok assertion that the boundary between the two peoples is the Goz belt that separates them has yet to be tested by a systematic survey. There is general agreement from other sources, however, that the band of Goz intervening between the Humr permanent territory and the Ngok permanent settlements is settled by nobody; that it is an area to be traversed, rather than occupied; and that there is regular seasonal use of the Goz by both peoples

(Cunnison 1954 in **Appendix 5.2**; Cunnison 1966 in **Appendix 5.3**; Tibbs 1999 in **Appendix 5.13**).

The Commission finds sufficient evidence, therefore, to accept Ngok claims to permanent rights southwards roughly from latitude 10°10′ N, and of Ngok secondary rights extending north of that line.

Proposition 9: *The Abyei Area is defined as the territory of Kordofan encompassed by latitude 10°35′N in the north to longitude 29°32′ E in the east, and the Upper Nile, Bahr el-Ghazal and Darfur provincial boundaries as they were at the time of independence in 1956.* (SPLM/A presentation, **Appendix 3.2**)

The SPLM/A's sketch map of the Abyei area places the northern boundary at latitude 10°35′ N, running from the current Darfur boundary in a straight line east to approximately longitude 29°32′15″ E. The eastern boundary then runs south along this line until it joins the boundary with Upper Nile at approximately latitude 10°05′ N. The southern and western boundaries coincide with those of Upper Nile, Bahr el-Ghazal and Darfur provinces, as established at the time of independence.

The SPLM/A's description of these boundaries uses Dinka place names and refers to a presidential decree from 1974 establishing the Abyei Area northern boundary with the Misseriya and Nuba as Jiekdi, Kol Chuei, Mabior, Kol Chom (Ghibebish), Dhinydhuol (Tebeldia), Thur, Ruba, Nyin Thau, Thuba, Rum Lukuk, Kuok, Aniak, Miding, Miyen-Gier, Mardhuk and Panthuor (Heglig). These place names, as located on the SPLM/A sketch map, do not exactly coincide with the lines on that map, most being contained within the area of latitude 10°35′ N and longitude 29°32′15″ E, with a few north of latitude 10°35′ N.

In the absence of a copy of the presidential decree, or verbatim quotation from the text, and a more precise location of the sites mentioned, it is impossible to accept this definition as conclusive.

The Misseriya have established secondary rights through the Goz belt to the area south of it, while the Ngok have secondary rights north of latitude 10°10′ N. Taking latitude 10°35′ N as the northern limit to Ngok Dinka claims, and noting that the Goz belt is roughly contained within these limits, it is reasonable to treat the Goz as a transitional zone where there are shared secondary rights, and to

place the boundary at 10° 22′ 30″ N, so as to bisect equally the band between latitudes 10°10′ N and 10°35′ N.

As neither the Ngok nor the SPLM/A have presented claims to the territory east of longitude 29°32′15″ E, it is reasonable to take this line as the eastern boundary.

All other boundaries of the area that coincide with the provincial boundaries as they were at independence on 1 January 1956 shall remain as they are.

ABYEI AREA BOUNDARIES

MAP 1

WESTERN KORDOFAN

DARFUR

ABYEI

UPPER NILE

HUMR WATERLESS AREA

WATERLESS AREA

G O K WATERLESS AREA

NGOK DINKA

BAHR EL GHAZAL

Shared Rights Area

Shared Rights Area

New Boundary

10°22'30" North

29°32'15" East of Greenwich

SOUTHERN KORDOFAN

UPPER NILE

KORDOFAN DARFUR

AWEIL GOGRIAL

SOUTHERN KORDOFAN BAHR EL GHAZAL

LAKE KEILAK

BAHR EL ARAB

Rq. El Keik

Rq. ez Zaqga

Rq. Lau

Rq. Umm Bieiro

R. Gurf (Anl) Kir (Dinka)

R. Kir (Dinka) Gurf (Arab)

K. Agork

K. Alal

K. Ador

K. Lol

K. Eliet

R. Boni

Rq. el Shatsh

Tagaba Umm Bieiro

27°15' 27°30' 27°45' 28°00' 28°15' 28°30' 28°45' 29°00' 29°15' 29°30' 29°45' East of Greenwich

10°45' 10°35' 10°30' 10°15' 10°10' 10°00' 9°45' 9°30' 9°15' N

Joghet Umm Uteifa, Ed Dibeikir, El Kamisa, El Beida, El Aradaya, El Giddi, Umm Shoka, Es Sahab, Et Tagula, Abu Umm Dirak, El 'Ufein, Et Sumua, El Watad, Esh Shettein, Umm Sikkina, Mahri, El Giddi, El 'Angareib, El Huweira, El Kurru, El Qubba, Et Tebeldiya, El Medabi, Ebeihish, Il Buweitib, Sarafod Dai el Gulud, Sitaib, El Guweighina, El Warrak, Abu Nejira, Umm Sakina, En Na'am, Esh Sharif, El Boksa, El 'Umaiy, Et Tuki, Zerafat, El Maqbul, El Meiram, El Kharawia, Dawas, Antilla, El Kibeihi, Mereir et Tebeldiya, Konga et Talha, El Atiyat, Keigai, Ed Doma, Umm Nura, Et Nigil, El Grinti, Aradeiba, Es Sumeih, Bureikat, El Hamra, Abu Guma, Mejelgha, El Agharr, El Khurus, Abu Qadeina, Melawi, El Azadeid, Adama Uman Qureln, Malwal Agar, Jok Sta., Mayen, Mapair, Malwal, Kwanton, Piar, Alan, Akernjok, Man Owen, Madol, Myom, Amet, Akoich, Mayen, Mading, Yik, Mayen Thon, Magar, Fan Ameth, Gorlak, Malau, Bar, Fan Yok, Ayie, Akol, Fan Tiok, Maryar, Matiang, Fan Agork, Mading, Bura Kan, Bwau, Gurial, 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Kulbaba, Birka el Hamna, El Kokaya, El Yel, Abu el Ina, El Geref, Abu Shanab, Surat Tapili, El Uhelmir, Abu Shauran, 'Idd el Az raq, Nyuk, Ker, Ngol, Es Sahab, Et Tagula, Et Sumua, Umm Sikkina, El Qubba, El Medabi, Et Tebeldiya, Ebeihish, Sitaib, El Guweighina, Esh Sharif, El Boksa, El 'Umaiy, Et Tuki, Zerafat, El Maqbul, El Meiram, El Kharawia, Dawas, Antilla, El Kibeihi, Mereir et Tebeldiya, Konga et Talha, El Atiyat, Keigai, Ed Doma, Umm Nura, Et Nigil, El Grinti, Aradeiba, Es Sumeih, Bureikat, El Hamra, Abu Guma, Mejelgha, El Agharr, El Khurus, Abu Qadeina, Melawi, El Azadeid, Adama Uman Qureln, Malwal Agar, Jok Sta., Mayen, Mapair, Malwal, Kwanton, Piar, Alan, Akernjok, Man Owen, Madol, Myom, Amet, Akoich, Mayen, Mading, Yik, Mayen Thon, Magar, Fan Ameth, Gorlak, Malau, Bar, Fan Yok, Ayie, Akol, Fan Tiok, Maryar, Matiang, Fan Agork, Mading, Bura Kan, Bwau, Gurial, Ghabat el Arab, Mantong, Wath Jak, Leich, Ateb Jakok, Pakur, Barjok, Reng, Mabiel, Thepkeni, Molyil, Narir, Kurkwat, Dok, Majok, Kubbeng, Lott, Ful Lut, Makir, Mayom, Ajok, Adol, Majak, Mobyor, Adiar, Mabek, Bel, Wad Gwat, Niang, Umm Qurein, Agag, Es Saart, Hamedai, Biringir, Duhul Kawak, El Angar, Umm 'Ish, Et Tomat, Umm Nyighir, Ed Dibeikir, El Qureidaya el Kabba, El Qureidaya ez Ziheilaya, Turda, Ruba, Nyama, Abu Tar, Mayordol, Lufu, Mobil, Mabuk, Kerrita, Bil, Golgol, Waleng, Pagoing, Tarlor, Ngelhum, Umm Galaha, Niag, Mareig, El Barki, Abu Taiyab, Umm Ganzus, Et Timeisia, El Mahafir, Nyak, Et Tahbaq, Fauwel (Fawal), En Neggu, Umm Serilio, Gamol, Anyul Nyul, Ep Gulmaya, El Hamra, Angwol, El Melemm, Fagai, Demsol (Dimsola), Abu Azala, Goleh, Andal, Aman (Eigal), Adona, Es Sayar, Es Surik, Dikadik et Telma, Kelgayat Kerdabsa, Abyad el Managir, Dul (Barajak), Charro, Kol Gyam, Nyeiro, Mobil Gyai, El Faras, Na'am, Gulud, Tegelai, El Niyat, El Godrin, Abu Azala, Ed Duheil el Uheimin, Kulbaba, Birka el Hamna, El Kokaya, El Yel, Abu el Ina, El Geref, Abu Shanab, Surat Tapili, El Uhelmir, Abu Shauran, 'Idd el Az raq, Nyuk, Ker, Ngol, Umm Shoka, Es Sahab, Et Tagula, Abu Umm Dirak, El 'Ufein, Et Sumua, El Watad, Esh Shettein, Umm Sikkina, El Qubba, El Medabi, Et Tebeldiya, Ebeihish, Sitaib, El Guweighina, Esh Sharif, El Boksa, El 'Umaiy, Et Tuki, Zerafat, El Maqbul, El Meiram, El Kharawia, Dawas, Antilla, El Kibeihi, Mereir et Tebeldiya, Konga et Talha, El Atiyat, Keigai, Ed Doma, Umm Nura, Et Nigil, El Grinti, Aradeiba, Es Sumeih, Bureikat, El Hamra, Abu Guma, Mejelgha, El Agharr, El Khurus, Abu Qadeina, Melawi, El Azadeid, Adama Uman Qureln, Malwal Agar, Jok Sta., Mayen, Mapair, Malwal, Kwanton, Piar, Alan, Akernjok, Man Owen, Madol, Myom, Amet, Akoich, Mayen, Mading, Yik, Mayen Thon, Magar, Fan Ameth, Gorlak, Malau, Bar, Fan Yok, Ayie, Akol, Fan Tiok, Maryar, Matiang, Fan Agork, Mading, Bura Kan, Bwau, Gurial, Ghabat el Arab, Mantong, Wath Jak, Leich, Ateb Jakok, Pakur, Barjok, Reng, Mabiel, Thepkeni, Molyil, Narir, Kurkwat, Dok, Majok, Kubbeng, Lott, Ful Lut, Makir, Mayom, Ajok, 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LEGEND

- Dry Weather Roads
- Cleared Tracks
- Other Tracks
- Railway
- Provincial Boundary
- Major River
- Secondary River
- Other River
- Seasonal River
- Town
- Village

Scale 1:785,000

N

WILKINSON'S 1902 ITINERARY

MAP 2

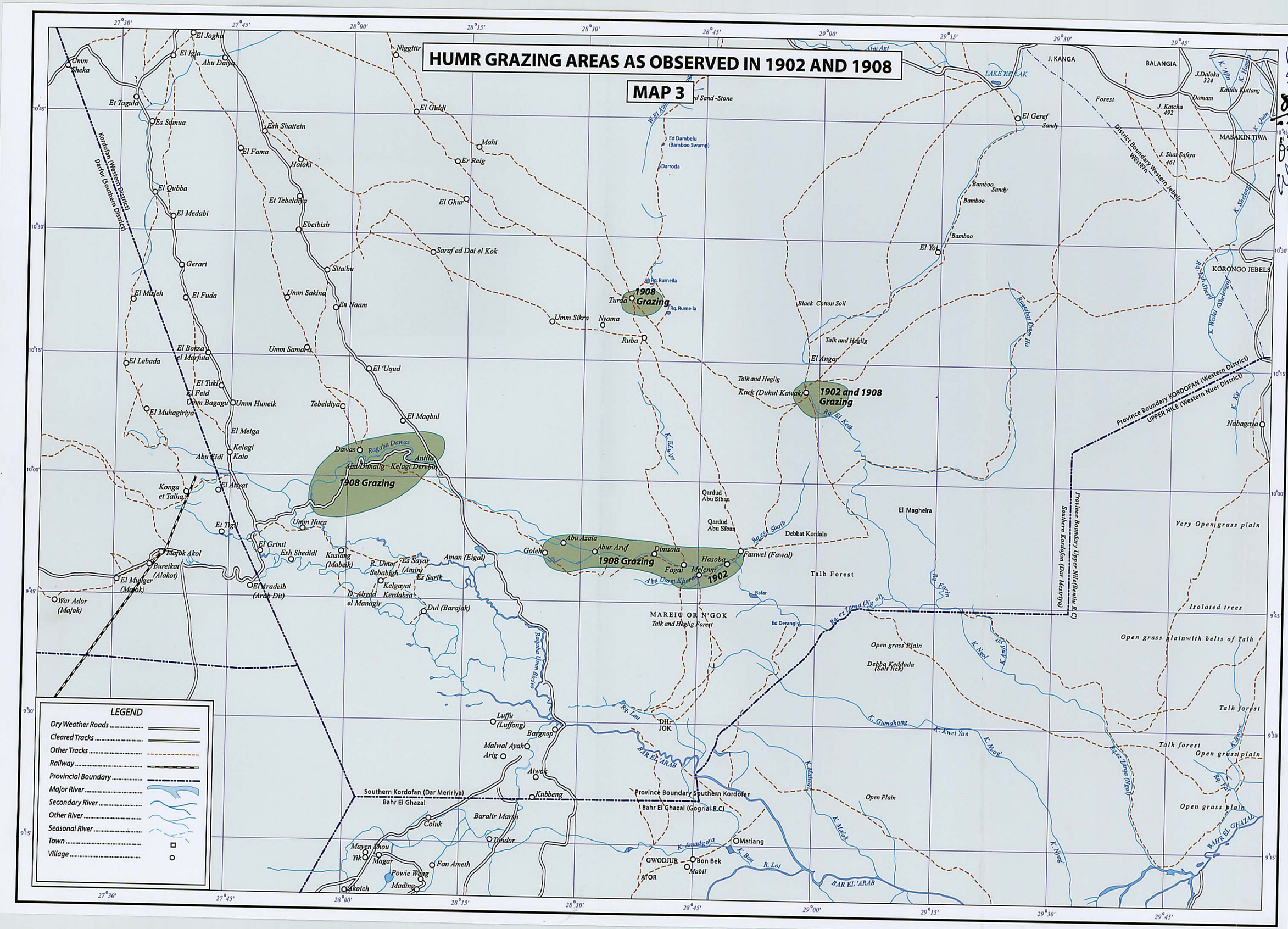
LEGEND
Dry Weather Roads
Wilkinson's 1902 Route
Other Tracks
Provincial Boundary
Major River
Secondary River
Other River
Seasonal River
Village
Scale 1:500,000

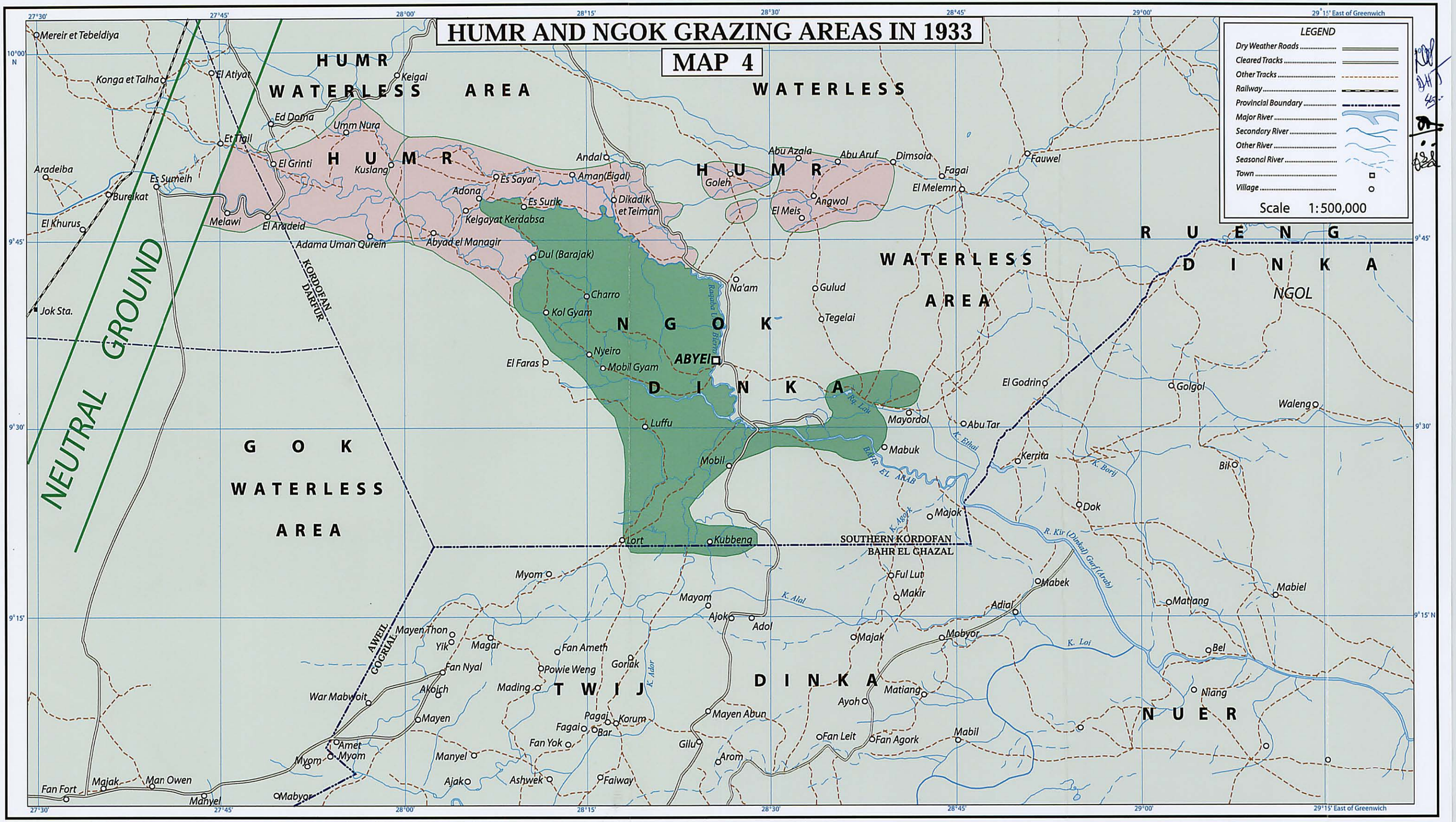
28°45' 29°00' 29°15' 29°30' 29°45' East of Greenwich
10°45' N 10°30' 10°15' 10°00' 9°45' 9°30' 9°15' N

High Grounds
Shathuka (Sunt forest)
Shaq q Mandagora
Shaq q Abu Agi
Sandy Ridge
W El Azaraq (Shelengo)
Red Sand -Stone
Ed Dambelu (Bamboo Swamp)
Darroda
Rq. Rumeila
Rq. Rumeila
El 'Irq
El Aradeib
H. Debib (Dabib)
F. Hamadai (Hamedai)
Es Saark
Qardud Abu Siban
Er Raqaba
Qardud Abu Siban
Rq.esh Shaib
Fut
Debbat Kordala
Fauwel (Fawal)
Demsoi (Dimsoia)
Fagai
Hasoba
Mellum (El Melemm)
A bu Umm Kherab
Bafar
El Hamra (Barajak)
Gulmaia (El Gulmaya)
MAREIG OR N'GOK
Talk and Heglig Forest
Ed Derangis
En Niat (Niyat)
Abu Tar
Mareng Awel
Gohea
BAR EL 'ARAB
K. Etai (Lotai)
Province Boundary Southern Kordofan
Bahr El Ghazal (Gogrial R.C)
K. Amadgora
Terit
Matiang
GWODJUR
Mabil
ATOR
K. Elwir
K. Bau
R. Loi
Weia
Talk and Heglig
Black Cotton Soil
El Anga (Angar)
El Qureidaya el Kabba
Ed Debekir (Dibeikir)
El Yoi
Bamboo
Sandy
Bamboo
El Kokaya
Bamboo
El Geref
Sandy
LAKE KE LAK
Forest
Abusinun
J. KANGA
KOSARI
Miri Hills
Kursi
Rq. Farin
Anyul Nyul
Rq. ez Zarqa (Ng ol)
Open grass Plain
Debba Keddada (Salt lick)
K. Ngol
K. Anwai
Nyuk
Talh Forest
Isolated trees
Open grass plainwith belts of Talh
Very Open grass plain
Province Boundary Upper Nile(Bentiu R.C)
Southern Kordofan (Dar Mesiriya)
Abu Taiyib
El Kidei
El Magheira
Mareig
Umm Galaha
Riquibat Umm Ha
Rq. ez Zarqa (Ngol)
Reng
Barjok
Thir
Fauel
Nur Manlak
K. Malwal
K. Malok
K. Nyag'
K. Gumdhong
K. Kwei Yan
K. Nyag'
Open Plain
Talh forest
Open grass plain
Open grass plain
Talh forest
Tiang Diar
Abu Shauran
MASAKIN TIWA
J. Shat Safiya 461
District Boundary Western Jebels
KORONGO JEBELS
K. Shelengo
K. Wedei (Shelengo)
Rq. Esh Sheif
K. Ruwow
Rq. Fayi
K. Kir
Nabagaya
Province Boundary KORDOFAN (Western District)
UPPER NILE (Western Nuer District)
BAHR EL GHAZAL

HUMR GRAZING AREAS AS OBSERVED IN 1902 AND 1908

MAP 3




HUMR AND NGOK GRAZING AREAS IN 1933
MAP 4
LEGEND
Dry Weather Roads
Cleared Tracks
Other Tracks
Railway
Provincial Boundary
Major River
Secondary River
Other River
Seasonal River
Town
Village
Scale 1:500,000
HUMR WATERLESS AREA
HUMR
NGOK
DINKA
TWIJ
GOK WATERLESS AREA
RUENG DINKA NGOL
NUER
NEUTRAL GROUND
KORDOFAN DARFUR
SOUTHERN KORDOFAN
BAHR EL GHAZAL
AWEIL
GOGRIAL
ABYEI
Mereir et Tebeldiya
Konga et Talha
El Atiyat
Keigai
Ed Doma
Umm Nura
Et Tigil
El Grinti
Kuslang
Aradeiba
Es Sumeih
Burelkat
El Khurus
Melawi
El Aradeid
Adama Uman Qurein
Jok Sta.
Andal
Es Sayar
Aman (Eigal)
Adong
Es Surik
Kelgayat Kerdabsa
Dikadik et Teiman
Abyad el Managir
Dul (Barajak)
Charro
Kol Gyam
Nyeiro
Mobil Gyam
El Faras
Luffu
Mobil
Lort
Kubbeng
Goleh
Abu Azala
Abu Aruf
Dimsoia
Fagai
Fauwel
El Melemn
Angwol
El Meis
Na'am
Gulud
Tegelai
Rueng Lol
Rueng Biem
Mayordol
Abu Tar
Mabuk
El Godrino
Golgol
Waleng
Kerrita
Bil
Dok
Majok
K. Agok
K. Ethai
K. Borji
BAHR EL ARAB
R. Kir (Dinka) Gurf (Arab)
Ful Lut
Makir
Mabek
Mabiel
Matiang
Adial
Mabyor
Majak
Ajok
Adol
Mayom
K. Alal
K. Loi
Bel
Niang
Ayoh
Matiang
Mayen Abun
Fan Leit
Fan Agork
Mabil
Gilu
Arom
Pagai
Korum
Fagai
Bar
Fan Yok
Manyel
Ajako
Ashwek
Faiway
Mading
Gorlak
K. Ador
Fan Ameth
Powie Weng
Magar
Yik
Mayen Thon
Fan Nyal
Akoich
War Mabwoit
Mayen
Amet
Myom
Myom
Manyel
Fan Fort
Majak
Man Owen
Mabyor
27°30'
27°45'
28°00'
28°15'
28°30'
28°45'
29°00'
29°15' East of Greenwich
10°00' N
9°45'
9°30'
9°15'
9°15' N

ABYEI BOUNDARIES COMMISSION REPORT

PART 2: APPENDICES

14 JULY, 2005

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APPENDIX 1: ABYEI PROTOCOL

The Government of Sudan (GOS) and the Sudan People's Liberation Movement/ Army (SPLM/A) signed the **Abyei Protocol** at Naivasha, Kenya May 26, 2004, adopted the **Abyei Annex (Understanding on Abyei Boundaries Commission)** December 17, 2004, agreed to **Abyei Boundaries Commission (ABC) Terms of Reference** March 12, 2005, and agreed to **Rules of Procedure for the Abyei Boundaries Commission** presented to the two parties by the Abyei Boundaries Commission experts April 11, 2005.

With regard to the Commission, these four documents provide for its establishment and composition, define its mandate, describe how it will function, lay out its program of work, and denote the disposition of its findings.

The Annex states: "The report of the experts, arrived at as prescribed in the ABC rules of procedure, shall be final and binding on the Parties"; and the Rules of Procedure affirm that if the Commission is unable to reach a decision by consensus, "The experts will have the final say." This is of considerable significance because in fact the GOS and SPLM/A members of the Commission have been unable to agree on the substance of a decision. Thus, the decision of the five experts will be the official and binding decision of the Abyei Boundaries Commission.

1.1 Text of the Abyei Protocol

PROTOCOL

Between

THE GOVERNMENT OF THE SUDAN (GOS)

And

THE SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY (SPLM/A)

On

THE RESOLUTION OF ABYEI CONFLICT

Naivasha, Kenya May 26th, 2004

1. PRINCIPLES OF AGREEMENT ON ABYEI*

1.1 In General

1.1.1 Abyei is a bridge between the north and the south, linking the people of Sudan;

1.1.2 The territory is defined as the area of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905;

1.1.3 The Misseriya and other nomadic peoples retain their traditional rights to graze cattle and move across the territory of Abyei.

1.2 Interim Period:

Upon signing the peace agreement, Abyei will be accorded special administrative status, in which:

1.2.1 Residents of Abyei will be citizens of both Western Kordofan and Bahr el Ghazal, with representation in the legislatures of both states;

1.2.2 Abyei will be administered by a local Executive Council, elected by the residents of Abyei. Pending the election of the Executive Council, its initial members will be appointed by the Presidency;

1.2.3 Net oil revenues from Abyei will be divided six ways during the Interim Period: the National Government (50 percent); the Government of Southern Sudan (42 percent); Bahr el Ghazal region (2 percent); Western Kordofan (2 percent); locally with the Ngok Dinka (2 percent); and locally with the Misseriya people (2 percent);

1.2.4 The National Government will provide Abyei with assistance to improve the lives of the peoples of Abyei, including urbanization and development projects;

1.2.5 International monitors will be deployed to Abyei to ensure full implementation of these agreements.

---

* This is the full text of the proposal entitled "Principles of Agreement on Abyei," presented by US Special Envoy Senator John Danforth to H.E. First Vice President Ali Osman Mohamed Taha and SPLM/A Chairman Dr. John Garang on the 19th March, 2004. The Parties hereby declare to adopt these Principles as the basis for the resolution of Abyei Conflict.

1.3 End of Interim Period:

Simultaneously with the referendum for southern Sudan, the residents of Abyei will cast a separate ballot. The proposition voted on in the separate ballot will present the residents of Abyei with the following choices, irrespective of the results of the southern referendum:

a. That Abyei retain its special administrative status in the north;
b. That Abyei be part of Bahr el Ghazal.

1.4 The January 1, 1956 line between north and south will be inviolate, except as agreed above.

2. ADMINISTRATIVE STRUCTURE:

2.1 Upon signing the Peace Agreement, Abyei Area shall be accorded special administrative status under the institution of the Presidency.

2.2 Abyei area shall be administered by a local Executive Council, elected by the residents of Abyei. Pending the election of the Executive Council, its initial members shall be appointed by the Presidency.

2.3 The administration of the Abyei Area shall be representative and inclusive of all the residents of the area.

2.4 The Executive Council shall be composed of the Chief Administrator, his/her Deputy and not more than five heads of departments. Prior to elections, the Chief Administrator and his/her Deputy shall be appointed by the Presidency. The Chief Administrator shall make recommendations to the Presidency regarding the appointments of the heads of departments.

2.5 The Executive Council, in exercise of its executive powers, shall:

2.5.1 render necessary services;
2.5.2 supervise and promote security and stability in the area;
2.5.3 Propose development and urbanization projects for the area to both the Abyei Area Council and to the Presidency;

2.5.4 Present to the National Government proposals regarding the provision of assistance to improve the lives of the peoples of Abyei, including urbanization and development;

2.6 The Presidency, upon the recommendation of the Executive Council, shall determine the executive, legislative and financial powers and competencies of the special status of Abyei Area, having regard to this protocol, other protocols, agreements, and the Comprehensive Peace Agreement.

2.7 In view of the special status of Abyei Area, the Presidency shall apply to the Judiciary to establish courts for Abyei Area as deemed appropriate.

3. FINANCIAL RESOURCES:

3.1 Without prejudice to the provisions of the Wealth Sharing Agreement, the net-oil revenue from the oil produced in Abyei Area shall be shared during the Interim Period as follows:

3.1.1 Fifty Percent (50%) to the National Government;
3.1.2 Forty Two Percent (42%) to the Government of Southern Sudan;
3.1.3 Two Percent (2%) to Bahr el Ghazal Region;
3.1.4 Two Percent (2%) to Western Kordofan;
3.1.5 Two Percent (2%) locally with the Ngok Dinka;
3.1.6 Two Percent (2%) locally with the Misseriya people.

3.2 In addition to the above financial resources, Abyei Area shall be entitled to:

3.2.1 The area share of the national revenue as per the Wealth Sharing Agreement;
3.2.2 The revenues raised in the Abyei Area from Income Tax and other taxes and levies;
3.2.3 The share of the Area in the National Reconstruction and Development Fund;
3.2.4 An equitable share of Southern Sudan Development and Reconstruction Fund;
3.2.5 Allocations from the National Government to cover the cost of establishment of the new administration, its running and provision of services;
3.2.6 Donations and grants.

3.3 There shall be established, under the Executive Council, Abyei Resettlement, Construction and Development Fund to handle relief, repatriation, resettlement, reintegration, rehabilitation and reconstruction programmes in the Area. The Fund may establish specialized agencies.

3.4 The National Government shall appeal to the international and donor community to facilitate the return and resettlement of the residents of Abyei Area.

3.5 The financial resources due to Abyei Area as provided in section 3 herein shall be deposited in special accounts, acceptable to the Presidency, from which the administration of the Area shall make withdrawals.

4. PUBLIC PARTICIPATION:

4.1 There shall be established Abyei Area Council comprised of not more than twenty members.

4.2 Prior to elections, the Presidency shall appoint the members of the Abyei Area Council.

4.3 The Abyei Area Council shall:

4.3.1 Issue local enactments within the powers of local government and on customary matters;
4.3.2 Approve the budget of the Area;
4.3.3 Adopt reconstruction, development and urbanization plans for the Area;
4.3.4 If necessary, recommend to the Presidency the relief of the Chief Administrator or his/her Deputy;
4.3.5 Participate in the promotion of reconciliation efforts in the Area.

5. DETERMINATION OF GEOGRAPHIC BOUNDARIES:

5.1 There shall be established by the Presidency, Abyei Boundaries Commission (ABC) to define and demarcate the area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905, referred to herein as Abyei Area.

5.2 The composition and timeframe of the Abyei Boundaries Commission (ABC) shall be determined by the Presidency. However, the Commission shall include, *inter alia*, experts, representatives of the local communities and the local administration. The Commission shall finish its work within the first two years of the Interim Period.

5.3 The Abyei Boundaries Commission (ABC) shall present its final report to the Presidency as soon as it is ready. Upon presentation of the final

report, the Presidency shall take necessary action to put the special administrative status of Abyei Area into immediate effect.

6. RESIDENTS OF THE AREA:

6.1 The residents of Abyei Area shall be:

(a) The Members of Ngok Dinka community and other Sudanese residing in the area;

(b) The criteria of residence shall be worked out by the Abyei Referendum Commission.

6.2 Residents of Abyei shall be citizens of both Western Kordofan and Bahr el Ghazal with representation in the legislatures of both States as determined by the National Electoral Commission. However, prior to elections, the Presidency shall determine such representation.

7. SECURITY ARRANGEMENTS:

7.1 There shall be established Abyei Area Security Committee, chaired by the Chief Administrator, and shall comprise of the Deputy Chief Administrator, the Army Commander, the Police Chief, and the representative of the Security Organ.

7.2 Without prejudice to the Agreement on Security Arrangements, the two Parties shall, through the Interim Period form and deploy one joint battalion in the Area.

7.3 International monitors, as shall be agreed in the comprehensive Cease-fire Agreement shall also be deployed in the Area through the Interim Period.

7.4 International monitors shall be deployed to Abyei to ensure full implementation of these Agreements.

8. ABYEI REFERENDUM COMMISSION

8.1 There shall be established by the Presidency an Abyei Referendum Commission to conduct Abyei referendum simultaneously with the referendum of Southern Sudan. The composition of the Commission shall be determined by the Presidency.

8.2 The residents of Abyei shall cast a separate ballot. The proposition voted on in the separate ballot shall present residents of Abyei with the following choices; irrespective of the results of the Southern referendum:

a. That Abyei retain its special administrative status in the north;
b. That Abyei be part of Bahr el Ghazal.

8.3 The January 1, 1956 line between north and south shall be inviolate, except as agreed above.

9. RECONCILIATION PROCESS

Upon signing the Comprehensive Peace Agreement, the Presidency shall, as a matter of urgency, start peace and reconciliation process for Abyei that shall work for harmony and peaceful co-existence in the Area.

1.2 Text of the Abyei Annex

ABYEI ANNEX

UNDERSTANDING ON ABYEI BOUNDARIES COMMISSION

(The Final Text as adopted by the two Principals on 17th December, 2004)

1. Upon signature, and notwithstanding Article 5.1 of the Protocol on Abyei, there shall be established by the Parties Abyei Boundaries Commission (ABC) to define and demarcate the Area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905, referred to herein as Abyei Area.

2. Pursuant to Article 5.2 of the Protocol on Abyei, the ABC shall be composed as follows:-

   2.1 One representative from each Party;
   2.2 The Parties shall ask the US, UK and the IGAD to nominate five impartial experts knowledgeable in history, geography and any other relevant expertise. The ABC will be chaired by one of those experts
   2.3 Each Party shall nominate two from the present two administrations of Abyei Area;
   2.4 The GOS shall nominate two from the Messiriya;
   2.5 The SPLM/A shall nominate two from the neighbouring Dinka tribes to the South of Abyei Area.

3. The ABC shall listen to representatives of the people of Abyei Area and the neighbours, and shall also listen to presentations of the two Parties.

4. In determining their findings, the Experts in the Commission shall consult the British Archives and other relevant sources on Sudan wherever they may be available, with a view to arriving at a decision that shall be based on scientific analysis and research. The experts shall also determine the rules of procedure of the ABC.

5. The ABC shall present its final report to the Presidency before the end of the Pre-Interim Period. The report of the Experts, arrived at as prescribed in the ABC rules off procedure, shall be final and binding on the Parties.

6. The Presidency shall establish the administration of Abyei simultaneously with the Government of South Sudan and the Governments of Southern Kordofan and Blue Nile States by the beginning of the Interim Period.

7. In case the ABC delays presentation of the final report beyond the time prescribed above, the Presidency shall take necessary action to put the Abyei Area special status into effect with Abyei town as its seat subject to any readjustment or confirmation by the ABC final report.

8. Meanwhile, the two Parties shall issue appropriate instructions to their respective administrations in Abyei Area to facilitate the return of the citizens of the Area. The JIUs and the UN monitors shall facilitate and provide necessary protection to the IDPs.

9. The Parties shall issue an appeal to the International Community to make funds available for the formation and proper functioning of the ABC.

1.3 Text of the Terms of Reference (TOR)

Abyei Boundaries Commission (ABC)

Terms of Reference

Preamble

Whereas the two Parties met in Nairobi between 10th - 12th March, 2005, to draw the Terms of Reference of the Abyei Boundaries Commission, and whereas the two delegations, (List Attached) guided by the spirit of the Comprehensive Peace Agreement and the forthcoming partnership, deliberated the three issues referred to the Commission by the steering Committee and arrived at joint understanding-on all the issues.-as hereby agreed by the Commission as Terms of Reference hereunder:

Mandate

1.1 The Abyei area is defined in the Abyei Protocol in article 1.1.2 as "The area of the Nine Ngok Dinka chiefdoms transferred to Kordofan in 1905". The ABC shall confirm this definition.

1.2 The ABC shall demarcate the area, specified above on map and on land.

Structure

2.1 The parties shall select their members to the ABC according to criteria stated in article 2 of the Abyei Appendix. In case of any dispute over membership, it shall be resolved by IGAD.

2.2 Withdrawal/absence of a party member or expert shall not affect the work of ABC. Immediate replacement shall be made in accordance with article 2 of the Abyei Appendix.

Functioning of the ABC

3.1 The two parties shall submit their presentations to the ABC at its seat in Nairobi. The experts and other members may ask questions and seek clarifications.

3.2 The ABC shall thereafter travel to the Sudan to listen to representatives of the people of Abyei Area and the neighbors as indicated hereunto:

A. The ABC shall conduct one meeting in Abyei Town with 54 representatives of the Nine Ngok Dinka chiefdoms (five from each plus nine chiefs)

B. One meeting in Muglad Town with 45 Messiriya representatives (25 from Muglad sub tribes, 15 From Fulla and five from Lagawa, however the ABC shall make field visits to (Dambaloya/Dak Jur), (Pawol/Fawol), (Abugazala/Mabek) etc.

C. One meeting to be held in Agok with 30 representatives of the neighbors of Abyei to the South (Twich, Goral West, Aweil East, Biemnhum and Panarou), which shall be represented by six each.

3.3 The ABC while in Abyei area shall identify, examine, and visit some sites of historical significance (ruins, tombs, rivers, villages, lakes etc).

3.4 The experts shall consult the British archives and other relevant sources on the Sudan wherever they may be available, with a view to arriving at a decision that shall be based on research and scientific analysis.

3.5 The ABC shall thereafter reconvene in Nairobi to listen to the final presentations of the two parties, examine and evaluate evidence received; and prepare their final report that shall be presented to the Presidency in Khartoum,

4. The seat of the ABC shall be in Nairobi.

Program of work

The ABC shall convene on April 1, 2005 with its members including the experts

Timing	Activity
Last week of March 05	Experts meet in Nairobi and develop rules of procedure
April 1,	ABC convenes with its full membership in Nairobi. The experts present the rules of procedure
April 2,	Presentations of the two parties

April 4-7,	ABC travels to Abyei and listens to the Abyei meeting
April 8-9	Visits to sites in the Abyei Area
April 10- 11	The ABC travels and listens to Agok meeting
April 12,	ABC travels to Muglad
April 13-14,	ABC listens to the Muglad meeting
April 15,	ABC experts return to Nairobi and party members return to Nairobi or their respective locations.
April 16 to May 16,	Experts consult archives and other documents as they deem appropriate
May 19	ABC reconvenes in Nairobi and the parties make their final presentations
May 20-26,	The experts examine and evaluate the evidence received and prepare the final report
May 28	The ABC travels to Khartoum for the presentation of the final report
May 29	The experts present in the presence of the whole membership of the ABC their final report to the Presidency
May 30 to June 30	The experts and the relevant technical personnel that the experts choose shall conduct demarcation on land (subject to experts' opinion)

Funding

1. The expenses of the experts, including the technical and support staff, and equipment be borne by the international Community.
2. The Government of National Unity (GNU), through Joint National Transitional Team shall meet the expenses of the two parties' members.
3. The expenses of the two parties include the following:

Item	Amount in USD
Charter flights, helicopters, Air tickets, Vehicles expenses; and accommodation and feeding of Community representatives in the	150, 000

respective locations of meetings	
Remuneration of Parties' members	120,000
Transport and secretarial expenses	20,000
Contingency	30,000
Total	520,000

LIST OF ABYEI BOUNDARIES COMMISSION (ABC)	
GOS	SPLM/A
1. Amb. El-Dirdeiry Mohamed Ahmed	1. Cdr. Deng Alor Kuol
2. Mr. Zakaria Atim	2. Cdr. Victor Akok Anai
3. Mr. Ahmed Elsalih	3. Lt. Col. James Lual Deng
4. Mr. Abdelarasoul Lenoir	4. Cdr. Deng Arop Kuol
5. Mr. Ahmed Abdella Adam	5. Lt. Col. James Ajing Path

1.4 Text of the Rules of Procedure

RULES OF PROCEDURE FOR THE ABYEI BOUNDARIES COMMISSION

La Mada Hotel, Nairobi, Monday 11th April, 2005

1. The work of the Commission will be guided by the principles of agreement on Abyei, the Abyei Annex, "Understanding on Abyei Boundaries Commission" (ABC) and Terms of Reference, which includes the following mandate:-

   1.1. The Abyei area is defined in the Abyei Protocol in Article 1.1.2 as "The area of the Nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905". The ABC shall confirm this definition.
   1.2. The ABC shall demarcate the area specified above on map and on land.

2. As agreed at the Commission's opening meeting on 10th April, 2005, proceedings will be conducted under the chairmanship of Ambassador Petterson. In the spirit of the goodwill shown at the meeting, the tone of our session will be informal yet businesslike with a full and easy exchange of ideas, observations and suggestions.

3. On the morning of Monday, 11th April, the experts will prepare the rules of procedure for the remainder of the Commission's work. The experts will present the rules of procedure to the two parties beginning at 3.00 p.m. for comments and suggestions as appropriate. Approval will be by consensus. The adopted rules will then be put into writing by the IGAD Secretariat for distribution to all representatives of the Commission. Also at the afternoon session, the UK expert, Dr. Douglas Johnson, will distribute reference materials for the Commission's use.

4. Beginning at 9.00 a.m. 12th April, the parties, in the order they agree upon will make their presentations. After each presentation the experts will ask questions or make comments as they deem appropriate. Subsequently, a general discussion can take place.

5. In accordance with the transportation arrangements made by the two sides, the Commission will fly to Khartoum on 13th April, stopping overnight and then proceed on 14th April to Abyei Town.

6. The schedule of the Commission's meetings in Abyei and its surroundings, in Agok, and in Muglad will be completed within a maximum of five days in each area, as stipulated in the Terms of Reference and as indicated in the attached schedule.

7. As occasions warrant, Commission members should have free access to members of the public other than those in the official delegations at the locations to be visited. The Commission will accept written submissions.

8. At each meeting with the public, the Chairman will explain the purpose of the Commission noting that the said purpose is limited to defining and demarcating the area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905. The Commission will, of course, pay deference to the members of the public and not try to sharply limit the topics brought up by the public.

9. As agreed to by the experts at the 10th April meeting, the two sides and IGAD will make recordings of all oral testimonies heard. Verbatim transcripts that are translated into English, will after approval by the two sides be provided to all members of the Commission. IGAD's recording will be accepted as the official version, but reference can be made to the recordings by both sides for points of clarification.

10. In addition to talking with the public, the Commission shall visit sites in the field based on the recommendations of the two sides and any other information that becomes available to the Commission.

11. Upon completion of the visits to the field, Commission members will return via Khartoum to Nairobi or their respective locations. The experts will determine what additional documentation and/or archival materials will need to be consulted.

12. The Commission will reconvene in Nairobi at a date in May to be determined. The Parties will make their final presentation at that time.

13. After that, the experts will examine and evaluate all the material they have gathered and will prepare the final report.

14. The Commission will endeavour to reach a decision by consensus. If, however, an agreed position by the two sides is not achieved, the experts will have the final say.

15. The report will be considered a public document after it has been formally presented to the Presidency. The official language of the report will be English but provision for translation into Arabic and Dinka will be made if requested by the two sides, and this translation shall be approved by both sides.

16. The experts shall choose the relevant technical personnel who shall make a survey and conduct demarcation on land.

Agreed by the Government of Sudan and Sudan People's Liberation Movement delegations to the Abyei Boundaries Commission
11 April 2005

APPENDIX 2: LAND OCCUPATION, LAND RIGHTS AND LAND USE AS RELEVANT EVIDENCE FOR DELIMITING AND DEMARCATING THE BOUNDARIES

1. The boundaries of the Ngok Dinka that were transferred to Kordofan for administrative reasons in 1905 were, like most boundaries in the Sudan at the time, not precisely delimited and demarcated in accordance with scientific survey techniques and methods. It is therefore incumbent upon the experts to determine the nature of established land or territorial occupation and/or use rights by all the nine Ngok Dinka chiefdoms, with particular focus on those in the northern-most areas that formed the transferred territory. Given that the Ngok Dinka and their immediate neighbours, the Misseriya, have been the two groups that testified and were the principal subjects of the SPLM/A and GOS presentations, the nature of established land or territorial occupation and/or use rights of these communities in 1905 will constitute part of the objective historical evidence of where the boundaries were likely to be.

2. In assessing the territorial boundaries between the Ngok (who were in Bahr el-Ghazal) and the Misseriya (who were in Kordofan) in 1905, the two communities' effective connection to land, evidenced by established land use patterns, must be taken into consideration. This is without prejudice to the future determination of current land tenure. The experts are restrained from delving in detail into issues relating to current land tenure and land rights since these are for different processes. The *Wealth Sharing Agreement* signed at Naivasha, Kenya on 7th January, 2004[1] enjoins the GOS and the GOSS to establish two land commissions to determine land tenure systems and to resolve disputes that may arise concerning land rights, including land ownership disputes. The Agreement stipulates clearly as follows:

> *Ownership of Land and Natural Resources....*
> *2.3 The Parties record that the regulation of land tenure, usage and exercise of rights in land is to be a concurrent competency exercised at the appropriate levels of government.*
> *2.4 Rights in land owned by the Government of Sudan shall be exercised through the appropriate or designated levels of Government.*

[1] *The Comprehensive Peace Agreement between The Government of the Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army, Nairobi, Kenya, 9th January, 2005,* Chapter III, paragraph 2, pp.48-51.

2.5 The Parties agree that a process be instituted to progressively develop and amend the relevant laws to incorporate customary laws and practices, local heritage and international trends and practices.
2.6 Without prejudice to the jurisdiction of courts, there shall be established a National Land Commission....
2.7 In accordance with this Agreement and without prejudice to the jurisdiction of courts, there shall be established a Southern Sudan Land Commission....
2.7.5 The Southern Sudan Land Commission shall apply the law applicable in the locality where the land is situated or such other law as the Parties to the arbitration agree, including principals of equity.

Throughout the interim period issues of land tenure and land rights in the Abyei Area will come under the responsibility of the National Land Commission.

3. The reasons for considering the land rights of the people constituting the nine Ngok Dinka chiefdoms as at 1905 include, amongst others, sociological and historical facts as well as elements of the terms within the CPA. In particular, the following are relevant:

   (i) any administrative boundary as may have existed did not (and could not have) coincided exactly with boundaries of land use rights of sedentary or pastoral peasant communities whose tenure rights and obligations overlap in the absence of concrete walls separating the communities;

   (ii) the territories (land) used by the communities were always affected by and responded to variable seasonal rain patterns and climatic changes;

   (iii) the narratives contained in the Annual Reports of Kordofan and Bahr el-Ghazal provinces immediately before and after 1905 refer to "lines" drawn between rivers, mountains and longitudes[2] as well as roads, settlements, soil types and trees but these hardly ever demarcate actual boundaries in terms of land use rights and population dynamics on the ground[3];

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[2] *Basic Documents of the Government of the Sudan First Presentation, Nairobi, April 11th, 2005.*

[3] The historical records under Appendix 5 support this interpretation.

(iv) armed raids on the Ngok Dinka by the Misseriya that were the official principal reason for the transfer of the 9 Ngok Dinka chiefdoms to Kordofan[4] must have greatly destabilised the Ngok Dinka and thus affected the land use patterns of the two communities prior to the announcement of the transfer;

(v) Paragraph 1.1.3 of the *Resolution of the Abyei Conflict* agreement (signed at Naivasha, Kenya on 26th May 2004) specifically states that *"The Misseriya and other nomadic peoples retain their traditional rights to graze cattle and move across the territory of Abyei"*; thus recognising what the experts consider to be "secondary rights" of access and use of land by one community in the territory of an other community that enjoys "dominant rights" (see paragraph 6 below); and

(vi) Similarly, the decision on 12 April 2005 setting out the mandate of the ABC also refers to the issue of co-existing land rights and land use in the following terms: *"Regardless of the outcome of the exercise of defining and demarcating the boundaries, the local communities will share the benefits of the land, including oil and pasture, be citizens of both the north and the south, and live in peace and harmony"*[5].

4. The experts have considered it advisable to consider "land rights" as opposed to "land ownership" by the communities. The former is more inclusive and may include multiple forms of occupation and use rights including but not limited to settlement/residential rights, grazing rights, watering rights, hunting rights, fishing rights, initiation sites, crop farming rights, burial rights, etc. It also accommodates conflicting, overlapping or shared rights in land, including commonages.

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[4] See *Sudan Intelligence Report* No 129 (March 1905), p.3 in *Basic Documents of GOS* (note 3 above); also quoted on p.4 of *The SPLM Preliminary Presentation on the Boundaries of the Abyei Area,* Nairobi, April 12, 2005.

[5] See paragraph 2 under the heading "Local Implications of the Issue" of the *Notes on the Mandate of the Abyei Boundaries Commission (ABC).*

5. "Land ownership" as understood under the transplanted official colonial legal system that was inherited at independence tended to create two principal divisions:

   (i) the so-called Crown/State/Government land ownership that may be occupied and used by private persons or communities short of "ownership"; and
   (ii) the private freehold or leasehold to natural or juristic persons.

   Under such a paradigm, customary occupation and/or established use was/is not considered to be "ownership". Essentially, pre-colonial forms of land rights were subordinated to the colonial model by the denial of indigenous peoples' understandings of "ownership" and the imposition of tenancy status on those who occupied and used the land. In other words, land that previously belonged to them was turned into the property of the Crown/State/Government[6]. The introduction of registration of titles further distorted and weakened tenure security of the indigenous[7]. This was almost a universal legal characterisation in the former British colonies and protectorates[8], including Sudan (a Condominium)[9]

6. It is critical in interpreting the established occupation, land rights and land use of the two communities to appreciate the sociological fact that by 1905 there existed three main categories of such occupation, land rights and land use:

   (i) Dominant occupation, land rights and land use by a community that were "exclusive" to members of the community and permitted no cession of secondary use rights to non-members of the community;

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[6] H W O Okoth-Ogendo, *Tenants of the Crown: Evolution of Agrarian Law and Institutions*, ACTS Press, Nairobi, 1991.

[7] R Rowton Simpson, *Land Law and Registration*, Cambridge University Press, Cambridge, 1976.

[8] See generally, C.K. Meek, *Land Law and Custom in the Colonies*, 2nd edition, London: Frank Cass & Co., 1968. The land mark colonial jurisprudence (judicial decision) such as the *In re Southern Rhodesia* 1919 AC 212 (PC) confirmed such legal transformation.

[9] L.A. Wily, *Memorandum #3* dated 18 October, 2004 sent to Governor Deng Alor of Bahr Al Ghazal (and copied to several persons) on "The Perimeter Boundary of the Nine Ngok Chiefdoms", p.5.

(ii) Dominant occupation, land rights and land use by a community but allowing for non-members of the community to acquire limited land use rights on seasonal basis or sporadic periods – the "primary" and "secondary" rights paradigm;

(iii) "Shared secondary" occupation, land rights and land use by members of two or more communities within a territory marking the "boundaries" between them – the so-called "conflicting" or "no man's land" or the "Goz".

7. The evolution and development of "Dar" – loosely translating as "land of"[10] – among various communities in the Sudan describe the first category of dominant and exclusive typology above[11]. By the time of the Condominium however, "dar" rights had evolved to accommodate "secondary" rights of those outside the community[12]. The accommodation of "outsiders" was necessitated mainly, but not exclusively by, changing climatic conditions that forced migration into the territories of other communities. The colonial administration sometimes secured "secondary" rights for some communities in the land of other communities by formal agreements.[13]

8. After evaluating the evidence gathered from the maps, the historical records, published studies and the testimonies, the experts have drawn the conclusion that where the territory of the Ngok Dinka had established occupation, land rights and land use of the first and second categories, such areas fell squarely within the boundaries that were transferred in 1905. The boundaries of the two communities (and the provinces of Kordofan and Bahr el-Ghazal) as at the time of transfer in 1905 must have fallen within occupation, land rights and land use regime within the third category terrain of the "shared secondary" land. The official maps that appeared after the event as from

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[10] Abdalbasit Saeed, "The State and socioeconomic transformation in the Sudan: The case of social conflict in Southwest Kurdufan", unpublished PhD dissertation, University of Connecticut, USA, 1982, p.128.

[11] G. Kibreab, *State Intervention and the Environment in Sudan, 1889-1989: the Demise of Communal Resource Management*, NY/Lewiston/Queenston/Lampeter: Edwin Mellen Press, 2002, pp.21-23.

[12] Ibid., pp.45-52.

[13] Ibid., Chapter 3.

1907 were therefore not accurate in delimiting the boundaries of the nine chiefdoms of Ngok Dinka that were transferred to Kordofan.

9. The implication of all of the above is that the principles of equity, substantive justice and fairness shall guide the drawing of the line(s) within the territory of shared secondary rights that separates the land of the nine Ngok Dinka chiefdoms and the Misseriya, being the approximate Abyei boundaries.

APPENDIX 3: GOS AND SPLM/A PRESENTATIONS

Summary

The ABC listened to the first and final presentations of the two parties in Nairobi on 11 and 12 April 2005 and 16 and 17 June 2005 respectively. The presentations were made by Ambassador Dirdeiry Mohammed Ahmed, representing the GOS, and Commander Deng Alor Kuol, on behalf of the SPLM/A.

GOS Position

The GOS presentation was made on the basis of evidence from a variety of sources that included information obtained from the field visits undertaken by the ABC in April 2005, contemporary maps of the period between 1908 and 1936 that reflected state of affairs associated with the 1905 transfer, and historical notes depicting Abyei as an area characterized by a history of coexistence between the Misseriya and the Ngok Dinka. Ambassador Dirdeiry concurred with the conclusion of the experts that the oral testimony obtained from the field in the main reflected the official positions of the two parties and was of little help in establishing evidence that could enable the Commission to reach firm conclusions. Notwithstanding this, however, he reminded the experts that evidence from the field should not be dismissed altogether, given that the field visit brought to light some information that supports the line of argument of his delegation with regard to the issue in question.

The evidence obtained during the field visit presumed to support the arguments of the GOS delegation is outlined as follows:

1) **Visit to the shrine of Sultan Arop Biong:** Ambassador Dirdeiry recalled that the ABC visit to the shrine at Mathiang near Agok bore out the description made about the locality by Wilkinson in 1902. This substantiated the GOS position that Sultan Arop and his people lived south of the Bahr el-Arab in 1902.

2) **Differences observed between settlement, production, vegetation cover and topography north and south of the Bahr el-Arab:** The GOS delegation underlined that Major Percival, in his visit to Sultan Arop Biong, crossed the Bahr el-Arab and found Arop's village at 2.5 km south of the river. This distance was ascertained during the ABC's visit to the locality. Moreover, they pointed that the thick tall forest on the north bank proved

that the area was never inhabited either before or after Wilkinson's visit. On the other hand, the locality south of the river manifested ample evidence of human settlement and large-scale production of dura.

3) **ABC's visit to the tombs of Deng Majok and his son Abdalla Deng in Abyei:** With the exception of the two tombs and that of Deng Abot (which was not visited), no other Ngok chief was buried in Abyei. This denotes that Abyei was not the seat of the Ngok prior to the incumbency of Deng Majok as paramount chief.

4) **The need to consider oral testimony of Misseriya and Ngok given during the field visit:** The Misseriya testified that the fight against the Mahdiyya prior to 1905 took place in the Abyei area. The inauguration and knighthood of the Misseriya paramount chief, Babo Nimr, in the Abyei area of Lau and Abyei Town attest the claim that the territory in question is part of Dar Misseriya. Besides, the fact that Ngok Dinka testimony has not mentioned Abyei as an area of Ngok settlement during the Mahdiyya, absence of knowledge on the part of the Ngok as to what happened in 1905, lack of certainty whether Abyei was part of Bahr el-Ghazal, and non-existence of any boundary between Misseriya and Ngok affirm the GOS position.

SPLM/A Position

Contrary to the GOS claim, the SPLM/A argued that the Ngok Dinka had arrived in Abyei in the eighteenth century and had occupied the area north of the Kir River before 1905. The SPLM/A provided documentary and oral evidence to support their case as follows:

1) Published sources that supported their claim that the Ngok Dinka migration into Kordofan took place in the eighteenth century and preceded that of the Misseriya, and that the Ngok followed a route into Kordofan that took them along the Ragaba ez-Zarga/Ngol, north of the Bahr el-Arab/Kir.

2) Contemporary government reports that placed Ngok Dinka settlements both north and south of Bahr el-Arab/Kir before 1905.

3) Locations of the shrines and graves of Arop Biong's ancestors and noted that these were all north of Bahr el-Arab/Kir.

4) Evidence showing that the Goz was a no-man's land separating the Ngok and the Misseriya.

5) Their own interpretation of the maps submitted in support of the GOS case and produced their own sketch map showing the territory they claimed was occupied and used by the Ngok, giving Dinka place names and the initiation sites of previous age sets-ranging from Tebeldia in the north to Abyei in the south.

APPENDIX 4:

4.0 Oral Testimony

4.1 Summary of Evidence

Introduction

Between 14 and 21 April, 2005 the Commission held fourteen public meetings in Abyei Town, Goleh/Langar, Pawol, Dembloya/Dak Jur, Lau, Umm Bilael/Tordach, Chigei/Thigei, Lukji/Kol Yith, Agok and Muglad Town. A further three meetings were held in Khartoum on 21 April, and 6 and 8 May, 2005. It listened to oral presentations from 125 individuals. This consisted of 68 Dinka and 57 Misseriya.

In each location, the following procedure was followed. The Chairman of the Commission spelt out its mandate. He then gave the leaders of the Government of Sudan and SPLM representatives an opportunity to address the gathering. After this and, under oath, informants made their submissions. In seven meetings in Abyei Town, Agok and Muglad Town, the Commission was afforded time to ask questions or seek clarifications. These were then simultaneously translated into Arabic, Dinka or English, depending on the audience. The proceedings were then recorded *verbatim.*

The Government of Sudan and SPLM undertook the logistics for the meetings. These included the selection of the witnesses, arrangements for food, travel and accommodation.

Summary of the evidence

The Misseriya

The Misseriya claimed that they had been in Abyei since the middle of the eighteenth century. The Turks, the Mahdiyya and the British found them in their present Dar. To prove this, they named gravesites where their ancestors were buried, such as Abunafisa.

According to them, the Ngok Dinka came to Abyei in the nineteenth century. They migrated from Zeraf Island in the East. They were a troublesome lot who quarrelled with the Nuer and Twich. These disagreements, which sometimes turned into armed

clashes, forced them to seek refuge amongst the Misseriya. A Misseriya leader, Ali Julla, welcomed them.

Due to the generosity of the Misseriya, there developed close interaction between the two communities. In addition to the occasional marriage, they created alliances against their mutual enemies. Moreover, they assisted Ngok Dinka children to obtain education, for example, the Deng Majok family. This peaceful co-existence led the Ngok to regard themselves as part and parcel of the Misseriya community. This relationship was exemplified by the close co-operation that existed between Deng Majok and Babo Nimr. Indeed, twice the Ngok chose to remain in the Kordofan Province rather than join their fellow Dinka in Bahr el-Ghazal Province. Furthermore, there were no boundaries between the two communities. The only semblance of boundaries that they could recall was when roads were divided into sections, which were allocated to different chiefs for repair. To their recollection, boundaries only existed between them and the Nuba, Nuer and Twich. In any event, the area fell under the jurisdiction of Kordofan, to which they paid their taxes.

Some witnesses asserted that they had never heard of the Ngok Dinka at all. And hence the Ngok could not own any land in Abyei. To them, the educated Ngok Dinka had created the current dispute.

They were also keen to stress that, contrary to the accepted view, the Misseriya were also farmers as well as pastoralists. They grew millet and cotton, besides keeping livestock.

The Comprehensive Peace Agreement was hailed as a golden opportunity to bury the past and live in peace. But if this was not possible, separation of the two communities should take place. In that case, boundaries should be drawn along River Bhar el- Arab.

Finally, the Commission was reminded that documentary evidence to support their case existed. Henderson, Robertson, Powell, Tibbs, Cunnison and others were quoted as cases in point.

The Ngok Dinka

The Ngok Dinka informed the Commission that they had migrated from the Upper Nile. They reached Abyei in 1710 and occupied the riverine area between Bahr el-Arab/Kir and Ragaba ez-Zarga/Ngol. In contrast, the Misseriya arrived in the Muglad

area between 1765 and 1775, displacing the Daju, Shatt and Alei. Furthermore, they argued that Biong Alor was the first to settle around Abyei Town. Indeed, they were ready to show the graves of their ancestors to any one who cared.

To reinforce their case, they gave a lengthy list of their former permanent homes and grazing pastures. Places such as Nyama, Pawol, Ruba, Thigei, Akotok and so on, were mentioned. They remained in these areas prior to 1905 and up to 1965. In particular, the Commission was asked to note that absence from their traditional homes is due to expulsion after the outbreak of Anya-Nya I. Even more, Dinka names have recently been exchanged with Arabic ones. However, the most significant historical feature of Dinka presence is that these former traditional homesteads have mounds of cow dung ash, as well as graves.

The Ngok confirmed that peaceful co-existence between the Ngok and Misseriya was a historical fact. For example, they shared the Ngol pastures during the dry season. But the Misseriya practised transhumance and had no permanent homes in this region.

Twich, Rek and Rueng Dinka

The representatives of the Twich, Rek and Rueng Dinka vigorously supported Ngok Dinka evidence. They claimed to have had no direct contact with the Arabs, except the Rizegait. For that reason, the Ngok acted as their intermediaries between them and the Misseriya, particularly for trading purposes.

In addition, they said that quite often they crossed River Bahr el-Ghazal into the land of the Ngok in search of pasture. They also had relatives among the Ngok. In their experience, the Misseriya were living beyond the Kir river. They noted, too, that the Dar Misseriya had "yellow" soil whereas that of the Ngok land was black. Moreover, if the Missseriya lived south of the Ngol their livestock would have perished because of diseases.

The British

Ian Cunnison who lived among the Humr in the early 1950s and Michael Tibbs, the last British District Commissioner of the Dar Messeria District, 1951-4, were interviewed. They were able to highlight a number of relevant points that are also found in their publications.

TRANSLATED FROM ARABIC

(From Tape 5, Gowen/ Pawol To Tape 13, Muglad)

ABYEI 15TH APRIL, 2005

1. Ahmed Muhammad Bakai, Humr, Mezaghna

I stay among the Ngok. I regard myself to be part of one of the Mareng Section. When I mention Mareng, it is because of land; they have co-existed for years. We were staying in a place called Lau, with his father, before he was even born and even after his mother was married; and we are children of two wives. We are 8 brothers and 3 sisters. And I have sworn and am saying the truth. I grew up in Lau and we came to Abyei town in 1961. We never heard of the 1905 boundary. Nobody said it even in normal conversation by mistake or whatever. We never heard of it but after the British left and Sudan got independence. I myself went to Rumbek in 1957. And I came to hear that our boundaries in the South are at a place called Abunafisa. This was said in 1956. This boundary was between Bahr el Ghazal and Kordofan. This is what I know. I never knew anything about it. Even if they say there is an administrative boundary, it was not there. Bahr el Ghazal has got many Chiefs. They normally clear the roads; they start from Ngok to Twich, Badiang and Amiong. They could clear the roads up to Akur (Abunafisa is Akur). We from Akur start from here. The Ngok will start in their Chiefs' section. Each section has a place to clear up to Antila. Arabs could take it from Ulep, again using their sub-sections. Each Chief had a place to clear up to Antila. But we never heard of boundaries between us and the Ngok. We have sworn we never heard of it, not even our grandfathers.

I thank you a lot. We want you to solve our problem and we thank Ali Osman and Dr. John Garang de Mabior and President Omar El Bashir. And these days after the peace agreement we can now sleep because we want to rest. We do not want more problems. I swear that the Misseriya and the Ngok are brothers. Nothing will divide us, even if they go to the South. We shall never leave them; we shall stay in one place because since we were created, we were created together. Nothing will divide us.

ABYEI PRO-GOS GROUP 15TH APRIL, 2005

2. Juma Bashir Deng Kuot

I know the history. My father was head clerk to Deng Majok. And what happened, long-time ago, is that if you had a problem, you could move from one administration to a different administration so that you can be protected. I have over 4 ancestors who died here. They used to pay their taxes to Muglad. There are some dark men which my father had been receiving from Deng Majok. If you go now to ------ when we have been ally with ------.

We held conferences mainly with the Misseriya. Since 1901, 1902 we have been having some problems. We have been fighting with the Misseriya but then we could solve these problems. This is documented now in ------- They are still there. Even our problems started before 1900 and everything that happened is documented and is now in Abyei Merkaz. Even the names of the Chiefs who used to attend those meetings are recorded. What is now being said here, that we do not know about Baggara, is a lie. I myself, my grandmother was killed in Wotlet. She was killed in 1900. My own father is married to a Ghazal lady. And I swear by the blood of the family of Yalotuba, my own father. They have a -------- between this family. You can see now my grandfather was born before 1900. Up to now, we are living together. And he even went to school here. Who had said that he doesn't know about the Baggara? Even this 1905 people are talking about, we talk about our problem, the conflict with the Baggara. That is why we are saying we Dinka we are being left behind. We should ... to our people. But in the actual sense we have been living together with the Baggara. But he is saying one thing to you. God will ask you in the future, "What is happening now?" And it is not going to be solved very well. And if it is solved like the issue of Iraq was solved about the chemical weapons, which was a not solved well, person will continue to die. If people are going to live in the future, they are going to live because of you. But if people are going to die in the future, then God will ask you and even all of us here. There is a big fire. We will go to a big hell as a people.

Ambassador Petterson interjects

We have just resigned from the Commission (laughter). We would like to ask whether those who say they have documents, written documents that are pertinent to this issue, will be willing to submit copies of them. Thank you.

J. Ajing is saying something very short. He is very --- from the words he has heard from the brothers, all of them. They say that they are tired of the relationship between the Ngok and the Misseriya.

3. James Ajing

I just want to have a very brief intervention. We have heard facts spoken about the problem between us and the Dinka. So I do not need to talk more about that. I just have some questions. We know the boundaries of 1966. If you ask us now definitely we are going to show you the landmark of that because they are there. Shebashaya and Abunafisa. What is new? Those are all our boundaries with the Twich and Rueng. There is nothing called Lau. We are brothers; we are neighbours; and we want to live in peace.

4. Ahmed Dudiang

With regard to our brother Deng Alor, he has said a good word about the importance of development of the area of the Misseriya and Ngok Dinka. I can't say it in such a good way because I am not as educated as Deng. I am just an uneducated Arab. But judging from our experience and contact with the politicians, we want to know whether what has been said is politics or they are sincere. We hope that this will be really sincere and not just politics. Anyway, Sudan can really accommodate all the politicians. Regarding who will govern or rule, we don't have any problem with that and we can get on again to rule. But we want Sudan to be one country. Judging from experiences of those countries which had in fact been divided, like Russia, we can just now see how many wars they are having. God will ask. Because our ancestors have given us a united Sudan, we are very much hopeful that we will hand over to our children a united Sudan and we also want to sit down and see that wealth and power are divided equitably. Thank you very much.

5. Rahman Ismail Kher (?)

People even went to the far North, to Dembloya. There are some long islands there. I have married and staying there. What we are interested in is the boundaries between the Ngok and the Misseriya. If you have a relationship, personal relationship with the Misseriya and you are staying there, nobody is saying you stop this. The relationship will continue. The question I want to ask our brother Adam Deng, if the Abyei section has boundaries with the Badiong section, do the Ngok have boundaries amongst themselves? How can you say that there is no boundary

between Ngok and Misseriya? And that is what I want to say about the relationship between the Misseriya. It will continue. It is even provided for in the Peace Agreement that ------- [the speaker is then cut off]

Ambassador Petterson

Between our friends here, it can take place outside of the meeting. The meeting is now over, we appreciate all we have heard and thank you for your contribution.

GOLE/LANGAR 16TH APRIL, 2005

Ambassador Petterson

Good Afternoon. We now know from learned people and scientists that 100,000 years ago 50 people left Africa. They and their descendants, in the thousands of years that followed, populated the entire world. Some of us, or some of our ancestors, went to cold places. Unfortunately, their skin changed from a nice dark colour to a colour they call white. That is why I wear this hat. My colleague from Great Britain wears his hat. It is not our national dress; it is just that our skin is not suitable for the sun.

6. Musa Ibrahim Masoud from Awlad Kamil sub-Section

We have stayed in this country since the time of the Turkish and the Bunchu (?). After the ---- came our grandfathers went to Mahdi and others remained here. After the rule was over, o.k., during the Mahdiyya, Ahmad Darmul came here to take us to Omdurman. Our grandfathers refused and then they fought with the Mahdiyya and they were killed by the Mahdist Amir. Some of them have their graves here in this place. Their graves are there and we know them. After the British came and colonized the area, they told us about the boundaries, the boundary with Rizeigat, the boundary with the Rek tribe and the Malwal tribe and the Twich. And when the Mareig came to us here, they found people called or known as the tall Misseriya. Their children were sent to study in Abyei. When it was time to go to school, we took them on our bulls up to Muglad and Tula. Personally, I was doing that. Salaam Alekum.

7. Krafan Rahama Al-Nur (Awlad Kamil)

This is the land of the Misseriya; we were here since the Turkish rule and the Mahdiyya. Where we used to stay, during the Mahdiyya they killed 99 of us. If you go with me now I will show you the graveyard. We know our boundaries. My grandfather told my father and my father told me that the Dinka, the Nuer, the Twich were all behind the River. My grandfather, Ali Abu Gurun lived there in Abunafisa. The British rode there. I do not know anything else from the Ngok. They are our guests. They came here as guests. They came from far away. They came from the time of Ali Julla and the Chief Dagam. We have assisted them very much by taking their children to school on our bulls.

Regarding tax from here, we and them paid our tax at El Obeid and Kordofan. We have never heard about tax being paid to Bahr el Ghazal. This never happened. I am a Misseriya. And my grandfather lived here from the Turkish rule and the Mahdiyya. Thank you very much.

8. Shogar Mohammed Mahmoud (Awlad Umran)

I am 75 years old. My father was 100 years old; he was buried south of Abyei. One of our ancestors, Abudik, was also buried with him there and his grave is known as Abudik graveyard. It is a distance of 10 minutes' walk from here. It is beyond the Bahr el Arab River, about 10, 5, 7 hours walking. There are graves some of my ancestors, Edam al Hatela and Eaz-al-Karim. This is before you reach the grave of Ali Abu Gurun. My father told me about the boundaries of the Mahdiyya from Bahr el Arab. This way there was nobody with them.

Our brothers the Ngok Dinka, they requested to be allowed to enter this land. And a Mahdi inspector here and took my maternal grandfather whose name is Ahmed Tibeg. And when the British came, he was there with them in the time of Mahdi. And he learnt English and Arabic. When he came here, he was a grown up. By then the British rule was ------- then they asked for somebody who could speak English, Arabic and Dinka. My grandfather brought him. He knew Arabic and English. He also knew Dinka because his mother is a Dinka from the Twich. His mother also taught him Arabic. The British had in fact asked for individuals who could really tell the people what they wanted to tell the Dinka. Here, they did not find any person who knew Dinka and who could go and talk to the Twich. If there was anybody else, they could have taken him. He was the one who translated for those Dinka tribes.

From the Mahdi rule until now, the British came here in order to settle boundaries. They found two houses, two Dinka houses. And they said that nobody would occupy the land of another person. The British told the Dinka that they should not settle on the land of the Misseriya. He had found out that some of the Bahr el Ghazal people had come here and built their houses. And the Malwal had also built their houses. He asked them to go back after the Government came. Then people started to intermingle. They came to realize that they had lived together. Our brothers the Ngok came and collaborated with our ancestors and well you see, we are not going to tell them that this is Ngok or who is who.

The Twich told us that those people whom we had absorbed, we should know their names – they are Ngok. Do you know what is Ngok? Ngok is not their grandfather. Ngok is a fish in the river that will not be swallowed either by the crocodile or the hippo. You will now try to absorb them but you will not be in a position to swallow them. They will just stick here they said. Thank you.

9. Abu Hamid Mahmoud Al-Haj, Mezaghna

[He swore by God almighty that he would say the truth and nothing but the truth]. Our fathers were told us that their fathers had told them that the Misseriya were living in this country. This started in the Turkish rule, the Mahdiyya and then, finally, the British. We have in fact been here since the British rule. Maybe one would not appreciate or understand everything at that time. But most of the things we know. Since the time of the Turks and the Mahdi and the British, this country is the homeland of the Misseriya. There was nobody else who was there. What we have been told by the elders about the Dinka, they only mention the Dinka, the Nuer, Twich, the Rek. Those were the Dinka whom we have been told about. We came to know about the Ngok when they came to us. We asked our fathers, are those Dinka coming to us the Ngok? And in the past, they told us that the Dinka bordering us were the Nuer, Twich and the Rek. What is this Ngok? They told us that the Ngok came at the last minute. They were coming from the Zeraf Island and they came here. Why they came here is that they found that this country was very big and the British rule was here and then we lived together. But they came in at the last minute, very recently. This Abyei, when we came to know about it, it wasn't a town like it is now. It was built the way our houses here are built. This is when we came to know it. Misseriya people with money travelled from here and went to El Obeid, Kadugli and Nahud. Then they could get money. Later on, the Ngok Dinka came. Abyei itself was established recently. Our known boundaries with the Dinka, the ones that we know and which we have been told about - the real

ones- are with the Nuer, Twich and the Rek. The Ngok came later. Thank you very much.

10. Speaker

I am speaking about the real problem of how we can live, Arab and Dinka, together. I suggest that if there is no justice, there is no peace.

PAWOL, 16TH APRIL 2005.

11. Chief Ismail Hamdan, Chief of the Area

We welcome the delegation, which comprises of the representatives of the Government, SPLM and experts who are here to discuss the problem. It is the history of this world that people started war. But nonetheless, at the end of the day, they will sit down and settle the problem. After 21 years of fighting, we are now witnessing peace. Whether the South will secede or not makes no difference. And if they are going to secede, there are tribes at the boundaries, which will always be there. Tribal boundaries are always there and tribal boundaries are in fact entrusted with the duty of keeping peace among each other. When they live in peace, the neighbouring Government, or the adjacent Government, will also live in peace. We know the boundaries of Abyei, which was a part of Bahr el Ghazal before 1905.

I swear by God almighty and the Holy Book that I shall say the truth, all truth and nothing but the truth. This area was annexed to us from Baratongal (?), which lies beyond Bahr el Ghazal. The Ngok Dinka, in particular, came from Pariang and went to Abunafisa. Afterwards, Ali Julla and Arop agreed that they could cross and come to Abyei, which belongs to Kordofan. We - with our brothers the Ngok Dinka, or any other Dinka - were living here very much peacefully, with no conflict. And we are ready to live in peace here and peace shall prevail really for everybody in the area.

And thank you very much.

12. Abdadallah Mayal Dungus

[Swears by the Holy Quran that he will say the truth and nothing but the truth]. When the Ngok came from Pariang, they had a problem of death there, and then they went to Twich. That area is just near Warrap. They stayed there for 10, 20 or 30 years. I don't know exactly. They had another problem with Twich. Then they

came here to Dar Umm Sheyba, a sub-clan of the Misseriya. Arop, Torjok and Alar came here. Those are the three elders who came to meet Dar Um Sheyba. And they became friendly. But they did not find a suitable place there for living. The Twich and told us that they had an alliance with Dar Umm Sheyba. Their children and cows would be together. That a Ngok lady is also a Sheyba lady and a Sheyba lady is also a Ngok lady. They continued like that until 1964. We referred to them as Tall Misseriya, whereas there are Red Misseriya and the others are the Blue Misseriya. Paramount Chief Nazir Babu stood for election. The Chairman of the Council of Fula was Majing Deng Kuol.

The girls from the Ngok and from the Dar Umm Sheyba were singing that Majok and Babu had no problem. They were brothers. We want to live as we lived during the time of our ancestors. Ngok are Dar Umm Sheyba. They are part of the Dar Umm Sheyba, and they are part of the Dar Umm Sheyba section. We refer to them as the Tall Misseriya and they refer to us as the Red Misseriya.

And thank you very much.

13. Dud Nasir Hamad

[Swore by the Holy Quran that he will tell truth, all the truth and nothing but the truth]. Our fathers told us about all our history. Some forefathers died when they were 100 or 118. We were in fact there when they were living and they told us about our history. They told us; in particular, we had our boundaries at Abunafisa. My father Abubakar Hamad saw when the British officials came across the area. The Arabs went Landerad, Shabushaya and Abunafisa. Everybody knows where --- is. We have not come here because of our problem with our sisters and our brothers. They came and had good relations with us Misseriya, especially the Ajaira. Not our tribes, not our people, our brothers. We in fact stood held elections here throughout. There were no problems between us and them. During the '60's when the conflict started, we lost everything; we have gone our separate ways. Do you think this is not my country and am staying here, where my forefathers or my people died? Why didn't we leave this place and forget about it until we go to the one where we have buried those people? The people who are disputing these boundaries, where are they now?

We thank God that they came; that the Government also came and we are sitting together. And we hear that peace is there, and we pray to God that it will be so throughout the country. We have cattle; they have families, and therefore we do not want war.

The country is ours and we are just here along the borders. Chief Oron Abur was the Chief there and he had a problem. When he came to this country, he brought some trees and planted them here. He was asked, "What this is"? And he said that it was because he wanted to settle here. Another one called Hamdalshala-Woud came along with him and they had their farms here. Apparently, after farming, Chief Abur had a problem with one of the Ngok, and he had in fact imprisoned him. And we were all around. The next day he struck Aron Abur with an axe and he ran. We saw him and pursued him using a bicycle. We arrested him and handed him over to the authorities. If those brothers won't live in peace, we are the ones to live in peace. If you speak about the boundaries, then the boundaries are...

14. Muhammad Hamad Daudi

[He swore to say the truth and nothing but the truth].

DEMBLOYA 16TH APRIL, 2005

Ambassador Petterson

We are together representatives of the Government of Sudan (GOS), Sudan People's Liberation Movement (SPLM) and experts from UK, Kenya, Ethiopia and the US. They have explained to you about the Peace Agreement and our part is a small part - to determine the boundaries of the nine Dinka Chiefdoms as they existed 100 years ago. To do that, we have spoken to many Dinka. We will be speaking to many Misseriya. Afterwards, we will examine with the experts the records in Khartoum, in London and possibly in Cairo. We will put all of these together with what we have heard and read; we will get back together with the SPLM and Government representatives and we will make our decision. In doing that, we will be aware of the past history of peace between the Misseriya and Dinka; we will also be aware of the dark days of war in this country.

I was the Ambassador of the US to Sudan in the '90's. I travelled to the North, to the East, to the West and to the South, all the way to the border. During that time, I saw the worst effects of war; people who were killed; women and children who were starving to death; men, women and children who were racked by diseases, all because of this war. If there is anything that we can do as a Commission that will help to continue the reconciliation of the Dinka and the Misseriya people, we shall

be very happy that people will be living together in peace. Let us hope that, with the Grace of God, peace will go on now and forever.

Thank you.

15. Omda --- (Name?)

I welcome you all here in Pawol. We hope that under the shade of this tree we shall spend a very beautiful time. You are welcome, once again. I shall directly discuss the issue.

16. Speaker (?)

Here in this place, we established our settlement from the time of the Turkish rule. During the Turkish rule, a Turkish leader called Agha was killed near Pawol. This means that the Misseriya were here since the Turkish rule. When there were differences between Deng Majok and Por Chol, the Chief of Achak, Por Chol, crossed from the other side of the river and came here. He sought refuge with Awlad Umran, some section in particular. This tells you that the Awlad Umran, a sub-section of the Misseriya, was here since then. When Paramount Chief Babu Nimr had acquired the title of Sir to work in the Lau area, this means that Misseriya boundaries were beyond the River. We are speaking about the boundaries of 1956, boundaries of Greater Kordofan and Western Kordofan. During the rebellion, we lost 3,500 persons. But nonetheless we did not retaliate. This means that we were defending our land and our rights.

Thank you very much. Now, the chance is for the Chief.

DEMBLOYA/ DAK JUR 16TH APRIL, 2005

Ambassador Petterson

We are very happy to have come here today. We - the experts of the Boundaries Commission, representing the countries of Great Britain, US, Kenya and Ethiopia - are working with our friends from the Government of Sudan and from the SPLM, to carry out one part of the great peace agreement that has been explained to you about Abyei Area. To make our decision, we are talking to many Dinka and many Misseriya. After we leave here, we shall go to places like Khartoum, London, and Cairo to examine the records, which will help us make our decision. In making that

decision, we are conscious of the long history of peace between the Misseriya and the Dinka. And we know the dark days of war and the terrible effects it had on hundreds of thousands of people. It is good that reconciliation between the Misseriya and the Dinka from the South and North is now taking place. Our hope is that our work will help make this reconciliation permanent so that there will be no more war in Sudan.

Thank you.

17. Abdullah Rahama Ajak

65 years. We are Kordofanis and we belong to Kordofan. Our brothers to the south of us belong to Bahr el-Ghazal. We have been here since the Turkiyya, Mahdiyya and the British. Abu Nafisa and Murai are the boundaries between us and the Dinka. They were marked by the British.

When the Dinka came and found the Misseriya here, the Misseriya told the British who came from El Obeid that these people came to our land from Bahr el-Ghazal. The chief of the Dinka was Arandit. Arandit was asked, "Do you belong here or in Bahr el- Ghazal". Arandit said that he belonged here. He refused to leave. The British was Coriat. He was smoking and he threw the cigarette into Arandit's hut. Arandit refused to leave his hut when it was set on fire. But the police dragged him out. Arandit in fact suffered some burns.

Our neighbours in Bahr el-Ghazal were the Twich, Rek and the Nuer. And the Ngok were in Pariang. This country is a Misseriya land and it belongs to Kordofan.

18. Issa Jamal Ad-Domosa

75 years old. [He swore]. What we hear is that our boundary is with the Nuer, the Rek and the Twich. Regarding the Ngok, we do not have boundaries with them. But we are brothers; we are eating together; we are drinking together; and we are living together. When the time of crisis came, they went to where there is a water pool and beyond. Here the boundary is Piri and Mayom.

In the past, the Ngok were asked our people, our ancestors, to allow them to farm for two or three years. And our ancestors did not giving them the land. But at the end of the day, they gave them the land and they continued to live with us until that crisis.

19. Salim Mohamed Ajufar

95 years old. [He swore]. My father is buried here in that tomb (pointing). And regarding the British, nobody has told me. I know all that happened during the British time. Coriat was burning huts and told the Dinka that this is not their place. The Dinka bordering us are the Twich, beyond the Jurf. His name is Bol Chol. As for the Rek, you have to cross the Jurf westwards. Those are our neighbours, the Nuer. The Ngok are beyond Lake Abiad. But those with us here are with us. This is what I know.

Celebrations took place in Lau. Five Europeans were there and they gave Sir Babu an honorary robe in Lau. That was the knighthood when he was declared the Sir, the Misseriya.

All the Dinka are far away from there. You need to travel for one day across the Jurf before you find the Dinka. The Ngok do not have any country of their own. You will have to go directly up to Nabagiah before you can find them.

LAU 16TH APRIL, 2005

Ambassador Petterson

Salaam Alekum. You have been very patient to listen to all of these words today. We are grateful that you have come to talk with us. I first came to Africa in 1963 until 1998. I lived in nine African countries with my family. During that time, I saw five wars in Zanzibar, Nigeria, Sierra Leone, Liberia, and in Somalia. One more, the worst of the wars I saw was this war here in Sudan. My time in Sudan, from 1992 to 1995, was a dark and terrible time for Sudan. That is why I am very happy today to be together with Dinka and Misseriya and seeing them together in peace; and enjoying their company and making jokes. And that is the way Sudan should be. Normally, I would say some more words, but we are four experts and I want to give my colleagues a chance to speak also. So today am going to ask Prof. Godfrey from Kenya to say a few more words about what we are doing here. Again am very happy, am very grateful to be here to see you, to talk to you and I thank you very much.

20. Ishmail Muhammad Ma'ali

Since the time of my father, my father had in fact witnessed events. And I have seen my father. I was a grown up. Since the time of the Turkish rule and the Mahdiyya and after that the British, I know my boundaries with the Rek and with Twich and with the Nuer. Those are my boundaries and I was born here. That highland over there is known as the Nur Hamashr, our father. These are the graves of our fathers. Over there at that high place across the river, Nazir Babu Nimr used to spend the summer there, as I have spent at Lau. The British Government in fact gave him the robe of honour and gave him knighthood over all the Misseriya. In this place, we never knew we had boundaries with anybody at this end. This is what I want to say. Shukran.

21. Omer Ismail Ahmed

85 years old. [He swears]. I lived here during the Turkish rule and the Mahdiyya rule and then the British. Those boundaries were surveyed by the British. They were never marked by us. I have in fact seen my grandfather and I have listened to his story. This country is ours; the British gave the Babu Nimr a red robe here in this particular place, here in Lau. If this Lau does not belong to him, why did the British choose this place to give him the knighthood here? If this place is not his, why did they give him that robe here. Those are the tribes - Nuer, Twich and the Rek; those are the tribes that we have boundaries with. We do not have any boundaries with anybody else since those old days of the Turkish, Mahdiyya and British.

22. Sheikh Mahmoud Adam Kareyu

60 years old: I have witnessed the time of my father. Pause. [He swears] I witnessed the time of my father. This has been our land from the time of the Turkish rule, during the time of the Mahdiyya and until the British came. The boundary was drawn by the British between us and Nuer, the Twich and the Rek. We did not draw any boundaries; they were drawn by the British. If there was any confusion, that mistake was made by the British. Thank you very much.

23. Omda Shummo Hamadien Denanur

76 years old. [He swore]. I am happy because the delegation of the SPLM and the delegation of the Congress Party came here in Lau area together. In the past we were here, and fishing together and we were going naked.

24. Sakit Yaqub Bashir

60 – 65 years old. [He swore]. My father was a Sheikh that was during the British rule. By then there was no cattle tax. It was the head tax. My father was imprisoned by the British. We were then young. When they came, we have been told, the Government killed people. We have 30 tribes. The Turks, the Mahdiyya and the British imprisoned our fathers. This is what we have been told by our fathers.

I am speaking on behalf of the Misseriya. This time if you want, you will write peacefully; you will find people who know how to write and see far away. You want to write peacefully; you will not get it. We the Misseriya, because we did not start our own personal rebellion, we do not have Torabora; we do not have SPLA. Then others are now grabbing our rights. We know our land is beyond. This is the land of the Misseriya. If someone wants to be a brother with us, we do not have problems. If he is telling us that he has a right, it is the Twich, the Rek and the Nuer who should be the ones to dispute with us. But when it comes to land, we will not accept any dispute. Anybody who is telling us that he is not a Misseriya and is staying in the land of the Misseriya, he should leave the Misseriya land. Thank you very much.

Douglas Johnson

Salaam Aleikuum. Ambassador Dirdeiry has explained to you the purpose of the Commission. The Misseriya and the Ngok have been together for a very long time. The Misseriya and the Dinka Ngok know each other very well. They know where they live, but sometimes they disagree. The Government of Sudan and the SPLM when they were negotiating about Abyei, agreed on many things. They agreed that the Abyei area should be put under the special authority of the Presidency. But they still could not agree on the area to be covered. So they said, instead of letting the war go on, let us make peace now and then later we will decide what area would be put under the Presidency. So they decided to have this Commission where there are members from the Government, members from the SPLM and we will have people from outside who will listen to us and help us find out the true information. So the countries of the United States, Britain, Kenya and Ethiopia, which were all very concerned to have peace in the Sudan, have sent what they call experts to help. We have been speaking to the Ngok Dinka; we are now speaking to the Misseriya; and we will be speaking to more people. Then we are going to go and look at the records that the British left behind. You mention Mr. Coriat; I knew Mr. Coriat's wife in England. Before she died, she gave me his letters and I put them in the Library in Oxford University. You mention Mr. Cunnison; I knew Mr. Cunnison for a very

long time. When he was with you, you told him many things and he wrote them down before there was a conflict between Ngok and Misseriya. So if he wrote a true account, we can compare that with what you have told us now and what you told him then. You mentioned Mr. Tibbs. Just before I came here, I went to see Mr. Tibbs. He told me, "Convey my greetings to the family of Babu Nimr". So when I saw Mukhtar Babu Nimr, I passed on those greetings. When we are finished here, we shall go back to England. I shall see these people and I shall find out if they are still confused. Thank you very much.

UMM BILAEL 17TH APRIL, 2005

25. Ali Adam Hamad

60 years old. [He swore]. I shall tell you the truth and truth is bitter. In 1905, the Ngok Dinka were not around. Our neighbours by then were the Rek, the Twich and the Nuer. Those were our neighbours. This is what I want to say. Shukran.

26. Hamid Hamad Issawi

65 years old. [He swore]. What I am saying now is what I was told by my grandfather. And he had in fact told my father and my father told me. Since the time of the Turkish rule and then the British time, the British ruled us until they finally left after 50 years. We were told by our ancestors how the borders were drawn. Our borders are with the Rizeigat and with the Rek Dinka, and with the Twich and with the Nuer. We know nobody else here other than the Misseriya. This is what was left by the British. Can you just take one's land and give it to another?. This is what was done by the British. And they gave us that. And I do not think there is anybody's tribe that should be given to another.

And thank you.

27. Adam Yahya Adam

My name is Adam Yahya Adam. 72 years old [He swore]. What I know, during the British rule I was a grown up and they used to go with us up to the river to hunt geese. And I was collecting the geese shot by my hand. I met somebody called Mr. Cunnison. The British were very fair. If you caught two geese, they would give you one. And if you bring water from the river, they would give you something. By then, our neighbours were the Nuer, the Twich, the Rek and the Rizeigat. We do not

know any other boundaries of any other person; and this is our country. And thank you very much.

I greet you, and I thank you very much.

28. Hassan Miakol Deng Ajak

77 years old. [He swore]. Some who spoke before me said .... I really wonder why they are saying that I am coming from far away. Because in 1942, I was in Nahud and we went to the first school in El Oddaya. I went to work in that school. I dug the foundation of that school. While digging, we found old ashes telling us it was the site of an old luak. And I have sworn; in fact it touched my face; in fact I do not know which ancestor/structure of the Dinka were there. But definitely that was a grace of God. But our boundaries with those brothers were with the Hamar. Hamar were our neighbour. I don't know....

We came until we reached this Ngol. We moved on until we reached Ngol, and a place called Miding. From that place up to Nyama, a place called Ruba. There was a luak until Tebeldia. Tebeldia was the boundary. When the British visited Tebeldia, I was a grown up. This is when they built a house at Tebeldia. That is where Nimr and Arop Biong used to go and meet. This is definitely our place; and I know that this is our old boundary. Shukran ..... (Clapping)

29. Ibrahim Ahmed Kuku

47 years old. [He swore]. I am 47 years old. The history I am going to tell is something that I had inherited from my father and my grandfather. In 1905, our boundary was with the Nuer Dinka and the Twich and the Rek and the Rizeigat. There are no other Sudanese within our boundaries here. Those whom I have mentioned were our neighbours. What I learned from my grandfather is that by that date of 1905 there were Ngok Dinka who came from beyond River Bahr el Arab. We were told they came from Pariang and fought with some people there and they came to that place. By then, they were very few. That place was swampy. They asked or consulted the Chief of the Misseriya and they told him that they had to come to this place for farming. Then they requested to be allowed to cross the river so that they could farm. They had to cross the River Kir or the Bahr el Arab for farming. And then they came and farmed with us here. This was 1956. They crossed and they came here and they were very few. But after discovering that this place has good harvest, the others then joined them. Then they started to co-exist with the Misseriya. So many accidents have taken place between them and us.

1956 and 1964. Since 1964 until the advent of this peace, we were in conflict and there was no stability. Everybody who wanted to take to the bush had already left and those who did not want to take to the bush are living with us here. And we are living together, eating together and co-existing. Until those boundaries were drawn by the British, who were colonizing all the world, the boundaries never changed. Regarding the ashes that we found in El Oddaya, I can tell you that there are some ashes here of one of the British Mamur. Can the British Mamur come and tell us that this is my country? When the British Mamur came here, the British were with Nazir Babu and my grandfather was also the --- They used to sit here. We were very young but we were able to look and see what was happening. This is what we have seen.

Shukran.

30. Bol Kajang Charguth

69 years old. I am approximately 40 to 60 years old (laughter). I am swearing in the name of God who has created everything, including the trees. I am saying this in front of God. This land was occupied by people. What I am saying is that for the many years that I have lived, if somebody asked me to show him my home I can just tell him all the places from here up to Meiram. I am just asking the people who are ruling us here with our bothers... I think we have boundaries, especially when somebody is coming and mentioning something that he has been told by his grandfather, as I am doing now. In the past, they asked us to come to Fula in order to tell them where the boundary between us and the Misseriya lies. When we come now and say its here, I am just wondering if anybody is coming to a dead place. It is the place where he has food; and it is the place where he grazes his animals. If his home is the place where he lives, then our boundary is Nyama, Ruba, Tebeldia and Thigei.

Our dispute with our brothers the Misseriya started in Maper Amol; and we have a landmark there that was where the war had taken place. And they passed by Alala and Goli and Mabek and then they continued up to Ngol. This is where the problem started between us and our brothers. We understand that now, for living together and co-existing, everybody knows his boundaries. We people returned and they settled here. We gave this place to our brother, the Misseriya and together we settled and even that director and the other one behind (pointing). Ask them from which place we chased them away. If it is our country, we did not ask the people who live with us here not to stay. I never believe what in the past separated us, me and my brother; we will stay together. You are responsible for everything and we

think the Government is the representative of God. And we thank God that now we have this Peace Agreement and that we can live together. We have to say that we know our boundaries and we have our boundaries.

Shukran.

Tape No. 9

UMM BALAEL 17TH APRIL, 2005.

31. Hamad Isahyama, Omda of the Seragi section

85 years old. [He swore]. Since I grew up, I know that you have to tell the story of your father and grandfather. The whole tribe here had the Twich and the Rek and the Nuer as neighbours from here up to El Oddaya. At El Oddaya there was no market in that place until the British came. When the British came, they have just drew the boundary where we are having the Muraya; this is our boundary, Abunafisa. There is no other Dinka or other Arab with us here. The Nuba are there; we are having boundaries with them and no market here until we reach the Humr area. Anything other than this is impossible; this is what I know and what I have heard. Shukran.

32. Deng Ayen Mading Achok

70 or 80 years old. I greet you all. I tell God that in front of you, I do not want any other people's land. I just want my right. I do not want to speak so much. Our boundaries are far away. If some people now want to grab our land, our boundaries are at Dhaony Duol, Tebeldia until Mading. If you just pass along those boundaries, you will find the traces of the old settlements. And those who were buried there nonetheless we do not hate them. They are now telling us that they want to grab our land so that we will not be around here. We never attack them they are the ones who attack us. Just imagine from that place Bedual and Mading, they came and attacked us here. If what I am saying is nonsense, then you can go there and see with your eyes the places or houses that were burnt. While you are here if you want to reconcile with us and to really assist us to live together, we are not telling them not to stay with us. Those people who burnt our houses are staying with us here in Abyei. When they grab, they go to the other side and they bring with them brothers from Muglad and other places to come here. Do those people from far away know this? It is those living with us who guide them. If you just want to

reconcile us and we have our boundaries, we are for that and we do not want to talk about the past.

33. Badur Ahmed Nasir

38 years old. I was not around during the time of the British but I have my grandfather who is living up to today. And since I grew up, we and the Ngok Dinka have lived together in this place. But I was not aware from where we and the Dinka came from. But according to what I have been told by my grandfather and what I have seen for myself, the boundaries that you have told us are at Abunafisa. The British had already drawn the boundaries there and marked them with iron landmarks. Somebody came from that place yesterday. At Abunafisa, beyond the River Kir and the Bahr el Arab, somebody told me he had just seen the land mark and that he touched it with his foot. If you want to see that place, I have some people who can directly take you to that place.

During the time of Nazirates, we had four Nazirs. The first was Abu Kumar from Dar Umm Sheyba. In the past if you had one goat, he just took it and forced you to carry it for him. Because of that they sacked him. Then there was another Nazir called Ali Massar. This is what I was told by my grandfather. I was not around. When Ali Massar died, then came Nazir Ali. After Nazir Ali Julla died, then they brought Nazir Deng Majok. Then, does this country belong to the Nazir or to those that follow the Nazir? We are just saying that this country is ours. If you are going to give us our country, that is fine. We are expecting you to be fair.

Regarding the accident that has taken place, those people are saying that Arabs attacked them. We never attack them; they are always attacking us. I can give you the details of that. The father of this gentleman Arop was staying in that place which he mentioned. They told us that, although the river Ragaba was full of water, we cannot water our cows there. Then we told them, "You our brothers, the Dinka, are we not brothers? How can you stop us from watering our cows there?" They told us, "No, this River Ragaba is ours; it is not yours. You cannot have even just a cup of water from there." Then we said," Well, River Ragaba is ours. How can the Dinka scare us away? Then we have to die". Then we decided that, since it was then summer, if we started fighting we would die. We waited for the rainy season. When the rains started, the problems of course started over River Ragaba. They said that we shall not take water; we shall not water our cows there in our own country. Then the problem started and fighting commenced. We had some people there; one of them was Isam El Obeid. Then they went and brought some people down.

I want to ask a question about this phase because you told me that you want to start a new phase of reconciliation. So we want to ask about this phase.

34. Humdi Dudu Ismail:

You are the international committee that came here to find out the facts. We are now within the boundaries of Kordofan. When this agreement was translated and we read it, we got the main points in that agreement. We came to know that this commission has been established to determine the boundaries of 1905 and we came to know that that area is defined as the area where the nine Ngok Dinka lived, not where the Mahdiyya were staying. And they say that this area of 1905 was transferred to Kordofan. My question is this: why is the Commission just roaming in this area of Kordofan, whereas the defined area is there and the Commission is not going there?

And I am quite sure you can get from the map and document. This is why we think that what you are doing now - those field visits - are just to sense whatever people think. Therefore, we are requesting the ABC Commission to restrict their work on the boundaries of 1905, which are south of the Bahr el Arab. If you want the most useful species you will find them there in Muglad. Thank you very much. Maybe you will get an answer from what we have said.

Donald Petterson

I have been coming to Africa since 1963. I have visited North Africa. I have lived in Zanzibar, Nigeria, Sierra Leone, South Africa, Somalia, Zimbabwe and others, including Sudan. I have been involved in Sudan more than any other country since 1992 when I was Ambassador and afterwards when I stopped being Ambassador. Because of all this, I am always happy to return to Africa and especially return to Sudan. We want to thank you for receiving us in this beautiful place. I have four others who are experts on the Commission. We share the work. One of my colleagues is going to share some of the work and say a few words to you. Thank you again.

Prof. Godfrey Muriuki

Salaam Alekum. I am very sorry that I cannot speak to you in Arabic. But I hope that it is not too late to learn the language. On behalf of the Commissioners and the experts, I want to remind you that this Commission was set up because during

the negotiations, the two groups could not agree on what to do about Abyei. And they agreed on many things, like sharing of the wealth and the integration of the two armies. Having failed therefore, to decide about what to do about Abyei, they decided that they would set up a commission that would have representatives from the two groups and experts. Our purpose is to decide on the boundaries that existed in 1905 between the Misseriya and Ngok Dinka. Now, to be able to do so, we decided to look at the existing records, but we also know that there are many of you who know from your fathers or grandfathers about the boundaries. And therefore, we wanted to have a discussion with you so that we can benefit from your knowledge. We also know that British officials also left some records and we therefore want to compare the two. We are very grateful that you have so kindly agreed to be present to meet us as well as to tell us about what you know about the boundaries. We shall compare the two and we shall then go back to the records in order to fill whatever gaps we find. We are grateful therefore, for your co-operation. Thank you very much.

CHIGEI/THIGEI 17TH APRIL, 2005

35. Mahan Azoza

There are four Nazirs here and we are having so many here. And it is better we do not invite him ----------

We thank you very much for coming here. We thank our brothers the Sudanese and our brothers who are coming from outside Sudan. And we are very much thankful to those who made peace, both the Government of Sudan and SPLM. If it wasn't for peace, we could not sit together like we are now doing. It is peace that has in fact brought us together. First thing, we and our brothers are really brothers. But because of a misunderstanding, we had in fact gone the way we did. In fact, we, the Misseriya, have a very old history. Three, or may be four groups, have in fact ruled us. And we stay here in this country. The Turkish rule was here and we were by then here; our ancestors were here. There was no car and no... and we were here. The Mahdiyya were also here. The British were also around here. When our people came here, the Ngok people had really come from the south. They came to the Nuer and then there was a problem between them and the Nuer. After the Nuer, they had a problem with the Twich. Then there was yet another problem with the Twich. It is then that they came to us here. They came to a place called Lot. In the past, we had only the Twich and the Nuer overlooking or beyond the river. The Ngok people came and settled between us and the Twich. When they settled there among the Twich, the Misseriya said, well let us go and see those people who say they want a place where to settle. Then afterwards they crossed and came to Abyei.

When they came here, they were our people. Yes, they are. This means that this was very early; this is what we heard with our ears ... telling us history. This is history; our fathers were not yet born.

When they came, they had really taken care of our people, we, this branch of the Misseriya – Dar Umm Sheyba. They had come to us. We, the Dar Umm Sheyba have in fact taken care of them. And we gave them this place. And we know where they cam from. The place where they came from is called Zeraf Island – not Zeraf. They came from that place. It is far away and they had in fact come from a far away place; and we do not want to get back to that.

Today, we want to be very brief. When they came here and when the boundary was drawn with the South, the Bahr el Ghazal and Kordofan, belonged to Kordofan. Before the British left this country, they had in fact consulted those people and asked them whether they wanted to belong to Kordofan or Bahr el Ghazal. They said they wanted to belong to Kordofan. Then we had a boundary between Kordofan and Bahr el Ghazal. This place, this part of the river which is called the Bahr al Humr, is an old place. When the boundaries were drawn, when the British left, then they decided to be a little bit fair to those people because there was still some empty space. And then they drew the boundary at Abunafisa. And they have just kept there an iron rod. This Ragaba Maraya, the British came there. This is all beyond the river. When the boundaries were drawn, we had in fact been governing this country up to Lou. We have the grave yards of those people; the grave yards of so many people, 3,000 to 4,000. And our grandfathers had built some structures in Abyei. If you want to bring a shovel in order to dig up the graves and see the bones, we can do that. It is not far away, just next to those trees (pointing). And below those trees, you will find bones of our grandfathers.

The Ngok Dinka are really our people. And we have co-existed peacefully. And during the time of Deng Majok, we are told that there was really very good co-existence. And those people were very well educated and went to America. They were educated by the Misseriya, especially the sons of Deng Majok. And we in fact assisted very much in the provision of drugs, cattle and building of schools.

I do not have much to say. Those are our people; and we want to stay together like we did in the past. If they want land, they will find they have to take it by force. (Shouts of Allahu Akbar)

Thank you.

LUKJI/KOL YITH, 17TH APRIL, 2005, 3.15

Tape 10: One side is empty

Master of Ceremonies

We will be very brief knowing that this is the third day here. We shall have four people from Antirak – and they will talk in brief so that you can have ....

36. Yasin Rabar Rahamtallah

80 years old. And I know my boundary. Since the time of the Turkish rule, it is the river Bahr el Arab. When the British came in 1905, they told us that our boundaries to the south are with the Rek and the Twich and the Nuer. The Ngok were with Twich. When they did not find the place suitable for them, they joined us here. When they came, they said they were Misseriya. We accepted them and were grazing together. Now, it seems that they are more powerful than ourselves. They want their own rights. In that case, then they can get back to where they came from. And this is what I say. I want my rights; they won't get any.

37. Sheikh Bilal Abdi Al-Rahman, Dar Umm Sheyba

50 years old. He swears ..... What I want to talk about is in regard to our boundary between us and our brothers, the Ngok Dinka. Our fathers told us that the Twich Dinka and the Nuer are in fact three tribes. Those are the ones who have boundaries with us. And in good faith, we were lived together in this country. We never expected that the day would come when the Dinka would come to us, and in particular the Mareig, and tell us that Arabs have no history in Abyei. We know exactly; and we have witnessed the time of my father who knows what he was told by his father. We have witnessed that. Ngok boundary with us is far away, beyond River Bahr el Ghazal. And the reason that brought them to this place they know. But in this Abyei, they do not have any land; they do not have any boundary. They are our people, if they want to live with us in peace and we live together. They should leave this to you and this is yours. We live with them; this is our country. But if they want to have their own land, they cannot have that here. This is what I want to say. Thank you.

38. Badr Nasir

56 years old. [He swore]. We have been here since the time of our fathers and grandfathers. The history they told us is that during the Turkish rule we, the

Misseriya in this country, were not living the Dinka. The Dinka we know of are in Bahr el Ghazal. The Ngok, in particular, came from beyond Bahr el Ghazal, in the first instance. There were no problems with those ones. And this is the reason why they came and crossed. We did not know them before that particular time. We do not know of them owning any particular land. Our boundary was with the Twich, the Nuer and the Rek. And the boundary is still there. And if they are still claiming any land rights there, it is not with us. And we are not going to hand over our land; and this is the Government. If somebody is asked to surrender his rights to another, that is going to create a problem. Then this is going to be a real problem. This is it.

39. Ali Abu Hajeil Abdel Rahman

42 years old. [He swore]. We were told stories by our fathers who had been told by their fathers. We heard that the Ngok people do not own any land here. Our boundaries are with the Twich, the Nuer and the Rek. The place they came from in fact is beyond Pariang. Whatever problems they caused over there, they know exactly. They were displaced and then they came to the Twich, who brought them to us.

Since we started living here, our fathers told us that when the Dinka came here they asked for farming land. Then our fathers told them that they are a problematic people who would cause a problem here in our land. They denied this and promised to have an alliance and co-operation with the Misseriya in order to build the country. We gave them the land and they have farms. Then they had a very good harvest and then the Misseriya called them Mareig because this is the dura of Mareig. And this is why we live together. We know that the boundaries are far away, beyond the river. This is what I know.

40. Deng Bilai Bahl

60 years old. [He swore]. I am the one who is leading. I know all this land up to Bahr el Ghazal. I have been travelling through it by a bicycle and by car. I know every part up to Bahr el Ghazal. I have also been travelled by train up to Bahr el Ghazal. I lived 20 years in Rumbek in Shobek, the land of Alor Kaswal. We do not at all take part in problems.

This gentleman is Deng Alor and this is Deng Arop Kuol. When I went to Kenya, they told me that my name is not Deng and I want to tell them that I am Deng. The relations between us are very strong. But in case of dispute, everybody knows his boundary. The boundary of the Ngok Dinka is well known, beyond the river and

that is the place where you are going tomorrow. And the maps drawn in 1905 are there. I have them and I kept them. It is not a matter of disputing. You are going to cross the river tomorrow. If there is a dispute, it is in the area where the 1905 boundary is and not in Abyei. We should in fact have the dispute there, not here. If those experts, the British and the American, in particular, if they just want to grab someone's land and hand it over to another, then definitely this is not going to be fair.

Tape 11

AGOK 18TH APRIL, 2005.

41. Commissioner of Abyei County, Musa Malwal

I want to pass my greetings to the Head of Abyei Boundaries Commission and all the members of Abyei Boundaries Commission. I also want to greet all delegates from neighbouring communities of Twich, Ruey, Ron, Abyeng and Rueng countries. Greetings to all of you. I want to welcome all of you on behalf of the people of Abyei County. I welcome you and I wish you success.

42. Deng Alor

I greet all of you. I want to start by introducing the members of Abyei Boundaries Commission. In fact, they are of international repute led by the American Ex-Ambassador, Mr. Petterson, who is the Chairman of the ABC. To the left of the Chairman is Dr. Douglas Johnson. Dr. Douglas Johnson is a person who has written many books about Sudan. He wrote about the Nuer and he has also worked for the Southern Sudan Government. He worked with Doctor – in Juba. To the right of the Chairman is Prof. Kassahun, and Prof. Kassahun is a lecturer in Addis Ababa University. He has been selected by his Government to represent the Ethiopian Government in ABC [sic].

Ambassador Donald Petterson

Joint Integrated Armed forces of the SPLA and the Government will be deployed in southern Sudan, Khartoum and elsewhere. The legal power will be shared at the national level, including the Presidency, and there will be a separate Government for Southern Sudan. The money that comes from oil production will be shared so that all parts of the country will have a fair portion of that money. The Peace Agreement

also provides special arrangements for the Southern Blue Nile, Nuba Mountains and Abyei Area. As for Abyei, to resolve the dispute over what the boundaries of the Abyei Area are, the Agreement established the Abyei Boundaries Commission. Our job is to define and demarcate the area of the Nine Ngok Dinka Chiefdoms, which were transferred to Kordofan Province from Bahr el Ghazal Province in 1905. In making our decision as to the location of the nine Ngok Dinka Chiefdoms, we, the members of the Commission, will examine historical records and documents and we shall listen to the representatives of the people of the Abyei Area and the neighbours. That is why we are here today to listen to you. We encourage you to be open and frank with us in expressing what you want to tell us about these issues of what the boundaries of Abyei Area are. Again the mandate of the Abyei Boundaries Commission is only, is solely to define and demarcate the Abyei Area. It is not our job to consider any possible political or other outcomes of our decision on the boundaries. And I want to emphasize that our work is an essential part of the overall effort included in the Peace Agreement. We shall do all we can to find the facts and make the best determination we can in the hope of contributing to the reconciliation of the people of this area as well as the people of Sudan as a whole.

Thank you very much.

43. Joseph Gul Malwal Agany Rueng from Rueng

I swear now to God. I will not say something which is not true. The case of Abyei. We used to hear about it especially in the negotiations, when the Government and SPLM were negotiating. What I want to ask, especially people from Britain, is "Are there no records about the area of Abyei?" We, the Dinka, we even came from as far as Omdurman, what is referred to now as the national capital, Khartoum. When the Arabs came to Sudan, they drove the Dinka away from that place. We just went into different directions, moving to the south. We followed the Nile, Malwal which is now on the western side. They crossed the river at a place called Rumbek and then they went as far as where they are now. This land was just a forest. Deng used to be a place of a spirit called Lei. The Government should know this very well. They should not confuse people. The Government came somewhere there (pointing) and then chased the Dinka away. They came and chased us away from that place. When the problem of water arose, they came up to this place; they came for grazing up to this place. Whom among the Baggara has his grandfather buried in Jem Alor. Well your house. You do some farming. In 1957 when we moved with our cattle, first we called at Pawol. There were people from Achem who were in Lapik. When we moved north, we moved for sometime until we found an Arab in what they call Delem. In those places - Maker, Amiong- they had no homes there. The British

people did not help these people even when we were in Omdurman, the present capital of the country. The British should have these records even for the time when we were chased again and again until we reached the river. The Baggara never spent any season here. They did not even come ----. They used to come somewhere there, Babunusa and Fula. When you have your own place, you will come back again. When we were chased away from Ngol in 1965 we used to come back. The Government chased us away from there. The solution is for the British to solve this problem because they have all the records. You cannot take somebody's property twice, just once. When Ngok people were chased away from Ding, they threatened. We were in our place Bahr; we joined them; we shared that place up to Keilak. We started as friends, now it has become a problem. It is in fact at the time of Paramount Chief Kuol Arop and Deng Majok Ngok of the area from Bahr el Ghazal when people decided to pay their taxes to Fula. That one did not solve the problem. Then one surprising thing: why do you waste time talking on this issue? The facts are there. You have your own place, you know. And you can prove it. Even myself, I know my place and I can prove it.

People now are educated. They know nobody can take somebody's rights. It started after independence when we never used to get jobs; we were denied and yet we are citizens of this country. Now, you see somebody in his home and you want to chase him from his home. You, the British are a member of the international community, and so are the international experts. We who are here are all Dinka. What we have seen, we have just told you. Arab land used to be at Nyama – Antila. They never came here. Now it will be seasonal. You do not cultivate in your own place during you're the rainy season. How come this place is yours? Now you, the experts you will now judge because those people will think that we are saying this because we are Dinka. The people who are going to decide in any dispute nobody can really say they are not telling the truth. The whole of Sudan used to be our place, Omdurman, which is now Muglad. Again, now they are saying Abyei is not ours. Imagine, Omdurman was taken; Muglad was taken; and now they are saying Abyei is not ours. I think the Government must be behind all this, all this dispute.

Thank you very much.

44. Nyal Chan Nyal

I want to greet all the members of Abyei Peace Committee. And I also want to greet the Chiefs who are here together with the neighbouring communities.

I am Chief Nyal Chan Nyal, Chief from Goral County. I am from a Dinka section called Rek. I took over the Chieftainship from my father who was a Paramount Chief of my section in 1971. My father had been a chief since 1920. I am now surprised by what we are discussing today, that is the Abyei Area boundaries. My question is, those who are today asking about the boundaries of the nine Chiefdoms of Abyei Area, do they not really know the boundaries of Abyei Area? I am going to say the truth in the name of God and if I say lies, then may the Almighty God kill me here and not allow me to leave this hall.

Now, I was a herdsman. I used to go with my father wherever he went. He used to come to Abyei area and he met a Misseriya Chief, Babu Nimr. I saw Babu Nimr myself. When we used to come to Abyei Area, we were coming to the land of Paramount Chief Deng Kuol or Deng Majok. We were not going to anybody else's place. Long time ago, I travelled to Muglad to go and sell my bulls in order to get money to pay for school fees because I was a student. On my way to Muglad, I was shown the boundaries between Ngok Dinka land and the Misseriya. Among the people of Rek who are here, there is one of them who used to take his cattle herds during the dry season to those border areas between Ngok and the Misseriya. That person is among those who are present here. Also when I was in school, there are some Ngok Dinka people who were with me in the school in 1946 and 1947. When we left for the holidays, they used to go to nowhere else but to Abyei area. Today, I want to greet them and I see whether they will recognize me or not, here in this meeting. When we were registering our names in a meeting in Addis Ababa - between the three communities of Dinka, Rizeigat and Misseriya - actually he registered his name as a citizen of Muglad and not as a citizen of Abyei. Since time immemorial, all the communities in northern Bahr el Ghazal and the Misseriya used to have their traditional boundaries; and they were known by all of us. It is really very surprising today to hear some people saying that they do not know about these traditional boundaries, which were left to us by our ancestors. The British that colonized all of us, used to know the boundaries and particularly the border between the Ngok Dinka and the Misseriya. Were those books not left in the archives that were left to us by the British colonial administration? I am surprised today to learn from some people that the Ngok people did not exist. You see, what used to happen in the past, when we used to go for dancing, you must find a horse tail. You came always to Abyei area to buy a horse tail, so that when you dance you really enjoy the dancing. There was no other area where you went to buy the horse tail. Ngok used to be called Ngongagok, where people went to buy the tail of the horse. I am surprised today to learn from some people that Ngok people do not exist. Today, it is very unfortunate that I have not seen some of the Misseriya Chiefs. If the Chiefs of Misseriya were here, I would have asked them something. Why did it really get

out of your head that you know about the existence of Ngok area? Ngok elders sometimes used to act as hosts. If you start moving from here going to Abyei Area, okay; if you start moving from Abyei area here towards Muglad, you will definitely find previous old buildings where Ngok people used to settle. Unfortunately, they were displaced from them. When we used to move on foot towards Muglad, we used to find those buildings. And I think the remains of those buildings are there on the way.

You see, in your area we cultivate sorghum and Misseriya cultivate millet. The Misseriya used to take millet on the back of the cattle to sell. They went to Goral. And those who guided them were the Ngok. It is wrong to go and act as a translator between us and the Misseriya. I am surprised today to learn that Ngok people, the translators who used to guide the Misseriya people, do not exist. If you have been in somebody's place, it is better for you to beat him rather than say that that person does not exist simply because oil has been found in that area.

The Misseriya and Ngok used to be very good friends. I believe there is somebody out there or elsewhere who is making them collide because they used to be good friends. Paramount Chief Babu Nimr of the Misseriya and Paramount Chief Deng Majok of Abyei area used to co-operate. Please my brothers, the Misseriya, who is this person who is trying to separate you and the Dinka? We will continue to live as it was in the past. You have become like a pounding mortar. Anybody will come and use you to pound his own grain and then go away. And then another person comes and pounds his grain using you. You should not allow yourself to be used by others.

45. Amir Kuol

The Ngok and Misseriya used to be good friends. And we knew you, the Misseriya through the Ngok people. We did not know you directly as Rek people but Ngok are the people who introduced us to you and introduced you to us. You used to come to this land looking for water and grazing grass. If you stayed here permanently, and because of the climatic conditions, all of you would die. If this was your land all your cattle would have all died; they would have all perished.

Please allow me to vomit out what is in my heart because I will not talk later on. I have been Chief of the Rek people for 39 years. My father was a Chief from 1921 up to 1971. He was living with the Paramount Chief of the Ngok Dinka, called Kuol Arop and also with Deng Majok. Both are leaders of the Ngok people. But I am surprised today that some people are saying that the Ngok people do not exist. There is one of my people here who came with me from Rek land. He is here. He

has stayed for quite a long time with the Ngok people to the extent that his sister was married by Paramount Kuol Arop. He will also talk about our relations with the Ngok people. My last word is to my ex-colleague Atem, who is a member of the Government delegation. Atem, we have become old people and we shall die very soon. And what is very important at this age is to say the truth so that when we all die then we leave the truth with the younger generation. So please my ex-colleague, let us say the truth, we three of us colleagues. This Chief also was one of our colleague (pointing). And I want to say that what I have said is the truth. And if I have said something that is not true, then may the Almighty kill me here in this hall. I end my talk.

46. John Ajang Deng, Abieng Twich

I don't have so much to say. My name is John Ajang Deng. I started saying that I had nothing much to say. But I want to say, oh Almighty God, you created us, what you want us to do is to tell the truth. We have to say the truth. I want to say I have to tell you my God that I want to tell the truth to everybody who is here. Just kill me God, if I say something, which is not true.
What I want to say is that I have worked for two Governments. I also worked as a teacher in Tonj. Since 1962 I have been a Sub-Chief.
This is the position I still hold up to today. I am asking, for how many years now?

Myself, now talking to you, when I was still young before I could go to school, during the rainy season I used to take my cattle to this land, the Ngok land, from here up to the northern part of the river. I used to take my cattle to different places. I went as far as Akot Tok in Northern Abyei, between the Misseriya and Ngok Dinka. If there was anything that people used to eat, that is honey. We also used to eat honey and also fish. We also ate other things up to 1946 when I went to school. I did not go to Akot Tok again when I went to school. Before 1946, it belonged to the Ngok, Ngok land. If you walk from here up to this place I am mentioning, Akot Tok, you will still find that it is part of Ngok land. If you walk from Abyei to Agok, it is too far. In 1946 when I joined school, it was Ngok land. I am surprised now people are saying this land does not belong to the Ngok. You know, in fact God may kill you, if you do not tell the truth. What I want to say is: it is Ngok land. Our brothers here, when Ngok land was transferred from Bahr el Ghazal, I think, it was the Ngok brothers who took them up to this place. I am surprised these same people are saying that this place does not belong to the Ngok. My brother here (pointing) who has just talked put it correctly: if the Misseriya cattle stay here for quite long, they will die. They do not even cultivate here. You say this is my land and you do not even stay there during the rainy season; you do not even cultivate; you do not even

keep your cattle here. I do not think that is true. I am really very happy that you have called us so that we come and tell you this. When they used to graze our cattle, we just knew that it was Ngok land. We, including the --- when we were in school in Tonj, during the holiday they left us here in Twich and then they proceeded to their land, the Ngok Dinka land. The number used to go up to ten, those who used to be with us those days. I am very happy. I thank you. And I want you, especially the experts, to listen to the truth. When you hear something that is not true, you even shiver. I thank you very much.

47. Maker Manyrol Maker

I want to greet you all, the members of the Abyei Boundaries Commission and you all, the Chiefs who have come for this meeting. I greet everybody who has come for this meeting. I also want to greet the SPLM and Government authorities, who have come for this important meeting. My name is Maker Manyrol Maker. I come from the Rueng Dinka of ex-Chief Kuol Alor, Kuol of Diemnan area. I want to speak in the name of God. I want to say the truth that I know. I greet you almighty God and I ask you to help me say the truth that I know. We are Ngok; we are brothers; we have the same mother. Dinka Panaru Pariang is also our brother, from the same mother.

In the ancient times, we came walking together. We were migrating together, the three of us, including our brother Ngok. They came and gave thanks to the Misseriya. They were jointly included in the Kordofan because they were with the Misseriya. A Ngok Chief said that he wanted to stay with these people, the Misseriya. My father, Alor who is one of them, stayed with our brothers in the south. Our brothers from the South are Nuer of Bentiu areas and Panaru of Pariang. These are our brothers who started the --- of the South. The Ngok joined the administration of the South. That is how we remained in Bentiu. Ngok was administered from Kordofan. Ngok was being administered from Fula. Areas used to be named after chiefs. Up to River Ngol, there were several chiefs who were known to own this land, such as Lual Amiek of the Bongo section and Kuol Awet. The River Ngol used to be known in our area as River Ngol of Lual Amiek and Kuol Awet.

There was a big battle between the Nuer and the Ngok. And Nuer and some parts of Ngol were abandoned because of the fighting. The other Ngok sections - for example Abiong, Malwal and others - were living along River Ngol and Kir. And when that river Ngol became insecure because of battles between the Nuer and Lual Amiek, some of the Bongo and Kuol Awet left part of Ngol River. They joined the other sections of Ngok at the River Kiir. The river used to be called Ngol. It is used

to go up and then it came down. It moves in zigzags; but the name of this river is Ngol.

Again after the disaster of Kuol Awe's in which people were displaced, somebody called Alor Watanong is among those who went back to Walobaye. Those who went back to Ngol are his Dinka section. They are the Rueng. Also the Ngok went back to Ngol River. Then there was a part of River Ngol called river Ngol of Mayiang. Mayiang are Rueng or Alor section.

And again there was somebody called Machol of Achuak section. He also settled in some parts of Bedeng, which is named after a person called Deng Jok. The Dinka call it the home of Deng Jok. The Misseriya used to call it Bedeng.

When we became mature people, there were clashes again. In those clashes, settlements were burned down. Then, there were no settlements in the Ngol area. And when people went back again, we were still young boys.

I visited the area along the River Ngol until I was initiated. I visited River Kir up to River Ngol. The Ngok people were ahead of us. They had settled in Pawol, Ruba and Nyama. By then, I was a mature person; I was initiated there.

In one of the years, we took our cattle to the village of Tuba and Ruba. I spent five days with my cattle in a place called Ruba. Moreover, we spent an entire rainy season in a home of somebody called Deng Chan. The Ngok used to build very huge buildings and some of them were as tall as these buildings. We spent the whole rainy season there in Ruba. When you start leaving Pawol, Ruba is in the north. Then there were a lot of mosquitoes in that area. We then decided to leave. On leaving, we started moving towards Desangi Ranch in the north, called Goz. Goz is the boundary between the Dinka and Misseriya.

We started moving to an area where we would not get mosquitoes. It took us four days from Ruba, moving towards the North. We got to the farms of Misseriya at a place called Dedam. That is four days walk from Ruba. Then we went to a place called Muglad, or Deinga. Then after Muglad we got to the cattle camps. This is where the Misseriya used to spend the rainy season, and in fact we found there were no mosquitoes in those areas. I know all these places. And when we left the villages of the Ngok in Ruba, two of us started coming back. We were moving together with the Misseriya cattle camps. Then we came following the main road between Muglad. We had not moved along the main road before. This is where we found another village called Abora, between the Ngok and Misseriya. There along

the road, I got to a village of somebody called Alor Kuol Jok, who is the father of Deng Alor. This is where also we got some cattle camps. That place is where I thought was the border between the Ngok and Misseriya.

The village of Alor Kuol Jok was really very, very far from Misseriya villages. Today if people have differed and want to demarcate the boundaries between the Misseriya and Dinka, then people can say that that is where the village of Misseriya used to be and that is where the villages of the Dinka used to be. These are places that I know and where there were villages. And if you start moving from Ruba to the east where I did not go, where Rueng were mixed with the Ngok Dinka, there is a place called al-Hatim and a place also called Shemni. This is where the Ngok and Rueng were mixed together, villages were mixed. I did not go there, but I used to hear that there used to be mixed cattle camps in those areas. I did not go there myself and I am saying the truth about what I have heard. The boundaries between the Dinka, Palava and Nuba are a place called Keilak. I know the areas, such as Mijing, Kwach and Kuol. These are all areas settled by the Dinka and the border between the Nuba and Dinka. The Dinka and Nuba meet there. All these places used to be the villages of Dinka; all these places used to be the cattle camps of Dinka and then you find ashes of the cattle dung; they are there. This is the place I know. Thanks.

48. Alor Luach Kol

Greetings to you all SPLM delegates, Government delegates and all the other delegates who are here. I greet you all. My name is Alor Luach Kol and I come from Awal Kwajok section, Goral camp. I am a Court President in Goral. I don't know my age. I have been imprisoned twice. I want to pause, I will swear for what I know, and I will swear for the truth that I know. And we are saying this. If somebody knows like the Ngok people, like the Baggara people, the Misseriya if they were all here and we take the oath, address the oath to them I believe five days will not pass without proof of who is saying the truth or lies. Within five days the lies or the truth will be known if somebody is contradicting what I am saying here about when I was a boy in the cattle camps; where we used to move the cattle with our elders; and when we reached a place called Majong Alor and poured down the meals and sacrifice on the land of Alor; and then there was a place of a very spiritual leader by the name Alor Deng Jok which was his tomb, where we offered him sacrifice. And that is the first place where we offer all our sacrifices to the Tomb of Alor Deng Jok before we do anything. My uncle offered the sacrifice; my nephew did the same. Another nephew did the same and even myself I followed them. I was the last to pay that sacrifice when our – was discussed with Kadhi and Babu Nimr, the children

of Nimr, when I marked on the River Kir. That was from whence we were allowed to cross River Kir to go into the Ngok area.

My only argument to contradict theirs is that I am a Sudanese. How can another Sudanese prevent the movement of another Sudanese on this land and we come from one Sudan? From that time, I was allowed now to access the Kir but before that we used to be prevented by – and that was the first problem which should be solved. And that was the year that I was arrested and taken to Wau town. I was the head of the people arrested. After the problem of Kir was resolved, this is where ... was explored and then killed. Then people tried to make a settlement. There were houses like this and I am among the people who were building them. There was only one house made out of iron sheets but the rest of the houses were built from local material, grass and wood. That was the year when the problem of River Kir was resolved. Come and see now (pointing), that is Kuol and that is Mayan's brother and there is Deng Majok, their father; and look behind, there is Kuol Arop, their grandfather and that Arop Biong, the grandfather; and that is Biong, the father of Arop behind there; and that is Alor Deng, the great, great-grandfather. Imagine Alor Deng Jok, six grandfathers were buried and Majong Alor very far away. Imagine, try to reason out and the level – that is very near to Muglad. Try to put them on a parallel line; leave aside these areas of Alal, leave the areas of Wombil, leave Ranfi, leave --- behind. Imagine, how far is Majong Alor, Abyeng is behind, Yorwing is behind, Mateogut is behind, Miakolin is behind, Gongol is behind, Mecca is behind another Mecca is behind, Natong is behind, come and see now with your eyes Abyeng/Abyei is very, very down behind. And see now how far that place is. This is if you want to say we have a problem of land here in the North and we have good relationship, can we not share if there is still a problem of land in the North? Our people who escaped the disaster here in South Sudan went and survived in the North. Some of them have died but they are the same/equal. Many people have survived in the North and now they come back as people. If you say that let us share since we have a problem of land in the north, is that a favoured point? And then if somebody is disagreeing with us, we will not share with them, because they are not gentlemen. Imagine, seeing how the oil is being distributed from here up to Gotur. Now the oil is being divided equally, why not the land? Do you need a better Government for you to take it all? The Ngok have been there. The Ngok came and chased away the Luel who were the inhabitants of that area. Ruadi, Luarang, LutuaKuol, went and collected taxes, and took it to the North. So did Rubiogong. The father of Palary did the same. Were there any Arab in the middle here? Even the Deng and the Muglad were ---. Let us say the truth and not state lies. If somebody was to swear now that the Ngok own this land, let him show up his hand to God; or to show his hand to justify that this land doesn't belong to Ngok people.

If the Luel come now and tell the Ngok that this is their land, then that is the truth. And if one can justify that the Ngok are the ones who chased us away from here, then it is right. Then the International Community now will try to justify it. But then before they left Luel, somebody like Nuer or Al-Arab appeared on the boundary of the Dinka here. That is a person saying a lie. That land is a place for the Ngok and is know to everybody. The grandfathers who are buried now in Ngok Dinka area are known. These people, if anybody is justifying that the Ngok land is his land, let him come ahead and count his ancestors and the number of the ancestors, the Arabs who died in Ngok land and where they are buried. Let him count them. We have never heard of these stories since we were children. Now we are elderly people; we are now elderly; we have become old. I have never heard any story that the Ngok are just staying in somebody's land. If it was the Luel who used to hire the ground to make the ground a high land, that is the only owner of that land that we know. And the Ngok tried to capture that place and we chased him away and we settled. Proof that the Ngok do not have land, this is not true, that is not true. Even Kuol Delku, I who is there now, does not know how to swear; somebody will just die within a few days.

Tape 12

Ambassador Petterson

Thank you that you came here and told us what you did tell us tonight about this issue. This is but one small part of the great Comprehensive Peace Agreement signed between the GOS and the SPLM. But it is a most difficult issue to resolve. Not even John Garang and Ali Osman Taha who were the leaders of the two sides in reaching this Peace Agreement, not even they could put this issue to rest. That is our task and we know it is not going to be easy. Some of you mentioned the British records that should give us this information. Perhaps it will, we hope so; we are going to look at all the records we can. In our travels in the past several days, we have seen the Misseriya and Dinka, Dinka Ngok, interacting peacefully, living together peacefully as they did many years ago. And we know that this is the kind of leadership that you want to see and we all want to see for Sudan. It is our hope that our work will contribute to that illusive goal which now seems to be possible; peace for all Sudan for the future. Thank you very much.

49. Ngor Nyuol

Most of the witnesses are saying that they have been brought here to say the truth of what they have witnessed. In our Dinka way of life, if somebody is trying to rob

the property of another person, the person wronged will swear. I will swear for the property of Ngok; I will swear that this property/land belongs to Ngok. Where is the Misseriya who is going to swear that this is the land of the Misseriya?
I shall not give details about the boundaries of the Ngok land because I am a very young person. What I know, so far, is that I stayed in the cattle camps at River Ngol, when I was a very young boy. And if somebody goes to Muglad and says that that is his land, let somebody come and swear with me that I have not stayed at River Ngol, which is the land of Ngok. Let the Misseriya bring their witnesses and swear in front of God that this is their land.

I want to ask you another question. The Ngok are now claiming their rights and they are almost in a cort. We were told that after 6 years of the Interim Period, the Ngok will vote at a referendum whether they will be part of the north or they will be part of the south. What then is the purpose of this meeting today?

Five neighbours or countries have come and each of them has their own traditional lands. Today, if the Misseriya have come and are claiming ownership of the Dinka land, where will you take, you Misseriya, these Ngok people who were born in the land? Where will you really take them, these people? And each community has its traditional land. Khartoum – is it not the land of Sudan? If the Egyptians come now and say, "You go away from Khartoum". Will the Sudanese accept that? Is it only the land of the Ngok, which the Misseriya come and claim to be theirs, and they take it? Yet if Egyptians come and claim Khartoum, they will not accept it. Why then take the land of the Ngok? Is it simply because it is the land of the Ngok? Have you really, have you been instructed to come and see this place? Is it because they are in power and they have the power over others? People select a leader and appoint him to lead the people and defend the weak and the strong. He is selected to ensure that the strong do not suppress the weak. And that was the type of leader our people had. Today, they have become like a former Deng. They want to take the Ngok land. I believe that today the Misseriya want to take the Dinka land. It is my belief that tomorrow they will take the land of their traditional neighbours also, if they are allowed to take the Ngok land today.

Once upon a time, a lion attacked a person and it wounded him. [Requested to be brief]. I am going to summarise. If they have found a piece of land, where they are going to take the Ngok people to, then you members of the ABC will tell us whether the Misseriya have found land where they are going to take the Ngok people. If you have found out that this is the land of Ngok up to Lou, then these are the robbers who want to rob the land of Ngok people. You always elect leaders so that the robbers, or the looters, will not loot the weak. Clearly, if you had somebody being

eaten by a lion, should you leave him to be eaten by the lion? Ngok land is being robbed; the lion in the ---- is better than the Misseriya. Don't leave a human being to be eaten by a lion.

50. Akol Maywin Kuol

I will say very few things. I come from Goral that is Rek. Now I am Executive Chief. What I want to ask is, I have heard that Majeng Alor is being claimed by the Misseriya. If they believe that Majeng Alor was their place, why did they accept to share it with the Ngok? My own people went to Majeng Alor and were killed by the Misseriya. Why kill them, if Majeng Alor is really their place? Well we used to know that Majeng Alor is Ngok land. When we used to have our cattle, sometimes we used to marry from there. I would have married from Ngok along way back, if I were not an area Chief. I used to move to cattle camps with my brothers, the Ngok Dinka. I was together with the section/clan from Abior, called Alor. Then I was made Executive Chief. We went to take a walk in cattle camps. Those from the east, from Majeng Alor, used to take their cattle to Maper Amal. And then they came and killed people at Majeng Alor east. I am surprised that people are saying that Ngok land is their land. It is not true; what we know is that this land belongs to the Ngok. When we used to move with our cattle here during rainy seasons and also during dry seasons, we would always meet them at Ngol, somewhere there in the northern part of Ngok land. And then we moved from there up to Kir River; then together we would go to other areas. If you move to somebody's place especially if you move with your cattle, can you really claim that where you move to is your land? The nomads normally, as we know, cannot claim somebody's land. Myself, even we when we used to move here in Ngok, we never claimed that wherever we used to move to is our land. Even though we used to move with our cattle here, we would not claim the land. It will be better if we were with those people with whom we used to move together. If they were here, it would be good.

51. Mabior Yiel

I am a Court Member, a traditional judge. I come from the Ajwong section of Madol area of Rek, Aweil East. I am Abyeng.

People have said that we are going to swear. You do not swear for the land of others. You do not swear for your land. The Paramount Chief Kuol Arop, as well as Deng Majok, used to get the Misseriya in the Court. And we used to find their huts only in Abyei town. And the land used to belong to the nine sections of the Ngok. We never found Arab villages in the countryside apart from Abyei town. Where we

used to find the villages of the Misseriya, you the members of the ABC, the land is as yellow as the colour of their skin. It is as yellow as their colour. And the clay land is as black as the skin of Paramount Chief Deng Majok and his people. And if you go back and say that we have witnesses, who used to go to the Ngok land, they will say that the land belongs to Ngok Dinka people. We are saying so because not only did we go to the Ngok Dinka people, we used to stay there. We used to take our cattle to the Dinka land and live with the Ngok. The cattle camps of the nine sections of the Dinka Ngok were there. This was the land of the nine Chiefdoms of Ngok Dinka. The Misseriya have not been there. No Misseriya has ruled one of the nine sections of the Dinka. Not only do they want the Ngok Dinka land, they also want that of the Abyeng people. They have looted the northern parts of Abyeng land. They used to loot our land and then when we say no, they fire.

Once upon a time, they killed one of Abyeng people that is one of our people. They cut off his arms and beat the drum with them. This angered the Ngok, and this caused one of the 65 wars between the Ngok and Misseriya. This was because they cut off the arms of that person from Abyeng section. These atrocities, which they committed against Abyeng people, are what angered Paramount Chief Deng Majok and his people. We used to bring our cattle to the land of the Ngok Dinka section called Abior. This is the section of Paramount Chief Kuol Deng Majok. We know the people; this land belongs to the Ngok. The Misseriya have no claim over Ngok land. If they are part of Ngok people who have joined the Arab camps and they are claiming today that the Ngok land belongs to the Arabs, then this is not true. The land belongs to the Ngok. If you chase away the Dinka people from their land, where are they going to find land? Long time ago, the Misseriya did not own the land. If they take this land, where will they take these nine sections of Ngok people?

We used to visit Ngok land with our cattle. The way you have reached a negotiation settlement in Nairobi, we are assisting you to apply the same justice; the same truth that you have applied in reaching a Comprehensive Peace Agreement in Nairobi. You apply it here so that honour can go to Majok who used to fall administratively under Fula. If he had no land here, then why did he administratively come under Fula? He was the owner of the land and the people and that is why administratively he was under Fula.

We have come and we have sworn to say the truth. These people, this is not their land; their land is very far. We want you to exercise the same justice, the same truth. This land is not their land. And I am urging you to continue to be just as you

did in Naivasha. We want you to be just and do not change. And if you change, then you will be blamed for not being just. Thank you.

52. Yok Deng Kueth from Aru

My age is 52 years. I am a Paramount Chief of Awit section of Panaru. My section is settled in the Ngol section of Panaru in Rueng County. When talking about the issues of land, people should always say the truth. Greed is bad. Somebody who is greedy is immediately known and you cannot hide it. The cow that eats a lot of grass, if it gets into the deep end of the river, it can be eaten by a snake.

Long, long time ago, we used to hear that these people used go to Ngok Dinka land. Among the Rueng section of Panaru, we knew them as Misseriya. We came out of the son of Adam. I am talking on behalf of people of Pariang of Panaru area. My neighbours, and we are brothers, are the Ngok of Kuol Arop and there is Rueng of Paramount Chief Alor. If the Misseriya are coming today to take us, then we shall consider whether he is truly a brother who is beginning to behave like one, or somebody who has destroyed something.

That is, did Arabs really burn cow dung so that they have hillocks/mounds? There are mounds in the Dinka lands to the north. Those mounds became high because of burnt cow dung. Do they really have such features? Do they have cow dung mounds in Madanyi? They do not own this land; this is our land. What they have today termed as Keilak is what we call Kok Lek. Lek is a type of fish and Kol is a pool, so it is called Kol Lek and they went and changed it to Keilak. And if we are today looking for truth and if there are judges, people who are going to judge whether this land is ours or theirs, then we will visit our land together, so that we, in fact we see these cow dung mounds. We shall really try to prove if there was an Arab who used to burn cow dung. It is only the Dinka who used to burn cow dung. Arabs cannot burn cow dung.

The problem is that they used to come and re-name our places. If one of them came to us as a business person or as a trader and we are now trying to dig the truth, this land does not belong to them. Instead, they came from Saudi Arabia. We know where they came from. We did not cultivate onions and dates; they used to do so. And they came with onions and dates and they found us in our settlements. And they came and sold these onions to our people in Khartoum. Then they found girls to marry. After that they went back home and brought their brothers. At the end, they turned against us and destroyed us. If somebody turns against you, then one day if you like the truth, you become very bitter. It is the hunger that is not

acceptable. If you go to where people have abandoned food, and then you start mixing with others .....

Short Interval. Translators are changed.

The person who started the grievances and the problem will not end in peace. The people called Ngol Bil Kuol, Rueng Alor and Panaru are all brothers. We are one family. How can you explain how a ruler comes and divides us? If you come back to the truth, tomorrow morning we should go to inspect the land. We should go on foot to inspect the land and pick the ground where there are ashes. Those who call themselves Misseriya should also go and show us the graves of their ancestors. The family of Suleiman which claims now to be Misseriya, where are the graves of their ancestors? In our work of investigation, each party will be required to show their settlements.

We disagreed with them about land in Ngol. What had happened then? What do they call a horse? There was a generation called Ashukuol in Panaru. They were defeated and they cut off all the tails of the horses. They were only carrying spears. The Misseriya carried only one big spear. And this generation of Panaru carried small spears, many, many of them. When they fought, Arab girls sang songs against the ---- That is the song which was sang (He sings). And today, the problem was created out of nothing. The Government which they have now, the Government which is called South Sudan Government, is not harassing the citizens. You the Misseriya, why don't you follow your people with the Army? Many things depend on the army; we do not mobilize our Governments or forces. You should try to observe a cease fire on your side.

You have come to claim Abyei as your land. Abyei is your main issue. That is your right. You claimed Khartoum and it was given to you. The International Community never resolved this case in court. You continued even up to Mudag region. You captured other places and so the International Community took you to court in order to settle this problem. You have your full right; you are used to grabbing this land.

Questions

Prof. Godfrey Muriuki

Mr. Chairman I want to ask Chief Nyal Chan, the first person who spoke, a question. He did not give us the boundaries - even more important, can he tell us where they had the permanent homes?

Answer

I will. I have mentioned some areas, which I think to be the boundaries of Abyei area but you might have not heard them. I have said before that what is now known as Muglad is called Deinga. And I have also talked about Dhiny Dhuol, Tebeldia with the whole.. And I have also mentioned Pagai as one of the areas of Ngok Dinka land. The area all along the River Ngol belongs to the Ngok people. Majeng Alor where there is the tomb of Paramount Chief Alor Del Jok is Ngok land. Now they went as far as our Rek area.

If you don't say the truth, then you will undermine the peaceful co-existence between you and others. And now the Government has agreed with the SPLM. It is very important that we say the truth so that there is peaceful co-existence at the grassroots level.

Question

Prof. Kassahun Berhanu

My question is to the third speaker Mr. Maker Manyual Maker. My first question is, he has said that the Government burnt all the settlements north of the river and the Ngok were forced to settle elsewhere. I want to know, when was this?

Answer

This was 1965.

Question

I would also like you to repeat where mixed villages or cattle camps of the Misseriya and Ngok were found.

Answer

The villages were not mixed. We left our homes and our villages and then we were moving with the cattle. We moved from a place called Rubang. We spent four days walking, then we got Misseriya villages. They are separate from Dinka villages. Then we moved for another day from that village of Misseriya and reached Muglad, called Deinga. There were no mixed villages between Ngok and Misseriya. Mixed

are villages were between Dinka Ngok and Rueng. In Nyama, there were a few traders. The villages were all Dinka villages. And the few traders were Misseriya. This is what I know. And there were no mixed villages. What were mixed villages were between the Dinka Ngok and ------ [he is cut off].

Dr. Douglas Johnson

Thank you very much. You have all come a long way and so have we. The schedule that the two parties - the Government and the SPLM - have chosen does not allow us to have a long time with you. This evening is the only time allowed to us to review and to ask questions. We have spoken to the members of the Ngok community in Abyei. We have spoken to members of the Misseriya currently within the capital in Abyei Area. We will be going tomorrow to Muglad to speak to the Misseriya in their own country. I assure you that your brothers, the Ngok told us many things, which you have repeated here. But if we are going to gather evidence, we need details not general statements. We also understand that 21 years of fighting has left a lot of bitterness. But, please, you must leave that bitterness aside, in order to tell us anything of value that will help us in our evidence. The Government and the SPLM have agreed on many things, but this is one thing in which they could not agree. They could not agree on how to define the Abyei area. So that is why they have asked for outside persons to come and listen to you, listen to them and look at the records of the past. If they had agreed on this one question, the peace agreement would have been finalized and we would not be asking these questions. So, I would like to ask a few questions now to see if you can give us some details that will help us.

Question

I would like to ask questions about the time of Arop Biong. I want to ask questions of how things were during the life of Arop Biong, when the British first arrived here. I would like to ask first the representatives of the Rek Dinka. At the time of Arop Biong when the British first came here, did the Rek Dinka share a border with the Misseriya?

Answer

53. Paramount Chief Nyal Chan Nyal of Rek

We have never had borders with the Misseriya. The Misseriya had borders with the Ngok and not us. We, Rek people, were far behind and Ngok are ahead of us. And

there is no logic that can say that I have boundaries with the Misseriya. Ngok is between us and the Misseriya. This is what I want to say.

54. Naim Manyang, one of the Chiefs of Abiem Dinka

What I want to say is, I greet all of you. I want to say the truth, only the truth. There is a place called Riangadit. Wasn't it the land of Ngok? Why I know this is because there are boundaries between us and Awit, between Ngok people and Awit people; we have a boundary with the Misseriya as far as near the railway. But there are some parts where Ngok Dinka are between us and Misseriya. A place called Maper Amal, which is to the north of Abyei, is Ngok Dinka area and not a Misseriya place.

Question

Thank you very much. I would like to ask the representatives of the Twich Dinka. At the time of Raham Garkwir and Arop Biong were the Twich Dinka having a boundary, a border, with the Misseriya?

Answer

The Twich do not have a border with the Murahalin [referring to the Misseriya]. Those who have the boundary with the Murahalin are the Ngok Dinka people. When going, it is after passing the Ngok land.

55. Atem Awiy

I come from Twich. I am Deputy Executive Chief. Now, the facts that we have witnessed. When went to Ngok land, Chief Deng Majok, the Paramount Chief, used to tell us that our limit was the River Ngol. After that, you went to Misseriya land. We were told the same by Arop Biong himself, a visionary leader, Kuol Arop (Chief Kuol Arop) the executive Chief and Deng Majok. We used to hear stories ourselves. We used to know that Gor, between Misseriya, used to be at the northern part of Ngol. Of course, we used to go there with our cattle. That one we witnessed ourselves; that one, we can testify.

Chairman:

Now we would like to hear from our friends in the Government delegation.

56. Abd al-Rasul an-Nur

Thank you very much, Mr. Chairman. We are very grateful for the warm reception we have had from the authority of Abyei County. I have three demands. I want them to be written down and then after that I give the floor to the Chairman of our group. I am very pleased with what I have heard, and I believe that the people who from here spoke the truth about the time they know. But I noticed that with due respect to the Chiefs, I missed most of the important Chiefs of Abiem, Twich and Rueng. Some of the missing Chiefs have information about the relation between the Dinka and Misseriya in 1905 and thereafter. I missed Sultan Abdul Bagir Ayeiy; I missed some of the Sultans, like the descendant of Agery, Chier Rehan [Interjection: yes, he is here]. What I want to say is that these very honourable men are the people that came from the area controlled by SPLM. In spite of that we respect what they did. The boundaries too: those gentlemen were not told the exact issue that was going to be discussed.

Interjection:

Could you repeat that?

57. Rasul Abdalla

They came here to listen to those gentlemen. I think they should have been told the specific issues which they were coming here to give evidence on. They were told by the Chairman, I know, but they were prepared from outside. I don't think that many of them listened carefully to what was being said by the Chairman. Many of those gentlemen are --- well, they are not witnesses, but really they back one side. But instead of giving their testimonies and evidence, they make, they back one of the parties. We listened to the Ngok Dinka themselves. And here we want to listen to the witnesses and testimonies given by our brothers. There is no conflict; there is no claim on Ngok land by the Misseriya. But the conflict is geographical: is this area part of Bahr el Ghazal or part of Kordofan?

Chairman

We shall now recognise the Chairman of the Government section of our delegation. Ambassador Dirdeiry.

58. Ambassador Dirdeiry

Thank you very much Mr. Chairman. I greet you all the delegates of the of Abyei Area. I want to tell you exactly why we are here. This Commission is not coming to grab the land of anybody. And what you have been told that the Misseriya want to grab the land of any people is not true. Some are saying, if the Misseriya are grabbing the land of the Ngok Dinka, where will the Ngok Dinka go? And may be, friends, the Ngok Dinka will come and take it and say it is also their land. This is not correct. What we are here for is to draw boundaries that were drawn in 1905; that is saying, 100 years ago. As the Ambassador, the Chairman of this Committee, told you, before that year the Ngok were in Bahr el Ghazal. In 1905, they were transferred to Kordofan. There were boundaries in 1905, before that transfer took place. We want now to know those boundaries. But the people beyond those boundaries and the people from here up to those boundaries will remain as they are. Nobody will be moved southward; and nobody will be moved northward. All this is Sudan and we are having six years to live together. And then we will decide whether to have either two countries or one. Until then, we are living in one country, with no boundary between us. Even after that and even if the Ngok decide to go south, we have agreed that they will still be citizens of Kordofan. And the Misseriya in that area will still be citizens of the South. This is what we have said in the Peace Agreement because we do not want war; because we want, from here onwards, to see people living only in peace. To know the boundaries does not mean you are going to deny anybody his present livelihood. We are having with us here Zachariah Atem, whom some of you know, and then you see he is one of the very respected elders of the Ngok Dinka. And I do not think he will come to tell you here that he wants to give the land of the Ngok to the Misseriya. And if he knows that the Misseriya who are with him here want to grab the land of the Ngok Dinka, he will not support them. So, we just want you to understand the exact issue in question and to tell us whatever you feel about that issue. Some of you said that we want the Misseriya also to come and talk. They are entitled really to listen to the Misseriya and the Misseriya are also entitled to listen to you. But this will take place later on, when we start the process of reconciliation. President Bashir and Dr. John Garang, when he becomes the First Vice President, the two will start together a process of reconciliation and healing. They will bring the Misseriya to you here in this beautiful place, maybe during the rainy season when it will be even more beautiful. You will welcome them the way you have welcomed us; and then they will take you from here to Muglad and the Misseriya will welcome you all there. That then will be the time of peace for everybody.

For now, the SPLM and GOS have agreed to come and talk to you separately - talk to the Ngok Dinka in Abyei separately; talk to the Misseriya around Abyei separately; and talk to the Misseriya in Muglad separately. So, it is a particular procedure or a particular mission. And we are very much hopeful that you will assist us in that mission.

Thank you very much.

Chairman

Now we are going to hear from Deng Alor.

59. Deng Alor

Thank you very much, Mr. Chairman. I will be brief. I will not be long because it is getting late. This Abyei Agreement was signed by me and Dirdeiry. And it was Dirdeiry and myself who knew about this dispute. So Dirdeiry and Deng Alor know very well what is involved in this protocol.

There is just a small part that I will respond to very briefly. But before I say that, there is something about the representation of the parties. Abd al-Rasul an-Nur said most of these people, if not all of them, came from SPLM-controlled areas. May be what Abd al Rasur al-Nur does not know is that all these counties that are here are exclusively under the SPLM. He talked about the Yei and he comes from Aweil and Aweil is 100% under the SPLM. He also talked of Twich. The people of great Riang land and all the people of the Twich area are under the control of SPLM. If he has a secret deal between himself and Abdel Gadir Ayir, then he will get Abdel Gadir Ayir in Khartoum.

What I will talk about is what has been stated by my friend, Dirdeiry. The mandate of this Abyei Boundaries Commission is very clear. And this was explained to these people by the Commissioners and the Chairman. And the period under question was clearly explained to them by the Commissioners and the Chairman of the Abyei Boundaries Commission. It is a period from Arop Biong's time, starting from 1905. And people responded by pointing to the boundaries they knew that were supposed to be the boundaries during the time of 1905, during the time of Arop Biong. The boundaries that they mentioned were referring to that specific period. So what we are demanding of this peace is to define the Ngok boundaries during that period. And that is why we spent a few days going to Ngol areas and going to Gok areas.

So, I think the people who are here are within the definition of 1905, to my understanding, Mr. Chairman. I do not want to go back to the definition because the agreement talks about what is going to be the relationship between Ngok and others. You know that one is wrong. We are only talking about the boundaries. I am trying to respond to the other part because the other part is what we can agree on later.

MUGLAD 17TH APRIL, 2005

Ambassador Petterson

Thank you for the warm welcome we received at the airport, for the wonderful accommodations we are staying in and the excellent food that was given to us today. As you all know, in January of this year the Comprehensive Peace Agreement was signed between the Government of Sudan and the Sudan People's Liberation Movement, but they were unable to solve the problem of, or the dispute about, the Abyei area. So the GOS and the SPLM decided to refer this issue to the Abyei Boundaries Commission. This Commission is composed of five representatives from the Government, five from the SPLM and five outside impartial experts. Those five are: one was chosen by the United States, one is a representative of the British Government and three were selected by the East African Organization known as IGAD. I want to emphasize that our job is solely to define and demarcate the area of the nine Ngok Dinka Chiefdoms transferred to Kordofan province from Bahr el Ghazal in the year 1905. To do this, we have come to the area to talk to the Ngok Dinka, other Dinka neighbours and the Misseriya. We hope that the information we get from these talks will help us make a just decision. We will also examine, wherever we can find them, records and documents from the British colonial era. Because of some misunderstanding about what our mandate is, I am going to repeat them again: to define and to demarcate the area of the nine Ngok Dinka Chiefdoms that were transferred to Kordofan from Bahr el Ghazal province in 1905. It will not help us to hear from you other matters, including past complaints or observations about past problems you had with the Ngok Dinka. We understand there are strong feelings about this, but this is outside of mandate. So, now we can hear from as many people as possible. We ask you today to be as brief as possible.

Shukran.

60. Ali Abdulla Nimr, the younger brother of Paramount Chief Babu Nimr

[He swore]. Salaam Alekum. I first want to introduce myself. I am Ali Nimr Ali Julla. Ali Julla was the Paramount Chief of the Misseriya during the Turkish rule. During the Mahdi time, he went to the Mahdiyya and then afterwards he came back and assumed his post as Nazir. When he grew old, he relinquished his powers and his son, who is our father, Nimr Julla took over. Our father had assumed his post in 1916 and he continued up to 1924. He died in January 1924. I tried and convened a meeting in March 1924. The meeting appointed my older brother, Babu Nimr. He continued as Paramount Chief until hi death in 1982. During this long period, I conversed with other elders. I also talked to my grandfather, Ali Julla. He told me a lot of things. He had in fact lived and reached one hundred and thirty years of age. From him, I came to know a lot about this country.

My brother, Babu Nimr, had in fact known the traditions of this country, this tribe and, indeed, the traditions of so many Sudanese tribes. Personally, I had assumed the Chieftaincy of this tribe in 1937 and I continued as Chief of this tribe, the Misseriya. My brother was Paramount Chief of the Misseriya. We know all the problems of this Misseriya home. I knew all of our tribes that are living at our boundaries; and I knew also the boundaries between us and them. I had in fact demarcated the boundaries of the Misseriya, or part of them, on horseback. These are: the boundaries with Bahr el Ghazal, the boundaries with Dinka and the boundaries with the Nuer.

I am now going to talk about what has happened between us and the Ngok. The Misseriya have settled in this place for quite a while when the Ngok Dinka were in Upper Nile, not in Bahr el Ghazal. A problem had ensued between the Ngok Dinka and the Upper Nile and consequently the Ngok Dinka found it difficult to live in that place. Then they had immigrated into our land in three segments. This was long before the Mahdiyya. The first section that entered our country is Abyor, which has the Chieftaincy of the Ngok. Along with them were the Anyan and Achwey. Those three sub-sections came by way of Nabagaya to the east. The second group were Anyahadian, Manyuar, Achak and Mareng. Those entered by way of Gurintiya. They stayed first --- were Toriyok, Bangal. They went to the area of Nuba Mountains and they entered our country through Kadubayi. Those three tribes are Ngok. They had in fact been hosted by our grandfathers and welcomed to the south of the River Bahr el Arab.

We had been settled north of Abunafisa. They settled down and were protected when a problem arose between them and the other tribes. They even protected our

tribe. I have heard that they were in Bahr el Ghazal. This is completely incorrect; they have never been in Bahr el Ghazal. If you accompany me, I shall take you to the place which we gave to them. South of Bahr al Arab and up to now you will find the remains and foundations of their houses. At that time when the Mahdiyya appeared, my grandfather had taken with him Arop Biong and Ajing Alor to Alu---- to meet with Al Mahdi. People here had in fact stayed with us very peacefully. And there were no acts of hatred at all from us until the Mahdia was over. My grandfather, Ali Julla, came back. Then he had those people transferred from South Bahr al Arab to Abyei. When we lived together, they were our brothers. We welcomed them in our country in accordance with the traditions of the country - the traditions of hospitality. We welcomed them and served them as guests. Now they are asking to go back to Bahr el Ghazal. We are not asking them to leave our country. But the one who wants to leave your house will not take your children along with him. He who wants to go to Bahr el Ghazal, it is fine. But, when it comes to the boundaries, the boundaries of 1956, and what was written and left behind by the British officers this is part of Kordofan; and this is part of our country. Those who want to usurp the rights of the others, to grab the rights of the others, have to come up with witnesses. Can they now come up with witnesses and tell us that Abyei was not part of Kordofan.

I have in fact heard from many people, including many officials, what happened at any point in the past. They confirm that Abyei was never affiliated to Bahr el Ghazal. Abyei belongs to Kordofan and now and from the time of my father. If they want to go to Bahr el Ghazal, those who want to go they have to take up their children and go.

This is what I know. Abyei has been in Kordofan. It is part of the Misseriya land. And there is no reason to say that Abyei will go to Bahr el Ghazal. And I am not going to concede a single person. In case of any other country --- they have to bring witnesses, those witnesses to them.

61. Nazir Nuesa

[He swore]. For us the Misseriya (Humr), we are not late comers. The Ngok Dinka are the late comers. We have 6 Sultans. One is called Marid and the other is Ismael Munden. Those two lived in this country before the arrival of the Ngok Dinka grandfather. Then we had another Sultan called Dond Menago. He lived at the time when the Ngok Dinka grandfather moved from the Twich to our land. There was one of the Misseriya (Humr) from the Kamiru, from the Dar Umm Sheyba section. His name is Azoza. He met with the Dinka grandfather when he was coming this

way. He brought him next to him, the Misseriya. And then they had an alliance to co-exist peacefully.

The Misseriya had ten (10) sub-sections. The Misseriya (Humr) are called the Ajaira and have 5 Sub-sections. The Falaita, who are also Misseriya (Humr), have also having 5 Sub-sections. The Ngok Dinka when they came, they were only one sub-section; and they were very few. They were 11. Then the Misseriya (Humr) absorbed them that is the Ajaira. The one who in fact had made the pact with them is the grandfather of Hamadien, who is with us here.

When his grandfather's daughter got married in exchange of cows, he donated one of those cows to the Dinka grandfather. He would tell him that she is also his daughter, and that this is a sign of brotherhood and loyalty. At that time, the Nazir was Doud Menago. He was followed by Ali Masar, Ali Julla, Nimr and Babu Nimr in that order. Those are the leaders of the Dar called Bedenga.

We are not at all new comers. We consider the Ngok Dinka as part or being a part of the Misseriya Humr and Ajaira, in particular. Since the time of the British, there was something called jow. Arab horses galloped; there was wrestling; and there was a tug of war between the Ngok Dinka and the Misseriya, and the Misseriya and the Ajaira sub-section. Throughout this very long era, we did not participate in such celebrations with the Rek, nor with the Twich, nor with the Rueng, nor with the Nuer. The Ngok Dinka's grandfather never shared any dance with any of those people during the celebrations. When they went hunting elephants, the Ngok and the Dinka were eating together; when they hunted the giraffe, the Dinka Ngok and the Arabs were together; when they went fishing, the Ngok Dinka and the Arabs were together. We became one. We are brothers. We have never known bad relations. We never saw such bad relations in the past. The Ngok have started to fight with us, whereas the other parts of the South are quite okay with us. Afterwards and of course for the first time, the Ngok Dinka studied religion in schools. And now they having ---- and ---- with regards to this country. They decided to dispute about the boundaries and now they want to transfer some of the Misseriya land to the Dinka. We know that they are Dinka; but when it come to co-existence, they are Misseriya. Now they do not want those good relations. They want to acquire or grab land. We are not for that. The Ngok Dinka have their country among the Twich and the Nuer. The Nuer and Twich know that quite well. The Rek as well. Our geographical boundaries are with the Yer Twich, Rueng, Nuer. Those are our boundaries. The Ngok Dinka have boundaries neither with the South nor the Misseriya. They do not have. They are just living with us here. If somebody living with you creates a dispute, he just has to collect his things and then move

away. But he shall not --- for this problem. But in the past our grandfathers ate together; they drank well together. We do not want any problems.

62. Hereika Izz ed Din

I am a Commissioner. My grandfather, Hamda Hamis, was the Chief of the Misseriya (Zurug). My grandfather, Hazadin Haemida, was also the Chief of the Misseriya Zurug. I, myself, am now currently the Chief of that Misseriya Zurug. We welcome the Peace Agreement. We, the Misseriya, as a tribe and according to our the traditions, we feel that we should always observe good relations because this has an impact on the tribe. I am now going to read what was said in the past by John Maffey. This very important speech was made in 1927 and 1928 and whatever was said then has now been very dearly noted. The British in all their rule, and I am happy that one of the members of this Committee is a British, believed in the devolution of powers to the tribes. And Maffey says that this is done in order to put Sudan in a very stable keel that may provide cushions against what may cause defections. This is why power should be devolved to the Kir, to the nearest --- to the people. He continues to say that, in case we fail to do so, then we will be a party to a completely useless work in the country. What he alluded to is that, if we fail to give powers to the people, then there will be maladministration and instability.

I have personally witnessed what he said. The old generation has in fact given way to the new one. And I have seen how unacceptable political ideas spread because of petty reasons. We allowed traditional structures of power to collapse completely. This is what was said by the British, when they came here. Tribes in this country have been in fact the basis of authority and boundaries. Therefore, I am telling you very frankly and candidly that the Misseriya homeland in the southern part is bounded by the bridge of Abunafisa, which is the boundary between us and Goral County in Bahr el Ghazal. The name Abunafisa refers to a Misseriya Sheikh called Abunafisa, who was living in that area. The Misseriya were present in that part according to what was written by Henderson and Howell. This is what was written by them and not us, the Misseriya and the Dinka. It was written by you people, who are now sitting here.

The Misseriya entered this area in 1773. Evidence to that effect is shown by the presence of tombs of Ali Abrugun and Abunafisa in that part of the country. This is why I am saying that the boundaries of the Misseriya towards Goral in Bahr el Ghazal is Abunafisa to the south of the river Bahr al Arab. I, the one who is speaking to you, I told you that I was a Commissioner. And I had in fact been a Commissioner in Abyei. For two years, I worked with Sultan Deng Majok. When

Deng Majok died, I was the one who buried him. His sons, Francis and Zacharia, brought him to Abyei by plane.

I constructed the road from Abyei to Goral and Abunafisa Bridge, which I have spoken about. I was assisted by many elders who brought the workers. These are Lual Deng, the owner of Anyan; Achir Uldapach, Chief of Abyor; Chief of Mayop Arong; the Chief of Mareig; and others. These were the administrative pioneers when it comes to the question of boundaries between us and Bahr el Ghazal. This was in fact recorded and documented in detail. But this was not done by the Misseriya or Dinka.

After 2005, sorry 1905, in the area that we are now speaking about Chier Rehan and Alor Kuol lived there. But it was part of Kordofan and part of the Misseriya homeland. When the British offered Chier Rehan the option of being in Kordofan or Bahr el Ghazal, he chose to go to Bahr el Ghazal. But Deng Majok and Arop Kuol were wise. They had confidentially talked to the people. They told them that, if they decided to go to Bahr el Ghazal, the Misseriya would not allow them to take this country because it is part of their country. Because of that, Arop Kuol decided to stay in Kordofan with the Misseriya.

Arop Kuol requested the Nazir of the Misseriya, Ali Julla, to allow him to settle in the area south of the river, where there is permanent water. He requested Ali Julla to allow his people to cross the river and to cultivate and settle there. It is Ali Julla who allowed them to cross the river and cultivate and to settle north of the river. In this connection, I want to tell you that the boundaries that are there are between different Councils and between different Mudirias. These are tribal ones, not governmental boundaries. They were not demarcated during the Turkish rule, nor by the Mahdi Government, not even by the National Government. They are all tribal boundaries and within the Misseriya homeland. This is the reason why all the consecutive Governments in the Sudan did not manage to change the boundaries between the tribes. That was not the era when the tribes were ruling.

Now, we have witnessed a new era when administration has developed. Intellectuals and the educated are now being invited to take part in governance. Somebody called Marshall, a European, was invited to the Sudan in order to study the situation and recommend a way of administering the country. He recommended the establishment of Local Government with authorities at that level. His report of 1948 was adopted and accordingly a law was enacted in 1951 for the creation of Local Government. Local councils were in fact established along the tribal boundaries. This was by no means applicable only to the Misseriya. If you go to all

of the other tribes, you will find that the new local councils had in fact been adopted the tribal boundaries. That applies to the Misseriya, to Hamar, to Kababish, to Daramid, to Shukria and so many others. The document that now I have here is the document, which the Governor General of the Sudan used to establish the Misseriya plural counties. The date of this letter is 14th January 1954. The Governor General said, "Chairman and members of the Misseriya Council, I am very pleased to be again visiting the Misseriya to be able to congratulate you on your new warrant and dedicate this fine new building." This is the address made by the Governor General during the opening ceremony of the Dar Misseriya Rural Council. According to the administrative/tribal boundaries that were up to Abunafisa, the boundaries between us and Goral and the boundaries between us and Bahr el Ghazal.

In fact we want to state a very important point. There are no tribal boundaries between the Dinka and the Misseriya. All the land had in fact been part of the Misseriya homeland. And the Ngok Dinka were living in it according to an agreement, or an alliance, between Nazir Ali Julla and Nazir Kuol Arop. This is why the Council was having a branch in Abyei, another one in Muglad, a third one in Al-Fula which was the headquarters, and a fourth one in Lagowa There was a branch in Abuzabit because our boundaries in this part are up to Abuzabit and El Oddaya. This relationship continued nicely and we treasured it. I recall that Nazir Deng Majok, in a conference, had invited all the Nazirs of Kordofan and he said the following, "I am a Sudanese; I am a Kordofan and I am a Misseriya". This is the wisest and sober elder; the one who had witnessed good relations with the Misseriya. He claimed that he was a Misseriya and not a Dinka.

Today, this issue should not at all be referred to the IGAD or an International Commission because all the documents are to be found here. I really hope that you will get back to those documents and read them. As I had told you earlier, the Misseriya came to this part of the country in the 17th Century. There was nothing at all in this part of the country other than the White Nile. Because of that Henderson said the following, "Ngok Dinka who had arrived at El Oddaya, the last part of the Zeraf Island of the Upper Nile, were split and driven out of their homeland by the Lou Nuer". This is very clear; that those people had in fact arrived there during the 19th century, whereas the Misseriya were there from the 17th Century. This means that this issue is very clear and even according to the ------ the Misseriya know the Dinka. The Misseriya were the only human beings inhabiting that area. I want also to add that you will get the documents in Abyei. Get back to the documents of the locality. You will not find any Ngok Dinka who paid taxes to Bahr el Ghazal. All the taxes that were paid were in fact paid to the Misseriya Council. This is why that area was really attracting the attention of the Misseriya and the Dinka. The taxes paid

there had a tax which was --. A tax was imposed on individual cows, whereas for the Misseriya it was imposed on the cows and the herds. Of course at that time they were also taking dues to meet the cost of the services rendered by that part of the Council.

A testimony to the existence of good relations between the two tribes is the fact that Nazir Deng Majok was elected the Chairman of the Misseriya Local Council. This was because of the confidence they had in him and the good relations that existed between the two communities. They wanted him to share power.

Finally, I am coming to the conclusion. What was said by our son Deng Alor was really good - that people should develop the area. What I want to say is something very specific; that the movement, the SPLM, should not in fact bring him here to change the boundaries. There were other Governments other than this one. Even this Government, that they are going to participate in, should not interfere with boundaries. Those boundaries are tribal boundaries and are not official administrative boundaries. We, the Misseriya are going to accept that we are going to work together in order to develop this area according to its potential and the capabilities that we have without discrimination and with full equity. But we are not at all going to accept any decision that will change the boundary.

I am going to hand over a map of the 1955 statistics/census for whole country. In fact, they have indicated here the numbers by tribe and its boundaries. Here in this map, they refer to us as Misseriya Zurug and we have two constituencies, the Misseriya Zurug and the Misseriya Humr. There were no boundaries for the Ngok Dinka. But they were part of the population of the area and they were entitled to vote and be elected.
Shukran.

63. Said Rahman Degam Azoza

78 years old. [He swore]. I am really puzzled about the Abyei issues. We were born there and we lived there. We found our brothers the Ngok Dinka living together with our ancestors. We learnt from them that they had an alliance. That alliance is applicable up to date. What I am really puzzled about is that Abyei shall belong to Bahr el Ghazal. That was just being said not by those little kids. Deng Alor, the uncle of Deng Alor, was my brother. In fact he was my close friend. His father, Alor Kuol Achol, had his house in Antila. He stayed there for one year and then went back to his original house in Yula, near the Kir. This was in the '60's. We know each other very closely.

What we know is that the Ngok Dinka came from Lake Abiyad and Pariang. Then they moved. They had a problem with all the tribes that they were living with. Our grandfather Azoza met with Biong and they made an alliance. They consulted each other whenever there was a problem between the Ngok and their neighbours. Azoza asked Biong to migrate to this area. They went to a place called Akur and then Abyei. This was the situation during the time of our father. I am now really amazed that the sons of Abyei are not at all aware of the history of Abyei. Their fathers, who knew the history of Abyei, never quarrelled about Abyei. They came to Abyei and found our father already there. My elder brother is called Deng Rahman; another one is called Mohammed Rahman; a fourth one is Wair Rahman; and I am called Alor Rahman. We lived together; we studied together. Now I am told that Abyei is going to Bahr el Ghazal. I do not know where this is coming from. For me personally this is something new. If there are any reasons, Sudan should be entitled to go to Abyei. Tell us that in particular so that we discuss it. I am informed that I do not have any rights in Abyei. In fact, I was looking forward to seeing your elders in this meeting here because they are the ones who know Abyei history. Knowing the history of Abyei does not require education; I am not educated. But from what I was told by my grandfather and your grandfather, I know that what you are doing now is completely new. It has never happened before. Your father did not say it; and my father did not say it; this is new.

With respect to Abyei, the boundaries of my grandfather with the Twich Dinka were at Abunafisa. With the Rek it was at a place called Al-Masurah. At Al-Masurah there is in fact a landmark that was cast by the British. It was the boundary. Those are our boundaries with the Dinka, Rek, Twich and Nuer. It is very clear. If people hunted across that boundary, they would be arrested. When you were on horse back hunting giraffe and you crossed the boundary, you would be arrested. I am really wondering why Abyei should have boundaries and be part of Bahr el Ghazal. This is completely impossible. I really plead with my sons here. If they came really to discuss with the Misseriya because they want to stay in this place, then I am with them. Then they will just tell me about that. And if the Misseriya do not behave themselves, then I will just join the Ngok Dinka because I have an alliance with them. But they should not come to me with arguments that are nothing but falsifications and just aspirations for money and power.

I am just about to conclude. We had a conference in Abyei. It was attended by Amir Hereika Izz ed-Din and Bestena Hamasali and many others. Deng Mabor, the brother of Deng Majok whom you know quite well, called us in particular and asked Dar Umm Sheyba to come to him. He said, "I want to renew the alliance". We said,

"Why not?" Many of us went to his house. He asked us to bring a white sheet of paper. My uncle, Abdula Ahadin, brought it. And he made the Kujur. That was Deng Alor; he did his Kujur in that paper. And he said he was renewing the alliance because the old alliance was not written by Sayed. We called the Chief and he did so as well. He said if anybody betrays the other, God will just spear him with his spear. Then the Chief died. According to what was said by Deng Alor, if they think the Misseriya will ----- They should tell me about them. They should not decide to go to Bahr el Ghazal when we are brothers. I think this is betraying the alliance we are having with them.

There are two options for you. If you feel that one of the Misseriya has done injustice to you, you just tell me now the nature of the injustice. If it was about power or about wealth, we are together and this is just a matter of aspirations. My sons, Abyei is not yours. I have just been in a war. And this is what I heard from my father. You do not have any right in Abyei.

64. Shumu Hargas Marida

My name is Shumu Hargas Marida. I am a retired teacher. I am now about 70 years old. I studied and really specialized in 3 subjects - Arabic Language, English Language and History. When it comes to history of the Sudan and when somebody is a teacher of history, he should base whatever he says upon facts. I know of many historians who wrote about Sudan and who wrote in particular about Abyei and about the history of the Misseriya. I shall just mention those whose works I have read. The great international historian Mohammed el-Tunisi wrote about this area in 1800. And from Mohamed El Tunisi, Henderson used his book as a source. Then after him came Mr. Powell, Mr. Howell, Mr. Ian Cunnison and P.M. Holt. P.M. Holt, in particular, wrote about the Mahdiyya in Sudan. His book is entitled "The Mahdiyya Rule in the Sudan". I have also read Mr. Michael Tibbs book, "Sudan Sunset". But I shall try to be brief.

They emphasized that the Misseriya came to this area between the years 1765 and 1775. When they came to speak about the history of the immigration of the Ngok, they said that the Ngok entered this area during the 19th Century and they came from Zeraf Island, Upper Nile. I do not want our brothers from the Ngok Dinka to involve us in what is happening right now. I think right now we are brothers, but going to report to a judge. We are now going to consult customary law. I think that, rather than sit back, we should consult the law. One advantage of customary law is that you listen to the argument, relate yours and then reach an agreement and reconcile, whereas when it comes to other laws a judgement will be made and

that is it. There should be arbitration not an imposition of a decision. We have never opted for an imposed solution.

There is another point that I want to emphasise. Ian Cunnison stayed right in this area in 1952. He stayed with my father for three years. I was young by then and I was not aware of what he was doing. I did not in fact know what he was doing until I went to greet him in England when I went to study there in 1972. When I met him, he was a Professor in the University of Hull. I was then a student in Leeds University. I used to spend every weekend with him. He in fact honoured me with one privilege. He gave me a copy of his book on the Baggara Arabs. In the book, he acknowledges the assistance that he received from my father. He asked me to revise the book. He said that the language barrier may have caused him to commit some mistakes. He wanted to make sure that nothing like that happens. And I read the book from cover to cover.

I have been told that since we have been defeated by our brothers, the Ngok Dinka then we are just a pastoralist tribe that has nothing to do with agriculture. But Cunnison said that we had cultivated cotton in Sidana. And he had personally taken part in that activity. Others had also planted cotton in Abudharaj, Nazir Mahamud Hamdin had cultivated cotton in Nyama. Cunnison had photos of bulls carrying cotton from those three places. This was what was retold by the historians. In fact, I was really amazed when some of you said that Ngok Dinka had arrived in 1710. When I was there in the UK, I studied many books. Cunnison had a library of more than 6,000 books. Most of them were on Anthropology. I read most of those books about Africa, about the history of the Middle East and the history of some other countries. And particularly I was concerned about the history of the Sudan and the history of this area. I am so sorry to say that I did not find this date of 1710. I did not read all of the books in the world.

Finally, I am sorry for talking for a long time. What was said by my son, Deng Alor was really very good. I really hope that he was sincere when he said so. I know him quite well. I taught him in Fula and I know he was very sincere. He was honest with what he said.

This is now like a court case. When something is already brought to the judge, we have to wait for the law to have the final word. Well, for my own part as a Misseriya, I have my homeland in Abyei. I was born in Nyat. This is next to Lau. My grandfather lived in Lau. My father was the owner of Lau. My grandfather was Omdas of Lau and its surroundings. If my brother Deng Alor is telling me he is going to take this land to Bahr el Ghazal, I think he is now being unjust to me and

the Misseriya. I think what I have said, and what all the previous people who spoke here said, is that this is our own land. This is not me saying so. It is really substantiated by maps, historians and other documents.

Shukran.

65. Jotalla Abdul Harid

75 years old. [He swore]. I worked for 25 years along the boundaries between the Misseriya and the other tribes. In fact, I want to say something to our Ngok people. We heard from our ancestors that they came from as far as Haijera in three sections – one group in Pariang, another one in Abyei and the third party is beyond River Bahr el-Arab. They did not come before.

During the time of hijacks and assaults, a Misseriya abducted a Ngok Dinka woman from south of River Bahr el-Arab. The abductors came from Muglad. Her husband traced the horse track until he came to Muglad. The Sheikh was the son of Ali Abugrun. His students went to take firewood for cooking food in a place called Deinga el-Ghazal. There these kids found the man sitting down. They went to the Sheikh and told him what they had seen. He was from Dinka. An Arab who knew Dinka language was called to translate the conversation. He then explained what had transpired.

The Sheikh summoned all people. He asked to be told who had brought a woman there. They said that the culprit was from the Misseriya Zurug from Awlad-Misilim section. He ordered him to bring the woman and he compensated the husband with cows and sheep. He also ordered them to take the woman back. They took the woman and crossed the river to deliver the woman there. When the Dinka saw horses coming, they thought that those people were coming to attack them until they saw the man with the kidnapped woman. He told them that his wife was given back to him by the Sheikh of the Arabs, the son of Ali Gurun. The Kujur of the Dinka came. The translator asked him to greet the Kujur and tell him that his footsteps would be a track of peace between them. People at that time were having Zarab. The Sheikh came to the place where they were having Zarab. The Kujur met him at Abyei of today. They made brotherhood between them. Their land, south of Bahr el Arab, was the land of frogs. They asked him to cross the river and come here. And this is what I say. All the Dinka are listening now. If one denies what I say, I and him should swear by the book. Those people when they came here, they said that they were coming to Abyei. From that time, people began to visit each other across River Bahr el-Arab. This encouraged their elders to cross and come

here. The place where Abu Nafisa died, Nafisa found Ali Gurun. He used to hunt there. Abu Nafisa died before Ali Gurun. Ali himself died and was buried south of Bahr el-Arab. Our boundaries are 40 kilometres south of the Bahr el-Arab from the Wadi of Abyei.

The Dinka did not come in one day. The first batch came and made an alliance with our people. The last batch is Kher, who came last. He asked them to come in one batch. But two batches came. I think, we and our brothers were having good relations. We want them to understand that. They have elders who cannot deny what I say. What I said is the cause that made them come; cross the river and come to Abyei. I hope that my educated sons will repent to their elders. And they should ask their elders what the fact is. Do they have no rights here? They should be sincere. What we speak about, we heard from our fathers and grandfathers. In my case, it is my grandfather, Ali Gurun. If there is anyone who is challenging what I say, he should come here and I will answer what he says

66. Hamdin Beber Aruded

Sheikh, 87 years old. [He swore]. What has been said by Amir el-Zadin and others is quite enough. I learnt history from my ancestors. Our fathers came here a long time before the Mahdiyya. We know all about the relations between the tribes- the good relations, the bad relations and the worst. There were many wars between the tribes. The Misseriya came here a long time before the Mahdiyya. The boundaries are between us and Rueng, and between us and Nuer. These are the boundaries known to us. The name of Mareig is not known by us. And we do not know of Ngok.

They came to the Nuer and were driven away by them. Then they went to the Twich and, again, they were driven away by the Twich. Lastly, they went to the Rueng and were driven away, too. They came to Ali Julla and requested for a place to stay. They were received by him and the Misseriya. They had good relations with each other. We became brothers. Deng Majok had five personal houses here in Muglad. The Misseriya used to come to him and address him and Nazir.

After a time, they said that these Ngok Dinka should pay taxes. There was a fight between the Ngok and Twich. And there were some Misseriya cattle herders who backed the Ngok. One of the Misseriya was killed because he backed the Ngok.

(Interruption – Microphone was not close enough)

67. Hamad Harsir Juma

55 years old. Awlad Umran section of the Eastern track. [He swore]. I want to relate a simple story. There was a scorpion that came to the river and found a frog. And he wanted to cross the river. He asked the frog to carry him on his back to cross the river. And he did. In the middle of the river, the scorpion stung the scorpion and they both drowned.

What I want to say refers to my father's time. My father died when he was 92 years old. My age was 40 years at that time. What I know about this case is the area of Nyama and also across the river to the south. Arabs entered Sudan before the 10th rule and were farmers in the whole of Misseriya. Our boundaries to the south are south of Bahr el-Ghazal, and to the West our boundaries are with the Nuer. There are places called Al Mushellah and Mayom. These are south of the river and they border the Nuer. Further south of the river, there is a place named Dalouch. Dalouch is now south of Igrit.

In this long history, we knew those Ngok Dinka. They came to this area. They co-existed and formed alliances with our ancestors. Personally, during the '50s, '54 to '56, I was a student. I was one of those who marked cotton sacks in that area of Nyama. My father, Hadri Juma, uncle Mahamud Hamdin and others cultivated cotton in this and that area. They have fought but the Misseriya section was living in this area.

I want to conclude. I have remarks about our Brother Deng Alor's speech. And I hope that he, after listening to all that has been said here, is sincere in what he said in front of us. If he is sincere in what he said to us and, if there is any chance, he should withdraw this case from the ABC Commission. After that, we shall sit down as Dinka and Misseriya to find a solution to the problem.

Shukran.

68. Abdujali Bakar Ismael

63 years old. [He swore]. We, the Misseriya inhabited the area south of Bahr el-Arab during the Turkish rule. And we were under the control of the Turks. We spent the dry season in Qoz south of Abunafisa and in the summer we came to Bakara. At that time, our brothers the Ngok came from the East in two batches. One batch made alliance with Sheikh Ali Gurun. Those are Torjok or Alei. And the Ngok of today were in the Twich area. They came here because they had a problem with

the Twich people. They were with Twich in Durbayed, differed and fought. They were driven away by the Twich. The big group came to us, the Misseriya. A smaller group of 4 people remained with Twich. Up to now they are referred to as Goral. I have been mentioned there in Awing, in Panyako with Chief Rehan. The Ngok did not live in peace with the Twitch. They differed with the Twich. They came to Dar umm Sheyba, and made an alliance with rulers of the Misseriya.

At the time of the Mahdi, the Humr went to Omdurman. Those who remained had clashes between them and the Twich and Rek from the Nuer. After the end of the Mahdiyya, they crossed the river and matched northwards. Some Ngok went with Dar umm Sheyba to the Mahdi. After that, the situation was stable and Ali Julla became the ruler of the Misseriya. Then that alliance changed from Dar um Sheyba to Kalama Ali Julla. The Ngok were south of River Bahr el-Arab, south of Abunafisa area. After the British demarcated the closed areas in 1925, the Dinka joined the North. And after that Deng Majok became Nazir.

The Abyei of today is well known to all as Abyei Kual and not the Abyei of Arop. Abyei is a name of a tree, where Deng Majok used to put his chair and to hold a court. You have Twich south of the Bahr el-Arab. The name of the seasonal river was known as Nyamora because the Dinka do not know Arabic. Nyamora is not a Dinka name. I know the Dinka language. In the past, we had the middle language named the Bahr language. It is neither Dinka nor Arabic but both sides understand it. At that time, we co-existed peacefully and we went to school together. We understood what was happening. Now they want Pawol; they want to take our area to Bahr el-Ghazal. Since you want us to be brief, we want our brothers, the sons of Abyei, Ngok in particular; we think that their education is the problem. If they are sincere, they know that education started in this school. In 1953 when we went to Nahud, we found Ahmed Deng Majok as Nazir or official of the Council. He invited us all to his house, all sons of the area, the Misseriya and Dinka. We still remember that incident. We love our brothers very much. They should not be carried away by ambition. If we do not become brothers, Abyei will not be rehabilitated. Nothing will come until we become brothers and regain our former relationship. Thank you.

Chairman

And now we experts would like to ask a few questions:

Question

I would like to ask the first question. My question is that we have heard today and we have heard from other Misseriya before coming here that the Ngok Dinka were never in Bahr el-Ghazal province and yet the language of the peace treaty, a part called Protocol states that the authority over the nine Ngok Dinka Chiefdoms was transferred to Kordofan Province from Bahr el Ghazal Province in 1905. So that is my question, how do we reconcile this?

Answer

Mohamed Kolik Mahamud, an MP at the National Assembly, Head of Adebedia at the National Assembly: The Protocol is speaking about the area that was transferred to Kordofan in 1905 and not the people. The authority over the nine Chiefdoms must have been exercised in 1905 by the British authority in Bahr el-Ghazal.

What I understand is as follows: the nine Ngok Dinka Chiefdoms were living in the area that was defined by the administrative order of 1905. A part of Bahr el-Ghazal was annexed to Kordofan but those tribes were having relations with the Misseriya before that date and the Misseriya had allowed them to cross the river and to live with the tribe over there before that administrative order. But the decision was about the area excised from Bahr el-Ghazal and annexed to Kordofan.

Question

Prof. Kassahun Berhanu

Related to what has been said now, some of you repeatedly said that the Misseriya allowed the Ngok Dinka to cross the River Kir to the northern side and settle in the northern parts of the area. My question is now, where was the place of settlement after crossing the River Kir during the time of Paramount Chief Ali Julla and Arop Biong, and let us say at the time of Paramount Chief Babu Nimr and Deng Majok?

Answer

69. Hereika Izz Ed-Din

It is quite right that they crossed the river at the time of Ali Julla to the north of the river and they settled amongst the Misseriya. We were living together house by

house. There were no established boundaries for the Ngok. We were all in fact living as if we were in one courtyard within the Misseriya homeland.

Question

Prof. G. Muriuki

Thank you very much Mr. Chairman. Hamad Hamis told us that within the Misseriya area there were no boundaries at all between one community and another and yet we have been told that there were various Chiefdoms. Were the Chiefdoms marked at all? In other words, how did a Chief know the area he was controlling and which one was he not controlling?

Answer

Hereika

This is my understanding as a Commissioner who had worked over there. I am not aware of the nine Ngok Dinka Chiefdoms. In fact, they were 8 and I was the one who recognised the ninth. The place where the Ngok Dinka settled was not owned by them. But it was the land of Misseriya and they were living side by side with the Misseriya. For an example, we will talk about Naam and Luki. There you will find Deng Majok within about 3 kilometres of different Misseriya feriks. Towards the East, we had the Eastern track where there was the Murhan of Padria and Mezaghna went up to the Regaba ez-Zarga. You will find definitely some Dinka marks, but the area and the land is owned by the Misseriya. You will find watering points are all over the ---- (interrupted).

There is a Paramount Chief leading and covering certain places. For every track, you will know which Humudiyya has passed through. And the Sheikhs are the ones linking the Paramount Chief and the tribes.

Prof. Kassahun Berhanu

Hearing what you know better than us, meaning the Ngok Dinka and the Misseriya colleagues, know their history better than we do. Our role is to listen and clarify on certain parts and therefore what you say can temporarily be accepted by me or by us, like there were no boundaries with the Ngok Dinka. They were allowed to cross the Kir River and came to the Northern parts of the Area in question. And the reason why I am asking again is for clarity and consistency and as we understand

now, the Ngok Dinka were allowed to cross the Kir River and settle in the Northern parts of the locality in question. This has taken time. But that I understand - if I am wrong, I stand to be corrected - that all the Misseriya and the Ngok Dinka had Paramount Chiefs at the same time. Ali Julla and Arop Biong around 1905 or something like that. And at a later time, Babu Nimr and Deng Majok, among others. What I understand by this is that they have their own jurisdiction and competence on a --- and judicial and other matters. From here, what you told us and what we understood was that these were good friends, colleagues, understood each other and cooperated among each other. You did not tell us that there were --- kind relationships between this Paramount Chief of the Misseriya and Ngok Dinka. For example, there was the issue of tax collection which is basic in any administration or Government. The tax that is collected can – different with specific people within a given geographical area. There is also the question of adjudication, in particular in litigation cases, in civil cases, in criminal cases which the Paramount Chiefs dealt with. And for this, this is what I understand; and again, I stand to be corrected if I am mistaken. For example, Deng Majok can have a certain geographic area in which his people live, in which he collects taxes, on which he exercises authority and the same applies to Paramount Chief Babu Nimr. And therefore, even after allowing the Ngok Dinka to settle north crossing the river....

Tape 15 empty

Tape 16

70. Rasul en-Nur

This is a very specific proposal that the dispute in Abyei is the area of the nine Ngok Dinka Chiefdoms which was in Bahr el Ghazal and transferred to Kordofan in 1905. We in the Government delegation have seen this proposal and studied it thoroughly. The SPLM also has done the same. And, therefore, the agreement has provided that there shall be a commission that shall demarcate the Abyei boundaries. The Commission consists of five foreign experts, five representatives of Government, and five representatives of the SPLM. We have in fact sat as Government and SPLM and agreed that we shall fully adhere to what was provided for in the agreement. We have also agreed on the programme of work which was presented and endorsed by IGAD. Later, we met with the experts and we agreed on the new programme of work. We are here to demarcate what was provided for in 1905 and nothing else.

71. Ambassador Dirdeiry

We have listened to the parties. We have listened to the Ngok Dinka in three lengthy sessions. And we listened to the Arabs around Abyei. Now we have listened to you in Muglad and we will continue listening to you. The commission will listen to whatever is related to the mandate. And whatever is not having any relation with this mandate, will not be considered. What I want to emphasise in this intervention is that the referendum mentioned by my brother Deng Alor will be conducted in the defined Abyei area not in any Abyei which now exists. After defining the area, if it includes the current Abyei, then the referendum will be conducted there. And if it is not this one, it is the one south of Bahr el-Arab as we have presented in our document as a Government. Then the referendum and whatever other provisions in the agreement will be conducted south of the river Kir. I fully agree with Deng that the mandate of this Commission is to demarcate the boundary but the implementation of what is agreed with respect to Abyei in the Comprehensive Peace Agreement will be done later. What I want to assure you about being a representative in this commission is that we have presented to this commission 47 documents that prove the presence of Ngok Dinka before 1905 beyond the river Bahr el-Ghazal. And we had in fact collaborated this by visiting certain places on the ground. Yesterday, this commission while it was meeting visited the grave of Arop Biong at Mathiang. We compared what had been written by the British with the reality on the ground. We have measured the distance between the place and the river. Now we are at the juncture where every party is supposed to present whatever documents it has. What I want you to do is to restrain yourselves and focus on the mandate. The experts will be having about a whole month to inspect whatever documents are presented and to look at any other documents they want to look through. Later on we will present the experts with more documents. After one month we are going to also make our final presentation on the issue. Then we should very much assure those experts who are really very much knowledgeable and experienced, as well as being delegated by very important states in this world, to be completely impartial when it comes to the Ngok Dinka and the Misseriya case. We are quite sure that finally they will really be fair. And in respect to what I am saying, this is an international Commission, which is very much concerned with the welfare of human beings and security. In view of their knowledge, respect for mankind, countries and the Sudanese community will never be prejudiced or favour anybody. Shukran.

72. Zacharia Atem

I think you are entitled to say what you have said since yesterday. The Ngok Dinka in Abyei, whom we met, are also entitled to say what they have said. You have said that you do not know the Ngok. The Ngok were also saying that they never knew you. For me, Zacharia, what I know is that the Misseriya know the Dinka quite well and the Ngok Dinka know the Misseriya quite well. We have also visited Agok and we have seen whatever is happening over there. Whatever we are going to do, we will stay together as one people. As also Deng Alor has said, whatever the conclusion is going to be, we are all entitled to live here together and our relations will continue like the way it used to be.

When we were at Mathiang yesterday, we had in fact met Misseriya cattle of Latkim sub-section, where that area is now controlled by the SPLM. What I want to emphasise very much, even if we are right now angry about each other, we have to really to accept peaceful co-existence. We are really missing our old elders, Babu Nimr and Deng Majok. Definitely, we among ourselves we have changed dramatically. We had co-existed for quite some time. What I know quite well is that we have a right to this country. We are living together in this country; we all belong to Kordofan. Even the brothers in the SPLM know this quite well. And in fact in our meeting in Nairobi, I made it very clear that I don't believe there are any boundaries between us and the Misseriya. I also repeated that in the Abyei meeting. What we know is that there were only administrative arrangements for the reconstruction of roads. That is what we knew. At any point in time, our administration was never divided into the Ngok Dinka and the Misseriya. Currently the Commissioner of Abyei and Muglad is the same Commissioner. I just want to emphasise this because I want you to be very clear about this. And I can never be fooled by anybody to say whatever thing. Right now Muglad is part of the Abyei locality. Meiram and Ebok are districts of the Abyei locality. People are right now focussing on the issues of boundaries. What I want to tell these people, who are here, is that the boundaries that we are going to demarcate are not the only ones. There are new boundaries. We haven't at all been divided. What I want to emphasize is that the old Dinka settlements have not at all been occupied by the Misseriya. The fact is that Arabs also lived in Abyei. They had their settlements there. We have had disputes in the past but it is only now that the issue of boundaries has brought us apart. People should learn from the past and accept peace and co-existence, which were there in the past.

This issue of Abyei and in particular, the boundaries of 1905 is very important because we are now thinking of setting up an administration in Abyei. You, the

Misseriya, we cannot hide anything from you and if I am trying to hide anything, you can just say that to my face. We still believe that there will be two courts operating in Abyei; one for Arop Biong and the other one for Alor Ajing. I want everybody to know that. I am not telling --- I can never be bullied by anything. I want the Misseriya and the Ngok Dinka to co-exist as they did in the past. If the Government wants us to have an administration, I believe there is no objection to that. Administratively, the Ngok Dinka know their settlements. When it comes to Councils we shall take part. There is no problem. The Ngok Dinka and the Misseriya have to get back to our old traditions. And what are the old traditions? It is the peaceful co-existence. The Government knows the new employees who will be appointed. We are right now waiting for their final word. And this is why we are all tired and toiling here. We want to define the boundaries mentioned by Senator John Danforth in the protocol. And that is about the 1905 boundaries. This is what we are going to do. The leader of this commission and ourselves visited the grave of Arop Biong yesterday morning. The experts also accompanied us.

The Dinka should get back to their old tradition of peaceful co-existence.

As I was saying, we have to move along. I wanted to thank Deng Alor and the Deputy Governor for clarifying once again what our mandate is and for asking you to focus on that issue only.

Chairman

Now because it is already getting towards 12 o'clock, I am going to ask that each speaker should not speak for more than 5 minutes. Please try not to repeat the information, which we received yesterday. Thank you. Now, for the first speaker of today.

73. Heydam Azoza

80 years old. [He swore]. We, the Misseriya are have our land from here to Abunafisa. This is our country and this is where you will find our farms. Beyond us are the Rek, Twich and Nuers. The Ngok Dinka, yes, there are nine Chiefdoms. They came from Zeraf Island and they came all the way. They left the Nuers to the left of the river and the Twich to the right. The place that you visited yesterday our grandfathers lived there. My grandfather Azoza lived there.

When the Ngok started to move, they did not like the Twich and the Rek. They came to the Misseriya; the Misseriya welcomed them and they gave them 30 cows.

Those were both the Rek and Ngok. They allowed them to settle in Akulum. Akul that you visited yesterday is ours and our grandfather Ali Abugrun is buried beyond it. He stayed there as a Misseriya. We did not tell them that we had now become Ngok. But after we had made an alliance, they are the ones who told us that they considered themselves to be Misseriya. And the Ngok are now being considered as Misseriya. They are a little bit troublesome. They had trouble with the Twich and the Rek, and we had to protect them.

During the Mahdiyya, they took Arop to the Mahdi and they brought him back. He was considered as a Misseriya. And when their sons needed to go to school, we took them on our horses. When the academic year was over we took them to their homes and mothers. When it came to the Nazirs, there was a Nazir from the Misseriya - Nazir Gugayeza, Nazir from the Ngok. They were all Nazirs in the Misseriya homeland. We never heard this from Kual or from Deng.

74. Mohamed Salim

Awlad Kamil section. 65 years old.
[He swore]. What I want to say, of course, is that I came to know about this commission after the signing of the peace agreement. It has been agreed that this commission shall demarcate the boundaries of 1905. And what we all know, including the Dinka, is that the boundaries of 1905 are beyond the River Bahr el-Arab. What we thought is that after demarcating that area, then the dispute will be about who owns that area. We believe that that area as well is owned by us. If it comes to history, the most senior Misseriya, Ali Abugurun, was buried there. And his grave is there. Abunafisa is one of the Misseriya grandfathers and he had a village. He was buried there, south of the Ngok.

As a Misseriya, I came to this area and just found the Dagu and Shatt. Well, we have never heard about any tribe that acquired land without fighting for it. My question to the Ngok Dinka is: whom did they fight with in order to acquire this land? I just wanted to know the tribe that they fought with and drove out. They admitted that they had been in Pariang and that they came from that place to this place one. Can anybody claim to have two countries? Pariang, and now a new country?

During the Turkish rule, we fought with a Turkish officer. His name was Agha. We killed that man and up to now the place where he was killed is a known shrine called the Ataretem (?). The place is called Ajaj to the east of Dembloya. During the time of the Mahdi, the Mahdi sent some people to ask the Misseriya to go to him to

pledge allegiance. And those people went to Akur, to the south of River Kir and found the Misseriya there. And the Misseriya went to see the Mahdi accompanied by Kual Arop and others.

In May 1971, a similar movement had taken place and the Ngok Dinka had asked for the transfer of Abyei to Bahr el Ghazal. The Mahdi was called by the Parliament of Nimeiri and was taken by Sheikh Bashir Sheikh to Abyei. He convened a meeting there. We were two neighbours, one from Kordofan and one from Bahr el-Ghazal. The top leaders of our neighbours were there. And seven out of nine Chiefdoms decided not to be part of Bahr el-Ghazal. If you now check the records of the peace committee, you will find that seven out of the nine Chiefdoms of the Ngok Dinka admitted that this land is part of the Misseriya homeland. Now, I wish to know this. If the decision of that committee was not respected, what guarantee is there that the decision of this one will be respected?

Francis Deng has written a book called 'The Cry of the Owl'. And there is a story about a cake. A man was told that if you find that cake and take it, your wife will die; if you leave that cake wherever you found it, your father will die; if you take it, your mother will die. This is now the issue of Abyei.

Ambassador Petterson

I have to again remind the speakers to try to hold to five minutes. If some speakers go for too long, we will have to cut short the time of others.

75. General Mahdi Babu Nimr

I am General Mahdi Babu Nimr, former Chief of Staff and MP right now, representing the Muglad Constituency. [He swore].

Distinguished Chairman and Representatives, I welcome you on behalf of all the Misseriya people and also I welcome the representatives of SPLM and Government. And I am going to be very brief. I am just going to address the committee. I am happy and my people are happy because you are with us. We are at the heart of the Misseriya Muglad. Firstly, I want to reassure the Chairman of the Commission that we know the full mandate of the Commission and I pray to God that He will give you success to complete this difficult job. You are now judges and it has been always said that justice is not in the law but in the conscience of the judge. Mr. President, seeing is believing, and you have seen and you have heard. I now appeal to your conscience and to your sensitivity and also seek your indulgence that I address my

brother Deng Alor. He knows quite well, I am just quoting an Egyptian proverb that reads, "When I listen to your words, I believe you but when I see your deeds, I really get a bit astonished". Who has dragged us to this consultation? It is the Ngok. This brother and this Committee, you may recall that the boundaries of the North and South are the ones of 1956.

Finally what I can say, Mr. Chairman and distinguished members, is that I am not a lawyer. But citizenship and ownership of land are different. To refresh your memory, Babu Nimr was born in 1920 - near Nyama. What does this mean for you? Babu Nimr was elected as Nazir in 1924 in the town of Abyei, just west of ---- In 1944, Babu Nimr was given an honorary knighthood in Lau. What does this mean to you? We are for peace. But we are not at all going to ----. This is not form me. This has been in fact included in the Machakos Protocol. I know that you are not going to replace a war with a war. We have already had enough wars.

What finally I am going to say is that the issue of Abyei has been fabricated. But nonetheless we are going to accept that the commission continue in its mandate of drawing the 1905 boundaries of Abyei to the south of the river. The Misseriya, myself and all of my people, understand that the 1905 boundary is south of the river. I just want in particular to address your colleague from Britain. I commend your knowledge and very much hope that you will lead the rest of the Committee to the right decision.

End of Tape 16 on Muglad meetings.

Tape 17

76. Reka Osman Roma Mohammed

68 years old. I am not going to repeat anything that has been said today. I am from the western track. Throughout my old life and according to what I heard from my ancestors, the boundaries of the Misseriya are there at Abunafisa. Hadida is our boundary with the Rizeigat. Throughout this period, we have never heard anything that tells us that Abyei is part of Bahr el-Ghazal. And in fact we have started to see problems because we have been in Abyei intermittently. I have in fact witnessed the two successions. During the time of Nimeiri, the south was presented by Dr. Francis Deng. And all of these people were there, including Zacharia Bol Deng. Zacharia and myself studied together. The sons of Abyei were brought here on Misseriya bulls. Those people could not move during the rainy season when there was a flood. Nazir Babu issued instructions that Misseriya use their bulls and horses in order to rescue

sons of Abyei from starvation during the rainy season when mosquitoes are there. I am now asking those brothers, can they deny that the Misseriya lived in Abyei during the rainy season?

They are asking about Misseriya settlements. Misseriya houses are moveable. But before that we had beautiful structures called duldul. People lived in those structures which could be moved every year. I think these people are pushing us to say something, which we do not want to say. This is what I want to tell them. If they do not want Misseriya land and they want to join Bahr el-Ghazal, they shall go in peace in case they are not happy. They cannot sit here and say that they have brothers in Bahr el-Ghazal. We can live with them. So we can have a few in this place. As our brothers have said earlier and about what we have heard, we the Misseriya do not have boundaries with the Ngok Dinka. Those people had in fact come here because of wars. And they have started another one with us. And they have been in our land. I come from Um-Meriam. The people there at Um Meriam are more than the Misseriya. They have more land and hold more important positions. Shall I tell the people of Um Meriam that it is better that we move to Abyei? We had in fact been told that the Dinka were claiming Omdurman. Why are they not taking it back to the South? So we can in fact see what has been said by the Dinka. I want you to bring a witness from the South, from Bahr el Ghazal. If he told you that Abyei is a Ngok land, then we shall just apologise. We want the witness from them.

77. Ahmed Mohammed Talib

[He swore]. I want to focus on this problem which has been referred to us. It has now been defined and now we are speaking about the date of 1905. If the issue is determined this year, if the matter is defined this way, we fully accept what was mentioned in the Naivasha Protocols and what was also referred to in the British Archives about that date. With regard to the co-existence in the past or the settlement right now, whether it is in the current town of Abyei or in any other towns or villages, this is a Sudanese affair that has no relation with the determination of the boundaries. We can in fact cite some examples for that. In Khartoum, the capital, we have elders and Sheikhs. We have never asked anybody to demarcate boundaries for us in Badia or any other place. Right now in Hudud there are very big settlements. We have never asked that the area be demarcated between us and the Hamar.

I have been Deputy Governor of Marong state. There in the northern state there are 80,000 southerners living there. In the town of Kharman (?) to the north of

Dembloya, Hassan competed with Sultan Kual, the current Defence Minister. Sultan Kual is staying there, and has married two women - one from Dongola and the other a Mahasi lady. In spite of having this huge number, they did not ask for some land to be given to them. Therefore, we in this town, or in any other village, we have lived as Sudanese. The people present will fully accept that the boundaries of 1905 shall be demarcated to the south of River Bahr el-Arab. Then we can co-exist and live in peace. Shukran.

78. Mohamed Zagut Hamuda

Awlad Kamil and Al-Zauna, the middle track: I am going to be brief. (He swore]. The Misseriya have their boundary at Abunafisa. We are the ones who brought the Ngok Dinka from nowhere and accepted them. They were very poor. They had nothing. We have asked them to live with us and up to now they are settling with us in our land. They are not at all our enemies. Those who were speaking were not living in this country 30 years ago, as it has been said by Deng Alor. What we want to say, in brief, is that we are going to accept that the Dinka live with us. In case, they do not want to live with us, they have just to carry whatever belongings they have and go.

Interjection by James Ajing about improper translation

What he said must be translated properly and circulated to you. He said that if the Dinka Ngok want to go to Bahr el-Ghazal, they will see the ---- they will die; they will die; this is what he is saying. (A lot of shouting then switched off).

79. Ambassador Dirdeiry

Thank you. I think everybody had in fact indicated that ~~this~~ is completely unwelcome. We have seen people shouting. The remark has been withdrawn. It is already night. He said that those who do not want to stay with us should take their luggage and go back to Bahr el-Ghazal.

(The translator is interrupted by people shouting in the background)

80. Adam Alobaye Adam

65 years old. Teacher in Abyei from 1971 to 1974 and from 1992 – 1994, Director of Education Abyei. [He swore]. I know that area quite well. The job that you are now doing, the definition of Abyei, has in fact, been provided for in the peace agreement.

This is the area inhabited by the nine Ngok Dinka Chiefdoms that was transferred to Kordofan in 1905. Anybody who lived around that time came from a different tribe or at least they have become a sunnaya. The information should be collected from documents or may be the gathering of information from fathers and grandfathers. I think our representatives had presented documents to you. We think that was trust. We accept whatever was presented by them.

I want to convey something that I recently got from the sons of the Ngok. I went to the Chiefs, the northerners and all the intellectuals. In December 1980, these chiefs and omdas of the Ngok Dinka sent a telegraph which said, "We the owners, Sheikhs and representatives of the Ngok Dinka, meeting with our brothers the Misseriya in Muglad and having paid due regard to the spirit of brotherhood and in order to enhance the brotherhood and co-existence throughout history. And the motto of the national unity which we support fully declining the entire motto of this unity in ---- to this principle, we reject firmly the voices of those people who are being rejected by the people. We do not want them to talk on our behalf and in particular with regard to talks on the issue of the boundaries". I am just asking, aren't the ones rejected by the people the ones now talking on their behalf?

I am also going to read the telegram sent by Dr. Francis Deng Majok in 1972 in Addis Ababa. He said, "What I have in mind with regard to the boundaries – the Abyei issue - which I present to this general conference, we have never disagreed with this very special context of the relations between the Misseriya and the Dinka which were there throughout the '80's. It is unbecoming of an educated person, like me, to damage ---- I support the options of the grandfathers and fathers that Abyei shall be in the North and Kordofan for the unity of the Dinka and the Misseriya".

Therefore my brothers, if this is the point of view of the notables, the ---- and the intellectuals, there is no way that Abyei is going to be hive from Kordofan. Boundaries are at Abunafisa. There is no room for any other proposal. You are only supposed to draw for us the boundaries of 1905. This is our standpoint, although we are living together. Shukran.

Tape 17: beginning of side B is empty.

81. Hamid Atudou Ismael Hamad

Deputy Amir of Awlad Kamil and Wazarna sub-section. (He swears). Throughout this period of our debate, we are speaking about Abyei within Kordofan. We have never

gone out of that. This oath that was administered to us we really want to speak the truth when it comes to that.

Throughout the Turkish era, from 1821 to 1884, the Misseriya were to the north and south of the Jok. During that time, we were attacked by Agha, the Turk. He was killed in Ajaj to the east of Dembloya. After the Turkish rule, the Mahdi and the British found people to the North and South of the river. Because of the security that was provided by the British, people started moving to different places. The livelihood of the Ngok Dinka at that time was dependent on fishing and hunting. Fish and animals were abundant to the south of the river. That was the history of the Misseriya.

Our people the Ngok came from Twich area, which was mentioned by Miserahadin...Marakach, Abuyor-Akacb, Awel Mawit. All these areas are beyond the Jok. The distance between them and the Jok is about 20 kms. They cannot claim the land because they have co-existed with the Arabs for a long time. I have been told by Dr. Ahmed Delao in Fula, wherever he is based, that he is from Padang. Boundaries in Sudan have been along tribal lines. The Padang had been given the land at El Obeid. Then, they came to Kordofan. This does not at all mean that Padang will also be in Kordofan. He says that he is not at all against co-existence. He adds that if Dr. Ahmed Alar and his group want land, they can go to the south of the river Jok. They can then acquire land there. They can go there, or do whatever they want. This has now been said by us and the tribal Chiefs. Shukran.

Question

Prof. Muriuki

Thank you very much Mr. Chairman. Quite a number of the informants have told us that although the Dinka Ngok settled amongst them, that they co-existed, they said that the Dinka Ngok were not entitled to any land. Then my question is, under what conditions were they allowed to live amongst the Misseriya?

Answer

82. Hereika Izz Ed-Din

The answer is that, the co-existence of the Ngok Dinka with the Misseriya in the Misseriya homeland had been based on the relations between the Chief of the Misseriya and the Chief of the Dinka. We, the Misseriya had traditions of co-

existence with the tribes living with us. And I think you are aware that those living with us here in the Misseriya homeland are not only the Ngok Dinka. We have here the Salata and Bargon – Western Africans - and on the eastern part, we have the Nuba and Daju. When it came to terms of co-existence, you will find that these were based on traditions and customs that existed in the area. Our tradition amongst the Misseriya is well known. These are now being taught in the United States and England.

I want to correct to my son Deng Alor. He said something that is not correct about the court system. The system of the Nazir's court in the Misseriya homeland was as follows. Deng Majok had a court, which was called the Rural Appeal Court. Under it, were courts under Deng Abor and Jok Kanot. Their decisions were appealable in the Rural Appeal Court, which was presided by Deng Majok.

And Nimr was also Chairman of a Rural Appeal Court and had other subordinate courts. My father, Zading Hameda, had an appeals court and other subordinate courts. EL Haja had the same. The ultimate appeal was to the Commissioners of the country. Babu Nimr, along with the Commissioners, received all the appeals from all of those courts.

Interruption by one of the experts

Excuse me. I think before we progress we need to get answers to the question. What he says is that we do not have terms and conditions for living other than living in peace. Those people when they came they were welcomed according to our traditions. And according to the traditions, we protected them and did not allow anybody to attack them. I was a Commissioner. There was an invasion from the Twich, the Ngok. The Misseriya went and fought along side the Ngok against the Twich. And they had in fact taken a lot of cows. I was the one who took those cows back to the Twich.

Expert interrupts

We need to use the time to ask questions. We have heard this and it is interesting and we heard some of it before. I think that is all we need. We must move on with our next question.

I do not need to repeat our mandate and what we are supposed to do. This has been repeatedly communicated by different people in the Commission. But what I want to briefly remind those concerned is that our mandate is based on the

Comprehensive Peace Agreement. This was reached by the Government of Sudan and the SPLM/A. The two were supposed to decide on the fate of the peace process in the Sudan.

One of our fathers was saying that the SPLM/A and the Government of Sudan disagreed on Abyei. It was on the basis of this that that the ABC was established. People have different opinions. But, it is not on that basis that we operate.

Question

Prof. Kassahun Berhanu

How was taxation being undertaken in the Misseriya/ Ngok Dinka areas? Who collected them from whom and where were the proceeds going?

Answer

83. Hereika Izz Ed-Din

Taxation was based on the following. In every locality, you will find a first Commissioner of the locality. This is the one receiving the exact amount being collected. This is received at the headquarters in Fula. With regard to Abyei, or all the other areas, when the first Commissioner receives the exact amount required, he tells the Chief the amount of money that he expects from them. The Nazir distributes that fixed amount among Omdas. The Omdas apportion their quotas to the Sheikhs. Then collection starts. The Nazir follows these orders and collects the amount allocated to each official. He then hands the proceeds to the first Commissioner. The first Commissioner cannot disburse this money until he gets the authorization from the Headquarters in Fula. This is the reason why all of the levy goes directly to Fula from Abyei, from Muglad, from Lagawa and from Babunasa. All the revenues go there and it is considered to be part of the budget of the Council. Then after that the Council meets and distributes the revenues in the form of services to those areas. This includes salaries for the employees in those areas, including the Nazirs and the Omdas. The Sheikhs are entitled to 20% of the revenue they collect. All those formalities are effected through documents, subject to scrutiny; to make sure that the amount collected is accounted for. Shukran.

Prof. Kassahun

Thank you very much for the information. It has been useful, but what I was interested in was to know about tax collections. Explicitly, what I want to know is, we have Paramount Chief Babu Nimr, we have Paramount Chief Deng Majok. Where did the taxes go? To Fula or other places? For example, in the Misseriya area tax is collected, right? We have a Paramount Chief and other Chiefs.

Please listen to me, my understanding is that for the Misseriya, we have one Paramount Chief, isn't it? And for the Ngok Dinka, we have another Paramount Chief. Is that not the case?

Answer

No, they are within Babu Nimr's authority under the Council.

Another speaker in attempt to answer:

Question

So, Deng Majok is not a Paramount Chief?

Answer

Yes, he is not.

Prof. Kassahun

O .k. Fine. This is the case.

Comment

Yes, this is the case.

End of tape 17.

Tape No. 18 Side A

Question

Dr. Johnson

During the Tahjir, where was Azoza living?

Answer

Alor Rahma ad-Degn Azoza:
Azoza was living in Abunafisa beyond the Jur.

Question

Why did Azoza not go to Omdurman when told to do so by the Khalifa?

Answer

The brothers of Azoza went to Omdurman. They took with them Kual Arop, sorry Arop Biong. Azoza was in charge of all of the country and so could not go.

Question

In the writings of Mr. Henderson, who was here 80 years ago, at that time, Arop Biong was not in Omdurman but was living in the Bahr area and that Azoza had difficulties with other people and that he was living with Arop Biong and was being protected by Arop Biong. [Laughter from the audience].

Answer

Azoza was not having any problem with any party. He was the one protecting Biong from other tribes. They were living together because he was protecting Biong at that time. The Rizeigat were attacking Biong there at Farig. Azoza took his people and his horses and went to the Rizeigat and told them that they should not attack Biong. He told them that, if they attacked Biong, he would fight with them. The Rizeigat turned back. Azoza was in charge of all the country and protecting Biong and his brothers.

Question

One final question, according to the speaker, what Mr. Henderson wrote is wrong?

Answer

I think Henderson was mistaken. Maybe he was not fluent in Arabic and could not get right whatever he was told. Or may be he was not told the exact story. How can the weaker tribe protect the Chief of the stronger tribe? It is very clear that these people came from very far away. They were being protected by Azoza.

Chairman

That is the end of our questions. We thank you for coming here again today and giving us the information that you have imparted to us. I can assure you that we shall deliberate over your words and the words of the Dinka and their neighbours. And we are going to look at all the records we can find that will help us reach a just solution to this problem. I think you can tell from what has been said here before that this is going to be a difficult job but we are going to do our best. Because we will be leaving Muglad very soon, I want to take this opportunity to thank deeply the Commissioner and all those who helped make our stay here so interesting and so comfortable. For those of us who have been in Sudan before, it is always an honour and a privilege to return. On behalf of our colleagues, the experts, my colleagues from the government side and from the SPLM side, I want to deeply thank all of you and wish you well.

Shukran.

ORAL EVIDENCE SUBMITTED TO THE ABYEI BOUNDARIES COMMISSION AT ABYEI.

TRANSLATED FROM DINKA

14 APRIL, 2005.

1. Abyei Paramount Chief Kuol Deng

At that time, the government started to raid the villages, trying to identify those who had rifles. And I remember they did this in villages like Maker, Lau and Nyong – Reng, near the River Kir. They were killing Dinka people and disarming them on the ground that they had rebelled against the government. The Misseriya, on the other hand, were normally moving around with their rifles, and nobody asked them about that. Again, there were forces, named Kuwat El Marahiil (Murahalin Forces), which were organised and deployed in the *feriks* (Misseriya cattle camps). We know they were government forces.

In fact, this continued and, practically, a group of sons of this area, headed by our brother, went with us to Kadugli to lodge our complaints to the authorities. We held meetings there. When we returned here, he was twice arrested on charges of rebellion. In the end, he fled the area and came back leading Anyanya II.

Again and in light of that development, troubles occurred in the northern Bahr El–Ghazal and they were blamed on us, we, the sons of Abyei. I happened to be one of those arrested. At the security organ headquarters, I met an officer, Abdel Jalil Mohammed Thiba from El–Fula, when I was trying to meet the head of the security organ to find out from him why I had been detained.

Finally, we were released from prison in 1983. We came back to the area to try to work hard to restore stability. This was done through an agreement that was made between representatives of the government, the Misseriya tribe, and we, the Ngok Dinka.

With the 1983 agreement and on our return, we tried to restore stability to the area. But again, we were attacked by the Misseriya, who were organized by the government. In 1986, they captured all the villages, except Abyei. The Jeish (Army)

feared for my personal safety, so they secretly smuggled me out of this area at night. I remember this was on 30 December, 1986. They asked me to wear a military uniform to conceal my identity.

At times when there was relative stability in the area, I remember some forces, from the SPLA and commanded by an officer called Gat Manyang, came from Bor area. When that officer came to the area, there were some traders who were going to El–Muglad. The SPLA forces attacked these traders and took their rifles, watches, money and about three bulls. But later, our uncle, Shummu, wrote a letter to us in which he said, "This person, that officer, arrested the soldiers who robbed our things. He recovered things from them and lashed them in front of us. He gave us our things back and we left." These letters were brought to us here.

After a period of time, let us say four days, the villages were again attacked. We lost lives and some cattle. People were displaced and left the area. Despite our efforts to stabilize the situation in the 1990s, we did not stand just watching the events as they unfolded. We tried to do something to bring reconciliation between our people so that people could go back to their villages and cultivate peaceful coexistence between our people.

There was another incident when the SPLA forces intercepted 43 traders, who were moving northwards, and took them southwards. As a result, the area was devastated.

From 1990s up to the year 2000 and until this peace agreement was signed, we, as citizens who wanted to be alive, were trying by any means to create harmony, security and stability in this place.

As my brother, the Deputy Governor, Brother Ahmed Mohammed Salih, said, we are the people who have suffered most. And as uncle Ali, uncle Ali Nimr, mentioned, an incident occurred in El Misseriya homeland and the Dinka there stood in solidarity with them. Now, people have increased and have developed and desire to live a decent life.

Whenever the central government thinks of promoting this area to the level of a province or a locality, our hopes and aspirations to develop our identity and culture always collide with the fact that the provincial, or local headquarters, is either based at El-Fula or Muglad. So, this has turned the Misseriya into our rulers and made them stronger than us. So, my appeal to them is: let them tell us where our villages are so that we go and try to start a new life. Thank you very much.

2. Chief Nyuol Paguot of Bongo Thior Chiefdom

I shall not repeat what has been said by those who spoke before me. I shall just briefly state how we came to this area from the Upper Nile area through Panriang. There is a place called Gueng e Jok where some of our sections first settled, for example, Awet, Kwac, Yom and Adhaar. From there, our ancestors moved to another place called Miding, which today is called Higlig. This Miding was a home for Alei and Achak chiefdoms.

Later, Alei people proceeded to Denga. It is called Denga, but its other name is Keregi. By that time, we did not have any boundary with the Humr Misseriya, but with the Hamar. Our connection came when Hamar fought with the Humr Misseriya and Alei people helped the latter.

As a result of those fights, the Alei came back and resettled along the Ngol River in places like Pawol, Dak Jur and Nyama. They moved again to a place called Mabok. An Alei chief, by the name Deng Chol, was buried at Mabok.

When we came here, according to our elders, this place belonged to a people known as Shatt. We settled here after the Shatt had left. We settled here and some remnants of the Shatt people were absorbed by the Ngok Dinka.

There was another tribe called Luel, which came from the Rizeigat homeland in the west, and raided people or abducted their children. They never possessed any land here. Their sole activities amounted to a series of fights between them and us. And that is why Chief Arop - Dit was taken away and hidden at Mathiang.

The Misseriya came in after we had established boundaries with the Rizeigat, the Hamar and the Nuba. The first Misseriya that came to Ngok area were traders in salt and other petty commodities. The first Misseriya clan to come to Ngok land was the Dar Umm Sheyba section. In fact, they acquainted themselves with the family of Biong Alor through Dar Umm Sheyba sections. Thereafter, the other Humr Misseriya sections started to come to the Ngok Dinka gradually.

If you go to Deinga - which we abandoned over the years and was taken over by the Arabs – there is a water pool called Kol Man Thor Jook. Thor Jook was from Alei chiefdom.

When the Humr Misseriya chased us from El Muglad, we came and settled at Nyama, Thobor, Alriir, etc. From there, people went to Ngol and Antila Pan (the place of Alor Koul Chol). We fled from these areas in 1964 during the battle of Ngol. The Arabs chased us away from Ngol.

Mareng area belongs to the people of Malual Gier Nyang (Aweil). These were our places. Today, if you go there you can trace our old cattle camps. We had our houses there. Although the houses were burnt down, their traces can be found. If today somebody claims these places, let him tell us and prove that. The British administration designated Dhuony Dhuol as a meeting place for chiefs because of its central location. If people go there, they will find traces of old buildings. I do not have anything more to say. I stop there.

3. Koul Mithiang Amiyok from Diil Chiefdom

In my own understanding, this Commission is here looking for information. We shall give it. And if they do not believe it, let them go to the boundaries and verify this information for themselves.

The administrative boundaries, as a matter of common sense, have always certain landmarks. Abyei is not an exception. Today, the determination of administrative boundaries should not be made a big problem that undermines other fundamental problems that we already have. We, the Dinka, have two types of boundaries with the Misseriya: grazing boundaries and home settlement boundaries. For example, Thigei is a boundary.

There are places, which have settlement boundaries. One is Nyama. If you stand at Nyama, you can point at a Dinka settlement, on one side, and a Misseriya settlement, on the other. If you go to Antila, you can point at a Dinka settlement or homeland as you point at the Misseriya homeland on the other side. If we go in the direction of Maper Amal, we can still do the same.

The above is my view and not the end of the story. But finally, people have to reach a compromise in order to share the land because it belongs to the people; and people do not belong to the land. If the land is not enough, then that may cause another problem.

4. Adol Kuot

When an age set called Giir from Alei chiefdom was initiated, we went to a place called El Hafir. There was no well there for water. So during the dry season, people would go to Nyama. Nyama was then inhabited by people from Alei and Mareng chiefdoms. Some 12 people from Alei, Manyuar chiefdoms, were also there. It was a good place and if it were not because of our fight with the Misseriya Arabs, we would not have abandoned it. There, we ate well and enjoyed peace.

We left that land because of pressure from the Misseriya. They looted our cattle. It happened when I was at a place called Amuk. I heard of the Misseriya having looted cattle at a place called Bakar. It was in 1964.

5. Chol Deng Akalil, Gol leader from Bongo Chiefdom

What I want to say is that we do not have any boundary with the Misseriya people. They did not have permanent settlements because they are nomads, who used to move from one place to another. They follow their cattle. Their land is their cattle, and they stay where their cattle stay.
When it is a winter season, they move to our land with their cattle to graze and access water. When rains start, they move back to their places until they reach Abu Zabad. We do not have boundaries with them and, therefore, they are not our neighbours. When you are a neighbour to somebody, you ask for a fire. But with the Misseriya, we have never done that so far. We, who are standing here, were very young when the conflict started at Nyama. When they displaced us form Nyama, we came to Ruba and then to Ngol and then to a place called Gheny (Yeny).

Dhuony Dhuol was developed by the government as a central meeting point between the Ngok Dinka and Misseriya. We used to meet there. We did not own it fully, nor did they own it fully.

But today they have destroyed our... because they have their brothers. When these brothers were not there, they could not relocate us to the other side of the river. Today, it is said that our places, like Tordach and Noong, have new landlords. Somebody is even claiming Lau, which is in the heart of Dinka land.

What Chief Kuol Deng has said is good for him as a leader. We, Ngok are known to plant crops twice a year because our land is fertile. This is why they chased us away from it. I have, myself, built five *luaks* [cattle byres] in different places here in Ngok since we were displaced from Nyama. I can show their sites.

If there is a need to precisely state our boundary, then it starts from Nyama and comes southward. Our land was taken by force. This is why I moved across the River Kir.

I know the source of my suffering; it is my fertile land, which allowed me to plant crops twice a year.

6. Peter Nyuat Agok from Alei Chiefdom

What I am going to state is the truth. Most of these people here are not of my age, starting from the Misseriya chiefs and coming to the Ngok Dinka chiefs. Most of them are not my age mates. The conflict between the Ngok and the Misseriya is blamed on the Alei people. Our relationship with Misseriya first started with a Misseriya section called Awlad Mezagihna (sons of Mazaghna). It was the only section of the Misseriya we, in Alei chiefdom, had good relations with.

We met with the Misseriya at El Oddaya. They came from the direction of Chad; they assembled at a place called Garner in western Darfur. When they tried to move ahead from there, they found Alei on the way. They tried to move through Hamar's land but in vain, as Hamar were stronger than them. They then thought of coming back to our Alei elders to consult and ask for help against the Hamar. They said that the Hamar were killing them and abducting their children. The Hamar were using swords and the Misseriya were using heavy spears. They could not stand up to the Hamar. The Alei agreed to assist them.

When the Hamar attacked again, the Misseriya led the fight, but retreated until they reached the Alei lines. Then the Hamar came face to face with the Alei and they fought. The Alei were using *Kueer* [a long and strong wooden stick as a shield], which they effectively used against Hamar's swords. Finally, the Alei defeated the Hamar and they ran back to their homeland. I mention all these facts because these people called Misseriya, when they met with the Ngok for the first time, it was through the Alei people. Because when the Misseriya found it difficult to move nearer to the Hamar homeland, they moved to a place called Tubuun. Later the Alei felt they should allow the Misseriya to settle in part of their land. So, the Misseriya moved to Drenchab.

In that period Amali was on the other side as a different Wut (chiefdom or section). The Hamar and Rizeigat lived in their respective places and did not have a conflict

with the Misseriya again. The Alei moved southwards from Mumu to Muglad and the Misseriya followed them. The Alei dug wells, as there were no natural water points.

Later our brothers, the Misseriya in a friendly manner again gradually crept into our area from Tubuun and... The first person from Misseriya who came to us was Ali Julla. We did not contemplate that in the future there would be a problem.

When water became scarce, the Alei moved to Thurich, which the Misseriya have now renamed Thurt. It was from there that our conflict with them started. Alei chiefdom was a big *Wut* (chiefdom). When they fought the Misseriya who had started to use firearms, the Alei could not match them. So, the Alei moved southwards from Nyama and left the Misseriya there. They came to Kibwei and Pawol and settled along the Ngol River in places like Pawol, Athuoijak, Nyine, Buunyad, Dak Jur. Again, they settled at Malwal, Alei, Malam, Chowy up to Dew Jook... The Alei stayed there for quite a long time.

Later, the Misseriya once again decided move further south. They then attacked the Alei and fought them at Pawol whereby the Alei were forced to move to Wun Deng Dhok. Deng Dhok was an Alei chief. The Misseriya came to him and said, "Deng, you have to move away from here, otherwise you will see with your own eyes." Deng Dhok refused to move away. He said, "I will not move from this place until these twin heifers give birth."

Thereafter, the Misseriya came, captured Deng Dhok and took him away. The Alei then decided to flee from the land and came to Kir Kuol (River Kir) at a place called Kol Nyama. After staying at Kol Nyama for years, the Alei thought of going back to rescue their chief, Deng Dhok, who was still under Misseriya captivity. Deng Dhok was then released by the Misseriya people.

After his release, Deng Dhok stayed with his people at Ngol at a place called Patal, where I was born. In 1955, our fathers again moved northwards. In 1957, I was initiated with my age set at a place called Dew Jook in Dak Jur in the Ngol area. I received my initiation scars there.

We stayed peacefully there. But in 1964, our conflict with the Misseriya started again. Some people from Bahr El- Ghazal came to graze their cattle in the Dinka Ngok land. The Misseriya attacked them; killed one of them; amputated his arm and started to beat their drum with the amputated arm. The Ngok did not like that, because we have never seen or heard in this world a drum being beaten with a

human arm. The Ngok did not like it happening in the heart of their homeland. We fought them.

We do not have a boundary with the Misseriya people. It is just that they come to our land and graze their cattle.

The Misseriya did not defeat us, the Ngok. It was the government, which chased us away from our land. The government chased us from the Ngol until we came to this place, where we are now. That fight was serious and tough.

7. Ahmed Al-Salih, Deputy Governor of Western Kordofan State

We are happy to be with you today. We are part and parcel of each other. Thank God, the merciful, that Sudan has come out of the war era and entered a period of peace. We, in the Western Kordofan State had an old practice of co–existence among our tribes. As you know, this state has more than 40 tribes. The Ngok Dinka are part of it, as well as the Misseriya. They are the people who stay together. We came as a Commission have a specific objective - which is the demarcation of the boundaries of the area transferred to the administration of Kordofan in 1905. But what has impressed us is to find that you, the Ngok Dinka and the Misseriya, have already agreed locally and voluntarily to peacefully co–exist. Such a decision is better than the one passed by the judge. We still hope that during the coming five or six days that we shall spend with you here, all of you the Misseriya and the Dinka Ngok shall arrive at an agreement that you shall present to this Commission. You will have relieved us and relieved yourselves of any anxiety. But, any way, we are ready to listen to anything from you, but anything that will solve the problem and help us to arrive at the truth. This is why we have decided that any citizen, who wants to testify, will have to take an oath first either on the Koran, the Bible or any other mode. We are ready for the meeting; peace be upon you.

8. Paramount Chief of the Ngok Dinka, Kuol Deng Majok

We have been displaced very much. Some of my people, who are older than me, shall talk before you. But as head of this tribe, who has been participating in the public service since February 1976, my elderly people, some of whom have passed away and some who are still alive, have been telling us about where we came from. Migration is a natural thing for human beings. Even the American people migrated there.

Our elders told us that we came from the northeastern direction, from Higlig, Nyama, sometimes called Dembloya, Mabek. Even tombs and graves of our great grandfathers - the fourth, the third - are all there. Even though, graves of some of our grandfathers - like Kuol Arop, Arop Biong or Biong Alor - are in Abyei. It does not mean that they never travelled or stayed in any other parts of Ngok land.

A lot has been said about Mathiang of Diil, which is south east of Abyei, and south of River Kir. You must know that this area has been subject to many conflicts in its history. The Dinkas are known. They do not joke when it come to the safety of their leaders. There were raids that made the Ngok hide Chief Arop, the head of the nine tribes by then, at that place called Mathiang of Diil. Another Ngok chief, called Alor Ajing, was taken to the Nuer and hidden there. But their nine tribes were staying in their areas consistently. At least, they were staying in their areas from which they were forcibly displaced during the crisis of 1965.

The interference from the government, especially the Mahdi's government, affected this area very much. It is a known fact that Arop Dit, as head of the nine tribes, opposed the Mahdiyya slave traders. He tried to free slaves from their bondage. Some were kept in thorny enclosures like the one at Mitrok, near Abyei Town.

I believe our Misseriya remember and acknowledge the fact that Alei, one of the Ngok Dinka's nine chiefdoms, at one time in history allied and assisted them against raiders. Nobody denies the assistance given to the Misseriya, especially the Ajaira, by our Ngok Dinka's Alei, when they were attacked by another tribe. Nobody also denies the blood pact that our grandfather, Arop Biong, made with another Misseriya tribe called Awlad Kamil, especially with the Dar Sheyba section. Again, there were sections and families, which befriended each other amongst the Ngok and the Misseriya. Arab tribes were allowed to move southwards with their cattle for pasture and water.

The Dinka welcomed the Misseriya to their land. There was mutual respect until wars erupted, especially in the south. The displacement of the Ngok from their home settlements started from Nyama coming down to Ruba, Pawol, Dembloya, and Mabok and up to Abyei here. This was carried out by government forces, in conjunction with the Misseriya Arabs, on the ground that the Ngok Dinkas were sympathizing with, and harbouring, the Anyanya fighters in their houses. That is why they burnt the houses and looted people's properties in 1965.

An Expert asking a question

Could you repeat the names of the places north east of the area?

9. Paramount Chief

Kuol Nyama, Ruba, Pawol, Mabok, Dak Jur.

When people got displaced that time (1965) they had to cross River Kir to the South.

I remember one incident, in presence of the local government inspector and police officer, when my father sent cars to El-Fula. We were young and in El-Fula Primary School. We had houses at Naam, or Noong, and Naimai villages. I remember the government forces started to burn houses from Ngol all the way until they reached our houses at Noong and Nai-Mai villages. Some of our relatives tried to convince my father to cross the River Kir for his safety. He refused and stayed put.

In 1966, a reconciliation conference was held here in Abyei. After the two tribes were reconciled, a citizen from Alei, called Milang, returned to his village in Dak Jur. He was encouraged by the paramount chief, my father, who was encouraging people generally to go back to their original villages in accordance with the agreement that had been agreed upon in Abyei. But Milang was immediately killed when he returned home. A few others faced the same fate, when they returned.

My father died in 1969. In the early 1970s before the Addis Ababa Agreement, the Dinkas were accused of being rebels. Our uncle, Anyiel Kuol and other citizens, were all killed by government security forces. That included my late brother, who had succeeded my father. Other brothers and uncles witnessed the tragedy. The Dinka believe that people were killed and the area devastated at random. Hence, many fled to the North.

After the Addis Ababa Agreement, the President visited this area. Relative peace was restored and some people came back from exile. But in 1976, more clashes, which affected us, occurred in Bentiu area. People were killed as they travelled back from the North. The government was deeply involved. Indeed, a police intelligence officer was implicated.

I was very young and new in my post. We tried to send people back to their villages, especially after the Kadugli meeting of September 1977. But in November

1977, at a cattle camp at Toich Alei, Arabs attacked our people, killed some and looted their cattle. In Ript of Achueng chiefdom, a citizen called Manot was killed with his family. From there, we knew that the area was to be depopulated. The Dinka lost faith in these tribal peace conferences. That was in 1980.

In December 1980, problems occurred in a place called Wach Anguom. The Dinka from there decided that the only way to defend themselves was to be armed. When two or three Dinkas started to acquire arms for self-defence, they were accused of rebellion. That was in 1980 before any rebellion in the South.

Side B ends

Side A begins

At that time the government was trying to identify those who had rifles....

Question

How many days can we spend to reach to the tomb of the father of Arop Biong?

Answer

The grandfather of Arop Biong was buried a distance of 3 kilometres from here, southwest at Gol Gol village. His father, Biong Alor, was buried at Wunchuest village, 5 kilometres from here. Moreover, Biong's father, Alor, was buried at Mijok Alor, which is a shrine that is respected and visited by both the Dinka and the Misseriya. It is northwest.

10. Deng Bol, from Anyiel chiefdom

I will not say much. In the old days, the place that we inhabited was called Wun Deng Awak. We used to go to Dhuony Dhuol with our cattle. Somebody called Alei Kir later moved to a place called Jiel, opposite Dhuony Dhuol. He again moved to Kuol and Miit. And a certain Dau Amoor went and settled in Mitrem. So, if today I am asked about settlement of various people, I can testify. When the Jur Arabs chased us away, we retreated back. Mioriik acted as an arbitrator between the people. He was killed and today his grave is still open. That is what I had wanted to say.

QUESTIONS BY THE EXPERTS

Question

I want to know the names of the places ...

Answer

11. Deng Bol

They are: Wun Deng Awaak, Dhuony Dhuol, Jiekdit, Meirem and Akot Tok was left behind.

12. Chol – Deng Akonon, from Mareng Chiefdom

What I want to say is that for us the person we fear most is God. We can't cheat otherwise God shall punish us.

When the British came, this land did to dry up as it does today. Ngol was always full in all seasons. I had about 7 *luaks* [cattle byres] at Nyama on Ngol. In the past, there were no Arab cattle along the Ngol. The conflict started when Misseriya came to our land with their cattle looking for water.

I dispute the Misseriya claim that they had cattle from the start. This is what I wanted to say. Thanks.

13. Amoor Michar Gon, from Anyiel Chiefdom

I was marked and initiated to adulthood at our home at Paker in Ngol area. We moved also to Goli. We grazed our cattle at Diing Dit, Liet Ajak, Mangach, Abu Nachur, Minyiel Agoot, Bol Bol and Athiongdit. If we go there today, I can show you old sites of our 12 *luaks.* That is my word.

Question

The places you mentioned that you took your cattle to, was it during your lifetime?

Answer

Amoor

I received my initiation there.

14. Mijok Kuol Atem from Diil Chiefdom

What I am asking you ABC is that we are now talking in the centre of our land. But, for Gods' sake, it would have been better if we were put in a car and we go to show you where we once settled. The ruins of the houses that were burnt down by the Jur [Arabs] can still be traced and recognized. This, I think, is what could settle this boundaries' issue with our Misseriya brothers.

In 1955, I passed through this main road driving sheep. When my goats were stolen, the British were still here. I went for the settlement of the case at Dhuony Dhuol. If we are after the truth, then I am telling you that I can still remember the hut my sheep emerged from at Dhuony Dhuol centre. The areas that I passed when going to Dhuony Dhuol were Alor Kuol Chol [Antila], Chuei Kebany [Chuei trees of chiefs], Wun e Deng Awak, Kol e Kei and then arrived at Dhuony Dhuol. I can swear about these places. Why do we talk here in Abyei instead of going to the borders? I know all our boundaries including the ones with the Dhong, the Nuba people.

We stayed at Dak Jur. I used to keep cattle with my maternal uncles in Achak chiefdom. From Dak Jur I used to move to the Puth, Michoor, Miding, Ajaj, Kuwok, and Jor Dew. From Jor Dew we could not move further because elephants were a threat further on.

15. Ayuel Mayuien Nyikwac, Alei Chiefdom

We have a boundary with the *Wut* [tribe or Chiefdom] called Achak. Our places are Kuwook, Thubba, Thuur, and Nyama, which was called Mijok. Malou was a chief in Alei and whenever he went away for a visit, he would leave his sister, called Nyanyiik, to act as chief. These are the names of our places. Our cattle used to graze at Puth and Anin. This is what I want to say.

16. Ajak Akoon Wol, Achueng Chiefdom

I will talk about our home settlement in the Ngol area in Bakar. We share the area with the Anyuor. Miyom is owned by the Achueng at Gok.

Our grazing lands were to the north – Majuul, Miyom, Dhambool, Kol, Aker, Madder Gier, Agek Thoor. Further on, we did not know any place except Deinga [Muglad], which is for the Jur [Arabs].

We do not know what are we disputing with our brothers here?

17. Mayuen Ajing Malith, Manyuar Chiefdom

What I know is that the Achak are our neighbours to my right hand side. I am saying so because I am a bit down to the centre of Ngok.

When our area was stable, we as Manyuar were in the centre of Achak, Mareng, Diil, Alei on the left side, there are Bongo, Achueng, Anyiel and Abyor.

The country was large in those days. When we came back, it was through war. I was staying with Anyiel people and we were displaced together. When staying there, I remember places like Pakar. Our cattle were looted there. That was how people scattered and got displaced.

18. Ring Makwach Dheel Yak, Achak Chiefdom

I will say the truth for God's sake. We as Achak people do not have Kir River. Since my ancestors came in those old days we had never any access to the Kir. That was our land and you can bring *Arob* [ashes for oath] to swear with somebody who disputes my land. This should not again be left to the children again. Somebody who came travelling and driving cattle cannot claim a permanent settlement.
The place called Kuwook was given that name because some greedy people, who could not give away anything or assist the needy, stayed there. Another place is called Mardhuuk because young people who wanted to court girls at night used to miss their way home in that area. We have places like Miding and Anyak as our permanent settlements. From there, we only know there were the Dhong [Nuba] on the hills and nobody in between us.

I am surprised that places where people were buried are renamed. It was started by our Misseriya brothers. Our ancestors – namely: Koor, Kuot, Ajak and Yak - were

buried in those places. In short, bring a strong *Arob* to take an oath to determine these issues. We can go and take an oath in Mapel area [of Lau, Bahr El–Ghazal].

19. Wek Aniek Mayath, Bongo Chiefdom:

For God's sake, Nyama and Ruba are our places. In the winter, we moved with our cattle to Keilak. There was nobody near us except the Dhong [Nuba]. We used to hear that our brothers, the Misseriya were staying at Deinga [Muglad]. This name Muglad, we started to hear about it after the British left. Deinga was a place for the Alei people.

20. Paramount Chief Kuol Deng

I want to acknowledge that there were good relations between the Ngok and the Misseriya people before the Mahdi. Our ancestors approached the Mahdi to complain about the slave raids carried against the Dinka by the Arabs. Somebody named Miorriik used to act as an intermediary between the Dinka and Arabs.
Dinkas from this area were recognized by the Mahdiyya rulers of their people on behalf of the Mahdi state. Chiefdoms in both tribes co-operated and had good relations, for example, Awlad Azoza with Arop Biong. These were people's traditional leaders. But because Ali Julla took power by force and deposed the family of Azoza, the leader took sanctuary with Arop Biong and they were permitted to stay at a place today called Riang Wet Adhiik or Antila. I am saying this because if there were no Ngok people in the North, how could these people be received and allowed to squat there?

In those days Miorriik, from Anyiel, and his sons were living at Akot Tok and people from Abyor were living at Thigei.

Question

Repeat the names.

Answer

Riang Wet Adhiik, Ngok; Umm Khier, Misseriya; Akot Ok; Kol Kei, Ngok, Siteib, Misseriya.

There are no Dinka houses now in those places because wherever they were, they were burnt down. Even the Misseriya are not there as well. It seems, because most administrators in this area are Arabs or use Arabic in their official duties, they find Arab names, given to the old Dinka names, much easier to use and remember. So, Thur is now known as Thurdi. In my opinion, this is an administrative problem. Like yesterday, it is known that the Misseriya came to Dimet from Muglad. The authorities here made sure that they were transported from El-Muglad and *furgan* [cattle camps] to meet you (ABC) here. What is the meaning behind this kind of behaviour?

Even those Misseriya, who had stayed with us for more than 20 years, still have houses in El-Muglad. Their houses here are for the purposes of business only. They don't belong here and their children are not here.

If this Misseriya gathering here came voluntarily, it would have been good. But it has been organized by the government administrators. Thank you.

21. Abdul Rasol El Nur, Member of ABC

In my view, since yesterday we have been listening to our brothers, the Ngok Dinka. Our mandate is about a specific issue. Most speakers, like Amir Kuol, have been speaking about things that are irrelevant or have no relation to the issue we are here for.

The ABC should be welcomed, rather than blamed. Thank you very much.

22. Zacharia Atem

I thank the Chairman of ABC and the experts. What I want to tell my people is that this Commission did not come to determine the root cause of the conflict between the Dinka Ngok and the Misseriya Arabs. I am from Abyei and a member of the ABC. I want to assure you that we, from the SPLM and GOS, all of us, have become one and do not have problems. Under the agreement, which was signed, the SPLM and GOS are partners. We are here to explain to you what our mission is. Here, we have Dirdeiry representing GOS and Deng Alor representing SPLM. Let our hearts be clean.

We have one main thing to determine, the point about 1905. This is what we want to determine - which place in 1905 was taken from Bahr El–Ghazal to Kordofan. In that year, our fathers were not born, but our grandfathers were. Myself, who is

talking here, I am from Abyei and from Anyiel section. If I were not in the Boundary Commission, I could have talked like Kuol, the Paramount Chief.

I want to say I do not want to complain because I am in the Commission and I have a specific objective. The good thing is when people talked; nobody mentioned that we have boundaries with the Misseriya. Our administration is one.
There is a point I raised in Nairobi. I said that Abyei is part of western Kordofan. Even now, we are still in western Kordofan. I want to make this thing clear to my people. There is no problem between the Misseriya and the Ngok Dinka.
Even if people say that there were boundaries, at that time we could graze our cattle up to the Misseriya land because we were under one administration. In front of these historians from Britain and elsewhere, I want to make clear one thing. That we, the Ngok and the Misseriya, came into contact a long time ago. What happened in the past was not that serious. Those problems were solved. What I want to emphasize is that we are here to determine the area that the Ngok occupied before being transferred to Kordofan in 1905.

(A general disapproval from the Ngok listeners)

23. Ajing Path - ABX Member

Please keep quiet and listen. Atemdit has a right to express his opinion as I, Ajing Path does. Atemdit continue.

24. Zacharia Atem

All of you who are here, nobody love's this land more than I do. I want to repeat to you that the Misseriya have never taken Ngok Dinka land. There is one point on which we differ - it is whether Abyei should be affiliated to Bahr El–Ghazal. In fact, in Abyei our home was in a place called Goli. Our houses and *luaks* were there. My first born, a baby daughter was buried at Goli village; my maternal grandfather was buried there. There is no threat that the Misseriya will take Ngok Dinka lands. The Ngok Dinka will remain in their hands. For you historians, what you need to know is that the root cause of these problems is the rebellion in southern Sudan.

I want to emphasize to the American Ambassador here, because his country is number one in looking for world peace, and the British that the government did not arm the Arabs. We, the Misseriya and the Ngok have been arming ourselves by selling our cows and buying guns.

AMBASSADOR PETERSON

I would like the opportunity to respond to a point that our colleague has just made that we do not quite agree with. And I want Dr. Douglas Johnson to make it clear. I think it is important that we focus again on what our mandate is and the question of the movement of Ngok was ....

DR. DOUGLAS JOHNSON:

I understand that there has been fighting going on for over 20 years. So, this affects the way people see what we are doing. The Peace Agreement between the Government of Sudan and SPLM made a special provision for Abyei. The Commission here is only part of that provision. The main provision is the way Abyei should be administered by the government and the SPLM over the next six years. The Boundary Commission has nothing to do with the administration that is going to be set up. We, the experts are not involved in the administration. The administration will be a matter for the people here. Abyei area will be a special area to be placed under the authority of the Presidency. When the Presidency is constituted, it will include President Bashir and John Garang. The Peace Agreement, that was mentioned, speaks specifically about the nine sections of the Ngok Dinka. The Peace Agreement refers to the Abyei area that was occupied by the nine sections of the Ngok Dinka.

During the negotiations, there was a disagreement between the Government side and the SPLA side, on what was meant by the Abyei area. The Comprehensive Peace Agreement provided that a Boundary Commission would take evidence about this and make a recommendation. The Abyei Boundary Commission is made up of three elements. On one side is the Government delegation, on the other side is the SPLM delegation and in the middle are the international experts. Both the Government and the SPLM side have stated their position about the area. The experts are neutral.

You have heard from Zachariah Atem that the government decision is that, "We already know what is the boundary between the Ngok and the Misseriya and we only need to know what was added to the area in 1905." I believe the SPLM has its own position and if they so wish, they are allowed to state it. We are interested, as experts, in taking testimonies from you, from the Misseriya and your neighbours, the Twich in the south. And we shall consult old records kept by the British administration.

But the terms of the Abyei protocol are quite clear. The terms say that there will be a special administered area of Abyei that contains the nine sections of the Ngok Dinka. We are interested in what happened in the past, at the time of the Mahdiyya. When the British came, a decision was made to make this area part of Kordofan. But we are also looking at the area of the nine sections of the Ngok Dinka. I shall be asking questions mainly about the Mahdiyya, Arop Biong, Ali Julla and Azoza. But my colleagues will also be asking other questions. We want to find out where people lived, where they took their cattle, and where they shared grazing and water with other people.

23. DENG ALOR:

I greet you all. This meeting is very good. What forced me to talk are three points, what Abdul Rasul said, what Atemdit said and the remarks by Douglas Johnson. As Dr. Douglas Johnson said, we differed with Dirdeiry in the talks, and because of that, this is why this issue is brought before you. Now, what you stated about the Ngok boundaries is the position of the movement. The Ngok came to this place in 1710 from the direction you mentioned and the places you enumerated in the Ngol. From the Ngol some continued westwards and some southwards to the Kir River. The people who were here in Abyei were Shatt and Dagu in El-Muglad. A group of people called Luel and Girma settled here. These people have not died. They are alive living somewhere.

When we came to this Ngok land, we intermarried with Rouw and Girma and some are among us now. Some have gone to Aweil, where Victor Akook who is here comes from. Some have gone to Raja and are called Bagirma now. This land remained as Ngok land.

As you know, some of these names are not pure Dinka. It starts with Nyamora. It is the name given by those who stayed here before us. The Alei stayed with Dagu and Shatt. I think that is why Atemdit was saying that we do not have any border with Misseriya because Shatt and Dagu were at the middle. The Misseriya came to their areas between 1765 and 1775. They started to fight with the Shatt, Dagu and Alei. This is how they were pushed to where they are now. They pushed the Dagu to Lagama and the Shatt to southern Kadugli. Nothing connected us by then except one section, which is Alei.

Myself, Deng Alor, my village is Antilla or Pan Alor Kuol-Chol. We moved from Maker of Abyor. I was born at Magak village and other brothers and sisters were born at

Antila. When we were children, we used to meet with them [Misseriya] at Mijok Alor where they used to offer sacrifices. It is a religious site for both the Dinka and the Misseriya. I stayed and studied in El Muglad, Tibuun School. We drove cattle together with the Baggara when I was under ten years old. The Abyor do not have borders with the Misseriya, but with the Rek Mawal of Aweil. My father and father of Commander Malong Awan met and lost their way during the seasonal movement of grazing. Before my father's death and burial in 1963 at Ramthil [Antila], when we walked northwards we did not get Jur [Arabs] except at Dhuony Dhuol, which was an administrative centre.

The names of the places where the Dinka lived are: from Antila to Dhony Dhuol, Wun-Deng Awak, Kol e Kei, Kol Chum, etc. My cousin here, Aguek Ngor, would agree with me. There were no differences between the Ngok and the Misseriya. The latter knew their routes of movement for grazing. The Awlad Kamil have good relations with the Ngok Dinka. Others like the Fayyarin go to the Aweil and the Awlad Umran go to the Nuer. In this area, what brought the problem is when the government decided to side with the Misseriya and this was in the 1960s when we were young.

You have narrated the events and I am not going to repeat them. There are claims today because the government supported the Misseriya. Hence the assertion that all the nine sections of the Ngok were in Mathiang of Arop Dit. That is only one village. It was Arop Biong's village with other seven families. He was taken there to be hidden from Arab raids. Alor Ajing, another Ngok chief, was taken to the Nuer to be hidden there. Chiefs were hidden to protect them against external aggression. It is a Dinka tradition to protect our chiefs. That was in 1905. Can we now claim the Nuer area, in which Alor Ajing was taken and hidden in, as our land? It remains a Nuer land, and that was in 1905. So, the position of the SPLM is that the area occupied by the nine Ngok chiefdoms before they were forcibly displaced, should be the boundaries of the Ngok land or territory.

What is important in all this is the nature of the relationship that we shall have with our neighbors, the Misseriya. And I believe that if this is left to the Ngok Dinka and the Misseriya themselves, they will be able to handle it and be able to live together peacefully because the Misseriya and the Ngok Dinka interests are intertwined. The Ngok cannot have a good life without a good relationship with the Misseriya and *vice* versa. I think, starting from today, if we remove the issue of the boundaries the government....

CASSETTE NO. 2, SIDE A ENDS.

Expert Question:

The questions we want to ask is where were the Abyor?

Dr. Douglas:

After time the British came after they defeated the Mahdi what were the places occupied by Abyor section?

Answer:

The Abyor were staying at the Wun Deng Awak, Kol Chum, Maper Amaal, Matnom, Thigei and Akot Tok, another village is Jiekdit.
Expert question:

I want to repeat that we are interested in the locations of the Permanent villages at the time the British came, not here not there, but to the Sudan, right after they defeated forces of El – Mahdi.

A Respondent:

Abyor settled at Jiekdit, Akot Tok, Thigei, Bakhiit, Nyiel, Mijok Alor, Bar Ajak, Amiin, Ramthil, Maker Agoot, Ayei Lith, Wuol e Rial, Ajel Jel, Malok Gour Bil, Mathiang Kir, Dum and Riyat, Riang and Wot Adhiik, Mangok, Alala, Jorweng, Magak, Rume Lou, Abin Anguui, Wach Anguam, Miyokol, Dew Chool, Kol and Thuur, Maker, Kol Akoch, Athoony, Gung e Lan Luwal, Noong, Nek Jur, Ariik, Kolom.

Expert Question:

Where did the Abyor take their cattle in the early dry season by that time?

Respondent:

They used to graze along Nyamora, and cattle camps manned by youth, used to cross to Alal Kou (Lol River).

Expert Question:

Where were cattle of (Abyor) taken in the late dry season?

Respondent:

Abyor cattle camps go back to Permanent settlement in the beginning of the rainy season and some proceeded to Dhuony Dhuol.

Expert Question:

Now we move to Achak and we shall ask the same question, at the time the Mahdi was defeated by the British where were the Achak? Permanent places?

25. Achak Respondent – RING MAKWAC DHOOL:

We were permanently settled at Yak Agany, Puth, Dhiny Dhuol - Bet, Michoor, Anyak, Agorong, Bany e Kau, Kech, Kaba, Peth Nuer, Aguoch, Dak Jur, Pawol, Nyin e Buuny, Makawach, Alor Tuong, Akouch, Athuoch-Jang, Baar, Kar, Apabuung. Achak cattle camps movements. We spend our rainy season on high ground cattle campsites. In the dry season and since Ngol (river) by that time did not dry up we used to maintain our cattle camps along its banks. When it started to dry up and remain only some pools on its bed....

Called Biibi in Nuer area and form there they go to Biemnhom passing through Manyuar area. Some later cross the Kir [River] to the Twich area.

Expert Question:

Where do you take cattle in the late dry season?

Respondent:

We cross the river back to our permanent homes in the rainy season we used to keep our cattle camps at Ruba, Miyom, Ajaja, Michoor....

Expert Question to Achueng:

26. Ajak Malual Biliu

Permanent settlements of Achueng include Miyom, Kol Adet, Bakar, Malual Atharaan, Amoth, Malual Adoor, Awoul e Kwoch-Goor, Dak Akeer, Maker, Paweny, Nok Juur.

Expert:

Please other members when somebody is answering please don't interfere with him. I think this is very important.

Now we go to the second question for him. Where were Acueng keeping their cattle in early dry season, at hat time?

Answer:

We used to cross at Madding and cross to Malual Agaak and Ajak Lual, Bar Ajak and we return back always to Miyokol e Kiech.

In the beginning of rainy season, they came to Malual Agaak until cultivation period is over.

Expert Question:

After the British came and decided that the Ngok and Misseriya should belong to the same province and taken into account the information that was given us about the permanent villages, about where you kept your cattle during early and late dry season, we want to find out a number of things. We are interested in what happened during the British. Again let us go to the representatives of Abyor: where there were changes in Abyor permanent settlement?

27. KOUL DENG:

According to what I gathered from elders. There were no major changes except, minor movements from a village to another.

No change in the places where the cattle were kept, because there was stability.

28. RING MAKWACH ACHAK

There were no changes on where they kept their cattle.

Expert Question: ACHUENG

No changes, we never moved ahead or backward.

We used to keep our cattle along Alal Kou. We never changed.

Expert Question to ANYIEL, BONGO and ALEI:
ANYIEL:

29. AMOOR MICHAR GON ANYIEL:

We were staying at Pakar, Goli, Langar, Gramdhuk, Ajok Ameth, Kol e Rek, Chol Theth,

The Anyiel cattle used to go to Lur Abuot in the dry season, Bar Ngop, Makwach, Gong Kot, Thong Bioch, Madul and Ajiel.

During rainy season, our cattle camps stayed at Dokura, Todach, Kol Cum and from there Liet Ajak and Diing Dit, Minyiel Agoot.

ALEI:

30. JOHN KOL- KECH DUT from ALEI:

The home settlement that follows that one is called Aliich. The main Alei homeland is called Dew Jook, then follows Bedheeny, Malual Alei, Meeth Thony, Mabior. That is Ngol Alei settlement.

At Pan – Dit [mainland] we have Dungop, Miyokol, Athokgiet, Gong Mou, Ameth e Beek. It was said that not all the villages is to be mentioned. I stop here.

Our cattle camps when February comes move to spend the dry season in Akochich in Twich and Makwach – Alal and Ayen. When rainy season comes we come back to places like Miyokol, we proceed to Ngol to a place called Guil Bek. We go to Gok

[dry land] to a place called Kar, Amiyok, Kech, Nyama up to November when rains stop.

Expert:

I call upon representatives of Bongo/Thior to tell us the places they occupied when the British came.

31. FADHALLA DAU RUWACH – BONGO/THIOR:

Our places were Mabek, Yeny or Gheny, Goli Adhaar, Bar Agook, Amiet, Mayon Kor, Makwach Ngol, Rub Wut, Aruk Dul, Tordach, Kol Keech, Pakar, Abyei, Ameth Wour.

During the dry season, we used to drive our cattle to Buk Bar and Wer Apec, Makwach Alal.

When the rainy season approaches we come back to Ameth Beek, Abyein Jokyom, Miyen Kor, Ameit, Maker Adhaar, Dhiam Bool, Monyjuur, Fajilalla.

Expert:

Another Question I have is to representatives of sections so far interviewed on the changes that have taken place after the British came and decided that the Ngok and Misseriya should be in one province. So have any changes occurred in terms of permanent settlement villages? In terms of cattle movement during the dry and wet seasons? And if at all there were changes, were they during the life of Koul Arop or Deng Majok or any other time of any who succeeded them?

Respondent:

After the transfer to Kordofan and during the British rule there were no changes in our home settlement or where we take our cattle for water and pastures.

DR. DOUGLAS JOHNSON:

Thank you very much. I am going to ask the same question to representative of Diil, Mareng and Manyuar.

32. MIJOK BOL ATEM – from Diil:

We did have permanent villages Kol Akoch, Amiyok, Baar Aboch, Ding Thon, Dup Tiab, Dany Leeng, Baar Jak, Nyog Beek.

In Pan–Dit [main land] we have Miyodol, Thurguruk, Malek, Mareng Diil, Rumameer, Mabok... and many others.

For the dry season we cross the Kir River and go to a place called Angot, Kol Akot, and Ajak and stay longer at Akor Tong.

When rainy season starts, we come back to Wayang and when mosquitoes become too much we come to Baleeng, Pawol, Panyuon, Alaakdeet. We spend the rest of the rainy season at Duchak.

DR. DOUGLAS:

Could ask this question to some representative of Mareng?

33. WIEU DAU NGUOTH of MARENG:

Mareng's permanent villages were Nyama, Kaba, Agoch, Golmai, Kariang, Kayil, Kuer Aduma, Malek Nya, Dup Agook, Wunayot, Wun Ruk, Lor Ayen, Guot Yier, Amuk and Lau.

Cattle camps of Mareng moved to Alal during dry season; and places like Ameth, Makwach, Ajiel, Wer Apech, Audhop in the beginning of the rainy season Mareng cattle camps cross back to Dhelem, we could go up to Miding, Kaba.

DR. DOUGLAS:

Could I ask the same question to representative of Manyuar.

Representative from MANYUAR:

We share Nyama with Mareng; we come down to have villages like Kol Kuin, Kol Adet, Kol Cum, Guil Bek, Kuthaku, Kariang, Tach, Alei, Wun Goch, Jalei and Miyom,

we came to Pandit have Yar Achoot, Mabeek, Wang Chuk, Piok, Mijak, Awoul, Rumanguoi, and more others.

During dry season our cattle cross at Mijak to a place called Agoch and from there to Akur, Madow along Alalkou. From there to Wun Malith, Tong Leit, Makioeu, Acham – Cha, Makwach Ngok.

When rainy season starts, we come back to Mijak, Mabok, Tajaloi, Kuthakuth, when there are lots of mosquitoes we cross Ngol and settle at Gheny, Kibeu and go as far as Nyama.

***Prof:** what I want to ask the representatives of Diil, Mareng and Manyuar is, after the British decided to put the Ngok and the Misseriya in one province, were there any changes in where they lived or where they grazed their cattle?

Respondent:

There were no changes.

Dr. Douglas:

Thank you very much

34. Ahmed A-Salih

Thank you very much. I have specific questions. The villages that were mentioned, I could not tell whether they are south or north of the river. But I will ask about the villages that are north of the river that were present after the Mahdiyya.

(CASSETTE NO. 4 SIDE A)

When was it established, (Abyei) in which year and who established it, the Misseriya of Ngok Dinka? And has Abyei at any time been part of Bahr El–Ghazal, assuming that it was established before 1905?

Brother Deng Alor said this area was one time belonging to Shatt people. And that the Muglad belonged to Dagu. I agree with him on this view. Because there are some names of villages which area of Shatt origin like Dokura. But my question is how did the Dagu leave Muglad area?

What I know is that Ngok Dinka found Shatt here. Was there any fight between Ngok and Shatt or Shatt decided to voluntarily leave the area for Ngok? The same goes to the case of Dagu in Muglad?

The British historians mentioned how Misseriya Arabs entered Sudan and the time they came especially in this area. They even mentioned the routes the Misseriya followed in their travel. The speakers said Awlad Omran seasonally migrates to Nuer area and Fiyyarin go to Aweil. My question is Awlad Kamil and Mezaghna, where do they go?

Another question:

In late 1940s and early 1950s, the British introduced the cotton production in this area? I want to know did Arabs have cotton plantations here and houses to stay in during the rainy season or not?

In Ngol Omda Hukam Marissa, or the Mezaghna, Awlad Umran were living in Nyama and Pawol.

Finally, I want to ask whether the first village founded in Lau was for Misseriya or Dinka?

Thank you very much.

35. KUOL DENG:

In fact, the brother, the deputy governor have asked questions. Most of the villages are north of Kir River and they belong to Ngok Dinka's nine chiefdoms whose Paramount chief was Arop Biong. So do I understand from what you are saying that the nine chiefdoms were all in Mathiang where Sultan Arop was staying? They were part of Bahr El–Ghazal and got transferred to Kordofan in 1905?

In answer to his question where were Arop Biong before the village Mathiang he was staying at in 1905, Arop Biong was in the north of Kir river, because his father was at Mitrok and his grandfather died at Mijok Alor. Dinka chiefs have always many villages.

On the question on Abyei town: Abyei was found before the British and even the Mahdiyya. The evidence is Mitrok where slaves were redeemed. We were not always aware of what the modern governments were deciding on us.

ON SHATT and DAGU:

36. DENG ALOR:

I need to first correct the information of Deputy Governor. There were two tribes living in El Muglad, Shatt and Dagu. Here in Ngok, there were Luel and Girma. When we came to the area through Ngol in 1710, we found to the north Dagu and Shatt. Some internal fights occurred between the Dinka and Luel and Girma. I said Luel migrated to Aweil. Up to now they are still there. Girma went to Raja and they are still there.

When the Misseriya arrived in 1765 or 1775 they entered Muglad and fought with Dagu and Shatt. As a result the Dagu moved eastward and Shatt are South of Kadugli today. The Dagu are at Lagowa.

37. P/CHIEF KUOL DENG

On how the Luel left from here, there is a saying attributed to Luel that, "Gam e Yeen e Wuol Aguet Aben col Apel e Pawe," literally meaning, "This give me of Wuol Aguet (A Ngok Dinka Man) will make me to leave this country". This is how they left.

On the seasonal routes of movement:

***P/CHIEF KUOL DENG**

Awlad Kamil they pass through Abyor areas. There were other routes for going to pastures and water points and coming back to Misseriya land. On the cotton plantations, I do not know anything about them.

38. CHIEF: NYUOL PAGUOT DENG of BONGO

I am going to talk about whether the Hargas family did have cotton farms in Ngol or not. The Hargas family never settled at Ngol nor cultivated farms there. They used to move with their cattle in the area. The place they have renamed now as Abu Ghazal is Mabok, is my village and they never settled there in the past. On the cotton plantation, even now in the Northern Sudan there are farms we go and cultivate, does that turn those places to be ours? The Government thought that time to try cotton plantation and any person interested in cotton production was

allowed to come and try. It was a trial by the Government. Can the Government's call for people to come and try their luck by cultivating cotton amount to claim of ownership of the land those people made trials on?

I think Brother Ahmed is a new Misseriya member and does not know the nature of our relationship with the Mezaghna. The cotton plantation was by Government and not by Misseriya. Unless the Government is defined to mean Misseriya only and does not represent all of us, Ngok and Misseriya?

ON THE QUESTION:

Who established the first village in Lau?

39. CHOL DENG AKONON from LAU VILLAGE:

I am from Lau. I can tell my brothers here that I can count my ancestors who were buried around Lau. Somebody called Logak was a chief of Mezaghna. He used to come and fish in Lau but never cultivated there. If people are not trying to cheat, by God, if somebody called Lual Deng Akonon is known by Beny (The D/Governor) and Deng - Chol, Deng Akonon, Lual Kuol... even if we bring those Arabs who used to come during the dry season and stay at Lau, They cannot claim to have cultivated once there.

(The recording stopped here and a new voice appeared)

What we want for this area is to have what we deserved and leave what is not ours.

ABC CHAIRMAN:

Thank you very much. We have another meeting and we will be staying here. But for other views that came in your words today, we appreciate it.

Thank you again, Shukran.

(Another session)

ABC CHAIRMAN:

We are happy to hear the view that you would wish to express. We would like to remind you that the mandate of the Abyei Boundary Commission is simply to define

and demarcate the area of the nine Ngok Dinka chiefdoms transferred to the Kordofan Province in 1905 from Bahr El -Ghazal province.

As we told the other groups we met yesterday and today, that you can confine what you say as much as possible to that topic. And again, what areas were the permanent areas for the Ngok Dinka people a hundred years ago?

Because it has been a long day, we had a lot of meetings. If it is agreeable with you, it might be possible to have our spokesman for you. But if that is not preferable to you, we will listen to all of you who want to speak.

Thank you.

40. AYOM MATET AYOM from DINKA NGOK, ALEI CHIEFDOM:

The case, in fact will be settled on historical facts and people can vary in the kind of historical facts each knows. So we have selected our representatives and here we shall start with our brother the Nazir (P/Chief) Adam Deng. We have organized ourselves and we know who shall speak after Adam Deng. We appeal your committee gives us chances to express our views.

41. NAZIR ADAM DENG:

In the name of God, the merciful, the compassionate and peace be on the prophet. In Dinka I greet you

(He changed to speak in Dinka language).

Today is a day of joy, when every person is entitled to speak what is in the heart. I am the oldest son of the late Nazir Deng Kuol. I will start, I will not detain you for long. There is something I heard before; being said about 1905. I went to Naivasha, I met with brother Deng who is here. That is Deng Alor. What I have been saying is that, I do not know the issue of 1905. We have never lost contact with Bahr El-Ghazal; our grandfather Arop Biong was the one who stayed at Mathiang, across River Kir. When the British came, he was asked and he said he belonged to the North, to Kordofan.

From Mathiang he left with Bagat Alor to go and meet El Mahdi *(He was corrected by the audience that was not Bagat Alor, but Alor Ajing*). When they came back from El Mahdi, their wives who escorted them delivered each a son. The son of

Bagat or Alor Ajing was called Sabahi and the son of Arop Biong was called Mahdi. In Mathiang we have part of our Ngok people who were later on annexed to Bahr El- Ghazal, they are called the Twich Kwach. Ruweng was part of us, but they were affiliated to upper Nile province.

We did have friendship with Misseriya people and this is a fact that could not be denied at all.

Our grandfather called Alor Mony Dhaang died at Ayei Lith on this side (North West of Abyei town). Grandfather Biong died at Wun Cuei, south of Kir River and Arop Biong died at Gol-Gol in Mitrok. Grandfather Kuol died in Mitrok and my father Deng died here in Abyei.

When I went to Nairobi, I was saying we should abide by the 1956 boundaries, which our father signed in my presence. I have been living with my father for long and I must be 67 or 69 in age.

I was a clerk of my father and I received the court registers of Grandfather Kuol Arop. When my father became sick I took him from El Fula to El Obied. He told me important words which I told my brothers. Brother Francis Deng witnessed those words.

My father said in his dying declaration that he was not happy with four people, Justin Deng Biong, Osman Aguer, Suleiman (Biong) Bol and Ahmed Deng (Majok). That, these people have brought disaster to the area because they joined the Southern rebels. He asked me to tell the rest of my brothers that no one should think of going to Bahr El-Ghazal.

Francis asked me to pay attention to development in the area and secondly the security, I met authorities I should stress these two points.

My father Deng also told me that his father Kuol Arop told him that he should not depart with the Misseriya. I am dressing jalabia as my grandfathers were wearing. In their good stay, Ngok moved as far as Nyama, we have a place of uncle Alor (father of Deng Alor) at the border with the Misseriya. We used to be bound to make the road up to Uncle Alor's place from where our brothers the Misseriya take over and continue to make the road to their area.

We here do not know the 1905. What we know is 1956 when we were already under Kordofan. We started it under El Nahud during the British. And then we went

to Kordofan, El Obeid and we came back to Southern Kordofan and finally to El Fula. What I am saying, I have been hearing some people suggesting that it was Hamar who were bordering us. That is not true. When Hamar used to fight Misseriya, we the Dinka used to assist Misseriya against Hamar. As the Misseriya were assisting us against Rek Dinka. Ours is a blood relationship. We have intermarried with them and immediate example is my younger brother Ali Deng who married the daughter of Hargas Martda [grand daughter of Hargas]. Others are there. There are Kuol, Alor, Biong, Deng among Misseriya. As we have now Adam, Ali, Osman and Ahmed. This is our old good history that we don't want to change. In 1964 when we fought with Misseriya, many people died most of them from the Misseriya. The dead among the Ngok were few. When the Nazir, Babu Nimr, saw that, he talked to my father and said "even if my people are dead let our good stay continue and I do not want any Puk [Blood compensation or Dia].

That was our good co-existing which we are continuing. I have never left this area. When Grandfather Kuol Arop died I was here. He died in 1945. The Governor - General came to visit us here at Lau in 1945. I still remember that we were kids and were running together with Jur kids.

So nothing can divide us with the Misseriya. Normally brother's fight and again they reconcile and stay. I am now an old man and I cannot lie again.
Yesterday I was taken out of this room when the meeting started and younger brother Kuol Deng remained. It surprised me. What is that prevents older people to attend and allow kids to attend. I convinced myself that, these must not be genuine issues that are being rushed. I saw an Anyiel person called Bol Deng Jur Piny was listed as a representative of Abyor. Also Bol Paguot Deng from Bongo was put to represent Achak. Check the list and find out for yourselves. What I am saying is that let us not deny these people we have been staying with for thousands of years. Even if you want to depart with your brother, you do it in a peaceful manner.

We have been staying together at Lau. People like Mohamed Bakaiya were born there. If you go to Muglad, you will get Dinkas have houses there. So those who brought 1905 are the ones who know it, but we do not know.

Thank you.

ABC CHAIRMAN

Thank you very much. I just want to remind you that it is getting late. We have heard a lot from the speaker and I think we have the picture of what your concerns are. I hope the next speaker can remember that and not repeat what is said.

42. OMDA ABDALLA DENG NYUOL MAYOT AJING DIING, Omda of MARENG CHIEFDOM

What I want to say is that things that are forged are not good because God will ask you why do you do that? A grown up person and a chief should not do bad things. They should be left to kids such that they are corrected by the chief and the older person.

The destruction of Abyei should be blamed on the chief's confusion. Since elders died and these youngsters came, they quarrel over the leadership. This has affected Ngok.

It started with the rivalry of the two big families Pajok and Dhian Dior spearheaded by Kuol Deng and the late Makwach Abiem. They are the ones who started the bad things here in Abyei. Makwach was saying, "The chieftaincy of my grandfather was taken by Pan Arop [Arop's family]. Based on that claim he mobilized all the Dhian Dior clans in all the Wuts (Ngok sections or chiefdoms). On the other side, Kuol who is Meth (kid) and without good advisors and who moves with bad people, could not defeat Makwach and that is why people went to bush. The chief is the gate to his people. If he is not there his people suffer. Kuol and Makwach forgot about maintaining good relations with the Misseriya, the Nuer, the Ruweng, the Rek and with Twich. How could the area be okay in such a situation?

ABC CHAIRMAN

I understand your compassionate feelings, but remember that the Abyei Boundary Commission is mandated to focus on the question we mentioned before. In whatever way what you are saying is related to our mandate you can explain it to us.

43. ABDALLA DENG

I am saying those things in good faith. If the area doors does not have Beny [chief] there is a problem, but I will leave it. On the stay and relationship, I myself was born in Lau. I cannot deny the person I was born with. I grew up with some Misseriya children and my father was a chief who did have relationship. I cannot forget about those relationships he created now like Dr. Francis who has gone to America and he given American Nationality and citizenship though he was not born there. What do you think about the person who was born here and many of them are here. We can say if there is something wrong in the relationship, it can be rectified, like what took place in South Africa when Mandela struggled and suffered, he never sent his enemies away when he took over power in South Africa. Why don't we come down and think how to solve Abyei problems? I do not know any boundaries except the border between the Southern provinces and the Northern provinces.

Since I have been growing up I have seen people mixed together. Confusion is brought about by doing bad things. On the boundaries, it is like the way Adam Deng had explained before. I am not going to repeat what he said. We shall be ready to answer your questions. I thank God and bye in the name of God.

ABC CHAIRMAN

I am going to say once more, we are not here to hear details of the disputes. Unless in some way it has direct bearing on what our term, which is to demarcate and define the Abyei Area.

44. AYOM MATET AYOM from ALEI

I will start with the issue of the boundary. The first thing is from where did we come? We came not from the South but from the North to the South. Most of the ancestors have been buried in the North or the Jur (River Kir). So our relationship with the Misseriya is stronger than our relationship with our brothers from Northern Bahr-El-Ghazal. Let us talk in accordance with the official state documents. As Ngok tribe we do not have right to change state documents and systems. Our Southern boundary is Abu Nafisa (Akur). Our co-existence with Misseriya can go to a complete century.

I oppose denying our historical ties with the Misseriya since the Turkish rule. The nearest indicator is in the area of Goli. There was a person called Gazalli was sent

by the Turkish Government to annex the area and he was resisted and he killed 99 people.

Abu Gurun was the one who returned Arop Biong to his people after he took sanctuary during Ngok and Nuer war.

In Umm Bilael, there was an Arab man called Abal Haj. He was a faki (religious person) who used to read his Quran under Higlig tree which grew some fruits that people from Bongo used to bring and sell here in Abyei Town to Arab merchants to use as Sipha.

So between us and the Misseriya there are no geographical boundaries. There are administrative boundaries that show the rural areas that are administered from Abyei, knowing that Abyei is being administered from Western Kordofan. We are surprised by our brothers who talk of 1905 and find it difficult to be digested by the Ngok people. You as a committee shall be carrying out site seeing visits and you will see what is meant by the 1905 area. The question, which poses itself, is in that map of 1905 let them show us the tribes that were living there and the province to which that area was affiliated to in the period they had mentioned. But if you ask about Kordofanism of Abyei, whether administratively or....

END
(CASSETTE NUMBER 4 – SIDE B)

4.2 Khartoum Interviews

NGOK DINKA — Khartoum Hilton, 21 April 2005

Justin Deng, former Asst. Commissioner of Abyei during the time of Nimeiri
Charles Deng, son of Deng Majok, translator for Southern Regional Assembly up to 1982.
Dr. Kuol Arop Kuol, Dean of the Faculty of Agriculture at the University of Dilling (former Deputy Director of the Abyei Development Project)
Monylang Deng Kuol, son of Deng Majok, part of SIWAC
Malony Tong, Catholic Relief Services in Khartoum
Kuol Deng, SIWAC
Bullabek Alor
Biong Riang

Justin Deng will give information as a former administrator of the Abyei Area, and as former Under-Secretary of Local Government.

My mission to Abyei in 1974. I was sent to Abyei as a son of Abyei, as Assistant Commissioner for Abyei Area. To re-establish confidence among the Abyei people and arrange for development projects in the Abyei Area. Also to arrange the resettlement of Abyei people affected by the war. I was answerable to the Central Minister of Local Govt., and not to the District or Province level.

Arrived May 1974 just before the rains began. Shortly after this Kordofan was divided into two provinces [1976] and I was told I would be answerable to the Commissioner of Southern Kordofan.

I tried to find out the administrative boundaries of Abyei, the 9 Ngok tribes. I was able to establish the following boundaries

South: Lietnhom (Twich), a small stream called Lercuk where the Abyei road stopped;

East: two villages on the river Kir the Ngok call Kol Ngol and Kol Manyang (Alor Rueng area);

West: Kol Roth (Grinti), Meiram

Akotok is east of Meiram (less than 15 miles NE of Meiram)
Thigei is north of Tebeldiya
Wundeng Awak is along the old road south of Siteib (among a lot of tall).

Dawas is where the last fight between the Ngok, Rizeigat and Misseriya took place (Riz). & Miss. on same side together) under Arop Biong. Fought to a stand still. Each side withdrew a bit to its own territory. Arop Biong went to Mathiang.

During the time of Azoza, he was the one respecting Arop Biong. The Awlad Kamil used to graze with the Ngok.

Ajaira joined with the Rizeigat when they passed through Meiram on their way to raid the Malwal Dinka. Together they attacked the Ngok at Dawas. Rizeigat went back to their place. Ajaira went back to their place. Ngok withdrew south, but some remained in the area north of the river.

Tried to get Justin to show us the approximate locations of some places on map, but he had trouble doing so.

Also tired to get them to give us an account of the age-set system, but they were unable to give us a complete list. Arranged that we would meet again when we returned to Khartoum and they would give us this information, as well as a diagramatic placement of place names on a map.

NGOK DINKA Khartoum Hilton, 6 May 2005

Kuol Deng
14 representatives of Ngok Dinka in Khartoum
Kwaja Yai Kuol Arop translated

Mijak Kuot (Achak):

At the beginning the Ngok were living around El Oddaya before the coming of the Turks. When the Turks arrived, the Ngok were being pushed south until their territory stabilized around Nyama, Kuok and Ajaj. This is the NE part of Ngok territory, the territory of the Achak.

When the Turks came to an end and the Mahdists came, they practiced the same policy of raiding the Ngok.

There were 5 different wars with the Arabs:

1) During the time of Kol, chief of Achak;
2) During the time of Kuot Awit, chief of Achak;
3) During the time of Yak, chief of Achak (Mahdiyya);
4) During the time of Kur, chief of Achak (Anglo-Egyptian times);
5) During the time of Kuot, chief of Achak, in the 1960s, under the National Government.

The warrior age-sets most involved in fighting at that time were:

1) Lelkiel during the time of Kol;
2) Minyiel, during the time of Kuot;
3) Jongyom & Marol during the time of Yak;
4) Kwach Nyok during the time of Kur;
5) Nyor during the time of Kuot (1960s)

Villages Achak lived in before and during the time of Arop Biong, running West to East: Apet Dong, Kol Lang, Nyama, Miding, Michoar, Miyen, Ajaj, Merthok.

Miding is now called Hijlij. Kol Lang is called Nyabagaya by Arabs (Nabak tree = Lang).

Nyama: Nyam = gills of fish. The area gets filled with fish during the time of rains, and people eat the head of the fish.

Pawol is an Achak village.

Q: When did the Humr start coming to Pawol?
A: During the time of late chief Deng Majok and the Achak chief Kur Luak.
Q: The British record that the Humr came at a time before Deng Majok.
A: Kur Luak was a contemporary of Kuol Arop, and survived into the time of Deng Majok, so Humr started coming in the time of Kuol Arop.

Peter Nyuot Agok: (Alei)

Alei moved from Maker (El Oddaya) to Deinga (Muglad). In Deinga didn't find enough water, so they dug 2 pools (hafirs), Fula Kregi and Fula Deinga. This was before the Misseriya arrived.

First the Mezaghna and Awlad Umran came to Muglad. They came in big numbers and the Alei were overwhelmed. It happened before the Mahdiyya began, before

and during the time of Arop Biong. Confronted by Misseriya and Mahdists, the Alei withdrew to Thurich. Misseriya now call Thurich, Turti [Turda]. Located NW of Nyama.

Alei were attacked by Misseriya at Thurich, so moved south to Tuba. Chief of Alei at this time was Chol Lual. From Tuba they moved SE to Keibew. Attacked there and moved to Pawol, where the Alei and Achak lived together. Moved to Pawol at the time of Chief Deng Chol Lual.

After arriving at Pawol Alei spread E & W.
East from Pawol to Abunabok, Makuach, Thoijang, Ruel Angon, Miyenbar, Kol Akuoch, Barjak, Ding Thon, Kuim, Pachaleng.

West from Pawol to Malual Alei, Mabior, Pandeng (Beding in Arabic), Kol Kuin, Mille (same name in Arabic), Kol Agut, Bagai, Hany, Thim Thoi, Mabeg (residence and burial place of Deng Chol).

Age sets moving from El Oddaya to Deinga: Gol, Awet, Akankan, Malual. These were the age sets during the time of Arop Biong and Chol Lual.

The age sets at the time of settling at Pawol were: Mithiang, Nyiriel, Minyiel, Achuil. These were the age sets during the time of Kuol Arop and Deng Chol.

Arop Biong was Angik age set
Kuol Arop was Koryom age set
Deng Chol was Gol age set.

Evidence to substantiate claims of former settlements:

- Hamar were neighbours of the Dinka before, they can confirm
- Cattle camp remains of cow dung ash
- The men of the 4 age sets, some were born, grew up and died in El Oddaya and Maker.
- Area of Deinga/Muglad. In 1947-64 Alei reoccupied the hafirs around Muglad until the massacre of 1964.

Q: We pointed out that the Ngok were not claiming to return to Muglad and El Oddaya. What we needed was evidence of Pawol, Nyama, etc.?

A: Dhinyduol/Tebeldia. A government rest house was built there as a meeting point for Ngok and Misseriya. N & S of Tebeldia there were no villages.

Kuol Deng:

We are not claiming Muglad and El Oddaya. But there are places where we used to live that we abandoned. The Misseriya have not come and settled there, only coming for water. But there are now some places where the govt has dug bore wells, like Langar and Dembloya. Maybe the Misseriya will be settling there now because of these govt bore holes.

Peter Nyuot:

The Misseriya don't burn cow dung, so traces of cattle dung ash will be Dinka sites.

Dinka burial:

no cemeteries. People are buried near their huts. Graves are dug as deep pits, not long shallow graves.

Kuol Deng:

Graves of chiefs are well known. Alor (grandfather of Arop Biong) is buried at Majok Alor, NW of Abyei. Alor's father was buried in the East. This is the route of migration coming from the East, through Nyama, towards Kir. Biong Alor is buried at Wunchuei (SW of Abyei, and just north of the river). Arob Biong is buried just across the river Nyamora from Abyei.

Col Ding Akonon: (Mareng)

Ngok migrated from Panaru in the East until they finally arrived ~~on~~ the Kir. Mareng used to be an age-set, branched off from Manyuar, becoming a section of its own during the time of Alor (grandfather of Arop Biong).

Kuol Bagat was chief of Mareng, at the time of two age-sets, Mareng and Kuichdok, lived at Panjang (near Pachol).

Lual Kuol was chief of the Mareng when they moved to Majok Alor (W of Nyama), and he died at Ajith Lual.

After Lual Kuol died Mareng moved SE to Wichwich (S of Mijak, N of Kir). Then moved NE to Lau.

Kuol Akonon is buried in Lau.

Villages of Mareng are NE of Lau: Amok, Wunbim, Tajalei, Wun Awat. Settled here during the time of Kwol Arop.

Mareng were allowed by the Achak to cross Ngol and build villages NE of Dak Jur. The main place was Kabah.

[Some discussion about site of Nyama. Now saying it is NE of where it is placed on their diagrammatic map. They later placed it W. of Ruba on the Muglad-Ruba road, near the Ragaba Udam on Sudan Survey 65-H Lake Keilak map.]

Deng Aru: (Anyiel)

Anyiel lived West of Nyama: at Wut Magach, Maper Ngol, Miyen Gier, Wut Dup (also known as Jamat), Wut Monyror (also known as Dibab), Dhinyduol (Tebeldia).

The age sets that were living in these villages West of Nyama at the time of Alor (grandfather of Arop Biong) were: Gol, Malith, Jikany (this was all before Turkiyya). Dholich was the Chief of Anyiel section during the time of Alor.

South of the Nyama-Tebeldia frontier they lived in the following villages: Miding, Ameth Mawut, Pakar, Kol Adet, Aganyrou, Jangyom, Golih.

Pakar is on the Ngol.

Age sets living in the southern line of villages during the time of chief Ajuong were: Makor, Mijak, Achuil. This wad in the time of Biong Alor (father of Arop Biong).

Up to the time of Arop Biong the Anyiel were still living in the northern line of villages form Nyama to Tebeldia. These are where they were living when the British came.

Deng Chier Agoth Akuei Alor: (Abyor)

Abyor bordered with the Alei section in Deinga. The Kich age set lived in the area near Muglad/Deinga. The places they settled SW of Muglad after they left it were:

Akot Tok (settled by 7 sections of Ngok: Bongo, Diil, Mareng, Achueng, Anyiel, Abyor, Mannyuar at the same time). All settled around Akot Tok. When they were attacked by the Misseriya they moved to:

Matnhom. Used to move between Matnhom and Akot Tok.

The age sets that were marked and settled there were: Malith, Nyang, Malual, Angik, Makor, Kol, Koryom.

During the time of Biong Alor, Arop Biong, Kuol Arop and later they lived at:
Mabior (between Akot Tok and Matnhom), Yar (Dawas), Dupmatem (Antila), Ajith Lual, Mijok Ador, Thigei (Chigei), Amin, Magak, Nyinawar, Wut Rial, Ajeljel, Kol Roth (Grinti), Mading Deng Lual, Myom Makueir (Kajjam), Alal (Jangai).

You can still find ruins of the huts in these places.

At Tebeldia the rest house was built as a land mark for the border (told this by Deng Major). A post was placed between two baobab trees by the colonial government to demarcate the border between Ngok and Misseriya, so even if it is no longer there, the trees will be.

Peter Nyuot:

Told by Achuil Bulabek (contemporary of Deng Majok) that he found a platform of cement instead of the post. AB said this marked the border.

Deng Chier:

These places were abandoned during the time of Deng Majok, in 1964. People then went back to them, and were forced out again in 1977.

Majith Deng Mading: (Diil)

Diil used to be called Ayok.

The problem started a long time ago. The Ngok migrated from Panaru and settled around Ngol (Panjang). The Misseriya are now claiming the Ngol to be theirs, but this is not true.

Miding, Michoar (NE of Nyama), these used to be the places of Diil. We lived there up to Keilak, along with the other sections of Ngok.

The area from Keilak West up to Kejeira (S of Muglad), this is the area the Ngok should now be claiming. The border should run from Keilak to Kejeira to El Wadi.

My home was in Pawol, even though it is not a Diil village.

We want to claim back the Ngol area.

Kuol Deng then asked a question in Dinka:
We, the chiefs of the area, only used to meet among ourselves. We have no idea about where the maps were made. We never even knew about the decision to move Ngok to Kordofan because of the conflict with the Misseriya. We know that the Dinka land was contiguous, and that some groups were part of Kordofan and then taken back to other provinces. We don't know what maps were being used.

The Ngok are not part of the ABC's work. We were rejected by the GOS and don't belong to the SPLA. Negotiations are now between GOS and SPLA. If the GOS was honest, they could have solved this long before.

We don't see any logic in moving us to a different place.

We only think that the GOS doesn't give us our rights as citizens, and that they want to move us out of our country.
What is the dispute about?

Douglas Johnson: replied, saying that at no time were people moved from their land between provinces, only that the line of administrative jurisdiction changed. What is going to happen in the Abyei Protocol that a certain area is going to come under the direct authority of the presidency, and the people of that area are later to have the right to vote whether they want to stay as part of that administration, or become part of the administration of Bahr el-Ghazal. Nobody is supposed to be moved after that decision. The job of the ABC was to define the area that would be put under the administration of the presidency, nothing more. The way the area would be administered was not up to us.

The area to be defined is described in the protocol as the area of the 9 Ngok Dinka chiefdoms – no one else. And we were supposed to discover what territory was being used and claimed by those 9 chiefdoms when the administrative decision was

made to place them in Kordofan. Maps are only one type of source we are looking at. We know that maps have mistakes on them. That is why we are looking at the written records as well, the reports of administrators of who they met on the ground. But even that is not enough, and that is why we were seeking the testimony of the Ngok, the Misseriya, the Rueng, Rek and Twich. If people spoke to us honestly, then we would be able to learn something.

They asked if we would be willing to speak to some Hamar and Misseriya in Khartoum. We said we would, as long as it was understood that we shared whatever they told us with both the government and SPLM delegations.

They left us with a draft list of Ngok Dinka age sets and said a final one would be given to us before we left. They will also copy the sketch map they made of the area and give us a copy. They had highlighted place names on a copy of NC35-L Ghabat Arab map, and we transferred those to our photocopy of that map.

TWICH DINKA Khartoum Hilton, 8 May 2005

Joseph Lang (Aweng), translator
William Madat Maper, Molbang (bordering Rueng & Abyei)
Andrea Kuol Arop, Turalei (bordering Abyei)

Both chiefs are chiefs of displaced Twich living in Khartoum. Both come from the northern border areas of Twich. They came to us after Bona Malwal approached DJ expressing a concern that the SPLM was trying to annex part of Twich territory to the southern border of Ngok.

DP: Gave his introduction about the work of the ABC and its mandate.

AKA: The border between Twich and Ngok of Abyei is known. They hear from educated people of Abyei that their border is now the Loll river. Many displaced Ngok are living with the Twic after being chased away by the Misseriya. They have lived together with the Twich with no problem, until the politics of the Movement disturbed things.

WMM: We are neighbours with the Ngok. One of our common factors is that they used to cross the Kir looking for grazing, and they were followed by the Misseriya, looking for grazing. Had no objection because they came and then returned back.

We heard that the Ngok were allied with the Mahdiyya. The English rescued us from the Mahdiyya. What the Ngok are driving at will be clear later on. They only crossed the Kir river after 1965 when they were chased away by the Misseriya. There was no settlement south of the Kir river before then.

Abienhom was originally Twich. This is the border with Rueng.

(We explained that we could concern ourselves only with the border between the Ngok and Twich as it was established at the time the Twich were returned to the administration of the Bahr el-Ghazal).

AKA: Good that we are concentrating on the border between the Baggara and the Ngok. The Baggara used to have no land. They pushed the Ngok away and are taking their land. They have done this through the friendship between Kuol Arop and Deng Majok and Babu Nimr.

The boundary between Twich and Ngok is the middle of the Kir. North of Kir is Ngok, south of Kir is Twich.

(We explained that the British records show Ngok living south of Kir as well as north of it. Showed them some of the maps).

AKA: Most of the land on the map is grazing land, not settlement land. It was drawn to allow the Arabs some grazing land.

(We showed them Mathiang on the map and explained how the records described Arop Biong living there, and how we visited the site).

WMM: This is the Mathiang of Chol Ador, not Arop Biong. If Arop Biong was living there, he was only living there as a visitor.

The settlement of the Ngok Dinka at that time was only on the raised area near the river, extending about ½ km beyond the river. There was no settlement in the low lands.

(Asked if Agok was in Ngok or Twich?)

AKA: The Agok south of the river belongs to Twich.

(We did explain that when we were in Abyei and Agok no one made the claim that Ngok territory extended beyond the Kordofan/Bahr el-Ghazal border to Turalei, and no one has yet presented that claim to us on behalf of the Ngok or SPLM).

AKA & WMM: The border problem between Ngok and Twich is created by the educated people of Abyei in the Movement. Commissioner Ajing Path made maps for OLS that show Ngok territory including Twich territory.

JL: Said that some 13 years ago, in the 1990s, he saw in the Survey Dept in Wau a sketch map made by a British official in the 1940s that showed where the villages were of the 9 sections of the Ngok Dinka.

4.3 UK Interviews

MICHAEL & ANNE TIBBS — Haslemere, West Sussex, 8 April 2005

Michael Tibbs was the last British District Commissioner of Dar Messeria District (1951-4). He and his wife published their memoirs as *A Sudan Sunset*, 1999. He was shown the notes of the interviews and made some corrections and clarifications, which have been incorporated into these notes.

(visit by Douglas Johnson)

Why was the rural council called Dar Misseriya and not South Kordofan?

This was to keep the Misseriya on side. The DC Muglad had always been called DC Messeria. Some Misseriya were very much against including the ~~Dinka~~, and this was a concession to them (the first council meeting was rather rowdy with a few Misseriya speakers objecting to the need to translate speeches into Dinka – Tibbs had to intervene [see p. 127 in their book].

Asked about Dar rights:

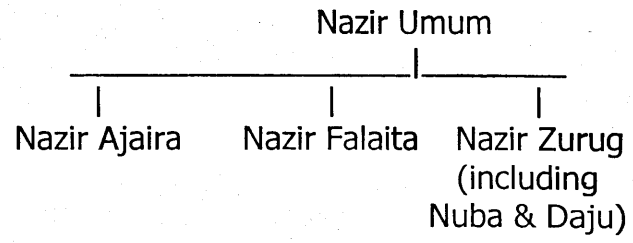
The fact that Dar Misseriya was a district did not mean that the Misseriya had Dar rights to the whole area, as, for instance, the Kabbabish did over Dar Kabbabish. They did not have these rights because of the existence of the Dinka. They did not have Dar rights over Dinka land.

Within Misseriya there were recognized routes to the river grazing.

There were established seasonal grazing areas. These did not require annual renewals. The Misseriya did not go as far South as Lol in his day.

There was no question of a "Dar" for the Ngok, because Dar is an Arabic term.

With the introduction of local government in Sudan (pre-independence) the Omdas became responsible to local government and collected tax for them. Some of the existing Omdas became Court Presidents.



Dinka were entirely separate. They reported to the DC. If the DC wanted to get advice on Dinka custom he would get it from the Twij Chiefs Court in Bahr al-Ghazal [ref to p. 294 in their book].

On the option offered to Deng Majok to join Bahr al-Ghazal

This took place before Tibbs was in the province. Peter Hogg and Donald Rae were involved in 1951 (according to the Kordofan Monthly Diaries, quoted in government presentation of its case which El-Dirdeiry emailed to Tibbs).

Grinti (on the Bahr el-Arab near Darfur border) was Ngok Dinka place. Had to go there from time to time to "show the flag" because the Rizeigat tried to come there.

MICHAEL & ANNE TIBBS Haselmere, 21 May 2005

(visit by Donald Petterson, Godfrey Muriuki, Douglas Johnson)

Tibbs responded affirmatively when asked if there was continuity in the Ngok Dinka permanent settlements.

South of Tebeldia the country changes. But you can't draw a straight line from Tebeldia, the line has to curve south wards.

The area he shaded in as Ngok territory on a small A4 map (which he gave to us) began south of Subu. Ngok territory runs north from the Kordofan-Bahr el Ghazal border, just E. of Lau then in a curve running NW, south of Subu, west between Tebeldia and Antilla, then SW.

Nyama was just a place, not a settlement. Subu was the same. Began cultivating cotton there [ref to pp. 245-6 in their book]. Brought the Misseriya to cultivate there. The Dinka were not living in Nyama at that time.

IAN CUNNISON Hedon, 22 May 2005

Anthropologist among the Humr in the early 1950s. Author of *The Baggara Arabs* (1966). He was shown the notes to this interview and sent some clarifications and additional comments, which are given in brackets below.

(visit by Donald Petterson, Godfrey Muriuki, Douglas Johnson)

Confirmed that Humr conform to Muslim burial practices and bury bodies within 24 hours of death, so anyone who died while in a ferik would be buried near where they died. He was unable to say whether Humr would give an Arabic name to places where persons had died and were buried.

[*"I can confirm the point about burial practices. I don't think Humr give Arabic names to their places of death and burial in Dinka areas. Arabic place names in Dinka areas, as well as further north, typically refer to geographical or botanical features. But for the most part Humr use Dinka place names further south."*]

"You can map Humr areas, but these maps don't really mean anything. It just means that certain Humr tend to go to certain areas. But these are annual arrangements."

[*"There is strong identification of Humr groups with place, in respect of bulrush millet cultivation in Muglad, cotton cultivation and dry-season grazing in the south, and main migration routes. But there is less close association in respect of camping areas in the Babanusa: pools are smaller, water supply tends to be dodgy in the early rains and they take it where they can find it.*

"But everywhere Humr sections overlap (see map of omodiya areas, Baggara Arabs *p.224). Within these wider areas many* surras *have favourite camping areas. In the*

Muglad where they cultivate the staple millet some people have semi-permanent grass huts at their gardens. Herders avoid these gardens in the northward migration to the Babanusa in the early rains, but during the return (after the harvest around November) herders drive cattle to the gardens to graze on the stover."]

In his book Cunnison wrote, "Much of the Bahr has permanent Dinka settlements..." (p.19). He noted that "The tribesmen [Humr] are continually on the move, and do not have permanent houses anywhere..." (p.29)

[*"'Humr do not have permanent houses', but* surras *have strong identification with particular camping sites to which they seek to return year after year. In the south these are typically on regebas. Cotton cultivation began in the 1920s but since 1951 especially they have grown it extensively – though by no means all households do so. This activity occurs at the same time as the cattle are benefiting from lush grazing in the regebas and pools, away from the cotton. At this point cultivators again live separately from herders, using semi-permanent grass huts in settlements called* hilla *(village) rather than* ferik *(camp). The south of the country has suitable cotton soils (clay): cotton on sand is unsuccessful."*]

The difference between Humr and Ngok is that the Ngok had very substantial permanent dwellings. "The Humr had no land claims, no permanent settlements, no houses, unlike the Dinka." They do have permanent areas in the Muglad where they cultivate and these areas are sacrosanct. The Muglad is their place, their Dar, where their cultivations are. Some people remained there when the cattle were moved elsewhere.

[*"Dinka have permanent housing on the Bahr, but Humr do not. Dinka settlements are largely unoccupied during the Humr stay in the south, except for caretakers. The bulk of the Dinka and their cattle move over the Bahr ~~el~~ Arab. Arabs, during the dry season, camp by the regebas. By contrast Dinka erect their houses back from the regebas to avoid the flooding during their residence there in the rains."*]

The Dinka were not considered as interlopers; it was the other way around. The Humr would say, "We go and live among the Dinka in the hot season".

The bulk of the Dinka would be in the cattle camps, but some one would always be left behind.

[*"For the most part, there is good accommodation between Ngok and Humr when sharing pastures, but the bulk of Dinka cattle move away south before the Humr*

herds arrive; similarly these depart north largely before the Dinka return. There are occasional spats over grazing. Humr use facilities provided by Dinka from time to time, such as stowing goods in their houses."]

Quite definite in stating that the general area in which the Ngok maintained their permanent settlements remained the same over the years. There were a lot of Dinka villages around Lau, and upstream along the Bahr el-Arab, and also eastward.

It is very likely that the Dinka lived along the R. Zerga before the Humr came, based on the fact that they were there before the Humr and would have occupied the Zerga as an ecological niche.

[*"The substantial nature of Dinka houses means that their settlements have remained similar for a long period – probably from the beginning of the 20th century, or the end of the Mahdiya.*
"I said to you that Dinka were on the Regeba Zerga before the Humr. But I do have statement from an old Humrawi which suggests that before the Mahdiya, in the Jellaba period, the regeba was unoccupied. (It seems unlikely.)"]

A large number of Dinka found employment in Humr camps (herding, gathering wood, as servants in households). There were not many outright friendships between individual Humr and individual Dinka. The Humr felt themselves as superior to the Dinka. Would commonly refer to the Dinka as *abid* [slaves]. There were good relations with high status Ngok, such as the family of Deng Majok,

Heard about Humr making blood brotherhood with Ngok in general, but not any specific persons.

[*"Many Dinka are employed in Humr cattle camps as herders and also, in the Administrative Centre Muglad, as servants and unskilled workers. With Humr they communicate by a form of 'kitchen Arabic'. A very few Dinka manage their cattle and migrate in the Humr fashion through the seasons. This gives rise to practical friendships. There are said to be a few cases of blood brotherhood being forged between Humr and Dinka individuals. There are some attested cases of Dinka, servants or others, being ceremonially adopted into Arab families and accorded full rights, but not to the extent of anonymity – in the camp of Omda Hurgas, where I stayed, it soon became apparent who were of Dinka (or other non-Arab) origin."*]

APPENDIX 5: DOCUMENTARY SOURCES

Documentary sources include contemporary records written by British administrators during the first half of the twentieth century, kept in the National Records Office, Khartoum, the Sudan Library, University of Khartoum, the Sudan Archive in the Palace Green Library, University of Durham, and Rhodes House Library, Oxford. These records consist of early route reports, province intelligence reports, correspondence between province headquarters and central government, and some district records and private papers. Other published materials were also consulted, principally scholarly studies and memoirs by former administrators.

The records consulted spanned the period from 1899 to 1956. Bearing in mind that the Commission did not have access to the local government records kept in the district and province headquarters of Kordofan and Bahr el-Ghazal (in particular El Obeid, En Nahud, Rigl el-Fula, Wau or Goral), the administrative record for the area under consideration was incomplete. In general, the daily, monthly, and seasonal details of local district administration were rarely forwarded to the central government. The Commission was fortunate to find copies of some district records from the 1930s and 1940s in Durham.

The gaps in the contemporary record made available to the Commission notwithstanding, the material selected here is a valuable check against the statements gathered in oral testimony. They can provide confirmation or refutation of claims made for certain dates, evidence for or against claims of the continuity of occupation and settlement for some areas, and evidence about the consistency of oral testimony over the generations.

The extracts from sources presented here refer directly to the propositions examined and tested in the main body of the report. Verbatim quotations are italicised. Summarised information is presented in roman font.

Abbreviations:

App	Appendix
BGP	Bahr el-Ghazal Province (files in NRO)
Civsec	Civil Secretary's Office (files in NRO)
Dakhlia	Intelligence Department of the Civil Secretary's Office (files in NRO)
Intel	Intelligence Department (files in NRO)
KP	Kordofan Province (files in NRO)
NRO	National Records Office, Khartoum

SAD Sudan Archive, University of Durham
SIR *Sudan Intelligence Report*

5.1 The Location of the Missiriya and the Dinka in *c.*1795

W.G. Browne, *Travels in Africa, Egypt, and Syria from the Year 1792 to 1798*, 2nd edition, London: T. Cadell & W. Davies, 1806, pp.571-2

Route from Khukjé to the Bahr-el-ada, and thence towards the Bahr-el-Abiad From Khukjé to Baraka, S.W. 3 [days]

Baraka is inhabited by independent Arabs.

The greater part of this road is deep sand; the remainder, from Baraka by the Bahr-el-ada, is clay. The part of that river, which is here meant, is occupied by tribes of Arabs feeding cows and sheep; they are called Missirié. This part of the river is also frequented by wild and ferocious animals. The Missirié Arabs comb their hair back, twist it, and fasten it in the form of a scorpion's tail behind. They collect honey of the wild kind in great quantity, and hunt the elephant.

From Baraka to Tûrrût S.E. 4 [days]
From Tûrrût to Jungeiôn S.E. 1 [day]

The people of Jungeiôn are tall and black; they have cows, sheep, and goats, and feed on the Mahriek or white maize. They collect the dung of the animals mentioned, dry it, roast it on the fire, and afterwards use it for a bed. These people are very numerous. The country in their neighbourhood is all a plain, and the soil clay.

K.D.D. Henderson, "The migration of the Messiria into South West Kordofan", *Sudan Notes & Records* 22/1, 1939, pp.59-60

Browne has an itinerary from Kubja to the Dinka country, compiled about this time [*c.*1785]*....(Mareig is the Homr name for the Ngork)...This is a recognisable description of a journey from Kubja down the Wadi Ghalla to Baraka, the present headquarters of the Awlad Serur [Humr] and the starting point of the road to Turda (plural Turud). From Turda to the Dinka country at Debbat El Mushbak is much as described.*

Henderson, Note on History of Western Kordofan Baggara, January1935
[Source: K.D.D. Henderson Papers, SAD 660/11/151-73]

The Baggara came to Muglad around 1110 AH (1700 AD) and dispossessed the Dagu and Shatt [pp.151-2]. The Shatt King Deinga lived in Muglad. At that time, *"Ngork Dinka already held the Gnol river (Regeba Zerga) up to Ugnat Abu Urf...Deinga was easily defeated by Hameidan, and Eina El Gadim, whose help he had sought. He fled south eastwards to Turda and so brought the Arabs for the first time came into contact with the Ngork, whose leading man at this time was Deing of Torjok, residing at Debbat El Mushback, near Hasoba. Moindong, son of Kwal Dit, was Chief of Mabyor."* [p.154]

K.D.D. Henderson, "The migration of the Messiria into South West Kordofan", *Sudan Notes & Records* 22/1, 1939

The Ngork Dinka met them [the Shatt] *on the Gnol and drove them west. The Malwal met them on the Lol and absorbed them...The Homr think they were indigenous in El Muglad and were split by the Baggara invasion.* [p.55]
...we shall not be far wrong in dating the Baggara arrival in Muglad to the decade 1765-1775. [p.61]

The King of Shatt at this time was Deinga, with a headquarters south east of Ghereiga (now called Deinga's tree). Deinga was defeated by Eina El Gadim of the Messiria, who *"pursued and killed him in the neighbourhood of Hasoba, where he established contact with the Torjok Dinka at Debbat El Mushbak."* [pp.61-2]

It was probably well into the 18th century therefore before the Nuer began to drive the Twij west from Wonkai and to push up the lower Gnol and harass the Ngork, who were living with the Rueng south of Lake Abyad. Under Kwal Dit of the Abyor section the Ngork moved west along the Gnol, driving the Shatt before them, and settled from Tebusayya to Hugnet Abu Urf [*c.* 1745-55, p.76]. *This was one generation before the Baggara came south to Turda. Deing of Torjok was then their leading man, and his headquarters were at Debbat El Mushbak, a prominent mound near Hasoba. Kwal Dit's grandson Alor subsequently moved south to Kerreita to avoid being separated from the Twij and caught between the Nuer and the Baggara, who then occupied the Tebusayya bend of the Regeba. Later still, when the Rueng Ajubba were dislodged from Lake Abyad by internal feuds or Hawazma raids, Biong, son of Alor, handed over to them the rather unsatisfactory bit of country at Kerreita and moved further west to the site now called Sultan Arob after his son.* [p.58]

Watkiss Lloyd, "Some Notes on Dar Homr"
The Geographical Journal, 29/6, June 1907, p.651

The Homr...say they came from Northern Africa via Wadai, and have probably not occupied their present country for more than a hundred years.

Ian Cunnison, *Baggara Arabs: Power and the Lineage in a Sudanese Nomad Tribe*, Oxford: Clarendon Press, 1966

For generations the belt of savanna between Lake Chad and the White Nile has been the home of the Baggara Arab tribes. History and environment together throw light on their distribution.[p.1]*....they moved east and west along the line of sultanates, and gradually settled the strip they now occupy.*

By moving in these directions the Baggara remained in a natural environment of the same general kind. Southwards they would enter a land of mud and flies; northwards they would enter the semi-desert. The Baggara belt alone could support enough cattle to make the tribes largely self-sufficient. This belt includes patches of land of a very special type, with adequate water, nutritious grazing, and areas suitable for cultivation; and without land of this kind it is doubtful if pastoral nomadism on a large scale could flourish. .... [p.3]

The most commonly recounted tradition among the Humr is that they undertook the journey to evade the demands of the Sultan of Wadai. When they reached the land called Denga, whose centre was the place now known as the Muglad, they found pagan people called Dajo and Shatt in possession and drove them out. The Humr quarreled successively with the other Arab tribes that had accompanied them, battled them all away, and retained the place for themselves. It has since remained the headquarters (the dar*) of the tribe.* [p.6]

P.P. Howell, "Notes on the Ngork Dinka of Western Kordofan",
Sudan Notes & Records 32/2, 1951

In the eastern area, tradition, both Nuer and Dinka, holds that they once occupied the northern part of the Zeraf Island and were split and driven out by Lou Nuer. It is not possible to give an accurate date to this event, but from a comparative study of generations and age-sets (among the Nuer) and the maps of early travelers, the Nuer invasion of the Zeraf valley must have taken place early in the XIXth century. The Ngork do not mention this Nuer invasion of their original country and it may be

that they migrated earlier. It is clear too that there were Dinka living in the present country of the Ngork long before the Nuer invasions eastward started. [p.241]

5.2 The Humr, the Muglad and Lake Keilak

Summary of News Contained in Bimbashi Townsend's Report, August, 1901, on Western Kordofan

[Source: *SIR* 86 (September 1901), App C, p.18. NRO Intel 6/3/12]

The Homr appear to be still much scattered, their two principal districts being Muglad and Mumu, near El Eddiaya.

Report by Mudir, Kordofan, on Tour in South Western and North Western Kordofan in November and December 1901

[Source: *SIR* 90 (January 1902), App E, p.10. NRO Intel 6/3/12]

This [Muglad] *is the headquarters of the Homr (Agari), and they cultivate and keep their herds here during the rainy season, and, when the water supply gets short, go south to the Bahr el Arab* [sic: Bahr el-Homr].

The crops here are very good. Very little permanent water, although good wells can be dug at a depth of 12 to 20 feet.

The Homr (Agari) are practically separate from the Homr (Feliti), whose headquarters are at Keilak.

General Description of BAHR EL ARAB and DAR EL HOMR
[Source: Count Gleichen, *The Anglo-Egyptian Sudan*, Vol II (London: HMSO 1905), p.157]

Only in a few places, Fauwel, Keilak, and Kuek, do the Homr Arabs remain throughout the year, as they say that the flies and mosquitoes torment man and beasts to such an extent as to make life unbearable.

Watkiss Lloyd, Governor of Kordofan Province, Report on Kordofan Province, 1908
[Source: *SIR* 171 (October 1908), App D, p.53. NRO Intel 6/5/18]

The Homrs cultivate round Muglad and Baraka, but as soon as the water dries up they migrate southwards to the Bahr El Homr.

A.C. Beaton, Western Kordofan District Information Book, 1947
[Source: P.P. Howell Papers, SAD 768/4/64]

Summary of information: Grazing: By 1st April in any year Dar Hamar is an open grazing area. By the beginning of the rains, Agaira flee from Bahr el Arab to around and north of Muglad due to "giim" and mosquitoes; Felaita from Lake Keilak to Kijeira and Zurg to north of Abu Zabad. In November the reverse occurs.

P.P. Howell, Some Observations on the Baqqarah Messiriyyah [1948]
[Source: P.P. Howell Papers, SAD 768/5/1-84]

Among the Homr the central zone is the muglad *which is the pivot on which all movements are based and provides a rallying ground fro* [sic] *the tribe during the rainy season....* [p.6]

Within the Muglad*, each secondary segment or* omadia *has recognized rights in grazing and cultivation, but the boundaries between them are not closely defined or guarded.* [p.12]

Ian Cunnison, "The Humr and their Land", *Sudan Notes & Records*, 35/2, 1954

Dar Humr is composed of four main zones. From the north, there is the Babanusa, which is the rains pasturage of the tribe. The Muglad is the cultivation area, where the cattle make brief sojourns on their north-south migrations. The Goz is used simply as a means of getting from one set of pastures to another. The Bahr is the later winter and summer grazing area. This is for the Ajaira section of the tribe. The other section, the Felaita, also uses the Babanusa and the Muglad, but their summer pasturage is eastwards and south-eastwards to their Bahr, which consists of lakes Keylak and Abyad and one or two regebas or wadis. [p.52]....

The Muglad is regarded by the Humr as their home. Their arrival there from the Bahr is the occasion for great rejoicing and anticipation. [p.54]

5.3 The Humr and the river (Bahr)

Humr History, Ali Rahma
[Source: Field Notes, *c.* 1953, Ian Cunnison, copy provided by the author]

During the time of Ali Abu Gurun: *At this time they were not sair* [migrating] *to the Bahr...Then after a while the Bahara came (Jellaba of the Turks). They took all the Humr cattle. So the Humr set up on the Bahr. At that time the Bahr had no Dinka. Gole and E: Umm Biuro fady* [the regebas Gole & Umm Biuro were unoccupied], *serragin* [except for shady characters] *only. Then the Mahdia: many went to join the khalifa.*

Humr History as Related by Abu Mastura
[Source: K.D.D. Henderson Papers, *A Note on the History of the Hamer Tribe of Western Kordofan,* SAD 660/11/148]

When the Mahdi appeared, Ali Masar went to him accompanied by some Arabs. When the Mahdi heard that there were some remaining Arabs in Deinga he sent them a party presided by El Ghazali was Fadlalla to get them and if they refused, he would fight them. They rejected to obey him and killed all the party. The Mahdi sent another party presided by El Oshari wad Radi who went and killed the Humr's Headman, who was at that time Manawar Heila after whose death all the Humr escaped and most of them lived with El Robe Kwal [Arop Biong] *reigned by Hamdan Abu Ein till the Mahdia after which the ruler was Ali El Gulla.*

W. Lloyd, Report on a Tour of Inspection in South-Western Kordofan, 26 December 1907 [Source: *SIR* 162 (January 1908), App G, p.55. NRO Intel 6/5/18]

Followed the course of the Bahr el-Homr from Dawas eastward towards Hasoba. *"The forest was thick, and the going either bad or very bad, except where there were clearings made in the Dervish times by the people who refused to go to Omdurman with the Khalifa, and who lived on the river to escape being raided. These places are now deserted, as the elephants and birds used to destroy much of the crops, and the mosquitoes and fly were very bad."*

W. Lloyd, Report on a Tour of Inspection in South-Western Kordofan, 26 December 1907 [Source: *SIR* 162 (January 1908), App G, p.56. NRO Intel 6/5/18]

Summary of information: The Homr Agaira, Walad Kamel dry season camp, and the Badana occupying them, are as follows, reading down stream from the frontier:-

Place	Badana [sub-section]	Means of Obtaining Water
Bok	Fairin	Wells when dry
Dawas	"	
Bambon	"	
Antila	"	
Fogara	Dar Um Sheiba	Wells when dry
Abu Erdu	" " "	" " "
Goli	Dar Muta	" " "
Bueidat	Dar Salem	" " "
Abu Azala	Dar Muta	" " "
Abu Uruf	" "	" " "
Demsoi	Kalabina and Mizagina	" " "
Fagai	" " "	
Mellum	" " "	Wells when dry
Hasoba	" " "	" " "

Walad Omran section goes to Fauel, Fut, Koak, Turda
Homr Falatia to Keilak and Abiad
"*Each Badana has a road of its own from their cultivation and rain camps near Muglad to their dry season camps on 'El Bahr'.*"

Watkiss Lloyd, Governor of Kordofan Province, Report on Kordofan Province, 1908
[Source: *SIR* 171 (October 1908), App D, p.34. NRO Intel 6/5/18]

West of Dar Nuba is Dar Homr, a vast plain extending far beyond the frontier [with Darfur]. *This plain is sandy north of Muglad, but black soil covered with thick bush to the south. The black mud is, however, crossed by sandy belts running S.E. and N.W. along which are the roads, from Muglad and Baraka, where the people have their cultivation, to the Bahr el Homr, where they go in the dry season.*

The drainage system is much confused, and at present it is uncertain where some of the chief Wadis really rise.

Marginal note at bottom of Humr tribal lists [undated but *c.*1919 or later]
[Source: NRO Dakhlia I 112/7/49]

The Homr-Felaita spend the rains at Muglad and Kigeira and the dry weather at Lake Keilak or at the Bahr El Arab.

The Homr-Agaira spend the rains round Muglad and the dry weather along the Bahr El Arab.

Finance Secretary to Civil Secretary, Government of Sudan, 21.4.1927
[Source: NRO Civsec I 22/1/1, page 52(b)]

...There are no cattle markets in or near their [Homr] *country and for six months in the year they are in the wilds down on the Bahr el Arab cut off by a waterless belt of country from Kordofan.*

J.W. Robertson, Handing Over Notes on Western Kordofan District, 1936
Chapter IV The Humr Administration,
[Source: J.W. Robertson Papers, SAD 517/3/17]

Dar Humr is a wide Dar, but is very waterless. I have put in proposals for increasing the water supply – The Humr are semi nomadic – They spend six months of the year on the great semi circle from Grinti to Keilak on the Bahr El Arab, and its system of tributary wadis (regabas) – When the rains start they come north to the neighbourhood of Muglad, Mumu & Kejeira.

P.P. Howell, Some Observations on the Baqqarah Messiriyyah [1948]
[Source: P.P. Howell Papers, SAD 768/5/1-84]

Due south of the Muglad *is the area which the Homr refer to as the* Bahr. *The name is simply taken from the main perennial river of that region, the Bahr el Arab, but it is used loosely to describe a vast tract of country where many variations of topography and vegetation are found.* [p.11]

...In the dry weather, a secondary segment will tend to move in the same direction towards their summer pastures, but there will be a certain amount of intermingling. There is therefore a tendency towards the territorial segretation of tribal segments, but the limits are by no mean exacts [sic] *and movements are a matter of tradition and inclination rather than dictated by any exact definition of rights. Boundaries are rarely disputed except when there is a threat of epidemic disease among the cattle. Though occasional quarrels arise, grazing rights are not a common subject for litigation and one assumes that as there is no real shortage of land and pasture,*

there is a lack of precision in matters of land-tenure. This applies between the secondary segments, less so between the primary segments, where political rivalry fosters territorial distinctions, and hardly at all between the two tribes [Humr & Zurg] *between whom the boundaries are guarded, where political rivalry reaches exhimes* [sic]. *Small units, which may have associations with similar units across these boundaries, may cross with impunity, but a lare-scale invasion of pastures whould be resented and resisted.* [p.12]

Ian Cunnison, "The Humr and their Land", *Sudan Notes & Records*, 35/2, 1954, p.51

The river system is known to the Arabs as the Bahr, although they subdivide the area into the Regeba (consisting of Regeba ez Zerga and the Regeba Umm Bioro); and the Bahr, or the Bahr al 'Arab, which consists of all river beds between the Regeba ez Zerga and the main river. [Fn 3: *The nomenclature is confusing. The river which is generally shown on maps as the Bahr el 'Arab – and in one section as the Jurf – is always known by the Arabs as the Jurf. They point out that it is not the Bahr el 'Arab, for the Arabs do not normally settle by it at this part, but the Bahr ed Deynka.*]

Ian Cunnison, *Baggara Arabs: Power and the Lineage in a Sudanese Nomad Tribe*, Oxford: Clarendon Press, 1966

Humr move in a regular seasonal cycle through the four distinct types of country into which Dar Humr is naturally divided: the Babanusa, the Muglad, the Goz and the Bahr. [p.13]....

The Bahr is the name which the Humr give to the whole of this dry-season waterng country. Within it they recognize different districts: "the Regeba" is the northern part of the Bahr, where the Humr make their earliest dry-season camps...The "Bahr" proper is the region where the camps are made towards the end of the dry season, mainly around the largest watercourses, the Regeba Umm Bioro and the Regeba Zerga. Finally the "Sahaly", or "toich" of the Nilotic region, is the area of treeless flood plain towards the south-east, which is occassionally used for cattle camps and for giraffe-hunting. [p.18]

....much of the Bahr has permanent Dinka settlements, although during most of the time that the Humr occupy it the Dinka are with their cattle south of the Bahr el Arab.

The use of these regions is seasonal.... [p.19]

The country, centered on Abyei, of the Ngok Dinka is traditional grazing ground of the Humr in the dry season, and it forms a part of the Dar Messiriya administrative district. Ngok Dinka are free to migrate north with the Humr, but only a handful of cattlemen do so in company with the Humr camps. [p.25]....

The way in which the tribal sections move seems not to have varied much since the Reoccupation. Before that, dangers of raids from the Rizeygat made the Regeba Umm Bioro unsuitable...Today, also, the Humr have less hesitation than they had about camping in Dinka and Nuer country. One of the few ways in which Humr constantly praise the Government is in respect of the freedom which they now have to graze in distant parts; this suggest that they previously kept to a more rigid pattern of migration. [pp.26-7]....

The tribesmen are continually on the move, and do not have permanent houses anywhere...[p.29]

5.4 Humr Grazing

Bahr el Ghazal Province Intelligence Report, March 1923
[Source: NRO Aweil BelG 1/3/11]

Central District: Bimbashi Titherington travelling around the area of the Northern Dinkas. *"He met the District Commissioner Southern Kordofan near the Bahr-el-Arab and many matters of mutual interest were discussed and cases between the TWIG Dinkas and HOMR Arabs settled. The Dinkas still continue to complain of the incursions of large bodies of Arab so called hunting parties. The Twig are the only section which agrees to these parties provided they report to the Chief on arrival and pay the usual share on leaving. These parties are supposed to be strictly limited in number but in fact several parties join together as unless there are from 100 to 200 they fear to attack elephant and buffalo. Several feriks consisting of men, women and children with their herds have been found in the Province. This is against all orders and angers the Dinkas who object to their grazing and water being exhausted and also fear their children being kidnapped."*

Bahr el Ghazal Province Intelligence Report, January 1924
[Source: NRO Aweil BelG 1/3/11]

Central District. *Mr. Winter, the Deputy Governor, reports that his and Major Titherington's meeting with Mr. Crawford, D.C. Southern Kordofan, on the Bahr el*

Arab to discuss that much vexed question of Arabs entering the Dinka country in the North of this Province was very successful. Agreement was arrived at on all points.

A.L.W. Vicars Miles, DC Western Kordofan to Governor Kordofan, 9 August 1931
[Source: NRO BGP 1/5/31]

The Malwal Dinka is a growing problem in Dar Humr. He crosses the boundary and brings his cattle as far North as Muglad. Thus spoiling the grazing for the Humr cattle as they return to the river.

The problem is the expansion of Malwal herds beyond grazing capacity. Humr herds already amount to 100,000 on the herd tax lists, so they cannot find grazing for Malwal in Dar Humr. *"Even if possible I doubt it would be acceptable as I understand the policy is to exclude the Dinka from Arab influence and the Arab would in any case deeply resent it.* [Even] *our Dinka complain bitterly."* Requests this matter be taken up with Bahr el-Ghazal before next rains.

K.D.D. Henderson, A,D.C,, Western Kordofan,
Malwal Herds in Kordofan. 1932. Wunrog, 18.4.1932
[Source: NRO BGP 1/5/31]

Ngok & Homr both complain of Malwal herds entering their grazing area on a larger scale this year than ever before:

The effective grazing area of the Homr tribe in the dry season is limited to the neighbourhood of certain pools along the Regebat Um Bieno[sic] *from Grinti to Abyei, the Regeba Zirga from Intila Eastwards to Mellem and Doleiba, and the road to Keilak. The Eastern part of this area has now been invaded by the Rurug* [sic], *the Central portion is shared by the Ngork, and the Western, and part of the Central area is the scene of the Malwal incursion.*

At present they are all along the Gurf notably at Kardabsa, and graze North from there to the Um Bieno [sic]. *At Duhl el Sayar they had eaten out a lot of grazing before the Arabs got back from Muglad. Last Week at Kubbeng on the Alyei-Alyati road I found a large number of Malwal with several hundred head of cattle in complete possession of the Meshra.*

In a bad grass year there would probably have been trouble. Only Kwal Arob's hold over his people prevented it this time.

What the Ngork and Homr ask is:-
(1) That the Malwal should normally keep inside the Bahr el Ghazal boundary.
(2) That in bad years they should only be allowed North and East by a system of permits, and even so should not cross the Gerf [sic] *with cattle.*
(3) That they should be given a right of confiscating cattle similar to that of the Surij on infringement of certain regulations (e.g. where cattle stray on the causeways).
We appreciate the difficulties of the Malwal but the Arab and Ngork grazing is more limited than it appears to be, and the Arab feels he is being slowly pushed back from the river.

I would add that individual relations are excellent, and I found numbers of Malwal living in the Feriks along the Regeba, supported on Arab hospitality. The Arabs had no desire for their expulsion.

J.A. Gillan to Governors of Bahr el Ghazal, Darfur and Kordofan Provinces, 31.10.1933, Map of grazing areas for Rizeigat, Homr, and Ngok Dinka
[Source: NRO Civsec I 66/4/35 vol. I]

Map:	Listed cattle	Approx. area
Fayirim	10,800	102 sq. mls.
Matinin }	8,300 }	250 sq. mls.
Awl Kamil}	10,200 }	
Ngork Dinka	50-60,000 (approx.)	500 sq. mls.

Extract from Bahr el Ghazal Province Diary for February, 1935
[Source: NRO Civsec I 66/4/35 vol. II]

Native Affairs
(a)...1. The GNORK (of Kordofan) have full grazing rights northwards of the ALLAL and the TWIJ (of Eastern dist.) Bahr el Ghazal, northwards of the KIR. (i.e., the area has been defined as the common area of the TWIJ and the GNORK).

Agreement made at Wunrog on 7th March, 1935
about N'gork Twij Grazing Dispute on the Alal
[Source: NRO Civsec I 66/4/35 vol. II]

The following points were agreed upon and announced:-
(1) The Ngork have full grazing rights up to the ALAL, and the Twij up to the Kir.

(2) *The Owen-Blackley agreement about Malwal Grazing on the ALAL was cancelled.*
(3) *The N'Gork* [sic] *and Twij Chiefs agreed to admit the following nine Malwal wots into their common grazing area* [nine sections then listed]

Kordofan Monthly Diary, January 1938, p.3
[Source: NRO Civsec I 57/8/32]

Summary of information: The Homr have been moving down to the river and complain that the Dinkas from Tonj District have been trespassing on Homr Grazing areas.

5.5 Malwal Dinka–Rizeigat Conflict and the Wheatley-Munro Agreement

Wheatley-Munro Agreement. Rizeigat – Dinka (Malwal) Boundary, 22 April 1924
[Source: NRO Civsec I 66/4/35 vol. I]

1. *Bahr el Arab and the country South of the River to an approximate distance of about 14 Miles is recognised as the Dar of Rizeigat.*
2. *Notwithstanding No. 1 General permission is given the Dinkas (Malwal) by the Nazir of the Rizeigat to continue to water their cattle on the Southern bank of the Bahr El Arab, and to fish in the River. This permission cannot be withdrawn without the approval of the Governor of Darfur who will consult the Governor of the Bahr el Ghazal before action is taken.*
3. *No Arabs are to enter the "Dar" of the Malwal Dinkas for hunting, or other purpose....*

W. Owen, A/District Commissioner, Northern District
to A/Governor, Bahr el-Ghazal Province, 16 October 1925
[Source: NRO Civsec I 66/4/35, vol. II]

4. *It should never be forgotten that the Dinkas claimed up to the South bank of the Bahr el Arab, or River Kir as the Dinkas call it and admit the right of the Arabs up to the North bank of the river, they still strongly maintain this claim which is a fact that would cause serious trouble were it over looked. They consider the original Saville* [sic] *Pasha Burgas* [sic] *Watson agreement* [Savile–Burgess-Watson agreement of 1918] *gave or attempted to give away their country to*

the Arabs. They deny having given their consent to it and bitterly resent it still. That agreement gave all the country some 30 miles South of the river Arab as the crow flies to the Arabs and brought the Darfur–Bahr el Ghazal Province boundary to within 14 miles of the river Loll. Some Dinka villages fell within the new Darfur boundary giving the Dinkas the impression their country and their grazing had been jumped by the Arab and the Government and culminated in the fighting round Nyam Lell and our total loss of control of the Dinkas of the present Northern District.

5. *The Dinkas feel very stringly* [sic] *on the Bahr el Arab question and are prepared to resist forcibly any jumping of what they rightly or wrongly consider their ancient grazing rights.*

J.M. Stubbs, Assistant District Commissioner Northern District, Bahr el Ghazal Province Notes on Rizeigat Arabs – Malwal Dinkas Boundary Dispute, 2 December 1930
[Source: NRO Civsec I 66/4/35 vol. I]

The question of the Rizeigat–Dinka boundary first arose soon after the absorption of Darfur as an administered Province of the Sudan. At that time complaints were made by the Dinkas of Arab slave raids into the unadministered tribes of what is now the Northern and Eastern Districts, which were explained by the Rizeigat as the lawful protection of their hereditary grazing grounds on the Bahr el Arab.

I have been told that the first official to attempt to make any settlement in this area was an Egyptian Mamur, but as his departure was immediately followed by an attack on the Arabs whom he left in possession of the river, little came of his efforts.

The next meeting occurred in 1918 when Savile Pasha meet Captain Burges Watson [sic] *at Safara. The latter representing this Province came from the Western District and had little knowledge of the Dinka side of the question. At this time the Malwal were unadministered except for a military post at Niamlell* [sic] *sent there originally to prevent slave raiding, but regarded with hostility by the local natives.*

The boundary fixed by the 1918 meeting was roughly parallel with, and 40 miles South of the Bahr el Arab, and included many Dinka villages in the Arab areas.

Owen Bey states in many of his letters that this boundary directly contributed to the Arien Dit [Arianhdit] *rising* [1921-2].

In 1924 a second meeting was held at Safara to discuss the boundary. Darfur was represented by Mr. Munro, the District Commissioner Baggara, Nazir Ibrahim Musa and all his Omdas, and this Province by Major Wheatley [governor]*, Captain Owen, and the Malwal Dinka chiefs concerned. I happened to be present in an unofficial capacity as I was afterwards to accompany Major Wheatley from Safara to Kafikingi.*

The meeting opened with both sides confident in their claim to the sole grazing rights on the Bahr el Arab, and an attempt was at once made to prove right by priority. All that came of this was the production of odd individuals who were indistinguishable from the Arab or Dinka people of their adoption, who claimed to be Shatts and the only true owners of the river.

Next an attempt was made to prove right of possession by conquest. Here again little progress was made, as in 30 years of guertta [sic: guerrilla] *fighting the fortunes of war are likely to change. Both sides claimed their right to a boundary up to their furthest penitration* [sic]*, which occurred with the Dinkas when the Rizeigat were being hunted by the Khalifa, and at a later period with the Arabs, when Dinka tribal conditions were disorganised by the Government post at Niamlell* [sic] *and Arab slave raids.*

After hearing all this the British officials withdrew and discussed the question. It was recognised by the representatives of this Province that the Rizeigat had no grazing in the dry weather except the Bahr el Arab, and the Darfur officials were informed that after the limited grass lands of the Loll were eaten up the Northern Malwal were in similar straits.

I believe that the loyal attitude of the Rizeigat during the then recent Nyala rising [1921] *had a lot to do with the wording of the agreement made. This was a compromise put so as to propitiate the Arab point of view and laid down that "the section of the Bahr el Arab in question and country* [1]*4 miles South of it was the traditional grazing ground of the Rizeigat, but that the Nazir of this tribe gave free permission to (what are now 4 sections of) the Malwal Dinkas to graze their cattle on the South bank of the river, and undertook that this permission would never be cancelled. The Dinkas were forbidden to cross the river....*

This agreement has been in force up till now. The Dinkas however seem still to be under the misapprehension that the river is the boundary, and the Arabs are breaking their agreement in coming South.

They have been told many times that this is not the case.

M. Parr, Governor Equatoria to Civil Secretary, 7 November 1938
[Source: NRO Civsec I 66/4/35 vol. II]

[The Savile–Burgess-Watson agreement of 1918] *was the direct cause of Ariendeet's* [sic] *rebellion and the patrol in Aweil of 1921-1922: after which the matter was reconsidered and the Munro-Wheatley agreement signed in 1924. I have not been able to find any papers giving the evidence on which this agreement was based. Mr. Morrison when at Wau referred to a statement by Slatin Pasha that the Bahr el Arab was the southern boundary of the Rizeigat, (but I do not know the reference). The evidence may be important, but I should doubt whether it is, because the definition of the southern boundary of a Dar (itself a very vague term) as an imaginary line* approximately *14 miles south of the Bahr el Arab (itself not over clearly marked on the ground) looks to me like a compromise designed to make article 2 of the agreement more palatable to the Arab. It is relevant that at this date it was dubious whether anyone had adequate knowledge of the Dinka to present their side of the case, or whether touch was close enough for the Dinka even to reveal it.*

Governor of Equatoria to Civil Secretary 10.11.38
[Source: NRO Civsec I 66/4/35 vol. II]

Before 1916 the Arabs did not graze South of the Bahr el Arab; except for raiding parties of Rizegat Arabs, no Arabs dared cross the River to graze, for the Dinkas would have gone for them. [Comments by Col. R.C. Greenwood of the Egyptian Army, who left Bahr el-Ghazal in 1916]

5.6 Relative Wealth of Humr and Ngok at Turn of the Nineteenth and Twentieth Centuries

Humr History as Related by El Fiki El Nur Musa El Shami
[Source: K.D.D. Henderson papers, SAD 660/11/150]

In past times humr [sic] *were not in the habit of paying Tulba but until the arrival of El Zibeir* [Pasha]. *He sent them Mohamed Hamed asking that the Tulba be small slaves and then send them Abu Shagir requesting that the Tulba be cows. The total of cows paid by humr [sic] as Tulba was 1000. 500 by the Felita and 500 by the Agaira.*

When El Zibeir had been arrested by the Government, a Mamur named Burri

Suleiman was sent to collect the Tulba and was succeeded by Mahmud Mahi and Sirur Eff whom first went to the Felita and then to the Agaira who escaped to Um Beware. Sirur Eff returned accompanied by the Felita Sheikhs to Birdia. The Fileiti, Faris asked many people to accompany Sirur Eff in his way but they refused. He went with them to El Obeid where he lived 6 months till the Mahdia appeared and the Government told him to return to his Dar on condition that if the Government defeated the Mahdia he must be appointed as a Nazir in Dar Humr.

K.D.D. Henderson, "The migration of the Messiria into South West Kordofan", *Sudan Notes & Records* 22/1, 1939, pp.66-7

Summary of information: Zubeir Pasha [c.1865] was based south of the Bahr el Arab building up a force and coalition. He appointed Ali Messar as head of the river Homr, and he collected a thousand head of cattle for Zubeir as tribute. Homr obtained the support of one of Zubeir's Shaigi captains (Taha Abu Sidr) against the Zurg.

Zubeir appointed Subahi, a Jaali Gellabi at El Odaya Sanjak of Homr in 1875. Homr thus allied with Rabeh and El Hag Zubeir against government, with Zurg on side of government at El Obeid. Zurg were decisively defeated and scattered by Subahi's bazingers and Homr cavalry. Gessi defeated Suleiman and Gordon chased Rabeh out of Darfur 1878. In 1879 Gordon allowed Subahi to remain as Sanjak at El Odaya with a guard of 600 Dinka slave riflemen. 1880 Subahi was replaced by Ali Wad el Khatim, but he and his riflemen resisted, killed Ali and fled to Nuba Mountains. Messiria then reoccupied El Odaya.

In Dar Homr there were fights between the Zubeir Pasha party led by Ali Messar and the rest.

Francis Deng, *The Man Called Deng Majok.*
New Haven & London: Yale University Press, 1986, p.46

Biong was the leader who got the brunt of the nineteenth-century upheavals resulting from wars with the Arab slave traders...Although Biong's son, Arob, also got the worst of the Arab-Dinka hostilities...he was able to establish diplomatic relations with the Rezeigat and the Missiriya Homr Arabs to protect his people against the harassment of slave raids by their tribesmen. He and the then chief of the Homr, Azoza, ritually bled themselves and mingled their blood to establish a relationship that has continued to be honored by their respective descendants to this day.

Route 101. El Obeid to Dar el Jange, Major E.B. Wilkinson, January-February 1902
[Source: Count Gleichen, *The Anglo-Egyptian Sudan*,
Vol II (London: HMSO 1905), p.154]

Keilak is a series of tukls badly built and inhabited by Homr Arabs who possess few flocks, a few horses, and appear to live on the Nubas....

B. Mahon, Extract from a Report by Mahon Pasha, on Country from El Obeid, via Kadugh and Shibun, to Sultan Rob's Country on the Bahr El Homr, about 2 days from Lake Ambady [Source: *SIR* 92 (March 1902), App F, pp.19-20. NRO Intel 6/3/12]

The people are much more prosperous than I expected, and I came across no actual want. Some of them are very rich in cattle, especially the Dinkas. I saw about 12,000 cattle in one place belonging to one man (Dinka)....

I was very well received by Sultan Rob... These people are well off and own immense heads of cattle.

Rob's place is a great trade centre for Bahr El Ghazal and a lot of ivory comes there, but a great portion of this goes away west and to El Fasher.

J.R. O'Connell, Governor Kordofan Province, "Annual Report. Kordofan Province 1906", *Reports on the Finance, Administration and Condition of the Sudan 1906*, London: Waterlow & Sons, Ltd., 1907, p.677

The Baggara are fairly well off. The Messeria are the most energetic, having large herds and good crops, the Hawazma are the most idle, and the ~~H~~omr the poorest and most troublesome.

P.P. Howell, Some Observations on the Baqqarah Messiriyyah [1948]
[Source: P.P. Howell Papers, SAD 768/5/1-84]

During the mahdia *the country was more or less depleted of cattle. Those who did not join the khalifa's forces, and remained at home were themselves subject to attack during the unsettled times which followed. Many were forced to purely agricultural practices with only a few stock still in their possession.* [fn: *Baggara say that it was dangerous to keep cattle for their lowing gave them away when hiding in the bush.*] *Thus, when the main body of the tribe found its way back into Dar*

Messeria after the Reconquest, they had to purchase stock from elsewhere which at that time were difficult to obtain and those which were of inferior qualitiy. [p.22]

During the Mahdia*, the majority of the Homr and a minority from the Zurug joined the Khalifa's forces and some attained positions of influence. In Dar Homr the remainder lived a precarious existence at home with occasional outbreaks of open rebellion. At one time they were led by Manowir Habila of the Dar Um Sheiba (A. Kamil), but he was defeated and killed by* Mahdist *forces led by the Emir Bishari Reida. Those who survived fled southward-s* [sic] *and took refuge with the Ngork Dinka.* [p.74]

5.7 Taxation and Courts

Taxation

B. Mahon, Report on tour of inspection through Western and Southern Kordofan, 11 March, 1903, [Source: *SIR* 104 (March 1903), App E, p.19. NRO Intel 6/3/12]

The Dinkas everywhere thought I had come to collect tribute from them, and said they were willing to pay, but I told them I wanted nothing for last year, and that when the government wanted tribute they would be warned beforehand. It would not be the slightest use trying to collect tribute from them until there is a Mamur and a post in that direction. Although they say they will pay, I know it would take months and a lot of troops to make them do so. They have large herds of cattle.

Report on Kordofan Province.
Edited by El Kaimakam Watkiss Lloyd, Governor, Kordofan Province, 1908.
[Source: *SIR* 171 (October 1908), App D, p.84. NRO Intel 6/5/18]

Appendix V, Kordofan Province. List of Tribute for 1908: ~~Mes~~sseria [Zurg], £E960; Homr Ageira, £E500; Homr Falaita, £E200; Dinkas, £E50

A.C. Beaton, Western Kordofan District Information Book, 1947
[Source: P.P. Howell Papers, SAD 768/4/95]

Summary of information: Dinka Poll Tax: Until 1945 Dinka poll tax had not risen above 150 m/ms per head and produced at most £750 per annum. For 1945 the tribe put its own taxes up to 200 m/ms per head and raised the income under this head to £1000 per year. A lapse to £980 in 1946 was restored in 1947 to £1035.

Kordofan Province Monthly Diary, April 1947, p.2, para 882

[Source: Sudan Library, Khartoum University]

Summary of information: The District Commissioner paid a visit to Abyei, the last before the rains closed the road. The Dinka were peaceful and had paid their LE 1006 poll tax in one lump sum. The court was working well.

G.M.G. Tibbs, District Commissioner, Dar Messeria District,
Administration in Dar Messeria District and the Dar Messeria Rural Council 1954
[Source: Michael and Anne Tibbs, *A Sudan Sunset,*
Totton: Hobbs the Printers, 1999: Appendix 5, p.292]

Summary of information: Messeria pay both herd tax and poll tax, while *"the Dinka pay only poll tax, and no herd tax."*

Courts
D. Newbold, Governor Kordofan to Civil Secretary, 8 May 1934: Ngork Dinka Court,
[Source: NRO Civsec I 1/36/97]

I request approval for the establishment under Section 6 of the Native Courts Ordinance 1932 of a Sheikhs' Court, for the NGORK DINKA of Western Kordofan under the presidence [sic] *of their chief KWAL AROB, with tribal (not territorial) jurisdiction and with powers of punishment up to one year's imprisonment and £.25 (or 50 cattle)....*

The Ngork Dinka, also known as Mareig, inhabit the South West corner of Kordofan and the Court headquarters will be at ABYEI on the Bahr el Arab about 100 miles S.E. of Muglad, with which it is now connected by a motor road....

For many years he [Kwal Arob] *has settled disputes among his people, and has maintained friendly relations with neighbouring tribes both Humr Arabs, and Twij and Rueng Dinka.*

In 1922 Mr. Dupuis reported "He is by far the best man available for the headship of the Mareig...The majority of cases brought to me had already been seen by Kwal and it was after only left to me to enforce his decisions."....

In 1932...Capt. Vicars-Miles and Mr. Henderson...recommended that the informal Court held by Kwal Arob be regularised. He hitherto sentenced offenders to fines of cattle according to native custom. He entered his cases in a book from 1930

onwards. Most of his cases were civil disputes and cases involving personal law (Dinka not Sharia).

The District Commissioners recommended that his powers should be "similar to those prescribed under the Chief Courts Ordinance."

Mr. Gillan then Governor replied on 14/6/32:-
"I agree in principle that Kwal should have a duly authorised court....I should prefer it to be under the Native Courts Ordinance.....It would be a nuisance to have one Court in the province under a separate Ordinance. The scope given by the Native Courts Ordinance is sufficiently wide to enable us to make suitable rules." In actual fact the Chief Courts Ordinance 1931 cannot be applied to Kordofan but our proposals conform to it.

Acting Governor Kordofan to Civil Secretary, 15 June 1936, El Obeid
[Source: NRO Civsec I 1/37/99]

Summary of information: Ngork Marieg Dinka Court is designated separately from the Messeria [Zurg] and Homr courts as Court No. 12.

A.C. Beaton, Western Kordofan District Information Book, 1947
[Source: P.P. Howell Papers, SAD 768/3/22-53]

The Hamar and Messeria have independent budgets, but the Dinka, Nuba and Daju still look to the District Commissioner for the ordering of their administrative, judicial and financial affairs. [p.44]

The administration of the Dinka for the moment [1947] *rests with the District Commissioner. Their Chief (Bainy), who aspires to the title of Nazir, lives at Abyei. He administers his people by virtue of a court warrant issued under the Chiefs' Courts Ordinance 1931. He has two deputies (one still vacant in 1947) and collects taxes through the heads of the subsections (wuts).*

The wuts are nine in number Abyor, Achweng, Anyel, Mareng, Bongo, Manwar, Dil, Achak and Alei, paying in all about £1000 in poll tax. [p.53]

G.M.G. Tibbs, District Commissioner, Dar Messeria District,
Handing Over Notes for My Successor, August 1954
[Source: Michael and Anne Tibbs, *A Sudan Sunset,*
Totton: Hobbs the Printers, 1999: Appendix 3, p.274]

You have only the Dinka Court to look after...it is difficult to keep a tight rein on it when you can only get there December to April...The other courts and Court Presidents work under the direction of the Resident Magistrate in Nahud...

5.8 Creation of "Dar Messeria" District

Kordofan Monthly Diary, July 1947, p.3 [Source: NRO KP 1/18/86]

Summary of information: At a meeting of all tribal authorities at Muglad on 17.7.47 it was agreed that the Dinka (Ngork) and Nuba confederations would eventually have to be included as administrative units of the Messeria Rural District Council.

P.P. Howell, Introduction to Handing-Over Notes on the Ngork Dinka [1948] [Source: P.P. Howell Papers, SAD 768/1/26-27]

1. *Simply stated, the problem is this. Are the Ngork to find their future linked entirely with the North and included in Dar Messiria District Council or are they to be amalgamated with the Twij, Rueng or other Dinka? They themselves – at least their leaders – are wholly in favour of the North provided there are adequate safeguards and a guarantee of a measure of autonomy. At the same time this raises unsurmountable difficulties.* [p.26] *read my WKD/ of which reports their absolute refusal to accept Messsiria representation in the Legislative Assembly.*
2. *My own view (supported by T.R.H. Owen* [Governor of Bahr al-Ghazal] *I know) is that the Ngork must fling in with the North. So long as they are associated in one Administration or Local Government with the Homr, trouble is unlikely to arise. If they are not, the mere fact of their intermingling with Homr (during the dry season) will cause all sorts of minor frictions which are nowadays settled with the minimum of trouble. The Homr regard them as "Our Dinka" with a slightly superior and conceited attitude of patronage. This may be deprecated since it smatters of the old tradition of slavery, but the fact remains that there is rarely any trouble in contrast to Homr relations with Dinka further South or East who are generally regarded as "bloody-minded". Hence the Ngork provide an excellent buffer between the North and South and in my own view should remain so.*
3. *The decision must be made in the next year or two for better or for worse. If the decision is to include them in the North, then they must form part of the Messiria District Council but as a minor authority or Rural Council with full*

autonomy over their own internal affairs. Once this decision is made, the sooner they are included as a minor authority, the better.

4. *Pending the solution of this problem you should:*
(i) Complete the building of Abyei as a Headquarters.... [p.27]

Kordofan Province Annual Report for 1951/52, 13 September 1952
[Source: NRO Civsec II 30/13/58]

During the year the Ngok Dinka decided to amalgamate with the Messeria district council and not with the Dinka Goral council in Bahr el Ghazal, when it should come into being. They have reserved the right to withdraw from the Messeria council after five years, if they so wish.

Michael and Anne Tibbs, *A Sudan Sunset*, Totton: Hobbs the Printers, 1999

On being appointed Assistant District Commissioner Messeria (1952): *To make my life more complicated, I also had to look after the southern Nilotic tribe, the Ngok Dinka, which had their own Chief, Deng Majok. They were not part of the Rural District Council.* [p.59] ....

Messeria District Council Meeting, Lagowa, January 1953: *This was an important meeting. It was the first attended by the Ngok Dinka, led by Deng Majok...Until now, the Ngok Dinka had been outside the Messeria Council. A lot of patient negotiations had gone on over the last two years to convince them that if they decided to come in, they would not be swamped by the Arab majority. The Arabs had to be persuaded that the Dinka should be treated as equal citizens...We had the meeting in the school hall...One Member got up and said that...the Dinka should go home where they belonged* [p.127]....

When we first came to the Messeria [1952], *the Ngok were not part of the relatively new District Council. The Arabs had not wanted the Dinka to be part of "their" Council and the Ngok did not want to be an obvious minority amongst the Arabs. Lengthy negotiations had gone on, and largely through the friendship and understanding between Nazir Babu* [Nimr] *and Deng Majok, the Ngok were admitted and attended their first Council meeting at the beginning of 1953.* [p.167]

G.M.G. Tibbs, District Commissioner, Dar Messeria District,
Administration in Dar Messeria District and Council, 18th August 1954
[Source: Michael and Anne Tibbs, *A Sudan Sunset*,
Totton: Hobbs the Printers, 1999: Appendix 5, p.289]

The future of the Ngok Dinka was decided at a meeting in Abyie [sic] *in March 1951, when the Ngok finally decided that they would prefer to stay North, and join the Messeria Council. The Council formally approved this at Lagawa in January 1952. The Ngok are therefore full participators in the Council; but, are not members of the Messeria tribe, do not come under the Nazirate Umum, and have their own court which appeals to the District Commissioner and not the Resident Magistrate.*

5.9 Claims to specific sites

General claims

Francis Mading Deng, *Dinka Cosmology*, London: Ithaca Press, 1980, p.261

Interview with Pagwot Deng (Ngok Dinka), January 1974: *When people came to this area of Abyei and settled in Mitrok, the Arabs would come and attack. That is how they used to fight with the Dinka. He would go to Dinka land and spend the dry seasont here and then go back to his country during the rainy season. And the Ngok would remain in his own territory along the rivers Nyamora and Amin and Thigei and Barajak. All that was the territory of the Ngok. That is where they confronted the Arabs; that is where the Ngok were. When the Arabs came in the dry season, they would fight. All the recent talk is nonsense. We do not have boundaries with the Arabs. They are guests; they are our guests...the territory of the Arabs stopped at Alama.*

Abdalbasit Saeed, "The State and Socioeconomic Transformation in the Sudan: the Case of Social Conflict in Southwest Kurdufan"
PhD dissertation, University of Connecticut, 1982, pp.163-4

...the Missiriyya Humur believe that they came before the Ngok, to a spot known as Ragaba Zarga; and believe that this establishes rights of access to grazing and water resources (though not to the exclusion of neighbouring Dinka groups). The Humur also believe that when Ngok first migrated to the area, they put up at a point to the south of Khor Abu Nafiesa. Abu Nafiesa was said to be the first leader of the Misiriyya Arab groups into southwest Kurdufan who penetrated as far south as this Khor, where he died...The Humur also believe that it was Nazir Ali Al Gulla of the Humur (appointed in 1905) who first permitted the Ngok – at the request of Nazir Arob Biong – to cross Khor Abu Nafiesa to the north and settle at a place later to be named Sultan Arob. The cause of the Ngok request to move north is attributed, by

the Humur, to successive raids on the Ngok by the Twij and the Gogriyal Dinka from further south. It is also held that the Humur came to the rescue of the Ngok who were subjected to and suffered from severe attacks by more and more Nilotic groups who flocked to Bahr Al Arab in the 1920s. Nazir Baboo Nimir of the Humur claimed in a conference in March 1966 that it was his father, Nazir Mimir [sic] Ali Al Gulla who, in view of these attacks, permitted the Ngok in 1939 to move even further north into a place known as Ragaba Zarga.

Francis M. Deng, *War of Visions: Conflict of Identities in the Sudan*, Washington, D.C.; The Bookings Insitution, 1995, p.296

To the Dinka, that he [Babo Nimr] could fabricate such a claim was the epitome of Arab unscrupulousness...But, as Chol Adija recollected, Babo was criticized by the conference. Among the things Moneim Mansour, the chairman of the conference, is remembered to have said to Babo was, "Why are you after a soil as dark as the Dinka? What do you want from the dark soil of the Dinka?...You are a people who simple go after grazing areas in the three months of the dry season. How can a person of three months' residence dispute the land with the settlers of all seasons?" Babo was found to be wrong.

Francis Mading Deng, *Dinka Cosmology*, London: Ithaca Press, 1980, p.261

Interview with Pagwot Deng (Ngok Dinka), January 1974: *When we had another case, when the big fight began* [1965], *it was in Alagwa* [March 1966]. *It was again written down that way. Chief Moneim was made judge by the Minister. He was the man put in charge of the case. Babo lost the case. It was written down on paper.*

Ragaba Lau

Kordofan Monthly Diary, March 1946, p.2
[Source: NRO KP 1/18/86]

The annual Dinka meeting was held at Lau.

A.C. Beaton, Western Kordofan District Information Book, 1947
[Source: P.P. Howell Papers, SAD 768/3/50]

The present (1947) Nasir of the Agaira is a younger brother of the Nazir Umum and he alternates between Muglad in the rains and Lau, in Dinka country, in the dry weather.

Ian Cunnison, *Baggara Arabs: Power and the Lineage in a Sudanese Nomad Tribe*, Oxford: Clarendon Press, 1966, p.196

The Mezaghna. The dry-season centre of this omodiya is at Lau, some twelve miles east of Abyei, among permanent settlements of Ngok Dinka.

Ragaba ez-Zarga/Ngol (Goleh/Langar, Pawol, Dembloya/Dak Jur, Um Bilael/Tordach, Lukji/Kol Yith)

Henderson, Some Notes on the History of the Tribes Living South of the Wadi El Ghalla
[Source: K.D.D. Henderson Papers, SAD 660/11/207]

Summary of information: The Ngork Dinka found the Shatt on Regeba Zarga and drove them west and south.

Henderson, Note on History of Western Kordofan Baggara, January1935
[Source: K.D.D. Henderson Papers, SAD 660/11/151-54]

The Baggara came to Muglad around 1110 AH (1700 AD). At that time, *"Ngork Dinka already held the Gnol river (Regeba Zerga) up to Ugnat Abu Urf..."*

General Description of BAHR EL ARAB and DAR EL HOMR
[Source: Count Gleichen, *The Anglo-Egyptian Sudan*,
Vol II (London: HMSO 1905), p.157]

Only in a few places, Fauwel...do the Homr Arabs remain throughout the year...

K.D.D. Henderson, Diary 1932
[Source: K.D.D. Henderson Papers, SAD 536/1/1-196]

Entry for 12 March: *So to Hasoba, where is a particularly large colony of Dinka. However the more settlers, the more necessary that we should abolish the settlement, however unpleasant a process it may be....this year almost the entire Rueng community from Kermeita are said to have moved up to the Regaba* [p.37]
....

On complaint from the Arabs and from Chief Kwal Arob I this year ejected a similar Ngork settlement of 20 families at Hasoba... [p.43]

Abdalbasit Saeed, "The State and Socioeconomic Transformation in the Sudan: the Case of Social Conflict in Southwest Kurdufan"
PhD dissertation, University of Connecticut, 1982

At a peace conference in Abyei in March 1966: *Nazir Baboo also claimed that the Ragaba Zarga belonged to the Humur who were kind enough to allow the Ngok to settle there.* [Fn: *This is the first time claims on the territory known as Ngokland have been tabled by Misiriyya openly in a conference.*] [p.235]

Appendix 12 The First Peace Agreement Between the Misiriyya Humur and the Ngok Dinka: Abyei – March 1965

Both sides agreed to restory mormalcy to relations between them to pre-fighting modes of normal interaction; that is, the return of Dinka to their homesteads at Ragaba Zarga and other localities, and that the Arabs shall have unrestricted access to all Regeba's [sic] *that they had been frequenting before the outbreak of hostilities.* [p.421]

Cultivation and the Sedentarisation of the Humr (Nyama and Subu)

K.D.D. Henderson, Note on History of Western Kordofan Baggara, January1935
[Source: K.D.D. Henderson Papers, SAD 660/11/166]

Dar Homr is large enough to support a considerable sedentary population if the area between Muglid [sic] *and Kwak is systematically opened up by wells.*

Kordofan Province Monthly Diary, June 1951, para 4511
[Source: Sudan Library, Khartoum University, 665/87 BHB]

Summary of information: An experiment is being carried out in Tubeldiya, 40 miles south of Muglad on the Abyei road, to induce the Homr Agaira to establish permanent villages. Three wells have been dug and a mango/banana/citrus garden established. Free groundnut seeds distributed.

Kordofan Province Annual Report, 1952/53, p.5, para 18
[Source: Sudan Library, Khartoum University, 87 BHC]

In the South [Messeria District] *cotton cultivation is developing rapidly and plans are being made to open up hetherto* [sic] *unexploited areas for cultivation and grazing by the digging of haffirs* [sic] *and the sinking of bores.*

Michael and Anne Tibbs, *A Sudan Sunset*, Totton: Hobbs the Printers, 1999

Inter-Province Meeting at Abiemnon, March 1953: *After lunch, Nazir Babu and followers came to tea to discuss the possibility of a new Court at Subu, the new cotton growing area which was opening up south east of Muglad. After an hour and a half of talk, we got back to where we started and still no decision.* [p.177]

March 1954: *At Muglad we met Ken Lea-Wilson, the new Senior Agricultural Cotton Inspector from Kadugli and went down with him to Nyama, 80 miles south east of Muglad...I was anxious to see how the cotton growing was catching on...Although Nyama has a cotton market, there is nothing there except for a "ragaba" (river bed), but there are an increasing number of people growing cotton as the soil is so fertile. The next day we went on another 18 miles to Subu, again a name rather than a place. We walked quite a long way round the plantations* [p.245]*....The Council members had asked for a cotton market at Subu, but I had to know whether the cotton was being grown correctly...* [p.246]

Ian Cunnison, "The Humr and their Land", *Sudan Notes & Records*, 35/2, 1954, p.63

The introduction of cotton is the first major piece of economic development of Dar Humr. Even with the Ajaira section who have only had cotton for three years, changes in their structure are already becoming evident. They are coming to have two homes – their permanent garden dwellings in the Muglad, and their cotton settlements on the Bahr. In the Muglad however each man's permanent place is with his own garden. Settlements on the Bahr are much larger and cotton cultivators of one khashm beyt or omodiya may group together to form one village. It may be that the land relationships of the Humr outlined in this paper – which have probably altered little since their original settlement of the land – will undergo vast changes with the various forms of economic developments which are planned.

5.10 Major E.B. Wilkinson's itineraries, January-February 1902

Route 101. El Obeid to Dar el Jange
[Source: Count Gleichen, *The Anglo-Egyptian Sudan*,
Vol II (London: HMSO 1905), pp.154-6]

Place	Miles	Total	Description
Keilak	*2*	*197*	*Keilak is a series of tukls badly built and inhabited by Homr Arabs who possess few flocks, a few horses, and appear to live on the Nubas....*
El Geref	*2*	*199*	*Leaving Keilak road runs N. for 2 miles then S.S.E., and numerous Arab settlements are passed situated along the outlet of the lake.*
	4½	*203½*	*El Geref; Homr settlement....*
	1¼	*204¾*	*Road then goes S.W. for 1 ¼ miles, then S.S.E. for 2½ miles over a broad swamp...*
	2¼	*207¼*	*After crossing this bit of country, track runs S.W., along edge of bed of river, which was dry, and going became better, and when track ran on the slightly elevated edge of the forest...*
El Yoi	*20¾*	*228*	*until El Yoi was reached...*
El Dirkoei	*7¾*	*235¾*	*Road continues S.W. and after 7¾ miles, El Dirkoei...*
El Debekir	*3½*	*239¼*	*Three and a-half miles S.W., El Debekir was reached...From Debekir road runs over black cotton soil very much fissured.*
	13¾	*253*	*W. by S. for 13¾ miles, then S.S.W. for 3 miles...*
El Anga	*3*	*256*	*El Anga on river is reached. Here there is an Arab settlement...*
Kuek	*5½*	*261½*	*Road now runs 1¾ miles S.W. and S. for 3¾ miles when Kuek is reached...Large Arab settlements and many cattle.*
H. Debib	*6*	*267½*	*Road runs S.W. for 6 miles, when H. Debib is passed; a few Homr Arabs living here...*
F. Hamadai	*3¼*	*271*	*Fula Hamadai...Small villages = mere collection...*
Fut	*11¾*	*282¾*	*Eleven and three quarter miles from Fula Hamadai, village named Fut was passed...*
Fauwel	*4*	*286¾*	*Fauwel is reached. Large Arab settlement; much water in river, and an open expanse 1¾ miles surrounded by reeds...*
	8¾	*295½*	*Road here now runs 1 mile S.W. and 5¾ miles S.S.E. and strikes the river, then continues to run alongside of it for 2 miles, when the river takes a bend N.E. The river here is very broad, 300 yards in places and the water is 3 feet 6 inches deep;*

			generally the surface is covered with grass and weeds, and very little open water is seen...
Bahr El Arab	*5*	*300½*	*The Bahr El Arab here is to be crossed, and this was done at a point where it was 120 yards broad, with water 3 to 3 feet six inches deep, the baggage bulls being unloaded and the baggage being carried across by hand. Bed of river very muddy. From this point, which is known to the Arabs, as the district of Bara* [Bahr], *the river flows S.S.E. as far as could be judged.* *Track now runs S. and at 5 miles divides one running S.S.W.* [sic] *to the country of a Dinka chief called Rueng, the other S.S.W. leads over a wide plain covered with long grass and a few bushes; surface of ground much fissured and soil much cut up...*
Bongo	*14¾*	*315¼*	*The first Dinka village of Bombo is reached. This district is now known as Bongo, and 3 miles on, S.W. is one of the villages*
	3	*318¼*	*of Tehak, another of the same name being*
	2½	*320¾*	*met 2½ miles on.* *These villages, neatly built, are used by the Dinkas in the rains and as long as the water lasts. At the present date, 2.2.02, all the inhabitants had left and were grazing their herds of cattle where grass and water were to be found.*
Etai	*2*	*322¾*	*Reached* [Khor] *Etai, where the first Dinka were met. Here there were large settlements, and the people were most friendly. A chief name Lor* [Alor] *has his headquarters here. A large watercourse flows in from N.E. and meets another watercourse, the Regabet El Lau, which comes from N.W., and then joining runs into the Kir, or Bahr El Jange, in a southerly direction.*
Kir, or	*5½*	*328¼*	*Road continues for 3 miles through forest S.W., then*
Bahr El Jange			*runs W. for 2½ miles, and the Kir River, or Bahr El Jange, is struck, as one reaches the settlement of Sultan Rob....*

The district on N. bank is called Mareg. The district on S. bank is called Masian [Mathiang], *and the Sultan Rob lives in the latter. Much dura is cultivated.*

Route 102. River Kir to Fauwel
[Source: Count Gleichen, *The Anglo-Egyptian Sudan*, Vol II (London: HMSO 1905), p.156]

Place	Miles	Total	Description
			Leaving Sultan Rob's settlement the road runs N.W., and the river is left on the left, but is struck again 2¼ miles on, and the path keeps along the left bank. The country here is all open, and much dura cultivated. Dinka dwellings are dotted about, and the country presents a most prosperous aspect.
Gohea	*2¾*	*5*	*Village of Gohea on river bank, which here has become overgrown with reeds, grass, etc. River here turns to N.W., and road now runs N.E. for 2¾ miles, then*
	2¾	*7¾*	*E. by N.*
	1	*8¾*	*One mile on Regabet El Lau, coming in from N. and running S.*
El Niat	*1¼*	*10*	*The commencement of a large swamp, now dry, called El Niat, but covered with long grass, and going is very bad.*
	4½	*14½*	*End of El Niat.*
	1½	*16*	*Direction of road changes to N.*
Gulmaia	*9¼*	*25¼*	*Gulmaia, a pool containing very bad water; almost dried up.*
Abu Kareit	*4*	*29¼*	*Abu Kareit, on Bahr El Arab. Homr settlement...*
Mellum	*4¾*	*34*	*Track follows river bank. Mellum, an Arab settlement, with Khor Famai running in from N.*
Regabet El Shaib	*6½*	*40½*	*River now flows W. by N., and 6½ miles on Regabet El Shaib; flows in the N. from river; now bends S.W. and enters district called Bara. Immediately at this point flows in Keilak El Yoi; and Fauwel flows in from N.E.*

Fauwel	*3¼*	*43¾*	*From Regabet El Shaib road runs N.E., and another 3¼ miles N. brings one to Fauwel.*

5.11 Approach to Arop Biong from Bahr el-Ghazal Province, 1905

W.A. Boulnois,Governor Bahr el-Ghazal Province to Governor-General Wingate, 23 December 1904, reporting on Bimbashi A. Percival's expedition to the Kir and Loll rivers [Source: Wingate Papers, SAD 275/9/39-40]

Percival's march took him to Sultan ROB, who is on the KYR river, which he crossed 50 miles S. of Bahr el Arab.

The KYR river is about 2/3 as broad as the JUR at WAU & 12 or 15 feet deep where he crossed.

Marching due South, after crossing 3 small rivers which run N.E. to the KYR he reached the LOL River about 50 miles S. of the KYR in the district of the big Dinka chief TUSH.

The LOL was in full flood when he crossed it end of Nov. 600 yds wide 20 ft deep in channel running fast.

LOL river is said to join the KYR about 75 miles N of E of Percival's crossing, after which it is called the KYR by the natives. Natives say that it comes from a big lake whose waters come from West. This evidently must be the TALGONA River....

Percival thinks that on his way back he could go up the LOL river & explore the lake & the junction of the Western rivers there & the junction of the LOL & KYR & BAHR-EL-ARAB, as the country will be dry then, & he will have to march E. after crossing the Arab to the NILE.

The LOL is said to be quite shallow by the end of Dec. Natives didn't know whether the KYR & ARAB join or not.

5.12 Identification of the Kir as the Bahr el-Arab and the Ragaba ez-Zarga/Ngol as the Bahr el-Homr, 1905-6

R.M. Saunders, Report on Bahr el Ghazal and Bahr el Arab Rivers, 7 September 1900
[Source: *SIR* 74 (9th September to 9th October 1900), App A, pp.3-4. NRO Intel 6/3/12]

Summary of information: Proceeded up the Bahr el-Ghazal from its juncture with the Bahr el-Jebel. Distances and report from Bahr el-Arab very different from that in Blue Book. Bahr el-Arab blocked by sudd 100 yards from its mouth and impassable. Bahr el-Homr is navigable for 6 miles, 80 yards broad and 18 feet deep, but blocked after 6 miles. Route: Bahr el-Arab comes from the W.N.W. A distance of 30 miles the Bahr el-Homr comes in on the left, 80 yards wide, 20 feet deep, navigable for 6 miles only, direction N.N.W. Lake Abiai [Ambadi] commences, lasts for 3 miles. Bahr Djour comes in on left at 34 miles from mouth of Bahr al-Arab.

R.C. Bayldon, Summary of Bimbashi Bayldon's Report on the Bahr El Arab Sudd
[Source: *SIR* 128 (March 1905), App C, pp.10-11. NRO Intel 6/4/15]

After a very short time investigating the openings on to the Bahr el Ghazal, which might be mouths of the Bahr el Arab, I found that it would be impossible to get a ship through to the Bahr el Arab without first carrying out very extensive sudd cutting operations...I tried all the openings I could find with the iron boat, pushing her up with ropes and poles.

We made in all seven separate attempts at various points, but could find no channel which was of any use....

I would submit the following conclusions with regard to these rivers.

1. *That the river usually spoken of as the Bahr el Arab (I do not refer to the mouth at its junction with the Bahr el Ghazal, but up country) is really the Bahr el Homr. Running through practically uninhabited country, but to which in dry weather the Homr Arabs used to come down with their cattle. I say, "used to bring their cattle," as now they say that it is safe for them to go into the Dinka country they go there, for better grazing and water.*

   That the mouth of this river is in the large khor running off the Bahr el Ghazal, opposite to Khor Ahmed Arabi.

That from all accounts (Arab and Dinka) this river is much more the nature of a khor than a river, being shallow with shelving banks and full of weed, the deep and open parts being few. What I saw of it certainly confirms this....

2. *That the entrance from the Bahr el Ghazal, in lat. 9°3′ N. and long. 29°23′ E., is the mouth of the Bahr el Arab.*

3. *The River Yamoi* [Nyamora or Ragaba Umm Bieiro] *is a branch from the Kir, which according to the Dinkas runs off from the Kir about two days' march (Dinka) above Rob's, and which rejoins it a short distance below Rob's. Its character is that of a khor.*

4. *That the River Kir is the real Bahr el Arab. It being called Kir by the Nuers and El Gurf by the Rizeigat Arabs, who live close to it, on its higher reaches....*

I have come to these conclusions from the following:-

1. *Having traced the Bahr el Homr for a distance of over 40 miles, and found still a very clearly defined channel, although little or no water in it.*

   The Arabs telling me the place I was at was called the Bahr el Homr.
   The evidence of many Arabs and Dinkas who have crossed it going to and from El Obeid, &c....

   3. and 4. The descriptions given me by Zubeir Pasha at Khartoum, names of villages, &c., he told me of, as living close to it, &c. The proximity of the Rizeigat Arabs to this river....

Itinerary of the Bahr El Ghazal River. Lake No – Meshra El Rek
[Source: Count Gleichen, *The Anglo-Egyptian Sudan*,
Vol I (London: HMSO, 1905), p.168]

Place	Miles from W. end of Lake No	Description
False	*90*	*...This channel, which was asserted by the Boatman*
Bahr El Arab		*to be the Bahr El Arab, and which was ascended under this supposition, flows from a north-westerly direction and evidently brings water from*

		a long distance. Later experience proved that the Bahr El Arab is several miles further up-stream, but this khor must, nevertheless, bring down a large volume of water during the flood. It is quite possible that it forms a second mouth of the Bahr El Arab. It joins the Bahr El Ghazal through two small lakes or lagoons, the largest being about 1,000 yards long by 800 yards wide, with an island in the centre....
Bahr El Arab	*103*	*At mile 100 trees and bush are found on both sides and the banks are clear of reeds and continue until mile 103, where the Bahr El Arab joins the Ghazal. This forest is known as the "Ghaba b'ta el Arab," and is one of the few wooding-stations to be found on the river...The Bahr El Arab is a broad well-defined channel, from 40 to 100 yards in width, and confined between well-marked, but swampy banks. Its direction, at the junction, is due north, but about 3 miles further up it turns more to the west and runs apparently through forest. Next to nothing is known about this river...It is impossible to investigate this river, as, at some 1,300 yards above the junction, it is closed by sudd and reeds. It has no current at the mouth, and its depth is from 10 to 11 feet at low water. The water of the Bahr El Arab is singularly clear and free from sediment. Reports received in the spring of 1901 show that this river is still blocked by sudd. Immediately up-stream of the Bahr El Arab junction the*
Lake Ambadi	*104*	*Lake Kit, or Ambadi, begins....*

Huntley Walsh, Reports on the Bahr El Arab Reconnaissance, 11 January 1906
[Source: *SIR* 139 (February 1906). App F, p.18. NRO Intel 6/5/16]

Summary of information: Arrived mouth of Bahr-el-Arab on 6 January 1906. Encountered sudd blocks beyond open water (begins 19 miles from mouth). Penetrated sudd, but found more blocks 13-14 miles further on. This sudd is 2

miles in length, *"after which the natives report that the river is open up to Sultan Rob's."*

Huntley Walsh, Reports on the Bahr el Arab Reconnaissance
[Source: *SIR* 140 (March 1906), App D, p.14. NRO Intel 6/5/16]

Summary of information: Bahr el Arab is sudded up for 25 miles up river from present location of steamer. The river above this is open and very deep, from 100-200 yards broad, as far as Sheikh Lar. Slight sudd at Sheikh Lar. River then clear to Sheikh Rob. Above Sheikh Rob river narrows to 20-30 yards broad, high banks, 5 feet deep in centre, no sudd but large trees. Loll river *"joins the Bahr el Arab, or Kir river, as it is invariably called by the natives immediately above the big sudd block I mentioned in my report."*

H.G. Lyons (Director-General of the Survey Department, Egyptian Government), Memorandum on Bahr El Arab, 10 April 1906
[Source: *SIR* 141 (April 1906), App C, p.6. NRO Intel 6/5/16]

The explorations of Lieut. Bayldon, R.N., seem to establish that, contrary to the view hitherto held, the river rising to the south of Hofrat en Nahas and bending eastwards to the north of lat. 10° N. should be called the Bahr El Homr, while the more southern river rising in the Dar Fertit hills to the west of Liffi is the Bahr El Arab or Kir, which has the Lol or Lolli as a large tributary on its right bank in its lower reaches...It will be seen from the map that these two rivers, the Bahr El Homr and the Bahr El Arab, have a general direction at right angles to that of the Bahr El Jebel...

The Bahr El Homr (hitherto called the Bahr El Arab) rises in the hills to the south of Hofrat en Nahas, while another branch comes from the Dar Minga country to the west.

Watkiss Lloyd, Governor of Kordofan Province, Report on Kordofan Province, 1908
[Source: *SIR* 171 (October 1908), App D, p.35. NRO Intel 6/5/18]

In the south, about Latitude 10°, is the Bahr El Homr, which rises some thirty miles across the Darfur frontier and flows eastwards to Hassoba, where it turns south-east and joins the Bahr El Ghazal. It flows through a very flat country, but has not a very wide basin. It is on an average about 100 yards wide, and its upper reaches have steep well-defined banks from 10 to 15 feet high; but it is full of grass. When it dries up (about January) wells are dug in the bed, from which the Homr water

thousands of cattle, until the rains and fly drive them north to their cultivation areas near Muglad.

Some thirty miles south is the Bahr El Arab (or Gurf), which forms the southern boundary of the Province. This is a fine river on the whole, the upper reaches always contain open water, at least in pools, and it flows between good sound banks. Unfortunately, near the mouth the whole river is blocked with sudd.

Reginald Davies, *The Camel's Back: Service in the Rural Sudan,*
London: John Murray, 1957, p.130

On the "theoretical boundary" of Western Kordofan District, 1916-20:

...the great majority of [Dinka] *belonged to Bahr el Ghazal Province, though by a freak of organization two sections of the tribe, Mareig and Ruweng, were for administrative purposes part of the Western Kordofan inspectorate.*

The reason for this arrangement was that these sections played Cox and Box with the Homr Arabs in the occupation of the shallow basin of the Bahr el Arab river, which was the theoretical boundary between the two provinces.

5.13 Continuity of Dinka Territory

B. Mahon, Report on Tour of Inspection through Western and Southern Kordofan, 11 March, 1903 [Source: *SIR* 104 (March 1903), App E, p.19. NRO Intel 6/3/12]

Journey during November & December 1902. From Fowel [Pawol], *"I next went west to Sultan Rob's... all Dinkas said how pleased they were that Government had come, because they had not been raided by the Arabs since I was there last year. As proof of that, I met several herds of Dinka cattle grazing right in the Arab country, where they were afraid to go last year."*

C.A. Willis, Notes on the Western Kordofan Dinkas
[Source: *SIR* 178 (May 1909). App C, p.17. NRO Intel 6/5/18]

Practically speaking, the Dinkas after the rains are scattered about and mixed up, in so far as their private feuds allow. It is only in the rains that they sort themselves out, and more or less combine in families. Even so, they say there is no hard-and-fast rule by which a sub-tribe always lives in the same place.

All along the Gurf are villages consisting of two or three houses each. The ones I saw at the Ferry by Rob's old village were about a mile apart, and I was told they continued all along the Gurf both ways. Total distance from end to end in which these Dinkas live (Lar and Rob) is not more than two days (say 50 miles). They gather together in the rains in order to combine to make their houses...

Just after the rains they go as far North as they think safe from the Arabs (Bongo or El Myat); there they build temporary villages...As the water dries up and the mosquitoes decrease, the Dinkas move towards the Gurf; their camps are much less elaborate, and consist of simply a zeriba with small zeribas inside and the cattle pegs...

...Dinka influence extended a considerable distance further North at one time.

Kordofan Monthly Diary, March 1940, p.2
[Source: NRO Civsec I 57/13/48]

Summary of information: Kwal Arop is suspected of encouraging the Dinka to build houses among the Homr in the winter.

P.P. Howell, 1948
[Source: P.P. Howell Papers, SAD 768/2/15]

The Ngork Dinka of Western Kordofan live along the middle reaches of the Bahr el Arab and its tributaries...During the dry season the Homr Messiria mingle freely with them in pastures and they have a long history of contact with the Arab world – probably for at least a century.

P.P. Howell, "Notes on the Ngork Dinka of Western Kordofan",
Sudan Notes & Records 32/2, 1951, pp.241-3

The Ngork Dinka...occupy an area along the middle reaches of the Bahr el Arab. They border the Rueng Alor Dinka in the south-east and the Twij Dinka to the south, and with both these peoples have close cultural affinities. To the south-west are the Malwal Dinka. North of the Ngork are the Baggara Arabs of the Messiria Homr with whom they have direct and seasonal contact....

The Ngork Dinka occupy the area between approximately Long. 27°50' and Long. 29° on the Bahr el Arab, extending northwards along the main watercourses of which the largest is the Ragaba Um Biero....

*Permanent villages, and cultivations are set along the higher ground north of the Bahr el Arab, while dry season grazing grounds are for the most part in the open grassland (*toich*) south of the river.*

Villages are usually built close to the river or to one of the main watercourses...Clusters of homesteads...are built in an almost continuous line along these rivers.

Michael and Anne Tibbs, *A Sudan Sunset*, Totton: Hobbs the Printers, 1999

Goz is the large area between muglad and the bahr (river), it is mostly consolidated sand, but with some clay, waterless, except by the pools left by the rain. [p.56]

Bahr (river or sea) are the pastures round the Bahr el Arab and its tributaries. The move south to the bahr would start in shita (December). This was into the territory of the Southern Nilotic tribe, the Ngok Dinka. They numbered 30,000 centred on Abyie [sic]*, and had their own Chief Deng Majok Kwal Arop.* [p.57]

The southern migration took the Messeria Arabs right into and through the Ngok Dinka and Nuer territory in Upper Nile Province....The traditional pattern of migration had begun to change. Some of the family would stay behind to look after gum gardens, others to tend cultivations of millet in the muglad, while rain grown cotton was beginning to be cultivated in the south of the District. [p.58]

Na'am/Noong

December 1953: *A few miles out of Abyie* [sic] *we stopped at Na'am, Deng* [Majok]*'s favourite country seat, a collection of round thatched houses on a mound beside the river. All his wives, or at least twenty of them and multitudinous children came out to greet him.* [p.221]

Grinti/Lilgut

March 1954: *We...went out that evening to Girinti (which means crocodile), to the west further up the Bahr el Arab. This was a favourite place of Babu's and he had told us that we really must visit it if we had time...On the other hand, it was in the*

Ngok territory, although the Arabs used to graze it in the spring, it was also on the borders of Darfur Province and while the Dinka tolerated the Messeria, neither of them wanted the Rezigat from Darfur there. It was therefore important for us to show the flag. [pp.247-8]

APPENDIX 6: MAPS CONSULTED

Owing to the fact that no two descriptions (whether per *map or report) of the same bit of country or river agree as to distances or spelling, several discrepancies as to mileage, &c., will be noticed. An attempt has been made to strike an average between the various authorities, but it is not expected that the result will be entirely satisfactory until the exact position of the places can be astronomically determined.*

Count Gleichen (ed.), *Supplement to the Handbook of the Sudan (July 1899)*, London: HMSO, 1899: p. iii

In addition to consulting the maps submitted by the two sides, the experts made their own examination of maps from a number of sources. These were of two types: historic maps, and current maps. The maps varied in quality according to their sources of information. Of the historic maps the Sudan Survey Department 1:250,000 sheets show the most detail for those areas frequently visited by government officials, but large areas remained blank because they were never, or only rarely, visited. The current maps, such as the Russian Military Topographic maps based on satellite imagery in the early1980s and the Swiss maps produced in 2005 by the Centre for Development and Environment, University of Berne, are much better on topographical information than the Sudan Survey Department maps, but lack ground-truthing and have less reliable detail on place names and settlements.

Maps are useful guides, but they must be used with caution. They represent the state of knowledge at any given time: they are not necessarily accurate records of the state of affairs on the ground. The difference between historic and current maps may be characterised as follows: historic maps were produced from information supplied by persons who had "been there", but who could not always be certain where "there" was; current maps are produced from data supplied by sources who need not have "been there", but whose technology allows them to be quite certain where "there" is.

Historic Maps

Sudan National Survey Authority and the National Records Office, Khartoum

The Sudan National Survey Authority holds trace map folders for their 1:250,000 sheets 65-C Muglad, 65-G Dar El Humr, 65-H Keilak, 65-K Abyei, 65-L Ghabat El

Arab (NC-35 in current numbering). These folders contained a succession of updated editions of these maps from 1907 to 1937, after which no new topographical information was added. The 1:250,000 maps are of particular relevance, because these were the basic maps used in all district offices and by all administrators when on trek.

Summary of information from map 65-K Abyei

This map undergoes several title changes, starting with "River Gurf" in 1908, "Achwang" in 1909, "Abyor" in 1918, "Twij Dinka" in 1925, and "Abyei" in 1931. It also has the most topographical information added to it of all the 1:250,000 maps consulted. The 1908 edition shows only a small section of the Ragaba ez-Zarga/Ngol (which is unidentified) in the northeast corner, and details of the approach to the "Gurf" (Bahr el-Arab) from the south. Ngok villages (including "Sultan Rob" and "Lahr" [Alor Ajing]) are shown along both banks of the "Gurf". More details were added as more information was collected by visits from government officials. The name "Bahr el Homr" for the Ragaba ez-Zarga/Ngol appears for the first time in 1909, as does a dense cluster of villages between *c.* N 9°30′ & 9°32′, and E 28°30′ & 28°15′. The 1912 map bears the warning, "The course of the Bahr el Arab is entirely unsurveyed". The name "Sultan Rob" (Arop Biong) is replaced with "Kwal wad Rob" (Kuol Arop) only in 1916, ten years after Arop Biong had died. Corrections made in December 1918 showed major changes in the position of the "Gurf/Kir", moving it further north and east, and the "Bahr el Homr" is renamed Ragaba ez-Zarga. "Abyei (Sultan Kwal)" appears for first time in 1916 and is changed to "Abyor" in 1922. It is restored to "Abyei" in 1929, where it is identified as the village of "Chief Kwal Arop", a notation that remains on editions of this map printed today, even though Kwol Arop died in 1945. A number of alternative Dinka names to Arabic place names appear on the 1922 map, but many of these disappear on the 1931 map and are not reinstated.

Summary of information from map 66-L Ghabat el Arab

The earliest editions of this map were lost. Only two sheets were found: the June 1936 edition and a copy of the 1972 revised edition. Both identify Ngok Dinka territory by the alternative names, "Mareig or N'gok".

Summary of information from map 65-H Lake Keilak

In the 1908 edition the legend "Dar el Homr" appears across the breadth of the map. This legend is confined to the area west of the river flowing into Lake Keilak on the 1911 and subsequent editions.

Summary of information from map 65-G Dar el Homr

The 1908, 1910, and 1913 editions are titled "Fishik". This is changed to "Dar el Homr" on the 1919 map. The "Bahr el Homr" is renamed the Ragaba ez-Zarga in 1919. The position of the Ragaba ez-Zarga is changed on the 1926 map, with Dawas being moved to the west of its earlier location.

Map of grazing areas for Rizeigat, Homr, and Ngok Dinka, NRO Civsec I 66/4/35 vol. I

Hand drawn pencil sketch map, based on Sudan Survey maps, of the Bahr el-Arab, Umm Bieiro, Ragaba Lau, Ragaba ez-Zarga region, showing the grazing areas of the Humr and Ngok Dinka in 1933. This map was produced in the Civil Secretary's office in Khartoum, based on information provided by local government officials from Darfur, Kordofan and Bahr el-Ghazal Provinces, as part of an effort to settle grazing disputes between the Malwal Dinka of Bahr el-Ghazal, the Rizeigat of Darfur, and the Humr and Ngok of Kordofan.

Maps consulted in the Geography Map Room, Bodleian Library, Oxford University

E4 15 (2) *Kordofan*, Lloyd, 1910, 1: 1,000,000 (*The Geographical Journal*)
E4 15 (4) *Western Kordofan*, 1902, 1:500,000
E4 15 (6) *Dar Homr*, Lloyd, 1907, 1:1,000,000 (*The Geographical Journal*)
E4 15 (7) *The White Nile and Kordofan*, 1907 (based on 1904 Sudan Intelligence Department 1:250,000 sheets), 1:2,000,000
E4 18 (2) *Bahr el Ghazal*, 1912
E4 18 (4) *Bahr el Ghazal*, 1907
E4 18 (11) *Bahr el Ghazal*, 1906
E4 (41-45) *Kordofan Land and Water Use Survey*, 1964 [all for an area north of Muglad: not relevant to this study]
E4 (63) *Sudan Geological Survey, Soil*, 1:250,000 [not found relevant to this study]

Current Maps

Russian Military Topographic 1:200,000 maps

Maps of the Sudan based on satellite photography taken between 1979 and 1982, showing very good topographic detail, but less reliable for the identification of small towns, villages and settlements. Maps, which together cover the area E 27°–30°, and N 9°20′–11°20′, are: C-35-X El Muglad, C-35-XI Tebeldia, C-35-XII Kadugli, C-35-XVI Esh-Sherif, C-35-XVII Roba, C-35-XVIII Buram, C-35-XXII Sumeiha, C-35-XXIII Abyei, C-35-XXIV Doleiba.

Swiss 1:500,000 map sheet D, Central Bahr-El-Ghazal, Sudan

Produced by the Centre for Development and Environment, University of Berne in May 2005 for use in humanitarian work in the southern Sudan. This map includes the Nuba Mountains and most of the Abyei area. Based on the Russian Military Topographic maps, plus more recent Earthsat, Landsat and NASA images, it provides the clearest and most up-to-date topographic details of any map so far, but lacks ground-truthing. A separate 1:250,000 map of the Abyei Area was also produced at the request of IGAD.