



The Crisis in Abyei

With just over two months remaining before South Sudan formally declares its independence from the North, the crisis in Abyei remains the most intractable of the post-referendum issues facing the country.

At issue is whether Abyei should join South Sudan or remain in the northern state of South Kordofan. While the Ngok Dinka, the residents of Abyei, want to join the South, the Missiriya, semi-nomadic cattle herders who annually graze in the region, are bitterly opposed to this possibility. At stake is the Diffra oil field in the north of the territory, Misseriya grazing land, and the livelihood and future of the Ngok Dinka. Clashes broke out after Abyei did not hold a scheduled referendum on its future in January, due to continuing disagreement between the Sudan People's Liberation Movement (SPLM) and the National Congress Party (NCP). February and March saw the worst violence in the territory since 2008, as Misseriya militia forces attacked police positions and civilians, leaving 154 dead.

A security agreement signed on 17 January remains only partially implemented as of the end of April 2011, and there is still considerable distance between the positions of the NCP and the SPLM. As independence draws closer, and pressure increases to find an agreement on difficult post-referendum issues like the undemarcated North–South border, the Abyei crisis has the potential to derail the secession of South Sudan.

The 2005 Comprehensive Peace Agreement (CPA), which brought an end to Sudan's twenty-year civil war, promised Abyei a referendum to decide whether the territory will remain in South Kordofan (where it had been placed in 1905 by the Anglo-Egyptian colonial regime) or rejoin Bahr el Ghazal. The referendum was to be held simultaneously with the vote on southern self-determination.¹ The CPA also mandated the creation of the Abyei Boundaries Committee (ABC), to be composed of international experts, as well as members of the SPLM and NCP, which was to demarcate the borders of the territory.

The referendum was derailed over a disagreement about who should be eligible to vote. The CPA explicitly granted voting rights to the Ngok Dinka—widely expected to vote to join the South—and 'other Sudanese residing in the area'. The NCP insisted that the Missiriya should be counted as residents, while the SPLM held that because they are semi-nomadic (moving through Abyei between November and April), they should not be counted. They feared the NCP would move Missiriya into the area in an attempt to secure a vote to stay in the North.

It is now extremely unlikely that the referendum will be held. Negotiations over the future of the territory are taking place as part of a larger bundle of post-referendum issues being discussed by a North–South committee. According to the NCP, the committee has come to an understanding that a referendum will not resolve the dispute. The solution to the Abyei crisis, if one is to be found, will be part of a more general post-referendum agreement on relations between the two future countries. The SPLM claims that the NCP is dragging its heels on Abyei in order to win concessions in other key issues.



These negotiations have merged two issues—the referendum and the borders of the territory—that were previously distinct. Following the NCP's rejection of the ABC report, the two parties took the case to international arbitration. Despite agreeing to abide by the judgement of the Permanent Court of Arbitration (PCA) in The Hague, which demarcated the area of Abyei, the NCP rejected the ruling. As of 2011, only four of the planned twenty six beacons indicating the PCA demarcated-area of Abyei have been erected, and these beacons are all in the south of the territory. Threats from Missiriya militias forced the demarcation team to abandon their work.

The borders and the referendum are now being negotiated together as part of a more general solution to the Abyei crisis. From September to December 2010, As it became increasingly apparent that Abyei's referendum would not go ahead, the African Union High-level Implementation Panel (AUHIP) put together a raft of new suggestions they hoped would break the deadlock, one of which was giving the Missiriya joint-citizenship, as well as an administration in the northern part of Abyei.

Another AUHIP suggestion, currently backed by the NCP, would see Abyei divided into two again, with the northern half—and the Diffra oil field—remaining in the North, and the southern half, and its majority Dinka population, being transferred to South Sudan by presidential decree. This proposal was also backed by Scott Gration, the former-US special envoy to Sudan, who placed huge pressure on the SPLM to compromise. The SPLM refuses this proposal, insists that the PCA ruling should be final and binding, and that a referendum be held along the lines indicated in the CPA.

The political impasse, arriving during the months leading up to the Southern referendum, greatly increased tensions on the ground.

The pre-referendum period

As the South's independence vote approached, many Ngok Dinka returned to Abyei from the North, fearing retaliation from the NCP if South Sudan voted for secession. There are now around 40,000 returnees in Abyei, and their access to food and shelter remains difficult. Many returnees reported being shot at by Missiriya militias as their buses went through the territory north of Abyei, in addition to reporting incidents of rape and harassment. In the run-up to the referendum, the general feeling among the Ngok Dinka was one of extreme discontent.

Fearing that their wishes would be ignored, the Ngok Dinka began preparing to unilaterally rejoin the South. Each of the nine Ngok Dinka chiefdoms held community discussions ahead of the referendum and all of them decided to join the South. Both the SPLM and the NCP took steps to make sure this did not happen. The SPLM pressured the Abyei Administration not to publically announce the decision of the Ngok Dinka community, and Sudanese president Omar al Bashir, speaking on television, threatened war in the event of a unilateral attempt to join the South.

The first clashes

On 7 January, Missiriya militias using heavy machine guns and rocket-propelled grenades (RPGs) attacked police positionsⁱⁱ just outside Maker, a village 15 km north-



west of Abyei town. The attackers were well coordinated, and came in two separate waves. While the attacks left dozens of people killed, the SPLM, anxious that conflict over Abyei not derail the southern referendum, downplayed their importance. The NCP denied it had any role in the attacks.

Paper agreements

Following the clashes, two meetings were organized to address the deteriorating security situation in Abyei. The first, held on 13 January in Kadugli, centred on the concerns of the Ngok Dinka and Missiriya communities, and addressed grazing rights and compensation for deaths caused in 2010.ⁱⁱⁱ

The parties agreed that 400 Sudanese Pounds (SDG) would be paid in compensation for each cow, and forty cows for each person. They also agreed in principle on the Missiriya grazing paths: while they could follow the traditional eastern and western routes,^{iv} moving through the centre of Abyei would be prohibited in order to minimize tensions with recent returnees. Subsequent meetings would work out the exact routes. The Missiriya also agreed to limit the number of weapons they carried when grazing: three rifles for fewer than 1,500 cattle, and five rifles for everything above that.

Accounts of what happened at the first follow-up meeting on 22 February differ. The Abyei Administration maintain that the Missiriya delegation dispatched to the meeting only wanted to offer compensation for half of the deaths that occurred in 2010, and did not want to discuss grazing rights. Some Missiriya claim that the Abyei Administration refused their offers of compensation. The Misseriya hierarchy cancelled subsequent meetings. The final cancellation occurred on 25 February, two days before renewed clashes broke out. Following the aborted meeting, the Missiriya herders, who had already advanced up to the Nyamora river, which cuts through the center of Abyei, pulled their cattle back to positions further north, leading the Ngok Dinka to claim that they must have known about the attacks in advance.

Even if the clashes had not interrupted the negotiations, the 13 January agreement would have been unlikely to effectively secure safe passage for the Missiriya through the territory. Only five of the nine Ngok Dinka chiefs^v were in attendance, and in Abyei there was widespread disquiet about the agreement. Some preferred not to negotiate while under attack, and others complained that the rates of compensation agreed upon were too low. Most substantively, civil society leaders said that the agreement abrogated the Juba Conference. At the Abyei Ngok Dinka Consultative Conference in Juba (15–16 November) it was agreed that the Missiriya should not be allowed to enter Abyei unless they agreed to the PCA-determined borders of Abyei.

The failure of the 13 January agreement underlines the impossibility of achieving a grazing agreement without a political settlement. The Ngok Dinka hold the Misseriya partly responsible for the political impasse, and there is little chance of them grazing on the river Kiir, which runs below Abyei town, until there is seen to be some reciprocal acknowledgement of Ngok Dinka wishes. As of 18 April 2011, negotiations between the Missiriya and the Ngok Dinka have not resumed. Following the heavy clashes of February and March, this will be the first year in memory in which the Missiriya have not migrated through Abyei.



A second deal was also brokered and signed by the northern and southern ministers of the interior and representatives of the SPLA and SAF in Kadugli on 17 January. This accord addressed security arrangements in Abyei. The parties to the deal agreed to guarantee the security of returnees on their journey home by opening two routes through Abyei that were blocked by Missiriya militias in the run-up to the referendum. The escorts were to be provided by SAF north of the 1956 border, while the SPLA was to have taken over once the convoys entered South Sudan. Neither of these routes has been unblocked to date, however, forcing convoys to take a long detour through Unity state.

In order to prevent further outbreaks of violence, the Kadugli meeting sought to restore some semblance of security to the region. The NCP held the Juba Police^{vi} responsible for the violence in January, and the SPLA agreed to withdraw them to Abyei town, to be replaced by two new Joint Integrated Units (JIU) battalions. The precise location of the JIUs was subject to a great deal of disagreement. Their deployment, moreover, caused more security problems than it solved. Tension caused by the rumoured presence of members of the 31st SAF battalion in Abyei^{vii} finally boiled over on 12 February. A soldier from the SAF contingent of the JIU stationed just north of Abyei town attempted to enter the town-market with a weapon and was refused entry by the police. As the disgruntled soldier walked away he fired his gun in the air, leading to widespread panic, and hundreds of people fleeing, fearing a repeat of 2008. In the upheaval, northern merchants shops were looted, one merchant was shot dead, and two were beaten to death. Not only did the new JIUs cause further tension in Abyei, they were also unable to prevent the violence that followed.

A month of violence

February and March 2011 saw the worst violence in Abyei since 2008, as 154 people died during clashes in the middle of the territory, that left at least two villages razed, and several others partially burned down.^{viii}

The clashes began on early on 27 February, as heavily armed Misseriya militias attacked police positions in the village of Todac, 15 km north of Abyei town. The attacks continued over the next week, as police positions at Todac and Maker were overrun. The Missiriya militias that attacked—estimated by the Abyei Administration at 700 strong—were armed with 12.7 mm machine guns, 60 mm mortars, RPGs, and small arms. There is evidence of SAF backing for the militias. Sources in the United Nations Mission in Sudan (UNMIS) confirm that helicopters were used to ferry out the wounded following the 2 March attack on Maker, and civilian witnesses reported seeing militia fighters in SAF uniforms, as well as in the uniform of the Central Reserve Police, the combat-trained force that in recent years has been massively expanded in Kordofan. Witnesses also report SAF vehicles, disguised with mud, being used in the attacks.

Officially, SAF and the NCP deny all involvement in the attacks. However, international experts have pointed out the strong similarity between the wave of attacks in February–March and militia attacks during the second civil war, which depopulated the northern regions of the territory and made possible the construction



of oil installations. The current wave of attacks, under this interpretation, would be a way of consolidating Missiriya control of the north of Abyei, and strengthening the NCP position at the negotiation table by carrying out a *de facto* occupation. As of April 2011, Abyei town is the northern most point occupied by Ngok Dinka civilians.

In response to the violence, a high-level meeting between NCP and SPLM officials was scheduled for 4 March. Officially, the meeting resulted in a renewed commitment to the January security arrangements, but those party to the negotiations reported fiery disagreements. The following day, just as the delegates were leaving the meeting, Missiriya militias burnt down 300 huts in Tajalei, indicating that it will be difficult to keep the militias under control, even if there is the political will to do so. A militia raid on Dungop, 10 km north-east of Abyei town, on 21 March, further underlined the tenuous nature of the current security agreements.

In reality, neither the NCP nor the SPLM are fully in control of the situation on the ground. There are elections in South Kordofan scheduled, after long delays, for May 2011, and the NCP badly needs Missiriya support. The Missiriya, however, feel increasingly marginalized by the NCP, and have repeatedly threatened to take matters into their own hands. Equally, the Ngok Dinka feel alienated by an administration in Abyei that constantly has to balance the demands of the local community with the political anxieties of the SPLM, which has its eyes firmly set on secession on 9 July.

While the SPLM and NCP agreed to end JIU operations on 9 April, and northern and southern units returned to their respective sides, an exception was made for Abyei. On 13 April at a meeting in Khartoum, a Joint Technical Committee was formed to implement the 17 January Kadugli agreement. But it remains highly unlikely that the JIUs will be able to maintain security in the area. During the recent clashes, the JIUs did nothing, despite being stationed some 500m away from Tajalei when it was burned to the ground. Underlying this unwillingness to intervene in the clashes is the memory of 2008, when the JIU battalion stationed in Abyei dissolved and the SAF and SPLA factions fought one another. The JIUs in Abyei are not under unified command; with three battalions present inside Abyei, any fighting could lead to a wider conflagration. Even if the Kadugli accords are fully implemented, they will not stop future violence; in the form of the JIUs, they risk exacerbating future conflict.

Outside Abyei, meanwhile, there has been extensive troop build-up. Satellite imagery produced by the Satellite Sentinel Project shows battle tanks consistent with T-55s deployed by SAF to Muglad, just north of Abyei, while the NCP has also accused the SPLM of building up forces just outside the region. There are also accusations that both sides are building up forces inside the territory. Speaking on 14 March, Farhan Haq, the deputy spokesperson for UN Secretary-General Ban Ki-Moon said, 'UNMIS has verified that both sides have reinforced their positions within the Abyei Area, including the confirmed presence of SAF and SPLA troops not affiliated with the Abyei Joint Integrated Units.'^{ix}

With the NCP facing multiple internal challenges, and the SPLM concentrated on independence, an outbreak of full-scale war remains highly unlikely. However, the



intensified military deployments mean a skirmish could set off a wider conflict, as occurred in 2008, but with potentially far worse consequences.

What next?

There appears little chance of a political settlement calming the many tensions surrounding Abyei. As the North–South committee meets to negotiate the post-referendum arrangements, the rhetoric emerging from both sides is increasingly inflamed. The NCP insists that Abyei ‘is northern and will remain northern’. The SPLM insists that the PCA decision on the borders of Abyei should be final and binding for both parties. In the draft version of South Sudan's transitional constitution, to be adopted after 9 July, the territory of Abyei is included within South Sudan.

Despite the distance between the two sides, they are insistent that there will be a resolution of the Abyei issue in the near future. Yet neither party is in full control of the actors on the ground, and even if an agreement is reached by the negotiating parties, it remains to be seen whether it will be accepted in Abyei itself.

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ⁱ The CPA mandated that in the interim period, Abyei was to have a local Executive Council, appointed by the Presidency (composed of President Omar al Bashir, and the Vice-President Salva Kiir) pending local elections in Abyei, which never took place. In 2008, following the razing of Abyei town, the Abyei Roadmap, signed by both the NCP and SPLM, and designed to address the deteriorating security situation, changed the structure of the local administration. It holds that the Presidency shall mutually agree on the Abyei Administration. There is no mention of local elections.

ⁱⁱ Under the terms of the Abyei Roadmap, the only armed forces allowed in Abyei are the Joint Integrated Units (JIUs), composed of Sudan People's Liberation Army (SPLA) and Sudan Armed Forces (SAF) units, the United Nations Mission in Sudan (UNMIS), and the Abyei Police, which is supposed to be moved into Abyei following the agreement of the Presidency. The NCP has consistently claimed that the SPLA has been moving troops into Abyei under the pretence of being police units.

ⁱⁱⁱ In attendance were a number of Ngok Chiefs, the commissioners of several districts in Abyei, commissioners from Western Bahr el Ghazal, Unity, and Warrap states (places the Misseriya traditionally pass through), as well as several Misseriya chiefs, and figures from the administration of South Kordofan.

^{iv} The traditional Eastern route runs through Nama and Dumboloya to Unity state, while the Western route goes from Mugadama, through Mayram, to Northern Bahr el Ghazal state.

^v The chiefs of the Abyior, Manyuar, Mareng, Anyiel, and Alei, were all in attendance, as well as Kuol Deng Kuol, the Paramount Chief, and several area commissioners.

^{vi} The so-called ‘Juba Police’ were deployed to Abyei following the violence in 2008, which saw clashes between SAF and the SPLA destroy much of Abyei town. Officially, this is a force of 300 men, designed to supplement the Abyei police and ensure security in the area. The NCP has consistently claim that these force are SPLA in police uniform. One of the key conditions of the Kadugli agreements was that they withdraw to Abyei town from their forward operating positions. It was the Juba Police that inflicted heavy losses on the Missiriya militias during the January attacks.

^{vii} During the clashes of 2008, when the JIU stationed in Abyei town disaggregated and began to fight, the 31st battallion of SAF (South Kordofan) was widely held responsible for the destruction of the town. One of the JIU battallions to be deployed to Abyei was principally composed of soldiers from Wau. However, many SAF troops refused to go to Abyei, and so the JIUs numbers were augmented by soldiers from the 31st, leading to widespread panic in Abyei among the Ngok Dinka population.

^{viii} The villages of Todac, Tajalei, Maker, and Wungok, were burnt, the first two villages totally razed. The villages of Dungop and Noong were also attacked.

^{ix} Speech by Farhan Haq. Acting Deputy Spokesperson for Secretary-General Ban Ki-Moon. 14 March 2011. <<http://www.un.org/News/press/docs/2011/20110314.farhan.haq.sp110314.htm>>