



The Crisis in Abyei

The nine-month, post-independence transitional period agreed between Sudan and South Sudan to settle outstanding issues is about to expire. The problems between the neighbours—over oil transit fees, border demarcation, and the status of Abyei—have not yet been solved. Tensions along the shared border remain high.

Clashes continued in Blue Nile and South Kordofan in March 2012, and the Sudan Armed Forces (SAF) bombed positions inside South Sudan. On 21 March, Mohamed Atta al Moula Abbas, the director of Sudan's National Intelligence and Security Service (NISS), accused South Sudan of participating in an attack on Heglig in South Kordofan. The assault was carried out by the [Sudan Revolutionary Front](#) (SRF), the new alliance of the Sudan People's Liberation Movement-North (SPLM-N), and the three main rebel groups in Darfur. Philip Aguer, the spokesman for the Sudan People's Liberation Army (SPLA), dismissed the NISS accusation, and said South Sudan did not support the SRF.

The latest round of African Union-mediated talks in Addis Ababa ended three days early without any progress on the central issues. Media coverage of the stalemate was muted because on 13 March the two sides agreed to demarcate 80 percent of the border within the next three months. They also agreed to implement a framework guaranteeing citizens' rights. Few noticed that the two countries had already signed an agreement on border demarcation on 15 February.

Almost immediately after the border deal was revealed, both sides announced new pre-conditions for its implementation. On 15 March, South Sudan's president, Salva Kiir, told an audience in Wau that the demarcation process could not begin unless contested areas (including Abyei) were included within the borders of South Sudan. On 18 March, Sudan's second vice-president, Al Haj Adam Yusuf, said the 13 March agreement was conditional upon South Sudan withdrawing its support for the SRF. Given the escalating hostilities along the border, and the impossibility of divorcing border demarcation from a more general resolution of the problems dividing the two countries, it is unlikely demarcation will occur in the near future.

With the talks in Addis Ababa focused on the oil crisis—South Sudan shut down oil production on 22 January because of a dispute over oil transit fees—there were no developments in negotiations on Abyei's future. There is still a substantial gap between the two sides. Sudan insists Abyei is part of its territory, arguing it is north of the 1956 border. However, this position is not supported by the 2005 Comprehensive Peace Agreement, or by the decision of the Permanent Court of Arbitration in The Hague. South Sudan insists that the Ngok Dinka, Abyei's permanent residents, are South Sudanese and that Abyei belongs to South Sudan.

Seemingly frustrated with the lack of progress, presidential advisor Joseph Lagu said on 20 February that South Sudan might ask Kenya to mediate in new talks on Abyei's political future. This seems highly unlikely: the AU would resist being displaced from its role as chief mediator and Sudan would not accept Kenya given its political proximity to South Sudan, a proximity that will only increase in light of Kenya's



prominent role in plans for a new oil pipeline from South Sudan to a new port at Lamu on Kenya's coast. Lagu's statement, which he delivered in Mombasa, seems largely designed for Kenyan consumption and does not form a plausible basis for future talks.

While there have been no developments in negotiations, important changes to Abyei's status have occurred inside both countries. The South Sudan National Legislative Assembly (NLA) is currently finalizing the national elections bill, which will set the framework for future elections in South Sudan. On 2 March, Abyei was placed on the election bill as part of Warrap state. This means that residents of Abyei will take part in elections, including a ballot to choose the governor of the state, and will have representatives in the NLA. (Currently, Abyei only has observer status.) In effect, this move places Abyei in South Sudan before the results of future talks with Sudan.

The South Sudanese move muddies the political and legal waters in Abyei even further, with the possibility that three rival structures could exist side-by-side in the area. If the elections take place, Abyei will have representatives in South Sudan's National Assembly, voted for by the Ngok Dinka but not by the Missiriya. SAF's military command is still present in Abyei and there is also a new Abyei Area Administration, which was agreed upon in the 20 June [Addis Ababa agreement](#) but which has been paralysed by disagreements over the Legislative Council.

Meanwhile in Sudan, the SRF's military successes, a growing economic crisis following South Sudan's decision to turn off the oil, and South Sudan's unexpected intransigence in negotiations have put pressure on the National Congress Party, making it less likely to compromise on explosive issues like Abyei.

As of 27 March, SAF continues to occupy the area, and seems unlikely to leave. The United Nations Interim Security Force for Abyei (UNISFA) is almost up to full strength, with 3,800 troops deployed across the territory. However, its civilian support staff is still waiting for visas from the Sudanese government.

On 16 February, a UN helicopter came under fire en route from Abyei town to Kadugli, South Kordofan, resulting in a temporary suspension of flights between the two locations.

One of UNISFA's central tasks is to support Ngok Dinka returnees, more and more of whom are returning to Abyei. There are now large numbers in the villages just north of the river Kiir, with 1,300 people in Marial Achak, and 1,000-2,000 in Rumameer. The numbers in these villages are fluid because people are moving back and forth between their ancestral homes further north, and Agok, which they fled to after SAF's invasion in May 2011. More returnees are also going to the centre of the territory, to Tajalei and Dungop, although the total numbers are small as people are still cautious. Most make an initial trip to assess the security situation and check on their properties before deciding whether to make a permanent return. In general, the Ngok Dinka who have returned to Abyei seem satisfied that UNISFA is providing an adequate level of security.

Conditions in Abyei remain difficult, however. Returnees have missed the planting season and food is scarce. Aid agencies have yet to fully establish themselves, with many waiting for visas for their staff. There is something of a standoff over visa provision; the political administration in Agok insists that in the wake of the 20 June agreement, Abyei is an area of joint-sovereignty, and thus visas from either country are acceptable, but many of the NGOs present have central offices in Khartoum, and therefore need Sudanese visas.

Many NGOs are also waiting for official confirmation that the roads in Abyei have been demined, despite the fact that UNISFA carries out daily patrols along these roads. That confirmation may be some time coming, as the United Nations Mine Action Service has said it is suspending demining operations in Abyei as its personnel and contractors have also not been given visas by the Sudanese government.

Security issues also hamper NGO work. The United Nations Office for the Coordination of Humanitarian Affairs reported that more than 40 national NGO staff members were abducted from Agok between 12-15 March, following the start of a forced recruitment drive by Southern security forces. All but two of those abducted were released by 15 March, and the size of the recruitment drive is unknown.

The full-scale return of the majority of Abyei's population will depend on the withdrawal of SAF, and guarantees of sufficient food and other necessities. Given that the rainy season is about to begin, it is unlikely that large-scale returns will occur before the next dry season in October/November 2012.

The Missiriya migration into Abyei continues. There have been a series of meetings between South Sudanese officials and Missiriya chiefs about grazing rights in the border region. Missiriya representatives also met with members of the Dinka Malwal in Abyei on 19-21 February. While the Missiriya involved in these meetings are not part of the groups passing through Abyei, the fact that Missiriya and Dinka communities elsewhere on the border have been able to successfully negotiate grazing rights suggests a hopeful precedent for future Missiriya-Ngok Dinka relations if the two communities can meet over cohabitation outside of the state-level political negotiations underway. On 8 February, a Missiriya delegation also met with government representatives in Bentiu, Unity state. It was agreed that the Missiriya could have safe passage into Unity as long as they passed through a set of pre-determined SPLA checkpoints and came unarmed. But given the current levels of violence in this area, it is unlikely they will want to risk their lives and cattle by entering the territory without weapons.

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