

Update on Abyei

Describing events through 28 January 2015

In the 20 June 2011 Addis Ababa agreement, the Government of Sudan (GoS) and the Government of the Republic of South Sudan (GRSS) agreed to establish a local government and police force for Abyei. As of 28 January 2015, neither has been established, and political negotiations over the territory's future are at a total standstill. The Abyei Joint Oversight Committee (AJOC)—the body with political and administrative oversight in the territory—has not met since the assassination of the former paramount chief of the Ngok Dinka, Kuol Deng Kuol, on 4 May 2013, by a Missiriya man involved in a standoff with the UN Security Force for Abyei (UNISFA) convoy accompanying the chief. Kuol's death destroyed what remained of the already fragile ties between the Missiriya and the Ngok Dinka. The new paramount chief, Bulabek Deng Kuol, has emphasized that until Kuol's killer is brought to justice, the Ngok Dinka will not recognize the AJOC. Kuol Monyluak, the head of Abyei's administration, has further stated that until the Missiriya apologize for the assassination, relations between the two groups will not be restored. Monyluak also demands that an African Union report into his death is released. The report has been completed, but not published; according to sources in Abyei, the report was sent for review by the respective parties, and the GoS never returned it, effectively preventing its release and the resumption of talks. With both the GoS and the GRSS preoccupied with internal conflicts, there is little likelihood of any substantive developments in Abyei's political future in the near term.

On 4 November 2014, South Sudanese President Salva Kiir and Sudanese President Omar al-Bashir met in Khartoum, and agreed to a resumption of AJOC meetings. The GRSS placed two preconditions on these meetings occurring, however: the release of the report into the death of Kuol Deng Kuol, and the removal of Sudan Armed Forces (SAF) troops from Difra, Abyei's sole remaining oil field. Despite several UN Security Council (UNSC) resolutions asking GoS to withdraw these troops, it has refused to do so until an Abyei police force is established, a step that cannot occur until a joint administration is created, which would require the resumption of the very AJOC meetings that cannot happen until the troops are withdrawn. The situation is thus a recipe for total paralysis, and the 4 November agreement is likely to be merely the latest in a series of empty accords signed by the two sides.

In the Abyei Protocol of the Comprehensive Peace Agreement (CPA), which ended Sudan's 22-year second civil war, Abyei was scheduled to have a referendum on whether it would rejoin the southern states of Sudan (now South Sudan). The referendum never took place because of disagreements over who was eligible to vote. The GoS rejected a more recent proposal made by the African Union High-Level Implementation Panel on 21 September 2012 for a referendum in the territory. The Ngok Dinka and the GRSS insist that it is the Ngok Dinka who must decide the territory's future, and that the transhumant Missiriya are not eligible to vote. The GoS will not allow a referendum without Missiriya participation and the Missiriya will not accept any political developments in Abyei that would see the area joining South Sudan, because they fear that this would mean the loss of access to grazing land that is vital to their way of life.

It was Ngok Dinka frustration with this impasse that led the community to hold a referendum in October 2013, which saw the community vote overwhelmingly to join South Sudan. Since then the Ngok Dinka have mounted an unsuccessful political campaign to have the international community recognize the results of its referendum. On 24 November 2014, Bulabek Deng Kuol stated that his community will continue to push for the acceptance of the referendum by the international community. The Missiriya community rejected the referendum, in which they did not take part, and criticized the Ngok Dinka's more recent efforts to have it more broadly recognized.

It is highly unlikely that such recognition will occur. At the time of the referendum, both the United States and the African Union distanced themselves from it. Equally, the GRSS did not recognize the referendum because it feared this would destabilize its relationship with the GoS. The GRSS also recognizes that even if it were to accept the result of the October referendum, without the agreement of the GoS and the Missiriya Abyei would not be able to join South Sudan without military conflict between SAF and the SPLA—a conflict to which, given South Sudan's internal struggles, it cannot commit.

In the interim, the Ngok Dinka community is unwilling to establish a joint administration with Sudan, as mandated by the 20 June 2011 Addis Ababa agreement. The Ngok Dinka's political leadership fears that the establishment of a joint administration would be unacceptable to the community—which has already expressed its desire to join South Sudan and sees no need for further negotiations—and would lead to the indefinite deferral of a political resolution to the Abyei crisis. The previous joint administration, which ended when SAF invaded the territory in 2011, did not manage to resolve basic disagreements between the GoS and the GRSS over the territory's political future.

This leaves Abyei at an impasse. The GoS states that establishing a joint administration is a precondition to further talks, and thus indefinitely defers broader negotiations over the territory's future: a situation that is generally beneficial to the Sudanese government. The current status quo means that Sudan can continue to collect the totality of the oil revenue from Difra. Further, it placates the Missiriya, an important political constituency for the GoS. Finally, it allows for a *de facto* annexation of north Abyei, which is currently controlled by the Missiriya, and without Ngok Dinka inhabitants. The lack of progress in negotiations, despite diplomatic statements to the contrary, is eminently productive for the GoS, and far better than any of the diplomatic proposals currently on the table.

The international community is focused on the conflicts in Sudan and South Sudan, and is unwilling to further pressure the two sides. On 11 December 2014, the UNSC urged both sides to resume negotiations under AUHIP, one of a long series of such UNSC statements in recent years. Ethiopia, which provides the personnel for the UNISFA force in Abyei, threatened to withdraw from Abyei on 14 November, following GoS's postponement of a series of meetings about the security situation in Abyei. However, since it made this threat, the Government of Ethiopia has not repeated it, and the meetings did not occur.



The conflict in South Sudan has also affected local politics in Abyei. In December 2014, The South Sudanese co-chair of AJOC, Edward Lino, formally left his position, and Deng Mading Mijak—the former deputy co-chair—was appointed the new co-chair, with Nyakuch Ngor Chol as his deputy. Since December 2013, Lino—a former chief administrator of Abyei, and chairperson of the SPLM for the territory—has been a vocal critic of Kiir’s regime, and joined the Sudan People’s Liberation Movement/Army in Opposition (SPLM/A-IO) during the last year. Abyei has previously been a steadfast supporter of the SPLM in South Sudan’s conflict, despite the Ngok Dinka’s frustration that South Sudan’s political elite has ignored Abyei’s plight. The territory has seen a diminution of influence since the outbreak of the conflict: one of the SPLM detainees arrested at the start of the conflict—now freed—is Deng Alor, one of Abyei’s most powerful politicians. In December 2014, Kiir changed five ambassadorial positions, relieving Chol Deng of his position as ambassador in Russia, and replacing him with Telar Deng, one of Kiir’s most unpopular advisors, who is thought to be much too close to the National Congress Party in Khartoum. While many politicians from Abyei were politically central to the SPLM post-2005, the territory has seen some of its most powerful voices pushed away from Kiir’s inner circle since the beginning of the conflict, to be replaced by politicians—like Telar Deng—that are unlikely to share its concerns.

In public statements, the SPLM/A-IO has tried to exploit this feeling of marginalization. As a result of the Pagak conference, held on the Ethiopian border in Upper Nile, the rebel organization announced that South Sudan’s current ten states would be dissolved, and be replaced by 21 federal states based on the districts of the British colonial administration. Abyei was included as one of these districts. This measure should be understood as an attempt to woo the Ngok Dinka, rather than as a substantive proposal; the SPLA-IO is backed by the GoS, which would be extremely hostile to any attempt to bring Abyei within South Sudan. Thus far, there has been no overt support for Lino’s position within the Ngok Dinka community, and it is unlikely there will be so. UNISFA is relatively successful in ensuring Abyei’s demilitarization, and lacking any direct routes to the SPLA-IO forces in the greater Upper Nile region, open support for the SPLM/A-IO would likely result in swift repression from both the SPLA and SAF.

The GoS’s position on Abyei is also partly determined by developments in its own civil war. With members of the Missiriya community joining JEM and the SPLA-North, the GoS is unwilling to make any compromises that might antagonize the community. Its current strategy is to put political pressure on the GRSS, in the hope that, given the latter’s precarious position in South Sudan, it might compromise over Abyei. On 22 October 2014, the Sudanese co-chair of AJOC, Hassan Ali Nimr, announced that Abyei would be included in Sudanese national elections, scheduled for April 2015. However, shortly before Nimr’s announcement, on 18 October, the Chairman of the West Kordofan election commission (which is putatively the state of which Abyei is a part, according to GoS) announced that Abyei is not among the constituencies that will be included in the election. No registration of voters has occurred in Abyei, and voter registration across Sudan concluded on 17 November. Kuol Monylyak, the head of the GRSS-backed Abyei administration, stated that the territory would not take part in the elections, because it had already voted to be part of South Sudan. Without Ngok Dinka agreement, organizing an election in the territory



would not be viable. Instead, the inclusion of Abyei as a Sudanese constituency for the 2015 elections is only the latest in a series of GoS rhetorical-political moves to contest the legitimacy of the Ngok Dinka's referendum and the GRSS-backed institutions in the territory. Abyei will also not vote in the South Sudanese elections, scheduled for June 2015, because of its disputed status, which leaves Abyei without elected representation in either county, having held a referendum of their own that no one recognizes.

There is, however, a working administration in Abyei, largely composed of the ministers from the former Abyei Area Administration that President Bashir illegally dissolved when SAF invaded the territory in May 2011. The administration, paid for by the GRSS and aligned to South Sudan, struggles due to a lack of funds. In December, functionaries complained that they have not been paid—a situation mirrored around South Sudan, as the GRSS tries to cope with the straitened circumstances created by the conflict with SPLM/A-IO and falling global oil prices. This situation compounds an already-bad economic situation in Abyei, as the administration's salaries are also one of the sole sources of liquidity in the Abyei market. It is made worse by late rains at the end of the rainy season, which made 2014's second harvest unusually poor, and by disruptions in the flow of goods into the territory due to the conflicts in Sudan and South Sudan, which led to sorghum prices doubling from October to December 2014. Scarcity and bad harvests suggest the potential for greater conflict with Missiriya herders, who are now entering Abyei in greater numbers with their cattle as part of their seasonal migration into the territory. Recognizing these difficulties, the GRSS gave USD 2 million to the Abyei Administration in January 2015, to buy food and commodities for the territory's residents.

The Missiriya migration is now in full swing, having begun on 11 October. The migrants are concentrated in the north of the territory, at Difra, Dumboloya, and Goli; the Ngok Dinka fled many of these villages during attacks by Missiriya militias in January–April 2011 and they have yet to return. On 2 January, Bulabek Deng Kuol accused the Missiriya of settling in the north of Abyei. The Ngok Dinka feel that this is a *de facto* occupation of areas that are rightfully theirs.

The migration is being managed by UNISFA, which recently switched its forces to a dry season deployment plan designed to create a buffer zone between the Missiriya in the north of the territory and the Ngok Dinka in the area around Abyei town. UNISFA currently has 3,942 troops in the territory, and on 14 October, the UNSC extended its mandate until 28 February 2015. The force is increasingly unpopular with the Ngok Dinka, many of who see them—effectively—as bodyguards for an unwanted Missiriya presence in the north of Abyei, who have failed to protect the community from Missiriya raids or ensure the departure of the SAF troops at Difra.

The Ngok Dinka's hostility to the UN was heightened by a research mission to northern Abyei undertaken 20–24 December 2014 by a variety of UN agencies, the International Organization of Migration, Sudanese representatives of AJOC, and several NGOs. The assessment investigated the livelihood of the inhabitants of the area and assessed food security. The Ngok Dinka felt that providing humanitarian aid to these communities would be tantamount to the international community supporting

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the occupation of the territory. While humanitarian assistance is provided to approximately 81,000 people inside Abyei, the World Food Programme also engaged in a food distribution in northern Abyei from 27 October through 3 November.

The legality of permanent Missiriya settlement in northern Abyei is difficult to determine. The Abyei Protocol of the CPA states that “the Misseriya and other nomadic peoples retain their traditional rights to graze cattle and move across the territory of Abyei” but says nothing about permanent settlement, and also defines the residents of the area as “the Members of Ngok Dinka community and other Sudanese residing in the area.” The Ngok Dinka fear that a large, politically motivated settlement in northern Abyei would allow the Missiriya to try and upturn the demographic balance of the territory, and create facts on the ground that could be used as a basis for future negotiations.

While the Missiriya have migrated into Abyei, raids on the Ngok Dinka have continued. On 9 November, Missiriya raiders attacked the village of Tajalei—the site of many previous raids—stealing 185 head of livestock. On 8 December, there was a further raid, conducted by members of the Awlad Kamal section of the Missiriya, on a village in Majak county. There was a second raid on 9 December, in which four people were killed. 181 livestock were taken, of which UNSIFA recovered 176. The Abyei Area Administration claimed that these attacks were carried out by SAF forces, and by militia forces under the command of the locally-detested leader Thomas Thiel, a Twic Dinka who used to fight under Kerubino Kuanyin, an SPLA and South Sudan United Army commander during the second civil war. However, despite these claims, the attacks of November and December seem more likely to be cattle raids than military attacks—they are not focused on seizing strategic objectives, but rather on augmenting the herds of the raiders. The attacks contribute to the already tense relationship between the Missiriya and the Ngok Dinka.

While UNISFA has been moderately successful in recovering livestock, it was never intended to be a police force, but, given that the mandated local police force has not been established, the peacekeeping operation has found itself forced to undertake duties it was not prepared for. With the Missiriya migration into Abyei continuing, there is likely to be more cattle raids in the coming months, as political stagnation in the territory continues.

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