

Update on Abyei

Describing events through 1 July 2015

On 20 June 2011, the Government of Sudan (GoS) and the Sudan People's Liberation Movement (SPLM) signed an agreement on a temporary administrative arrangement for Abyei, which was to be in place until the resolution of the territory's long term political future. It mandated for the demilitarization of Abyei and the establishment of a joint administration. Four years on, Abyei's political future is still unresolved, the joint administration not established, and the Sudan Armed Forces (SAF) have a force of 120–150 troops stationed at Difra, Abyei's sole oil field, in violation of multiple United Nations Security Council (UNSC) resolutions. With the attention of both Sudan and South Sudan fixed on their own internal struggles, there have been no negotiations on Abyei's future during the last year.

There are two principal blockages to the establishment of a joint administration. In May 2013, a member of the Missiriya killed Kuol Deng Kuol, then the paramount chief of the Ngok Dinka, and destroyed what was left of the already fragile ties between the two communities. Before April 2015, the Ngok Dinka insisted they would not meet the Missiriya until Kuol Deng Kuol's killers were brought to justice, and the publication of an African Union High-Level Implementation Panel (AUHIP) report into his death and those of twelve Missiriya who died in the same incident. The Ngok Dinka community also feels that the establishment of a joint administration will lead to an indefinite deferral of a resolution to the political situation in Abyei. The previous joint administration, which was dissolved when SAF invaded the territory in May 2011, created a situation of stalemate, and did not address the substantive issues dividing the two communities.

The GoS has insisted that the establishment of a joint administration is a precondition for further talks on Abyei's future. The Missiriya are an important political constituency for the National Congress Party (NCP), which it cannot afford to alienate given its precarious grip on political life in Sudan. Any concession in talks with the SPLM would be taken badly by the Missiriya, who fear a permanent loss of grazing land if Abyei were to join South Sudan, and already feel betrayed by an NCP that has reneged on many of its promises to the community.

Equally, the SPLM cannot risk backing a joint administration, as its support among the Ngok Dinka is already tenuous. The community has long felt historically marginalized, and now feels left behind following South Sudan's secession. This discontent has increased in recent years, as important Ngok Dinka politicians have been sidelined by the Kiir regime. Given the SPLM's internal challenges, compromising on Abyei and moving closer to the GoS position risks alienating an important political constituency for the party. Internal political tensions in each country thus create a situation in which the NCP insists on a joint administration as a precondition for future negotiations, and this is precisely the condition that the Ngok Dinka feel will preclude an acceptable resolution of the political crisis in Abyei, and is thus rejected by both the community and the SPLM.

The current situation is eminently productive for the GoS. The deferral of a political resolution to Abyei's future allows it continue to reap the benefits of the oil revenue from Difra, which it is supposed to share with the Abyei area, while also placating the Missiriya, who graze unopposed in northern Abyei, without the consent of the Ngok Dinka. The United Nations Interim Security Force for Abyei (UNISFA) plays a role in GoS' current strategy. In order to minimize tensions between the two communities, the peacekeepers have created a security cordon around the centre of Abyei, in order to protect the area in which the majority of the Ngok Dinka live, and allow the Missiriya pastoralists, who annually migrate to the north of Abyei during the dry season, to graze their herds without encroaching on Ngok Dinka agricultural land. The creation of this cordon has had several unintended consequences. Whereas previously the Missiriya would negotiate with the Ngok Dinka over the routes they took through Abyei, the northern pastoralists now graze freely in the north of the territory. This undermines relations between the two communities; annual grazing meetings used to be the time when debts for the thefts and killings of the previous year were addressed, and migratory routes agreed as part of a complex calculus of alliances, kinship, and shifting ecological conditions. For many Ngok Dinka, the Missiriya now graze at will, with UNISFA effectively functioning as their bodyguards.

The dry season is now over, and some 6,800 Missiriya have returned to the north of Abyei as of the end of May, with the Mezaghna section moving from grazing sites at Dukra, Um Khariet, Goli, Wathgog to Farouk, while Awlad Kamil moved from Alal, Noong, and Shegei to Tadam, and Awlad Umran moved from Dumboloya and Shegei to Dabib. Some 4,200 Missiriya remain in Abyei, and many of the Missiriya who would previously have returned to West Kordofan and East Darfur by the end of May remain in northern Abyei. This is also partly an effect of UNISFA's security cordon. In the years prior to UNISFA's arrival, most Missiriya would return to West Kordofan and East Darfur by April, in accordance with agreements made with the Ngok Dinka. Now that they remain in the north, there is a *de facto* occupation that divides Abyei in two. This angers the Ngok Dinka, who feel this deprives them of areas historically their own. They claim that UNISFA is effectively assisting the Missiriya in settling in the north of Abyei, and creating facts on the ground that could then be used by the NCP as a basis to lay claim to that part of the territory.

The Missiriya also complain about the current arrangement. At the end of May 2015, Hamad El Dudo, one of the leaders of the Mezaghna section, stated that the Missiriya were suffering from acute water shortages in the north of Abyei. Prior to the UNISFA cordon, the Missiriya would advance to the river Kiir as the dry season progressed and more northerly water resources dried up. The security cordon prevents them going further south, as UNISFA fears that this might lead to clashes between the two groups. The current arrangement benefits neither group. However, given the total breakdown in relations between the Ngok Dinka and the Missiriya, the cordon is at least effective in preventing widespread clashes. While it is true that the cordon has assisted in breaking down the inter-communal ties that had enabled Missiriya grazing, the very reason for the cordon was that these ties were already incredibly damaged.

Two recent proposals have attempted to overcome the distance between the Ngok Dinka and the Missiriya, and enable the first high-level meeting between the two communities since Kuol Deng Kuol's death.

The first proposal was for a meeting between the two groups, to be held during April 2015 in Aweil, in Northern Bahr el Ghazal state, and facilitated by a variety of international organizations, including Concordis, which has held similar meetings up and down the Sudan-South Sudan border. The meeting was cancelled after the GoS closed the Sudanese border in the run-up to Sudanese national elections in 2015. The Abyei Area Administration (AAA), the Ngok Dinka body that is the current *de facto* government in Abyei, was enthusiastic about the meeting, which would have seen the two communities discussing the killing of Kuol Deng Kuol, as well as the other issues separating the two communities.

However, the AAA's enthusiasm did not extend to another proposed meeting between the two communities, which was to be held in Addis Ababa, Ethiopia. The meeting was agreed by the Sudanese and South Sudanese co-chairs of the Abyei Joint Oversight Committee (AJOC), the body that the 20 June 2011 Addis Ababa agreement mandated as having overall executive and administrative responsibility for the territory. The meeting was originally scheduled for 30 March, before it was repeatedly delayed. A Sudanese delegation arrived in Addis Ababa on 19 June, in preparation for a rescheduled meeting to be held on 20–24 June. The South Sudanese delegation, however, did not show up, citing 'internal challenges' and requesting an indefinite postponement.

The AAA contends that the proposal for an Aweil meeting was so enthusiastically embraced because it allowed the two communities to decide on the agenda. The Ngok Dinka refused to meet in Addis Ababa because the community feared that the AU would set the terms of the meeting, which would include a discussion over a joint administration—a non-starter for the Ngok Dinka—and exclude discussion of issues of paramount importance to the community, such as Missiriya recognition of a unilateral referendum that was held in Abyei in October 2013.

The Ngok Dinka referendum emerged out of long-standing frustration with the impasse over a postulated referendum to be held in Abyei, which was agreed upon by GoS and the SPLM in the Abyei Protocol of the Comprehensive Peace Agreement (CPA), and which would have determined whether Abyei would re-join the southern Sudanese states that now constitute South Sudan. The referendum, which was to be held concurrently with the southern Sudanese referendum on secession, ran aground due to disagreements over who was eligible to vote. The GoS dismissed an AUHIP proposal for a modified referendum, tabled on 21 September 2012, as biased against the Missiriya, because it required 'permanent residency' as a criteria for being eligible to vote. The Ngok Dinka fear ongoing Missiriya settlement in the north of Abyei will create a solid justification for Missiriya voting rights in any future referendum.

The NCP will not agree to a referendum that does not feature the participation of the Missiriya. The Ngok Dinka claim that the northern pastoralists are not permanent residents, and are thus ineligible to vote. They fear that if the Missiriya participated in a future referendum, the NCP would attempt to fill Abyei with Missiriya—whose total numbers far exceed those that migrate into Abyei each dry season—and thus ensure a vote to remain in the north.

In the resulting standoff, the Ngok Dinka held a unilateral referendum in October 2013, and voted decisively to join South Sudan. The referendum was not officially recognized by the Government of the Republic of South Sudan (GRSS), though it offered tacit support, and was denounced by GoS and the international community. The principal Ngok Dinka political demand is for recognition of this referendum. After a decade of political stalemate, the Ngok Dinka community feels that it has expressed its political will, and that there is no need for further discussion. This is, however, a rhetorical stance. The AAA is aware that even if there were widespread international recognition of the referendum, actually implementing the result would require Sudan's approval. Post-October 2013, the Ngok Dinka find themselves in much the same position as before: their political future is dependent on decisions taken elsewhere.

The aborted Addis Ababa meeting revealed political fractures within the Ngok Dinka leadership. Deng Mading, the South Sudanese co-chair of AJOC, and a member of the family of Deng Majok, a former paramount chief of Abyei whose relatives constitutes the area's ruling class, was under pressure from the GRSS and the international community to agree to such a meeting. The rest of the community did not feel these pressures, and the AAA, as well as other Ngok Dinka luminaries, decided not to go to Addis Ababa during gatherings in Juba shortly before the meeting was due to begin.

The tension in these discussions is about which actors should legitimately represent Abyei. The Abyei High Committee for the referendum, which is chaired by Chol Deng Alak, the chief administrator of the AAA is insistent that the AAA is the proper decision-making body for the territory. This claim centres political power in the territory within the de facto political administration, rather than vesting it in the AJOC, which is a GRSS position, whose aims are not necessarily consonant with those of the Abyei community. The AAA is also suspicious of meetings of the traditional leadership of the Ngok Dinka and the Missiriya. In part, this is historical: the last meeting between the two sides resulted in the Kadugli agreements of January 2011, which resulted the SPLA withdrawing from Abyei, a decision that many in the AAA claim allowed SAF to occupy the territory three months later.

There is also a sense that a meeting of traditional chiefs would not resolve Abyei's problems, because none of the traditional leadership of the Ngok Dinka and the Missiriya can agree on the territory's political future (a decision for the GoS and the GRSS), and so such a meeting could not repair relations between the sides, because it misdiagnoses the causes and sees a political problem as an inter-communal conflict.

The differing responses of the Ngok Dinka to these two meetings are indicative of the diplomatic impasse over Abyei. The focus of the Ngok Dinka is on determining Abyei's political future, and ensuring that it joins South Sudan. The community's frustration fundamentally stems from the fact that though they are focused on achieving a political resolution to the situation in Abyei, they—as well as the Missiriya—are excluded from actual negotiations over the territory, which are considered the prerogative of the two states involved, Sudan and South Sudan. In fact, under the terms of the CPA's Abyei Protocol, the two communities that actually live in Abyei are given no voice in negotiations over its future.

In such a situation, the Ngok Dinka have little appetite for negotiations whose goal is the establishment of a joint administration, and thus—for the Ngok Dinka—an indefinite perpetuation of the current status quo. For the Missiriya, the creation of a joint administration allows them to have a voice in the area’s organization, and adds further legitimacy to their claim to the territory, whereas further negotiations over Abyei’s future, if they involved discussion of the possibility of the area joining South Sudan, would be politically deleterious.

The international community, aware that negotiations over Abyei’s future are at a seemingly interminable stalemate, is instead focused on the seemingly more manageable task of creating a joint administration, and many diplomats repeatedly express frustration with the Ngok Dinka position.

In the absence of a joint administration, the AAA is currently composed of Ngok Dinka members of the SPLM, and is headed by Chol Deng Alak, recently returned from a stint as South Sudanese ambassador to Russia. It is currently trying to build up institutions in Abyei. At the end of May, Chol Deng announced that the AAA would create a judiciary in the territory, and appoint a first-class South Sudanese judge. The GRSS provides the AAA with minimal funding, but it struggles with a lack of resources. In May and June, the AAA visited Juba, and sought to make agreements with individual South Sudanese states. At the beginning of June, the AAA signed an agreement with Western Bahr el Ghazal state, which committed to provide educational services in Abyei, and a further agreement is being sought with Central Equatoria state. While the international community does not officially recognize the administration, UNISFA works with it, the SPLM funds it, and it is effectively the government of Abyei. This is a further reason why a joint administration with the Missiriya has such little appeal: the Ngok Dinka already have an administration, composed entirely of members of their community, and see little reason to give up power to Missiriya or NCP members that they do not consider residents of Abyei. In the absence of a political settlement, both the Missiriya—through settlements—and the Ngok Dinka—through the administration—have been building *de facto* situations on the ground.

Both SAF and the Sudan People’s Liberation Army (SPLA) maintain military forces just outside Abyei, and, in the case of SAF, a force of 120–150 around the Difra oil field within Abyei itself. There are multiple reports of SAF using Difra to supply limited amounts of small arms to Sudan People’s Liberation Army in Opposition (SPLA-IO) forces to the west of Abyei, under the command of Dau Aturjong, and to the east of Abyei, where the remnants of the SPLA-IO 4th Division are based near Kharasana, under the command of Michael Makal Kuol, following their defeat at Panakuac, Unity state, in May 2015.

May 2015 also saw indications of an increasing SPLA presence in the south of Abyei. UNISFA reported seeing SPLA soldiers at Awang Thou on 13 May, and 26 May, in the area of Arik. However, neither army is likely to engage over Abyei at present; both sides have more pressing internal concerns.

May and June also saw a continuation of the pattern of Missiriya raiding that characterized the first four months of this year, and continued to make future relations

between the two groups difficult to envisage. On 19 May, two people were killed in an attack on Bier village, after assailants moved south on motorbikes. On 25–26 May, Missiriya attackers raided the villages of Mayom and Nyiel for cattle, leaving seven Ngok Dinka and twelve Missiriya dead. On 10 June, there were further attacks on Dier and Tolmac villages, to the southwest of Abyei town. The attackers moved south through the west of Abyei, close to the East Darfur border, before moving east and attacking the villages, leaving nine dead and three wounded. In these attacks the Ngok Dinka have increasingly armed themselves, and fought back. The community is frustrated at UNISFA's inability to defend against these attacks, and what they feel is an asymmetry: the peacekeepers disarm Ngok Dinka herders, while leaving SAF forces at Difra untouched. The AAA wants to set up a local police force, but diplomatically, this is unlikely to be acceptable to the NCP, which wants a joint police force, set up along with the joint administration. Both the Missiriya and the GoS are wary of a repeat of 2011, when the SPLA infiltrated Abyei—then supposedly a demilitarized zone—under the guise of being 'police officers.'

Current Missiriya raids must be distinguished from the traditional clashes that occur between the Ngok Dinka and the Missiriya, which occur at the end of the dry season as the northern pastoralists return north and seek to augment their herds. Payment for such raiding—both for cows stolen and lives lost—classically occurs during negotiations over Missiriya migratory routes for the next dry season; the very routes now assured by UNISFA. The current set of raids has focused on villages far to the south of Abyei town and has also involved the razing of property and the killing of women and children. Such raids bring with them the echo of January–April 2011, when Missiriya militias, backed by SAF, targeted Ngok Dinka civilians and razed villages in an attempt to depopulate Abyei and secure it for their exclusive use. UNISFA is ill equipped to serve as a police force, and lacks the capacity to prevent such raids.

It is unlikely there will be a substantive change in Abyei in the near future. The international community is intent on pushing for a joint administration, a measure that will not find any support among the Ngok Dinka. Meanwhile, the current situation is eminently productive for the NCP, and until it ceases to be so, it is unlikely there will be any progress in talks over Abyei's political future.

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