



Update on Abyei

As of mid-September 2014 Abyei still does not have a local government or police force, despite the obligations of both the Government of Sudan (GoS) and the Government of the Republic of South Sudan (GRSS) to establish them as per the 20 June 2011 Addis Ababa agreement. At present, 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, and contributed to the continuing impasse in negotiations. With both governments' attention firmly focused on their respective countries' internal conflicts, the issue of Abyei has effectively been shelved.

The GoS insists that the establishment of a joint local administration, as mandated by the 20 June 2011 agreement, is a precondition for talks on Abyei's future. However, since the Ngok Dinka conducted a unilateral referendum in October 2013—which saw the community vote overwhelmingly to join South Sudan—they have been unwilling to commit to anything other than immediate political negotiations. 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 the Sudan Armed Forces (SAF) invaded the territory in 2011, did not manage to resolve a basic disagreement between the GoS and GRSS over the territory's political future.

AJOC is currently not functional. Kuol Monyluak, the head of Abyei's administration, has stated that until the Missiriya apologize for Kuol Deng Kuol's assassination and the full inquiry into his death is released, relations between the two groups will not be restored. Nevertheless, on 2 September 2014 Sudanese president Omar al-Bashir issued a decree replacing al-Khair al-Fahim, the Sudanese co-chair of AJOC, with Hassan Ali Nimr. The move comes amid criticism of Fahim by the Missiriya, who feel abandoned by the GoS and have recently been joining Sudanese rebel groups, including the Justice and Equality Movement (JEM), in increasing numbers. Nimr was West Kordofan's agriculture minister before his appointment. More importantly, he is a member of the family of Mukhtar Babu Nimr, one of the most powerful Missiriya leaders, and his appointment should be seen as an attempt to placate the Missiriya, at a time when the GoS can ill afford to lose their support. Mukhtar Babu Nimr issued a statement on 11 September approving Ali Nimr's appointment and calling on the two governments to form a local administration and police force in Abyei. This appointment, however, is unlikely to



substantively change the situation on the ground, where a fundamental disagreement remains over the Abyei Protocol.

In the Abyei Protocol of the Comprehensive Peace Agreement, 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. Subsequently, the Ngok Dinka's political leadership mounted a campaign—so far unsuccessful—to obtain international and South Sudanese recognition of the referendum. On 27 July 2014 the heads of the nine Ngok Dinka chiefdoms announced that they would lobby the GRSS to formally recognize the referendum, but their efforts are unlikely to be successful. The GRSS did not initially recognize the referendum because it feared this would destabilize its relationship with the GoS, and these fears are even more acute today. Since December 2013 SAF has only given modest assistance to the Sudan People's Liberation Army-in-Opposition (SPLA-IO). If relations between the GoS and the GRSS were to worsen, this could lead to further SAF support for the SPLA-IO. 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.

The GoS's position on Abyei is also partly determined by developments in its own civil war. With the Missiriya 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. The latest statement in this political battle was made on 7 September, when Sudan's National Election Commission announced that Abyei would be included as a constituency for the 2015 Sudanese elections, along with Halayeb, a contested area on the Egypt–Sudan border. The speaker of the South Sudanese parliament, Magok Rundial, condemned this development on 11 September and said it contravened the agreements made by the two governments over the territory. Kuol Monyluak, 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 rhetorical-political moves by the GoS to contest the legitimacy of the Ngok Dinka's referendum and the GRSS-backed institutions in the territory.

The GRSS is in a difficult situation. It is unable to formally recognize a referendum that was widely criticized by the international community, but continues to support the Ngok Dinka political leadership and maintains that Abyei must join South Sudan. GRSS support to Abyei is largely practical and economic. President Salva Kiir donated 12 vehicles to the Ngok Dinka leadership in July 2014 and the GRSS transferred SSP 24 million (USD 5.3 million) to the Abyei administration in order to pay civil servants in the territory. On 18 August 2014 the South Sudanese Ministry of Health publicly committed to rebuilding Abyei's hospital and training the area's medical staff. Along with this economic support, the GRSS continues to insist that Abyei belongs to the Ngok Dinka. On 24 July the South Sudanese Foreign Affairs Ministry issued a statement demanding that the Missiriya leave Abyei and claiming that Abyei is the territory of the Ngok Dinka. Given current political tensions in South Sudan, the GRSS cannot risk alienating the Ngok Dinka, many of whom occupy important positions in the Sudan People's Liberation Movement (SPLM) hierarchy.

More assertive GRSS support for the Ngok Dinka is unlikely, however. With both the GoS and GRSS worried about antagonizing important political constituencies and unable to compromise, there is no possibility of a resolution to the crisis over Abyei's political future in the foreseeable future.

In the territory SAF maintains 120–150 'oil police' at Diffra, Abyei's sole remaining oil field, despite several UN Security Council resolutions asking the force to withdraw. The oil police detained vehicles bringing water well-drilling equipment into Abyei in mid-June 2014, in violation of the Status of Forces Agreement that the GoS signed guaranteeing contractors' freedom of movement in the territory. UNISFA also reports occasional SPLA incursions into southern Abyei, with 20 soldiers sighted near Anthony on 12 May and an attempted robbery at a market in Agok on 20 July carried out by SPLA soldiers based in Unity state. On 13 September SPLA deserters set up illegal road blocks in the south of Abyei and attempted to extort taxes from passing traffic. These incursions are not part of an SPLA strategy and instead arise from the erratic movement of semi-autonomous troops. Such incursions point to the possibility of a resurrection of second civil war era practices, in which soldiers, largely without salary, subsist on predatory taxation and raiding.

It is now the height of the rainy season in Abyei. Some 75,000 Missiriya have already moved north, with some 25,000 pastoralists remaining in the northern areas of the territory, partly due to the late onset of the rains in West Kordofan. As is traditional, the end of the grazing season has seen a number of Missiriya cattle raids, as the northern pastoralists seek to augment their herds.



These raids have been more fractious than in recent years due to the total breakdown in relations between the Missiriya and Ngok Dinka. The Missiriya now only graze in Abyei under UNISFA escort. The fact that Missiriya grazing does not depend on Ngok Dinka assent—as in previous years—lessens the Missiriya’s need to maintain good relations with Ngok Dinka host communities. On 18 May two Ngok Dinka were killed in Leu (21 km east of Abyei town), during a feud over raiding. On 25 May Missiriya raiders stole 158 goats and sheep from around Dungop. UNISFA subsequently recovered most of the livestock from around Goli, in northern Abyei. On 4 June 300 head of livestock were stolen from near Rumameer; UNISFA again recovered the majority of the livestock. At 1.30 a.m. on 14 June Missiriya raiders killed four Ngok Dinka and stole 52 head of livestock from outside Abyei town. The difficult rainy season conditions meant that UNISFA were unable to recover the livestock or locate the raiders. On 16 July Missiriya raiders killed five civilians and stole some 800 head of livestock near Wunroc, about 4 km to the south-west of Abyei town. A UNISFA patrol that responded to the raid came under fire from the Missiriya near Nyincor. Around 150 head of livestock were retrieved, but the raiders could not be found.

The Ngok Dinka claim that SAF backed these raids: Bulabek Deng Kuol, the paramount chief of the Ngok Dinka, claimed that the 14 June raid was carried out by fighters wearing SAF uniforms. Deng Biong Mijak, the SPLM representative responsible for Abyei, claimed that the 16 July attack was carried out by a combination of the Missiriya and Thomas Thiel’s Southern Sudan Unity Movement. Thiel is a Twic Dinka much hated in Abyei. He fought together with SAF in South Kordofan during the second civil war and was responsible for some of the violence in Abyei in 2008, when an altercation between SAF and the SPLA led to the destruction of Abyei town.

UNISFA has not confirmed SAF involvement in the attacks. SAF has armed and sponsored Missiriya forces on multiple occasions over the last decade, but its degree of involvement in recent clashes cannot be established. However, the Missiriya raided locations south of Abyei town during a period of the migratory season in which the vast majority of pastoralists were around Goli in the north of Abyei or already in West Kordofan, suggesting that these were not simply end of grazing seasons raids, but planned attempts to destabilize Abyei. At the least, they demonstrate the total deterioration of relations between the Missiriya and Ngok Dinka.

While UNISFA has been moderately successful in recovering livestock, its ability to act as a police force is limited by the rainy season, which renders many roads impassable. Furthermore, UNISFA 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 is ill-equipped to carry out.



On 29 May 2014 the UN Security Council renewed UNISFA's mandate until 15 October. As of the end of July the force had 4,088 soldiers in the territory. The force is currently adopting a rainy season deployment, with peacekeepers at temporary operating bases in Dokura, Abyei town, and Banton. With the reactivation of the Joint Border and Verification Monitoring Mission (JBVMM) in June, UNISFA will find itself with additional duties, because it will be again involved in verifying the demilitarized zone between Sudan and South Sudan that was suspended after the GRSS withdrew from the JBVMM in November 2013. To facilitate UNISFA's work, the UN Mine Action Service cleared the road between Gokk Machar in Northern Bahr al-Ghazal state (one of two operative JBVMM bases) and Abyei town.

With the majority of the Missiriya now gone from Abyei and the rainy season at its height, it is likely that the coming months will see fewer clashes in the Abyei area. Tensions are likely to rise again in November and December with the onset of the dry season and the beginning of the Missiriya migration into Abyei and South Sudan. UNISFA's capacity to ensure a peaceful migration will be tested by the knock-on effects of South Sudan's internal conflict on the territory. The Missiriya currently cannot access land in Unity state normally used by them, which will lead to increased pressure on grazing land in Abyei. Also, about 6,500 people displaced by South Sudan's conflict have fled to Abyei, which puts additional pressure on scarce land resources. While the next few months are likely to see a diminution of tension on the ground in Abyei, the fundamental political impasse in the territory looks set to continue.

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