

The Crisis in Abyei

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Two years ago, Abyei was scheduled to have a referendum to determine whether it would re-join the southern states that now compose South Sudan, or remain in Sudan. That referendum ran aground due to disagreements over who was eligible to vote, with the National Congress Party insisting that the Missiriya—seasonal migrants who graze their cattle in Abyei during the dry season—must participate, and the Sudan People's Liberation Movement insisting that it is the Ngok Dinka—Abyei's principal residents—who must decide the territory's future.

The African Union High-Level Implementation Panel, which is currently mediating in negotiations between Sudan and South Sudan, made a proposal on 21 September for Abyei's referendum to finally be held in October 2013. The proposal excludes migrants from voting. While South Sudan accepted the proposal, Sudan refused it.

Negotiations since then have faltered, despite international pressure, with the most recent meetings in January between the two countries ending in a commitment to make future discussions of Abyei's political future conditional on the creation of a local administration in Abyei and a police force.

Initial meetings about the police force at the beginning of February 2013 indicate widespread divergences between the two countries as to the number of officers in the force, and recent meetings of the Abyei Joint Oversight Committee over the formation of the local administration ran aground after Sudan demanded 50% of the representation on the Abyei Area Council, 10% more than its previous share. This demand led to South Sudan suspending the nomination process for executive positions in the administration while council membership is negotiated at upcoming meetings in Addis Ababa.

On the ground, UNISFA, the Ethiopian force tasked with ensuring the security of Abyei, is now fully deployed, with some 4,000 soldiers in the territory as of January 2013. Sudan maintains a force of 120–150 'oil police' around Defra, Abyei's remaining oil field, in violation of UN Resolution 2046.

Some 20,000 of the 110,000 displaced Ngok Dinka have returned to Abyei, but services and aid are limited by the absence of a local administration. The Missiriya migration is also now peaking, with UNISFA estimating there are 50,000 migrants and 1.2 million head of cattle in the territory. The UN force, successful so far in keeping the migrants away from Ngok Dinka resettlement areas, will face difficulties if the Missiriya are denied entry into South Sudan, as occurred last year. This would almost certainly add pressure on available grazing areas in Abyei.

With the political positions of the two countries as far apart as ever, and the situation on the ground tense, the Abyei crisis shows no signs of abating.

For more information on these developments and for detailed background to the crisis, see below.

Background to the crisis

The Comprehensive Peace Agreement (CPA), which brought an end to Sudan's twenty-year long second civil war, promised Abyei a referendum on whether it would remain in South Kordofan (where the Anglo-Egyptian condominium government placed it in 1905), or re-join the southern states.¹

For the Ngok Dinka, the principal residents of Abyei, the CPA was the second time they have been promised a referendum.² The 1972 Addis Ababa Agreement, which ended the first Sudanese civil war, also promised Abyei's residents a referendum on the territory's political future. That referendum never occurred. The Missiriya, transhumant pastoralists who annually graze their cattle in Abyei during the dry season (November–May), felt pressured in their home state of South Kordofan due to expansive Sudanese agricultural projects and changing rainfall patterns, and became more reliant on southern dry-season grazing.³ The Missiriya felt that Abyei joining an autonomous southern region would mean the permanent loss of crucial grazing land. Before the second civil war began, the Missiriya started to attack Ngok Dinka settlements, in an effort to secure the territory for their exclusive use.

The second civil war (1983–2005) intensified the rift between the two communities. The Government of Sudan (GoS) backed Missiriya militias that razed settlements in Abyei, displacing the Ngok Dinka southward, and left the Ngok Dinka deeply distrustful of the Missiriya; scepticism that endures to the present day.

The CPA also mandated the creation of the Abyei Boundaries Commission (ABC), a group of international experts, and members of the Sudan People's Liberation Movement (SPLM) and the National Congress Party (NCP), which was to delimit the borders of Abyei.⁴ When the ABC report was finished in 2005, the NCP immediately rejected its findings, which had included major oil fields within Abyei. Negotiations on the borders of Abyei remained at an impasse until 2008, when, following altercations between members of a Joint Integrated Unit (JIU)⁵ composed of the Sudan People's Liberation Army (SPLA) and the Sudan Armed Forces (SAF), a wider conflict erupted, leading to the razing of Abyei Town and the displacement of over 60,000 people.

Following these clashes, and given continuing political deadlock, the SPLM and the NCP agreed to take the crisis in Abyei to international arbitration. Following a tense legal case, in 2009 the Permanent Court of Arbitration (PCA) in The Hague reduced the area of Abyei, leaving HejljHejlj, an important oil field, outside the territory.

Both the GoS and the SPLM agreed to be bound by the PCA ruling, while the Missiriya immediately rejected it, and argued that they had not been properly consulted during the proceedings, which is largely accurate. The GoS and the SPLM were the only two parties officially represented at the PCA, and Missiriya consultations during the ABC hearings were limited due to NCP pressure on leading Missiriya figures to tow the party line. The marginalization of the Missiriya is one of the most important underlying reasons why none of the agreements on Abyei have been able to create a sustainable peace in the territory – the Missiriya are rightly worried that any agreement that leads to Abyei joining what is now South Sudan will lead to a permanent loss of grazing land, a worry exacerbated by their treatment in



South Sudan since 2005. Despite multiple agreements assuring the Missiriya safe passage into the South, they have found their southern grazing routes increasingly fraught, and complain of SPLA harassment and high rates of taxation.

The referendum that never was

While the Missiriya rejection of the PCA decision meant that little of Abyei’s border was demarcated following the PCA’s ruling, during the run-up to the referendum on southern secession, attention shifted to Abyei’s scheduled referendum.

The referendum was derailed due to disagreements about who was eligible to vote. The CPA explicitly granted voting rights to the Ngok Dinka—who were widely expected to vote to re-join the southern states—and ‘other Sudanese residing in the area.’ While the NCP insisted that the Missiriya should count as residents, the SPLM claimed that, as seasonal migrants, they should not. Underlying the SPLM position was the fear that the NCP would move large numbers of Missiriya—a group whose numbers far exceed those who annually travel through Abyei—into the area, in an attempt to ensure that any referendum in the territory leads to a vote to remain in Sudan.

In theory, an Abyei Referendum Commission (ARC) should have determined the criteria for voter eligibility, but despite the promulgation of the Abyei Referendum Act in December 2009, attempts to create the ARC could not overcome disagreements about voter eligibility, with the NCP vetoing all the SPLM nominees.

As 2010 progressed, and it became increasingly apparent that Abyei’s referendum would not proceed, the Ngok Dinka—worried that a newly independent South would leave them behind—began preparing to unilaterally re-join the South. Ultimately, both the SPLM, which was worried about the effect such a declaration would have on the Southern referendum, and the NCP, which threatened war if Abyei joined the South unilaterally, had vested interests in ensuring that the Ngok Dinka’s declaration did not occur.

Just before the Southern referendum began, clashes occurred in Abyei. On 7 January, Missiriya militias attacked the village of Maker, some 15 km north of Abyei Town. These clashes continued through February and March. 154 people died, two villages were razed, and several more partially burned down. The militias were armed with 12.7 mm machine guns, 60 mm mortars, RPGs, and small arms. While SAF denied backing the militias, United Nations Mission in Sudan (UNMIS) sources privately confirmed that military helicopters were used to transport wounded militia fighters, and civilian witnesses to the assaults reported seeing fighters dressed in SAF uniforms.⁶

The attacks of the first half of 2011 used the same strategies as those carried out during the second civil war: civilians were targeted, as were schools, cattle byres, and homesteads; one of the central purposes of the attacks was to eliminate the possibility of Ngok Dinka habitation in Abyei, and establish *de facto* control of the north of Abyei. In retrospect, these attacks also served as a first wave, clearing out Abyei police positions before SAF invaded the territory.⁷

The invasion of Abyei

On 19 May, after a series of altercations between the SPLA and SAF components of the JIUs stationed in Abyei, the SAF contingent of a JIU with an UNMIS escort apparently came under fire near Dokura, a village 12 km north of Abyei Town. While there are conflicting versions of what happened on 19 May, the SAF invasion that followed, which claimed to be a response to events on the ground, and designed to restore security to Abyei, was pre-planned, and the events of 19 May were the trigger, rather than the cause, of the invasion. Following an air campaign and a rapid ground invasion—using ground troops, heavy artillery, and tanks—by 21 May UNMIS reported the presence of 15 SAF tanks in Abyei Town. By 24 May, SAF controlled all the territory in Abyei up to the River Kiir. SAF's invasion completed what the militia attacks had started, and gave the NCP total *de facto* control of Abyei.

An estimated 110,000 Ngok Dinka fled the invasion, with the vast majority of the displaced taking shelter in Agok, just south of the River Kiir. There was also widespread destruction in Abyei, with Missiriya militias and NCP-backed Popular Defence Forces razing much of Abyei Town and the surrounding area, making it difficult for the Ngok Dinka to make a sustainable return to the territory. The SPLM/A did not respond to the invasion militarily, largely because the party's focus was on South Sudan's formal declaration of independence on 9 July, and was thus intent on making sure the GoS had no opportunity to refuse to recognize the results of the referendum.

Just one month after the invasion, the SPLM and GoS signed the 20 June Addis Ababa agreement, which committed both sides to the total withdrawal of military forces from the area and the establishment of a local administration, after Sudanese President Omar al Bashir had illegally dismissed the last administration during SAF's invasion.⁸ On 27 June, the UNSC passed resolution 1990, which authorized the establishment of the United Nations Interim Security Force for Abyei (UNISFA), a completely Ethiopian force, which is the sole body now responsible for providing security in Abyei other than a yet to be established Abyei police force.⁹

The creation of UNISFA was supposed to precede a full military withdrawal by SAF, and herald the beginning of the Ngok Dinka's return to the territory. For much of the next year, however, negotiations over Abyei remained at an impasse, with UNISFA guarding the security of an area empty of inhabitants.

Missiriya migration

In the second half of 2011, the GoS delayed implementing the 20 June Addis Ababa agreement. It claimed that SAF was providing necessary security in Abyei, and would only be withdrawn upon the full deployment of the UNISFA force—a claim that was at odds with GoS commitments to a full and unconditional withdrawal from the territory. A United Nations Security Council (UNSC) statement on 4 November indicated some of the international community's frustration with the government, and stated that there “were no-preconditions for the implementations of the agreements signed by the parties, including the withdrawal of forces.”



The GoS position was inadvertently aided by UNISFA’s slow deployment. The international force struggled with administrative hurdles and the challenges of deploying to an area with almost no physical infrastructure. By October 2011 there were still only 1,800 UNISFA troops in Abyei.

With SAF remaining in Abyei, the displaced Ngok Dinka population, mainly gathered in Agok just south of Abyei itself, largely stayed outside the territory. The presence of mines, the absence of an administration, and a lack of resources in the territory, meant that the Ngok Dinka remained outside of Abyei and confined their visits to inspections of their property.

With the Ngok Dinka away, the Missiriya migration in 2011–12 faced no resistance. Whereas the 2010–11 grazing season was the first in living memory that Missiriya herders had been unable to reach the River Kiir, they now returned unimpeded. UNISFA’s performance mediating between the Missiriya and the few Ngok Dinka who returned to the territory in the latter half of 2011 did much to increase Ngok Dinka confidence in UNISFA’s ability to secure the territory.

Administration woes

The 20 June Addis Ababa agreement dictated that a new local administration for Abyei should be set up, including an Abyei Area Administration (AAA), an Abyei Joint Oversight Committee (AJOC), which was to have political and administrative oversight in the region, and an Abyei Area Council (AAC).¹⁰ Disagreements over this third body led to the nominations for the AAA being blocked, which meant that from May 2011 onwards, Abyei did not have a functional administration.

The 20 June Addis Ababa agreement states that the “[AAC] Chairperson shall be elected by the members of the Council from a list of three (3) persons nominated by the GoS.” The SPLM alleged that none of the GoS nominations for the position were Ngok Dinka, or even Missiriya, but members of the party hierarchy from Khartoum. The SPLM also claimed that at the time of the signing of the agreement, the GoS had made a gentleman’s pact to nominate Ngok Dinka for the position. Sudan denied making such an agreement; in any event, it was not legally required to nominate Ngok Dinka. The Government of South Sudan (GoSS) refused to accept Sudanese nominations, reasoning that they would be unacceptable to the Ngok Dinka. The process of establishing a local administration stalled as a result.

The invasion of Hejlij

The dynamics of the Abyei crisis changed as a result of developments elsewhere along the Sudan-South Sudan border. Towards the end of March 2012, fighting erupted around Hejlij, a disputed oil-producing area that the GoS claims is part of South Kordofan, and the GoSS argues is part of Unity state, following a PCA ruling that placed the area outside of Abyei (where it had been placed by the ABC).

The SPLA claims that the clashes began when it responded to Sudanese air and ground attacks in Unity state, which were documented in the weeks leading up to the fighting. How the clashes became an invasion of Hejlij are still unclear. Darfur’s Justice and Equality Movement (JEM) was involved in the attack, though it is not



known how much it coordinated with the SPLA. In any event, the attack was successful, with SPLA and JEM fighters taking temporary possession of Hejlij, and forcing SAF into a retreat.

The seizure of Hejlij drew widespread international condemnation, and a discussion of possible sanctions at the UN Security Council. South Sudan claimed that Hejlij, like Kafia Kingi, Abyei, and the other contested areas along the border, does not have a settled legal status, and therefore its occupation could not be a violation of Sudanese national sovereignty. In a parallel of GoS tactics during the occupation of Abyei, the SPLA seemed to be trying to achieve militarily what it could not achieve during negotiations: the establishment of what it considers to be the 1956 border. In both cases, the governments hoped to force an eventual legal recognition of new facts on the ground.

In the event, the SPLA occupation of Hejlij was short-lived. On 20 April, after fierce diplomatic pressure and extensive military losses in further clashes along the Sudan-South Sudan border, the SPLA announced it was withdrawing. Despite its about-face, the occupation helped South Sudan focus attention on the disputed nature of the territory, and brought SAF's occupation of Abyei back into the limelight.

Withdraw of forces and the return of Ngok Dinka

UNSC Resolution 2046, passed on 2 May in response to the clashes along the Sudan-South Sudan border, called for an immediate cessation of hostilities between the two countries, and demanded that both sides remove their forces from Abyei and resume talks within two weeks, under threat of sanctions. South Sudan responded by withdrawing its police force; UNISFA confirmed that all 700 officers of the South Sudan Police Service had withdrawn from Abyei by 10 May. Sudanese forces remained.

On 17 May, a day after the deadline for the forces of both countries to redeploy outside of Abyei, the UNSC issues a strongly worded statement demanding that Sudan immediately and unconditionally withdraw its troops. Finally, on 30 May, just over a year after SAF occupied Abyei, almost all its troops withdrew from the territory, except for a smaller force of 120–150 'oil police' that it placed around Defra, Abyei's sole remaining oil field, in defiance of the UNSC Resolution.

SAF's partial withdrawal took place just as the rainy season was about to begin, leaving the Ngok Dinka who wished to return with only a limited window to sow crops in Abyei. During the previous year, many of them had made cautious trips back to Abyei to inspect their property. By April 2012, a month before SAF withdrew, UNISFA claimed that there were 5,100 returnees in Abyei, though it was unclear whether they had permanently returned, or were simply visiting their former homes. Most humanitarian relief for the displaced was centred in Agok, and NGOs expressed reluctance to set up services in Abyei without a local administration. For the same reason, the majority of the Ngok Dinka stayed away. An International Organization for Migration (IOM) survey from July–September 2012 recorded a total of 10,757 individuals present in 47 villages.

As returns to Abyei slowly increased, tensions rose over the absence of a local political administration. On 26 June, Luka Biong Deng, the South Sudanese co-chair of AJOC, instructed the civil servants from the previous-AAA to return to Abyei Town to prepare for the return of the civilian population. The GoS responded that South Sudan was attempting to resurrect the former AAA, which Bashir had illegally dismissed, and which was perceived as being partisan and pro-South Sudan. However, interviews with members of the former AAA now resident in Juba, in June and July 2012, made clear that only the civil servants, and not the political administration, were sent back to Abyei.

In what seemed to be a retaliatory measure, on 16 August, the GoS sent a letter to UNISFA informing it that the Abyei Area Executive Committee was going to be sent back to Abyei. This committee was formed by the GoS following SAF's May 2011 invasion, and which the Ngok Dinka regard as illegitimate; the committee's return to Abyei would have inflamed an already tense situation on the ground. On 26 August, following discussion between the co-chairs of the AJOC, the Sudanese government backed down. The row over the two rival administrations led to the cancellation of the AJOC meeting on 10 September, and sowed further uncertainty in an already fragile political landscape.

The AUHIP proposal

On 21 September, just before the signing of the 27 September Addis Ababa agreements, the African Union High-Level Implementation Panel (AUHIP) circulated a proposal aimed at overcoming the impasse in state-level negotiations on the political future of the territory. The proposal tries to do this by externally imposing the criteria for voter eligibility for a referendum, to be held in Abyei in October 2013.

Like the Abyei Protocol of the CPA, the AUHIP document proposes that Abyei's referendum should be voted on by members of the Ngok Dinka community, and "other Sudanese residents" of the territory. But unlike the CPA, it defines these residents as those "having a permanent abode within the Abyei Area." It also proposes that the referendum commission include two representatives of each country, and a chairperson appointed by the AU. It calls for a second committee, the Abyei Referendum Facilitation Panel (ARFP), to be composed of three "individuals of international stature," to mediate any tensions in the first committee. While the AARC is still given the final decision in cases of voter eligibility, and the ARFP would have solely "advisory status", the AUHIP proposal in general attempts to overcome the impasse between the NCP and SPLM by shifting much of the authority for determining who gets to vote in the referendum towards the AU.

The proposal thus makes external actors crucial to implementing the Abyei referendum, and implicitly endorses a position long taken by the SPLM: Missiriya herders are not full residents of Abyei, and thus not eligible to vote. Under the current AUHIP plan, a referendum on Abyei would almost certainly result in a popular vote to join South Sudan.

In recognition of Missiriya concerns and claims, the proposal guarantees their migratory rights, and creates a Common Economic Development Zone to funnel

some of Abyei's oil money to Missiriya communities in South Kordofan. But the Missiriya do not trust the putative guarantor of these rights, the SPLA, with whom it has experienced continual problems. The community as a whole has rejected the proposal, and several NCP-aligned Missiriya leaders have announced their intention to settle in Abyei, creating permanent abodes, so as to ensure full participation in the referendum. As of February 2013, UNISFA has not reported that the Missiriya have been building permanent settlements in Abyei. But if a referendum goes ahead, some form of demographic warfare, in which both sides attempt to flood Abyei with as many 'permanent residents' as possible, is a distinct possibility.

Perhaps predictably, South Sudan immediately accepted AUHIP's proposal for a referendum in October 2013, while the GoS refused it. In its formal written response, the GoS objects to the exclusion of the Missiriya from voting just because their lifestyle "is inimical to the concept of permanent abode." The government also claims that the proposal contradicts Sudan's 2009 Abyei Referendum Act, which stated that the Abyei Referendum Commission should be solely responsible for determining voter eligibility. The latter argument is thin, but further shows the Missiriya that the NCP is not prepared to abandon them, or Abyei, to South Sudan.

South Sudan's current strategy is to insist that, following the AUHIP proposal, there is no reason for further negotiations about Abyei's political crisis and that if the GoS refuses the proposal, the international community must intervene. That has not yet occurred, and chances are small that it will in the near future.

International pressure and its limits

On 24 October, the African Union Peace and Security Council (PSC) endorsed the 21 September AUHIP proposal, and gave the two countries a six-week period for further negotiations on the basis of the proposal. If the two sides failed to agree, the PSC announced it would "endorse [the] Proposal as final and binding, and would seek the endorsement by the UN Security Council of the same."

On 31 October, the NCP responded that it would resist all efforts to refer the crisis to the UNSC, and reiterated that there could not be a unilaterally imposed solution to the situation in Abyei. There then followed a period of intense diplomacy. On 19 November, Mikhail Margelov, Russia's special envoy for Africa, met with Ali Osman Taha, Sudan's first vice-president, in Khartoum, and Al Khair Al Fahim, the GoS co-chair of the AJOC, met with the Russian ambassador to Sudan. Underlying these efforts was an attempt by the GoS to avoid a UNSC resolution.

The 5 December PSC deadline came and went without significant developments in the territory. On 14 December, the PSC issued a statement, noting "the deadline for the Parties to negotiate on the basis of this [AUHIP's] Proposal expired on 5 December 2012, but that no negotiations has taken place by that time." The statement made no mention of the UNSC. Instead, the PSC urged the two sides to discuss the situation at the margins of the AU meeting in Addis Ababa in January 2013.

At a meeting between Presidents Salva Kiir and Omar al Bashir in Addis Ababa on 4–5 January, no agreement was reached on the Abyei referendum. Instead, the two agreed to first form the local political administration in Abyei, and put on hold all



further talks on Abyei’s political future. But disputes over the formation of the administration are likely to drag on for quite some time (see below).

Further negotiations in January 2013 produced little of note. On 13 January, the PSC released another statement, urging both sides to implement the agreements they have signed and reaffirming its commitment to the AUHIP proposal. On the same day, Ali Karti, Sudan’s Foreign Minister, told the press that the AU is perfectly able to resolve the conflict in Abyei, and there was no need to refer the issue to the UNSC. Bashir and Kiir met again on 27 January in Addis Ababa, but no new developments came from the meeting, with discussions over Abyei mired in a disagreement about the AAC.

At present, there is little reason to expect further developments in negotiations over Abyei in the near future. The current situation favours the NCP, which continues to extract some oil revenue from Defra, and as it is able to avoid making concessions that might prove politically disastrous in Sudan itself, as the party’s ruling clique fights dissent in its ranks, and armed revolt in South Kordofan, Darfur, and Blue Nile.

Administrative disputes

As of February 2013, the focus of negotiations has shifted from larger questions about Abyei’s future to discussions on the structure of the administration in the territory. On 9 November, in an effort to remove any possible excuse the GoS might have not to implement the AUHIP proposal, President Kiir finally agreed to accept GoS nominations for the position of AAC Chairperson, in what Luka Biong Deng, the GoSS co-chair of AJOC, called a “bitter pill” that the Ngok Dinka would have to swallow in order to “seal off [the] delaying tactics of the government of Khartoum.”

The nominees for positions in the AAA and AAC were to be confirmed at an AJOC meeting on 22 November, but the GoS called off the meeting, claiming that it needed more time to prepare its nominees. The nominees were finally to be confirmed on 12–13 January at the 8th annual meeting of the AJOC. Kuol Alor-Jok Kuol, the former GoSS ambassador to Ethiopia—and brother of Deng Alor, GoSS minister of cabinet affairs—was the GoSS nominee for the position of chief administrator selected by the GoS, and Saleh Boya Al Zain was the GoS nominee for the position of AAC Chairperson accepted by the GoSS.¹¹ But the nomination process was suspended during the meeting because of further GoS demands.

In a subsequent meeting on 15 January the parties agreed to keep all nominations on the table, but suspend the process of approving the nominees in their positions until the dispute over further GoS demands is resolved during political negotiations between Bashir and Kiir. New GoS demands relate to seats on the AAC. According to the Abyei Protocol, the presidency shall appoint an AAC of not more than twenty members. At the AJOC meeting on 12–13 January, the GoS tabled new demands, and asked for 50% of the seats on the legislative council, 10% more than its previous share. The NCP’s motivation in making such a request seems two-fold: to delay the process of negotiations, in the hope that the AUHIP proposal is taken off the table; and to manoeuvre to obtain the maximum possible political leverage within Abyei in



the run-up to any referendum. South Sudan refused the GoS request, leading to the current stand off.

Disagreements have also blocked the creation and deployment of an Abyei police force. A meeting of the technical team of the AJOC to discuss the establishment of the force on 4 February broke down over disputes about the size of the force. South Sudan proposes a force of 930 officers, and Sudan the more modest total of 123. Negotiations over the composition of the force have not begun yet due to this initial disagreement over its size.

While a force of only 123 officers is clearly inadequate for an area equal to that of Lebanon, the GoS has several reasons to delay the creation of the police force, or attempt to create the most ineffective police force possible. The government remembers the previous AAA, whose police force was primarily composed of former or current SPLA soldiers, and effectively acted as an SPLA presence in Abyei. The creation of an official police force would also oblige SAF to withdraw its ‘oil police’ around the Defra oil complex, jeopardizing its control over Abyei’s remaining oil reserves.

Finally, the absence of both the local administration and the police force hinders the return of the Ngok Dinka. Without a functioning administration, many Ngok Dinka feel it is not safe enough to return. The absence of an administration also means that humanitarian assistance is not getting to Abyei. A recent AU report on Abyei noted that for effective aid to get into the territory will require the establishment of an administration, and, absent an administration, many NGOs have been hesitant about returning to a territory whose sovereignty is contested.

The situation on the ground

Given the uncertain political future of the territory, and the continuing difficulties with aid provision, the rate of Ngok Dinka return to Abyei is still slow. However, a recent IOM study tracked 21,667 individuals in 73 villages north of the river Kiir from July 2012 to the end of January. In a re-verification at the end of January and the beginning of February, IOM returned to 35 of these villages, and found 56% of the population who had registered had remained in their villages. It should, however, be emphasized that the IOM study was not comprehensive, and the rate of return may be much higher. A convoy of 1,548 individuals arrived in Abyei Town on 22-24 January from Wau.

UNSIFA’s role in Abyei is encouraging. The force has managed to keep the area relatively secure despite a number of challenges. In 2012, during the conflict over Hejlj, both the SPLA and SAF attempted to enter Abyei, and withdrew only after negotiations between UNISFA, the GoS, and the GoSS. In May, a force of SAF-aligned militia forces attempted to enter Abyei from South Kordofan armed with heavy machine guns and rocket launchers. Following UNISFA talks with the GoS, they withdrew, as did a SAF battalion which deployed south of Nyama—just 3 km above Abyei—on 13 September. None of these incursions seemed designed to occupy Abyei, but to put pressure on political negotiations and sow uncertainty in the civilian population. By diffusing them, UNSIFA prevented further destabilization.

More recently, in the area of Um Khariet, there has been militia activity. On 6 November, UNISFA patrols came across a force of around twenty men, armed with small arms. The force re-emerged in January, and is supposedly aligned with Awlad Umran, one of the Missiriya subsections that graze in Abyei. It is not a serious military threat to the situation in Abyei. As of 20 January 2013, the military component of UNISFA comprised 3,974 troops (out of its authorized troop strength of 4,200).

The Missiriya migration poses more serious concerns. As of February 2013, the migration is at its height. UNISFA estimates that there are currently some 1.2 million head of livestock and 50,000 nomads within the Abyei area—more than even the highest estimate of the number of Ngok Dinka returnees.

At initial planning meetings in October 2012, UNISFA indicated that it would attempt to set up a buffer zone to minimize contact between the Missiriya migrants and the Ngok Dinka returnees, with the Missiriya pushed into the eastern and western migration corridors, funnelling the Missiriya who traditionally move through the central corridor into the eastern corridor, avoiding villages resettled by the Ngok Dinka. While the strategy has been largely successful, the Missiriya lack access to adequate water and grazing resources and have repeatedly attempted to pass into the buffer zone. UNISFA recently had to disarm Missiriya close to Noong, a village resettled by the Ngok Dinka.

This problem may become increasingly severe. Migration along the western and central corridors has now reached the River Kiir, while migrants in the eastern corridor have now arrived at the border with Unity state. Just as during the last migratory season, migrants have found their way into South Sudan blocked. At a meeting on 14 December, Twic Dinka chiefs and the Warrap state authorities refused Missiriya entry, claiming that there were insufficient water resources, and that the Missiriya brought security risks. If the Missiriya cannot enter South Sudan, this will put further strain on grazing resources in Abyei, and remind the Missiriya that if Abyei joins South Sudan, they may end up being barred there, as well.

Missiriya weapons also pose a problem to UNISFA. Its patrols have encountered armed Missiriya roadblocks on the road to Defra, where migrants extort money from vehicles before letting them pass. Missiriya claim their small arms are necessary to safeguard their herds in an area of great political tensions. While UNISFA is able to keep Abyei free of unauthorized military forces, it struggles to deal effectively with these armed civilians.

Bleak prospects

Politically, the situation remains bleak. With President Bashir under increasing strain inside Sudan, his opponents would take any political concessions made to South Sudan as a sign of weakness. For the time being, the GoS negotiating position looks likely to remain that the Missiriya must play a full part in any referendum. The SPLM seem equally unlikely to compromise on Missiriya participation in the referendum given some international support for the AUHIP proposal. They also calculate that if the door was opened to Missiriya participation, the NCP could attempt to bring thousands of Missiriya in the territory to vote.



International actors have so far failed to bring the parties to a political resolution, and there is no sign this will change. While the PSC can issue edicts, and ask the two countries' to support the AUHIP proposal, it cannot place either country under sanctions for non-compliance. The UNSC, which could impose such sanctions, does not have the political will to intervene. The Abyei crisis is far from resolved, and the prospects for peaceful resolution are nowhere in sight.

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NOTES

¹ In 1905 the Ngok Dinka were transferred to Kordofan province from what was then the southern province of Bahr al Ghazal. There have been numerous changes to the boundaries and composition of these areas over the years. As of 2013, if Abyei were to join South Sudan, it would join Warrap state, while if it were to remain in Sudan, it would probably be a part of the newly re-created West Kordofan state. In 2005, the National Congress Party (NCP) dissolved West Kordofan into South Kordofan, in part as an attempt to ensure a demographic majority of NCP-supporters in the latter state, which is one of the central strongholds of the SPLM/A-N. The Missiriya, who make their home in West Kordofan, reacted negatively to the territory's absorption by South Kordofan in 2005, and their corresponding loss of political power. Since the signing of the CPA, the Missiriya have been increasingly estranged from the NCP, and the announcement by the GoS at the end of December 2012 that West Kordofan would be re-established is partly an attempt to curry favour with the Missiriya.

² The Ngok Dinka are transhumant pastoralists who are a branch of the Padang Dinka and a part of the Dinka people of South Sudan.

³ For further details on Missiriya political organization, see Joshua Craze 2011. *Creating Facts on the Ground: Conflict Dynamics in Abyei*. HSBA Working Paper 26. Geneva: Small Arms Survey. p. 67.

⁴ Given the gulf between the positions of the NCP and SPLM, the international experts who made up one-third of the ABC made the deciding determination of the borders of the territory.

⁵ The JIUs were compound military units composed of troops from both SAF and SPLA, designed to fill a security vacuum and provide a unified military capacity between 2005-11. In Abyei, they proved ineffective at keeping the peace, and were repeatedly the catalyst for violence.

⁶ Small Arms Survey interviews with UNMIS-Abyei officials, 6 March 2011; residents of Maker and Abyei Administration Officials, 9 March 2011.

⁷ Officially, there were no SPLA forces in Abyei itself. There were instead Abyei police units, armed with small arms, mortars, and jeep-mounted 12.7 mm machine guns.

⁸ Bashir thought that the administration, led by Deng Arop Kuol, was partisan, and backed by South Sudan. Bashir's dismissal of the administration was illegal because the Abyei Roadmap (signed by both parties following the violence in Abyei Town in 2008) states that such decisions must be taken in concert with Salva Kiir, then vice-president in the Government of National Unity.

⁹ The UNISFA mandate was expanded on 14 December 2011, and the force was additionally tasked with assisting in the creation of a demilitarized zone between the two countries.

¹⁰ The 20 June agreement contains some changes to the political power structure in Abyei. While in the 2008 Abyei Roadmap the AAA is given the power to 'supervise and promote security in stability in the area', in the 20 June Addis Ababa agreement this power is in the hands of the AJOC, which is composed of four voting members: two from the SPLM and two from the NCP. This measure is no doubt intended to counter what the NCP saw as the SPLM domination of the AAA and the consequent establishment of SPLM-aligned police units. The Abyei police forces whose establishment is dictated for by the 20 June Addis Ababa agreement are to be overseen by the AJOC and will include special units to handle the Missiriya migration.

¹¹ The GoS accepted deputy chief administrator nominee Gadim Mohamed Azzaz, while the three heads of department nominated by GoSS are: Mario Kuol Monyluak, a former minister of agriculture and natural resources in the previous AAA, Achuil Akol Miyen, the former minister of finance in the last AAA, and Kon Manyiet Matiok. The two heads of department nominated by GoS are: Majith Yak Kur and Al Bakhit Elewa Mohamed. The other GoSS nominees for the position of chief administrator were Deng Arop Kuol, the former AAA chief administrator, and Edward Lino Abyei, who had also previously served in that position.