

## The Crisis in Abyei

**Update as of 5 September 2011**

Nearly two months after South Sudan became Africa's newest state, the political crisis over Abyei remains intractable, with both Sudan and South Sudan publicly claiming the territory as rightfully theirs.

Neither the Sudan People's Liberation Movement (SPLM) nor the National Congress Party (NCP) has given any indication of a willingness to compromise over the territory.

The security situation is in a period of uncertain transition. The implementation of the Addis Ababa agreement of 20 June has been slow due to difficult rainy season conditions and disagreement over whether the Sudan Armed Forces (SAF) must withdraw before the UN Security Council (UNSC)-authorized brigade of Ethiopian peacekeepers (the UN Interim Security Force for Abyei, or UNISFA) deploys.

As of 25 August only one-third of the Ethiopian force has deployed and most of the peacekeepers will not be in place until October 2011, after the end of the rainy season.

SAF forces have still not withdrawn from Abyei, with SAF spokesmen claiming that the forces will only withdraw after UNISFA is fully deployed.

Civilians have little confidence in UNISFA's ability to protect them. The force's capacities will be tested if and when large numbers of Ngok Dinka return to the territory from which they were displaced.

A small number of Ngok Dinka have returned to the area south of Abyei town and have reportedly resumed farming at Abothok and Marial. But the vast majority of civilians who fled remains across the border in South Sudan and are unlikely to return before SAF fully withdraws.

Four Ethiopian soldiers were killed on 2 August when a patrol hit a landmine, leading to all exploratory patrols being cancelled and reducing the Ethiopians' ability to maintain security in the area.

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



### **Background to the crisis**

The 2005 Comprehensive Peace Agreement (CPA), which brought an end to Sudan's second civil war, promised Abyei a referendum to decide whether the territory would remain in South Kordofan (where it had been placed in 1905 by the Anglo-Egyptian colonial regime) or rejoin the Southern states.<sup>1</sup> The referendum was to be held simultaneously with the vote on Southern self-determination.<sup>2</sup> The CPA also mandated the creation of the Abyei Boundaries Commission (ABC), to be composed of international experts and members of the SPLM and NCP, which was to demarcate the borders of the territory.<sup>3</sup>

The referendum was derailed over a disagreement about who should be eligible to vote. The CPA explicitly granted voting rights to the Ngok Dinka—widely expected to vote to join the South—and 'other Sudanese residing in the area'. The NCP insisted that the Missiriya should be counted as residents, while the SPLM held that because they are seasonal migrants (moving through Abyei between November and April before returning to areas north of Abyei for rainy season grazing), they should not be allowed to vote. The SPLM feared that the NCP would move Missiriya into the area in an attempt to secure a vote to stay in the North.

During the past year, negotiations on Abyei have moved steadily away from the measures set out in the CPA to resolve Abyei's future. Negotiations in 2010 and 2011 merged two previously distinct issues—the referendum and the borders of the territory. The CPA mandated that the borders of Abyei should be established following the decision of the ABC report *and* that there should be a referendum.

When the ABC report was finished in 2005, the NCP immediately rejected its findings, which left major oil fields within the Abyei area. Following heavy clashes in Abyei in May 2008, and in view of the continuing political impasse over the ABC report, the SPLM and NCP took the case to international arbitration. Despite having agreed to abide by the judgement of the Permanent Court of Arbitration (PCA) in The Hague, which demarcated the area of Abyei, the NCP rejected the court's ruling. As of August 2011 only 4 of the planned 26 beacons demarcating the PCA-delimited area of Abyei have been erected and they are all in the south of the territory. Threats from Missiriya militias forced the demarcation team to abandon its efforts.

In 2010 the borders of the territory and the referendum were negotiated together as part of a more general solution to the Abyei crisis. From September to December, as it became increasingly apparent that Abyei's referendum would not go ahead, the African Union High-level Implementation Panel (AUHIP) put together a raft of new suggestions that it hoped would break the deadlock, one of which was giving the Missiriya joint citizenship, as well as an administration in the northern part of Abyei.

Another AUHIP suggestion, backed by the NCP, would see Abyei divided into two, with the northern half—and the Defra oil field—remaining in the North and the southern half, and its majority Dinka population, being transferred to South Sudan by presidential decree. Scott Gration, the former US special envoy to Sudan, supported this proposal and placed huge pressure on the SPLM to compromise. The SPLM



refused to do so, seeing it as the de jure formalization of an occupation carried out during the second civil war, when Missiriya militias razed Ngok Dinka settlements in the north of Abyei, forcing civilians to flee. Instead, the SPLM insisted that the PCA ruling should be final and binding, and that a referendum be held along the lines indicated in the CPA.

In the months leading up to the referendum on Southern self-determination, the political impasse over Abyei's political future greatly increased tensions on the ground.

### **The pre-referendum period**

As the South's independence vote approached, around 40,000 Ngok Dinka returned to Abyei from the North, fearing retaliation if South Sudan voted for secession. Many returnees reported being shot at by Missiriya militias as their buses went through territory north of Abyei, in addition to incidents of rape and harassment. In the run-up to the referendum, the general feeling among the Ngok Dinka was one of extreme discontent.

Fearing that their wishes would be ignored, the Ngok Dinka began preparing to unilaterally rejoin the South. Each of the nine Ngok Dinka chiefdoms held community discussions ahead of the referendum; all of them decided to join the South. Both the SPLM and the NCP took steps to make sure this did not happen. The SPLM, worried about the effect such a unilateral declaration would have on the Southern referendum, pressured the Abyei Administration not to publicly announce the decision of the Ngok Dinka community, and Sudanese president Omar al Bashir, speaking on television, threatened war in the event of a unilateral attempt to join the South.

### **The first clashes and paper agreements**

On 7 January Missiriya militias using heavy machine guns and rocket-propelled grenades (RPGs) attacked police positions<sup>4</sup> just outside Maker, a village 15 km north-west of Abyei town. While the attacks left dozens of people killed, the SPLM, anxious that conflict in Abyei should not derail the Southern referendum, downplayed their importance.

Following the clashes, two meetings were organized to address the deteriorating security situation in Abyei. The first, held on 13 January in Kadugli, centred on the concerns of the Ngok Dinka and Missiriya communities, and addressed grazing rights and compensation for deaths caused in 2010.<sup>5</sup> The parties agreed that 400 Sudanese pounds would be paid in compensation for each cow and 40 cows for each person. They also agreed in principle on the Missiriya grazing paths: while they could follow the traditional eastern and western routes,<sup>6</sup> moving through the centre of Abyei would be prohibited in order to minimize tensions with recent returnees.<sup>7</sup>

Following the initial agreement, one follow-up meeting occurred on 22 February, at which compensation was offered for half of the deaths that occurred in 2010. The Missiriya who attended the meeting, however, refused to discuss grazing rights and cancelled subsequent meetings.<sup>8</sup> Negotiations were definitively broken off on 27 February, when Missiriya militias attacked the village of Todac.



Even if the clashes had not interrupted the negotiations, the 13 January agreement would have been unlikely to effectively secure safe passage for the Missiriya through the territory. Only five of the nine Ngok Dinka chiefs<sup>9</sup> were in attendance and in Abyei there was widespread disquiet about the agreement. Some preferred not to negotiate while under attack and others complained that the agreed compensation rates were too low. Most substantively, civil society leaders said that the agreement abrogated the Juba Conference. At the Abyei Ngok Dinka Consultative Conference in Juba (15 and 16 November 2010) it was agreed that the Missiriya should not be allowed to enter Abyei unless they agreed to the PCA-determined borders of Abyei.

The failure of the 13 January agreement underlines the difficulty of achieving a grazing agreement without a political settlement. Clashes in March meant that 2011 was the first year in living memory in which the Missiriya did not graze their cattle at the river Kiir, which runs south of Abyei town. While decent rainfall in South Kordofan during 2010 meant that Missiriya cattle herds were not seriously affected, there is now an almost total breakdown in community relations. As the annual migration to Abyei has now ended, the current SAF occupation of Abyei does not benefit Missiriya herders. The next migration will not begin until November 2011, so there is a window of opportunity to resolve the political situation independently of any need for the communities to negotiate future grazing agreements.

A second deal was also brokered and signed by the Northern and Southern ministers of the interior and representatives of the Sudan People's Liberation Army (SPLA) and SAF in Kadugli on 17 January. The accord addressed security arrangements in Abyei. The parties to the deal agreed to guarantee the security of returnees on their journey home by opening two routes through Abyei previously blocked by Missiriya militias in the run-up to the referendum. The escorts were to be provided by SAF north of the 1956 border, while the SPLA was to take over once the convoys entered South Sudan. Neither of these routes was unblocked and convoys had to take a long detour through Unity state.

In order to prevent further outbreaks of violence, the Kadugli meeting sought to restore some semblance of security to the region. The NCP held the Juba police<sup>10</sup> responsible for the violence in January, and the SPLA agreed to withdraw them to Abyei town, to be replaced by two new Joint Integrated Unit (JIU) battalions. The precise location of the JIUs was subject to considerable disagreement. Their deployment, moreover, caused more security problems than it solved.

Tensions caused by the rumoured presence of members of the 31<sup>st</sup> SAF Battalion in Abyei finally boiled over on 12 February. A soldier from the SAF contingent of the JIU stationed just north of Abyei town attempted to enter the town market with a weapon and was refused entry by the police. The disgruntled soldier fired his gun in the air as he walked away, leading to widespread panic and hundreds of people fleeing, fearing a repeat of 2008.<sup>11</sup> In the upheaval, northern merchants' shops were looted, one merchant was shot dead, and two were beaten to death. The new JIUs not only caused further tension, but failed to prevent the violence that followed.

### **A month of violence**



In February and March 2011, 154 people died in clashes in the middle of the territory; at least two villages were razed and several others partially burned down.<sup>12</sup> A more detailed version of these events is available in a separate Small Arms Survey update.<sup>13</sup>

The clashes began on 27 February, as heavily armed Missiriya militias attacked police positions in the village of Todac, 15 km north of Abyei town. The attacks continued over the next week, as police positions at Todac and Maker were overrun. The Missiriya militias that attacked—estimated by the Abyei Administration at 700 strong—were armed with 12.7 mm machine guns, 60 mm mortars, RPGs, and small arms. There is evidence of SAF backing for the militias. UN Mission in Sudan (UNMIS) sources confirm that helicopters were used to ferry out the wounded following the 2 March attack on Maker and civilian witnesses reported seeing militia fighters in SAF uniforms, as well as in the uniform of the Central Reserve Police, the combat-trained force that in recent years has been massively expanded in Kordofan.

Officially, SAF and the NCP deny any involvement in the attacks. However, international experts have pointed out the strong similarity between the wave of attacks in February–March and militia attacks during the second civil war that depopulated the north of Abyei and consolidated Northern control of the oil fields. Under this interpretation, the militia attacks that occurred in the first three months of 2011 increased NCP control of the north of Abyei and strengthened the NCP negotiating position by carrying out a de facto occupation; as of 3 March 2011 there were almost no Ngok Dinka civilians north of Abyei town.<sup>14</sup>

Following the attacks of 27 February–3 March there were a series of security meetings, interspersed with militia attacks. On 4 March a high-level meeting between NCP and SPLM officials officially resulted in a renewed commitment to the January security arrangements. The following day, Missiriya militias burned down the village of Tajalei. A militia raid on Dungop, 10 km north-east of Abyei town on 21 March killed five civilians and further underlined the tenuous nature of the agreements.

Even if both sides were sincere about leaving the JIUs as the only armed force—aside from UNMIS—in Abyei, the security arrangements would have been unlikely to guarantee security. During the attacks on Todac, the JIU was just 500 m from the attackers and did not intervene. The JIUs barracked separately, obeyed different command structures, and had differing interpretations of their mandate. Both sides feared a repeat of 2008, when JIU units in Abyei town split and began to fight among themselves. Far from preventing future conflict, the presence of the JIUs in Abyei risked exacerbating any clashes that would occur there; the 17 January security agreements were unable to provide a resolution to the security situation in Abyei.

March, April, and May saw a growing disconnect between official statements and the situation on the ground. The SPLM and NCP held repeated meetings at which they reaffirmed their commitment to remove all their troops from the area aside from those in the JIUs.<sup>15</sup> At the same time, there were extensive troop build-ups in and around Abyei as both sides prepared for future conflict.



Satellite imagery produced by the Satellite Sentinel Project<sup>16</sup> showed what appeared to be T-55 tanks deployed by SAF to Muglad, just north of Abyei, and military encampments within the territory of Abyei, near Goli and Alal, that were consonant with Missiriya militia positions. The NCP also accused the SPLM of building up its forces just outside Abyei. While concrete details on the build-up of SPLM forces are not known, Farhan Haq, the deputy spokesperson for UN secretary-general Ban Ki-Moon, speaking on 14 March, said that ‘UNMIS has verified that both sides have reinforced their positions within the Abyei Area, including the confirmed presence of SAF and SPLA troops not affiliated with the Abyei Joint Integrated Units’.<sup>17</sup>

**The occupation of Abyei**

Events on 1 May proved to be a dress rehearsal for clashes later in the month. SAF forces, which according to the NCP were delivering an authorized weapons shipment to a JIU, were halted between Longar and Goli, above Abyei town, by SPLA-aligned Abyei police forces; 14 died in the fighting that erupted. According to Deng Arop Kuol, the former chief administrator of Abyei, the SAF forces that tried to enter Abyei were composed of more than 200 troops and six ‘technical’.<sup>18</sup> He also claimed that there were unauthorized SAF troops near Goli, which was consistent with the reports of the Satellite Sentinel Project.<sup>19</sup>

As the situation continued to deteriorate on the ground, it appeared increasingly likely that the JIUs would trigger further conflict in the area. At the same time, the political rhetoric on both sides was strident. On 6 May the SPLM released the draft transitional constitution for South Sudan, which included Abyei within the nascent state's boundaries, while the NCP continued to insist that Abyei was part of the North, and referred to the 1956 boundary between North and South rather than the PCA-mandated borders of Abyei.

The rest of the month continued the pattern of official commitments to demilitarization and increased militarization on the ground. Missiriya militias attacked an UNMIS patrol on 11 May just outside Goli, leaving four Zambian peacekeepers injured, and there were Missiriya militia attacks on Abyei police positions.

The situation came to a head on 19 May. The events are disputed. What is clear is that while UNMIS was escorting 200 soldiers from the SAF contingent of a JIU to its deployment position, it came under attack close to Dokura, about 10 km north of Abyei town. Initial shots from SPLA-aligned forces sparked an altercation. UNMIS first claimed that two SAF soldiers and one member of UNMIS were wounded. The NCP immediately claimed that 22 SAF soldiers were killed in the attack and blamed the SPLA, while an initial UNMIS statement said that the attack was criminal, but did not name the offending party. Later statements by the NCP greatly inflated the number of casualties, with Kamal Ismail Saeed, Sudan's ambassador to Kenya, claiming on 24 May that 197 Northern troops were killed or missing as a result of the attack, a claim that the UN said was exaggerated.

The events of 19 May do not seem to have begun with a premeditated attack on SAF forces, but with an errant soldier sparking a clash between both sides. It is extremely unlikely that the SPLA would want to inflame an already tense situation by attacking



SAF while its troops were being escorted by UNMIS. Further investigation into the events of 19 May have proven difficult due to the attacks that followed.

Following the initial clash, SAF said it reserved the right to respond ‘in the right time and place’. The clash of 19 May was the justification that SAF needed to launch a full-scale, premeditated attack on Abyei the following day.

The attacks began with the bombing of Banton bridge, just south of Abyei town, which cut the SPLA supply line. Villages in the middle of the territory were then bombed by Antonov transport planes (equipped as bombers), heavy artillery, and possibly Nanchang A-5 ground attack aircraft, as an approximately battalion-sized SAF force advanced into Abyei with lighter forces, armed with small arms and deployed on motorbikes, wearing both army uniforms and civilian clothes, followed by infantry units and T-55 battle tanks. The attacks continued on Saturday 21 May as the Abyei police force and the SPLA contingents of the JIUs were quickly overrun. By 22:30 that night UNMIS reported seeing 15 SAF tanks in Abyei town. While most civilians fled on 20 May after the bombing began, the Abyei administration estimated that 116 civilians were killed in the assault on Abyei town. During a visit to Khartoum in June, the UN human rights envoy for Sudan, Mohamed Chande Othman, highlighted reports of rape during the assault on Abyei town, but stressed that these reports could not be verified due to SAF restrictions on investigators.

On 21 May, as the assault was under way, President Bashir issued decrees dissolving the Abyei administrative council and firing the administration. According to the Abyei Roadmap, these decisions should have been taken in consultation with then-Vice-President Salva Kiir, who was not consulted. There is no legal validity to the decrees Bashir issued; they were designed to delegitimize the political administration at the same time as SAF were establishing control over the territory. On 30 May SAF announced that Brigadier Ezz al Deen Osman would administer Abyei until a new administration was appointed.

In the days following the occupation of Abyei town, the Ngok Dinka fled south past Agok to villages like Turalei, outside Abyei. Roughly 110,000 people were displaced as a result of the SAF occupation. The assault on Abyei occurred at the beginning of the rainy season and left the displaced in urgent need of food, shelter, and medical supplies. An internal UN report from the end of May 2011 concluded that the attack on and occupation of Abyei were ‘tantamount to ethnic cleansing’, language that was watered down in the final report and in official UN statements on the occupation.

As SAF forces moved to occupy Abyei up to the river Kiir, militia forces moved into Abyei town using pick-up trucks for a three-day looting and burning spree. UNMIS warehouses were also looted and the militias took 800 tons of World Food Programme supplies—enough to feed 50,000 people for three months. Satellite imagery later confirmed that approximately one-third of Abyei town was entirely burned down. While the looters did not appear to be SAF, the occupying forces did not prevent the looting, and eyewitness reports indicate that militia members fought alongside SAF, suggesting that just as SAF helped the Missiriya militias in the February and March attacks, the militias helped SAF during the 20–21 May invasion.



Amin Hassan Omar, a minister of state for presidential affairs, later told Al Jazeera that ‘There is no intention to reignite any war.... We have just had a very limited operation for a very limited military purpose which was accomplished 100 per cent’. The NCP claims that the assault on Abyei was a reaction to attacks on SAF troops and SPLA incursions into the territory. ‘As soon as we are quite sure that there’s no vacuum left behind that will enable the SPLA to once again deploy in Abyei, we’ll withdraw’, Omar told Al Jazeera.

Despite the NCP claim that the assault on Abyei was a reaction to the clashes of 19 May, the sustained troop build-up in South Kordofan in the first four months of the year suggests otherwise. From January onward there is a continuity between the militia attacks of January, February, and March, which depopulated Abyei above Abyei town, and the assault of 20–21 May, which consolidated NCP control of the entire territory.

Despite the fact that UNMIS possessed a Chapter VII mandate from the UNSC, which allowed it to act militarily to protect civilians threatened by imminent harm, UNMIS-Abyei remained confined in its headquarters during the assault on Abyei town and did not intervene to protect civilians and their property from militia attacks following the assault. UNMIS officials explained that despite the Chapter VII mandate to protect civilians, the mission was only provided with weapons appropriate to a Chapter VI mandate. Even if UNMIS-Abyei had been in possession of sufficient weaponry to intervene effectively, it is unclear whether it had the political will to do so. The countries whose troops made up UNMIS-Abyei were unwilling for their contingents to get involved in conflict situations. Following the termination of UNMIS’s mandate in Sudan, the Sudanese government has opposed the appointment of UNMIS members to UNISFA, despite a UNSC resolution that demands coordination between UNMIS and UNISFA (described further below).

**UNISFA and post-occupation talks**

On 20 June the Government of Sudan (GoS) and the SPLM signed a security agreement in Addis Ababa<sup>20</sup> that set out a plan for the withdrawal of SAF forces from Abyei, ‘immediately consequent on the deployment of an Interim Security Force for Abyei composed of Ethiopian troops’. It is the first time in UN history that there has been such a mono-national force.

The Addis Ababa agreement specifies that one armoured brigade of Ethiopian troops should be deployed. It is tasked with assisting monitoring teams, verifying the demilitarization of Abyei, ensuring the security of the area, and protecting civilians under imminent threat of harm. Almost immediately after the signing of the agreement, disputes began over when SAF should withdraw. SAF spokesmen insist that the agreement means that SAF will withdraw only once UNISFA is fully deployed. On 10 August the former chief administrator of Abyei, Deng Arop Kuol, accused SAF of remaining in Abyei town even though it should have withdrawn, as UNISFA had begun to deploy.

In difficult rainy season conditions, establishing UNISFA—especially in a town in which much of the infrastructure has been destroyed and there are severe



accommodation shortages—will take until the end of 2011 at the earliest. During this time, SAF might continue to occupy Abyei town, making the return of the displaced residents almost impossible and ensuring that the Ethiopian forces are effectively only protecting SAF soldiers.

The 20 June agreement also contains some changes to the political power structure in Abyei. While in the 2008 Abyei Roadmap the Abyei Area Administration is given the power to ‘supervise and promote security in stability in the area’, in the 2011 Addis Ababa agreement this power is in the hands of the Abyei Joint Oversight Committee (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 previous Abyei Area Administration and the consequent establishment of SPLM-aligned police units. The Abyei police forces will now be established and overseen by the AJOC and will include special units to handle the Missiriya migration.

The agreement also commits both parties to ensuring the right of return for the residents of Abyei and makes a commitment to the territorial sanctity of the area, ‘whose borders have been defined by the Permanent Court of Arbitration’. This is not the first time the NCP has committed to upholding the PCA decision, however, and it remains to be seen how important this commitment will be in future negotiations on Abyei’s political future.

While the agreement puts in place a security framework for Abyei, it does not address the militias who took part in the assault on Abyei and who had attacked Abyei police positions during the first half of 2011. It also fails to distinguish Missiriya militia fighters who have stayed in Abyei following the SAF occupation of Abyei from other civilians.

One week after the agreement, on 27 June, the UNSC voted unanimously to send a battalion-sized force (4,200 military personnel) of Ethiopian troops to Abyei. UNSC Resolution 1990 gives UNISFA a Chapter VII mandate to maintain security in the Abyei Area, protect civilians under imminent threat of violence, and protect the area against incursions. It does not call for UNISFA to monitor Sudan’s compliance with human rights laws, although this is standard practice for peacekeeping forces.

Equally troubling is the absence of a status-of-forces<sup>21</sup> agreement for UNISFA. The GoS terminated the UNMIS mandate upon South Sudan’s independence and the end of the CPA period. The UNSC subsequently adopted a resolution to withdraw the remaining UNMIS presence in the country. Following the withdrawal, a new status-of-forces agreement is needed for UNISFA that specifies the terms under which the Ethiopian military can operate. Under UNSC 1990, the old status-of-forces of UNMIS remains in place until a new agreement is signed. While UNISFA has already begun deploying under the old terms, its position can be greatly hampered if a new agreement is later signed with greater restrictions on movement included than those under the old UNMIS agreement.

As of 25 August there are 1,237 UNISFA troops in Abyei town, 167 in Defra, and 129 in Agok, just south of Abyei. The troops in Abyei town are living in tents due to a severe shortage of accommodation. The GoS is also insistent that no members of UNMIS should take part in UNISFA, which will reduce knowledge transfer and logistical support to the new force.

On 2 August a landmine exploded under a soft-skinned vehicle carrying ten Ethiopian soldiers in the Mabok area, just south of Abyei town. Four were killed—one outright, three others dying of their injuries while waiting for flight clearance from SAF, who refused to allow helicopters for medical evacuation to come from South Sudan. SAF's handling of the incident, which follows a pattern of blocking UNMIS patrols and access, bodes poorly for future cooperation with UNISFA. Without SAF's cooperation, UNISFA will not be able to fully deploy by the end of the year or effectively monitor security.

Because of the presence of mines, UNISFA is encouraging people not to return to Abyei, as it cannot guarantee their security—an important part of its mandate. Following the 2 August incident, all 'familiarization' patrols were cancelled until further notice. Demining efforts, a prerequisite for the resumption of patrols, have not yet begun.

Some civilians have returned to the areas south of Abyei town, and farming has reportedly begun again at Abothok and Marial, but the vast majority of the displaced have not returned. Ngok Dinka civilians recently interviewed in Agok remain unconvinced by the Addis Ababa agreement and the subsequent UNSC resolution, and they do not believe that UNISFA can effectively protect civilians from SAF aggression.

In contrast, Missiriya leader Muktar Babo Nimr said that he accepted the GoS decision to bring in the Ethiopian peacekeepers, telling Sudan Radio on 1 August that 'We have been living in Abyei, it is our area, if these forces have come to maintain security in the area, then from our side we will not destabilize the security situation'. This is little reassurance if the Ngok Dinka return to Abyei and find their land occupied by heavily armed Missiriya.

### **What happens next?**

Politically, the situation remains bleak. The rhetoric on both sides remains implacable. On 23 July, speaking to the SPLA, South Sudanese president Salva Kiir insisted that Abyei belongs to South Sudan and would eventually rejoin it. Immediately after the Addis Ababa agreement, El Dirdiri Mohammed Ahmed, one of the chief NCP negotiators at the PCA, insisted that, 'First and foremost, for us, is that Abyei is still a part of north Sudan, being north of the 1956 border, which makes the SPLA claims on Abyei being in South Sudan baseless'. In part, both these messages are intended for home constituencies and demonstrate the gulf between political rhetoric and the political compromises that might be entertained by both sides.

Politically, the NCP is unlikely to compromise on Abyei. The party is increasingly influenced by the hard-line army, and any concession would immediately be



unpopular in Khartoum in light of multiple upheavals affecting the government. At the same time, in the South, many of the SPLM leadership come from Abyei and are unlikely to accept concessions to the NCP that would probably be necessary to allow Abyei to rejoin the South.

In the meantime, the bulk of UNISFA will deploy in October 2011. It is unlikely to be operational until the beginning of 2012. If international and South Sudanese pressure continues, SAF will gradually pull out in parallel to UNISFA's arrival. Whether displaced former residents will have enough faith in UNISFA to return to Abyei remains to be seen. UNISFA's ability to provide effective security partly depends on SAF cooperation, which has not been demonstrated.

Updated 5 September 2011

<sup>1</sup> 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 2011, if Abyei were to join a newly independent South Sudan, it would join Warrap state, while if it were to remain in Sudan, it would be a part of South Kordofan state.

<sup>2</sup> The CPA mandated that in the interim period, Abyei was to have a local executive council appointed by the presidency (composed of President Omar al Bashir and then-Vice-President Salva Kiir) pending local elections in Abyei that never took place. In 2008, following the razing of Abyei town, the Abyei Roadmap, signed by both the NCP and SPLM and designed to address the deteriorating security situation, changed the structure of the local administration. It held that the presidency should mutually agree on the Abyei Area Administration. There was no mention of local elections. The Addis Ababa Agreement signed on 20 June 2011 again changed the structure of the local government. While there will continue to be an Abyei Area Administration composed of NCP and SPLM candidates, the administration will no longer be responsible for security in Abyei (Abyei Protocol, para. 2.5, subpara. 2.5.2: 'The Abyei Area Administration shall ... Supervise and promote security and stability in the area'). Security will now be the responsibility of the Abyei Joint Oversight Committee (AJOC), composed of two members of the SPLM and two members of the NCP. The composition of the AJOC means that any decision about security must be taken unanimously in order to get enough votes to be carried, whereas in the previous administration, the fact that the head of the Abyei Area Administration was from the SPLM meant that the administration was skewed in favour of the SPLM and the Ngok Dinka population of Abyei.

<sup>3</sup> 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.

<sup>4</sup> Under the terms of the Abyei Roadmap, the only armed forces allowed in Abyei were the JIUs, composed of SPLA and SAF units; the UN Mission in Sudan; and the Abyei police, which were supposed to be moved into Abyei following the agreement of the presidency. The NCP claimed that the SPLA had moved troops into Abyei under the pretence of being police units. Under the terms of the 20 June Addis Ababa Agreement, the AJOC will supervise the selection and deployment of a new Abyei police force.

<sup>5</sup> In attendance were a number of Ngok chiefs; the commissioners of several districts in Abyei; commissioners from Western Bahr al Ghazal, Unity, and Warrap states (places the Missiriya traditionally pass through); several Missiriya chiefs; and figures from the administration of South Kordofan.

<sup>6</sup> The traditional eastern route runs through Nama and Dumboloya to Unity state, while the western route goes from Mugadama, through Mayram, to Northern Bahr al Ghazal state.

<sup>7</sup> Subsequent meetings were supposed to work out the exact routes. The Missiriya also agreed to limit the number of weapons they carried when grazing: three rifles for fewer than 1,500 cattle and five rifles for everything above that.

<sup>8</sup> The final cancellation occurred on 25 February, two days before renewed clashes broke out. Following the aborted meeting, the Missiriya herders, who had already advanced up to the Nyamora

River, which cuts through the centre of Abyei, pulled their cattle back to positions further north, leading the Ngok Dinka to claim that these herders must have known about the attacks in advance.

<sup>9</sup> The chiefs of the Abyior, Manyar, Mareng, Anyiel, and Alei were all in attendance, as well as Paramount Chief Kuol Deng Kuol and several area commissioners.

<sup>10</sup> The so-called ‘Juba police’ were deployed to Abyei following the violence in 2008. Officially, this was a force of 300 men designed to supplement the Abyei police and ensure security in the area. The NCP has long claimed that these forces are SPLA soldiers in police uniforms. One of the key conditions of the Kadugli agreements was that they withdraw to Abyei town. It was the Juba police who inflicted heavy losses on the Missiriya militias during the January attacks.

<sup>11</sup> During the clashes of 2008 the 31<sup>st</sup> Battalion of SAF (South Kordofan) was widely held to be responsible for the destruction of the town. One of the JIU battalions to be deployed to Abyei was principally composed of soldiers from Wau. However, many of the SAF troops stationed there refused to go to Abyei and so the JIU's numbers were augmented by soldiers from the 31<sup>st</sup>, leading to widespread panic in Abyei among the Ngok Dinka population.

<sup>12</sup> The villages of Todac, Tajalei, Maker, and Wungok were burned, with the first two totally razed. The villages of Dungop and Noong were also attacked.

<sup>13</sup> See <<http://www.smallarmssurveysudan.org/pdfs/facts-figures/abyei/HSBA-Violence-in-Abyei-February-March 2011.pdf>>.

<sup>14</sup> The only exception being civilians assisting the Abyei police units that redeployed above Abyei town following the attacks at the beginning of March 2011.

<sup>15</sup> For instance, there were meetings on both 13 April and 9 May 2011, during which the SPLM and NCP agreed to pull all their troops out of Abyei.

<sup>16</sup> See <[http://reliefweb.int/sites/reliefweb.int/files/resources/Full\\_Report\\_845.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_845.pdf)>.

<sup>17</sup> See <[http://www.un.org/News/press/docs/2011/201105/20110509\\_hilites\\_arch\\_view.asp?HighID=1839](http://www.un.org/News/press/docs/2011/201105/20110509_hilites_arch_view.asp?HighID=1839)>.

<sup>18</sup> A technical is an improvised military vehicle; in Abyei, technicals are normally pick-up trucks or land cruisers fitted with a 12.7 mm machine gun.

<sup>19</sup> <<http://www.sudantribune.com/SPLM-official-North-Sudan-attacked,38900>>.

<sup>20</sup> See <[http://www.logcluster.org/ops/sudan/abyei\\_agreement](http://www.logcluster.org/ops/sudan/abyei_agreement)>.

<sup>21</sup> This is an agreement that defines the terms and rights of foreign military personnel stationed in a host country.