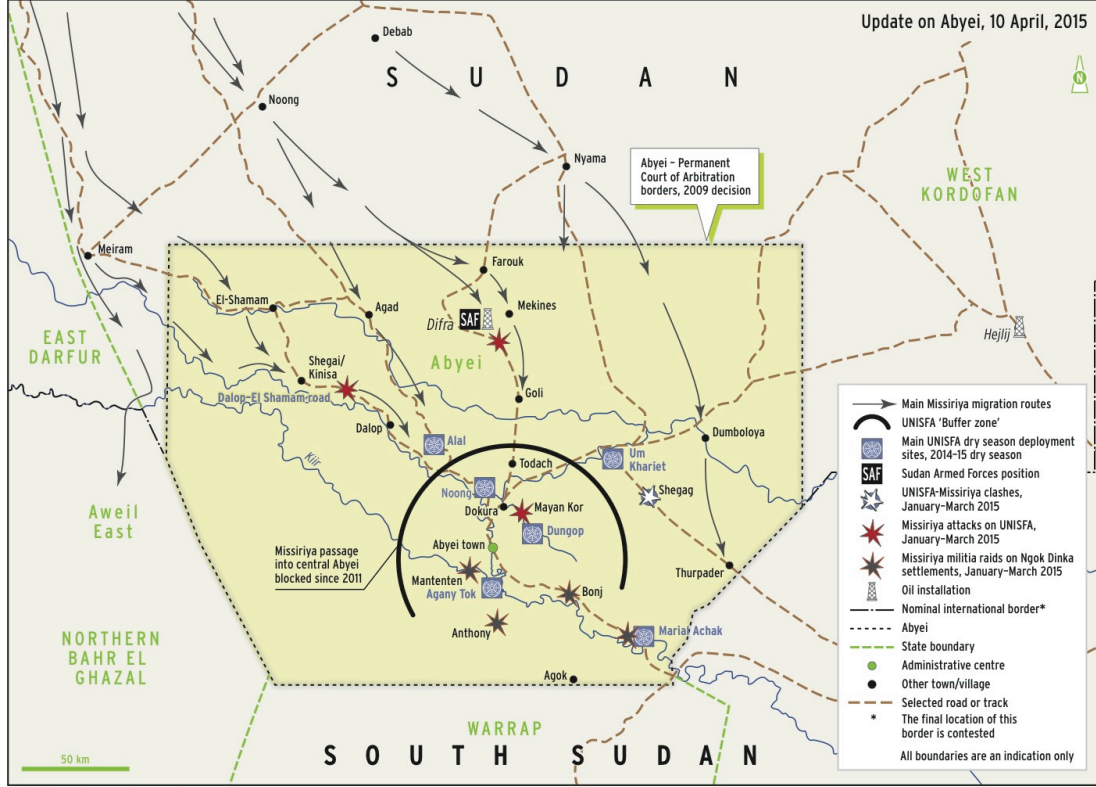


Update on Abyei

Describing events through 9 April 2015



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(High-res map at: <http://www.smallarmssurveysudan.org/facts-figures/borderdisputed-areas/abyei.html>)

In 2005, the Government of Sudan (GoS) and the Sudan People’s Liberation Movement (SPLM)—now South Sudan’s ruling party—signed the Abyei Protocol of the Comprehensive Peace Agreement (CPA), which committed both sides to implementing a referendum to determine whether Abyei would re-join the southern Sudanese states that now constitute South Sudan. A decade later, the referendum has still not taken place due to continuing disagreements over who is eligible to vote. As of 28 March 2015, political negotiations between the GoS and the Government of the Republic of South Sudan (GRSS) are at a total standstill. On the ground in Abyei, the Ngok Dinka community struggles due to a lack of resources. It is also frustrated that the GoS, the GRSS, and the international community have not recognized the unilateral referendum that it held in October 2013, in which it voted overwhelmingly to join South Sudan. Over the last two months, Missiriya militias have continued to attack Abyei, sometimes with the backing of the Sudan Armed Forces (SAF). In the absence of a local police force—mandated by the 20 June 2011 Addis Ababa agreement but never created because of disagreements between the GoS and the GRSS—the United Nations Interim Security Force for Abyei (UNISFA) is unable to effectively prevent such attacks. In the run-up to national elections in Sudan in April 2015, the GoS has intensified its political rhetoric in relation to Abyei, and in such a climate it is unlikely that there will be substantive political developments.

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Since the end of 2013, both the GRSS and the GoS have been preoccupied with internal conflict and have shown little interest in resolving Abyei's political future. The substance of the disagreement between the two sides relates to the possibility of a referendum in the territory. The GoS rejected the most recent proposal for a referendum, made by the African Union High-Level Implementation Panel on 21 September 2012, as it excluded the participation of the Missiriya. 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 crucial grazing land.

Recent statements by the United Nations Security Council (UNSC) have called for both sides to resume negotiations. On 16 February, following clashes in Abyei, the African Union (AU) called on the GoS and the GRSS to establish a local government in the territory. However, both international organizations are focused on the internal conflicts in Sudan and South Sudan, and are unlikely to take any substantive steps towards resolving the situation in Abyei other than issuing periodic statements urging both sides to return to the negotiating table.

What these entreaties obscure is the degree to which the current situation is profitable for the GoS. Despite repeated UNSC resolutions, and its own commitments in several peace agreements, the GoS retains military forces at Difra, Abyei's sole oil field, and keeps all the oil revenue for itself, despite its commitment in the Abyei Protocol—which it upheld in the 20 June 2011 Addis Ababa agreement—to share this income with local actors and what has become the GRSS. On 29 January, the GoS announced it had signed a six-year agreement with the Chinese National Petroleum Company to increase oil production in blocks two and four of the West Kordofan oil fields; block four includes part of Abyei.

The deferral of any political resolution to the situation in Abyei allows the National Congress Party (NCP)—Sudan's ruling party—to placate the Missiriya, an important political constituency. It also allows for a de facto annexation of north Abyei, which is currently controlled by the Missiriya, and is without Ngok Dinka inhabitants, who fled the area in 2011 following the SAF invasion of Abyei and have yet to return. The lack of progress in negotiations, despite its diplomatic statements to the contrary, is eminently productive for the GoS, and far more consonant with its interests than any of the proposals currently on the table for resolving the crisis in the territory. Appeasing the Missiriya has taken on an added importance over the last month, in the run-up to the Sudanese elections.

On 22 October 2014, the Sudanese co-chair of AJOC, Hassan Ali Nimr, claimed that Abyei would be included in Sudanese national elections. He reiterated this claim on 22 February 2015, and added the veiled threat that if UNISFA was not willing to secure the elections, the National Election Commission would do so—an intimation that the SAF would move in. He further claimed that there were a number of candidates who would participate, including Magid Yak and Zakariah Atem, two Ngok Dinka NCP members who had previously formed part of the Abyei Area Administration (AAA).

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Nimr's claims are political rhetoric. In fact, on 18 October, the chairman of the West Kordofan election commission (which is putatively the state of which Abyei is a part, according to GoS) announced that Abyei is not among the constituencies that will be included in the election. No registration of voters has occurred in Abyei, and voter registration across Sudan concluded on 17 November. On 4 February, Sudan's deputy ambassador to South Sudan, Magdi Mofadal, underlined that Abyei will not be included in Sudan's 2015 elections. Kuol Monyluak, then-head of the AAA, stated that Abyei 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 Abyei is not viable. Nimr's claims are instead designed to contest the legitimacy of the Ngok Dinka's referendum and the GRSS-backed institutions in the territory, while restating Missiriya claims to Abyei.

Nimr also intends to put pressure on the NCP. Many Missiriya fighters fought for the NCP during Sudan's second civil war but now feel neglected by a government that has brought neither development nor employment opportunities to West Kordofan. Over the last four years, increasing numbers of Missiriya have joined the Sudan People's Liberation Army-North (SPLA-N) and the Justice and Equality Movement (JEM), which are fighting the GoS in South Kordofan and elsewhere in Sudan. The NCP is alarmed by these developments and is wooing the Missiriya community, notably by dismissing al-Khair al-Fahim, the previous Sudanese co-chair of AJOC, whom the Missiriya had criticized, and appointing Hassan Ali Nimr, who is a member of the family of Mukhtar Babu Nimr, one of the most powerful Missiriya leaders. In the run-up to Sudan's election, the Missiriya are intensifying their claim to Abyei in order to extract as much as possible from the NCP, which they hope will allow the Missiriya to consolidate their hold on the north of the territory. On 9 March, the prominent Missiriya leader Abdul Rasul Al Nur called for SAF to invade Abyei and take control, thus securing the community's grazing land in perpetuity.

The NCP is attempting to placate the Missiriya. The Sudanese press announced that President Omar al-Bashir would visit Abyei in the second week of March. Given the anger Bashir's presence would have caused among the Ngok Dinka, who bitterly hate the Sudanese leader and hold him responsible for many of the travails that Abyei has suffered, such a visit would have been extremely controversial. Bashir, however, never intended to go, and UNISFA report that it received no official request for the visit. Instead, the declaration of the trip allowed Bashir to reassert, once again, that Abyei belongs to Sudan.

On 11 March, Bashir reiterated this message while visiting West Kordofan on the election trail. He also promised that the GoS would complete a road network in the state, and construct water reservoirs in the dry season, in appreciation of all that the Missiriya did during the second civil war, while also criticizing those Missiriya that had joined SPLA-N and JEM. Bashir's promises reiterate claims made by first Vice-President Bakri Hassan Saleh in February, during a visit to the northern areas of Abyei, where he also promised that the GoS would provide the Missiriya with services—measures that the Ngok Dinka claimed would entail supporting the Missiriya occupation of the territory.

These promises are part of the political rhetoric of the election campaign rather than necessarily being substantive plans to improve West Kordofan. However, such promises, if carried out, come with political implications. From 2005–11, the road from Difra to Abyei town was repaired, while roads linking Abyei to South Sudan were not built. Such decisions created two different development agendas, which emphasized Abyei's links to Sudan and blocked its links to the south. This asymmetry also had practical consequences. In May 2011, SAF forces advanced down the newly built road from Difra when invading Abyei, while the Ngok Dinka fled down a barely passable road to Agok, on the other side of the river Kiir.

Just a week after Bashir's visit to West Kordofan, on 19 March, Sudanese security forces prevented the transportation of building materials into Abyei. The materials were contracted by UNISFA, which intends to implement development projects and basic services in the Abyei area. The GoS has consistently blocked construction projects that might connect the Missiriya to the people of Abyei. It is mindful of the situation on the East Darfur-Northern Bahr el Ghazal border, where relatively good relations between the Rizeigat and the Malual Dinka have meant a steady erosion of NCP support. In Abyei, in contrast, a poor relationship with the Ngok Dinka leaves the Missiriya with nowhere else to turn, and in a state of dependence on the NCP. The alternate situation, in which the Missiriya build connections to Abyei and South Sudan, would weaken Sudanese control both of West Kordofan and of the oil producing areas of Abyei.

While the NCP campaigns in and around Abyei, over the last two months the SPLM has largely been reactive. It denounces Sudanese claims to Abyei but has not made further positive commitments to the territory. The SPLM finds itself in a precarious position. To come out and support Abyei's unilateral referendum would mean military confrontation with SAF at a time when the Sudan People's Liberation Army (SPLA) is already stretched by the conflict in the greater Upper Nile region. The GoS intensifies these fears, and warns that if the SPLA becomes involved in Sudan (including Abyei), it will have no choice but to become involved in South Sudan. Given that SAF already provides support to the Sudan People's Liberation Army-In Opposition (SPLA-IO), the rebel force in South Sudan, the SPLM is aware that this is not an idle threat.

The SPLM cannot compromise in negotiations over Abyei without losing the support of the Ngok Dinka, an important political constituency for the party. The SPLM's fragile position is rendered even more tenuous by the SPLA-IO, which has been making overtures to the Ngok Dinka. Edward Lino, one of the community's principal leaders, and the former co-chair of AJOC and head of the AAA, joined the rebel movement last year. The SPLA-IO has attempted to appeal to the Ngok Dinka community's feeling of isolation from the political leadership in South Sudan. At the SPLA-IO's Pagak conference, the rebel organization announced that South Sudan's ten states would be dissolved, and be replaced by 21 federal states based on the districts of the British colonial administration. Abyei was included as one of these districts. These overtures, however, are about political positioning, not substantive proposals. The SPLA-IO is backed by the GoS, which would be hostile to any attempt to bring Abyei within South Sudan.



Political stagnation at the national level is mirrored by local impasse. The Abyei Joint Oversight Committee (AJOC), the body with administrative and political oversight in the territory stopped meeting following the assassination of the then-Paramount Chief Kuol Deng Kuol by a Missiriyia assailant in May 2013. In November 2014, the two presidents agreed to a resumption of AJOC meetings. However, the GRSS gave two conditions: the release of the AU report into Kuol Deng Kuol's death, and the removal of SAF forces from Difra. GoS has refused to withdraw these troops until an Abyei police force is established, a step that cannot occur until a joint administration is created, which would require the resumption of the very AJOC meetings that will not happen until the troops are withdrawn. The result is total paralysis. On 11 February, the Sudanese co-chair of AJOC, Hassan Ali Nimr, claimed that he would meet with his South Sudanese counterpart, Deng Mading Mijak, at the end of February in a resumption of the AJOC meetings.

A meeting of the AJOC finally occurred on 29-30 March 2015. A statement signed by both parties condemned recent attacks in Abyei, without mentioning those responsible. However, during the meeting, the two sides differed on the status of a joint administration. The Sudanese co-chair insisted that such an administration must be created, while the South Sudanese co-chair responded that the institutions that already exist in Abyei are its administration, and were legitimized by the October 2013 referendum. Despite the AJOC meeting, the impasse between the two sides over Abyei's political future remains as wide as ever.

There is a total breakdown of relations between the Missiriyia and the Ngok Dinka. While in previous years the Missiriyia would only have grazed in Abyei with Ngok Dinka consent, this dry season they are grazing under UNISFA escort. From 16–18 March, the Ngok Dinka Paramount Chief, Bulabek Deng Kuol, led a meeting of the Ngok Dinka in preparation for a conference between the Missiriyia and the Ngok Dinka, which is proposed to be held in Addis Ababa at the end of April. However, there are difficult issues to be overcome if any future negotiations between the two sides are to be successful. Previously, the Ngok Dinka community has set as a precondition for further talks that those involved in the assassination of Kuol Deng Kuol be put on trial. More broadly, the Ngok Dinka would like a more general acknowledgement of their unanimous decision to join South Sudan, as determined by a unilateral referendum in October 2013, which was denounced by the Missiriyia.

The Missiriyia are likely to push for the implementation of a joint administration in Abyei, which the Ngok Dinka have refused to countenance. The 20 June 2011 Addis Ababa agreement commits the SPLM and the GoS to create such an administration, but the Ngok Dinka political leadership fears that the establishment of a joint administration would be unacceptable to the community—which has already expressed its desire to join South Sudan and sees no need for further negotiations—and would lead to the indefinite deferral of a political resolution to the Abyei crisis. The previous joint administration, which ended when SAF invaded Abyei in 2011, did not manage to resolve basic disagreements between the GoS and the SPLM over the territory's political future. The impasse in relation to local government creates further blockages in national negotiations. The GoS claims that establishing a joint administration is a precondition for future talks, thus indefinitely deferring future negotiations over the territory's future.

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In the meantime, Abyei is controlled by an administration of Ngok Dinka political leaders that are close to the SPLM but which struggle with a lack of finances despite some GRSS support. In December, functionaries complained that they have not been paid—a situation mirrored around South Sudan, as the GRSS tries to cope with the straitened circumstances created by the conflict with SPLA-IO and falling global oil prices. This situation compounds an already-bad economic situation in Abyei, as the administration’s salaries are also one of the sole sources of liquidity in the Abyei market. In February, ten teachers from Abyei who were to receive training in Kenya were forced to return to the territory after the AAA failed to pay the training fees.

The Missiriya migration is continuing into Abyei. The herders are concentrated in the north of the territory, and UNISFA has created what is effectively a security cordon around the principal areas of Ngok Dinka settlement in the centre and south of Abyei. This has led to disgruntlement on both sides, with Hassan Ali Nimr complaining that the Missiriya cannot move further south towards dry season grazing, and the Ngok Dinka accusing UNISFA of helping the Missiriya settle in the north of Abyei, which they would usually only occupy seasonally. On 24 March, Chol Deng Alak, South Sudan’s former ambassador to Russia and the head of the high committee for the Abyei referendum, accused the Missiriya of settling in northern Abyei and forcefully displacing the Ngok Dinka, in effect creating a *de facto* occupation of the north of the territory.

While UNISFA has a mandate to ensure that Abyei is demilitarized, it has struggled to prevent Missiriya attacks on the Ngok Dinka. Many members of the latter community now see the UN mission as bodyguards for an unwanted Missiriya presence in the north of Abyei, unable to remove the SAF troops from Difra or protect their communities from raids. On 26 January, five Ngok Dinka were killed in a Missiriya attack on Bonj village in the south of Abyei. There were two further attacks in the south of Abyei that week, in Rubyen and Antony, while on 4 February, a UNISFA patrol came under attack close to Mayan Kor; 11 Missiriya were arrested.

A more brutal raid followed. On 1 March, at 6.40am, approximately one hundred Missiriya militia members attacked Marial Achak, a village in the south of Abyei, killed four people and abducted eight children. These abductions recall the second civil war, when hundreds of children were abducted from Abyei. At least 31 buildings were burned down in the raid. UNISFA pursued the attackers, and clashed with them near Shegag; four Missiriya were captured and three killed. After the attack, almost four thousands people fled Marial Achak, with some three thousand moving south of the river Kiir, while approximately 800 remained in Rummameer.

The Ngok Dinka community claimed that this militia attack was supported by SAF and that NCP politicians in West Kordofan ordered the raid. In subsequent interrogations of those captured, UNISFA learned one of the individuals was associated with Sudanese military intelligence, and that the attackers had received material support from backers in Khartoum.

GoS support for these attacks is consonant with its long history of supporting Missiriya militia activity in Abyei as a means of destabilizing the Ngok Dinka and maintaining Sudanese control over the territory. These attacks demonstrate a markedly different

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logic to those of November and December 2014, which saw Missiriya forces raiding Tajalei and Majak—villages in the north and east of Abyei—and stealing cattle. Missiriya tend to attempt to augment their cattle during dry season grazing in Abyei: thefts that, in years past, would be resolved through compensatory payments before the next dry season. The raids of January–March 2015, however, targeted civilians and buildings rather than cattle. Such raids bring with them the echo of January–April 2011, when Missiriya militias targeted Ngok Dinka civilians, razing villages in an attempt to depopulate the north of Abyei and secure it for their exclusive use.

Further attacks followed. On 29 March, there was an organize Missiriya attack on six cattle camps near Majok Toc, close to the border with Warrap state, and 700 cattle were stolen. On 6 April, Missiriya militias attacked Kuoldet village, killing six. Following the attack on Marial Achak, Mawien Makol, a spokesperson for South Sudan’s ministry of foreign affairs, called on UNISFA to protect the civilians in the area. Without a police force to ensure order, however, the Ethiopian peacekeepers struggle to maintain Abyei as a demilitarized space. On 28 January, the UN Secretary-General Ban Ki-Moon appointed a new head of mission to UNISFA, Haile Tilahun Gebremariam, and on 26 February, the UNSC extended UNISFA’s mandate until 15 July 2015. The extension of the peacekeeper’s mandate was accompanied by new language written into the resolution, which asked UNISFA to work with both communities to strengthen law and order in the territory. However well intended such a measure, UNISFA finds itself largely powerless. It is ill equipped to function as a police force, and it is now mandated to try and strengthen law and order by engaging with the very militia forces that are violating it.

With the Missiriya migration into Abyei set to continue, and the impasses at the international and national levels as immovable as ever, there are likely to be further militia attacks while political stagnation continues.

Updated 17 April 2015