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Forgotten Again: How the World Has Failed Abyei

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On September 27, 2012, Sudanese President Omar al-Bashir and South Sudanese President Salva Kiir signed agreements concerning a host of issues resulting from South Sudan's July 2011 secession. The agreements concern issues of oil and other financial matters, border security, and citizenship. They represent the culmination of a nearly two and half year-long negotiation process and, if implemented, have the potential to further consolidate peace and security within and between the two Sudans. However, the success of these agreements ultimately hinges on the resolution of the remaining outstanding issues on which the two presidents were unable to agree, chief among them the final status of the disputed Abyei area.

Straddling the ill-defined international border separating the two Sudans, Abyei is the traditional homeland of the nine Ngok Dinka chiefdoms, a group with strong ethnic, cultural, and linguistic ties with the Dinka of South Sudan. Misseriya herders, members of a northern nomadic Arab tribe, seasonally traverse the Abyei area with their cattle. While Abyei was administratively transferred to the North in 1905, its Ngok Dinka inhabitants sided with the Sudan People's Liberation Movement, or SPLM, and its predecessor, the Anyanya movement, during Sudan's successive North-South civil wars.¹

Despite Abyei's central role as a catalyst for North-South tensions, the international community has historically dodged the difficult issue of the area's final status – or the question of whether the area should be part of Sudan or South Sudan – and, in doing so, has repeatedly sacrificed the safety, security, and livelihoods of the Ngok Dinka people for the sake of other concerns and interests. The most recent iteration of this behavior came last week, when the international community failed to pressure the government of Sudan to accept an African Union proposal concerning the conduct of a referendum in the area.

In recent years, the international community's calculus vis-à-vis Abyei has created an environment in which Sudanese government and government-backed forces were twice able to use brutal force to cleanse the area of its Ngok Dinka inhabitants. If not corrected immediately, the international community's latest failure on Abyei could leave the area vulnerable to further instability and unrest, which risks unraveling the delicate peace that the two Sudans now enjoy.

A Brief History of the International Community's Failures on Abyei

For decades, the international community has lacked the political will to safeguard the rights of Abyei's inhabitants and to ensure that Khartoum implements the agreements it has signed concerning the area. A brief history of the international community's failures in this regard includes the following:

Sudan Breaches the 1972 Addis Ababa Agreement: The 1972 "Addis Ababa Agreement on the Problem of South Sudan" ended Sudan's first North-South civil war and placed the Abyei area under special administration ahead of a promised referendum in which the Ngok Dinka would decide if the area would remain in the North or become part of a newly formed "Southern Region."² Before the referendum could be held, armed Misseriya militias initiated attacks on Ngok Dinka communities in Abyei. Thereafter, in 1983, then-Sudanese President Jaafar al-Nimieri introduced Sharia law and reneged on his government's obligation to conduct a referendum in Abyei, sparking Sudan's second civil war. The reaction from the international community to President Nimieri's abrogation of the agreement was impotent.

Abyei Left Out of Southern Sudan at Naivasha: During the negotiations that led to the signing of the 2005 Comprehensive Peace Agreement, or CPA, which ended Sudan's second civil war, the SPLM originally argued for Abyei's inclusion in the semi-autonomous region of Southern Sudan. Under great international pressure to concede, the SPLM ultimately agreed that the area would remain under the administration of the Sudanese Presidency during the CPA's Interim Period.³ The government of Sudan and the SPLM further agreed that, in conjunction with the Southern Sudan referendum, the Ngok Dinka and other "residents" of Abyei would vote in a final status referendum to determine if the area would remain in the North or be administratively transferred back to Southern Sudan. Despite assurances from the international community that both parties would be held to their agreement to conduct the Abyei referendum, it has, to date, not occurred.

The ABC's "Final and Binding" Report Ignored: The government of Sudan and the SPLM agreed in the CPA that the Abyei Boundaries Commission, or ABC, consisting of internationals and representatives from the two CPA parties, would define the boundaries of the area. The report of the ABC was to be "final and binding" on both the government of Sudan and the SPLM. However, President Bashir rejected the ABC's final report and categorically refused to recognize it. No ramifications from the international community for this behavior followed.⁴

May 2008 – Abyei Aflame: In the wake of Khartoum's refusal to abide by the ABC's final and binding report, tensions mounted in Abyei. In May 2008, these tensions erupted into violence, as Sudanese government forces swept through the area, deliberately destroying large portions of Abyei town and its surroundings and displacing hundreds of thousands of Ngok Dinka. Again, the international community's reaction to the atrocities was muted.⁵

An Arbitration Award Left Unimplemented: To resolve the impasse over Abyei's boundaries and dissipate tensions in the area, Khartoum and the SPLM agreed to a number of interim measures related to the area, including an international arbitration.⁶ The award of the arbitration tribunal concerning the area's boundaries was to be final and binding on both parties. While both the government of Sudan and the SPLM originally accepted the Abyei Arbitration Tribunal's definition of the area's boundaries, the Sudanese government later resisted implementation of the award. Khartoum's failure to implement another final and binding definition of Abyei's boundaries was again left unchallenged by the international community.

A Referendum Forgotten: As Abyei's boundaries remained undefined, so too did the definition of eligible voters in the Abyei Referendum. Negotiations between the government of Sudan and the SPLM in late 2009 were unsuccessful in resolving the issue. Khartoum argued that the nomadic Misseriya should be considered "residents" of the area for the purposes of determining eligible referendum voters. The SPLM, on the other hand, asserted that a residency requirement, comparable to those seen in other final status referenda conducted around the world, should be the determinant of voter eligibility. Although the international community attempted to broker agreement over the voter eligibility requirement, these attempts were impotent and, at times, downright detrimental. Indeed, in a last-ditch attempt to address the area's final status, the U.S. government and the African Union, in late 2010, suggested that Abyei be split in two, with the northern portion allotted to Sudan and the southern portion to Southern Sudan.⁷ Ultimately, international efforts were devoted completely to the successful conduct of the Southern Sudan Referendum in January 2011, leaving the Abyei Area Referendum for an undetermined later date.

May 2011 – Abyei is Again Destroyed: With no referendum in sight and tensions again mounting ahead of South Sudan's anticipated independence, violence again erupted in Abyei following a clash between Sudanese government forces and southern SPLA soldiers. Khartoum used the event as a pretext to again sweep through Abyei, destroying Abyei town for a second time in three years and cleansing the area once more of tens of thousands of Ngok Dinka, many of whom had only recently returned following the May 2008 violence.⁸ While the international community condemned Khartoum for its brutality, little concrete recourse was taken against the Sudanese government for its flagrant violations of its obligations under the CPA and the rights of the Ngok Dinka.

A New Agreement Brings New Violations: Ahead of South Sudan's secession, Khartoum and Juba, in June 2011, signed an additional agreement to augment the CPA's Abyei Protocol and again dissipate tensions in the area. The agreement preserved the Abyei Referendum, while imposing additional obligations on both Sudan and South Sudan, including the withdrawal of their respective forces from the area. While South Sudan ultimately withdrew all southern armed elements from Abyei, Sudan left armed "oil police" stationed in the area, despite international demands for their withdrawal.⁹

September 2012 – Abyei Is Again Forgotten: On September 27, 2012, Presidents Bashir and Kiir signed a number of agreements concerning outstanding issues resulting from South Sudan's independence.¹⁰ In the final negotiations preceding the conclusion of the agreements, the African Union tabled a proposal on the conduct of a referendum in Abyei. While Juba accepted the proposal, Khartoum refused, again reverting back to its argument that nomadic Misseriya should be afforded the right to vote in the referendum. The international community was unable to pressure Sudan to compromise.

From Failure to a Final Resolution: Recommendations for the International Community

If recent history teaches us anything, it is that there is the very real potential for the impasse over Abyei to erupt violently if a resolution is not found. The days and weeks ahead offer the international community the opportunity to devote concerted diplomatic efforts to protect the safety and security of Abyei's inhabitants and ensure that the area does not become a catalyst for further North-South violence.

Later this month, President Thabo Mbeki, head of the African Union High-Level Implementation Panel, or AUHIP, and chief facilitator of the negotiations between Sudan and South Sudan, is expected to brief the African Union Peace and Security Council on the agreements concluded on September 27, 2012. President Mbeki's presentation is likely to also include the AUHIP's proposals on the remaining outstanding issues, among them, the final status of the Abyei area. Thereafter, both the African Union and the U.N. Security Council will have the opportunity to consider President Mbeki's report and take appropriate actions to guarantee the implementation of the agreements signed, as well as the AUHIP's proposed resolutions to the remaining unresolved issues.

To this end, the following actions should be undertaken:

- President Mbeki should present to the African Union Peace and Security Council the proposal on Abyei that the AUHIP tabled during the September 2012 summit between Presidents Bashir and Kiir. President Mbeki should request the African Union's immediate adoption of the proposal as the final and binding agreement on Abyei's final status and commitment to fully implement the same. As well, President Mbeki should remain resolute on the issue of unfettered international humanitarian access into the Sudanese states of South Kordofan and Blue Nile, and request the African Union's immediate undertaking of steps to guarantee such access. Finally, President Mbeki should request that the African Union support direct negotiations between the government of Sudan and the SPLM-North, based on the June 2011 agreement, which are designed to culminate in (a) the conclusion of a comprehensive ceasefire agreement between all militarily active components of the Sudan Revolutionary Front, or SRF, and the government of Sudan; (b) an inclusive, fair, and transparent constitutional process in Sudan; and (c) democratic elections.

- The African Union Peace and Security Council should immediately accept President Mbeki's proposals on Abyei, humanitarian access, and a North-North negotiation process and demand that all relevant parties implement them in due course. The African Union should, as well, call on the U.N. Security Council to support these efforts and formulate significant measures, which the U.N. will then enforce against any party found not in compliance with any of its obligations under the proposals.
- The U.N. Security Council should accept the African Union's recommendations and immediately outline the measures it will enforce against any non-complying party.

Endnotes

- 1 During the Anglo-Egyptian Condominium period, the area of the nine Ngok Dinka chiefdoms was transferred to Kordofan province in northern Sudan. The Comprehensive Peace Agreement later defined "Abyei" as this transferred area.
- 2 Joshua Craze, "Creating Facts on the Ground: Conflict Dynamics in Abyei" http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=8&ved=0CFkQFjAH&url=http%3A%2F%2Fwww.smallarmssurveysudan.org%2Fpdfs%2FHSBA-SWP-26-Conflict-Dynamics-in-Abyei.pdf&ei=Tt5uUJT5AaHy0gGEqoGYCw&usg=AFQjCNHXEp240XMNBrsVsc_7hM7DtNWBw&cad=rjt
- 3 International Crisis Group, "Sudan: Towards an Incomplete Peace" <http://www.crisisgroup.org/en/regions/africa/horn-of-africa/sudan/073-sudan-towards-an-incomplete-peace.aspx>
- 4 Roger Winter and John Prendergast, "Abyei: Sudan's 'Kashmir'" <http://www.enoughproject.org/publications/abyei-sudan%E2%80%99s-%E2%80%9Ckashmir%E2%80%9D>
- 5 Roger Winter, "Abyei Aflame: An Update from the Field" <http://www.enoughproject.org/publications/abyei-aflame-update-field-0>
- 6 Douglas Johnson, "Abyei: Sudan's West Bank" <http://www.enoughproject.org/publications/abyei-sudans-west-bank>
- 7 Enough Team, "Sudan Peace Watch-January 7, 2011" <http://www.enoughproject.org/publications/sudan-peace-watch-january-7-2010>
- 8 Enough Team, "Satellite Images Confirm Sudan Government Attack on Abyei" <http://www.enoughproject.org/blogs/satellite-images-confirm-sudan-government-attack-abyei>
- 9 Amanda Hsiao, "Field Dispatch: Abyei in Flux" <http://www.enoughproject.org/publications/field-dispatch-abyei-flux>
- 10 Amanda Hsiao, "Sudan, South Sudan Agree on Oil and Security Arrangements in Partial Deal" <http://www.enoughproject.org/blogs/sudan-south-sudan-agree-oil-and-security-arrangements-partial-deal>