



Resolving the Abyei Crisis

Preventing Violence and Promoting Peace

Renata Rendón and Amanda Hsiao

January 17, 2013



enough

The project to end genocide and crimes against humanity

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COVER PHOTO

Ngok Dinka woman outside of a school burned and looted by Misseriya in 2011 (Amanda Hsiao/Enough Project)

Introduction

The cold war between Sudan and South Sudan could reignite into a devastating armed conflict if they do not quickly resolve their dispute over the final status of Abyei, a resource-rich area straddling the two countries' ill-defined border. An African Union High Level Implementation Panel, or AUHIP, plan, which offers the best-available vehicle for resolving the territory's final status, is already on the table. If the international community places its weight behind that plan and the parties finally commit to act on it, a deepening of the crisis can be averted. Unfortunately, two key obstacles stand in the way of a resolution of Abyei's final status: (1) the lack of cooperation between the two governments, particularly Sudan's outright rejection of the AUHIP proposal; and (2) the misperception among the people on the ground that allowing a self-determination referendum in Abyei would be a zero-sum game.¹ Misconceptions about the referendum process are especially troubling since they could enable spoilers to fuel violence during the annual Misseriya migration through the territory. A clear commitment from the international community to pressure the Sudans to come to an enforceable agreement on Abyei's final status is essential to mitigate further destabilizing violence.

On September 21, 2012, the AUHIP presented a proposal that provides mechanisms for resolving Abyei's final status, and defines and protects the rights of those living within and moving through the area.² If implemented, the AUHIP Proposal on the Final Status of the Abyei Area, or the AUHIP Proposal, would protect the migratory, civic, political and economic rights of the two communities with the greatest stake in Abyei: the southern-aligned Ngok Dinka, who have historically inhabited Abyei, and the northern-identifying nomadic Misseriya pastoralists, who have traditionally traversed the area with their herds.³

Initial momentum to push for a resolution of Abyei's final status – especially among members of the African Union Peace and Security Council, or A.U. PSC – appears to be waning.⁴ After the parties failed even to meet during a first six week negotiation period, the A.U. PSC extended the window for negotiations until the late January 2013 A.U.

heads of state summit.⁵ An early January summit between Presidents Omar al-Bashir and Salva Kiir produced no discernible progress.⁶ Counterproductively, the outcome document from the summit conditioned discussion of Abyei's final status on the resolution of thorny administrative issues.⁷ In light of the long history of unimplemented agreements concerning Abyei's status – the government of Sudan has signed over half a dozen agreements on the subject⁸ – many worry that the issue could again be relegated to the sidelines.⁹ Historically, delays in implementing agreements concerning Abyei have led to devastating violence on the ground.

A December 2012 Enough Project trip to Abyei revealed the depth of mistrust and polarization between the Ngok Dinka and Misseriya communities.¹⁰ Both communities expressed fears of violence during the Misseriya migration, which started earlier than usual this year because of low rainfall.¹¹ Typically, migrations begin in January and last through May. People interviewed from both sides agreed that the United Nations Interim Security Force for Abyei, or UNISFA,¹² alone was responsible for preventing armed conflict from breaking out.¹³ The Enough Project's research visit also made clear that the two communities that have suffered the most as a consequence of Abyei's legal limbo remain the least informed about the contents of the AUHIP Proposal.¹⁴ The lack of information on the ground contributes to the misperception that a referendum in Abyei pits the Misseriya and Ngok Dinka against each other in a way that only one community can win. This is far from either the letter or the spirit of the AUHIP Proposal and will only foment anxiety that could lead to violence. Ultimately, only a decision on the final status of Abyei will create the political stability necessary for sustainable peace in the area. A credible internationally-run referendum and an effective administrative structure for the area will ensure the continued rights of the Ngok Dinka and Misseriya, allowing both communities to benefit equitably and securely from Abyei's natural resources.

The AUHIP Proposal offers the best available basis upon which Sudan and South Sudan can negotiate to achieve this goal. The government of Sudan has rejected the AUHIP Proposal without offering constructive alternatives. Alternatively, the government of South Sudan and the international community have accepted the AUHIP Proposal, pointing to the benefits the proposal would accord local communities should it be implemented. On January 3, 2013, Norway, the United Kingdom, and the United States,¹⁵ released a joint statement noting that the AUHIP Proposal “provides for Abyei's continuing special status as a bridge between the two countries with guaranteed political and economic rights for both the Ngok Dinka and Misseriya, whatever the outcome of the referendum.”¹⁶ Similar statements from other influential international actors, including Ethiopia, South Africa, Qatar, Egypt, and China, among others, are urgently needed to increase pressure on the two countries to agree to use the AUHIP Proposal as a basis for continued negotiations on Abyei's status.

Alarming, there are suspicions that the government of Sudan is attempting to delay further negotiations over Abyei's final status to allow time for nomadic Misseriya to

settle in the Abyei area. Under the terms of the AUHIP proposal, only “residents” of Abyei would qualify to vote in any future referendum on the area’s final status. Misseriya increasingly began to settle within the Abyei area following the conclusion of the Comprehensive Peace Agreement, or CPA, in 2005, for similar reasons. Sudanese government and government-backed forces have twice violently expelled sedentary Ngok Dinka populations from Abyei: 2008 and 2011. This pattern of Misseriya settlement and Ngok Dinka displacement, followed by resettlement, has resulted in further destabilization in the area and confusion among local and international stakeholders as to who really resides in the Abyei area. A final status referendum, conducted in conformance with international standards, will help bring stability to Abyei and allow for genuine development in the area.

Given the unsatisfactory outcome of the recent summit of the presidents of Sudan and South Sudan, the A.U. PSC must now establish a second deadline by which the parties must reach a workable agreement on an Abyei referendum based on the AUHIP proposal. Should this second deadline pass with no resolution, the body should, as it said it would, endorse the AUHIP proposal as final and binding, recommend that the U.N. Security Council do the same, and move immediately to demand full implementation. Continued inaction risks the credibility of the A.U. PSC in the eyes of Sudan, South Sudan, and the people of Abyei.

In conjunction with efforts to ensure that the governments of Sudan and South Sudan reach a timely agreement on Abyei’s final status, efforts should be initiated on the ground to prevent violence from breaking out this migration season. It is critical that the A.U., in partnership with U.N. agencies and NGOs with access to Abyei initiate a coordinated outreach and education program to explain to the AUHIP Proposal’s provisions and the rights and protections it affords the Ngok Dinka and Misseriya communities. Those agencies should initiate dialogue between the two communities about the AUHIP proposal’s long-term value for both sides. This kind of engagement with Abyei’s primary stakeholders could help prevent conflict this dry season and create confidence in both communities for their future co-existence. A coordinated outreach and education campaign should be coupled with UNISFA’s migration strategy, which places its troops in strategic flashpoint areas to help ensure that Misseriya migrate east and west of areas with dense Ngok Dinka settlements.¹⁷

A Brief History of the Struggle Over Abyei’s Final Status

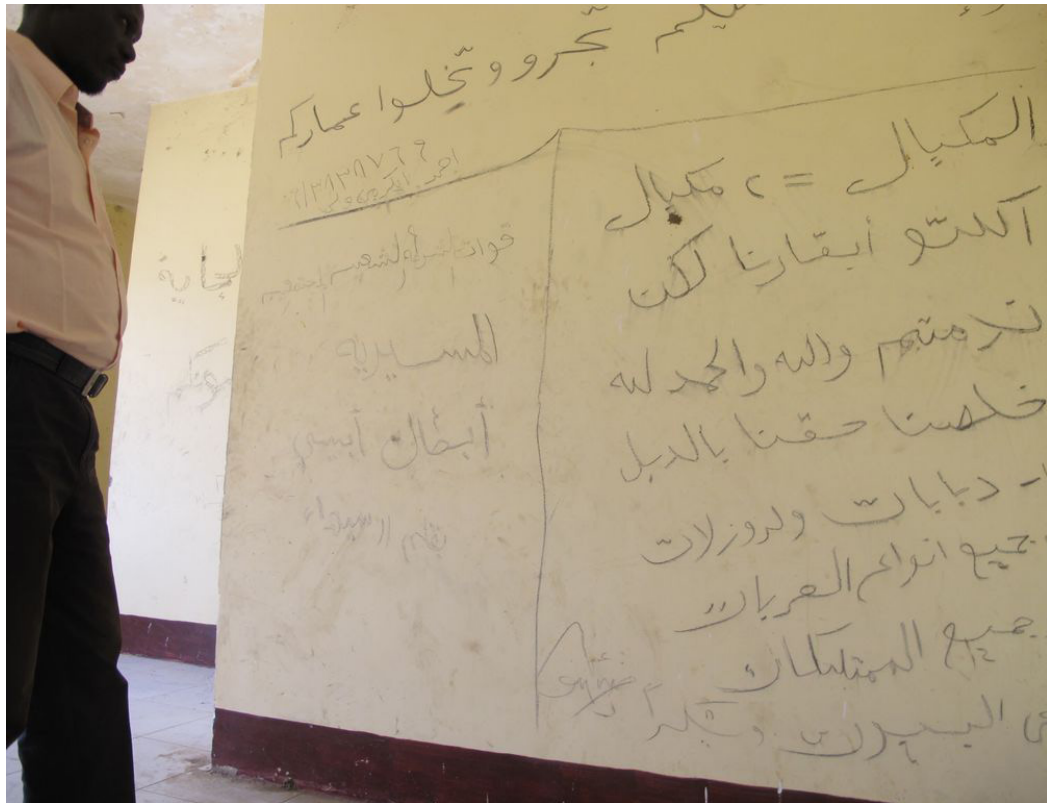
Straddling the ill-defined border between Sudan and South Sudan, Abyei is the traditional homeland of the Ngok Dinka, a tribal group with strong ethnic, cultural, and linguistic ties to the Dinka of South Sudan. Misseriya herders, members of a northern nomadic tribe, seasonally traverse Abyei and other North-South border areas with their cattle in search of water and pastures in the dry season and to trade goods.

In 1905, during Anglo-Egyptian colonial rule in Sudan, Abyei, defined as the area inhabited by the nine Ngok Dinka chiefdoms, was transferred from Bahr el Ghazal, then a southern province, to Kordofan, then a northern province.¹⁸ Despite the transfer, the Ngok Dinka aligned themselves with the South during Sudan's successive North-South civil wars. 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 the newly formed "Southern Region."¹⁹ This period saw the start of a Sudanese government policy of arming Misseriya and using them as a proxy force to counter rising Ngok Dinka dissent.²⁰ Before the referendum could be held, armed Misseriya initiated attacks against the Ngok Dinka. Soon thereafter then-Sudanese President Jaafar al-Nimieri reneged on his obligation to conduct a referendum, sparking the second North-South civil war.²¹

The Ngok Dinka's southern allegiance complicated negotiations over the Comprehensive Peace Agreement, or CPA, which ended the second North-South civil war. The CPA provided that the January 1, 1956 colonial administrative boundary between the North and South would remain "inviolable," except

for the Abyei area, which was again accorded a special administrative status pending the outcome of a final status referendum.²² Under the terms of the 2004 Abyei Protocol, the referendum would determine whether the area would remain in the North or become part of South Sudan.²³ Under the terms of the CPA and its own Abyei Referendum Act, the government of Sudan was obligated to give the people of the area the right to self-determination through the execution of a referendum.²⁴

The Abyei Area Referendum was scheduled to occur simultaneously with the Southern Sudan Referendum, on January 9, 2011, but was not carried out due to a disagreement between the government of Sudan and the Sudan Peoples' Liberation Movement, or SPLM, representing the country's south, over voter eligibility.²⁵ With no referendum in sight and tensions mounting ahead of South Sudan's anticipated independence, violence



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Vandalized wall in Abyei Town with graffiti, remnants of the fighting in June 2011. This graffiti, likely scrawled by youth from the Misseriya community reads: One measure = two measures. (Meaning: we hurt you twice as much as you hurt us) You took our cattle, but we made you regret that. By God and with the help of the Almighty, we took back what is rightfully ours, twice as much, tanks and dollars and all kinds of cars, as well as your household possessions

erupted in Abyei in May 2011 following an incident in which the government of Sudan alleged that southern Sudan People's Liberation Army soldiers shot at UN peacekeeping forces.²⁶

Khartoum used the incident as a pretext to sweep through Abyei, destroying Abyei town for the second time in three years and clearing the area of over one hundred thousand Ngok Dinka, many of whom had only recently returned following a spate of violence in May 2008.²⁷ Although the international community condemned Khartoum for its brutality, the international community initiated little concrete action against the Sudanese

government for its violations of its obligations under the CPA and the rights of the Ngok Dinka.²⁸ A temporary agreement concluded between the government of Sudan and the SPLM in June 2011 provided for joint administration of Abyei until the conduct of a referendum, and proposed the deployment of UNISFA to secure the area.²⁹

In recent months, tensions in the Abyei area have risen. Many Ngok Dinka, who were displaced in either the 2008 or 2011 attacks, have finally found a way to return home.³⁰ At the same time, the government of Sudan has voiced support for a Misseriya settlement policy aimed at shifting the demographics of the territory.³¹ Mahdi Babo Nimir, a Khartoum based Misseriya leader, announced in early January that the nomadic community had decided to settle in Abyei permanently in an effort to gain the “upper hand” and avoid “annexation” to South Sudan.³²

Continued Delay: Recent Diplomacy Regarding Abyei's Status

In September 2012, the AUHIP presented a proposal to the two parties outlining a mechanism for resolving Abyei's final status.³³ This proposal was subsequently accepted by the A.U. PSC, on October 24 “as representing a fair, equitable and workable solution to the dispute.”³⁴ The A.U. PSC requested the governments of Sudan and South Sudan to negotiate over a six-week period a final status agreement on Abyei on the basis of the proposal and decided to endorse the proposal “as final and binding” should no resolu-



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Destroyed buildings in Abyei Town, remnants of the fighting in June 2011.



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Map produced using borders as delineated by the Permanent Court of Arbitration's 2009 ruling.

tion emerge from the talks.³⁵ Following six weeks during which no direct negotiations took place, the A.U. PSC again urged the two sides to negotiate and referred the issue to a meeting of the heads of states of the African Union to be held in late January.³⁶

Under pressure from the international community over the lack of implementation of a number of Sudan-South Sudan agreements and the little progress on Abyei, Presidents Omar al-Bashir and Salva Kiir met in Addis Ababa, Ethiopia on January 4-5, 2013, achieving no practical outcome.³⁷ The two heads of state agreed to reconvene to discuss Abyei's final status after the establishment of a temporary Abyei administration, council, and police force as required by the June 2011 temporary agreement.³⁸ The impact of tying further discussion on Abyei's final status to the establishment of these three bodies—a process that will likely be highly politicized and easy to delay—remains to be seen.

Provisions of the AUHIP Proposal

Unlike previous proposals concerning Abyei, the September AUHIP proposal provides for Abyei to be accorded special status no matter the outcome of the referendum.³⁹ Both the Ngok Dinka and Misseriya would enjoy civic, political, economic, and pastoral-

ist rights in Abyei, regardless of whether the area ultimately becomes part of Sudan or South Sudan. In particular, the AUHIP proposal provides for:

A Referendum to Determine the Final Status of Abyei: The AUHIP proposal requires that a referendum be held in Abyei in October 2013 to determine whether the area will become part of Sudan or South Sudan.⁴⁰ “Residents” of the Abyei area, meaning, (a) the members of the Ngok Dinka community and (b) other Sudanese who are residing in the area, those Sudanese who have a “permanent abode” in Abyei, are eligible to vote in the referendum.⁴¹ The proposal requires the formation of an Abyei Area Referendum Commission, or AARC, consisting of two members appointed by the Presidents of Sudan and South Sudan each and one “person of international stature” appointed by the A.U., in consultation with the two Presidents, as the AARC’s chair.⁴² The AARC will be responsible for all aspects of the referendum’s conduct, including ascertaining voter eligibility based on the definition provided for in the AUHIP proposal.⁴³

Continued Rights for Local Ngok Dinka and Misseriya Communities: Regardless of the outcome of the referendum, the proposal provides that the Ngok Dinka and Misseriya communities will continue to enjoy civil, political, and individual rights in the Abyei area.⁴⁴ Examples of these rights include the right to not be discriminated against, the right to vote, and the right to freedom of movement. Should Abyei become part of Sudan following the conduct of the referendum, the government of Sudan would be required to recognize the Ngok Dinka’s right to civic and political participation in Abyei and to protect the Ngok Dinka’s individual rights.⁴⁵ Similarly, should Abyei become part of South Sudan following the conduct of the referendum, the government of South Sudan would be required to recognize the Misseriya’s right to civic and political participation in Abyei and to protect the Misseriya’s individual rights.⁴⁶

Migratory Rights for the Misseriya and Other Pastoralists: The proposal requires the establishment of soft borders between Sudan and South Sudan, generally, and between Abyei and the adjacent localities of South Kordofan and the adjoining states of South Sudan, in particular.⁴⁷ “Soft borders” will enable the free movement of people, livestock, and goods between Sudan and South Sudan and across the Abyei area in accordance with established migration routes. The proposal requires South Sudan to pass a law guaranteeing the customary rights of all pastoralist communities, including the Misseriya, to utilize pasture and water located in South Sudan in accordance with traditional seasonal migratory routes.⁴⁸ South Sudan is further required to provide pastoralist communities with police protection while they are migrating through South Sudanese territory and may permit pastoralists to carry weapons for self-protection and the guarding of their livestock.⁴⁹

Finally, the proposal calls on Sudan and South Sudan to establish a Committee on Cross-Border Migratory Populations, which will, among other things, (a) define the specific rights and responsibilities of pastoralist populations and host communities along the border, (b) establish a schedule and map of agreed migration routes, and (c)

establish and maintain a Border Communities Indemnity Fund, which will be used to compensate pastoralists and host communities for violations of their rights.⁵⁰ Notably, the Committee may define additional rights for the Misseriya and other pastoralists beyond those identified in the AUHIP proposal.

Economic Development and Revenue Sharing for Abyei and the Surrounding

Communities: The proposal provides for the creation of a Common Economic Development Zone, or CEDZ, encompassing the Abyei area, adjacent localities in South Kordofan, and adjoining states in South Sudan.⁵¹ The purpose of the CEDZ is to accelerate social and economic development throughout Abyei on an equitable and sustainable basis, meaning that the Ngok Dinka and Misseriya communities in those areas will benefit from the CEDZ equally. The CEDZ will also accelerate economic development in adjoining areas of South Kordofan, with the purpose of developing permanent water sources for livestock, improved pasturage, and sustainable agriculture. Until the referendum, these projects will be funded by 50% of the revenue from oil extracted from Abyei, the governments of Sudan and South Sudan, and international donors.⁵² After the referendum, revenue from Abyei's oil resources will be divided accordingly: (a) 30% for Abyei; (b) 20% for adjoining localities in South Kordofan; and (c) 50% for the national government of the country in which Abyei is located after the referendum.⁵³ After five years, the 20% allocation for South Kordofan will revert to the national government of the country in which Abyei is located.⁵⁴

The Importance of Preventing Violence During this Dry Season

The high-level political wrangling and inaction over the territory's final status have deepened fears and paranoia in Abyei and created incentives for leaders on both sides to incite further tensions. Those conditions, combined with the presence of large numbers of Ngok Dinka who finally returned home following the 2008 and 2011 displacements⁵⁵ and migrating Misseriya, means that the potential for violence during this dry season is high. The International Organization for Migration, has documented at least 16,740 Ngok Dinka returnees to Abyei since the displacement in May 2011,⁵⁶ while UNISFA estimated in mid-December that 9,000 Misseriya with 350,000 cattle have already migrated into the territory.⁵⁷ Migrations began earlier than normal this season as a result of below average rainfall during the rainy season. Inadequate rainfall means that there may not be enough water and pasturage for both communities' livestock.⁵⁸ As well, the Misseriya may need to migrate further south than usual and remain in Abyei and other South Sudanese states for a longer period of time.⁵⁹

On November 12-13, 2012, a group of Misseriya entered Abyei town to meet with UNISFA⁶⁰ Ngok Dinka leaders that Enough spoke to said that they were not informed of the Misseriya plans to enter the town.⁶¹ The visit, which catalyzed a group of angry Ngok Dinka youth, resulted in the injury of a number of the visiting Misseriya commu-

nity, and the death of one and injury of another Ngok Dinka, who was shot by UNISFA soldiers.⁶² Ngok Dinka interviewed by the Enough Project perceived the incident as a provocation by Misseriya – a tactic orchestrated with the support of the government of Sudan to keep Ngok Dinka from returning to Abyei and to maintain a level of instability, which, in turn, prevents forward progress on determining the area’s final status.⁶³ For the Misseriya interviewed, the November incident is a reminder of the lack of security that the nomadic population faces as they move south and demonstrates a newfound brazenness with which the Ngok Dinka are confronting the Misseriya, resulting from what the nomads see as unwavering support for the Ngok Dinka by the international community.⁶⁴ The violent clash is a stark reminder of how explosive the situation can be without the proactive involvement of the international community.

Given the importance of preventing violence during this dry season, the Enough Project traveled to Abyei in December 2012 to gain an understanding of the dynamics on the ground between the two communities and their views of the political solutions being discussed in Addis Ababa, Khartoum, and Juba. During the trip, Enough interviewed Ngok Dinka politicians, traditional leaders, and civilians in Juba, Agok, Abyei Town, and the villages of Leu, Marial Achak, and Tajalei, and convened a group discussion with nearly a dozen Misseriya men of the Mezaghna sub-section of the Humr sub-tribe in the village of Goli.

From these discussions, it is clear that there are fears in both communities that the other side will initiate violence this dry season. Both communities view the other as backed by their allied government, with the Misseriya emphasizing the view that the international community backs the Ngok Dinka.

The Ngok Dinka civilians with whom Enough spoke expressed fears over the crimes that Misseriya nomads may commit, especially the stealing of livestock that they say takes place when the Misseriya leave Abyei at the end of the dry season. “We don’t have any objections ... our fear is that they usually come and bring problems for us,” said Chol Mayun Ajing, an Ngok Dinka man in Tajalei.⁶⁵ “They get someone in the bush and kill him and they loot the cattle. When they are withdrawing, they cause problems for us.”⁶⁶

Previously, each side used spears, Ngok Dinka Chief Wuot Ayuel Manyang said, “Nowadays the Misseriya have the back-up of the Sudan government by aerial bombardment, by tanks, by heavy artillery... to take over the resources of Abyei.”⁶⁷

“The Dinka will start the conflict because they are backed by the international community. They have strength,” said Abdallah Hamdisi, a Misseriya chief the Enough Project interviewed in Goli.⁶⁸ When asked about what crimes Ngok Dinka have committed in the past against Misseriya, the group mentioned killing Misseriya, cattle rustling, and preventing Misseriya from accessing grazing lands and water.⁶⁹

The Ngok Dinka politicians and traditional leaders, in particular, expressed reluctance to engage in a dialogue with the Misseriya, because of repeated transgressions in the past. “Every year they violate agreements. We try to rebuild and every year they come and destroy and loot. That kind of person. . . [who is] killing us, insulting us, calling us slaves, you would no longer be interested in having dialogue with him,” Ngok Dinka Chief Mayik Dau Payin of Marial Achak village said.⁷⁰

“They come with problems, they loot cattle, property, and goats. If it was us we would not allow them to come. UNISFA has said let these people come take water and grass, so we will obey,” said Chief Wuot Ayuel Manyang of Leu, a village that came under attack by the Sudan Armed Forces, or SAF, followed by looting by Misseriya militias, in May 2011.⁷¹ “The Misseriya should stay in their area far from the Ngok Dinka and Ngok will stay in our area and that will create peace.”⁷²

Aluel Nyab Kiir, an elderly civilian woman in the village of Tajalei, which was at the frontline of violence in 2011, said that Misseriya migrations were still welcome so long as they are well-intentioned.⁷³ She explained that in the past, Misseriya nomads would greet the Ngok Dinka community at the beginning of the dry season. Now, they no longer present themselves, leaving open to interpretation their aim in moving South. “If they come as they used to come, we will welcome them, let them stay. We will not prevent them from taking water and grazing for their cattle. But now, they have a new tactic. They hide themselves in the bush, they shoot guns and scare us,” she said.⁷⁴

In contrast, the Misseriya—who have a vested interest in securing access into Abyei at the beginning of the dry season—appeared more open to the idea of dialogue. “Dinka are welcome to come and sit despite past grievances,” said Misseriya chief Abdallah Hamdisi, when asked whether they would be willing to meet directly with the Ngok Dinka.⁷⁵

Among the Ngok Dinka politicians and youth Enough spoke to, many voiced the conviction that the Misseriya migrations this year would contain spoiler elements such as members of the SAF and armed Misseriya militias with the goal of fomenting instability to prevent the AUHIP Proposal from being agreed and implemented.⁷⁶ The Khartoum government and Misseriya leaders have expressed their rejection of the proposal, increases some Ngok Dinka leaders’ desire to prevent Misseriya from migrating through Abyei.⁷⁷ “They are denying Dinka rights while they want resources from Dinka areas. What kind of relationship is this?” said Ngok Dinka Paramount Chief Kuol Deng Kuol.⁷⁸ He noted that the Ngok Dinka leadership would work to prevent the two communities from being in contact, “to prevent fighting that can jeopardize the referendum.”⁷⁹

Ngok Dinka and Misseriya who spoke to Enough described the role of UNISFA in terms that revealed both communities’ general confidence in, and reliance on, the mis-



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Chief of Tajalei village in Abyei, Kat Malual Mayol, gave the Enough Project a tour of a school ransacked and burned during the violence. Mayol told us the indigenous (Ngok Dinka) people of this village are “scattered” to other villages to look for schools of their children.

sion as an interlocutor, protector, and primary international authority in Abyei. “The leaders went to Abyei for discussions and negotiations and faced problems with the Ngok Dinka. [They] would’ve been killed if the U.N. hadn’t intervened,” said Misseriya Chief Abdallah Hamdisi, in reference to the November incident mentioned previously.⁸⁰ “If any agreement is reached, this will help to secure the dry season... we will not trust any agreement unless it is under the auspices of UNISFA,” said another Misseriya man during a focus group discussion in Goli.⁸¹

When asked what strategies or plans the communities had should looting, or larger-scale violence by the Misseriya or Sudan government forces take place, Ngok Dinka chiefs and civilians alike said they lacked any means of self-protection and instead relied on UNISFA as the key source of protection. “We don’t have a security strategy for our people. UNISFA is there, they are providing security for our area. We don’t have any other plan,” said Chief Kat Malual Mayol of Tajalei.⁸² He continued, “I will fight with them. If I fight with them they will be backed up by the Sudan Armed Forces and that would open up the possibility of conflict.”⁸³

Many Ngok Dinka mentioned going to locally-based UNISFA peacekeepers with security concerns. For example, leaders from two villages asked UNISFA to investigate the source of smoke that the Ngok Dinka saw and feared were Misseriya camps.⁸⁴ “As a civilian we don’t have something to secure ourselves, that’s the government’s responsibility,” said Chol Mayuen Ajing from Tajalei.⁸⁵ “They are the ones to take care of us, UNISFA. If the fighting breaks out, I don’t have any option but to run.”⁸⁶

The views of the Ngok Dinka and Misseriya on Abyei’s final status remain polarized. Among the Ngok Dinka leaders Enough spoke to, and the civilians that were aware of the AUHIP Proposal, all were in support of the referendum as stipulated under the proposal, and emphasized the expectation that the international community would deliver such a vote. Notably, none of the civilians appeared to know about any other provision in the proposal besides that a referendum for permanent residents was to take place on October 2013.⁹¹

At the focus discussion group with a Misseriya community in Goli, participants underscored their strong sense of ownership over the land of Abyei and revealed a lack of understanding of recent history including agreements made by the government of Sudan over an Abyei area referendum during negotiations over the CPA.⁹² “The CPA created the problem. It decided that Abyei was Ngok Dinka land,” one man said.⁹³ “Before the CPA, the Ngok Dinka were part of the North; after the CPA, they hardened and went against the government,” explained the Misseriya representatives.⁹⁴ When pressed on whether they could accept an Abyei that belonged to South Sudan but with full grazing rights, the Misseriya representatives emphasized that the debate had become



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Misseriya men of the Mezaghna sub-section of the Humr sub-tribe in the village of Goli in northern Abyei

UNISFA's Conflict Mitigation Strategy

In June 2011, the U.N. Security Council adopted resolution 1990 and established the UNISFA in response to violence and escalating tensions in the area in the days leading up to South Sudan's independence.⁸⁷ Notably, the peacekeeping mission is entirely staffed by Ethiopian armed forces and is authorized to put a maximum of 4,200 military and 50 police personnel on the ground.⁸⁸ Ethiopia's decision to fully staff the UNISFA peacekeeping operation with its own troops represents an important regional commitment to the resolution of the Abyei issue. The mission's effectiveness is strengthened by Ethiopia's influence with both Sudan and South Sudan. Additionally, allowing UNISFA to draw most of its strength from one country's armed forces has bolstered its efficiency since no integration problems plague the mission. Finally, the Ethiopian army's disciplined approach to peacekeeping and its strong leadership have contributed to the mission's efficiency.

UNISFA's conflict mitigation strategy for the dry season is centered on reducing tensions between the Ngok Dinka and Misseriya by maintaining physical distance—and thus the opportunity for clashes—between the two communities. According to UNISFA, specific migration corridors have been agreed with leaders of both communities.⁸⁹ According to this plan, Misseriya nomads will migrate through the eastern and western parts of Abyei, avoiding the central corridor

where Ngok Dinka have resettled following the May 2011 violence. To avoid congestion within the Abyei area and to facilitate Misseriya movements further South, UNISFA has, as they did during the last dry season, reached out to the neighboring South Sudan states of Northern Bahr el-Ghazal, Unity, and Warrap to negotiate access for the Misseriya with those states' governments. The former two states have expressed their consent, while leaders in Warrap rejected migrations through their areas; Misseriya have been denied access into Warrap state for several years.

Visibility and presence are key aspects of UNISFA's conflict mitigation during this dry season. Since the start of the season, UNISFA has begun re-deploying troops to villages throughout the Abyei area, prioritizing flashpoint areas where Misseriya and Ngok Dinka are most likely to encounter each other. As of mid-December, the peacekeeping mission was conducting 50 patrols a day.⁹⁰

Significant engagement with both communities at the leadership and grassroots levels is the backbone of UNISFA's conflict mitigation strategy. Based on interviews conducted by the Enough Project, both communities appear to have confidence in UNISFA and see the peacekeeping mission as an essential peace-broker.

about ownership. "We will not give up Abyei if a single Misseriya is alive. We have the documents that show that Abyei belongs to the Misseriya," said one man.⁹⁵

In a discussion on whether the Misseriya would participate in a referendum, some of the men said that they would not participate in a vote because they should not have to vote to make clear that Abyei belongs to them.⁹⁶ Others said that they would vote, as long as all Misseriya could participate. Of the group, only one man had heard of the AUHIP Proposal but did not know its contents—only that Khartoum was not in support of the proposed solution.⁹⁷ When asked, he said that he did not believe that most Misseriya knew about the AUHIP Proposal or its contents.⁹⁸

On future relations between the groups, Ngok Dinka and Misseriya interviewees suggested that peaceful co-existence could only take place when their ownership of Abyei was recognized by the other side. The new emphasis on ownership from the Misseriya community is particularly noteworthy. Historically, the community emphasized its interest in securing migratory or pastoralist rights through the territory. However, dur-

ing this latest round of negotiations, the community has shifted their rhetoric to emphasize “ownership.”

“We don’t discriminate against our neighbors the Misseriya who are coming for grazing and water in a peaceful way. If the deal has been put clearly and the Misseriya respect the outcome, we can have peaceful coexistence,” said Ngok Dinka Chief Mayik Dau Payin of Marial Achak in reference to a referendum for the Ngok Dinka to decide Abyei’s status.⁹⁹

“For [the two communities] to live peacefully in the future, Ngok Dinka have to agree to be part of Sudan. If they want to leave, they can only take their part,” said Misseriya chief Hamdisi in Goli who spoke to Enough.¹⁰⁰ When asked how “their part” should be defined, some members of the Misseriya who participated in a group discussion in Goli said that the line should be drawn on the basis of the 1956 border, which would place all of Abyei in Sudan.¹⁰¹



AMANDA HSIAO/ ENOUGH PROJECT
Misseriya woman selling tea in the village of Goli in northern Abyei.

Recommendations

The question of Abyei’s final status has remained open for decades, and the people of Abyei continue to suffer the effects of the cyclical conflicts produced by the continuing ambiguity. Sudan has repeatedly agreed to a referendum to determine Abyei’s final status, only to renege on its obligations.¹⁰² This pattern must end. The AUHIP Proposal provides a workable, comprehensive, and compromise framework, guaranteeing rights for both communities. It also benefits from A.U. PSC support and the support of some influential governments.

A lack of understanding of the contents of the AUHIP Proposal, the rights it guarantees the Ngok Dinka, and Misseriya alike, and a tunnel vision focus on the outcome of the referendum means that both countries, as well as local communities, are losing precious time to influence negotiations such that the AUHIP truly works to their benefit. The recent decision by the two presidents to condition further negotiations upon the

establishment of a temporary Abyei administration, council, and police force, and the creation of an implementation matrix for the September 27 peace agreements is problematic. More delays serve to increase the risk for violence on the ground and provide spoilers more time to manipulate existing misconceptions about the AUHIP Proposal and foment unrest in the volatile area.

With tensions high this dry season and civilian protection concerns rising, the international community should take urgent steps to support the immediate resumption of negotiations over the area's final status, based on the AUHIP Proposal, by:

1. Providing assistance to the Abyei Joint Oversight Commission, or AJOC, to immediately constitute the Abyei Area Administration, the Abyei Area Council and the Abyei Area Police Service.

On January 5, 2013, Presidents Bashir and Kiir agreed that the establishment of these critical institutions was a precondition to further negotiations over Abyei's final status. Given the increased potential for violence in Abyei while the area's final status remains unresolved, establishment of these institutions should occur immediately, allowing the parties to reach agreement on Abyei's final status within the allotted negotiation timeframe. The long-awaited constitution of the Abyei Area Police Service will, in particular, provide an additional source of civilian protection for returning Ngok Dinka and migrating Misseriya, which in turn, could further prevent violence, particularly during the current dry season.

2. Stating publicly that the AUHIP Proposal is the best available mechanism for resolving Abyei's final status, ensuring the continued protection of the rights of the Ngok Dinka and Misseriya in the area, and creating long-term peace and stability along the North-South border.

Statements in support of the AUHIP Proposal, like the one made on January 3, 2013, by Norway, the United Kingdom, and the United States, should be made by other influential international actors. Positive support for the proposal from Ethiopia, South Africa, Qatar, Egypt, and China, among others, will increase pressure on the two countries to, at the very least, use the AUHIP Proposal as a basis for further negotiations over Abyei's final status.

3. Demanding that Sudan and South Sudan agree upon a vehicle for determining Abyei's final status prior to a deadline established by the A.U. Peace and Security Council.

The concerted diplomatic efforts of the international community were instrumental in ensuring that the Southern Sudan Referendum occurred on time. Similar efforts have been lacking vis-à-vis the Abyei Area referendum. The A.U. Peace and Security

Council's statements in late 2012 indicating the Council's willingness to adopt the AUHIP Proposal as the final and binding resolution to Abyei's final status, in the absence of a negotiated settlement, were well-placed and should not be revised. Negotiations between Sudan and South Sudan over Abyei should commence as soon as possible and a deadline for their completion be established. Should the deadline come and go without an agreement, the A.U. Peace and Security Council and, subsequently, the U.N. Security Council, should adopt the AUHIP Proposal as the final and binding resolution to Abyei's final status. If either country does not fully implement the AUHIP proposal, the A.U. and U.N., should in coordination, internally identify measures each organization will take to enforce implementation. While such actions on the part of the A.U. and U.N. are not ideal, further delays in resolving Abyei's final status may only lead to additional violence within the area and, as well, between the two Sudans.

4. Encouraging and supporting civic education programs with the Misseriya, Ngok Dinka and other local and international peace actors to explain the AUHIP Proposal, all of its contents and specifically the protections and rights it affords both communities.

Endnotes

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4 In its October 24 communique, the A.U. Peace and Security Council requested that the parties resolve the status of Abyei within

six weeks, using the AUHIP proposal as a basis for discussion. If the parties did not reach an agreement in six weeks, the PSC indicated that it would “endorse the ...proposal as final and binding, and...seek the endorsement by the UN Security Council of the same.” The six-week deadline set in this communique expired on December 5, 2012. See African Union Peace and Security

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- 11 Acuil Akol, interview with authors, December 13, 2012, Agok, Abyei.
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