



What Happens to a Dream Deferred?

The Case for Immediate African Union Action on Abyei

Timothy May and Akshaya Kumar, November 1, 2013

Introduction

Abyei, the Lebanon-sized territory straddling the two Sudans' shared border, has been in limbo since 1972, when its people were first promised the right to decide if they wanted to be a part of the country's north or south.¹ In 2011, they missed a second opportunity to vote on the territory's final status when the southern part of the country gained its independence.² Last year, former South African President Thabo Mbeki put forward a proposal with October 2013 as a third target date for the area's self-determination referendum.³ The African Union Peace and Security Council, or AUPSC, has labeled the Mbeki plan a "fair, equitable and workable solution" and the "best way forward in addressing the challenges at hand."⁴ Both Sudan and South Sudan agree to a referendum vote in principle, but have been unable to come to consensus on administrative arrangements and voter eligibility. Currently, political realities in Khartoum and Juba make it unlikely that the countries' presidents will come to agreement. South Sudan's President Salva Kiir has personally appealed to the African Union, or A.U., to take the issue out of his hands.⁵ Sudan's Foreign Minister Ali Karti publicly suggested that Abyei could sabotage recently improved relations between the two countries.⁶ After waiting four decades, the Ngok Dinka community unilaterally organized a plebiscite of their own.⁷

On October 31, 2013, the Ngok Dinka community announced that almost 98% of 64,775 registered voters turned out and that 99.89% of those who voted elected to join South Sudan.⁸ Leaders of the nomadic Misseriya community, which passes through the Abyei region twice a year, have protested the Ngok Dinka effort and pledged to organize their people around a similar referendum in the northern part of the Abyei area.⁹ In a public press conference, a senior Misseriya leader, Al-Saleh Mohamed Al-Saleh said his community could not be blamed for taking "all the necessary steps" to defend the area.¹⁰ Abyei is once again at the brink.

Based on field research and broad consultations in Abyei Town, Agok, and Juba, this Enough Project report situates the Ngok Dinka community's recent unilateral referendum campaign within its historical and political context. We argue that the AUPSC must follow through on its panned travel to Abyei in early November, write a report to the African Commission putting its weight behind the 2012 Mbeki proposal, and actively support negotiations that can operationalize that proposal as soon as is feasible. At the same time, the United States and other interested stakeholders must build international momentum to pressure the parties to reach a final and binding resolution.

Historically, disputes over Abyei have repeatedly sparked violence between the two Sudans. In 2008 and 2011, Sudanese army attacks left towns burned to the ground.¹¹ After travelling to the region, U.S. Ambassador Rich Williamson declared, “I’ve been to Bosnia and Kosovo and I’ve never seen anything like Abyei.”¹² In May 2013, the Ngok Dinka community’s popular paramount chief was killed during a standoff with Misseriya militiamen that also led to the death of a peacekeeper.¹³ In the following days, reprisals led to the destruction of the town market and the displacement of many Misseriya traders. Abyei was on fire once again.

A year ago, the AUPSC, warned that if the two Sudans could not reach agreement on Abyei within six weeks, it would take steps to “endorse” the Mbeki proposal as “final and binding.”¹⁴ While that six-week window for negotiations elapsed 10 months ago, the AUPSC has not yet endorsed the proposal or pushed for its implementation. In New York, continuing deadlock at the United Nations Security Council, or UNSC, has stymied decisive action and pressure to hold both parties to either the AUPSC’s deadline or the council’s own timeframe.¹⁵ Now, interested stakeholders, including the United States, through its Special Envoy for Sudan and South Sudan, and the European Union, through its Envoy to the Horn of Africa, must make building consensus around the Mbeki proposal a priority.

Recently, divisions between the AUPSC and the African Union Commission over Abyei appear to have become pronounced, complicating the Abyei issue. While the AUPSC protested Sudan’s obstruction of its planned late October visit, the Commission’s contemporaneous press statement was silent on the issue.¹⁶ In contrast, although the Commission condemned the Ngok Dinka community’s unilateral vote, the Council did not even mention the vote in its communiqué on the topic.¹⁷ To bridge these internal divisions, the AUPSC must persist with its plans to visit the region in early November and write a meaningful and forward-leaning report to the African Commission highlighting its findings. Visiting AUPSC delegates should follow through on their plans to travel to Agok, Abyei Town and Diffra. While in the region, delegates should meet with both Abyei Referendum High Committee members and Misseriya leaders from outside Diffra.

Since the content of the AUPSC’s trip report could provide the key to Abyei’s final status, great care should be taken in developing and implementing its recommendations. The report should propose a clear timeline for the agreements and actions necessary for an internationally sanctioned referendum in the territory to take place. By framing the Ngok Dinka community’s referendum as an expression of collective will, the report can help contextualize the recent unilateral action as a precursor to a legitimate, internationally-recognized referendum.

It is essential that the international community use the window of opportunity created by U.N. peacekeeping forces’ presence in the Abeyi region to push for a resolution. Predominantly staffed by veteran Ethiopian soldiers, the United Nations Interim Security Force for Abyei, or UNISFA, is a major conflict prevention tool. But it cannot last forever. With over 1.3 troops authorized for every square mile of the Abyei region, the mission boasts one of the highest troop densities of any U.N. peacekeeping force on earth.¹⁸

Unlike Cyprus or Western Sahara, where a limited U.N. force has been able to forestall violence for decades, Abyei is a potential tinderbox.¹⁹ If at some point the Ethiopian government tires of pouring resources into enforcing a permanent non-solution in Abyei, and pulls its troops out of the mission, violence could once again seize the region. Since all sides have expressed a preference for an African solution, sustained outreach to AUPSC member states will be the key to cultivating the political capital needed to implement Mbeki's plan. As an added incentive to both communities, the AUPSC should make it clear that it will hold the Sudanese government to the wealth-sharing provisions of the Comprehensive Peace Agreement, or CPA, which guarantee both the Misseriya and Ngok Dinka communities each a 2% share of all oil revenues from 2005.²⁰

To foster long-term sustainable peace in Abyei, interested governments and international organizations should also commit their resources for development assistance to the area. The United States has already begun by rebuilding a hospital and schools. Much more could be done to support reconciliation and reconstruction in the region. The UNISFA mandate should be expanded to include reconciliation work. An infusion of resources will be critical to carry out a credible internationally monitored referendum, help displaced communities return home, and mitigate conflict between the Ngok Dinka and the nomadic Misseriya.

Two Communities Sharing One Land

For decades, the Ngok Dinka and the Misseriya, nomadic Arab herders who migrate annually across the Abyei region, have lived in mutual interdependence.²¹ Deng Alor Kuol, an influential Ngok Dinka leader who used to serve as South Sudan's Minister of Cabinet Affairs and now chairs the Abyei Referendum High Committee, said he remembers growing up in Abyei when the Misseriya and Ngok Dinka lived in peace. "They would leave some of their sick cattle with us and my father would take care of them. The relationship was so good, there was no hostility, and (there was) mutual respect."²² Emam Abdelrhman Tobeig," who worked with Misseriya community in Abyei as a field officer with the Nonviolent Peace Force adds, "they have a very long history together. The Misseriya people, some of their children have Dinka names, and some Dinka have Misseriya names."²³



The politicization of Abyei's final status and repeated attacks on Ngok Dinka civilian areas by the Sudanese Armed Forces, or SAF, and government-aligned militias has deeply stressed these communities' belief in peaceful coexistence.²⁴ As Deng Alor explains, the Ngok Dinka community has "been pushed against the wall."²⁵ It is difficult for them not to see the Sudanese government's attacks as a deliberate attempt to forcibly adjust the area's demographics through displacement in advance of any final status referendum.²⁶ To this day, only a small number of the 120,000 displaced by violence in 2011 have been able to return home.²⁷ Ngok Dinka leaders say that their people, 37.8% of whom meet the criteria for post-traumatic stress disorder,²⁸ needed the recent vote to "make them feel a bit relaxed, as if some sort of achievement has been made."²⁹

On May 4, 2013, after hours of tense negotiations, a Misseriya militiaman killed the Ngok Dinka community's paramount Chief Kuol Deng Kuol and an Ethiopian peacekeeper.³⁰ Although the A.U. has since initiated a formal inquiry into Kuol's death, the results of the investigation have yet to be released.³¹ Influential members of the Ngok Dinka community report that they have yet to receive any expression of remorse or apology from Misseriya leaders for the incident.³² Renuka Chidambaram, principal advisor to UNISFA's Head of Mission, explains that the killing of the chief introduced a destabilizing new dynamic to the area. "The saddest part of it is, [... the chief] enjoyed great respect across borders. He was approachable, pragmatic, ready to sit down and talk,"³³ Since the chief's death, however, there has been no interaction between the two groups. Members of the presidentially-appointed Abyei Joint Oversight Committee, or AJOC, which includes two representatives from Sudan and two from South Sudan, have not even spoken to each other since early May.³⁴

Environmental circumstances mean that even if politically inexpedient or dangerous, the Misseriya need to migrate southward through Abyei with their cattle in order to survive.³⁵ Traditionally, Misseriya leaders were able to negotiate migration rights, guaranteeing them safe passage through the Abyei zone.³⁶ Following Chief Kuol's death, the Abyei region divided into two informal zones of control. After their shops were attacked by enraged Ngok Dinka youth, the Misseriya still remaining in Abyei Town in mid-2013 fled in the days after the chief's killing in May. Even Sudanese staff working for UNISFA were evacuated. As of late September, neither those staff nor any Misseriya had returned to Abyei Town.³⁷ Without careful conflict mitigation strategies, these newly calcified zones of control may threaten that passage. Gadallah Elradi, a Misseriya intellectual, warns "the [coming] migration will not be peaceful if the other side insists on going ahead [with a unilateral vote]...it will not be taken seriously."³⁸ However, Rou Manyiel, a Ngok Dinka veterinarian and Chairman of the Abyei Civil Society Organization, said he believes the upcoming migration will unfold peacefully since the two communities "have been doing it for centuries."³⁹ On 28 October, Dr. Luka Biong Deng, another senior Ngok Dinka leader, said that the referendum will not affect Misseriya rights of access to grazing land inside Abyei, and would not lead to an abrogation of previous commitments made about Abyei since 2005.⁴⁰ Nevertheless, UNISFA officials have been conducting contingency planning and scenario-building exercises in preparation for potential conflict that might arise.⁴¹

An Unsanctioned Referendum

Although South Sudan's President Salva Kiir was originally vocally supportive of the campaign for a referendum,⁴² the South Sudanese government distanced itself when the community took steps to carry out its own unilateral vote. On October 24, 2013, two days after Kiir's summit with Sudanese President Omar al Bashir, South Sudan spokesman Michael Makuei explained, "There is no way you can run a referendum in Abyei without a law."⁴³ Distinguishing between the South Sudanese government's position and the Ngok community's actions, Makuei added, "if they decided to do it—referendum without us—Sudan and South Sudan—then we will distance ourselves."⁴⁴ Observers also say Kiir and Bashir have an unwritten agreement not to support actions in Abyei without the other's support.⁴⁵ For his part, South Sudan's former vice president Dr. Riek Machar has thrown his weight behind the referendum vote, reflecting internal divisions within South Sudan's ruling party.⁴⁶

The Sudanese government has also made its opposition to the unilateral Ngok Dinka community organized referendum clear. In August 2013, Al-Fadil Haj Suleiman, the head of Sudan's sub-parliamentary committee on legislation and justice, publicly warned that any referendum held by the Ngok Dinka prior to establishment of Abyei's joint institutions would be invalid and not recognized by Sudan.⁴⁷ At the same time, Misseriya paramount chief, Mukhtar Babu Nimir, announced that his people would not accept the results of any vote that takes place without them, adding that if the Ngok Dinka organized their own referendum, "we will play our part in the liberation of our land in war and peace."⁴⁸ Tobeig, an aid worker who has experience working with Misseriya communities, predicted that if excluded from the referendum vote, Misseriya will "feel they have to protect their land by [...] force or other means."⁴⁹ On October 27, after forcing the AUPSC to postpone its trip to the region, Foreign Minister Karti explained, "'we wanted that the visit takes place far from the current jamming in Abyei."⁵⁰ A day later, Karti added, "Let whoever wants to vote do so but what is the value of this referendum?"⁵¹

Despite this opposition, displaced Ngok Dinka returned to the Abyei area by foot, bus and plane to vote in the late October plebiscite.⁵² 99.89% expressed a desire to transfer the Abyei territory from Sudan's sovereignty to South Sudanese control.⁵³ Still, Ngok Dinka leaders have made it clear that they are willing to compromise to secure a lasting solution on Abyei's final status. In an October 26 letter, the leaders of the nine Ngok Dinka chiefdoms explained that they would not consider the vote's results binding if "the AUPSC could immediately form an Abyei referendum commission and come up with realistic timeframe and detailed schedules on when the referendum should be conducted before end of December 2013."⁵⁴

A History of Delays and Deferrals

Abyei's residents have been waiting forty years to hold a referendum on their political future. In 1972, at the end of the first Sudanese Civil War, the Ngok Dinka, who fought with the South's Anyanya rebel movement, were promised a referendum on whether to stay with the north or join the autonomous south.⁵⁵ The country's second civil war was sparked, in part, by then-President Jaafar Nimeiri's refusal to allow Abyei that self-determination vote.

After two more decades of war, the 2004 Abyei Protocol again mandated a referendum, to be held concurrently with the southern Sudanese vote on independence in January 2011.⁵⁶ The 2004 Protocol also established wealth sharing provisions and directed the Sudanese government to funnel a 2% share of all area oil revenues to the Misseriya and 2% share of all area oil revenues for the Ngok Dinka community. That money has never been delivered.



The Abyei Protocol also established the Abyei Boundaries Commission, or ABC, to determine the hotly disputed borders of Abyei. At the time, Abyei was loosely defined “as the area of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905.”⁵⁷ When the ABC issued its decision, it placed Diffra and Heglig, two major oil producing areas, both inside the boundaries of Abyei.⁵⁸ Since both the Misseriya and Ngok Dinka rejected the commission’s findings, Sudan agreed to take the dispute to the Permanent Court of Arbitration, or PCA, in The Hague. In July 2009, following lengthy legal arguments, the PCA modified the ABC’s delimitation of the boundaries.⁵⁹ The legally binding PCA decision reduced the Abyei region’s size by over 40%, leaving oil-producing Diffra inside the newly defined area, but excluding the much more productive Heglig wells. The Misseriya rejected the decision, arguing that they were not sufficiently consulted by the Sudanese government during the arbitration process.⁶⁰ As a result of the reduction in Abyei’s size, many of the areas that traditionally housed the Misseriya community were excluded from the new PCA-defined contours of the Abyei zone. Abyei was restricted to areas with well-established Ngok Dinka presence.

In 2010, continued disagreement over Abyei’s final status gave rise to another proposal. Forwarded by then-U.S. Special Envoy for Sudan, Scott Gration, that plan called for dividing Abyei into two halves. Diffra—the lone oil field remaining inside the boundaries established by the PCA— was allocated to the north. Those talks fell apart, amid claims that the Sudanese government was bringing in settlers from outside the region in an attempt to alter demographics of the area.⁶¹

As the January 2011 referendum on South Sudan’s secession approached, questions about voter eligibility in the separate Abyei referendum lingered. Because no progress had been made on establishing the administrative mechanisms necessary for a credible and internationally sanctioned referendum vote, Ngok Dinka leaders began calling for unilateral action.⁶² South Sudanese politicians decided to push the people of Abyei to defer their vote. Deng Alor explains, “We said, ‘Don’t do it [unilaterally]’ because it was going to upset the referendum of South Sudan, and the government of Sudan was going to use it as a pretext not to hold the referendum in the South, or at least delay it.”⁶³ Alor’s trip, made at the urging of South Sudan’s President Salva Kiir, was successful. The people of Abyei agreed to wait.

Weeks later, in the days leading up to South Sudan’s peaceful separation, the South Sudanese army provoked a SAF attack on the region. SAF forces razed Abyei Town. Signed in the aftermath of the brutal attack, which displaced at least 120,000, the June 2011 Agreement on Temporary Arrangements for the Administration and Security of the Abyei Area provided for a U.N. peacekeeping force in the area.⁶⁴ This agreement, which has never been completely implemented, also outlined the composition of administrative bodies necessary to manage Abyei’s affairs.⁶⁵ In May 2012, the UNSC charged the AUHIP team with facilitating further negotiations between the two Sudans on Abyei.⁶⁶ Following a summer of intensive negotiations in Addis Ababa, on September 27, 2012, the two countries signed a series of bilateral agreements on topics ranging from pensions to borders. However, the two presidents have been unable to reach consensus on Abyei. After over a year of talks, no resolution is in sight. In the aftermath of South Sudanese

President Kiir's September 2013 visit to Khartoum and Sudanese President Omar al Bashir's October 2013 visit to Juba, bilateral relations between the two Sudans are steadily improving.⁶⁷ While they both face domestic criticism for this posture, neither president can afford to undermine that forward bilateral momentum.

Mbeki's Plan: More Than Just a Referendum

Thabo Mbeki's plan, proffered by the AUHIP in September 2012, does more than target a referendum for October 2013. The detailed proposal also protects the civic, political, and economic rights of those living within and moving through the area.

African Union High Level Implementation Panel's September 21, 2012 Proposal

Special Status: No matter the referendum outcome, Abyei is to be accorded a special status.

October 2013 Referendum: The AUHIP Proposal requires a referendum to enable Abyei's people to decide if they want to remain in Sudan or join South Sudan. Only members of the Ngok Dinka community and Sudanese with "permanent abode" in Abyei are eligible to vote.

Abyei Area Referendum Commission: Two members appointed by the President of Sudan and two appointed by President of South Sudan. One "person of international stature" will be appointed by the A.U., in consultation with the two Presidents, as the AARC's chair.

Continued Rights for Local Ngok Dinka and Misseriya Communities: The proposal provides that the Ngok Dinka and Misseriya communities will continue to enjoy civil, political, and individual rights in the Abyei area. Examples of these rights include the right to not be discriminated against, the right to vote, and the right to freedom of movement.

Migratory Rights for the Misseriya and Other Pastoralists: The proposal would establish soft borders between Sudan and South Sudan. "Soft borders" will enable the free movement of people, livestock, and goods in accordance with established migration routes.

A Committee on Cross-Border Migratory Populations would be established to, (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, to compensate violations of rights during migration.

Economic Development and Revenue Sharing: The proposal provides for the creation of a Common Economic Development Zone, encompassing the Abyei area, adjacent localities in South Kordofan, and adjoining states in South Sudan. Until the referendum, development will be funded by 50% of the revenue from oil extracted from Abyei, the governments of Sudan and South Sudan, and international donors. 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. After five years, the 20% allocation for South Kordofan will revert to the national government of the country in which Abyei is located.

Despite these robust protections, the Government of Sudan rejected the Mbeki proposal, arguing that it was inherently biased against the Misseriya. Highlighting

the community's nomadic lifestyle, it suggested that the proposal's voting eligibility criteria would exclude too many who had a legitimate stake in Abyei's future.⁶⁸ The proposal limits voting eligibility to members of the Ngok Dinka community and "other Sudanese residents," defined as those "having a permanent abode within the Abyei Area." Sudan argued that those criteria were inimical to nomadic practices.⁶⁹

Notwithstanding the Government of Sudan's objections, the AUPSC welcomed the proposal, describing it as a "fair, equitable and workable solution to the dispute between the two countries, which takes into account existing Agreements entered into by the Parties, as well as the needs and interests of the communities on the ground."⁷⁰ U.S. Permanent Representative to the United Nations, Samantha Power, has repeatedly endorsed the plan as well. Calling for "a legitimate, safe, transparent and timely referendum that will resolve the final status of Abyei," Ambassador Power encouraged measures to "build confidence among Abyei's communities through mutual cooperation in disarmament, economic rehabilitation, and enabling a safe migration this dry season."⁷¹ Action is needed now to ensure Abyei's status is resolved peacefully. Otherwise, the people of Abyei may be stuck in limbo like those in in Western Sahara, where disputes over voter eligibility have resulted in repeated delay of a much-promised referendum.

U.N. Peacekeepers and Ethiopia's Decisive Role

While incremental negotiations have delayed the area's much-promised referendum, UNISFA has been maintaining a semblance of stability. "The UNISFA role is very clear," said Renuka Chidambaram, principal advisor to UNISFA's Head of Mission. "We are not the prime movers of any political decision. We are here to carry out our primary mandate of demilitarization."⁷² Ngok Dinka community members interviewed in Abyei told us that they see the presence of the peacekeepers as a strong deterrent to potential violence by either side.⁷³ Undoubtedly, the peacekeepers presence was a boon for the community referendum, which was carried out peacefully and without any violent incidents.

One notable exception to the Abyei area's complete demilitarization is the continued presence of an estimated 120-150 "oil police" based near Abyei's major oil well at Diffra.⁷⁴ Both the U.N.⁷⁵ and the A.U.⁷⁶ have noted that this continued presence is in direct violation of UNSC Resolution 2046, which required "the redeployment, within no more than two weeks of the adoption of this resolution, of all Sudanese and South Sudanese forces out of the Abyei Area."⁷⁷ Additionally, the U.N. Secretary General's report to the UNSC in October 2013 noted that "armed militia groups are also operating around the area including the Tora Bora, a militia allegedly affiliated with the Sudan People Liberation Movement-North and the Justice and Equality Movement, in the north-east corner of Abyei."⁷⁸

It is worth noting that the Mbeki proposal guarantees migratory rights for those passing through Abyei, including the right of migrants to bear arms for self-defense. If adopted wholesale, these provisions of the Mbeki proposal might assuage Misseriya concerns. However, they could also complicate the peacekeeping mission's demilitarization mandate, particularly in advance of an internationally sanctioned referendum.

The UNISFA mission's continued success is directly correlated to the involvement of Ethiopia. If and when the Ethiopian government decides that it can no longer afford to devote such a large presence to keeping the peace in Sudan, the mission's future prospects are limited. After years of delay, Abyei is on the precipice of becoming the world's next Cyprus. The U.N. peacekeeping force in Cyprus was created in 1964 to prevent a recurrence of inter-communal violence in a U.N. buffer zone between the Greek Cypriots and Turkish Cypriots. Nearly five decades later, the peacekeeping force remains in place. Instead of abandoning Abyei to this fate, the AUPSC and other stakeholders in the international community should seize the moment of opportunity, created by the UNISFA peacekeeping forces' presence in the region, to address the underlying issues and push for a resolution on the area's final status.

Conclusion

Despite peace agreements, arbitration decisions, and international commissions that have acknowledged that Abyei is the traditional homeland of the nine Ngok Dinka chiefdoms, their right to self-determination has been deferred for too long. Frustrated Ngok Dinka leaders and community members are now insisting that their referendum's results be considered binding, unless the A.U. outlines a timeline for an internationally sanctioned vote. Promoting a showdown between the local Ngok Dinka and Misseriya communities is part of Khartoum's divide-and-conquer playbook. The Government of Sudan has been pitting neighbors against each other throughout Sudan for decades. The international community should reject this divisive strategy and pursue a more productive approach. Recently, they have focused too much energy and attention on the effort to promote peace between Sudan and South Sudan, failing again and again to effectively address Abyei's status. As the Sudans have navigated setbacks and worked to better their relations, Abyei has been sidelined.

Recommendations

The African Union Peace and Security Council should:

1. Speak directly with residents and representatives of both the Ngok Dinka and Misseriya while visiting Abyei at the beginning of November.
2. Follow up on its trip to Abyei with a report to the African Commission:
 - Acknowledging the Ngok Dinka community's October 31, 2013 vote, taking care to note that such reception does not preempt the impending conduct of a legitimate, internationally recognized referendum that includes all residents of Abyei;
 - Proposing a timeline for an internationally sanctioned referendum to be held in Abyei under the protection of UNISFA peacekeepers;
 - Laying out benchmarks for setting up previously agreed joint administrative and security mechanisms as required by the June 2011 Agreement on Temporary Arrangements for the Administration and the Security of the Abyei Area;
 - Noting that although two presidents' October 22, 2013 joint communique only promised 2% of oil revenues and outstanding arrears to the Abyei administration,⁷⁹ the CPA promised revenues to the communities themselves;⁸⁰

- Highlighting that the Ngok Dinka and Misseriya community's rightful 2% share of oil revenues should not be held hostage to the creation of the Abyei area's administrative mechanisms. The Abyei region's rehabilitation and future development in Muglad could be funded by these revenues now.
- 3. Facilitate a meeting of leaders and elders from both the Ngok Dinka and Misseriya, to be held in a neutral site before the end of the year to discuss the Abyei Area Joint Investigation and Inquiry Commission's report into the killing of Chief Kuol Deng Kuol.
- 4. Work collaboratively with other stakeholders to plan and hold an international partners' conference for the development of Abyei as outlined in the September 2013 AUPSC communiqué.

The United Nations Security Council should:

1. Direct U.N. Special Representative to the A.U. Haile Menkerios to embark on a fifteen-country tour to meet AUPSC members and discuss the Abyei issue.
2. Reauthorize UNISFA's mandate, which expires on November 30, 2013, for at least another 12 months. The renewal resolution should recognize the mission's ongoing conflict mitigation efforts and call on UNISFA to take more steps to promote reconciliation between the Ngok Dinka and the Misseriya communities.
3. Endorse the forthcoming AUPSC's report on Abyei if consistent with the recommendations above.
4. Take Chapter VII actions to enforce the report's recommendations, as necessary, pursuant to UNSC Resolution 2046.

The Governments of South Sudan and Sudan should:

1. Facilitate the AUPSC's visit to the Abyei region. Sudan should cease its counterproductive obstruction related to "contrived security concerns."
2. Commit to maintain Abyei as a demilitarized zone and keep respective armed security forces outside the boundaries of Abyei; Sudan should immediately withdraw all armed oil police forces in and around Diffra.
3. Acknowledge that any bilateral agreement on debt forgiveness as a part of the September 2012 cooperation agreements does not affect payments owed to the Ngok Dinka and Misseriya communities. As mandated by the CPA, Sudan should immediately begin distributing 2% of oil revenues for support and development to the Ngok Dinka community and 2% of oil revenues for support and development to the Misseriya community.
4. Pass updated Abyei referendum laws in their respective national legislatures.

The U.S. Special Envoy to Sudan and South Sudan should:

1. Cultivate international consensus around the need to make the Mbeki proposal "final and binding."
2. Fund a targeted information dissemination campaign to increase awareness about the content of the Mbeki proposal within the Abyei area.
3. Place special emphasis on the potential for securing 50% of Diffra oil revenues for development once Mbeki proposal is adopted.

Other invested stakeholders should:

1. Implement creative reconciliation programs to help mitigate conflict and strengthen ties between the Ngok Dinka and Misseriya communities.
2. Provide financial and technical support to the Abyei Area Referendum Commission.
3. Facilitate the return and resettlement of displaced Ngok Dinka through increased humanitarian assistance and expanded development programming, including infrastructure redevelopment such as schools, clinics, water points, roads, bridges, and public buildings.
4. Make any future debt relief contingent on the disbursement of a 2% share of historic oil revenues from Abyei to both the Ngok Dinka and Misseriya communities.

Endnotes

- ¹ The people of Abyei were originally promised a self-determination vote under the terms of the 1972 Addis Ababa Agreement that ended Sudan's first civil war. The country's second civil war was sparked, in part, by President Jaafar Nimeiri's refusal to allow Abyei its referendum. For more on Abyei's history, explore our interactive timeline, available at <http://www.enoughproject.org/multimedia/dreams-deferred-abyei>.
- ² The 2004 Abyei Protocol and the 2009 Abyei Referendum Act promised another vote to the people of Abyei, to be held in January 2011. Those plans were derailed by disputes over voter eligibility, administrative structures and a Sudan government invasion.
- ³ African Union High Level Implementation Panel, "Proposal on the Final Status of Abyei," September 21, 2012, (hereinafter "AUHIP 2012 proposal") available at http://www.rssnegotiationteam.org/uploads/1/2/8/8/12889608/auhip_proposal_on_the_final_status_of_abyei.pdf.
- ⁴ African Union Peace and Security Council, "403rd Meeting Communique" Press release, October 26, 2013, [hereinafter "AUPSC 403rd Communique"], available at <http://www.peaceau.org/uploads/psc-com403-abyei-26-10-2013.pdf>; African Union Peace and Security Council, "401st Meeting Communique," Press release, October 21, 2013, available at <http://www.peaceau.org/uploads/psc-com401-abyei.pdf>.
- ⁵ "S. Sudan's Kiir writes to AU over Abyei conflict with Sudan," *Sudan Tribune*, October 11, 2013, available at <http://www.sudantribune.com/spip.php?article48408>.
- ⁶ See "Sudan Foils Attempt to Hold Unilateral Referendum in Abyei: Karti," *Sudan Tribune*, September 30, 2013 available at <http://www.sudantribune.com/spip.php?article48255>.
- ⁷ Abyei Area Ngok Dinka People's General Conference, "Declaration of the Ngok Dinka Community of Abyei Area to hold Abyei Area Community Referendum," October, 18, 2013, available at <http://www.scribd.com/doc/177500825/Abyei-Community-Declaration-of-Intent>.
- ⁸ Ilya Gridneff, "Thousands vote in referendum on fate of Sudan's disputed Abyei," *Reuters*, October 28, 2013, available at <http://www.reuters.com/article/2013/10/28/us-sudan-southsudan-abyei-idUSBRE99R0T420131028>; "Over 99% of Abyei's Dinka vote to join South Sudan," *Al Arabiya*, October 31, 2013, available at <http://english.alarabiya.net/en/News/africa/2013/10/31/Over-99-of-Abyei-s-Dinka-vote-to-join-South-Sudan-.html>.
- ⁹ "South Sudan: Sudan's Misseriya to Hold Counter-Referendum in Abyei," *Sudan Tribune*, October 29, 2013, available at <http://www.sudantribune.com/spip.php?article48623>.
- ¹⁰ "Sudan's Misseriya slam Juba for not preventing Abyei referendum," *Sudan Tribune*, October 30, 2013, available at <http://www.sudantribune.com/spip.php?article48635>.
- ¹¹ Roger Winter, "Abyei Aflame: An Update from the Field" (Washington: The Enough Project, 2008), available at http://www.enoughproject.org/files/Abyei_Aflame_Strategy_Paper.pdf; Enough Team, "Satellite Images Confirm Sudan Government Attack on Abyei" Enough Said Blog, May 25, 2011, available at <http://www.enoughproject.org/blogs/satellite-images-confirm-sudan-government-attack-abyei>; Amnesty International, "Sudan – South Sudan: Destruction and Desolation in Abyei," (2011); Douglas Johnson, "Abyei: Sudan's West Bank," (Washington: Enough Project, 2011), available at http://www.enoughproject.org/files/abyei_west_bank.pdf.
- ¹² Eliza Griswold, "The Man for a New Sudan," *The New York Times*, June 15, 2008, available at http://www.nytimes.com/2008/06/15/magazine/15SUDAN-t.html?pagewanted=all&r=1&utm_content=buffer42aac&utm_source=buffer&utm_medium=twitter&utm_campaign=Buffer.
- ¹³ United Nations Secretary General, "Statement attributable to the Spokesperson for the Secretary-General on attack in Abyei," Press release, May 4, 2013, available at <http://www.un.org/sg/statements/?nid=6796>; "The African Union strongly condemns the killing of the Paramount Chief of the Ngok Dinka Community and a United Nations Peacekeeper in Abyei," Press release, May 5, 2013, available at <http://www.peaceau.org/en/article/the-african-union-strongly-condemns-the-killing-of-the-paramount-chief-of-the-ngok-dinka-community-and-a-united-nations-peacekeeper-in-abyei>.
- ¹⁴ "Communique of the 339th Peace and Security Council meeting on the situation between Sudan and South Sudan," Press release, October 24, 2013, [hereinafter "AUPSC October 2012 Communique"], available at <http://www.peaceau.org/uploads/psc.339th.com.sudan-south-sudan.pdf> (Decides that, in the event that the Parties fail to reach agreement on the Final Status of the Abyei Area within the six-week period mentioned above, Council will endorse the 21 September 2012 Proposal as final and binding, and would seek the endorsement by the U.N. Security Council of the same).
- ¹⁵ In May 2012, the United Nations Security Council directed Sudan and South Sudan to engage in negotiations on Abyei and resolve their differences within three months; United Nations Security Council, Resolution 2046, May 2, 2012, [hereinafter "UNSC 2046"] available at <http://www.un.org/News/Press/docs/2012/sc10632.doc.htm>.
- ¹⁶ AUPSC 403rd Communique at ¶13.; African Union Commission, "The African Union strongly condemns the holding of a unilateral "referendum" in Abyei," Press release, October 28, 2013 [hereinafter "AUC press release"] available at <http://news.sudanvisiondaily.com/details.html?rsnpid=228293>.
- ¹⁷ AUPSC 403rd Communique at ¶18; AUC press release at ¶1.
- ¹⁸ The U.N. Security Council has authorized 5,326 military personnel to the UNISFA mission to cover 4,039 square miles, equaling 1.3 troops per sq. mile. The UNISFA mission's troop density is only surpassed by the U.N. Disengagement Observer Force in the Golan Heights with 1,166 military personnel for 695 sq. miles and the United Nations Interim Force in Lebanon with 15,000 troops authorized to patrol a 4,016 square mile area.
- ¹⁹ The United Nations Peacekeeping Force in Cyprus is one of the longest-running peacekeeping missions in the world. Set up in 1964 to prevent further fighting between the Greek Cypriot and Turkish Cypriot communities on the island and bring about a return to normal conditions, in the absence of a formal ceasefire agreement, The mission's 850 troops and 60 police officers deal with hundreds of incidents each year; The United Nations Mission for the Referendum in Western Sahara was established by Security Council resolution 690 of 29 April 1991. While the organization of the referendum has not been possible to date, the mission's 237 military personnel continues to monitor the ceasefire, take steps

to reduce the threat of mines and UXOs and support the confidence building measures between the two communities. See “The U.N. Peacekeeping Force in Cyprus (UNFICYP),” available at <http://www.betterworldcampaign.org/un-peacekeeping/missions/cyprus.html> (last accessed October 30, 2013); “MINURSO Background,” available at <http://www.un.org/en/peacekeeping/missions/minurso/background.shtml> (last accessed October 30, 2013).

²⁰ “Resolution of the Abyei Conflict.” In “The Comprehensive Peace Agreement between the Government of the Republic of Sudan and the Sudan People’s Liberation Movement and The Sudan People’s Liberation Army,” ¶3.1.5-3.1.6 (Kenya: May 26, 2004), [hereinafter Abyei Protocol] available at <http://unmis.unmissions.org/Portals/UNMIS/Documents/General/cpa-en.pdf>.

²¹ Concordis International, “Crossing the Line: Transhumance in Transition Along the Sudan-South Sudan Border,” (2012),34-37, available at <http://concordis-international.org/wp-content/uploads/2012/11/Crossing-the-Line-FINAL-26Oct12.pdf>.

²² Deng Alor Kuol, interview with the author, Juba, South Sudan, September 30, 2013.

²³ Emam Abdelrhman Tobeig, former field officer with the Nonviolent Peace Force, telephone interview with the author, October 7, 2013.

²⁴ Renata Rendón and Amanda Hsiao, “Resolving the Abyei Crisis: Preventing Violence and Promoting Peace,” (Enough Project: Washington D.C. January 17, 2013),[hereinafter Hsiao and Rendon, “Resolving the Abyei Crisis”] available at http://www.enoughproject.org/files/Abyei_Report.pdf. A study by Kush Inc. found that 82% of Ngok Dinka households had children who were injured as a result of the clashes and violence in Abyei and 98.8% of those surveyed had lost one or more real estate assets in violence. Belkys Lopez and Hazel Spears, “Stabilizing Abyei: Trauma and the Economic Challenges to Peace,” (Washington: KUSH Inc., 2013) [hereinafter “Kush survey”] available at www.kushworld.org/wp-content/uploads/2013/08/Stabilizing-Abyei.pdf.

²⁵ Deng Alor Kuol, Chairman of South Sudan’s High National Committee for the Referendum, interview with the author, Juba, South Sudan September 30, 2013.

²⁶ International Crisis Group, “Sudan: Abyei at a Dangerous Tipping Point,” (2011), available at <http://www.crisisgroup.org/en/publication-type/media-releases/2011/africa/sudan-abyei-at-a-dangerous-tipping-point.aspx> (“Ngok Dinka and Misseriya leaders, and their allies in Juba and Khartoum respectively, are engaged in aggressive posturing in an attempt to influence the political negotiations over the future status of Abyei. Both sides have legitimate concerns and grievances, but their tactics carry enormous risks for the people of Abyei and for peaceful relations between North and South more broadly.”)

²⁷ Estimates from the U.S. Embassy in Juba, indicate that as of October 2013 at least 50,000 Ngok Dinka were living in deplorable conditions in Agok, just inside the southern border of Abyei, with another 20,000 returnees living in or around the area north of Agok near the River Kiir; International Organization for Migration, “Abyei Area of Return Tracking Report – June 2013” available at <http://southsudan.iom.int/wp-content/uploads/2013/08/IOM-Abyei-Area-of-Return-Tracking-Report-June-2013.pdf>.

²⁸ Kush survey

²⁹ Deng Alor Kuol, Chairman of South Sudan’s High National Committee for the Referendum, interview with the author, September 30, 2013, Juba, South Sudan.

³⁰ “Security Council condemns Abyei killing of tribal chief, UN peacekeeper,” United Nations News Centre, May 6, 2013, available at <http://www.un.org/apps/news/story.asp?NewsID=44838&Cr=abyei&Cr1#Umhai1BeaSo>.

³¹ Communique of Peace and Security Council of the African Union, 374th meeting, May 7, 2013, PSC/PR/COMM.(CCCLXXIV), available at <http://www.peaceau.org/uploads/psc-com-374-eng.pdf>.

³² Sudan analyst, Washington D.C., interview with author, October 25, 2013, Washington D.C.

³³ Renuka Chidambaram, Principal Advisor to the Head of Mission and Civilian Chief of Staff, UNISFA, Abyei Town, Sudan, interview with the author, September 17, 2013.

³⁴ Edward Lino, South Sudan Co-Chairman of the Abyei Joint Oversight Committee, interview with the author, Juba, South Sudan, September 14, 2013.

³⁵ Veterinaires Sans Frontieres–Germany, “Rapid Assessment Survey for Pastoralist Livelihoods in Abyei Area,” 2013, p. 20, available at <http://foodsecuritycluster.net/sites/default/files/Pastoralist%20Livelihood%20Survey%20in%20Abyei%20Area-%20Final%20Report.pdf>.

³⁶ Joshua Craze, “Creating Facts on the Ground: Conflict Dynamics in Abyei,” (Geneva: Small Arms Survey, 2011),p. 10, [hereinafter “Craze, SAS June 2011 Report”], available at <http://www.smallarmssurveysudan.org/fileadmin/docs/working-papers/HSBA-WP-26-Conflict-Dynamics-in-Abyei.pdf>.

³⁷ U.N. and international NGO staff, as well as Ngok Dinka interviewed in Abyei, confirmed the absence of Misseriya from portions of Abyei in/near Abyei Town and points south. Interviews with the author, Abyei Town, Sudan and Agok, South Sudan, September 2013.

³⁸ Gadallah Elradi, interview with the author, October 12, 2013. Phone.

³⁹ Rou Manyiel, Chairman of the Abyei Civil Society Organization, interview with the author, Abyei Town, Sudan, September 17, 2013.

⁴⁰ African Union says Abyei unilateral referendum “illegal” Sudan Tribune, October 28, 2013, available at <http://www.sudantribune.com/spip.php?article48603> See discussion in Small Arms Survey, “The Crisis in Abyei” October 29, 2013 available at <http://www.smallarmssurveysudan.org/facts-figures/borderdisputed-areas/abyei.html>.

⁴¹ Renuka Chidambaram, Principal Advisor to the Head of Mission and Civilian Chief of Staff, UNISFA, interview with the author, Abyei Town, Sudan, September 17, 2013.

⁴² “Kiir Urges Abyei Citizens to Return Home in Preparation for Referendum Vote,” *Sudan Tribune*, September 13, 2013 available at www.sudantribune.com/spip.php?article48028; “Kiir Says Abyei Referendum Would Bring Lasting Peace With Sudan,” *Sudan Tribune*, October 3, 2013, available at <http://www.sudantribune.com/spip.php?article48302>.

⁴³ Waakhe Simon Wudu, “South Sudan Distances Self From The Ngok Dinka Referendum,” *Gurtong*, October 24, 2013, available at <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/13532/Default.aspx>.

⁴⁴ Ibid.

⁴⁵ Western diplomat, interview with author, October 9, 2013, Juba, South Sudan.

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⁴⁷ Ibid.

⁴⁸ See “Khartoum Warns South Sudan Against Holding Unilateral Referendum in Abyei,” *Sudan Tribune*, August 25, 2013. Available at <http://www.sudantribune.com/spip.php?article47790>.

⁴⁹ Emam Abdelrhman Tobeig, former field officer with the Nonviolent Peace Force, interview with the author, October 7, 2013. Phone.

⁵⁰ Sudan’s FM denies obstructing AU visit to Abyei, *Sudan Tribune*, October 27, 2013, available at <http://sudantribune.com/spip.php?article48598>.

⁵¹ “Sudan sets new date for AUPSC visit to Abyei,” *Sudan Tribune*, October 28, 2013, available at <http://www.sudantribune.com/spip.php?article48612>.

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⁵⁴ Abyei Nine Ngok Dinka Chiefdoms’ Letter to African Union (AU) October 26, 2013, available at www.scribd.com/doc/179426753/Ngok-Dinka-Chiefdoms-Letter-to-AUPSC.

⁵⁵ “The Addis Ababa Agreement on the Problem of South Sudan,” (1972), available at http://www.goss-online.org/magnoliaPublic/en/about/politicalsituation/mainColumnParagraphs/00/content_files/file3/Addis%20Ababa%20Agreement.pdf; Douglas Johnson, “Why Abyei Matters: The Breaking Point of Sudan’s Comprehensive Peace Agreement” *African Affairs* (2008) 1-19 [hereinafter ‘Johnson’] <http://www.ecosonline.org/reports/2007/Whyabyeimatters.pdf>.

⁵⁶ See “Protocol Between The Government of Sudan and The Sudan People’s Liberation Movement/Army On The Resolution of the Abyei Conflict,” (Kenya, 2004) available at http://www.sudantribune.com/IMG/pdf/20040527_abyei_protocol.pdf.

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⁶¹ Edward Lino, South Sudan Deputy Co-Chairman of the Abyei Joint Oversight Council, interview with the author, Juba, South Sudan September 14, 2013.

⁶² Deng Alor Kuol, Chairman of South Sudan’s High National Committee for the Referendum, interview with the author, Juba, South Sudan September 30, 2013.

⁶³ Ibid.

⁶⁴ See “Agreement Between the Government of the Republic of Sudan and The Sudan People’s Liberation Movement on Temporary Arrangements for Administration and Security of Abyei,” (2011), [hereinafter ‘June 2011 Agreement’] available at http://www.sudantribune.com/IMG/pdf/Abyei_Agreement_20110620-2.pdf.

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⁶⁷ Waakhe Simon Wudu, “No deal in Sudan, South Sudan talks on flashpoint enclave,” *AFP*, October 22, 2013, available at <http://www.globalpost.com/dispatch/news/afp/131022/no-deal-sudan-south-sudan-talks-flashpoint-enclave>; Adel Sandrai, President Salva Kiir’s Visit to Khartoum, (Sudd Institute, Juba South Sudan) September 13, 2013, <http://www.suddinstitute.org/assets/Publications/President-Kiirs-Visit-formated-1.pdf>; Magdi El Gizouli, “Bashir and Kiir: brothers into twins,” *Sudan Tribune*, September 8, 2013, available at <http://www.sudantribune.com/spip.php?article47970>.

⁶⁸ See “Government of Sudan Response to the AUHIP Possible Options of the Final Status of the Abyei Area and Proposal on the Referendum Presented to the Addis Ababa Summit 23-25 September 2012,” available at http://www.sudantribune.com/IMG/pdf/bashir_letter_to_auhip_on_the_final_status.pdf.

⁶⁹ *Ibid.*

⁷⁰ AUPSC October 2012 Communiqué at ¶9.

⁷¹ Remarks by Ambassador Samantha Power at the Sudan-South Sudan Consultative Forum, New York, September 27, 2013 available at <http://usun.state.gov/briefing/statements/214854.htm>.

⁷² *Ibid.*

⁷³ Ring Deng Kuol, Secretary General of the Abyei Area Administration, interview with the author, Abyei Town, Sudan, September 17, 2013.

⁷⁴ Estimates range from 100-200 oil police officers, though Ngok Dinka and there are unconfirmed reports of up to an entire division of SAF soldiers present in/near Diffra. Western diplomats on background, interview with author, Juba, South Sudan, September 30, 2013.

⁷⁵ Secretary General’s Report at ¶4 (“The Sudan Oil Police, however, maintained approximately 120 to 150 personnel inside the Diffra oil complex in violation of the 20 June 2011 Agreement and Security Council resolutions 1990 (2011), 2032 (2011), 2046 (2012), 2047 (2012), 2075 (2012) and 2104 (2013)”).

⁷⁶ African Union Peace and Security Council, Communique of 397th Meeting, September 23, 2013, PSC/AHG/COMM/2.(CCCXCVII) at ¶10 available at <http://www.peaceau.org/uploads/psc-397-com-sudan-south-sudan-ny-23-09-2013-docx.pdf>.

⁷⁷ See UNSC 2046 at ¶10.

⁷⁸ Ban Ki-moon, “Report of the Secretary-General on the situation in Abyei,” (New York: United Nations, 2013), ¶4, [hereinafter Secretary-General’s report], available at http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_294.pdf at ¶6.

⁷⁹ Joint Communique from President Bashir’s Visit to Juba, October 22, 2013, Juba, South Sudan (on file with author).

⁸⁰ Abyei Protocol at ¶3.1.5-3.1.6.

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