



AMANDA HSIAO/ENOUGH PROJECT

Field Dispatch: Abyei in Flux

Amanda Hsiao June 2012



enough

The project to end genocide and crimes against humanity

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COVER: A year after the May 2011 crisis, most of Abyei town stands in ruins, stripped of its civilian population and dotted with the skeletal remains of what once were market stalls, homes, schools, and office buildings.



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A number of displaced Ngok Dinka in the town of Agok, which lies on the southern edge of Abyei, gathered to welcome the arrival of U.N. Assistant Secretary-General for Peacekeeping Operations at the United Nations Edmond Mulet.

With the withdrawal of Sudanese government forces from Abyei town in early June, large-scale returns of the estimated 110,000 mostly Ngok Dinka displaced population and the reconstruction of Abyei can finally begin. Since May 2011 when Sudanese government forces violently took over the contested area of Abyei in response to alleged South Sudan army provocation, little progress has been made in the implementation of the June 2011 agreement that was signed to defuse the crisis. The full deployment of an Ethiopian U.N. peacekeeping mission that has managed to maintain stability in the Abyei area despite local and national-level tensions is one of the few successes during the last year. Despite the progress that the pull out of Sudanese forces represents, significant obstacles remain before peace can be sustained. On the local level, the tremendous distrust heightened by the crisis and the ensuing loss of regular interaction between the Ngok Dinka and Misseriya communities will require significant time and leadership from both communities to reconcile. A political decision on the final status of Abyei is also a key condition for peace. But, the continued impasse between the two countries on other key issues suggests that a resolution on the question of Abyei will not be feasible in the near-term.

ABYEI TOWN, Abyei – Outside of the main hospital in Abyei town, Nyan-thok Mapat, a 68 year-old Ngok Dinka grandmother, stood in an emptied market stall with a plastic bag partly filled with odds and ends she had gathered from the refuse. Last May, Nyan-thok fled Abyei town when she heard aerial bombardments. Though her family survived the 2008 conflict in Abyei, in 2011, Nyan-thok lost her husband, who was too elderly to run. He was shot, she said.

Since May 2011, when Sudanese government forces violently took over the Abyei area in response to alleged provocation by the South Sudanese army, Abyei town has been in a state of destruction. The town is a wasteland, stripped of its civilian population and dotted with the skeletal remains of what once were market stalls, homes, schools, and office buildings. The majority of the estimated 110,000 mostly Ngok Dinka civilians displaced from Abyei by the crisis last year have not returned home as a result of the dangers previously presented by Sudanese government forces' continued presence. The withdrawal of the last of Sudan's forces in Abyei town on June 2, 2012 will set in motion large Ngok Dinka returns and allow for the reconstruction of the territory to finally begin.

The cerulean-colored hospital that Nyan-thok stood by served until recently as barracks for the Sudanese army, or SAF, during their year-long occupation of Abyei. Other elements of the Sudanese government's security apparatus, such as the police and military intelligence, had taken over neighboring buildings. An estimated 100 Sudanese oil police remain in northern parts of Abyei, in continued violation of an agreement signed between Sudan and South Sudan in June 2011 to defuse the crisis. The agreement, which provides for the establishment of temporary security and administrative arrangements in the Abyei area until its final status is decided, required each party to withdraw immediately all security forces from the territory.

Among the debris left in the hospital's now abandoned courtyard and many rooms were remnants of the loot taken by the Sudanese military and allied militias during their occupation. A day after the withdrawal, Ngok Dinka civilians, who had for over a year been displaced to the outskirts of the Abyei area, were already making the trek back, finding pieces of their former lives tucked into the wreckage.

Mayol, a former nutrition assistant for the main hospital in Abyei town, was kneeling on the ground, furiously sifting through a pile of passport photo-sized mug shots. Moments later, he stood up and held out his reclaimed photo, taken for an identification card that was never made. Mayol and his family fled to Agok, a town 37 km south of Abyei town,



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A classroom in Abyei town that was stripped of its windows, door, and roof. A blackboard is the only item left in the room.



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Sudanese soldiers and allied militia burned many of the buildings in Abyei town during the May 2011 attack and then pillaged anything of value from the remaining structures.

when fighting broke out. They did not have time to take any of their possessions, he said. As with many of the other people who cautiously peered around the hospital grounds, Mayol was returning to his town for the first time since the SAF and Khartoum government-backed militia incursion.

A key achievement in international efforts to bring Abyei back from the brink is the deployment of the nearly 4,000-strong UNISFA peacekeeping mission which has kept the Abyei area stable during the traditionally volatile migration season and in spite of larger North-South tensions that threatened to spill into the area. Outside of maintaining tremendous presence and visibility on the ground—in recent months through an average of 80 patrols of day and the maintenance of checkpoints and operating bases throughout the territory—diplomatic engagement has played a critical role in UNISFA’s conflict mitigation strategy. In recognition of the complicated web of stakeholders whose buy-in is necessary for securing peace in Abyei, the UNISFA leadership has heavily engaged with authorities at all levels, from local traditional authorities to leaders in Juba and Khartoum, to ensure unauthorized forces outside of Abyei do not enter the area, and to maintain peace as Misseriya nomads migrate and the Ngok Dinka population slowly returns.



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A year after the May crisis, most of Abyei town stands in ruins, stripped of its civilian population and dotted with the skeletal remains of what once were market stalls, homes, schools, and office buildings.

According to the latest U.N. Secretary General's report, between April 13 and 29, the South's Sudan People's Liberation Army, or SPLA, SAF, and militias linked to the Sudanese government, all separately entered the Abyei area but were withdrawn following high-level engagement by UNISFA with the relevant government and military authorities. On May 26, the militia group South Sudan Liberation Army, or SSLA, also entered into the northeast corner of Abyei but withdrew following diplomacy with Khartoum. UNISFA officials credit the mission's diplomatic successes with the two capitals on the balanced approach of the mission. Deployed as a result of the June 2011 agreement between the parties, the mission is composed of Ethiopian troops and commanded by an Ethiopian general. Ethiopian Prime Minister Meles Zenawi has significant influence over both countries, as has been evident in his brokering of impasses between Sudan and South Sudan in the past.

UNISFA's deep engagement at the community level has consisted of dialogue with traditional and local government representatives of both communities, and with authorities in neighboring states. As a result of these separate tracks of negotiations, and the



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The main hospital in Abyei town served as the barracks for the Sudan Armed Forces during their year-long occupation.

provision of water points in strategic sites, UNISFA effectively facilitated and controlled the movements of Misseriya nomads through Abyei and into neighboring states during the dry season, thus minimizing interaction and tensions between the Misseriya nomads and returning Ngok Dinka.

The UNISFA mission appears to have maintained the confidence of the Ngok Dinka leadership, a difficult feat given the poor reputation of peacekeepers with the former U.N. mission among the Ngok Dinka community and the challenges of maintaining an image of impartiality in a highly politicized environment. In a press conference in Juba in May, Dr. Luka Biong Deng—a southern representative on the Abyei Joint Oversight Committee, or AJOC, the bilateral North-South body tasked with political and administrative oversight of the Abyei area—said the mission had done a “splendid job” in providing security. UNISFA is “doing a good job, given the complexities of this place,” said Dr. Rau Manyiel, a Ngok Dinka civil society leader.

Despite the generally positive perception of UNISFA, some Ngok Dinka leaders have raised complaints about the inability of the mission to stop armed Misseriya nomads from entering Abyei, despite the security risk such actors may pose. Civilians in Agok town and the Ngok Dinka administration also said they felt UNISFA did not respond rapidly



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A U.N. tank sits next to buildings where Sudan government forces were headquartered.

enough to a number of recent cattle-raiding incidents. In particular, those interviewed cited UNISFA's failure to prevent a large raiding incident in the village of Leu on May 10, 2012, during which about 550 cows were taken. Some of the stolen cows have been returned because of the mission's efforts. UNISFA officials say that the implementation of law and order falls within the Abyei police's mandate, not the mission's. The Abyei police service, as provided for by the June 2011 agreement, has not been constituted.

Some community leaders also said they felt that UNISFA has been biased in favor of the Misseriya communities. The successful migration of the Misseriya down into Abyei this dry season, even while the Ngok Dinka community remained displaced, fueled a sense of deep injustice among Ngok Dinka administration leaders, the paramount chief, and civil society, for whom such dynamics demonstrate how the mission's presence—and the June 2011 agreement in general—has benefited the Misseriya communities and the Sudan government more than the Ngok Dinka and South Sudan. “Why is the U.N. forcing us to allow Misseriya to benefit from our land?” asked Paramount Chief Kuol Deng Kuol. This sentiment has fueled a sense of urgency among the Ngok Dinka leadership to have their community return home—and reclaim their land—as soon as possible.

The number and quality of interviews Enough Project staff conducted with members of the Misseriya community were not sufficient enough to assess Misseriya perceptions of UNISFA. In particular, access to Misseriya nomads was unavailable. One Misseriya civilian in Abyei town said, “With SAF leaving, we will see if UNISFA can maintain security.”

Whether the return of the Ngok Dinka community will lead to an increase in tensions between the two communities remains to be seen and will be a test of UNISFA’s security strategy going forward. Interactions between the two communities may naturally be limited though, with Misseriya nomads expected to complete their reverse migrations in the next months and the full return of the Ngok Dinka population likely to occur after the rainy season. Insecurities resulting from larger North-South dynamics will continue to threaten the stability of Abyei, given the area’s proximity to disputed border sites and the heavy presence of soldiers and militias.

Achan Deng, 25, was seeing Abyei town for the first time since the crisis last May. A single mother of six, Achan recalled fleeing from town at night, taking eight hours to reach Agok. She said she was glad that the SAF had left and wanted to return home. “What can I do? I’m not feeling comfortable in Agok. There is no space to cultivate, it’s too crowded,” Achan said when asked about the challenges of returning. “I have to come back to my original place to stay. Even if there’s no shelter I can think of something to do. If the government and the international community can help, I’m ready to construct my own.”

With Ngok Dinka civilians gradually beginning to return, the humanitarian needs north of the Kiir River will increase. (The displaced population has for the most part remained south of the river, which cuts through the southern third of the Abyei area.) The preliminary projection from international humanitarians is that at most 30,000 Ngok Dinka will return in the next three months. Larger-scale returns may not take place until after the rainy season because the cultivation season is coming to an end and food distributions will continue to take place south of the river. Political pressures



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Nyok, a Ngok Dinka man who was displaced by the May 2011 crisis, in the main hospital in Abyei town that was taken over by the Sudan Armed Forces. “Even with the shortage of food and services,” Nyok said, he will be returning home.

on the Ngok Dinka community to reclaim their land will also play into decision-making behind returns. One potential obstacle for addressing these needs is the lack of clarity over whether Sudan or South Sudan—or both—controls humanitarian access into the area, given Abyei's contested status between the two countries. Although the AJOC has issued an appeal to the humanitarian community highlighting the urgent needs of the returning population and called on the two presidents to form an inter-governmental task force “to ensure expeditious and coordinated delivery of humanitarian assistance to the affected populations in Abyei,” no decision or agreement has been made between the Juba and Khartoum governments that clarifies, in particular, whether one or both governments are able to issue visas for access to the area. In the current political environment, such a decision may not be feasible, leaving uncertain the level of humanitarian access into Abyei going forward and vulnerable to the politics surrounding Abyei's final status.

A U.N. legal opinion issued in December 2011 determined that the Sudan government is legally within its rights to “require that international travelers, including United Nations and NGO personnel” have a Sudanese visa to enter Abyei, and that a South Sudanese visa “would not be sufficient” for entering the area. Later guidance provided by the U.N. departments of peacekeeping operations, and humanitarian affairs and emergency relief stressed the importance of coordinating humanitarian assistance into the Abyei area from both Sudan and South Sudan in order to sufficiently meet the needs of the population. The language in the guidance, however, did not directly address the Sudan visa requirement outlined in the legal opinion.

Thus far, the bulk of the humanitarian response to Abyei has come from South Sudan-based international NGOs and U.N. agencies, with an increasing number of Sudan-based U.N. agencies joining the response. Practically, supply lines through the South, despite the rainy season, may be more reliable given that supply lines from the North may be disrupted by the ongoing conflict in South Kordofan. Given the contested status of Abyei, the joint North-South administration of the area, and the tremendous basic assistance and reconstruction needs, humanitarian access should come from both South Sudan and Sudan. The U.N. legal opinion's assertion that international humanitarian aid workers need a Sudanese visa to enter the Abyei area may prove highly problematic, given Khartoum's long history of denying international aid workers access in Darfur, eastern Sudan, South Kordofan, and Blue Nile.

When asked why conflict flared once more in May 2011, Mayol, the former nutrition assistant in the hospital said, “It came from both sides, from those politicians.” He added, “At the same time, we Ngok Dinka, we don't support the Misseriya. We talk to the Misseriya many times, we tell them to think about the future. But the politics don't allow them.”

After having been tested twice, first in 2008 and then in 2011, Mayol now thinks the Misseriya are “criminals.” “We don't want to share anything with the Misseriya,” he said.

At the community level, dialogue has been minimal since the outbreak of fighting, and distrust remains high. Just as UNISFA provided a buffer zone between the two communities' movements, the mission has also functioned as an interlocutor between the communities in the negotiation of the movement of Misseriya nomads through Ngok Dinka land. Traditionally, the negotiation of Misseriya access into Abyei takes place prior to each dry season, between the traditional authorities. Increased interaction between the two communities, as the Ngok Dinka begin to return, may help to repair relations.

Having undergone two crises during which mass displacement and destruction of civilian property took place in part because of Misseriya militias, displaced Ngok Dinka civilians, politicians, and chiefs, interviewed in Agok expressed deep misgivings of what continued sharing of land and political power—even if temporary—with the Misseriya will bring.

“The more we welcome our brothers, the Misseriya, the more they think we are stupid. We have lost confidence in them. We don't trust them,” said Acheth Deng Nyoc, wife of the former Ngok Dinka paramount chief. “If you quarrel with your brother you can shout, but you cannot destroy things like this. How can you destroy things like this and still call me brother?”

“We've had a joint administration, joint police,” said Father Biong Deng, a religious leader in the Ngok Dinka community. The shared nature of these institutions, he said, is what is actually “causing the problems.” Previously, the Abyei area was governed by an administration that was jointly formed by the governments of Sudan and South Sudan. Past security mechanisms intended to stabilize the situation in Abyei, including the Joint Integrated Units and the Joint Integrated Police Units, were often the sources of insecurity themselves.

A return to peaceful co-existence is possible, said Ngok Dinka Paramount Chief Kuol Deng Kuol. “Our grandfathers and fathers accepted them. But now they say that the land belongs to the North,” Co-existence can only take place “if the Misseriya believe they are only nomads, leave the oil, detach from Khartoum, and do not claim the land,” he said.

Others were even less optimistic about the prospects for a peaceful arrangement. “We don't want SAF, we don't want to eat from the same plate as them,” said Malak Miyen, an elderly Ngok Dinka man who has been twice displaced to Agok, by both the 2008 and 2011 crises. When asked whether Misseriya and Ngok Dinka could live in peace again, he replied, “Do you know the Misseriya? When they come and eat with you, they steal your goats and kill you.”



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Mayol, a former nutrition assistant for the main hospital in Abyei town, holds out his identification photos he found among the wreckage left by Sudan government forces. Mayol and his family fled to Agok, a town 37 km south of Abyei town, with nothing when fighting broke out. Back for the first time since the crisis, Mayol was eager to immediately begin work on his land and to resume his job with the hospital.



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Ngok Dinka dance at a ceremony to mark the start of returns. A day after the full withdrawal of Sudan government forces from Abyei town, an initial wave of displaced Ngok Dinka returned to assess the situation.

Both Ngok Dinka and Misseriya civilians distinguish the role higher politics play in fueling tensions between the communities. “The Ngok Dinka cannot move out from under the SPLA. They cannot talk for themselves,” said one Misseriya engineer from Diffra. “Abyei is like any village on the border, but the relationship between South and North” is what has created extra tensions in the area, he said, noting that the Khartoum government “is acting in its own interests” in its relations with the Misseriya community as well.

“The right of Misseriya to graze is natural, no one will say you can’t graze,” said Dr. Rau, the Ngok Dinka civil society leader. “The problem is at the highest political levels, the rest can be solved. At the local level we have our traditional mechanisms.”

The source of the tension is the “politicians,” Abaker Hamdeen, a Misseriya trader whose four shops and home in Abyei town were destroyed in the 2011 fighting. “The people do not have a problem with each other.”

Last year’s crisis has further raised the political stakes to a point where compromises between the two sides are difficult to locate. A year later, a new Abyei administration,

as envisioned under the June 2011 temporary agreement, has yet to be formed because of an impasse between the two sides over the appointment of the head of legislature. The South's representatives say that under an informal agreement, Khartoum agreed that Sudan's nominee would be Ngok Dinka. Khartoum, however, has only put forward Misseriya nominees. The South's Ngok Dinka representatives will not recognize a Misseriya head of legislature as it would suggest that the Misseriya have the rights to political representation and to vote in any possible future referendum that determines Abyei's status. The Ngok Dinka leadership fears that should Misseriya be allowed to participate, the vote would be manipulated to prevent Abyei from going to South Sudan, as the Ngok Dinka community hopes.

The Ngok Dinka view that UNISFA is biased in favor of the Misseriya community because of the mission's facilitation of migrations is another example of the Ngok Dinka leadership's tendency to view any humanitarian, political, or security assistance provided by international actors to the Misseriya community as recognition of the Misseriya claims to Abyei—and conversely, a threat to the Ngok Dinka claim to the land.

Long-term peace and security in the Abyei area, and for the two communities, will rely on reconciliation at the grassroots level and a decision at the political level on the final status of Abyei. Implementation of the temporary security and administrative arrangements set out by the June 2011 agreement will of themselves not bring sustained peace to Abyei. These arrangements were intended to stabilize the dynamics and defuse tensions in Abyei enough to create the political space needed for renewed discussions on Abyei's final status between Juba and Khartoum. The withdrawal of Sudanese government forces from Abyei town eliminates one obstacle, out of many more that will have to be overcome, before the final status of Abyei can be seriously discussed in negotiations between Juba and Khartoum.

There is “no point in returning [to Abyei] until a final solution is reached,” said Father Biong. “Everything will be destroyed again and then we will have to start over.”

Resolution on the final status of Abyei will depend on the larger political dynamics between Juba and Khartoum. Pressures from the international community in the form of U.N. Security Council Resolution 2046 and the African Union roadmap has created some momentum in the negotiations, causing the two sides to return to the table. But no comprehensive resolution seems feasible in the near term. The two sides appear unable to commit to a final solution on Abyei without at least a tacit understanding of how negotiations on the other key North-South issues will ultimately play out, including an economic arrangement between the two states and progress on other border disputes. Current negotiations remain stuck on security-specific issues. In addition, movement on North-South negotiations may only be possible after progress is made to address the conflicts in South Kordofan and Blue Nile.

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Nyan-thok was one of the few Ngok Dinka to return to Abyei town in January prior to the pull out of Sudanese forces. She settled in a tent on the grounds of the gutted local administration offices, less than a mile away from where Sudan government forces sat behind defensive trenches. Despite the precarious proximity, Nyan-thok said she returned because UNISFA had guaranteed the returnees' security and "because this is my land, my home."

"We people of Abyei, we don't want a referendum because we are already part of the South," said Malak Miyen, who expressed fears that should a referendum be held, it would be manipulated by the Sudanese government. "People have gone to negotiations many times and there have not been good results. I have no confidence in the negotiations."

Whatever decisions are ultimately made at the national level will only serve to secure peace in Abyei in the long-term through the buy-in and sensitization of the affected civilian communities.

"If Abyei goes South, Misseriya will be expelled out," said the Misseriya engineer from Diffra, expressing a common fear among the Misseriya community. "They will make rules, it will be difficult. Automatically, you will be outside."

"Now we are happy to come back here and for the future. We don't know what will happen next, God willing," Mayol said, while leaning on a shovel. He was on his way to immediately start work on his land.

Enough is a project of the Center for American Progress to end genocide and crimes against humanity. Founded in 2007, Enough focuses on the crises in Sudan, South Sudan, eastern Congo, and areas affected by the Lord's Resistance Army. Enough conducts intensive field research, develops practical policies to address these crises, and shares sensible tools to empower citizens and groups working for change. To learn more about Enough and what you can do to help, go to www.enoughproject.org.

