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SOUNDING THE ALARM ON ABYEI

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In the 10 weeks since ENOUGH issued its report “[Abyei: Sudan’s “Kashmir”](#)” the Comprehensive Peace Agreement, or CPA, Sudan’s unique, ground-breaking political deal that formally ended 21 years of war between the Khartoum government and the Sudan Peoples’ Liberation Movement, or SPLM, has lurched toward breakdown. There are many reasons for this, despite the fact that both sides show clear signs of wishing to avoid outright military confrontation. The principal reason, however, remains Khartoum’s failure to implement the CPA’s Abyei Protocol.

Sudanese president-by-coup Omar al-Bashir’s brutal 19-year reign has led to at least 2.5 million war-related deaths. By risking the CPA’s collapse, he risks scores of thousands more Sudanese lives. Critical external actors, including the United Nations Security Council and the United States of America, remain largely on the sidelines. The United States actually produced the Abyei Protocol, and President Bashir formally signed it on January 9, 2005, but he has repeatedly trashed it since then. Standing by is not an option unless one accepts descent into hell as an acceptable option for innocent Sudanese civilians. Sky-rocketing political tensions, large-scale recent killings, and a rapid military build-up by all sides have caused some Abyei experts to see a resumption of conflict as a realistic possibility once Misseriya herders and their livestock migrate north of Abyei in mid-to-late May (six or seven weeks from now).

Against the backdrop of deteriorating situations in Abyei *and* Darfur, both the United States and Sudan have recently expressed interest in moving toward a more normalized relationship before President George W. Bush leaves office in January 2009. Given the very low level of U.S. concern over non-implementation of the Abyei Protocol, as well as Khartoum’s undermining of the population census this month, its failure to implement the legal architecture for national elections (mandated by the CPA for 2009), and its continued stonewalling of deployment of peacekeepers to Darfur, the Ameri-

can people, the Congress and the media need to be particularly vigilant and vocal to assure the integrity of U.S. relations with Sudan. We must be crystal clear: The underpinning of all U.S. engagement with Khartoum should be the ending of the war in Darfur, the punishment of Darfur war criminals, the democratic transformation of Sudan that the CPA was intended to produce, and, last but not least, the full implementation of the Abyei Protocol.

RECENT ABYEI EVENTS: AN UPDATE FROM THE GROUND¹

The Abyei Protocol, in recognition of Abyei’s uniqueness within the Sudan context, provides for a temporary administrative status within the North and South, a local governance mechanism to provide services to residents until 2011, a share of oil revenues to support those services to survivors and returnees, a security arrangement, and a referendum in 2011 to determine whether Abyei will be part of the North or the South. However, President Bashir has refused to implement any of the Protocol’s provisions, leaving this tension-racked territory without government, without services, without boundaries, without security, and without a clear future. Absent any strong reaction from the United States or the international community, Bashir’s unilateral abrogation of the Protocol has led directly to increasing violence and, as the CPA timeline moves on, virtually guarantees escalating insecurity.

And so it is. Last fall, when the SPLM temporarily withdrew its ministers from the national government to protest Khartoum’s non-implementation of CPA provisions, Bashir mobilized thousands of Misseriya men into the so-called Popular Defense Forces, or PDF. The Misseriya are the Arab neighbors of the African Ngok Dinka of Abyei who, by longstanding agreement, migrate with their animals for water and pasture into Ngok territory at certain times of the year. Since mobilizing the Popular Defense Forces—a militia similar in composition and

¹ Roger Winter traveled to Abyei in February and March, 2008.



Source: Map adapted from United Nations Department of Peacekeeping Operations Cartographic Section, Map No. 3707 Rev. 10. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

interventions to contain the violence by assuring Misseriya access to water and pasture under controlled conditions. Qazi underscored the need for defined borders—the very element that President Bashir has specifically vetoed—as indispensable to curtailing the Abyei violence. He also indicated that Abyei residents were missing out on the CPA’s so-called “peace dividend,” as there is neither a governance mechanism nor oil revenues available to pay for basic public services, again directly a consequence of President Bashir’s intransigence. Serious clashes have continued up to the present. Significant numbers of Misseriya understand, however, that President Bashir is trying to manipulate them for his own political gain and that their long term interests are best served by having good relations with their Ngok neighbors.

The SPLM, by withdrawing its ministers from the national government, seriously confronted Khartoum on Abyei. On January 14, First Vice President Salva Kiir, at a rally in Wau, announced his intention to field an SPLM temporary administration to Abyei, given President Bashir’s continued non-implementation of the Abyei Protocol.

The SPLM and NCP engaged in a series of discussions to resolve their differences, reduce tensions, and avert unintentional outbreaks of hostilities between their forces. The parties appeared to be making progress on agreement on a temporary boundary and interim Abyei administration, without prejudice to a final settlement of the issues. However, the talks dragged on without closure, causing the SPLM serious concern about the implementation, without any local administration in Abyei, of the national Census scheduled in mid-to-late-April. Finally, on March

purpose to Darfur’s notorious Janjaweed—violence has intensified in and around Abyei, with reports of the Sudanese military backing Misseriya militias and Sudan Peoples Liberation Army elements supporting the Ngok Dinka, but without direct clashes between the two national armies.

The U.N. Special Envoy to Sudan Ashraf Qazi reported to the Security Council in February that these clashes resulted in “considerable loss of life and property” and that Abyei was “the biggest stumbling block” between the CPA signatories.² He credited First Vice President Salva Kiir with timely

2 Read more about Qazi’s statements at <http://www.un.org/News/Press/docs/2008/sc9256.doc.htm>.

26 the SPLM temporary administration headed by Edward Lino was dispatched to Abyei to function until the permanent administration is appointed.³

Khartoum went verbally berserk. In statements drenched with hypocrisy, Bashir's spokesmen called the action "a stark violation of the CPA" and "against the spirit of partnership."⁴ They said "dialog and negotiations are the only way to overcome the current tense situation."⁵ They called for a halt in any "unilateral steps that threaten the stability of the area and lead to spoiling of the atmosphere of peace and national dialogue."⁶ After almost three years of President Bashir's abject refusal to implement any part of the CPA's Abyei Protocol, which provides for a coherent administration for Abyei and resources to serve its residents, the NCP says it wants dialogue. Yet the military build-up continues. According to press reports, even some Sudanese army units that were rotated out of Darfur have been sent to the Abyei area.⁷ Civilians who have been displaced most or even all of their lives are again being displaced, and southern Sudanese officials have accused Sudanese army units of restricting the movement of civilian and the United Nations.⁸ The potential for inadvertent armed clashes looms large, with all the consequences that would hold for the CPA and its dream of elections and democratic transformation.

WHAT NEXT?

The current situation is simply untenable. There are too many men with guns and grudges in a very tense atmosphere, egged on by a deceptive NCP. Some ex-

perts expect that large scale violence *will* occur within weeks if there is not an agreement on a temporary Abyei administration. In particular, they are most worried about the period immediately following the May return migration of the Misseriya and their livestock to the north, out of Abyei. Once they are out of the South, there are few deterrents to hold back the Sudanese army or the Misseriya PDF militias if they choose to attack southward. The consequences for Sudan, if this occurs, would be enormous. And not just for the South. As U.N. Special Envoy Qazi has well said: "The predominant fact remain(s) that peace in the Sudan (is) indivisible. Should the CPA unravel, the prospects for a peaceful outcome in Darfur would largely disappear. Should the implementation of the CPA succeed, the prospects for an end to the humanitarian crisis and a peaceful resolution of the conflict in Darfur would brighten."⁹

The early April visit to Abyei of the U.S. Charge d'Affaires (the senior U.S. diplomat based in Sudan) and USAID Mission Director is a good first step for U.S. re-engagement. A second positive step occurred on April 7, when the NCP and SPLM agreed to allow U.N. peacekeepers unhindered access inside Abyei.¹⁰ Yet the United States and others must pay far greater attention to the core problem: President Bashir's intransigence. President Bush's administration achieved a major victory in its birthing of the CPA; that achievement ended a horrible war. However, the administration's failure to follow up with strong action to implement the Abyei Protocol, as well as other key CPA provisions, threatens to consign the CPA to the diplomatic trash heap, with the potential of reopening hostilities.

3 Edward Lino is himself a son of Abyei, and also the SPLM's first representative to the United States beginning in June 1989.

4 NCP statement issued through the Sudanese News Agency, March 30, 2008. Available at <http://www.reliefweb.int/rw/rwb.nsf/db900sid/SODA-7D93K4?OpenDocument>.

5 "NCP rejects SPLM administration to Sudan's Abyei," *Sudan Tribune*, March 31, 2008. Available at <http://www.sudantribune.com/spip.php?article26567>.

6 Ibid.

7 "Northern Sudan army dismisses accusations of troops build-up in Abyei," *Sudan Tribune*, April 5, 2008. Available at <http://www.sudantribune.com/spip.php?article26630>.

8 "North Sudan army commits huge breaches in Abyei—Luka Biong," *Sudan Tribune*, April 12, 2008. Available at <http://www.sudantribune.com/spip.php?article26730>.

9 Read more about Qazi's statements at <http://www.un.org/News/Press/docs/2008/sc9256.doc.htm>.

10 "U.N. has 14 days to verify troops build-up in Sudan's disputed Abyei," *Sudan Tribune*, April 8, 2008. Available at <http://www.sudantribune.com/spip.php?article26670>.

URGENT U.S. POLICY IMPERATIVES ON ABYEI

President Bush himself, as a matter of duty and honor, should take the necessary steps to assure implementation of the Abyei Protocol, which his administration produced and which President Bashir signed. He should be very clear that there must be no inching toward improved relations with Khartoum unless Bashir takes sufficient, explicit steps to faithfully and fully implement the Abyei Protocol and the Abyei Boundaries Commission boundary decision.

1. Peace: Build Diplomatic Capacity

Until now, the Bush administration has not fielded adequate diplomatic capacity in Sudan to handle all that needs to be done there. One quick and effective way to increase capacity is to add a full-time senior diplomat to the staff of Special Presidential Envoy to Sudan Richard Williamson. An experienced diplomat working solely on Abyei could be one of the most important and cost-effective investments the administration could make.

2. Protection: Increasing Peacekeeping Presence

The 14-day active deployment of U.N. peacekeeping forces within Abyei town and through the surrounding area is an opening that should be quickly exploited. As it verifies the build-up of forces on both sides, the U.N. Mission in Sudan, or UNMIS, should seek agreement with the parties on a larger, more permanent U.N. military and civilian presence in Abyei to closely monitor the fragile situation, promote local reconciliation, and quickly report deterioration of conditions on the ground to the U.N. Security Council.

3. Punishment: Build Leverage through Accountability

On April 6, Sudan's Ambassador to the United Nations, Abdul-Mahmood Mohamad, told the Khartoum press that the prosecutor of the International Criminal Court, Luis Moreno-Ocampo, should be brought before a court of law and tried as a criminal. An appropriate response from the United States and the U.N. Security Council would be to demand the immediate arrest of Ahmed Haroun, a Sudanese government minister indicted by Ocampo for coordinating Khartoum's vicious counterinsurgency in Darfur. Pressing to execute existing indictments for Darfur will make others think twice about inciting mass violence in Abyei.

The United States should also take a lead in finally imposing a cost on Khartoum for refusing to implement key provisions of the CPA (including the Abyei Protocol), blocking deployment of the U.N.-led peacekeeping mission to Darfur, failing to arrest indicted war criminal Ahmed Haroun, and continuing to attack civilians in Darfur. The Bush administration must gather support for a U.N. Security Council resolution authorizing targeted sanctions against those Sudanese government officials most responsible. Absent measures to significantly alter the calculations of senior NCP officials, behavior change is, at best, unlikely.

CONCLUSION

The pattern of atrocities and intransigence that have characterized President Bashir's 19-year rule does not bode well for the CPA and a lasting peace for all of Sudan. If the international community is indeed seized with the situation in Sudan, as international diplomats have said time and time again, it must finally translate rhetoric into action. Immediately addressing the deteriorating situation in Abyei would be a good place to start.



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ENOUGH is a project founded by the International Crisis Group and the Center for American Progress to end genocide and crimes against humanity. With an initial focus on the crises in Darfur, eastern Congo, and northern Uganda, ENOUGH's strategy papers and briefings provide sharp field analysis and targeted policy recommendations based on a "3P" crisis response strategy: promoting durable peace, providing civilian protection, and punishing perpetrators of atrocities. ENOUGH works with concerned citizens, advocates, and policy makers to prevent, mitigate, and resolve these crises. To learn more about ENOUGH and what you can do to help, go to www.enoughproject.org.



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