

ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES



**THE SUDAN AND SOUTH SUDAN CONFLICT OVER ABYEI SINCE THE 2005
COMPREHENSIVE PEACE AGREEMENT**

Getachew Zeru

Addis Ababa University

Addis Ababa, Ethiopia

April 2015

**THE SUDAN AND SOUTH SUDAN CONFLICT OVER ABYEI SINCE THE 2005
COMPREHENSIVE PEACE AGREEMENT**

By: Getachew Zeru

Supervisors: Prof. Habtamu Wondimu (Principal Supervisor)

Prof. João Gomes Porto (External Supervisor)

**A Dissertation Submitted to
the Institute for Peace and Security Studies (IPSS)**

**In Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy in
Peace and Security Studies**

Addis Ababa University

Addis Ababa, Ethiopia

April 2015

**THE SUDAN AND SOUTH SUDAN CONFLICT OVER ABYEI SINCE THE 2005
COMPREHENSIVE PEACE AGREEMENT**

By: Getachew Zeru

Approved By: _____

Principal Supervisor

Signature

Date

External Supervisor

Signature

Date

External Examiner

Signature

Date

Internal Examiner

Signature

Date

Chair Person

Signature

Date

Abstract

The objective of the study is to investigate and analyze the major factors that precipitate the conflict between the Sudan and South Sudan over Abyei in the aftermath of the 2005 Comprehensive Peace Agreement. In doing so, a qualitative case study research method was used. The conflict over ownership of Abyei's renewable and nonrenewable resources has become a contentious issue between the Government of Sudan and the Government of South Sudan. The situation became more complicated when the Ngok Dinka and Humr Misseriya endure strong but damaging mutual reciprocal relations with their respective governments. Moreover, lack of agreement on who should be considered a resident of Abyei between the two governments derailed the Referendum on Abyei's future status. Given historical experiences and the issue of identity, the Humr Misseriya have rejected the Abyei Protocol and other subsequent agreements/ decisions and proposals. Because of political and economic reasons, the Government of Sudan is also behind the Humr Misseriya's concern. For long time, the two communities had been resolving their conflicts using traditional values and customs, in recent time, however, these values and customs are not functional as traditional leaders from both communities are manipulated by the political elites in Sudan and South Sudan. To rectify such predicament, the two governments and communities need to work for their mutual benefits based on agreed principles set out in Abyei Protocol, as well as those stipulated by the Permanent Court of Arbitration (PCA) and African Union High-Level Implementation Panel (AUHIP). This line could, in the final analysis, lead to the building of durable peace in Abyei and other contested areas across the border of the two countries.

Key words: Abyei, Abyei Protocol, Ngok Dinka, Humr Misseriya, Sudan, South Sudan, CPA, political economy.

Acknowledgements

Thanks to God, I have been blessed with selfless people without whom the completion of this study would have been impossible. I am most grateful to my principal supervisor, Prof. Habtamu Wondimu for his scholarly enlightening supervision, intellectual guidance and unreserved constructive comments throughout the entire research process. From day one, he has shown great interest in my study and has been the driving force ever since. I would also like to express my honor and appreciation to my external supervisor, Prof. João G. Porto for his dedication, fruitful advice and suggestions. Without the support, encouragement, understanding and patience of my principal and external supervisors, this dissertation would have been impossible. Moreover, Lorraine Cunningham, a professional language editor based in the US, deserves a special gratitude for editing my dissertation flawlessly. The author also wishes to extend invaluable gratitude to Dr. Sunday Okello, who has rich knowledge and experience on this subject matter, for providing insightful Comments.

UPEACE, IPSS and AAU have been instrumental in the completion of my work as they granted me financial supports just at the right time. I cannot even imagine how my study would have been possible without the generous help from these institutions. I am particularly grateful to UPEACE, which covered the lion's share of my expenses in Abyei, Khartoum and Juba.

I am greatly indebted to all my informants who devoted their time to share credible information and wittingly answered questions as well as offered valuable support during

field research in Abyei, Juba, Khartoum and Addis Ababa. I especially thank UNISFA for allowing me enter to Abyei area and providing me logistical support to meet my informants in the area. My warmest and honorable thanks also go to my colleagues and friends at the IPSS as they have been a source of inspiration for their commitment to follow up my progress closely and intimately.

It would be great injustice not to acknowledge the moral, financial and technical support provided me by Mekelle University. Let me do that now. Thank you!

To sum up, it is not possible to list all the people that contributed to the successful conduction of the study and production of this dissertation. Their concerted, collective and unselfish effort is however warmly appreciated.

Acronyms and Abbreviations

SSP	Satellite Sentinel Project
ABC	Abyei Boundaries Commission
APT	Abuja Peace Talks
ARC	Abyei Referendum Commission
ARFP	Abyei Referendum Facilitation Panel
AUHIP	African Union High-Level Implementation Panel
AUPS	African Union Peace and Security
CEDZ	Common Economic Development Zone
CPA	Comprehensive Peace Agreement
DDR	Demobilization, Disarmament and Reconciliation
DOP	Declaration of Principles
DUP	Democratic Unionist Party
GNU	Government of National Unity
ICJ	International Court of Justice
IDPs	Internally Displace Peoples
IGAD	Inter- Governmental Authority on Development
IGADD	Inter-Governmental Authority on Drought and Development
IPF	IGAD Partners' Forum
JEM	Justice and Equality Movement
JIU	Joint Integrated Units
LRA	Lord's Resistance Army
NCP	National Congress Party
NIF	National Islamic Front
OAU	Organization of African Unity
PCA	Permanent Court of Arbitration
PDF	Popular Defense Force
SAF	Sudan Armed Forces
SOFA	Status of Forces Agreement
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
SPLM/A	Sudan People's Liberation Movement/Army
SPLM-N	Sudan People's Liberation Movement-North
SRF	Sudan Revolutionary Front
SSLM	Southern Sudan Liberation Movement
TBC	Technical Border Committee
TCRMs	Traditional Conflict Resolution Mechanisms
TMC	Transitional Military Council
UNISFA	United Nations Interim Security Force for Abyei
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in South Sudan
UNSC	United Nations Security Council

Table of Contents

Abstract.....	IV
Acronyms and Abbreviations	VII
Chapter One: Introduction	1
1.1 Background.....	1
1.2 Statement of the Research Problem	4
1.3 Objective and Research Questions of the Study.....	8
1.4 Research Methodology.....	10
1.5 Ethical Considerations.....	16
1.6 Validity	17
1.7 Significance and Scope of the Study	18
1.8 Organization of the Study	19
1.9 Limitations of the Study	21
Chapter Two: Political Economy Approach towards the Abyei Conflict	22
2.1 Introduction	22
2.2 Natural Resource Conflict.....	24
2.2.1 Scarcity and abundance	26
2.2.2 Territorial conflict	32
2.3 Political Dimensions towards the Abyei Conflict	38

2.3.1	Political manipulation in conflict situation	38
2.3.2	Colonial legacy as a source of conflict	40
2.3.3	The conception of Traditional Conflict Resolution Mechanisms	43
2.3.4	Trust/distrust as factors in conflict	47
2.4	Conclusion	50
Chapter Three: An Overview of the Sudan and South Sudan Conflict		54
3.1	Introduction	54
3.2	Historical Contexts of the Conflict between the Sudan and South Sudan	56
3.2.1	The Sudan and South Sudan conflict prior to the CPA	56
3.2.2	The Comprehensive Peace Agreement	72
3.2.3	Challenges to the implementation of the CPA	78
3.3	Conclusion	87
Chapter Four: Historical Genesis and Context of the Abyei Conflict		89
4.1	Introduction	89
4.2	Geo-Cultural Context	90
4.3	History of Abyei before Independence of Sudan from Colonialism	92
4.4	Abyei from 1956 to 2005	100
4.5	Abyei in the Context of the CPA	103
4.6	Conclusion	108
Chapter Five: Implementation challenges of the Abyei Agreements		111

5.1	Introduction	111
5.2	Equivocal Feelings towards the Abyei Protocol	112
5.3	The PCA Decision and its Implementation	115
5.4	Responses to the AUHIP Proposal on Abyei	120
5.5	AU’s Failure to Address the Abyei Problem	128
5.6	Failure of the International community	131
5.7	Conclusion	134
Chapter Six: Controversy over the Abyei Referendum		138
6.1	Introduction	138
6.2	Context of Other Sudanese in the Abyei Referendum	139
6.3	Controversy of Ownership of Land and Permanent Resident in the Context of the Abyei Referendum	146
6.3.1	Controversy of ownership of land in the context of the Abyei Referendum	146
6.3.2	Controversy of permanent residence in the Abyei Referendum	148
6.4	The Fate of Abyei without Referendum	154
6.5	Conclusion	158
Chapter Seven: State-Society Relations over the Abyei Conflict		160
7.1	Introduction	160
7.2	The Government of Sudan versus Humr Misseriya Relations	161

7.3	Distrust and Humr Misseriya’s Past Experience-based Fear	165
7.4	The Government of South Sudan versus the <i>Ngok Dinka</i> Relations	168
7.5	Strategies and Behaviors Followed by the Government of Sudan.....	174
7.5.1	Strategies followed	174
7.5.2	Behaviors followed	176
7.6	Conclusion.....	187
Chapter Eight: Resource Based Conflict over Abyei and the Role of TCRM		191
8.1	Introduction	191
8.2	Resource-Based Conflict over Abyei	192
8.2.1	Renewable resource-based conflict	192
8.2.2	Nonrenewable (Oil) resource-based conflict	195
8.3	The Role of Traditional Conflict Resolution Mechanisms	202
8.3.1	The prospect of TCRM in addressing the Abyei conflict	206
8.4	Conclusion.....	215
Chapter Nine: Synthesis and Reflections.....		218
9.1	Ownership of Abyei from Historical Perspective	218
9.2	The Abyei Conflict from Natural Resources Conflict Perspective	220
9.3	Political Dimensions of the Abyei Conflict.....	224
9.4	The Feasibility of TCRMs in Addressing the Abyei Conflict	229
9.5	The Concept of Distrust from the Abyei Conflict Perspective.....	231

Conclusions and Recommendations	234
Summary of the Research.....	234
Implication of the Research.....	238
Recommendations	241
Notes	246
References	256

Maps and Figure

Map 1: Location of Abyei (between the Sudan and South Sudan)	XIII
Map 4.1 Abyei PCA boundaries	90
Map 4.2 <i>Ngok Dinka</i> 's Settlement area	93
Map 4.3 <i>Misseriya</i> 's Settlement Area	95
Map 4.4 Comparative Map of ABC and PCA.....	106
Map 4.5 Abyei and nearby Oilfields.....	108
Map 8.1 Abyei Oil and Pipeline.....	198
Fig 2.1: Model Specification	53

Appendix

Map 1: Location of Abyei (between the Sudan and South Sudan)



Source: Adopted from UN Cartographic Section (2014)¹

¹(<http://www.un.org/Depts/Cartographic/english/htmain.htm>)

Chapter One: Introduction

1.1 Background

Civil war has plagued Sudan ever since it gained independence from Britain on January 1, 1956. By the time independence was achieved, the civil war between the north and the south of the country had already erupted. Apart from a period of ten years, from 1973 until 1983, relations had never been peaceful until the Comprehensive Peace Agreement (CPA) was signed between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) in January 2005. During the 22-year civil war in the country, more than two million people died, four million internally displaced, and an estimated 600,000 sought shelter beyond Sudan's borders as refugees (Chr. Michelsen Institute, 2011). The main underlining causes which fuelled the civil war were varied but they include demand for economic, political, legal, religious, social and cultural equality; competition over natural resources; resistance of racial, religious and ethnic discrimination (Ibid).

Prior to Sudan's independence, the *Ngok Dinka* living in the Abyei area and the *Humr* branch of the *Misseriya* Arabs, who traveled seasonally with their cattle southward into Abyei from Muglad and Babanusa to access grazing land and water, had a long history of relative peaceful co-existence. However, atrocities committed against the civilian population in Abyei during the first Sudanese civil war (1956-1972) caused divisions and violence between the *Ngok Dinka* and *Humr Misseriya*. After the mass killing of *Ngok*

Dinka civilians by a group of *Humr Misseriya* in the town of Babanusa in 1965, many *Ngok Dinka* increasingly looked to the Southern cause, while many *Humr Misseriya* looked to the government for support (Jiménez, 2010).

The 1972 Addis Ababa Agreement, which ended the first civil war, promised a Referendum in Abyei to determine its status as either part of the North or South. However, the Government of Sudan under President Nimeiri's leadership did not allow the Referendum to take place (Sudan Tribune, 2011b). This refusal pushed some *Ngok Dinka* to join the *Anya Nya II* guerrilla group (successors of a Southern Sudanese separatist rebel army formed during the first Sudanese Civil War) in the final years of the Addis Ababa Agreement and was instrumental in the formation of the SPLA in 1983. During the beginning of the civil war, the Government of Sudan and the *Humr Misseriya* militias launched series of attacks against their Southern neighbors, including the *Ngok Dinka*. As a result, many *Ngok Dinka* became affiliated with the SPLM/A (Johnson, 2008; Jiménez, 2008). Invariably, Abyei had long been a critical flash point, but a new dynamic was added when oil was discovered in 1979 (International Crisis Group, 2010).

A number of external actors such as neighboring countries, concerned donors and other states made several attempts to bring the conflict to an end. However, the immense complexities of the war and the lack of political will made the search for solution elusive. In 1993, the Heads of State of the Intergovernmental Authority on Drought and Development (IGADD)² launched an initiative to bring the parties together; the

² The initial objective of IGADD was to tackle drought and desertification in the sub-region in a cooperative manner. But, insecurity continued to challenge economic, social and political

beginning of a long process that led to the signing of the CPA. In supporting this regional peace initiative, the role of the United Nations had been instrumental (Chr. Michelsen Institute, 2011). In March 2005, for instance, the UN Security Council Resolution 1590 authorized the United Nations Mission in Sudan (UNMIS) to support the implementation of the 2005 CPA (UNMIS, 2011).

Under the mediation of IGAD, the Government of Sudan and SPLM/A signed the CPA in Naivasha, Kenya, on 26 May 2004, which included the Protocol on the resolution of conflict in Abyei and other five comprehensive Protocols (Ibid). The Abyei Protocol stipulated that the residents of Abyei would make a Referendum simultaneously with the Referendum for the South Sudan, to decide whether to remain in Sudan or join South Sudan (UNMIS, 2009). Unfortunately, even though South Sudan, which predominantly depends on oil revenue³, formally seceded from Sudan on 9 July 2012, following the January 2011 Referendum, the Abyei Protocol has not been implemented and the Referendum has not gone ahead (UNSC, 2011b). Moreover, even though it was hoped that the secession of South Sudan can bring relative peace to both countries, there are continued concerns regarding the status of Abyei, security, borders, and resources that need to be addressed.

developments, IGADD member states decided to confront these problems collectively, which led them to extend the mandate of the organization to include political and humanitarian division. Following this, the organization changed its name to Intergovernmental Authority on Development (IGAD) on 21 March 1996 at the second Extraordinary Summit in Nairobi through an agreement reached by the Heads of state and government (Terlinden, 2004).

³ Following the referendum, South Sudan was expected to assume control of about three-quarters of Sudan's current oil production of 490,000 barrels a day, pumped mainly by China National Petroleum Corporation, PETRONAS (Malaysia's *Petroleum Nasional Berhad*) and India's Oil & Natural Gas Corporation (Richmond, 2011).

As soon as South Sudan declared its independence, the UNSC's resolution 1996 (2011) established the UN Mission in the Republic of South Sudan (UNMISS) to take over from the UN Mission in Sudan (UNMIS) (UN News Center, 2011). Similarly, the United Nations Security Council (UNSC) unanimously authorized the deployment of 4,200 Ethiopian peacekeeping forces to Abyei area after leaders from Sudan and South Sudan signed an agreement in Addis Ababa brokered by the African Union to fully demilitarize the area. The resolution establishes a new UN peacekeeping force, called the United Nations Interim Security Force for Abyei (UNISFA). According to the resolution, the Ethiopian force had the mission of demilitarizing activities in and around Abyei, and ensuring peace in the area. Its purpose is mainly to protect civilians, maintain a buffer zone and create peaceful environment that would allow the conduct of the Referendum on the contested area of Abyei (Sudan Tribune, 2011c). Moreover, acting under Chapter VII of the United Nations Charter, the Council also authorized UNISFA to take all necessary actions within its capabilities and its area of deployment (UNSC, 2011a).⁴

1.2 Statement of the Research Problem

The 2005 CPA was the culmination of more than two decades of civil war, and two and half years of rigorous negotiations between the Government of Sudan and SPLM/A. Even though South Sudan has become Africa's newest state, and the 193rd member of the United Nations, it is still unable to escape the multifaceted challenges.

⁴ Acting under Chapter VII of the United Nations Charter, the Council also authorized UNISFA, within its capabilities and its area of deployment, to take all the necessary actions to protect United Nations personnel, facilities, installations, and equipment; ensure the security and freedom of movement of United Nations personnel, relief workers and members of the Joint Military Observers Committee and Joint Military Observer Teams; It also authorized the use of force to protect the area "from incursions by unauthorized elements" (UNSC, 2011a).

While not diminishing the importance of other areas of Sudan and South Sudan, including Southern Kordofan, Blue Nile, Darfur and the civil war in South Sudan, a broad consensus holds that Abyei is a major irritation in the evolving conflict between Sudan and South Sudan deserving critical attention.

As a “geographic bridge” along the border of the two countries (see Map 1), Abyei embodies many of the core issues and requirements in the CPA. The CPA provisions especially pertaining to the Abyei Protocol, articulated clearly that the Referendum in Abyei should be carried out simultaneously with South Sudan Referendum in January 2011 to gauge the opinions of its inhabitants (the Nine *Ngok Dinka* Chiefdoms and other Sudanese residence of Abyei) on whether they wanted to become part of Sudan or South Sudan. During the negotiations, the critical question was the issue of the territorial entity that was transferred from Bahr el-Ghazal to Kordofan by the British Colonial administration in 1905. In an attempt to answer this question, the Government of Sudan and SPLM/A agreed to establish the Abyei Boundaries Commission (ABC) to delineate the geographic boundaries defined in the Abyei Protocol. While the ABC decision was endorsed by the SPLM/A, it was rejected by the Government of Sudan. After three years of deadlock and a series of violent clashes in 2008, the parties referred the dispute to the Permanent Court of Arbitration (PCA), in The Hague. Despite the fact that the Abyei Tribunal announced its final award in 2009, its decision so far has not been fully implemented. Moreover, the 2012 proposal presented by the African Union High-Level

Implementation Panel (AUHIP) has been rejected by the Government of Sudan and *Humr Misseriya*.

The issue of voting eligibility in the Abyei Referendum is another of the central problems between the two governments. The Government of Sudan argued that there should not be a Referendum in Abyei without the participation of *Humr Misseriya* pastoralists. However, giving them the right to vote is inconsistent with the precedent of the Southern Referendum Act, which did not give seasonal migrants the right to vote in the South Sudan Referendum. The *Ngok Dinka* and the Government of South Sudan have a legitimate fear that if the *Humr Misseriya* pastoralists are given voting rights in the Referendum, the Government of Sudan might robustly flood the territory with pro-Sudan *Misseriya* people in order to tip the Referendum in favor of unification. Indeed, well before the referendum, the Government of Sudan had been encouraging settlements of *Humr Misseriya* in the northern part of Abyei to take up permanent residence in the area beyond the seasonal migration period (Craze, 2011). Given these fears and *Humr Misseriya* pastoralist's quest to own land (rather than enjoying land-use rights), the Government of South Sudan has been rejecting a Referendum that allows for the involvement of *Humr Misseriya* pastoralists.

Underlying the right to vote, there are several political-economy factors contributing to instability in Abyei. Despite the fact that the PCA placed most of the contested oilfields (Heglig and Bamboo) out of Abyei (i.e. in the Sudan), it was obvious that the Government of Sudan still wanted to retain control of existing oil fields in Diffra as well

as potential lucrative oil reserves throughout Abyei. As a strategy, for example, the *Humr Misseriya* have been used as proxy militias by the government in the northern part of the territory to remove *Ngok Dinka* inhabitants and open up a pathway to the exploitation of the oil reserves. Even today the Government of Sudan maintains control of Diffra using a police force that remains in the territory in violation of several UN Security Council resolutions.

Despite affirmations in the Abyei Protocol, the PCA Report and the AUHIP proposal, the *Humr Misseriya* also continued to fear the loss of their grazing and water access rights if the Abyei Protocol is fully implemented. Their fears emanated from past experiences with the SPLM/A, in which became difficult to separate traditional rights from national politics. To avert such fears, the Government of Sudan encouraged the *Humr Misseriya* to look to Abyei as their area, and to achieve development upon taking the land. For this reason, in 2008 and in 2011, the Sudan Armed Forces and *Humr Misseriya* militias invaded Abyei; a situation that resulted in thousands of human casualties and total destruction of Abyei (UNOCHA, 2012).

The age-old traditional conflict resolution mechanisms (TCRMs) practiced by *Humr Misseriya* and *Ngok Dinka* peoples to prevent a larger conflict between them are neither well publicized nor supported by the two governments. Rather persisting differences are politicized in such a way as to create deep enmity between the two communities stirring at the grassroots level. Consequently, no attempts to empower the local traditional leaders

were made. This, combined with the aforementioned intricate political and economic discrepancies, left the situation in Abyei at an impasse.

Finally, despite the fact that there are some studies on the Abyei conflict, most of them are reports, legal documents and conference papers. Even these documents were not produced based on scientific research methods. Moreover, they are delimited to the causes and consequences of the conflict. Therefore, the researcher is convinced that there is a conceptual and empirical research gaps on the Abyei conflict, particularly from the perspective of the political economy of conflict; and in doing so he used the narratives from the key informants stated in Appendix 1 so as to identify the gaps this study envisaged in the empirical and conceptual research.

1.3 Objective and Research Questions of the Study

The study has the following general and specific objectives:

General objective

The general objective of the study is to investigate and analyze the major factors that have precipitated the Sudan and South Sudan conflict over Abyei since the 2005 CPA. In doing so, the research investigates the obstacles in implementing the Abyei Protocol, the PCA and AUHIP proposal, and their adverse effects on peace and stability in the two Sudans. It further continues to analyze the reasons behind the futility of the TCRMs of the *Humr Misseriya* and *Ngok Dinka* peoples.

Specific objectives

1. To investigate the reasons behind the failure to implement the Abyei Protocol, the PCA decision, and the AUHIP proposal.
2. To investigate the political, historical and legal basis to control Abyei and its resources.
3. To analyze local perceptions by *Humr Misseriya* and *Ngok Dinka* on the Abyei conflict. This objective will be achieved by:
 - Investigating why and how the *Humr Misseriya* community is encouraged by the Government of Sudan to settle in and look at Abyei as their own.
 - Examining why the TCRM of *Humr Misseriya* and *Ngok Dinka* peoples are not workable to resolve the Abyei conflict.

Research questions

The leading research questions are:

1. What are the political, historical and legal grounds for the Sudan and South Sudan claim to own or control Abyei and its resources? This question poses why the Abyei Protocol, the PCA decision and the AUHIP proposal have not been fully implemented?
2. How do the *Humr Misseriya* and the *Ngok Dinka* perceive the conflict in Abyei? This question poses:
 - Why the Government of Sudan encouraged the *Humr Misseriya* community to settle in and look at Abyei as their own?
 - Why the TCRM is not workable in the Abyei case?

1.4 Research Methodology

In this study, the concept of political economy of conflict is used as a lens to study the conflict between the Sudan and South Sudan over Abyei. In doing so, qualitative case study methods are used to reach a comprehensive understanding of the issues at stake. According to Yin, case study is an empirical enquiry that investigates a contemporary phenomenon or object within its real-life context. While in some studies such as the Abyei conflict, the case may be a physical setting that is easily identifiable; in some instances it may be abstract and intangible (Yin, 2003). Looking at it from different vantage points and to validate one set of finding against the other or validate the conclusions that are drawn at the end by presenting converging and diverging results obtained through examination of primary and secondary data.

The researcher surmises that the Abyei conflict is one of series conflicts between the Government of Sudan and the Government of South Sudan. In this regard, Douglas H. Johnson has listed seven main disputed areas between the two countries, where international conflict is predictable, or already manifest. These are: the Abyei Area; the *Malwal–Rizeigat* boundary between Southern Darfur and Northern Bahr al-Ghazal states; the *Kafia-Kingi* and *Hofrat en-Nahas* area of Southern Darfur and Western Bahr al-Ghazal states; the oil blocks of Unity and Southern Kordofan states; the mechanized farming areas of Southern Kordofan and Blue Nile states along with the Upper Nile state boundary; the *Chaliel-Fil* area of Blue Nile state which had been part of Upper Nile before independence of South Sudan; and the northern boundary line of Upper Nile state (Johnson, 2010).

Data generation techniques

The study depended on first hand data gathered during fieldwork mainly in the Abyei area, as well as in the capitals of South Sudan and Sudan, Juba and Khartoum respectively. Data collection methods involved the use of multiple data gathering tools to investigate the same phenomenon so as to improve the validity of the data collected (Babbie, 2007). Thus, the following qualitative data collection techniques were used during the study.

- **In-depth Interviews**

The researcher used in-depth interviews with key informants among the communities of the Nine Chiefdoms of *Ngok Dinka*, and *Humr Misseriya* as well as with academics and senior officials of key institutions such as the AU, UN and IGAD. As stated in Table 1 and Table 2 of Appendix 1, informants were selected purposefully based on their social, political and cultural status as well as knowledge of the issue. All in-depth interviews with key informants were conducted face-to-face in the native language for most of *Ngok Dinka (Dinka)* and *Humr Misseriya (Arabic)* and in English for government and IGO officials and experts. The researcher used tape recording and photographing with the consent of the participants.

The goals of the in-depth interviews are to understand the nature, causes, and effects of the Abyei conflicts; the attempts and challenges to resolve the conflict; the political and economic factors involved in the conflict; the roles of TCRMs; the reasons for the failure

of the successive agreements (the Abyei Protocol, the PCA decision and the AUHIP proposal) (see Appendix 1). Accordingly, open-ended or semi-structured questions⁵ were prepared to interview the key informants.

Furthermore, in-depth interviews offered critical insights into contrasting views or behaviors and provided an entry point for the researcher to understand the meaning of such attitudes and behaviors. It also allows for inductive and holistic understanding of human experience, behaviors and actions, and constructed meanings in context-specific settings (Patton, 2002).⁶

During the interviews, the researcher was free to pursue clarification or a more in-depth response where necessary, and each participant was given the opportunity to offer a personal opinion. This freedom of interaction between the interviewer and participant is one of the advantages of qualitative research. An interview with each informant lasted approximately from 75 to 100 minutes.

⁵ In a semi structured interview, the interviewer has a general idea of where he or she wants the interview to go, and what should come out of it, but does not enter the interview with a list of pre-determined questions. Topics and issues rather than questions determine the course of the interview (Jwan & Ongondo, 2011). Thus, the researcher used open-ended questions with a primary intent of developing themes from the data.

⁶ Interview is a technique of generating data through direct verbal interaction between individuals. “We interview people to find out from them those things we cannot directly observe. The issue is not whether observational data are more desirable, valid, or meaningful than self-report data. The fact is that we cannot observe everything. We cannot observe feelings, thoughts, and intentions. We cannot observe behavior that took place at some previous point in time. We cannot observe how people have organized the world and the meanings they attach to what goes on in the world. We have to ask people questions about those things.” The purpose of interview is also “to allow us to enter into the other person’s perspective We interview to find out what is in and on someone else’s mind ...” and to collect their views (Patton, 2002, pp. 340-341).

- **Focus group discussion**

As stated in Table 3 of Appendix 1, the researcher used four groups (two each from *Ngok Dinka* and *Humr Misseriya*) to conduct focus group discussions. The initial plan was to conduct eight sessions. However, most participants were not willing to attend the discussion because of other priorities. All group members were selected through purposive sampling based on their social status. It was very important to collect group perspectives as well as understand their attitude and awareness towards the current situation in Abyei. During the focus group discussion, opportunity was given for every participant to express their thought on the questions listed in Table 4, 5 and 6 of Appendix 1. Each session of focus group discussion composed six respondents. After the FGD, a consensus was reached and the intense agreed opinions were recorded by the researcher. Although the discussants used their native language, it was not difficult to translate the findings into English language as each translator belongs to the same community.

- **Observation**

Observation is one of the key data generating techniques in qualitative research.⁷As observations consist of detailed descriptions of people's activities, behaviors, actions, and the full range of interpersonal interactions and organizational processes (Patton, 2002), this technique was employed to observe realities and to obtain accurate information in connection with the Sudan and South Sudan conflict over Abyei. It also provided the researcher chances of gauging the mood and body language of respondents such as nodding

⁷ The observer “gathers data ‘live’ from ‘live’ situations. The researcher is given an opportunity to look at what is taking place *in situ* rather than second hand (Jwan & Ongondo, 2011, p. 77).

the head, crying, smiling or laughing as signs of showing agreement or disagreement while debating over the subject of the discussion.

Moreover, the researcher attended different local, national and international conferences and workshops focusing on Abyei issue⁸. The researcher observed a fragile security environment and infrastructural damages in the Abyei areas because of the violent action and behavior of the Sudan Armed Forces and *Humr Misseriya* militias.

- **Archives and secondary sources**

In addition to published and unpublished materials, research and consultancy outputs of various organizations were consulted to substantiate the primary qualitative data that the researcher generated. In addition to official records, and with the view to establish true image for posterity, the bulk of historical documents relating to conflict in the Abyei area, institutional sources such as incident reports, peace and security quarterly, biannual and annual assessment reports, and evaluation documents by local, national, regional and international organizations, were examined. Moreover, relevant online documents were consulted.

Data-analysis, interpretation and discussion

While the unit of analysis is Abyei, the main levels of analysis are the two governments and the community leaders/elders of the *Ngok Dinka* and *Humr Misseriya*. Regional and

⁸ Such as Abyei community forum held on February 7, 2013 at Juba University; Sudan peacebuilding development project: conflict management held from August 19-22, 2014 in Debre-Zeit, Ethiopia.

international organizations are also considered as supportive levels of analysis. To analyze the data gathered, three steps were followed.

a. Transcribing the data

The audio recordings of the interviews conducted in the local language were translated and transcribed into word documents in English. Since in-depth interviews with government and IGO officials and experts were carried out in English, direct transcription was easier. Listening to audio recordings several times also allowed the researcher to become familiar with the data and achieve a higher level of engagement with the key issues.

b. Re-familiarizing with the data

At this stage, the researcher printed each transcribed documents and put markings on the print-outs for the purpose of re-familiarizing with them and preparing them for the next step.

c. Coding⁹ and thematically categorizing the data and producing the report

Once all the transcripts of in-depth interviews and focus group discussion were uploaded into the computer, the researcher coded the data in an orderly fashion with a view to generating patterns, themes¹⁰ and categories based on inductive analysis. For every

⁹ The reason for doing this is because every set of interviews (first, second or third) covers (usually) similar issues and are likely to yield similar codes that would cut across all the participants.

¹⁰ “Thematic analysis is a method for identifying, analyzing, and reporting patterns (themes) within data. It minimally organizes and describes your data set in (rich) detail” (Brauna & Clarke, 2006, p. 78).

research question, cross-information analysis was performed, bringing together answers from different key informants for some of the same questions to draw broader patterns with categories and sub-categories under each theme. Answers to each question from different informants were batched together.

Broad themes, categories and patterns arising from the transcripts were then grouped and documented accordingly, using relevant quotations to show or allow data to tell the story. All the key informants were coded, and their names were not used in quotations to protect their identity (Dunn, 2000). The understandings generated from the interviews and focus group discussions were supported by notes and memos taken from casual conversations in the field and from observation data, as well as from secondary sources. Finally, the researcher discussed the relationship between the results of the study and the stated research problems. In other words, the researcher made a comparison of the findings with information gleaned from the literature or conceptual framework to see if they aligned with the stated objectives of this study.

1.5 Ethical Considerations

Research dealing with human beings has to be guided by ethical considerations. Accordingly, the present study made conscious effort on every stage to avoid harms to respondents. This was done through: respect for human dignity, privacy, and autonomy; taking special precautions with vulnerable populations; and striving to distribute the

benefits and burdens of research fairly. The research instruments of used took cognizance of the same ethical considerations in mind.

To conduct the research meaningfully and effectively, the researcher kept in mind some of the major principles of ethics of research such as honesty, objectivity, integrity, carefulness, openness, respect for intellectual property, confidentiality, non-discrimination, legality, accountability, good treatment of informants, agreement of participants, mutual respect and fairness.

1.6 Validity

As Creswell (2003) rightly stated, validity is an essential instrument used to check strength of a research by determining whether the findings are accurate from the stand point of the researcher, the participant, or the readers account. Accordingly, the researcher used various techniques to check the accuracy of the research findings as highlighted below.

- Triangulated¹¹ different data sources by examining evidence from them and using same to build coherent analyses.
- Used rich, thick discordant to convey the findings. This transports readers to the setting and gives the discussion an element of shared experiences.

¹¹ Data accumulated by different methods but bearing on the same issue are part of what is called the multi-method approach. Different methods have different strengths and weaknesses. If they converge, they can give the researcher a reasonably confidence that he can get a true picture. This approach from different methodological standpoints is usually known as triangulation (Gillham, 2000).

- Presented negative or discrepant information that runs counter to the themes. Because real life is composed of different perspectives that do not always coalesce, discussing contrary information adds to the credibility of any account.
- Spent enough time in the field so as to develop an in-depth understanding of the phenomenon under study and conveyed detail about the site and the people that lends credibility to the narrative account.
- Used peer debriefing to enhance the accuracy of the account. This process involved locating a person who reviews and asks questions about the qualitative study so that the account will resonate with people other than the researcher.

1.7 Significance and Scope of the Study

It is hoped that this study will contribute to the increasing body of knowledge on the Abyei issue as well as the multifaceted dynamics of renewable and non-renewable (oil) resource conflict between the two sovereign Sudans. At the policy level, the study's findings will propose directions and policy options to both the Governments of Sudan and South Sudan to better manage the festering conflict. Besides, it will help regional, continental and international institutions (IGAD, the African Union and the United Nations) in their effort to bring peace in Sudan and South Sudan.

Doubtlessly, other scholars will also benefit from the research as the study's findings will increase the limited number of literature available on this issue and serve as a bridge for further research into security, peace and conflict concerns of the two Sudans. Similarly,

the study lays the basis for multidisciplinary approach¹² to understanding the Abyei conflict, and how to address it.

The study is confined exclusively to the Sudan and South Sudan conflict over Abyei since the CPA. This study examines it deeply and carefully in order to make the data manageable. The study is further limited to the two major ethnic groups in the area, namely *Humr Misseriya* and the Nine Chiefdoms of *Ngok Dinka*. In addition, in order to substantiate the research, the policies and practices of the two governments, regional as well as international organizations, in relation to Abyei, have received special attention.

1.8 Organization of the Study

This research is structured into nine chapters. The first chapter introduces the study. This chapter encompasses statement of the research problem, objective of the study, research questions, research methodology, ethical considerations, validity, significant and scope of the study and, limitation of the study.

Chapter two focuses on conceptual frameworks pertinent to framing and understanding the central theme of the study. This section attempts to conceptualize the political economy of conflict, with special emphasis on notions of resource scarcity versus abundance with regard to conflict; political manipulation during conflict situations; distrust and conflict, etc.

¹² Such as anthropology, law, history, economics and political science.

The third chapter reviews relevant literature on the Sudan and South Sudan conflict. The objective here is to understand the historical context of the conflict between the two Sudans, and how such conflicts affected the dynamics in the recent Abyei conflict.

The fourth chapter examines the historical claims to Abyei by the two conflicting parties, while chapter five deals with the reasons behind the failure of multiple agreements signed between the Government of Sudan and the Government of South Sudan. Both chapters discuss the conflict from the perspective of the two parties towards the Abyei Protocol; the PCA's decision and its implementation. As well, responses of the two parties towards the AUHIP Proposal on Abyei; and AU and the international community's failure to address the Abyei problem, were discussed.

Chapter six interrogates the controversy over Abyei Referendum, in the context of other issues such as ownership of land and permanent resident. It also discusses the fate of Abyei without Referendum.

Chapter seven examines how state-society relations are affected by the conflict in Abyei. This chapter deals with the Government of Sudan versus the *Humr Misseriya* relations vis-à-vis the Government of South Sudan versus the *Ngok Dinka* relations. It draws salient points from the experiences of *Humr Misseriya's*; and strategies and behaviors followed by the Government of Sudan in the Abyei conflict. The eighth chapter discusses resource based conflict over Abyei and the role of traditional conflict resolution

mechanisms while the last chapter, chapter nine, synthesizes the major points discussed in the dissertation with general conclusions and recommendations.

1.9 Limitations of the Study

To collect data, the researcher stayed one month each in Juba and Khartoum, and 20 days in Abyei before the declining security situation in that town became a rogue. Due to financial constraint also, it was not possible to return to Abyei; at least to attend the 2013 Unilateral Abyei Referendum. It should be noted that the Focus Group Discussions with all group members and in-depth interviews with some of the key informants were conducted in their native languages, which demanded more time, finances and effort to translate them into English.

Chapter Two: Political Economy Approach towards the Abyei

Conflict

2.1 Introduction

The first chapter covered among others, the background of the study, statement of the problem, research questions, research objectives and research method used for data collection and data analysis. This second chapter, however, deals with the conceptual framework for the study, with particular emphasis on the political economy of conflict.

The political economy of conflict focuses on the relationship between political and economic forces that shape the dynamics of conflict between two or more parties. With this view in mind, from Paul Collier to Philippe Le Billon and Karen Ballentine scholars have shown that the interplay between political issues and valuable natural resources play a critical role in triggering, prolonging and complicating conflicts. The political economy of conflict also shows that the overall political and economic causations as well as sustaining factors of conflicts arise because of internal and external actors as well as other extenuating factors. Apart from the primary conflicting parties, contemporary conflicts between Sudan and South Sudan have strong regional and even global linkages for political and economic reasons.

There is a rich body of knowledge on the political economy of conflicts: Paul Collier (2010), Paul Collier, Anke Hoeffler and Dominic Rohner (2008), Philippe Le Billon (2000 and 2001), Karen Ballentine and Heiko Nitzschke (2003), Karen Ballentine and

Jake Sherman (2003), Michelle R. Garfinkel (2008), Pyt S. Douma (2011), Gianfabrizio Ladiniin (2010), Abiodun Alao (2007), Necla Tschirgi (2004), David Keen (1998), Mats Berdal and David M. Malone (2000) to name some of the leading ones. For the most part, they discussed multifaceted political and economic factors that drive and prolong conflicts. To be able to fit into the present study, however, the dominant conception of the political economy of conflicts need to be broadened to introduce how it works in the context of conflicts over an actively contested territories such as the case between Sudan and South Sudan over Abyei.

Taking this gap into account, therefore, the study prefers to formulate a broader conceptual framework borrowing from relevant concepts and ideas from existing works on the political economy of conflicts. In fact, this approach is strongly supported by Joseph A. Maxwell who noted that:

Conceptual framework is a formulation of what you think is going on with the phenomena you are studying.....The conceptual framework for your research study is something that is constructed, not found. It incorporates pieces that are borrowed from elsewhere, but the structure, the overall coherence, is something that you build, not something that exists ready-made (Maxwell, 2009, pp. 222-223).

Joseph A. Maxwell further affirmed that to formulate ones own conceptual framework, existing theories and researches such as published works, unpublished papers and dissertations, conference presentations, and what is in the heads of active researchers in his/her field are crucial.

While not discounting the core assumptions of the political economy of conflicts, therefore, this chapter focuses on self-constructed narrative and graphic forms of conceptions of political economy of conflict within which the researcher situates his work/study. In this instance, the new narrative conceptions of political economy of conflict explicitly discusses relevant concepts such as the nature of natural resource conflicts, the roles of traditional conflict resolution mechanisms; trust/ distrust from conflict perspectives; and the game of political manipulation in conflict situation. The graphic form of conception of political economy of conflict is also represented by model specification as shown in the conclusion part of this particular chapter.

2.2 Natural Resource Conflict

Natural resources are those all natural substances found on or beneath the soil that when harvested or extracted are essential or useful to human beings and usable either for generating income or serving other functional purposes (Alao, 2007; United States Institute of Peace, 2007). Natural Resources can be classified into two broad categories: renewable and nonrenewable. Renewable resources are those that can be naturally replenished over time, such as plants/ crop land, forests, water, and animals. The process of replenishing may depend either on human activity or on natural processes. On the other hand, nonrenewable resources such as diamonds, minerals, metals, gas and oil are found in the earth in finite quantities, and their value increases as supplies decrease. Nonrenewable resources usually have greater value on the international market, which enables most developing countries to be active participants in the international economic system (United States Institute of Peace, 2007). They are typically valuable especially in

light of the global demand for energy and the increasing competition for natural resource wealth. Nonetheless, natural resources have also been known to play a key role in causing, motivating and fuelling conflicts (Kok, Lotze, & Jaarseveld, 2009).

Conflicts over natural resource have local, national and international dimensions. At a local level, most of the conflicts within a country occur between and among ethnic groups often over control of that resource. At the national level, governments can be challenged by one or more ethnic groups over the ownership claims to natural resources in a particular territory. A third level, which is very important for this particular study, is the international one where there is a disagreement between two countries over the ownership and control of an area with the presence of natural resources (Alao, 2007).¹³In this regard, Alao argues that natural resource and conflict are mutually constitutive in a situation where the presence of natural resource in an area constitutes a direct cause of the conflict; and, in a case where natural resource is used to fuel an existing conflict (Ibid).

According to Alao, natural resources can fuel conflicts in three ways. The first way is through the provision of revenue to sustain or prolong conflicts; the second, through the fierceness of wars to control natural resource sites; while the third way is through the increase in the number of local stakeholders. The aspiration to control regions endowed with natural resources has often increased the commitment with which conflicting parties prosecute wars, resulting in an increase of casualty records. In the fighting, the location

¹³ A good example of this type of international conflict is the Cameroon-Nigeria conflict over the Bakassi peninsular which is rich in oil and other resources (Alao, 2007).

of natural resources has always been a prime target for conflicting parties, and battles fought over these sites are often some of the fiercest. In one way or another, once there is an outbreak of a conflict that has a bearing on natural resources, multiple local stakeholders usually emerge, which complicate the situation beyond economic value (Alao, 2007).

Billon pointed out that resources influence possibly the type of violent conflict required and feasible to achieve political and economic motives (Billon, 2001). However, Ross believes that natural resources are not the only source of a conflict. Any given conflict is brought about by a multifarious set of events such as poverty, ethnic or religious grievances, and unstable governments. Therefore, natural resource related conflicts are often coupled with one or more of the above mentioned factors (Ross, 2003).

2.2.1 Scarcity and abundance

Scholars on natural resources related conflicts believe that it is either resource scarcity or the abundance of it that drives conflicts. Despite theories, which describe the risks, it is apparent that both scarcity and abundance can create environments that generate violent conflict. When resources are scarce or abundant, political instability makes countries much more vulnerable to conflict (United States Institute of Peace, 2007). Similarly, as Billon puts it by highlighting political economy approach, there are two perspectives that deal with causes of conflicts commonly known as resource scarcity and resource abundance (Billon, 2001).

Resource scarcity

Countries or people fight each other to secure access to valuable renewable or nonrenewable resources. In this case, the more scarce a resource, the more bitter the fight (Billon, 2001). Entities or countries that predominantly depend on the above mentioned resources face violent conflict when a condition of resource scarcity exists. In other words, it is essential to highlight that people become vulnerable to conflict when their access to livelihood resources is endangered (Muna, 2010). In this respect, Shettima & Tar argued that conflict or tension between multiple resource users is an inevitable phenomenon as the growing vulnerability and insecurity of livelihoods is caused by scarcity of natural resources (Shettima & Tar, 2008).

In most cases, if resources are limited relative to the demand for them, communities or countries are locked in conflict as the imbalance adversely affects their economic well-being or basic needs. This shows that international resource conflicts are inevitable as human populations and their demands continue to expand while supplies of many basic resources decline in both quantitative and qualitative terms (Giordano et al., 2005). In other words, resource conflict involves competing motives to gain control of scarce resources whereby the behavior and emotions of conflicting party are directed toward maximizing its gain (Fisher, 2000).

Scarcity of natural resources can lead countries to conflict in different ways. One of the ways is a country with poor resource might act as a conflict initiator in order to stop a competing country from accessing resources (Stalley, 2003) or to control the required

resources by military means (Wasson, 2007). Another way that resource scarcity may circuitously provoke military aggression on the part of neighboring countries comes as a result of the cross border migration and the ethnic tensions they trigger (Stalley, 2003). From this, one can easily infer that governments of countries with scarce resource endowments may resort to “aggressive foreign policy strategies to distract from the negative internal consequences of undersupply or to justify the reservation of scarce resources for the defense sector and [or the] societal elites” (Wasson, 2007, pp. 9-10).

Over population, excessive consumption, environmental degradation and greater resource depletion result the risk of escalating intrastate and interstate violence conflict. The situation may worsen when population migration increases demand for scarce resources such as water and pasture (Shettima & Tar, 2008). Similarly, from the neo-Malthusian conception of environmental security, conflict and natural resources, the degradation and depletion of renewable resources in the context of population growth forces the affected groups to capture the demanded resources using violent means. Moreover, to prevent internal violence from the deprived groups, governments may be encouraged to look far beyond their borders for resources which might be considered as cause for state expansion (Billon, 2001).

However, the issue of scarcity of resources as a cause of conflicts is challenged by many researchers who argue that resource scarcity does not play a major role as a primary cause of conflict. To them, problems originating from resource scarcity, overconsumption, and competition can be solved by technological innovations and

recycling. Furthermore, countries with scarce resource can have access to those resources through cooperation and international trade rather than pursuing deadly and costly conflicts (Strüver, 2010).

From ‘society-nature relationships’ perspective, Baechler argues that the common or competing interests of actors over the use of natural resources is an enduring fact of human life as the latter are an inherent part of “dialectical interactions” between human beings and nature. However, the scarcity of resources is neither dormant nor always active when it leads to violent conflict between resource users. Rather the amalgamation of common interest of two or more actors and competing interests of other often leads the contradicting parties to transform their relationship into positive and productive one. In fact, there are some exceptional cases in history when the competing interests prevailed over the common interests to the degree that the “running together of key factors intentionally led to violent struggles over access to resources in defined areas” (Baechler, 2010, p. 6).

Resource abundance

Different scholars claim that the abundance of resources would represent the ‘prize’ of state or territorial control thereby increasing the risk of armed conflicts. For instance, O’Hara argued that contrary to the widely acceptable principle that resource abundance aid economic growth and are helpful for political stability, most empirical evidence prove that countries economically dependent on the export of natural resources such as petroleum are at a higher risk of political turmoil and armed conflict (O’Hara, 2005).

Abundance of renewable and non-renewable resources increases the likelihood of armed conflict, largely in poor countries (Billon, 2001). For Morelli & Rohner, when the presence of antagonistic local ethnic groups coincides with abundance of natural resource concentrated in its region while none exists in the other region, the propensity for conflict is stronger (Morelli & Rohner, 2010).

In contrast, if valuable natural resources are either absent or evenly dispersed in neighboring areas, the probability for conflict is hardly inviting. For instance, Klare argues that in most cases resource conflict does not occur where valuable resources are absent. Conflicts over diamonds and timber, for instance, have been taking place in the countries that have them not in others. Therefore, there is little or no incentive to ignite conflict over non-existent resources, because the payoff from a successful confrontation is minimal. However, when there is high resource availability, the potential benefit, in terms of obtaining resources, from conflict begins to rise as belligerents gain coverage to act aggressively. From this, one can easily infer that it becomes difficult to maintain peace when the natural resources of a given area are very valuable (Klare, 2001).

Mirroring the same view, Starr and Thomas underscored:

Borders that coincide with natural frontiers or that traverse uninhabited regions or are seen as having little value are much less likely to provoke wars than dissimilar borders and border areas. First, governments appear less likely to act/react over low salience border areas. Governmental dispute behavior is affected by the degree of border 'vital-ness.' Neighboring countries sharing less vital border areas likely receive less governmental attention, and fewer meaningful events are likely to occur

along such borders, including conflict events (Starr & Thomas, 2001, pp. 15-16).

Foreign governments initiate conflicts within resource rich countries with the aim of securing access to or control of the natural resources. While the primary rationale can be greed-driven, it can also be the result of a nation's lack of vital resources at home. In principle, the strategies for realizing this objective range from the conquest of foreign territory to the displacement of opposing regimes, and then to the exercise of military pressure in order to either achieve major concessions in the distribution of the resource or secure an unobstructed supply (Strüver, 2010).

Most research on the political economy of conflicts in Africa show that natural resources, which are a gift of nature, could either be a blessing but mostly a curse. This is because of the negative effects which the presence of natural resources brings to most African states; and the prices which most states are paying because of the presence of such natural resources seem to override their benefits (Ballentine & Nitzschke, 2005). Likewise, Billon showed that how armed conflict and chronic political instability in many oil producing regions such as those in the Gulf of Guinea, the Middle-East and the Caspian region, as well as countries in scarce cropland regions, such as in the African Great Lakes region, have often influenced negatively the available resources on both vulnerability to and risk of conflict (Billon, 2001).

Nonetheless, there are also circumstances where resource abundance has not led to conflict (Muna, 2010). In words, the availability of natural resource is not in itself a

definitive predictor of conflict. It also points to the fact that the desires sparked by availability as well as people's needs, and the practices shaping the political economy of any resource trigger conflict.

Within the resource-abundance spectrum, therefore, there are important concepts related to the conception of political economy of conflict. These include greed and grievance, conflict over secession and vulnerability to foreign intervention, each of which has been extensively discussed by prominent authors mentioned in the introductory part of this chapter. However, such concepts are not discussed in this thesis as they are not directly related to the context of this research.

2.2.2 Territorial conflict

Many scholars state that natural resources provide a strong basis for territorial attachments as they might be considered crucial because of what a territory represents, such as a national homeland, or for what commodities are located there; or simply because of its agricultural fertility. Territorial conflicts may be directly or indirectly connected to the value of any natural resources found within it (Williams, 2011). In recent history, struggles over territories have been the most prevalent form of conflict as evident from land-induced and oil-induced conflicts, which are the subjects of the subsection that follows (United States Institute of Peace, 2007).

Land as a source of conflict

In Africa, land is indisputably the most important natural resource as it transcends economic benefits include a wide range of historical, cultural, spiritual, and political significance. However, because of its importance, land has posed many challenges and become a source of conflict in many parts of the continent. In relation to this, Alao stated:

Land is the place of birth; the place where the ancestors are laid to rest; the place which the creator has designated to be passed down to successive generations; and the final resting place for every child born on its surface. Consequently, every society in Africa sees land as a natural resource that is held in trust for future generations, and the sacredness of this trust lies behind most of the conflicts over land in the continent. What further makes land vital to any discussion on conflict is that it is the abode of most other natural resources a characteristic that means the controversies surrounding these resources often manifest through conflicts over the ownership, management, and control of land (Alao, 2007, p. 63).¹⁴

According to Alao, land-ownership conflicts are often extensions of boundary disputes, which can be caused by three major factors: historical claims, prestige, and control of borderline valuable natural resources. The conflict between Namibia and Botswana in the second half of 1990s is as an example of conflict over a piece of land on mutual borders (Kasikili to the Namibians, and Sedudu to the people of Botswana)¹⁵. Another well-

¹⁴ For example a peasant farmer said ‘Land means everything to us. All our life revolves round it. We cannot fold our arms while other people take our land. To be passive while others are encroaching on our land is like mortgaging the future of our children. Even the ancestors would turn angrily in their graves and rebuke us in no small measures. The implications are just too far-reaching’ (Alao, 2007, p. 63).

¹⁵ The conflict between Namibia and Botswana over Kasikili/ Sedudu piece of land had resulted in both countries mobilization and preparation to war in the second half of the 1990s prior to taking the case to the ICJ, where the territory was given to Botswana in 2001 (Ibid).

known example is the conflict between Ethiopia and Eritrea over Badime.¹⁶ In post-colonial Africa, there were several inter-state wars over disputed territorial/land claims. These includes among others Ethiopia versus Somalia in 1977/8, Uganda versus Tanzania in 1978/79, Ghana versus Mali in 1980s, and Mali versus Burkina Faso in 1986 (Francis, 2011).

Before the independence of South Sudan, conflict existed over lower lands between Kenya and Sudan known as the Ilemi Triangle. The land was claimed by Sudan, but is still, under Kenyan administration, as the natural grazing ground for the Kenyan Turkana herdsmen. Moreover, the case of Nigeria and Cameroon conflict over the ownership of some villages around Lake Chad can also be considered as a prominent example, especially related to this study. Like Botswana and Namibia, Nigeria and Cameroon took the case to the International Court of Justice at The Hague, which ruled in favor of Cameroon and the subsequent handing over to Cameroon in October 2003 (Alao, 2007).

Land conflict from pastoralists versus farmers' perspective

The conflicts between pastoralists and farmers represent some of the most controversial aspects of natural resource conflicts in Africa as both have different attitudes towards the land-tenure system. Across the continent, agriculturists have a more settled perception of land; either seen as a place of abode or as a source of livelihoods. On the other hand, pastoralists see the functionality of land, as a transient place where the animals can graze as they proceed on their journey in search of greener pasture. Due to their mobile

¹⁶ This was at the root of the war between the two states that claimed about 70,000 lives between 1998 and 2000. Ethiopia has rejected the ruling by an independent boundary commission, although the country has ruled out any further war with Eritrea on the disputed land (Ibid).

lifestyle, pastoralists do not have the kind of ownership mentality that their more sedentary agriculturists have (Alao, 2007).

There are essentially two types of pastoralists/ pastoralism, which are known as nomadism and transhumance. Pastoral nomads follow a seasonal migratory pattern that can vary from year to year. The timing and destinations of migrations are determined primarily by the needs of their herds for water and pasture (O'Neil, 2011). Of course, their movement usually follows fixed routes with careful scheduling based on rainfall and the presence of other herders. These nomadic societies do not create permanent home base, but rather live in tents or other relatively easily constructed dwellings the year round. Apparently, the entire families or groups move together with the herds (United Nations Environment Programme, 2006).

Transhumance pastoralists, on the other hand, follow a seasonal pattern of migration from one ecological zone with an established permanent home base to the other such that when the season ends, they return back to the areas where their permanent homes are located. Such type of pastoralists usually depend less on their animals for food than their nomadic counterparts. They often do small scale vegetable farming around their permanent homes. They also trade their animals in town markets for grain and other basic needs that they do not produce themselves (O'Neil, 2011).

Different studies have revealed that boundaries and territories have never had any meaning to pastoralist. As a result, scarcity of pasture and water is not a big challenge for

them as long as they enjoy freedom of movement without the limitations of moving across national borders. As long as they enjoy free movement, there will not recourse to violent conflict with other resource users, particularly farmers. When conflicts occur, they can use traditional conflict resolution mechanisms. However, if countries promote the policy of encapsulating pastoralists, who are historically and culturally mobile, within fixed but artificial boundaries, they are rendering them prisoners of limited spaces; exposing them to the vagaries of social and natural scarcities (Shettima & Tar, 2008). Often, communities come into conflict because of crop destruction by the pastoralists in the process of their movement; blocking of access by agriculturists to prevent movement of pastoralists and their animals; the retaliation for earlier clashes; and cattle rustling.

Oil as a source of conflict

Countries are eager to fight militarily for resources that are vital, of strategic nature, or have a high economic value. Like other sources of energy and minerals, access to oil is fundamental to a country's strength and prosperity. From the realist perspective, therefore, it is evident that access to oil is critical to guaranteeing that national power is boosted (Okbazghi, 2003).

The perspective of the political economy school of thought, however, argues that economic motivations are the driving forces for violent conflict in different parts of the world (Kaldor, Karl, & Said, 2007). For instance, since access to oil and other energy sources are integral parts of a country's national security strategy, a state may easily be prompted to take violent military action against another state perceived to be contributing

to that scarcity and lack of access (Holland, 2009). In view of this, Omoigui argued that due to the high level of profit involved in oil exploration and the influence it has on international politics, conflicts over the control of oil have become so rampant that an oil-rich country is bound to face either internal conflicts or conflicts with neighboring countries (Omoigui, 2013).

Conflicts over ownership of oil bearing sites often have three levels: (i) local, where the belligerents are often different ethnic or sub ethnic groups within a country; (ii) national, often between the government and one or more segments of community within the country; including armed dissidents and rebel groups; and (iii) international, between sovereign countries. At the local level, the conflicts are often associated to land, with different factions laying claims to the portion of land where oil has been discovered or is being explored. The key motivating factor for these conflicts is the belief that acquiring ownership of oil-rich land will attract the attention and interest of the central government, and thereby result in greater developmental benefits for the local community such as basic infrastructure services. The second level is similar to the first, except that the group fighting the central government over control of the oil is also challenging government's legitimacy (Alao, 2007).¹⁷

At the third or international level, disagreements over ownership of oil-bearing land have led to conflict between nations. Perhaps the best examples here are the conflicts between

¹⁷ Perhaps an example of this is the situation in the Sudan before the independence of South Sudan. Although the dispute in the country was not primarily over oil, it was latter a prime target for both sides in the civil war. It was believed that one of the reasons the northern part of the country was reluctant in agreeing to the secession attempt by the south was because of the oil deposit in the latter (Alao, 2007).

Nigeria and Cameroon over the Bakassi Peninsula; between Equatorial Guinea and Gabon over Mbagne Island in the Gulf of Guinea and Corisco Bay Islands; and between Nigeria and Equatorial Guinea over the Zafiro field (Alao, 2007).¹⁸

Conflict between or among communities in and around oil producing territory is an inevitable phenomenon as they tend to have adverse impact on the political economy of the affected country. At the center of most of these conflicts are issues like politics of ethnic identity and disagreements over resourceful land ownership. Such types of conflicts give clear indication of the political situation in the countries that are excessively dependent on the resource. In fact, there might be incontestable signs that some of the conflicts are sponsored and encouraged by governments as a tactic to possess the available resource essential for the survival of the regime (Alao, 2007).

2.3 Political Dimensions towards the Abyei Conflict

2.3.1 Political manipulation in conflict situation

Apart from economic value, territorial conflict can be triggered by political imperatives. For example, a territorial conflict may be taken as a tool by political leaders to gain,

¹⁸ Bakassi Peninsula, which lies at the border of Nigeria and Cameroon, has been a cause of tension between them for more than two decades. Latter, the case was ruled by the International Court of Justice (ICJ) and it ceded the territory to Cameroon. Similar example of a conflict of this nature is between Equatorial Guinea and Gabon over the disputed territory of the Mbagne Island in the Gulf of Guinea. Moreover, there was also disagreement between Equatorial Guinea and Gabon over the Corisco Bay Islands (three small islands). In 2003, the two countries appealed to the UN to help resolve their dispute. By the following year, both countries had signed a Memorandum of Understanding to jointly explore oil in the disputed region. Additional example is the dispute between Nigeria and Equatorial Guinea over the Zafiro field. Equatorial Guinea and Nigeria claimed that the field is part of their respective territories. After slight tension, in April 2002, a treaty was signed on the joint exploration of oil in the region (Alao, 2007).

protect or consolidate their power. By so doing, they can question claims of sovereignty over a contested territory by representing the state and the community, through which they can easily acquire loyalty from the people who are directly or indirectly attached with the territory. In this regard, Goertz and Diehl argued that claiming a territory may be particularly important to a government because of security related concerns. This implies that if a government faces threat from opposition armed groups around the contested territory, it tries to find ways to deal with such problem. Among other ways, they can mobilize the people of the country in general and the community around the contested area in the quest to exercise authority over the disputed territory. This type of strategy may enable them to get support from the affected communities to defeat protagonists around the area (Goertz & Diehl, 1992).

Mirroring the same view, Ashmore, Jussim and Wilder pointed out that when rival factions are political entities, social category-differentiation may be exacerbated through deliberate manipulation by group leaders in the interests of mobilizing collective action to secure or maintain political power or other motives. Such differentiation creates the fault lines in any social system that can be exploited for political purposes. This is especially true if a common threat is perceived from outsiders or an out-group, a move of loyalty and cohesion may sweep between the community and the regime through which they can avert any threat related to their political power (Ashmore, Jussim, & Wilder, 2011). For some communities in particular, and states in general, a territory may also have historical or symbolic importance because of economic or political connections in the past. Hence,

losing such a territory may negatively affect the relationship between the regime and citizens; especially those directly affected (Goertz & Diehl, 1992).

2.3.2 Colonial legacy as a source of conflict

The majority of territorial boundaries of African states are artificial creations, in the sense that the boundaries were laid down by different colonial masters, without taking into account the political, economic and socio-cultural realities of African peoples. For the most part, the major concern was how to divide the continent according to their wishes and desires. As Robbins stated: “The European agreements that had carved up Africa into states paid little attention to cultural and ethnic boundaries and ethnic groups had little opportunity or need to form political alliances or accommodations under repressive colonial rule” (Robbins, 2002, p. 302).

According to Alao, the artificial nature of African territorial boundaries, and the fact that they are ill-defined and permeable in nature, has always been a source of conflict among neighbors. The link between colonialism and resource conflicts in Africa is also understood because of the way multiple and different ethnic groups were brought together by former colonial masters to form nation states. Because of European national interest to acquire large colonies, ethno-cultural¹⁹ realities were not given sufficient attention thereby making it difficult for the post-independence African governments to create harmonious interstate or intergroup relations.

¹⁹ Culture is the core of the lives of most Africans and it defines their identity and shapes their personality making it very difficult to separate them from their culture. Any attempt to separate an African from his or her own culture can lead to series of conflicts (Nicholas & Baroni, 2010).

Even though the Organization of African Unity (OAU) Charter affirmed the inviolability of African states' borders, almost all the interstate conflicts in the continent during the first three decades after the 1960s were caused by competing claims over territories. In fact, some borders are imprecise; some are straddled by a large ethnic group considered strategic by one side of the border; some pass through strategic terrain desired by countries on both sides of the border; some borders passed by areas rich with natural resources all of which fell on one side of the border excluding the other country. Inexorably, one or a combination of any of these factors became the bases of a claim by one country or another to claim a territory which fell on the other side of the colonial border (Bujra, 2002).

The most prominent examples of colonial legacies, which have resulted in a series of border clashes/boundary disputes in the African continent include the boundary disputes between Ethiopia and its neighbors in the Horn of Africa; between Nigeria and its neighbors in West and Central Africa; and between the Democratic Republic of Congo and its neighbors within the Great Lakes region. Most of these disputes, especially the second and third examples have their origins not in the desire to make an ethno-cultural space coincide with the space of the state, rather in the struggle to control vital natural resources (Sama & Johnson-Ross, 2006).

In principle, well delimited or demarcated territorial boundaries are essential in maintaining stable relationship between neighboring countries as it addresses contested

issues related to monopoly of force, national security, and national sovereignty. It also helps to describe and identify identities, belongingness, and political affiliation. However, as mentioned earlier, most of the boundaries of African states curved by the colonial interest are not yet well demarcated or delimited. Instead of addressing such colonial legacies in a peaceful and amicable way, African governments have the tendency of outsourcing security matters to proxy militias and instrumentalist borderland populations in the interest of the central government, which heightens a risk of political instability both between sovereign countries and cross border societies (Weber, 2010). In doing so, they allow and encourage the flow of arms into the hands of rival tribal chiefs, warlords and ordinary tribesmen at the grassroots level. This action increases the incidence and severity of the conflicts when the conflicting groups use the arms against their traditional enemies (Pkalya, Adan, & Masinde, 2004).

Although the OAU, which is currently substituted by the AU, formally proclaimed that the existing colonial African borders should be maintained, the UN Charter and regional and international human rights treaties proclaim that people have the right to determine their political, economic, social and cultural status based on the principle of self-determination. For example, Article 1 of the International Covenants on Human Rights states that ‘all peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development’ (Shaw, 2008).

As enshrined in the 1975 Helsinki Accords on Declaration on Human Rights, ‘By virtue of the principle of equal rights and self-determination of peoples’, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development (Helsinki Declaration, 1975).

Moreover, Article 20 of the African Charter on Human and Peoples’ Rights, 1981 read:

All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community (OAU, 1981).

Such self-determination, however, may result in independence, integration with a neighboring state, free association with an independent state or any other political status freely decided upon by the people concerned and therefore threatens much of the existing power structure in the area (Shaw, 2008).

2.3.3 The conception of Traditional Conflict Resolution Mechanisms

One of the fundamental challenges that have confronted man in social history is that of the inevitability of conflict and disagreement in human relations. Historically, individuals, social groups and societies have disputed and competed against one another over scarce commodities and resources such as land, pasture, water, money, political power, ideology, etc. So as to control these resources and commodities, they have even fought one another and bitterly sought the elimination and/or subjugation of rivals

(Bacaron, 2010). But, at the same time, human societies and groups have found their own ways and means for averting and/or resolving such conflicts. In this regard, many conflict resolution analysts stress that in order to successfully address a given conflict, there is a need to adopt appropriate conflict resolution mechanisms in an environment in which the conflict occurs (Tsega, 2005).

Despite the fact that there are different types of conflict resolution methods, for the purpose of this study, the focus here is TCRM used by local actors and traditional communities to manage and resolve conflicts within or between communities (Osi, 2008). TCRM has helped to address conflicts among or between traditional communities; and they are closely bounded with socio-political and economic realities of the communities. TCRMs are also rooted to the culture and history of the people, and are in one way or another unique to each community (Emanuel & Ndimbwa, 2013).

Taking Africa as a reference, William Zartman affirms that conflict resolution mechanisms are considered traditional if ‘they have been practiced for an extended period and have evolved within African societies rather than being the product of external importation’ (Zartman, 2000, p. 7). Moreover, these mechanisms are unique, informal, communal, restorative, context specific, and diverse (Mutisi, 2009). Similar to the so-called modern peoples, traditional societies also have the right to participate in both domestic and international formulation of laws and policies as well as decision-making processes, through which they can play an important role in problem-solving mechanisms on lands, territories and natural resources. Moreover, they have the right to pursue

TCRMs as the primary means to redress grievances in these circumstances as they allow them to pursue remedies and resolve conflicts within their own cultural confines (Mutisi, 2009).

As mentioned earlier, conflicts over the control of and access to pastures, grazing land and water resources have existed since long history. Nevertheless, these conflicts were largely contained by the existence of strong traditional natural resource governing mechanisms. In most case, elders organize the daily use of available pasture and water, as well as the seasonal migrations to and from dry seasons grazing areas. Among traditional communities, elders have jurisdiction in facilitation, arbitration, and monitoring outcomes. Elders typically also possess moral status, seniority, neutrality and respect of the community. They are acceptable to all parties and demonstrate capable leadership capacity (Pkalya, Adan, & Masinde, 2004).

The most important elements involving in these mechanisms include the tradition of forgiveness, compensation and restitution. Compensation and restitution are payments made to victims of conflict which are intended either to remedy the current situation or compensate for past losses. Compensation and restitution can allow for some degree of normalization and potentially reconciliation to take place (OTPIC, 2005).

Empirical evidence, however, reveals that violent conflict in Africa has adversely affected traditional political and economic institutions, cultural traditions, values, customs, and norms that have historically sustained the cohesiveness, harmony, and

stability of local communities. Francis Deng observes that in postcolonial Africa, externally generated and directed processes of state formation tend to undermine traditional values, institutions, and patterns of problem solving and constraint to nation building. In fact, despite the legacy of colonially imposed states and institutions, African societies are still exercising their traditional values and customs, which helped them to preserve harmony and social stability. For instance, the reverence for elders in many African communities remains relatively intact. Institutions such as councils of elders are often the custodians of local traditions and the avenue for communal decision-making in conflict related issues. Thus, elders usually play leading roles in mediating and arbitrating conflicts between conflicting members of a community (Onwuka, 2009). However, their role is, in most cases bounded to their community only.

The study by Humer attested that there is little evidence from the literatures that resolution of conflicts through TCRMs is being encouraged by governments (Hamer, 1987). Rather, in many ways, just the opposite is true: TCRMs have been weakened significantly because of the modern state formation (Alemayehu, 2010). Most modern states prefer conventional Western approaches in resolving various types of conflicts (Kennesaw State University, 2012). This is basically related with modernization²⁰ and globalization as they have led to imposition of a new culture of adjoining societal traditional cultures with modern culture, politics, economics, and spiritualities, which

²⁰ Modernization often refers to changing something in order to make it conform to contemporary tastes, attitudes, or standards. The term has also been used to describe the far-reaching process by which peripheral nations move ‘forward’ from traditional or less-developed societies. This in turn disrupts the community’s sense of oneness. Once this is lost, conflicts are likely to arise, and the maintenance of a peaceful community weakens (Kilonzo, Kurgat, & Omare, 2009).

have often negatively affected the contribution of traditional belief systems to conflict resolution and peace-building (Kilonzo, Kurgat, & Omare, 2009). Similarly, Osi pointed out that those methods of conflict resolution became outlawed and have been forcibly replaced, compelling them to go underground (Osi, 2008). In other words, in modern political system, governments attempt to introduce laws and policies that oblige traditional leaders to be loyal to their system. Traditional leaders typically became sources of conflict in the community as they attempt to impose the policies and orders of the government on them (Kilonzo, Kurgat, & Omare, 2009).

Most of the available scholarly research maintains that TCRMs are still workable in addressing interpersonal, interfamily or inter-community conflicts at the grassroots levels over issues like land, water, grazing-land rights, fishing rights, marital problems, inheritance, local ownership rights, murder, cattle raiding, theft, rape, banditry, and inter-ethnic and religious conflicts (Pkalya, Adan, & Masinde, 2004). However, they fail to operate effectively in times of severe or protracted conflicts. In other words, TCRM may not have the capacity to handle a protracted and complicated conflict that involves different actors and interests as they are truly indigenous and unique to each community (OTPIC, 2005).

2.3.4 Trust/distrust as factors in conflict

Trust is an important value in any social system. It gives members of the same community confidence in each other, especially in their relationships and agreements. The greater the trust between and among parties, the more effectively they will be able to

live together and cooperate in the future, which will diminish the chances that the old conflict will re-occur, or a new unmanageable one will develop (OTPIC, 2005).

However, when trust is lacking, or in short supply, people will not believe what their opponents say; they will doubt their intent or motivation in any dispute resolution process, and they will fear that any promises their opponents make will be broken. For this reason, it can be very hard to start or finish a conflict resolution process when the level of distrust between the parties is high. Like many other aspects of conflict, distrust tends to rise as conflicts escalate. It is heightened as channels of communication are closed and misunderstandings begin to occur. The levels of trust or distrust in a relationship, therefore, definitely shapes the prospect or otherwise of conflict (Deutsch, Coleman, & Marcus, 2006).

Typically, disputants involved in an intractable conflict are very suspicious of each other, and are likely to be suspicious of any proposed conflict resolution process as well. Over time, they often developed negative prejudices or stereotypes, which lead them to view their opponents as permanent threatening adversaries (OTPIC, 2005). Mirroring the same view, Ashmore, Jussim and Wilder noted:

A strong relationship between intense in group favoritism and out group antagonism might also be expected in highly segmented societies that are differentiated along a single primary categorization, such as ethnicity or religion. And this would be especially true if the categorization is dichotomous, dividing the society into two significant subgroups. Such segmentation promotes social comparison and perceptions of conflict of

interest that give rise to negative attitudes toward out groups and high potential for conflict (Ashmore, Jussim, & Wilder, 2011, p. 34).

Sometimes negotiations can occur, and settlements can be developed before trust is established; however, to curb these stereotypes, trust-building is very important. In doing so, establishing personal relationship with people on the other side of the conflict is necessary. Relationships help to lessen many of the problems related to conflict escalation, and can be a forerunner to official and unquestionable negotiations. Once this change of attitude takes place, mutual understanding and trust can slowly be developed between adversaries. Although the parties still may have divergent interests or unmet needs, they can reach the point where they understand that their problem is a mutual one, and must be solved by cooperating rather than trying to destroy the other (OTPIC, 2005).

Trust also enables conflicting parties to develop complete reconciliation based on apology and forgiveness. According to John P. Lederach, reconciliation is "a meeting ground where trust and mercy have met, and where justice and peace have kissed." Thus, reconciliation brings people together, enabling them to grow beyond the past to re-establish a normalized, peaceful, and trusting relationship in the present. In fact, reconciliation is a very difficult and slow process; normally takes "as long to get out of a conflict as it took to get in it" (Lederach, 1994, p. 136).

One technique that stimulates reconciliation is to engage in joint projects with people on the opposing side of a conflict. If opponents can be brought together in some cooperative endeavor, they tend to break down their negative stereotypes, begin to depend on each

other, and start building normal, positive, trusting relationships. Once they learn to work together, and learn that they can, indeed solve problems together, then they become more willing to redefine their fundamental differences in terms of common problems and begin to work together in a cooperative way to solve those problems too (OTPIC, 2005). For conflicts that have been going on for decades or centuries, however, reconciliation cannot take place in weeks or months, sometimes not even in a few years (Lederach, 1994).

2.4 Conclusion

Recent empirical studies in international political economy have contributed substantially to understanding and explaining the conditions and circumstances through which renewable and non-renewable natural resource endowments may motivate, prolong or intensify violent conflicts. When disagreements over resources occur, it is obvious that states will use all their available capabilities to fight in the name of protecting their sovereignty. This kind of conflict is virtually understood as natural resource conflict.

Amongst scholars, however, there is an ongoing debate over whether resource scarcity or the abundance of natural resources is the most important drivers of conflicts. They also signify that natural resources provide a strong base for territorial attachments and territorial disputes, which are also directly or indirectly connected to natural resources such as land, oil, pasture and water.

Oil and land are indisputably the most important natural resource in Africa. For instance many people across the continent consider land as a natural resource that is held in trust

for future generations. Moreover, it is considered as the abode of most crucial natural resources. However, if ownership of the land is disputed, which has often occurred as extensions of territorial/boundary disputes, it can lead to violent conflict between groups of societies or countries. Similarly, oil has a high economic value, which is fundamental to a country's political/military strength and prosperity. For this reason, countries may fight militarily to secure such type of resource if they believe that controlling oil pursues their national interest objective.

The conflicts between pastoralists and farmers are some of the most controversial aspects of natural resource conflicts in Africa. Since pastoralist do not recognize national boundaries, it is not unusual for conflicts to erupt with effects to neighboring countries. In some cross-border areas, especially in those where there exist two or more distinctive cultural identities, there are many conflicts which are ethnically based, mainly over grazing land, cattle and water/rivers. Sometimes these inter-ethnic/tribal conflicts develop into armed fighting and invite states to manipulate the situation. However, the natural availability of any resource is not in itself a predictive indicator of conflict. Rather, the desires sparked by this availability as well as people's needs, and the practices shaping the political economy of any resource can spark conflict.

In most African states, TCRMs are not given sufficient attention as most countries still rely on conventional Western approaches in resolving various types of conflicts. Despite this, traditional mechanisms are still working in peripheries, especially to address inter-personal, intra-family, inter-family or inter-community conflicts at the grassroots levels

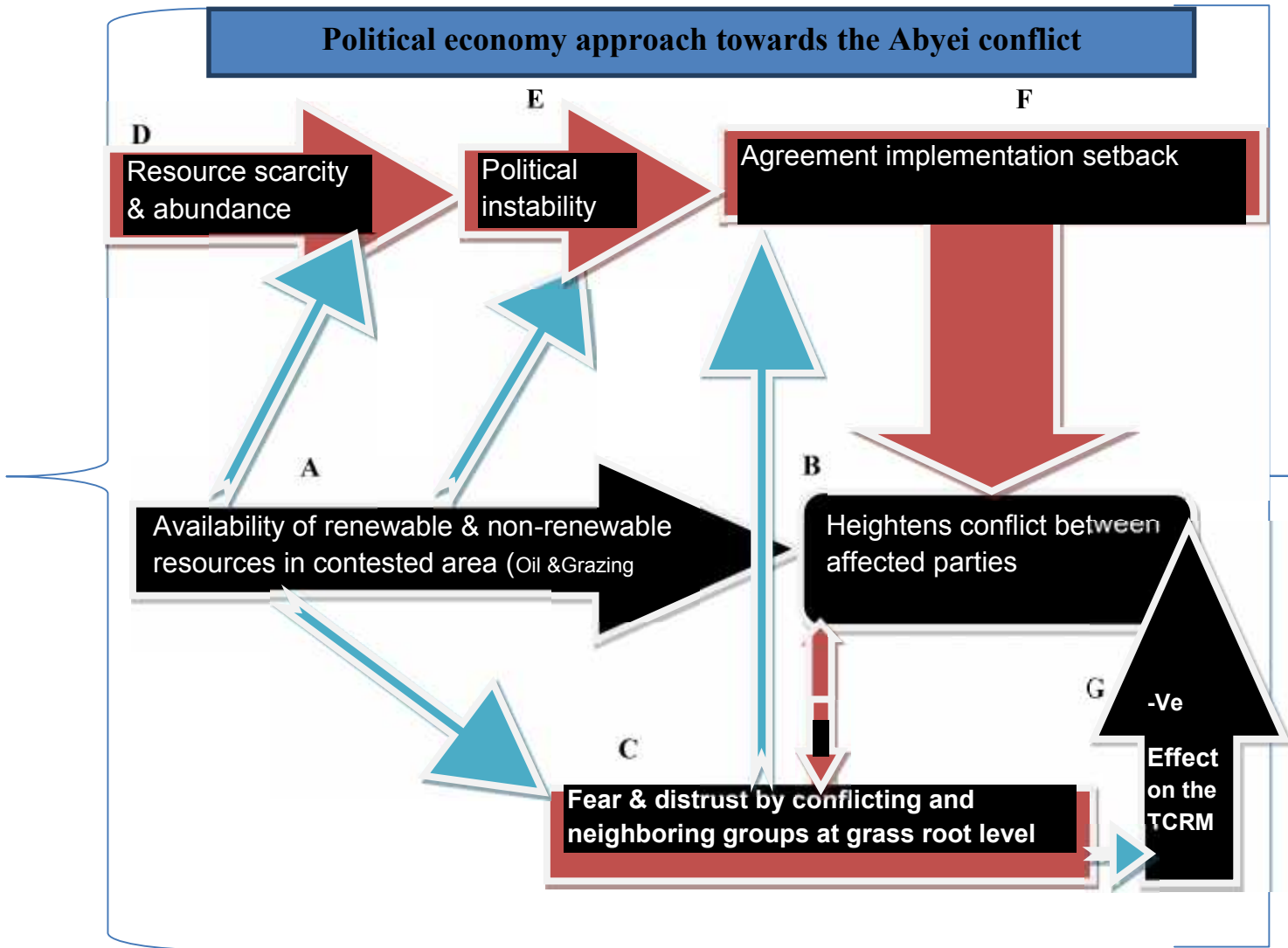
over issues like land, water, grazing-land rights, fishing rights, marital problems, inheritance, local ownership rights, murder, cattle raiding, theft, rape, banditry, and inter-ethnic and religious conflicts. However, they may not have the capacity to handle a protracted and complicated conflict that involves different actors and interests as they are indigenous and unique to each community.

In conflict resolution processes, building trust between and among conflicting parties is an essential principle when looking for sustainable solution. However, when trust is lacking, people will not believe what their opponents say; they will doubt their intent or motivation, and they will fear that any promises their opponents make will be severed. For this reason, it can be very difficult to start or complete a conflict resolution process when the level of distrust between the parties is high.

In this study, therefore, a formulation based on but not deriving solely from the political economy of conflict model is utilized because it fits neatly into the Sudan and South Sudan conflict over Abyei. As can be inferred from Figure 2.1 below, the availability of renewable and non-renewable resources in a contested area (A/D) coupled with political instability (E) heightens a conflict between adversaries (B). Moreover, fear and distrust between conflicting neighboring groups at the grassroots level (C) becomes a serious impediment to respect and execute agreements and decisions (F) as well as adversely affect the TCRMs (G). The schema also uncovers failure to respect agreements and decision (F) heightens a conflict between adversaries (B), and this can negatively affect

the role of TCRM (G) and increase the degree of fear and distrust by conflicting groups at the grassroots level (C).

Fig. 2.1: Model specification



After having discussed the political economy approach towards the Abyei conflict as conceptual framework of the study, the next chapter provides a general background about the conflict between the Sudan and South Sudan both before and after colonialism in Sudan.

Chapter Three: An Overview of the Sudan and South Sudan

Conflict

3.1 Introduction

The previous chapter presented the theoretical and conceptual frameworks for the study. It also reviewed some contending views on the impact of renewable and nonrenewable resources as well as other political drivers of interstate and intercommunity relationships. A model specification has also been suggested to address the gaps identified in chapter one. In this chapter, an overview of the backdrops of the conflict in Sudan before the secession of South Sudan is considered; hoping this would set for the tone for subsequent chapters. The Sudan and South Sudan conflict prior to the CPA, the Comprehensive Peace Agreement and Challenges to the implementation of the CPA are the main sub-chapters of this chapter.

Sudan is a surface of 1,886,068 square kilometers and inhabited by approximately 31 million people. The majority are Muslim, and Arabic is the dominant language. Most part of Sudan is desert. Since 2011, it comprises the states of Blue Nile, Gezira, Gadarif, Kassala, Khartoum, Northern, Northern Darfur, Northern Kordofan, Red Sea, Nile, Sinnar, Southern Darfur, Southern Kordofan, Western Darfur and White Nile (PCA, 2009).

South Sudan, on the other hand, has an estimated population of 11.30 million (World Bank, 2014) and a surface area of 640,000 square kilometers. It comprises Central Equatoria, Eastern Equatoria, Jonglei, Lakes, Northern Bahr el Ghazal, Unity, Upper Nile, Warrap, Western Bahr el-Ghazal and Western Equatoria. It is a predominantly rural with a subsistence economy. It is served by a number of major river systems and dense tropical evergreen forests, which sustain a wide range of cereals, vegetables and tree crops. Most of South Sudanese are predominantly agrarian, and a mixture of Christians and Animist. The largest ethnic group in South Sudan is the *Dinka*, followed by the *Azande* and *Nuer*. The most widely-spoken languages are *Dinka*, Juba Arabic, *Nuer* and English (PCA, 2009).

In exploring how the two countries arrived into complicated web of conflict over Abyei, it is extremely important to delve into the history of Sudan before the independence of South Sudan, which is the subject of the next discussion.

This chapter provides a general background about the conflict between the Sudan and South Sudan before and after the colonization of Sudan. Accordingly, it examines the pre-colonial era, particularly during the time of the Turkish-Egyptian and Mahdi regimes, well-known for slave trading that was then the root cause for conflict between the North and South Sudan communities.

It also discusses the colonial era from 1899 to 1955, when Sudan was jointly administered by Egypt and the United Kingdom. During this time, the colonial policy of

divide and rule further deepened the rivalry between the North and South that were not able to come together to forge a pan-national identity. Rather, the situation further isolated both sides of the divide.

Moreover, the chapter examines the reason of the civil war between the North and the South of the country soon after independence was achieved on 1 January 1956. Apart from a period of ten years from 1973, relations had never been peaceful until the CPA was signed in Kenya between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) in January 2005. This agreement paved the way for South Sudan's declaration of independence in July 2011.

3.2 Historical Contexts of the Conflict between the Sudan and South Sudan

3.2.1 The Sudan and South Sudan conflict prior to the CPA

Pre-independence Era

Some studies have indicated that the root of the Sudan-South Sudan conflict dates as far back as the pre-colonial times. In the Northern part of Sudan, the processes of Arabization and Islamization introduced by a succession of merchants, tribesmen and fugitives lasted about four centuries until a climax was reached during the 18th and 19th centuries (Sidahmed & Sidahmed, 2005). The process was carried out generally through both peaceful and forceful methods (Deng, 1995). The South, however, was much more difficult to access and natural barriers kept it practically isolated. Consequently, the

people of Southern Sudan, including Abyei, maintained a separate social and cultural identity (Collins, 2008). Furthermore, the merchants were fervently interested in the material-value of the slaves and therefore had no desire to integrate or Islamize them due to the fact that Islam prohibits the enslavement of Muslims (Deng, 2001).

In 1820, Sudan was conquered by a coalition of Turkish/Ottoman-Egyptian forces led by Muhammad Ali Basha who was seeking to expand Egyptian power in the region. His campaigns were ultimately successful, and Turk and Egyptians succeeded in ruling the country until 1885. During this time, Sudan was brought under one central administration for the first time and exposed to new forms of taxation, which demanded even more slaves from the South. One of the implications of this development was that the central region was further strengthened at the expenses of the peripheries, including most parts of the South.²¹ The favorable geographic location of the North had facilitated the formation of a stronger merchant class that Southern Sudanese viewed as adversaries than as partners in progress.

The Ottoman-Egypt administration furthered economic differentiation by legalizing enslavement of the South by the Muslim North (Boddy, 2009). In other words, although slavery had been a part of Sudanese society since ancient times, under the rule of the

²¹ Slavery was very essential for the Turko-Egyptian rulers to provide men for their army, serving their policy of expansion in the Middle East. They themselves involved and allowed slave raiders move deeper into the south (Upper Nile, Equatorial Lakes, the great tributary of Bahr al-Ghazal) to hunt slaves. It is noteworthy that the slave raids frequently occurred in the specific areas that were inhabited mostly by African groups in the Southern part of Sudan, as well as other areas within the north like the Nuba Mountain and Blue Nile. Thus, the slave trade was imposed only upon African groups (Gasmelseid, 2006, pp. 18-19).

Ottoman Empire it took on a more institutionalized pattern tacitly supported by the Northern oligarchy (Deng, 1995).

After the overthrow of the Turkish-Egyptian regime by Islamic revolution in 1885, the first Islamic theocratic state in the history of the country, the Mahdist state, was established under the rule of Muhammad Ahmad Ibn Abdullah (Eltayeb, 2001). Due to political inconvenience, the majority of Turkish, European and other foreign merchants and slave traders were forced to leave the South in the hands of the jallaba²² (indigenous traders of riverain origin) who regarded themselves as “members of an imagined single Arab community”. Even during this era, the Mahdist state developed its own method of internal repression against the peripheries including the South thereby entrenching racial prejudice. In this respect, distinctions such as Islamic versus non-Islamic, Arab versus non-Arab, brown versus black became well-established, and these served as the basis for structuring of the Sudanese society (Idris, 2005).

From 1899 to 1955, Sudan was jointly administered by Egypt and the United Kingdom (UK), notably known as the Anglo-Egyptian condominium (Rolandsen, 2011). The modern border of Sudan was drawn during this period (Collins, 2008) even though it did not alter the already entrenched north-south divide.

Anglo-Egyptian attempts to curb slave trade had resulted in serious resistance by Jallaba, in particular, and the Sudanese of northern extraction, in general (Saeed, 2010). But, in

²²The Jellabas were Arab petty traders originally from central Sudan who served as agents for large riverain merchants. They were historically interacting with the South Sudan communities through trade (Coalition for International Justice, 2006, p. 69).

October 1922, owing to the geographical, political, historical and cultural differences between the Northern and Southern Sudan²³, the administration adopted the “Closed District Ordinance” that closed the Southern provinces off to Northern contact (Johnson, 2004). From then onwards, it became difficult and illegal to enter the closed region of Southern Sudan without a travel permit (Deng, 1995). Apart from curbing slave trade, the purpose of this policy was to “eradicate Arab-Islamic influences and to preserve the African identity in the South” (Idris, 2005, p. 39).

Moreover, in 1930, the British came up with a “Southern Policy”, to establish the South as a separate administration from its North counterparts with intent to cede the South with the East Africa regional states (Iyekolo, 2011). The policy also had a purpose of enabling the administration of the South to be developed along African rather than Arab lines; although it further isolated the South from the North (Deng, 1995). Whereas elements of cultural tradition were preserved in the South, it was almost always at the expense of economic change (Belloni, 2011; Rolandsen, 2011). However, despite the fact that the people of Abyei (*Ngok Dinka*) were ethnically and religiously part of the South and equally grieved by slavery, they were not affected by the 1922 “Closed District Ordinance” and the 1930 “Southern Policy” which classified them as part of the North

²³ The new colonial rulers had their own political calculations devised to deal with diversity. From their perspective, Sudan was not one country but rather two that were completely different. In this regard, northern Sudan, which they categorized as entirely Muslim and Arabic speaking and therefore close to the Arabic and Islamic worlds; and southern Sudan with its African traditions, Christianity and different African dialects, whose ethnic and cultural configuration they saw as closer to other African countries (Gasmelseid, 2006, p. 22).

(Thomas-Jensen & Fick, 2009),²⁴ furthering the marginalization and exclusion of the South from the rest of the country (Gasmelseid, 2006)²⁵.

Contrary to the 1930's decision, a conference was convened in Juba by the British authorities in 1947, which convinced the Southern Sudanese to opt for a united Sudan with some form of autonomous rule (Iyekolo, 2011; Saeed, 2010)²⁶. As Deng disclosed, this conference was an opportunity for the more experienced Northern politicians to induce pliant Southern elites to rubber-stamp the decisions that had already been reached (Deng, 1995, p. 129). Similarly, in the 1952 Cairo meeting that was hosted by the Egyptian government to negotiate self-rule arrangement for Sudan, not a single Southern party or politician was not invited (Kameir, 2011). The discussions around a permanent constitution in Cairo further failed to take into account the yearnings and aspirations of the Southerners. For example, the constitutional sub-committee decided against federation and the draft constitution for self-rule did not incorporate call-for guarantees. All of these created a feeling of betrayal among Southerners; and a recipe for the type of crisis that soon evolved (International Crisis Group, 2012). Notably, most of the administrative apparatus and civil service that were inherited from the British-Egyptian colonial rule were based in the North. Therefore, following independence it was easier

²⁴ The British transferred the nine Ngok chiefdoms from Bahr El-Ghazal to Kordofan in 1905 to address slave raiding and place victim and perpetrators under the same provincial administration (Thomas-Jensen & Fick, 2009).

²⁵ “The southern policy therefore deepened the differences not only in cultural terms whereby diversity was prevented from evolving naturally, but also in social and economic affairs. The north, in general became relatively more developed and more educated, benefiting the imbalance instituted by colonial rule. (Gasmelseid, 2006, p. 24).

²⁶ The participants in the Juba Conference of 1947 were the Civil secretary of the British government, three governors of the southern regions, seventeen southern tribal leaders and elites who had come from all over the Southern provinces, and five northern political leaders (Gasmelseid, 2006).

for the Northerners to hold key positions in the South, which was not the case for Southerners (Iyekolo, 2011).

Post-independence era

Sudan gained independence from joint British-Egyptian rule in 1956 (Saeed, 2010), during which, the North and South sides found themselves together unprepared in the same political and administrative entity. The South remained economically weak and politically immature. The South maintained strong attachment to Christianity and Animism while the political-economy of Sudan remained dominantly in the hands of small Arab elite motivated ideologically by Arab nationalism (Belloni, 2011). For the Southern Sudanese, therefore, the end of British colonialism meant the beginning of Arab domination and an equally vicious new colonialism. On the contrary, for the Northern Sudanese, the British withdrawal meant the assumption of political power across Sudan, including the South (Wama, 1997). Mirroring the same idea, Deng noted that in the South, “independence was perceived as merely a change of outside masters, with the Northern Sudanese taking over power from the British and defining the nation in accordance to the symbols of their Arabic-Islamic identity” (Deng, 1995, p. 135).

Due to unfulfilled promise by their colonial masters, Southerners including the people of Abyei rebelled against Northern rule in 1955 and eventually launched armed struggle, which led to Sudan’s first post-independence civil war. In 1963 the first *Anya Nya* movement was formed to launch organized attacks against the then incumbent government. Consequently, this first Sudanese civil war cost almost half a million lives

and sent a huge number people as refugees to the neighboring countries as well as to the North (Salman, 2011; Saeed, 2010). This was in response to the brutal rule by the Northern dominated regime, combined with the intensification of Islamisation and Arabisation (Johnson, 2004).

In May 1969, following the overthrow of the coalition government led by Mohamed Ahmed Mahjoub by a military coup d'état, General Jaafar Nimeiry took charge with a weak power base in the North and concluded that it was in his interest to end the civil war and solidify political support in the South (Shinn, 2004). His government recognized the magnitude of the Southern problem and acknowledged a legacy of uneven development between the North and the South. He also recognized the cultural and historical differences between the North and South, and promised to grant Southerners the right to regional autonomy (Wama, 1997)²⁷.

With this context, Khartoum and *Anya Nya I*²⁸ agreed to hold formal discussions in Addis Ababa in February 1972, leading to what is became known officially as the “Addis Ababa Agreement,” which ended the first phase of the Sudanese civil war. Some of the key highlights of the Agreement include:

- The Southern Region that constituted the provinces of Bahr el-Ghazal, Equatoria and Upper Nile was designated as a self-governing region within Sudan. This was based on the boundaries as they stood on 1 January 1956. Accordingly, in

²⁷ The regime took a big step towards this goal by recognizing the historical and cultural differences between the North and the South and established special political arrangements to deal with these differences (Gasmelseid, 2006).

²⁸ Anya Nya I was named as Southern Sudan Liberation Movement/SSLM in 1971.

addition to the Ministry of Southern Affairs, the Southern Region had its own legislative and executive organs (Shinn, 2004). Besides, there was a provisional arrangement for the first five years whereby the armed forces in the Southern region would consist of a national force known as the Southern Command composed of 12,000 soldiers and men of whom 6,000 would be from the region itself and the other 6,000 from the North.

- Juba became the capital of the Southern region and the seat of the executive and legislative branches of regional government.
- Arabic became the official language for Sudan and English "the principal language for the Southern Region" without prejudice to the use of other languages.
- It contained an extensive section dealing with revenue collection and grants for the Southern region both from within the region itself and the central government (Ibid).

The Addis Ababa Agreement was hailed as a unique example of a negotiated peace settlement in Africa. It was regarded as unique because of two major factors: (i) the leaders of the Sudan and the 'rebels' in the South had managed to overcome their differences and opted for negotiating peace after seventeen years of civil war; and (ii) it was negotiated by African partners at the peak of the "cold war" where every faction could easily have found allies with massive arms supplies, from the US and Soviet Union; the two leading cold war protagonist (Wama, 1997). Because of promising beginnings, one can easily understand that the regime of President Nimeiry seemed

committed to ending the civil war and took a series of concrete steps to demonstrate that his policy towards the South constituted a serious break with the past. His new approach towards the South also caused him to be called as a different kind of Northern politician who was serious about redressing Southern grievances.

Eleven years later, in 1983, the same political leader whose courage was prized by many countries for bringing about the peace settlement, repudiated the Addis Ababa Agreement, and plunged the entire country into another round of civil war (Wama, 1997; Saeed, 2010). Indeed, many reasons for the collapse of the 1972 Addis Ababa Agreement were attributable to the same government. Some of the major attributing factors are:

(i) Security issues: The establishment of combined *Anya Nya* and the Sudan national security forces did not go smoothly. One of the major problems that led to a resumption of fighting in 1983 was the failure to demobilize and effectively reintegrate the *Anya Nya* forces. As the result, the unemployed *Anya Nya* forces were among the most significant threats to peace in Sudan. For example, the remnant of *Anya Nya* forces spearheaded the violent incidents in Juba in 1974; Akobo in 1975; and Wau in 1974 and 1976. Trying to halt and neutralize the power of Southern soldiers, the government started transferring them both within the South and from the South to the North, which caused much of tensions and confrontations (Shinn, 2004).

In February and May 1983, units of a Southern battalion in the Bor, Pibor and Pochalla garrisons in Upper Nile refused to turn over their arms as part of redeployment plan back to Northern Sudan. John Garang, who had reached the rank of Lieutenant Colonel in the national army, went to Bor to mediate the dispute. In the end, however, he sided with the mutineers. When the Sudanese government moved in additional troops; the Southerners resisted and after encountering superior firepower, many fled across the border into Ethiopia with their arms. Some joined smaller bands of *Anya Nya* II forces, which became instrumental in the formation of SPLA under the leadership of John Garang (Ibid). Throughout the 1980s and 1990s, the SPLM/A received substantial support from the neighboring countries. For example, Eritrea, whose relations with the Government of Sudan had deteriorated because of Sudan's support for the Eritrean Islamic Jihad Movement, supported the SPLA's operation. Uganda also cooperated with the SPLA in an effort to root-out the Lord's Resistance Army (LRA) operating in its Northern territories with supported from the Government of Sudan in Khartoum.

(ii) Economic underdevelopment in the South: Disparity in economic development between the North and South was also a major contributing factor in the Sudanese conflict. The South faced a return of refugees and displaced persons, a shortage of skilled personnel and the financial burden of employing or paying 15,000 former *Anya Nya* soldiers. Substantial numbers of people migrated to larger towns, especially Juba, and this caused high unemployment rates. To deal with such multifaceted problems and thereby make substantial progress on economic development, the South needed massive financial aid. During this difficult time, however, virtually no revenue was generated in

the South; meaning that most funding had to come from the national government or international sources. Neither responded adequately (Shinn, 2004).

(iii) Oil related problems: The scramble over oil, when Chevron discovered a commercial oil deposits in Bentiu area of Upper Nile (Gore, 2007) which was found in the 1970s, also played a role in the collapse of the Addis Ababa Agreement (Belloni, 2011). Then, in 1978, after the Government of Sudan had initiated several legal maneuvers to give the North control over the area, including redrawing administrative boundaries (Kelleher, 2006). Following the discovery of the oil, the Government of Sudan began to transfer Southern troops to the North and Northern troops to the production area at Bentiu (Alier, 1992). Moreover, the government had deliberately depopulated the oil-rich areas in Abyei, using violence and threats of armed action to control the population and enable oil firms to exploit new sites (Saeed, 2010).

The government decision to locate the oil refinery in the North, near Kosti, and to pipe most of the oil outside of the territory of Sudan for the generation of hard currency revenues created hostility in the South.²⁹ When Southern protests became more organized, unified and vociferous, the Nimeiry government responded by promulgating a decree in June 1983 that divided the South into three regions: the Upper Nile, Bahr al Ghazal, and Equatoria (Wama, 1997). This offended the *Anya Nya II* and SPLM/A who

²⁹ The decision was made to site the refinery on the White Nile at Kosti, linked to the oil fields by a pipeline. In 1983....., an official map of the route of the pipeline was released, showing it starting at the oil fields within Western Upper Nile District, but immediately routed out of Upper Nile into Kordofan, paralleling the Nile until it reached Kosti (Johnson D. H., 2012, pp. 3-4).

attacked the facilities of the U.S oil giant, Chevron, which forcing the company to shut down its operations in the South at the end of 1984 (Shinn, 2004).

(iv) Efforts to redraw the North-South boundary: In 1980, the National Parliament attempted to redraw the boundaries of Upper Nile Province with the passage of legislation establishing new regional governments in Northern Sudan, with the accompanying map annexing the oil fields to Kordofan. This map was however, withdrawn after protests from the Southern Regional government (Johnson D. H., 2012).

The Government of Sudan attempted to redraw the North-South boundary line at several locations in addition to the one where Chevron discovered oil in the Bentiu area. In response, John Garang complained that Nimeiry tried to change the boundaries of the Southern Region to deprive it mineral rich and fertile agricultural lands (Shinn, 2004). This action was totally contrary to the Addis Ababa Agreement that defined the Southern Region as Bahr el-Ghazal, Equatoria and Upper Nile as they existed on 1 January 1956, and “any other areas that were culturally and geographically part of the Southern Complex as may be decided by a Referendum.” This includes Abyei (Wondo & Lesch, 2000, p. 196).

(v) Promulgation of Sharia Law: In September 1983, the popular ‘September Law’ that established Sharia as the basis of Sudanese legal system, was promulgated by Presidential Decree. This decision, in turn, ushered in a process of ‘Islamization’ and ‘Arabization’ across Sudan, and reinforced the differences between the North and the South. It also

prompted Southerners to protest against the regime by identifying themselves as non-Muslim; rather Christian and animists (Iyekolo, 2011; Debay, 2011). In this respect, An-na'im and Deng stated “those who have been in control of the country define themselves as Arabs and also Muslims, and identify more with the Middle East than with black Africa, though they are essentially Arab-Africans” (An-na'im & Deng, 2006).

On 6 April 1985, a popular uprising organized by the National Alliance Union (an umbrella of opposition forces) put an end to Nimeiry's rule. This wide public discontent was compounded by long spells of drought, failed agro-industrial projects, high-level corruption, and renewed war in the South (Wama, 1997). Following this, the country was governed by a Transitional Military Council (TMC), headed by General Abd al-Rahman Muhammed Sowar al-Dahab (Nimeiry's Commander-in-Chief and Defense Minister), and a civilian council of Ministers, led by Prime Minister al-Guzuli Dafallah (International Crisis Group, 2012).

In March 1986, the National Alliance Union leaders convened a meeting at Koka Dam, Ethiopia. The participants including SPLM/A, issued a proposal called the ‘Koka Dam Declaration,’³⁰ which focused on core governance issues such as “secular democratic Sudan; a new interim national unity government; and an all-party national constitutional

³⁰ The meeting adopted the ‘Koka Dam Declaration’ that would become a significant point of reference in subsequent debates. The declaration stipulated certain prerequisite steps towards convening a national constitutional conference, among them recognition of the problem as national and not regional; the lifting of the state emergency; the repeal of the September 1983 laws; the restoration of the 1956 transitional constitution as amended in 1964; the abrogation of military pacts that interfered with the country's sovereignty; and the observance of a cease-fire. These resolutions indicated that bases for dialog and agreement existed between the SPLM and potentially influential political and intellectual groups (Wama, 1997, p. 33).

conference to achieve “peace, justice, equality and democracy.” (International Crisis Group, 2012, pp. 4-5). Democratic Unionist Party (DUP) and the National Islamic Front, however, did not attend the meeting (Wama, 1997).

The TMC conducted multi-party democratic election a year after it came to power and Sadiq-al-Mahdi was elected to be the Prime Minister of Sudan. He did not, however, implement the ‘Koka Dam Declaration’ until the DUP signed the agreement in 1988 as it was his major coalition partner party (International Crisis Group, 2012).

In 1989, President Umar Hasan Ahmed al-Bashir, backed by the National Islamic Front (NIF) under the leadership of Dr. Hassan Abd Allah al-Turabi, staged a coup and aborted the peace process resulting in the temporary abrogation of the Sharia laws. Upon holding power, President Omar Hassan al-Bashir with the support of NIF banned political parties, trade unions and non-religious institutions (Ibid). Moreover, the new regime recommenced and solely built its legitimacy on the issue of Sharia and Islamisation of the state and the society across Sudan. Consequently, rigorous Islamisation programs followed, which included the indoctrination of the public by state organs such as the media, and educational and cultural institutions, as well as imposition of strict dressing-codes on females. The number of mosques exponentially increased with greater emphasis placed on congregational prayers. Over 20 new universities were established across the country with the clear aim of spreading Arabisation by making Arabic the only language of instruction. In 1992, a Jihad against the SPLA was declared, which projected the war between North and South as a religious war (Sidahmed & Sidahmed, 2005).

From the very nature of the Sharia law, the Government of Sudan had automatically excluded all non-Muslims from participation in administration and denied them full citizenship rights; non-Muslims could effectively never hold a sensitive post in the administration of an Islamic state (Abdalla, 2003). In 1993, for reasons of political expediency, President Al-Bashir transferred Muslim judges from the North to the South and those in the South to the North. Following these transfers, fighting between the government in Khartoum and rebels in the South began to mount, which resulted in grave socio-economic devastation as neither side was willing to shift grounds in their demands (Iyekolo, 2011).

During the second Sudanese civil war (1983-2005), proxy wars were increasingly carried out. The government recruited, trained and armed Arab tribal groups supposedly against Southern rebels, but, in fact, mostly unleashed them against civilians (Human Rights Watch, 1990). Conversely, the SPLM/A drew its primary support from the Dinka tribal communities, but it also enjoyed the support of many people in other tribes (Kalpakian, 2008). In this regard, Johnson and Jiménez stated that during the civil war, the government in Sudan armed elements of the Misseriya and serious attacks were launched against their Southern neighbors, including the Dinka. As a result, many *Ngok Dinka* people aligned with the SPLM/A (Johnson, 2008; Jiménez 2008).

It is incontrovertible that during the civil war, the Government of Sudan had tried to exploit the Dinka-Nuer rivalry to create domestic opposition against the SPLM/A,

especially in the Southern region. Until 1999, it successfully use the traditional rivalry between the two closely related Nilotic tribal communities against the SPLM/A. For example, Dr. Reik Machar, leaders of one of the splinter movements from the SPLM/A, was behind the Nuer concern against Dinka hegemony within the SPLM/A (Kalpakian, 2008).

As the North began to utilize the South's oil wealth to feed its war against the South, trivial reconciliation became essential to Southern survival in the Sudan. Consequently, both the Nuer and the Dinka realized that their survival was contingent on a united focus on their common enemy; the Government of Sudan. In this case, the *Wunlit* Reconciliation Conference between the Nuer and the Dinka tribal communities was noteworthy. In addition to the Dinka-Nuer break-up, the SPLM/A historically had difficulties of working together with non-Nilotic peoples, particularly the peoples of Equatoria, such as the Azande. Although it was able to recruit troops from these populations, it also experienced high rates of defections (Kalpakian, 2008).

The consequences of the second civil war in Sudan were grave as it was predominantly characterized by flagrant violations of human rights. All socio-economic institutions including hospitals, schools and roads were destroyed (Debay, 2011). During that period, an estimated two million people died, four million were uprooted and around half a million people sought shelter beyond Sudan as refugees. Further, about one-thirds of the land area of South Sudan was contaminated with landmines (Saeed, 2010; Dagne, 2011).

3.2.2 The Comprehensive Peace Agreement

3.2.2.1 The role of IGAD and external powers

Before 1993, two rounds of Abuja Peace Talks (APT) had been held in Nigeria's capital between the Government of Sudan and SPLM/A. Both rounds failed to solve the core issue of the relationship between state and religion (Johnson D. H., 2004). Following the failure of these and a number of other proposed peace initiatives, the IGAD member countries composed of Ethiopia, Eritrea, Kenya and Uganda took responsibility for bringing the Sudanese civil war to an end (Shinn, 2004). This was the beginning of a long process that led to the signing of the CPA in 2005.

In 1994, IGAD outlined a Declaration of Principles (DOP) for ending the civil war. The principles identified the essential elements for a comprehensive peace settlement in Sudan, which includes the relationship between religion and the state; power and wealth-sharing; and the rights of self-determination for the South (Iyekolo, 2011). Whereas the SPLM/A immediately accepted the DOP (Shinn, 2004), the Government of Sudan fiercely resisted it until it began to lose major battles in the fields in 1997.

There were other credible rationales that the Government of Sudan was indirectly forced to make further progress on peace process. For example, after the September 11, 2001 terror attacks on the US, the Government of Sudan was willing to cooperate on peace process trying to launder its image after its prior ties with Osama Bin Laden in 1991. Moreover, the international criticism and pressure to end its pariah status and killings and

displacements in Darfur had a major contribution to influence the government in proceeding the peace process to its end (Belloni, 2011).

In late 2001, apparently, IGAD authorized Kenya to take the lead in the peace process; a new Kenyan team capably led by Lt. Gen. Lazaro Sumbeiywo began its work successfully (Shinn, 2004). Moreover, the international community played a key role in the North and South Sudan peace process. They became involved in the peace process through a forum called IGAD Partners' Forum (IPF), which included the EU, the USA, Canada and Japan to provide critical international diplomatic and financial support. Apart from influencing the conflicting parties to discuss and look for solutions, they also signed as a witnesses and guarantors to the provisions' implementation (Ati & Tayeb, 2009). The role of Norway and Italy during the Naivasha talks was also equally important to push the parties to deal with their problems (International Crisis Group, 2006).

Throughout the IGAD-sponsored talks, the government of United States played a critical role to steer the negotiations to a logical and successful conclusion. Indeed, senior U.S government officials made frequent visits to Kenya, where the talks were being conducted, and actively engaged to encourage the parties to finalize the peace process. Its financial support for the peace process and technical assistance during the series negotiations were considerable. It was also very active during security arrangement talks and the three disputed areas of Abyei, Blue Nile and Southern Kordofan negotiations (Dagne, 2011).

However, in many ways, the United States had a strong bias in favor of the SPLM/A. For example, former Senator John Danforth, who was appointed by President Bush as his Special Envoy to Sudan, considered the war as religious conflict between Islam and Christianity, and left little doubt that the SPLM/A could expect his sympathy and strong moral support against the NIF and Sharia law (Beber, 2012). It also designated Sudan as a 'state sponsor of terrorism' as the Government of Sudan allegedly supported Al-Qaeda and was involved in the bombings of US embassies in Tanzania and Kenya (Prendergast & Thomas-Jensen, 2007). Invariably, sustained United States pressure on the Government of Sudan and the SPLM/A was a central reason for the CPA to be signed.

3.2.2.2 Provisions of the Comprehensive Peace Agreement

The IGAD accomplished a major breakthrough with the signing of the Machakos Protocol in 2002 that led to a temporary ceasefire and laid out a roadmap for a CPA involving the Government of Sudan and the SPLM/A (Shinn, 2004). This Protocol is generally about the structure of governance in the period following the ceasefire. Accordingly, Article 6 and Article 3 of the Protocol, for example, addressed the relationship between state and religion by underlining the country is multicultural, multiracial, multiethnic, and multi-religious. This provision reflects the fact that governance should not be based upon religious factors and sentiments especially in North and South Sudan but rather on citizenship. Under Article 3 of the protocol, however, the use of Sharia law as basis of national governance specifically excluded in the states of South Sudan. This provision was indispensable for the people of South Sudan to exercise and develop their values and customs within their home country (Iyekolo, 2011).

The Protocol also stated that the South would be an autonomous government until a self-determination Referendum on secession or unity would be held after a six-year interim period with democratic elections by 2009. Moreover, it defined Southern Sudan within the borders that existed at its independence on 1 January 1956. This excluded Abyei from participating in the self-determination Referendum, along with Northern SPLM strongholds in the Nuba Mountains (Southern Kordofan) and Southern Blue Nile (now Blue Nile State) (Salman, 2011; International Crisis Group, 2007b). In many significant ways, this Protocol was considered as the foundation of the negotiations between the Government of Sudan and SPLM/A, and was thought to include the required provisions to drive a final settlement of the conflict.

Following the Machakos Protocol, after incremental and comprehensive discussions between 2002 and 2004, the two conflicting parties signed the CPA on 9 January 2005 in Naivasha, Kenya. The CPA was a series of five subsequent successful Protocols that focused on critical individual as well as national issues. These protocols are outlined below:

1. The Protocol on security arrangements was signed in Naivasha, Kenya, on 25 September 2003. According to this Protocol, the two parties were allowed to maintain their own army. However, they were ordered to commence massive Demobilization, Disarmament and Reconciliation (DDR) except for those forces stationed or deployed to the Joint Integrated Units (JIU) in the North-South Sudan borderlines.

Article 3(c) of the protocol explicitly stated that throughout the interim period, 24,000 members of JIU to be in South Sudan, 6,000 in Nuba Mountains, 6,000 in Southern Blue Nile and 3,000 in Khartoum. The members of this unit were recruited in equal numbers from both the Sudan Armed Forces and the SPLA. Moreover, it indicated that additional SPLA forces deployed to the JIU, other members of the armed group stationed in the Nuba Mountains and Southern Blue Nile were ordered to redeploy back to the South of the North-South Sudan borderline (PCA, 2012; Iyekolo, 2011).

2. The Protocol on wealth-sharing was signed in Naivasha, Kenya, on 7 January 2004. Based on this Protocol, the CPA created a system of revenue-sharing between the Government of Sudan and Government of South Sudan. Needless to say, at this time, oil revenue was a primary source of income to both parties. But it was particularly so for the South, which got 98% of its budget from this resource. The CPA prescribed that 2% of all revenue would remain in those areas where the crude was extracted, while the rest would be divided equally between the North and the South (Belloni, 2011).

3. The Protocol on Power-sharing was signed in Naivasha, Kenya, on 26 May 2004. As clearly stipulated in the power-sharing Protocol, the Interim National Constitution was adopted in June 2005 as supreme law of the land for both sides for the interim period of six years, which was to be followed by the formation of a Government of National Unity (GNU). Similarly, the Institution of the Presidency was established on July 9th 2005 when Dr. John Garang de Mabior was sworn in as First Vice President of the Sudan and

President of the Government of Southern Sudan, a position first taken by Gen. Salva Kiir after his tragic and sudden death (Ati & Tayeb, 2009; Dagne, 2011).

The National Assembly of the GNU was formed in August 2005 comprising of 234 seats for the NCP (52%), 126 seats for the SPLM (28%); 55 seats for other North Sudan political forces; 27 seats for other South Sudan political forces and 8 seats for national personalities (Ibid). After the SPLM-dominated Government of South Sudan was established, the South Sudan Interim Constitution was adopted on 5 December 2005. This Interim constitution, among others, declared that the establishment of governments in the ten South Sudan states (International Crisis Group, 2006). This shows that the country as a whole was to be governed by a GNU in Khartoum, and in the South by the Government of Southern Sudan in Juba. The NCP was the majority party in the GNU, while the SPLM was the majority party in the Government of Southern Sudan (Johnson D. , 2008).

4. The Protocol on the resolution of conflict in Southern Kordofan/Nuba Mountains and the Blue Nile States was signed in Naivasha, Kenya, on 26 May 2004. These areas, where the SPLM/A was active during the war time were given a voice over their future. Accordingly, they remained constitutionally part of the Government of Sudan; but their residents were granted the right to exercise popular consultation³¹ with the intent to demonstrate positive ways of addressing grievances between the center and the periphery (Belloni, 2011).

³¹ According to the CPA, Popular consultation is a democratic right and mechanism to ascertain the views of the people in Southern Kordofan/Nuba Mountains and Blue Nile State on the comprehensive agreement reached by government of Sudan and the SPLM (Concordis International, 2010).

5. The Protocol on the resolution of conflict in Abyei was signed in Naivasha, Kenya, on 26 May 2004. This Protocol granted Abyei the right to hold a Referendum to determine its future status; that is whether or not to be part of Sudan or South Sudan (Ibid). This important aspect will be thoroughly discussed in the next chapter. Following this breakthrough agreement, UN Security Council Resolution 1590 authorized the United Nations Mission in Sudan (UNMIS) to support the implementation of the CPA (UNMIS, 2011).

In general, the signing of the CPA proved to be a critical milestone in the protracted effort to end the 22-year violent conflict between the mainly Arab and Muslim North and the mainly African black and Christian South. It was also a tremendous relief for the majority of the Sudanese peoples, especially in the South Sudan who considered it as political, social, cultural, and economic panacea for the lingering problems that continue to undermine the very nature of their spirit, integrity and dignity (Belloni, 2011; Ati & Tayeb, 2009).

3.2.3 Challenges to the implementation of the CPA

During the CPA period, the following challenges hindered the effective implementation of its various provisions.

3.2.3.1 Structure-related challenges

It is true that the CPA has succeeded in ending the 22-year civil war between the Government of Sudan and SPLM/A; but it is equally true that, in some way, it contributed to the renewed outbreak of the armed conflicts in Darfur and Eastern Sudan because its ratification sent the message to rebel groups that armed struggle is the most effective mechanism to force the Government of Sudan negotiate with them (Ati & Tayeb, 2009). Although the CPA provided a well-established structure, it did not include any sanctions for non-compliance. Instead, the implementation relied on the willingness of the leadership (International Crisis Group, 2007a). Moreover, it had been criticized for its failure to include other political and social groups. For example, a broad spectrum of civil society organizations was not given space to contribute their part in enhancing the CPA implementation program to its anticipated end (Ati & Tayeb, 2009).

3.2.3.2 Security related challenges

Implementation of the security aspects of the agreement was hampered by a palpable lack of trust between the parties which ensure that the JIU plan, prescribed by the CPA, was never faithfully implemented. Moreover, DDR occurred only in part (Belloni, 2011). Both armies were reported to have deployed heavily along the North-South border and stand in close proximity, particularly around Abyei area, and Upper Nile and Unity states, which fueled mistrust and insecurity at national and local levels (Concordis International, 2010). There were even frequent clashes between the two sides especially in oil-rich areas (Belloni, 2011).

The temporary withdrawal of the SPLM/A from the Interim GNU in October 2007 was caused by the allegation that the Government of Sudan had continued to create obstacles against acceptable and proper border demarcation with Southern Sudan. The Government of Sudan had also refused to demobilize its army from some parts of the South Sudan territory as stipulated by the security arrangement Protocol (Iyekolo, 2011). All sides, the interim GNU, the Government of Sudan and the Government of Southern Sudan gave little attention to the worst war-affected border areas just as state and local capacity to deal with border governance issues, land disputes and conflict resolution were limited (Concordis International, 2010).

The post-CPA period deepened mistrust across the border between pastoralists and Southern groups due to the fact that former groups were deeply concerned about the impact a change in border regime might have on their access to essential traditional grazing land in South Sudan during the dry season (October–April). In the final analysis, the abundance of arms in the hands of dissatisfied pastoralist groups and disgruntled former fighters with a militarized as well as highly contested environment, created a severe threat to peace and stability in the area (Concordis International, 2010).

3.2.3.3 Resource and border related challenges

The absence of any reliable data about Sudan's oil production made it difficult to determine precisely how to divide the oil generated wealth. For this reason, the Government of Southern Sudan had consistently questioned the transparency of the revenue sharing mechanism and condemned the overall confusing figures on yearly

production (Concordis International, 2010). Ultimately, questions, and again mistrust, became key reasons for the South's temporary withdrawal from the interim GNU (Belloni, 2011).

Local historical dynamics in the border areas continued to be reinforced by national disagreement over the control of land, oil and other natural resources. Communities and local leaders were aware that Sudan's wealth derives largely from resources in their areas and they expected the CPA to deliver development and other economic opportunities. These expectations had not been met during the interim period. Rather, local historical disagreements between farmers and pastoralists over land and water had consistently been exploited by the parties resulting in several clashes between the SPLA and pastoralist tribes (Rizeigat and Misseriya) (Ibid).

With the exception of Abyei, the CPA called for precise demarcation of the North-South border as it existed on 1 January 1956. In September 2005, a Technical Border Committee (TBC) was established by Presidential Decree 29, which received support from national and international experts. The main objective of this Committee was to determine and demarcate the borderline belt which encompasses 10 states of the country on both sides of border separating North Sudan from South Sudan by the end of the pre-interim period in July 2005 (Saeed, 2010).

The borderline belt has an estimated length of 1,936 kilometers. Out of this, an estimated 1,355 kilometers, or 70 percent of it, lies in Southern Darfur and Southern Kordofan

States. The 10 borderline states are also home to around 13 million people. The borderline belt is rich in natural resources and development potential. It contains savanna grasslands and forest cover, with abundant rivers and lakes. In addition, they provide pasture land for more than two-thirds of the livestock herd of North and South Sudan. During the spell of dry season that lasts six-eight months of the year, pastoralists from North Sudan herd their animals across the border to South Sudan. Apart from its active oil resource, states in the borderline belt are also home to wildlife and game reserves in Sudan (Saeed, 2010).

As explicitly stipulated in the Decree, the TBC expected to see all relevant maps and documents before demarcation of the border; visit all border areas between North and South Sudan; consult tribal leaders and civil administrators; and solicit internal and foreign expertise (Saeed, 2010). Accordingly, it listed five disputed areas along the border between the two countries. These are the Kafia Kingi Enclave (Western Bahr el Ghazal/Southern Darfur); the 14-Mile Area (Northern Bahr el Ghazal/Eastern Darfur); Jebel Megeinis (Upper Nile/Southern Kordofan); Kaka Town (Upper Nile/Southern Kordofan); and Renk County (Upper Nile/White Nile) (Craze, 2013). Eventually, the TBC completed a draft report with recommendation, which was submitted to the Presidency in June 2010. As expected, the NCP and SPLM disagreed on some areas, but still agreed to proceed in demarcating the non-contested areas that constituted around 80% of the borderline. They also committed to finalize borders before the end of the Interim Period (Concordis International, 2010).

Although the two sides agreed on 27 September 2012 in Addis Ababa to complete the border demarcation within a quick timeframe, they made little progress even in creating the relevant border institutions. One of the reasons for weak progress is that land claims appear to derive both from historical perceptions of land entitlement and from responses to contemporary political and livelihood challenges on the ground.³² Moreover, the absence of accurate map during independence was another fundamental challenge for the TBC to depict the North-South Sudan boundary. In addition, the Committee encountered multiple hurdles, including widespread procedural disputes and accusations of political interference (Saeed, 2010).

The negotiations over the final location of the border stalled in early 2013, and are unlikely to resume in the near future as the wars in Southern Kordofan and Blue Nile states in Sudan and, in Unity and Upper Nile states in South Sudan, continues (Craze, 2014). At this time, the border remains militarized, and the northern pastoralists who seasonally migrate into South Sudan continue to be harassed although both countries have repeatedly committed themselves to a Safe Demilitarized Border Zone (SDBZ).

³² Among other things, currently, oil is the main driver of national contestation over border demarcation. Since the PCA ruling restricted the Abyei area, Heglig has become the most significant contested border area, owing to the scale of reserves, oil infrastructure, and lack of clarity in the border demarcation process. In addition to oil, the borderland is rich in agricultural schemes (Upper Nile pick, White Nile, Blue Nile), copper and potentially uranium (Western Bahr al Ghazal/Southern Darfur), and gold (Mabaan/Kurmuk). Strategic interest in these resources is reflected in a history of redrawing boundaries in response to the economic opportunities they represent (Concordis International, 2010).

3.2.3.4 The role of the International Community

Even though the international community had an enormous physical presence in Sudan, with an estimated 10,000-strong UN Mission (UNMIS) devoted to monitoring the CPA, it failed to live up to its envisioned role as guarantor to follow up the CPA implementation process. Moreover, they failed to exercise a consistent, proactive and coordinated approach to dealing with the parties (International Crisis Group, 2006). Further, financial and technical supports were also extremely limited; as other global engagements like the war on terror, the wars in Iraq and Afghanistan, Darfur and the Palestinian-Israeli conflict (Ati & Tayeb, 2009), took the shine off Sudan.

3.2.3.5 Inadequate popular consultation

South Kordofan and Blue Nile states, which contained a large number of rebels who fought alongside the SPLM/A, plunged into an episode of violence due to failure to implement the security arrangements portion of the CPA on the basis of mandated popular consultations³³ (Sudan Tribune, 2012a). The problem was mainly associated with the ambiguous scope of “popular consultation” stated in the agreement and delay of the national elections³⁴ scheduled for 2009 (Concordis International, 2010). After the death of SPLM leader John Garang in July 2005, the situation in these areas became even more contentious, as South Sudan’s secession grew increasingly inevitable (Small Arms Survey, 2011). In this respect, a report issued by International Crisis Group indicates that a new war has started in Southern Kordofan/Nuba Mountains and Blue Nile States due to

³³ The popular consultations are an opportunity, but they are also a substantial risk. If populations are left unsatisfied by the process the States could polarize along wartime lines (Concordis International, 2010).

³⁴ The 2009 scheduled elections were a crucial part of CPA implementation because the elected state government was to lead the popular consultations in both states (Small Arms Survey, 2011).

the fact that the promised popular consultation, which was aimed to address long-held grievances of the people who reside in these states, were not satisfactorily implemented (International Crisis Group, 2013).

3.2.3.6 The puzzle of self-determination

John Garang, the SPLM/A leader who signed the peace agreement on behalf of the South, insisted that union in a ‘New Sudan’ was his preferred option. This option, in turn, created a long-standing division within the SPLM/A. In fact, during this time partnership between the NCP and the SPLM was predicated on strong personal ties between John Garang and Vice-President Ali Osman Taha (Belloni, 2011). Due to his strong concern to one Sudan policy, John Garang stated in the CPA debriefing session that “Arabism cannot unite us, Pan-Africanism cannot unite us, Islam or Christianity cannot unite us, only ‘Sudanism’ can unite us” as seen on YouTube³⁵. He also declared that the ‘New Sudan’ would be democratic and guaranteed equality, freedom, and economic and social justice and respect for human rights (Wama, 1997). However, his sudden death in July 2005 in a helicopter crash halted the implementation of this vision (Belloni, 2011).

After Garang’s death, the long-standing division within the SPLM between those who subscribed to the vision of a united, democratic and secular Sudan and those who favored self-determination and even secession became an important issue throughout the Sudan. In various ways, the NCP discouraged SPLM interest and involvement in nationwide issues, which pushed the SPLM increasingly to focus exclusively on the South Sudan issues, relegating nationwide matters to second-order priorities. Thus, while the CPA

³⁵ http://www.youtube.com/watch?v=cr_sxUTYkUw&NR=1

foresaw the creation of a GNU predicated on a close partnership between the NCP and the SPLM/A, the collaboration between the two parties during the peace implementation process remained limited to the protection of each party's own interests. In this case, the then president of Southern Sudan, President Salva Kiir said in October 2009 that independence was the only option to extricate the South Sudanese from their second-class status within a united Sudan and guarantee full citizenship (Belloni, 2011).

Finally, the long awaited self-determination Referendum called for in the CPA either to confirm unity or to vote for secession, the Referendum was carried out as scheduled from 9th to 15th January 2011. The final results of the Referendum announced on 7 February 2011 and 98.83 % of the Southern Sudanese voters opted for secession. Based on the requirement of the Southern Sudan Referendum Act 2009³⁶, South Sudan qualified to effect secession. The Government of Sudan formally accepted the results on the same day of their announcement (Salman, 2011).

Despite South Sudan became the world's newest independent state, there are still pockets of violent clashes and insurgencies in many parts of the border between the two countries as the boundary related problems have not yet been addressed (Iyekolo, 2011). Apart from multifaceted internal development challenges and conflict with the Sudan, South Sudan descended into a grave civil war since 15 December 2013 as the SPLM/A cracked into two combatant actors; and this resulted bad repercussion on the relationship between the country's ethnic groups, particularly between Dinka and Nuer. The continuing

³⁶ The Southern Sudan Referendum Act 2009 required a voter turnout of 60% and a simple majority (50% of the 60%, plus one vote) for southern Sudan to secede (Salman, 2011).

fighting has also displaced millions and killed thousands. In fact, this issue is not covered by this research study as my research questions and objectives categorically focus on the conflict between the Sudan and South Sudan over Abyei conflict.

3.3 Conclusion

Since pre-colonial times, the people of Southern Sudan had maintained a separate social and cultural identity and this created a favorable condition for the merchants in the North who were fervently interested in the material-value of the slaves in the South than converting them into Muslims. Mainly, as a way of generating income, slavery and slave trade in the Southern part of Sudan was popular during the Turkish-Egyptian and Mahdist eras. This situation created a needless categorization such as Islamic versus non-Islamic, Arab versus non-Arab, and brown versus black.

Albeit the Anglo-Egyptian condominium administration introduced “Closed District Ordinance” and “Southern Policy” with a purpose among others to enable the administration of the South to be developed along African rather than Arab lines, it was almost at the expense of economic development. The same to the pre-colonial era, therefore, during this period the South including Abyei was also marginalized and excluded from the rest of the country.

Since independence in 1956 to the 2005 CPA, except for the ten years between 1972 and 1983, there had been a bloody civil war in the entire Sudan, with Southerners seeking increased autonomy and freedom from the process (doctrine) of Islamization’ and

‘Arabization including imposition of *sharia* (Islamic) law. During the courses of the first and second phases of the civil wars, proxy wars were increasingly carried out by both conflicting parties. The signing of the CPA in 2005, however, proved triumphant in terminating the 22-year violent conflict between the Government of Sudan and SPLM/A. However, during the CPA period, there were several challenges, which adversely affected the implementation process of the various provisions of the agreement.

Mistrust between local communities across the border of the two Sudans; national disagreement over the control of land, oil and natural resources; lack of trust between the Government of Sudan and SPLM/A on security issues; weak observance by the International community towards the implementation of the agreement; frail Popular Consultation in the South Kordofan and Blue Nile states and confusion on self-determination for South Sudan, were the major challenges during the CPA period.

The next chapter examines the historical linkage between the Abyei land and the conflicting parties since the pre-colonial period to give answer to the claims of the Governments of Sudan and South Sudan and their respective peoples to the Abyei area and its resources, particularly from historical perspective.

Chapter Four: Historical Genesis and Context of the Abyei

Conflict

4.1 Introduction

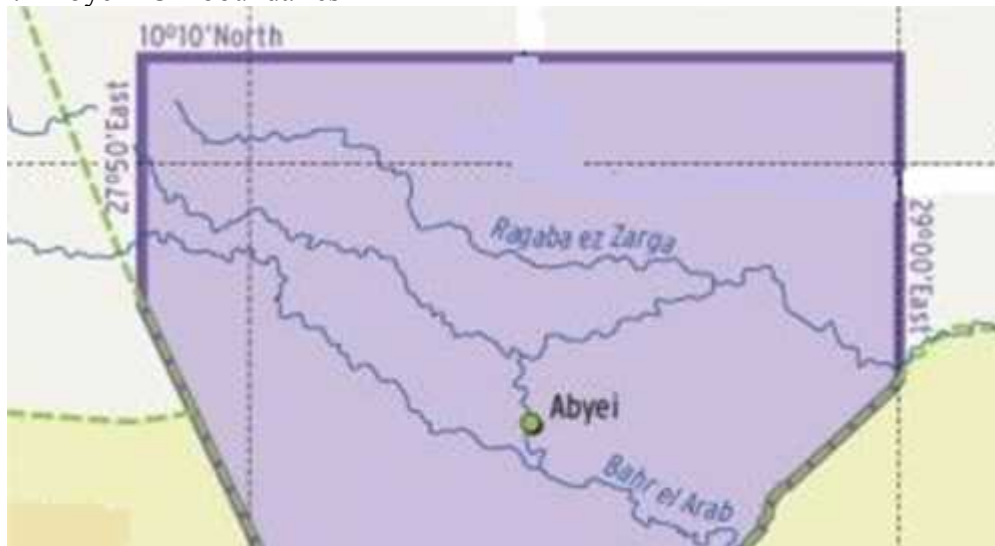
The preceding Chapter discussed the historical conflict between the Sudan and South Sudan with the objective of setting the ground for the forthcoming discussions on the Abyei conflict. This chapter provides a brief analysis of the historical linkage between the Abyei land and the conflicting parties since the pre-colonial period as both governments of Sudan and South Sudan have claimed that Abyei belongs to their respective peoples.

The Chapter also reviews the historical relationship between the *Humr Misseriya* and *Ngok Dinka* as well as the reasons for the abrogation of the 1972 Addis Ababa Agreement brokered by the Emperor Haileselesie of Ethiopia. The *Humr Misseriya* and *Ngok Dinka* have coexisted in the Abyei area for centuries; with the *Humr* pastoralists spending part of the year in Abyei herding their cattle for grazing and access to water. However, their relationship became exceedingly tense and volatile after Sudanese independence from colonialism, as the *Humr Misseriya* were increasingly recruited into government militias and many *Ngok Dinka* became part of the rebel movements in the South Sudan. Moreover, the chapter highlights the six principles of the Abyei Protocol that constitute: general background; interim period; end of interim period; administrative structure; determination of geographic boundaries; and security arrangements.

4.2 Geo-Cultural Context

Following to the PCA decision, Abyei became an area of nearly 10,000 square miles. Its western boundary runs along longitude 27°50'E, from latitude 10°10'N south until it intersects with the 1956 Kordofan-Darfur boundary, while its eastern boundary runs along longitude 29°00'E, from latitude 10°10'N south until it intersects with the Abyei Area's southern boundary (see Map 4.1). Thus, Abyei is located between the South Sudanese states of Unity, Warrap, and Northern Bahr al-Ghazal, and the Sudanese states of Southern Kordofan and Southern Darfur. In addition to possessing oil wealth, the plains of Abyei area are characterized by thick forest, bushes, and different types of fruits as well as vegetation. Abyei Town is also located north of the Kiir River/Bahr el-Arab (see Map 4.2) (PCA, 2009).

Map 4.1 Abyei PCA boundaries



Source: Adopted from Small Arms Survey (2010).

Abyei is inhabited permanently by the *Ngok Dinka* people, which belong, culturally, ethnically and racially to the South Sudan, and is predominantly Christian and agrarian. The *Ngok*, a branch of the larger Nilotic ethnic group of *Dinka*,³⁷ (Muna, 2010) who border Rueng Dinka to southeast and the Twic Dinka to the south, and with both these peoples have close cultural affinities. They also border Malwal Dinka to southwest, with the *Humr Misseriya* to the north (Deng, 2005).

The *Ngok Dinka* people are a strongly cohesive tribal unit of an estimated 300,000 people, with a well-defined, centralized political structure. Under a single paramount Chief, they are divided into nine Chiefdoms: *Abyior*, *Achaak*, *Achueng*, *Alei*, *Anyiel*, *Bongo*, *Diil*, *Mareng* and *Manyuar*. Each Chiefdom has an area of permanent habitation as well as seasonal grazing areas. As most of them are agrarians, they cultivate the land and governed through tribal law and custom, granting individuals and families exclusive rights to use certain lands. The *Ngok Dinka* are said to have a spiritual connection with the land through their tribes' ancestors. The present-day Abyei town is the center of their political and commercial affairs (PCA, 2012).

Living to the north of the *Ngok Dinka* is the *Humr Misseriya*, Arab pastoralists who have their base in the region of Muglad. The *Humr Misseriya* are said to be cattle-herders whose pastor existence takes them across a wide territory, ranging from the area around Muglad in the north to the Bahr river system of the Abyei region during parts of the dry season (PCA, 2009). According to Cunnison, the *Humr Misseriya* people are part of the

³⁷ Dinka is the largest ethnic or tribal group in South Sudan that represents around 35 percent of the total population of the country (Muna, 2010).

Baggara Misseriya Arab tribes. In fact, the people who today are known as *Misseriya* are *Baggara* Arabs who in the eighteenth century were composed of tribal divisions, the *Humr* and *Zurug*. The latter were referred to as *Misseriya*. The *Humr* settled in the Muglad/Babanusa area, the *Zurug* farther east. In 1942, the British amalgamated the two groups, who henceforth were both called the *Misseriya* (Cunnison, 1966).

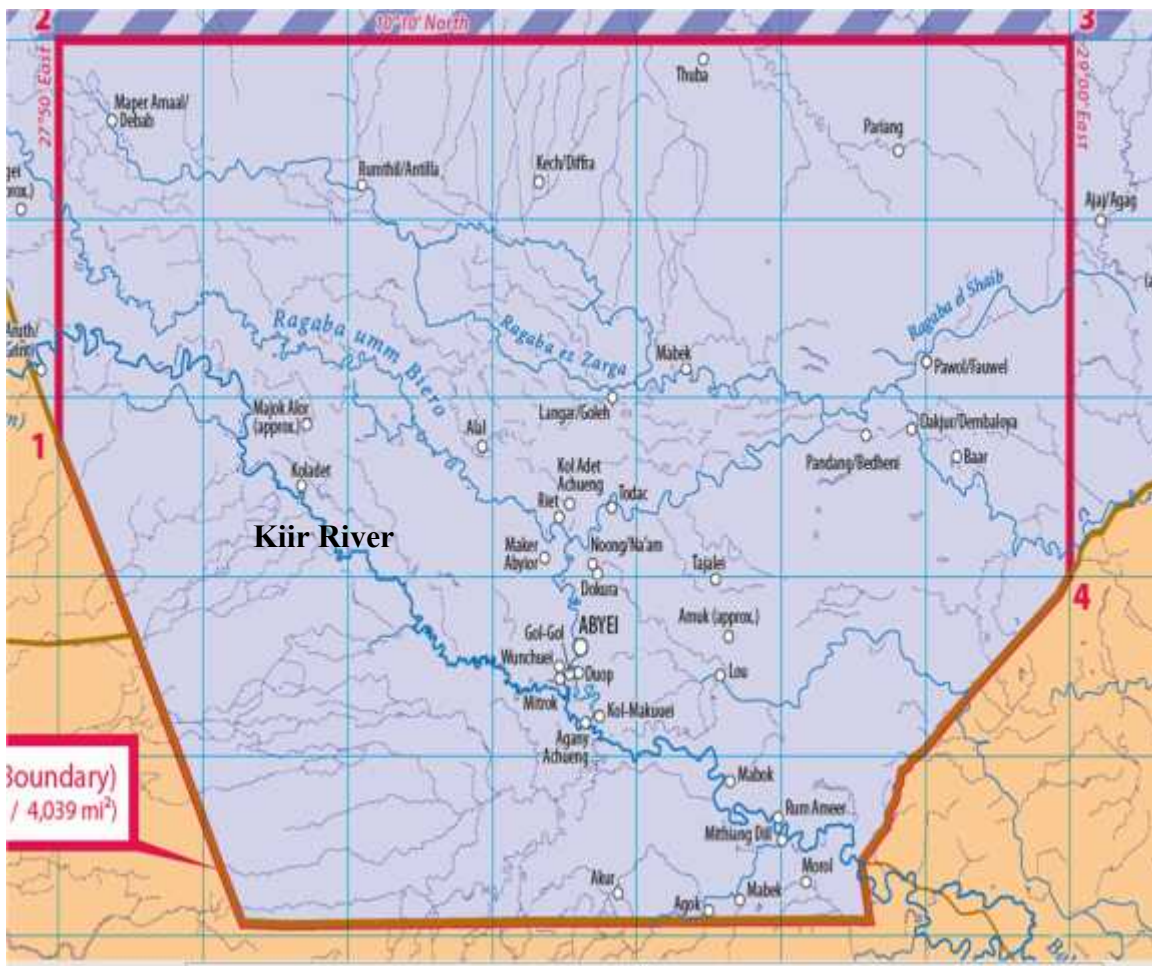
According to Ian Cunnison, The *Humr Misseriya* people are divided into two sub tribes, namely *Ajaira* and *Felaita*. While *Ajaira* has six clans (*Fayyarin, Awlád Kamil, Mezaghna, Fadliya, Menama* and *Addal*); *Felaita* has five clans (*Metanin, Ziyud, Awlád Serur, Jubarat* and *Salamat*) (Cunnison, 1966). On the other hand, *Zurug Misseriya* has seven sub tribes (*Awlád Um Sálím, El Ghazáya, El Diráwi, El Enenát, Awlá Abu Na'amán, El Zurug,* and *Awlád Haybán*) (MacMichael, 1967). Most of the *Ajaira* people of *Humr Misseriya* tribe (four of the six) are those who often go to Abyei area for grazing (ABC, 2005).

4.3 History of Abyei before Independence of Sudan from Colonialism

Historically, the *Ngok Dinka* arrived in Abyei area from Upper Nile in 1710. In this regard, Muna disclosed that, “the date of the arrival of the *Ngok Dinka* to the area of Abyei varies historically, but it is generally agreed that they arrived from the Upper Nile and settled in the riverine area between Bahr Al-Arab/Kiir River and Ngol/Ragabaez-Zarga” (see Map 4.2) (Muna, 2010, p. 5) in the 18th century (Johnson, 2010). Their dwellings are clusters of villages found along Kiir River/Bahr el-Arab, Nymoura/Umm

Bieiro and to the north along Ngol/ Ragaba el-Zarga (see Map 4.2). This territory has remained the land of *Ngok Dinka* from their arrival in 1710 until the end of British colonialism in the Sudan in 1956 (ABC, 2005). The main reason they preferred this area for their settlement was by far it was better than their previous area, which was seriously affected by frequent floods of the White Nile (Muna, 2010).

Map 4.2 *Ngok Dinka*'s Settlement area



Source: Adopted from (PCA, 2009).

The *Humr Misseriya* tribe migrated from North Africa, the belt of savanna between Lake Chad³⁸ and the White Nile, through the Wadai sultanate to Western Kordofan in general and Muglad in particular in 1700 and between 1765-1775 respectively (see Map 4.3). The *Humr Misseriya* undertook this pattern of migration to evade the demands of Sultan of Wadai³⁹.

When the *Humr Misseriya* reached the Muglad, they found two pagan tribes known as the *Shatt* and *Daju*. These tribes were the original owners of the Muglad and used to call it *Deinga*. At that time, *Ngok Dinka* already held the Ngol River (Regabaez-Zarga) (see Map 4.3 and 4.2). The *Humr Misseriya*, therefore, forced the two tribes to flock out of the area. *Shatt* escaped further south and met the *Ngok Dinka*. The *Ngok Dinka*, however, did not welcome them but rather they drove them further to the west. Finally the *Shatt* were absorbed by *Malwal Dinka* in the Lol River. While the *Daju* escaped west and settled in today's Nuba Mountain (ABC, 2005).

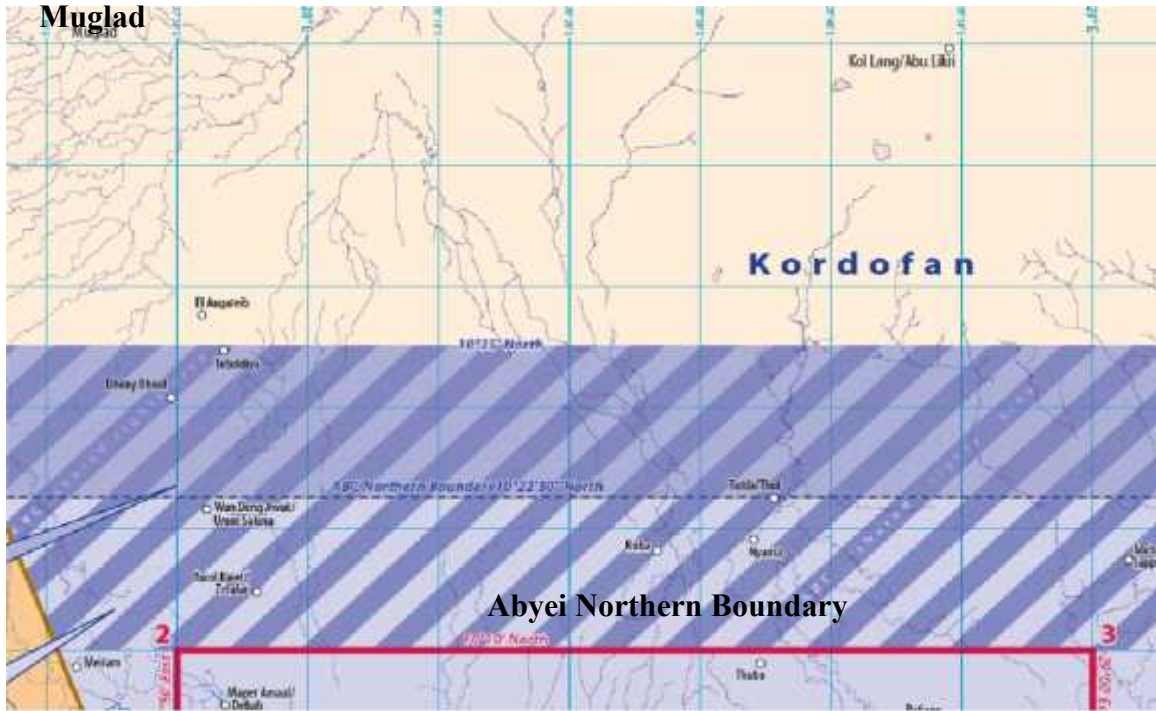
As Muna stated that some of these indigenous people took refuge in the mountains, while others were subdued and enslaved by the Arab invaders, who served as a major labor force for their cotton farms (Muna, 2010). In other words, the *Ngok Dinka* were well established in Abyei area along the Ngol (Ragabaez-Zarga), Bahr el-Arab/Kiir, Nyamora (Ragaba Umm Bieiro) and Lau (see Map 4.2) by the time the *Humr Misseriya* reached

³⁸ In fact, Chad has today a large population of *Baggara* Arabs.

³⁹ Wadai Sultanate was a non-Muslim kingdom that emerged in the sixteenth century located to the East of Lake Chad (in present-day Chad) as an offshoot of the state of Darfur (in present-day Sudan). It survived until its sultan was captured by French in the beginning of the 20th Century (Collelo, 1988).

Muglad, when even some of the *Ngok Dinka* sub-tribes assisted them in seizing control of the area from the indigenous tribes as it is documented in ‘Migration of the Misseriya’, a book written by K. D. D. Henderson in 1939 (Johnson, 2008).

Map 4.3 Misseriya’s settlement area



Source: Adopted from (PCA, 2009).

Albeit they lived within separate administrative boundaries, historically, the *Ngok Dinka* and *Humr Misseriya* have lived in a relationship of dynamic tensions, characterized by competition over water and pasture as well as enslavement. Contrary to this, the two tribes also had a positive historical relationship. For instance, during the Mahdist rule, the *Ngok Dinka* increasingly became targets of slavery by the *Rizeigat Baggara*, who were also at odds with the *Humr Misseriya*. The then paramount chief of the *Ngok Dinka*, Arop Biong, secured a measure of protection for the *Ngok* and other *Dinka* groups to

the south, first by allying with the *Humr Misseriya*, and through them, making contact with the Mahdi. This alliance helped the *Humr Misseriya* to obtain refuge and protection in the territory of the *Ngok Dinka*, especially after their relations broke with Mahdi's successor, the Khalifa Abdallahi and they were raided by Mahdist forces⁴⁰. After the defeat of the Khalifa by the British and Egyptians in 1898, many *Humr Misseriya* returned back to Muglad and other parts of southwest Kordofan (Johnson, 2010).

In 1901, a report by colonial Mudir (governor) of Kordofan on tour of Northern and Western Kordofan also showed Muglad was the headquarter of *Humr Misseriya*, where they cultivated and kept herds during the rainy season; and when the water supply gets short, they were often going to their south, notably, the Bahr el-Arab/Ngol/Ragabatez-Zarga (ABC, 2005). During that time, Bahr was the name *Humr Misseriya* gave to the whole of the dry season watering areas (Cunnison, 1966).

In 1902, when a colonial official known as B. Mahon visited Abyei area for the second time, the *Ngok Dinka* people were very pleased with his visit because the *Humr Misseriya* had not raided them since his first visit a year ago. On his way to Chief Arob (chief of *Ngok Dinka*), B. Mahon observed several herds of cattle belonging to the Dinka grazing between Fawel/Pawel and Sultan Arob's home and he testified that although

⁴⁰ During the Mahdist time, When Khalifa (the successor of al-Mahdi) was not able to get support from *Humr Misseriya* in the war against the Turks, he turned his face and began attacking the *Humr Misseriya*. As a consequence, the *Humr* escaped and took refuge in the *Ngok Dinka* land including their chief Azzoza. Azzoza was succeeded by Ali Julla. Therefore, the *Humr Misseriya* and their paramount chief Azzoza came under the protection of Arob Biong, the paramount Chief of the nine *Ngok Dinka* chiefdoms during the Mahdist time (ABC, 2005).

Arob and his people' villages camped along the Kiir River (Bahr el-Arab), the *Ngok Dinka* influence stretched a long distance further north (see Map 4.2) (ABC, 2005).

Mirroring the same view, Ian Cunnison stated that the *Humr Misseriya* pastoralists were continually moving into the Babanusa, Muglad, Goz and Bahr areas. While Babanusa area was the rain pasturage of the tribe, Muglad was a cultivation area, where the cattle made a short stop on the way north-south migration. On the other hand, while the Goz was used simply as a means of getting from one set of pastures to another, the Bahr was the end of winter and summer grazing area. However, the Regaba, the northern part of the Bahr, where they made their earliest dry season camps, while the Bahr was where they made their camps in the end of the dry season, mainly around the Regaba Um Bioro/Nymora and the Regabaez-Zarga/Ngol) (see Map 4.2) (Cunnison, 1966).

In 1902, during the early period of Anglo-Egyptian condominium administration, one colonial official, called Major Wilkinson remarked that there were some poorly built huts of the Feleita Misseriya at Keilak, where they moved their cattle in the dry season. However, he did not see indications of permanent Misseriya settlements further south on his trip from El Obeid to land of *Ngok Dinka*. In 1909, C.A Wills, a Kordofan official also wrote a report that the *Ngok Dinka* settlements were found all along the Bahr el-Arab and that their influence stretched a considerable distance further north. Moreover, Michael Tibs, the last District Commissioner in the area, indicated that there was continuity of the *Ngok Dinka* settlements around the aforementioned areas up to the end of the condominium administration. He also confirmed that the *Humr Misseriya*

migration to the territory of the *Ngok Dinka* tribe would start in December. During their migration for cattle grazing, some of the families were staying behind to look after the gum gardens, while others to tend cultivations of millet and cotton around the Muglad (ABC, 2005).

Another testimony is the peace agreement between the *Humr Misseriya* and the *Ngok Dinka* in March 1965. This agreement shows that the *Ngok* could return to their home areas in “Ragabaez-Zarga and other places where they used to live” and the *Humr Misseriya* pastoralists would have unhampered access to all areas that they had been frequently using before the outbreak of hostilities in 1964/5 (Ibid).

Transfer of the *Ngok Dinka* from Bahr el-Ghazal to Kordofan

As mentioned earlier, the relationship between the two groups began deteriorating as the *Ngok Dinka* complained of raids and extortion on the part of the *Humr Misseriya*, especially after the Anglo-Egyptian administration. For this reason, the Anglo-Egyptian condominium rule decided in 1905 to transfer the nine *Ngok Dinka chiefdoms* in Abyei from Bahr el-Ghazal into the administration of Kordofan province, the same province as the *Humr* (Johnson, 2010). The reason of transfer was to address slave raiding and to put victims and perpetrators under the same provincial administration as the Condominium government developed a policy of including hostile or competing neighbors within the same district or province to handle their disputes effectively (Thomas-Jensen & Fick, 2009; Johnson, 2008).⁴¹ However, the transfer took place without consulting the

⁴¹ Relations between the *Ngok Dinka* and *Humr Misseriya* had varied over time, with the former suffering from the latter slave raids. Similarly, *Humr Misseriya* tribe was suffering from the *Ngok*

predominant *Ngok Dinka* population of Abyei (Sansculotte-Greenidge, 2011). Other Dinka groups notably Twic and Rueng,⁴² who are now found in South Sudan and neighbor to the *Ngok Dinka*, were also transferred to Kordofan and Nuba Mountains respectively. However, in 1912 and 1930 they were returned back to Bahr-el-Ghazal and Upper Nile Provinces of South Sudan respectively, leaving the *Ngok* as the only Dinka group in the north (Johnson, 2010).

For the next 60 years relations between the *Ngok Dinka* and the *Humr Misseriya* were managed more or less peacefully within the native administration of the same province. Through the mediation of Arop Biong's son, Kwol Arop⁴³, but more particularly his grandson, Deng Majok, the Humr were able to expand their seasonal grazing areas further south within *Ngok Dinka* territory notably the Bahr al-Ghazal areas. This act of diplomacy on Deng Majok's part was much praised by Anglo-Egyptian administrators but condemned by later generations of neighboring *Dinka* and other Southern Sudanese (Johnson, 2010).

Dinka cattle rustling. This situation led the Anglo-Egyptian Condominium government to transfer the territory of the *Ngok Dinka* and part of that of the Twic Dinka from Bahr al Ghazal to Kordofan province in 1905 (Sansculotte-Greenidge, 2011; Craze, 2011).

⁴² Following the 1927 decision to re-absorb the Nuba Mountains Province into Kordofan, some of the *Rueng* people were transferred back to South Sudan (Bahr el-Ghazal on the grounds that they were more easily accessible to the administrators of this province and that they were already in good relation with the *Nuer* of that province). By 1930, however, all *Rueng* were transferred back to South Sudan and became part of the administration of Upper Nile Province (Johnson, 2012).

⁴³ During the British-Egyptian Condominium rule, a colonial governor of Kordofan Province stated that Kwol Arob of the *Ngok Dinka* paramount chief had settled disputes among his people and had maintained friendly relations with neighboring tribes *Humr Misseriya* Arabs, Twic Dinka and Rueng Dinka..... 'Kwal Arob was by far the best man for the leadership of the *Ngok Dinka* (ABC, 2005).

In the 1930s and 1950s, the colonial administration proposed the option that whether Abyei should be incorporated back into Bahr el-Ghazal of the South Sudan to Paramount Chiefs *Kwal Arop* and *Deng Majok* respectively. Both Chiefs declined to accept that option, arguing that the *Ngok Dinka* would secure better access to services like education under the administration of Kordofan (Concordis International, 2010). Their decision was opposed by a number of *Ngok Dinka*. In this regard, for example, Deng Majok, who was keen to maintain the unity of Sudan and the friendly relations between the *Ngok Dinka* and the *Misseriya* said: “I am now the thread of the Arabs and the South. I am a thread like the thread with which clothes are mended. If I pull away, the country will break apart...” (AUPSC, 2012, p. 5).

4.4 Abyei from 1956 to 2005

Following Sudanese independence, the first Sudanese civil war (1955–72) created a deeper division between the *Humr Misseriya* and the *Ngok Dinka*, as the former were increasingly recruited into the government militias and the later joined their compatriots in the *Anya Nya I* rebel movement. This division aggravated in 1965, when 72 *Ngok Dinka* civilians were burned alive in Babanusa (Deng, 1995). As the war proceeded, *Ngok Dinka* and *Humr Misseriya* clashed in Abyei grazing areas and civilians fled from the north of the territory, leaving it depopulated. One year after the Babanusa massacre, for the first time, the *Humr Misseriya* claimed parts of Abyei up to the river Ngol as an exclusively *Humr Misseriya's* territory (Craze, 2011) and few among them began permanently settling in the northern part of the area (Concordis International, 2010).

The 1972 Addis Ababa Agreement that ended the first North-South Sudan war had a provision for Abyei, entitling the *Ngok Dinka* to vote in a Referendum on whether to remain in the North or to be integrated into the territory of the newly formed Southern Sudan Region. In this regard Article 3 (c) of the agreement read:

Southern Provinces of the Sudan means the Provinces of Bahr El-Ghazal, Equatoria and Upper Nile in accordance with their boundaries as they stood January 1, 1956 and other areas that were culturally and geographically a part of the Southern Complex as may be decided by a Referendum (Addis Ababa Agreement, 1972, p. 1).

During this time, Abyei was given a special administrative status under the office of the President. However, the Referendum was not carried out because of different factors (Johnson, 2008). In fact, this agreement greatly troubled the *Humr Misseriya*, who started to feel the effects of long-term social, environmental and economic pressures. Following the 1970s legislation for expansion of large-scale mechanized agricultural schemes in Southern Kordofan, the Government of Sudan carried out large-scale land alienation as it leased agricultural land to investors. This action enfolded *Humr Misseriya's* grazing land, thereby, creating additional pressure on their southern dry season pastures (Vaughan, Schomerus, & vries, 2013).

The exploration of the oil fields between Muglad and Abyei restricted *Humr Misseriya's* seasonal grazing tracks (Craze, 2011). Later on, with the beginning of oil production, the water was polluted, endangering the health of people and cattle. Moreover, changes in rainfall patterns, which resulted famine and drought in the area, forced the *Humr Misseriya* to alter traditional grazing areas. Thus, the consequence of all these

developments had been diminishing dry season pasture in Southern Kordofan and, hence, heavily relied on the pastures south of the now international border (Vaughan, Schomerus, & vries, 2013).

The *Humr Misseriya* were also increasingly marginalized by national political dynamics arising from the Addis Ababa Agreement, which accorded Abyei special administrative status, which was largely administered by the local *Ngok Dinka*. Due to this, the *Humr Misseriya* people were worried about the Referendum by the *Ngok Dinka*, which meant Abyei would, in all probability, join the Southern Region and they would permanently lose the grazing land in Abyei area (Craze, 2011).

Due to the plethora of perceived threats to their existence, in 1977, the *Humr Misseriya* reorganized themselves into *murahaliin*⁴⁴ militias and attacked *Ngok Dinka* settlements in Abyei (Craze, 2011). In their attacks, they used automatic weapons brought in from Libya, Chad, and Uganda, while simultaneously receiving support from the police and army, as well as national politicians based in Khartoum (Johnson, 2008).

As discussed earlier, the Government of Sudan unilaterally abrogated the Addis Ababa Agreement, including the Abyei Referendum clause, which set the scene for resumption of another civil war in Sudan. In addition to the *Humr Misseriya*'s pressure, the abrogation of the agreement was directly associated with the discovery of oil within and around the Abyei area at the end of 1970s. In other words, following the discovery of oil

⁴⁴ The *murahalin* had been auxiliary cattle guards formed in the 1960s during the first civil war to protect Baggara herds in their southward movements (Johnson, 2008).

in the area and dissatisfaction from the side of *Humr Misseriya* elites with the tendency to cede Abyei to Southern Sudan, the Government of Sudan blocked the Referendum, in a move that preceded and led to the abrogation of the Addis Ababa Agreement in 1983 (Johnson, 2011).

The failure to implement the Referendum clause in the Addis Ababa Agreement and the Government of Sudan's strong support to the acts of the *Humr Misseriya* were determinant factors that led to some *Ngok Dinka* to form *Anya Nya II* guerrilla group and were instrumental in the formation of the SPLA in 1983 (Johnson, 2008). Following the birth of the SPLA, many additional *Ngok Dinka* people from the Abyei area increasingly joined the movement (International Crisis Group, 2007b). Consequently, Abyei and its environs became a victim of war and war related problems. The cost of the war for the *Ngok Dinka* had been vast. By the late 1980s, the *Ngok Dinka* villages north of the Kiir River had been virtually destroyed and most of the population had moved away (Bradbury, Ryle, Medley, & Sansculotte-Greenidge, 2006).

4.5 Abyei in the Context of the CPA

The *Ngok Dinka* people of the Abyei area were among the victims of the first and second Sudanese civil war. As stated in the previous chapter, among others the CPA constituted the Protocol on the resolution of conflict in Abyei, which was signed in Naivasha, Kenya, on 26 May 2004 (The Comprehensive Peace Agreement, 2005). According to this Protocol, six agreement principles were outlined, namely, general background, "Interim

Period,” “End of Interim Period,” “Administrative Structure,” “Determination of Geographic Boundaries,” and “Security Arrangements” (Abyei Protocol, 2004).

The general principle defined the territory as the area of the nine *Ngok Dinka* Chiefdoms transferred from Bahr el-Ghazal to Kordofan by the British colonial authorities in 1905 for administrative purposes. It also affirms that the *Humr Misseriya* and other pastoralist peoples should retain their traditional rights to graze cattle and move across the territory of Abyei (Abyei Protocol, 2004).

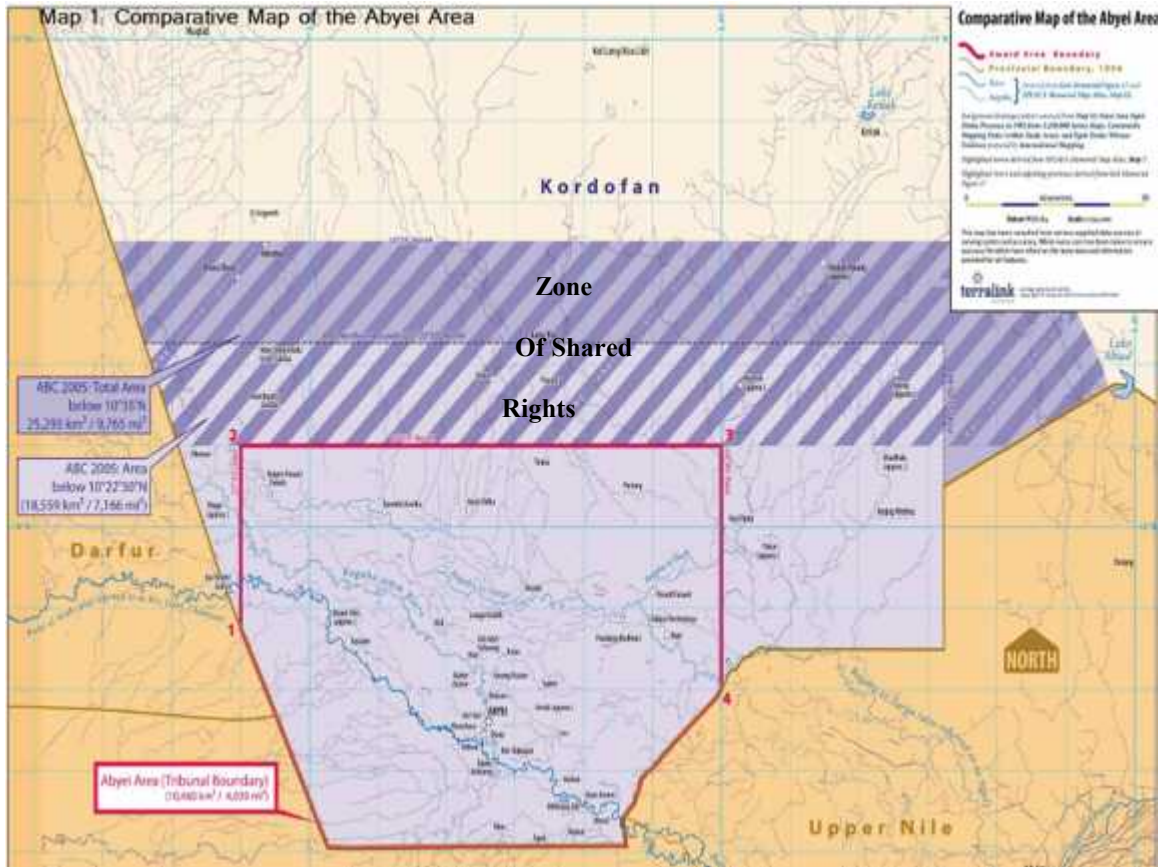
During the interim period, Abyei was to be accorded special administrative status in which residents of Abyei would be citizens of both Western Kordofan and Bahr el-Ghazal, with representation in the legislatures of both states (UNMIS, 2009). In August 2005, however, the Government of Sudan abolished Western Kordofan state, and established the greater Southern Kordofan. The measure was part of the provisions of a Protocol related to the resolution of the conflict in South Kordofan and Blue Nile states encompassed in the CPA of January 2005 between the two conflicting parties (Sudan Tribune, 2013). During this period, Abyei would be administered by a local executive council elected by the residents of Abyei. It was also agreed that net oil revenues from Abyei should be divided among six parties during the interim period (UNMS, 2009; Abyei Protocol, 2004).⁴⁵

⁴⁵ the National Government 50%; the government of Southern Sudan 42%; Bahr el-Ghazal region 2%; Western Kordofan 2%; locally with the *Ngok Dinka* 2%; and locally with the *Misseriya* people 2%; and the National Government will provide *Abyei* with assistance to improve the lives of the peoples of *Abyei*, including urbanization and development projects. See Abyei Protocol at http://www.usip.org/files/file/resources/collections/peace_agreements/abyei_05262004.pdf

At the end of Interim Period the residents of Abyei would cast a separate ballot, simultaneously with the Referendum in South Sudan, to decide whether Abyei would remain in the South Kordofan or join the Bahr el-Ghazal state in South Sudan. For determination of its geographic boundary, ABC was established, particularly to define and demarcate the boundary of Abyei. Moreover, Abyei's security arrangement was designed to be inclusive security forces from the Government of Sudan, SPLA and the UNMIS (UNMIS, 2009; Abyei Protocol, 2004).

Regarding the agreement, the ABC report was presented to the presidency on July 14th, 2005 and set the boundary of the Abyei area 87 km north of Abyei town, which included the three oil fields (Heglig, Diffra, and Bamboo). All villages recently inhabited by *Ngok Dinka*, as well as the areas from which the *Ngok Dinka* had been forced to flee and occupied by the *Humr Misseriya* were placed in a zone of shared rights (Sansculotte-Greenidge, 2011). While the report of ABC was immediately accepted by the Government of South Sudan and the *Ngok Dinka*, it was rejected by the Government of Sudan and *Humr Misseriya* (see Map 4.4).

Map 4.4 Comparative Map of ABC and PCA



Source: Adopted from (PCA, 2009).

The Government of Sudan rejected the report and accused the international experts of having overstepped their mandate by using data from after the 1905 period to determine the boundaries of Abyei (International Crisis Group, 2007b). However, the government's objection stemmed from the fact that the ABC had found that Heglig, Diffra, and Bamboo oil fields were located within Abyei area. On the other hand, the *Humr Misseriya* refused to recognize the ABC, because they were not properly consulted and their views had been ignored. Thus, the *Humr Misseriya* saw the ABC's decision as the latest in a series of events that had diminished their power and territory (Craze, 2011).

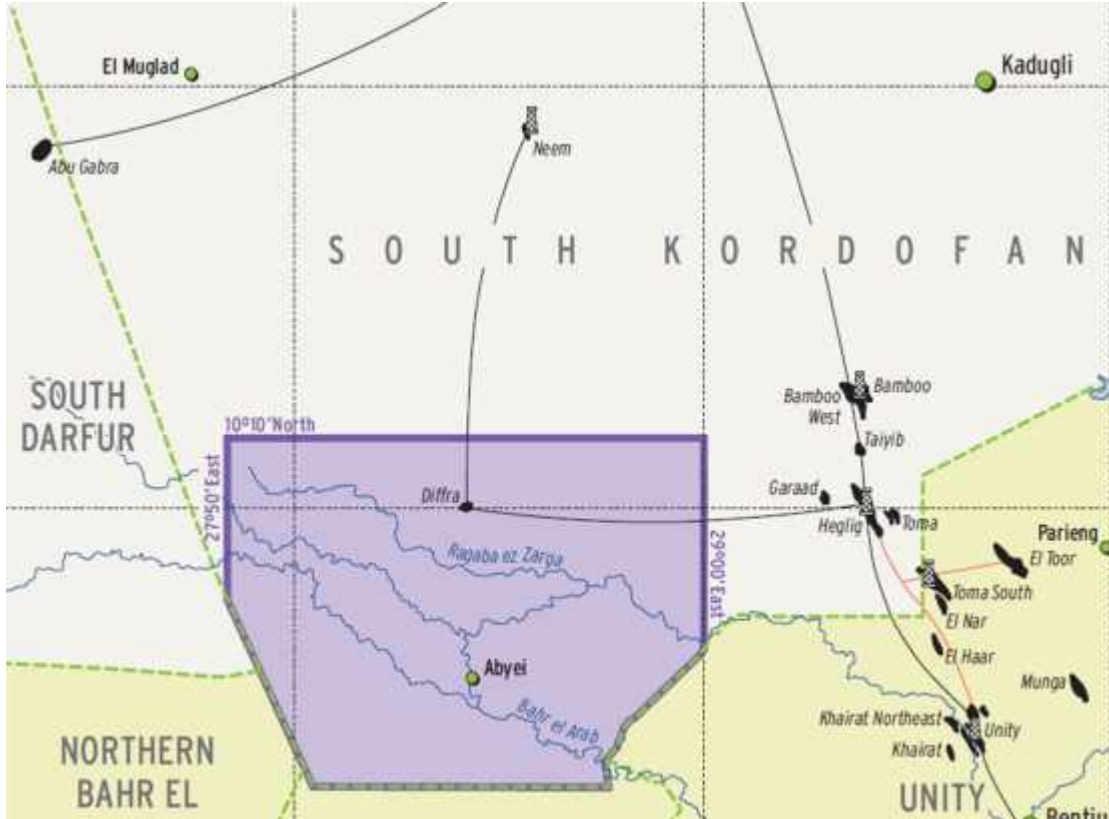
In 2008, both governments signed the Abyei Roadmap, a document which among others prescribed that both parties would go to the PCA for final and binding decision. The main purpose of the PCA was to determine whether or not the ABC Experts had, on the basis of the CPA, exceeded their mandate which was ‘to define (i.e. delimit) and demarcate the area of the nine *Ngok Dinka* chiefdoms transferred to Kordofan in 1905’ as stated in the Abyei Protocol (PCA, 2009, p. 1).⁴⁶

As per the agreement, the PCA announced its final decision in 2009, which reduced the size of the area set forth by the ABC. In doing so, only one oil fields known as Diffra⁴⁷ remained as part of the Abyei while the other two oil fields (Heglig and Bamboo) were placed to South Kordofan (i.e., the Sudan) (see Map 4.5) (Belloni, 2011).

⁴⁶ The primary responsibility of the PCA was to determine whether the ABC experts exceeded their mandate in defining the area of the nine Ngok Dinka chiefdoms and define the boundaries of the area. However, the PCA found that the ABC “exceeded some of their mandate. For example, there was no sufficient evidence to support the proposition relating to the “shared secondary rights” area between latitude 10°10’N and latitude 10°35’N. Moreover, the PCA found that the ABC experts exceeded their mandate for their decision that “the eastern boundary shall extend the line of the Kordofan–Upper Nile boundary at approximately longitude 29°32’15”E northwards until it meets latitude 10°22’30”N” (PCA, 2009, p. 267).

⁴⁷ Since the PCA decision in 2009, Diffra is the only oilfield in Abyei (see Map 4.5) (Sanders, 2012).

Map 4.5 Abyei and nearby Oilfields



Source: Adopted from Small Arms Survey (2010).

4.6 Conclusion

As reviewed in this chapter, the *Ngok Dinka* are said to have a socio-economic and spiritual connection with the Abyei land through their tribes' ancestors since pre-colonial era. Living to the north of the *Ngok Dinka* is the *Humr Misseriya*, Arab pastoralists who have their base in the areas of Muglad, from which they migrate to Abyei area for grazing and water during parts of the dry season.

Abyei area was first settled by *Ngok Dinka* people as they arrived from Upper Nile in 1710, and occupied the riverine area between Kiir River/Bahr-el-Arab and Ngol/Ragaba

el-Zarga. This territory remained the land of *Ngok Dinka* from 1710 and until the withdrawal of British from the Sudan in 1956. On the other hand the *Humr Misseriya* tribe migrated from North Africa to Muglad and its surrounding areas between 1765-1775. Different historical materials also revealed that during and after the pre-colonial period, today's Abyei area, which is delimited by the PCA, had been settled by the *Ngok Dinka* community. For instance, during the Mahdist time, the *Humr Misseriya* took refuge in the *Ngok Dinka* land to avoid being called for Jihad by the Khalifa Abdallahi (Mahdi's successor). After the defeat of the Khalifa by the British and Egyptians in 1898, many of them returned back to Muglad and other parts of south western Kordofan.

To address slavery related conflict between *Humr Misseriya* and *Ngok Dinka*, the Anglo-Egyptian condominium rule decided in 1905 to transfer the nine *Ngok Dinka* chiefdoms from Bahr el-Ghazal province into the administration of Kordofan province, the same province as the *Humr Misseriya*. From 1905-1956 relations between the two peoples were managed more or less peacefully within the native administration of the same province. Following Sudanese independence, however, the first Sudanese civil war (1955-72) created a deeper division between them, as the *Humr Misseriya* were increasingly recruited into government militias and the *Ngok Dinka* joined their compatriots in the *Anya Nya I* rebel movement. This division was aggravated in 1965, when 72 *Ngok Dinka* civilians were burned alive in Babanusa town.

The 1972 Addis Ababa Agreement that ended the first North-South Sudan war had provided the *Ngok Dinka* people the right to vote in a Referendum on whether to remain in the North or to be integrated into the newly formed Southern Sudan Region. However, the plebiscite was not carried out because of two major reasons, which were resistance mounted by the *Humr Misseriya* pastoralists; and the discovery of oil in Abyei and nearby areas at the end of 1970s. This failure to implement the Referendum clause in the Addis Ababa Agreement and the Government of Sudan's strong support to the acts of the *Humr Misseriya* were determinant factors that led to some *Ngok Dinka* to form *Anya Nya* II guerrilla group and were essential in the formation of the SPLA in 1983.

Thus, this chapter partly addresses research question number one, particularly the historical grounds to claim Abyei and its natural resources by the conflicting parties as the area was firstly settled by the *Ngok Dinka* people. In fact, after some years the *Humr Misseriya* arrived north of today's Abyei area and started traveling deep into Abyei and beyond for grazing and water, particularly during dry season. The next chapter analyzes deeply the problems associated with the implementation of Abyei agreements, particularly Abyei Protocol, PCA decision and AUHIP proposal.

Chapter Five: Implementation challenges of the Abyei

Agreements

5.1 Introduction

The preceding chapter discussed the historical conflict over ownership right to Abyei by the Government of Sudan and the Government of South Sudan in general and the *Ngok Dinka* and *Humr Misseriya* peoples in particular. The task of this chapter is to deeply analyze the problems associated with the implementation of Abyei agreements, particularly Abyei Protocol, PCA decision and AUHIP proposal. Despite the Government of Sudan and SPLM/A signing the Abyei Protocol and accepting it as one part of the 2005 CPA, still there is resistance from the *Humr Misseriya* community, which is one of the major challenges for the implementation of the principles penned in the Protocol accordingly.

The chapter is also tasked to examine the perception of the *Humr Misseriya* and the *Ngok Dinka* peoples towards the AU and international community vis-à-vis the implementation of the PCA decision and AUHIP proposal. Though both parties accepted the 2009 ruling by the PCA, they failed to reach agreement on the final border demarcation of the Abyei territory as there is no agreement on who constitutes a resident of Abyei for the purposes of voting in the Abyei Referendum.

As the conflict between the two parties festered, the two governments requested the AU to design a proposal for resolving Abyei's final status. However, albeit the AUHIP,

tasked by the AU, submitted a compromising and un-ambiguous proposal in September 2012, it is not yet implemented as there is still contestation on the Abyei plebiscite.

5.2 Equivocal Feelings towards the Abyei Protocol

Most informants from *Humr Misseriya* tribe opposed the Abyei Protocol, pointing out that it violated the 1963 OAU boundary decision. In this regard, informants from the same tribe indicated that when the African leaders established the OAU in 1963, they agreed that they would not to change boundaries in the continent. In spite of this, the case of Abyei is not treated by this well documented agreement. In other words, informants contend, it was not necessary to adopt a separate Protocol for Abyei because Abyei was part of the Sudan before the 1963 agreement.¹

In fact, The Government of Sudan made a mistake by signing the Abyei Protocol despite the fact that it signed the IGAD's initiative of declaration of principles in Machakos, which defined the Sudan's border it stood in 1956.² Accordingly, most *Humr Misseriya* people believe that the 1956 borderline between the South Sudan and the Sudan should be kept intact based on which they believe the land of the Misseriya is up to the Kiir River.³ In line with this view, an informant from this tribe expressed:

Each tribe has a particular piece of land that the British recognized before independent of Sudan. Now Dar *Misseriya* was up to the southern border of the 1956. That means it is south of Kiir River. Now given this, for quite a long time the *Humr Misseriya* people understand that this area is their land. Suddenly, they are told that this is not their land or they are not residents of this land.⁴

Moreover, an informant from Humr Misseriya noted that changing the 1956 Sudan's boundary is totally a violation to the 1964 OAU decision on African states boundaries, which says colonial boundaries as intact. In the words of this informant:

Member countries to the OAU, decided in 1963 that let us keep the borders as they were during the colonial period. However, this was the secret cow of the organization of African Unity. It was slaughtered when they accepted that they would have a Referendum for Eritrea. When that happened, it paved the way for the separation of the South Sudan and I am sure that it will pave the way for another too.⁵

In the eyes of most *Humr Misseriya*, when the Americans introduced this Protocol, they did not take in to account the 1956 border of Sudan and the 1963 OAU boundary agreement. Due to this fact, most *Humr Misseriya* do not consider Abyei Protocol as an African Protocol.⁶ In this respect, an informant from *Humr Misseriya* tribe noted that "the AU is not far from the pressures of the West. The individuals in the AU are often easily manipulated by the Western countries. For instance, the AU document says don't touch the borders of post independent African countries. However, AU has adopted Abyei Protocol, which violates its own document".⁷ Similarly, informants from the same tribe noted "they cannot at all tell us that we shall go back to what happened 100 years ago and just take the area from the Sudan and give it for the South Sudan. Otherwise, we should now ask the Europeans to leave the USA for the Aborigines".⁸

For the people of *Humr Misseriya*, the AU has been creating new problems between them and *Ngok Dinka* community under the influence of the international community as it pressured the Government of Sudan to accept the Abyei Protocol. In fact, the

Government of Sudan has been under dogged to accept the Abyei Protocol because of the international banning and embargo. For instance, the United States and European countries looked upon Sudan as a terrorist country. Indeed, during this time SPLM had been under huge support from the western states. As an informant from *Humr Misseriya* tribe underscored:

I don't think the Protocol should have been accepted at all. In fact before it was officially accepted, I wrote a letter to the vice president of Sudan who was one of the negotiators on the side of Sudanese government and I clearly indicated him that if Sudan accepted the Protocol, it would be a disastrous for the two communities on the ground. I received the response from him and actually the response was that 'we [the Government of Sudan] are under pressure, and this is now the only issue standing for the peace; we will accept it and negotiate in the future.' But, they just transferred it as a future problem because the Abyei Protocol was not fair to the Sudan.⁹

After violence in May 2008, the Government of Sudan and the SPLM/A signed an Abyei Roadmap document in June of that year to address the crisis in Abyei. This document called for a new JIU⁴⁸ battalion to be deployed to Abyei by replacing the former JIU that had been involved in the May 2008 clashes. The Abyei Roadmap also called police units to be deployed to Abyei up on the agreement of the two governments. Moreover, based on this document, the two conflicting parties agreed to refer the case to the PCA in The Hague for a final and binding decision (Craze, 2011). In the ruling of PCA, the Government of Sudan and the Government of South Sudan were the only two parties

⁴⁸ The parties agreed to establish SPLA/SAF JIU's in the South, the three areas of Abyei, Southern Kordofan and Blue Nile states, and Khartoum, with the understanding that the SAF would withdraw the remainder of its troops from the South, and the SPLA would withdraw its additional troops from the North (International Crisis Group, 31 March 2006, p. 10).

officially represented but the *Humr Misseriya* people were not strongly represented in the proceedings (Small Arms Survey, 2013).

5.3 The PCA Decision and its Implementation

As stated above, in 2008, both governments signed the Abyei Roadmap and decided to go to the PCA, The Hague, in which they agreed the decision of the ruling to be final and binding. Pursuant to the agreement, the PCA announced its final and binding decision on 22 July 2009, which reduced the size of the area set forth by the ABC. Following the announcement both the Government of Sudan and SPLM/A accepted the decision (Belloni, 2011). Similar to the ABC report, the decision of the PCA accorded *Humr Misseriya* pastoralists the right to use Abyei area for grazing cattle, which read “The exercise of established traditional rights within or in the vicinity of the Abyei area, particularly the right (guaranteed by Section 1.1.3 of the Abyei Protocol) of the *Humr Misseriya* and other nomadic peoples to graze cattle and move across the Abyei area (as defined in this Award), remains unaffected (Lowe & Tzanakopoulos, 2012, p. 358).

The two parties next took their case to The Hague to know the area of the nine *Ngok Dinka* chiefdoms which was transferred from South Sudan to the Sudan in 1905 by the Anglo-Egyptian Condominium Administration. Immediately following the decision, the Government of Sudan was happy because of the fact that Heglig and Bamboo oil fields were delimited out of the Abyei map. But, later when the government realized that the pastoralists and their leaders were unhappy with the decision of the ruling, as stated in detail below, it designed a new strategy and encouraged them to take part in the

Referendum, at most to make Abyei on their side.¹⁰ In this respect one informant from *Ngok Dinka* tribe noted:

When we went to The Hague, our expectation was to identify the land of *Humr Misseriya* and the land of *Ngok Dinka*. Accordingly, The Hague's verdict shows clearly the areas of the *Humr Misseriya* and the nine *Ngok Dinka* chiefdoms, which is final and binding. If the land of *Humr Misseriya* and the land of *Ngok Dinka* are known, why are the Government of Sudan and the *Misseriya* claiming that they should participate in the Referendum. This is the problem we are facing now.¹¹

In accordance to the ruling's verdict, the *Humr Misseriya* people have lands, called "Dar Misseriya" in the north of Abyei, which includes Muglad, Babanusa and other nearby areas in Southern Kordofan.¹² However, the unacceptable claim mounted by the Government of Sudan and the *Humr Misseriya* elites is that they need the whole Misseriya, who are living in those areas and beyond to participate in the Abyei plebiscite. Indeed, they say this because their number is bigger than the total number of the *Ngok Dinka* people.¹³

Faced with this reality, the Government of South Sudan and the people of *Ngok Dinka* rejected this claim as each of the nine *Ngok Dinka* Chiefdoms has specific territory within the PCA boundary of Abyei area. Of course, the small number of non-*Ngok Dinka* people, who came from the Sudan and the South Sudan for various reasons, are living within the territory as well.¹⁴ In this regard, a *Misseriya* lawyer in Khartoum remarked that the PCA law should be honored and enforced regardless of its benefits and burdens either to the Sudan or the South Sudan. In the words of this informant "the two parties

decided to go to The Hague to solve the issue by legal means. As per their agreement, the legal decision should be final and binding; otherwise there will be no rule of law. Therefore, they should stick to the law; I know that *Humr Misseriya* people are my cousins. But, the law is there, they have to stick to the law and think for the future.”¹⁵

Ostensibly, most informants from the *Ngok Dinka* tribe believe that the verdict of the PCA is not fully respected and accordingly poorly implemented. In this regard, an informant from the same tribe noted that the two parties went to The Hague and the most interesting thing was that the two sides agreed that whatever the PCA would decide, they were ready to accept and take it seriously.¹⁶ As per its mandate, the PCA delimited the place of the nine *Ngok Dinka* chiefdoms that was transferred from Bahr al-Ghazal to Kordofan in 1905.¹⁷ In fact, this area is a home of the *Ngok Dinka* people, who have been permanently residing for centuries.¹⁸

Moreover, the decision of the PCA noticed that the *Humr Misseriya* pastoralists have a natural right to go to Abyei area and pass through it for water and grazing. Indeed, this decision is not opposed by the *Ngok Dinka* people because they believe that Abyei has been traditionally a home to the nine *Ngok Dinka* Chiefdoms and occasionally used by the *Humr Misseriya* pastoralists for grazing and water.¹⁹

However, a South Sudanese government official remarked that the decision of the PCA was not fair to *Ngok Dinka* people as the size of their land area was reduced and the two big oilfields lie outside of the Abyei territory. Of course, he appreciated the people of

Ngok Dinka and the Government of South Sudan for accepting the rulings verdict as being final and binding on the two parties.²⁰ Similarly, informants from the *Ngok Dinka* tribe underscored “we were not happy with the decision of the PCA because we lost resourceful areas such as Heglig and Bamboo oil fields. But, due to the fact that the decision was final and binding, we as a people and our government accepted it faithfully”.²¹

Following the PCA’s decision announcement, as highlighted above, at the beginning the Government of Sudan was happy because of the fact that it had secured the two big oil fields. But, later when it observed that the *Humr Misseriya* was not happy, it adopted a new agenda that the *Humr Misseriya* pastoralists should be given the right to participate in the Abyei Referendum. Such a strategy on the Government of Sudan part was deliberately designed to get at least political support from the *Humr Misseriya* people.²²

In connection with this, one informant from *Ngok Dinka* tribe noted:

When it was decided by the PCA that this is the area of the Nine *Ngok Dinka* chiefdoms of Abyei that was transferred in 1905 from Bahr al-Ghazal to Kordofan, then the Government of Sudan and *Humr Misseriya* chiefs came and said this is not true unless the *Humr Misseriya* pastoralists are allowed to participate in the Abyei Referendum, which is totally unacceptable by the people of *Ngok Dinka*.²³

The so-called international community and powerful states are reluctant to take measures against the Government of Sudan for its refusal to respect and implement the final and binding decision of the PCA faithfully.²⁴ In the words of one South Sudanese government official “when the ABC decision was rejected by the Government of Sudan, nobody had

taken measure against the one that repudiated to the commission's decision. Following this, we went to The Hague and its verdict is clear for everybody. All of them including the international community were there; but, it is not yet implemented because of their carelessness".²⁵

With no Referendum in sight and tensions mounting ahead of South Sudan's anticipated independence, in May 2011, violence broke out in Abyei and Sudan Armed Forces and *Humr Misseriya* Militias invaded and destroyed Abyei town for the second time in three years and displacing of over one hundred thousand *Ngok Dinka* people, many of whom had only returned following a spate of violence in May 2008 (Rendón & Hsiao, 2013). The Government of South Sudan did not respond to such invasion militarily, largely because the party's focus was on South Sudan's formal declaration of independence on 9 July 2011 (Small Arms Survey, 2013).

One month after the invasion, on 20 June 2011, the two governments signed an agreement called "the Temporary Arrangement for the Administration and Security of the Abyei Area", in Addis Ababa under the brokerage of the AU, which committed both sides to the total withdrawal of their military forces from the area and the reestablishment of a local administration. In support to this agreement, the UN Security Council passed resolution 1990 on 27 June 2011, which authorized the establishment of the United Nations Interim Security Force for Abyei (UNISFA),⁴⁹ thereby authorizing the

⁴⁹ Based on Chapter VII of the United Nations Charter, the UN Security Council authorized UNISFA to take all the necessary actions in Abyei area to protect United Nations personnel, facilities, installations, and equipment; ensure the security and freedom of movement of United Nations personnel, relief workers and members of the Joint Military Observers Committee and

deployment of 4,200 Ethiopian UN peacekeeping forces to Abyei area pursuant to the two leaders' agreement (Small Arms Survey, 2013).

Currently, the UNISFA is the sole body responsible for providing security in Abyei and authorized to support a full military withdrawal by Sudan Armed Forces and SPLA in order to enable the *Ngok Dinka* to return to their territory. As per the UN Security Council Resolution 2046⁵⁰, the UNISFA confirmed that while all 700 officers of the South Sudan Police Service had withdrawn from Abyei by 10 May 2012, almost all SAF troops withdrew from the territory on 30 May 2012 except 120 to 150 police officers assigned to guard Diffra oil field (Small Arms Survey, 2013).

5.4 Responses to the AUHIP Proposal on Abyei

In a move designed to help ensure that the Government of Sudan and the Government of South Sudan resolve their differences over the disputed Abyei area as well as on host of other pertinent issues, the African Union assigned its High-Level Implementation Panel under the chairmanship of Thabo Mbeki, former South African president, to mediate the talks. In fact, before the secession of South Sudan, in 2010, the Abyei issue was agreed to be addressed at the level of the presidency that included President Omar Hassan Al-Bashir and the then two vice presidents of Sudan, Salva Kiir Mayardit and Ali Osman Taha. After South Sudan became independent, both countries were expected to find a

Joint Military Observer Teams; It also authorized the use of force to protect the area “from incursions by unauthorized elements” (Getachew, 2012).

⁵⁰ UNSC Resolution 2046 passed on 2 May 2011 in response to the clashes along the Sudan and South Sudan border, called for an immediate cessation of hostilities between the two countries, and demanded that both sides remove their forces from Abyei and resume talks within two weeks, under threat of sanctions (Small Arms Survey, 2013).

solution to the Abyei problem. But, after the intermittent talks on Abyei between the two governments had practically stalled, President Omar Hassan Al-Bashir and President Salva Kiir Mayardit requested AUHIP to prepare a proposal on the final status of Abyei (Akol, 2013).

At the request of both leaders, the Panel offered a number of alternative proposals to end the crisis in Abyei. One of the proposals, which was not made public and officially was resealed, partitioned off Abyei, with the northern half including the Diffra oilfield going to the Sudan and the southern half going to the South Sudan. Initially, this proposal received the support of the United States, which created severe dissatisfaction among the *Ngok Dinka* people and officials of the Government of South Sudan (Craze, 2011).

Ostensibly, the Government of South Sudan and the *Ngok Dinka* people refused the proposal and stuck to the final and binding PCA decision. On the subject of the proposal, Johnson remarked “by proposing a further compromise of a compromise (the PCA ruling) of a compromise (the ABC report), the US is undermining the role of international mediation and arbitration”⁵¹ (Johnson, 2011, p. 5). Similarly, an informant from *Ngok Dinka* tribe questioned the importance of this proposal in particular and other alternative proposals in general, which he said “without fully implementing the decision of the PCA, how come the two parties requested the AU to prepare a new proposal.”²⁶

⁵¹ The government of South Sudan and Ngok Dinka were angry by the 2010 proposal of Gen Scott Gration (a US Special Envoy for Sudan), which states “any pastoralist who would have stayed for 185 days in the Abyei Area during the immediate preceding period of 12 months should qualify to be characterized as ‘*residing in Abyei*’ and should therefore be entitled to vote in the referendum” (AUPSC, 2012, p. 10).

On 21 September 2012, the AUHIP presented an official proposal aimed at providing mechanisms for resolving Abyei's final status. However, it was clear that the panel's proposal was not going to be final and binding. Rather, the issue would be left to the two presidents, President Omar Hassan Al-Bashir and President Salva Kiir Mayardit. In other words, no one else is supposed to impose the proposal on either parties or countries.²⁷ In this respect, one of the members of the AUHIP underscored:

We are trying to bring the two leaders together to discuss on the basis of what the panel has produced. The proposal was produced based on the Abyei Protocol, which was signed by the two parties in 2005. It was also based on the temporary arrangement agreement⁵² and PCA. Of course, the document that was produced by the panel is not final and binding. It needs the acceptance of the two presidents. The proposal tries to create a balance between the two parties. It further indicates that whichever way Abyei goes, the people in there will still have rights. Some of them such as the *Humr Misseriya* pastoralist may not have political rights; but they have economic, security and social rights. As usual, they can also be able to cross to traverse all the Abyei areas.²⁸

As per the mandate, the AUHIP is only responsible to help the two governments to sit down and settle their problems based on the proposal that was produced for them. "We can't force them to implement it but we as much as possible try to put principles that helps the issues to be resolved".²⁹ Mirroring the same idea, one expert from the AU articulated that by putting mutually beneficiary principles as a requirement to implement

⁵² Temporary arrangement for the administration and security of the Abyei area was signed between the government of Sudan and SPLA in June 2011. This agreement provides for temporary administrative arrangements for Abyei area and for the redeployment of Sudan Armed forces and SPLA from the Abyei area, immediately consequent on the deployment of UNISFA composed of Ethiopian troops. Therefore, both countries agreed that with the exception of UNISFA, Abyei area should be demilitarized (Temporary Arrangement for the Administration and Security of the Abyei area, 2011).

the proposal and the temporary agreement signed between the two governments, the AU is trying to create stability in the area and between the two governments. Some of the principles issued by the AU include making Abyei a weapon-free area; forming the Abyei area administration and police force; and ensuring that the Abyei Joint Oversight Committee works.³⁰

In October 2012, the AUHIP sent the proposal to the two countries' presidents, which proposed Abyei's Referendum should be voted on by members of the *Ngok Dinka* people and other Sudanese residents of the territory in Abyei in October 2013. But, unlike the Abyei Protocol, it explicitly defines residents as those "having a permanent abode within the Abyei Area." It also proposes that the Referendum commission should include two representatives from the two countries, and a chairperson to be appointed by the AU. Besides, it proposed to set up the Abyei Referendum Facilitation Panel (ARFP), to be composed of three "individuals of international stature," to mediate any disagreement in the Referendum commission as well as to deliver advisory services (Small Arms Survey, 2013, p. 7).

Regardless of the outcome of the Referendum, the Abyei proposal guarantees *Humr Misseriya's* migratory rights and creates a Common Economic Development Zone (CEDZ) to transform the existing conflict between the adversaries of the two Sudans. In this regard, Rendón & Hsiao stated:

The proposal provides for the creation of a Common Economic Development Zone, or CEDZ, encompassing the Abyei area, adjacent localities in South Kordofan, and adjoining states in South Sudan. The

purpose of the CEDZ is to accelerate social and economic development throughout Abyei on an equitable and sustainable basis, meaning that the *Ngok Dinka* and *Misseriya* communities in those areas will benefit from the CEDZ equally. The CEDZ will also accelerate economic development in adjoining areas of South Kordofan, with the purpose of developing permanent water sources for livestock, improved pasturage, and sustainable agriculture. Until the Referendum, these projects will be funded by 50% of the revenue from oil extracted from Abyei, the governments of Sudan and South Sudan, and international donors (Rendón & Hsiao, 2013, p. 8).

According to the AUHIP proposal, after the Referendum, revenue from Abyei's oil resources will be allocated accordingly: (i) 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 (AUHIP for Sudan, 2012).

Subsequently, the AUHIP's proposal was accepted by the African Union Peace and Security Council (AUPSC) on 24 October 2012, by appreciating it as "fair, equitable and workable solution to the dispute," then after it requested the two countries to further negotiate over a six-week period on the basis of the proposal (Rendón & Hsiao, 2013). The AUPSC also warned that if the two parties failed to agree on Abyei's final political future, it would endorse the proposal as final and binding, and would also send it the UNSC for endorsement (Craze, 2014).

The Government of South Sudan and *Ngok Dinka* people accepted the Proposal without amendment and called for its implementation as the South Sudan's Minister of Foreign Affairs confirmed at the meeting of the African Union Peace and Security Council on 24 October 2012 in Addis Ababa, during which Foreign Minister Nhial Deng Nhial stated "this Proposal, which the Government of South Sudan has, in the interest of durable peace with Sudan, unreservedly endorsed and is ready to fully implement, derives its legitimacy and authority from the fact that it represents the spirit and gist of the Abyei Protocol of 2005 that the Parties crafted on the basis of their own free will" (Sudan Tribune, 2012b). On the other hand, the Government of Sudan and the leaders of *Humr Misseriya* expressed their rejection of it as the government's official response read:

The eligibility of the Misseriya nomads to vote is the heart of the disagreement that should be addressed by any proposal on conducting the Referendum with the positions of the two parties in mind. Rather than breaking new grounds or building on former proposals of the mediators, the AUHIP proposal indorses the position of one party about the eligibility criteria and ignores entirely the position of the other party.The Government of Sudan, whose position on this matter is ignored altogether, has no alternative but to categorically reject the proposal in it's entirely" (Government of Sudan response to the AUHIP, 2012, pp. 3-4).

Despite the AUPSC threats to endorse the proposal as final and binding and send it the UNSC for endorsement, following Government of Sudan's intensive lobbying of the Russian government, it shifted its plan from endorsement to asking both sides to engage in mediation (Craze, 2014). Although President Salva Kiir and President Omar al Bashir met in Addis Ababa on 4 and 5 January 2013 to further discuss the Proposal, they did not agree on the Abyei Referendum (Small Arms Survey, 2013).

Following AUHIP's proposal release, a large part of the *Ngok Dinka* people demanded that the proposal should be respected as it clearly proclaimed that the right to take part in the Abyei Referendum belongs to those people of who have a permanent abode in Abyei.³¹ They also called upon the AU to be strong enough to push for the implementation of the proposal by making influence on the Government of Sudan to accept and execute the projected Referendum accordingly.³²

Since the announcement of the proposal, the AU has called on the two parties to agree on the implementation process without any delay and so as to proceed to the post-Referendum activities such as peace building, rehabilitation and reconciliation.³³ As one member of the AUHIP noted, "we, members of the panel are attempting to convince the Government of Sudan to accept the proposal and have further discussion with the Government of South Sudan on how to implement the principles of the proposal."³⁴

Because of the Government of Sudan's endurance of rejection to the proposal, there is no formal process in terms of administrative setup in the Abyei area. So, Abyei is still without formally accepted local administration such as local police, legal administration and prison.³⁵ At the result of this vacuum of law and order and unavailability of infrastructure in the area, many displaced *Ngok Dinka* people are not able to return back to their home areas. Even if many international organizations are interested in helping the Abyei people inside Abyei, there is no infrastructure and security guarantee for them.³⁶

However, nowadays, given that the *Ngok Dinka* political leadership have established de facto control of Abyei except in the northern part and many of the civil servants of the previous administrations have now returned. There is little incentive to continue negotiations to establish a joint administration that would further disenchant the *Ngok Dinka* and threaten the informal administration's control of the territory. Even the Government of South Sudan supports the de facto *Ngok Dinka* administration in Abyei. For instance, it donated 12 vehicles to the *Ngok Dinka* leadership in July 2014 and it transferred SSP 24 million (USD 5.3 million) to the Abyei administration to pay civil servants in the territory. Furthermore, on 18 August 2014 the South Sudanese Ministry of Health committed to rebuilding Abyei's hospital and training the area's medical staff (Craze, 2014).

The *Ngok Dinka* people are not interested to share these institutions with the *Humr Misseriya* people due to the fact that they absolutely believe Abyei is not a shared area between the two communities, particularly in terms of ownership rights.³⁷ As one member of the AUHIP noted:

One of the problem to have a joint administration in Abyei area is there is no agreement in how many percentage from each side to become members of the Abyei council. Previously, based on the Abyei Protocol, it was 60 for the South and 40 for the North. But, now this is not accepted by the Government of Sudan and insisted 50 from each side, which is not acceptable by the Government of South Sudan. On the other hand, the Government of Sudan refused 60-40 due to the fact that if it agreed to this, it means that it is agreeing that Abyei belongs to South Sudan. The other difficult factor related to Abyei issue is to form a joint police component that comes from both states. It will be very difficult to assign the head of

the police organ in Abyei due to the fact that in the modern state system police is seen as a symbol of sovereignty. Now, you are talking about law and order. Whose law and order are the police going to enforce? Are they going to be arresting people when they drink alcohol because it is a sharia law in the North or the other way? Are they going to arrest people because they are dressing in certain ways or the other way? So, joint administration seems to be problematic in Abyei.³⁸

5.5 AU's Failure to Address the Abyei Problem

The main reason of the Government of Sudan's rejection of the AUHIP proposal, which now become a blueprint, is due to the fact that the principles of the proposal are not in line with the political and economic needs of the government. Despite this, the AU does not step forward to convince the incumbent regime in Sudan to accept and implement it on the ground.³⁹ Understandingly, most of the *Ngok Dinka* people were even expecting that the AU would take strong and reliable measures against the Government of Sudan.⁴⁰ This includes punishment of Sudan by suspending its membership from AU. However, even though the AU has come up with a compromising proposal, it had not designed a workable mechanism if either of the state failed to implement the proposal.⁴¹ This loophole and other problems of the organization helped the government to build up its resistant against the proposal.⁴² In this respect, an informant from *Ngok Dinka* tribe remarked:

Albeit the panel came up with workable proposal, the role of the AU is very slow in bringing it into the ground. Whenever a process taking long time, there is something wrong; and as human being we need to find out why is taking long time and what is that something making wrong. Moreover, we need to find out the interests/motives behind the curtain.⁴³

The weakness of the AU has emanated from its members states. For instance, while some member states want serious measure to be taken against the refuter of the proposal, others do not want anything. This includes referring the case to the UNSC for endorsement, which is not yet practical as there is no agreement between them.⁴⁴ In line with this, a South Sudanese government official noted that the AU and its member states are not able to understand the suffering of the Abyei people as they did not show strong commitment to condemn the Government of Sudan and *Humr Misseriya* Militias for the crime against humanity in Abyei. “It seems that the AU has forgotten its responsibility to address African problems”.⁴⁵

As the Abyei situation festered from time to time with no progress in sight, most *Ngok Dinka* people believe that unless the AU’s effort get support from the UNSC, the problem of Abyei will remain as it is never producing sustainable solution. As the experiences of the AU show, even if it has brought a proposal on Abyei, it failed to request the backing of the UNSC or big powers because without the support of the UNSC, the AU can never achieve any progress in resolving the problem in Abyei. Understandingly, had AU been strongly assisted by the UNSC, it would not have been multiple agreements for the same issue or it would not have been negotiating a new deal without implementing the previous one.⁴⁶ Even today, some officials from the Government of South Sudan have been frequently requesting the AU to send the case to the UNSC as soon as possible.⁴⁷ For instance, one South Sudanese government official remarked:

The panel from the beginning did not stick to one position; I think Abyei should have been under the UNSC. Because handling a situation that

would enable without quick solution is not good. We have seen a situation in Darfur. There is no proper solution. For me I don't want Abyei to be just like Darfur. If the AU is unable to address the issue, it should transfer it to the UNSC to get immediate and workable solution as this institution is strong in terms of influencing the conflicting parties.⁴⁸

Similarly, many people from *Humr Misseriya* and officials from the Government of Sudan blamed the AU for its inconsequential effort in addressing the Abyei issue. In fact, the criticism is for its adoption of the AUHIP Proposal. They believe that the AU proposal towards Abyei issue is totally in favor of the South Sudan as it was based on a wrong fact, which did not take in to consideration the situation on the ground and imagine the impact of exclusive Referendum on both communities and governments. In other words, in the eyes of *Humr Misseriya* elites and the Government of Sudan, the AUHIP Proposal is a war description that may open a gate for another war between the two governments and between the two communities; and further radicalize the perception of both communities on the ground and adversely affect the works of other organizations such as the UNISFA.⁴⁹

Most Sudanese government officials also blame the United States as they believe that the Americans are using their ambassador and envoys to influence the mediators in the AU, especially the members of AUHIP and African Union Peace and Security (AUPS) through different ways to indorse the Proposal without allowing the conflicting parties to discuss deeply on the issue.⁵⁰ In fact, the influence comes at the result of financial and logistics reliance on the Western states.⁵¹ Moreover, they criticized President Thabo Mbeki for his attempt to be a Western more than an African mediator as he was not able

to address the Abyei issue a little bit away from the international community's format or approach that has been established prior to his involvement.⁵² As an informant from *Humr Misseriya* stressed:

President Thabo Mbeki's panel did not study African experiences to reach a conclusion from the African context, especially to apply this in the case of Abyei. Therefore, AU is very weak and uncreative to develop and use its own African experience for African solution. He has been still under the leverage of the United States. If you look at the principles of the Protocol, for example, it is totally a down force by the Americans.⁵³

5.6 Failure of the International community

Many South Sudanese government officials and *Ngok Dinka* people discredited the role of the UN and powerful states for their negligence to the problem of Abyei. For instance, the UNISFA, which was created by the UNSC, is not doing progressively to resettle the displaced *Ngok Dinka* people to their original home as planned. Many of these people are not happy with this institution as the paramount chief of *Ngok Dinka*, Deng Kuol Deng, was killed on its presence.⁵⁴ In fact, the role of the UN is not as weak as the AU.⁵⁵

The *Ngok Dinka* community felt abandoned by the international community, which continued to insist on bilateral negotiations between the Government of Sudan and the Government of South Sudan. Many of them remarked that the international community, including the United States, which played a prominent role for the adoption of the Abyei Protocol, did not put enough pressure on the Government of Sudan to implement the Protocol which it signed. Even those countries that promised to be a guarantor of the Protocol have not been pushing enough for the implementation of the agreement. Rather

their ambivalence led the Sudan Armed Forces and *Humr Misseriya* militias to violate the agreement and invade Abyei territory in 2008⁵³ and the years after that.⁵⁶

Furthermore, even though the international community has the capacity, they are not ready to take any measure against the Government of Sudan for its violation of successive agreements as they are not taking the issue seriously in their meeting agendas.⁵⁷ In the words of informants from the *Ngok Dinka* tribe “a number of agreements were made and several issues were discussed in Addis Ababa, The Hague and Kenya. But, nothing came out from that. We have had nothing actually from the dominant countries like the US and other members of the international community regarding the killing of our paramount chief and other dominant figures.”⁵⁸

Mirroring the same view, one intellectual from Juba University underscored “the so called international community does not know what to do about Abyei. Sometimes they stand with South Sudan; other times they stand with the Government of Sudan. Even though they decided that the *Ngok Dinka* people are the majority to take part in the Abyei Referendum, still they do not take any enforcement mechanism against the one that violates this decision.⁵⁹ On the contrary, an informant from the *Ngok Dinka* tribe remarked that the international community has contributed a lot to the cause of Abyei especially on the adoption of Abyei Protocol in 2005. In fact, he shares the view that after the adoption of the Abyei Protocol, the involvement of the international community is not

⁵³ Following the NCP’s rejection of the ABC decision, no progress was made in demarcating the Abyei area and tensions continued to rise. In May 2008 altercations between the SPLA and SAF contingents of the JIU stationed in Abyei town sparked a wider conflagration in which more than 60,000 inhabitants fled and much of the town was burned (Craze, 2011).

very effective in dealing with this issue. Simply it is “like somebody who is actually in the airplane when he looks from the height to the earth, he can see the whole level is one. They failed to separate the perpetrators and victims in Abyei; and they are unresponsive to address the grievances of the *Ngok Dinka* community”.⁶⁰

Unlike the above views, many people from *Humr Misseriya* tribe, however, indicated that the international community exerts formidable leverage on the Government of Sudan without considering the reality on the ground. As observed in many ways, they have an interest to weaken the Government of Sudan as they become bias towards the Government of South Sudan starting from the initiation of the Abyei Protocol in 2005.⁶¹ In this regard, the United States is the major culprit, which supports the Government of South Sudan both in terms of politics and finance with a believe that the people of this area are Christian and non-Arabs. Of course, USA is also interested in the oil in Abyei.⁶² In line with this, an informant from the *Humr Misseriya* tribe stressed that “the international community has complicated the problem as they are sympathizing to the Government of South Sudan and the people of *Ngok Dinka*. This situation has also adversely affected the roles of the AU mediators in initiating fair proposal”.⁶³

In many ways, the *Humr Misseriya* people have been very much punished by the fact that the Government of Sudan is not by large a friend of Western countries. This situation by far affected the fate of the *Humr Misseriya* as they are considered as part of the Government of Sudan, while the *Ngok Dinka* are considered as part of the Government of

South Sudan. Because of this perception, everything is articulated and drafted against the *Humr Misseriya* and the Government of Sudan.⁶⁴

Despite the fact that the international community pays little attention towards the Abyei issue, the role of Ethiopian UN peacekeepers is not that much exposed for criticism as they are treating both communities and governments in a balanced approach.⁶⁵ In this respect, a South Sudanese senior government official remarked:

We accepted the role of Ethiopia to play in the peace process because we believe that it is neutral. That is why the Ethiopian troops under the UN peacekeeping mission are in Abyei. Both of us believe that Ethiopia has the power to do so. They have big, strong and experienced army in the region. Moreover, it was in Naivasha peace process; it has good knowledge about *Anyanya I* and *Anyanya II*; it had crafted the 1972 Addis Ababa Agreement; it was involved in the 2005 CPA through IGAD. Those altogether make us to accept Ethiopia to play role in the conflict between us and the Government of Sudan.⁶⁶

5.7 Conclusion

The Abyei Protocol is one of the sixth parts of the 2005 CPA, which was accepted and ratified by the Government of Sudan and SPLM/A. However, the Government of Sudan is not able to implement some of the principles of the Protocol because of the resistance mounted from the *Humr Misseriya* elites and communities as the later criticizes the government for signing the Abyei Protocol despite the fact that it signed the IGAD's initiative of declaration of principles in Machakos, which defined the Sudan's border as it stood in 1956. They also pointed out that the agreement violets the 1963 OAU boundary agreement, which says colonial boundaries remain intact. In other words, since the Abyei

area was transferred to Kordofan in 1905, well before the OAU agreement, they believe that *Humr Misseriya*'s boundary is beyond the Kiir River.

However, as mentioned in Chapter two, the UN Charter and international human rights treaties stated that a people have the right to determine their political, economic, social and cultural status based on self-determination. In this regard, the Abyei Protocol is legally acceptable, and the Abyei Protocol does not harm the people of *Humr Misseriya* as it guaranteed them the right to enter to Abyei area and pass through for grazing and water, which they have been frequently doing for centuries.

The *Humr Misseriya* criticized the AU for proposing and adopting the Abyei Protocol and influencing the Government of Sudan to sign it by the leverage of the external actors like the United States. In fact, as mentioned earlier, the Government of Sudan has been dogged to accept the Abyei Protocol through the international banning and embargo. However, the influence of the African Union and the United States on the Government of Sudan was positive as it stopped the deadly war between the two parties, which killed and displaced millions of civilians.

On the contrary, the so-called international community in general and the AU and the United States in particular, which played a prominent role for the adoption of the Abyei Protocol ,did not put enough leverage on the Government of Sudan to implement the Protocol which it signed. Even those countries that promised to be a guarantor of the Protocol have not been pushing enough for the implementation of the agreement. Rather

their reluctance led the Sudan Armed Forces and *Humr Misseriya* militias to violate the agreement and invade Abyei territory in 2008 and 2011.

Despite the Government of South Sudan and *Ngok Dinka* accepted the PCA verdict, the *Humr Misseriya* tribe rejected it and declared to prevent physical demarcation of the boundary on the ground unless they are allowed to vote in the Referendum. This question of Referendum was later accepted by the Government of Sudan as a legitimate concern. As clearly enshrined in the PCA document, the primary responsibility of the ruling was to determine whether the ABC experts exceeded their mandate in defining the area of the nine *Ngok Dinka* chiefdoms as well as to define the boundaries of the area. Accordingly, it identified the area appropriately. Moreover, Similar to the ABC report, the decision of PCA accorded *Humr Misseriya* pastoralists the right to use Abyei area for grazing cattle. Their grazing right decision is also unopposed by the Government of South Sudan and the *Ngok Dinka* people. Therefore, the resistance mounted by the Government of Sudan and the *Humr Misseriya* elites against the verdict is based on a wrong premise, and which totally contradicts the purpose of the PCA.

Even though the AUHIP worked out and presented its proposal up on the request of President Omar Hassan Al-Bashir and President Salva Kiir Mayardit, the Government of Sudan and the *Humr Misseriya* rejected it as it clearly indicated that eligible voters in the Abyei Referendum to be those who have permanent abode, which indirectly but exclusively refers to the majority of *Ngok Dinka* and few other Sudanese. In fact, the proposal tries to create a balance between the two parties as it guarantees *Humr*

Misseriya's migratory rights and creates a CEDZ to transform the existing conflict. The main reason of the Government of Sudan's rejection of the AUHIP proposal, which now become a blue print, is due to the fact that the principles of the proposal are not in line with the political and economic needs of the government, which is totally a threat to future relationship between the two communities on the ground. Because of this situation, Abyei is still without local administration such as local police, legal administration and prison.

The Government of Sudan and *Humr Misseriya* blamed the AU for its adoption of the AUHIP proposal. However, it was the two governments requested the organization to prepare a proposal based on the Abyei Protocol and PCA. As can be inferred from the document, it is fair and compromising. Therefore, the Government of Sudan and the *Humr Misseriya* is not based on the reality on the ground. Instead the AU should be criticized because it had not designed a workable mechanism in case either of the state failed to implement the proposal. It also failed take necessary measures to compel the Government of Sudan to accept and implement the proposal accordingly. Moreover, the AU is blamed for not referring the proposal to the UNSC.

The forthcoming chapter deals with the persistent disagreement between the Government of Sudan and the Government of South Sudan on the criteria that determines voters' eligibility in the Abyei Referendum.

Chapter Six: Controversy over the Abyei Referendum

6.1 Introduction

The previous chapter discussed implementation controversies of the various agreements between the Government of Sudan and the Government of South Sudan. This chapter focuses on the controversial disagreement between the Government of Sudan and the Government of South Sudan on the criteria that determines voters' eligibility in the Abyei Referendum from three specific angles.

First, it examines the context of other Sudanese from both governments and communities' perspectives. The CPA Protocol of Abyei defined the Abyei Area as the area of the nine *Ngok Dinka* chiefdoms transferred to Kordofan in 1905; and under the Referendum act of this Protocol, eligible voters include residents of Abyei area, namely members of the *Ngok Dinka* community and other Sudanese residing in Abyei area in accordance with the criteria of residency, as may be determined by the Abyei Referendum Commission. However, since the Abyei Referendum Commission has not been established, voters' eligibility criteria in the Abyei, plebiscite remains to be determined.

Second, this chapter discusses the implementation barrier to the PCA's decision. Following the clashes in Abyei during May 2008, in June 2008 both parties agreed to refer the dispute between the Government of Sudan and the SPLM/A concerning the ABC's determination of the Abyei area's boundaries to international arbitration at the

PCA, in The Hague to know the areas of the nine *Ngok Dinka* chiefdoms transferred from South Sudan to the Sudan in 1905. The decision of this court was crucial to the political dispute, as its residents would be able to vote in a Referendum on whether to become part of the Sudan or South Sudan.

Moreover, the chapter analyzes the controversy between the conflicting parties over ownership of land and permanent residence as it is crucial to give highlights on the differences mainly centered on the eligibility of voters. In this regard, while the Government of South Sudan maintained that the nine *Ngok Dinka* chiefdoms are mainly eligible to vote as permanent residents of the area, the Government of Sudan insisted that the *Humr Misseriya* pastoralists, who are temporary residents, be allowed to take part in the Referendum. In other words, both sides are pursuing disputable arguments and strategies with the intention of exclusive ownership of Abyei.

6.2 Context of Other Sudanese in the Abyei Referendum

The main conflict between the Government of Sudan and the Government of South Sudan, which ultimately derailed the Referendum on the Abyei's future status, is disagreement on the criteria that determine voters' eligibility in the area. As mentioned earlier, in the Abyei Protocol, the right to participate in the Abyei Referendum is to be given to the residents of Abyei, who are defined as: 'The Members of *Ngok Dinka* community and other Sudanese residing in the area.' However, there is no agreement on who should be considered as residents of Abyei (Craze, 2014).

In December 2009, the Abyei Referendum Act was passed by the Sudan National Assembly and signed by President Al-Bashir. According to this act, Abyei Referendum Commission (ARC) was responsible to decide who was a resident of the Abyei area and who had the right to vote in the Referendum, which was supposed to be held simultaneously with the South Sudan Referendum on January 9, 2011. The commission was never formed, however, because the NCP majority in the Sudan National Assembly refused to accept any of the nominees the SPLM put forward to head the commission (Johnson D. H., 2011). For the Government of South Sudan and the *Ngok Dinka*, 'residence' refers to permanent occupancy, and thus only refers to the *Ngok Dinka*, who are already guaranteed the right to vote in the CPA as well as other few residents, principally to those few non-*Ngok Dinka* who are permanent dwellers in Abyei (Craze, 2011).

Following the adoption of the Abyei Protocol, the people of Abyei thought that the Abyei problem was dissolved with a promise to cast their vote in 2011 simultaneously with the South Sudan Referendum; at the result, they respected the international community and the mediators for their effort to end the suffering of the people of the area. However, the situation became complicated as the Government of Sudan claimed that *Humr Misseriya* pastoralists should be allowed to take part in the plebiscite.⁶⁷ In fact, the Abyei Protocol was introduced with the context that originally the area belongs to the nine *Ngok Dinka* Chiefdoms. But, in the due time, non-*Ngok Dinka* people from various parts of both states settled in the area because of different reasons, and are now identified as other Sudanese by the Protocol.⁶⁸

Even though the Abyei Protocol has a loophole on the issue of Abyei Referendum, the context is clear to everybody that the nine *Ngok Dinka* chiefdoms and other Sudanese, who have permanent abode in the area, have the right to participate in the Referendum.⁶⁹

In this regard, informants from the *Ngok Dinka* tribe noted:

The Government of Sudan had denied us to conduct the Referendum in 2011 by claiming that *Humr Misseriya* pastoralists should be given the right to participate in the Referendum. The claim of the government is totally wrong due to the fact that if the negotiators of the Abyei Protocol wanted to include the pastoralists in the Referendum, they could have written explicitly their name like what they did for the nine *Ngok Dinka* chiefdoms. It is clear that those people who want to go for Referendum are those who have a problem such as the *Ngok Dinka*, not the *Humr Misseriya* pastoralists.⁷⁰

The mounting critics of the AU, especial from the people of *Ngok Dinka*, was for the big mistake that was done during the agreement of Abyei Protocol, which the mediators did not specify clearly who are the other Sudanese apart from the nine *Ngok Dinka* chiefdoms. This loophole helped the Government of Sudan to distort the reality and destabilize the situation in Abyei.⁷¹ However, from the context of the Protocol, it is not difficult to understand that *Humr Misseriya* pastoralists are not intended to be part of the other Sudanese being guaranteed the right to use the water and pasture.⁷² Therefore, in the eyes of the people of *Ngok Dinka* and the Government of South Sudan, the phrase ‘other Sudanese’ refers to those people who are not pastoralists, rather to those who settled in Abyei area the whole year. Of course, those people are not necessarily to be originally from the Abyei area.⁷³

Some of the other Sudanese who settled in Abyei have involved themselves in different types of businesses for a long time and they are locally called *Jallabas*, which means traders.⁷⁴ In fact, the *Jallabas* are few in their number and their number will never be a threat to the interests of *Ngok Dinka* people.⁷⁵ Apart from the *Jallabas*, there are other peoples who came either from the Sudan or South Sudan to work in the government offices. Those people could be tribally from *Humr* and *Zurug Misseriya* of the Sudan, and *Nuer*, *Twic* and *Malwal Dinka* of South Sudan are also considered to be part of the so-called other Sudanese, who have the right to participate in the Abyei Referendum.⁷⁶⁷⁷ In line with this, informants from *Ngok Dinka* tribe underscored:

It must be clear that the Abyei Protocol does not say that other Sudanese include the whole *Misseriya* as a tribe. There are individuals from *Misseriya* and other tribes who spent with us more than 10 years. When Referendum comes, they have the right to participate without any question. We don't have any problem with them. There are also traders who had been living with us but in the mean time they closed their shops and left to their places/ original home area because of the war in Abyei. Those traders have also the right to participate in the Abyei plebiscite.⁷⁸

Taking this in to account, the likelihood of Abyei to join South Sudan was clear due to the fact that the numbers of other Sudanese who settled in Abyei area are insignificant.⁷⁹ In other words, the Abyei Protocol was clearly framed in a way to lead to only one winner and make all other loser regardless of what the outcome would be. So, from the beginning the Government of Sudan has already lost Abyei and its resources.⁸⁰ In this respect, one informant from the *Ngok Dinka* tribe stated that “the so-called other

Sudanese are small group of people. Their participation in the Referendum cannot change the outcome. What is important with this Referendum is to determine whether the *Ngok Dinka* people want to be part of South Sudan or the Sudan. It was set for them to choose”.⁸¹

Apart from the *Humr Misseriya* Pastoralist, there are agro-pastoralists, who sometimes enter into Abyei territory for grazing and water from Upper Nile, Warrap and Northern Bahir al-Gazal; but they never claim that Abyei is their land.⁸² As the new paramount chief of the nine *Ngok Dinka* chiefdoms, who substituted the assassinated chief Deng Kuol Deng,⁵⁴ noted:

If the *Humr Misseriya* pastoralists become part of the Referendum, first of all it would be a violation to the rule of the Referendum itself because there would be people coming from other areas that are not part of Abyei. Then, this leads to include the Dinka who come from Warrap or Northern Bahr al-Gazal. Otherwise, it will end up with a chaotic Referendum or situation that nobody would like to happen.⁸³

⁵⁴ A report issued by the UNISFA read “on 4 May, following the conclusion of a meeting of the Abyei Joint Oversight Committee in Abyei town, a 16-member delegation, composed of representatives of the Committee, the Government of South Sudan, civil society and the *Ngok Dinka* community, requested UNISFA to visit Tajalei, Noong and Makir. The delegation included the *Ngok Dinka* Paramount Chief, Mr. Deng Kuol Deng, and the Government of South Sudan Deputy Co-Chair, Mr. Deng Mading Mijak. While on its way back from lunch at the UNISFA battalion headquarters in Diffra to Abyei town, the convoy was stopped by a group of armed Misseriya in Baloom. The armed group refused to allow the convoy to proceed, citing their displeasure regarding the presence of the *Ngok Dinka* delegation in the area and demanding that they be handed over to them. UNISFA rejected this demand. As the number of armed Misseriya progressively increased to approximately 200 men, the convoy was reinforced with UNISFA armoured personnel carriers and tanks. Following discussions with the UNISFA Head of Mission and Force Commander, Major General Yohannes Tesfamariam, which lasted more than three hours, the armed group allowed the convoy to leave to travel back to Diffra to continue discussions with some of its representatives. As the convoy was turning around towards Diffra, a Misseriya youth opened fire on the United Nations vehicle and killed the *Ngok Dinka* Paramount Chief and a UNISFA peacekeeper. The Misseriya assailant was killed and three UNISFA peacekeepers were injured in the exchange of fire which followed (UNISFA, May 2013).

Officials of the Government of South Sudan claim that the *Humr Misseriya* people have historically held their permanent residents in South Kordofan and therefore could not be considered permanent residents in two places simultaneously.

Yet it should be clear that it was logically inconsistent for the CPA to guarantee the *Humr Misseriya*'s grazing rights in Abyei if they are not to be counted as permanent residents (Craze, 2011). In other words, *Humr Misseriya* people have their own tribe and land in the north of Abyei in Southern Kordofan such as in Muglad and its environs, from where they started to migrate for grazing to Abyei and other parts of South Sudan.⁸⁴

As stipulated clearly, the Abyei Protocol takes in to consideration the fact that if Abyei goes to South Sudan, the *Humr Misseriya* pastoralists still have the right to go into and pass through the Abyei area to graze their cattle and enjoy other social benefits.⁸⁵ Many people from *Humr Misseriya*, however, indicated that the Abyei Protocol was adopted without considering the basic interests of the *Humr Misseriya* people. In the eyes of the *Humr Misseriya*, one of the major weaknesses of this Protocol is a failure to clearly indicate that the *Humr Misseriya* pastoralists should participate in Abyei Referendum, where they are regularly staying for six months a year.⁸⁶

As mentioned earlier, the AU and the Government of Sudan are largely criticized by the people of *Humr Misseriya* for their officially accepting and ratifying the Abyei Protocol, which was architected by Western countries.⁸⁷ Actually, the critic against the

Government of Sudan is for the fact that it signed the Protocol without properly consulting the people of *Humr Misseriya* on the ground.⁸⁸ It was not also able to give due respect to the ideas and attitudes of intellectuals and civil society organizations of Sudan.⁸⁹ As one informant from *Misseriya* tribe remarked, the *Humr Misseriya* people had never been consulted by anyone including the government about the Abyei Referendum. In fact, the government says it signed the agreement by representing the people, but it did not represent the interests of the people. Some years after the adoption of the Protocol, there was a workshop in the Muglad and Babanusa areas, where the participants completely rejected the Protocol as they were not properly consulted before its inception.⁹⁰

Unlike the representatives of SPLM/A, it was the representatives of the Government of Sudan such as Ali Osman Taha, who was the 1st vice-president of Sudan, made a big mistake to sign this Protocol without putting the name of *Humr Misseriya* pastoralist in the document.⁹¹ Mirroring the same view, an intellectual *Humr Misseriya* informant from Khartoum University said, the Protocol was signed by “Ali Osman Taha and Derideri (government official from our community) on behalf of the Government of Sudan not the *Misseriya* community. I know Derideri is my uncle, but he signed the agreement without consulting the *Misseriya* people including the academia from that area”. In this regard, she further underscored “the Government of Sudan is responsible for the mistake it made as it signed this Protocol without understanding the basic interests of the *Humr Misseriya* pastoralists. Unquestionably, they should have insisted the mediators to put the name *Humr Misseriya* pastoralists have the right to participate in the Referendum like what the

SPLM/A did”.⁹² Another informant from *Humr Misseriya* tribe stressed that “the *Humr Misseriya* people had never heard about Referendum on Abyei. They were not consulted about the detail issue; and they never elected or selected representatives who can negotiate on behalf of them.”⁹³

Despite many *Humr Misseriya* blamed the government for signing the Abyei Protocol without understanding the basic interests of the *Humr Misseriya* people, the Sudan government officials never admit any fault. Rather, they believed that there is no problem with the Abyei Protocol since the other Sudanese are mentioned in the Protocol as it implicitly includes *Humr Misseriya* pastoralists who often stayed in Abyei for 6 months a year.⁹⁴ In line with this view, one government official stated that “the Protocol is clear in the wealth sharing part that it allocated 2% for the *Humr Misseriya*. Understandingly, if the Protocol grants the *Humr Misseriya* 2% from the wealth sharing, in other words it recognizes them as part of the Abyei area,” which by implication they have the right to participate in the Abyei Referendum.⁹⁵

6.3 Controversy of Ownership of Land and Permanent Resident in the Context of the Abyei Referendum

6.3.1 Controversy of ownership of land in the context of the Abyei Referendum

As observed in various ways, the question of *Humr Misseriya* is not only demanding the pasture and the water in Abyei for their animals, but also the land itself for the future

survival of the people in general as they will not have an interest to continue to live in state of pastoralism. In other words, they may shift their life style from pastoralism to agro-pastoralism.⁹⁶ However, this claim is totally unacceptable by the *Ngok Dinka* people and they believe that ownership of the Abyei land by *Ngok Dinka* is not contested in any way as they received it from their forefathers.⁹⁷ In this respect, a community elder from *Ngok Dinka* tribe expressed that he is always ready to take oath on this issue. In the words of this leader “this is the land of *Ngok Dinka* and if you have a bible, I can just take oath and tell you this is our land.”⁹⁸ Moreover, informants from the same tribe underscored “all our ancestors were buried in Abyei land including in the northern part of the territory, where the Arabs have occupied now; the nine *Ngok Dinka* chiefdoms have their own specific territory in all over the Abyei area”.⁹⁹

Based on the facts on the ground and the decision of the PCA as well as the AUHIP proposal, the *Humr Misseriya* pastoralists do not have any right to own the land; rather to use and pass through it for grazing their cattle.¹⁰⁰ In this regard, informants from *Ngok Dinka* expressed that it will not be easy for the *Humr Misseriya* and the Government of Sudan to own Abyei land unless they kill all the people of *Ngok Dinka*.¹⁰¹ Mirroring the same idea, another informant from the same tribe noted:

It is obvious that the land is known to whom it belongs. The *Humr Misseriya* have the right to use the land but not to own it. In this regard, the international community should look to the reasons why the Arab *Misseriya* pastoralists come to the Abyei area. Today it is the *Humr Misseriya*; tomorrow all the other pastoralists are going to be a problem to South Sudan. They will raise the same question. It is obvious that the land will never be left behind because it is our land. Our fathers and forefathers

were here; now we are here; and for the future our children and grandchildren will be here. Small events can grow up to be big events. We want to tell them that pastoralists should stay in Abyei as usual and the residents should also stay in their own land. We accept them as pastoralists. Therefore, they have the right to come and use the land not to own it.¹⁰²

6.3.2 Controversy of permanent residence in the Abyei Referendum

As mentioned earlier, the Government of Sudan is insisting that the *Humr Misseriya* should be regarded as residents by pointing out that they regularly stay for 6 months a year. However, this claim contradicts the various agreements signed between the Government of Sudan and the Government of South Sudan. Even the claims being given the right to vote is also inconsistent with the precedent of the South Sudan Referendum in which seasonal migrants did not get the right to vote (Craze, 2011). As an AU official for the Sudan desk noted:

Misseriya pastoralists often pass through Abyei down to South Sudan in search of pasture not to live there and go back to their home when they finish their business. The AUHIP proposal does not ignore the social and economic rights of these pastoralists and it was careful that the status of Abyei should not negatively impact the rights of the people who rely on Abyei including the *Humr Misseriya*. And this needs to make distinction between socio-economic rights and political rights. In this regard, the residents of Abyei are the only ones to have the political right such as to vote in a Referendum. Others don't have a political right to determine the status of Abyei.¹⁰³

The *Humr Misseriya* pastoralists often enter into Abyei during the winter season for grazing and water; but when the rain starts in the area, they often move back with their cattle to their homeland north of Abyei as the area is swampy and covered by several flies during the summer season.¹⁰⁴ In line with this view, an informant from *Ngok Dinka* tribe stated:

If someone wants to participate in the Referendum, he should have a permanent residence/abode. But, if he or she is moving from one place to another place, he cannot be a genuine voter, while tomorrow he may not be there. In this context, the *Humr Misseriya* pastoralists do not have the right to vote because they often come to Abyei during convenient period/time for grazing and go back once their animals are pastured and the season ends.¹⁰⁵

Apparently, the Government of South Sudan and the *Ngok Dinka* people has explicitly said in various meetings and workshops that the only practical solution to the Abyei issue is to go for Referendum based on the AUHIP proposal. In line with this, an informant from the *Ngok Dinka* tribe remarked “based on the proposal, the eligible voters in the Referendum (the nine Ngok-Dinka chiefdoms and other permanent dwellers) have the right to decide on whether Abyei is to be part of the Sudan or the South Sudan. To do this, the AU and other influential countries should push the Government of Sudan to accept and implement the proposal without any delay”.¹⁰⁶

Accordingly, most *Ngok Dinka* people insisted that if the Government of Sudan and the *Humr Misseriya* elites persist with their claim, the Government of South Sudan should strengthen its military capacity to protect the interest of the people in Abyei as well as

other South Sudanese across the border of the country. They also asserted that if necessary the Government of South Sudan should take the area of Abyei by force as far as the people of Abyei are eager to be part of South Sudan.¹⁰⁷

However, as mentioned earlier, in the eyes of most *Humr Misseriya* and officials of the Government of Sudan, the AUHIP's proposal is unfair and they argued that there should not be Referendum that only includes the permanent settlers and excludes the *Humr Misseriya* pastoralists (Johnson, 2011). Understandingly, most *Humr Misseriya* demanded to take part in the plebiscite to realize not only to deserve an equitable share of the natural resources of the area, but also they want to ascertain that they have the right to live, the right to property ownership, as well as the right to invest in Abyei area and its environs, in which they have inhabited with the *Ngok Dinka* for more than 30 decades at least 6 months a year (Saeed, 2009).

For Government of Sudan and the *Humr Misseriya* people, the AUHIP proposal is totally prescribing a western kind of thinking as it shows that the people who have completely settled in the area to be citizens and to those who come and go regulatory to and from the area not to be citizens. Accordingly, they believe that the panelist have never taken into account the local context in and surrounding Abyei, in which the *Humr Misseriya* have been living for hundreds of years by exercising pastoralism as their ways of life or occupation. Now a day many *Humr Misseriya*'s animals are dying because of drought and other environmental problems, which forced the people to think about tomorrow of changing their occupation by settling in their land such as Abyei. Indeed, some of them

are already started to settle by changing their occupation from pastoralism to agro-pastoralism or sedentary way of life. In other words, the *Humr Misseriya* people are not only thinking about the animals, but also the full right of the people in the future to work and live in Abyei.¹⁰⁸ In this regard, one elder from Humr Misseriya underscored:

AUHIP's proposal is totally in favor of the Government of South Sudan and the *Ngok Dinka* people, which does not take into consideration that the *Humr Misseriya* pastoralists have often stayed or lived in Abyei for more than 6 months for their livelihood. They stay less than 6 months in the north. If they are not residents of Abyei, how can they be residents in the north? If it is proven that in a place where I stay more than 6 months I am not a resident, then am I eligible for being a resident of a place that I stay less than 6 months? This is where the weakness of this aspect of this residence issue mentioned in the AUHIP proposal. Unquestionably, in addition to residents of the Abyei, the *Humr Misseriya* people are also residents in the Southern Kordofan region as they are also living in Muglad, Babanusa and nearby villages and towns, where their forefathers had been living for so many years. Therefore, Referendum from the side of *Misseriya* is acceptable if only if it is inclusive for the *Ngok Dinka* and the *Humr Misseriya* pastoralist communities.¹⁰⁹

Despite the AU noticed that the AUHIP proposal is within the Abyei Protocol perspective, the Government of Sudan underlined that the proposal is totally in contradiction with the Abyei Protocol as the Protocol mentioned the Abyei Referendum commission should conduct the Abyei Referendum by having Abyei Referendum law, which was indorsed by the joint parliament of NCP and SPLM in 2009. It was the responsibility of this commission to set criteria for the eligibility of the voters. But, it was

the members of the AUHIP who set the criteria based on a totally wrong ground.¹¹⁰ Mirroring the same view, one of the negotiators of the Sudan government on the Abyei case noted:

I am not saying that the *Humr Misseriya* people are not pastoralists; I am not saying that the *Humr Misseriya* are staying there throughout the whole year. But, this is their livelihood. The AUHIP proposal is saying that people with permanent abode in the area are eligible to vote in the Referendum; but those people do not have a permanent abode even in the north. They don't have at all independent authority. Their life style is inimical with the concept of permanent abode or permanency. Really the role of AUHIP is very damaging, disastrous, and irreparable; what they have done to this conflict has never been done by anybody over the previous two decades. They Just come and tell us that one community shall vote, the other shall keep quiet; they just come and tell us that a Referendum shall be convened in a particular day without any preparations; they just come and tell us that we had to accept a proposal we had not agreed up in the past; and they just come and threaten us that the matter will be referred to the UNSC for endorsement and imposition on a sovereign state.¹¹¹

However, the main reason behind the question of the Government of Sudan for claiming that *Humr Misseriya* pastoralists are residents of Abyei is with the fact that if these people are allowed to vote in the Abyei Referendum then their numbers will swamp the total number of *Ngok Dinka people*, thereby to secure the territory for the Sudan (Sansculotte-Greenidge, 2011; Craze, 2014). In other words, the Government of South Sudan, the Abyei area administration and the *Ngok Dinka people* have rejected the claims of the Government of Sudan due to the fact that they have a well-grounded fear that if the *Humr Misseriya* are given voting rights in the Referendum, the incumbent regime will

vigorously continue flooding the northern part of Abyei with a huge number of *Humr Misseriya pastoralists* in order to tilt the Referendum in favor of the Sudan (Craze, 2014).

Most of the *Ngok Dinka* people and officials of the Government of South Sudan have a concern that if the *Humr Misseriya* pastoralists considered as residents of the Abyei area, the Government of Sudan and the *Humr Misseriya* Militias may also collect other members of the Misseriya tribe apart from the *Humr* from anywhere in the Southern Kordofan and Darfur in order to build their number bigger than the *Ngok Dinka* people.¹¹² In this respect, an intellectual from *Humr Misseriya* tribe remarked:

The *Misseriya*, with all the agnates and relatives in *Zurug, Humr, Felaita* said in the press that they have to take part in the Referendum. If I were a member of the SPLM, I would never accept all *Misseriya* claiming to vote to be part of the Referendum because their number is more than 170,000, from which half of them would be legitimate voters. Definitely, this number will overwhelm the number of the *Ngok Dinka* legitimate electorates, which is not more than 50 to 60 thousand.¹¹³

Similarly, director of the Sudan desk in the AU underscored:

There is suspicion that people from *Misseriya*, who are not entitled by the definition of the Abyei Protocol and AUHIP proposal are coerced and forced to go to Abyei to register for the Referendum. And the result of that will not reflect the position to those who feel Abyei belongs to them and run away from Abyei because of the attack by *Humr Misseriya militia* and Sudan Armed Forces do not come back in sufficient numbers. Then the ownership of Abyei would go to the Sudan, and this would create a permanent problem because it is not as such easy to take land from the

traditional owners (*Ngok Dinka*) by force and think to get peace in Africa.¹¹⁴

Most *Ngok Dinka* people put their forewarning against the *Humr Misseriya* pastoralists to contemplate about future neighborhood relationship between the two peoples as they cannot enter into the territory of South Sudan including Abyei without their consent.¹¹⁵

With regard to this, an intellectual from *Humr Misseriya* tribe stated:

Based on AUHIP's proposal or any other means, there is no doubt that Abyei will go to South Sudan. The *Ngok Dinka* people are Nylons, who have a ritual belief and considered the ritual leaders of all the *Dinka* tribes in South Sudan. It is also known that the *Dinka* is the only tribe in the former (the old Sudan) and in the current South Sudan, who are spread all the way along from both Bahr al-Ghazal States to Warrap, Unity, Jonglei and Upper Nile states. They are also found all the way along the border with the Sudan. Those people are undisputedly eligible to govern the South Sudan State, by vote or by Sheer numbers. With this context, it will not be good to think that the whole *Misseriya* should take part in the Referendum if we think of sustainable peace for the future with this large number of tribe along the border area. So, my advice to the Government of Sudan is to be friendly with the *Dinka* nation because they are immediate neighbors of the Sudan.¹¹⁶

6.4 The Fate of Abyei without Referendum

To avoid *Humr Misseriya*'s distrust and future violent conflict, some informants from *Humr Misseriya* and Government of Sudan suggested instead of Referendum, other optional mechanisms should be designed by either the conflicting parties or the mediators. For instance, one community elder from *Humr Misseriya* stated that the

Misseriya pastoralists by and large are not in favor of going for Referendum because they believe that this Referendum cannot solve the Abyei issue. He further noted:

It is simply like giving relief for the other side. This issue will drag on for a long time if you think of Referendum. We can see many examples in the world, including the case of Western Sahara versus Morocco, which are in relative peace without making Referendum. Abyei is not different from those areas, in which the problem of border, resource, identity and other issues are complicating the relationship between the two communities and the two governments, which make things difficult to conduct Referendum. So, Referendum is not easy in Abyei.¹¹⁷

Even though the two regimes have taken for granted that the Referendum is the only agreed solution, which is still at hand, it will never allow any rapprochement between the two communities because one of them who will win to have Abyei following the Referendum will think that the area unilaterally belongs to them.¹¹⁸ In this respect, a military general from Government of Sudan underscored that despite the result of the unilateral Referendum conducted by the *Ngok Dinka* community in 2013 was 99% in favor of joining to South Sudan, it is not yet recognized by any country and organization. If the other side also does their own unilateral Referendum, the result and the response will be the same. Therefore, he suggested that other strategy should be designed for sustainable peace especially between the two communities on the ground.¹¹⁹

Although the two communities have different life styles and passed through different political dynamism, they live together in Abyei for centuries; and both of them have the right to own it without any precondition.¹²⁰ Any solution that makes Abyei to be owned

by either of the conflicting party will not bring sustainable peace.¹²¹ As one elder from *Humr Misseriya* tribe indicated:

The Government of South Sudan and *Ngok Dinka* should understand that even if a Referendum is carried out and Abyei went to south, they will not be sure that they will live in peace without having good relations with the *Misseriya* pastoralists. This should be recognized by all officials of The Government of South Sudan, *Ngok Dinka* people, the UN, and the AU. The only solution is that The Government of South Sudan and chiefs of the *Ngok Dinka* should realize that soft border is the best solution without conducting the Referendum. They need to take the local dynamics and local relationships because Americans or Western countries will not be there forever.¹²²

An official from Government of Sudan suggested that both countries should agree to give to both communities dual citizenship and try to think that the area should have dual linkages with both countries.¹²³ Nonetheless, another informant from *Misseriya* tribe pointed out that the best solution for the Abyei problem is to divide the area into two parts based on understanding and compromise such as north of the Kiir River for the *Misseriya* and south of the River to the *Ngok Dinka*.¹²⁴

Differently, as one elder from *Humr Misseriya* tribe remarked, the two countries should allow the two communities to formulate a third Sudan by having a joint administration. He further noted “If you want a solution right now, it is not by making Referendum for deciding Abyei either to be part of Sudan or South Sudan. That is not going to work at all. It will always lead to conflict and it will stay for a long time because this area is rich in various types of natural resources”.¹²⁵

Mirroring the same idea, another informant from the same tribe articulated that it is good to postpone the issue of Abyei for at least 15 years. Until then Abyei should be a neutral area between the South and the North, having its own administration. After 15 years, the oil in Abyei will not be an issue because it may not last more than 20 years. Other new leaders who can understand the situation may also come to power in both states. Thus, after this, the two governments and communities can have enough time to look for a more dependable solution for the matter. In this respect, he mentioned Kashmir to be an exemplary model for the issue of Abyei and said that despite the fact that the Kashmir issue is not yet resolved, there has never been any serious war between Pakistan and India on the status of Kashmir.¹²⁶

However, an informant from the member of AUHIP remarked that the issue of soft border should come after sovereignty because for any government of a country, it has a duty to know and declare which area is in its control. In other words, the issue of sovereignty and territorial integrity becomes extremely important, which actually define legitimacy of the government. Once the government knows its geographical location, it can facilitate and promote peaceful coexistence between the communities at the grassroots level. He further noted that Abyei joint administration was not worked out as the Government of Sudan violated the agreement in the Abyei Protocol, which says Abyei administration council would constitute 60 % from South Sudan and 40 % from the Sudan.¹²⁷

Moreover, informants from *Ngok Dinka* tribe stated that most *Ngok Dinka* people have a deep detestation towards joint administration due to the fact that the people have come to a conclusion that such type of administration has always been a problem as they experienced violence conflict during the past joint administration.¹²⁸

6.5 Conclusion

As reviewed in this chapter, the Abyei Referendum Act, which passed into law in December 2009, has not been able to create indisputable ARC that was responsible to define criteria for residence because of the disagreement between the Government of Sudan and the Government of South Sudan on the composition of the commission. In fact, despite a loophole done by the AU, which the mediators did not specify clearly who are the other Sudanese apart from the nine *Ngok Dinka* chiefdoms, it is clear that in addition to the *Ngok Dinka* community, the majority people, other peoples who have permanent abode in the area such as traders and civil servant from both the Sudan and South Sudan are eligible to vote in the plebiscite. In other words, the *Humr Misseriya* pastoralists cannot have any political right to determine the status of Abyei as they are guaranteed for economic and social rights in the area based on their mobility lifestyle.

The *Humr Misseriya* pastoralist are not ready to allow any Referendum that excludes them for the fact that they were not consulted adequately by their political leaders at local and national levels. However, the Government of Sudan is the only legitimate representative of the people of Sudan including the *Humr Misseriya* pastoralists.

Therefore, the direct or indirect action or decision undertaken by the Government of Sudan should be effective upon its people including *Humr Misseriya*.

Therefore, taking research question number one in to account, based on the fact on the ground and the Abyei Protocol in general and the decision of the PCA and the AUHIP proposal in particular, the *Humr Misseriya* pastoralists do not have any right to own the land of Abyei; rather to use and pass through for grazing their cattle as their claim controverts the various agreements signed between the Government of Sudan and the Government of South Sudan (SPLM/A). Even the claims being given the right to vote is also inconsistent with the precedent of the South Sudan Referendum in which seasonal migrants did not get the right to vote. In fact, some were skeptical on the importance of Referendum in general as they believe that it does not bring sustainable solution between the two conflicting parties.

After having discussed the eligibility controversy by the two conflicting parties towards the Abyei Referendum, the next chapter delves into the effects of the state-society relations towards the Abyei conflict.

Chapter Seven: State-Society Relations over the Abyei Conflict

7.1 Introduction

The preceding chapter examined the major problems associated with the Abyei Referendum in line with the various agreements signed by the Government of Sudan and the Government of South Sudan (APLM/A) . This chapter, however, deals with how the Abyei conflict has been affected by the state-society relations. In fact, some of the conceptual frameworks about political dimensions towards the Abyei conflict, particularly political manipulation in conflict situation and the conception of trust/distrust from conflict perspective, outlined in chapter two appear to have been worked in the Abyei conflict. In other words, the pre and post 2005 relationships between the Government of Sudan and the *Humr Misseriya* on the one hand and between the Government of South Sudan (previously SPLM/A) and *Ngok Dinka* on the other hand have caused a severe impact on the recent Abyei deadlock. Besides the fear and mistrust of *Humr Misseriya* from historical and contemporary perspectives has adversely affected implementation of the Abyei agreements.

As a matter of fact, from legal and historical viewpoints, there is no doubt that Abyei is predominantly a home of *Ngok Dinka*, who is entitled to vote in the Referendum, and a grazing area of *Humr Misseriya* pastoralists. Yet, because of the long time evolving distrust between the two conflicting parties, the pastoralists are showing their resistance to give up the area for the *Ngok Dinka* in particular and the South Sudan in general as they are not indisputable to use the renewable resource in Abyei and beyond.

The chapter also looks into the strategies and behaviors followed by the Government of Sudan and *Humr Misseriya* militias for claiming and occupying the Abyei territory respectively, which includes political mobilization, settlement in the northern part of Abyei and use of force to depopulate the local people from the area.

7.2 The Government of Sudan versus Humr Misseriya Relations

As is clearly documented in multitudes of literatures, the relationship between the Government of Sudan and the *Humr Misseriya* is one of the most dynamic political games in Sudan's recent political history. During the second Sudanese civil war, in order to get more military and political support from the *Humr Misseriya* community at large, the Government of Sudan promised to the *Humr Misseriya* elites that it would help them to secure Abyei for themselves.¹²⁹ At the same time, the *Humr* and other *Misseriya* tribes were one of the chief fighting forces for the Sudan Armed Forces and the Popular Defense Force (PDF). Even most of the Sudan Armed Forces officials, who had a command base in Southern Kordofan, predominantly relied on the *Misseriya* community fighting against the Southern rebels in that area.¹³⁰

Between 1988 and 1989, President Omar Hassan Al-Bashir was assigned in Muglad as officer in charge with the rank of brigadier general, which helped him to directly supervise the *Humr Misseriya* militias on how to attack SPLA and its supporters. After Al-Bashir seized power in a coup in 1989, he promulgated the PDF Act. Since this time, the President and his party have been telling the *Humr Misseriya* that Abyei belongs to

them (Craze, 2011). Therefore, in this all times, the *Humr Misseriya* were encouraged by the government to look to Abyei as their area, not only for grazing cattle but also to achieve development upon taking the land for themselves (Sudan Tribune, 2011a).

After 2005, however, most *Humr Misseriya* community felt that they were betrayed by the NCP-led government they fought for during the second Sudanese civil war. Most of them believed that the end of the war did not result in any visible improvement in their life (Sudan Tribune, 2011a). Rather, they felt that the CPA was negotiated against their interests and that they are politically and economically marginalized. As a result, some disgruntled former fighters built alliances with Justice and Equality Movement (JEM)⁵⁵ against the incumbent regime (Concordis International, 2010; Craze, 2014) and the Sudan People's Liberation Movement-North (SPLA-N) (McCutchen, 2014).

The numbers of *Humr Misseriya* who have been joining SPLA-N and JEM is steadily growing because of the government's failure to fulfill its promise to those people, which nowadays becomes a serious threat to the incumbent regime. In fact, President Al Basher cannot abandon the Misseriya, especially now when his position is so vulnerable in Sudan. The government is still fiercely fighting against rebels in the Blue Nile, Southern Kordofan and Darfur areas. In recent times, especially after the establishment of the

⁵⁵ Since the launch of CPA, JEM has been increasingly active in recruiting from among the *Humr Misseriya* tribe. Some from this tribe are serving in the leadership position of the movement such as a *Humr Misseriya* man who lead JEM's delegation to the peace talks in Doha in February 2010 (Craze, 2011).

Sudan Revolutionary Front (SRF)⁵⁶ alliance, which brings four most active armed opposition groups, the survival of the regime in power is in a serious threat⁵⁷. The economy of the country is also deteriorating after the secession of South Sudan in 2011. Moreover, President Omar Hassan Al-Bashir is also under extreme threat from politicians and army generals within his party and government.¹³¹

As many *Humr Misseriya* people reflected, during the 2004/5 Abyei protocol negotiation, the Government of Sudan gave primary emphasis to its own economic and political demands, which negatively affects the basic interests of the Misseriya people.¹³² However, for the *Humr Misseriya*, especially after the cessation of South Sudan, Abyei became a serious political issue and for the first time they started to feel that they have to come together because they did not think that the dimension would be different after separation and Referendum. They also realized that the problem was from current Government of Sudan, which did not take into consideration the interest of the people during the negotiation of the protocol.¹³³ This realization, of course, resulted in the dissatisfaction of the *Humr Misseriya* people towards the incumbent regime as some of them have already started joining rebel groups to fight against its existence.¹³⁴

⁵⁶ On 11 November 2011 the major Sudanese rebel groups signed an alliance with the objective of working together to remove President Bashir, through either violent regime change or negotiations achieved through political and military pressure. The four movements (SPLM-N, SLA-AW, SLA-MM, and JEM) called their new alliance the Sudan Revolutionary Front. The formation of the SRF has brought together the greatest internal military threats to President Bashir. If the alliance continued, overcoming the divisions between rebel forces that had been a feature of almost every Sudanese rebellion, it would present a serious challenge to Bashir's regime (McCutchen, 2014).

⁵⁷ After the Alliance, JEM and the SPLM-N often fought more successfully, in both the Nuba Mountains and south-western Kordofan, a place where *Humr Misseriya* people are dwelling (International Crisis Group, 2013).

To mitigate the observed resentment, President Omar Hassan Al-Bashir and his government started to reconsider how to build rapprochement with the *Humr Misseriya* elites in the Southern Kordofan.¹³⁵ In doing so, the Government of Sudan developed a plan to work with and use *Humr* and other sections of *Misseriya* tribe to ensure control of South Kordofan and Blue Nile states; and realized that a process which would remove the possibility of Abyei becoming *Humr Misseriya*'s area must have seemed like infidelity in the eyes of the *Misseriya* community (Sudan Tribune, 2011a). Moreover, retaining the loyalty of *Humr Misseriya* is beneficial to the incumbent regime because of the importance of the *Misseriya* constituency to the ruling National Congress Party. For these reasons, any move by the government to concede and implement the Abyei protocol, would produce hostile relationship with the *Humr Misseriya* people (Craze, 2011). In other words, the Government of Sudan fears that it would lose their support if it makes any concessions on the political future of Abyei that would make the *Humr Misseriya* people feel their grazing land is in danger.

Moreover, even though Abyei is a very small area, the Government of Sudan does not want to lose it because of a question of pride and its political existence as it is still criticized for the loss of one third part of the country because of the secession of South Sudan in 2011. Hence, it desires to escape further criticism and serious opposition from within Sudan by losing more territory to South Sudan as it is obvious that Abyei will definitely go to the South Sudan if the Abyei Protocol is implemented in a good faith¹³⁶; rather it wants to use it as compensation for the loss of the whole South Sudan.¹³⁷ In other

words, the Government of Sudan is attempting to use Abyei as a bargaining card for its political agenda because if the Government of Sudan fails to secure Abyei for the Sudan, the ruling National Congress Party will not probably get political support from the Misseriya constituency.¹³⁸

7.3 Distrust and Humr Misseriya's Past Experience-based Fear

From legal and historical perspectives, there is no doubt that Abyei is predominantly a home of *Ngok Dinka*, who are entitled to vote in the Referendum, and a grazing area of *Humr Misseriya* pastoralists. However, because of the distrust between the *Humr Misseriya* and the Government of Sudan on the one side and the *Ngok Dinka* and SPLM/A (now Government of South Sudan) on the other side, the pastoralist Misseriya are not ready to give up the area for South Sudan as they are not sure to enter to Abyei without any cost.¹³⁹ It is because of this distrust that the *Humr Misseriya* pastoralists and the incumbent regime in Sudan have been mounting against the AUHIP proposal.

Most of the *Humr Misseriya* people are deeply frustrated that if a Referendum is carried out without their participation and officially Abyei becomes as part of South Sudan, the *Ngok Dinka* and SPLA may not allow them to enter to Abyei and South Sudan territory for grazing and water.¹⁴⁰ In fact, the *Humr Misseriya* pastoralists' distrust is based on the perception that if Abyei once went south, the Government of South Sudan may after some years decide to make agricultural scheme along Abyei line and this will definitely block their movement to the Abyei and other areas of South Sudan. Moreover, most of them believe that the protocol will not stand then once Abyei went to the South Sudan

because the Government of South Sudan can raise the question of sovereignty and territorial integrity.¹⁴¹

This distrust evolved through time as the historical relationship between the two communities was not based on trust and cooperation and they became hostage to politics and manipulation of political elites in Khartoum and Juba.¹⁴² For instance, one of the informant from AUHIP noted that before the 2005 CPA, Government of Sudan and SPLM/A fought for more than 20 years, during which while *Humr Misseriya* were on the side of the Government of Sudan, *Ngok Dinka* were on the side of SPLM/A. This situation reinforced the distrust and enmity even after South Sudan became independent and has negatively affected the various Abyei related agreements since the 2005 CPA.¹⁴³

In most instances, the *Humr Misseriya* pastoralists reason out that the bad relationship between the Government of Sudan and the Government of South Sudan may continue to directly bear on their travel to Abyei and beyond as the recent hostility blocked them to access grazing land and water beyond the Kiir River or Bahr Al-Arab.¹⁴⁴ In other words, their fear is not to use the resources of Abyei but also to use Abyei territory as a transit to go deep in to the south for more pasture and water for their cattle.¹⁴⁵ An informant from *Humr Misseriya* tribe stressed that beside distrust, the Government of Sudan is not ready to settle the issue of Abyei because of “ill-will, non-honoring of agreements and selective implementation”.¹⁴⁶

As shown above, despite affirmations in the Abyei Protocol and PCA Report, the *Humr Misseriya* continue to fear the loss of their grazing and water access rights if the Abyei protocol is fully implemented (Jiménez, 2008; Craze, 2011). In actual fact, their fear has emanated from the past experiences, which became difficult to separate traditional rights from national politics. For example, following the 1972 Addis Ababa Agreement, northern civil administrators in Bahr al-Ghazal were replaced by southern counter parts, and the police as well as the local army garrisons were composed mainly of ex-*Anyanya* soldiers. It also brought the revival of *Ngok Dinka* herds, as well as an increased use of the grazing areas by local *Dinka* agro-pastoralists. Moreover, Southern administrators, army and police tended to give the *Ngok Dinka* a sort of support in pasture related disputes that they felt northern rulers had given the *Humr Misseriya* before 1972. Mobile police units patrolled the grazing grounds and often quarreled with the *Humr Misseriya* pastoralists. This increased the *Humr Misseriya* sense of being squeezed out of much needed grazing areas in the south (Johnson D. H., 2008).

Similarly, after the CPA, the *Humr Misseriya* had been complaining against SPLA's action toward their migration into Abyei and other parts of South Sudan for grazing. In some places, it was reported that *Humr Misseriya* pastoralists were obliged to pay the SPLA SDG 15,000 (USD 6,300); in 2007, they were also forced to pay SPLA soldiers one to two calves per herd to access the Southern Sudan provinces. Moreover, since 2008 the majority of the *Humr Misseriya*'s cattle stayed north of the Kiir River and suffered a shortage of both grazing land and water (Craze, 2011). Besides, disarming and grazing time restrictions on them and other *Misseriya* tribes by SPLA had often resulted in

bloodsheds at the Unity and Warrap State borders (Concordis International, 2010; Craze, 2011).

In recent time, particularly at the meeting on 14 December 2012, Twic Dinka chiefs and the Warrap state authorities refused *Humr Misseriya* entry claiming that there were insufficient water resources in the area for shared access coupled with the issue of increased security threats, which they associated with the *Misseriya* pastoralists (Small Arms Survey, 2013). This gives Pastoral *Humr Misseriya* a clue that if Abyei joins South Sudan, they may end up being barred there⁵⁸. Likewise, a report issued by the UNISFA indicated, during its awareness-raising meeting in August 2014, the *Humr Misseriya* expressed a concern that a Referendum without them in Abyei may affect their ability to migrate through Abyei and gain access to sufficient water and grazing land for their livestock (UNISFA, September 2014).

7.4 The Government of South Sudan versus the *Ngok Dinka* Relations

Similar to the Government of Sudan and *Humr Misseriya*, the strong political, historical and cultural connections between SPLM/A and the *Ngok Dinka* people have made the Government of South Sudan bold on the Abyei issue. In many ways, it is very difficult for the Government of South Sudan to abandon the Abyei issue because of key officials

⁵⁸ If the *Misseriya* cannot enter South Sudan, this will put further strain on grazing resources in Abyei, and remind the *Humr Misseriya* that if Abyei joins South Sudan, they may end up being barred there, as well (Small Arms Survey, 2013).

from the *Ngok Dinka* of Abyei who are in strategic leadership position of the Government of South Sudan, both in the civil and military capacities. Even there is strong opinion all over South Sudan that Abyei belongs to South Sudan.¹⁴⁷ The affiliation of those government officials of *Ngok Dinka* towards the South is not a recent phenomenon; it has steadily evolved over the years as the people of the area from the beginning raised the question of Abyei was not different from the question of South Sudan.¹⁴⁸

When the *Ngok Dinka* intellectuals joined the rebel movement in the early 1980s, their objective was to liberate the people of South Sudan by recognizing that Abyei was part of the South Sudan.¹⁴⁹ In this regard, a traditional leader of *Ngok Dinka* tribe underscored that “similar to the other South Sudanese people, it was because of political grievances and maltreatment that the sons and daughters of *Ngok Dinka* joined SPLM/A right from the beginning for their freedom.”¹⁵⁰ Moreover, one South Sudan government official noted that from the beginning, the *Ngok Dinka* people identified themselves with the cause and struggle for the people of South Sudan against the oppression of the Government of Sudan, because just like people in the South Sudan the system did not treat them well in terms of job opportunity, wealth sharing, power sharing, religion, and other social services such as schools, hospitals, and roads. He further stressed:

The better schools are deep in-side the Southern Kordofan even today. When you travel from Khartoum to south ward even without some body shows you where the south and the north begin, you can just feel automatically; and you can see in the South that there is lack of basic necessities. So, Abyei is just like any part of South Sudan and the same grievances that the people of South Sudan have. In the first civil war of *Anya Nya I*, the sons of Abyei participated. They also participated in the

formation of SPLA in 1983. They were part of the *Anya Nya II* too. So, you can see issues of political and economic marginalization, lack of common identity, discrimination based on religion or ethnicity in Abyei and the rest of South Sudan.¹⁵¹

As one intellectual from Juba University said, the *Ngok Dinka* officials who hold power in SPLM/A and the Government of South Sudan are the nationals of Abyei and legitimate representatives of the Abyei people, who have the duty to debate on behalf of the people of the *Ngok Dinka* for their liberation; “even if they are politicians, they do not play the politics in the wrong way.” He also remarked that the question of those politicians is logical based on the various agreements signed between the Government of Sudan and Government of South Sudan/SPLM.¹⁵² Moreover, as can be observed in various testimonies, *Ngok Dinka* officials of the Government of South Sudan never consider themselves as northerners because of cultural, religious and other differences.¹⁵³ As one informant from the *Humr Misseriya* tribe noted:

Elites of Abyei from *Ngok Dinka* have supported SPLA from the beginning. They showed their strong loyalty during the war time. For example, when Dr. Ric Machar and Lam Cool defected from SPLA in 1991/2 and the movement was in a serious problem, the *Ngok Dinka* intellectuals and colleagues were among others who supported John Garang. After this, they have become a very strong part of SPLA structure and are able to articulate their demand in the structure of the movement including the issue of Abyei.¹⁵⁴

It is true that in the historical development of SPLM/A, the role of sons of *Ngok Dinka* had been irreplaceable. Since the beginning of its inception, they have been very

prominent figures in the SPLM/A structure. As mentioned earlier, even now, they hold a number of sensitive positions in the police, security, presidency, army and other positions of the government. This has helped them to articulate Abyei as a central issue in the party and government agendas.¹⁵⁵ In this respect, one *Humr Misseriya* elder pointed out:

After 1965, even elites and intellectuals on both sides sided with either parties. For the Misseriya, that was not a big issue to join the government side. Especially after 1983, the more the war became expanded and intensive, the more the *Ngok Dinka* elite became prominent in the SPLA. Even they became leaders in the army. Most of these elites are well educated and they are well acquainted with the culture of the north because we educated together. We used to go to the same schools and university. So they have this comparative advantage over the other southerners. They speak both English and Arabic. This opportunity helped them militarily and politically to be dominant in the SPLM/A and to frame agendas such as the Abyei issue.¹⁵⁶

Moreover, the Abyei intellectuals had been extremely helpful in terms of lobbying for international support by publicizing that the war between the government and SPLM/A was caused by religious and ethnic grievances. In doing so, they secured political and financial support from the United States, European countries, the UN and the AU.¹⁵⁷ Even today they have very good relations with different lobbying groups in the United States such as the black cocas, the Jewish cocas, and the oil cartel.¹⁵⁸

During the six years of the CPA execution period, three ministers from Abyei area were representing the Government of South Sudan because they were among the leadership of the SPLM. If those people were not among the leadership of SPLM/A, Abyei issue in fact

would never be injected in to the Negotiation in Naivasha, Kenya.¹⁵⁹ Since the early times, sons of Abyei, who are well to do in terms of political, military and intellectual capacity were involved in the Abyei negotiations between the Government of Sudan and SPLM/A (the Government of South Sudan) realizing that if they did not do that, they would be leaders without a land. This would not be sustainable unless they secured Abyei as part of South Sudan. They also managed to convince the majority people of Abyei to raise the question of identity such as religion, color and tribal attachment to the South.¹⁶⁰

Apparently, officials from the Abyei area are stalwartly mobilizing the community on the ground to stand and fight for the liberation of Abyei so that they can use the territory as a constituency for their position in the Government of South Sudan and future political contest in the country's national election.¹⁶¹ Because of this, one of the members of the AUHIP stressed:

It is challenging for the officials of *Ngok Dinka* to continue of holding key political and military positions in the party and government unless they secure Abyei as part of the South Sudan. Hence, they will continue to fight tooth and nick to make sure that Abyei and the *Ngok Dinka* come to the South Sudan. Now the interest of these officials has not really been about oil, it is politics, because it is a matter of survival. If Abyei goes to the Sudan, they know that the chance of survival under the current set up is extremely difficult because they will become a minority with in a minority of a minority in Sudan. So it is extremely difficult for them to survive. They will tell you that 'there is no way that we can actually live'. Because of their forefathers, they already tested that what it was like to live within the Sudan as *Ngok Dinka* tribe.¹⁶²

However, despite the fact that Abyei intellectuals played a big role in the adoption of the Abyei protocol, they are not able to ensure implementation of the protocol on the ground, for which the Government of South Sudan is partly criticized. For instance, one informant from AUHIP stated that in 2010, before the cessation of South Sudan, it was agreed that the issue of Abyei would be addressed at the level of the presidency that constitutes President Omar Hassan Al-Bashir and President Salva Kiir Mayardit. However, they have not been progressing as expected by the people of the *Ngok Dinka* and the AU. “Although the two governments have had numerous summits, this issue has not been well tabled. President Al-Bashir does not want this issue to be dealt with; President Salva Kiir was supposed to be insisting, but he was not”.¹⁶³ Moreover, some officials in the Government of South Sudan do not want the issue of Abyei to be part of the national agenda to a point where everybody suffers because of the fault that the *Ngok Dinka*’s grandfathers gave it away to the North. As they are leading a new country, they need, they claim, to engage themselves on other issues rather than the Abyei one.¹⁶⁴

Apart from the Abyei, both governments have other serious issues as the political elites in both states are very much divided. For instance, President Salva Kiir Mayardit is running a country that depends over 98% of its revenues on oil. This can only be secured through smooth relations with the Government of Sudan⁵⁹. In other words, the reality on the ground shows that he is not going to let the issue of Abyei threaten the job that he has to

⁵⁹ Sudan and South Sudan’s oil sectors are still closely linked. Because South Sudan is landlocked, it remains dependent on Sudan to transport its oil through Sudan’s pipelines to the Bashayer port along the Red Sea. Sudan also relies on the fees it charges South Sudan for using its pipelines and facilities to help fill Sudan’s financing gap because of the loss of oil export revenue (EIA, 2014).

do as a president because Abyei is a small part as compared to the overall issues within and outside of the country. President Salva Kiir is also preoccupied with the internal instability of the country⁶⁰, which shows that Abyei is important for some people but not as important for other people in South Sudan. For this reason, Salva Kiir's government is not strongly working to secure the territory as early as possible.¹⁶⁵ In fact, as mentioned in Chapter three, the civil war has already started; and the same to the other South Sudanese, it equally affected the people of *Ngok Dinka*. For instance, a report issued by the UNISFA shows that as a result of the ongoing crisis in South Sudan, the *Ngok Dinka* IDPs continued to enter the Abyei area from conflict affected parts of South Sudan. Until 1 July 2014, their number was approximately 6,500 (UNISFA, September 2014).

7.5 Strategies and Behaviors Followed by the Government of Sudan

7.5.1 Strategies followed

The Government of Sudan is using the *Humr Misseriya* community as instrument to achieve its political and economic agendas in the area. For instance, as mentioned in the previous chapter, to justify what it promised for the *Misseriya* elites during the war time, the government tells the people that they have the right to participate in the Referendum through which they can secure Abyei for themselves.¹⁶⁶ In the words of one informant “the wrong political strategy of the Government of Sudan has been worsening the situation in Abyei by telling the *Humr Misseriya* people that Abyei is their own land and encouraging them to fight against the Government of South Sudan and *Ngok Dinka* people so as to secure it.¹⁶⁷

⁶⁰ The interview was carried out before the start of the South Sudan civil war.

In supporting the above argument, an informant from *Ngok Dinka* tribe noted that in order to escape serious political criticism from the *Humr Misseriya* people, the Government of Sudan has deliberately manipulated the loophole in Abyei Protocol's by defining citizenship criteria for Abyei Referendum.¹⁶⁸ In fact, the reality is clear for both the government and the people on the ground that *Humr Misseriya* pastoralists do not have any legal right to participate in the Referendum as can be inferred from the PCA legal document.¹⁶⁹ In this respect, one intellectual from *Humr Misseriya* noted that the *Humr Misseriya* people know that they are not residents of Abyei; but they still go often to Abyei for grazing and water. Even it is not the whole pastoralist *Humr Misseriya* go to Abyei, rather four clans of them that are recognized by the *Ngok Dinka* community. It is the incumbent regime⁶¹ and some elites of *Humr Misseriya* who are claiming as well as encouraging the mass to take part in the Referendum. According to him:

The government is instilling in the minds of the *Humr Misseriya* people that the other side was to take their land. However, *Humr Misseriya* pastoralists do not have the concern of property rights on land. Even the law of the Sudan says unregistered land is the property of the state. So, even if the *Humr* invade and drive away the *Ngok Dinka* in their totally from Abyei, the Government of Sudan will not register Abyei in the name of the *Humr*. In other words, the Government of Sudan does not care whether the *Humr* are really owners of the land or not. It wants to serve its immediate motives, just like what it has been doing for the last 25 years. For this purpose, the government and *Humr Misseriya* elites are strongly

⁶¹ Elites of the incumbent regime are a coalition of interested fellows, self-interested for one position of power, and they want to use the local people for their own ends.

allied, in which, the former is easily ordering the later as the later have got financial and military support from the former.¹⁷⁰

7.5.2 Behaviors followed

Humr Misseriya's settlement in Abyei

Following the Government of Sudan's resistance to the AUHIP proposal, several *Humr Misseriya* people have been increasingly settling in the Abyei area to create permanent abodes with the intention to claim participation in the Abyei Referendum some time later (Rendón & Hsiao, 2013). *Humr Misseriya* leaders in Muglad and Babanusa said that they would not allow the return of Abyei to Bahr al-Ghazal and continued to prevent demarcation on the ground, as well as increase settlements in the area (Concordis International, 2010).

Moreover, in contrast to the AUHIP proposal, the Government of Sudan is also deliberately settling the *Humr Misseriya* community to change the demographic base.¹⁷¹ In this regard, one informant from *Ngok Dinka* tribe disclosed that as the *Humr Misseriya* elites and the Government of Sudan realizes that it is difficult for the *Humr Misseriya* pastoralists to be given the right to participate in the Referendum, they are encouraging them to settle in the northern part of Abyei with the objective to change the demographic base on the ground and then claim to participate in the Referendum after few years.¹⁷² In other words, encouragement of the government for *Humr Misseriya* settlement in the northern part of Abyei, which was previously a home of the *Ngok Dinka* people, is to go

in line with the proposal of AUHIP.¹⁷³ Mirroring the same idea, an AU official for the Sudan desk noted:

The Government of Sudan and *Humr Misseriya* elites realized that transit through Abyei is not a ground for residency. So, what they were trying to do is to populate the northern part of Abyei with *Humr Misseriya* in order to try to change the demographic base. They have already started doing that and by doing so, if the Referendum delays for 3 years, by that time they will claim to be regarded as residents.¹⁷⁴

The report of Concordis International shows, 2,000 PDF had been mobilized from outside Abyei to settle in the northern part of the Abyei area in a bid to facilitate Misseriya settlement in the area (Concordis International, 2010). Following this development, the Government of Sudan was reported to be settling *Humr Misseriya* in the area to take up permanent presence beyond the seasonal migration period. In August 2010, 25,000 new settlers were already in the north of Abyei and in the second half of 2011, it was estimated that the number had reached 75,000 (Craze, 2011). The report issued by Small Arms Survey also indicates that a settlement by *Humr Misseriya* was also there during the second Sudanese war (1983-2005). During this war period, the rift between the two communities intensified as the incumbent regime in Khartoum backed *Humr Misseriya* militias to razing settlements in the Abyei as well as displacing the *Ngok Dinka* southward with the effort to secure the territory in the hands of the *Humr Misseriya* (Small Arms Survey, 2013). Moreover, as discussed deeply in chapter four, the real motive of the Government of Sudan encouraging *Humr Misseriya* settlement was directly related to the regime's interest of oil in the area.¹⁷⁵

Different categories of people who have now started to settle in the north part of Abyei. Some of them are oil workers who have already settled around Diffra oil field. This kind of settlements started with the oil discovery in Abyei. But, the danger is the other groups who are deliberately settling in the area to participate in the Abyei Referendum as it has been done with the intention to change the Referendum.¹⁷⁶ In this regard, one of the officials of Government of South Sudan noted:

In the northern part of Abyei, we have two categories of *Misseriya* settlers. Some of them have already established huts and started to cultivate and stay longer time in the area; of course during dry season they go back to Muglad, Babanusa and nearby areas; and in late November when they come back to the area, they find the huts there. The huts are now found in and around Diffra oil fields. The other category is those who have been permanently staying the whole year in the area, where the *Ngok Dinka* paramount chief, Deng Kuol Deng, was killed in 2013.¹⁷⁷

As mentioned earlier, during the second Sudanese war, the Government of Sudan and *Misseriya* militias attempted to push the Dinka out and encouraged the *Humr Misseriya* to settle in northern part of Abyei¹⁷⁸; but it was on a much smaller scale than what is happening today. In the future, their number will become bigger than the *Ngok Dinka* people to change the Referendum result in favor of the Government of Sudan.¹⁷⁹ For instance, after the end of the war and the adoption of CPA in 2005, while the settlement of *Humr Misseriya* in the northern part of Abyei has been mounting, pastoralists' migration is incessantly curtailing. Indeed, there is no more migration of *Humr Misseriya* beyond the river Kiir.¹⁸⁰ In this respect, one of the members of the AUHIP underscored:

This situation is taken as good especially by the UNISFA; and everybody is saying that since recent times the migration has been going with no problems. However, if this migration does not happen as usual, we are actually creating a bigger problem. They end up settling in the northern part of Abyei as a substitute for migration; and they are encouraged to settle by the Government of Sudan. They are telling them if you keep migrating, you will lose this area. That is why these settlements are coming now. The Misseriya are now told if they are moving to settle, they can have access to clean water, modern schools and Clinics. This creates a borderline between the Misseriya and the *Ngok Dinka*. Last time (2013/4), I checked; there were trying to build 18 villages.¹⁸¹

In the northern part of Abyei area, there are around 29 *Humr Misseriya* villages. These villages have schools, clinics and other social, political and economic institutions.¹⁸² Of course, the Government of Sudan has been supporting the *Humr Misseriya* settlement in these villages with finance, house amenities and other necessary logistics.¹⁸³ It has also convinced some international development NGOs in assisting this settlement process. For instance, UK's Save the Children "installed deep bore wells and hand pumps in some locations, enabling the permanent settlement of some of the Misseriya population in the Dinka areas" (Johnson D. H., 2010).

As the settlement increases, one intellectual, who was a member of the ABC, warned that this deliberate changing of the demographic balance between the *Ngok Dinka* and *Humr Misseriya* has serious political, social and economic problems in the current and future relationship between the two communities.¹⁸⁴ The same statement of concern was forwarded by the director of the Sudan desk in the AU.¹⁸⁵ Mirroring the same view,

another official from the AU noticed that changing the demographic base on the ground will have long term consequences to resolve the Abyei problem. For instance, it can be taken lesson from the Jewish settlements in the Palestinian territories, which has become now a serious problem between the two communities and it just makes it much more difficult eventually to address this issue even in the future.¹⁸⁶ Despite this settlement is going on, the AU and the international community are not yet responsive.¹⁸⁷

However, most of the informants from the *Humr Misseriya* people and the Government of Sudan stated that even though there is *Humr Misseriya* settlement in the Abyei area, such activity is not encouraged by the incumbent regime; rather it is based on the voluntariness of the people themselves. For instance, an informant from *Humr Misseriya* tribe underscored “all human communities have passed through different life hood stages or systems. Pastoralism is one way of life hood. The *Humr Misseriya* people also do not want to remain forever as they were before. They are trying to change their livelihood from mobile to permanent; and the pattern of their economy is also changing from pastoralism to agro-pastoralism⁶². For such livelihood change, they chose the Abyei area because this area is potentially important for farm related activities.” Yet, he denied that *Humr Misseriya*’s settlement is not deliberately organized by the government for the purpose of Referendum rather it is spontaneous like in other parts of the world observed.¹⁸⁸

⁶² Now days the *Humr Misseriya* are becoming Agro-pastoralists as some of them partly settled in the Abyei area. Partial settlement entails the right to live, invest, own property. Their settlement may make them to be eligible voters in the Abyei referendum (Personal Interview: Intellectual elite from *Humr Misseriya*, Khartoum, 05/12/2013b).

Moreover, because of the climatic change and the discovery of oil, some demographic shifts are happening naturally in Abyei area. In other words, as compare to the past, particularly during rainy season, Abyei area is now more inhabitable because of desertification and deforestation.¹⁸⁹ This situation attracted for many *Humr Misseriya* pastoralists to settle in the area with the fact that the land is very important for their current and future survival.¹⁹⁰ Because of this, some members of the *Humr Misseriya* families stay at home in Abyei area to cultivate agricultural products for food; children are going to schools; and aged people are staying at home; while other members of the families are moving with cattle for grazing.¹⁹¹

Government officials and Misseriya elites are insisting the *Humr Misseriya* community continue voluntary settlement in the northern part Abyei. In this regard, an intellectual from Khartoum University remarked “the government is encouraging the *Humr Misseriya* pastoralists to voluntarily settle in the area with the expectation to get northern part of Abyei (at least north of River Kiir). They say ‘let them establish some sort of settlement here so that we can justify our presence in this area.’ And they are really trying that. You have this situation in Diffra and other places.”¹⁹²

Government of Sudan’s encouragement for use of force

From the vantage point of the *Ngok Dinka* community, the primary threat to peace is providing arms to the *Humr Misseriya* pastoralists by the Government of Sudan (Saeed, 2009). As can be inferred from the International Crisis Group report, under the current Government of Sudan, the *Humr Misseriya* militias and other similar groups were

formally integrated into the Popular Defense Forces (PDF)⁶³ in 1989, which formed a legal entity to serve as a de facto reserve for the national army (International Crisis Group, 2003). Moreover, Small Arms Survey reported that as a tactic to prevent the PCA's implementation program, officials of the Government of Sudan have been actively recruiting militias among the *Humr Misseriya*, especially since mid-2010. From 2005 to 2010, more than a dozen militia training camps have been established along Abyei's northern border, with new recruits reportedly receiving around SDG 50 (USD 21) per month. Apart from handing out some financial incentive, the government had been motivating the new recruits by educating them that Abyei is *Humr Misseriya*'s territory (Small Arms Survey, 2010).

Though the two communities became involved in the Sudanese civil war since *Anya Nya* I for the purpose of protectionism and self-defense, the recent one has festered and complicated the situation as both are fighting to own Abyei territory. For instance, an intellectual from *Humr Misseriya* tribe noted:

Currently, there are about 5000 *Humr Misseriya* people in the PDF, which are categorized into three groups; 2000 are full trained and equipped; 1000 are trained but not equipped; and 2000 are just rudimentary not yet trained but they are ready for call. If the third group is needed, they will just take

⁶³ Apart from weak commitment from among the SAF to fight against the SPLA, one of the reasons the SPLA made advances in South Kordofan was lack of critical manpower in SAF. In an attempt to address this shortage of manpower, at the end of 1980s President Al Bashir ordered each of Sudan's states to set up camps for new recruits to the paramilitary PDF. Following this, in Muglad (South Kordofan), the government had been actively recruiting Misseriya for the PDFs, by offering them with small arms, motorbikes, and money to young men who wish to join (Small Arms Survey, 2012).

them 45 days military training to go for fighting. So, PDF is financed and led by the Government of Sudan; and its deployment is under the command of the Sudan Armed Forces.¹⁹³

The Abyei area administration, which was established following the adoption of Abyei Protocol, claimed that after the 2005 CPA, the PDF had been reorganized and equipped with trucks, motorcycles, 12.7 mm machine guns, 82 mm mortars, RPGs, anti-tank weapons and small arms. The PDF that constitutes the *Humr Misseriya* militias were receiving such weapons from the Sudan Armed Forces. These all weapons were used in May 2011 to literally raze/ devastate the Abyei town and much of the surrounding villages such as *Todac, Tajalei, Maker, Wungok, and Dungop*⁶⁴(Craze, 2011). As Former UNMIS staff informed Amnesty International, in May 2011 Sudan Armed Forces and PDF overran Abyei town with T-55 tanks and multiple-rocket launchers. He further stated that five artillery shells landed in the UNMIS compound of Abyei and injured two Egyptian peacekeepers and destroyed a UN vehicle (Amnesty International, 2011). In this regard, the June 2011 UNMIS report shows that aerial bombardments in Abyei resulted human rights violations, which include property damage, displacement, loss of civilian lives (women, children and the elderly), abductions, arbitrary detentions, targeted killings, summary executions, mass graves, and deliberate attacks on churches and destruction of dwellings. Moreover, in violation of International Conventions, the SAF,

⁶⁴ Satellite Sentinel Project (SSP) has confirmed through the analysis of Digital Globe satellite imagery collected in May 2011 the intentional destruction of Abyei by the government of Sudan and Humr Misseriya militias. SSP also documented multiple violations of international humanitarian law. These abuses can constitute war crimes, including violations of the Geneva Conventions, and in some cases they may represent crimes against humanity (Satellite Sentinel Project, 2011).

Humr Misseriya militias and government security apparatus had engaged in violent and unlawful acts against UNMIS. These include:

verified incidents of shelling in close proximity to UN property, resulting in damage; summary execution of a UN national staff member; assaults on physical integrity of UN staff; arbitrary arrest and detention of UN Staff and associated human rights violations including ill treatment amounting to torture; harassment, intimidation, and obstruction of freedom of movement; and intrusion on UN premises including the UNMIS Protective Perimeter established to protect civilians internally displaced as a result of the conflict. The international community must hold the Government of Sudan accountable for this conduct and insist that those responsible be arrested and brought to justice (UNMIS, 2011).

My own personal observation in Abyei and the reports from Amnesty International also shows that tukuls (traditional huts) have been burned down and the few brick buildings have been entirely devastated; their roofs, doors, windows and any other fittings were stolen. Amenities of the international humanitarian organizations had been similarly looted and vandalized (see appendix 2) (Amnesty International, 2011). This invasion also caused displacement of more than 110,000 civilians into Warrap, Northern Bahr el-Ghazal and Unity States (UNOCHA, 2012). Besides, it claimed many lives of innocent *Ngok Dinka* civilians, predominantly women, children and elderly (UNMIS, 2011). Likewise, following the rejection of the ABC report by the Government of Sudan and *Humr Misseriya*, Abyei had been the source of direct clashes between SPLA and *Ngok Dinka* on the one side and the SAF and *Humr Misseriya* militias on the other side. In fact, the dispute erupted into violence in May 2008, which led to the razing of Abyei town and the displacement of over 60,000 *Ngok Dinka* people (Sansculotte-Greenidge, 2011).

As mentioned in Chapter five, despite the fact that the Abyei Temporary Arrangement Agreement, which was signed following the end of the May 2011 invasion, indicates Abyei should be a weapons free area, both governments are arming their sides and this has polarized the situation on the ground. The only people who are suffering are the people of *Ngok Dinka* of the area.¹⁹⁴ As can be observed from the area, “the longer we wait the more they get armed with more sophisticated arms as they are now carrying RPG.”¹⁹⁵ However, as compare to the *Ngok Dinka*, the *Humr Misseriya* people are well armed with motorbikes and sophisticated machine guns, which makes them champions against the *Ngok Dinka*.¹⁹⁶

When the *Humr Misseriya* pastoralists enter into Abyei area for cattle grazing, they often carry machine guns, which they use regularly to kill *Ngok Dinka* and raid cattle in the area. This situation created sense of hesitancy in the minds of some displaced *Ngok Dinka* people over whether to return back to their original home area.¹⁹⁷ In addition to attacking the people and looting their cattle, such armament abetted the *Humr Misseriya* to secure the oil interest of their regime.¹⁹⁸ In fact, many *Ngok Dinka* IDPs also resisted returning back to the Abyei area because they do not have confidence on the UNISFA mission as many people from *Ngok Dinka* had been killed by the *Misseriya* militias in its presence. For instance, as a report issued by the UNISFA itself indicated, from May – July 2014, *Humr Misseriya* armed men with AK-42 rifles killed 11 and injured 6 *Ngok Dinka* youths in Abyei territory. Moreover they stole 1,310 cattle despite retrieved and returned to the owners by the UNISFA (UNISFA, July 2014). Even the paramount chief

Deng Kuol Deng was assassinated in the hands of UNISFA. Indeed, the Government of Sudan was behind the assassination.¹⁹⁹

Since 2005, Abyei had been gravely attacked three times by the *Misseriya* militias and the defense force of the Sudan in the presence of the UN Mission. First in 2008, then 2011; the third time marked the assassination of the paramount chief of the nine *Ngok Dinka* chiefdoms in 2013 while he was in the convoy of UNISFA.²⁰⁰ In fact, most of the intrusions and attacks were carried out because of the dissatisfaction on the Abyei protocol and other successive decisions and proposals.²⁰¹ Beside security threat, a report issued by Small Arms Survey shows uncertain political future of the territory and lack of basic services are also some of the discouraging factors for the *Ngok Dinka* IDPs to return back to Abyei area (Small Arms Survey, 2013). Of course, as the UNISFA report shows, until September 2014, the *Ngok Dinka* IDP returnees reached at approximately 81,000 (UNISFA, September 2014).

As the aggression of the Sudan armed forces and *Humr Misseriya* militias festered, the Government of South Sudan was not able to provide them security protection because of some other priorities. Even the International community including the UN and AU are not politically serious to take measures against the perpetrators.²⁰² Moreover, neither the Government of South Sudan nor the international community mounted a question of compensation against what happened on the lives and properties of the *Ngok Dinka* people since 2008.²⁰³

7.6 Conclusion

As discussed in this chapter, many *Humr Misseriya* believed that the end of the second Sudanese war did not result in any visible improvement in their life. Rather, they felt that the CPA was negotiated against their interests and that they are politically and economically marginalized by the NCP-led government they fought for during the second Sudanese civil war. As a result of this, the numbers of *Humr Misseriya* who have been joining SPLM-A and JEM is gradually growing. Additionally, the government faces a serious security threat from the rebel groups in the Blue Nile, Southern Kordofan and Darfur areas, especially after the establishment of the SRF alliance, which brings four most active armed opposition groups. Moreover, President Al-Bashir is also under extreme threat from politicians and army generals within his party and government.

Therefore, to mitigate the observed *Humr Misseriya's* dissatisfaction and to ensure control of South Kordofan and Blue Nile states, the Government of Sudan started to reconsider how to make amends with the elites of the peoples of Misseriya in general and the elites and peoples of *Humr Misseriya* in particular. In doing so, it does not want to make any concessions on the political future of Abyei that would make the *Humr Misseriya* people feel their grazing land was in danger. In other words, with the objective to achieve its political and economic agendas in Southern Kordofan, where the *Humr Misseriya* are living, the Government of Sudan affirms to the *Humr Misseriya* pastoralists that they have the right to participate in the Referendum through which they can secure Abyei for themselves.

The Government of Sudan also wants to make Abyei a bargaining card for its political agenda because if it fails to secure Abyei as part of the Sudan, the ruling National Congress Party will not get political support from the *Misseriya* constituency as some of them are already denying their loyalty to the regime. Besides, even though Abyei is a very small area, the Government of Sudan does not want to lose it because of a question of pride and its political existence as it is still criticized for the loss of one third part of the country because of the secession of South Sudan in 2011. Therefore, the government is struggling to use Abyei as compensation for the loss of the whole south Sudan.

Despite affirmations in the CPA, the Abyei Protocol and other successive agreements for grazing and water in Abyei and beyond, most of the *Humr Misseriya* pastoralists are deeply frustrated that if Abyei Referendum is carried out without their participation and officially Abyei becomes part of South Sudan, the *Ngok Dinka* and SPLA may not allow them to enter into the territory. Their distrust is based on the fact that the bad relationship between the two governments may continue to directly bear on their travel to Abyei and beyond. In fact, this distrust has grown through time as the historical relationship between the *Humr Misseriya* and *Ngok Dinka* communities was not based on trust and cooperation; rather it became hostage to politics and manipulation of the two countries' political elites since the second Sudanese war. It is because of this distrust, thus, the *Humr Misseriya* pastoralists and the incumbent regime in Sudan have been mounting against the AUHIP proposal. Unquestionably, this has been worsening the bad relationship between the two neighboring communities on the ground.

In many ways, it is very difficult for the Government of South Sudan to abandon the Abyei issue because there are key officials from the *Ngok Dinka* who are part of the strategic leadership structure of the Government of South Sudan, both in the civil and military positions. Understandingly, when they joined the rebel movement in the early 1980s, because of the political and economic grievances and maltreatment against the South, their objective was to liberate the people of South Sudan by recognizing that Abyei was part of the South Sudan. This shows that those officials cannot continue to hold their positions in the government and the army unless they secure Abyei as part of South Sudan. They also want to use it for future political constituency in the country's national election. However, for whatever they need to use Abyei, their question is logical based on the various agreements signed between the Government of Sudan and the Government of South Sudan/SPLM.

As a strategy to change the demographic base of the area and claim participation in the Abyei Referendum some time later, several *Humr Misseriya* people have been increasingly settling in the northern part of Abyei to create permanent abodes. Such settlements are financially and materially supported by the Government of Sudan and other international development NGOs, which contradicts the successive agreements signed between the two governments. Apparently, this action has serious political, social and economic problems in the current and future relationship between the two communities despite some informants saying the settlement process is going-on on a voluntarily basis.

As a tactic to prevent the implementation of the agreements, the Government of Sudan officials have been actively recruiting militias among the *Humr Misseriya* and arming them with motorbikes and sophisticated machine guns to attack *Ngok Dinka* civilians and raid their cattle. This situation created sense of instability in the minds of some displaced *Ngok Dinka* people to return back to their original home area. As the aggression of the Sudan armed forces and *Humr Misseriya* militias festered, the international community including the UN and AU are not serious as to take measures against the perpetrators. Moreover, neither the Government of South Sudan nor the international community mounted a question of compensation against what happened to the lives and properties of the *Ngok Dinka* people.

The forthcoming chapter analyzes the Abyei conflict from resource perspective and examines the reason for the ineffectiveness of the TCRMs of the *Ngok Dinka* and *Humr Misseriya* in addressing the Abyei problem

Chapter Eight: Resource Based Conflict over Abyei and the Role of TCRM

8.1 Introduction

The preceding chapter examined the repercussion of sideline state-society relations on the Abyei conflict. This chapter analyzes how the renewable and nonrenewable resources of Abyei became a source of conflict between the Government of Sudan and *Humr Misseriya* in one side and the Government of South Sudan and *Ngok Dinka* in the other side. In terms of natural resources, Abyei owns among other things oil, pasture, arable land and water (rivers such as the River Kiir, also known as the Bahr al-Arab). However, those resources now became a source of conflict between the Government of Sudan and the Government of South Sudan as each of them is claiming that Abyei area belongs to their respective communities. In fact, as mentioned earlier, Abyei is a home of the *Ngok Dinka* people and used for grazing by the *Humr Misseriya* pastoralists. This is basically proved by the decision of the PCA and AUHIP proposal, which is not yet fully implemented.

The chapter also analyzes why the TCRMs of the *Ngok Dinka* and *Humr Misseriya* are not able to effectively resolve the Abyei deadlock. For long time, both societies were settling most of their disputes on the basis of custom and tradition. Since recent decades, however, these efforts are not well publicized and supported by both governments; rather they politicized the issue and paralyzed the capacities of the leaders of those institutions as they are forcing them to link their existence to the basic interests of the ruling elites.

Moreover, the behaviors followed, particularly by the Government of Sudan has paralyzed the structural and administrative capacities of *Humr Misseriya*'s TCRMs. The impracticability of these institutions is also directly associated with the identity related questions as Abyei has covered a significant part of the *Humr Misseriya and Ngok Dinka*'s history, legends, values and traditions, which shape their ways of life for generations.

8.2 Resource Based Conflict over Abyei

The people who are benefiting from the pasture in Abyei area are not the politicians and elites leading the country. While the *Humr Misseriya* Pastoralists are primarily interested in securing the pasture and water in Abyei for their cattle without any threat from other side, the Government of Sudan is using Abyei for commercial purpose because Abyei is famous in oil, gum Arabic and other useful commercial crops.²⁰⁴ Even though it is not compatible with the Government of Sudan and *Humr Misseriya* pastoralist's interest, Abyei's resource is still important for the people of *Ngok Dinka* and the Government of South Sudan.²⁰⁵ In fact, Abyei area is endowed with both renewable and non-renewable resources as is deeply elaborated in the following successive subtopics.

8.2.1 Renewable resource-based conflict

As mentioned earlier, the Abyei area is rich with different types of renewable resources, including pasture and water; and the area also has arable land, which is suitable for agricultural cultivation as the rivers (notably the River Kiir, also known as the Bahr al-Arab) are flowing the whole year. Hence, most of the *Humr Misseriya* pastoralists

believe that these resources are important for their livelihood and for the survival of their cattle.²⁰⁶ For this reason, one of the members of the AUHIP noted:

The primary concern of *Humr Misseriya* pastoralists in Abyei is about pasture and water for their cattle. They always tell you that you cannot tell a cow to go or not to go this way or that way, the cow itself knows; when it starts smelling the green grass, it follows where the grass is, and it follows where the water is. If Abyei totally become in the hands of the Government of South Sudan, they believe that this freedom of cattle movement will be endangered. This is one of the reasons behind their refusal to accept the AUHIP proposal.²⁰⁷

Because of natural and manmade reasons, the resources of south western Kordofan, particularly the grazing land and water are depleting. However, Abyei and its surrounding areas, where *Humr Misseriya* pastoralists used to graze for six months a year are still rich, without which their cattle's survival is questionable. However, they believe that the proposed international borderline is not totally go in line with their mobility culture. Therefore, whatever the Abyei protocol and the AUHIP proposal guarantee them to use Abyei area for grazing and water, they are not certain to sustainably use it without any trouble as the international border is there. In doing so they prefer to claim ownership of the territory or the land based on the historical attachment with the area.²⁰⁸ This concern and claim is also shared by their government as it has been telling them that if they don't claim the land, they will not get resources for their livestock.²⁰⁹

Even after the release of the ABC report in 2005, the *Humr Misseriya* thought that they would lose their dry season grazing to the *Ngok Dinka* despite the fact that it recognized

their right to graze in Abyei (Craze, 2011). In reaction to the report, immediately they vowed to protect the Abyei land and to fight if the ABC decision was implemented. On the contrary, the Government of South Sudan and *Ngok Dinka* people viewed the ABC decision as fair and should be accepted as well as implemented by the signatory parties (Muna, 2010).

Understandably, the claim by the Government of Sudan and *Humr Misseriya* elites is totally unacceptable by the people of *Ngok Dinka* and the Government of South Sudan. For instance, community elders from the nine *Ngok Dinka* chiefdoms noted: “Abyei is a land endowed with different types of natural resources through which we are leading our life for generations equally with all human beings living in different parts of the world. It is also equally important for *Humr Misseriya* pastoralists and their cattle”.²¹⁰ Even today the pastoralists have the right to access those resources in Abyei area and beyond deep into the south as they have been using them for centuries.²¹¹ In other words, *Humr Misseriya* pastoralists can continue to use the resources of Abyei and at the same time use the territory as transit to other grazing place of South Sudan.²¹² However, according to another informant from the same tribe, this right will only continue if the Government of Sudan and the pastoral community recognize that the area belongs to the nine *Ngok Dinka* chiefdoms.²¹³

It seems that the *Humr Misseriya* and their elites will continue to fight until they secure the Abyei and its rich resources to the Sudan. To do so, their government’s support is essential, without which, their plan will not succeed on the ground. In fact, they have well

founded confidence on the government as they proved in the post 1972 Addis Ababa Agreement. In other words, in 1970s when the *Humr Misseriya* mounted against the 1972 Addis Ababa Agreement, the Government of Sudan tried to drive the *Ngok Dinka* out of Abyei with the objective to place the crucial pastures and water of the Bahr al-Arab completely under *Humr Misseriya* control (Deng F. M., N.D). During that time, the *Humr Misseriya* built confidence that the Government of Sudan was behind their concern and was ready even to compensate them for their heavy losses of livestock during the 1984/85 *Sahelian* drought⁶⁵ and for the squeezed grazing lands because of state-sponsored mechanized farming schemes mentioned in Chapter four (Bradbury, Ryle, Medley, & Sansculotte-Greenidge, 2006).

8.2.2 Nonrenewable (Oil) resource based conflict

We may squabble and bicker under the cover of ethnic or regional differences, but beneath the surface, the struggle is over who controls the massive oil and gas resources and revenues of the land (Nnimmo Bassey, 2011), cited in (ECOS, 2011).

In spite of the fact that the PCA placed most of the contested oilfields (Heglig and Bamboo)⁶⁶outside of Abyei (i.e. in the North), Abyei has still oil reserves in Diffra oil field and other parts of the territory, which is not yet publicly explored (Belloni, 2011).

⁶⁵ In spring 1984, the world's attention was drawn to Africa and the Sudan when it was reported that severe famine was affecting the country. The area most severely hit by the famine were in western Sudan the province of Kordofan and Darfur, and in eastern Sudan notably the Red Sea province. The famine directly affected half the population of 20-25 million; and death rate reached 3% of the population per month. About 2.5 Million people migrated to towns or to areas further south (Olsson, 1993).

⁶⁶ In 2009, PCA redefined the Abyei area and placed the Heglig and Bamboo oilfields outside of Abyei. Although uncertainties over border demarcation and the ownership of Abyei remain, both oil fields are considered today to be in Sudan's South Kordofan state (EIA, 2014).

However, since the PCA decision, conflicting reports give different amounts of production of crude oil in Abyei without including the unexplored reserves in the area.²¹⁴ The Government of Sudan is not transparent in publishing oil provision and exploration figures for Abyei or the rest of Sudan.²¹⁵ According to Platts, one of a leading global energy and petrochemical related information publisher, the Diffra oilfield of Abyei produces 18,000 barrels a day (Platts, 2013). However, according to an informant from *Humr Misseriya* tribe, the oil production from the Diffra oilfield is not more than 4000 barrel a day.²¹⁶ On the other hand, one of the *Humr Misseriya* elders disclosed that Diffra oilfield is currently producing around 4000 to 5000 barrels a day.²¹⁷ For him and other informants from *Humr Misseriya* tribe, nonetheless, Abyei is not as rich in oil as it is portrayed by the international media.²¹⁸

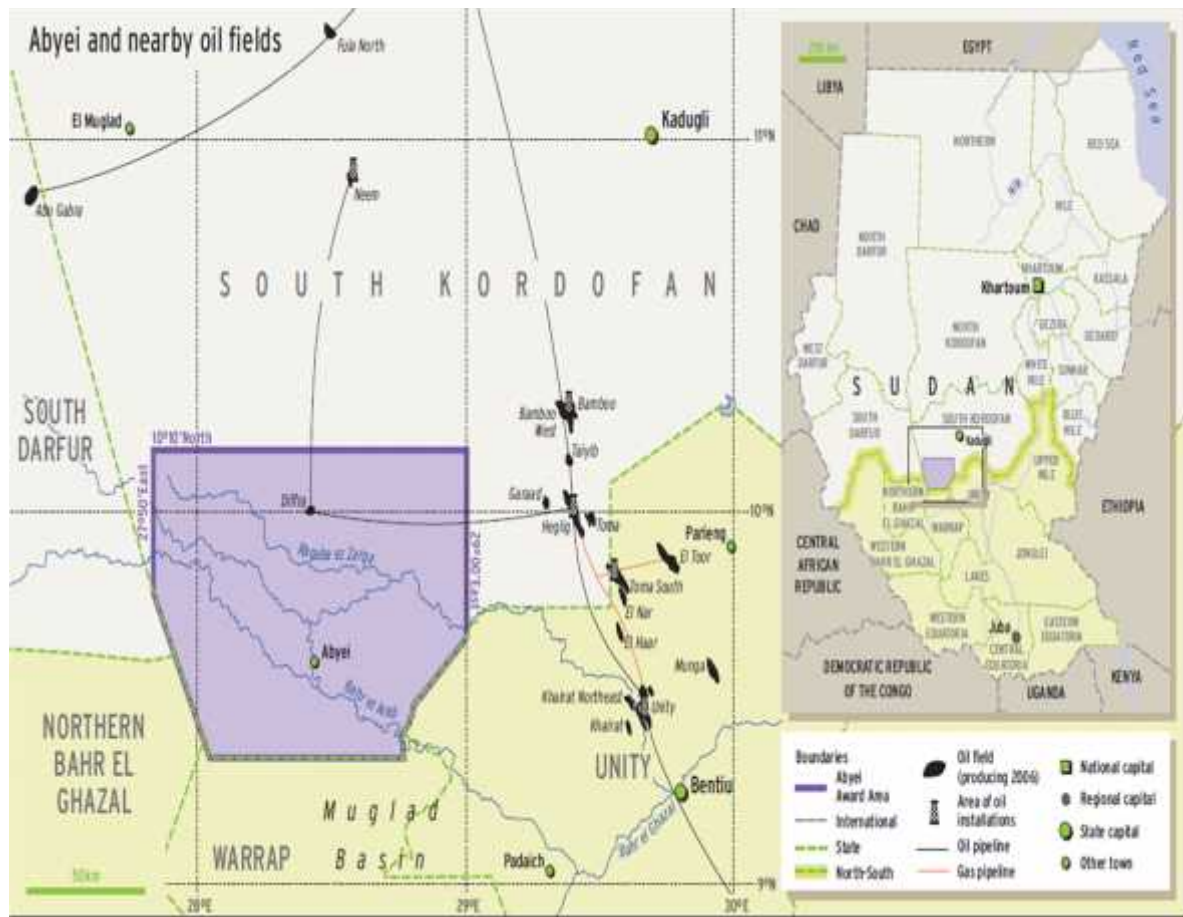
As mentioned earlier, apart from the stated political and economic factors, the Government of Sudan and *Humr Misseriya* elites have their eyes on these existing and potential lucrative resources in the area. As a strategy, for example, the *Humr Misseriya* militias have been used by the Government of Sudan in the northern part of the territory to remove the *Ngok Dinka* inhabitants and open up a path to the exploitation of the oil reserves (Craze, 2011). Moreover, as a tactic to possess the oil in the area, the *Humr Misseriya* elites and their government have been mobilizing the *Humr Misseriya* people to claim the land.²¹⁹ As one intellectual from Juba University underscored:

The plan of the government is clear that if pastoralist Misseriya are allowed to participate in the Referendum, the result will be in favor of the Government of Sudan because those people are more than the number of *Ngok Dinka* people both inside and outside of the Abyei area. Once the

vote become in favor of the North, the government will further explore and exploit oil in Abyei. For this reason, the *Humr Misseriya* tribe has been used as a tool to fulfill the interest of the government.²²⁰

Coupled with the political factors, one of the main reasons for the Government of Sudan to fight over Abyei is to control the oil in the area and safeguard the refinery and pipeline that passes through that area (see Map 8.1). There is no doubt that the Government of South Sudan and the Abyei political elites are also concerned with the oil in Abyei. But it is not their priority agendas compare to their counterparts.²²¹ The Government of Sudan's interest is not really what the communities would gain but what the central government would gain from the area. For example, during the arbitration in The Hague, the main concern of the negotiators from the Government of Sudan side was how much of the oil to get from the Abyei; and when the decision came out, the government declared that it was a winner. "This was published in the newspapers saying that 'we have come now all the oil in the Abyei is going to be for us'. But, this is not the concern of the local people. Even today the oil issue is the primary concern of the central government and the Misseriya elites".²²²

Map 8.1 Abyei oil and Pipeline



Source: Adopted from Small Arms Survey, 2010

The incumbent regime in Sudan and Misseriya elites may not be ready to accept any solution that will deny them the oil in Abyei especially after the cessation of South Sudan. They are even trying to push away the *Ngok Dinka* people systematically to the south so as to occupy the area through settlement as mentioned earlier.²²³ And the *Ngok Dinka* are not ready to resettle in the northern part of Abyei for fear of attack from Sudan Armed Forces and *Humr Misseriya* militias, the Government of Sudan is tacitly encouraging and supporting the *Humr Misseriya* to settle in the area as a strategy to claim

the right to participate in the Abyei plebiscite, which this gradually lead oil resource ownership legality in the area.²²⁴ Similarly, the Government of Sudan wants to use Abyei's oil as a compensation for the loss of more than 75 percent of the oil lost when South Sudan seceded in 2011.²²⁵

A sign of government's intent towards the Abyei oil is observed by government officials who insist Abyei to be divided in to two and get the northern part of it, where Diffra oilfield is situated.²²⁶ For example, one Sudanese government army general noted:

I strongly support the suggestion of the American special envoy, Scott Gration to divide Abyei in to two. Dividing the area should be based on the nature of the area and according to the concentration of the villages and peoples. For example, Misseriya villages are found surrounding Diffra oil field, which is northerner part of Abyei. Unfortunately, this was not accepted by the Government of South Sudan and the people of *Ngok Dinka*.²²⁷

Similarly, informants from *Humr Misseriya* tribe stated "we and our government know that the Dinka have an interest to join South Sudan. However, the question is how to work out a win-win solution, which is partitioning this piece of land in a way that makes the Dinka join South Sudan without affecting the basic interest of the other side."²²⁸

Despite the fact that the decision of PCA made Bamboo and Heglig oil fields outside of the Abyei territory, the *Humr Misseriya* people and Government of Sudan were not happy as the former dissatisfied for losing Abyei as an area of the nine *Ngok Dinka* chiefdoms and the latter for losing Diffra oil field being located within Abyei

territory.²²⁹ As evidences of different sources revealed, even though this oil field is located within Abyei territory, it is still controlled by the Government of Sudan,²³⁰ from which it is channeling crude oil with non-stopping.²³¹ Yet the people of *Ngok Dinka* and the Government of South Sudan have not received their shares from the sales as prescribed in the Abyei protocol.²³² In this respect, informants from *Ngok Dinka* tribe noted:

The Government of Sudan is still extracting oil from Diffra and selling for the market. Since May 2011, we do not have any share from the Abyei oil. For example, if you go back to Abyei Protocol, there is a clear article which talks about oil sharing or wealth sharing in Abyei area, which has to be divided according to percentages. The *Ngok Dinka* community and the Government of South Sudan should have got 2 and 42 percent each respectively. But, after the May 2011 invasion, the Government of Sudan suspended these shares. I don't know why the Government of South Sudan did not even ask all this kinds. The *Humr Misseriya* and Southern Kordofan region are each getting their 2 percent shares from the Abyei oil; but not Warrap region and the *Ngok Dinka* People. The people of *Ngok Dinka* do not have power to take them to the court because we are not a government. But, the Government of South Sudan should have taken them to the court.²³³

Moreover, one senior South Sudanese government official from *Ngok Dinka* tribe also noted "in the Abyei protocol we had agreed how to share the wealth of Abyei including oil from Diffra, but now the regime in Khartoum has taken it and refused to withdraw from the area in spite of the fact that the UNSC resolution 2065 orders them to withdraw from it."²³⁴ Similarly, the September 2014 UNISFA report disclosed that between 120 and 150 armed Sudan oil police personnel remained deployed in the Diffra oil complex

in violation of the Agreement of 20 June 2011 and multiple UNSC resolutions (UNISFA, September 2014).

Before the secession of South Sudan, oil has been the single biggest factor in the growth of Sudan's economy at least for a decade and it ranked as sub-Saharan Africa's third largest oil producer after Nigeria and Angola. However, the majority of Sudanese people were not beneficiaries from the country's oil wealth as most of them employed in agriculture (Williams, 2011). In this regard, one intellectual from *Humr Misseriya* tribe disclosed that even though the *Humr Misseriya* people are conscious of the oil wealth in Abyei, they are hushing down strong claims on it because they need the protection of the government from SPLA attack.²³⁵ However, now days they are interested in the oil because they understand its value in the international trade albeit their primary concern is about pasture and water for their cattle. If they have oil then they will be able to get revenues one way or the other because the government will be duty bound to provide them with assistance.²³⁶

In fact, as mentioned earlier, the issue of oil in Abyei is not a recent phenomenon; rather it started at the end of 1970s following the discovery of oil in and around Abyei areas.²³⁷

In this regard, Johnson stated that apart from the pressure from the *Humr Misseriya*, the abrogation of the 1972 Addis Ababa Agreement⁶⁷ was directly associated with the

⁶⁷ Addis Ababa Agreement, which led to the end of the 1st Sudanese civil war, says areas which are culturally related to the South were supposed to join back to the South. But this did not happen because of among other things the discovery of oil in the area. After this, the interest of political elites in Khartoum completely changed and began to work in keeping this area under the Northern territory (Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 06/06/2013b).

discovery of oil within and around the Abyei area in 1979. After this, the Government of Sudan encouraged the *Humr Misseriya* militias not only to access the southern grazing areas along the River Kiir/Bahr el-Arab, but also to control the region itself; and at the same time it helped the regime to secure the oil fields from possible guerrilla attack (Johnson D. H., 2011). Mirroring the same view, Francis Deng underscored that the Government of Sudan tried to drive the *Ngok Dinka* out of Abyei with the objective to place any oil found between Muglad and Abyei area beyond dispute apart from the crucial pastures of the Bahr al-Arab completely placing under *Humr Misseriya* control (Deng F. M., N.D).

8.3 The Role of Traditional Conflict Resolution Mechanisms

Before mid-1960s, the relationship between the *Humr Misseriya* and *Ngok Dinka* tribes was relatively good as conflicting issues were resolved by the two chiefs based on the TCRMs without strong interference from the government. Most of the conflicts during that time were on cattle rustling or other minor crimes. In this respect, an informant from *Humr Misseriya* noted:

Most of the conflicts were related to cattle raiding and places where to graze. Such types of conflicts happened now and then, but they were being settled by those traditional leaders. Even the communities know how to use the resources for their cattle. For example, the *Ngok Dinka* are permanent settlers in Abyei, where they used to cultivate and graze even during the rainy season in a very effective way. When the Misseriya enter into the Abyei territory, they moved their animals a little bit South ward.²³⁸

However, since recent times the issue of deviation is on claiming of a territory, where useful resources are found.²³⁹ In other words, since 1965, the relationship between the two peoples has been spoiled by the governments of Sudan and the rebel groups from South Sudan. Instead of advising both communities to solve their problems by themselves, they threatened them on their sides that the other side was to take their land.²⁴⁰ Moreover, as the civil wars and state society proxy relationships intensified, these mechanisms became very weak to effectively handle this polarized issue.²⁴¹

Before 1965 when the *Humr Misseriya* pastoralists wanted to cross into the Abyei border for grazing and water, they had often requested permission from the *Ngok Dinka* paramount chief. But, after mid-1960s with the politicization of this social relationship and later the exploration of oil in the Abyei area, they have regularly entered into Abyei without requesting any permission from the *Ngok Dinka* chief. Instead, they have been militarily supported and politically encouraged by the Government of Sudan not only to use the area but also to claim ownership.²⁴² Because of this intention, the *Humr Misseriya* militias and the Sudan Armed Forces have inflicted against civilian *Ngok Dinka* community many times as a strategy to expel them from the Abyei area.²⁴³ As a *Ngok Dinka* elder from Abyei Area noted:

When our sons joined the liberation struggle because of political and economic grievances, most of the families (mother, father, brothers and sisters) were assassinated by the Misseriya Militias and the military of the Government of Sudan. The reason of killing our people was to control the land and its resources for themselves. Even after the CPA/ Abyei protocol,

they intensified their attack against the *Ngok Dinka* people. Because of this and uncertain security situation, many of the displaced people are not willing to return back to their home land Abyei. Because of this successive attack, we could not able to apply even our TCRMs.²⁴⁴

As mentioned in most of the chapters of this thesis, even though the hostile relationship between the two communities started since the time of Sudan's independence in 1956, the worst one came after 1980s when the Government of Sudan started creating and arming militias (PDF) to fight SPLM/A and its sympathizers. Even today, as the government is promoting PDF militias, in which the heads of the militias receive orders directly from SAF, the traditional conflict resolution mechanism is not effective because the importance of the chieftom-ship and their role in attracting the community to come to their mechanism is diminishing.²⁴⁵ In fact, before mid-1960s, the *Humr Misseriya* used to respect the *Ngok Dinka* chiefdoms. For instance, when *Ngok Dinka* chiefs went to their territory, *Humr Misseriya* chiefs used to lay down mats/ traditional carpet on the way, where the *Dinka* chiefs were riding a horse. Moreover, *Humr Misseriya* chiefs were presenting their request to *Ngok Dinka* chiefs to allow them their cattle to graze in Abyei territory together with the local people cattle. In this respect, informants from *Ngok Dinka* noted:

Looking at the cows grazing together, anyone could easily identify them to whom tribe they belong based on their color. *Ngok Dinka*'s cows are with mixed colors of green, white, and black, whereas *Humr Misseriya*'s cows are all red. During that time both cows were grazing in the same place and at the end of the day everybody used to take his cows without any confusion. If there were problems, chiefs from both sides used to intervene to handle them based on the traditional values. Those are things used to

happen in the past. But, now things are changed and the mechanisms that used to resolve things with *Humr Misseriya* will not be back anymore; they will never be reestablished anymore. They have gone once and for good.²⁴⁶

The capacity of TCRMs is very poor as the government has destroyed their institutional structure and substituted by political appointees. However, most of these political appointees are not respected by the people in local communities. Moreover, when educated elites held political administration in Sudan, they started to implement the government law rather than the tribal law. Local war lords or ex-combatants play an equally in undermining the tribal administration system. Most of these ex-combatants never respect the tribal chiefs and honor their orders or decisions. Indeed, the government is tacitly supporting them to help in executing its strategies and policies.²⁴⁷ In this regard, one informant from Misseriya remarked:

The political elites are the ones who are dominating the issue. The chiefs have little say. Likewise, the armed militias, who were leaders during arms struggle (now ex-combatant), are the dominant in the *Humr Misseriya* area. They are now observed by the DDR and the government organizations in different capacities. Most of them have guns. Of course, some of them also joined rebel forces. They don't listen to the tribal chiefs. More than the chiefs, they are the real decision makers as they get direct order from political elites in Khartoum. They are doing this because they are part of the political system working for the government.²⁴⁸

Understandingly, the TCRMs are ineffectual to address the Abyei conflict as the two governments are not investing to strengthen the capacity of the local and traditional leadership on the ground. Rather, the politicization of this conflict has complicated the

situation and forced each tribal leader to link its interest to respective ruling parties. In fact, neither side can act without the political wing order from center.²⁴⁹ Even if the two communities want to make discussion or agreement on Abyei related issues, it will not be visible unless it is approved by political elites in Juba and Khartoum. Now days, politically insensitive Chiefs can easily be thrown away and replaced by another as the traditional leadership structure has been terribly politicized by political elites.²⁵⁰ As a lawyer from Misseriya tribe in Khartoum pointed out, TCRMs are not working all over the Sudan. They remained to be historical legends as most of the institutions are being deteriorated and the chiefs have lost their wisdom. Most chiefs are incorporated to the existing political system, which makes them difficult to handle cases without the influence of the political elites at the national level.²⁵¹

8.3.1 The prospect of TCRM in addressing the Abyei conflict

As can be deduced from the informants bellow, which is the subject of this sub section, while some of them said that the prospect of TCRM to resolve the Abyei issue is outdated except after the Abyei status is known based on the agreements set before, others stressed that still it is possible to apply this mechanism as far as the political elites are willing to distance their hands from interfering on the issue.

The TCRMs are very weak to address the current Abyei conflict as the issue is now very political, which seeks political solution at the national and international levels. Moreover, it is unrealistic to think of reconciliation between the two communities unless there is peace between two conflicting regimes.²⁵² In this respect, a South Sudanese government

official from *Ngok Dinka* tribe underscored that “this kind of mechanism is effective only for minor conflicts like cattle raiding and homicide; but the issue of Abyei is very sensitive that has to be resolved by the involvement of external parties as it has been done today”.²⁵³

It is very difficult now to depend on this mechanism due to the fact that it is very tough to envisage *Humr Misseriya* and *Ngok Dinka* leaders are and will be working without being influenced at all levels by the power politics struggle of their respective regimes.²⁵⁴In this regard, an AU official, particularly the Sudan desk articulated:

From both sides, the communities have become hostage to the politics between Khartoum and Juba, which they have actually been manipulated into frenzy for their political reasons; therefore, the issue can only be addressed between the two capitals. So, right now, there is no possibility that I can see of addressing community relations on the ground by TCRM in the absence of a solution at the political level because the issue is now beyond the two communities.²⁵⁵

Moreover, this type of mechanism is not capable to address the issue of Abyei unless the Government of Sudan drops its claim that beyond the people who have permanent abode in Abyei should be guaranteed the right to take part in the Abyei Referendum.²⁵⁶ In other words, traditional conflict resolution mechanism will only be effective in Abyei case if and only if the Government of Sudan allows the *Ngok Dinka* people to conduct Referendum without any sabotage.²⁵⁷

Most *Ngok Dinka* people believe that before the Abyei Referendum, traditional conflict resolution mechanism is not as such workable as the issue is headed at political level. Indeed, after the Referendum, which determines the status of Abyei, tribal chiefs from both sides can apply reconciliation to heal what happened in the past and to govern how their relations should proceed in the future.²⁵⁸ However, a South Sudanese government official, who is also from *Ngok Dinka* tribe argued a slight differently “traditional means of coexistence is effective only when all of the conflicting parties are under one cell or administration. But, now we have two peoples who are subjects of two different and sovereign countries with different laws and policies.” He further said that the assassination of the paramount chief of the nine *Ngok Dinka* chiefdoms in the hands of the UNISFA is the evidence how the issue is too sensitive to be addressed by the TCRM.²⁵⁹ Similarly, one informant from *Ngok Dinka* tribe stressed that the killings of the Paramount chief of *Ngok Dinka*, which has added fire on the existing trouble, have very much affected the degree of trust by the *Ngok Dinka* people to use such mechanism.²⁶⁰

Traditional conflict resolution mechanism is not that much important in the current status of Abyei as the issue is seen within the perspective of the Abyei protocol; and the agreement of Abyei protocol was conducted between the Government of Sudan and SPLM/A, where elders and clan leaders, especially from *Humr Misseriya* side were not well consulted.²⁶¹ Rather, in the current Abyei situation, it can only give assistance the formal political process because it is not credible to deal with mega politics, where there is a condoling of multiple complex interests.²⁶²

The question of identity against TCRMs

Some informants from *Ngok Dinka*, AU, UNISFA and other institutions indicated the impracticability of TCRM on the Abyei issue because of identity related questions mounted by the *Ngok Dinka* community, which is the subject of this subsection.

Most *Ngok Dinka* people do not want to use traditional conflict resolution mechanism with the *Humr Misseriya* people due to the fact that they were historically mistreated by them and the Government of Sudan. Indeed, this mistreatment is still in the minds of the *Ngok Dinka* people, which created deep enmity towards the *Humr Misseriya* people.²⁶³ As one members of the AUHIP disclosed, still the *Ngok Dinka* people have a deep hatred towards the *Humr Misseriya* people because of historical, political and economic grievances. They were tortured, displaced and killed by the Misseriya militias and the Sudan Armed forces for several years.²⁶⁴

Despite it is not their government's policy, there are some *Humr Misseriya* people who still considered *Ngok Dinka* as their slaves. They told them that 'this is how nature created us, how do you think that you want to change nature. History created you to serve us'. Amid this, especially after the CPA, the two parties or governments have not been working to build this hostile historical relation. Rather, it is observed that they have been encouraging them to reinforce their hatred.²⁶⁵ Similarly, an Army general from UNISFA said that still some *Humr Misseriya* people do not recognize the *Ngok Dinka* people as free human beings. For instance, as mentioned in chapter seven, when they enter into the Abyei territory with their cattle for grazing, they used to kill innocent *Ngok Dinka* people

and raid their cattle without any reason²⁶⁶ as they are carrying sophisticated machine guns.²⁶⁷ Likewise, they have abducted many of their children from school for enslavement.²⁶⁸

As a community elders of *Ngok Dinka* remarked, in the past, when somebody was killed from that side, something was done to compensate his/her blood on the other side based on the governing traditions between the two communities. But currently, *Humr Misseriya* people do not respect those traditions as they think that they are “super race, Arabs, Muslims, people up there close to God; they do not have any respect to *Dinka*; they considered us like rubbish and part of animals in the bush. When they come for grazing, they always kill our innocent people; abduct children. Therefore, the traditional values that used to govern the relationship between us and them are no longer important.”²⁶⁹

Similarly, one community elder from the same tribe stressed:

Whenever the *Misseriya* come to Abyei for grazing and water, they often killed innocent people including children and stole our cattle. They have invaded and razed Abyei several times (1964, 1985, 2008 and 2011) and burned down to death so many innocent *Ngok Dinka* peoples; and even they managed to kill our paramount chief in 2013. But, we don't even go up to the Muglad to take revenge for what they have been doing on us.²⁷⁰

As I observed from a Mobil phone recorded video while I was in Abyei, in 2011, a group of *Ngok Dinka* elders and women were live burned down to death by the *Humr Misseriya* militias. Of course, as it is mentioned in the literature, this kind of practice has been done since 1965, when 72 *Ngok Dinka* people were live burned into death in Babanusa town by the *Humr Misseriya* people. Mirroring the same view, an intellectual from *Humr*

Misseriya disclosed that the worst confrontation between the two peoples started after the occurrence of this incident in Babanusa town in 1965 following the Sudan Ministry of Interior's visit to the South Sudan. While he was visiting, a rumor was heard in Khartoum that he was assassinated by Southerners. When the people in Khartoum and all over Sudan became angry and demonstrated, the government collected the Southern people so as to protect them from attack. In fact, some of them took the train and go back to the south including people from Abyei. *Misseriya* people stopped the *Ngok Dinka* travelers at Babanusa railway station. When they lauded there, the police took them to police custody/station to protect them from mass attack. Actually the Minister was not killed; but it might be an attempt of assassination. However, some *Misseriya* tribesmen managed to enter into the police station and burned down to death 72 *Ngok Dinka* people including the mother of one of the current South Sudanese Minister (Deng Alor) using gasoline and petrol. This is one reason why the current Abyei elites and other officials in South Sudan government would not back down because of these memories. From the day of the massacre, the then Paramount chief Deng Majok of *Ngok Dinka* Chiefdoms never spent a night in Muglad, which he used to go frequently to meet *Misseriya*'s Sultan (Babo Nimir), until he died in 1969. From this time onwards, the people of *Ngok Dinka* inculcated deep hatred and enmity on the *Humr Misseriya* people.²⁷¹

As the conflict between the two people festered for several years, informants from *Ngok Dinka* expressed with deep sorrow "recently we lost many lives here in Abyei; it is the government and the militias who caused this. President Al-Bashir arms the *Misseriya* to loot our resources and kill our innocent civilians in Abyei. They just want to subjugate us

to them; but we will never surrender. We will never accept or join northern administration; we better die here. We are southern not northerners.”²⁷² During interview time, some of the members of the group were crying by remembering that their families were killed by Sudan Armed Forces and *Humr Misseriya* Militias.

Most *Ngok Dinka* people believe that their TCRM is no longer in place with *Humr Misseriya* people as they are killing their innocent people and robbing their northern part of Abyei by force. Understandingly, the right of using Abyei for grazing should come into effect after they recognize that the area belongs to *Ngok Dinka*. “Once they recognize this and accept the AUHIP proposal, we can start a new era of relationship with them. If they respect us and our rights, we do not have any problem with grazing right in Abyei.”²⁷³ In this regard, informants from the *Ngok Dinka* tribe nervously expressed:

We considered the Government of Sudan and *Humr Misseriya* elites as enemies of the *Ngok Dinka* people because they assassinated a lot of prominent innocent intellectuals, youth and elderly peoples in our community. Even they managed to assassinate our paramount chief in the presence of UNISFA in 2013. When somebody came and killed the paramount chief, the one who was leading our people, that is not the people that we can ally with them or have any thing in share with them; they are stranger or different people with us. Hence, we don't want to apply our TCRM with them unless they recognize Abyei belongs to the nine *Ngok Dinka* Chiefdoms and pay compensation for what they caused bad things on our community.²⁷⁴

Even though the status of Abyei is not yet known, most people of South Sudan consider the *Ngok Dinka* people as citizens of South Sudan because of cultural, historical as well

as political reasons.²⁷⁵ Most officials of South Sudan also believe that the people of *Ngok Dinka* are part of the South Sudan as they fought alongside them for freedom of the whole South Sudan people including Abyei.²⁷⁶ Hence, the *Ngok Dinka* community and their political elites are raising a legitimate question of identity to join South Sudan as they are socially, religiously, culturally and politically associated with the people and government of the country.²⁷⁷ As informants from *Ngok Dinka* remarked, *Ngok Dinka*'s affiliation to the South Sudan is also clear for the *Humr Misseriya* people and the regime in Sudan. In the words of the informants "President Al-Bashir has been ruling the country for more than 20 years; he has never been in Abyei to visit us because he knows that we are not part of Arab in the north. He came to Muglad many times, but not to Abyei area simply because he knows that we are not his people".²⁷⁸

Historically, the people of *Ngok Dinka* were forced to move from the South to the North by the colonial administration without taking in to account their cultural, clan and religious similarity with the people of South Sudan. Therefore, the primacy question of *Ngok Dinka* and the Government of South Sudan is not oil rather attachment of the *Ngok*'s identity to the Abyei land from historical and legal perspectives,²⁷⁹ while the Government of Sudan and *Humr Misseriya*'s attachment is primarily to oil and pasture respectively. In fact, *Humr Misseriya*'s attachment is still guaranteed by the Abyei protocol and other successive agreements.²⁸⁰ As one intellectual from Juba University, who is also from a *Ngok Dinka* tribe noted:

The *Ngok Dinka* people are very kind for Arabs; we welcomed them while coming with their cattle to Abyei, but they never reciprocate the same. Still we believe that after the Referendum, the other Sudanese should be

guaranteed South Sudanese citizenship to live together with us peacefully. The pastoralists can also use the land for their cattle. However, if they are going to kill our people or make problems, we will not allow them even to enter to our territory.²⁸¹

In contrary to the above discussion, some informants, particularly from *Humr Misseriya* tribe, reflected that still the issue of Abyei can be addressed by the TCRMs of the two communities. For example, an informant from this tribe expressed that if the chiefs and community leaders are given absolute power to deal with the issue, isolated from the national political-economy agenda, they can reach at a very sustainable solution.²⁸² Abyei is not the only territory in the world that leads conflict between countries. There are other territories like the case of Western Sahara, Kashmir, Badime, etc., which can give lessons for the Abyei problem. By learning from these cases, the local peoples and their elders should be given enough time to determine the future of Abyei without any pressure from political elites in Khartoum and Juba as they have the skill better than others how to apply peaceful coexistence and reconciliation. “I told President Tabon Mbeki that for long time the area has been used by both tribes; any solution that does not benefit both tribes will not be a solution”.²⁸³ Mirroring the same view, an elder from Humr Misseriya remarked:

Unless there is a sort of dialogue not only in Abyei but also in the whole Sudan, it is unthinkable to see peace on the ground. I am not really minimizing the role of the political elite by any chance; of course they should be there, but they have to really also listen to the traditional people in there. Because the indigenous knowledge we have at the local level and how people managed to coexist for a long time has to count in this kind of situations. We have to learn why and how they managed to coexist for all

this time. So, the political elites of both countries should give up for the traditional leaders of both communities.²⁸⁴

However, an intellectual from Juba University believes that the Abyei issue should be in the hands of the mediators with the application of a bottom-up conflict resolution approach. In his remark the best way is to go to the local people and talk to them and analyze the answers before submitting it to the mediators. In the words of him:

Both regimes should genuinely consult their respective people at the grass root level and see how the two peoples are feeling; then after the leaders should send it to the mediators without distorting the information. Based on this information, the mediators can help in addressing the issue. Even if the politicians are the sons of the people, let each people on the ground to discuss how they could manage the problem; and no matter whether Abyei goes to the north or the South, both communities at the grass root level should live in a brotherly way.²⁸⁵

8.4 Conclusion

Humr Misseriya pastoralists have been spending six months a year in Abyei area, especially during winter season as Abyei is rich in pasture and water. However, after the 2005 CPA and the secession of South Soudan, which introduced international borderline, they are strongly claiming and fighting not only to use the resources of the area but also to control the area itself for exclusive ownership. This action is also supported by the Government of Sudan as it has been telling them that if they don't claim the land, they will not get resources for their livestock. Nonetheless, this claim is totally unacceptable by the people of *Ngok Dinka* and the Government of South Sudan as the land is known as a home of the nine *Ngok Dinka* chiefdoms.

Apart from the political factor, one of the main reasons for the Government of Sudan and *Humr Misseriya* elites to fight in Abyei is to control the oil in the area and safeguard the refinery and pipeline that passes through that area. As a strategy to control the area, for instance, the *Humr Misseriya* militias have been used by the Government of Sudan in the northern part of the territory to remove the *Ngok Dinka* inhabitants and open up a path to the exploitation of the oil reserves. Moreover, they have been mobilizing the *Humr Misseriya* people to claim the land through which the regime can use Abyei's oil as a compensation for the loss of more than 75 percent of the oil because of the cessation of South Sudan in 2011. It has already started to realize this as it is exploiting the oil reserves in Diffra, which is the only remaining oilfield in the Abyei territory.

Before mid-1960s, the role of TCRMs was effective as most of conflicts were minor crimes such as cattle rustling and others; and there was no strong intent for secession. However, after mid-1960s the role of those institutions became very weak to effectively handle conflicts in the area as the relationship between the two peoples has been spoiled by the governments of Sudan and the rebel groups from South Sudan. Instead of advising both communities to solve their problems by themselves, they threatened them on their sides that the other side was to take their land. The issue now became very complicated that involves political and economic motives, which is beyond the capacity and scope of the TCRMs. In other words, those mechanisms are very weak in addressing the current Abyei conflict as the issue is now very political, which seeks political solution at the

national and international levels. Moreover, it is unrealistic to think of reconciliation between the two communities unless there is peace between two conflicting regimes.

The next chapter synthesizes the major points discussed in the dissertation in line with the research questions stated in Chapter one; and gives a brief reflection.

Chapter Nine: Synthesis and Reflections

The previous chapter examined the conflict over Abyei from renewable and nonrenewable resource conflict perspective. It also addressed how the traditional conflict resolution mechanisms in place at different times proved inadequate in addressing the Abyei conflict. This chapter, however, synthesizes the major points discussed in the dissertation in line with the research questions stated in Chapter one; and gives a brief reflection.

9.1 Ownership of Abyei from Historical Perspective

Abyei area was first settled by *Ngok Dinka* people as they arrived from Upper Nile in 1710, and occupied the riverine area between Kiir/Bahr-el-Arab and Ngol/Ragaba el-Zarga (see Map 4.2). Until the end of British colonial rule in Sudan, in 1956, Abyei area remained the land of *Ngok Dinka*. The *Humr Misseriya* tribe, in the other hand, migrated from North Africa to Muglad and its surrounding areas between 1765 and 1775. When they reached Muglad, where they found the *Shatt* and *Daju* pagan indigenous tribes of the area, the *Ngok Dinka* had already settled around the Ngol River (Regabaez-Zarga) areas because when *Humr* drove out the two tribes from Muglad area, they escaped towards the Ngol River (Regabaez-Zarga) and clashed with the *Ngok Dinka* tribe. This historical evidence incontrovertibly shows that the *Ngok Dinka* were already well established in Abyei area along the Ngol (Ragabaez-Zarga), Bahr el-Arab/Kiir, Nyamora (Ragaba Umm Bieiro) and Lau (see Map 4.2) by the time the waves of migration brought the *Humr Misseriya*.

During the Mahdist time, the *Humr Misseriya* found asylum or took refuge in the *Ngok Dinka* land to avoid being recruited or conscripted into the jihadist movement led by Khalifa Abdallahi (Mahdi's successor). After the defeat of Khalifa Abdallahi by the British and Egyptians in 1898, however, many of them returned back to Muglad and other parts of south western Kordofan, with full knowledge that Abyei was the home of the *Ngok Dinka* tribe.

Many documents also show that during the colonial times, the *Ngok Dinka* occupied an area that extended from the Bahr el-Arab/Kiir to at least the Ragabaez-Zarga/Ngol. For example, when a colonial official known as B. Mahon visited Abyei area in 1902, he observed several herds of cattle of the *Ngok Dinka* grazing between Fawel/Pawel and Chief Arob's (paramount chief of the nine *Ngok Dinka* Chiefdoms) home; and also that the *Ngok Dinka* influence stretched from Bahr Kiir/ Bahr-el-Arab/Kir to Ragabaez-Zarga/Ngol (see Map 4.2). Moreover, a report by Colonial Governor of Kordofan on his 1901 tour of Northern and Western Kordofan revealed that Muglad was the headquarter of *Humr Misseriya*, where they cultivated and kept herds during the rainy season. However when the water supply gets short, they were often going to Abyei area, notably, the Bahr-el-Arab/Ngol/Ragabatez-Zarga.

Further, Major Wilkinson, an Anglo-Egyptian condominium administration official remarked in 1902 that there were some shoddily built huts of the *Feleita Misseriya* in Keilak, where they moved their cattle in the dry season. He did not witness indications of

permanent Misseriya settlements further south on his trip to Abyei, where the *Ngok Dinka* were well established. Seven years later, in 1909, another official of Kordofan area, C.A Wills, reported that the *Ngok Dinka* settlements were found all along the Bahr el-Arab and that their influence extended a considerable distance further north. Finally, the last colonial district Commissioner in the area, Michael Tibs, indicated that there was continuity of the *Ngok Dinka* settlements in the Abyei area up to the end of the condominium administration.

Even after the end of colonialism in Sudan, a peace agreement was made between the *Humr Misseriya* and the *Ngok Dinka* in March 1965, which revealed that the *Ngok Dinka* could return to the Abyei area as it was recognized by the *Humr Misseriya* as their homeland. In turn, the *Ngok Dinka* agreed that the *Humr Misseriya* pastoralists would have unhindered access to all areas of Abyei they had frequently used before the outbreak of hostilities in 1964/65. Thus, settling the controversy over the original ownership of Abyei is in favor of the *Ngok Dinka* community although seasonally used by *Humr Misseriya* as grazing area for their cattle.

9.2 The Abyei Conflict from Natural Resources Conflict Perspective

As clearly indicated in Chapter two, natural resources can play a key role in conflict between two communities; or between two countries as the conflicting parties disagree over issues of ownership and control of an area with the presence of natural resources. This was clearly the case for Abyei as the Government of Sudan and *Humr Misseriya*

elites lay claim (and fighting) to the renewable and nonrenewable natural resources of Abyei. Evidence shows that the people benefiting from the pasture in Abyei area are different from these politicians and elites leading the country. While the *Humr Misseriya* Pastoralists are primarily interested to secure the pasture and water in Abyei for their cattle without any threat from other side, the Government of Sudan view Abyei as a resource-rich enclave famous in oil, gum Arabic and other lucrative commercial enterprises. The scarcity and abundance of natural resources are major drivers of inter-communal conflicts as the one between the *Humr Misseriya* and *Ngok Dinka* peoples over Abyei. Because the resources of South Western Kordofan, particularly grazing land and water, are not sufficient for *Humr Misseriya* cattle, they have regularly enter into the Abyei territory and its surroundings for nearly three centuries in search of grazing land during spells of dry season up north.

Successive attempts since the 2005 CPA, and after the secession of South Sudan in 2011, to demarcate contested border did not totally go in line with migratory practices of *Humr Misseriya* pastoralists. In fact they experience the severity of this as they have experienced extensive harassment in South Sudan since 2005 and many of their grazing routes have been blocked by the SPLA and by state governments. Therefore, even when the Abyei Protocol and the AUHIP proposal guaranteed them the use of Abyei area for grazing and water, they cannot gain access to the resources in a sustainable manner without trouble with the existence of the international boundaries. It is for this reason that their strongest claim to Abyei derives from historical access, where they regularly stayed, over centuries, for six months a year for grazing purpose before returning to the north of

Abyei when the winter season ends. This claim further fueled by the Government of Sudan constantly telling them that if they do not claim Abyei, their cattle will die because of shortage of grazing land and water. However, as shown in chapter two, transhumance pastoralists follow a seasonal pattern of back-and-forth migrations from one ecological zone (with an established permanent home base) to others in search of grazing land and water. In other words, as they have permanent residents in south western Kordofan, where their homes are found, they cannot be considered permanent residents in two places simultaneously.

One of the key highlights of chapter two is the evidence that countries are eager to fight for resources that are strategically valuable to them. For instance, because access to oil and other energy sources are an integral parts of a country's national security strategy, governments are keen to take military action against another entity that may be contributing to that scarcity and lack of access as a matter of national security. Moreover, oil is known with high level of profit generation and the global influence it has on international politics and conflicts. Major examples of inter-state conflicts around resources in Africa would include that between Nigeria and Cameroon over the Bakassi Peninsula; between Equatorial Guinea and Gabon over Mbagne Islands (in the Gulf of Guinea and Corisco Bay Islands); between Nigeria and Equatorial Guinea over the Zafiro field. It is also at the heart of the violent conflict between Khartoum and Juba over Abyei. In this regard, combined with a number of political factors, one of the main reasons for the Government of Sudan and *Humr Misseriya* elites to fight over Abyei is to control the

existing and potential lucrative oil and other natural resources in the area and safeguard the refinery and pipeline passing through the region (see Map 4.5).

When governments are faced with the prospect of scarce resource endowments, they may resort to offensive foreign policy strategies. It is against this backdrop that the Government of Sudan and elites of *Humr Misseriya* have been mobilizing the *Humr Misseriya* people to persist in their claim to Abyei knowing fully well that they lost more than 75 percent of oil revenue due to the cessation of South Sudan in 2011. This is the basis, in part, for *Humr Misseriya* militias been used by the Government of Sudan in the northern part of the territory to open up a path to the exploitation of the oil reserves. Signs of government's interest in the Abyei oil is also observed from some government officials as they are insisting Abyei be divided into two and get the northern part of it, where Diffra oilfield is situated. As evidences of different sources including UNISFA show, even though Diffra oilfield is located within Abyei territory, it is still under the control of the Government of Sudan, which continues to explore its oil.

In the final analysis, therefore, renewable and nonrenewable natural resources of Abyei, notably grazing land and oil, are largely driving forces for different levels of conflict: between the Government of Sudan and the *Humr Misseriya*, on one side, and the Government of South Sudan and the *Ngok Dinka*, on the other. However, the strategy and actions used by the Khartoum to incorporate Abyei territory as part of Sudan seems to be baseless; either from the legal point of view (Abyei Protocol and PCA) or historical perspectives (Mentioned in 9.1).

9.3 Political Dimensions of the Abyei Conflict

In addition to economic value, territorial conflict may be taken as a tool by political leaders to gain, protect or consolidate power. In many instances, they can formally question claims of sovereignty over a contested territory by acquiring loyalty from the people who are directly or indirectly attached with the disputed territory. In this regard, Goertz and Diehl (1992) argued that if a government is confronted with a serious threat from an opposition armed group around a contested territory, it tries to find ways such as mobilizing the people of the country, in general, and the community of the contested area, in particular, to claim the contested territory. This type of strategy may enable it to get sympathy and support from the affiliated community to defend or smash against its enemy around the area. This, again, resonates with developments in Abyei as the Government of Sudan continues to manipulate the situation for regime security.

Many *Humr Misseriya* believed that the end of the second Sudanese war did not result in any visible improvement in their life. Rather, they felt that the CPA was negotiated against their interests and that they are politically and economically marginalized by the incumbent regime they fought for during the second Sudanese civil war. As a result of this, the number of *Humr Misseriya* who have been joining SPLM-N and JEM is growing at an alarming rate that has become a serious headache to the government. It also has adverse security implications from rebel groups in the Blue Nile, Southern Kordofan and Darfur areas, especially after the establishment of the SRF alliance, which brings four most active armed opposition groups together.

As a means to mollify *Humr Misseriya*'s resentment and to ensure control of South Kordofan and Blue Nile states, the Government of Sudan started to reconsider how to make rapprochement with the elites of *Humr Misseriya*. By so doing, Khartoum has been reluctant to make any concessions on the political future of Abyei that would make the *Humr Misseriya* people feel their access to secured grazing land is threatened. In other words, with the objective to achieve its political and economic agendas in south western Kordofan, where the *Humr Misseriya* are living, the Government of Sudan affirms to the *Humr Misseriya* pastoralists that they have the right to participate in the Referendum through which they can secure Abyei for themselves. It was in the basis of this that, the Government of Sudan rejected the AUHIP proposal as the principles of the proposal are not in line with its own political and economic calculations. There is no doubt that Khartoum's disposition is having adverse repercussion on the future relationship between the two neighboring communities.

For some communities, in particular, and states, in general, a territory may also have historical or symbolic importance because of past economic or political connections. Invariably, losing such a territory may negatively affect the relationship between the regime and the people directly affected; or that between protagonist communities. This is partly why the Government of Sudan is keen to make Abyei a bargaining card for its political agenda since failure to secure the resource-rich territory for the Sudan, the ruling National Congress Party may not get political support from the Misseriya constituency, some of whom are already showing loyalty to the rebel groups. Because Abyei is

symbolically essential for the political survival of the Government of Sudan which is still criticized for the loss of one-thirds of the country following the secession of South Sudan in 2011, averting another mishap would have serious implications for Sudan; especially as it is clear that Abyei will definitely go to the South Sudan if the Abyei protocol is implemented in good faith. Therefore, the government is struggling to use Abyei as compensation for the loss of the whole of South Sudan, a disposition that is totally unacceptable to the people of *Ngok Dinka* and the Government of South Sudan.

It is instructive that natural resources are not the only source of the Abyei conflict. Indeed, a natural resource such as land has symbolic cultural value and identity-related. Among others, for instance, land is considered as the final resting place for every child born on its surface. It is also a place where the ancestors are laid to rest. Indeed, the *Ngok Dinka* community's attachment to Abyei is also beyond its natural resources as it is considered their homeland of birth and the final resting place for their children born on its surface, which is strongly associated with socio-cultural and political identities. Besides, the strong political, historical and cultural connections between the people of *Ngok Dinka* and SPLM/A have made the Government of South Sudan more serious on the Abyei issue. Clearly, it is difficult for the Government of South Sudan to abandon the Abyei issue because there are key officials from the *Ngok Dinka* of Abyei who are in strategic leadership positions in Juba, both in the civil service and military. Those officials would not be able to hold their positions in government as well as in the army unless they secure Abyei as part of South Sudan. The territory is also strategic for future political constituency in the country's national election. Regardless of whatever they have of

Abyei, therefore, the question is logical based on the various agreements signed between the Governments of Sudan and South Sudan/SPLM/A.

As argued in the second chapter of this thesis, political group leaders may deliberately manipulate social category differentiation as a strategy to achieve political and other motives. Especially if there is perceived common threat from outsiders, there may be a shift of loyalty and cohesion within and between communities vis-à-vis the regime through which they can avert any threat related to political power. This situation is predominantly seen in some African countries as their governments have the tendency of outsourcing security matters to proxy militias in the interest of the central government resulting in internal political instability and possible cross-border spillovers. By doing this, they allow and encourage the flow of arms into the hands of conflicting tribal chiefs, warlords and ordinary tribesmen at the grassroots level. This action increases the intensity and severity of the conflicts as the conflicting groups use the arms against their adversaries. The relationship between the *Humr Misseriya* and the Government of Sudan is not different from this as the later has been arming the former with sophisticated machine guns and motorbikes, apart from tacitly encouraging them to have settlements in the northern part of Abyei.

With the intention to change the demographic base of the area and claim participation in the Abyei Referendum some time later, several *Humr Misseriya* pastoralists have been increasingly settling in the northern part of Abyei contrary to age-long cultural practices of pastoralists who see the functionality of land as a transient space for their prized cattle

to graze. Such settlements are, therefore, financially and materially supported by the Government of Sudan and other international development NGOs in contravention of the provisions of successive agreements. Apparently, this action has serious political, social and economic implications in the current and future relationship between the two neighboring communities; despite claims that the settlement process is going on voluntarily basis.

Perhaps the last strategy followed by the Government of Sudan is to deploy excessive military power in different ways. To occupy the Abyei area for economic and political advantages, the Government of Sudan officials have been actively recruiting militias among the *Humr Misseriya*, and arming them with motorbikes and sophisticated machine guns. In doing so, the Sudan Armed Forces and the *Humr Misseriya* militias have repeatedly attacked *Ngok Dinka* community as a strategy to expel them from their domains. In many cases, when the *Humr Misseriya* pastoralists enter into Abyei area for cattle grazing, they often carried weapons against *Ngok Dinka* engage in cattle rustling in the area. This situation created a general sense of siege in the minds of some displaced *Ngok Dinka* people to return back to their original home area. For the most part, most of the intrusions and attacks were traceable to Humr Misseriya disaffection with the Abyei protocol and other successive decisions and proposals. As the aggression of the Sudan armed forces and *Humr Misseriya* militias lingered, the international community including the UN and AU do not seem to be politically alert to the need for serious measures against perpetrators. Moreover, neither the Government of South Sudan nor the

international community have demonstrated commitment to work out compensation for *Ngok Dinka* people adversely affected by attacks since 2008.

9.4 The Feasibility of TCRMs in Addressing the Abyei Conflict

Even though conflicts over the control, access and use of grazing land and water resources have persisted for long, they were mostly contained by the existence of strong traditional natural resource governing mechanisms that have stood the test of time. However, when the issue became protracted and complicated including involving several players of different actors and interests, such mechanisms may not necessarily have the capacity to effectively mitigate conflicts as most TCRMs are context-specific. For instance, before the mid-1960s, the role of TCRMs was effective in Abyei area as most of conflicts were around cattle rustling, disagreement of grazing areas, and other minor crimes. Also, there was no visible or strong quest for secession, even the interference from the Government of Sudan was not that much worst.

Beyond then, however, the relationship between the two key protagonists has been compounded by active involvement of the governments of Sudan and the rebel groups from South Sudan. Instead of allowing the two communities to resolve their problems, both parties to the conflict and their agents fan the ember of discord between them. Given the heavy politicization of Abyei conflict, therefore, even the most creative deployment of TCRMs would be grossly inadequate in the face of multiple complex interests. Invariably, it is quixotic to think of reconciliation between the two communities unless

there is peace agreement between two conflicting regimes, particularly on the issue of Abyei.

Apart from applying their traditional dispute resolution mechanisms as the primary means to resolve conflicts, traditional societies have the right to participate in the formulation of domestic and international laws and policies as well as decision-making processes, through which they can play an important role in problem-solving mechanisms on lands, territories and natural resources. However, in the case of Abyei conflict, particularly after the mid-1960, the efforts of traditional leaders are not well publicized and supported by both major conflicting parties (governments) and the international community. For instance, the Government of Sudan and SPLM/A (now the Government of South Sudan) were the only two parties officially represented at the CPA, PCA, as well as AUHIP; a development that created a feeling of marginalization, especially among the *Humr Misseriya* community. As a result, most of them are not willing to accept successive agreements or the proposal designed by the AU.

Among the traditional communities, elders have traditional jurisdiction in the facilitation, arbitration, and monitoring of conflicts as they typically possess moral status, seniority, neutrality and respect of the community. In most cases, they are acceptable to all conflicting parties and demonstrate capable leadership capacity. In their decision making efforts, they use the tradition of forgiveness, compensation and restitution, which can allow for some degree of normalization and reconciliation to take place. In contrast, however, the role of *Humr Misseriya* and *Ngok Dinka* traditional leaders in resolving the

Abyei deadlock is contrary to the principle which suggests that chiefs are incorporated to the existing political system, which makes them difficult to handle cases without the influence of the political elites at the national level. Because of this, the importance of chiefdom and their role in attracting the communities to come to their mechanism is diminishing. Especially in the case of Sudan, the capacity of traditional conflict resolution mechanism is very fragile as decades of undue interference by government has not only destroyed their institutional stature but also exposed them to undue political influence. Moreover, the warlords or ex-combatants are equally playing key but undermining roles in the tribal administration system in the *Humr Misseriya* community; never respecting the tribal chiefs and their orders or decisions.

9.5 The Concept of Distrust from the Abyei Conflict Perspective

In conflict resolution processes, when conflicting parties do not trust themselves, they will constantly harbor fears that any promises made by opponents will be broken. Even when the opponents have genuine intention to embrace peaceful resolution, proposals are quickly abandoned. For this reason, it is very unlikely to start or finish a conflict resolution process when the level of distrust between the parties is high. Like many other aspects of conflict, distrust tends to grow as conflicts escalate. Therefore, the levels of trust or distrust in a relationship definitively shape emergent conflict dynamics. The level of distrust between the Government of Sudan and *Humr Misseriya*, on the one hand, and the Government of South Sudan (SPLM/A) and *Ngok Dinka*, on the other, has been deepening as the conflict between them festered for several years without any solution in sight.

Despite affirmations in the CPA, the Abyei Protocol and other successive agreements for grazing and water in Abyei and beyond, most of the *Humr Misseriya* pastoralists harbor deep frustration that the implementation of the Abyei Referendum without their active participation may deny them access to the territory. This distrust is underscored by the fact that the bad relationship between the two governments may continue to directly bear on seasonal migration to and from Abyei. They are also suspicious that if Abyei is ceded to South Sudan, the Government of South Sudan may after some years decide to expand agricultural schemes along Abyei line and this will definitely block their movement to the Abyei and other areas of South Sudan. Moreover, most of them believe that the protocol will not stand once Abyei was ceded to the south because the Government of South Sudan can raise the question of sovereignty and territorial integrity.

In fact, distrust of *Humr Misseriya* evolved through time as the historical relationship between the *Humr Misseriya* and *Ngok Dinka* communities was not based on trust and cooperation; rather they have become hostage to politics and manipulation by political elites on both sides since the second Sudanese war. For instance, following the 1972 Addis Ababa Accord, there were several clashes between the then southern police forces and the *Humr Misseriya* tribe, which became difficult to separate traditional rights from national politics. Similarly, after CPA, the *Humr Misseriya* has been complaining against SPLM/A calamitous action such as grazing time restrictions, requirements to disarm, and taxes, which have often led to incident of clashes at the Unity and Warrap State borders.

The final point to make, by way of conclusion, is that several proposals have been made to promote reconciliation; including the design of joint projects beneficial to both sides. However, despite the AUHIP proposal urged CEDZ to transform the existing conflict between the adversaries of the two Sudans, it was rejected by the Government of Sudan and elites of *Humr Misseriya*. Unquestionably, this has been worsening the already bad relationship between the two neighboring communities.

Conclusions and Recommendations

In this chapter, a brief summary of all the chapters of the dissertation is done followed by a synopsis of the conceptual, methodological and empirical implications of the study. Finally, key possible recommendations are forwarded.

(1) Summary of the Research

The main objective of this dissertation is to investigate and analyze the major factors that precipitate the Sudan and South Sudan conflict over Abyei since the 2005 CPA. In doing so, the study investigates the factors that militated against the successful implementation of the Abyei Protocol, the PCA and AUHIP proposal, as well as their adverse effects on the durability of peace in the two Sudans. It also analysis the reasons behind the futility of the TCRMs of the *Humr Misseriya* and *Ngok Dinka* peoples. In order to link this research to existing concept, Chapter 2 reviewed relevant literature on the political economy of conflict determined the most appropriate framework for analysis; including issues of natural resource conflict such as scarcity, abundance, and territorial conflict; political manipulation in conflict situation; colonial legacy as a source of conflict; the conception of conflict from pastoralist and farmers' perspective; the conception of traditional conflict resolution mechanisms; and the conception of trust/distrust from conflict perspective.

As clearly indicated in Chapter three, the genesis of Sudan and South Sudan conflict dated back to the pre-colonial times. The genealogy of the conflict dated back to the

severity of slavery on the peoples of South Sudan including the *Ngok Dinka* tribe. In fact, during that time, slave trade was formally recognized and practiced under the Turkish-Egyptian and Mahdist rules as a critical income generation activity. Even during the Anglo-Egyptian condominium administration era, the relationship between the two peoples was not normalized as the colonial administration introduced “Closed District Ordinance” and “Southern Policy” which served the purpose, among others, of ensuring that the administration of the South was based on completely different logic from that of the predominantly Arab North. This divide and rule policy, invariably, was at the expense of economic development in the South. Thus, since the independence of Sudan in 1956, the country had known little or no peace: experiencing two protracted civil wars until the CPA was signed in 2005. Despite the signing of the CPA, however, peace has remained elusive with several challenges adversely affecting the implementation of the various provisions of the agreement including the Abyei Protocol.

Even though the 1972 Addis Ababa Agreement provided the *Ngok Dinka* people the right to vote in a Referendum on whether to remain in the North or to be integrated into the territory of the newly formed Southern Sudan Region, it was not carried out because of the resistance mounted by the *Humr Misseriya* pastoralists and the discovery of oil in Abyei and nearby areas at the end of 1970s. This failure to implement the Referendum clause in the Addis Ababa Agreement and the Government of Sudan’s defiant support for *Humr Misseriya* was a determinant factor that led to elements within *Ngok Dinka* to form *Anyar Nya II*; guerrilla style group that eventually metamorphosed into the SPLA in 1983.

The Abyei Protocol was signed by the Government of Sudan and SPLM/A as one part of the 2005 CPA. However, the Government of Sudan is not able to implement some of the principles of this Protocol because of the resistance mounted from the *Humr Misseriya* elites and communities. Moreover, the PCA verdict has not been fully implemented as the *Humr Misseriya* tribe not only rejected it but also have been vehement in physically preventing the physical demarcation of the contested boundary unless allowed to vote in the Referendum on the future of Abyei. This question of vote in the Referendum is of course supported by the Government of Sudan as legitimate concern of the *Humr Misseriya*, which adversely jeopardized the hopes of *Ngok Dinka* people to join South Sudan.

In 2013, the AUHIP presented a proposal for the final status of the Abyei issue, which indicated that eligible voters in the Abyei Referendum to be those who have permanent abode, which indirectly refers to the majority of *Ngok Dinka* and few other Sudanese. However, this proposal has been rejected by the Government of Sudan and the *Humr Misseriya* elites as the principles of the proposal are not in sync with their political and economic interests. This statement that has resulted has left Abyei without the paraphernalia of local administration such as local police, legal administration and the prisons.

In many ways, it seems to be very difficult for the governments of Sudan and South Sudan to abandon the Abyei issue because of political and economic reasons. To get political and military support from the general public in Southern Kordofan, particularly

in getting political constituency and fighting against JEM and SPLA-N, the Government of Sudan is insistent that the *Humr Misseriya* pastoralists have the right to participate in the Referendum through which they can secure Abyei for themselves. The government is also struggling to hold on to Abyei as compensation for the loss of the whole of South Sudan and to deflect criticisms coming from the people of Sudan, in general, and the opposition political parties, in particular. Similarly, the Government of South Sudan is serious about Abyei as there are key officials from the *Ngok Dinka* who are in strategic leadership positions within the government, in the civil service and the military.

Despite affirmations in the CPA, the Abyei Protocol and other successive agreements on grazing and water in Abyei and beyond, most of the *Humr Misseriya* pastoralists are in deep frustration that if Abyei Referendum is conducted without their participation that the region would become part of South Sudan and that the *Ngok Dinka* and SPLA may not allow them enter the territory freely. Moreover, apart from the political factor, one of the main reasons for the Government of Sudan and *Humr Misseriya* elites' persistence on Abyei is to ensure the control of the oil-rich area and safeguard the refinery and pipelines passing through that area. As the result of Abyei's vital oil infrastructure, the *Humr Misseriya* elites and the incumbent regime in Sudan have mounted against the AUHIP proposal and systematically continued to apply strategies to alter the demographic balance of the area in favor of *Humr Misseriya people* before a referendum is allowed. Of course, such continued settlements are financially and materially sponsored by the Government of Sudan despite claims to the contrary in official documents.

Moreover, as a tactic to prevent the implementation of the agreements, the Government of Sudan officials have been actively recruiting militias among the *Humr Misseriya* and arming them with motorbikes and sophisticated machine guns to attack *Ngok Dinka* civilians and raid their cattle. This situation routinely created sense of siege in the minds of some displaced *Ngok Dinka* people keen to return back to their original home area, but forced by circumstances to stay away. This issues, unfortunately, has no received sufficient attention from the International community, including the UN and AU.

Finally, despite the fact that the role of TCRMs was effective before mid-1960s as most of conflicts within and around Abyei were on cattle rustling and other petty crimes, not on vexed issues of secession. After the mid-1960s, the role of traditional institutions and mechanisms became very weak to effectively handle conflicts in the area not least because the issues became complex; the actors involved multiple; and the political stakes higher. The relationship between the two groups also became increasingly compounded by the governments of Sudan and that of new South Sudan. With the issue becoming very complicated; involving political and economic motives, the capacity and scope of the TCRMs to manage conflicts in Abyei reduced.

(ii) Implication of the Research

The study has important conceptual, methodological and empirical implications. To study the conflict between the Sudan and South Sudan over Abyei requires the integration of various concepts relating to the political economy of conflict from different disciplines such as political science, economics, history, social anthropology, sociology and law. In

doing so, the study offers useful insights that valuable resource scarcity coupled with political instability often forces conflicting parties to ignore agreements and design other convoluted ways, such as military aggression, in their relationship with others. Moreover, the presence of a local ethnic group coincides with natural resource abundance situated in its territory that rarely existed in the territory of the neighboring ethnic group and as such may lead to a higher risk of political turmoil and armed conflict. This implies that there is little incentive for entities to engage in conflict, or war, over low resource availability even with stable political situation in their respective borders. The study also shows that a territorial conflict may be taken as a tool by political leaders gain, protect or consolidate their power. In fact, such leaders may formally question claims of sovereignty over a contested territory by acquiring loyalty from the people who are directly or indirectly located within or attached to the territory.

Despite the fact that TCRMs are still workable in addressing interpersonal, interfamily or inter-community conflicts at the grassroots levels, this study indicates that they are not able to function effectively in times of severe or protracted conflicts. In other words, TCRMs may not have the capacity to handle a protracted and complicated conflict that involves different actors and interests as they are truly indigenous and unique to each community. Besides, disputants involved in an intractable conflict are very suspicious of each other, and may be suspicious of any proposed conflict resolution process as well. At the result, it is difficult to start or finish a conflict resolution process when the level of distrust between the conflicting parties is very high.

In general, looking at conflicts from a political economy perspective can improve understanding of the key dynamics of many of today's conflicts between two or more countries, or communities, over contested territory with valuable resources. It can also lead to a more systematic understanding of how these dynamics impact on conflict resolution and post-conflict peacebuilding processes. As such, governments, international organizations, donor agencies, and NGOs should see the political economy of conflict as an important addition to contemporary conflict analysis and policy development. Doing so will definitely contribute to more targeted policies and strategies for conflict prevention, management and resolution.

Methodologically, this research implies that by using case study, key research questions posed can be deeply and sufficiently interrogated; in particular, to expose the rich historical and contemporary dimensions of the Sudan and South Sudan conflict over Abyei from a political economy perspective. One of the key findings of this study is that the historical evidences discussed in chapter four implies Abyei was first settled by the *Ngok Dinka* and it remained their homeland until now. Of course, it has been seasonally used by *Humr Misseriya* pastoralists for grazing cattle. While the *Humr Misseriya* pastoralists are primarily interested to secure the pasture and water in Abyei for their cattle without any threat from other side, the Government of Sudan wants to use Abyei for a number of strategic commercial, political and security gains.

For instance, apart from the oil issue, the Government of Sudan is confronted with serious political and military threats from armed opposition groups in Southern Kordofan, where the *Humr Misseriya* people are mostly based. To avert this problem, it tries to get

support from those people on the ground; in doing so, the Sudan Armed Forces stands behind the interests of the *Humr Misseriya* and has been mobilizing them politically to claim the Abyei territory. Khartoum has also been supporting them militarily to attack the permanent settlers, notably the *Ngok Dinka* alongside encouraging them to permanently settle in the northern part of Abyei as part of the scheme to claim the territory.

The study also reveals that after the mid-1960s, the role of TCRMs became very weak to effectively handle conflicts in Abyei area as the issue became very complicated that involves entangling political and economic motives beyond the capacity and scope of such institutions. Its ineffectiveness is also related to the high level of distrust between the Government of Sudan and *Humr Misseriya*, on one hand, and the Government of South Sudan (SPLM/A) and *Ngok Dinka*, on the other, particularly after the successful secession of South Sudan. This situation has adversely affected the implementation of the Abyei protocol and other successive agreements between the Government of Sudan and the Government of South Sudan (SPLA/M).

(iii) Recommendations

Scarcity or Abundance of any resource is not in itself a predictive indicator of conflict. Rather, the desires and the quest of governments or communities as well as the behaviors of elites shape the political economy of any resource-driven conflict. In other words, it is the absence of an effective institutional mechanisms embedded in the management of natural resources and the lack of political will on the part of conflicting parties that invariably leads to the outbreak and continuation of conflicts. Taking this into account, at

least six key recommendations directly flows from this study; around the issues of referendum; addressing the concerns of pastoralists; Security imperatives; implementation of joint projects; and the urgent need for strong and implementable political commitment on the part of Khartoum and Juba.

1. Referendum

Both countries need to accept and implement the AUHIP proposal. This proposal under the leadership of three prominent African leaders (former President of South Africa, Tabon Mbeki; former President of Nigeria, Olusegun Obasanjo; and former President of Burundi, Pierre Buyoya) is strategic to the quick and sustainable solution of the Abyei issue. In many ways, the AUHIP proposal reflects the growing quest for an “African solution for African problem”. It is necessary to take into account the basic principles of the Abyei Protocol such as Abyei is defined as the area of the nine *Ngok Dinka* chiefdoms transferred in 1905 from Bahr el-Ghazal to Kordofan. In other words, the *Humr Misseriya* pastoralists cannot have any political right to determine the status of Abyei even as they are guaranteed economic and social rights based on their seasonal mobility lifestyle. Based on the facts on ground and the Abyei protocol in general and the PCA decision and the AUHIP proposal in particular, the *Humr Misseriya* pastoralists do not have any right to participate in the Abyei plebiscite. Even the claims being given the right to vote is also inconsistent with the precedent of the South Sudan Referendum in which seasonal migrants did not get the right to vote. However, there should be special treatment to other Sudanese who have permanent abode in Abyei area such as

establishing special administrative zone within the Abyei area as it is clear that Abyei will eventually become part and parcel of South Sudan.

2. Pastoralists Concerns

This thesis makes a strong point that boundaries and borders have never had any meaning to pastoralists as far as countries allow them free movement along their territories and borders. If this is true, there will not be violent conflict with other resource users, particularly farmers, for the fact that they can use traditional values and customs to resolve them. However, if countries promote the policy of encapsulating pastoralists, who are historically and culturally mobile, within fixed and artificial boundaries, they are rendering them prisoners of limited spaces that make them vulnerable to the vagaries of social and natural scarcities (Shettima & Tar, 2008). To surmount such fears and suspicions among the *Humr Misseriya* pastoralists in terms of access to pastures and water in Abyei and beyond, the provisions in the Abyei Protocol, the PCA decision and the AUHIP proposal the protection of traditional grazing rights, should be widely publicized. There should also be a special treaty to be signed by both governments on “soft border” as the basis for resolving long-standing differences between the two communities. Moreover, during *Humr Misseriya* pastoralists’ grazing period, special inclusive committee should be established, composed of representatives from both governments, grass-root communities, IGAD, AU, UN and other service provider international organizations to help anticipate, prevent and manage conflicts in the area.

3. Security Concerns

Community security is an essential provision that should be adopted in the area for residents and pastoralists alike. In doing so, the UNISFA should encourage more participants by local communities and their leaders in community policing; especially on homicide and cattle rustling. Moreover, local governance system needs to be established especially for the coordination of the IDP returnees and pastoralists migration. In this regard, IGAD, AU and the international community must act to strengthen the capacity of such local governance systems. In fact, capacity building for effective governance system should focus on meeting the population's demands for security, peace dividends, and supporting the political process through actions aimed at bringing sustainable peace in the area. This method is also essential to reinforce the work of UNISFA and will give individuals a greater sense of control over their own safety. Besides, in order to douse fears and suspicions among the local communities, UNISFA should make concerted effort to combat illicit arm trafficking and unauthorized handlings. In other words, it should work to disarm the militias and other armed local people with the help of governments and external actors with requisite expertise and resources.

4. External Pressure

Nowadays, there has been little international attention over the Abyei issue, and therefore the problem has lingered and festered especially as the Government of Sudan is not willing to cooperate. If the international community does not keep the pressure for the implementation of the PCA verdict and AUHIP proposal, the situation in Abyei will deteriorate at some points in the near future. Therefore, the international community

including those witnesses and guarantors to the CPA (IGAD, UK, United States, Italy, Norway, the UN, the AU, and the EU) should coordinate their efforts more closely by sending a clear and consistent message to the Government of Sudan that it is legally and politically obliged to abide by the PCA decision and the AUHIP proposal respectively. Moreover, China should also exert its influence on the incumbent regime in Sudan to halt its political maneuvers in the Abyei area just as it did in 2007 to influence the acceptance of the deployment of an AU/UN hybrid peacekeeping force in Darfur.

5. Joint Project

Trust is an important value in any social system. It gives communities confidence in each other, especially in their relationships and agreements. Trust also enables conflicting parties to completely reconcile based on apology and forgiveness. One technique that stimulates reconciliation is to engage in joint projects, a point well-articulated in the AUHIP proposal. Security will be enhanced in Abyei if both parties commit to initiating development and reconstruction projects to benefit residents of Abyei as well as all those who seasonally migrate into and through the territory. National and state governments and local authorities should take steps to strengthen human development through the provision and upgrading of water, health, and education for agro-pastoralists and farmers. This cannot be realized without the support of the UN agencies and other major international and local donors. All these are essential for peace building and peaceful coexistence. Besides, at the local level, the UNISFA should do more to change the conflict dynamics in Abyei by creating space for dialogue between *Ngok Dinka* and Misseriya community leaders. This, in turn, would reinforce the guarantees for continued

Misseriya grazing rights in Abyei and beyond and by increasing development projects in Dinka and Misseriya areas.

6. Political Commitment

In the final analysis, breaking the Abyei deadlock requires a basic level of political will and commitment on the part of the Governments of Sudan and South Sudan. Especially for the former, political and military elites must stop exploiting local tensions for selfish gains. Instead, they should support and encourage both communities to embrace peaceful coexistence; including by supporting their TCRM whenever the need to use them arises. Moreover, the government should stop encouraging the settlement of *Humr Misseriya* in the northern part of Abyei ostensibly to take up permanent abode as the basis for claiming a right that does not historically belong to them.

Notes

¹ Focus Group Discussion1: Humr Misseriya elders, Abyei, 18/06/2013.

² Personal Interview: Misseriya elder, Khartoum, 03/12/2013a.

³ Personal Interview: Intellectual elite from Humr Misseriya, Khartoum, 09/12/2013c.

⁴ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013a.

⁵ Personal Interview: Humr Misseriya elder, Khartoum, 14/12/2013c.

⁶ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013a.

⁷ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013b.

⁸ Personal Interview: Government of Sudan Military Colonel, Khartoum, 13/12/2013.

⁹ Personal Interview: Humr Misseriya elder, Khartoum, 06/12/2013d.

¹⁰ Personal Interview: Ngok Dinka student from Juba University, Juba, 21/06/2013b.

¹¹ Personal Interview: Junior government of South Sudan official, Juba, 08/06/2013.

¹² Personal Interview: Ngok Dinka traditional elder from Abior chiefdom, Abyei, 14/06/2013b.

-
- ¹³ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 07/06/2013a.
- ¹⁴ Focus Group Discussion2: Ngok Dinka elders, Abyei, 17/06/2013.
- ¹⁵ Personal Interview: a lawyer from Misseriya, Khartoum, 08/12/2013.
- ¹⁶ Personal Interview: Senior government of South Sudan official, Juba, 08/06/2013c.
- ¹⁷ Personal Interview: Ngok Dinka traditional elder from Diir chiefdom, Abyei, 14/06/2013.
- ¹⁸ Personal Interview: AU official for Sudan desk, Addis Ababa, 20/01/2014b.
- ¹⁹ Ibid.
- ²⁰ Personal Interview: Senior government of South Sudan official, Juba, 08/06/2013c.
- ²¹ Focus Group Discussion1: Ngok Dinka elders, Abyei, 16/06/2013.
- ²² Personal Interview: AUHIP for Sudan and South Sudan, Khartoum, 10/12/2013a.
- ²³ Personal Interview: Ngok Dinka traditional elder from Diir chiefdom, Abyei, 14/06/2013.
- ²⁴ Focus Group Discussion1: Ngok Dinka elders, Abyei, 16/06/2013.
- ²⁵ Personal Interview: Junior government of South Sudan official, Juba, 08/06/2013.
- ²⁶ Personal Interview: Ngok Dinka student from Juba University, Juba, 10/06/2013a.
- ²⁷ Personal Interview: AU official for Sudan desk, Addis Ababa, 28/01/2014a.
- ²⁸ Personal Interview: AUHIP for Sudan and South Sudan, Khartoum, 10/12/2013a.
- ²⁹ Personal Interview: AU official for Sudan desk, Addis Ababa, 20/01/2014b.
- ³⁰ Personal Interview: AU expert for the Sudan desk, Addis Ababa, 20/01/2014.
- ³¹ Personal Interview: Junior government of South Sudan official, Juba, 08/06/2013.
- ³² Personal Interview: Senior government of South Sudan official, Juba, 22/06/2013a.
- ³³ Personal Interview: Researcher on Sudan and South Sudan conflict, Addis Ababa, 20/03/2014b.
- ³⁴ Personal Interview: AUHIP for Sudan and South Sudan, Addis Ababa, 21/01/2014b.
- ³⁵ Personal Interview: UNISFA Military colonel, Abyei, 17/06/2013.
- ³⁶ Personal Interview: AU official for Sudan desk, Addis Ababa, 28/01/2014a.
- ³⁷ Personal Interview: Ngok Dinka traditional elder from Diir chiefdom, Abyei, 14/06/2013.
- ³⁸ Personal Interview: AUHIP for Sudan and South Sudan, Khartoum, 10/12/2013a.
- ³⁹ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 20/06/2013d.
- ⁴⁰ Personal Interview: Senior government of South Sudan official, Juba, 05/06/2013b.
- ⁴¹ Personal Interview: Senior government of South Sudan official, Juba, 22/06/2013a.
- ⁴² Personal Interview: Senior government of South Sudan official, Juba, 05/06/2013b.
- ⁴³ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 05/06/2013c.
- ⁴⁴ Personal Interview: UNISFA Military General, Abyei, 16/06/2013a.
- ⁴⁵ Personal Interview: Senior government of South Sudan official, Juba, 05/06/2013b.

-
- ⁴⁶ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 06/06/2013b.
- ⁴⁷ Focus Group Discussion2: Ngok Dinka elders, Abyei, 17/06/2013.
- ⁴⁸ Personal Interview: Government of South Sudan Military official, Juba, 06/06/2013.
- ⁴⁹ Personal Interview: government of Sudan Diplomat, Addis Ababa, 27/08/2013.
- ⁵⁰ Ibid.
- ⁵¹ Personal Interview: Intellectual elite from Humr Misseriya, Khartoum, 14/12/2013e.
- ⁵² Focus Group Discussion1: Humr Misseriya elders, Abyei, 18/06/2013.
- ⁵³ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013a.
- ⁵⁴ Personal Interview: Ngok Dinka traditional elder from Abior chiefdom, Abyei, 13/06/2013c.
- ⁵⁵ Personal Interview: Senior government of South Sudan official, Juba, 08/06/2013c.
- ⁵⁶ Focus Group Discussion2: Ngok Dinka elders, Abyei, 17/06/2013.
- ⁵⁷ Personal Interview: Ngok Dinka traditional elder from Abior chiefdom, Abyei, 13/06/2013c.
- ⁵⁸ Focus Group Discussion1: Ngok Dinka elders, Abyei, 16/06/2013.
- ⁵⁹ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 07/06/2013a.
- ⁶⁰ Personal Interview: Ngok Dinka traditional leader, Abyei, 16/06/2013.
- ⁶¹ Personal Interview: Government of Sudan Diplomat, Addis Ababa, 27/08/2013.
- ⁶² Personal Interview: UNISFA Military General, Juba, 06/06/2013b.
- ⁶³ Personal Interview: intellectual elite from Humr Misseriya, Khartoum, 10/12/2013d.
- ⁶⁴ Focus Group Discussion2: Humr Misseriya elders, Abyei, 19/06/2013.
- ⁶⁵ Personal Interview: a lawyer from Misseriya, Khartoum, 08/12/2013.
- ⁶⁶ Personal Interview: Senior government of South Sudan official, Juba, 08/06/2013c.
- ⁶⁷ Personal Interview: Researcher on Sudan and South Sudan conflict, Addis Ababa, 10/03/2014a.
- ⁶⁸ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 05/06/2013c.
- ⁶⁹ Personal Interview: Researcher on Sudan and South Sudan conflict, Addis Ababa, 10/03/2014a.
- ⁷⁰ Focus Group Discussion2: Ngok Dinka elders, Abyei, 17/06/2013.
- ⁷¹ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 07/06/2013a.
- ⁷² Personal Interview: Member of the Abyei Boundary Commission in 2005, Addis Ababa, 02/02/2014.
- ⁷³ Personal Interview: Ngok Dinka traditional elder from Abior chiefdom, Abyei, 14/06/2013b.
- ⁷⁴ Personal Interview: Ngok Dinka traditional elder from Abior chiefdom, Abyei, 13/06/2013c.
- ⁷⁵ Personal Interview: Ngok Dinka traditional elder from Diir chiefdom, Abyei, 14/06/2013.
- ⁷⁶ Personal Interview: Ngok Dinka student from Juba University, Juba, 10/06/2013a.
- ⁷⁷ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 05/06/2013c.

-
- ⁷⁸ Focus Group Discussion1: Ngok Dinka elders, Abyei, 16/06/2013.
- ⁷⁹ Personal Interview: UNISFA Military General, Juba, 06/06/2013b.
- ⁸⁰ Personal Interview: AU official for Sudan desk, Addis Ababa, 28/01/2014a.
- ⁸¹ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 06/06/2013b.
- ⁸² Focus Group Discussion2: Ngok Dinka elders, Abyei, 17/06/2013.
- ⁸³ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 05/06/2013c.
- ⁸⁴ Personal Interview: Ngok Dinka traditional elder from Diir chiefdom, Abyei, 14/06/2013.
- ⁸⁵ Personal Interview: AUHIP for Sudan and South Sudan, Khartoum, 10/12/2013a.
- ⁸⁶ Personal Interview: Humr Misseriya elder, Khartoum, 10/12/2013e.
- ⁸⁷ Ibid.
- ⁸⁸ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013b.
- ⁸⁹ Personal Interview: Government of Sudan Military General, Khartoum, 11/12/2013b.
- ⁹⁰ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013b.
- ⁹¹ Personal Interview: Lawyer from Misseriya, Khartoum, 08/12/2013.
- ⁹² Personal Interview: Intellectual elite from Humr Misseriya, Khartoum, 09/12/2013a.
- ⁹³ Personal Interview: Government of Sudan Military official, Addis Ababa, 12/02/2014.
- ⁹⁴ Focus Group Discussion2: Humr Misseriya elders, Abyei, 19/06/2013.
- ⁹⁵ Focus Group Discussion1: Humr Misseriya elders, Abyei, 18/06/2013.
- ⁹⁶ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013b.
- ⁹⁷ Personal Interview: Ngok Dinka traditional elder from Bongo chiefdom, Abyei, 13/06/2013.
- ⁹⁸ Personal Interview: Ngok Dinka traditional elder from Diir chiefdom, Abyei, 14/06/2013.
- ⁹⁹ Focus Group Discussion1: Ngok Dinka elders, Abyei, 16/06/2013.
- ¹⁰⁰ Personal Interview: Ngok Dinka traditional elder from Abior chiefdom, Abyei, 14/06/2013d.
- ¹⁰¹ Focus Group Discussion2: Ngok Dinka elders, Abyei, 17/06/2013.
- ¹⁰² Personal Interview: Senior government of South Sudan official, Juba, 08/06/2013c.
- ¹⁰³ Personal Interview: AU official for Sudan desk, Addis Ababa, 28/01/2014a.
- ¹⁰⁴ Personal Interview: Ngok Dinka traditional elder from Diir chiefdom, Abyei, 14/06/2013.
- ¹⁰⁵ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 05/06/2013c.
- ¹⁰⁶ Personal Interview: Ngok Dinka traditional leader, Abyei, 16/06/2013.
- ¹⁰⁷ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 07/06/2013a.
- ¹⁰⁸ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013b.
- ¹⁰⁹ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013a.
- ¹¹⁰ Personal Interview: Government of Sudan Military General, Khartoum, 11/12/2013b.

-
- ¹¹¹ Personal Interview: Senior government of Sudan official, Khartoum, 05/12/2013.
- ¹¹² Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 06/06/2013b.
- ¹¹³ Personal Interview: Intellectual elite from Humr Misseriya, Khartoum, 05/12/2013b.
- ¹¹⁴ Personal Interview: AU official for Sudan desk, Addis Ababa, 20/01/2014b.
- ¹¹⁵ Personal Interview: Former government of South Sudan minister, Addis Ababa, 20/07/2013.
- ¹¹⁶ Personal Interview: Intellectual elite from Humr Misseriya, Khartoum, 05/12/2013b.
- ¹¹⁷ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013b.
- ¹¹⁸ Personal Interview: Senior government of Sudan official, Khartoum, 05/12/2013.
- ¹¹⁹ Personal Interview: Government of Sudan Military General, Khartoum, 11/12/2013b.
- ¹²⁰ Personal Interview: Government of Sudan Military Colonel, Khartoum, 13/12/2013.
- ¹²¹ Personal Interview: Government of Sudan Military official, Addis Ababa, 12/02/2014.
- ¹²² Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013a.
- ¹²³ Personal Interview: Senior government of Sudan official, Khartoum, 05/12/2013.
- ¹²⁴ Personal Interview: Government of Sudan Military General, Abyei, 13/06/2013a.
- ¹²⁵ Personal Interview: Humr Misseriya elder, Khartoum, 14/12/2013c.
- ¹²⁶ Personal Interview: Lawyer from Misseriya, Khartoum, 08/12/2013.
- ¹²⁷ Personal Interview: AUHIP for Sudan and South Sudan, Khartoum, 10/12/2013a.
- ¹²⁸ Focus Group Discussion2: Ngok Dinka elders, Abyei, 17/06/2013.
- ¹²⁹ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 06/06/2013b.
- ¹³⁰ Personal Interview: AU official for Sudan desk, Addis Ababa, 28/01/2014a.
- ¹³¹ Personal Interview: AU official for Sudan desk, Addis Ababa, 28/01/2014a.
- ¹³² Personal Interview: Intellectual elite from Humr Misseriya, Khartoum, 09/12/2013a.
- ¹³³ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013b.
- ¹³⁴ Focus Group Discussion2: Ngok Dinka elders, Abyei, 17/06/2013.
- ¹³⁵ Personal Interview: AU official for Sudan desk, Addis Ababa, 28/01/2014a.
- ¹³⁶ Ibid.
- ¹³⁷ Focus Group Discussion1: Ngok Dinka elders, Abyei, 16/06/2013.
- ¹³⁸ Personal Interview: Humr Misseriya elder, Abyei, 16/06/2013g.
- ¹³⁹ Personal Interview: AU official for Sudan desk, Addis Ababa, 20/01/2014b.
- ¹⁴⁰ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013a.
- ¹⁴¹ Personal Interview: Humr Misseriya elder, Khartoum, 06/12/2013d.
- ¹⁴² Personal interview: AU official for Sudan desk, Addis Ababa, 28/01/2014a.
- ¹⁴³ Personal Interview: AUHIP for Sudan and South Sudan, Addis Ababa, 21/01/2014b.

-
- ¹⁴⁴ Personal Interview: UNISFA observer, Abyei, 17/06/2013a.
- ¹⁴⁵ Personal Interview: UNISFA, observer, Abyei, 17/06/2013b.
- ¹⁴⁶ Personal Interview: Intellectual elite from Humr Misseriya, Khartoum, 05/12/2013b.
- ¹⁴⁷ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 06/06/2013b.
- ¹⁴⁸ Personal Interview: AU official for Sudan desk, Addis Ababa, 20/01/2014b.
- ¹⁴⁹ Personal Interview: Ngok Dinka student from Juba University, Juba, 10/06/2013a.
- ¹⁵⁰ Personal Interview: Ngok Dinka traditional leader, Abyei, 16/06/2013.
- ¹⁵¹ Personal Interview: Government of South Sudan Military official, Juba, 06/06/2013.
- ¹⁵² Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 05/06/2013c.
- ¹⁵³ Personal Interview: Former government of South Sudan minister, Addis Ababa, 20/07/2013.
- ¹⁵⁴ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013b.
- ¹⁵⁵ Personal Interview: AUHIP for Sudan and South Sudan, Khartoum, 10/12/2013a.
- ¹⁵⁶ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013b.
- ¹⁵⁷ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013a.
- ¹⁵⁸ Personal Interview: Humr Misseriya elder, Khartoum, 06/12/2013d.
- ¹⁵⁹ Ibid.
- ¹⁶⁰ Personal Interview: Lawyer from Misseriya, Khartoum, 08/12/2013.
- ¹⁶¹ Personal Interview: UNISFA Military colonel, Abyei, 17/06/2013.
- ¹⁶² Personal Interview: AUHIP for Sudan and South Sudan, Khartoum, 10/12/2013a.
- ¹⁶³ Personal Interview: AU official for Sudan desk, Addis Ababa, 28/01/2014a.
- ¹⁶⁴ Personal Interview: AUHIP for Sudan and South Sudan, Khartoum, 10/12/2013a.
- ¹⁶⁵ Personal Interview: AU official for Sudan desk, Addis Ababa, 28/01/2014a.
- ¹⁶⁶ Personal Interview: Junior government of South Sudan official, Juba, 08/06/2013.
- ¹⁶⁷ Personal Interview: Ngok Dinka traditional leader, Abyei, 16/06/2013.
- ¹⁶⁸ Personal Interview: Ngok Dinka traditional elder from Alei chiefdom, Abyei, 13/06/2013.
- ¹⁶⁹ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 05/06/2013c.
- ¹⁷⁰ Personal Interview: Intellectual elite from Humr Misseriya, Khartoum, 05/12/2013b.
- ¹⁷¹ Personal Interview: UNISFA Military General, Juba, 06/06/2013b.
- ¹⁷² Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 20/06/2013d.
- ¹⁷³ Personal Interview: Ngok Dinka traditional elder from Abior chiefdom, Abyei, 15/06/2013a.
- ¹⁷⁴ Personal Interview: AU official for Sudan desk, Addis Ababa, 28/01/2014a.
- ¹⁷⁵ Personal Interview: Ngok Dinka traditional elder from Bongo chiefdom, Abyei, 13/06/2013.

-
- ¹⁷⁶ Focus Group Discussion2: Ngok Dinka traditional elder from Bongo chiefdom, Abyei, 13/06/2013.
- ¹⁷⁷ Personal Interview: Senior government of South Sudan official, Juba, 22/06/2013a.
- ¹⁷⁸ Personal Interview: Ngok Dinka traditional elder from Abior chiefdom, Abyei, 14/06/2013d.
- ¹⁷⁹ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 06/06/2013b.
- ¹⁸⁰ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 05/06/2013c.
- ¹⁸¹ Personal Interview: AUHIP for Sudan and South Sudan, Khartoum, 10/12/2013a.
- ¹⁸² Personal Interview: Government of Sudan Military General, Khartoum, 11/12/2013b.
- ¹⁸³ Personal Interview: Ngok Dinka student from Juba University, Juba, 10/06/2013a.
- ¹⁸⁴ Personal Interview: Member of the Abyei Boundary Commission in 2005, Addis Ababa, 02/02/2014.
- ¹⁸⁵ Personal Interview: AU official for Sudan desk, Addis Ababa, 20/01/2014b.
- ¹⁸⁶ Personal Interview: AU official for Sudan desk, Addis Ababa, 28/01/2014a.
- ¹⁸⁷ Personal Interview: AU expert for the Sudan desk, Addis Ababa, 20/01/2014.
- ¹⁸⁸ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013a.
- ¹⁸⁹ Personal Interview: Senior government of Sudan official, Khartoum, 05/12/2013.
- ¹⁹⁰ Personal Interview: Government of Sudan Diplomat, Addis Ababa, 27/08/2013.
- ¹⁹¹ Personal Interview: Intellectual elite from Humr Misseriya, Khartoum, 09/12/2013a.
- ¹⁹² Personal Interview: Humr Misseriya elder, Khartoum, 14/12/2013c.
- ¹⁹³ Personal Interview: Intellectual elite from Humr Misseriya, Khartoum, 05/12/2013b.
- ¹⁹⁴ Personal Interview: AU official for Sudan desk, Addis Ababa, 28/01/2014a.
- ¹⁹⁵ Personal Interview: AUHIP for Sudan and South Sudan, Khartoum, 10/12/2013a.
- ¹⁹⁶ Personal Interview: UNISFA Military General, Abyei, 16/06/2013a.
- ¹⁹⁷ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 05/06/2013c.
- ¹⁹⁸ Personal Interview: Ngok Dinka traditional elder from Alei chiefdom, Abyei, 13/06/2013.
- ¹⁹⁹ Personal Interview: Ngok Dinka traditional elder from Bongo chiefdom, Abyei, 13/06/2013.
- ²⁰⁰ Personal Interview: Senior government of South Sudan official, Juba, 08/06/2013c.
- ²⁰¹ Personal Interview: AU official, Addis Ababa, 22/01/2014.
- ²⁰² Personal Interview: Ngok Dinka traditional elder from Abior chiefdom, Abyei, 14/06/2013d.
- ²⁰³ Focus Group Discussion2: Ngok Dinka elders, Abyei, 17/06/2013.
- ²⁰⁴ Personal Interview: Senior government of South Sudan official, Juba, 22/06/2013a.
- ²⁰⁵ Personal Interview: AUHIP for Sudan and South Sudan, Addis Ababa, 21/01/2014b.
- ²⁰⁶ Personal Interview: intellectual elite from Humr Misseriya, Khartoum, 14/12/2013e.

-
- ²⁰⁷ Personal Interview: AUHIP for Sudan and South Sudan, Khartoum, 10/12/2013a.
- ²⁰⁸ Personal Interview: Member of the Abyei Boundary Commission in 2005, Addis Ababa, 02/02/2014.
- ²⁰⁹ Focus Group Discussion1: Ngok Dinka elders, Abyei, 16/06/2013.
- ²¹⁰ Focus Group Discussion2: Ngok Dinka elders, Abyei, 17/06/2013.
- ²¹¹ Personal Interview: AU official, Addis Ababa, 22/01/2014.
- ²¹² Personal Interview: Former government of South Sudan minister, Addis Ababa, 20/07/2013.
- ²¹³ Personal Interview: Ngok Dinka student from Juba University, Juba, 21/06/2013b.
- ²¹⁴ Personal Interview: Researcher on Sudan and South Sudan conflict, Addis Ababa, 10/03/2014a.
- ²¹⁵ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013a.
- ²¹⁶ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013a.
- ²¹⁷ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013b.
- ²¹⁸ Personal Interview: Humr Misseriya elder, Khartoum, 16/12/2013f.
- ²¹⁹ Personal Interview: Senior government of South Sudan official, Juba, 05/06/2013b.
- ²²⁰ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 05/06/2013c.
- ²²¹ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 07/06/2013a.
- ²²² Personal Interview: Humr Misseriya elder, Khartoum, 14/12/2013c.
- ²²³ Focus Group Discussion2: Ngok Dinka elders, Abyei, 17/06/2013.
- ²²⁴ Personal Interview: Ngok Dinka student from Juba University, Juba, 21/06/2013b.
- ²²⁵ Focus Group Discussion1: Ngok Dinka elders, Abyei, 16/06/2013.
- ²²⁶ Personal Interview: AU official for Sudan desk, Addis Ababa, 28/01/2014a.
- ²²⁷ Personal Interview: Government of Sudan Military General, Khartoum, 11/12/2013b.
- ²²⁸ Personal Interview: Humr Misseriya elder, Abyei, 16/06/2013g.
- ²²⁹ Personal Interview: AUHIP for Sudan and South Sudan, Khartoum, 10/12/2013a.
- ²³⁰ Personal Interview: Ngok Dinka student from Juba University, Juba, 10/06/2013a.
- ²³¹ Personal Interview: UNISFA observer, Abyei, 17/06/2013a.
- ²³² Focus Group Discussion2: Ngok Dinka elders, Abyei, 17/06/2013.
- ²³³ Focus Group Discussion2: Ngok Dinka elders, Abyei, 17/06/2013.
- ²³⁴ Personal Interview: Senior government of South Sudan official, Juba, 08/06/2013c.
- ²³⁵ Personal Interview: Intellectual elite from Humr Misseriya, Khartoum, 05/12/2013b.
- ²³⁶ Personal Interview: AUHIP for Sudan and South Sudan, Khartoum, 10/12/2013a.
- ²³⁷ Personal Interview: UNISFA, observer, Abyei, 17/06/2013b.

-
- ²³⁸ Personal Interview: intellectual elite from Humr Misseriya, Khartoum, 10/12/2013d.
- ²³⁹ Personal Interview: Researcher on Sudan and South Sudan conflict, Addis Ababa, 20/03/2014b.
- ²⁴⁰ Personal Interview: Intellectual elite from Humr Misseriya, Khartoum, 05/12/2013b.
- ²⁴¹ Personal Interview: Humr Misseriya elder, Khartoum, 16/12/2013f.
- ²⁴² Personal Interview: Government of South Sudan Military official, Juba, 06/06/2013.
- ²⁴³ Personal Interview: Ngok Dinka traditional elder from Alei chiefdom, Abyei, 13/06/2013.
- ²⁴⁴ Personal Interview: Ngok Dinka traditional elder from Abior chiefdom, Abyei, 15/06/2013a.
- ²⁴⁵ Personal Interview: Government of South Sudan Military official, Juba, 06/06/2013.
- ²⁴⁶ Focus Group Discussion2: Ngok Dinka elders, Abyei, 17/06/2013.
- ²⁴⁷ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013b.
- ²⁴⁸ Personal Interview: Intellectual elite from Humr Misseriya, Khartoum, 09/12/2013c.
- ²⁴⁹ Personal Interview: Government of Sudan Military General, Abyei, 13/06/2013a.
- ²⁵⁰ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 06/06/2013b.
- ²⁵¹ Personal Interview: Lawyer from Misseriya, Khartoum, 08/12/2013.
- ²⁵² Personal Interview: IGAD official, Khartoum, 15/12/2013.
- ²⁵³ Personal Interview: Senior government of South Sudan official, Juba, 08/06/2013c.
- ²⁵⁴ Personal Interview: Senior government of Sudan official, Khartoum, 05/12/2013.
- ²⁵⁵ Personal Interview: AU official for Sudan desk, Addis Ababa, 28/01/2014a.
- ²⁵⁶ Personal Interview: AU expert for the Sudan desk, Addis Ababa, 20/01/2014.
- ²⁵⁷ Personal Interview: Government of South Sudan Military official, Juba, 06/06/2013.
- ²⁵⁸ Personal Interview: Senior government of South Sudan official, Juba, 05/06/2013b.
- ²⁵⁹ Personal Interview: Junior government of South Sudan official, Juba, 08/06/2013.
- ²⁶⁰ Personal Interview: Ngok Dinka traditional elder from Abior chiefdom, Abyei, 14/06/2013d.
- ²⁶¹ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 07/06/2013a.
- ²⁶² Personal Interview: Member of the Abyei Boundary Commission in 2005, Addis Ababa, 02/02/2014.
- ²⁶³ Personal Interview: UNISFA Military General, Abyei, 16/06/2013a.
- ²⁶⁴ Personal Interview: AUHIP for Sudan and South Sudan, Khartoum, 10/12/2013a.
- ²⁶⁵ Ibid.
- ²⁶⁶ Personal Interview: UNISFA Military General, Juba, 06/06/2013b.
- ²⁶⁷ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 05/06/2013c.
- ²⁶⁸ Focus Group Discussion2: Ngok Dinka elders, Abyei, 17/06/2013.

-
- ²⁶⁹ Ibid.
- ²⁷⁰ Personal Interview: Ngok Dinka traditional elder from Diir chiefdom, Abyei, 14/06/2013.
- ²⁷¹ Personal Interview: Intellectual elite from Humr Misseriya, Khartoum, 05/12/2013b.
- ²⁷² Focus Group Discussion1: Ngok Dinka elders, Abyei, 16/06/2013.
- ²⁷³ Personal Interview: Ngok Dinka traditional elder from Abior chiefdom, Abyei, 15/06/2013a.
- ²⁷⁴ Focus Group Discussion1: Ngok Dinka elders, Abyei, 16/06/2013.
- ²⁷⁵ Personal Interview: Ngok Dinka student from Juba University, Juba, 21/06/2013b.
- ²⁷⁶ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 20/06/2013d.
- ²⁷⁷ Personal Interview: IGAD official, Khartoum, 15/12/2013.
- ²⁷⁸ Focus Group Discussion1: Ngok Dinka elders, Abyei, 16/06/2013.
- ²⁷⁹ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 07/06/2013a.
- ²⁸⁰ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 06/06/2013b.
- ²⁸¹ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 07/06/2013a.
- ²⁸² Personal Interview: Humr Misseriya elder, Khartoum, 06/12/2013d.
- ²⁸³ Personal Interview: Humr Misseriya elder, Khartoum, 03/12/2013a.
- ²⁸⁴ Personal Interview: Humr Misseriya elder, Khartoum, 14/12/2013c.
- ²⁸⁵ Personal Interview: Ngok Dinka intellectual from Juba University, Juba, 05/06/2013c.

References

- ABC. (2005). *Abyei Boundary Commission Report*. ABC.
- Abdalla, I. H. (2003). The Shari'a State: The Case of the Islamists in the Sudan. In C. E. Toffolo (Ed.), *Emancipating Cultural Pluralism* (pp. 105-128). New York: State University of New York Press.
- Abyei Protocol. (2004, May 26). Protocol between the government of Sudan and the SPLM/A on the resolution of Abyei conflict. Naivasha, Kenya.
- Addis Ababa Agreement. (1972). The Addis Ababa Agreement on the Problem of South Sudan.
- AFP. (2011, March 31). *Sudan says no Abyei vote without Humr Misseriya*. Retrieved October 20, 2011, from AFP:
<http://www.google.com/hostednews/afp/article/ALeqM5iYwSDpIq>
- OAU. (1981). African Charter on Human and Peoples' Rights.
- Akol, Z. D. (2013). Abyei Final Status: a Missmanaged and Unyielding Stalemate. *The Sudd Institute, Weekly Review*, 1-5.
- Alao, A. (2007). *Natural resources and conflict in Africa : the tragedy of endowment*. New York: University of Rochester Press.
- Alemayehu Fayera. (2010). *The Role of Traditional Conflict Resolution Mechanisms across Borders: The Case of Borana, Gabra and Garri Communities across Ethio-Kenyan Border*. Berlin: VDM Verlag Dr. Muller Gmbh & Co.KG.
- Alier, A. (1992). *Southern Sudan: Too Many Agreements Dishonoured*. (Second ed.). Reading: Ithaca Press.
- Amnesty International. (2011). *Sudan-South Sudan: Destruction and Desolation in Abyei*. London: Amnesty International Publications.

- An-na'im, A., & Deng, F. (2006). Self determination and Unity: the case of Sudan. *Respect, Sudanese Journal for Human Rights' culture and issue of cultural diversity*, 1-26.
- Ashmore, R. D., Jussim, L., & Wilder, D. (2011). *Social Identity, Intergroup Conflict, and Conflict Reduction* (Vol. 3). New York: Oxford University Press.
- Ati, H. A., & Tayeb, G. e. (2009). Peace in Sudan: so near ... so far.? *Proceedings of the National civic Forum Dialogue Sessions 2007-2008* (pp. 1-104). Khartoum: National Civic Forum and EDGE for consultancy and research.
- Ati, H. A., & Tayeb, G. E. (2009). Peace in Sudan: so near ... so far.? *Proceedings of the National civic Forum Dialogue Sessions 2007-2008* (p. 104). Khartoum: National Civic Forum and EDGE for consultancy and research.
- AUHIP for Sudan. (2012, 9 21). Proposal on the Final Status of the Abyei Area. Addis Ababa, Ethiopia: African Union.
- AUPSC. (2012). *Interim Report of the African Union High Level Implementation Panel on the matters detailed in the 24 April 2012 Communiqué of the Peace and Security Council*. Addis Ababa: African Union.
- Babbie, E. (2007). *The practice of Social Research* (11th ed.). Belmont, CA: Thomson Wodsworth Publishing Co.
- Bacaron, M. A. (2010). Indigenous Conflict Resolution Mechanisms in Mindanao: is their institutionalization the answer? . *Asian Journal of public Affairs*, 3, 49-59.
- Baechler, G. (2010). *Violence through Environmental Discrimination* (2nd ed.). A H Dordrecht: Kluwer Academic Publishers.
- Ballentine, K., & Nitzschke, H. (2005). *The Political Economy of Civil War and Conflict Transformation*. Berghof Research Center for Constructive Conflict Management.
- Beber, B. (2012). International Mediation, Selection Effects, and the Question of Bias . *Conflict Management and Peace Science* , 397-424.

- Billon, P. L. (2001). The political ecology of war: natural resources and armed conflicts. *Political Geography*, 20, 561–584.
- Boddy, J. (2009). Endogamy and Alliance in Northern Sudan. In G. Schlee, & E. Watson, *Changing Identifications and Alliances in North-East Africa* (pp. 103-116). New York and Oxford: Berghahn Books.
- Bradbury, M., Ryle, J., Medley, M., & Sansculotte-Greenidge, K. (2006, April). A Base Line Study: Local Peace Processes in Sudan. DFID.
- Brauna, V., & Clarke, V. (2006). Qualitative Research in Psychology: Using thematic analysis in psychology. *On line Journal*, 3(2), 77-101.
- Bujra, A. (2002). African Conflicts: Their Causes and Their Political and Social Environment. Development Policy Management Forum (DPMF) Occasional Paper. Addis Ababa: United Nations Economic Commission for Africa.
- Chr. Michelsen Institute. (2011). *The Comprehensive peace agreement*. Retrieved September 11, 2011, from CMI: <http://www.cmi.no/sudan/?id=108&CPA>
- Coalition for International Justice. (2006, February). Soil and Oil: Dirty Business in Sudan. Washington, D.C.
- Collelo, T. (1988). *Chad: A Country Study*. Washington: GPO for the Library of Congress.
- Collins, R. O. (2008). *A History of Modern Sudan*. Cambridge : Cambridge University Press.
- Concordis International. (2010). More than a line: Sudan's North-South Border. *United States Institute of Peace*.
- Connell, D. (2011). *Countries at the Crossroads : Eritrea*. Freedom House.
- Craze, J. (2014). *Contested Borders: Continuing Tensions over the Sudan–South Sudan Border* . Geneva: Small Arms Survey.

- Craze, J. (2011). *Creating Facts on the Ground: Conflict Dynamics in Abyei*. Geneva: Graduate Institute of International and Development Studies.
- Craze, J. (2013). *Dividing lines: Grazing and conflict along the Sudan–South Sudan border*. Geneve: Small Arms Survey .
- Creswell, J. W. (2003). *Research design: Qualitative, Quantitative, and Mixed methods Approaches* (2nd ed.). London: Sage Publication.
- Creswell, J. W. (2003). *Research design: Qualitative, Quantitative, and Mixed methods Approaches* (2nd ed.). London: Sage Publication.
- Cunnison, I. (1966). *Baggara Arabs: Power and the Lineage in a Sudanese Nomad Tribe*. Oxford : Clarendon Press.
- Dagne, T. (2011). *Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement*. June 15, 2011. Congressional Research Service Report.
- Debay, T. (2011, July 25). *Post-independence South Sudan and the Ethiopian Peacekeeping Mission in Abyei*. Retrieved October 20, 2011, from The African.org Web site: <http://www.the-african.org/blog/?p=564>
- Deng, C. (2005, November 22). *Abyei Boundary Commission Part 2* . Retrieved September 1, 2014, from sudaneseonline.com: <http://www.sudaneseonline.com/earticle2005/nov22-64940.shtml>
- Deng, F. M. (1995). *War of Visions: Conflict and Identities in the Sudan* . Washington D.C. : Brookings.
- Deng, F. M. (2001). Sudan - Civil War and Genocide Disappearing Christians of the Middle Eas. *Middle East Quarterly*, 8, 13-21.
- Deng, F. M. (N.D). *Green is the Color of the Masters: The Legacy of Slavery and the Crisis of National Identity in Modern Sudan*.
- Deutsch, M., Coleman, P. T., & Marcus, E. C. (2006). *The Handbook of Conflict Resolution: Theory and Practice* (Second Edition ed.). San Francisco: ossey-Bass.

- Dunn, K. (2000). Interviewing. In I. Hay, *Qualitative research methods in human geography* (2nd ed., pp. 50-82). Melbourne: Oxford University Press.
- Dunne, P., & Hoeffler, A. (April 2012). An Economic analysis of the challenge of Armed Conflicts. *Copenhagen Consensus 2012 Perspective Paper* (pp. 1-15). Oxford: Centre for the Study of African Economies.
- ECOS. (2011, 13 01). *Sudan and Oil Politics: A nation Split by Oil*. Retrieved 6 6, 2014, from European Coalition on Oil in Sudan (ECOS) : http://www.ecosonline.org/news/2011/20110113_Sudan_and_oil_politics/
- EIA. (2014, 9 5). *Key oil infrastructure in Sudan and South Sudan*. Retrieved 10 12, 2014, from U.S. Energy Information Administration (EIA): www.eurasiareview.com/05092014-sudan-south-sudan-energy-profile-disagreements-curtailing-oil-production-analysis/
- Eltayeb, M. S. (2001). *A Human Rights Approach to Combating Religious Persecution: Cases from Pakistan, Saudi Arabia and Sudan*. Antwerpen: Intersentia.
- Emanuel, M., & Ndimbwa, T. (2013). Traditional Mechanisms of Resolving Conflicts over Land Resource: A Case of Gorowa Community in Northern Tanzania. *International Journal of Academic Research in Business and Social Sciences*, 3, 214-224.
- Fisher, R. (2000). *Sources of Conflict and Methods of Conflict Resolution*. The American University, School of International Service.
- Francis, D. J. (2011). Africa at War against Itself: Civil Wars and New Security Threats. In E. McCandless, & T. Karbo, *Peace, Conflict and Development in Africa: a reader* (pp. 53-102). Switzerland: University for Peace.
- Gasmelseid, O. A. (2006). *Federalism as Conflict-Management Device for multiethnic and Multicultural Societies: The Case of Sudan*. Geneve: Helbing & Lichtenhahn.

- Getachew, Z. (2012). Conflict Mapping and Conflict Resolution Strategy: The North and South Sudan Conflict on Abyei. *Journal of International Business and Leadership*, 1, 24-47.
- Gillham, B. (2000). *Case Study Research methods*. London: Continuum.
- Giordano, M. F., & etal. (2005). International Resource Conflict and Mitigation. *Journal of Peace Research*, 42, 47-65.
- Goertz, G., & F. Diehl, P. (1992). *Territorial Changes and International Conflict*. London: Routledge.
- Gore, P. W. (2007). The Oil and Its Influence on the Demographic, Economic and Commercial Processes: The Case of Northern Upper Nile in Southern Sudan. In K. Wohlmuth, & T. Urban, *Reconstructing Economic Governance after Conflict in Resource-rich African Countries* (pp. 171-180). Berlin: Lit Verlag.
- Government of Sudan response to the AUHIP. (2012, October 25). Possible Options of the Final Status of the Abyei Area and Proposal on the Referendum Presented to the Addis Ababa Submit, 23th-25th September 2012.
- Green, B. E. (2005). *A General Model of Natural Resource Conflicts: the Case of International Freshwater Disputes*. New Hampshire: Keene State College.
- Hamer, J. H. (1987). *Human Development: Participation and Change Among the Sidamo of Ethiopia*. Tuscaloosa, AL: The University of Alabama Press.
- Helsinki Declaration. (1975). *The Final Act of the Conference on Security and Cooperation in Europe* .
- Herbst, J. (2000). Economic Incentives, Natural Resources and Conflict in Africa. *Journal of Africa Economics*, 3, 270-294.
- Hillier, D. (October 2007). *Africa's missing billions: International arms flows and the cost of conflict*. IANSA, Oxfam, and Saferworld,.

- Holland, C. M. (2009, December). *An Oil Curse? Resource Conflict Onset and Duration* . A Thesis Presented to the Interdisciplinary Studies Program: Individualized Program and the Graduate School of the University of Oregon in partial fulfillment of the requirements for the degree of Master of Arts.
- Hsiao, A. (2012). *South Sudan and Sudan Back to War? A View from Juba*. Washington, DC: The Enough Project.
- Hsiao, A. (2012, September 6). Sudan-South Sudan Negotiations: Can They Meet the Deadline? The Enough Project.
- Human Rights Watch. (1990). *Denying the Honor of Living in Sudan: A Human Rights Disaster*. New York : Human Rights Watch.
- Humphreys, M. (2005, August). Natural Resources, Conflict, and Conflict Resolution: Uncovering the Mechanisms. *Journal of Conflict Resolution*, 49, 508-537.
- Idris, A. H. (2005). *Conflicts and Politics of Identity in Sudan*. New York: Palgrave Macmillan.
- International Crisis Group. (25 June 2003). *Sudan's other Wars*. Africa Briefing, Brussels.
- International Crisis Group. (2006). *Sudan's Comprehensive Agreement: the Long Reao Ahead*. *Africa Report*, 31 March 2006, No.106. Brussels.
- International Crisis Group. (2007a). *A Strategy for Comprehensive Peace in Sudan*. *Africa Report*, 26 March 2007, No. 130. Brussels.
- International Crisis Group. (2007b). *Sudan: Breaking the Abyei Deadlock*. *Africa Briefing*, 12 October 2007. Brussels.
- International Crisis Group. (2010, September 2). *Sudan: Defining the North-South Border* . Retrieved October 20, 2011, from ICG: <http://www.cmi.no/sudan/doc/?id=1295>

- International Crisis Group. (2012). *Sudan: Major Reform or More War. Africa Report, 29 November 2012, No.194.* Africa Report, Brussels.
- International Crisis Group. (2013). *Sudan's Spreading Conflict (I): War in South Kordofan. Africa Report, 14 February 2013 No.198.* Brussels.
- Iyekolo, W. S. (2011, June). A return of Hostilities? Comprehensive Peace Agreement, Transformational Challenge and the Future of Sudan. A Master's Thesis, Dept. of History, International & Social Studies in Aalborg University.
- Jiménez, v. j. (2010, May). Seeking Solutions to the Crisis in Abyei, Sudan . Public International Law & Policy Group (PILPG).
- Johnson, D. H. (2004). *The Root Causes of Sudan's Civil Wars.* Oxford: James Currey.
- Johnson, D. H. (2008). Why Abyei Matters, the Breaking Point of Sudan's Comprehensive Peace Agreement? *Oxford University Press*, 1-19.
- Johnson, D. H. (2010). *When Boundaries Become Borders: the impact of boundary-making in Southern Sudan's frontier zones* . London: Rift Valley Institute.
- Johnson, D. H. (2011, January 14). The Road Back from Abyei.
- Johnson, D. H. (2012). *Note on Panthou/Heglig.*
- Jwan, J. O., & Ongondo, C. O. (2011). *Qualitative Research: An interoduction to Principles and Techniques.* Eldoret: Moi University Press.
- Kaldor, M., Karl, T. L., & Said, Y. (2007). *Oil Wars.* London: Pluto Press.
- Kalpakian, J. V. (2008, December). The narrow prospects of the SPLA/M's transition into a political party in the short term. *South African Journal of International Affairs, 15*, 159-183.
- Kameir, E. W. (2011). *The Political Economy of South Sudan: a Scoping Analytical Study.* African Development Bank.

- Karbo, T., & Nelson, C. (2010, June). War Economies: Issues and Options for Transformation. *Africa Peace and Conflict Journal*, 3 .
- Kelleher, A. (2006, September–December). A Small State's Multiple-Level Approach to Peacemaking: Norway's Role in Achieving Sudan's Comprehensive Peace Agreement. *Civil Wars*, 8, pp. 285–311.
- Kennesaw State University. (2012). International Conference on Indigenous Conflict Management Strategies,. *International Conference on Indigenous Conflict Management Strategies from April 20-21, 2012* (pp. 1-15). Kennesaw, GA: center for conflict management, College of humanities and social sciences, Kennesaw State University.
- Kilonzo, S. M., Kurgat, S. G., & Omare, S. G. (2009, June). The Role of Taboos in the Management of Natural Resources and Peace-building:A Case Study of the Kakamega Forest in Western Kenya. *Africa Peace and Conflict Journal*, 2, 39-54.
- Klare, M. T. (2001). The New Geography of Conflict. *Foreign Affairs*, 80(4), 49–61.
- Kok, A., Lotze, W., & Jaarseveld, S. V. (2009). *Natural Resources, the Environment and Conflict*. Durban: ACCORD.
- Lederach, J. P. (1994). *Building Peace: Sustainable Reconciliation in Divided Societies*. Tokyo: United Nations University.
- Lowe, V., & Tzanakopoulos, A. (2012). *Final award: The Abyei Arbitration (the Government of Sudan/The Sudan People's Liberation Movement/ Army*. Hague: Permanent Court of Arbitration .
- MacMichael, H. A. (1912). *The Tribes of Northern and Central Kordofan*. London: Cambridge University Press.
- MacMichael, H. A. (1967). *A history of the Arabs in the Sudan* . New York: Barnes & Noble.

- Malek, C. (2013). *Identity Conflicts*. Retrieved June 1, 2012, from The Conflict Resolution Information Source: <http://www.crinfor.org/coreknowledge/identity-issues>
- Marino, S. C. (1999, May). Regional Dimensions of Intra-Inter State Conflicts: a Comparative Study. Advanced Program in Conflict Resolution Department of Peace and Conflict Resolution, Uppsala University.
- Maxwell, J. A. (2009). Designing a Qualitative Study . In L. Bickman, & D. Rog, *The SAGE Handbook of Applied Social Research Methods* (pp. 214-253). New Delhi: SAGE Publication.
- McCutchen, A. (2014). *The Sudan Revolutionary Front: Its Formation and Development* . Geneva: Small Arms Survey, .
- Miles, M. D., & Huberman, A. M. (1994). *Qualitative Data Analysis*. London: Sage Publications.
- Møller, B. (2003). Conflict Theory. Aalborg University, Denmark: Research Center on Development and International Relations (DIR) & Institute for History, International and Social Studies.
- Morelli, M., & Rohner, D. (2010). Natural Resource Distribution and Multiple Forms of Civil War. *Households in Conflict Network (HICN) Working Paper 80*. Brighton: University of Sussex, the Institute of Development Studies.
- Muhlendahl, P. (2010). *International tribunal redraws boundaries of Sudanese Abyei region: a chance for peace?* . Retrieved September 11, 2011, from The Hague: www.haguejusticeportal.net
- Muna, A. (2010). *Situation Report: Abyei Natural Resources Conflict*. Pretoria: Institute for Security Studies.
- Mutisi, M. (2009). Gacaca Courts in Rwanda: an Endogenous Approach to Post conflict Justice and Reconciliation. *Africa Peace and Conflict Journal*, 2, 17-26.

- Nicholas, K., & Baroni, S. (2010). The Cameroon and Nigeria Negotiation Process over the Contested Oil rich Bakassi Peninsula. *Journal of Alternative Perspectives in the Social Sciences*, 2, 198-210.
- O'Hara, S. L. (2005). Great Game or Grubby Game? The Struggle for Control of the Caspian. In P. L. Billon, *The Geopolitics of Resource Wars* (pp. 138-160). New York: Frank Cass,.
- Okbazghi Yohannes. (2003). America's New Frontire: Oil in the Gulf of Guinea. *The Black Scholar*, 33, 2-21.
- Olsson, L. (1993, October). On the Causes of Famine: Drought, Desertification and Market Failure in the Sudan. *Ambio*, 22, 395-403.
- Omoigui, N. (2013, June 13). *Gowon and Bakassi, to the editor, Guardian Newspaper, Lagos Nigeria*. Retrieved September 3, 2013, from omoigui.com: http://www.omoigui.com/files/gowon_and_bakassi.pdf
- O'Neil, D. (2011, December 21). *Pastoralism* . Retrieved September 1, 2014, from anthro.palomar: http://anthro.palomar.edu/subsistence/sub_3.htm
- Onwuka, O. (2009). The ECOWAS Council of the Wise: An Indigenous Framework for Conflict Resolution. *Africa Peace and Conflict Journal*, 2, 55-62.
- Osi, C. (2008). Understanding indigenous dispute resolution processes and western alternative dispute resolution: Cultivating culturally appropriate methods in Lieu of litigation. *Cardozo Journal of Conflict Resolution*, 10, 163-231.
- OTPIC . (2005, December 2). *Intractable Conflict Research Consortium: Compensation/Restitution*. Retrieved September 6, 2014, from International Online Training Program web site: www.colorado.edu/conflict/peace
- Owasanoye, B. (2001). Dispute Resolution Mechanisms and Constitutional Rights in Sub-Saharan Africa. *Paper written following a UNITAR Sub-Regional Workshop on Arbitration and Dispute Resolution (Harare, Zimbabwe 11 to 15 September*

- 2000) (pp. 15-27). Geneva: United Nations Institute for Training and Research (UNITAR).
- Patton, M. Q. (2002). *Qualitative research and evaluation Methods*. London: Sage Publications.
- PCA. (2009, July 22). Final award: In the matter of arbitration before a tribunal constituted in Accordance with article 5 of the arbitration agreement between the government of Sudan and the Sudan People's Liberation Movement/Army On delimiting Abyei area. Hague.
- PCA. (2012). *Permanent Court of Arbitration Award Series: the Abyei Arbitration (The Government of Sudan/The Sudan People's Liberation Movement/Army)*. Hague: Permanent Court of Arbitration.
- Pkalya, R., Adan, M., & Masinde, I. (2004). *Indigenous Democracy: Traditional Conflict Resolution Mechanisms, Pokot, Turkana, Samburu and Marakwet*. (B. Rabar, & M. Karimi, Eds.) Nairobi: ITDG-EA.
- Platts. (2013, October 23). *South Sudan wants AU, UN to get Sudan to withdraw police from Abyei oilfields*. Retrieved September 1, 2014, from platts.com: www.platts.com/latest-news/oil/juba/south-sudan-wants-au-un-to-get-sudan-to-withdraw-26394763
- Porto, J. G. (2002). Contemporary Conflict Analysis in Perspective . In J. Lind, & K. Starman, *Scarcity and Surfeit: the Ecology of Africa's Conflicts* (pp. 1-50). Pretoria: Institute for Security Studies.
- Potte, D. W. (2004, September 29). *State Responsibility, Sovereignty, and Failed States* . Retrieved June 1, 2013, from University of Adelaide : http://www.adelaide.edu.au/apsa/docs_papers/Others/potter.pdf
- Prendergast, J., & Thomas-Jensen, C. (2007, March/ April). Blowing the Horn. *Foreign Affairs*, 86, 59–74.
- Rees, J. (1985). *Natural Resource: Allocation, Economics and Policy*. London : Methuen.

- Rendón, R., & Hsiao, A. (January 17, 2013). *Resolving the Abyei Crisis*. Washington, DC: Enough Project.
- Richmond, M. (2011). *Southern Sudan to Issue New Currency When Independence Declared July 13, 2011*.
- Robbins, R. H. (2002). *Global Problems and the Culture of Capitalism*. Boston: Allyn & Bacon.
- Rolandsen, Ø. H. (2011, May). The making of the Anya-Nya insurgency in the Southern Sudan, 1961-64. *Journal of Eastern African Studies*, 5.
- Ross, M. (2003, August 15). Natural Resources and Civil War: An Overview. UCLA Department of Political Science.
- Saeed, A. (2009). Peace in Sudan: so near ... so far.? In H. A. Ati, & G. E. Tayeb (Ed.), *Proceedings of the National Civic Forum Dialogue Sessions 2007-2008* (p. 104). Khartoum: National Civic Forum and EDGE for consultancy and research.
- Saeed, A. (2010). *Challenges Facing Sudan after Referendum Day 2011: Persistent and Emerging Conflict in the North-South Borderline States*. CHR. MICHELSEN INSTITUTE (CMI).
- Saferworld. (2011, January). *China's growing role in African peace and security*. Retrieved September 25, 2012, from Saferworld web Site:
<http://www.saferworld.org.uk/downloads/pubdocs/Chinas%20Growing%20Role%20in%20African%20Peace%20and%20Security.pdf>
- Salman, S. M. (2011). The new state of South Sudan and the hydro-politics of the Nile Basin. *Water International*, 36, 154–166.
- Sama, M. C., & Johnson-Ross, D. (2006). Reclaiming the Bakassi Kingdom: The Anglophone Cameroon-Nigeria Border. *Afrika Zamani*, 103-122.
- Sanders, A. (2012, May). *Sudan and South Sudan's Oil Industries: Growing Political Tensions*. Retrieved August 24, 2012, from Civic web site:

[https://www.cimicweb.org/cmo/medbasin/Holder/Documents/r016%20CFC%20Monthly%20Thematic%20Report%20\(17-May-12\).pdf](https://www.cimicweb.org/cmo/medbasin/Holder/Documents/r016%20CFC%20Monthly%20Thematic%20Report%20(17-May-12).pdf)

- Sansculotte-Greenidge, K. (May 2011). *Abyei: From a Shared Past to a Contested Future*. Durban: ACCORD.
- Satellite Sentinel Project . (2011). *Burned to the Ground evidence of potential war crimes and the intentional destruction of abyei town by the government of sudan*. Harvard Humanitarian Initiative.
- Shaw, M. (2008). *International Law*. New York: Cambridge University Press.
- Shettima, A. G., & Tar, U. A. (2008, June). Farmer-Pastoralist Conflict in West Africa: Exploring the Causes and Consequences. *Information, Society and Justice*, 1(2), 163-184.
- Shinn, D. H. (2004). *Addis Ababa Agreement: was it destined to fail and are there lessons for the Current Sudan Peace Process?* Retrieved Septemebr 11, 2012, from Persee Web site:
http://www.persee.fr/web/revues/home/prescript/article/ethio_0066-2127_2004_num_20_1_1077
- Sidahmed, A. S., & Sidahmed, A. (2005). *Sudan: The Contemporary Middle East*. New York: Routledge Curzon.
- Siebert, J., & Epps, K. (2009). *Addressing Armed Violence in East Africa*. Waterloo: World Vision Canada.
- Small Arms Survey. (2007, July). *Sudan Issue brief: The evolution of relations between China and Sudan*. Retrieved September 25, 2012, from Small Arms Survey web site: <http://www.smallarmssurveysudan.org/fileadmin/docs/issue-briefs/HSBA-IB-07-Arms.pdf>
- Small Arms Survey. (2010). *Armed Entities around Abyei, December 2010*. Jeneva: Sudan Human Security Baseline Assessment (HSBA).

- Small Arms Survey. (2011). *Conflict in South Kordofan / Nuba Mountains, September 2011*. Geneva: Human Security Baseline Assessment (HSBA).
- Small Arms Survey. (2012). *The Crisis in Abyei, 26 April 2012*. Geneva: Sudan Human Security Baseline Assessment (HSBA).
- Small Arms Survey. (2013). *The Crisis in Abyei, 1 March 2013*. Geneva: Human Security Baseline Assessment (HSBA).
- Stalley, P. (2003). Environmental Scarcities and International Conflict . *Conflict Management and Peace Science*, 33-58.
- Starr, H., & Thomas, G. D. (2001). The Nature of Borders and Conflict: Revisiting Hypotheses on Territory and War.
- Strüver, G. (2010, October). *Too Many Resources or Too Few? What Drives International Conflicts? German Institute of Global and Area Studies Working Papers*. Retrieved June 1, 2013, from GIGA Working Papers website: http://www.giga-hamburg.de/dl/download.php?d=/content/publikationen/pdf/wp147_struever.pdf
- Sudan Tribune. (2011a, May 9). *Abyei: Predicting the future*. Retrieved 9 23, 2011, from Sudan Tribune: <http://www.sudantribune.com/Abyei-Predicting-the-future,38887>
- Sudan Tribune. (2011b, July 22). *Sudan: Ethiopian Peace Force to Abyei Begins Operation Next Week*. Retrieved Septemeber 23, 2011, from Sudan Tribune: <http://allafrica.com/stories/201107230002.html>
- Sudan Tribune. (2011c, July 21). *South Sudan's Kiir talks tough on oil, Abyei* . Retrieved September 11, 2011, from Sudan Tribune: <http://www.sudantribune.com/South-Sudan-s-Kiir-talks-tough-on,39591>
- Sudan Tribune. (2012a, February 21). *South Sudan seeks Kenyan mediation in Abyei*. Retrieved March 2, 2012, from Sudan Tribune: <http://www.sudantribune.com/South-Sudan-seeks-Kenyan-mediation,41668>

- Sudan Tribune. (2012b, 10 24). *Statement by South Sudan's FM before AU Peace and Security Council*. Retrieved 1 1, 2014, from Sudan Tribune:
<http://www.sudantribune.com/spip.php?article44326>
- Sudan Tribune. (2013, April 13). *Reinstating West Kordofan state "dodging responsibility", says SPLM-N*. Retrieved September 12, 2014, from Sudan Tribune: <http://www.sudantribune.com/spip.php?article46201>
- Temporary Arrangement for the Administration and Security of the Abyei area. (2011). *Agreement between the Government of Republic of Sudan and SPLM on Temporary Arrangement for the Administration and Security of the Abyei area*. Addis Ababa.
- Terlinden, U. (2004 , February). IGAD – Paper Tiger facing Gigantic Tasks. Berlin: Friedrich-Ebert-Stiftung.
- Terms of Reference for Community Security & Justice in Ethiopia, ITT Volume 2. (n.d.).
- The Comprehensive Peace Agreement. (2005). *The Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Army*.
- Thomas-Jensen, C., & Fick, M. (2009, July). *Abyei: Sudan's Next Test*. Retrieved October 20, 2011, from The Enough Project: www.enoughproject.org
- Tsega Endalew. (2005). Luba Basa and Harma Hodha: Traditional Mechanisms for Conflict Resolution in Metekel, West Gojam. *Proceedings of the Second National Workshop of the Ethiopia Chapter of OSREA*. Addis Ababa: OSREA.
- UN News Center. (2011, March 14). *Abyei conflict could derail Sudan's north-south peace process, UN warns*. Retrieved April 5, 2012, from UN:
<http://www.un.org/apps/news/story.asp?NewsID=37754&Cr1>
- UN Security Council. (2011, June). *Deeming Need for 'Urgent' Response to Situation in Abyei, Sudan: Security Council Decides to Deploy Peacekeeping Force to Abyei Unanimously*.

- UN Security Council. (2011, July 11). *Security Council Refers South Sudan's Application for United Nations Membership to Its Committee on Admissions, SC/10318, Security Council 6580th Meeting*. Retrieved September 11, 2011, from UNSC.
- UNISFA. (July 2014). *Report of the Secretary-General on the Situation in Abyei*. UNSC.
- UNISFA. (May 2013). *Report of the Secretary-General on the situation in Abyei*. UNSC.
- UNISFA. (September 2014). *Report of the Secretary-General on the situation in Abyei*. UNSC.
- United Nations Environment Programme. (2006). *Pastoralists: global deserts outlook*. Retrieved 2014 1, September, from unep web site:
<http://www.unep.org/geo/gdoutlook/038.asp>
- United States Institute of Peace. (2007). *Natural Resources, Conflict, and Conflict Resolution: a Study Guide Series on Peace and Conflict*. Washington, DC: United States Institute of Peace, Education and Training Center.
- UNMIS. (2009). *Principles of Agreement on Abyei In General: Abyei Protocol, fact sheet*. Retrieved September 11, 2011, from UN Mission in Sudan (UNMIS):
www.unmis.org
- UNMIS. (June 2011). *UNMIS Report on the Human Rights Situation During the violence in Southern Kordofan*. Khartoum: UN, Human Rights Section.
- UNOCHA. (2012). *South Sudan Humanitarian Bulletin, 27 August – 2 September 2012*. United Nations Office for the Coordination of Humanitarian Affairs.
- UNSC. (2011a, June 27). *Resolution 1990 (2011): Adopted by the Security Council at its 6567th meeting*. Retrieved September 11, 2012, from UN:
<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Sudan%20SRES%201990.pdf>
- UNSC. (2011b, July 11). *Security Council refers South Sudan's Application for United Nations Membership to its Committee on Admission, SC/10318 (Security Council*

6580th Meeting). Retrieved September 11, 2012, from UN:
<http://www.un.org/News/Press/docs/2011/sc10318.doc.htm>

Vaughan, C., Schomerus, M., & vries, L. D. (2013). *The border lands of South Sudan*.
New York: Palgrave Macmillan.

Wama, B. L. (1997, March). Prolonged Wars: the War in Sudan. Maxwell Air Force
Base.

Wasson, J. T. (2007, March 3). *Natural Resources and Interstate Conflict: Beg, Borrow,
or Steal?* . Retrieved June 1, 2013, from All Academic:
[http://citation.allacademic.com/meta/p_mla_apa_research_citation/1/8/0/3/5/page
s180356/p180356-1.php](http://citation.allacademic.com/meta/p_mla_apa_research_citation/1/8/0/3/5/page_s180356/p180356-1.php)

Weber, A. (2010). *Boundaries with Issues: Soft Border Management as a Solution?*
Berlin: Friedrich-Ebert-Stiftung.

Williams, P. D. (2011). *Horn of Africa: Webs of Conflict & Pathways to Peace* .
Washington, DC: The Wilson Center.

Wondo, S., & Lesch, A. (2000). *Battle for Peace in Sudan: An Analysis of the Abuja
Conferences 1992-1993*. Lanham, MD: University Press of America.

World Bank. (2014). *The World Bank Country Survey: South Sudan*. Retrieved
September 10, 2014, from <http://data.worldbank.org/country/south-sudan>

Yin, R. K. (2003). *Case Study Research: Design and Methods* (Third Edition ed., Vol. 5).
London: Sage Publications.

Zartman, I. W. (2000). *Traditional Cures for Modern Conflicts: African Conflict "Medicine"*.
London: Lynne Rienner Publishers.

Appendix 1.

Table 1: Interview with key traditional leader/elder and government official Informants

S. No	individuals interviewed	Tribal Group		
		the Nine <i>Ngok Dinka</i> Chiefdoms	Humr Misseriya	Total number
1	Traditional elder	8	8	16
2	Intellectual elite	6	6	12
3	Government Official	6	6	12
	Total Number	20	20	40

Table 2: Interview with key Institutional and individual Informants

S. No	Officials/ experts of institutions/ individuals interviewed	Numbers of individuals interviewed
3	AU officials & experts	6
4	UNISFA officials	5
5	IGAD officials and experts	1
6	Experts over Abyei conflict	3
	Total	15

Table 3: Participants of Focus Group Discussions

Ethnic Group	FGD 1	FGD2	Total Number
The Nine Chiefdoms of <i>Ngok Dinka</i>	6	6	12
Humr Misseriya	6	6	12
Total Number	12	12	24

Interview questions versus basic research questions

As stated bellow in Tables 4, 5 and 6, the basic research questions of this dissertation were addressed by a list of detailed semi-structured interview questions.

Table 4. Detailed Questions Addressing Basic Research Question No. 1

Basic research question	Detailed questions	Informants
<p>What are the political, historical and legal grounds for the Sudan and South Sudan’s claim to own or control Abyei and its resources? This question poses why the Abyei protocol and PCA decisions not yet implemented?</p>	<ol style="list-style-type: none"> 1. Historically which of the two ethnic groups arrived first and to which geographical area? When and how? Do you have any evidence? 2. As stated in the Abyei Protocol, the right to participate in the Abyei referendum is to be given to the residents of Abyei. Who do you think are the residents of Abyei? Why? Who do you think is eligible to vote in the Abyei’s referendum? Why? Whom do you think Abyei belongs to? How? 3. How do you see the CPA, Abyei protocol, PCA and AUHIP and the international community and their respective decisions? What is your response towards the PCA decision to demarcate the Abyei border on the ground? Why? 4. Despite affirmations in the CPA, the Abyei Protocol and PCA Report, the <i>Humr Misseriya</i> also continue to fear the loss of their grazing and water access rights if the CPA is fully implemented. Why? 	<p style="text-align: center;">To All Informants</p>

	<p>5. It is obvious that Abyei is rich in renewable and non-renewable resources. Do you think these resources are causes to the conflict between the two parties? Oil and pasture? Despite the PCA placed most of the contested oilfields (Heglig and Bamboo) out of Abyei, still Abyei has a huge amount of oil reserve. Do you think this situation has a direct relation with the conflict in Abyei, especially between the two governments? Why and How?</p> <p>6. Currently, there are many senior SPLM cadres from <i>Ngok Dinka</i> ethnic group. Do you think this has an impact on the Abyei conflict?</p> <p>7. How do you evaluate the role of the international community in the Abyei conflict and peace process?</p> <p>8. What measures do you think are needed at all levels for future peace in the Abyei area? What do you think are the solutions of the problem?</p>	
	<p>9. How do you see the inconsistency between the <i>Humr Misseriya</i> being given the right to vote and the precedent of the South Sudan referendum, while seasonal migrants did not get the right to vote?</p>	<p>1. <i>Ngok Dinka</i> traditional elders; 2. <i>Ngok Dinka</i> government officials 3. <i>Ngok Dinka</i> intellectual elites 4. Officials/ experts of institutions (AU, UNISFA, IGAD) 5. Individual experts on the Abyei Conflict</p>

	10. What do you feel when top state officials publicly or officially announce that the Abyei area belongs to their respective people (<i>Humr Misseriya/Ngok Dinka</i>)?	1. <i>Ngok Dinka</i> and <i>Humr Misseriya</i> traditional leaders 2. Officials/ experts of institutions (AU, UNISFA, IGAD) 3. Individual experts on the Abyei Conflict
--	--	---

Table 5. Detailed Questions Addressing Basic research Question No. 2

Basic research question	Detailed questions	Informants
<p>How do the <i>Humr Misseriya</i> and the <i>Ngok Dinka</i> perceive the conflict in Abyei?</p> <p>This question poses:</p> <p>A. Why is the <i>Humr Misseriya</i> community encouraged by the Government of</p>	<p>1 Why did Abyei become a hotspot between the two Sudans? What do you think are the causes/factors that hinder peace between the two Sudans over the Abyei?</p> <p>2. How do you see the CPA, Abyei protocol, PCA and AUHIP and the international community and their respective decisions? What is your response towards the PCA decision to demarcate the Abyei border on the ground? Why?</p> <p>3. After Abyei referendum, how do you think the relationship between <i>Ngok Dinka</i> and <i>Humr Misseriya</i> seems to be? How do you perceive the <i>Humr Misseriya</i> grazing rights after the referendum? Do you think this will be respected by Dink and the GoSS? After Abyei referendum, what do you suggest about the future of Abyei border? Soft border, freely passable by the pastoralist groups living in the border areas or require military checkpoints, and the institutions and regalia of a national boundary?</p>	<p>To All informants</p>

<p>Sudan to repopulate/ resettle in and look to Abyei as “their” area?</p> <p>B. Why is the traditional conflict resolution mechanism not workable in Abyei?</p>	<p>4. It is obvious that Abyei is rich in renewable and non-renewable resources. Do you think these resources are causes to the conflict between the two parties? Oil and pasture? Despite the PCA placed most of the contested oilfields (Heglig and Bamboo) out of Abyei, still Abyei has a huge amount of oil reserve. Do you think this situation has a direct relation with the conflict in Abyei, especially between the two governments? Why and How?</p> <p>5. To what extent are TCRMs practiced, politicized, encouraged and supported to deal with the Abyei problem? How do you see the participation or representation of <i>Humr Misseriya</i> and <i>Ngok Dinka</i> at CPA/Abyei protocol, PCA and AUHIP? Do you think that both communities are well represented in their respective affiliated parties in different agreements?</p> <p>6. What do you think are the solutions of the problem?</p>	
	<p>7. What do you think are the threats/ problems if <i>Humr Misseriya</i> are/ aren’t allowed to participate in the Abyei referendum? What is the fear if <i>Humr Misseriya</i> are to be counted as residents?</p> <p>8. Do you think there is a practice or an attempt of permanent settlement by <i>Humr Misseriya</i> in the northern part of Abyei? If so, how do you perceive it? What is the response of the GoS and GoSS to this?</p> <p>9. State-Society relations: How do you describe the relationship between <i>Humr Misseriya</i> and the GoS during the 2nd Sudanese civil war?</p>	<p>1. <i>Ngok Dinka</i> traditional elders;</p> <p>2. <i>Ngok Dinka</i> government officials</p> <p>3. <i>Ngok Dinka</i> intellectual elites</p> <p>4. Officials/ experts of institutions (AU, UNISFA, IGAD)</p> <p>5. Individual experts on the Abyei Conflict</p>

	<p>10. What are the major challenges/ problems for <i>Ngok Dinka</i> people to resettle in the former home areas? Challenges/Problems of resettlement to <i>Ngok Dinka</i> people?</p>	
	<p>11. State-Society relations: How do you describe the relationship between <i>Ngok Dinka</i> and the SPLA/M during the 2nd Sudanese civil war?</p>	<p>1. <i>Humr Misseriya</i> traditional elders; 2. <i>Humr Misseriya</i> government officials 3. <i>Humr Misseriya</i> intellectual elites 4. Officials/ experts of institutions (AU, UNISFA,IGAD) 5. Individual experts on the Abyei Conflict</p>
	<p>12. State-Society relations: How do you describe the relationship between <i>Ngok Dinka</i> and <i>Humr Misseriya</i> during the 2nd Sudanese civil war?</p>	<p>To all informants</p>
	<p>13. What do you feel when top state officials publicly or officially announce that the Abyei area belongs to their respective people (<i>Humr Misseriya/Ngok Dinka</i>)?</p>	<p>1. <i>Ngok Dinka</i> and <i>Humr Misseriya</i> traditional elders 2. <i>Ngok Dinka</i> and <i>Humr Misseriya</i> intellectual elites 3. Officials/ experts of institutions (AU, UNISFA,IGAD)</p>

		4. Individual experts on the Abyei Conflict
	<p>14. State-Society relations: Do you think there is interplay between the local conflict and national conflict? How? How do you see the proxy in Abyei?</p> <p>15. How do you collaboratively work with the respective conflicting parties?</p>	<p>1. Officials/ experts of institutions (AU, UNISFA,IGAD)</p> <p>2. Individual experts on the Abyei Conflict</p>

Appendix 2





