

GOVERNANCE WITHOUT GOVERNMENT

Policy Report to the Sudan Peace Support Project

KUSH Research and Development

I. EXECUTIVE SUMMARY

This is a report to the Sudan Peace Support Project (SPSP) on the implementation of Sudan's Comprehensive Peace Agreement (CPA) with specific reference to the Protocol on the Resolution of the Abyei Conflict (Abyei Protocol).¹ Using a combination of research methods to analyze data from the local area,² the researcher found that the lack of implementation of the CPA in the Abyei area is a threat to the national peace between North and South and that Abyei is a flashpoint from where renewal or outbreak of hostilities might potentially spread to other areas.³

This pessimistic outlook is tempting, but ultimately sees the situation of Abyei as a glass-half-empty. The opinion of the researcher is that the impasse in Abyei may be viewed more creatively as the nucleus of a new system of governance in the making. But to keep alive the vision of a new Sudan, where all Sudanese, irrespective of their race, gender, ethnicity, language, or culture, can identify on equal footing as citizens, the parties to the conflict must reconcile the issues that divide them in Abyei. For this to happen, the international community must remain diligently engaged. The CPA is there to guide this dialogue and serve as the standard for actors at the local, national and international levels to determine how to share assets -- principally land, water and oil -- and how to proceed with the formation of government.

Abyei has the potential to act as a destabilizing bridge between the South and conflicts in other marginalized areas of Sudan, particularly those in the Darfur region. A major factor of concern is that Abyei remains contested and without government. The strategic military location that Abyei presents between Darfur, the Nuba Mountains, Bahr el Ghazal and Upper Nile should serve as a point of cooperation for broader security. As yet, the parties in the North and South have not been able to reach a consensus on how to proceed with the implementation of the CPA in Abyei. Andrew Natsios, the U.S. President's Special Envoy to the Sudan, suggested that the promise of a new Sudan lies in "the ability of the North and South to come to an agreement on the way forward to peace and power sharing."⁴

Locally, the Ngok Dinka and Missiriya Arabs are competing for water and grazing land in areas where the primary occupants were Ngok Dinka before their displacement. This situation was exacerbated by cycles of conflict and now that security has been established for almost eight years, the next great challenge is the return of the citizens of Abyei who

¹ This report was commissioned by the SPSP in an effort to monitor the current situation in Abyei and the area's impact on the CPA parties' good faith implementation of the CPA.

² Research methods included interviews, surveys, focused groups work, literature review and site visits conducted by several KUSH researchers since March 2006: Daniel J. Deng, Belkys Lopez, Charlie O'Connell and Stefan Templeton.

³ Andrew Natsios, "Implementing the Comprehensive Peace Agreement," *Yale Journal of International Affairs*, Summer/Fall 2005, p. 90.

⁴ *Ibid*, p. 97.

were displaced by the war.⁵ Nationally, the National Congress Party (NCP) and Sudan People's Liberation Movement/Army (SPLM/A) are competing for the control of the area and its oil, and hence its administrative future.

Major breaches of the CPA in Abyei include: failure by the NCP to recognize the Abyei Boundaries Commission (ABC) report; failure of the Presidency of the Government of National Unity (GoNU) to establish the Abyei administration; failure to share oil revenue from Abyei; non-integration of the Joint Integrated Units (JIUs) in Abyei; continued presence of armies and other armed groups (OAGs) in the area; and restriction of the movement of the United Nations Mission in Sudan (UNMIS).⁶ While this list is not exhaustive, it covers the main violations.

The guiding paradigm of the researcher's recommendations to the international community, local and national actors is strategic relationship building and the formation of social capital around common asset management, particularly in the areas of land, oil and water. According to Putnam, social capital is formed in three ways: bonding, bridging and linking.⁷ It is the opinion of the researcher that these provide a relevant framework for reporting the findings.

- Bonding suggests the need to build solidarity among the nine sections of the Ngok Dinka. This report has suggested that this could be achieved through the establishment of a common trust to represent the interests of the people of Abyei, their natural resources, and the future generations of the Ngok.
- Bridging suggests relationship building with Missiriya and other neighboring groups, which the report suggests could be the basis for a second Abyei People's Dialogue and a Peace and Development Council, both of which would focus on strategic planning around water.
- Linking suggests relationship building with different tiers of government, culminating in the GoNU. Identifying the prospective supporters of peace and the potential spoilers would be an important part of this strategic relationship building.

II. INTRODUCTION

The report provides recommendations to the Sudan Peace Support Project (SPSP) for engagement with the Government of National Unity (GoNU), Government of Southern Sudan (GoSS), National Congress Party (NCP), Sudan People's Liberation Movement (SPLM) and the international community to bring about conditions that would lead to the implementation of the Comprehensive Peace Agreement (CPA), with specific reference to the Protocol on the Resolution of the Abyei Conflict. A long term solution in the Abyei area requires at least one of two conditions to be met:

⁵ *Ibid*, p. 93.

⁶ These factors were listed in an interview with five members of the Area Ceasefire Monitoring Commission in Abyei town on March 22, 2007.

⁷ Social capital is a concept of development economics that has more recently been applied to peace-building. Putnam is often cited as an authority of social capital, and his definition focused largely on social cohesion within different networks. There is currently vast research on social capital, and much of it employs the three dimensions of bridging, bonding and linking.

- The perceived costs of non-compliance with the CPA must exceed those of compliance;
- The perceived benefits of compliance must exceed those of non-compliance.⁸

The above statement holds true for all stakeholders at local and national level, but has an additional relevance with respect to the NCP. Wunlit peace conference of 1998 between Nuer and Dinka communities demonstrates the interrelatedness of local and national peace processes. By restoring peace between these highly militarized and politicized ethnic communities, actors at a local level were able to contribute towards stabilizing the country at the national level, and thereby set the stage for the deliberations that eventually led to the CPA. According to Jok Madut Jok and Sharon Elaine Hutchinson:

During June 1998, a score of Dinka and Nuer 'border' chiefs, under the auspices of New Sudan Council of Churches, were brought together in the northern Kenyan town of Lokichokkio to discuss reconciliation... The optimism sparked by this workshop set the stage for the larger and more ceremonial 'Dinka and Nuer Peace Conference' held in Wunlit during February and March 1999.⁹

The success of the Wunlit conference and its contribution to reconciliation in the South that unified the Southern position in the peace talks with Government provides evidence that supporting the emergent local peace and governance processes in Abyei could help to stabilize peace at the national level, while also complementing higher level diplomatic efforts in resolving the conflict in the area. Furthermore, Abyei's development would have direct relevance for the prospects of good governance in the South and might potentially help to stabilize Sudan's other volatile border areas.¹⁰

Southern Sudan is in the process of creating new governance structures and institutions after the signing of the CPA.¹¹ Laws are being crafted and adopted through the Southern Sudan Legislative Assembly (SSLA), policies are being developed by the ministries of the Government of Southern Sudan (GoSS), the Sudan People's Liberation Army (SPLA) is being professionalized and development plans are being formulated by County Administrations with support from the United Nations and international agencies.¹²

⁸ This analysis is based on an interview by Dr. Francis Deng with Dr. John Garang de Mabior in his hotel room at the Sheraton Hotel on Pennsylvania Avenue in Washington, D.C. in 2005 after the signing of the CPA.

⁹ Jok Madut Jok and Sharon Elaine Hutchinson: "Sudan's Prolonged Civil War and the Militarization of Nuer and Dinka Ethnic Identities," *African Studies Review*, Vol. 42, No. 2., Sep., 1999, pp. 131-132.

¹⁰ These areas are in close proximity to the Darfur conflict, share similar dynamics of ethnic tension and resource competition, and therefore pose an additional threat of expansion and negative reinforcement.

¹¹ The Comprehensive Peace Agreement (CPA) was signed on January 9, 2005 by Omer el-Beshir (representing the NCP) and Dr. John Garang (representing the SPLM/A). The CPA establishes Africa's newest government, the Government of Southern Sudan (GoSS). The transitional period is therefore characterized by state-crafting and institution building.

¹² There are 98 Counties in Southern Sudan, although the number has risen and fallen with the turbulent demarcation of County borders after the CPA. Each County is headed by a Commissioner who is supported by an Executive Director. One of the principal benchmarks for local government, according to the U.N. Local Government Recovery Program (LGRP), is the establishment of County Councils to oversee local

Yet the Abyei area still does not have an administration or generally accepted boundaries. This makes it the only area in the Sudan with no government. Community participation is high in Abyei, relative to other areas, as people are responding to their basic needs in creative ways, but the level of assistance is far from what is necessary.¹³ For example, KUSH found that 14 of 21 water points in Abyei surveyed were contaminated by e-coli bacteria, and none came near to providing for the full needs of the people already in the catchment area, let alone the returnees. In the early phases of return, water and sanitation have emerged as major vectors for disease and potentially conflict.

III. ANALYSIS OF THE CRITICAL ISSUES

In the past, the Government of Sudan (GoS) has been repeatedly accused of agitating and arming the Missiriya to target their Dinka neighbors. Using the slogan of *Jihad*, holy war, the previous Government mobilized counter-insurgency militias from amongst the impoverished Arab nomads, who then launched a genocidal act of plunder and displacement, with some of the highest civilian casualties experienced during the war.¹⁴ Local conventions and mechanisms for sharing water and grazing land among the Ngok and Missiriya were abandoned. The heat of an expanding desert exerted a pressure on the water-starved Arab nomads, who, according to Sharon Hutchinson, were “trained in counter-insurgency methods by the Sudanese army and entrusted with the task of depopulating the oil fields north of Bentiu.”¹⁵

And yet, since 2000, there has been an undercurrent of peace building from the local level where first the chiefs, and more recently the militias, have come together and taken the initiative to open a dialogue on political as well as military issues.¹⁶ This report recommends a strategic approach in relationship building to facilitate the emergence of a local peace process in Abyei that reinforces national peace in a win-win scenario for the Ngok Dinka and the Missiriya, North and South.¹⁷ Other options would require

administration, including through standard planning units to develop local development plans. The first ever Commissioner’s Forum held in Yei from Dec. 11-15, 2006 brought together almost all of the leadership from these County administrations. Meanwhile, Abyei remains without an administration.

¹³ Among the individuals who cite the unique levels of community participation in Abyei are senior representatives of the National Democratic Institute (NDI) who were interviewed by the researcher on March 19, 2007 in Juba regarding their civic education, focus groups, and radio programs implemented in Abyei and other areas of the South, including the Nuba Mountains and Southern Blue Nile.

¹⁴ Sharon E. Hutchinson, “A Curse from God? Religious and Political Dimensions of the Post-1991 Rise of Ethnic Violence in Southern Sudan,” *The Journal of Modern African Studies*, 39, 2 (2001), p. 312 [citing Mohamed Salih & Harrir (1994)]; and John W. Burton: “Development and Cultural Genocide in the Sudan,” *The Journal of Modern African Studies*, Vol 29, No. 3 (Sep., 1991), p. 518 [quoting Douglass Johnson (1988)].

¹⁵ *Ibid.* This area of Bentiu actually straddles the Abyei border as determined by the Abyei Boundaries Commission (ABC), hence putting some of this area in Abyei. In fact, the whole of Abyei was depopulated by these same militias.

¹⁶ The Akur Peace Agreement was signed in 2000 and while it has not received the attention of the Wunlit conference, it was an important contributor that stabilized Abyei enough that the protocol on the resolution of the Abyei Conflict could become possible.

¹⁷ Eastern Mennonite University (EMU) has conducted extensive research on its peace-building programs across the world, and concluded that social capital is the most appropriate lens for assessing impact. They have developed a conceptual framework for their work that looks at peace-building as strategic relationship building. This approach recommended for peace-building in Abyei.

overwhelming political and military support from the international community to enforce rule of law, an approach not feasible given the current state of affairs. The report will therefore address three stated areas of concern expressed by the SPSP:

- o The absence of government administration in Abyei,
- o The role of Civil Society, including Traditional Authorities, Sudanese Indigenous Non-Government Organizations (SINGOs), International NGOs, the United Nations and the Private Sector; and
- o The return of Internally Displaced Persons (IDPs).

A. THE LACK OF A GOVERNMENT IN ABYEI

As mentioned earlier, Abyei is the only part of the Sudan without government. The Sudan Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) are respectively amassing forces to the north and south of the river Kiir, which is located 5 kms south of Abyei town.¹⁸ All indications are that they are preparing for a possible war to secure the sensitive North-South border. UNMIS peace monitors and the Area Ceasefire Commission are restricted to a one kilometer radius of movement around Abyei town. That SAF forces are concentrated around the oil wells suggesting their strategic interest is to control the oil fields through military force.¹⁹

1. Abyei as a Model for the New Sudan

The Abyei Protocol represents a model for constructing a decentralized government unit that fosters integration along borders. This question of border integration has posed serious difficulties for GoSS and, in some form or other, all previous governments. At the first ever Commissioner's Forum held in Yei from December 11 - 16, 2006, the Local Government Framework²⁰ was endorsed for submission to the GoSS Ministry of Legal Affairs and Constitutional Development (MOLACD) for legal drafting as an Act to be tabled before the Legislative Assembly.²¹

In the South, the question of how revenue will be shared between GoSS, the 10 States and the roughly 98 Counties is contentious.²² Although, the principle of decentralization has been accepted by all, including the GoSS President and Vice-President, how this practically relates to budgeting, revenue appropriations, and allocations remains poorly

¹⁸ The Spokesperson of the SPLA, Major General Kuol Diem Kuol, said on May 16th "The North is refusing to implement the Abyei protocol. Why should we be withdrawing our troops?" as reported by Skye Wheeler, Juba, Sudan, May 16, 2007 (Reuters).

¹⁹ *Ibid.*

²⁰ The Local Government Framework was developed by the Local Government Board (previously the SPLM Local Government Secretariat) with support from CRS, PACT and UNDP beginning in 2004.

²¹ The number of counties in the South has varied between 75 and 108 due to the proliferation of administrative subdivisions before and after the signing of the CPA as local areas tried to increase their political representation. At the first ever Commissioner's Forum in Yei (Dec. 11 - 16, 2006), President Salva Kiir Mayardit made it clear in his speech to the commissioners that representation was to be solely based on population and not on administrative sub-units.

²² The Counties would like to receive their portion of the revenue directly, while the States are more inclined to want to control the resources, set priorities and direct development from their level downward.

determined, though it is one of the most important questions of governance.²³ According to Adele Sowinska (CRS) who has worked extensively on the Local Government Framework, there is little understanding between notions of deconcentration, devolution and delegation in the decentralization debate.²⁴

The GoSS has recognized in its workplan for the Local Government Program that for fiscal decentralization to work, strategic action plans are needed at the Boma, Payam and County levels that are owned by the community and reflect their particular needs and aspirations. These would then be rationalized by the States according to the ministerial policies laid down by GoSS, integrating the local governments through these overarching standards and regulations. Most Counties are far from realizing this goal, and some have administrations that are still literally convened under trees.²⁵

Abyei, on the other hand, has formulated a participatory plan and established through democratic elections a local chamber of commerce, a chapter of the New Sudan Women's Association, and a 56-member Abyei Development Committee (ADC). These emergent organs of civil society have not suffered the problems that ultimately occur when the dependency on scarce funding sources begins to determine the organizational structures and processes. Rather civil society in Abyei is still fresh and there is a chance to work with these structures under innovative frameworks for cooperation. For all intents and purposes, Abyei is a community in every sense of the word.

Abyei was a County during the war. It was divided roughly in half by the river Kiir, yielding a southern section administered by the SPLM civil authority and a northern section administered by Western Kordofan State (now part of Southern Kordofan State) under the NCP-based Government in Khartoum. As far as the nature of local administration is concerned, there are some unique characteristics of the Abyei area that merit consideration in relation to its national role.

The CPA gives Abyei a "special administrative status" directly under the collegiate Presidency without an intermediary level of government.²⁶ According to the Abyei Protocol, the Abyei Area is to be administered by a local Executive Council that is to be elected by the "residents of Abyei" and pending such elections, to be appointed initially by the Presidency.²⁷ The Executive Council is composed of a Chief Administrator, a deputy, no more than five heads of departments, and supported by an Abyei Area

²³ So far, the budgeting system reflects a high degree of centralization, beginning with GoSS, passing to the States and trickling to the local governments.

²⁴ Adele Sowinska is the head of programs for CRS Sudan.

²⁵ During the 2006 fiscal year, GoSS gave each of the 10 States under its jurisdiction a block grant of \$10 million, of which 74% was meant to be expended by the State and 24% transferred to the Counties. Most of this money was spent on paying the bloated civil service which has yet to be rationalized through the eagerly anticipated Public Service Act. A lack of banking facilities and identity verification systems across the South also makes payment of these civil servants an inherently messy and conflict ridden process, further encouraging fiscal centralization.

²⁶ Protocol between the GoS and the SPLM/A on the Resolution of the Abyei Conflict, Art. 1.2 (Naivasha, Kenya May 26, 2004) ("Abyei Protocol"). The existence of Counties and States under GoSS creates a natural tension within the decentralization agenda of the SPLM. Power and revenue are being contested between the State and County government (and further down to the Payams and Bomas). GoSS is the ultimate arbiter and power-broker in this situation as it has exclusive first access to oil revenue from Khartoum, which is currently financing government at all levels. (include budgetary figures and the current breakdown to the states counties)

²⁷ Abyei Protocol, Arts. 1.2.1.

Council.²⁸ The Abyei Area Council is to be composed of no more than 20 members and like the Executive Council, the members are to be appointed initially by the Presidency and then by elections.²⁹ To date, the collegiate Presidency has made no appointments as per the Abyei Protocol. The residents of Abyei, the Ngok Dinka, are accorded dual citizenship in the North and South, specifically Southern Kordofan State and Bahr el Ghazal.³⁰

There are a number of reasons for Abyei's importance as a model for the New Sudan:

- Abyei's historical role as a bridge between North and South;
- Active community participation in local governance and development;
- The legal basis of local government established by the CPA innovatively decentralize power;
- A 3-year strategic plan is already in place, laying out nine priority sectors with associated costs that can be implemented locally with national support;³¹
- According to the terms of the CPA, the Abyei Area is guaranteed an annual budget from oil revenues to support its development plan;
- Human capital in Abyei benefits from the exposure to North and South in that many who were displaced to urban areas on both sides had access to education and skills training;
- The placing of the area under the collegiate presidency makes cooperation on the issue of Abyei a litmus test for the CPA and the possibility of national partnership between the NCP and SPLM;
- The agricultural potential of the area supports the policy of the Government of Southern Sudan to "use oil revenue to fuel agriculture as the engine of development that takes towns to people in the rural areas."³²

2. The Perspective of the Returnees

²⁸ *Ibid.*, Arts. 2.4 & 4.1- 4.3.

²⁹ Abyei Protocol, Arts. 4.1 & 4.2. The Ngok Dinka are to be accorded 2% of oil revenue accruing from oil produced in Abyei, the Misseriya people are allocated 2% as well, and the Abyei Areas is entitled to its "area share of the national revenue as per the Wealth Sharing Agreement" of the CPA. *Ibid.*, Arts. 3.1.5 & 3.2.1.

³⁰ Abyei Protocol, Art. 1.2.1.

³¹ Abyei Recovery to Development Roadmap was an extended participatory planning process that produced the Abyei Area Strategic Action Plan (AASAP), which now needs to be revised according to the time that has elapsed (originally it covered the period 2006-2008).

³² The late Dr. John Garang de Mabior often used this slogan during his public rallies, and the SPLM Economic Commission developed it in their 2004 publication, *Integrated Strategic Framework for War to Peace Transition*.

The encouraging points above notwithstanding, Abyei is caught in a precarious limbo between the interests of parties who have not yet found points of agreement necessary for their cooperation. One way to assess CPA implementation in Abyei is to consider what the citizens of the area have to say. The following is a synopsis of the perspectives and opinions of returnees to Abyei. The data was gathered in March, 2006, in a series of focus group discussions held in Abyei. Generally, the respondents agreed that as one elder male put it “[t]here is no peace in Abyei, because nothing has been implemented that is in the Abyei Protocol.”

The returnees appear conscious of the political rights accorded to them in the CPA. According to another elder male, “No implementation of the CPA has taken place in Abyei and the Civil Administration is still under Muglad, Fula and South Kordofan. We want all officers from these areas to go back, even though there is no implementation of the CPA. We would rather be without Government [then be under Northern administration].” Six months later, the Northern administrators were indeed driven out of the offices by a group of youth from Abyei who alleged that local taxes were collected and being taken to the North without accountability.

Another respondent noted that “the international community should give the seat of Chief Administrator to be selected by the First Vice-President and the President for the South, because we cannot trust that Bashir will give the seat. After completing the first three years, we want the journalists to show the international community what is harming us here.”

The perspective of the returnees is dominated by a desire to see development. One elder male noted that “[n]othing can show that there is peace in Abyei because there are no services provided for the civilians.” They are also concerned about the role of the international community. A major complaint of the returnees concerns alleged resettlement of Missiriya on the land of the Ngok Dinka with the direct complicity of oil companies.

Many respondents appeared to be dismayed by the apparent cooperation of the U.N. in resettling of Ngokland. As one respondent noted, “We, the people of Abyei, thought that the U.N. will be at least neutral and provide essential humanitarian services for the returning displaced people of Abyei. Instead, its efforts are presently directed at helping the Missiriya settle in the Ngok Dinka demarcated areas.” He continued:

These international organizations have taken the view that the dispute is between the Ngok Dinka and the Missiriya, and are fanning the flames of violence between the Ngok Dinka and the Missiriya. It is understandable that the NIF/NCP and the Chinese oil company would be doing that, but it is bewildering to us for the U.N. to take sides in the conflict. However, the fact is that the CPA and the Abyei Protocol are between the NIF/NCP, GoS and the SPLM/A, as witnessed by the world community, including the U.N. The actions of these organizations are no less in violation of the Protocol as the actions of the NIF/NCP and the Missiriya.

The people of Abyei are also well aware of the bottom line factor in the Abyei situation, which was well expressed in the words of one female respondent: “For the interest of oil, [the NCP Government] wants to highjack our land.” Another man elaborated:

The Government sets obstacles in that they want the oil companies and the international community, as well as the U.N. agencies, to develop the areas north of Abyei town for the Arabs to be settled there. But that land is Ngokland, and there is no place in the world that nomads and traders are served with relief in someone else’s land to encourage them to occupy it. For example, last year, they drilled a borehole and built a school and a hospital on the migration route in our land for the Missiriya, and provided food for them for five months so that settlement can be made here for the Arabs on our land, but not for us. The Arabs are settled in Dinka areas and they give these areas Arab names. They are changing our indigenous names for these places.

Another respondent addressed the disappointing role of the UNMIS to Abyei:

The Zambians (UNMIS) are doing a bad thing in Abyei because when SPLA soldiers return from the North they are taken to South, while the Zambian peace monitors leave the Arabs terrorizing in the northern part of Abyei. They do not seem to believe in the Abyei Boundaries Commission Report. Two enemies can’t implement the CPA by themselves. The monitors should not monitor only, but also they should help in the implementation of the Agreement.

The returnees are ready to reconstruct their homes, but as one man put it, “[they] are waiting for the Government or a system to be established in Abyei, because [they] may build now and later be told that [they] built on the road. So they are avoiding such a problem, because no plan for the town yet exists.” He continued, “We need surveys, mapping and plans for our area because we have been living in shanty towns for decades. Our huts catch fire because of disarrangement in the building. There are no spaces between the houses.”

Although these interviews took place over a year ago, the situation in Abyei is still much the same, only more in need under the strain of additional people. In April, 2007, a senior UNDP official in Abyei explained the process: oil companies drill boreholes to provide water, the government provides tractors to the farmers, and NGOs/UN are approached to provide food, build schools, and establish primary health care units. This nucleus of services is designed to facilitate the resettlement of Missiriya on Ngok land.

3. Conflicts Over Borders, Identity and Resources

The political impasse over the implementation of Abyei Boundaries Commission (ABC) Report and the local administration provided for in the Abyei Protocol centers on the issue of self-determination and the right of the people of Abyei to vote in a popular referendum to determine their administrative status between the North and South. On the same day as the referendum for Southerners in 2011 to decide their administrative future, either as part of a united Sudan or as an independent state, the people of Abyei

will decide to join the South or remain in the North. The fact that the ABC's findings and determination located much of the oil in the Abyei area, coupled with the fact that the people of Abyei, for the time being, seem more likely to vote to join the South, makes the situation appear as a zero-sum conflict. Despite the fact that the ABC determination was to be final and binding, it has been rejected by the NCP.³³ This constitutes a test to the parties and the international community.³⁴

Abyei is unique in that, since 1905, it was administered as part of the North, but culturally and linguistically, has remained part of the South. On May 27-29, 2006, a joint meeting between the SPLM/A and the [National Islamic Front] NIF/NCP addressed the issue of the failure to implement the Abyei Protocol. The outcome of the meeting was that the SPLM agreed to four options,³⁵ none of which were acceptable to the local Ngok who released a position paper stating that following any of the four options would dismantle the CPA.

Historically, the Ngok are aligned with the SPLM and the Missiriya with the Government of Sudan, yet, in recent years, the allegiance of the Missiriya seems to be tilting as they become more conscious of their Southern interests. Despite the fact that the perceived space separating the interests of the Ngok and the Missiriya is closing, national politics continue to pose the biggest threat to local peace.

Another meeting to address the situation in Abyei was held over a year later in March, 2007. Once again, committees were formed to represent the SPLM and the NCP with the additional involvement of the local community. The parties almost agreed to the compromise of establishing an interim administration in Abyei that would use as its northern border the 10°22', which is the beginning of what the ABC calls the shared rights zone, where both the Missiriya and the Ngok share primary rights.

The main thrust of the NCP position is that there should be an interim administration established in Abyei, and that this administration should not be dependent on borders. Furthermore, the NCP argues that the interim administration should have a dominant NCP representation and be made up of both the Ngok Dinka and the Missiriya. Although

³³ The definition of County and Payam boundaries is a source of conflict within the emerging GoSS decentralization framework, with some communities and/or their political leaders thinking that having a more localized administrative boundary will afford them greater representation in the Southern Sudan Legislative Assembly and more access to resources from GoSS. This led to the proliferation of Counties, but the GoSS President was clear in his presentation to the Commissioners Forum that representation in the Legislative Assembly would not be territorially based, but would be based on the population size alone. (Speech by Pres. Salva Kiir Mayardit to the Commissioners Forum, Dec. 11, 2006)

³⁴ The international experts on the ABC included Ambassador Donald Peterson as Chairman, with membership of Professor Godfrey Muriiki, Professor Birhan Gassahun, Dr. Douglas Johnson and Professor Shadrack Gutto. The ABC was to listen to the representatives of Abyei Area and the neighbours, the presentations of the parties, and to consult the British archives and other relevant sources on the Sudan wherever they might be available, with a "view of arriving at a decision that shall be based on scientific analysis and research." The ABC began its work on April 12, listening to the formal testimony of 104 persons, including 47 Ngok Dinka and 57 Missiriya. It also compiled volumes of material from the British and Sudan archives, views of surviving former colonial administrators, books and articles before delivering its report and decision on July 14, 2005.

³⁵ The NCP rejected the ABC findings arguing simply that the Commission had exceeded its mandate.

³⁶ The four options were: recall of the experts to explain and defend their decision; referring the matter to the Presidency for political decision; referring the matter to the Constitutional Court; and resorting to an external arbitration.

some of the Ngok Dinka leaders are supportive of rapid appointment of the transitional administration to fill the vacuum, many also feel that the Abyei Protocol should first be implemented in full, including the implementation of the ABC findings and determination of the borders. They also express concern with respect to the role the Missiriya should occupy in this administration.

In the end, the committees could not agree and it was declared by President Omer el-Bashir that the matter would be handled by the Presidency, which up until recently appears deeply divided on the issue.³⁶ There are currently, however, rumours that an understanding is slowly emerging, but it is not yet clear along what lines.

4. Anatomy of the Conflict in Abyei

What then are the roots of the conflict that pit the Ngok Dinka against the Missiriya? Identity and resources are deeply interconnected fault lines of conflict in Abyei. In terms of identity, indigenous African, Arab and Western cultural influences meet in Abyei. Racially, ethnically and culturally, the Dinka regard themselves as indigenously Black Africans while the Missiriya are considered Arabs. The Ngok provide a strong support base for the SPLM in Abyei, while the Missiriya are associated with traditional political parties in the North.³⁷

These factors cause the Missiriya to identify themselves as Northerners and the Ngok to identify themselves as Southerners.³⁸ This line of cultural articulation becomes a fault-line for conflict when placed in the broader perspective of history and geo-politics in the Sudan. The Abyei Protocol wisely grants the Ngok dual citizenship, while extending the Missiriya formal grazing rights in Ngok land.³⁹ This creates a non-confrontational integration of the neighboring areas as a framework for long-term peace efforts, and allows for conflict mitigation strategies in the short term. It also, however, awards the

³⁶ From a political standpoint, the UNMIS and particularly the then Special Representative of the Secretary-General, Jan Pronk, have suggested that there should be room for negotiation. This view was also expressed to the researcher in a discussion on Abyei with the British Ambassador in February, 2007 in Juba as well as with the Director of PACT (an NGO actor working in the area), Mr. Merv Koup, in the Catholic Relief Services office in Juba in 2006.

³⁷ The Ngok Dinka membership in the SPLM/A include: Minister of Cabinet Affairs in the GNU (Deng Alor), Minister of Presidential Affairs in the GoSS (Dr. Luka Biong Deng), GoSS representative to the AU (Arop Deng Kuol), Head of SPLA Political Orientation (Kuol Deim), Director of Logistics and Procurement (Monydhang Deng), Commissioner for Demobilization and Disarmament (Arop Moyak), member of the Joint Chiefs of Staff (Major General Pieng Deng), Director of Research and Training in the GoSS Ministry of Legal Affairs and member of the Ceasefire Joint Monitoring Commission (Justice Deng Biong), Chief of the SPLA Medical Corps (Dr. Kuol Deng). These high ranking officials in the SPLM/A provide a strong base of support in Abyei for the GoSS.

³⁸ The following quote explains the historical conditions that created the dynamics of identity along the borders and between North and South generally, "While the development of an Arab identity is, in fact, a fairly recent social and cultural phenomenon, Black Africa was for centuries an arena for capturing slaves, and the collective experience of Nilotic peoples vis-à-vis northerners left deeply ingrained animosities and distrust." (Burton, 91; p. 514)

³⁹ The status of Abyei can be compared to that of Washington D.C., which straddled the North-South divide in the American Civil War much in the same way that Abyei straddles Sudan's North/South divide. While the residents of DC have only "shadow representation" in the legislature, the Ngok have representation in the legislatures of both North and South and are indeed citizens of Southern Kordofan State and Warrap State.

right to vote to “residents” of Abyei which are defined as “[t]he members of Ngok Dinka community and other Sudanese residing in the area”.⁴⁰ The ambiguity of this definition, particularly as to how Missiriya nomads will be counted, presents some problems of interpretation and should be considered in light of the allegations that Missiriya are being resettled into Abyei against customary agreement.

If a resolution is found to the impasse on Abyei, it would be a major contribution to the wider efforts to develop local government structures in Sudan. At the same time, conditions for conflict in Abyei abound, and if an appropriate process of mediation is not able to determine consensual agreements around shared assets, violence may well ensue.

The challenge of conflict resolution in Abyei is not so much in the politics of identity per se, but rather in the perception of resource scarcity (particularly water) which enables divisive manipulations of sympathies and sentiments by external elements bent more on controlling oil resources. To put it simply, the problem in Abyei between the local populations is about water with identity factors as a complicating element manipulated by political and religious elites mostly at the national level. As Andrew Natsios points out, “Migration back to traditional grazing and watering areas will provoke conflict over ownership of land, water access, and livestock grazing rights.”⁴¹

In historical context, this manipulation of identity has followed the nomads with the southward push of the desert. In 1991, [before oil was discovered in Abyei], John Burton explains, “The southern Sudan has become a physical resource for northern exploitation, notably water and (at least potentially oil). At the same time, recent events suggest that the Nilotic peoples are to be exterminated or transformed in the image of northern cultural identity.”⁴²

Despite the accuracy of Burton’s observations regarding what he calls ‘cultural genocide’, the opinion of the researchers is that the Missiriya and Ngok do not have deeply rooted conflict. The mutual trauma and mistrust of the two communities notwithstanding, conflict between the Missiriya and the Dinka can be remedied and even transformed if the appropriate conditions are met. The CPA allows for such conditions, but only if implemented in letter and spirit.

The Missiriya live a vulnerable existence on the southern fringe of an expanding desert. They live in the desert as nomads, drifting southward in search of water in a push that has become a deeply internalized driving force with profound cultural implications. Their nomadic lifestyle depends on cattle, but their increasingly barren terrain barely allows for their own subsistence. Some Missiriya explained to KUSH researchers in March, 2003 and again in November, 2006 that their cattle are dying, their children are uneducated, their adults illiterate, and their women forced to fetch water from hand dug wells that are all too often contaminated.

⁴⁰ Abyei Protocol, Arts. 2.2, 6.1 – 6.2, & 8.2.

⁴¹ Natsios, p. 93.

⁴² John W. Burton: “Development and Cultural Genocide in the Sudan,” *The Journal of Modern African Studies*, Vol 29, No. 3, Sep., 1991, p. 514.

For the impoverished Missiriya, northern governments have promised ownership of the rain-fed lands of the Ngok Dinka, where the Missiriya have traditionally passed only as visitors during the dry season. In the past, this was well regulated and carried out peacefully between the Missiriya and Ngok Dinka. Tensions began to develop in the 1960s, with the war in the South extending into the area. In the early 80s, the conflict intensified and the NCP equipped the Missiriya with weapons and logistics to carry out scorched earth campaigns, which later evolved into today's counter-insurgency warfare fought through proxy militias.⁴³

When viewed from this standpoint, the manipulation of identity becomes a key factor that is enabled by the insecurity of the Missiriya's livelihood and subsequently fueled by the manipulation of cultural and religious symbolisms and identifications. The Missiriya were mobilized on the basis of Islamism and Arabism, using their status as a resource-scarce people to pit them against their more endowed African neighbors to the South.

The conflict in Abyei would therefore seem to be rooted, first and foremost, in the Missiriya's environment and way of life. The balance of forces in Abyei is now such that many Missiriya have come to see that they have little choice but to align with the Dinka. Conflict with the SPLA would be too costly and the future of the Missiriya, as they see it, is linked to the water and grazing lands of Abyei. The strength of the GoSS and the increased financial revenue of the SPLA mean that never again will war on the borders be a one-sided infliction of atrocities by northerners against southerners. In the words of one Missiriya man interviewed by the researcher, "It was we who brought war to Dinka land from this very camp, but it has brought us nothing but disaster and suffering. That is why we are now the ones who are bringing peace."⁴⁴ If it is true that a critical mass of Missiriya is interested in peace, then a strategic investment in relationship building could go a long way to stabilize the tense border.⁴⁵

The CPA sets the conditions by which the Sudanese may transform their competition for resources locally and nationally into cooperation and productive exploitation, but they must in the process stop destruction of the habitable environment from deforestation and water pollution from oil wells. The long history of the conflict in Abyei is analyzed above from an environmental perspective based on the encroachment of the Sahara Desert further south into Africa. Erstwhile foes may indeed cooperate economically to meet basic needs or for commercial purposes, but if the effort at peace is to be sustained they must cease the deforestation of human habitat, abandon practices that pollute water and initiate projects of forest re-growth as a long term peace measure.

⁴³ This is the case in Darfur with the NCP-dominated government supported counter-insurgents, the Janjaweed militias.

⁴⁴ This statement was made by a Missiriya man who addressed a USAID delegation (including the researcher) in March, 2002 when speaking about how the Missiriya had embarked on a peacemaking mission across the River Kiir. This mission was undertaken by the Chiefs who set in motion a local dialogue that culminated in the Akur Agreement in 2000. Since that Agreement, there has been relatively few incidents of violent conflict in Abyei.

⁴⁵ Such an investment will spark resistance on both sides locally and nationally, and therefore must be backed by capable individuals at all levels of the political and economic pyramid. The SPLM is represented in the Abyei Area by Musa Malei. According to anonymous sources interviewed by the researcher, the current SPLM representative has not shown interest in engaging with the Missiriya who have come forward to join the SPLM/A.

5. Conflict Transformation through Local Development Planning and Security

Two critical elements of production, land and water, are the focal points around which dialogue between Missiriya and Ngok should be oriented in the first instance. Land and water are part of the common good of each people, governed by customary law and land rights. The type of planning that produced the Abyei Area Strategic Action Plan (AASAP) should now be focused on the development of the border areas with a focus on land and water.⁴⁶ Subtler issues of identity could be addressed as a longer term objective within this framework.⁴⁷

The threat of Darfur's Janjaweed spreading south through Abyei is a real concern that may also be addressed in this manner. Neutralizing the capacity for the NCP to mobilize the Missiriya to wage war for them in the future, as they did in the past, would defeat a military strategy predicated on further dividing these already conflict prone communities.⁴⁸ This would suggest a strategy of helping the Ngok and the Missiriya to organize themselves into non-governmental networks and other corporate structures. Indeed, if the right formula were found, some form of a corporate body could be established to represent shared interests, such as those specified in the Abyei Protocol.

In a very real sense, the situation in Abyei is a litmus test for the CPA and the viability of the collegiate Presidency.⁴⁹ The people of Abyei consistently ask the question, "What about the CPA?"⁵⁰ They allege that the GoS is actively promoting the militias in order to destabilize Abyei as a pretext for dishonoring the CPA, particularly as regards to exercising the right of self-determination.⁵¹ There are currently at least three militias active in the Abyei area, and the researcher was present in March, 2006 when one of

⁴⁶ This Abyei Area Strategic Action Plan (AASAP) was undertaken by the people of Abyei area under the guidance and auspices of the Abyei County Development Committee (ACDC), which received sponsorship from Abyei Community Action for Development (ACAD), USAID/PACT, United Nations Development Program (UNDP), GOAL Ireland Sudan Programme and Ngok community contribution in Abyei County, and relied on the participation of the Abyei administration, civil society and the Ngok Dinka communities living in Abyei Area, Southern Sudan, Northern Sudan, Kenya, Uganda, United States, Australia, Canada, United Kingdom and Ireland.

⁴⁷ While the identity factors are manipulated because of livelihood insecurity of the nomads, identity factors are deeply rooted in cultural adaptations based on a long history which shows that "[t]he present regime of northern Sudan seeks to be inclusive by a process based on the premise of obliterating all identities other than that which it has constructed for itself." Gabriel Meyer: "Stories from Sudan: Understanding the Region" in *Vital speeches of the day*, Sept., 2006, ABI Inform Global, p. 641.

⁴⁸ It has been argued that Southern military leaders used this same tactic during the war, specifically in the battles between John Garang's SPLA and Riak Machar's SPLA United. "Mixing political differences with economic competition, and emphasizing to each group the danger presented by the other, is the only way Riak and Garang can get is fight their wards for them." Jok and Hutchinson (1999; p. 131) citing a former SPLA soldier.

⁴⁹ Outcome of current deliberations.

⁵⁰ A woman interviewed by KUSH in March, 2006 noted, "It was said in the Agreement that there would be no other militias remaining in between the Movement and Sudan Armed Forces. All the militias should go to one side, but they are still moving according to their wishes in Abyei." Although this situation seems to have improved somewhat a year after this interview (the militia in Abyei town has relocated outside of the town), the presence of OAGs continues to be a violation of the CPA.

⁵¹ Such allegations are being made publicly with increasing regularity since the disturbances in Malakal in November 2006 and those in Juba in December. In Malakal, fighting broke out between SPLA and Sudan Armed Forces (SAF), killing 88 people and injuring another 256 according to GoSS sources. In Juba, soldiers from the Joint Integrated Units (JIUs) crossed the river and began firing in the capital city over grievances concerning pay. Two people were reportedly killed as a result.

these militias allegedly killed at least twenty SPLA soldiers in an ambush and again in March, 2007 when an International Organization for Migration convoy of returnees was ambushed outside of Merrim.⁵²

Small arms are ubiquitous along the north/south border in Abyei as they are in many parts of Southern Sudan. Most family homesteads have at least one gun. On March 7, 2006 a contingent of unarmed SPLA soldiers under the command of Major General Paulino Matip were being relocated from Khartoum to the Southern Sudan as part of the integration process with the SPLA. The ambush of these unarmed soldiers by one of the southern militias in Abyei resulted in deaths, and could have triggered escalating cycles of violence had the SPLA not opted to maintain a low profile. In the future, it is not guaranteed that the SPLA would show such restraint.

The March 7, 2006 security incident along the road to Khartoum was indicative of the situation as it pertains to small arms in the area. While the militiamen are not seen with guns under normal circumstances, they were on full patrol after the incident and were openly carrying AK-47s and Kalashnikovs. According to the local people, who had also armed themselves, the NCP-dominated government holds the guns of the militias, but distributes them when there is deployment.

This insecurity makes strategic relationship building and local planning between the Missiriya and the Ngok more difficult. As long as insecurity reigns in the area, the Ngok will mistrust the Missiriya and the two communities will find it difficult to convene for the needed dialogues. It is therefore encouraging that the Missiriya themselves have taken the initiative to raise the security issue as part of a gesture of reconciliation with the Ngok.⁵³ Without this good will locally, there would be little hope for sustaining the peace in Abyei, since, as the report will elaborate the private sector interests in oil and arms place the weight of two of the most secretive industries in Sudan heavily on the strained relationships along the border.

B. THE ROLE OF CIVIL SOCIETY AND THE UNITED NATIONS

1. Civil Society and Traditional Leaders

Without a local government to administer the area's share of oil, and with the NCP still refusing to release any funds to the area, Abyei has experienced a gap in relief, development, and investment, particularly in its infrastructure. Furthermore, the International NGOs operating in Abyei were frustrated in their attempts during 2005 and 2006 to launch programs, though there has been marked improvement in 2007.⁵⁴ The

⁵² One of the Missiriya militias has the declared intention to keep Abyei as part of the Northern Sudan, one seeks to reestablish Western Kordofan State, and one is a remnant of a Southern militia group, commonly associated by the local Ngok Dinka with the Twic Dinka, who border Abyei to the South.

⁵³ Reports from the field indicate that a large number of Missiriya militiamen have publicly announced that their allegiance is with the SPLA. Furthermore, Missiriya leaders have guaranteed returnees to Abyei protection as they move through the land of the Missiriya. Cooperation on security may therefore be the first step in opening up a broader dialogue focused on development and peace-building.

⁵⁴ From an interview with Bol Dau Deng, SRRC, Abyei, March, 2007. The following international organizations are active in Abyei: Mercy Corps (lead agency in a consortium managing USAID LINC program and UNDP RRP), PACT (managing USAID people to people peace and water projects), Save the Children

lack of investment in the area undermines the sustainability of return but has also reinforced the commitment of the local civil society to step in and fill the gap, one of the paradoxes of lack of government in the area and living under threat in Sudan.

In April 2000, the Akur Peace Agreement was signed between the traditional authorities of the Missiriya and the Dinka. This local peacebuilding initiative created a secure environment for humanitarian organizations to begin providing basic needs.⁵⁵ In June, 2003, the Abyei People's Dialogue was convened in Agok, launching the Abyei Recovery to Development Roadmap that produced the AASAP in early 2005.

The AASAP achieved broad-based participation in establishing a workplan and budget for the area's recovery over a 3-year period and at an estimated cost of \$157 million. This has set Abyei ahead in terms of planning for humanitarian assistance and reconstruction. It also set the context in which Dr. John Garang would later remark on his visit to Agok that Abyei would not only be a model for the South, but indeed for the whole Sudan. Since a local plan exists for integrated development, the international agencies should use it as a basis for their programming.

2. International Agencies and the United Nations

The role of the international community in Abyei has been ambivalent. The United Nations Development Program (UNDP) in 2001 launched the Program Advancing Conflict Transformation in Abyei, which included facilitating the establishment of 3 resettlement villages. On a USAID mission to the area in March, 2002 by Roger Winter and Dr. Francis Deng (accompanied by the researcher), it was evident that the U.N. was including the Missiriya in the resettlement of villages considered by many as the traditional lands of the Ngok Dinka. This produced significant concern within the delegation, including a pronounced statement of concern by Roger Winter, then Assistant Administrator of USAID and Dr. Francis Deng, then Special Representative to the UN Secretary General on the Human Rights of Displaced Persons.

3. The Private Sector

The historical pattern in Abyei and throughout the Sudan has been that the Arab Islamic ruling elite at the center extracts the resources of the peripheral non-Arab regions without any reinvestment into the local economy. Without these resources and with a fragmented humanitarian response, it is impossible for the local people to construct meaningful economic linkages around strategic resources. This type of exploitation is further evidenced in the lack of corporate responsibility, particularly in the oil sector.

US (RRP and water), Goal Ireland (health and nutrition), and Creative Associates (USAID HEAR Sudan project), UNDP, UNICEF and Medicins Sans Frontieres. Their work is greatly appreciated, and is now the primary force for development in the area.

⁵⁵ Shortly thereafter, Dr. Francis Deng donated a \$25,000 Rome Peace Humanitarian Action Prize to the area as seed funding for a task force from the United Nations that would work towards the return of IDPs in safety and with dignity. This led to the UNDP-led Program Advancing Conflict Transformation in Abyei (PACTA), which organized the first resettlement of displaced Dinka from Abyei town to 3 surrounding villages in 2001/2.

The Chinese oil companies have not involved the local community in their exploration and their partners in the NCP-dominated government have shown little, if any, regard for the local people. As Eisenman and Kurlantzick put it in writing about China's Africa strategy, "China's unwillingness to put any conditions on its assistance to Africa could undermine years of international efforts to link aid to better government... Beijing's influence must be weighed in light of the fact that China, at least for now, does not share American values of democratization and good governance-in Africa or anywhere else." They went on to say that "Chinese firms with state links often have poor standards of corporate governance, including a lack of transparency."⁵⁶ This type of business model could prove disastrous to the conflict in Sudan and cannot be taken lightly. It begs the question: Under what conditions would China become a constructive force that supports both economic development and peace?

The local people are not oblivious to the fact that they are losing out in the midst of large-scale exploitation of the area's natural assets. One woman interviewed by KUSH in March, 2006 illustrated the point when she said that "Abyei is rich of natural resources but we never benefit from them. Up until this time, we have never received the 2% of oil wealth for Abyei. These natural resources have negatively affected implementation of the peace agreement, and even the decisions of the ABC." Hence in Abyei, at least for now, oil appears to be a curse for the local people, despite the promise that it could one day fuel development.⁵⁷ If they are taken simply like this, then there will be no peace." It is even difficult to know what the reserves themselves contain since this is highly guarded information within the industry⁵⁸, although findings from a soon to be released report by International Crisis Group suggest that the drastic drop in reported levels of production from Abyei and the fact that the fields in Abyei are among the oldest, may signify a drying up of the fields. More research is needed to establish the veracity of this supposition,

Human security in all its forms is under extreme duress in the area from the harsh environmental conditions, underdevelopment, and the strain of returning populations of internally displaced persons. The insecurity posed by nomadic groups as they organize in the area is used by the SAF to explain why they are deploying soldiers to the area. These soldiers are alleged to be taking formations around oil fields in Ngok Dinka land in violation of the Wealth Sharing Protocol.⁵⁹ The GoSS President and the Spokesperson for the SPLA have both alleged on record in recent months that Government soldiers refuse to leave Abyei.

⁵⁶ Joshua Eisenman and Joshua Kurlantzick: "China's Africa Strategy" *Current History*, May 2006, 105, 691, p. 223-224.

⁵⁷ Despite the lack of definite statistics, it is known that there is a significant amount of oil in Abyei and that this oil serves as a source of conflict. As pointed out by one of the focus group respondents, "We fought because of these resources.

⁵⁸ While Stefan Templeton's ESTIMATE survey, (unpublished report May, 2007), ascertained a wide range of information, the oil sector information in Abyei was the most difficult to penetrate. The Area Joint Ceasefire Monitoring Commission informed KUSH that the oil companies are being defended by SAF and build circular roads with defenses around the wells so that there is no public access to the oil fields.

⁵⁹ Insecurity in Abyei is the main explanation that the SAF gives for deployment in the oil fields.

C. THE RETURN OF INTERNALLY DISPLACED PERSONS (IDPS)

The population of Abyei in 1983 was approximately 300,000. Reports indicate that 87% of the local population was subsequently displaced to the North, where they live in and around Khartoum, in the IDP camps referred to as Khartoum's 'Black Belt'. The Ngok Dinka are determined to return to Abyei despite prevailing insecurity and lack of development. This fact is continually affirmed in all conversations with Ngok leadership and is alluded to in the claim by the South Sudan Relief and Rehabilitation Commission that 50,000+ 'vulnerable individuals' in Khartoum have formally enlisted for assisted return to Abyei.

The political decision has been taken to focus resettlement north of Abyei town, in areas now being occupied by SAF, some of which have active oil wells nearby. This decision is based on a legitimate fear that these areas will be resettled by Missiriya and ultimately lost. While the return has the potential to trigger explosive conflict, it is also a chance to deepen gains towards local peace and coexistence.

The Ngok traditionally lived in homesteads separated by large distances, oftentimes as much as 1-2 kilometers. As an agro-pastoralist people, young men would leave these permanent residences seasonally and assemble at cattle camps that would follow the retreating water sources and pastures in the dry season. This settlement pattern did not provide well for collective security. When the Missiriya launched attacks, the Ngok were unable to defend their lives and property. For this reason, the returning Ngok are determined to settle in denser clusters. This new form of settlement will have the added value of making services more accessible. The Missiriya, on the other hand, coordinate the movement of their cattle with the Dinka sorghum harvests, of which there are two per year in Abyei. As the Missiriya sometimes allow their cows to graze on Ngokland before the harvests, opportunities for conflict emerge.

Returnees say that the IDPs in Khartoum overwhelmingly want to come back.⁶⁰ Those who are not doing so are only limited by transport.⁶¹ Others are selling everything they own in order to afford the trip home, whereupon they face the practical challenges of reconstructing villages and reconstituting their rural lives with little assistance, and a desperate need for water. Abyei town is becoming overcrowded as returnees congregate there to access basic services. Complaints include overcrowding homesteads, destructive fires, and epidemic disease as people cluster too close to one another due to the fear of ambush in the rural areas.

How to bring water to the returnees is not only a question of security, but of appropriate technologies that best meet the challenge. One elder man noted that "Pumping water-pumps is a difficulty for women, because they use blood to pump, not fuel. It is hard work for them." Sensitive analysis of the situation would consider the gender

⁶⁰ Key informant interview with Bol Dau Deng (Exec. Director of SSRRC) and Dut Paguot (Acting Director, Abyei County) March, 2007.

⁶¹ Joseph Dut Paguot, SSRRC gave these figures.

implications of any water system. Hand pumped boreholes are the most common form of intervention, yet they invariably place more of a burden on women than on men.⁶²

As Stefanie Benswick points out, women's "activities as care givers and food producers expose them to heavy energy expenditure and maternal malnutrition."⁶³ Further exacerbating the situation is the fact that, according to a study conducted by Millard Burr, the highest rate of maternal mortality of all the refugees and displaced populations in Africa is found among the displaced South Sudanese women in North Sudan.⁶⁴

Furthermore, the key to peace in Abyei is largely linked to the responsible management of the oil revenue. The wealth sharing among the neighboring communities and states creates the possibility for this sharing, while the AASAP creates a framework for allocating resources towards priority needs. There is a need for planned settlements that take into consideration how land and water are used to provide for needs, including holistic systems for water, sanitation, and irrigation that are responsive to gender issues in the context of family life.

The local peace that has been developing since 2000 is the best possibility for dialogue on cross-border development, and the formal recognition of the seasonal grazing rights of the Missiriya go a long way towards addressing the root causes of conflict. Yet, long term cooperation is an economic issue concerning water, land and oil and the private sector therefore has an important role in identifying points of alignment where interests meet up across the border. Ultimately, peaceful resolution of the conflict in Abyei will be about crafting a deal that everyone can live by and it will play itself out at least on one level, in the domain of capitalism.

IV. RECOMMENDATIONS

Concerned members of the international community should engage the local and international actors in the following ways:

- o Send an open letter from concerned institutions to the Presidency, Council of Ministers, Parliament and political parties encouraging that the Abyei Protocol be implemented and "oil revenue...be geared towards people-driven projects" in Abyei for both the Missiriya and Ngok Dinka as well as their neighbors.⁶⁵
- o Facilitate workshops in Abyei where the NCP-dominated GNU and GoSS governments are invited to consult with local communities, civil society organizations, and other stakeholders about the need for an integrated development plan. Those workshops could strengthen the ADC to focus on integrating peace-building and strategic planning around water and other basic needs and to work with institutions established by the CPA.

⁶² Stefan Templeton, ESTIMATE survey, unpublished report May, 2007.

⁶³ Jok Madut Jok: "Militarism, Gender and Reproductive Suffering: the Case of Abortion in Western Dinka, *Africa*, 1999, 69, 2, p. 204.

⁶⁴ *Ibid.* p. 196

⁶⁵ European Coalition on Oil in Sudan: "Civil Society Statement on Sudan's 1st Oil Conference," 1st – 3rd November 2006, Juba, Southern Sudan; p. 2.

- Contract a legal expert to draft legislation requiring “transparent and accountable systems in oil management and all other levels of governance.”⁶⁶ This framework could also address issues of social corporate responsibilities by oil companies.⁶⁷ It could be endorsed and popularized through the Abyei Development Committee so that by the time an Abyei Area Council is established in Abyei in line with the Abyei Protocol, it would already be accepted as part of the legal architecture of the area, to be enforced by the court of law.
- Pursue high level non-governmental engagement of China and the Chinese National Petroleum Company recognizing they are trying to win the good will of African governments to pursue their economic agenda. China’s arms deliveries to Sudan since the 1990s are reported to have included ammunitions, tanks, helicopters, and fighter aircrafts and since 1998, it has invested US\$3 billion into developing oil fields and building a 1500 km pipeline refinery and port.⁶⁸
- Support the people’s initiative to establish a common trust to represent the legal property rights of the Ngok Dinka and Missiriya, including the right to claim oil revenue through the court system. The common trust could draw representation from the chiefs of Abyei as a governing body. The corporate structure of the trust should also include representation from the Missiriya, and it could eventually be replicated across the border through some form of corporate partnership. While this would be a local initiative, the international community should support its capacity and act as a stabilizing force in the area more generally, encouraging rule of law and a conducive environment for business.
- The international community should support a process of restorative justice using the various tools that have been developed in the field of peace and reconciliation. Examples from Rwanda, South Africa and other acutely divided societies could provide a reference point for developing a customized approach for Sudan.
- Prioritize water catchments for the Missiriya cattle and a reassessment of settlement patterns.

V. CONCLUSION

When the Abyei Protocol was signed with the promise of a sustained revenue flow to a politically autonomous local administration, it seemed that Abyei was positioned to play the model role that Dr. John Garang and others had envisioned for it. Since responsible management of oil revenue is one of the most daunting challenges of governance before the country, the existence of a development plan owned by the local population is a

⁶⁶ *Ibid.* p. 2.

⁶⁷ *Ibid.* p. 2.

⁶⁸ Amnesty International continues to state that “[t]he Sudanese government and militias it has supported have used such types of weapons to commit massive violations of international human rights and humanitarian law in armed conflicts in Southern Sudan and Darfur,” Sudan/China Appeal by Amnesty International to the Chinese Government on the Occasion of the China-Africa Summit for Development and Cooperation, Amnesty International, November 2006, AFR 54/072/2006.

national asset that should be protected, and indeed invested in, so as to extend the strategic planning process both northward and southward, focusing on the issue of cross-border planning for development.⁶⁹

The Abyei Development Committee (ADC) could oversee this in Abyei for the AASAP, while another structure could be established to oversee the cross-border development issues. Secondly, enforcement of the ABC findings giving Missiriya seasonal access and establishing a shared rights zone should include strategic planning around land and water in these areas. Thirdly, stakeholders at the sub-national and national levels should be involved in the political and economic alliance forged between communities along the border.

Through this engagement, a fourth development may arise which is a united platform for peace in Abyei that is capable of influencing the political decisions of Khartoum and Juba. Such a constituency could exert influence in the electoral process, while the practical implications of a Ngok/Missiriya alliance would include the neutralization of GoS counter-insurgency warfare through proxy militias. But for this to happen, there would have to be strong involvement of all neighboring communities north and south.

The researcher has tried to point out that there are reasons for both optimism and concern over Abyei. Though historical cleavages among border communities can still be manipulated, the area may be a phoenix preparing to rise from the ashes of war. Indeed, more war may lie ahead for Abyei as powerful interests vie to monetize the area's oil with little or no regard to the implications for local communities. However, part of the great opportunity before Abyei is to approach conflict transformation through an intelligent approach to development, and to extend the benefits of peace to returning populations of the Ngok Dinka and across the border to the Missiriya Arabs in a way that accrues the wealth to all, including the big corporate powers interested in Abyei's resources.

⁶⁹ In one of the few visits by an ex-patriate to Missiriya camps in Abyei, Belkys Lopez (KUSH) noted that the Missiriya responded in guarded terms when cross-border development is discussed. This is because of a genuine need to be associated with the area of Abyei, which they depend on for seasonal access to water and grazing. This situation has created an allegiance southward, which leaves them with two options: occupation of Abyei or political alliance with the Ngok Dinka, and by extensions, with the SPLM/A.