

# The Politics of Self-Determination: Why Has Abyei Remained a Conflict Hotspot Between Sudan and South Sudan?

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**ABSTRACT---** *The contestations of Abyei by Sudan and South Sudan has continued to brew conflicts for the two sisterly states. While the conflicts emanate from the lack of clarity of eligible voters from the Abyei Protocol, 2004 of the Comprehensive Peace Agreement (CPA), 2005, the contestations graduated into the cacophony tunes of nationalism. The Government of South Sudan being led by the ruling party, SPLM and to the greatest extent, by the Revitalized Transitional Government of National Unity (R-TGoNU) argues Abyei as part and parcel of South Sudan and this can be confirmed by the conduct of a referendum for self-determination. Although this argument is being tweaked on the Abyei protocol that spelt out the voters as resident of Abyei and which the Ngok Dinka believe to be them since they permanently stay in Abyei, Misseriya Arabs, who seasonably graze their cattle at river Kiir consider themselves as voters in the Abyei plebiscite. Thus, this has caused contestations, tensions and conflicts in the Abyei area. Though the protocol has designated the Chief Administrator of Abyei Area, the ultimate goal was to conduct a referendum for self-determination alongside Southern Sudan referendum on 9<sup>th</sup> January 2011.*

*The paper argues that failure to conduct the Abyei referendum the same day with Southern Sudan referendum is to do with zero-sum interest of Government of Sudan to retain Abyei so as to own hydrocarbon resources. Abyei has enormous crude oil which the Government of Sudan doesn't want to loss again like the way its lost 90% of its oilfields to South Sudan. This economic interest driven by centripetal politics has led the two sisterly countries to collide over Abyei ownership leading to sporadic conflicts in the region from 2011. While the Government of South Sudan insists that Abyei belong to nine Ngok-Dinka chiefdom who are members of greater Dinka of South Sudan and who are only eligible to vote, the Government of Sudan has categorically rejected this, leading to the cul-de-sac. While other attempts were made including the ruling of Permanent Court of Arbitration (PCA) of awarding the people of Abyei to South Sudan and oil resources to Sudan, this did not help in resolving the Abyei debacle.*

*The paper has used qualitative research design with a case study of Abyei and other drawn examples from contested areas such as Kashmir. It process-traces the Abyei contestations between Sudan and South Sudan. The study concludes that although Abyei remains a disastrous and highly contested spot amongst the contested lands in the world, contested lands don't have to remain contested and the two Governments of Sudan and South Sudan must immediately resolve Abyei status to eschew sporadic conflicts, deaths and destruction of properties.*

**Keywords---** politics, self-determination, Abyei, protocol, conflict, hotspot, Sudan, South Sudan

## 1. INTRODUCTION

On 26<sup>th</sup> May 2011, four months after South Sudan had “velvet divorced” from the Republic of Sudan; a devastating conflict took place in Abyei. The conflict carried out by Sudan Army Forces (SAF) under the tutelage of the government of Sudan and christened as a *pulverized invasion* amongst the intermittent fiasco's, troubled the locale. The skirmishes saw the tiniest and most remote vicinity greeted with aerial bombardments using Anti-now, MIGs 6 and 29, gunships, and long range shelling, with the result that the ground forces of the Sudan Peoples' Liberation Army (SPLA) retreated to the South while Northern troops incarcerated the area. The casualties were very severe, with hundreds of civilians, particularly the Ngok Dinka, being slain, and thousands being displaced with all the houses razed to the ground, leaving the helpless UN Compound and a brick constructed Catholic Church gazing at the sky. The incursion transformed Abyei town into ghost scenery that vexed human settlement. While the May 2011 foray was brutal, others offensive attacks took place on February 2010 and February 2015.

The conflicts occurred as a result of contested land in Abyei situated at the imaginary border of Sudan and the recently independent South Sudan. The spot, described by pundits as a charming courting girl caught between the Northern Sudanese government run by the National Congress Party (NCP) and the Southern Sudanese government run by the Sudan Peoples' Liberation Movement (SPLM), is similar to Kashmir in Southeast Asia. Bringing the debacle to an end has fallen on the deaf-ears of both parties since they have taken a maximalist approach (Riak, 2021). The SPLM claim was that the

nine Ngok Dinka chiefdoms that are part of the greater section of the Dinka ethnic group of South Sudan and which were transferred to South Kordofan province in Northern Sudan in 1905 by the British colonial administration are the owners of the land and eligible voters for the Abyei referendum prescribed in the peace agreement. The NCP on the other hand maintained that the Misseriya Arabs, known as the Humr ethnic group, who live in South Kordofan (Muglad and Babanusa townships) in the North and seasonally graze their animals at Abyei area, particularly at the tip of river Kiir (Bhar el Arab), should be included to vote in the plebiscite. Both countries reached a logjam. So, there has been growing feeling, not only within the SPLM leadership but within the new republic of South Sudan that the Abyei Area could be the flashpoint that brings the country back to war (Johnson, 2008).

The existence of apprehension between the Ngok Dinka and the Misseriya Arabs and more similar strains between Sudan and South Sudan over the control of Abyei, coupled with ruthless conflicts that have further deepened the rift between the two states, make this study quite critical. In the scholarly sphere, there exists a knowledge gap concerning the Abyei stalemate, particularly an empirical understanding of Abyei as the emerging contested land, which this paper seeks to fulfill.

In order to answer the question why Abyei has remained a conflict hotspot between Sudan and South Sudan, the paper arguments are presented in sections as follows. Section one introduces Abyei as a problematic border point and also provides comprehensive understanding of the conflicts in the area. Section two discusses the concept of self-determination. Section three presents the understanding of Abyei conflicts: digging the past. Section four presents arguments on deep-seated political mistrust between Sudan and South Sudan. Section five discusses the perils of boundary demarcation. Section six argues the menaces of right of self-determination of Abyei. Section seven discusses oil abundance: the crests of Abyei's conflicts. Section eight concludes and section nine gives recommendations for future research.

## 2. THE CONCEPT OF SELF-DETERMINATION

The concept of National Self Determination (NSD) has been developed after the end of the Second World War and the idea of self-determination was supported by International law and formulated in the Charter of the United Nations Article 1 (2) of the United Nations Charter.

U.S. President Woodrow Wilson, in his seminal fourteen point's speech dubbed *the "principle (s) of national self-determination"*, contends that the procedure of NSD must be:

Based upon a strict observance of the principle that in determining all such questions of sovereignty, the interests of the populations concerned must have equal weight with the equitable claims of the government whose title is to be determined (Woodrow, 1918).

Woodrow argued for the principle of self-determination to be "people" driven and the 1919 Paris Peace Accord defined 'people' as the "ethnic groups that had become nationally mobilized, and numerous states that were carved out of the ruins of the Russian, German, Austro-Hungarian, and Ottoman empires along broadly ethnic lines" (Moore, 2003). These divisions led to the polarization of ethnic groups into many small sub-ethnic societies and later ended by encouraging various regions to pursue secessions. Wilson's embrace of self-determination as one of the foundations of the Versailles peace aroused skepticism and foreboding even in his own time, and, for that matter, even in his own administration. His Secretary of State, Robert Lansing, confided to his diary at the time that self-determination would likely "breed discontent, disorder and rebellion," and that the phrase itself was "simply loaded with dynamite" (Talbot, 2000). As a result, the increase in demand resulted into the enshrining of principles in the states' constitutions. For example, the principle of national self-determination was recognized in the Soviet constitution in the 1920s.

Furthermore, the principle of national self-determination was recognized in General Assembly Resolution adopted in 1960 (Resolution 1514), and 1970 (Resolution 2625). Both resolutions in principally addressed the issue of national self-determination. Eventually further still, the principle of self-determination was presented in the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic Social and Cultural Rights (ICESCR), both Covenant emphasized self-determination as a right of people and guaranteed it by the treaty and the law.

## 3. UNDERSTANDING ABYEI CONFLICTS: DIGGING THE PAST

Abyei is a region within the border between North and South Sudan. The area stands at un-demarcated and elusive boundary of the North and the South. Being a contested locale, it has a disputed permanent population of 40,000 Ngok Dinka residents according to the United Nations, and 80,000 according to the government of South Sudan. The seasonal population of nomadic Misseriya Arabs and other northern traders was estimated at around 75,000 (Riak, 2021). The area's size is 10,460 squares kilometers, analogous to the landlocked southeastern European country of Kosovo. The Ngok Dinka came to their present Area in 1710 from the Upper Nile to be followed later by Misseriya Arabs both Humr ("red") and Zurg ("black")

in 1765-1775 from the Wadai Kingdom in Chad who later came to settle between Abyei and Western Kordofan, now Southern Kordofan in Northern Sudan (Madut, 2012). It is the Humr Misseriya Arabs that seasonally come to Abyei to graze their animals at the tip of river Kiir (Bhar el-Arab) since there are no pastures and water points at Kordofan.

Before the coming of the foreign invaders, that was known as *bilad al Sudan*, the country of the Blacks was inhabited by an amalgam of local independent kingdoms, sheikhdoms or chiefdoms, Daraat or homesteads (Madut, 2012). In 1821-1884, the Turco-Egyptians took control of Sudan with its policies of Turkish traditions and the emancipation of Kemalism before 1885-1889 when Mohammed Ali, the then notoriously known by his *nom de guerre* Mahidiya ruled Sudan with an iron fist that escalated the spread of Islam. Consequently, a critical turning point in Sudanese history came with the arrival of the Anglo-Egyptian condominium from 1889 till 1956. In 1901, the effective administration of the British was felt across Sudan, particularly the enthusiastic spread of Christianity, which was only surpassed by the wild spread of Islam. The twin-contest between Christianity and Islam's quick conversions caused the British colonial administrators to embrace the southern region, particularly the blacks' traditional southern inhabitants who were still embedded in their ancestors' notions. In doing so, areas such as Abyei fell under the British dominance.

In between 1902-1904, hunting for slaves reached its apogee with thousands taken by Islamist slave dealer Ali Jula. The unraveling scam commercial activities exposed the Ngok Dinka to be the victims of the cacophony of competing tunes in the illegitimate trade. The people involved, of course, could have been Europeans, Turks, Egyptians, Arabs or any other light-skinned race who took part in the raiding expeditions for slaves that afflicted the area from the earliest recorded times and began to assimilate some groups and push others south (Deng, 2009). Owing to such exploitation; the Ngok Dinka complained, felt mistreated and hence wanted to join their fellow Dinka brothers in the Bahr el-Ghazal region but the Bahr el-Ghazal province's administration found that the Dinka living around the Bahr el-Arab were largely inaccessible because of the *sudd* (barriers of floating vegetation) in the rivers (Johnson, 2008). The available opportunity was either to remain under exploitation or face annexation to the then Kordofan province. As a result of complaints received from the Dinka, it was decided to transfer the Ngok and part of the Twic Dinka from the administration of Bahr el Ghazal Province to Kordofan, so that they would be placed under the same governor with the Arabs whose conduct they criticized (Johnson, 2008). The Ngok Dinka Abyei area was made part of Northern Sudan in 1905. When the Misseriya Rural Council was established in 1953, the Misseriya chiefs refused that the Abyei should be part of the newly established Council (Tibbs, 2002). The then British colonial administrator decided to retain the Abyei Area as an independent unit within the established Council in Rej el Fula (Ibid).

When the South Sudanese commenced an underground guerrilla movement dubbed "Anyanya 1" in 1955, a year before the independence of Sudan, the youth of the Abyei area joined the struggle, articulating, too, the classical marginalization they were going through like the Southern Sudanese. The independence of Sudan saw the British packing unceremoniously, hence hastily handing over freedom to a small clique of authoritarian Islamic fundamentalist Arabs in Khartoum. The giving of power to the Arabs can be analyzed as political chicanery on the part of the Anglo-Egyptians, particularly the Egyptians, as that was to be a long-term future political investment in the Nile's river waters. The agitation by the Southern Sudanese for self-determination top-gearred the "Anyanya 1" agenda since they felt that they were not included in the independence of Sudan. As Abyei continued under the Kordofan administration in the North, the mistreatment of the Ngok Dinka reached its acme. In 1965, the government of Sudan authorities assisted the Misseriyas in massacring more than 300 Ngok Dinka civilians through an inferno, an incident that the Ngok saw as an outrageous atrocity (Riak, 2021). In commenting on the mass killings, Chief Deng Majok states that "{i}f a conflict should arise between the owner of a house and his guest which one should leave the place the owner or his guest?" (Deng, 1986). Considering the exploitation, the Southern Sudanese, including the Ngok Dinka, drummed up the campaign for an agreement that could safeguard their independence and in 1972; the Addis Ababa Peace Accord was signed that stipulated the Southern Region government and the right of self-determination for the people of South Sudan and the Ngok Dinka. Yet, the Agreement was later abrogated in 1983 by the government of Sudan, asserting with bitterness that it was "neither a Bible nor Koran" and thrown into river Nile (Alier, 2003).

With the tearing up of the Addis Ababa agreement, the relationship between North and South deteriorated and the Southern Sudanese consequently formed Sudan Peoples' Liberation Movement/Army (SPLM/A). The SPLM/A, with both a political party and a military wing, started the second war in 1983, accusing the government of Khartoum of dishonoring the Addis Ababa Agreement, marginalized people of Southern Sudan, Abyei, and the non-Arabs tribes of Kordofan, Blue Nile and Darfur. The peak of marginalization was seen in the declaration of Sudan as an Arab, Islamic and Sharia state, a discriminatory policy that is similar to Sri-Lanka's Sinhalese dominance against the minority Tamils, with Sinhalese declared as the national and official language, singling out Tamils and others ethnic minorities from securing educational and job opportunities. With the vision of encompassing the Ngok Dinka marginalization into the southern party as a strong agenda, the Ngok Dinka intellectuals consequently joined SPLM/A and fought alongside southern Sudanese till the moratorium of the civil war with the signing of Comprehensive Peace Agreement (CPA) between the Government of Sudan

and Sudan Peoples' Liberation Movement/Army on January 9<sup>th</sup> 2005. Although the second peace Accord brought ray of hope, the full implementation revealed mutual political hostility between the two parties.

#### 4. DEEP-SEATED POLITICAL MISTRUST BETWEEN THE SUDAN AND SOUTH SUDAN

The mutual hostility between the North and the South that makes the Abyei area a “muscle-testing gym” goes back to pre and post-independence strained relations. As argued earlier, the abrogation of the Addis Ababa Agreement watered-down the little trust and hope between Northern and Southern regions. It was apparent that the agreement that took a maximalist approach from both parties was heading nowhere. The unseen shortfall during the negotiations was the adoption of a “rational choice approach” that resembles the UN motto of the ultimately unsuccessful attempt of the “nothing is agreed until everything is agreed” approach rather than the “incrementalist approach” that goes gradually. The lack of confidence building measures saw the first peace agreement becoming an ignition to war. The assertion of President Jaafar Nimeiri that the Accord was neither a “Bible nor Koran” and his act of throwing it into the river Nile waters, demonstrated the reality of mistrust and hatred between North and the South.

The Comprehensive Peace Agreement (CPA) that embodies the Abyei protocol, a brainchild of United States of America that was presented to SPLM and the Sudanese government by its special envoy the Rev. John Danforth proved more implementable than the former. However, the Abyei protocol deepened the mistrust. The pitfall emanates from the engineering of the protocol as a readymade, “one-size-fits-all blue print”. The US exerted too much pressure, under which the Sudan government conditionally accepted the Abyei Agreement, something a peace expert would call “duress from a biased brother” and a common attitude of the US in Palestine-Israel conflict resolution. The all-in-one on agreement resulted in the failure of the implementation of the Abyei protocol, leading to intermittent conflicts.

The outcome has been the creation of allegiance and loyalty to the residents of the Abyei; the Ngok Dinka as the permanent resident pays it allegiance and loyalty to SPLM while Misseriya Arabs pay allegiance to the government of Sudan. The political dividing line between the two ethnic-groups is exploited by the two countries in the mobilization of militias. The Misseriya Arabs, with support from northern government, formed *murahalin*, a lethal clandestine militia group that has caused terror and violence in the area with the support of Sudan Army Forces (SAFs), while the Ngok Dinka, with support of the southern government, formed the *Abyei Liberation Front* (ALF), a guerrilla movement with a grassroots mandate to defend Abyei Dinkas' villages. However, the villages' defence forces later joined the Sudan Peoples' Liberation Army (SPLA) that has its troops in the area. The severity of the militias' actions and insurgencies in the Abyei area emanate from the attacks of Misseriya Arabs. The government of Sudan hoodwinked the Misseriya Arabs that they will receive protection over their grazing rights and the occupation of Abyei should they continue to serve in *Murahalin*. In making such a gambit a reality, the Sudanese government misinterpreted the implementation of the Abyei protocol that it has infringed on the rights of Misseriyas. Yet, the Accord provides social and cultural rights of the Misseriya Arabs through seasonal movement of their animals in search of pastures and water points in Ngok Dinka areas.

The deepening of ethnic allegiance and the loyalty of the two groups towards the two governments resembles the adherence of residents of Kashmiri contested land by the Indian government and Pakistan; as Sumantra Bose argues, “to the citizen of Jammu and Kashmir whose fundamental allegiance lies with India, the only legitimate unit of governance is India-including Kashmir and to the citizen whose basic identity is with Pakistan, the only legitimate unit of governance is Pakistan-including Kashmir” (Bose, 1999). Apart from two fundamental allegiances, the third allegiance of the independence mindset hangs between the two shifted poles, making the Kashmir stalemate difficult to resolve. The deep seated political mistrust guided by the maximalist approach features on Abyei boundary demarcation, right of self-determination and oil resources of Abyei.

#### 5. PERILS OF BOUNDARY DEMARCATION

A legendary Ngok Dinka Chief, Deng Majok, once claimed “the thread that stitches the North and the South Sudan together runs through Abyei” (Deng, 1986). But an American poet Robert Frost famously asserted, “good fences make good neighbours”. Analyzing the two eminent wise people's ideas, Frost's thinking is not always the case, and it is not a leitmotiv that good fences will make good neighbours, but rather that good fences can make bad neighbours that enhance unending conflicts. This is the case with the contested borders from the “Line of Control” (LOC) in Kashmir, the “Humera” of Ethiopia-Eritrea, the “Green Lines” of Cyprus and Israel-Palestine, the border of the Tamil majority in northeastern Sri-Lanka and the rest of the island, the inter-entity boundary line of Bosnia to the un-demarcated border of Abyei.

The management of old boundaries and the drawing of new ones maintain a deep-seated political mistrust between states and ethnic groups. Yet, from a very different perspective, borders are artifacts of a dominant discourse process that has led to the fencing off of a chunk of territory and people from one another (Agnew, 2008). The understanding of borders and their demarcation, particularly cross-border cooperation and ease of movement, is proving onerous. This is because of the language problem, even where the physical crossing is undertaken with ease and the newcomer is welcome in the new



space/group in which he/she has arrived (Newman, 2006). This has been the problem in the Israel-Palestine and Ethiopia-Eritrea borders where border checks equate to a thorough screening to heaven.

Abyei has been a double tragedy mainly for two reasons; one is that it is a contested area claimed by North and South Sudan with their ethnic allegiances to the Ngok Dinka who are pro-south and Misseriya Arabs who are pro-north, and secondly, that it has no accepted demarcated border to distinguish where the two countries' claims begin and end. This has complicated the vicinity. Nevertheless, a window of resolution came up with the Comprehensive Peace Agreement of 2005 with the constitution of the Abyei Boundary Commission (ABC), a fifteen member committee that drew ten members from both SPLM and the government of Sudan, and five independent international experts with a mandate to “define, demarcate and delimit” the border between the North and the South prior to 1905 and to report back to the presidency within six months. While the committee commenced its work, disagreements flared up over where the border line would be drawn. On one side of the imaginary border is the Ngok Dinka's Abyei area, while on other side lie the nomadic Misseriya Arabs of Muglad. The two sides are separated by stabilized sand dunes (Qoz line). Douglas Johnson reveals the contention:

The main part of the disputed area consists of a network of waterways flowing into the Bahr el-Arab on its way through Kordofan into Bahr el-Ghazal. The heart of the area is where the Ngok Dinkas have had their permanent settlements for more than two centuries. Its pastures {sic} are used in a seasonal rotation by the Ngok Dinka and the Humr section of the Misseriya Arabs, who move south from their main settlement areas at Muglad and Babanusa (Johnson, 2008).

Despite the provision in the agreement that the experts' decision was supposed to be “final and binding”, the Government of Sudan rejected the report, arguing that the experts had exceeded their mandate by failing to apportion equal rights to the Misseriya Arabs. However, one of the international experts', Douglas Johnson, interprets the commission's findings:

The area of the nine the Ngok Dinka Chiefdoms, therefore, included territory where they had dominant rights (permanent settlements) and territory where they had secondary rights (seasonal use). Ngok secondary rights overlapped with Misseriyas secondary rights. The experts determined that boundary, stipulated by the Abyei Protocol, should bisect the area of shared secondary rights equally (Johnson, 2008).

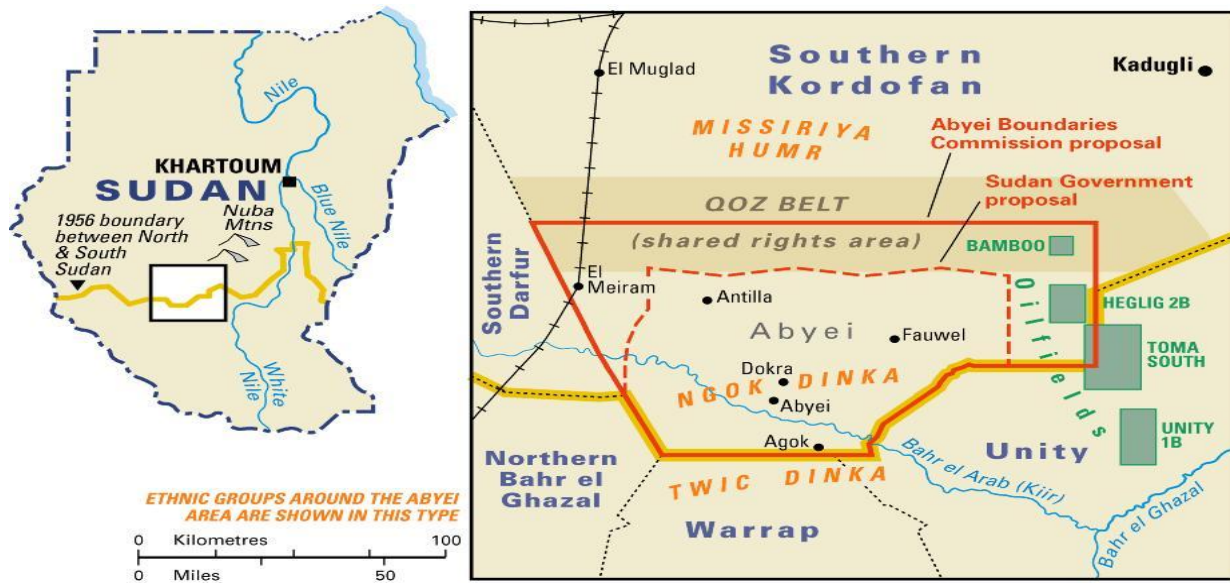


**The Abyei Area**  
**Source:** ABC, Map 1: July 2005

**Figure 1:** Representation of the Qoz belt border between North and the South which the ABC experts recommended though rejected by government of Sudan.

The justification for the report did not make sense with deep-seated mistrust and a maximalist approach. The Government of Sudan delegation misinformed the Misseriya Arabs that Keilak, the extreme northern boundary, had been included in Abyei. The lie was so naked that even a bribed poor jurist cannot risk in defending it. But as the concocted information

landed on the Misseriyas' representatives, they rejected the report. President Al-Bashir then snubbed it and teased the international experts to "dilute and drink it". The caricature of such an expression by the former President of Sudan incited conflicts in the area. The latter was the order of the Sudanese government's official militias, the Popular Defense Forces (PDFs) that attacked Abyei town killing hundreds and displacing thousands of Ngok Dinka. Efforts of third parties to resolve the conflict resulted in the transfer of the stalemate to the Hague-based Permanent Court of Arbitration (PCA) in April 2009 that redrew the borders ceding the eastern and western regions of Abyei to the Government of Sudan, while northern and southern parts of Abyei (Bahr el-Arab) were ceded to the Ngok Dinka, including the right to plebiscite. The oil rich areas such as Heglig were mapped outside both Abyei and North Sudan territories pending border demarcation. But the court's ruling was misunderstood by Government of Sudan that Heglig was awarded to it. This led to conflicts including the seizing of the area by the southern armed forces before they withdrew. The perils of boundary demarcation embedded in political mistrust have continued to influence the PCA's ruling as an "arbitration of convenience".



Source: [www.africa-confidential.com/.../Abyei-map/border](http://www.africa-confidential.com/.../Abyei-map/border)

**Figure 2:** Representation of the verdict of the PCA as the Sudan Government's proposal was adopted

## 6. MENANCES OF RIGHT OF SELF-DETERMINATION OF ABYEI

Though Woodrow Wilson's seminal fourteen point speech of 1918 named *National Self-Determination*, delivered, eleven months before the end of the 1<sup>st</sup> World War, appealed for the consideration of peace, freedom and dignity amongst states and ethnic groups, the dream is far from being reached in Abyei.

The Abyei protocol, which stipulated that the people of Abyei will conduct the referendum concurrently with the people of South Sudan, has reached a cul-de-sac. The exercise has surfaced as a game of political mistrust played outside the protocol. The bickering has focused on the eligibility of the voters. The SPLM maintains that it is the nine Ngok Dinka chiefdom that are eligible to vote since they are the permanent residents of the area, while the NCP refutes this and argues that the Misseriya Arabs, who are temporary residents, are supposed to vote in the Abyei referendum. Although the protocol stipulates Abyei residents as the eligible voters, it remains unclear who are really the legal denizens since the Ngok Dinka is prescribed its own territory while the Misseriya Arabs and other nomads have been acknowledged as having traditional grazing rights for moving animals across Abyei. But, notably, the Venice Commission Guideline on the Holding of Referendums defines resident requirements to mean those with "habitual residence". This tends to exclude seasonal migrants, as in the case of the Misseriya Arabs.

But the conundrum of contestations of Abyei has been that each party takes a zero-sum line jeopardizing the level playing ground. The SPLM has constantly maintained that the Ngok Dinka should exercise their right of self-determination as spelt out in the Comprehensive Peace Agreement (CPA). This claim is based on the historical and cultural relations of Ngok with other large section of Dinka in the south, whom the SPLM dominate. The Government of Sudan sees a big disaster; it had already lost South Sudan, which has become an independent sovereign state with potential resources, so it has to fill the gap; thus, the threat of losing another region makes it grind its teeth. The prospects of Abyei joining South Sudan are

very high. It was revealed that if the plebiscite was conducted today, then 80.6% voters would vote for the annexation of Abyei to the South Sudan (Chol, 2010). But the reality of an informal referendum done by the Ngok Dinka in October 2013 resulted into 98% votes of Abyei to be part of South Sudan while 2% votes for the Sudan. These results though not recognized by both Governments of South Sudan and Sudan, they indicate that Abyei is part of South Sudan. With the push of the Abyei sons and daughters in the Government of South Sudan, these October 2013 results were endorsed by the Governors of South Sudan in the 8<sup>th</sup> Governors Forum conducted in Juba in November 2024. This now await the Ministry of Justice, Government of South Sudan to gazette them. However, this move has caused yet more anxiety amongst the Missiriya Arabs, who suspect that they will be sent packing from the would-be annexed Abyei area to the South. The long overdue “pull” and “push” on Ngok Dinka self-determination continues to increase acrimony between the two belligerent parties.

The prescription of Abyei as the homogenous home of the Ngok Dinka creates a “plebiscitary-majoritarian” scheme that excludes other members of ethnic groups, particularly, the Misseriya Arabs, which the SPLM sees as a political victory, although it is a compromise of minority rights. This demonstration of the maximalist approach in the Abyei protocol surfaced during the negotiation of the Accord where the Government of Sudan was pressured by Western countries proffering sticks and carrots. For example, the lifting of sanctions was still dependent on the improvement of Sudan relations with the West, in particular top powers like the US and European Union, on issues of human rights in the western Sudanese regions of Darfur and the resolution of conflicts in South Kordofan and Blue Nile states. However, it would have been fair if the agreement had considered the right of the Misseriya Arabs, who have perhaps lived in Abyei permanently for the last sixty years, to vote in the referendum, rather than only the Ngok Dinka ethnic group.

But the concern that may have disturbed the mediators and guarantors in compromising the eligibility of the Misseriya Arabs could have been the determination of the numerical size of the members of the ethnic group, and whether they maintain the same population when they come to graze their animals during the dry seasons or not. Another reason perhaps could have been related to fear of gerrymandering of the registration of voters by the Government of Sudan, possibly through systematic relocation of Misseriya Arabs from Muglad and Babanusa towns to settle them in Abyei areas. Though such trepidations existed, they would have been tackled to eschew the “plebiscitary-majoritarian” situation that has brought the Kashmir right of self-determination to a cul-de-sac. In Kashmir, as in Bosnia for example, recourse to the plebiscitary-majoritarian method is simply a disastrous option, aside from the fact that India will never allow such an exercise and Pakistan will not agree to it either, unless a “third option” of independence is excluded (Bose, 1999). Pakistan’s view has been that the right to implement a referendum must rely on the options of India and itself. The hysteria over the independence option from Pakistan relates to its fears that any new neighbouring sovereign state would perhaps weaken its militia group establishments, such as *Hiz-ul-Mujahideen*.

## **7. OIL ABUNDANCE: THE CRESTS OF ABYEI CONFLICTS**

Although political economists argue that Africans’ conflicts mostly emanate from resources curse, Abyei’s conflicts are an anatomy of cursed natural resources. The deep-seated political mistrust, protracted through zero-sum rhetoric by cankerous parties, is anchored in the copious oil resources of Abyei. According to analysis carried out by the International Crisis Group (ICG), in 2003, Abyei was producing more than 25% of Sudan’s oil; in 2005, it continued to produce more than 25% of Sudan’s oil and more than 72% of Southern Sudan’s production (ICG, 2007). However, many believe that Abyei’s oil reserves are quickly being depleted by current production, and that oil production in Abyei will steadily decline in the future (Jimenza, 2008). In addition, with oil production increasing in other areas of Sudan, Abyei’s share of Sudan’s total oil production is also falling, with 2007 estimates showing Abyei likely to constitute less than 8% of Sudan’s total production (ICG, 2007). In terms of oil wealth, ICG estimates show that for the year 2005 to 2009, the net revenues for Abyei’s oil wealth were as follows-\$599 million (2005); \$670.85 million (2006); \$529.39 million (2007); \$440.6 million (2008); and \$388.87 million (2009) (ICG, 2007). Although the CPA allocated the Abyei oil resource appropriately, the Government of Sudan had received the highest oil revenues.

Matters of transparency, accountability and confidences building in sharing the oil revenues have continued to create mistrust between two parties. During the ABC report, most of the oil fields, particularly, two significant ones, Heglig and Bamboos, were kept inside the Ngok Dinka area. However, the Permanent Court of Arbitration (PCA) verdict later mapped them outside the Abyei area, pending border demarcation. In doing so, the PCA ruling meant to thaw the conflicts associated with ownership of the oil wells as an appeasement to Khartoum so as to allow the conduct of the Abyei referendum. Yet, this could not please the northern government.

Over-reliance on oil resources in Sudan complicated the situation of the oil producing regions. With Abyei producing approximately quarter of Sudan total crude oil annually, the Government of Sudan sees it as the driver of its economy; thus, letting it go means putting the economy in an intensive care unit. Although 98% of the Government of South Sudan’s budget comes from oil revenues, it has demonstrated the spirit of mutual cooperation in the implementation of the peace agreement by making sure that the principles of allocation of oil during the interim period are respected and adhered to.

Despite this cooperation, the Government of Sudan's forces seized the oil fields, making the Juba government tightly guarded the imaginary border. This state of affairs caused brinkmanship that escalated to conflicts. One of the sticking points of the NCP was that it wanted to get a share of all oil revenues after 2011, should the south vote for independence and should the people of Abyei vote to join the south due to the reality that some 20 percent of the oil currently produced outside south comes from the Abyei area (Biong, 2007).

The apparent reason advanced by Sudanese political analysts as underlying reluctance to remit the South Sudan's share of oil money and non-oil money in time, may have to do with a malicious hidden agenda by the regime on the assumption that the South may use this money to buy alleged war arsenals (Madut, 2012). Yet, both parties have freedom to purchase any military hardware from their allies. This looming dishonesty and lack of political confidence around oil resources exacerbated the conflicts in Abyei, making it such unique in comparison with disputed lands such as Kashmir, Palestine-Israel, Cyprus, Sri-Lanka and Bosnia, to mention but a few situations where the conflicts stem from ethno-religious, national identity and nationalism and ethnic allegiance; though not systematically evident amongst the five, a lesson of ethno-nationalism can be drawn. The outcome of cheating in Abyei and other oil revenues in January 2012, led South Sudan to shut down its oil pipelines to North Sudan, attracting the attention of the world.

## 8. CONCLUSIONS

The Abyei conflicts have been long, painful, complicated and unique in normative ways. This paper has argued that the conflicts have been entrenched in the deep seated political mistrust between North and South, showcased through the deployment of the maximalist approach by the two belligerent parties. This scathing zero-sum rhetoric keeps the peace agreement in an unstable state. The hostile relationship between the two states that has been sustained through whimsical political demagoguery has made the Abyei stalemate a cul-de-sac. The implementation of the Abyei protocol turned out to be cheating schemes, with a rejection of the purported "final and binding" Abyei Boundary Commission report impeding the right of self-determination for the Abyei residents and resulted into manipulation of oil revenues. This mistrust has made parties, use each ethnic group allegiance to advance their hidden intentions and loathing.

With evidence from surveyed literature and the arguments presented in the paper, it is plausible to conclude that the Abyei conflicts are far from the ethno-religious and nationalistic ones of Cyprus, Bosnia, Palestine-Israel, Kashmir and Sri-Lanka, but rather correlated to deep seated political mistrust perpetuated through ethnic loyalty and allegiance and resources. Abyei's uniqueness emanates from the lack of a legal border and the provision of the right of self-determination for the region to either join South Sudan or remain in North Sudan, making its conflicts pernicious.

The most constructive approach in this situation is the exercise of genuine engagement and the building of trust in implementing the Abyei protocol. There should be mutual pursuit of tolerance, accommodation and coexistence between the two cantankerous governments. Both parties should restrain from the "maximalist approach" but instead adopt a "moderate style". There is no readymade "one-size-fits-all blue print" for resolving the Abyei conflicts but each stalemate requires a unique treatment for the realization of legitimate peace. Though Abyei remains a disastrous and highly contested spot amongst the contested lands in the world, contested lands do not have to remain contested (Bose, 2007). Chronic confrontation is not inevitable or immutable, and compromise and coexistence remain eminently feasible objectives. The challenge is immense, but the dividends are so great, and the alternatives so grim, that the struggle for peace is worth every ounce of sweat and toil.

## 9. RECOMMENDATION FOR FUTURE RESEARCH

While the researcher has comprehensively argued the contestations of Abyei by two Sudans, future studies are hereby recommended to self-determination and secessions' scholars to investigate the recent conflicts between Abyei and Twic Mayardit citizens in Warrap state in tandem to Abyei plebiscite.

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