



CENTER FOR STRATEGIC
AND POLICY STUDIES
Living the future today



THE EXTENSION OF THE TRANSITIONAL PERIOD AND OPPORTUNITIES FOR ENGAGEMENT ON THE ABYEI DISPUTE

— SANDRA TOMBE



ABOUT THIS SERIES

This collection of policy briefs explores national security priorities in the Transitional Period. Published jointly by the Security Studies Network (SSN) and the Center for Strategic and Policy Studies (CSPS), the policy briefs offer succinct and actionable recommendations for South Sudanese policymakers.

SERIES EDITOR

Brian Adeba

ABOUT THE SOUTH SUDAN CENTER FOR STRATEGIC AND POLICY STUDIES

The South Sudan Center for Strategic and Policy Studies (CSPS) is a non-profit organization, established in South Sudan just after independence, with the objective of producing policy relevant research that will enable the generation of critical and analytical thinking aimed at informing policy.

ABOUT THE SECURITY STUDIES NETWORK

The Security Studies Network (SSN) is a volunteer and non-profit organization that brings together academics, researchers, practitioners, and students to exchange knowledge on best practices, explore collaborative research projects, link members to research resources, contribute to scholarship, and widen the scope of understanding security policy in South Sudan.

COVER PHOTO: Sunset in Abyei

PHOTO CREDIT: Maiwen Dot Pheot

SUMMARY

- Political upheaval in South Sudan and Sudan has resulted in a relegation of the Abyei issue to the periphery and suspending a final resolution to the dispute. Ending politicians' disengagement on the Abyei issue means recommitting to internationally recognized mechanisms designed to resolve the simmering conflict in the region.
- The extension of the transitional period has a potentially positive implication for South Sudan in the context of Abyei because it allows South Sudan to nurture governance institutions in the Abyei region as it does—though modestly—elsewhere in the country. While this investment will not translate to votes when South Sudanese citizens do eventually go to the polls, it may result in stronger institutions that facilitate governance and development of the Abyei region, further strengthening South Sudan as a contender for Abyei.

Spanning over two thousand kilometers, the border between Sudan and now South Sudan continues to pose threat to peace and security for the continent's newest state. Nowhere is this threat more urgent than in the context of the Abyei region, a disputed oil and farmland area which sits at the center of the northern border of South Sudan. That Abyei continues to tie the two countries, both of which are experiencing volatile political conditions, necessitates thinking through the future of this region and the capacity of the South Sudanese state to envision its engagement with the region. With recent attacks since February taking the lives of hundreds and displacing over 100,000 people, the costs of the Abyei conflict are often immeasurable.¹ Drawing on existing literature and the latest developments in the border region and the two states, this brief will provide a summary background of the Abyei tension, situate this tension in the context of the R-ARCSS and the political climate in Sudan, and then draw relevant recommendations for South Sudanese policymakers and external partners.

1. "Atrocity Alert No. 292: Ukrain/ Sudan/ South Sudan/ Ethiopia," March 16, 2022. <https://www.globalr2p.org/publications/atrocity-alert-no-292/>

THE ABYEI CONFLICT

With the Southern Kordofan and Blue Nile border regions resigned to Sudan by the separation of South Sudan in 2011, Abyei now remains the sole bridge between the two states and thus the “core of the two countries being bound together by conflicts,” as Francis Deng has described.² Though overwhelmingly inhabited by the Ngok Dinka and therefore ethnically South Sudanese in composition, the Abyei region has always been politicized because of the mixture of southern and northern identifying tribes. The Misseriya, a nomad tribe of the North, has made of Abyei a home for grazing. During the second civil war, the Sudanese government, and the Sudan People’s Liberation Movement/Army (SPLM/A) recruited one another’s “insider” communities in the region as a means of destabilizing the opponent.³ These dynamics have also been at play more recently in the new state as South Sudanese rebel groups have leveraged border regions and sought support from the Sudanese government.⁴

The Comprehensive Peace Agreement (CPA) which paved the way for the independence of South Sudan, accorded Abyei “special administrative status” in which it would be administered by a local Executive Council chosen by residents.⁵ At the end of the interim period and simultaneously with the southern region, residents of the Abyei region would determine the state to which they want to belong.⁶ They would choose either to maintain Abyei’s special administrative status or join Bahr el Ghazal, making it decisively part of South Sudan.⁷

Indeed, a few weeks before the 2011 southern referendum, one in which the decision to become independent was immanent, the Sudanese army attacked the Abyei region, raising fears of a resumption of war that would bring into uncertainty the future of the agreement and the trajectory of conflict between the North and the South.⁸ However, the referendum that the region was supposed to hold is yet to take place due to deadlock in negotiations after the South’s separation vote. Instead, frustrated by deadlocks in negotiations between Sudan and South Sudan on its fate, Abyei leaders organized a referendum in 2013 in which the majority voted to join South Sudan.⁹ With limited buy-in from the two relevant governments and lack of support from the international community, the referendum has

2. Francis Deng, “The Overlapping Conflicts Between the Two Sudans” in *Bound by Conflict: Dilemmas of the Two Sudans*, ed. Francis Deng and Daniel Deng (Fordham, Fordham University Press, 2015), 34-56.

3. Joshua Craze, “Contested Borders: Continuing Tensions over the Sudan-South Sudan Border,” *Small Arms Survey*, Graduate Institute of International and Development Studies, (2014): 2-79.

4. Craze, “Contested Borders,” 6.

5. The Comprehensive Peace Agreement between the Government of the Republic of the Sudan People’s Liberation Movement/ Sudan People’s Liberation Movement (CPA), 2005. https://peacemaker.un.org/sites/peacemaker.un.org/files/SD_060000_The%20Comprehensive%20Peace%20Agreement.pdf.

6. Ibid.

7. Ibid.

8. Jeffery Gettleman and Josh Kron, “Warnings of All-Out War in Fight over Sudan Town,” *New York Times*, May 22, 2011. <https://www.nytimes.com/2011/05/23/world/africa/23sudan.html>

9. Craze, “Contested Borders,” 10.

not significantly shifted the political landscape, other than furthering a sense of agency for the community. Despite the presence of the United Nations Interim Security Force for Abyei (UNISFA), several recent reports of intercommunal violence, cattle raiding, child kidnappings, and even attacks on UN personnel in the region continue to shed light on the volatility of the situation.¹⁰ A recent attack by Misseriya actors in April of 2022 resulted in the death of forty-one individuals.¹¹

ABYEI BETWEEN R-ARCSS AND A TUMULTUOUS SUDAN

The important and critical role that UNISFA plays in providing security and protection reflects the limited reach and capacity of the two states to respond to the security needs of the region. Due to South Sudan's instability over the past decade and the recent coups experienced in Sudan, much of the bilateral mechanisms put in place to address security and governance issues in the Abyei region have been put on hold. Though talks between the two countries were taking place over the past decade, the two governments are yet to make progress on the status of Abyei. The policy of both states in practice seems to be disengagement and to focus on their respective centers.

They have been slow to resume work as parties to the Joint Political and Security Mechanism, the critical agreement crafted as a tool for engaging the two states together in reviewing outstanding political and security concerns.¹² Additionally, they lacked commitment to the Joint Border Verification and Monitoring Mechanism (JBVMM) and the Safe Demilitarized Border Zone (SDBZ), all of which are structures outlined in signed agreements and meant to facilitate joint administration and security provision in the region.¹³ Both governments have taken a more internal focus ever since the initial violent scrimmages following the South's independence, further underscoring the lack of commitment to questions relevant to the border and the center. The consequences of this internal orientation have been stagnant and dormant mechanisms which fail to address their intended purpose.

10. Alhadi Hawari, "Over 40 People Killed in Separate Attacks in Abyei," *Eye Radio*, April 14, 2022 <https://www.eyeradio.org/update-over-40-people-killed-in-separate-attacks-in-abyei/> "Contested Sudan-South Sudan Border Area Sees at Least 27 Deaths," AllAfrica.com, March 10, 2022 <https://allafrica.com/stories/202203110491.html>.

11. "Death Toll in Abyei Rises." [OneCitizenDaily.com](https://onecitizendaily.com/index.php/2022/04/15/death-toll-in-abyei-rises-to-41/), April 15, 2022 <https://onecitizendaily.com/index.php/2022/04/15/death-toll-in-abyei-rises-to-41/>.

12. "Security Council Hears of 'Trust Deficit' in Disputed Abyei Region," *United Nations News*, April 21, 2022. <https://news.un.org/en/story/2022/04/1116602>

13. Temporary Arrangements for the Administration and Security of the Abyei Area signed between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement, June 20, 2011 https://peacemaker.un.org/sites/peacemaker.un.org/files/SD_110620_AgreementTemporaryArrangementsAbyeiArea.pdf Border Security and the Joint Political and Security Mechanism signed between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement, June 29, 2011. <https://www.peaceagreements.org/viewmasterdocument/1371>

OBSTACLES FOR SOUTH SUDAN

In the case of South Sudan, under President Salva Kiir and now in its transitional form as government of national unity, the country has prioritized managing political competition and tension within its new state. In particular, R-ARCSS and the volatile path that has brought it thus far has drawn attention to Juba as the center and undermined attention to border concerns. Abyei and other border areas seem peripheral to the conflict that, for all intents and purposes, has been framed as existential. Having fallen short in the implementation of critical security and legal systems and institutions of its own, R-ARCSS faces serious constraints regarding its engagement with tensions at the border.

Amidst criticism on one hand and mixed reactions on the other, the transitional government of South Sudan agreed to extend the transitional period by two years, effectively amending R-ARCSS and pushing elections to a later date.¹⁴ The recent decision of parties to extend “the Roadmap to Peace” beyond 2023 means that the government will continue to relegate border questions to a later point. This is the case because R-ARCSS, by design, does not include statements on Abyei or other international border areas. This limitation is significant as it heightens the importance of engaging with the mechanisms set in place for the management and the resolution of the question of Abyei while managing R-ARCSS. This management, though, already proves to be a challenge. According to UN Special Envoy for the Horn of Africa Hannah Tetteh, South Sudan has struggled to meet its JPSM commitments to mediate between Abyei communities for the purpose of activating three dormant JBVMM locations in the region.¹⁵ Similarly, it seems to receive criticism for stalling the resumption of regular meetings of the Abyei Joint Oversight Committee—the joint body charged with providing oversight on the political and administrative work of the Executive Council that is to govern the Abyei region in the interim.¹⁶

OBSTACLES FOR SUDAN

These challenges are, of course, often exacerbated by the bilateral nature of international borders. Accounting for the role of Sudan, recent coups coupled with the removal of Prime Minister Abdalla Hamdok’s civilian government have further sharpened the focus on Khartoum and the political tensions therein.¹⁷ Though what the U.S. deputy ambassador Michele Sison said of the two states in 2017, that “the governments of Sudan and South Sudan have consistently lacked commitment to engage in the work necessary to resolve Abyei’s final status” is largely true today, there has been some meaningful improvement.¹⁸

14. Joseph Geng Akech, Mading Gum Mading, and Peter Garang Geng, “Amending the South Sudan’s Revitalized Peace Agreement: the Implication of the Extension and its Roadmap,” The Sudd Institute, August 10, 2022. <https://reliefweb.int/report/south-sudan/amending-south-sudans-revitalized-peace-agreement-implications-extension-and-its-roadmap>

15. “Security Council Hears of ‘Trust Deficit’ in Disputed Abyei Region,” 2022.

16. Temporary Arrangements for the Administration and Security of the Abyei Area, 2011.

17. “Sudan Coup: Military Dissolves Civilian Government and Arrests Leaders,” *The BBC*, October 25, 2021. <https://www.bbc.com/news/world-africa-59033142>

18. Edith Lederer, “UN Gives Sudan and South Sudan 6 Month for Abyei Monitoring,” *Seattle Times*, May 15, 2017. <https://www.seattletimes.com/nation-world/un-gives-sudan-and-south-sudan-6-months-for-abyei-monitoring/>

Having operated in the southern part of Abyei at least since 2018, the Community Protection Committee (CPC) system has finally been inaugurated in the northern part of the Abyei region in late June 2022 with the support and backing of UNISFA.¹⁹ The CPC is a critical infrastructure which serves as an infrastructure for advancement of the rule of law given the implementation gaps which exist, mainly the absence of the Joint Abyei Police Service as stipulated in the Temporary Arrangement for the Administration and Security of Abyei.

POLICY RECOMMENDATIONS

The policy of disengagement and withdrawal is not sustainable. Though tumultuous times tend to spotlight the center of power, looking inward and away from the border towards Khartoum and Juba is oftentimes the short-sighted approach to take. Of course, not all issues can be priorities at once, but planning for those deemed as less urgent and setting aside the resources to engage in them is critical. Much can and should be learned from the experience of South Sudan as it was gearing up for the referendum leading to its independence. The South had a significantly harder time than necessary because it mostly focused all its efforts on fighting the North and put little to no effort in thinking through the institutions and infrastructures needed to have a head start as a new state.

SUDAN AND SOUTH SUDAN SHOULD DECENTRALIZE DECISION-MAKING ON ABYEI

South Sudan and Sudan should reengage by decoupling or decentralizing, as much as possible, the commitments they have made to the Abyei agreements from the political developments they have deemed as priority at this time. Policymakers can help revive the dormant JBVM and SDBZ by creating incentives for cooperation amongst the two parties. At this time, the incentives must center on highlighting the invaluable loss to life and property in Abyei as well as the economic implications of instability in the area. Currently, the Sudan Defense Forces oversees the region's oil fields. Creating a Joint integrated unit ensures that both Sudan and South Sudan can act as accountability partners for one another in guaranteeing the security of the oilfields.

19: "History made in Diffra as UNISFA Established Community Protection Committee in Northern Abyei," June 30, 2022. <https://reliefweb.int/report/sudan/history-made-diffra-unisfa-establishes-community-protection-committee-northern-abyei>

REJUVENATE PROCESSES FOR STRONG TIES BETWEEN SUDAN AND SOUTH SUDAN

Sudan and South Sudan should seek amicable relationships. That the two states are separate entities is a settled matter. What is not settled is that the two states need be hostile toward one another. Getting to a more neighborly relationship requires that action be taken on these critical mechanisms. By necessity, then, unblocking the road for these mechanisms means getting Sudan and South Sudan to engage in dialogue and conversation. Getting to a point where there is a joint integrated unit that oversees the oilfields, a confidence-building measure in and of itself, requires communication. The Intergovernmental Authority for Development (IGAD) has a great opportunity in this context to further the basic level of engagement which currently exists. Not only is IGAD best positioned for this kind of nudge because of its proximity to the two states, but it is also a key external partner in navigating the political challenges faced by both states.

RECOMMIT TO THE ROADMAP TO PEACE IN ABYEI

South Sudanese actors should capitalize on this juncture that is the “Roadmap to Peace” as an opportunity to recommit itself to some of the administrative successes it has already begun with establishing the CPC in southern Abyei. That the CPC is the only institution for law and order and security in the Abyei region is a critical leverage that should not be taken lightly. Furthering and better equipping the CPC and supporting community engagement and involvement will be critical if South Sudan is to co-govern Abyei in the interim.

USE THE TRANSITIONAL PERIOD TO NURTURE GOVERNANCE INSTITUTIONS IN ABYEI

South Sudanese policymakers must be intentional and strategic in navigating the extended transitional period. The extension of the transitional period has a potentially positive implication for South Sudan in the context of Abyei because it allows South Sudan to nurture governance institutions in the Abyei region as it does—though modestly—elsewhere in the country. While this investment will not translate to votes when South Sudanese citizens do eventually go to the polls, it may result in stronger institutions that facilitate governance and development of the Abyei region, further strengthening South Sudan as a contender for Abyei. Indeed, claims of ethnic affinity makeup in the region are important dimensions of the case South Sudan makes for Abyei, but this extension, if capitalized correctly and well, provides the state the opportunity to earn the trust of the communities in the region by delivering on key peace and security needs in the area. Likewise, Sudan can also capitalize on these critical changes that it is undergoing and invest in its commitments to Abyei. Indeed, it seems often uncertain whether an Abyei

referendum is still the vision for the resolution of the Abyei question between Sudan and South Sudan. Whatever direction Abyei takes, however, will not be at a disadvantage from governance and investment that is well thought out.

CONTINUED SUPPORT FOR UNISFA IS CRITICAL

The international community must continue to support UNISFA and the training it has been able to provide CPC members over the past years.²⁰ Recognizing that the CPC would not have gotten off ground without this support is a critical reminder of the importance of partners to Sudan and South Sudan in the context of Abyei. On their end Sudan and South Sudan should focus on supporting UNISFA and the existing security service to ensure the safety of civilians and the UNISFA forces best positioned to project them in the current reality.

In her concluding remarks to her briefing of the UN Security Council, Special Envoy Tetteh notes the high-level visits between the Sudan and South Sudan, and their involvement in one another's peace processes and agreements as markers of the good bilateral relations between them. While the optics may seem right it is important to emphasize that the two state's lack of commitment to meaningful changes trivializes the lives of communities marginalized and mired in conflict. These recommendations outline practical steps that can help move the Abyei impasse towards resolution.

20. "Creating Alternative Policing in the Absence of Abyei Police Services," May 30, 2018. <https://unisfa.unmissions.org/creating-alternative-policing-absence-abyei-police-services>

ABOUT THE AUTHOR

Dr. Sandra Tombe is Research Program Officer on the Learning, Evaluation and Research team at the United States Institute of Peace (USIP), where she supports research, research ethics, and institutional learning. She joined USIP after six years of teaching language courses, conflict theory and research methods and methodology in institutions of higher learning. She brings professional experience from the Transparency & Accountability Initiative, the Elliott School of International Affairs at George Washington University, the Jimmy and Rosalynn Carter School for Peace and Conflict Resolution at George Mason University, the University of Louisville, and, most recently, as a member of USIP's Africa Center, nonviolent action team and religion and inclusive societies team.

Dr. Tombe earned her doctorate from George Mason University. Her dissertation examines the transnational mobilization of diaspora communities by violent non-state actors from Cameroon and South Sudan. She received her master's in French from the University of Louisville and her bachelor's in international relations and French from Berea College. Her research has been published in the *Journal of Modern African Studies*, the *African Centre for the Constructive Resolution of Disputes*, and in an edited volume.

BIBLIOGRAPHY

- Akech, Joseph Geng, et al. "Amending the South Sudan's Revitalized Peace Agreement: The Implication of the Extension and its Roadmap." The Sudd Institute, August 10, 2022. <https://reliefweb.int/report/south-sudan/amending-south-sudans-revitalized-peace-agreement-implications-extension-and-its-roadmap>
- AllAfrica.com. "Contested Sudan-South Sudan Border Area Sees at Least 27 Deaths." *AllAfrica.com*, March 10, 2022.
- Atrocity Alert No. 292. "Ukraine/ Sudan/ South Sudan/ Ethiopia." March 16, 2022. <https://www.globalr2p.org/publications/atrocity-alert-no-292/>
- Border Security and the Joint Political and Security Mechanism signed between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement, June 29, 2011. <https://www.peaceagreements.org/viewmasterdocument/1371>
- Craze, Joshua. "Contested Borders: Continuing Tensions over the Sudan-South Sudan Border." *Small Arms Survey*, Graduate Institute of International and Development Studies, (2014): 2-79.
- "Creating Alternative Policing in the Absence of Abyei Police Services." May 30, 2018. <https://unisfa.unmissions.org/creating-alternative-policing-absence-abyei-police-services>
- "Death Toll in Abyei Rises." Onecitizendaily.com, April 15, 2022. <https://onecitizendaily.com/index.php/2022/04/15/death-toll-in-abyei-rises-to-41/>
- Deng, Francis. "The Overlapping Conflicts Between the Two Sudans." In *Bound by Conflict: Dilemmas of the Two Sudans*, edited by Francis Deng and Daniel Deng, 34-56. Fordham, Fordham University Press, 2015.
- Gettleman, Jeffrey, and Josh Kron. "Warnings of All-Out War in Fight over Sudan Town." New York Times, May 22, 2011. <https://www.nytimes.com/2011/05/23/world/africa/23sudan.html>
- Hawari, Alhadi. "Over 40 People Killed in Separate Attacks in Abyei." *Eye Radio*, April 14, 2022. <https://www.eyeradio.org/update-over-40-people-killed-in-separate-attacks-in-abyei/>
- "History made in Diffra as UNISFA Established Community Protection Committee in Northern Abyei." June 30, 2022. <https://reliefweb.int/report/sudan/history-made-diffra-unisfa-establishes-community-protection-committee-northern-abyei>
- Lederer, Edith. "UN Gives Sudan and South Sudan 6 Month for Abyei Monitoring." *Seattle Times*, May 15, 2017. <https://www.seattletimes.com/nation-world/un-gives-sudan-and-south-sudan-6-months-for-abyei-monitoring/>
- "Security Council Hears of 'Trust Deficit' in Disputed Abyei Region," *United Nations News*, April 21, 2022. <https://news.un.org/en/story/2022/04/1116602>
- "Sudan Coup: Military Dissolves Civilian Government and Arrests Leaders." *The BBC*, October 25, 2021. <https://www.bbc.com/news/world-africa-59033142>
- The Comprehensive Peace Agreement between the Government of the Republic of the Sudan People's Liberation Movement/ Sudan People's Liberation Movement (CPA), 2005. https://peacemaker.un.org/sites/peacemaker.un.org/files/SD_060000_The%20Comprehensive%20Peace%20Agreement.pdf
- Temporary Arrangements for the Administration and Security of the Abyei Area signed between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement. June 20, 2011. https://peacemaker.un.org/sites/peacemaker.un.org/files/SD_110620_AgreementTemporaryArrangementsAbyeiArea.pdf



© 2023 CSPS. All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means without permission in writing from CSPS, except in the case of brief quotations in news articles, critical articles, or reviews. Please direct inquiries to: CSPS

Phone:

+211 (0) 920 310 415
+211 (0) 915 652 847

Web:

<https://cspss.org.ss>

Address:

P.O. BOX 619, Hai Jebrona, Adjacent to Martyrs School,
Opposite Simba Playground, Juba, South Sudan.