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Resolving the Boundary Dispute in Sudan's Abyei Region

By **Dorina Bekoe**, Kelly Campbell and Nicholas Howenstein
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The Arab Misseriya and the Ngok Dinka ethnic groups have long held competing claims for access to the cattle grazing pastures and resources of the oil-rich Abyei region in Sudan. Unable to resolve the dispute during negotiations on the **Comprehensive Peace Agreement** (CPA), the government and southern representatives agreed to the establishment of the Abyei Boundary Commission (ABC) and tasked it with evaluating historical and conflicting claims to the land and demarcating a border between the groups. The final report of the ABC was completed in July 2005, but the Government of Sudan has yet to publicly release the document or accept its findings, as stipulated in the CPA. The Sudan People's Liberation Movement (SPLM), in contrast, supports the release of the ABC's findings. While the decision by the Government of Sudan to remain silent on the ABC report is unlikely to derail the peace process, releasing the findings of the ABC, one of the first steps in the CPA's implementation process, is an important component of the government's credibility to abide by its commitments in the peace agreement.

On August 30, 2005, the U.S. Institute of Peace convened its Sudan Peace Forum to discuss the implications of the commission's report for the Abyei area, the future of the CPA, and the peace process in Sudan. The ABC Chairman, Ambassador Donald Petterson, addressed the forum to provide details about the commission's mandate, evaluation process and decisions; and **Dr. David Smock**, director of the **Religion and Peacemaking** Initiative at the Institute, provided insights regarding the changed political environment in Sudan. The Sudan Peace Forum is chaired by Ambassadors Chester Crocker and Francis Deng.¹ The following USIPeace Briefing summarizes the presentations by Petterson and Smock as well as the discussion at the meeting.

The Abyei Boundary Commission

The Abyei area is commonly regarded as the bridge between the north and south of Sudan. The Misseriya and the Ngok Dinka have shared resources and cattle grazing areas in Abyei since the 18th century when both groups occupied Kordofan province. More formally, in 1905, during the Anglo-Egyptian Condominium period, the British transferred the administration of the nine Ngok chiefdoms from Bahr el-Ghazal province to Kordofan. However, the arming of the Misseriya by the Government of Sudan during the first civil war and the alignment of the Ngok Dinka with the SPLM sparked the modern day dispute over which group could rightfully claim the Abyei territory. As the fighting resulted in the displacement of the Ngok Dinka from the area at the end of the second civil war, the Misseriya considered Abyei as their own – a claim bitterly contested by the Dinka.²

Fully resolving the Abyei border issues in the CPA proved impossible, but in May 2004 the Government of Sudan and the SPLM adopted an American proposal that became the Abyei Protocol. To resolve the border issues, the Protocol established the ABC to "define and demarcate the area of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905" (CPA: 68). The text also instructed the ABC to present its report to the President of Sudan, who would in turn "take necessary action to put the special administrative status of the Abyei Area into immediate effect" (CPA: 68). Significantly, the Protocol also clearly explained the distribution of oil revenues during the interim period: 50 percent to the Government of Sudan; 42 percent to the Government of Southern Sudan; and 2 percent each to Bahr el-Ghazal, Western Kordofan, and local Ngok Dinka and Misseriya.

In December 2004, the Government of Sudan and the SPLM adopted an Annex to the original Abyei Protocol outlining the composition of the commission: five chosen by the government, five by southern Sudan, and five impartial experts, three of whom would be appointed by the Intergovernmental Authority on Development and one each appointed by the United States and the United Kingdom. The five experts were: Godfrey Muriuki, University of Nairobi; Kassahun Berhanu, University of Addis Ababa; Douglas Johnson, expert on southern Sudan; Shadrack Gutto, lawyer from South Africa; and Donald Petterson, former ambassador to Sudan. Only these five impartial experts were to present the report, which the Annex asserted would be “final and binding on the Parties” (CPA: 217).

These appointed experts were charged by the Annex with listening to representatives from the Ngok Dinka and Misseriya groups and consulting British archives and other sources to ensure that the ABC's decision was “based on scientific analysis and research” (CPA: 217). After meeting with the representatives of the Government of Sudan and the SPLM in Nairobi in April 2005, the five commissioners traveled to the Abyei area to hear from the Ngok and Misseriya. Both the Government of Sudan and the Misseriya testified that the Ngok chiefdoms of 1905 were south of the Bahr El-Arab River; that the Misseriya settled permanently in the Abyei area long before the Ngok arrived; and that the Misseriya actually invited the Ngok to the region. The Ngok and the SPLM, however, asserted that the Ngok chiefdoms were both north and south of the river, and that present Ngok settlements are north and south as well. Much of the locals' testimony was so similar to that of the government and the SPLM that the experts concluded both the Misseriya and Ngok Dinka had been coached, and turned instead to historical records to determine the boundaries of Abyei.

The commissioners spent two weeks examining documents at the National Records Office and University of Khartoum and studying maps at the Sudan National Survey Authority. They found no maps depicting the Ngok Dinka chiefdoms' territory around 1905, and no written descriptions noting which groups possessed what land. After continuing research in Nairobi and England, the ABC heard once more from the Government of Sudan and the SPLM before arriving at its decision. On July 14, 2005, five days after the interim government was sworn in, the commission presented its findings to President Omar Bashir.

Summary of the ABC's Findings

Below are excerpts from the ABC's conclusions, as related by Petterson.

- In 1905 there was no clearly demarcated boundary of the area transferred from Bahr el-Ghazal to Kordofan.
- The GOS [Government of Sudan] belief that the area of the nine Ngok Dinka chiefdoms placed under the authority of Kordofan in 1905 lay entirely south of the Bahr el-Arab is mistaken. It is based largely on a report by a British official who incorrectly concluded that he had reached the Bahr el-Arab when in fact he had only come to the Ragaba ez-Zarga/Ngol.
- The Ngok claim that their boundary with the Misseriya should run from Lake Keilak to Muglad has no foundation.
- The historical record and environmental factors refute the Misseriya contention that their territory extended well to the south of the Bahr el-Arab, an area to which they never made a formal claim during the Condominium period.
- Although the Misseriya have clear “secondary” (seasonal) grazing rights to specific locations north and south of Abyei Town, their allegation that they have “dominant” (permanent) rights to these places is not supported by documentary or material evidence.
- There is compelling evidence to support the Ngok claims to having dominant rights to areas along the Bahr el-Arab and Ragaba ez-Zarga.
- The administrative record of the Condominium period and testimony of persons familiar with the area attest to the continuity of Ngok Dinka settlements in...places north of the Bahr el-Arab

between 1905 and 1965.

- The border zone between the Ngok and Misseriya falls in the middle of the Goz, roughly between latitudes 10°10' N and 10°35' N. [Note that some consider the Goz, which is not suitable for cattle grazing, as the natural boundary between the two groups].

Taking these facts into consideration, Petterson reported that the ABC concluded the following:

- The Ngok have a legitimate dominant claim to the territory from the Kordofan–Bahr el-Ghazal boundary north to latitude 10°10' N, stretching from the boundary with Darfur to the boundary with Upper Nile.
- North of latitude 10°10' N, through the Goz up to and including Tebeldia (north of latitude 10°35' N) the Ngok and Misseriya share secondary rights.
- The two parties lay equal claim to the shared areas and accordingly it is reasonable and equitable to divide the Goz between them and locate the northern boundary in a straight line at approximately latitude 10°22'30" N.
- The Ngok and Misseriya shall retain their established secondary rights to the use of land north and south of this boundary.

Aftermath of the Report: Reactions and Implications

The Misseriya rejected the commission's decision, as did President Bashir a few days later. Both claim the commission exceeded its mandate and thus assert that the report should only be considered as a recommendation to the president, who has the final say. Salva Kiir, First Vice President of Sudan and President of Southern Sudan, like his predecessor John Garang, has countered that the ABC fulfilled its mandate and adheres to the Annex of the Protocol—signed by the Government of Sudan and the SPLM—which says the report is not contestable. The Special Representative of the UN Secretary-General for Sudan, Jan Pronk, adopted this view on July 15, just after the ABC presented its report, reiterating both parties' agreement to the binding nature of the commission's report. As of October 2005, President Bashir had not acted on the committee's decisions or publicized the ABC report, both of which he is obligated to do by the Abyei Protocol and its Annex.

Deng pointed out more serious implications of the rejection of the ABC report. In particular, he noted that lines on a map are not the concern of local Misseriya or Ngok. Rather, access to water and grazing lands are the concern of locals, while the discovery of oil in the Ngok Dinka region lies behind the government's actions. According to Deng, "fiddling with the report of the ABC would be tantamount to fiddling with the CPA, and that would almost certainly lead to the resumption of hostilities." He warned that the Misseriya threatened to initiate a war with the Ngok and appeared to be mobilizing, apparently with the support of the Government of Sudan. The Ngok may in turn prepare for war.

Petterson emphasized that the international community has an important role to play in resolving this impasse over Abyei. Specifically, he recommended that the United States, Britain, Norway, the United Nations and other parties make it clear to the Government of Sudan that they must adhere to the Abyei Protocol, the Annex and other signed documents. Deng concurred, believing that the international community "must reaffirm its support to the final and binding nature of the ABC report as part and parcel of the CPA." He encouraged members of the ABC to publicly explain their mandate, procedures and decision-making processes, which Petterson and other Commission members have begun to do. One of the international members of the Commission explained to Deng that in its findings, "[The Commission] gave neither side any more or less than what the boundary was in 1905. Both sides retain established mutual practices of enjoying limited rights across the border as we established it, without asserting 'ownership.' This conforms to the spirit and letter of the CPA."

Although the impasse on the question of Abyei is serious, there was not consensus that it would unravel

the peace process in Sudan. There are a number of concrete factors that show the government's commitment to reconciliation, and Salva Kiir has stated his commitment to national unity. As Smock related, the inter-religious workshop recently organized by the Sudan Inter-Religious Council and the Institute of Peace permitted meaningful discussion among sixty religious leaders from the North and the South for the first time. The recommendations adopted at the workshop have been disseminated in the Northern and Southern Sudanese media. Similarly, for the first time since 1975, the Sudanese government issued three permits for the construction of churches in Khartoum. Finally, in small towns, like Rank at the border of North and South Sudan, residents note the decreased tension in their daily lives since the signing of the CPA. In this spirit, there are other, equally significant actions that can help alleviate the tension in Abyei and affirm and strengthen ties between the Ngok Dinka and Misseriya. Specifically, Deng recommended initiating a dialogue between the two to prevent renewed hostilities; establishing the administration for Abyei as called for in the CPA; and distributing the oil revenues to demonstrate the reality of the peace dividend.

Notes:

- [1.](#) Deng was not present at the meeting; however, he submitted a paper on this issue for distribution at the event, which is referred to in this USIPeace Briefing.
- [2.](#) Additional information on the history of the Abyei conflict is available from: United Nations Economic and Social Council, "Report of the Representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, submitted pursuant to Commission of Human Rights resolution 2002/56," (E/CN.4/2003/86/add.1), 27 November 2002 (electronic version).

Related Resources:

[USIP Program: Sudan](#)

[Peace Agreements: Sudan](#)

[Workshop on Conflict Resolution in Eastern Sudan](#)
(Training Program, September 2005)

[On the Web: Sudan](#)

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United States Institute of Peace - 1200 17th Street NW - Washington, DC 20036
(202) 457-1700 (phone) - (202) 429-6063 (fax)