

No longer an inter-communal conflict: stopping crimes against humanity in southern Abyei

by Tim Flatman

Based on interviews and visits conducted in Abyei, Agok, and Juba, February 2024.

Executive Summary

Crimes against humanity, and arguably acts of genocide, have occurred and continue to occur in Abyei. A campaign of terror targeting civilians (especially women) and the economic means of survival, aims to depopulate southern Abyei and threatens the communal existence of the Ngok Dinka. These acts have not been prevented by communal dialogue and require accountability, which the Government of South Sudan has not provided to date, strengthening perceptions of complicity. The conflict should be viewed as a human rights emergency, requiring intervention to protect civilians, rather than as an intercommunal conflict, in which two equally culpable sides are urged to restrain themselves.

UNISFA is unable to protect civilians under its current troop levels and leadership, and relies on local youth to do its job for them. Ngok forces act in a defensive capacity but Twic and Gai Machiek's forces are much better armed and outnumber them.

A humanitarian emergency due to population pressure in Abyei town can be averted through increased donor support and the voluntary repopulation of villages in central and northern Abyei, currently the safest places outside of Abyei town.

Ultimately, the deterioration in security in Abyei can only be arrested by actively seizing the issue of final status.

Key recommendations

1. The failure to make progress on the final status of Abyei has created the conditions for ever-worsening violence and atrocities against civilians. The issue cannot be left with the Governments of Sudan and South Sudan, but must be actively seized by the relevant international institutions.

About the author:

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This report was written on the basis of visits and interviews in Abyei Area undertaken between 8th and 15th February, including with:

- The Chief Administrator of Abyei Administrative Area, and ministers and officials responsible for education, relief and peacebuilding
- 9 chiefs / acting chiefs representing the 9 Ngok chiefdoms
- Church leaders and members from the Catholic, Episcopal and Evangelical Presbyterian churches
- Womens' groups
- Local NGO workers from BGRRF and Concordis
- Victims of violence (wounded, widowed and recently kidnapped)
- Teachers and students
- Tit baai volunteers

Interviews were also conducted with parliamentarians and other community leaders in Juba. The author did not travel to Twic areas, and this report is not a formal investigation into the violence. Rather, it reports the observable reality on the ground in Abyei, the feelings of a broad cross-section of the permanent residents of Abyei, and the author's independent conclusions. For a formal, independent investigation which investigated allegations made by both Ngok and Twic Dinka and visited both communities, the Council of States *Report on Communal Violence between Ngok of Abyei and Twic of Warrap* is recommended.

Tim is from the UK, but serves with mission organisation Latin Link and the *Betel Brasileiro* church in Brazil and is supported by Baptist, Anglican and independent churches in the UK, and individual church members who wish to support his work. The opinions, findings and conclusions stated in this report, published independently by the author, are those of the author and do not necessarily reflect those of any organisations or individuals he is affiliated with.

2. Reporting on the Twic-Ngok conflict should adopt a human rights framework and investigate crimes against humanity, rather than focussing on clashes between youth. There must be accountability mechanisms for those credibly accused of incitement and of organising and perpetrating crimes against humanity.
3. UNISFA is unable to protect civilians at current troop levels and the Head of Mission and Force Commander is compromised by his past actions/comments and perceived personal ties. Troops should be increased to at least 6,000 and properly equipped; the Force Commander should be replaced and a Civilian Head of Mission appointed.
4. SSPDF should be redeployed out of Abyei Area immediately, and replaced by National Police of mixed ethnicity until UNISFA reach adequate troop levels to protect the whole area.
5. Tit Baai (Ngok Dinka youth defence forces) should be officially constituted as a local police force, to ensure accountability without diminishing community protection.
6. The Presidential decree of 16th January 2024, *Orders on Resolution of the Conflicts Between Twic and the Ngok Dinka, Marialbai and Apuk Communities*, must be implemented as soon as possible; international pressure and logistical assistance will likely be necessary to achieve this objective.
7. The recommendations of the Council of States' *Report on communal conflict between Ngok of Abyei and Twic of Warrap* must also be implemented, to demonstrate accountability for those identified as having directed attacks against civilians.
8. Rural populations have sought refuge in Abyei town, increasing demand for water, school places and food assistance, and increasing risks of disease. There is no land for internally displaced peoples to cultivate in Abyei town, but WFP plans for 2024 were formed before recent internal displacement took place, and before the most recent arrivals from Sudan. An urgent reassessment is required. It should be assumed that, sadly, most displaced peoples from Alal and Rumamer counties are likely to remain in Abyei town in 2024.
9. Immediate action should be taken to relieve population pressure on Abyei town by supporting the voluntary repopulation of those who wish to return to northern central villages such as Miyankol, Kuolchong, Maker, etc. This will involve the provision of appropriate humanitarian assistance (seed, agricultural tools, clean water, education) in these locations. This should take place by April.
10. The Government of South Sudan must take steps to address local perceptions that it is complicit in violence; these could include: directing VP Hussain Abdelbagi not to involve himself further with the issue of Abyei, and clarifying that the Government continues to support the PCA verdict locating Agok and Athony within the Abyei box, recognised as the territory of the 9 Ngok Dinka chiefdoms.
11. The airstrip at Kadian should be operationalised immediately and without waiting on the Government of Sudan, to facilitate the arrival of humanitarian assistance and the transport of Ngok Dinka IDPs from Sudan for whom travel by road is too dangerous.

Background

Abyei was defined by the Government of Sudan and the SPLM/A as 'the area of the 9 Ngok Dinka chiefdoms transferred to Kordofan in 1905.'¹ Despite the wishes of a clear majority of the chiefdoms to reverse the decision, Abyei remained in northern Sudan on the declaration of Sudan's independence in 1956. A referendum on the self-determination of Abyei Area, promised in the Addis Ababa Agreement of 1972, was never implemented, and the promise was repeated in the Abyei Protocol, part of the Comprehensive Peace Agreement (CPA) signed in 2005. The target for this referendum was identified as the Ngok Dinka, but other permanent residents of Abyei Area would also be able to vote.

¹ Abyei Protocol, section 1.1.2

The boundaries of Abyei Area were defined by the Abyei Boundaries Commission (ABC) in 2005. The ABC listened to testimony from Ngok Dinka, Misseriya, but also from Twic Dinka as representatives of neighbours of Abyei to the South, who participated in meetings in both Agok and Khartoum.² While the Government of Sudan rejected the ABC's conclusions as to Abyei's northern border, the Twic Dinka raised no complaint as to Abyei's southern border. The Governments of Sudan and Southern Sudan referred the issue to the PCA, which, in 2009, further delimited the northern, eastern and western boundaries of Abyei Area, but did not alter the southern border. The Government of Sudan first accepted, then rejected, the PCA's conclusions. The Twic Dinka did not challenge the PCA verdict until 2022.³

A referendum did not take place as promised in January 2011. Before the separation of South Sudan on 9 July 2011, the Sudanese Armed Forces invaded Abyei, displacing the Ngok Dinka population. A series of agreements followed. When the governments of Sudan and South Sudan proved unable to reach an agreement on a process to resolve the final status of Abyei, a proposal was presented by Thabo Mbeki, recognised by the African Union Peace and Security Council (AUPSC) as the only 'fair, equitable and workable'⁴ solution. Mbeki's proposal promised a referendum in October 2013 and offered further clarification as to voter eligibility. The Ngok Dinka were again identified as the target community. The Misseriya, as seasonal nomads, were not eligible to vote, but were instead offered protections so that those sections who traditionally migrate into and through Abyei Area would be able to continue to do so, regardless of the result of the referendum.

When the AU failed to hold referendum in October 2013, the Ngok Dinka held a self-organised referendum, in which they voted to join South Sudan. This author served as an international observer, finding that the results 'accurately represent the genuine expression of the will of the electorate' and that those 'who recognised the results of the South Sudanese referendum of 2011... but who fail to do so in this case, will do so for political rather than technical reasons.'⁵ The results have not been recognised by any international governments, and the Government of Sudan continues to insist that any referendum on Abyei includes the Misseriya. This tactic effectively blocks any referendum from taking place. Ngok Dinka accept that the minority of Misseriya who are permanent residents of Abyei, known to Ngok chiefs and settled in 2005 before attempts by the Government of Sudan to change the facts on the ground, may vote in any referendum. Permitting nomadic Misseriya (or even sections of Misseriya who have no connection with Abyei) to register, would violate the CPA and allow the Government of Sudan to rig the referendum.

Frustrated by the impasse, but unwilling to call the Government of Sudan on its blocking tactics, the international community left the issue with the two national governments, periodically encouraging them to make progress, but without exerting serious pressure to do so. It has been recognised that this 'decade of diplomatic stalemate has been deleterious to the people of Abyei, but eminently productive for Sudan... [and] ... is also politically productive for Juba.'⁶ In other words, both governments benefit from the status quo. Both governments benefit from the sharing of oil revenues in Kec. Both governments offer rhetorical support to constituent (Misseriya, and Ngok Dinka) communities, without needing to commit financial support to local development or risk actions which could antagonise counterparts in Khartoum or Juba. However, the Ngok Dinka have

² Abyei Boundaries Commission Report.

³ Letter from members of the South Sudan Transitional National Legislature to the Chief Administrator of the ASAA, February 3, 2022. This claim was preceded by an unofficial claim which implicitly challenges the PCA verdict in Bona Malual Madut's book "Abyei of the Ngok Dinka: Not Yet South Sudan", published 2017.

⁴ African Union Peace and Security Council, "339th Meeting Communique," October 24, 2012.

⁵ Final Report of the International Observers to the Abyei Area Community Referendum, November 2013, p4.

⁶ Small Arms Survey Situation Update, July 2023, "Attacked From Both Sides: Abyei's Existential Dilemma", p2

been subject to frequent attacks, including massacres like those committed in Dungob and Kolom in May 2021, killing 47, abducting 15 and burning 20 homes.

The lack of international attention or will to resolve Abyei's final status, and the reduction in UNISFA peacekeepers (from c. 5,300 in 2013 to c. 3,000 now) has not gone unnoticed, and the Abyei box has become a haven for 'criminals, terrorists, and opportunists'.⁷ Paradoxically, denoting Abyei as a demilitarised zone without the capacity to enforce it, has attracted armed opportunists who believe they will not face significant opposition. Peacebuilding experts believe that the failure to resolve Abyei's final status does not merely maintain an unsatisfactory status quo, but is actively making the situation worse, and that local mediation and dialogue can sometimes 'put out fires' and slow down the deterioration of the situation, but international action to resolve Abyei's final status is the only route to peace.⁸

The recent Twic – Ngok conflict must be understood in this context. The communities are close, co-existing as neighbours and inter-marrying for 300 years. While the decision to conduct a land survey in Agok in 2019, subsequently halted and restarted in 2021, has been used as a grievance to motivate discontent by Twic politicians, the chronology does not support the idea that the land

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survey was a primary driver of conflict. UNISFA prevented an attempt by the commissioner of Turalei County to occupy Athony village in February 2018, and a claim to Agok and Athony, accompanied by threats of violence were made by 3 Twic MPs, was made in August 2021, well before the survey restarted. It is more accurate to note that Twic 'saw the weakness of Ngok Dinka as an opportunity'.⁹ The Twic claim is a rhetorical stance and not taken seriously by seasoned observers, who note that 'The Twic claim to these territories is very recent in origin and is not actually about long-standing territorial disagreements, but rather an attempt to control Annet and the humanitarian hub in Agok, where many international NGOs based themselves following SAF's invasion of Abyei.'¹⁰ While there is undoubtedly an economic motive, the personal grievances of individual Twic politicians also play a role.

Following threats issued by the Commissioner of Twic County in December 2021, and immediately following a speech given by veteran politician Bona Malual Madut in February 2022,¹¹

Twic youth launched attacks in Abyei Area on 10th, 11th, 12th, 14th and 16th February 2022. Ngok Dinka youth organised themselves into community defence forces and responded in kind. Tens of

⁷ Interviews with Abyei Administration Area officials, Abyei, February 2024.

⁸ Interviews with NGO workers, Abyei, February 2024.

⁹ Small Arms Survey Situation Update, July 2023, p2

¹⁰ Ibid.

¹¹ Bona Malual stands accused by many in Abyei as being a prime instigator of the conflict, and of having mobilised against the implementation of the Abyei Protocol while acting as presidential advisor to Omar al-Bashir from 2005 – 2011, having mobilised against individuals to reduce the Ngok Dinka presence in the South Sudanese government from 2011, incited territorial violence through the publication of his book in 2017 and through the above speech, and failing to take sufficiently strong action to restrain Twic violence when given repeated opportunities to do so. Bona Malual is a complicated person, described by his friend the late Bishop Macram as "honourable and sincere", but also as a "terrible" person who is "much better to have as a friend than as an enemy." Many accusations remain unproven, but it is difficult to deny that he could have done much more to restrain violence.

thousands of residents of southern Abyei, mostly in Agok, were displaced. Peace dialogue and conferences took place between Ngok and Twic politicians and traditional leaders in April 2022, October 2022, March and April 2023, and resulted in agreements, but clashes and raids continued nonetheless. It is easy to see why the conflict has been categorised as an intercommunal conflict, but the political drivers to the conflict, and the failure of intercommunal dialogue to provide solutions, suggest that this may never have been the most helpful framing.

Over the last 12 months, the nature of the conflict has evolved. The Twic are more heavily armed, and an alliance with Nuer rebels (initially courted by both sides) has solidified. Ngok youth have been reined in by community leaders and operate as a defensive force with light arms only. The complicity of the South Sudanese state has become more apparent, to the extent that Ngok traditional leaders openly complain that ‘the Government of South Sudan are fighting us’.¹² Twic tactics focus on intentionally depopulating southern Abyei through a campaign of violence against civilians and especially women, and the infliction of conditions of life calculated to bring about the physical destruction of the Ngok Dinka as an ethnic group. Ngok Dinka civil society groups describe the violence as genocidal.¹³ Without wishing to enter into the frequently tedious debate over whether specific crimes against humanity meet the legal definition of acts of genocide, it is clear that the description of the conflict as “intercommunal” or, worse still, “tribal”, obscures the reality of what is taking place, and suggests solutions which are likely to be ineffective in saving human life. A human rights, protection-based framework is urgently needed.

Intercommunal conflict or crimes against humanity?



Aftermath of the attack on Abathok village in early February

Recent attacks on civilians have been documented by civil society organisations as follows:

Only within this month, numerous incidents took place indicating that current conflict is taking another dimension that require quick response to rescue the situation before it's too late. Here are some of main incidents:

¹² Interviews with the 9 Ngok Dinka chiefs / acting chiefs, Abyei, February 2024.

¹³ Interviews with representatives of civil society organisations, Abyei, February 2024.

Firstly, Gai Machek, a rebel militias hybridized with Twic Kuac youth sneaked into Abyei town and explorably attacked Nyienkuac neighbourhood on 27th Jan 2024. This attack resulted to killing of 55 people and more than 70 wounded among them were women and children.

Additionally, on 02nd Feb 2024 Gai Machek rebel group looted livestock and pillaged everything including humanitarians warehouse in Rumamer village of RUmamer County. Moreover, on the 3rd and the 4th Feb 2024 the same group launched a cycle of savage attacks in Awolhnom, Minyang, Khadian villages of Alal County, Tetak and Abathok villages of Mijak County resulted in killing of 20 people, raiding 700 heads of cattle raided and displacing hundreds of civilians from their homes within the civinity of UNISFA's team-site of Ghanaian Battalion (CANBATT) in Awolhnom.

Furthermore, on 14th Feb 2024 the aforementioned militias killed 3 innocent civilians in Rumamer village and one other in Koladet bush few meters east of Abyei town...

Finally, backed by militias from Gai Machek, a rebel leader currently hosted by Twic County authorities at Ajakuac, armed group of Nuer youth opened a new filthy chapter in terrifying innocents in Abyei through series of kidnapping civilians, mainly women to be released on ransom. For example on 10th January 2024 four (4) women were kidnapped on the road between Rumamer and Maria Ajak and were harassed and raped before there returned upon cash payment to the kidnappers. Again, around Amiet Market, ten (10) women (including 10 years old girl) were abducted on January 20th, 2024. Additionally, a man was abducted together with his two (2) daughters of 21 and 17 years on 2nd February 2024 at their vegetable garden in Amenth-bek, few meters east of Abyei town. As they were waiting for the rescue cars, the older daughter was knocked-out by one of the UN convoy that were coming towards them while she was waving for rescue.¹⁴

I spent 7 days in Abyei from in the immediate aftermath of most of these attacks and had the opportunity to listen to many of those impacted by these events, including those kidnapped, widowed, wounded, and who survived their tukuls being set on fire.

Even from 2022, the goal of raids into southern Abyei was 'to keep southern Abyei depopulated'; attacks on markets in Annet and Amiet were 'designed to attack the AAA's economic base, and effectively squeeze the Ngok Dinka into the centre of Abyei' and Twic Dinka checkpoints on the roads into Abyei, reducing the volume and increasing the price of goods arriving in Abyei, aimed to 'make it as difficult as possible for the Ngok to sustain life.'¹⁵ These tactics have intensified, and become more and more explicit, while encroaching northwards beyond the area Twic claimed in 2022.



Representatives of Abyei Women's Union

"We can't go out. If we go to the river to fish we are attacked, if we keep cows they are taken away, if we go to cut grass we are shot or kidnapped. There is no place for us to go except heaven."

¹⁴ Abyei Civil Society Organization Statement on the current unrest in the Area, 18/02/2024.

¹⁵ Small Arms Survey Situation Update, July 2023, p3.

The current pattern of violence aims to depopulate Abyei through a campaign of terror, attacking settlements where women and children are shot and burned alive in their tukuls, but also removing the economic conditions necessary to survive.¹⁶ Grinding mills and markets are targeted; women are shot when engaging in economic activities, cultivating or gathering local building materials. Once areas are abandoned (Agok, Juljok), everything is burned down systematically to prevent people from going back. People are squeezed into Abyei town where they are dependent on humanitarian support, but do not feel safe even there. Road blockades continue. Ngok are targeted if they dare to travel (even an NGO worker in a peacebuilding organisation given “authorisation” by Twic leaders to travel was briefly detained); steep bribes are demanded from non-Ngok bringing goods by truck, which leads to sharp price increases in markets in Abyei.

Representatives from Abyei’s Women Union, who have themselves lost family members in recent attacks, described the situation as follows:

*It is getting worse and worse. We are losing our husbands and we are still young. How will we look after our children? We are kidnapped, and we don’t know if we will be followed, if we will be rescued or killed. We can’t go out. If we go to the river to fish we are attacked, if we keep cows they are taken away, if we go to cut grass we are shot or kidnapped. There is no place for us to go except heaven.*¹⁷

Currently violence is one-sided, targeted at civilians (especially women), and at the economic means of survival, while Ngok Dinka communities are being emptied and burned in repeated, systematic acts. To continue to describe this as an inter-communal conflict ignores the current reality. It presupposes that solutions can be found through community dialogue without providing any means of intervention to prevent violence. Politicians inciting violence can happily permit community dialogue as long as it brings no accountability for them, as any recommendations or solutions can be safely ignored.

State complicity?

Describing the Twic – Ngok conflict as an intercommunal conflict also risks ignoring the extent to which the South Sudanese state is enmeshed in the conflict. Widespread beliefs that the South Sudanese government has agreed to divide Abyei Area with Sudan, thus placating Sudan, appeasing Twic and ensuring straightforward legal access to exploit supposed gas deposits in southern Abyei, lack a smoking gun. However, these beliefs are strengthened by the behaviour of Kiir loyalist and VP Hussein Abdelbagi, the failure to implement the recommendations of the Council of States Ad Hoc Committee *Report on communal conflict between Ngok of Abyei and Twic of Warrap*, the failure to recognise the Ngok Dinka referendum of 2013 or otherwise make progress on the final status of Abyei, and the impact of the Presidential decree of 16th January: *Orders on Resolution of the Conflicts Between Twic and the Ngok Dinka, Marialbai and Apuk Communities*.

“The current pattern of violence aims to depopulate Abyei through a campaign of terror, attacking settlements where women and children are shot and burned alive in their tukuls, but also removing the economic conditions necessary to survive.”

¹⁶ Author’s personal conclusion, based on visits to affected areas including Agok, Juljok & Abathok, and interviews with survivors in Abyei hospital, February 2023.

¹⁷ Interview with Abyei Women’s Union representatives, Abyei, February 2024.

VP Hussein Abdelbagi was tasked with leading a committee to investigate the violence in early 2022. Others have pointed to claims that Abdelbagi ‘was not neutral because he had Twic family members.’¹⁸ It is his actions which demonstrate a lack of neutrality, however. Abdelbagi did not listen to both sides, but rather listened to Twic Dinka, then presented his conclusions and an action plan to Ngok Dinka rather than first listening to them. He instigated a series of arrests, without charges, with no evidence or reasons given, while failing to take action against those credibly accused of incitement. 6 youth (5 Ngok Dinka, 1 Twic Dinka who is a permanent resident in Abyei and not implicated in fighting) have only been released due to the mediation of Concordis, in mid-February 2024, 2 years after the arrests. Video has been widely circulated showing Abdelbagi stating that Athony is not within Abyei and belongs to the Twic Dinka, despite its location within the PCA award area. He also stands accused of influencing UNISFA Force Commander Maj Gen Benjamin Olufemi Sawyer to abandon UNISFA’s protection mandate in southern Abyei. Ngok Dinka question why he feels the need to continue to insert himself into the Abyei issue, when it is not relevant to his portfolio as VP for Service Cluster. His NCP connections, and his family’s connections with Misseriya, also lead to suspicions.



While Abyei Area Administration officials, appointed by and needing to maintain a relationship with the South Sudanese authorities, were more diplomatic, traditional chiefs (above), reflecting popularly-held views, openly accused the South Sudanese government of complicity in attacks on Abyei.

“The government of South Sudan are fighting us”

“Other South Sudanese fear us as we are well-educated and can take high positions in South Sudan.”

“The government of South Sudan is silently supporting the attacks on us.”

“We need pressure on the Government of South Sudan.”

The only investigation into the violence which is genuinely neutral and listened to both sides¹⁹ is the Council of States *Report on Communal Conflict between Ngok of Abyei and Twic of Warrap*. It examined evidence from and interviewed both sides, and did not shy away from identifying specific Twic politicians who incited violence, providing evidence for its conclusions, and recommending accountability measures. Where there was not sufficient evidence found, in the case of accusations made against Maj Gen Akuei Ajou Akuei and Brig Gen Chol Madol, SSPDF commanders, an investigation was recommended. The report has been received by the Presidency, but its recommendations have not yet been implemented. The failure to take meaningful action on the basis of conclusive evidence emboldens politicians to continue inciting violence.

Future reporting of violence in Abyei should adopt a human rights framework. It is clear that crimes against humanity, and arguably acts of genocide, have occurred and continue to occur. These have

¹⁸ Small Arms Survey Situation Update, July 2023, p3.

¹⁹ According to NGO workers and church leaders working in peacebuilding, as well as Ngok Dinka community representatives.

not been prevented by communal dialogue and require accountability, which the Government of South Sudan has not provided to date, strengthening perceptions of complicity. Where governments are unable or unwilling to protect civilians from crimes against humanity or acts of genocide, the international community has a responsibility to intervene. In the first instance, this should be through UNISFA, who must start fulfilling their protection mandate, and by putting pressure on the Government of South Sudan to implement the recommendations of the Council of States report, and to implement the Presidential decree of 16th January (see below).

One interviewee with a legal background argued:

*'This is a politically inspired genocide, not a communal conflict. Even by the technical definition, it is a genocide. When women and livelihoods are targeted repeatedly, it is a genocide. People will regret not taking action.'*²⁰

UNISFA

UNISFA, as a single nationality force, under Ethiopian command, with 5,300 personnel, protecting civilians from attacks that originated from one direction, with clarity over their mandate and rules of engagement, did their best under tough circumstances, and sometimes still failed to protect civilians.

Since the establishment of a multi-national force, reduced to 3,000 personnel, under the leadership of Maj Gen Benjamin Olufemi Sawyer, UNISFA have failed repeatedly to fulfil their mandate. UNISFA have failed to protect civilians from attacks that have taken place in their presence, and have been accused of standing down. They rely on local youth to do their job for them (see below). They tolerate the presence of SSPDF in Agok, and have largely abandoned southern Abyei. Forces, unsure of rules of engagement or actively impeded from protecting civilians, are reduced to reporting and not protecting.

In particular, the Ghanaian forces are regarded as weak. There is clamour to replace them; the Pakistani forces are regarded slightly more highly, but the preference is for a single nationality force, perhaps Rwandan, with a force commander from the same nation. There are mitigating circumstances. 5,300 was barely sufficient for UNISFA to fulfil its mandate when attacks were more

"UNISFA have failed to protect civilians... They rely on local youth to do their job for them... 3,000 troops are simply insufficient."

predictable and originated from the north. 3,000 troops are simply insufficient; now that attacks come from both north and south, 6,000 should be considered a minimum number necessary to protect civilians. Many troops are not well equipped; Ghanaian troops are less well-equipped than Gai Machiek's forces (see below).

There are also allegations that troops, including the Ghanaian forces, have been prevented from fulfilling their mandate in southern Abyei. Some Ngok leaders state that they were present when the Ghanaian Commander stated his desire to go to Athony and was prevented from doing so by the Force Commander. They allege that the Force Commander takes orders from the South Sudanese government, and in particular from VP Hussein Abdebagi. As he has his own mandate and is not directly responsible to the government, this should not be the case. The

²⁰ Interviews with Ngok Dinka politicians, Juba, February 2024.

Force Commander has also repeated VP Hussein Abdelbagi's demonstrably false assertions that Athony is a Twic area, and not within Abyei. The Ngok response was to ask how he can fulfil his mandate when he doesn't even know which areas are within the Abyei Area. Whether the Force Commander is out of his depth, compromised, or just trying his best to an impossible job, he has certainly lost the confidence of the community he is tasked with protecting.

UNISFA forces must be increased in number and better equipped. The Force Commander must be replaced as soon as possible and a civilian Head of Mission also appointed.

Tit Baai

In theory the only unarmed entities allowed in the Abyei box are UNISFA and, once constituted, an Abyei Police Service. In practice, SAF have remained in Kec (Diffra) continuously since UNISFA's inception, while SSPDF have been present sporadically, maintaining a static presence in Agok since 2022. It is argued that an Abyei Police Service cannot be formed until a Joint Administration is formed, while a Joint Administration has been anathema to the Ngok Dinka since the assassination of their Paramount Chief in 2013. However, the 2011 *Agreement Between The Government of the Republic of Sudan and The Sudan People's Liberation Movement On Temporary Arrangements for the Administration and Security of the Abyei Area* does not specifically state that a Joint Administration must precede the establishment of an Abyei Police Service, only that the size and composition of the police are matters for AJOC. It could be argued that facts on the ground have superseded elements of this agreement. It could also be argued that the sequencing previously envisaged was supposed to lead to a referendum; no proposal for a referendum has existed for over 10 years and this sequencing is therefore obsolete.

Tit Baai comprises 200 – 300 Ngok Dinka youth. The composition of the group is extremely fluid and youth come and go at will. Estimates as to what proportion of the group are underage vary dramatically, with some arguing that a majority are underage, and others arguing that underage participation is minimal. I saw around 50 youth in action, patrolling, guarding civilian areas, operating checkpoints and escorting vehicles in dangerous areas. Of those, my extremely subjective assessment is that one, (patrolling), was probably underage (perhaps 16), and one (operating a checkpoint), definitely underage (perhaps 13). Of course, one child soldier is one too many. There were no indications of active recruitment of under-age soldiers, but the unofficial and spontaneous nature of the force makes this extremely difficult to control. One representative complained that her own children had joined against her will, and she was powerless to stop them. Nonetheless, all those interviewed, from all walks of life, asserted unanimously that *Tit Baai* are currently necessary as a defensive force to ensure the survival of the community. *Tit Baai's* capacity is limited, but they have protected civilians, minimised loss of life and prevented villages from being burned when UNISFA have either not intervened or been slow to intervene.

Tit Baai are not well armed; most have Kalashnikov rifles and a few bullets. They are no match for Gai Machiek or Twic forces militarily (who are heavily armed, and may number 1,500 when combined), but they have local knowledge of the area, and greater incentive to put their bodies on the line to defend their families than UNISFA troops have. They are largely self-organised and must find their own means of economic support. While some patrol, others gather grass or make charcoal to sell. Some are supported by their families. When this is insufficient, this causes problems. Against the instructions of community leadership, some *Tit Baai* recently looted Misseriya cattle. Many were not found and were assumed eaten. Abyei Area Administration paid a premium in order to maintain peace with Misseriya.²¹

²¹ Interviews with peacebuilding officials, Abyei, February 2024.

Tit Baai respond informally to community leadership, who envisage them as a defensive force, while acknowledging that they have pursued Twic youth beyond the Abyei box when repelling them ‘three or four times’. Community representatives believe that some reports of attacks by *Tit Baai* on Twic areas have been fabricated, and accused the Force Commander of lying about an attack on Turalei. I was not able to interview sufficient youth to form a definitive assessment, but those I did speak to certainly viewed their role as defensive, and limited to the Abyei box.

The presence of the force is not only tolerated by UNISFA; UNISFA actively co-operate with them in recognition of their own inability to protect civilians.²² They rely on *Tit Baai* to provide intelligence gained from patrols, to escort government VIPs and humanitarian organisations to insecure areas, and as a first response to attacks on civilian villages. *Tit Baai* are doing UNISFA’s job for them. This will not change unless and until UNISFA have sufficient troops to protect civilians. I find, regrettably and reluctantly, that Ngok Dinka assertions that *Tit Baai* are necessary for their survival, are accurate. At the same time, I want to caution that *Tit Baai* are underequipped and extremely vulnerable, and that the involvement of children should never be condoned.

In these circumstances it is better that *Tit Baai* be organised, accountable, and rid of underage soldiers, than that the status quo continue. They should be officially constituted and recognised as a local, temporary police force, with a clear chain of command, and resources allocated for their support. Proper training should be provided, including trauma healing workshops for those already traumatised by their involvement.

SSPDF

SSPDF were deployed inside the Abyei box in 2022 and have maintained a static presence, allegedly protecting the Agok airstrip, and Annet market.

In 2022, allegations were made against SSPDF by both sides, though some allegations are likely spurious, and may have been made tit-for-tat in order to create an impression that both sides were equally at fault. Allegations were made against Divisions 3 (led by General Akuei Ajou) and 11 by Ngok Dinka, and against Mario Kuol Monyluak’s forces, by Twic. Mario Kuol, a General and former Chief Administration of Abyei Area Administration, was detained without charge by VP Hussain Abdelbagi in early 2022, without reasons given. The VP’s actions are widely seen as an attempt to weaken Ngok Dinka, but could also be interpreted as a preventative measure aimed at limiting conflict. Mario Kuol was subsequently redeployed to Rumbek after a long confinement; Akuei Ajou was only replaced as Commander of Division 3 in early 2024.

It is impossible for me to evaluate specific allegations against SSPDF forces. However, it does seem completely inappropriate for Division 11, ethnically dominated by Twic Dinka, to be stationed inside the Abyei box. Agok was at one point home to 90,000 people; now a few hundred remain. The road between Agok and Juljok, previously lined with tightly compacted compounds, tukuls and recobas, is now lined with ash. Every few days more tukuls are burned, and few now remain. It is widely alleged that SSPDF forces stationed at Agok are the ones responsible; at the very least, they choose not to intervene. There are also widespread allegations that SSPDF allow Twic and Nuer forces to enter Abyei unimpeded, and even arm them. An eyewitness report given by a woman who hid in grass when a mixed Twic and Nuer force burned down her own home and Abathok market, stated that attackers had several “machine guns that stand on the ground”;²³ these weapons are not readily

²² Authors’ own eyewitness report.

²³ Interviews with survivors at Abyei hospital.

available to youth, and the logical conclusion is that these arms originated either from SSPDF, or from rebel Stephen Buay via Gai Machiek, or both.

SSPDF should not be inside Abyei box at all; whatever the truth of specific allegations, and unlike *Tit Baai*, it is credible to assert that they are making the situation worse, not better. The presence of SSPDF in Agok encourages UNISFA to abandon southern Abyei, in accordance with Twic demands but contrary to UNISFA's mandate. UNISFA should protect the airstrip, but if they do not have the capacity to do so, SSPDF should be replaced by ethnically mixed national police. SSPDF (but not Division 11) have a role in enforcing a buffer zone between communities, as per the Council of States Ad Hoc Committee *Report on communal conflict between Ngok of Abyei and Twic of Warrap*, which recommends that 'a force with a neutral commander who doesn't hail from the greater Bahr El Ghazal be deployed in the areas adjacent to Agok/Anet as a buffer zone.'

Gai Machiek

Gai Machiek is a cattle camp leader, and self-proclaimed spiritual leader, the third in his line to be possessed by the spirit *Diu*. He fled his native Mayom county in Unity in 2021 after feuding with local authorities. Initially courted by both sides, he denied involvement in the dispute, but his denials became less and less plausible, especially after joint attacks in Rumamer and Alal counties on 19th November 2023, killing 32. He has also, implausibly, denied ties to his relative General Stephen Buay's rebel group. Ngok Dinka argue that a circular from Stephen Buay dated 24th February implicitly refers to him as a zonal commander in Warrap and Abyei.

On 16th January, President Salva Kiir issued a decree that Gai Machiek be removed from Warrap State. Warrap authorities have not complied with the decree, and rallies have been encouraged in favour of his continued presence. The decree has strengthened the leverage that Warrap authorities have over Gai Machiek. To remain in Ajak Kuac, where he has safe harbour, and a fertile environment for recruitment, he must participate in Twic attacks on Abyei. Subsequent to the decree, his forces participated several times together with Twic (see citation from Abyei Civil Society Organisations, above).

Some Ngok leaders describe the decree as "fake", designed intentionally to increase Twic politicians' leverage over Gai Machiek, and put in front of the President by elements hostile to Abyei. A larger group simply believe it was unwise and unhelpful to make the decree without any mechanism for enforcing it. 'We are really confused why the government would make a decree if it cannot implement it', Paramount Chief Bulabek Deng declared, diplomatically.²⁴ Now that it has been made, there is no alternative to enforcing it. Nonetheless, Gai Machiek's position is entrenched, and the South Sudanese government arguably lacks the resources to transport and support a force big enough to remove him.

Ngok leaders in Abyei Administration have engaged VP Riek Machar, who has intervened personally to restrain Gai Machiek, calling him directly on several occasions.²⁵ This has resulted in a reduction in military activity, and the thwarting of planned crimes against humanity. For example, Twic militias decided to turn back from an attack on 15th February when Gai Machiek's Nuer forces did not join them as previously agreed.²⁶ Nonetheless, the VP's use of personal influence, however welcome, does not change the facts on the ground. For the outstanding decree to remain in force without being enforced, is untenable. The government must resolve it, either by dialogue, bringing Gai Machiek

²⁴ Interviews with the 9 Ngok Dinka chiefs / acting chiefs, Abyei, February 2024.

²⁵ Interviews with peacebuilding officials, February 2024.

²⁶ Interviews with AAA officials, February 2024.

within the tent and relocating him peacefully, or by force, with outside logistical support to transport the necessary forces, if required. The blunt instrument of international pressure may be helpful here. It can also be pointed out that the South Sudanese government will be perceived as weak, and toothless, if it is unable to implement this decree.

Removing Gai Machiek will not solve the issue of Abyei, or even resolve the conflict between Twic and Ngok. It will, however, alter the balance of forces, reducing the likelihood and frequency of acts of genocide in the short term and strengthening the hand of those calling for dialogue, as the chances of Twic “winning” by ensuring that southern Abyei is completely depopulated, will be reduced.

Humanitarian needs

The most immediate concern of traditional leaders in Abyei town were the consequences of the whole Ngok Dinka population being squeezed into the town. Chiefs said that they were already aware of fights over water, and increased reports of disease.²⁷ Education officials are scrambling to try to increase school places, and reconfigure schools so that schools in conflict areas can be hosted within schools in less-affected areas (principally Abyei town), which will operate with separate morning and afternoon classes.

While some attacks in 2022 and early 2023 were co-ordinated with Misseriya militias, and rhetoric

“the voluntary repopulation of central and northern villages is the best way of reducing population pressure on Abyei town.”

from some Twic politicians suggested that Abyei would be divided between the Twic and the Misseriya, leaving the Ngok Dinka nowhere to live, relations with Misseriya improved in 2023, due in part to local peacebuilding efforts, and in part to SAF & RSF’s diverted focus. This, plus the end of the normal migration season, means that villages in central and northern Abyei are likely to be the safest places for civilians outside of Abyei town.

The Chief Administrator of Abyei Area Administration, Chol Deng Alak, has suggested that the voluntary repopulation of central and northern villages is the

best way of reducing population pressure on Abyei town. Those who return to their villages in these locations will have land to cultivate, in contrast to those who remained in Abyei town, who will be dependent on food assistance. If the WFP rely on assessments from November 2023, food assistance will certainly not be sufficient. A further 5,000 refugees have arrived from Sudan since these assessments were undertaken, and they do not include the tens of thousands who have been internally displaced within Abyei Area.

The WFP must take register recent arrivals and alter their plans for 2024. However, the AAA’s proposals are the only realistic proposals for reducing population pressure on Abyei and avoiding a humanitarian catastrophe; few want to return to southern Abyei in the short-term. Local and national NGOs like ACAD, and BGRRF, are well-placed to offer assistance to central and northern villages; BGRRF is already mobilising to provide clean water in these villages, and already supports education. FAO should be encouraged to support returnees going back to northern and central villages with seeds and tools. Donors have the opportunity to help avoid catastrophe by acting swiftly – returns should take place during March to allow time for cultivation.

²⁷ Interviews with the 9 Ngok Dinka chiefs / acting chiefs, Abyei, February 2024.

The Twic blockade on roads to Abyei, and the insecurity in Agok, make the delivery of humanitarian assistance more complicated. The obvious solution is to finally operationalise Kadian (Anthony) airstrip. Excuses can no longer be accepted from the Government of Sudan for the failure to do so.

Final status

Despite the urgent humanitarian needs and the pressing need for protection from crimes against humanity, all those interviewed – traditional chiefs, AAA officials, community representatives, church leaders, NGO workers, civil society organisation representatives, teachers, farmers and church members from all walks of life, declared that progress on final status was the only way of ensuring peace in Abyei Area, and should be the number one priority for international advocacy and pressure. Not a single person had confidence in the South Sudanese government to make progress towards the final status of Abyei, and all believe there is a lack of will as well as a lack of capacity, while many believe the government is deliberately obstructing final status. The message was clear and unified: only final status can bring peace and stability, and only peace and stability can bring the conditions for development, education, and normal life.

The tendency over the last 10 years is to insist that the governments of Sudan and South Sudan work towards the final status of Abyei, and to shrug shoulders when they do not and hope that the environment changes in the medium term. Those actions have led to the current situation. To accept inaction on final status is to cost in the continuing deterioration of security over the long-term in Abyei, and will eventually lead to the elimination of the Ngok Dinka people, despite their inspiring determination to remain in their land whatever the challenges. The international community cannot afford to stand by and watch, to see what happens with South Sudanese elections or the civil war in Sudan. Rather, the weakness of both governments should be seen as an opportunity to impose a solution in line with the wishes and needs of local communities. The Thabo Mbeki proposal made in 2013 provided for Ngok Dinka self-determination and guaranteed migration rights for nomadic communities, and is the only realistic solution.

END

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