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ABYEI REGION: A THOUGHT- PROVOKING CASE STUDY FOR THE FUTURE OF KIRKUK

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Abyei region, which has long been an important point of tension between Sudan and South Sudan, with its ethnic diversity, historical experience and rich hydrocarbon reserves, have parallels with the case of Kirkuk and thus deserves a closer investigation. Abyei, with the international community's involvement in the settlement of the crisis, innovative solution to the question of how to share hydrocarbon revenues, and its own regional governing mechanism, might provide some insight for the future of Kirkuk. Thus, in this policy brief, historical background and dynamics regarding the Abyei case, which has not been investigated in detail so far in the related literature, will be presented in detail, which will be followed by a brief discussion about what lessons can be drawn from the process up to the settlement and the settlement itself.

Abyei region, as a key focal point for Sudan and South Sudan governments, with its ethnic diversity, conflicting and occasionally fighting entities, international efforts to settle the crisis and its oil reserves, stands out as a highly controversial disputed area. Historically, the Missieriya (Arab nomads) and the Ngok Dinka clan, the two peoples of the region, coexist in the Abyei region peacefully. However, even though the two did their best in order not to fight with each other during the thorny times of the Sudanese Civil War and the independence process of South Sudan,

lack of trust and divergence about the region and its future came to the surface. The Missieriya insistently argue that they have the historical ownership of the land and the Ngok Dinka arrived the Abyei region much later.

As an important part of this controversy, to which province the Abyei region belongs to is another significant question. Currently, the region shares a border with both South Kordofan province of Sudan and Northern Bahr el Ghazal province of South Sudan. The Ngok Dinka clan assert that the region belongs to Bahr el Ghazal, whereas the Missieriya argues that it needs to



be a part of Kordofan province.

During the Sudanese Civil War, Abyei Protocol of 2004 was signed, based on which the special administrative status was given to the Abyei region. This protocol was included in the Peace Agreement signed in 2005 as the Section 4 of the agreement. According to this protocol, Abyei would temporarily be part of both South Kordofan and Northern Bahr el Ghazal.

One of the key features of the Abyei region is its rich oil resources. According to 2003 figures, the region produced one-third of total Sudanese oil production. Moreover, the Greater Nile Oil Pipeline, which is vital for Sudan's oil exports, passes through the region. Oil revenues were agreed to be shared between 6 entities according to the protocol signed in 2004. While the Republic of the Sudan would get 50 percent of the

revenues, the Republic of South Sudan will get 42 percent. The remaining 8 percent will be equally distributed to the Northern Bahr el Ghazal province, South Kordofan province, and the two peoples sharing the land, namely the Ngok Dinka clan and the Misseriya, 2 percent each.

The protocol also states that the final status of the region will be determined by a future referendum. The main struggle regarding this referendum is, however, who will be regarded as the resident of Abyei and thus, have the right to vote. The controversy mainly stems from the international arbitration in 2009 in the Hague regarding the Abyei's boundaries, which excluded the Misseriya-populated regions. Even though the borders according to the protocol in 2004 caused a series of discussions and these relatively smaller 2009 borders were announced to be

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accepted by all the parties, the crisis did not come to an end. The tension stemming from the Misseriya's feeling of marginalisation and exclusion continued. Whereas the Misseriya support the region's accession to the Republic of the Sudan, the Ngok Dinka provides full support to the South Sudanese government's line of argumentation over the region and its accession to the Republic of South Sudan. As a result of this deadlock, the referendum which was proposed to be held in 2011 could not be held back then. The Sudanese occupation of the region in the same year in May, further deteriorated the situation.

Following the proclamation of the independent

Republic of South Sudan, both entities (Sudan and South Sudan governments) withdrew their forces from the region and the UN deployed the UN Interim Security Force for Abyei (UNISFA). UNISFA is currently composed of 4,500 personnel, most of whom come from neighbouring countries such as Ethiopia, Gana, Namibia and Rwanda.

Under these circumstances, the referendum was held in 2013. Only the Ngok Dinka clan voted in this referendum and the result was in favour of accession to the Republic of South Sudan with 99.9 percent of the participants voting for it. Unsurprisingly, the Misseriya people denounced the referendum as void. At the

same time, statements from the League of Africa came, referring to the referendum as a threat to regional security. There are also South Sudanese accusations about a systematic demographic movement centred on the Abyei region and conducted by the government of Sudan which, according to these accusations, encourages and facilitates the Arab populations' settlement in the region.

The special administrative status of the Abyei region was revised in the 2011 Agreement which was signed between the government of Sudan and the Sudan People's Liberation Movement (which would be re-named as the South Sudanese army after independence) in Addis Ababa. The agreement does not only clarify and revise the region's special administrative status, but also reiterates the need for the withdrawal of both sides' forces from the

Abyei region. Power-sharing scheme is as follows according to this agreement:

Abyei Area Administration:

The Chief Administrator is nominated by the SPLM and Deputy Chief Administrator by the Sudanese government. They need to be agreed upon by the other party. Of the remaining 5 seats, 3 of them belong to South Sudan, and 2 to Sudan. For each position, related party needs to nominate three candidates on which the other party can discuss and agree on one. Decisions of this Executive Council need to be taken unanimously and the presence of at least 5 members is strictly required for any session to be started. Regional Council, composed of 20 people, which was mentioned in the 2004 Protocol, continues to be active hierarchically under this organ. The head of this Regional Council is elected among three

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candidates nominated by the Sudanese government.

Abyei Joint Oversight Committee: It is composed of 4 members, with Sudan and South Sudan having 2 members each. Two members from the two sides serve as joint chairs. The African Union Commission Chairperson appoints a non-voting member as “a facilitator to assist the work” of the Committee. In addition, the UNISFA Commander also attends the committee meetings as a non-voting member when security-related matters are discussed. The Committee also monitors the Executive Council and

sends monthly reports to the presidents of both Sudan and South Sudan. The Executive Council has to present weekly reports to the committee. In case of a deadlock in the Executive Council, the Presidents of Sudan and South Sudan can jointly direct the committee to solve the dispute.

Abyei Joint Military Observer Committee: The idea about this committee back in 2004 was to be composed of the Chief Administrator, Deputy Chief Administrator, local military commander, local police chief and a representative from the “Security Organ”.



In 2011, this composition and the structure of the committee were revised. Joint Military Observer Committee would be headed by the UNISFA commander and strictly focuses on security-related matters. Both Sudan and South Sudan would participate in this committee with equal number of members. These members would be unarmed and their security would be provided by UNISFA. For the region, a local police force would be established, of which budget and personnel will be decided by this committee. This committee is responsible to submit reports regularly to the Abyei Joint Oversight Committee.

Reflections for Kirkuk

Considering the case of Kirkuk, we can observe several similarities which might contribute to the discussions about solving the puzzle in Kirkuk, too. Regarding the similarities, ethnic diversity of the people living

in Abyei, the narrative of having the historical ownership of the region are only some examples. In addition, a key similarity is the rich hydrocarbon resources of both. Again, as in the case of Kirkuk, Abyei's borders are drawn and re-drawn for decades which affected not only demographical composition but also had a negative impact upon the trust between the groups living in the region. Accusations about deliberate transfer of a particular people to the region by a certain entity in order to alter the demographic composition of the region is another similarity that needs to be touched upon here.

The involvement of the international community and key international institutions in the settlement of the dispute is an important feature of the controversy about the Abyei region, even though several waves of involvement were necessary before getting all sides' consent. Determining the

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future of the region by holding a referendum has been a widely discussed option for Kirkuk. However, the same question of deciding who and on what basis will be regarded as the residents of the region blocked the process in both cases. Drawing and re-drawing boundaries as well as accusations about transferring people for political ends further deteriorates the situation in that regard. Here, the presence of the UNISFA in the region plays a significant role in terms of preventing a possible conflict in a region where the two major entities (Sudan and South Sudan governments) have a fighting memory whereas the two people of the region (the Misseriya and the Ngok Dinka) have the potential to fight with each other. The composition of this UN force should also be considered as an important road map for a similar situation. It is mostly composed of the military personnel of

the neighbouring countries which have a better grip of the dynamics in the region than external powers.

One of the most important lessons that can be drawn from the case of Abyei is the revenue-sharing scheme regarding the hydrocarbon revenues. As has been mentioned, in this scheme, whereas the two entities (Sudan and South Sudan) receive 92 percent of the share, distribution of the remaining 8 percent to two provinces and two people equally seems an innovative solution that might provide a roadmap for the discussions about both revenue-sharing between Erbil and Baghdad and how to share the hydrocarbon revenues of Kirkuk. Based on the two agreements in November and December, 2014, the KRG agreed that 150 thousand barrels out of 400 thousand barrels produced in the region can be sold by the central government's

oil company SOMO. In return, the Government of Iraq agreed that it would provide the region with 17 percent of the budget of the central government and \$500 million for urgent payments. In addition, it was agreed upon that 300 thousand barrels of the KRG's oil and 250 thousand barrels of Kirkuk's oil would be sold via the KRG's pipelines.

Regarding the question of how to share hydrocarbon revenues which has long been a major point of divergence with respect to Kirkuk, already existing agreements can serve as a basis which can be revised

in a way that would provide all the related parties with an acceptable share based on the lessons drawn from the case of Abyei. If required, involvement of the international community and neighbouring countries' suggestions might help finalise such a deal. This might help solve one of the questions that complicate the case of Kirkuk most. Such a major step forward, if taken, by showing all the sides desire to reach an agreeable solution, would encourage further steps to be taken by involving parties, groups, and entities as well as the international community.

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