

Abyei Final Status: A triumph of justice at last

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By Luka Biong Deng

October 26, October - On 24th October 2012, the fifteen members of the African Union Peace and Security Council unanimously accepted the proposal submitted on 21st September 2012 by the AUHIP on the final status of Abyei. The AU Council considers this proposal as representing a fair, equitable and workable solution to the final status of Abyei and it is based on the existing agreements and it takes into account the needs and interests of the communities. Sudan and South Sudan are expected to engage each other within six (6) weeks seeking to reach consensus on this proposal. If the two countries failed to reach consensus within six weeks, the AU Council will endorse this proposal as final and binding. The proposal will then be forwarded to the UN Security Council for endorsement and enforcement under Chapter VII of the UN Charter.

Besides its acceptance of the 21st September Proposal, the AU Council calls on the Parties to immediately implement the Abyei 20 June Agreement, particularly the establishment of Abyei Area Administration and Abyei Area Council. Importantly, the AU Council urgently calls on the international community to assist the safe and dignified return of IDPs to their home areas in Abyei area. It also requests the AU Commission to convene an international donors conference for the rehabilitation and reconstruction of Abyei area, including addressing the economic needs of the nomadic population.

The unanimous acceptance of this proposal by the AU Council is a great victory to the people of Abyei Area. It came at the time when the people of Abyei reached the level of despair and hopelessness as a result of deliberate policies of the regime in Khartoum. It is equally a victory to the people of the South as they have been feeling the same agony and suffering inflicted on their kith and kin in Abyei by the regime in Khartoum. It is a victory to the people of Sudan, particularly the Arab nomads, as there will be more opportunities for a genuine peaceful co-existence between the communities along the border. It is a victory to the SPLM as it has managed to stand by the people of Abyei who participated remarkably in the liberation struggle that brought peace and independence of the South. It is also a victory to Africa as it shows the ability of the continent to resolve its problems by itself. The unity shown by the AU in providing African home-grown solution on the final status of Abyei will make the international community to have a unified position to support such solution.

One should really congratulate President Thabo Mbeki, General Abdusalami Abubakar and President Pierre Buyoya for their profound and deep understanding of the complexity of issue of Abyei. Such understanding provided them with clarity and wisdom in coming up with a well-studied proposal on the final status of Abyei. When reading the letter of their analysis of the final status of Abyei that was sent to the two Presidents on 17th September as the basis upon which they based their proposal, I was struck by reasoning, sense of justice and fairness. In particular, I was impressed by their use of the award of the Permanent Court of Arbitration not only in defining the area of Ngok Dinka but also in ensuring the conduct of the referendum for the Ngok Dinka as the main beneficiaries. The 21st September Proposal has provided clarity for the conduct of Abyei Referendum in terms of eligibility of voters, composition and chair of Abyei Referendum Commission and the timing of the conduct of the referendum. In fact this Proposal on the final status of Abyei is a triumph of justice over injustice that has perpetuated by the regime in Khartoum on the people of Abyei.

The South, despite its reservation of some provisions of the Proposal, accepted the proposal as the only way to resolve the final status of Abyei. Sudan, however, rejected the Proposal and insisted on partitioning of Abyei Area as a win-win solution. By accepting the Proposal, the AU Council has ruled out the partitioning of Abyei area. The real question is whether Sudan will accept the Proposal within the six (6) weeks? Although the regime in Khartoum is accustomed to deny justice to the people of Abyei, it is aware of the high political and economic costs associated with the rejection of this Proposal.

A rejection of this Proposal will put Khartoum for the first time in a direct confrontation with the AU that protected Bashir from the arrest of the international court. In particular the AU ordered all its member states not to cooperate with the International Criminal Court (ICC) in apprehending President Bashir over crimes against humanity in Darfur. However, this position of AU has created a legal challenge among the AU member states which are signatories to the Rome Statute. If Bashir rejects the Proposal that has been accepted unanimously by the AU, then he will run a high risk of being apprehended soon by the AU member states which are signatories to the Rome Statute.

Also if Sudan rejects the Proposal, then its relations with the South will be fragile and tainted again. It will be extremely difficult to implement in good faith the agreements that Sudan recently signed with the South. If Sudan rejects the Proposal and then it is endorsed by the AU Council and the UN Security Council as final and binding, Sudan, instead of being relieved of its huge debts, lifting sanctions on it and receiving more developmental assistance, will face additional and severe sanctions.

I am not sure whether it would be wise for Bashir to take that path of defying the AU and international community as he personally stands better chances of renewing good personal relations with his brother Salva, getting more support from the continent and more recognition from international community. In fact the regime in Khartoum that was at a brink of imminent collapse has now more chances of survival with the agreements that it entered into with the South. Some sources suggest that the regime in Khartoum will eventually accept the Proposal and to exonerate itself from any political blame as a proposal imposed on Sudan.

Although the benefits of accepting the Proposal are enormous for the people of Sudan, President Bashir and not the NCP may not see clearly these benefits. Some circles in the NCP confided to us that President Bashir has personalized the issue of Abyei with passionate attachment to Misseryia tribe because of some intricate incident when he was commanding military operations and counterinsurgency warfare in the South. Some said that Bashir hardly sees the bigger picture of Sudan and the party when it comes to the issue of Abyei and people in the party do fear him or tend not to challenge him when it comes to the issue of Abyei.

Given this subjective personalization of the issue of Abyei by Bashir and coupled with the weak voices in the party that can advise him correctly, it becomes necessary to explore advice from outside Sudan. Although Bashir is in short supply of friends in the continent and region, there are still some countries that are in good talking terms with Bashir. In particular the leaders of Egypt, Eritrea, Ethiopia, Norway, China, Russia and probably South Africa could use their diplomatic relations with Sudan to convince President Bashir to accept the Proposal.

Also the humanitarian alliance called "The Elders" that includes prominent international personalities such as Mandela, Carter, Tutu, Kofi Anan, Graca Machel and Mary Robinson is to be encouraged to take the lead to convince Bashir to accept the Proposal. President Bashir, more than any other time, needs courage to accept this Proposal as he is overwhelmed with fear, he needs peace as he is obsessed with wars and he needs to inspire hope in him as he is in despair and suicidal while awaiting indictment by the international court. These are the same objectives of the "The Elders" as articulated by Mandela when he turns 89 years: "The Elders will support courage where there is fear, foster agreement where there is conflict and inspire hope where there is despair".

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