

UNITED NATIONS SECURITY COUNCIL

**Agenda: “The situation concerning the status of Abyei in relation to
Sudan and South Sudan”**

“Act as if everything depended on you; trust as if everything depended
on God.”

— **Saint Ignatius of Loyola**

Letter from the Executive Board

Greetings Delegates,

We are delighted to welcome you to the United Nations Security Council (UNSC) at SJBHS MUN 2025, where we are committed to ensuring a smooth and efficient committee flow during the three days of conference. As the executive board, we are excited to see you represent your respective nations and work together to develop resolutions and form a consensus addressing the conflict that we will be deliberating upon. As a delegate, you'll be putting your negotiation prowess, diplomacy, critical thinking abilities, and knowledge of global affairs to the ultimate test.

In order to provide you a solid grasp of the agenda and to help you get started on your conference research, we have put together this background guide. It is advised that you use this Background guide to gain a foundational understanding before expanding your knowledge on your own through independent study, which will be helpful during the conference.

Since the UNSC usually entails the most elite delegates amongst the delegates who attend the conference, the Executive Board will remain rigid in terms of the Rules of Procedure, and will also further refrain from interrupting the flow of debate, thus the responsibility of deciding and altering the flow of committee is in your hands, the delegates.

We encourage you to approach this conference not as a Competition, but as a learning experience that will help you gain new connections, learn invaluable concepts, and further understand the world of international relations better. Lastly, if you have any queries, Don't hesitate to contact the Executive Board.

Goodluck, and Godspeed.

Regards,

Dhruv Bajaj (President)

Joel Thomas (Vice President)

Ajit Yohan (Rapporteur)

Important Points to Remember

A few aspects that delegates should keep in mind while preparing:

1. **Procedure:** The purpose of putting in procedural rules in any committee is to ensure a more organized and efficient debate. The committee will follow the UNA-USA Rules of Procedure. Although the Executive Board shall be fairly strict with the Rules of Procedure, the discussion of the agenda will be the main priority. So, delegates are advised not to restrict their statements due to hesitation regarding procedure.
2. **Foreign Policy:** Following the foreign policy of one's country is the most important aspect of a Model UN Conference. This is what essentially differentiates a Model UN from other debating formats. To violate one's foreign policy without adequate reason is one of the worst mistakes a delegate can make.
3. **Role of the Executive Board:** The Executive Board is appointed to facilitate debate. The committee shall decide the direction and flow of debate. The delegates are the ones who constitute the committee and hence must be uninhibited while presenting their opinions/stance on any issue. However, the Executive Board may put forward questions and/or ask for clarifications at all points of time to further debate and test participants.
4. **Nature of Source/Evidence:** This Background Guide is meant solely for research purposes and must not be cited as evidence to substantiate statements made during the conference. Evidence or proof for substantiating statements made during formal debate is acceptable from the following sources:
 - a. **United Nations:** Documents and findings by the United Nations or any related UN body is held as a credible proof to support a claim or argument.
Multilateral Organizations: Documents from international organizations like OIC, NATO, SAARC, BRICS, EU, ASEAN, the International Court of Justice, etc. may also be presented as credible sources of information.
 - b. **Government Reports:** These reports can be used in a similar way as the State Operated News Agencies reports and can, in all circumstances, be denied by another country.
 - c. **News Sources:**
 1. Reuters: Any Reuters article that clearly makes mention of the fact or is in contradiction of the fact being stated by a delegate in council.
 2. State operated News Agencies: These reports can be used in the support of or against the State that owns the News Agency. These reports, if credible or substantial enough, can be used in support of

or against any country as such but in that situation, may be denied by any other country in the council. Some examples are – RIA Novosti (Russian Federation), Xinhua News Agency (People's Republic of China), etc.

****Please Note: Reports from NGOs working with UNESCO, UNICEF and other UN bodies will be accepted. Under no circumstances will sources like Wikipedia, or newspapers like the Guardian, Times of India, etc. be accepted. However, notwithstanding the criteria for acceptance of sources and evidence, delegates are still free to quote/cite from any source as they deem fit as a part of their statements.*

Guidelines

- Read the entirety of the background guide in the order it was written. Make sure to highlight the names of specific treaties, documents, resolutions, conventions, international bodies, events and any other specific incidents so that you can get back to them later and do a lot more thorough research.
- Understand some of the basic details regarding the country that you've been allotted whether this be the capital, current affairs regarding geopolitical situation, political hierarchy etc. While not strictly necessary, you never know when this can turn out to be handy. Geography Now's A - Z Country List has been a particularly helpful resource for this.
- Use a search engine of your choice to create as many tabs as possible for the highlighted terms from your background guide. Wikipedia or a YouTube video act as a great way to get a brief summary of the incidents at hand but such sources (especially Wikipedia articles) cannot be used in committee as sources.
- Delve into deeper research regarding the particular position of your allocation with the agenda at hand. Try searching for the voting stances of your allocation in related conventions and understanding the reasons for voting as so. UN Press Releases are also a helpful source for this matter.
- Find the website for the foreign ministry of the country you have been assigned alongside the "Permanent Mission of COUNTRY to the United Nations" website and search for a key term relating to the agenda, this should often give you statements from recent press

conferences or UN committee sessions that can act as valuable sources of information in forming a position.

- Keep a handy copy of the Charter of the United Nations, whether as a .pdf file extension or a physical copy works. This contains the founding principles of the United Nations and contains articles that lay out the mandate of the six bodies that the United Nations is primarily divided into. Spend some additional time researching the specific mandate and functions of the committee that you have been assigned.
- The Executive Board may ask for the source of a statement that a delegate makes in committee either during a Point of Order circumstance or if said statement stands to be of interest to the Executive Board. Therefore, it is recommended that delegates keep track of their sources when making / disputing a claim and also ensure their validity. Please do remember that while you as a delegate are allowed to cite any source you wish during committee.

Hierarchy of evidence

Evidence can be presented from a wide variety of sources but not all sources are treated as equal. Here's the hierarchy in which evidence is categorised:

Tier 1: Includes any publication, statement, resolution, or document released by any of the Nations' official organs or committees; any publication, statement, or document released by a UN member state in its own capacity. The evidence falling in this tier is considered most reliable during the simulation.

Tier 2: Includes: any news article published by any official media source that is owned and controlled by a UN member state. E.g.: Xinhua News (China), Prasar Bharti (India), BBC (United Kingdom) etcetera. The evidence falling in this tier is considered sufficiently reliable in case no other evidence from any Tier 1 source is available on that particular fact, event, or situation.

Tier 3: Includes: any publication from news sources of international repute such as Reuters, The New York Times, Agence-France Presse, etcetera. The evidence falling under this tier is considered the least reliable for the purposes of this simulation. Yet, if no better source is available in a certain scenario, it may be considered.

Foreign Policy and Foreign Relations

Foreign policy, in simple terms, is what your country aims to achieve in regards to the issue at hand or in general with its relations with other countries.

1. What role must foreign policy play in your research?

Understanding the foreign policy of your country must be a checkbox that you tick off at the very beginning of your research.

Your foreign policy should dictate everything from the arguments you make, the reasoning you give for making those arguments, and the actions you take in the Council.

2. Where do I look to find foreign policy?

Most of the time, foreign policy is not explicitly stated. It must be inferred from the actions and statements issued by the country. Reading the meeting records from previous meetings of UNSC (or any other UN body where your country might have spoken on the issue) is a great place to start. If such records are unavailable, look for statements from your country's Foreign Ministry (or equivalent like Ministry of External Affairs, Ministry for Foreign Affairs etcetera) and top leadership (PM, Pres., Secretary of State, Defence Minister).

Foreign Relations on the other hand refers to the diplomatic ties that one country has with another and considers elements such as the mutual presence of embassies, consulates, ambassadors & diplomatic dialogue. More often than not, foreign policy is what will be of your primary concern during your MUN but it is important to also consider any extremities in your allotted country's foreign relations.

Rules of Procedure

A Model UN is built upon its rules of procedure. With no proper conduct, we fail the entire point of a mock UN. This section of the Background guide will cover all the ROPs required to know the basic happenings of a conference.

1. Research: Each delegate must research the nation's profile, agenda background, previous international action, and the country's foreign policy, along with possible solutions that relate to the agenda. These five aspects serve as the cornerstones of the research made by the delegate.

2. Roll call: A delegate can vote either 'present' or 'present and voting'. 'Present' grants the delegate to abstain from voting upon the draft resolution whereas 'Present and voting' does not grant the delegate the same power of abstaining.

3. The General Speakers List: The GSL refers to a speech of merely 90 seconds that talks about the agenda or summarizes one's position paper. It is to be of relevance to one's nation and the agenda.

4. Time Yields: If a delegate has an amount of time remaining in their speech, they may yield their time in the following ways.

Yield to the EB

Yield to the floor for questions

Yield to comments

Yield to another delegate

5. Moderated Caucus: A moderated caucus refers to speech made to cover a sub-topic of the agenda. It requires a majority of committee votes to pass. It requires specific verbatim to make it valid. For example:-“The delegate of XYZ would like to motion for a moderated caucus on the topic XYZ for a total period of X, providing X to each speaker.”

6. Unmoderated Caucus: During this caucus, delegates are free to lobby, discuss future

moderated caucuses, make allies, work on papers, etc. It is often referred to as informal debate.

7. Points: Four points are used in a conference. They are as follows,

Point of information - POIs are questions directed to a delegate's speech under the agenda and are strictly required to be relevant.

Point of order - Under a point of order a delegate may raise either a 'logical fallacy' or 'factual inaccuracy'. a. **Logical fallacy** - When a delegate mentions something in their speech that is logically fallacious, we refer to it as a logical fallacy.

b. **Factual inaccuracy** - When a delegate has mentioned a fact that is wrong or inaccurate in any way, we refer to it as a factual inaccuracy.

Point of parliamentary inquiry - A POE may be raised to clarify any doubts and misunderstandings concerning the proceedings of the committee.

Point of personal privilege - A Point of Personal Privilege must refer to a matter of personal comfort, safety, and/or well-being of the members of the committee.

8. Documentation:

Position paper - Refers to a paper that is to be submitted before the dates of the conference. It contains the stance of your nation and must answer the following Current position of the nation Past actions Possible solutions

Draft resolution - Resolutions are a condensed compilation of the solution discussed in committee that are presented to the world community as an actionable suggestion to curb a certain issue,

Working Paper - Working papers are an outline of the solutions proposed. They are usually to be submitted before the tabling of the DR.

9. Voting: There are 5 types of voting methods. All being, Yes

No

Yes with rights

No with rights

Abstain

INTRODUCTION TO UNSC

The United Nations Security Council (UNSC) stands as one of the six principal organs of the United Nations, entrusted with the primary responsibility for maintaining international peace and security. Established in 1945 under the United Nations Charter following the devastation of World War II, the Security Council was designed as the linchpin of the international community's collective security system. With its unique authority to make legally binding decisions, the UNSC plays a pivotal role in preventing conflict, responding to crises, and ensuring that threats to peace are addressed swiftly and effectively.

The Security Council comprises 15 member states: five permanent members (P5) — China, France, Russia, the United Kingdom, and the United States — and ten non-permanent members elected for two-year terms by the General Assembly. The P5 hold special privileges, including the power of veto, which allows any one of them to block the adoption of substantive resolutions, regardless of the majority's opinion. This arrangement, while reflective of post-war power structures, continues to spark debate over fairness, representation, and effectiveness in addressing contemporary global challenges.

Mandated by the UN Charter, the UNSC's responsibilities are extensive. They include the establishment of peacekeeping operations, imposition of sanctions, authorization of the use of force, and the referral of cases to international judicial bodies like the International Criminal Court (ICC). The Council also plays a significant role in conflict mediation, post-conflict reconstruction, and the promotion of diplomatic solutions. Resolutions adopted by the UNSC are binding on all member states, giving the Council an authoritative and consequential voice in global governance.

However, the functioning of the UNSC is not without challenges. The use of the veto power has frequently led to gridlock, particularly on issues where the interests of the P5 diverge sharply. This has been evident in crises such as Syria, where repeated vetoes have hampered international efforts to address widespread violence and humanitarian suffering. Moreover, calls for reform of the Council's membership and working methods have grown louder, with many states and experts advocating for a more representative and transparent system that better reflects the geopolitical realities of the 21st century.

Despite these criticisms, the UNSC remains an indispensable forum for the pursuit of international peace and security. Its decisions can prevent conflicts from escalating, protect vulnerable populations, and hold perpetrators of international crimes accountable. As the international community confronts evolving threats, from civil wars and terrorism to climate-related security risks, the role of the Security Council continues to be critical. For delegates, understanding the structure, powers, and limitations of the UNSC is essential for

meaningful engagement, especially when addressing complex issues such as the Responsibility to Protect (R2P) and its application within the framework of international law

MANDATE OF UNSC

The mandate of the United Nations Security Council (UNSC) is documented in **Chapter V of the United Nations Charter**, which outlines its roles and responsibilities. The main functions of the UNSC are:

1. **Maintenance of International Peace and Security (Article 24):** The UNSC is responsible for maintaining international peace and security, taking action to prevent and resolve conflicts.
2. **Decision-Making (Articles 25 and 27):** All UN Member States are bound to comply with the decisions of the Security Council, which may include sanctions, peacekeeping missions, and military action.
3. **Collective Action (Article 39):** The UNSC determines the existence of threats to peace, breaches of peace, or acts of aggression. It can recommend or decide on measures to address such situations, including sanctions, military intervention, or other actions.
4. **Peacekeeping and Sanctions (Articles 41-42):** The UNSC can authorize the use of economic sanctions or military force to restore international peace and security.
5. **Conflict Resolution (Article 34):** It may investigate any situation that could lead to a dispute or cause international friction.
6. **Role in the Use of Force (Article 43):** The UNSC can authorize collective military action by Member States to enforce its decisions.
7. **Peace Settlements (Article 33):** It encourages the peaceful resolution of conflicts through negotiation, mediation, and other peaceful means.

These responsibilities align with the UNSC's core mission to address issues threatening international stability and to foster cooperative actions to resolve global conflicts.

Introduction to the Abyei Question

The Abyei Question: A Legal and Political Gordian Knot

The Abyei Question stands as one of the most complex and unresolved disputes in Africa's post-colonial history. At its core, it is not just a matter of territorial control between Sudan and the young state of South Sudan, but also a vivid demonstration of the limitations of international mediation, the weaknesses of treaty implementation, and the structural fragility of peace agreements when confronted with identity-based territorial claims. Abyei, lying on the dividing line between the Republic of the Sudan to the north and the Republic of South Sudan to the south, has often been compared to the "Kashmir of Africa." The metaphor captures both its highly contested status and its symbolic and economic significance, while also highlighting how it has repeatedly tested the elasticity of international legal doctrines.

Historical Context and Colonial Legacies

The Abyei conflict is deeply rooted in the legacies of colonial cartography. During the Anglo-Egyptian Condominium, administrative lines were drawn without meaningful regard for ethnic, cultural, or communal realities. In 1905, the Ngok Dinka—an ethnic group that has historically shared strong cultural, linguistic, and political ties with what is today South Sudan—were transferred administratively from Bahr el Ghazal to Kordofan by colonial decree. Although the move was justified at the time as a simple administrative adjustment, it effectively embedded a southern-leaning community within the north.

This one decision planted the seeds for a century-long struggle. The Ngok Dinka never fully reconciled with their imposed inclusion in the north, and their identity remained closely tied to the south. This decision also illustrates a broader critique of Africa's colonial-era boundaries: lines that rarely reflected lived realities. After independence, African leaders, through the 1964 Organization of African Unity (OAU) resolution, chose to maintain inherited borders under the doctrine of *uti possidetis juris*, even though these borders were often arbitrary. Abyei, therefore, remains a case study in how colonial legacies and the rigid preservation of inherited boundaries continue to fuel long-standing disputes.

The Abyei Protocol in the Comprehensive Peace Agreement (CPA)

The second Sudanese civil war (1983–2005) elevated Abyei into the international spotlight, symbolizing the deep divisions between the north and the south. The 2005 Comprehensive Peace

Agreement (CPA), which ended more than two decades of devastating conflict, carved out Abyei as a special case and assigned it its own protocol. Recognizing the sensitivity of Abyei, the CPA accorded the region “special administrative status.” Yet the CPA mirrored the paradox of many post-conflict settlements: it acknowledged Abyei’s uniqueness but failed to create a clear and enforceable dispute resolution mechanism.

Instead, the CPA deferred the issue to a future referendum, giving the Ngok Dinka the right to decide whether Abyei would remain part of Sudan or join South Sudan. While this promise created a strong legal and political expectation, the absence of an enforcement guarantee left it vulnerable. The referendum, promised as a peaceful pathway to resolution, has never been implemented. As a result, the CPA left behind an unfinished legal and political commitment—one that continues to haunt relations between Khartoum and Juba.

Legal Significance of Abyei

Abyei is not only about ethnic identity or political symbolism—it is also about strategic resources. The region’s fertile land supports the seasonal migration of pastoralist communities, and more importantly, it straddles key oil fields and reserves. Sovereignty over Abyei would give either Sudan or South Sudan control over hydrocarbons that remain central to both economies.

International law amplifies the importance of this contest. The United Nations General Assembly’s Resolution 1803 (XVII) on permanent sovereignty over natural resources recognizes that territorial sovereignty includes the right to exploit a region’s natural wealth. For both Khartoum and Juba, therefore, the outcome of the Abyei dispute is not simply a matter of prestige—it is a question of survival, revenue, and economic leverage.

Legal Loopholes and International Law Dilemmas

Doctrinally, the Abyei dispute exposes the fragility of *pacta sunt servanda*, the fundamental principle that treaties must be observed. The Abyei Protocol of the CPA was legally binding on both Sudan and South Sudan. However, repeated obstruction and delays illustrate how treaty commitments collapse in the absence of political will and good faith. The indefinite postponement of the referendum further raises concerns under international human rights law. Article 1 of the International Covenant on Civil and Political Rights (ICCPR), which Sudan has ratified, guarantees the right of peoples to self-determination. The denial of this referendum thus represents not just political backtracking but also a breach of binding obligations under international law.

A further complication arises from the doctrine of effective control. On the ground, control over Abyei has repeatedly shifted between the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA). Traditionally, international law has viewed effective control as evidence of sovereignty. Yet in Abyei's case, this reasoning is in tension with the CPA's provisions and with subsequent arbitral decisions. The clash between *de facto* occupation and *de jure* entitlement mirrors similar dilemmas in other contested regions, such as Northern Cyprus or Nagorno-Karabakh, where political and military realities conflict with international legal principles.

The Role of the African Union and the United Nations

International and regional organizations have attempted to mediate Abyei's fate, but with limited success. The United Nations Security Council, recognizing the risk of renewed conflict, established the United Nations Interim Security Force for Abyei (UNISFA) in 2011 through Resolution 1990. UNISFA's role, however, has been restricted to peacekeeping and monitoring rather than enforcement. It ensures relative stability but cannot impose a final legal or political solution.

The African Union has also intervened, alternating between mediation, shuttle diplomacy, and political advocacy. It has consistently urged both Khartoum and Juba to resolve the matter peacefully, but its efforts underline a larger weakness: international and regional organizations can facilitate dialogue, but they cannot substitute for the political will of states. Abyei has thus become another example of how international law and institutions, while well-equipped to prevent escalation, often lack the tools to deliver final resolution.

The Abyei Question in Comparative Perspective

Viewed comparatively, Abyei reflects patterns seen in other internationalized territorial disputes. The Permanent Court of Arbitration (PCA) issued a decision in 2009 that redrew Abyei's boundaries, narrowing the contested area, but stopped short of awarding sovereignty. This left the core dispute unresolved. By contrast, the International Court of Justice (ICJ) provided final closure in the case of the Aouzou Strip between Chad and Libya, demonstrating the potential of adjudication when enforcement and compliance exist.

Abyei also resembles the Western Sahara case. In 1975, the ICJ confirmed the right of the Sahrawi people to self-determination, yet decades later, the referendum remains unimplemented. These comparisons show Abyei as part of a wider category of disputes where international legal

rulings and promises of self-determination are recognized but left unenforced, perpetuating uncertainty rather than ending it.

The Humanitarian Dimension

Beyond its legal and political significance, Abyei is home to communities who bear the cost of protracted conflict. The Ngok Dinka have endured repeated cycles of displacement and insecurity, while the nomadic Misseriya, who depend on seasonal migration for grazing, have asserted their rights in ways that often lead to violent clashes.

For civilians, Abyei is a place of insecurity rather than opportunity. International humanitarian law obliges parties to protect civilians, yet in practice, Abyei's contested status has meant instability, recurring violence, and the absence of durable protections. For the communities on the ground, the abstract legal debate translates into everyday vulnerability.

Conclusion: A Persistent Legal Gordian Knot

The Abyei dispute endures as a classic example of how international law struggles to resolve territorial conflicts rooted in history, identity, and resources. It underscores the fragility of treaties that rely on deferred promises, the ineffectiveness of arbitration without enforcement, and the persistent clash between territorial integrity and self-determination. More broadly, it challenges the credibility of international law in providing finality to disputes where politics overshadows legal principle.

Peacekeeping, arbitration, and diplomatic appeals have each played their part, but none has broken the deadlock. Without either a binding enforcement mechanism or a genuine political compromise, the Abyei Question will remain unresolved. For now, it symbolizes the broader gap between law's ideals and the realities of power and statecraft—a perpetual reminder that legal solutions cannot succeed where political will is absent.

The 2005 Comprehensive Peace Agreement (CPA)

The signing of the Comprehensive Peace Agreement (CPA) in January 2005 marked a historic turning point, both for Sudan and for international peacemaking. It formally ended Africa's longest-running civil war, a conflict that had taken the lives of nearly two million people and displaced countless others. More than a truce, the CPA was a carefully constructed legal framework meant to redefine the relationship between the North and South. Yet, like many ambitious bargains, it was both a diplomatic triumph and a catalogue of unresolved ambiguities. Chief among these was the status of Abyei, which would become one of the most enduring flashpoints in the post-CPA era.

Historical Background to the CPA

The road to the CPA was built on decades of bitter armed struggle. The Sudan People's Liberation Movement/Army (SPLM/A), representing the South, fought successive governments in Khartoum over issues that were not merely ethnic but structural: deep political exclusion, economic exploitation, and cultural marginalization of the South. The discovery of oil in the 1970s made the conflict even more intractable, as control over resources became bound up with demands for autonomy and self-determination.

Earlier efforts at peace, such as the 1972 Addis Ababa Agreement, granted the South limited autonomy but collapsed under the weight of mistrust and weak enforcement. By the early 2000s, international and regional actors, particularly IGAD, the United States, and the United Kingdom, intensified pressure on both parties to negotiate a comprehensive settlement. It was against this backdrop of exhaustion and international involvement that the CPA took shape.

Legal Structure of the CPA

The CPA was striking for its breadth. It consisted of six protocols and annexes that dealt with wealth-sharing, power-sharing, security, and, crucially, Abyei. From a legal perspective, the CPA was both a peace treaty and a quasi-constitutional instrument. It not only ended hostilities but also bound the parties to a new political order during the six-year interim period.

The Abyei Protocol within the CPA reflected this dual nature. It designated Abyei as a "special administrative status" area, belonging to both the North and the South until a referendum could determine its ultimate fate. To manage disputes, it created the Abyei Boundary Commission

(ABC), tasked with clarifying Abyei's boundaries. Yet the mechanism faltered almost immediately when Khartoum rejected the Commission's findings. The episode exposed the weakness of giving a body technical authority without guaranteeing political enforceability.

The Abyei Referendum Clause

Among the CPA's most innovative features was its dual referendum scheme. One referendum was for the South as a whole, to decide independence. The other was for Abyei, allowing its people to choose whether to stay in Sudan or join the South. From the standpoint of international law, this was groundbreaking: a negotiated recognition of self-determination, embedded within a peace agreement rather than left to unilateral secession or war.

Yet the Abyei referendum clause was fatally ambiguous. It clearly included the Ngok Dinka as voters but left unclear whether the nomadic Misseriya, who grazed cattle seasonally in Abyei, qualified as "residents." Khartoum argued they should be included; Juba insisted the vote was for the Ngok Dinka alone. This definitional gap turned what was intended as a democratic safeguard into a new source of conflict.

Wealth-Sharing and the Abyei Dimension

Oil was central to the CPA, and Abyei's reserves gave the dispute enormous economic weight. The Protocol established that revenues from Abyei's oil would be split evenly between Khartoum and Juba during the interim period. While this arrangement provided a temporary solution, it did not resolve the sovereignty issue. Instead, it deepened both sides' attachment to Abyei, since its eventual status would determine long-term control of vital resources.

Legal Loopholes and Structural Weaknesses

Despite its detail, the CPA was riddled with structural weaknesses.

- First, it lacked a binding enforcement mechanism. Commissions and joint institutions such as the ABC and the Joint Integrated Units were powerless against political obstruction. With no neutral enforcer, violations could only be addressed through renewed bargaining—or renewed fighting.
- Second, the agreement's ambiguities, especially regarding who qualified as Abyei's "residents," left wide room for manipulation. Ambiguity may secure agreement in

negotiations, but here it became a weapon for delay and bad faith. Both Khartoum and Juba used these loopholes to stall implementation while claiming legal cover.

- Third, the CPA depended heavily on international guarantors. External actors played a critical role in brokering the agreement, but unlike Namibia or East Timor—where the UN assumed direct administrative authority—the CPA left sovereignty in the hands of the warring parties. International partners could pressure, but not enforce. This gap between expectation and enforcement eroded the agreement's credibility.

The CPA in the Context of International Law

The CPA has often been praised as a bold experiment in peace-building. Its embedding of self-determination within a negotiated settlement reflected a progressive move in international law beyond the colonial context. At the same time, it exposed the limits of such innovations when not backed by enforceability.

The Abyei Protocol in particular illustrates the tension between territorial integrity and self-determination. It recognized the Ngok Dinka's right to decide their future, yet it simultaneously upheld Sudan's territorial claims. International law has long wrestled with such contradictions, as seen in the cases of Western Sahara and Kosovo. Abyei joined that list, where principle is recognized but implementation remains elusive.

Impact on Abyei and the Road to Arbitration

The CPA's failure to resolve Abyei soon produced renewed instability. Khartoum's rejection of the Abyei Boundary Commission findings and Juba's insistence on international recourse led to arbitration before the Permanent Court of Arbitration (PCA) in 2008. The need for arbitration so soon after the CPA's signing underscored the agreement's fragility.

While the CPA did achieve its central objective—ending the war and paving the way for South Sudan's independence—it left Abyei in limbo. By relying on vague language, deferring the hardest questions, and lacking enforcement, it inadvertently set the stage for further disputes.

The 2009 Permanent Court of Arbitration (PCA) Decision

The 2009 decision of the Permanent Court of Arbitration (PCA) on Abyei was one of the most notable efforts by the international legal system to intervene in a contested African border dispute. Although arbitration had been used before in similar contexts—such as the Eritrea–Yemen case and the Cameroon–Nigeria dispute before the ICJ—the Abyei arbitration was uniquely complex. It touched on colonial boundary legacies, ethnic identity, natural resource control, and obligations under a post-conflict treaty. At the time, the PCA’s ruling was seen as a triumph of legal diplomacy, yet it fell short of producing finality. Its limited mandate and lack of enforcement ultimately constrained its impact.

Background to the Referral

The 2005 Comprehensive Peace Agreement (CPA) created the Abyei Protocol, which required the establishment of the Abyei Boundary Commission (ABC). The ABC was tasked with demarcating the Abyei area, and its report—delivered in 2005—defined Abyei broadly, citing historical Ngok Dinka presence. Khartoum rejected these findings, arguing that the Commission had gone beyond its mandate by enlarging Abyei’s borders. This rejection rendered one of the CPA’s key compromises unworkable, reigniting tensions.

By 2008, clashes in Abyei underscored the failure of political negotiation. Both the Government of Sudan and the SPLM turned to international arbitration, referring the matter to the PCA in The Hague. The referral was itself remarkable: two long-time adversaries agreed to submit a highly sensitive territorial dispute to binding arbitration, a rare step in African politics.

Legal Framework of the PCA

The arbitration proceeded under the PCA’s Optional Rules for Arbitration of Disputes between Two States. The tribunal consisted of five respected international jurists. Its mandate, however, was narrowly defined: it had to determine whether the Abyei Boundary Commission exceeded its authority under the CPA and, if so, to redraw Abyei’s boundaries. Crucially, the tribunal was

not empowered to decide questions of sovereignty—only the limits of the ABC’s mandate. This narrow scope would later shape both the strengths and weaknesses of the decision.

The PCA’s Reasoning

The tribunal’s reasoning sought balance between law and compromise. It upheld the ABC’s authority to rely on historical evidence of Ngok Dinka habitation, but it also concluded that the ABC had exceeded its mandate by expanding Abyei beyond this core homeland.

On that basis, the PCA redrew Abyei’s northern, eastern, and western boundaries, substantially shrinking its territorial scope. The decision transferred several major oil fields—notably Heglig and Bamboo—out of Abyei and into northern Sudan. The tribunal stressed that its ruling was binding and final, citing Article 25 of the PCA’s Optional Rules, and reminded both parties that their prior consent bound them under *pacta sunt servanda* to respect the outcome.

Impact on Oil and Resource Control

From a resource standpoint, the PCA ruling was a turning point. By moving oil-rich areas into northern Sudan, the decision reduced the economic value of Abyei to the South. Critics argued that this outcome undermined the Ngok Dinka’s right to self-determination by depriving them of control over critical resources. Supporters countered that the tribunal’s task was not to guarantee political satisfaction but to stay within the CPA’s legal framework.

This tension highlighted a common dilemma in arbitration: a decision may be legally precise yet politically destabilizing. For many Ngok Dinka, the ruling felt less like impartial justice and more like a loss of both land and economic future.

Strengths of the PCA Decision

Despite controversy, the PCA award carried significant strengths.

- First, it reaffirmed arbitration as a viable tool for managing volatile disputes. The fact that Sudan and the SPLM accepted arbitration rather than escalating to war was, in itself, a milestone.
- Second, the tribunal’s transparent process—with public hearings and published records—enhanced legitimacy and provided a detailed historical and legal archive for scholars and policymakers.

- Third, the tribunal exercised restraint, confining itself to mandate questions rather than drifting into sovereignty or politics. This respect for jurisdiction preserved the integrity of the process.

Weaknesses and Loopholes

The PCA decision also had glaring limitations.

- Its mandate was too narrow. By avoiding the sovereignty question, the tribunal left unresolved the core issue: whether Abyei belonged to the North or the South. This created a legal vacuum—boundaries were clarified, but ownership remained contested.
- The award lacked enforcement. Although binding in principle, implementation relied entirely on the willingness of Khartoum and Juba. Unlike domestic courts, arbitral rulings lack coercive mechanisms unless supported by sustained international pressure, which in Abyei's case was weak.
- The handling of oil worsened the imbalance. By allocating key oil fields to the North, the PCA shifted economic incentives, making Khartoum more resistant to any referendum that might detach Abyei. This outcome, while legally sound, altered the political equation in ways that perpetuated conflict.

Comparative Analysis with Other Cases

The Abyei arbitration resembles other international disputes resolved through adjudication. The ICJ's Bakassi Peninsula ruling between Cameroon and Nigeria, for example, also transferred valuable resource-rich land. But in Bakassi, compliance followed due to strong international pressure, including UN oversight. Abyei lacked similar enforcement, reducing the ruling's impact.

Similarly, the Eritrea–Yemen arbitration revealed how narrow mandates can yield partial solutions. Like Abyei, it avoided broader sovereignty issues, focusing instead on technical demarcations. In both cases, the law clarified boundaries but failed to settle the deeper political conflict.

Aftermath of the PCA Ruling

Initially, both Sudan and the SPLM publicly accepted the PCA's decision, and violence briefly subsided. However, disputes soon resurfaced—particularly over voter eligibility in the Abyei referendum. The Ngok Dinka rejected the ruling's exclusion of oil fields, while the Misseriya opposed any referendum that risked separating Abyei from the North. Clashes between the Sudanese Armed Forces and the SPLA continued, showing how little had changed on the ground.

The aftermath confirmed a persistent truth of international law: legal clarity does not guarantee political compliance. Without enforcement and sustained international support, even binding rulings risk fading into irrelevance.

The 2011 Abyei Referendum Question

The question of a referendum in Abyei was central to the 2005 Comprehensive Peace Agreement (CPA), designed to allow the Ngok Dinka community to decide their political destiny after decades of exclusion and violence. Yet by 2011, while South Sudan successfully held its referendum and became independent, Abyei's vote never materialized. Instead, it became entangled in ambiguous treaty language, political obstruction, and weak international follow-through. The Abyei Referendum Question illustrates the gap between lofty legal commitments and their practical realization, raising pressing issues about the enforceability of self-determination, the manipulation of treaty provisions, and the resilience of communities forced to navigate state interests.

The CPA's Promise and Its Ambiguity

The Abyei Protocol in the CPA pledged that Abyei's residents would hold a referendum at the same time as South Sudan's independence vote in 2011. Legally, the arrangement was straightforward: the people of Abyei would choose whether to remain in the North or join the South. Yet the Protocol left a fatal ambiguity—it referred to the voters simply as the “residents of Abyei.”

For the Ngok Dinka, this clearly referred to themselves, as the long-established indigenous community of Abyei. For Khartoum, however, it also encompassed the Misseriya, nomadic herders who moved seasonally through the area. What should have been a democratic mechanism for resolution became the basis for a political deadlock that persists to this day.

The Misseriya Question: Residency vs. Seasonal Rights

At the core of the referendum dispute lies the meaning of “residency.” In international law, residency implies permanence, continuity, and intention to remain. The Ngok Dinka fit these criteria, being settled inhabitants with deep social, political, and economic ties to Abyei. The Misseriya, by contrast, were seasonal pastoralists, exercising traditional grazing rights under customary law but without permanent residence.

Nevertheless, Khartoum framed the exclusion of the Misseriya as disenfranchisement, invoking minority rights and participation to strengthen its claim. By presenting the issue as one of non-discrimination, it gave a political strategy the veneer of international human rights law. Juba countered that allowing the Misseriya to vote would strip the Ngok Dinka of meaningful self-determination. This clash of interpretations froze the referendum process, which has never moved forward.

International Law and the Right to Self-Determination

The indefinite suspension of the Abyei referendum raises serious legal concerns. Article 1 of both the ICCPR and the ICESCR affirms the right of peoples to self-determination. By blocking the referendum, Sudan—and arguably the broader international community—failed to safeguard this principle.

From a treaty-law perspective, the CPA created a clear expectation: Abyei’s referendum would take place. The failure to deliver undermines *pacta sunt servanda* and raises doubts about whether peace agreements can be trusted as reliable instruments of international law. The Ngok Dinka’s disenfranchisement exposes a recurring weakness in global governance: self-determination may be recognized in principle, but without enforcement it remains aspirational rather than real.

UN and AU Responses

Both the United Nations and the African Union intervened but avoided imposing solutions. The UN created the United Nations Interim Security Force for Abyei (UNISFA) in 2011, but its mandate was limited to peacekeeping. While it stabilized the area temporarily, it offered no mechanism to resolve the referendum dispute.

The AU attempted compromise proposals, including postponement and even shared sovereignty arrangements, but none gained traction. This hesitation reflects a broader pattern: international organizations excel at deploying peacekeepers but are far less willing to enforce legal

commitments against sovereign states. As a result, law was acknowledged but never implemented, leaving Abyei in a state of limbo.

The Unilateral Ngok Dinka Referendum

In October 2013, after years of delay, the Ngok Dinka organized their own referendum. Over 99% of voters chose to join South Sudan. The act was symbolically powerful but lacked legal recognition. Even Juba stopped short of endorsing it formally, fearing escalation with Khartoum and international backlash.

Under international law, unilateral referenda rarely gain recognition unless backed by strong external support. The cases of Crimea (2014) and Northern Cyprus (1983) show how unilateral votes can carry moral weight but remain legally ineffective. Abyei's referendum was no exception: it exposed the desperation of the Ngok Dinka but had no enforceable consequences.

Comparative Legal Lessons

The Abyei referendum dispute is not unique. In Western Sahara, a promised UN-organized referendum has been stalled for decades due to disputes over voter eligibility, echoing the Ngok Dinka–Misseriya impasse. By contrast, in East Timor in 1999, a UN-administered referendum succeeded, largely because the international community took direct responsibility for implementation. Abyei demonstrates that success or failure is not inevitable—it hinges on international willpower and clarity in process design.

Humanitarian and Security Consequences

The referendum's failure has had lasting humanitarian costs. Abyei remains a militarized region, with recurring clashes between the Ngok Dinka and the Misseriya, often involving Sudanese and South Sudanese troops. Civilians face repeated displacement, insecurity, and lack of basic services.

Oil adds further volatility. Abyei's status determines which state controls lucrative petroleum reserves, giving both Khartoum and Juba powerful incentives to obstruct the referendum. Thus, what was intended as a democratic mechanism for peace became another trigger for violence.

Legal Loopholes and Structural Failures

The Abyei referendum issue exposes several systemic flaws in peace agreements and international law:

- First, treaty promises of self-determination are fragile without enforcement. The CPA bound the parties to a referendum, yet no mechanism existed to compel compliance once disagreement arose.
- Second, vague drafting undermined the process. By failing to define “residents of Abyei,” the CPA left an opening for political manipulation that has since derailed implementation.
- Third, the reluctance of guarantors—the UN and AU—to hold parties accountable eroded credibility. Their failure to enforce the referendum shows how collective responsibility often stops at political caution.

Abyei in the UN Security Council's Resolutions

Right from the year 2011, the United Nations Security Council, through the use of successive resolutions, has sought to formulate, establish, protect, and modify the United Nations Interim Security Force for Abyei (UNISFA) as well as deal with the unsettled political and humanitarian consequences of the Abyei status dispute, including the armed conflict’s aftermath. Contained in the resolutions and emanating from the Council's protective mandate, the mixture of peacekeeping, protection, demilitarization, facilitation, and supportive tasks synergized in the anchored presence on the ground for 'robust' peacekeeping, have maintained relative stability at the center. Yet, the core political issues, which include the 'final' boundary and 'referendum conferral' coupled with competing claims to land/grazing/oil, remain unresolved, and the resolutions and their multi-scalar effects are constrained by the operational realities of access, party cooperation, and geopolitics of the region.

S/RES/1990 (27 June 2011) — Creation of UNISFA

This resolution honored the first of its kind in the history of the world carried the recognition of putting in place the first military of Ethiopian (P) forces in the world in history. In Additionally, the world military police and world office civilian elements were also incorporated all under a

single mission in order to provide the UNISFA, under the 7th chapter of the UN charter the necessary world of which to operate in.

UNISFA, under its modern persona, was welcomed under a number of its core objectives that were set in place by the 2011 resolution. To include but not exhaust the mission, world, advances in the democracies of the world was also set in place. Along the security issues, the mission of citizen of the world was also adopted. In broader recognition, the Axis of world peace indeed requires one to pay full attention to the world order along with the core world security that is embraced by the UN.

Rapidly deploying Ethiopian peacekeepers after the fluid fighting and large-scale displacement during May 2011, the resolution initially impacted the region and influenced the stabilizing and fighting suffer Om Abyei. They accomplished this despite the fear of inter-continental conflict between Sudan and South Sudan. Losing the capacity for large-scale interstate conflict was helpful.

The defeat of the immediate security crisis was successfully accomplished through the Chapter VII UN boundaries. The boundaries did not, however, geopolitically resolve Abyei's final status, which was strategic for sustaining further ongoing diplomatic efforts and discourse for resolving the standoff. The provision of the UNISFA with rapid and broad enforcement as well as restraining the disposition of large-scale conflict was further helpful. Internationalizing the security arrangements and freezing the inter-continental conflict was helpful too.

S/RES/2024 (14 December 2011) — Broader Assignment: Border Normalization and JBVMM Support

This resolution greatly changed the scope of UNISFA's activities by introducing border normalization and cross-border cooperation activities. In addition to the pre-existing enforcement of military stabilization and border defense, the UN Security Council also provided to UNISFA the capability to assist in the border normalization, bilateral border management, and JBVMM operational supportive frameworks cross border.

The border stabilization mandate that the UN Security Council provided to UNISFA had immediate results. UNISFA began to assist in the land and air border cross monitoring and confidence-building operations of the countries of Juba and Khartoum. This, in turn, placed UNISFA as one of the most considerable balancing agents when it comes to the relations of those two capitals, alongside other international factors.

To balance out the operational results of that mandate, the politically strategic reasoning was that with the increasing complexity of the activities from UNISFA, the process of peacekeeping was changed to one that needed additional sophisticated diplomacy and internal social relations. Nevertheless, this came with the challenge of USIF being the stabilizing power of these.

S/RES/2032 (22 December 2011) — New Rule & Call for Quick Shift Back.

This rule was a planned key move by the Security Council. It mixed a short new term for UNISFA's job with a fast ask for less war in Abyei. The Council made a strong ask for both the Sudan & South Sudan groups to shift back their army & cop units from the fight zone, with no ifs or slow acts. The first change by this rule was to keep UNISFA's work going while the big talk scene was still not set. It made sure that the peace team could keep at it as chat for peace got strong & more. At the same time, the Council put big chat force on both sides to lower their war show in Abyei. It used the rule as a way to drop the heat & make room for chat. The big weight of this rule was key in showing the Security Council's want to keep Abyei free of the army by its Chapter VII power. By saying again its plan to use these strong acts in the short run, the Council sent a loud hint. It was set to act hard if the two sides did not pull back as asked. This kept the force up on both groups to stick to world hopes for a calm fix to the fight.

S/RES/2047 (17 May 2012) — Review & No War Rule

This rule was the Security Council's new plan for the Abyei zone. It pushed key rules, but brought in new ways to keep tabs. The group said again its full help for no war in Abyei. It made clear calls for Sudan & South Sudan to pull all troops out of the zone in fight. Big news was that the rule showed the group's choice for a full check of the plan & small changes if no big progress to peace was seen. The quick effect of this rule was to step up talks on both sides. It showed the Council's ease in changing its peace plan. With steady calls for sticking to the peace rules, the Council made it clear these were musts but showed it could shift UNISFA's setup & acts as needed. The deep shifts from this rule showed a move to a peace plan that changes by need in Abyei. The group made a plan of peace that tied help to clear gains on key must-dos. The thought was clear: while the world still back peace in Abyei, it would change the peace job if the sides did not show true work to peace tasks set. This was a deep plan that mixed close work with ways to push for sticking to the rules.

S/RES/2445 (15 November 2018) — Mid-term Boost with Talk on Local Bonds

This rule was a big shift in handling peace in Abyei, pushing UNISFA's job to May 2019 but kept its main tasks of guarding folks, helping with aid, & help for the Border Checks. But, the key part of the rule was its strong push on building talks with the local groups, the Ngok Dinka & Misseriya, whose ties are key for life & time moves in the Abyei zone. The quick result of this rule was a clear nod to the key link of local peace & wide calm work. By tying the small team peace & wide safety, the Council saw that real peace in Abyei would need true talks & work at the local level where folks really live, work, & meet. The wide shift here was a big new thought on how fights work in Abyei. The focus moved from just top state men in Khartoum & Juba to press on folks on the ground to step into peace jobs. This new view knew that while big deals were key, they would fail if no work on the ground issues, old hurts, & the fight over what folks own. This push on the local level showed the Council's new deep way of seeing that real peace needs not just peace from big fights, but real good talks & ways to talk at all steps of life.

S/RES/2760 (14 November 2024) — Strategic Review Order

This rule was key in UNISFA's change. It kept the work's goal to November 2025. At the same time, it started a deep look at its use, work tasks, & what comes next. After over 13 years, the Security Council saw they had to check if UNISFA's way was still the best. The main job was to keep UNISFA there & let them work. It made room for deep thought & may bring big changes. A full look at plans made sure the next choices were based on firm facts, not just fast picks. It let them judge what did or did not work & what new steps to try. This rule hints that UNISFA might be at a key change point. The review may make new ways for the work to go on, each with big links to work in Abyei. The test could cut down the mission if all is now calm. Or, it could turn it to deal more with ruling & up-grade work if those are now key. Or, it could boost peace & guard tasks if risks stay high. This shows the Security Council knows, after over ten years, it is time to keep or change the way the peace & calm work in Abyei. This is based on what they learned & the new truths there.

Sovereignty and Territorial Integrity

The Abyei fight is one of Africa's big rule woes. It stems from unsolved bits of the 2005 big peace deal between Sudan & the Sudan People's Freedom Group. It started as a short-term fix but grew into a long land halt. It shows the strain in new ideas of rule, self-rule, & land rights. The area, as a "special admin area," was to be a quick fix. The deal saw a 2011 vote for Abyei's folks to pick their rule path. Yet, this easy vote plan turned to big fuss when Sudan & South Sudan could not agree on who can vote. This fight focuses on the rights of the Misseriya, who roam & link to Abyei for years. The 2009 Court's choice made clear lines but cut Abyei's land size. But, it did not end the big rule fights. Both sides took the court's tech points but read them by their own rule views & claims of home.

Sudan's Sovereign Perspective

Khartoum's position reflects classical principles of territorial sovereignty, maintaining that Abyei remains an integral part of Sudan's territory until a legally recognized process determines otherwise. This stance encompasses broader concerns about national integrity, as any precedent of territorial secession could potentially encourage similar movements in other regions such as Darfur, South Kordofan, or Blue Nile. Sudan's approach also reflects its commitment to protecting the rights and interests of the Misseriya communities, whose pastoral economy depends on seasonal access to Abyei's grazing lands and water resources.

South Sudan's Historical Vision

Juba's perspective draws on deep historical, cultural, and political connections between the Ngok Dinka majority in Abyei and the broader South Sudanese identity that emerged during decades of civil conflict. For South Sudan, Abyei represents not merely territory but a symbol of shared struggle and cultural continuity. The Ngok Dinka's participation in the southern liberation movement creates strong moral and political arguments for integration, supported by the community's overwhelming desire to join South Sudan as demonstrated in their 2013 unilateral referendum.

Community Voices and Local Dynamics

The Ngok Dinka community's relationship with Abyei extends beyond political affiliation to encompass ancestral connections to the land and a strong sense of cultural identity aligned with South Sudan. Their perspective emphasizes permanent residence and historical rootedness as the foundation for political rights and territorial belonging.

The Misseriya communities bring a different but equally compelling narrative based on traditional pastoral practices that have connected them to Abyei's seasonal resources for centuries. Their concerns extend beyond grazing rights to encompass fundamental questions of political inclusion and economic survival in a region where mobility and seasonal access remain essential to their way of life.

International Mediation and Multilateral Engagement

The United Nations' role through UNISFA represents a sophisticated form of international intervention designed to maintain stability while preserving space for eventual political resolution. Operating under Chapter VII authority, UNISFA has successfully prevented large-scale conflict while facilitating humanitarian access and supporting community dialogue initiatives.

The African Union's mediation efforts, particularly through the High-Level Implementation Panel, reflect continental approaches to conflict resolution that emphasize negotiated settlements and inclusive dialogue. These efforts have maintained diplomatic momentum even when concrete progress has proven elusive.

Broader international engagement reflects diverse priorities and perspectives, from the United States and European Union's historical support for South Sudan to China's focus on regional stability and economic continuity, particularly regarding oil production and export infrastructure.

The Evolution of Practical Governance

Despite the unresolved sovereignty question, Abyei has developed functional governance arrangements that blend international oversight with local administration. UNISFA provides security and facilitates essential services, while Ngok Dinka traditional authorities maintain

community governance structures. This hybrid arrangement demonstrates how practical authority can emerge even in the absence of clear legal sovereignty.

The seasonal migration patterns that bring Misseriya communities to Abyei during dry seasons have continued alongside these governance arrangements, suggesting possibilities for accommodation that transcend binary sovereignty choices. Traditional conflict resolution mechanisms between communities have shown resilience, offering potential foundations for broader political settlements.

Implications for Sovereignty Theory and Practice

The Abyei case illuminates fundamental tensions in contemporary international law between the principle of territorial integrity and the right of self-determination. Rather than viewing these as irreconcilable contradictions, the prolonged Abyei experience suggests possibilities for creative institutional arrangements that honor both principles through innovative governance structures.

The emergence of what might be termed "internationalized sovereignty" in Abyei—where the UN effectively exercises administrative authority while maintaining neutrality on final status—offers insights into how the international community can manage sovereignty disputes in an era of fragile states and complex conflicts.

The continued engagement of regional and international actors suggests sustained commitment to finding solutions, even as the complexity of the challenge demands patience and creativity from all involved parties. The ultimate resolution of Abyei's status may well require approaches that transcend traditional sovereignty categories, pioneering new forms of territorial arrangements that reflect the realities of interconnected communities in a globalized world.

Self-Determination and Minority Rights in Abyei

The Abyei fight is all about a vow not kept—a vote in the 2005 big peace deal. This key deal saw a vote to let Abyei's folk pick their own way—to stay in Sudan or move to new South Sudan. But, this clear-cut chance to pick their path got stuck & hard to solve. The mess did not spring from the core idea, but from who gets to vote. South Sudan had its own vote in 2011. In Abyei, that vote did not happen due to deep rifts on who can join in & who they are. In 2013, the Ngok Dinka group held their own vote. Over 99% said yes to join South Sudan. This shows how much they want to pick their path & how the world is slow to nod to votes that leave out some folks. This let-down has made a rare case where free choice is both the fix & the root of more fights. With each year, fixing it gets harder as groups get used to not sure times.

The Ngok Dinka Experience

The Ngok Dinka community's relationship with Abyei extends deep into history, encompassing not only demographic majority status but also profound cultural, spiritual, and political connections to the land. Their experience during Sudan's civil wars forged strong bonds with the South Sudanese liberation movement, creating a narrative of shared struggle and common destiny that transcends mere territorial considerations.

From a human rights perspective, the Ngok Dinka community faces the complex challenge of being a local majority while potentially remaining a marginalized minority within Sudan's broader political structure. Their concerns encompass protection from periodic violence, meaningful political representation, and the preservation of cultural autonomy. The community's displacement during various conflicts has heightened their sense that only integration with South Sudan can provide lasting security and cultural preservation.

Their claim to self-determination rests not only on demographic realities but also on the principle that communities should have the right to choose their political affiliation, particularly when historical experiences have created strong identification with a particular state or political project.

The Misseriya Pastoral Perspective

The Misseriya communities bring a different but equally compelling narrative centered on traditional pastoral practices that have connected them to Abyei's seasonal resources for generations. Their relationship with the area reflects the fluid, dynamic nature of nomadic life, where political boundaries often conflict with ecological and economic necessities.

Their claim for inclusion in any referendum process stems from fundamental concerns about survival and cultural continuity. For pastoral communities, access to seasonal grazing grounds and water sources represents not merely economic interests but the foundation of their entire way of life. The fear of exclusion from political processes that determine access to these resources reflects deeper anxieties about the compatibility of nomadic traditions with fixed territorial boundaries.

The Misseriya experience highlights how minority rights extend beyond simple demographic calculations to encompass the protection of distinct cultural practices and economic systems that may not align with sedentary agricultural communities or fixed territorial arrangements.

International Law and the Search for Balance

The international legal framework surrounding Abyei reflects the inherent tensions between competing principles of justice and order. The right to self-determination, enshrined in foundational documents like the UN Charter and international human rights covenants, supports communities' desires to choose their political destiny. Simultaneously, minority rights protections, articulated in various UN declarations and conventions, emphasize the need to safeguard the interests of smaller or vulnerable groups within any political arrangement.

The United Nations' approach to Abyei demonstrates both the possibilities and limitations of international mediation in complex identity-based conflicts. UNISFA's mandate reflects a careful balance between protecting all civilians regardless of ethnic affiliation while avoiding endorsement of any particular sovereignty outcome. This neutral stance serves immediate humanitarian purposes but cannot resolve the underlying tension between competing rights claims.

The challenge for international law and practice lies in finding mechanisms that honor both the Ngok Dinka majority's right to self-determination and the Misseriya communities' rights to cultural preservation, economic survival, and political participation. Traditional referendum models, based on simple majority rule within fixed territories, may prove inadequate for addressing the complex realities of overlapping communities with different relationships to land and political authority.

The Intersection of Rights and Identity

The Abyei case illuminates how modern concepts of majority and minority rights can become fluid depending on the geographic and political scale of analysis. The Ngok Dinka community's status as a local majority contrasts sharply with their position as a marginalized minority within Sudan's national political structure. Conversely, the Misseriya communities' seasonal minority status in Abyei exists alongside their historical political influence within Sudan's broader system.

This complexity challenges traditional approaches to minority protection that assume fixed demographic relationships and clear territorial boundaries. Instead, Abyei suggests the need for more nuanced frameworks that can accommodate different types of community relationships with territory and political authority.

The seasonal nature of Misseriya presence adds another layer of complexity, raising questions about how traditional minority rights frameworks apply to communities whose relationship with territory is cyclical rather than permanent. Their claims highlight the need for political arrangements that can protect nomadic traditions while respecting the rights of sedentary agricultural communities.

Stakeholder Perspectives on Democratic Participation

Each party to the Abyei dispute brings distinct visions of how democratic self-determination should be implemented, reflecting deeper philosophical differences about the nature of political community and participation.

The Ngok Dinka community advocates for immediate referendum implementation restricted to permanent residents, viewing this as the most straightforward expression of democratic will. Their perspective emphasizes the principle that those who live permanently in an area should determine its political future, supported by their overwhelming demographic majority and clear preference for integration with South Sudan.

The Misseriya communities demand inclusion in any referendum process or, alternatively, constitutional guarantees of their traditional rights regardless of the outcome. Their position reflects recognition that pure majoritarian democracy might not adequately protect their distinct interests and way of life.

Sudan's approach emphasizes the procedural requirement for consensus on participation before any referendum can proceed, using this position to maintain territorial integrity while protecting aligned communities. South Sudan's support for Ngok Dinka preferences reflects both ideological solidarity and practical political interests.

The United Nations and African Union consistently advocate for negotiated settlements that would guarantee both communities' essential rights, recognizing that sustainable democracy requires more than simple majority rule when dealing with complex identity and resource conflicts.

Customary International Law and State Practice in Abyei: A Legal Framework Analysis

Common global law grows from constant acts by states & shared law thoughts. It forms set rules through the long-term acts of lands. This growth makes law rules. It uses two main parts: clear acts of states in like case, & their view that such acts show law need, not just ease in ruling. In land fights like Abyei, common global law helps grasp how the mix of fair rules, peace, & rule of land play. The task lies not in knowing law rules - they're known, but in using them in hard cases where many right rules lead to varied ends. The Abyei case shows how common global law lights up & makes land fights hard. It gives law paths & shows the tough mix of peace & fair, rights for most & care for few, & land rule & free will of folks.

Territorial Integrity and Border Stability

The principle of territorial integrity, bolstered by the doctrine of *uti possidetis juris*, is among the linchpins of the post-colonial international order. This was the belief that current boundaries, no matter how randomly created, should stand unless both states involved consented to alterations. The philosophy behind it echoes hard-learned lessons about how never-ending battles over land can unravel entire areas.

In Abyei's case, it lends powerful backing to Sudan's legal argument. It was under Sudanese administration at independence in 1956 and the momentum of African state practice remains firmly with border stability rather than territorial adjustment. The OAU's initial embrace of inherited colonial borders, subsequently reaffirmed by the AU, underscores continental acceptance of border inviolability in the name of embracing the peace and stability benefits of such a framework despite any perceived inequities of particular demarcations.

Nevertheless, as I wrote towards Abyei is complicated by the 2005 Comprehensive Peace Agreement, which clearly imagined a referendum mechanism that could change territorial configurations. This gives rise to the peculiar scenario where both sides consented on the front end to possible border adjustment, so it's not clear if the usual international law rules about territorial integrity apply in cases where states previously agreed to change.]

Self-Determination and Popular Sovereignty

The right of peoples to self-determination is one of the strongest moral and legal claims in modern international law, embedded in foundational texts and backed by decades of decolonization praxis. It focuses on the idea that communities with their own identity deserve a significant say in deciding their political status.

The Ngok Dinka claim to self-determination is bolstered by their demographic majority in Abyei, cultural distinctiveness, and historical affiliation with South Sudan's liberation movement. There is the pattern of successful self-determination efforts in Eritrea, South Sudan itself and East Timor, where international recognition came after unambiguous demonstrations of popular will.

But customary international law exposes unprincipled variations in when self-determination claims receive support. Although certain instances are met with strong global support, others, such as many Kurdish independence campaigns or Crimea's, are dismissed or remain unacknowledged. This trend indicates that legal merit per se may no longer be the deciding factor, but political context and great power backing still are.

Therefore, the 2013 unilateral referendum of the Ngok Dinka, while quite decisive, has not been internationally recognized, which demonstrates the problems of self-determination claims when they are devoid of other political support or made outside of an accepted procedural context.

Minority Rights and Cultural Protection

Advances in minority rights developed in customary international law have accepted more and more that political configurations should safeguard interests of smaller or vulnerable groups of people, in particular those who observe a specific culture or have economic practices. That development illustrates increasing realization that majority rule alone would not be sufficient to protect the vital interests of minority groups.

The Misseriya's own assertions for political inclusion and resource access mirror this new customary practice. Their seasonal migration and pastoral economy are exactly the type of tradition international law now strives to defend. Other regional precedents—like Sámi reindeer rights in Scandinavia or Tuareg grazing in the Sahel—show increasing acceptance that nomadic peoples need specialized safeguards that extend beyond static territorial maps.

This principle implies that any resolution of Abyei's status needs to resolve Misseriya concerns over access to seasonal resources and political representation irrespective of sovereignty decisions. Otherwise, it would violate developing international customary law concerning minority protection and potentially compromise the legitimacy of any agreement.

Effective Control and Administrative Authority

The principle of effective control (*effectivité*) generally gives preference to the state that is exercising *de facto* administrative control over disputed territory. This pragmatic strategy understands that sovereignty assertions need to be bolstered by the ability to actually govern and service populations in conflict.

In Abyei's case, the rule leads to an odd spot. While Sudan had main say till 2011, the next roll-out of UNISFA set up an odd world rule. It does not back Sudan's full rule, nor does it set up South Sudan's rule. The UN forms a third way—a world hold—that puts a stop to the old rule ways. It gives key rule work. This setup is like others seen where world rule has been a link. It spans the gap in land fight claims, as seen with East Timor's break to a free state or Kosovo's watched free step. The long stay of UNISFA hints that this world hold might shift from a short fix to a long-term way to sort out tough land fights.

Sudan's Consistency with Territorial Principles

Sudan's stance in the Abyei dispute is a case of what is very much a traditional approach to territorial integrity. By putting forth that Abyei is a part of Sudan until a legal process says otherwise and at the same time supporting Misseriya's political claims, Sudan is in fact playing out well worn patterns of territorial sovereignty.

This position is supported by a general trend in the African community which has for some time favored border stability as a policy over issues of territorial revision. As for Sudan's position it is in large part a matter of what is put forth as legitimate concern for setting a dangerous precedent;

the acceptance of unilateral self determination in the case of Abyei may encourage a chain reaction in other disputed areas.

However in the case of Sudan which entered into the referendum process as per the 2005 CPA agreement that is a go ahead for this to take place under certain terms and conditions their hand is tied. This puts to the fore the issue of what is legal versus what is political and thus the very dynamic play out between treaty laws and custom.

South Sudan's support of Ngok Dinka calls for self determination is put forth in terms of strong moral issues related to community rights and historical justice. Also there is a very strong case made for the alignment between what the Ngok Dinka community wants and what South Sudan as a state stands for which in turn presents a very powerful story of reuniting broken communities with their choice of political home.

In terms of what is customary international law put forth, South Sudan's position is to that which has great difficulty. By supporting unilateral self determination claims we see that South Sudan is to also be at risk of breaking the larger international legal structure which in fact supports territorial integrity and which requires that for border changes to take place there be bi-lateral consent.

South Sudan's act of not fully endorsing the 2013 referendum results points to their awareness of legal issues at hand. This careful approach they take is a display of what may appear to be a balance between moral arguments and legal principles as well as practical political issues.

International Community and Neutral Administration

The UN's effort through UNISFA is a fine line they walk between different legal issues. By staying out of sovereignty issues which they don't have to get into and at the same time performing very important security and humanitarian roles, the UN is in fact creating a space for political resolution which they are not dictating.

This is a neutral approach which has become a standard in the management of intractable territorial disputes. Instead of forcing early solutions or seeing conflicts out for the long term we see the value in international trusteeship which brings about stability and at the same time leaves open options for future settlement.

This 13 year plus duration of the arrangement suggests we may be seeing international administration grow into a permanent feature of dispute resolution in which traditional sovereignty models fall short.

Balancing Competing Principles

The Abyei issue is a case study of what custom international law does in situations which fundamental principles are in conflict. Instead of creating black and white hierarchies between

issues of territory and self determination, or majorities and minorities, custom international law puts forward flexible structures which present issue by issue solutions.

This flexibility is a result of the practical wisdom which comes from the development of customary law out of real state practice as opposed to abstract theory. The international community which has had experience in managing territorial disputes reports that a one size fits all approach to principles does not tend to resolve complex issues on the ground.

Innovative Governance Approaches

The rise of international trusteeship structures such as UNISFA we see as a development of what is known as customary international law which is putting forth new approaches to territorial sovereignty which in turn transcend the traditional binary of state vs. state. Also these arrangements note that very complex disputes may require very in depth solutions which in turn may include the interests of many parties.

Such inroads may see growth in an age which is characterized by the decline of the state centered models which in turn are unable to deal with the issues of connected communities, transboundary resources and competing identity claims. The Abyei case study puts forth important points which in turn may be used to develop governance structures that promote unity in diversity.

Implications for International Legal Development

The issue of Abyei has seen the development of what is now customary international law in very important areas. Although there was great international involvement over time which put in place many issues of fact which form precedent for the treatment of territorial disputes we did not see a quick resolution which in turn gave way to in depth multi faceted approaches that put stability and protection of people above fast political solutions.

The case also put forth the issue of which legal frameworks we may require that which in turn include a variety of community identities and territorial relationships. We see the conflict between sedentary and nomadic groups, and between permanent and seasonal residence which in turn challenge traditional sovereignty and put forward the need for more complex approaches to political participation and resource access.

A byproduct of which is that Abyei shows how though international law may not immediately put an end to conflict it does play a role in the management of it. The UNISFA's legal framework and the great international attention which has been paid to the issue has prevented conflict from getting worse and at the same time has left open the possibility for a political solution.

Humanitarian and Human Rights Dimensions in Abyei

Cost of Unresolved Conflict on Human Life.

More than fifteen years have passed, and behind this complex political and legal framework of the Abyei dispute lies a profound human tragedy. ". ". The failure to resolve the area's final status has led to a humanitarian crisis marked by frequent displacement, chronic insecurity, and the systematic erosion of basic human rights for tens of thousands of people caught between competing sovereignty claims.

In Abyei, the humanitarian crisis is at the intersection of political stagnation and human suffering: when a state can not come to pacify, rights are denied; lives are ruined -- and desperate families have no choice but to suffer. Despite their political complexity, territorial disputes ultimately manifest in the daily struggle for survival and dignity that affects affected communities. This is the nature of this crisis.

The length of the crisis has resulted in severe consequences, with those affected experiencing temporary displacement becoming permanent exile, emergency aid evolving into long-term dependency, and entire generations being raised unaware of how to cope and feeling uncertain about their future.

The search for safety in displacement.

Abyei's story of displacement is one of repeated trauma that has affected entire communities. Tens of thousands since 2008, the forced displacement has persisted as militia attacks and military incursions have made the villages in the Ngok Dinka area uninhabitable. These population movements are not only temporary inconveniences but also fundamental disruptions to family structures, economic systems, and cultural continuity.[A].

This pattern of emigration is part of the wider political context of conflict, where civilian populations pay the price for military and sometimes political policies outside their realm of influence.”. A large number of families have been forced to flee their villages and sought refuge in Abyei before seeking temporary shelter during major clashes in 2011 and 2012, only to return dangerously when conditions improved.

Cross-border displacement has created additional challenges for families, who are now disconnected from both their homes and homeland, living in refugee camps while still aspiring to return. While the South Sudanese government has shown compassion towards Ngok Dinka, a refugee in rural areas, its political decisions have led to accusations of territorial entitlements.

Due to persistent insecurity and a lack of basic services in areas of origin, return movements often occur early or partially. A population that is perpetually displaced and unfulfilled returns, without the ability to rebuild their lives in any location or foreclosed on hope of a future settlement, has been created by this cycle.

Livelihoods Under Siege.

The humanitarian crisis in Abyei goes beyond mere physical protection and includes the systematic erosion of the economic roots that have sustained communities for centuries. Older livelihood systems are being disrupted by both major communities, but their economic strategies and environmental practices differ.

Recurrent displacement has caused the Ngok Dinka, whose agro-pastoral economy is based on farming and livestock keeping, to lose contact with agricultural land, disrupt planting and harvesting times, and displace herds of livestock. Due to the militarization of rural areas, farming is now considered dangerous or impossible in many places. In these times, once independent people depend on humanitarian aid for their basic survival.

Misseriya communities are confronted with different but equally grave predicaments, just as their traditional pastoral migration paths have become a terrain of conflict. Military escorts are now needed as the seasonal movement of cattle herd, which is vital for livestock survival during dry seasons, from northern Sudan to Abyei requires periodic blockades or attacks. Whenever migration is prohibited, livestock mortality increases significantly, causing the economic foundation of Misseriya and producing cascading effects of hunger and impoverishment.

Despite the loss of traditional economic complementarity, cooperation and mutual support mechanisms have been replaced by competition for scarce resources in areas with high potential for conflict.

Basic Services in Crisis.

Abyei's service delivery is a reflection of the larger issues faced by governance and development in disputed regions. Healthcare systems are severely constrained, with medical facilities frequently destroyed or damaged during battles and medical staff hesitant to serve in areas with high security risks. Delays and complications that can result in the evacuation of complex medical cases by UNISFA escort are fatal.

Educational systems have been severely impacted, with schools being closed for weeks, teachers being removed, and children missing years of formal education. The psychological impact of educational disruption is not limited to immediate loss of learning but can have long-term effects on community development and individual life outcomes.

Due to the political instability, infrastructure development has slowed down significantly, with neither Sudan nor South Sudan willing to invest heavily in areas where the final status of

territorial boundaries is still being disputed. As a result, Abyei is now much less developed than neighboring regions, leading to more hardships for locals and reinforcing their feeling of separation by both nations.

The Architecture of Rights Violations.

The Abyei crisis has a wide-ranging impact on civil, political, economic, social and cultural rights, emphasizing how territorial disputes can often undermine human dignity and development.

The Ngok Dinka people's right to self-determination is being violated as a result of the indefinite postponement of their promised referendum. This rejection affects not only abstract political principles but also concrete inquiries into citizenship, political engagement, and government access. The political process in Sudanese and South Sudan is preventing many Ngok Dinka from engaging in meaningful dialogue regarding their nationality.

Political exclusion characterizes communities of Misseriya who do not express their desire for participation in any referendum process, while the prolonged crisis has strained traditional political links with Sudan's government. Nomadic movements complicate traditional modes of political engagement and representation, highlighting the difficulties of accommodating them within territorial political systems.

Due to military presence and security concerns, both communities are restricted from allowing freedom of movement and assembly within Abyei. The constraints are particularly impacted by traditional governance systems and cultural practices that depend on community meetings and seasonal gatherings.

Economic and Social Rights Erosion.

The systematic interference with livelihoods undermines fundamental economic rights, such as the right to work and adequate living standards.....Traditional economic methods that have been effective for generations have become impractical or hazardous, leading to reliance on humanitarian aid and long-term poverty.

The lack of clarity regarding cultural rights in the current political climate poses a significant challenge to traditional practices and institutions within communities. The closure or militarisation of migration routes jeopardizes the nomadic lifestyle of the Misseriya, while cultural autonomy of Ngok Dinka is still linked to unresolved issues of political recognition and territorial control.

Concerns about economic justice and benefit-sharing arise from the communities' reliance on oil resources in their territory. Despite residing above vast oil reserves, indigenous populations do not perceive any upside to extraction, leading to increased sentiment of dispossession and exploitation.

In times of displacement and conflict, women are confronted with specific vulnerabilities that reflect broader patterns where violence is sexism. In addition to the increased risk of sexual violence and exploitation, women also face additional obligations as male family members are killed, recruited, or displaced.

Children experience separation from their families, absence from school, exposure to violence in certain settings, and sometimes even enlistment in some cases by armed groups. Due to its extended scope, individuals have grown up without adhering to standard childhood development, education, or socialization methods.

Displacement often results in the fragmentation of social structures and protection mechanisms, which make women and children particularly vulnerable to exploitation and abuse, as well as limited access to justice and support services.

What is International Humanitarian Response?

While the international humanitarian response to Abyei may prevent total disaster, it operates within very tight parameters reflecting the wider political complexity of the situation. By merging security and humanitarian duties, UNISFA ensures the protection of civilians and facilitates aid delivery while remaining impartial on sovereignty issues.

Among its accomplishments are the prevention of large-scale warfare since 2011, arrangements for seasonal Misseriya migration through escort personnel, and sheltering civilian residents during times of increased tension. These interventions have undoubtedly rescued lives and prevented even more severe humanitarian disasters.

In spite of this, the restrictions imposed by UNISFA highlight what is often implicit in humanitarian operations carried out in politically sensitive settings. Rather than address the root causes of the crisis or provide long-term solutions to displacement, the mission prioritizes symptoms and unresolved political problems.

Security concerns have limited access to certain areas, while political bias around aid distribution may favor certain groups over others, and humanitarian agencies in Abyei face persistent funding shortages as donor attention shifts to other regional crises. The restrictions on humanitarian programming curtail its scope and effectiveness, while also exposing affected populations to greater vulnerability.

Community views on rights and needs.

Each stakeholder community has their own unique perspective on humanitarian needs and priorities regarding rights, which reflects their experiences of the crisis and their relationships to potential solutions.

Those of Ngok Dinka who are concerned about violence, their right to safe return to their villages and political recognition through implementation of the promised referendum. Their

humanitarian needs include not only immediate protection and assistance but also compensation for injuries sustained in repeated displacements and attacks.

Misseriya communities prioritize the use of traditional grazing routes, security protocols during seasonal migrations, and food assistance during periods of restricted movement. Minority protection, nomadic heritage preservation, and political participation in any political settlement that affects their access to basic resources are the main areas of contention for their rights.

These diverse viewpoints reflect not conflicting hierarchies of rights but separate community experiences and survival strategies that have been obstructed by the prolonged political crisis."". A full and complete response to the humanitarian crisis must address both legitimate needs. ".

Legal Frameworks and Protection Gaps.

Although international human rights law provides broad frameworks applicable to the Abyei situation, implementation is particularly difficult due to disputed governance arrangements and limited state capacity. The International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights have enacted obligations that Sudan and South Sudan find it challenging to fulfill due to the uncertain status of their territory.

The UN Guiding Principles on Internal Displacement offer specific rights to assist, protect, and provide long-term solutions for displaced individuals. These principles are well-known. Still, implementation requires stable governance structures and political will that are not present in the current situation.

Obligations Under the UN Charter

The term obligation refers to an act or course of action to which a body is morally or legally bound and in other words, a duty or commitment. Under the Charter of the United Nations, the Security Council bears specific obligations in fulfilling its mandate of maintaining international peace and security which are to maintain peace, respect sovereignty, prevent conflicts, encourage peaceful dispute resolution, and cooperate with regional organizations.

Unfulfillment of the Obligations Under the UN Charter

While the UN Charter gives the Security Council the main role in keeping international peace and security, the Abyei question shows that these responsibilities have not been fully carried out in practice. According to Article 24, the Council must act decisively to address threats to peace. Yet, despite repeatedly recognizing that Abyei is such a threat, the Council often limits itself to renewing temporary mandates instead of promoting a lasting settlement.

Mediation efforts, whether through AUHIP-facilitated talks or Security Council backed negotiations have repeatedly failed due to a lack of binding enforcement mechanisms. The planned Abyei referendum under the 2005 CPA, while supported in principle by the UN, remains stuck indefinitely therefore delaying the Council's duty to uphold agreements backed by its own resolutions.

Furthermore, the Charter obliges the Council to protect civilians under Chapter VII in the face of threats to peace. Although UNISFA was deployed under Resolution 1990 (2011), civilians still face displacement, intercommunal violence, and ongoing clashes. This highlights the gap between legal mandates and actual protection on the ground.

This partial fulfilment does not result from a lack of legal authority but from political deadlock, competing state interests, and the Council's focus on short-term stabilization measures instead of long-term legal and political solutions. Consequently, the obligations in the Charter peaceful resolution, protection of civilians, and lasting stability remain only partially fulfilled in Abyei, leaving the region in a fragile state of unresolved tension.

Maintenance of International Peace and Security

At the core of the Charter through article 1(1) allows the Security Council to take effective collective measures to prevent and remove threats to international peace and security. The Security Council, under Article 24, acts as the custodian of this mandate on behalf of all Member States. Abyei's situation represents a clear threat to regional stability, with repeated clashes between the Dinka Ngok (aligned with South Sudan) and the Misseriya (aligned with Sudan) communities, these tensions have historically escalated into armed clashes threatening regional stability disturbing peace in region thereby obligating the Security Council to take action by assessing and responding to such threats decisively to prevent escalation and safeguard civilians. In fulfilling this mandate, the Council has sent special envoys, supported African Union-led mediation, and checked compliance with the Abyei Protocol of the Comprehensive Peace Agreement (2005). By actively promoting dialogue and negotiation, the UNSC not only meets its legal responsibility to resolve disputes peacefully but also strengthens adherence to international norms and agreements.

Despite the Security Council's concerted efforts to stabilize Abyei there have been multiple incidents indicating the fragility of peace in the region. In January 2024, intercommunal violence between the Ngok Dinka and Twic Dinka escalated, resulting in the deaths of 52 civilians and 64

injuries. This incident also led to the tragic loss of two UNISFA peacekeepers, underscoring the mission's vulnerability and the persistent instability in the region. These ongoing incidents show that Abyei is still a volatile flashpoint and can destabilize the region as a whole highlighting that the Council's earlier interventions have not completely stopped threats to peace highlighting the importance of maintaining peace and security of civilians and people involved in the region as one of the most important obligation of the Security Council.

Peaceful Settlement of Disputes

The Security Council is mandated to encourage the peaceful resolution of disputes under Chapter VI of the UN Charter through negotiation, mediation and arbitration. In Abyei disputes over boundaries, governance and resources between Sudan and South Sudan constitute a direct challenge to the stability of the region.

The Council has actively sought to promote dispute resolution by endorsing an African Union-led mediation supporting negotiation between Sudan and South Sudan which was monitored by the Comprehensive Peace Agreement. UNISFA's deployment has also provided a neutral presence to oversee demilitarized zones and buffer areas, aiming to prevent disputes from escalating into open conflict.

In May 2011, Sudanese Armed Forces (SAF) launched an offensive on Abyei town, resulting in the displacement of approximately 60,000 people and the destruction of the town. This escalation occurred despite the existence of the Abyei Protocol, highlighting the challenges in translating agreements into lasting peace. These incidents demonstrate that prior UNSC actions, though legally mandated, have been insufficient to prevent escalation or address the underlying causes of conflict. The persistent inability to resolve disputes peacefully underscores the imperative for the Security Council to remain engaged as sustained instability in Abyei not only threatens regional peace but also tests the credibility of international law and responsibilities of the United Nations Security Council.

Protection Of Civilians

The Security Council is mandated not only to prevent armed conflict but also to protect civilians from threats to their safety, particularly when such threats undermine international peace and security. Chapter VII explicitly empowers the Council to authorize measures when civilian populations are endangered, making the safeguarding of non-combatants a core legal responsibility of the Council. In Abyei, recurrent intercommunal violence and displacement have placed civilians at significant risk, demonstrating that civilian protection is central to fulfilling the Council's mandate. To uphold this responsibility, the Security Council authorized the deployment of UNISFA, tasked with monitoring clashes, facilitating humanitarian assistance, and ensuring safe access to essential services such as healthcare, food, and shelter. UNISFA's presence provides a neutral buffer between conflicting communities and allows the UN to respond to emerging threats against civilians, including displacement and targeted attacks.

In April 2013, several targeted killings took place, including the shooting deaths of Ngok Dinka civilians in villages near Abyei town. On April 15, one civilian was killed in Nyinchor village. Five days later, another was shot in Mulmul village. These attacks displaced several families and increased tensions between the Ngok Dinka and Misseriya communities. Even with UNISFA's intervention and the arrest of suspects, the violence highlighted the difficulties of turning agreements into lasting peace. These incidents show that previous UNSC actions, despite being legally required, have not been enough to stop escalation or tackle the root causes of conflict. The persistent failure to resolve disputes peacefully in Abyei highlights the urgent need for sustained Security Council engagement. Recurrent intercommunal violence, widespread civilian displacement, and ongoing territorial disputes continue to threaten both the local population and regional stability. Respecting agreements like the Abyei Protocol and ensuring that disagreements are addressed through dialogue rather than armed confrontation are crucial to preventing further escalation. Through continued and coordinated efforts, the Council can reinforce international norms, safeguard vulnerable civilians, and foster conditions for lasting peace in this fragile region.

African Union and Regional Mechanisms

The African Union (AU) and other regional groups, like the Intergovernmental Authority on Development (IGAD), are key in dealing with this dispute. They help start discussions, encourage sticking to agreements such as the Abyei Protocol, and give regional credibility to mediation efforts. Although these organizations offer important insight into local issues and work with UN initiatives, they face challenges in enforcing agreements, political disagreements, and logistical issues that reduce their effectiveness. Ongoing involvement from the Security Council is crucial to strengthen regional efforts, ensure compliance, and support long-term stability and protection for civilians in the area.

The Role of the African Union

The African Union (AU) is a continental union of 55 member states located on the continent of Africa. The AU was announced in the Sirte Declaration in Sirte, Libya, on 9 September 1999, calling for the establishment of the African Union.

The African Union's role in Abyei is recognized in law and backed by Security Council resolutions, setting a standard for AU-led mediation under international law. Resolution 2117 (2013) endorsed the African Union High-Level Implementation Panel (AUHIP) as the main mediator between Sudan and South Sudan. It gave the AUHIP the power to work with regional actors and the United Nations, suggest preventive measures, and monitor compliance with agreements like the Abyei Protocol. This resolution highlights the AU's legitimate interventions and creates a formal framework for the Security Council to collaborate with the AU to stabilize conflicts.

The African Union has approached the Abyei conflict primarily through diplomatic engagement and structured mediation processes. The African Union High-Level Implementation Panel (AUHIP) was established to facilitate dialogue between Sudan and South Sudan while also engaging directly with local community leaders from the Dinka Ngok and Misseriya communities. This approach combines political negotiation with practical measures such as monitoring security, assessing compliance with the Abyei Protocol, and coordinating with other regional organizations and the United Nations to ensure a comprehensive response. It has advanced towards several solutions to mitigate tensions in the region some of them include the promotion of the Comprehensive Peace Agreement (2005) as well as the facilitation of the creation of the Abyei Area Joint Oversight Committee (AAJOC), responsible for monitoring security incidents, and coordinating dispute-resolution mechanisms between the Ngok Dinka and Misseriya communities and joint security patrols.

Collaboration between the Security Council and the Union has been at the heart of the dispute with the Union regularly briefing the Council on progress, challenges, and emerging threats, ensuring that UN resolutions and mandates are aligned with regional realities. It has coordinated with UN humanitarian actors, helping the Security Council ensure safe access for relief operations and protection of civilians during periods of heightened tension, the Union has also amplified the effectiveness of the Security Council's actions by combining regional legitimacy, local knowledge, and diplomatic leverage making them aligned with peace and stability objectives in Abyei.

Despite these efforts In April 2013, targeted attacks on Ngok Dinka villages, including Nyinchor and Mulmul, resulted in civilian deaths and displacement, occurring even as AUHIP mediation was in progress. Additionally, the unilateral referendum held by the Ngok Dinka in October 2013, without the participation of the Misseriya, further escalated tensions and was condemned by the AU as illegal, highlighting the organization's limited influence in compelling adherence to agreements. These instances underscore the Union's struggle to translate diplomatic initiatives into tangible outcomes, often due to structural limitations and insufficient enforcement mechanisms. The African Union is important in solving this problem due to its proximity which allows for timely interventions and nuanced understanding of historical grievances and sociopolitical dynamics. The Union can also tailor solutions to local contexts and bridge gaps between national governments and affected communities. This unique positioning makes the AU essential for preventing further escalation and supporting the establishment of long term stability in the region. Therefore, the Security Council must step in to support the African Union's efforts in Abyei. As even though the Union provides legitimacy, mediation, and regional insight, it lacks enough enforcement capacity to ensure compliance and protect civilians effectively.

The Role of Other Regional Groups

Beyond the African Union, several regional organizations have tried to tackle the Abyei dispute together. These include IGAD, the East African Standby Force (EASF), and sub-regional groups like the Community of Sahel-Saharan States (CEN-SAD). These groups aim to support African Union led mediation by using local knowledge, early warning systems, and rapid response capabilities. IGAD and other regional groups have a unique role in Abyei as they focus on early warning, preventing conflict, and building skills among local authorities instead of high level diplomacy. For example, IGAD keeps monitoring networks along the Sudan-South Sudan border. They track movements of armed groups and report possible flashpoints to regional and UN organizations. The East African Standby Force (EASF) helps by training and advising local security personnel on managing community tensions and preventing clashes from escalating. Sub regional groups like CEN-SAD also create spaces for dialogue among civil society members, local leaders, and governments. Their goal is to address issues related to land, grazing rights, and natural resources. Together, these groups support AU mediation by enhancing resilience at the local level, promoting preventive actions, and allowing early intervention to lower the chances of large-scale violence.

IGAD played a pivotal role in mediating the 2011 Addis Ababa Agreement between Sudan and South Sudan. This agreement aimed to demilitarize the Abyei region and establish the United Nations Interim Security Force for Abyei (UNISFA). IGAD's mediation efforts were instrumental in facilitating dialogue between the conflicting parties, leading to the deployment of UNISFA to monitor and verify the security situation in Abyei. IGAD's mediation efforts were closely coordinated with the UNSC, which authorized the establishment of UNISFA under Resolution 1990 (2011). The UNSC recognized IGAD's role in facilitating the agreement and provided the necessary support for the deployment of UNISFA. This collaboration ensured to addressing the security concerns in the Abyei

CEN-SAD has facilitated dialogue among member states to address regional conflicts, including those affecting the Abyei region. By promoting diplomatic engagement and cooperation among neighboring countries. Even though CEN-SAD has had limited direct collaboration with the Council on specific issues in Abyei. However, it works to promote regional cooperation, which matches the Council's wider goals of building regional partnerships for peace and security. The Security Council understands the value of regional organizations like CEN-SAD in handling conflicts and backs their initiatives through different resolutions and partnerships.

Collectively, these regional mechanisms provide critical support to peace and stability in Abyei, yet their impact remains constrained without robust international backing. The Security Council's engagement is essential to strengthen coordination, enforce agreements, and protect civilians. By working alongside these organizations, the Council can help ensure that regional initiatives translate into tangible, lasting peace.

Foreign Stakeholders and International Interests

The role of foreign stakeholders and international interests is crucial in the Abyei dispute. Their actions affect both the chances for resolution and the risks of escalation. External actors, through peacekeeping efforts, diplomatic mediation, investments in oil, and humanitarian aid, have a strong impact on the stability of the region.

Ethiopia

It has been the most important regional player in Abyei providing the main security force and political support that shaped how the dispute was managed after 2011. Addis Ababa (Capital of Ethiopia) agreed to host talks as well as help broker the June 2011 interim agreement between Khartoum and Juba, and sent most of the troops for the United Nations Interim Security Force for Abyei (UNISFA). Ethiopian contingents constituted the mission's largest troop contribution, conducting buffer-zone patrols, manning observation posts, and undertaking joint border verification tasks that mitigated the immediate risk of large-scale interstate warfare following South Sudan's independence. These deployments reduced the likelihood of conventional hostilities, even as localized intercommunal incidents persisted. This changed the Abyei issue from a bilateral dispute to a secure matter under international oversight. Ethiopian troop contributions and its role in mediation created the necessary conditions for demilitarization, temporary security measures, and ongoing international focus on Abyei.

Ethiopia has been among the member states pressing for the renewal of AUHIP's mandate and reporting obligations, thereby ensuring Abyei's continued placement on the AU agenda. At the UN level, Ethiopian diplomats have repeatedly advocated for UNISFA's mandate extensions, aligning with resolutions such as 2046 (2012), which tied the Abyei issue to broader Sudan–South Sudan negotiations. Ethiopia has also supported the AU-endorsed Abyei Referendum Commission framework, despite its non-implementation, reflecting Addis Ababa's consistent role in legitimizing multilateral mechanisms.

Despite these important efforts, Ethiopia's involvement has had its limits. Its focus on security stabilization is crucial for preventing outright war, but it has also been criticized for maintaining a situation that postpones a final decision on Abyei's status. Local communities often remained exposed to violence between groups, as shown by the April 2013 attacks on Ngok Dinka villages, which happened even with UNISFA in the area. Ethiopia's peacekeepers, limited by a narrow mandate, could not enforce political solutions. This left the underlying issues of the conflict unaddressed. Additionally, Addis Ababa's mediation efforts, though symbolically

significant, did not push Khartoum and Juba to carry out the Abyei Protocol or create a credible referendum process.

Uganda

Uganda's involvement in Abyei is inseparable from its broader strategic relationship with South Sudan. As one of the first countries to recognize South Sudan's independence in 2011, Kampala has consistently acted as Juba's strongest regional backer, lending both political legitimacy and military support at crucial moments. This backing has indirectly shaped the Abyei dispute by strengthening South Sudan's capacity to press its claims in negotiations and resist Sudanese dominance. At the same time, Uganda's unambiguous alignment with Juba has deepened mistrust with Khartoum, which perceives Kampala as working to limit Sudan's regional influence. Thus, Uganda's involvement has both elevated Abyei's visibility as part of the post-secession settlement and entrenched the polarized positions of the disputing parties.

Uganda's direct military intervention in South Sudan during the civil war that began in December 2013 had a significant indirect impact on Abyei. By sending thousands of troops under "Operation Lightning Thunder" to secure Juba from opposition forces, Uganda practically ensured Kiir's government would survive. This allowed South Sudan to keep its negotiating power in disputes like Abyei, preventing it from becoming politically irrelevant. Additionally, Uganda has taken an active diplomatic role in the IGAD mediation processes. During the 2015 peace talks in Addis Ababa, Ugandan officials argued that Abyei's status should remain tied to the normalization between Sudan and South Sudan, instead of being treated as just a local concern. However, Kampala's bias has hurt its credibility. For instance, Sudan accused Uganda of purposely blocking efforts for a compromise on the joint administration of Abyei, which increased mistrust between the two capitals.

Uganda's core interest in the Abyei dispute lies in safeguarding the stability and sovereignty of South Sudan, its closest regional ally and strategic partner. Kampala views a strong and secure South Sudan as essential to counterbalancing Sudan's influence in the region and ensuring access to vital trade and security partnerships across the shared border. Abyei's unresolved status, particularly its oil reserves and its potential to trigger renewed conflict, directly impacts Uganda's economic and security calculus. By backing Juba's position, Uganda seeks to secure regional leverage, protect its commercial corridors into South Sudan

Uganda has consistently backed the AU Peace and Security Council statements calling for restraint in Abyei and respect for the Abyei Protocol of the Comprehensive Peace Agreement from 2005. It also supported the AU-endorsed plan for a joint administration in Abyei in 2011, though it often stressed South Sudan's viewpoint. In IGAD, Uganda has supported resolutions that call on Sudan and South Sudan to work together again under UNSC Resolution 2046 from 2012, which recognized Abyei as a pending final-status issue that needs negotiation.

Furthermore, Uganda has regularly used AU and IGAD platforms to condemn unilateral actions like the Ngok Dinka's 2013 referendum. This position has strengthened international agreement while still showing sympathy for Juba's concerns.

Egypt

Egypt's role has been more subtle than direct intervention, but it has still played an important part in shaping how the international community views the dispute. As a historic power in the Nile Basin and a significant member of the Arab League, Cairo has consistently supported Sudan's territorial integrity as well as the Khartoum's narrative in multilateral discussions. By doing this, Egypt emphasizes that Abyei is not just a local border issue. Instead, it is tied to a larger regional security framework involving the Nile waters, Arab-African relations, and stability in the Red Sea. This diplomatic stance has shaped how the AU, UN, and Arab League respond to Abyei, helping ensure that Khartoum continues to receive strong international support against South Sudan's claims.

Egypt's interest in Abyei comes from its wider geopolitical strategy. It wants to protect its Nile water security, keep strong ties with Sudan, and limit South Sudan's connection with Ethiopia, its main rival over the Grand Ethiopian Renaissance Dam (GERD). By supporting Sudan in the Abyei dispute, Cairo secures a loyal partner in the Nile Basin talks. It also gains influence over oil and trade routes and balances Ethiopia's significant role in UNISFA. For Egypt, Abyei is not just a border area; it is a bargaining tool in the larger Nile politics and a way to strengthen its role in both African and Arab regional diplomacy.

These strategic interests have consistently guided Egypt's diplomatic actions like the interventions during the 2011–2012 flare-ups directly translated into its support for multilateral instruments that reinforced Sudan's position. The warnings against unilateral actions and the envoy visits to both Juba and Khartoum were reflected in the Arab League communiqués and AU Peace and Security Council statements that Cairo backed, which explicitly endorsed Sudanese sovereignty over Abyei. Similarly, at the UN level, Egypt aligned with African and Arab blocs in advocating for UNISFA mandate renewals, ensuring that Security Council resolutions mirrored its diplomatic emphasis on Sudan's consent. Through these documents and regional frameworks, Egypt effectively institutionalized its political stance, turning on-the-ground diplomacy into formal international support for Khartoum's claims.

United States Of America

The United States has played a key role by not only influencing the dispute through its diplomacy, funding, and humanitarian efforts but also acting as the main supporter and guarantor of the Comprehensive Peace Agreement in 2005, which included the Abyei Protocol, Washington also has used sanctions, advocated for the UN Security Council, and engaged in

mediation to stop renewed conflict between Sudan and South Sudan. USA as well during the 2011 to 2012 flare-ups supported renewals of the UNISFA mandate to ensure both sides followed temporary security arrangements. They have consistently backed resolutions from the African Union and IGAD that focus on negotiation, following agreements, and peaceful conflict resolution. The interests of the United States lies in the instability in Sudan and South Sudan could disrupt global oil markets and regional trade routes, which in turn may affect U.S. energy prices and economic interests. It also seeks to prevent the conflict from escalating into a wider regional war that could necessitate costly U.S. military or humanitarian interventions. Additionally, maintaining stability in Abyei supports the credibility of U.S.-led international institutions and multilateral agreements.

People's Republic of China

China's role in Abyei has mainly been shaped by its strategic and economic interests which aims to protect oil-rich areas in Sudan and South Sudan while promoting regional stability through multilateral engagement. Beijing leveraged its influence over Khartoum and Juba to discourage actions that could disrupt oil production. It also backed the extension of UNISFA's mandate, which helps with peacekeeping and monitoring disputed areas and they have consistently supported UN Security Council resolutions, statements from the African Union Peace and Security Council, and IGAD-led frameworks. These initiatives promote negotiation, restraint, and following agreements, allowing China to turn its economic power into formal backing for conflict management. The primary interests of China are to protect its energy investments, ensure steady access to resources, and maintain a stable environment. This stability is crucial for expanding broader economic initiatives, like the Belt and Road projects, ultimately helping China achieve its economic and geopolitical goals in East Africa.

The Importance of the Role of Foreign Stakeholders and International Interests

In conflicts like Abyei foreign stakeholders and international interests play a central role in finding resolutions. Territorial disputes rarely involve just the parties directly engaged; they often connect with wider geopolitical, economic, and security issues that involve outside actors. In Abyei, the region's oil wealth, its strategic location along the Sudan-South Sudan border, and its influence on Nile Basin politics draw in foreign powers. These range from neighboring countries like Ethiopia and Uganda to global players such as the United States and China, who significantly shape the outcomes.

These stakeholders matter because they bring resources, influence, and credibility that local actors may not have. Ethiopia's troop contributions to UNISFA, Egypt's diplomatic influence in the Arab League, and China's economic interests in Sudanese oil exports demonstrate how outside engagement supports both mediation efforts and peacekeeping operations. Additionally, major powers in the Security Council directly affect the renewal of mandates, the imposition of

sanctions, and the approval of agreements like the 2005 Comprehensive Peace Agreement and the 2009 PCA arbitration award.

Furthermore, the involvement of international stakeholders helps balance local power disparities. Without this involvement, Sudan's stronger government might overpower South Sudanese claims, and local groups like the Ngok Dinka or Misseriya could lack essential international assurances to protect their rights. While foreign interests are not always neutral, often motivated by oil, water, or strategic ties, their participation is crucial for creating enforceable solutions, ensuring accountability, and preventing the dispute from escalating into larger conflict.

Current Legal Status of Abyei

The Abyei region remains one of the most contested areas in the Sudan–South Sudan borderlands, with its final legal status still unresolved. It is currently being administered as the Abyei Special Administrative Area (SAA) by South Sudan, and continues to experience political uncertainty, intercommunal tensions, and periodic violence. Despite ongoing international peacekeeping and mediation efforts, including UNISFA deployments and AU-led diplomacy, Abyei's legal and political future remains unsettled, making it a focal point for regional stability and international attention.

Historical Background of the Legal Status

The legal status of Abyei has been disputed for decades, influenced by colonial histories, post-independence arrangements, and international efforts. The 1905 Anglo-Egyptian Condominium Agreement moved Abyei from the southern regions to Kordofan in northern Sudan for administrative purposes. This change ignored the Ngok Dinka's cultural and political connections to the south. This early choice planted the seeds for future conflict, as local communities remained split in identity and loyalty.

The issue came back into focus in the late 20th century during Sudan's civil wars. The Comprehensive Peace Agreement (CPA) of 2005, signed by the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A), granted Abyei a "special administrative status." It called for a referendum in 2011, alongside South Sudan's independence vote, to let Abyei's residents choose between staying in Sudan or joining the south. The Abyei Protocol,

attached to the CPA, described Abyei as a “bridge” between the north and south and highlighted revenue-sharing from its oil resources until the final status was settled.

Disputes over borders and voter eligibility prevented the referendum from happening. In 2009, the matter went to the Permanent Court of Arbitration (PCA) in The Hague. The PCA reshaped Abyei’s borders, reducing its size and clarifying which areas were rich in oil. Both sides accepted the ruling in principle, but they disagreed on how to implement it, especially regarding Misseriya voting rights. Consequently, the referendum planned for 2011 never took place. After South Sudan gained independence, the Security Council established the United Nations Interim Security Force for Abyei (UNISFA) under Resolution 1990 (2011) to stabilize the area. Despite the peacekeeping efforts, Abyei remains uncertain. Sudan asserts its claim to sovereignty while South Sudan administers the area, and neither side has agreed to a permanent legal resolution.

Factors Undermining Abyei’s Current Legal Status

The legal status of Abyei remains precarious due to unresolved disputes over voter eligibility, territorial boundaries, and the implementation of the 2005 Comprehensive Peace Agreement and the 2009 Abyei Protocol which stipulated that a referendum would determine the region's final status, allowing residents to choose between Sudan and South Sudan. However, disagreements over who qualifies as a resident eligible to vote have stalled the process. The Ngok Dinka community, traditionally associated with Abyei, and the Misseriya nomads, who migrate through the area, have conflicting claims regarding residency rights. This dispute has led to tensions and hindered the establishment of a clear voter roll.

Additionally, the 2009 Abyei Arbitration Tribunal's decision to redraw the region's boundaries has further complicated matters. The new borders, which reduced Abyei's size, have been contested by both parties, leading to disagreements over the region's territorial extent and the distribution of resources. These unresolved issues have left Abyei in a state of legal ambiguity, with both Sudan and South Sudan asserting claims over the region without a mutually agreed-upon framework for its final status. Moreover, international law principles, such as *jus cogens* norms against aggression and *erga omnes* obligations to protect civilians, emphasize that both Sudan and South Sudan must uphold the Abyei Protocol. The failure to hold the referendum, along with disputes over administrative authority, has left Abyei in a legal gray area. South Sudan exercises de facto administration without full international recognition, while Sudan continues to claim sovereignty. This situation creates a lasting legal and security void, which threatens regional stability and hinders the establishment of a clear legal status.

Obstacles to Establishing a Definitive Legal Status

Political reluctance from both Sudan and South Sudan has prevented the full implementation of agreed measures, including boundary demarcation and the holding of a referendum. Intercommunal tensions between the Ngok Dinka and Misseriya further undermine attempts to

operationalize joint administrative arrangements, while repeated local clashes and attacks on villages like Nyinchor and Mulmul have disrupted governance and humanitarian operations. Structural weaknesses in international and regional mechanisms, including limitations AUHIP and UNISFA's monitoring capacity, have hindered effective oversight and dispute resolution. Compounding these challenges are disputes over oil-rich territories, which exacerbate political and legal contestation. Collectively, these factors perpetuate a legal gray area in which Abyei exists in a de facto state of uncertainty, leaving the region highly vulnerable to renewed conflict and underscoring the urgent need for reinforced international and regional engagement. Abyei currently exists in a hybrid state where South Sudan exercises de facto administration over parts of the region, while Sudan maintains claims of de jure sovereignty. This duality generates uncertainty around governance, law enforcement, taxation, and public services. The lack of a recognized local government structure, combined with irregular application of international agreements, prevents the establishment of a coherent legal framework

Complexities in Determining a Fixed Legal Status

The legal issues surrounding Abyei stem from various international law principles, historical agreements, and socio-political factors. The principle of self-determination is important in both customary international law and the CPA framework. It gives Abyei's residents the right to choose whether to remain with Sudan or join South Sudan. However, this principle clashes with Sudan's claim to territorial integrity, which international law also protects. Balancing these principles is difficult, especially in a context where local identities, migration patterns, and community ties are changing.

The Abyei Boundary Arbitration Award (PCA, 2009) aimed to clarify the legal situation. It shows the limits of arbitration when enforcement depends on political backing. The principle of *pacta sunt servanda* requires states to honor binding agreements. Yet, disagreements over boundary interpretation and non-compliance reveal that legal documents alone cannot resolve deep-rooted political disputes. This creates a scenario where laws exist, but their real impact is undermined by conflicting claims and a lack of enforcement.

The principle of effective control complicates governance. South Sudan holds de facto authority in some areas of Abyei while Sudan maintains legal claims. This situation creates uncertainty around authority, law enforcement, and service delivery. Additionally, intercommunal violence, forced displacement, and attacks on villages like Nyinchor and Mulmul show a failure to protect civilians. This triggers obligations under *jus cogens*, which require both states to prevent violence and protect human life.

Disputes over resource allocation further complicate the legal framework. Abyei's oil-rich regions lead to disputes over fair sharing and control. The principle of equitable resource management clashes with one-sided claims and local power dynamics. This hinders the actual implementation of agreements and arbitration outcomes. Finally, overlapping legal obligations and unresolved disputes, including the CPA, Abyei Protocol, PCA arbitration, AUHIP

recommendations, and UNSC resolutions, create a complex web of legal, political, and social issues. Any effort to settle Abyei's status must address self-determination, territorial integrity, *pacta sunt servanda*, effective control, *jus cogens*, and fair resource principles while also managing ongoing community tensions. This complicated conflict of norms, along with weak enforcement and political stalemate, ensures that Abyei's legal status remains uncertain and highly debated.

Possible Legal Mechanisms for Resolution

The Abyei agenda remains unresolved because past methods, including legal, political, and security approaches have not led to a lasting settlement. All the mechanisms like the agreements of CPA and Abyei Protocol, arbitration awards, and AU mediation established frameworks but enforcement gaps and political resistance weakened their impact. UNISFA reduced immediate violence but never tackled sovereignty or governance issues. Therefore, finding legal options means looking at these failures and seeking better ways for resolution based on international law.

Problems with Existing Legal Mechanisms

The 2005 Comprehensive Peace Agreement (CPA) initially set the framework for Abyei's administration making a referendum to determine its final status but disputes over voter eligibility between the Ngok Dinka who claim permanent residency and the Misseriya nomads who migrate seasonally have prevented the referendum from taking place. This failure has left the population in legal uncertainty and has contributed to periodic clashes, which result in civilian deaths and mass displacement, showing that unresolved political disputes directly translate into humanitarian crises.

The 2009 Abyei Protocol was sought to establish joint administration and security arrangements but implementation gaps have undermined its effectiveness. Sudan and South Sudan have repeatedly failed to adhere to these joint security arrangements, leading to incidents where UNISFA had to intervene to prevent escalation, highlighting the limited capacity of negotiated agreements when local actors refuse compliance.

The Abyei Boundary Arbitration Award legally clarified territorial limits, reducing Abyei's size to address Sudanese claims yet both parties contest portions of the demarcation, and disagreements over oil-rich areas continue to exacerbate tensions, as seen in the 2014 and 2015 intercommunal tensions over resource access demonstrating that arbitration alone cannot resolve disputes without enforcement mechanisms.

Additionally, the African Union High-Level Implementation Panel (AUHIP) has provided mediation channels yet repeated breakdowns like the October 2013 unilateral referendum by the Ngok Dinka, conducted without Misseriya participation highlight that diplomatic pressure alone cannot ensure adherence. Similarly, UN Security Council resolutions, such as 1990 (2011) and 2046 (2012) mandate protection of civilians and oversight, but gaps in enforcement and

monitoring mean that intercommunal violence, displacement, and administrative disputes continue, leaving Abyei in a persistent legal gray area.

Collectively, these incidents reveal that existing legal mechanisms have failed to provide durable resolution, primarily due to political non-compliance, enforcement gaps, intercommunal tensions, and contested territorial claims, all of which perpetuate the region's uncertain legal status.

Strengthening Legal Pathways

Strengthening existing legal mechanisms offers a more effective and politically feasible way to address the Abyei dispute. Instruments like the Comprehensive Peace Agreement, the Abyei Protocol, the 2009 PCA Award, AUHIP mediation channels, and the UNISFA mandate already have some level of international and regional legitimacy. These mechanisms are part of Security Council resolutions, backed by the African Union, and recognized though selectively by both Sudan and South Sudan but creating entirely new structures would take years of negotiation and risk reopening fundamental disagreements that the parties have already agreed to settle under existing agreements. In contrast, reinforcing current frameworks with clearer enforcement mechanisms, better monitoring, and ongoing Security Council support ensures continuity and eases diplomatic fatigue. It also reduces the chances that Sudan or South Sudan could exploit procedural loopholes to delay compliance since these mechanisms are already binding under international law.

Additionally, strengthening what already exists acknowledges the political reality that both parties are more likely to work with institutions they have already ratified or participated in rather than accept entirely new ones that may seem biased or imposed. This approach prevents the dispute from becoming a never-ending cycle of negotiating fresh agreements with no better chance of enforcement. In this sense, the weakness of the current frameworks is exactly why they should be strengthened because their foundations provide the most workable starting point, and their failures arise not from a lack of legitimacy but from insufficient enforcement.

Complementarity of New and Existing Mechanisms

While strengthening existing mechanisms remains the most pragmatic and immediate path, the creation of new legal and institutional mechanisms can play a complementary role by addressing the entrenched gaps that older frameworks have consistently failed to fill. They were never designed to respond to the ongoing cycles of intercommunal violence, stalled referendum process, or the persistent absence of a binding civilian protection regime because their scope was largely territorial and political thereby leaving questions of humanitarian access, migration regulation, and accountability for violence inadequately addressed.

New mechanisms, if carefully structured, could fill these blind spots without supplanting existing agreements. For instance, a specialized AU–UN hybrid oversight body dedicated solely to implementing referendum modalities could operate within the framework of the Abyei Protocol,

ensuring that commitments already codified are made operational rather than symbolic. Similarly, localized reconciliation commissions mandated under regional auspices could mediate annual pastoral migration disputes between the Ngok Dinka and the Misseriya, thus relieving AUHIP of disputes it was never institutionally designed to manage. By carving out specific responsibilities, these new structures would allow existing mechanisms to function more effectively.

Historical precedents can also be seen especially in The Special Court for Sierra Leone, established jointly by the UN and the Government of Sierra Leone, complemented earlier peace agreements by introducing accountability where prior accords had left impunity. Likewise, the African Union–United Nations Hybrid Operation in Darfur (UNAMID) demonstrated that hybrid models can reinforce older frameworks, ensuring peace agreements are backed by enforceable structures rather than aspirational texts. Translating this to Abyei, new hybrid mechanisms would not replace the CPA or PCA Award but would operationalize their principles in ways that current institutions have proven unable to achieve.

Thus, the introduction of tailored legal and institutional innovations should not be viewed as fragmentation but rather as revitalization.

Conclusion and the Way Forward

The Abyei Question is one of the longest-standing unresolved disputes since the Comprehensive Peace Agreement (CPA) of 2005. While the CPA laid out a path for South Sudan's independence, it placed Abyei in an uncertain "special administrative" category, promising a referendum to decide whether it would belong to Sudan or South Sudan. That referendum never happened. Today, Abyei is at the intersection of two nations, with its people split between the Ngok Dinka, who align with South Sudan, and the Misseriya nomads, who are connected to Sudan. This lack of clarity has put Abyei in a legal gray area, run by both sides but recognized by neither. This situation creates significant legal, political, and humanitarian risks.

Resolving the issue of Abyei is urgent as the dispute poses a direct threat to peace and security between Sudan and South Sudan, both of which have fragile internal conditions that could escalate. The humanitarian toll continues to rise as villages have been destroyed, civilians have

been displaced, and seasonal clashes between nomads and settled communities perpetuate cycles of violence. Moreover Abyei is more than just a border issue as it represents the struggle between sovereignty and territorial integrity, a principle that international law strongly protects, and self-determination, a right recognized in both the Charter and customary international law. Allowing the Abyei conflict to linger undermines both principles by leaving the population without clarity, representation, or security.

The Security Council has acknowledged this repeatedly through resolutions such as 1990 (2011), which authorized the creation of the United Nations Interim Security Force for Abyei (UNISFA). Later resolutions, like 2046 (2012) and subsequent mandate renewals, connected Abyei to broader Sudan–South Sudan negotiations. These efforts aimed to stabilize the region and prevent direct conflict between the states. The Permanent Court of Arbitration’s 2009 decision that redrew Abyei’s boundaries and the African Union High-Level Implementation Panel (AUHIP), assigned to mediate dispute but these measures while important have suffered from poor enforcement, inconsistent adherence, and political stalemate. UNISFA has helped prevent large-scale war but cannot resolve the issue of sovereignty. The PCA ruling provided a legal structure, but its implementation was challenged. The AUHIP continues to mediate but has no binding authority.

Regional players and foreign interests add complexity to the situation like Ethiopia, key regional actor, supplies most of the UNISFA troops and hosting negotiations additionally Uganda has influenced South Sudan through its bilateral relationships, affecting Juba’s negotiating approach. Moreover, Egypt has supported Sudan’s sovereignty claims due to Nile Basin politics and its rivalry with Ethiopia, using both Arab League backing and its position at the UN. Beyond Africa, the United States has advocated for self-determination, linking Abyei to its long-standing role in South Sudan’s independence, while China has focused on stability and protecting oil infrastructure, aligning more closely with Sudan. These overlapping foreign interests highlight that Abyei is not just a local issue but also a part of larger geopolitical rivalries.

At the core of the situation are human rights and obligations under customary international law (CIL) as not holding the referendum denies the Ngok Dinka their promised right to self-determination. Conversely, excluding the Misseriya's seasonal movement would violate protections for minority rights. Civilians have faced repeated violence and displacement, raising obligations for both states to protect life and dignity. Yet enforcement has been inconsistent, leaving many violations unaddressed and accountability lacking.

The legal issues surrounding Abyei's status are evident. The PCA ruling was disputed, the Abyei Protocol referendum was never held, and both Sudan and South Sudan maintain their claims, leading to dual assertions of sovereignty. Under international law, the conflict between self-determination and territorial integrity remains unresolved, further complicated by the principle of effective control, whereby South Sudan exerts partial authority while Sudan claims legal sovereignty. This complexity shows that legal frameworks alone, without political

commitment, cannot resolve Abyei. Cases like the Western Sahara advisory opinion illustrate the difficulty of reconciling these principles in contested areas.

Existing mechanisms also reveal ongoing problems. The AUHIP lacks enforceable authority. Compliance with the PCA ruling has been poor. UNISFA has diminished conflict but has no mandate to define sovereignty. The AU and UNSC sub-bodies have issued statements but have not progressed beyond temporary stabilization to a lasting resolution. These shortcomings highlight a pattern: mechanisms exist, but without enforcement, they lose trust.

Strengthening these existing mechanisms is the most practical approach. Rather than starting from scratch, enhancing the authority of the AUHIP, ensuring more rigorous follow-up on PCA rulings, and broadening UNISFA's political mandate would be more effective. These bodies already enjoy some international recognition and legitimacy. Strengthening them cuts down on redundancy, directs resources into proven frameworks, and shows continuity to local stakeholders. Creating new mechanisms though appealing in theory risks fragmentation. Instead, combining existing frameworks with any new ones could be beneficial; for example, a new regional arbitration body under IGAD or the AU could reinforce AUHIP findings, making them more binding, rather than beginning negotiations anew.

Ultimately, the Abyei question exists at the intersection of international law, regional politics, and human suffering. It tests whether the Security Council, the African Union, and the broader international community can settle disputes where principles clash sovereignty against self-determination, territorial claims against minority rights, peacekeeping against state-building. Without resolution, Abyei risks becoming a "frozen conflict," draining resources and destabilizing the region. However, with coordinated efforts, the mechanisms already in place can be revitalized and enhanced with new ones as needed to fulfill the promises made nearly two decades ago.

It requires a forward-looking approach that harmonizes the legal, political, and humanitarian aspects. Any viable solution has to start with dealing with the core problem of final status. The continued postponement of the Abyei referendum, promised by the Abyei protocol, has undermined international promises and the Ngok Dinka's right to self-determination. The referendum could be reinstated under international oversight as a possibility, but Sudanese politics would not allow it. Therefore, other interim solutions, such as the special autonomous regime with Sudanese and Southern Sudanese oversight and international monitoring, might be considered until a permanent settlement of the Abyei dispute becomes possible.

At the same time, it is vital to strengthen the mechanisms already in place. UNISFA, despite its mandate limitations, has played a critical role in stabilizing Abyei. Expanding the mandate would address security and humanitarian gaps by enabling the force to protect civilians, monitor human rights, and facilitate dialogue. The African Union Implementation Panel, which is limited in its enforcement capability, could be strengthened through the Security Council and IGAD to transform it from a mediatory to a more binding enforcement body.

The 2009 PCA ruling clearly demarcated Abyei's boundaries but suffers from poor enforcement. Compliance mechanisms, possibly through an AU–UN hybrid arbitration arrangement, could ensure that the existing legal obligations are not ignored. Similarly, imposing binding regimes on land use and migration would enhance the coexistence between the Ngok Dinka's aspirations for self-determination and the Misseriya's customary lifestyle.

Regional and international engagement has to be readjusted. The influence of Ethiopia as the backbone of UNISFA, Uganda's clout in Juba, Egypt's alignment with Sudan due to Nile Basin politics and the interests of external actors like the United States or China determine Abyei's trajectory. Coordinated international guarantees could also help shift foreign involvement from competition for influence to stabilization and accountability.

Finally, the humanitarian dimension is key. The repeated cycles of displacement, destruction and violence in Abyei point to the need for urgent measures to protect and rebuild the communities as well as hold to account those responsible. Creating a joint AU–UN recovery and reconciliation framework to support communities, ensure safe returns, rebuild lives, and address violations of international humanitarian law would lay the groundwork for long-term peace.

Taken together, these pathways suggest that the Abyei dispute cannot be solved exclusively by legal means or by political mediation. Progress will require a careful and deliberate approach that seeks to strengthen existing frameworks, complement them with new mechanisms where appropriate and ensure that geopolitical considerations do not subsume the humanitarian imperative. Only then, nearly two decades after the promises were made, can Abyei finally move out of its current legal and political limbo.

QARMA (Questions A Resolution Must Answer)

1. How can the Council reaffirm the erga omnes obligation of all States to respect the territorial integrity and sovereignty of both Sudan and South Sudan, while acknowledging the unresolved legal status of Abyei as a disputed territory under international law?
2. In what manner can the Security Council reconcile the jus cogens norm of self-determination with the sovereign claims of Sudan, particularly given that the Abyei referendum of 2011 was indefinitely postponed and thus remains unimplemented?
3. What steps can be taken to reaffirm and enforce compliance with the 2005 Comprehensive Peace Agreement (CPA) and the 2009 Permanent Court of Arbitration Award, while recognizing the limitations of state consent in arbitration enforcement under international law?

4. What legal and operational mechanisms can strengthen UNISFA's mandate to move from mere monitoring to robust protection, without exceeding the threshold of non-intervention established in Article 2(7) of the UN Charter?
5. How should the UNSC address violations of international humanitarian law and human rights law in Abyei, including displacement, denial of access to humanitarian assistance, and ethnically targeted violence, while considering the obligations under the Geneva Conventions and customary IHL?
6. How can regional mechanisms, particularly the African Union Peace and Security Council, be more effectively integrated into the UN-led process, in light of Chapter VIII of the UN Charter and the doctrine of complementarity between universal and regional bodies?
7. How should the Security Council address the competing economic and security interests of external actors, particularly with respect to the oil reserves in Abyei, to prevent the instrumentalization of natural resources in ways that perpetuate conflict?
8. What obligations do Sudan and South Sudan bear under international law to refrain from the threat or use of force in Abyei, pursuant to Article 2(4) of the Charter, and how should violations be addressed by the Council?
9. How can the UNSC interpret Abyei's current legal status, which is neither fully integrated into Sudan nor South Sudan, given international precedent on "terra nullius," "suspended sovereignty," and "shared administration"?
10. What steps can be taken to ensure that any future referendum or legal determination of Abyei's status complies with international standards of free, fair, and inclusive participation, particularly given the contested definition of "resident populations"?
11. How can the Council enhance mechanisms of dispute resolution to prevent forum shopping or overlapping jurisdiction, given the plurality of actors involved?
12. What measures can ensure that existing mechanisms such as UNISFA and AU mediation are strengthened, resourced, and legitimized, while exploring new complementary mechanisms to address gaps in enforcement and monitoring?
13. How measures can be taken to reconcile the right of self-determination of the Ngok Dinka with Sudan's claims of sovereignty and the Misseriya's demand for inclusion?
14. How can precedents like Western Sahara (ICJ Advisory Opinion, 1975) and East Timor (ICJ, 1995) be explicitly referenced to frame Abyei's unresolved right to self-determination?