

## CHAPTER 3

### Unclear Lines: State and Non-State Actors in Abyei

*Joshua Craze*

Published in Vaughan, Chris; Schomerus, Mareike; and de Vries, Lotje (eds.) 2013. *The Borderlands of South Sudan: Authority and Identity in Contemporary and Historical Perspectives*. New York: Palgrave MacMillan.

#### “An Anthropological Fact”

It was the fourth day of the oral pleadings at the Permanent Court of Arbitration (PCA) in The Hague, where the Sudan People’s Liberation Movement/Army (SPLM/A) and the Government of Sudan (GoS) were contesting whether the Abyei Boundaries Commission (ABC) had exceeded the mandate given to it by the Comprehensive Peace Agreement (CPA) in 2005. At around midday, Professor James Crawford, one of the lead counsels for GoS, was called upon to present Sudan’s argument.

In the Abyei Protocol of the CPA, the ABC was mandated to determine the territory “defined as the area of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905.”<sup>1</sup> One of the Sudanese government’s central contentions at the PCA was that the ABC had exceeded its mandate by trying to work out the area *inhabited* by the Ngok Dinka in 1905, rather than the *area* transferred.<sup>2</sup> While the SPLM/A claimed that it was effectively jurisdiction over a group that had been transferred, GoS insisted that it was a definite physical space that was transferred to Kordofan, and that this space had been determined by the colonial authorities.<sup>3</sup> For the court to establish the boundaries of this space, Crawford claimed, would simply be a question of

analyzing the historical record. It was, he stressed, a “very complicated question of fact; I would call it an anthropological fact, and I have to say that the only anthropological witness that we have [here in court] is on our side.”<sup>4</sup>

The PCA case hinged on two questions: whether the ABC had exceeded its mandate, and if it had, how one could establish the borders of Abyei with reference to the historical record. This is the “anthropological fact” to which Crawford appealed. In contrast, this chapter will argue that in order to understand the borders of Abyei and their imbrication in the contemporary politics of the territory, it does not suffice to simply employ a regime of historical veridiction,<sup>5</sup> but rather it is necessary that we understand Abyei’s borders as assemblages: emergent combinations of old and new elements in which Abyei’s history and the claims of “traditional rights” are taken up and reconfigured in light of contemporary problems of state politics.<sup>6</sup>

This chapter will show that the way the Abyei Protocol, the PCA, and subsequent peace treaties<sup>7</sup> separated out “traditional rights”<sup>8</sup> from political rights has created a situation in which the Ngok Dinka and the Misseriya, the two groups that actually share Abyei, are systematically excluded from formal political debate about the territory’s future. This exclusion created a situation in which both groups increasingly undermined previous patterns of coexistence, and adopted the logic of a state, by calling for firm boundaries in place of shared zones of habitation, while state actors, such as GoS, were able to use non-state forces to act to further their interests, while disavowing these acts at the level of formal political negotiations. Simply put, the division between “traditional rights” and state politics led to a situation in which nomads began to act like states, and states found it advantageous to act like nomads.

## Unfulfilled Promises

Abyei is currently a contested area uncomfortably nestled between Sudan and the nascent nation-state of South Sudan. In May 2011, it was invaded by the Sudan Armed Forces (SAF), leading to the area's residents fleeing, principally to Agok, inside South Sudan.<sup>9</sup> Prior to the invasion, the vast majority of Abyei's inhabitants were Ngok Dinka, a transhumant group that is a branch of the Padang Dinka, and part of South Sudan's larger Dinka people. To the north and east of Abyei live the Misseriya, whose territory stretches through South and East Darfur and what is now South Kordofan. Several sections of the Misseriya annually pass through Abyei.<sup>10</sup>

While the Ngok Dinka today feel that Abyei belongs to South Sudan, in 1905, the territory was transferred from Bahr el-Ghazal to Kordofan, a northern province, following Misseriya raids and the Ngok Dinka's subsequent complaints, as part of a colonial policy that tried to keep feuding groups within the same administrative area. Abyei was promised a referendum on its future in 1972, as part of the Addis Ababa Agreement,<sup>11</sup> which ended the first civil war. The referendum never took place. The CPA also called for a referendum to be held in Abyei as well as the demarcation of Abyei's boundaries by the ABC.

The Abyei Protocol of the CPA was only agreed upon after all the main issues of the CPA were resolved. Indeed, Abyei was such a controversial issue in 2005 that rather than the SPLM/A and GoS jointly composing the protocol pertaining to the area, which is what they had done for the rest of the CPA, the American team at the negotiations drafted it, in an effort to break the deadlock. The impasse was due to a constellation of factors, including GoS' determination to hold on to the oil reserves in and around Abyei and its fear of alienating the Misseriya, an important constituency for the National Congress Party (NCP), Sudan's ruling

clique. The Ngok Dinka, equally, are an important constituency for the SPLM, and giving up Abyei would have also meant abandoning one of the territories over which there had been some of the bitterest fighting during the second civil war.<sup>12</sup> The Abyei Protocol managed to placate both groups: it defined the territory of Abyei as being that of the Ngok Dinka, appeasing the SPLM, but crucially did not delimit the area, thus leaving open the possibility that the oil fields of Heglig and Diffra could still be placed within South Kordofan, and thus remain under GoS' control.

In a situation of impasse, the Abyei Protocol attempted to resolve a political problem through an appeal to the historical record, which could appear neutral with respect to the two groups' differing interests.<sup>13</sup> The creation of the ABC by the Abyei Protocol was thus an attempt to create a space of neutrality between two opposing political forces. Rather than neutralizing those forces, however, the Abyei Protocol created a situation in which politics articulated itself in a particular language of neutrality: in this case, in the language of historical truth.<sup>14</sup> Just as the historical record was thus reinterpreted by all the actors involved in Abyei, in light of the political needs of the present, so the reinterpretation of the historical record during the ABC and PCA led to changes in the contemporary politics of Abyei.

What makes the case of Abyei especially problematic is that the CPA asked the ABC to determine Abyei's area on the basis of a historical record that largely does not exist. The mandate of the ABC was to determine the territory "defined as the area of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905." This formula assumes that there was an area (something that can be delimited) that was transferred, and that this area is equivalent to the nine Ngok Dinka chiefdoms. There is no mention of the nine Ngok Dinka chiefdoms in the historical record for 1905. There is talk of the territory of a Sultan Rob, as the Condominium officials

called him (otherwise known as Arop Biong), but either one must assume that this is equivalent to the area of the nine chiefdoms—because there is no map of the territory of Sultan Rob (or of the territory of the nine chiefdoms)—or one must assume that what was transferred with Sultan Rob in 1905 was not the nine chiefdoms, in which case the very formulation of the ABC’s mandate would appear to contain an inconsistency.

It is quite likely that an area was not transferred at all, but rather 1905 saw a transfer of people with territorial implications. It is correct to say that the “territorial” and the “tribal” interpretations of the ABC’s mandate, to use the locutions employed by GoS at the PCA’s oral pleadings, are not necessarily incompatible; even if it were a group of people who were moved in 1905, they were moved from somewhere, to somewhere else. However, given the fact that the Ngok Dinka are transhumant, and occupy a shifting set of settlements, it means something very different to move a moving people rather than simply assign to a delimited area a new jurisdictional status, and this has correlative implications for how one defines the territory of Abyei. Due to the paucity of archival historical evidence, both the ABC and then the PCA attempted to use demography, ecology, and oral histories, to fix a bounded territorial space on the basis of the evidence that these domains could provide for historical patterns of habitation.

The Abyei Protocol contains a further clause that makes this appeal to habitation patterns even more difficult. Clause 1.1.3 states that the “Misseriya and other nomadic peoples retain their traditional rights to graze cattle and move across the territory of Abyei.” The ABC and PCA evaluated the historical grazing and habitation patterns of the Misseriya in order to delimit what would be—if South Sudan seceded, as indeed it did—a national border, while at the same time guaranteeing that those very grazing routes, in the present, would be unaffected by a national boundary created on the basis of the historical record of these grazing routes. The ABC report

demonstrates that the commission was well aware that historically shifting grazing patterns based on reciprocal ties could not be represented by precise lines of latitude, dividing up Abyei. However, the formal constraints of the mandate of the ABC meant that the commission's report, when it came out, nonetheless uses such lines to indicate zones of grazing. The ABC's mandate relied on a flat chronology, in which the past is not at stake in the present, and in which historical grazing ties could be employed in a contemporary legal claim without impacting on contemporary grazing patterns. Instead, firm boundaries were derived from a historical record that could not support such claims, and in the present, the boundary decisions of the ABC and PCA undermined the very grazing routes that they were not supposed to effect.

Clause 1.1.3 was supposed to ensure that while Abyei's sovereignty might be transferred, and its very boundaries change, "traditional rights" would continue unaffected. The problem with this no doubt well-intentioned clause is that it constitutes traditional rights as something outside of the domain of politics. Before turning to why this division is impossible to sustain, and the effects of the discursive adoption of this division upon the politics of Abyei, this chapter will consider the background to the division's appearance in the CPA, in subsequent peace treaties, and in legal rulings related to the territory of Abyei.

## **Drawing the Line**

The CPA was an incomplete solution to the second civil war, reducing the dynamics of a series of conflicts between an extractive center and a number of peripheries to a conflict between GoS and the SPLM/A, drawn up along a north-south axis. The agreement structured discussion about

Abyei for the next six years, and provided a framework for political developments in the territory. In terms of the CPA, the problem of Abyei is twofold: it is a question of the area's uncertain boundaries and it is a question of who should have sovereignty over the area. The first question was to be answered by reference to the historical record and the second by referendum.

That the problem of Abyei was posed in these terms is understandable. The CPA offered southern Sudan a referendum on its future. The CPA also held that the region's borders should be demarcated, and—if South Sudan were to secede, as indeed it did—territorial disputes with Sudan resolved. It is axiomatic for modern nation-states that they have formally delimited boundaries, inside of which they exercise sovereignty. As Peter Sahlins has argued: “Modern definitions of territorial sovereignty focus on political boundaries as the point at which a state's territorial competence finds its ultimate expression. States are defined by their exclusive jurisdiction over a delimited territory; and the boundaries of territorial competence define the sovereignty of the state.”<sup>15</sup> The Montevideo convention, which was signed in 1933, provides a set of criteria for the establishment of statehood now widely accepted as definitive in international customary law. One of these criteria is the existence of an absolutely defined and delimited body of territory.

Within this delimited body of territory, a state should exercise exclusive sovereign authority, and other forms of political organization should be dependent upon state legitimation. The creation of such a structure of territorial authority is a central narrative in the history of the nation-state. While Ladis Kristoff, for instance, has shown that there was little acceptance of centralized authority at the borders of medieval France, after the French Revolution, a territorial justification for sovereignty became one of the principal means by which particular claims over land and people, based in feudal and religious notions of right, could be undermined.<sup>16</sup> This

discursive justificatory framework underpins the way European states gradually increased their regulatory control of economic and social circulation, as Foucault sets out in *Security, Territory, Population*.<sup>17</sup>

The CPA largely inherits this framework. It sees the war in Sudan as a conflict between two entities, one that is already a state, and one that is a state *in potentia*. A solution to the conflict then logically becomes one in which the secessionist desires of southern Sudan are addressed, and the border between the two territories is identified. This is the framework in which the Abyei Protocol becomes thinkable: it addresses the question of the delimitation of the area, and the assignment of this area to one of the two parties by means of a referendum.

What makes this framework problematic in the case of Abyei, to say nothing of South Kordofan, Blue Nile, and Darfur, is that the conflict in the territory is not grounded solely in the logic of the state, but is structured by a series of tensions that only incidentally and opportunistically occupy the frame of state politics set out above. These tensions, within the framework of the CPA, become visible only to the extent that they take up the logic of the state. For instance, within the logic of the CPA, attacks by Misseriya militias within Abyei from January to March 2011 did not designate a problem requiring a political solution,<sup>18</sup> while the May invasion of the territory by SAF—which was actually continuous with the previous militia attacks, and part of a coherent strategy—became visible solely because it was explicitly authored by a state.<sup>19</sup> SAF's May 2011 invasion followed five months during which both the SPLA and SAF moved armed troops in and around Abyei.

The use of state actors *and* non-state actors are both modes of *state* intervention in Abyei. The use of Misseriya militias allowed GoS to attack Abyei and attempt to depopulate its northern extent without needing to account for the militias' actions and without receiving the international



opprobrium that would have followed such actions being carried out by a state actor, while SAF's subsequent invasion meant that the visibility of the Sudanese state could be used to articulate its claim over the territory of Abyei. The way the Sudanese state opportunistically occupies two different frames of action can also be seen in the May 2011 attack on Abyei Town itself, when SAF forces occupied the area, and militia forces burned down the settlements, actions for which SAF claimed it was not responsible. This continuity of state power, behind both state and non-state actors, is rendered illegible by the conceptual divisions underpinning the Abyei Protocol and subsequent peace agreements.<sup>20</sup>

## **The Impossibility of the Line**

The division between “traditional rights” and political negotiations instantiated by the CPA is both conceptually incoherent, and empirically fails to do justice to the history of Ngok Dinka–Misseriya relations in Abyei.

“Traditional rights” are constituted very differently to the absolute claims of territorial sovereignty. The latter claim is temporally infinite, and spatially definite. In contrast, we can observe three types of rights claim in Abyei, as outlined in Appendix Two of the ABC's report. There are dominant rights, where a group has absolute rights over an area. Then there are secondary rights. These are temporally limited rights of access and not possessive rights. There are areas in which the Ngok Dinka have dominant rights, and the Misseriya have secondary rights (and vice versa), and equally areas of shared secondary rights, where nobody has an exclusive claim to the territory in question. During fieldwork in Abyei in 2011, members of the

Ngok Dinka from Alel explained to me the complex negotiations that would occur when the Misseriya moved into the area with their herds. The precise path taken by the Misseriya (and the particular sections of the Misseriya who would migrate) was determined by a shifting set of factors that included changing ecological conditions, current land use by the Ngok Dinka, the relative proximity and mutual indebtedness of the groups in question, and, if needs be, the resolution of claims about compensatory payments for any deaths or thefts that occurred during the last migratory season. There are, then, no absolute borders to the areas of secondary rights; there are instead rights to be discussed between particular groups. Such rights claims will be shaped by broader political conditions. It is thus impossible to imagine that changing political circumstances will have no effect on “traditional rights,” because such secondary grazing rights emerge at the interstices of long-established patterns of movement and complex questions of the political and ecological present.<sup>21</sup>

The impossibility of separating politics from “traditional rights” is borne out by the history of Misseriya–Ngok Dinka relations. The first serious recorded disturbance occurred during the Turkiya, the period when Sudan was under Turkish rule (1820–1855). By the middle of the century, large slave-trading companies were active in Bahr el-Ghazal and Kordofan. They formed alliances with substantial parts of one of the two main branches of the Misseriya, the Humr, and then regularly raided the Ngok Dinka for slaves. The Ngok Dinka, under the leadership of Arop Biong (aka Sultan Rob), in turn formed a close alliance with some elements of the Humr, which shielded them from the worst of the raiding. This alliance proved beneficial to some of the Misseriya later in the century, when elements of the Humr refused to join Khalifa Abdullahi in Omdurman after the Mahdi took Khartoum in 1885, and took refuge with the Ngok Dinka.<sup>22</sup> In the twentieth century, it was this positive relationship between elements of the Humr

and the Ngok Dinka that led to Kwol Arop and Deng Majok (the son and grandson of Arop Biong) allowing the Humr to expand their grazing routes further south, through Abyei. What this history indicates is the degree to which relations between the two groups, and thus the form and type of secondary rights the Misseriya could claim when moving through Ngok Dinka territory, have always partly been a function of broader political dynamics in Kordofan.

Current Misseriya anxiety over grazing relations in Abyei has its origins in the first Sudanese civil war, when the Misseriya were recruited into government militias, and the Ngok Dinka became some of the first members of the Anyanya rebel movement, a precursor to the SPLM. The Addis Ababa Agreement of 1972, which brought an end to the first civil war, promised the Ngok Dinka a referendum on whether they wanted to be incorporated into a new Southern Region.<sup>23</sup> This provision worried the Misseriya, who were feeling pressured in South Kordofan, as expansive Sudanese agricultural projects and changes in rainfall patterns altered their traditional grazing land, making them ever more reliant on southern dry-season pastures.<sup>24</sup> The possibility of Abyei joining the Southern Region, with a Ngok Dinka administration, would mean, the Misseriya felt, the permanent loss of crucial land.

Before the second civil war broke out, the Misseriya tried to take preventative action. They organized themselves into Murahalin militias (with support and encouragement from Khartoum), and attacked Ngok Dinka settlements in the north of Abyei.<sup>25</sup> These attacks did not take the form of traditional raiding, which is normally done at the end of the dry season, as Misseriya herders take their herds back north, and attempt to acquire extra livestock. Instead, these raids focused on destroying settlements and attacking the civilian population; they were designed to secure Abyei for the Misseriya alone.<sup>26</sup>

These attacks intensified during the second civil war (1983–2005), as the Sudanese

government extended its support of the militias. After the discovery of oil in Abyei in the late 1970s, the militias were used in the north of the territory to remove Ngok Dinka settlement and open up a path to the exploitation of the oil reserves. In the 1980s, international aid agencies inadvertently assisted in this strategy by helping to settle the Misseriya on Ngok Dinka territory.<sup>27</sup> The militias were then formalized as an entity known as the “PDF,” the Public Defense Forces, in November 1989, by Omar al-Bashir.<sup>28</sup> These raids, which focused on destroying cattle and buildings and displacing or killing civilian Ngok Dinka, continued throughout the second civil war.<sup>29</sup> The history of Abyei since the beginning of the first civil war has been one in which Ngok Dinka–Misseriya relations—and the intergroup negotiation mechanisms that sustain these relations—have been put under impossible strain due to both groups’ imbrication in state-level political struggles. It is an intertwining in which both southern Sudan and GoS took up local interests and groups to advance national politics. Since 2005, both the Misseriya and the Ngok Dinka, in a grim echo of the second civil war, have reversed this logic, and taken up national politics as a way of advancing local interests.

## **The Struggle for Visibility**

That the division between “traditional rights” and politics instantiated by the CPA does not historically correspond to the structure of political dynamics in Abyei does not mean that its adoption by the CPA has not had an effect on politics in the territory, albeit not the effect that the American drafters of the Abyei Protocol thought it would have. One of the division’s principal consequences has been to marginalize the Misseriya, which has in turn led to their claims about

Abyei becoming increasingly like those of a state, as they attempted to render their demands visible within a state framework. This is not to say that the Misseriya have not affected political negotiations about Abyei: they are an important constituency for the NCP, and so their interests have certainly influenced the NCP's negotiation position. However, the Misseriya themselves have only had an effect upon the NCP position: they have not themselves had a position at the negotiations; their marginalization is one of agency, and not of effect.

The original marginalization of the Misseriya is formal. The ABC was composed of three groups: five representatives from GoS, five from the SPLM, and five international experts; it was the latter group that wrote the final report, and had the final say on Abyei's boundaries. Neither the Ngok Dinka nor the Misseriya were formally included as participants within the ABC, though the ABC collected oral testimonies from both groups during hearings in Abyei and South Kordofan: the views and opinions of the residents of Abyei constituted a datum for the experts, rather than being considered as independent political positions. During these hearings, the NCP threatened Mukhtar Babu Nimr, a Misseriya leader, with dismissal if he enunciated positions that diverged from GoS' claims.<sup>30</sup>

The position of the NCP is not congruent with that of the Misseriya. During the ABC, the NCP was primarily concerned with making sure that Abyei's oil fields were kept within South Kordofan, and thus argued that the River Kiir<sup>31</sup> was the boundary between Kordofan and Bahr el-Ghazal states, and "Abyei" was an area firmly to the south of the river, while the Misseriya wanted to ensure they had continued access to grazing land south of the river, and thus made a more expansive claim.<sup>32</sup> Due to these differences, and despite NCP threats, the positions taken by the Misseriya and the NCP during the ABC oral hearings diverged considerably.

Since 2005, many of the Misseriya elders have been unwilling to settle for anything less

than a formal and substantive political recognition of Misseriya ownership of Abyei.<sup>33</sup> This demand for ownership is the result of the translation of a claim to secondary rights into a state framework. Many of the Misseriya statements gathered by the ABC laid claim to an area that is actually composed of a patchwork of different rights agreements: areas where the Ngok Dinka have dominant rights and the Misseriya secondary rights, areas of shared rights claims, and areas where the Misseriya have dominant rights. This patchwork, which made up the local political ecology prior to the first civil war, was swallowed up in the Misseriya's maximal claim to territory beyond the River Kiir.<sup>34</sup> Thus, Misseriya claims, motivated by their desire to perpetuate access to seasonal grazing, were translated into the dominant discourse dictating the politics of Abyei, and became claims about absolute territorial and non-durational rights.<sup>35</sup>

Often, the NCP has advanced its own claims over the oil fields in the north of Abyei by claiming to represent Misseriya interests. This does not mean that the interests of the two groups are consonant, nor should it be assumed that the Misseriya are simply puppets of the Sudanese government; since 2005, they have had very real reasons to be worried about the delimitation of the borders of Abyei. Even if, as was the case during the February and March 2011 attacks on Abyei, GoS and the Misseriya may seem to act in tandem, their motivations for action are very different.<sup>36</sup>

Over the last 50 years, the Misseriya have experienced increasing pressure on their form of life in South Kordofan. The expansion of large-scale agriculture has greatly reduced available pastures, and political fragmentation under the Sudanese government has steadily eroded their trust in traditional institutions.<sup>37</sup> Since 2005, the Misseriya have had a visceral experience of what living with a future national border would be like. While the CPA emphatically states that the borders of southern Sudan would not affect traditional land-use rights, the Misseriya have

reported continuous harassment by the SPLA, and high rates of border taxation when they attempt to take their herds into South Sudan.<sup>38</sup> Many of the smaller Misseriya herders, who cannot afford to pay these high border taxes on their cattle, stay north of the River Kiir.

There are two possible scenarios that explain events since 2005, and neither of them bodes well for the Misseriya in relation to an independent South Sudan. The first is that the frequent blockages of Misseriya movement into South Sudan are a function of imperfect state control over the border region. It is true to say that the South Sudan government in Juba does not have sufficient control of the frontier to ensure that the Misseriya are not harassed when in South Sudan. Thus, for the Misseriya, the idea of being guaranteed “traditional rights” by a state that cannot offer substantive institutional structures to guarantee those rights is not an appealing prospect. Worse, current levels of instability in the Sudan–South Sudan border region are unlikely to change in the near future. However, even if the border region were totally under the control of the South Sudanese government, it is unlikely that this would be a much more palatable situation for the Misseriya. There has been much talk of the possibility of a “soft border,” with freedom of movement for groups along the border unaccustomed to living within the hard lines of nations. The problem with a soft border is that any group crossing it may well be a militia. Given the NCP’s proclivity to use the Misseriya as a proxy force, and increasing Misseriya membership in the SPLM-North—the SPLM in the Republic of Sudan—soft borders offer the possibility of both states advancing their interests under the guise of seemingly autonomous militias.<sup>39</sup> Such actions, if relativized across the border, would immediately harden it. Even if militia activity across the border died down, for the Misseriya, the prospect of a soft border maintained by an army with whom they have been fighting for over 20 years does not make for a sustainable future.

It is in this context that the maximal Misseriya claim to Abyei becomes thinkable. Part of the reason for the Misseriya suspicion of the ABC and PCA is due to the fact that the “traditional rights” referred to by the CPA have no enforcement mechanisms, and nor is there any space within the structure of the CPA to discuss the real changes to secondary rights that a national border will necessarily bring about.

In the *Origins of Totalitarianism*, Hannah Arendt writes of the European refugees, at the beginning of the Second World War, who were actively hostile to notions of the rights of man, and tried to gain whatever national rights they could claim. In Arendt’s analysis, the stateless, more than anyone else, correctly perceived the hollowness of a set of rights that were not guaranteed by an institution, and the importance of a substantive set of rights underpinned by a state.<sup>40</sup> The status of the Misseriya in the period after 2005 is not dissimilar. Faced with the prospect of an independent South Sudan, and the very real possibility that Abyei—if given a referendum—would choose to join it, the Misseriya turned away from the guarantees of “traditional rights” made in the CPA, and attempted to maximize their claims, so as to try and ensure as much territory as possible would be safely included within Sudan. The maximal claim of the Misseriya, in light of the possibility of a new South Sudanese state, follows the logic of a state, and attempts to gain exclusive sovereignty over an area where the Misseriya previously only had secondary rights.

It is thus unsurprising that the Misseriya rejected both the ABC report and the PCA ruling. As D. H. Johnson, one of the authors of the report, has noted, this rejection was in part due to a misinformation campaign by the NCP, which misrepresented the report’s findings.<sup>41</sup> However, part of the misinformation campaign—which claimed that the ABC would take land away from the Misseriya—was substantively, if not formally, correct. While the Misseriya were



guaranteed grazing rights, the actual experience of the Misseriya was consonant with a future deprivation of existing secondary rights if the borders outlined in the report were to be demarcated on the ground.

The ABC and the PCA both unwittingly contributed to the undermining of existing secondary rights claims in favor of firm borders. One of the more unusual aspects of the ABC report, much criticized by GoS during the PCA hearings, was its decision to demarcate the area of shared rights, and so place the northern boundary of Abyei such that it bisects the middle of the area of shared rights (see Map 3.1). The report thus formalized zones of shared rights using a measure of formal equality: the principle of *ex aequo et bono* (equity and justice). What makes this decision problematic is that shared-rights areas were previously not definite spatial areas, but functioned in terms of personal relations and a shifting set of contextual political factors. In the ABC report, secondary rights were now given proper spatial spheres, and made dependent on a territorial logic foreign to them. The PCA intensified this transformation of secondary rights into absolute rights when it ruled that the northern extent of the shared-rights area given by the ABC report had been inadequately reasoned, and reduced the area of Abyei, leaving the northern extent of the area of shared rights in Sudan, and effectively turning it into the exclusive territory of the Misseriya.<sup>42</sup>

As of January 2013, the formal exclusion of the Misseriya from political negotiations, in the context of a continuing political struggle over Abyei, has meant that the territory has not been delimited, and many members of the Misseriya continue to insist that Abyei's only possible future lies as a part of Sudan, and as a territory over which they exert absolute control.<sup>43</sup>

For both the Ngok Dinka and the Misseriya, local tensions, combined with national politics, have led to a set of increasingly nationalized local voices. Claims about land use,

normally framed in terms of secondary rights, become, in an era of state violence in which such claims are rendered invisible by the political mechanisms structuring debates about Abyei, claims about national territory and absolute sovereignty. To the extent that the division between “traditional rights” and political negotiations has enabled this dialectic, the tragedy is that the very division that is supposed to ensure the viability of “traditional rights” contributes to preventing the conditions of their possibility, by not allowing them a place in political negotiations, and thus forcing the non-state actors in Abyei to assume the logic of the state in order to make their demands visible.

## **Invisible Hands**

The division between “traditional rights” and political negotiations also assumes a model of the state: states *should* want a demarcated set of borders, and state actors *should* be qualitatively different from non-state actors. In the Sudans, neither of these assumptions holds. On the contrary, as this chapter will now set out, just as claims about national boundaries became a vehicle for local interests in Abyei, so local grievances have also been instrumentalized by national interests in the territory, and have enabled a state that is not interested in the demarcation of its own borders to use non-state actors to achieve its own ends.

Just two days before South Sudanese were due to vote in a referendum on secession, Misseriya militias attacked Abyei-police positions in Maker, a village 15 km to the north of Abyei Town, beginning three days of attacks. The NCP denied any role in the clashes, and blamed them on autonomous Misseriya militias, concerned about the possibility of a referendum

in Abyei.<sup>44</sup> At a time when the world was watching southern Sudan, and using SAF forces to attack Abyei would have caused an outcry, the employment of proxy militias allowed the NCP to sow uncertainty in the territory without being formally reprimanded.

Misseriya militia attacks continued throughout February and March 2011. Again, the NCP denied any role in the attacks, despite civilian witnesses reporting that some of the attackers were dressed in the uniform of the Central Reserve Police,<sup>45</sup> and officials from the United Nations Mission in Sudan (UNMIS) privately confirming that the militias used SAF helicopters to ferry out their wounded.<sup>46</sup> These attacks fulfilled multiple functions for the NCP. As the Ngok Dinka fled the attacks, the militias (and thus SAF) gained *de facto* control of the north of the territory. It is also noticeable that these attacks intentionally destroyed property and administrative buildings. Prior to the outbreak of the second civil war, Misseriya attacks on the Ngok Dinka tended to occur at the end of the dry season, when the Misseriya were returning north with their herds, and focused on acquiring as much livestock as possible: the attacks took place within a local symbolic economy centered on the accumulation and circulation of cattle. The second civil war saw the intensification of a different type of clash, as Misseriya attacked settlements: the logic of these attacks was to depopulate territory; it was a demographic form of warfare consonant with the type of maximal territorial claim the Misseriya then advanced at the ABC. Militia attacks on Abyei during the first half of 2011 marked the continuation of the logic of the second civil war: the purpose of the attacks was not to inflict a lasting military defeat, but to depopulate Abyei, and make it as difficult as possible for civilians to return.<sup>47</sup> Such attacks both re-entrenched deep Ngok Dinka resentment toward the Misseriya—making future cohabitation substantively less likely—and awoke memories of the displacements of the second half of the twentieth century.

These attacks created new facts on the ground, and thus strengthened the NCP's bargaining position at the negotiating table, even as it formally disavowed responsibility for the attacks. What is achieved *de facto* is then a basis for an attempt at *de jure* recognition. From this perspective, the SAF invasion of Abyei in May 2011 was not an exceptional event, but was largely continuous with the preceding three months of militia attacks.

The difference between the two sets of events is given only by the differing reactions of UNMIS and the international media, which construed one event as the action of a state, and the other as nonpolitical: the product of errant militias.

From January to March 2011, militia attacks were accompanied by a series of agreements and political negotiations between the NCP and the SPLM. All three months saw security agreements that committed both sides to an end of hostilities in the territory, and the implementation of the Abyei Protocol. None of the agreements were ever implemented by the NCP. One should not read the militia attacks as an errant set of events, on the one hand, and the formal political negotiations as the proper domain of the state, on the other: instead, the Sudanese state skillfully negotiated both domains, using militias when its formal commitments would prevent it using the army, and disavowing its own actions during formal negotiations.

In this sense, it is unhelpful to regard the state as operating within a model of legality, where it sets the terms of law within a given territory, and, by mutually recognizing other states, enables international treaties to which it is bound. Instead, the Sudanese state's relationship to formal political agreements can be characterized as the product of a structure of illegalisms. As Deleuze writes in his perceptive little book on Foucault:

Law is always a structure of illegalisms, which are differentiated by being formalised. We need only look at the law of commercial societies to see that laws are not contrasted worldwide with illegality, but that some are

actually used to find loopholes in others. Law administers illegalisms: some it allows, makes possible or invents as the privilege of the dominating class; others it tolerates as a compensation for the dominated classes, or even uses in the service of the dominating class; others again it forbids, isolates and takes as both its object and its means of domination.<sup>48</sup>

The political agreements made between January and March 2011 allowed a structure of illegal action. For instance, on March 4, renewed commitments to security in the territory were made at a meeting of the Abyei administration, NCP, and SPLM, at the UNMIS compound in Abyei Town. The very next day, militias burned down the village of Tajalei just north of the meeting point. The militias, who were excluded from the formal negotiations, became the illegalism allowed by the division between political negotiations and traditional actors, and it was an illegalism that allowed the Sudanese state to simultaneously satisfy international actors (by committing to security in the Abyei area at the meeting) and advance its own interests, by using the militias to continue the depopulation of Abyei, while disavowing the actors involved.

Not only does the Sudanese state act through non-state actors, it is also uninterested in the formal resolution of the problem of Abyei as it is constituted by the CPA. In terms of Abyei's borders, the NCP has been blocking demarcation of the territory since the PCA's ruling. This uncertainty has allowed it to strategically maximize its claim in negotiations: it has, for instance, variously backed an African Union High Level Implementation Panel (AUHIP) proposal to divide Abyei, and in 2012, withdrawn its forces from the south of Abyei, while claiming, *de facto*, that the north of Abyei is actually in Sudan. As Peter Sahlins and others have set out, this is not actually unusual.<sup>49</sup> The claim of territorial sovereignty was a claim made, first and foremost, vis-à-vis other structures of sovereignty, rather than against other territorial sovereigns: what was important was to establish that one has exclusive rights over *territory*, undermining

other forms of the legitimation of right. If territory has been established as the mode in which claims about sovereignty are articulated, it can actually be to a state's advantage to not establish the lines that delimit its territory, as this allows for later expansion.

At present the NCP benefits from the uncertainty about Abyei's political future. Since the CPA, it has consistently blocked implementation of agreements related to Abyei's future, even if they have officially committed to them. This permanent state of uncertainty is not an unwelcome situation for the NCP. It instead allows it to achieve several things. First, it has *de facto* control of Diffra, the sole remaining oil field in Abyei. It is uncertain just how much oil is left under the ground at Diffra, but multiple reports suggest that revenues have declined sharply since 2007.<sup>50</sup> Continuing occupation, even in the context of Abyei's uncertain political status, means continuing control of oil revenues at a time when Sudan's economy is greatly straitened by the loss of South Sudan. Further, given that political negotiations, if they were to be successfully concluded, would no doubt mean making some compromises, the continuing uncertainty over Abyei allows the NCP to keep the Misseriya as a valuable constituency by continuing to promise them the entirety of Abyei.

The division between "traditional rights" and political negotiations has not only misunderstood the relationship between non-state and state actors, but it has also overly reified the state as a normative force and, in doing so, fundamentally misunderstood how the Sudanese state functions in Abyei. This blindness was exemplified during the May invasion, when the United Nations forces stationed in Abyei urged SAF to restrain the militias burning down Abyei Town, as if they were not part of the same force. The functioning of the Sudanese state here resembles what Foucault (1991) described as the capillary effects of state power: the very field of "the state" is effectively constituted through forms of power that exceed the state bureaucracy,

its central institutions, and its commitment to forms of legality.

In his response to the May invasion, Douglas Johnson says that those who claim Abyei is the Sudans' Kashmir (a small territory claimed by two nations) are misplaced: "It could more aptly be described as Sudan's West Bank, where a local population is being progressively dislodged and displaced by government backed settlements."<sup>51</sup> Johnson's comparison is correct, and is suggestive of a further way in which Abyei is reminiscent of the West Bank.

In the model of the state we find implicitly in the CPA, the border marks the territorial limit of the exercise of sovereignty, and, by reciprocal acknowledgment of other states' territorial rights, marks the creation of a system of territorial control. In such a conception, the nation-state is identified with its borders, with the continuation of these borders, and anything that threatens them is seen as a challenge to the very idea of the nation-state. In *Hollow Land*, a fine critique of Israeli architecture, Eyal Weizman evokes a very different idea of territorial sovereignty, a sort of Escher-like nightmare posing as an architectural solution. He explains that "after fragmenting the surface of the West Bank by walls and other barriers, Israeli planners started attempting to weave it together as two separate but overlapping national geographies—two territorial networks overlapping across the same area in three dimensions, without having to cross or come together."<sup>52</sup>

While the precise political economy of the Occupied Territories is of course very different to Abyei, the model of multiple overlapping topographies is suggestive. At present in Abyei, there is UNISFA, which has been mandated to provide security to an area that is at present almost entirely devoid of inhabitants. UNISFA's authority is provided by the United Nations Security Council (UNSC). At the same time, we have a partial SAF occupation, based upon Sudan's claim to sovereignty over the area, and then we have Misseriya and Ngok Dinka

claims to the territory, which variously take the form of secondary rights claims, and maximal claims to the whole of Abyei. The NCP, rather than occupy one of these frames, has managed to mediate between them in pursuing its own agenda in Abyei, an area of overlapping jurisdictions of sovereignty.

In Abyei, border talk became a frame in which claims about the sovereignty and area of the territory were made visible. None of the actors, however, actually inhabited the frame. The Misseriya used the ABC and PCA to make a claim to Abyei that attempted to secure for themselves what are actually secondary rights to the territory; the NCP used border talk as a mask, to perpetuate a permanent precarity that allowed them to extract as much as they could from the territory. This is not to say, of course, that there are no rebound effects: as the Misseriya took up the maximal language of the state, they found their secondary claims (and the possibility of coexistence with the Ngok Dinka) eroded; by taking up the language of the state, they found their practical possibilities for action reduced to a binary between absolute ownership and absolute dispossession. The Sudanese state, on the other hand, continues to not require the demarcation of its own borders, and instead uses the discourse of state power as part of an apparatus that also sets up a structure of illegality: actors that the state can use, while disavowing their actions. Nomads acting like states. States acting like nomads.

## **Endnotes**

<sup>1</sup> GoS and SPLM/A (Government of Sudan and Sudan People's Liberation Movement/Army). 2004. Protocol between the Government of the Sudan (GOS) and the Sudan People's Liberation Movement/Army (SPLM/A) on the Resolution of Abyei Conflict ("Abyei Protocol"). Naivasha, Kenya. May 26. Clause 5.1 (henceforth: "the Abyei Protocol"). At the Permanent Court of



Arbitration (PCA), Clause 1.1.2 of the Abyei Arbitration Terms of Appointment defines the task of the ABC almost identically as “[to] define (i.e. delimit) and demarcate the area of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905.” See Permanent Court of Arbitration. 2008. Terms of Appointment in the Matter of an Arbitration before a Tribunal Constituted in Accordance with Article 5 of the Arbitration Agreement between the Government of Sudan and the Sudan People’s Liberation Movement/Army on Delimiting Abyei Area. The Hague, the Netherlands. November 24. Clause 2.6(a).

<sup>2</sup> See, for instance, Government of Sudan. 2008. Memorial of the Government of Sudan at the Permanent Court of Arbitration in the Matter of an Arbitration before a Tribunal Constituted in Accordance with Article 5 of the Arbitration Agreement between the Government of Sudan and the Sudan People’s Liberation Movement/Army on Delimiting Abyei Area. The Hague, the Netherlands. December 18. Chapter 2. Paragraph 39: “[The protocol ...] is clear in referring to the administrative transfer between provinces of a given area. It was not a transfer of people but of a territory inhabited by them.”

<sup>3</sup> A central debate at the PCA thus turned around whether the colonial authorities actually envisaged the transfer of a delimited area of land. The ABC report convincingly demonstrated that the area transferred from Bahr el-Ghazal to Kordofan had no clearly demarcated borders in the colonial records, and that there was demonstrably widespread geographical uncertainty about Abyei in the condominium administration. This was also the position taken by the SPLM/A at the PCA, while GoS claimed that the colonial records indicated there was the transfer of a delimited area of territory; thus the PCA debate also turned around whether colonial sovereignty was primarily territorial, or organized around people: two conceptions of sovereignty that would still be in tension during the postcolonial period. See SPLM/A. 2008. Memorial of the Sudan

People’s Liberation Movement/Army at the Permanent Court of Arbitration in the Matter of an Arbitration before a Tribunal Constituted in Accordance with Article 5 of the Arbitration Agreement between the Government of Sudan and the Sudan People’s Liberation Movement/Army on Delimiting Abyei Area. The Hague, the Netherlands. December 18. Paragraphs 280–296. The PCA final award noted that the emphasis of the 1905 transfer “was more on a transfer of people with territorial implications, rather than on a transfer of an area south of the approximate provincial boundary,” and further decided that the ABC interpretation of its mandate was not unreasonable. See Permanent Court of Arbitration. 2009. Final Award in the Matter of an Arbitration before a Tribunal Constituted in Accordance with Article 5 of the Arbitration Agreement between the Government of Sudan and the Sudan People’s Liberation Movement/Army on Delimiting Abyei Area. The Hague, the Netherlands. July 22 (henceforth: “PCA Final Award”). Paragraphs 566 and 582, respectively. One of the central problems with the Abyei Protocol was that though the 1905 transfer may indeed have referred to a transfer of people, what the ABC was required to produce was nonetheless a delimited area.

<sup>4</sup> Permanent Court of Arbitration. 2009. Oral Pleadings. Day Four. April 21. Page 63, lines 21–24, 12:25 P.M.

<sup>5</sup> Michel Foucault discusses veridiction at length in *The Courage of Truth*, when he begins to investigate the relationship between forms of knowledge, and the way such knowledge comes to divide up the world into the true and the false. See Michel Foucault, *The Courage of Truth: Lectures at the Collège de France 1983–84* (London: Palgrave Macmillan, 2011), 23–33.

<sup>6</sup> On the reinterpretation of tradition in land rights cases, see Sara Berry’s collection of essays, *Chiefs Know Their Boundaries: Essays on Property, Power and the Past in Asante, 1896–1996* (London and Oxford: James Currey, 2000); for an erudite unpacking of the concept of an

assemblage, see the volume by Aihwa Ong and Stephen Collier, eds, *Global Assemblages: Technology, Politics, and Ethics as Anthropological Problems* (New York: Wiley-Blackwell, 2000).

<sup>7</sup> The ruling of the Permanent Court of Arbitration, the Abyei Protocol, and subsequent peace agreements, such as the June 20 Addis Ababa Agreement “Temporary Arrangements for the Administration and Security of the Abyei Area,” are clearly very different legal frameworks, designed for very different purposes. What underlies all of them, however, is an insistence that political change will not affect migratory routes through the territory. Government of Sudan and Sudan People’s Liberation Movement. 2011. Agreement on Temporary Arrangements for the Administration and Security of the Abyei Area. Addis Ababa, Ethiopia. June 20.

<sup>8</sup> “Traditional rights” will appear in quotation marks throughout this chapter. This is not because I am skeptical of the existence of secondary rights claims. Rather, it is because “traditional rights” is literally a quote: the term reappears in the Abyei Protocol, the PCA documentation, and, with a slight twist, in the June 20 Addis Ababa Agreement, where it becomes “rights ... in accordance with traditional migration routes in the Abyei Area” (Paragraph 39). What this chapter will show is that far from such routes being traditions not at stake in contemporary politics, they are actively reconfigured and renegotiated in the present, and that the division of such rights from contemporary politics has had baleful effects on the very rights the division seeks to preserve. The reference is in the preceding footnote.

<sup>9</sup> See Joshua Craze, *Creating Facts on the Ground: Conflict Dynamics in Abyei* (Geneva: Small Arms Survey, 2011).

<sup>10</sup> See Ian Cunniison, *Baggara Arabs: Power and Lineage in a Sudanese Nomad Tribe* (Oxford: Clarendon Press, 1966), 9–13.

<sup>11</sup> See the Addis Ababa Agreement, 1972, Clause 3(c).

<sup>12</sup> During negotiations in Addis Ababa in October and November 2010, as it became increasingly clear that Abyei's referendum would not go ahead, the African Union High Level Implementation Panel put forward a number of compromise proposals to end the crisis. One of these proposals called for a further division of Abyei, with the northern half going to Sudan, and the southern half to South Sudan. One of the reasons the Ngok Dinka community was so angered by this proposal is because they saw this as legitimizing the violent displacement of the Dinka population from the north of Abyei during the second civil war, a displacement that is still viscerally remembered by the Ngok Dinka today.

<sup>13</sup> My employment of the concept of neutrality is indebted to Carl Schmitt's essay "The Age of Neutralizations and Depoliticizations." See Carl Schmitt, *The Concept of the Political* (Chicago: University of Chicago, 2007 [1929]), 80–97.

<sup>14</sup> A similar process of political instrumentalization of a putatively neutral field occurred during the taking of the Sudanese census in 2008, except that then it was the language of demography that was instrumentalized. See Joshua Craze, "Counting a Divided Nation—On the Sudanese Census." *Anthropology News* (May 2010): 14–15.

<sup>15</sup> Peter Sahlins, *Boundaries: The Making of France and Spain in the Pyrénées* (Berkeley and Los Angeles: University of California Press, 1989), 2.

<sup>16</sup> See Daniel Nordman, *Frontières de France: De l'espace au territoire. XVI<sup>e</sup>—XI<sup>e</sup> Siècle* (Paris: Gallimard, 1998); Ladis Kristoff, "The Nature of Frontiers and Boundaries." *Annals of the Association of American Geographers* 49 (1959): 269–270; Sahlins, *Boundaries*, 168.

<sup>17</sup> Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France 1977–78* (London: Palgrave Macmillan, 2007). See, especially, the last two lectures at the end of March

1978.

<sup>18</sup> There were many actors who *did* see the militia attacks of the first months of 2011 as a political problem: Ngok Dinka leaders explicitly understood these raids as part of a coherent GoS strategy to displace the residents of Abyei. However, my point here is that within the logic of the CPA (a document related to the interstate order) and in the eyes of the international community, militia attacks could be disavowed by GoS as communitarian strife, and thus their properly political stakes could be occluded.

<sup>19</sup> Joshua Craze, *Creating*, 42–44.

<sup>20</sup> See Joshua Craze, “No Lines, No Peace? On the Borders of Abyei.” *Anthropology News* (February 2012).

<sup>21</sup> This is a case of what Wendy James would no doubt call conservatism in *la langue* and flexibility in *la parole*; there is a great deal of change in the yearly grazing agreements between the Ngok Dinka and the Misseriya, even if, considered in the *longue durée*, the “grammar” of the agreements remains rather unchanging. See Wendy James, *The Listening Ebony: Moral Knowledge, Religion, and Power among the Uduk of Sudan* (Oxford: Oxford University Press, 2000), 5.

<sup>22</sup> Douglas Johnson, “Why Abyei Matters: The Breaking Point of Sudan’s Comprehensive Peace Agreement?” *African Affairs* 107:426 (2008): 3–5.

<sup>23</sup> Addis Ababa Agreement, 1972, Clause 3(c).

<sup>24</sup> David Keen, *The Benefits of Famine: A Political Economy of Famine and Relief in Southwestern Sudan, 1983–1989* (Princeton, NJ: Princeton University Press, 1994), 60–62.

<sup>25</sup> These militias were originally cattle guards formed during the first civil war.

<sup>26</sup> Alex de Waal, “Some Comments on Militias in the Contemporary Sudan,” in *Civil War in the*

*Sudan*, eds Martin Daly and Ahmed Alawad Sikainga (London: British Academic Press, 1993), 144–151.

<sup>27</sup> Douglas Johnson, *When Boundaries Become Borders: The Impact of Boundary-Making in Southern Sudan's Frontier Zones* (London: Rift Valley Institute, 2010), 36.

<sup>28</sup> Jago Salmon, *A Paramilitary Revolution: The Popular Defence Forces* (Geneva: Small Arms Survey, 2007), 12.

<sup>29</sup> Which is to say: these raids were designed to destroy the material means for the mode of reproduction of Ngok Dinka life. For a powerful evocation of the period, see John Ryle, “The Road to Abyei,” *Granta* 26 (1989): 44–104.

<sup>30</sup> Johnson, “Why Abyei”, 10.

<sup>31</sup> Kiir is the Dinka name for the river. It is known as the Bahr al-Arab or the Jurf in Arabic. For simplicity, I refer to it as the Kiir throughout this chapter.

<sup>32</sup> It should be noted that both the Misseriya and NCP claims only extend to the area around Abyei. Elsewhere on the border, the NCP has made more expansive claims to territory south of the River Kiir, as in Northern Bahr el-Ghazal state. See Joshua Craze, *Living the Line: Life along the Sudan–South Sudan Border* (Geneva: Small Arms Survey, 2013).

<sup>33</sup> The Misseriya are in no way a homogeneous political actor, with at least one group, led by Mukhtar Babu Nimr, having been in conversation with the Ngok Dinka since 2005, and another, led by Mahdi Babu Nimr (notably a former general and chief of staff in the SAF), having been actively opposed to any dialogue with the Ngok Dinka.

<sup>34</sup> See ABC (Abyei Boundaries Commission). 2005. Report of the Abyei Boundaries Commission. Nairobi: Intergovernmental Authority on Development. July 14. Part II, appendices, 187–190.

<sup>35</sup> Many of the Ngok Dinka claims at the ABC exhibited a similar structure. One prominent claim was that their territory extended as far north as al Odayya, and that the boundary between the two groups should run just below Muglad. See ABC Report. 2005. Proposition 1, 12. For reasons of space, this chapter will focus on the transformation of the claims of the Misseriya.

<sup>36</sup> See Joshua Craze, “Violence in Abyei, February–March 2011,” Facts & Figures (Geneva: Small Arms Survey, 2011).

<sup>37</sup> ICG (International Crisis Group), *Defining the North–South Border* (Juba, Khartoum, Nairobi, and Brussels: ICG, 2010), 13.

<sup>38</sup> In 2007, for instance, the Misseriya reported being forced to pay SPLA soldiers one or two calves per herd to enter the southern provinces, while the Misseriya crossing into Unity State reported having to pay SPLA SDG 15,000 (USD 6,300). In 2008, the majority of the Misseriya cattle herders stayed north of the river Kiir and suffered a shortage of grazing and water. The 2010–2011 grazing season was the first in living memory that the Misseriya did not reach the River Kiir. See Sara Pantuliano, Omer Egemi, Babo Fadlalla, and Mohammed Farah with Mohammed Elamin Abdelgadir ., *Put Out to Pasture: War, Oil, and the Decline of Missiriya Humr Pastoralism in Sudan* (London: Humanitarian Policy Group, Overseas Development Institute Report, 2009), 25.

<sup>39</sup> Over the last six months, Misseriya fighters have been increasingly joining the Sudan People’s Liberation Movement—North, the spin-off of the SPLM in Sudan, following South Sudan’s independence. See Craze, *Living*, 32–46.

<sup>40</sup> Hannah Arendt, *The Origins of Totalitarianism* (New York: Meridian Books, 1958), 290–302.

<sup>41</sup> Johnson, “Why Abyei,” 14.

<sup>42</sup> “PCA Final Award,” 235.

<sup>43</sup> While demarcation was supposed to have been completed by December 10, 2009, as of May 2012, only four of the planned 26 beacons demarcating the territory of Abyei have been erected (and all of those in the south of the territory) due to threats made against the demarcation team by Misseriya militias.

<sup>44</sup> Craze, *Creating*, 28–29.

<sup>45</sup> A gendarmerie originally set up by the Sudanese Interior Ministry for riot control but that was massively expanded in Kordofan following the signing of the CPA.

<sup>46</sup> Craze, *Creating*, 26–30.

<sup>47</sup> Razing villages and attacking civilians to depopulate an area is a tactic with a long history in Abyei. Attacks by Murahalin militias during the second civil war destroyed houses and cattle byres in an attempt to force people to flee their homes. Following such attacks, “[t]he displaced Dinka population were often replaced by Humr Misseriya resettled in former Dinka settlements.” See Johnson, *When Boundaries*, 36.

<sup>48</sup> Gilles Deleuze, *Foucault* (London: Continuum, 1999), 26.

<sup>49</sup> See Sahlins, *Boundaries*, introduction.

<sup>50</sup> Craze, *Creating*, 1–15.

<sup>51</sup> Douglas Johnson, *Abyei: Sudan’s West Bank* (Washington: Enough Project, 2011), 1.

<sup>52</sup> Eyal Weizman, *Hollow Land: Israel’s Architecture of Occupation* (London: Verso, 2007), 13.