



# Security Council

Sixty-sixth year

*Provisional*

**6679**<sup>th</sup> meeting

Thursday, 8 December 2011, 10 a.m.

New York

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<i>President:</i>	Mr. Churkin . . . . .	(Russian Federation)
<i>Members:</i>	Bosnia and Herzegovina . . . . .	Mr. Vukašinić
	Brazil . . . . .	Mr. Fernandes
	China . . . . .	Mr. Li Baodong
	Colombia . . . . .	Mr. Alzate
	France . . . . .	Mr. Araud
	Gabon . . . . .	Mr. MOUNGARA MOUSSOTSI
	Germany . . . . .	Mr. Wittig
	India . . . . .	Mr. Kumar
	Lebanon . . . . .	Mr. Salam
	Nigeria . . . . .	Mr. Edokpa
	Portugal . . . . .	Mr. Moraes Cabral
	South Africa . . . . .	Mr. Mashabane
	United Kingdom of Great Britain and Northern Ireland . . . . .	Sir Mark Lyall Grant
	United States of America . . . . .	Ms. Rice

## Agenda

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the situation in Abyei (S/2011/741)

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*The meeting was called to order at 10.10 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **Reports of the Secretary-General on the Sudan**

#### **Report of the Secretary-General on the situation in Abyei (S/2011/741)**

**The President** (*spoke in Russian*): Under rule 37 of the Council's provisional rules of procedure, I invite the representatives of the Sudan and South Sudan to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Hervé Ladsous, Under-Secretary-General for Peacekeeping Operations, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2011/741, which contains the report of the Secretary-General on the situation in Abyei.

I now give the floor to Mr. Hervé Ladsous.

**Mr. Ladsous** (*spoke in French*): I wish at the outset to thank you, Mr. President, for giving me this opportunity to outline for the Council the situation in the Abyei Area.

The report of the Secretary-General (S/2011/741), which was submitted to the Council on 27 November, provides a detailed account of the evolving situation over the past two months. I shall therefore briefly update the Council on the situation on the ground and focus my briefing on the deployment status of the United Nations Interim Security Force for Abyei (UNISFA) as well on the latest political developments, including the recent discussions held in Addis Ababa.

First, the security situation in the Abyei Area remains fragile. The armed forces of the Sudan and of South Sudan have still not withdrawn from the Area, in contravention of the 20 June Agreement. North of the Kiir/Bahr al-Arab River, units of the Sudanese Armed Forces (SAF) and police remain present in Abyei town, Goli and Diffra. South of the river, on 9 November the Sudan People's Liberation Army (SPLA) transferred its brigade staff to Mijan Kol, approximately three kilometres south of the Area boundary. However,

personnel of the South Sudan Police Service remain present within the Area, and it would seem that the two parties are in the process of replacing their military staff with police officers. That, too, contravenes the letter and the spirit of the Agreement on Temporary Arrangements for the Administration and Security of the Abyei Area (S/2011/384, annex), signed on 20 June.

In spite of the significant efforts of the African Union High-Level Implementation Panel, led by President Thabo Mbeki, and of the Special Envoy of the Secretary-General for the Sudan and South Sudan, Mr. Haile Menkerios, very little progress has been achieved in the establishment of the Abyei Area Administration. In recent weeks, the African Union High-Level Implementation Panel has proposed a compromise for the nomination of candidates for posts within the Administration and the Legislative Council. This led the Government of the Sudan on 1 November to propose a new candidate for Chair of the Legislative Council. Unfortunately, the African Union High-Level Implementation Panel has informed us that the Government of South Sudan has rejected that candidate. It is of the view that the chairmanship of the Council will have influence over voter registration and participation in the referendum that is provided for under the Comprehensive Peace Agreement to resolve the Abyei issue. The resultant deadlock does not augur well for the stabilization of the Abyei Area or the implementation of UNISFA's mandate, both of which depend on the establishment of a functional Administration and the withdrawal of the armed forces of both parties.

The ongoing presence of armed forces and the lack of political progress pursuant to the 20 June Agreement are all the more disturbing as we near the end of the rainy season and the start of the Misseriya migration through the Abyei Area. This year, the migration has begun rapidly. Large numbers of nomads have been seen in Abyei and its environs for over a month. This is an unexpected turn of events, given the heavy rainfall this year and the availability of pasturelands further north. At the same time last year, while there were similar levels of rainfall, the migration did not even reach the village of Goli, which lies exactly 40 kilometres north of Abyei. Even in 2008 and 2009, when the paucity of rain made southward migration necessary, by early December of those years the migration had reached Goli but not the environs of

Abyei town. The Head of Mission, Lieutenant General Tesfay, is in contact with the Misseriya chiefs and has encouraged them to slow down their migration.

*(spoke in English)*

The presence of arms among elements of the migrating population, while consistent with past migration seasons, is also of concern in the absence of inter-community negotiations on the migration this year. To prevent the entry of armed militias into Abyei town, UNISFA has changed its posture in the town and established around-the-clock checkpoints. Unfortunately, when UNISFA refused a SAF request to remove one of these checkpoints, the SAF reinforced its position in the town with one platoon from the Abyei Area. In addition to maintaining a robust posture, UNISFA continues its direct engagement of both communities, including through the establishment of a liaison office in El Muglad, to address tensions over resources and arms.

In the context of the migration, the Office for the Coordination of Humanitarian Affairs reports that there is now considerable anxiety on the part of the displaced population to return to their villages, despite the ongoing presence of the SAF. In addition, the replacement of the Banton bridge by Ethiopian engineers has improved conditions for the returns process and movement of the humanitarian community. At the present time, between 40 and 80 people are crossing the bridge each day to inspect or work on their properties. In addition, during the past 10 days, UNISFA has observed more than 1,000 displaced persons crossing the river at various locations. UNISFA and United Nations agencies continue to engage with representatives of the Ngok Dinka community to facilitate a smooth returns process, including through joint security assessments in returns villages.

In this complex and challenging environment, UNISFA continues its efforts to implement its mandate. As of today, 2,853 troops are on the ground, following the deployment of the second battalion in October. Two standing police capacity personnel have also been deployed to plan for implementation of the mission's police mandate once the Abyei Police Service has been established. Supplementing existing bases in Abyei town, Diffra and Agok, new bases have been established in Todach, Noong, Um Khariet, Dokura, Marial Achak and Banton. This widespread presence and rapid response capacity, combined with intensive

patrolling and joint security assessments with both communities, has enabled UNISFA to establish a security umbrella in Abyei. To further increase its capacity to mitigate tensions in the Abyei Area, UNISFA will start deployment of a third battalion on 11 December.

In light of the significant threat posed by mines, the UNISFA force has also recovered and disposed of more than 100 unexploded ordinance and mines in advance of a dedicated United Nations Mine Action capacity. I am pleased to inform the Council that this dedicated capacity began deploying on 2 December. Further to the commitment made by the parties in September, an SPLA team has been deployed to help identify mined locations. However, the SAF has not yet provided such assistance or maps of its mined locations, and I urge it to do so.

As Council members will recall, there are significant logistical challenges involved in supporting the deployment and operations of UNISFA. These include the long supply chains from Port Sudan and South Sudan, constraints on the operational availability of a logistics space, and gaps in essential support personnel. We have also faced difficulties replacing outgoing military observers and staff officers who are critical to the operations of the Mission. We continue to address these issues as far as possible, in consultation with the Governments of the Sudan, South Sudan and Ethiopia.

I would also like to update the Council on the negotiations between the Governments of the Sudan and South Sudan that were held in Addis Ababa from 21 to 30 November, under the auspices of African Union High-Level Implementation Panel. These negotiations focused on oil and transitional financial arrangements, as well as on border issues. On the former, the positions of the parties proved too far apart for an agreement to be achieved. However, the parties did agree to hold additional talks in Juba and Khartoum through December and January. Similarly, the border discussions ended without agreement on the next phase of the border demarcation process for the agreed areas or on the process required to resolve differences over the disputed ones. In addition, no progress has been made on the adoption of an operational map defining the safe demilitarized border zone.

In that context, the security of the border between the Sudan and South Sudan remains of concern. We

continue to believe that the establishment of the joint border monitoring mechanism, already agreed by the parties on 29 June and 30 July, is needed to build confidence between the parties by verifying reports of violations by both armed forces. It is important, therefore, that Council members urge the parties to reach agreement on the mapping of the border zone and locations for the monitoring mechanism technical details, under the auspices of the African Union Panel. In addition, I hope that the Council will favourably consider the expansion of UNISFA's mandate to incorporate support for the border mechanism, as proposed by the Secretary-General in his 29 September report (S/2011/603).

Many of the ostensibly procedural problems currently faced by UNISFA, from disagreements over the establishment of the Abyei Area Administration to the withdrawal of armed forces from the Area, are indicative of the lack of trust between the parties. A return to the negotiating table is absolutely essential to prevent a further descent of the two new countries into violence, which would inevitably have an impact on the whole region. In that regard, I urge Council members to engage both parties on the implementation of UNISFA's mandate, the long-term status of Abyei and the resolution of all outstanding issues between them.

**The President** (*spoke in Russian*): I thank Mr. Ladsous for his briefing.

I now give the floor to the representative of the Sudan.

**Mr. Osman** (Sudan) (*spoke in Arabic*): At the outset, I would like to congratulate you, Sir, on assuming the presidency of the Security Council for the month of December. My delegation would also like to express its appreciation for your outstanding and substantial contributions to the maintenance of international and regional peace and security, as well as your principled and fair positions during the Council's consultations on all important regional and international issues. In addition, through you, I would like to express by gratitude to Mr. Hervé Ladsous, Under-Secretary-General for Peacekeeping Operations, for the briefing he has just given us, in which he presented the main elements of the periodic report (S/2011/741) of the Secretary-General on the United Nations Interim Security Force for Abyei (UNISFA).

In its political section, the report before us emphasizes that progress has been made in the implementation of the Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement on Temporary Arrangements for the Administration and Security of the Abyei Area, which was signed on 20 June. However, in paragraph 9, the report highlights an important fact, namely, that progress towards the establishment of Abyei's administrative bodies has been delayed considerably due to continuing reservations on the part of the Government of South Sudan in connection with all the recommendations made by the Government of the Sudan with regard to the selection and appointment of the members of those bodies. That is the main reason for the delay. However, this is not motivated merely by who has been nominated; rather, there is an underlying motive to obstruct the establishment of those bodies — in spite of the fact that we pledged before the Council to set them up and have abided by that pledge in order to achieve security and stability in Abyei. This is an important aspect to which we expect the Council to give appropriate attention, bearing in mind the refusal of the Government of South Sudan to cooperate in that matter.

As the Council will have noted, the Government of South Sudan has gone beyond creating obstacles and fabricating crises. As we have reported to the Council in several communications, the Government of South Sudan is now involved in a dangerous attempt to escalate the situation in the governorates of Southern Kordofan and Blue Nile by providing direct financial and military support, including weapons, to the popular movement in those governorates. The situation has even reached the point where the Government of South Sudan has sponsored the establishment of the so-called Revolutionary Front, following meetings hosted in the Southern Sudan cities of Yei and Juba under the leadership of Darfur rebel movements working alongside the Sudan People's Liberation Movement-North. That coalition issued a public declaration announcing its goal of toppling the Government of the Sudan through armed action. We are fully aware that many influential parties and countries on the Council have sufficient evidence to prove the involvement of the Government of South Sudan in supporting that rebellion. Has not the time come for the Council to issue a strong message, given that the maintenance of

international stability and security is at the heart of its mandate?

All of this has been taking place while the Government of the Sudan has continued to maintain its firm position, repeatedly reiterating its choice of dialogue as the sole option for resolving all the pending issues between the Republic of the Sudan and the Republic of South Sudan. That continues to be our position. We also stress the need to develop relations of cooperation and integration between our two countries, rather than engaging in hostile acts and arguments.

The Government of the Sudan continues to show its good intentions aimed at maintaining excellent ties with South Sudan, reflecting the fraternal relations between our countries. The most vivid example of that is the fact that, since the independence of South Sudan, we have continued to allow the export of oil through our territory and ports, without demanding any payment. Everyone is aware that international law guarantees the right of the Government of the Sudan to impose transport, transit and storage fees in that regard. However, we have not raised this issue and have facilitated exports since 9 July. Is that not proof of the good intentions of the Republic of the Sudan and its desire to establish excellent ties with South Sudan? What have we gained in return for that? Our recompense was the exporting of rebellion and weapons and an attack on the territorial integrity of our country.

The aggression and violations committed by the Government of South Sudan have not ceased. I mentioned the most recent of those in my statement yesterday afternoon, namely, the treacherous act of military aggression perpetrated by the armed forces of the Government of South Sudan inside Sudanese territory, namely, in the area of Jawa, which is near Lake Abyad in Southern Kordofan governorate.

I would like to thank you, Sir, for circulating our complaint among the members of the Council. We hope that the Security Council will look into this and the series of previous complaints that we have submitted to the Council, providing a detailed record and indisputable evidence of the involvement of the Government of South Sudan in efforts to violate Sudanese territory and undermine peace and stability in the Sudan, especially in Blue Nile and Southern Kordofan states.

We also hope that the Council will assume its natural role and responsibilities under the Charter of the United Nations by sending a strong and urgent message to the Government of South Sudan that it must immediately cease all actions that could undermine stability and security and do not serve the aspirations of the peoples of the two countries to live in peace and stability.

In truth, in order to establish, build and maintain peace, we need the good offices of the Security Council. The entire operation is now focused only on peacekeeping. However, efforts to make and build peace require strong messages to be sent to those who have committed wrongs and violations; they should not enjoy impunity, for that would lead to instability. I trust that everybody here knows who is at fault.

The report before the Council affirms in section VI, pertaining to the status of the deployment of UNISFA, indicates that approximately 3,000 troops have been deployed out of the overall authorized number of 4,200 troops. That means that 68 per cent of UNISFA's troops have been deployed five months after the issuance of the mission's mandate. Undoubtedly, as stated in the report, the record speed for deployment could not have been possible without the cooperation of the Government of the Sudan and its desire to facilitate the task of UNISFA.

In line with that commitment, we have come a long way in our ongoing negotiations with the United Nations towards signing a status of forces agreement. We anticipate fulfilling the requirements of deployment, including of the civilian component, very soon. In the same spirit, we have dealt with all visa requests submitted through the special UNISFA liaison office in Khartoum.

In closing, with regard to expanding the mandate of UNISFA to include support for the Border Monitoring Support Mechanism between the Republics of the Sudan and South Sudan, we have examined the relevant draft document that was submitted to the Security Council. On that basis, we would like to remind the Council and the members of the Department of Peacekeeping Operations that the original terms of reference for the new mandate should be the agreement signed between the Government of the Sudan and the Government of South Sudan on 30 July in Addis Ababa. That agreement stipulates in paragraphs 4, 5, 6, 7 and 8 the nature and quality of support that the two

parties have requested of the United Nations by virtue of that agreement regarding the mission's tasks and capabilities relevant to border monitoring support between the two countries.

We hope that the Government of South Sudan will reconsider its erroneous positions, immediately halt its flagrant violations, come to its senses and grasp the importance of positive engagement with the Government of the Sudan in a constructive dialogue, resolve all outstanding issues and create more space to build civilized, neighbourly ties that would serve the interests of the two States and the two fraternal peoples. I say "fraternal peoples", because that is my true feeling. It is also the genuine feeling of my Government. I said as much here when the independence of the State of South Sudan was declared. It is our hope that the other party shares our sentiments.

**The President** (*spoke in Russian*): I now give the floor to the representative of South Sudan.

**Mr. Choat** (South Sudan): I would like to thank you, Sir, for presiding over this important meeting. I would also like to thank Mr. Ladsous for his remarks.

The Government of the Republic of South Sudan welcomes the report of the Secretary-General on the situation in the Abyei Area (S/2011/741). We wish to express our appreciation to the Government of Ethiopia for providing troops to the United Nations Interim Security Force for Abyei (UNISFA) and for its continued efforts in support of peace and stability in the region.

The Republic of South Sudan supports the Secretary-General's calls for a full withdrawal of all troops from Abyei. We note that the 20 June Agreement on Temporary Arrangements for the Administration and Security of the Abyei Area provides for

"the redeployment of Sudanese military forces (Sudanese Armed Forces and Sudan People's Liberation Army) from the Abyei Area, immediately consequent on the deployment of an Interim Security Force for Abyei (ISFA) composed of Ethiopian troops" (S/2011/384, *annex, para. 1*).

The Secretary-General has reported that UNISFA is operational. It is therefore incumbent on both parties to withdraw their troops. As the Secretary-General noted, the vast majority of South Sudan Armed Forces

troops has now been withdrawn from the Abyei Area. Elements of the South Sudan Police Service remain in the area as they will be integrated into the Abyei Police Service, pursuant to the 20 June Agreement. Their presence also serves to maintain law and order and prevent further looting and property damage in the absence of area residents.

It is now incumbent on the Republic of the Sudan to make arrangements for the full withdrawal of its troops from the Abyei Area. The imposition of additional conditions, such as the establishment of the Abyei Area Administration prior to a withdrawal, is unacceptable. In no agreement between the parties is the withdrawal of troops conditioned on the establishment of that institution. Only once the Republic of the Sudan initiates a withdrawal can further progress be made.

We remind the Council that, in May, the Republic of the Sudan used excessive force to occupy the Abyei Area, driving roughly 110,000 people from their homes, looting, damaging their property and destroying their livelihoods. It is not realistic or fair to expect South Sudan to do more than it has already done without any movement from the Republic of the Sudan.

The Republic of South Sudan shares the Secretary-General's regret that the provisions of the 20 June Agreement have not been implemented, and is fully prepared to move forward with establishing the Abyei Area Administration. We note that in line with the Agreement's provisions, the Republic of South Sudan must accept the Republic of the Sudan's nomination for the position of Deputy Chief Administrator for the Abyei Area. The current nominee is not a resident of the Area, as required by the Abyei Protocol of the Comprehensive Peace Agreement, as well as the more recent Agreement between the parties.

Furthermore, while the Republic of South Sudan accepted that the position of Speaker of the Legislative Council for Abyei could be a nominee from the National Congress Party, it was agreed that that person would be a Ngok Dinka from the Abyei Area. The Republic of South Sudan will consider any nominee who meets the criteria agreed on by the parties. It is essential for the Abyei Area Administration to be established quickly, and my Government is ready to do what it can to ensure that this happens.

We are concerned for the Ngok Dinka residents of the Abyei Area, large numbers of whom have been

unable to return to their homes. Their humanitarian situation remains extremely difficult. As the Council is aware, roughly 110,000 residents were displaced from their homes in the Abyei Area in late May. Rampant looting and burning of homes took place in the aftermath of the Republic of the Sudan's occupation of the area. Civilian returnees will require significant assistance in rebuilding their lives and homes.

In this context, we regret that the mission of the Office of the High Commissioner of Human Rights sent to assess the possibility of establishing a human rights presence in the Abyei Area, pursuant to the provisions of paragraph 10 of resolution 1990 (2011), has repeatedly been denied access to the Abyei Area by the Republic of the Sudan. We request the Council to take action to ensure that the human rights monitoring it called for in resolution 1990 (2011) be allowed to take place.

The Republic of South Sudan is also fully committed to the successful implementation of the 29 June and 30 July Agreements between the Sudan and South Sudan on border security and the Joint Political and Security Mechanism. We welcome the willingness of the Security Council to mandate UNISFA to support the operational activities of the joint border verification and monitoring mechanism. My Government is ready to begin implementation of all agreements on border security. We call once again on the Republic of Sudan to join us in moving to demarcate those areas of the border that have not yet been demarcated, and to reach final agreement on the five areas that are contested between the parties.

In this context, we are very concerned by the recent escalation of tensions at the border, and in particular the recent attack by the Sudanese Armed Forces on Jau, in Unity state. We stress that Jau is part of South Sudan. Since the beginning of the interim period of the Comprehensive Peace Agreement, consistent with the security arrangements agreed by the parties, Jau has served as the headquarters of the 9th Division of the Sudan People's Liberation Army. The Republic of the Sudan has always accepted this.

The Republic of South Sudan emphasizes that it is willing and ready to continue serious negotiations with the Republic of the Sudan on all outstanding issues. We seek a lasting peace in the Abyei Area that provides for the return with dignity of the displaced populations of the Abyei Area to their homes. We wish

to see the security situation on the ground stabilize in order to enable the civilian population to return peacefully. We recommit to negotiating in good faith the terms of a final agreement on the status of the Abyei Area, consistent with the relevant provisions of the Comprehensive Peace Agreement and the 2009 award of the Permanent Court of Arbitration.

With regard to the other outstanding issues, my Government has been praised for putting a constructive proposal on the table during recent talks in Addis Ababa concerning transitional financial arrangements. We regret that this generous proposal was not accepted by the Republic of the Sudan. We recommit to the negotiation process and look forward to the next round of talks later this month. We thank the Council for its continued support for peace and stability in the region, and stand ready to continue cooperation with the Council, the United Nations peacekeeping missions, the African Union and regional partners in support of that purpose.

I would like to affirm once again that the Republic of South Sudan is in no way giving support to any opposition, although the Republic of the Sudan has repeatedly stated that we are supporting the opposition in South Kordofan and Blue Nile. This has no grounds. Our policy has clearly been one of non-interference in the affairs of any country. I repeat that all of these allegations are groundless and have no basis in fact.

**The President** (*spoke in Russian*): I now give the floor to the representative of the Republic of the Sudan, who wishes to make an additional statement.

**Mr. Osman** (Sudan) (*spoke in Arabic*): I would just like to take two minutes to clarify that Jau is an inseparable part of the territorial integrity of the Sudan. What we heard today is not true. Yes, the 9th Division of the Sudan People's Liberation Movement is in Jau, but its presence is illegitimate and a form of occupation of those lands. The land itself is 100 per cent northern territory.

A second point I would like to comment concerns the reference to paragraph 10 of resolution 1990 (2011), which established the United Nations Interim Security Force for Abyei (UNISFA). With regard to the civilian aspect of the mission, I affirm that we are fully committed to the resolution in its entirety, but especially paragraph 10, which relates to that civilian aspect. We expect that all aspects of the UNISFA mandate, including human rights monitoring, will be

implemented by UNISFA's civilian component. In other words, civilian implementation is the letter and the spirit of the resolution. We do not expect any new foreign entity to be formed outside the scope of the resolution. It should rather fall within the framework of the civilian component of UNISFA, as is the practice followed by all peacekeeping missions.

The delay in the formation of administrative bodies is a very important issue that I would like to emphasize. The Secretary-General's report (S/2011/741) states that the delay occurred because the Government of South Sudan did not cooperate in the

nomination process. Once these bodies are established — we are ready for them, and our nominees are ready — they will take charge of all administrative issues, such as the return of internally displaced persons, human rights monitoring and impartial administration of the region. It is the Government of South Sudan that is really obstructing all of this.

**The President** (*spoke in Russian*): There are no further speakers inscribed on my list. I now invite Council members to informal consultations to continue our discussion on the subject.

*The meeting rose at 10.50 a.m.*