



Security Council

Sixty-seventh year

*Provisional***6874**th meeting

Wednesday, 28 November 2012, 10.50 a.m.

New York

President: Mr. Hardeep Singh Puri. (India)

Members:

Azerbaijan	Mr. Mehdiyev
China	Mr. Wang Min
Colombia	Mr. Osorio
France	Mr. Araud
Germany	Mr. Wittig
Guatemala	Mr. Rosenthal
Morocco	Mr. Loulichki
Pakistan	Mr. Tarar
Portugal	Mr. Vaz Patto
Russian Federation	Mr. Pankin
South Africa	Mr. Crowley
Togo	Mr. Kandangha-Bariki
United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
United States of America	Mr. DeLaurentis

Agenda

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on South Sudan (S/2012/820)

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The meeting was called to order at 10.50 a.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on South Sudan (S/2012/820)

The President: Under rule 37 of the Council's provisional rules of procedure, I invite the representative of 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/2012/820, which contains the report of the Secretary-General on South Sudan.

I now give the floor to Mr. Ladsous.

Mr. Ladsous (*spoke in French*): I would like to thank you, Mr. President, for this opportunity to present the latest report of the Secretary-General on South Sudan (S/2012/820). As the Council knows, the report, published 8 November, covers the period from June to 23 October and looks at all the major developments during that period and some other important points.

During the reporting period, the South Sudanese Government focused mainly on resolving pending problems that pit it against the Sudan. The absence of progress in resolving the security, economic and political differences between the two countries continues to have direct consequences for security and stability within South Sudan and on efforts to promote peacebuilding and State-building and to meet the crucial needs of citizens.

While tensions between the Sudan and South Sudan have undeniably eased with the signing of the cooperation agreements of 27 September, the sluggish implementation of those agreements could have a negative impact on the economic stability of South Sudan, in particular if there are delays in restarting oil exports. The Council knows how dependent that country is on oil revenues, and it is clear that any additional delay would not only continue to have a negative impact on

the Government's development programmes, but could also cause new tensions between its various entities and within the security services.

Furthermore, that fragility has been somewhat exacerbated by a degree of discontent in the country with regard to how the discussions with the Sudan have been developing. The oil provided to the Sudan as compensation for the secession and the agreement on the demilitarization of the so-called 14-mile area, at the border between Bahr el Ghazal on the west and South Darfur, have been perceived as a dangerous compromise and caused significant internal opposition, which is aggravated by the absence of concessions from the Sudanese Government. I would refer in particular to the definitive status of the Abyei region. The governor of Northern Bahr el Ghazal, Mr. Paul Malong Awan, who, to date, had adopted a robust stance on this issue, nonetheless recently announced that he would not oppose the seasonal migration of Sudanese Arab tribes to the south.

Nevertheless, inter-community tensions remain high in border regions, and they have been exacerbated by their militarization and recurrent incidents.

Like many other countries in post-conflict situations, South Sudan has to cope with very significant internal challenges. The lasting stability of the country will depend on the effectiveness of strategies used to resolve them. The leaders of South Sudan must lay the foundations of a democratic and participatory society in which the management of public matters is rooted in respect for the law and all citizens believe that their Government is committed to protecting them and to providing everyone with the dividends of peace, such as services and basic infrastructure.

On the whole, the security situation in South Sudan has remained stable over the past four months. Nonetheless, Jonglei state remains the epicentre of ongoing security challenges, while the tri-state area of Unity, Warrap and Lakes states are also dealing with a resurgence of instability.

Following violence late last year in Jonglei state, the Government adopted a threefold strategy. It is focused on disarming the population, launching the reconciliation process and targeting discontent communities to prevent the potential recruitment of young people by militias.

Through its commitment, the United Nations Mission in the Republic of South Sudan (UNMISS)

has been able to convince the Government to launch a preliminary voluntary disarmament campaign focused on actively raising awareness among communities. Between March and June, more coercive action followed this first stage, with what we must admit are uneven results. The abuses committed by the Sudan People's Liberation Army (SPLA) have been systematically reported to the Government with the aim of bringing the perpetrators to justice. The Government also took the encouraging decision to redeploy Murle SPLA officers in order to dispel doubts within that community as to a potential ethnic polarization of the army.

(spoke in English)

On the political side, following the All Jonglei Peace Conference of May 2012, progress towards intercommunal reconciliation and peacebuilding has been slow. Outreach to community leaders to prevent the recruitment of their youths by rebel militia groups has met with little success. The abundant availability of weapons and weakened traditional community structures have resulted in community leaders confessing openly to having little control over their respective youths. A comprehensive and inclusive political process led by the Government that addresses the core grievance of the disgruntled constituencies remains an urgent need.

In the light of the foregoing, the recent activities of militias led by David Yau Yau are a cause for serious concern. Information on the ground points to high risks of an escalation of violence as the dry season has arrived. David Yau Yau's militia clashed regularly with SPLA troops throughout the reporting period and has threatened United Nations peacekeepers in the state. There have also been reports of his militia actively recruiting among the Murle youth. UNMISS has reinforced its presence in the State and remains, of course, in constant touch with the Government to counter the rebel militia group's activities and prevent abuses against civilians.

Concurrently, sporadic cattle raids and intercommunal conflict continued in the Unity, Lakes and Warrap tri-state area, despite the efforts of the SPLA and the South Sudan National Police Service. According to local authorities, clashes on 5 and 7 November in a cattle camp in Lakes state between two Dinka sub-clans resulted in no less than 28 dead and 37 seriously injured. A number of large-scale cattle raids were also reported in northern Jonglei state.

With regard to the establishment of national institutions, progress on the constitutional review process has been slow. The substantive work on the transitional constitution has yet to begin, as has civic education and State-wide consultations by the National Constitutional Review Commission. A decision on extending the one-year mandate of the Commission, which lost a total of at least six months in its first year of activity, has yet to be taken. Yet that process remains one of the key pillars on which long-term stability of the country would rest. We continue to urge the Government to ensure that the process is transparent, inclusive, consultative and not completed in haste.

On an encouraging note, the President decreed the establishment of the National Disarmament, Demobilization and Reintegration Council, which is chaired by Vice-President Riek Machar. The Council held its first meeting on 14 November to review preparations for launching the disarmament, demobilization and reintegration (DDR) pilot programme. Subsequently, a second meeting took place on 20 November, at which a road map was agreed upon for a total review of the DDR programme proposal by all relevant ministries. The Council therefore needs to take a decision on the starting date of the pilot project, which is related to the availability of Government and international funding.

The Government has also announced that it is moving forward with the development of a national human rights agenda, which the Mission hopes will take into account a number of outstanding concerns, including the recently resumed execution of prisoners on death row, some of whom were sentenced with no or inadequate legal representation, and continuing incidents of prolonged arbitrary detention. The Ministry of Justice's forum of relevant Government authorities aims to develop measures to mitigate the incidence of arbitrary arrests and illegal detentions and to increase access to justice. However, there is growing concern over politically motivated incidents ranging from threats to abductions that have targeted journalists, civil society activists and political opponents. In the effort to combat impunity, greater emphasis has to be placed on strengthening civilian and military justice systems and holding to account those responsible for grave violations, including rape and torture.

Human rights remain a core element of the mandate of UNMISS. We were therefore alarmed by the decision of the Government, on 23 October, to expel one of the Mission's senior human rights officers, an act

which has no justification and was in clear violation of both the United Nations Charter and the status-of-forces agreement signed by the United Nations and the Government of South Sudan. Despite the Mission's interventions with Government authorities at the highest levels, the order has yet to be rescinded. I therefore urge the Government to rescind its decision to expel the UNMISS staff member and call upon members of the Council to do the same.

Another promising area where progress could be achieved in our efforts to support capacity-building for key South Sudanese institutions is the development of the Police Service, including through the registration and training of police. However, in that area progress will require key complementary legal and administrative reforms as well as significant resources, which so far have been lacking. The construction of police stations and other essential police infrastructure in the counties, and the provision of the necessary police equipment — communications equipment and vehicles in particular — are key impediments to that process. The assumption of law enforcement functions by the South Sudan National Police Service throughout South Sudan is one of the most critical objectives for long-term peace and stability in the country and will require sustained attention and investment if it is to be successful.

In order to respond to the impact of the revenue shortfall following the oil shutdown earlier this year, the Government conducted a prioritization of crucial governance functions called the core functions under austerity initiative. The United Nations has provided support to that process, in particular in the areas of social and human development, the rule of law and overall coordination. The initiative is now guiding Government planning and budgeting for the 2013-2014 period. The Government, the United Nations country team and other partners are currently in the process of realigning their programmes with the priorities outlined in the Government's peacebuilding and State-building initiatives. It is expected that a new compact will be developed early next year to shape South Sudan's development agenda.

With regard to progress in consolidating UNMISS and building the Mission's own capacity, I am pleased to confirm that Rwanda has agreed to deploy three Mi-17 helicopters to UNMISS and to consider the deployment of another three helicopters, and that the Republic of Korea has agreed to deploy an engineering unit early

next year. That unit will be stationed in Jonglei state to cover the areas of greatest need for both UNMISS and South Sudan. I regret to report, however, that progress towards the full decentralization of the Mission has been impeded by a number of factors, including the limited engineering capacity in the first and second years of the Mission and the wet season, which brings construction work in the counties to a standstill for almost half the year.

Although we had originally planned for a total of 28 country support bases for the first and second years, we have had to recalibrate that figure to 20, and of those the Mission currently has six fully operational bases and a temporary presence in seven others. Seven more country support base locations in Mayon and a number of other places have been prioritized for 2012-2013. However, the unintended delay in the operationalization of those country support bases has meant that the time frame for the construction of all 35 bases has had to be extended to 2015.

At this time, the Mission's military force is finally fully deployed, while police deployments are at 80 per cent of authorized capacity. As I said, we look forward to receiving utility helicopters from Rwanda. An assessment was carried out in September to determine the requirements for riverine capacity for the Mission. Its conclusions are now being implemented so as to further enhance the mobility of both the civilian and military components of the Mission.

I wish to conclude by thanking the members of the Council for their continued engagement on South Sudan and their sustained support for UNMISS, and by expressing our appreciation to the leadership and personnel of the Mission.

The President: I thank Mr. Ladsous for his briefing.

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

Mr. Deng (South Sudan): This being my first time to address the Council in my new capacity as Permanent Representative of the Republic of South Sudan to the United Nations, I would like to personally express my appreciation for this opportunity and to congratulate you, Sir, on your assumption of the presidency this month.

I would like to thank the Under-Secretary-General for Peacekeeping Operations for his briefing, and Special Representative of the Secretary-General Hilde

Johnson and Special Envoy Haile Menkerios for their hard work in support of peace and security in South Sudan and Sudan. Furthermore, I would like to express my appreciation to Secretary-General Ban Ki-moon for his comprehensive and balanced report (S/2012/820), which has just been presented, outlining the successes in and ongoing challenges to the maintenance of peace and security between Sudan and South Sudan. Establishing a comprehensive and sustainable peace with the Republic of the Sudan is our Government's number-one priority.

The Republic of South Sudan would also like to reiterate its appreciation to the members of the Security Council for their support for the road map established by the African Union Peace and Security Council on 24 April, and for the importance that this Council attaches to the leading role that the African Union (AU) plays in the promotion of peace and security in our region.

The leaders of the Sudan and South Sudan have long agreed, as far back as the signing of the Machakos Protocol in 2002, that war would never represent a viable solution to end the conflicts between them, and that negotiation remains the only worthwhile approach. At the same time, negotiation without end is in no one's interests. Our two States cannot prosper or pursue greater development in an atmosphere of continued uncertainty about their relations. It was for that reason that the AU road map and resolution 2046 (2012) helpfully established deadlines for resolving all the outstanding issues between our two States. Both the AU road map and the resolution created a climate and an opportunity for our two countries to resolve those issues definitively. Resolution 2046 (2012) also called on the Secretary-General, in consultation with the African Union and the Intergovernmental Authority on Development, to issue binding proposals on any issues on which the parties could not agree within the reasonable deadline established by the Council.

The Republic of South Sudan appreciates the efforts of the African Union High-Level Implementation Panel, comprised of President Thabo Mbeki, President Pierre Buyoya and President Abdulsalami Abubakar, all of whom tirelessly supported the parties during this summer's negotiations and provided the required continental context and political support to enable the creation of African solutions for establishing peace and stability in our region.

The agreements signed by the parties on 27 September are welcome. They represent an important milestone, defining in concrete terms the future relations between our two States. However, as the Council itself recognized when it unanimously adopted resolution 2046 (2012), what is required, some seven years after the signing of the Comprehensive Peace Agreement (CPA), is a final resolution of all of the outstanding issues that remain between us. My Government signed the cooperation agreements on 27 September because we were convinced that it would be possible to resolve quickly the matters on which we could not agree on that day, most importantly border demarcation and the status of Abyei.

We would welcome the Council's continued and active support of that objective, in full cooperation with, and in support of, the African Union. It is only when all the issues are addressed and we have made much greater progress towards the full implementation of key provisions of the 2005 Comprehensive Peace Agreement that sustainable peace will exist in our region. There are no shortcuts to that destination.

It is with that in mind that we respectfully ask the Security Council to support unreservedly the AU Peace and Security Council decision of 24 October. As we are all aware, the AU High-Level Implementation Panel's proposal of 21 September on the final status of Abyei reflects the previous agreements signed by the parties, such as the Abyei Protocol of the Comprehensive Peace Agreement, the arbitration agreement that led to the 2009 Award of the Permanent Court of Arbitration, and the agreement of 20 June 2011. Those agreements provided the foundation for the High-Level Panel's approach to the discussions on Abyei over recent months. All of them accept the need to hold a referendum in the Abyei area. A referendum, implemented in accordance with the terms of the CPA, does not represent a win-lose solution for that area's communities. Quite the contrary, it would ensure peace, security and cooperation between them, and to that extent it is a win-win proposal.

That having been said, following the 24 October decision of the AU Peace and Security Council, my Government expressed its readiness to negotiate with the Sudan for a further six weeks. President Salva Kiir Mayardit formally invited President Omer Hassan Al-Bashir to Juba in order to continue their discussions on the final status of Abyei. We regret that President Al-Bashir has so far been unable to take up the invitation.

The deadline established by the AU Peace and Security Council is now approaching. It is our hope that the efforts of my Government to negotiate on the basis of the High-Level Panel's last proposal and to establish temporary institutions for the Abyei area will be supported both by the members of the Peace and Security Council and by the Council here. The Republic of South Sudan would also welcome the Security Council's endorsement of any decision made by the African Union with regard to Abyei or other outstanding issues — not as an imposition on the parties but rather as a demonstration of support for the region's considered view of what constitutes the most appropriate way forward.

The Republic of South Sudan is also eager to implement the security mechanisms, namely, the safe demilitarized border zone and the Joint Border Verification and Monitoring Mechanism, without further delay. My Government remains extremely concerned about the humanitarian impact of the conflict in Southern Kordofan and southern Blue Nile on the people of those areas, and indeed by extension on the people of South Sudan, who have so far welcomed more than 100,000 refugees from that conflict. As the Secretary-General notes in a recent report, the human suffering in the two States is a direct consequence of the conflict in those areas, and only a resolution of the conflict can stop the humanitarian crisis.

As the Council is aware, in connection with the insecurity in the two areas, the Sudan has recently conducted aerial bombardments inside the territory of South Sudan, specifically in Northern Bahr el Ghazal State. The Republic of South Sudan does not wish to return to violence and remains fully committed to peace. We do not believe that there can be genuine security in the border states of either country nor, therefore, sustainable peace in our region unless there is a complete cessation of hostilities in the two areas.

We therefore strongly encourage dialogue between the Government of the Sudan and the Sudan People's Liberation Movement (SPLA)-North, as called for in resolution 2046 (2012), and offer ourselves to the parties to play whatever facilitating role might be deemed necessary. It is clear that unless there can be a dialogue on the basis of previous agreements, including the CPA and last year's agreement of 28 June, it will be difficult to implement the safe demilitarized border zone and Joint Border Verification Monitoring Mechanism.

The Republic of South Sudan continues its preparations for the resumption of oil production and the transport of oil through the territory of the Sudan, despite calls by the Sudan to halt those preparations and its imposition of additional demands on security issues that go far beyond the scope of the 27 September agreements. We are nonetheless encouraged by a recent exchange between our two Presidents and an agreement to reconvene the Joint Political and Security Mechanism in Khartoum next week.

While relations with the Sudan occupy the highest priority on my Government's agenda, the situation in Jonglei state, as outlined in the statement of the Under-Secretary-General, remains an acute focus of concern. On Monday, President Salva Kiir reiterated that his Government would spare no effort in support of stability and inter-communal harmony in Jonglei. My Government is pursuing a multi-pronged strategy in Jonglei. The peace process is being led by a presidential committee on peace, reconciliation and tolerance in Jonglei state, and the disarmament process is being led by the SPLA. Despite some very concerning reports about the conduct of the SPLA in isolated situations, the civilian disarmament process has largely been conducted peacefully. The Government takes any allegations of misconduct by the SPLA very seriously. All allegations will be investigated and, if necessary, addressed through the appropriate legal mechanisms and channels.

The Government has gone to great lengths to facilitate contact between the different communities in Jonglei state. Both the reconciliation process and the disarmament process have been welcomed by the communities in Jonglei state, as has the SPLA's pledge to remain on the ground in the state for up to two years to provide ongoing security. The Sudan Council of Churches also continues a grassroots peace process to complement the Government-led process.

We welcome the support that the United Nations Mission in South Sudan (UNMISS) has provided to the Jonglei peace process, and would welcome enhanced logistical support, as well as ongoing support for the implementation of the May 2012 peace agreements signed in Jonglei.

We note the concerns expressed by several members of the Council, as just articulated by the Under-Secretary-General, regarding the expulsion of a human rights officer who served with UNMISS. While South Sudan takes these concerns very seriously, it is

our belief that we acted consistently with the UNMISS status-of-forces agreement. The Republic of South Sudan does not intend to hinder human rights reporting in South Sudan and accepts it as an integral component of the work of UNMISS. We also welcome ongoing negotiations and dialogue on this issue.

In that connection, I might add that, initially, two individuals were expelled, including the Director, but as a result of discussions with the leadership, the decision regarding one was reversed. I should also say that the relevant institutions within the Ministry for Foreign Affairs and legal institutions have conducted a thorough analysis of relevant international conventions and norms in order to give a legal basis to the decision made. We therefore believe that, contrary to the allegations, the decisions were not taken lightly or in disregard of the relevant international standards.

We want to underscore here our unwavering commitment to international human rights and humanitarian standards. The war that raged in our region intermittently for half a century was a struggle for human rights and the values of human dignity. We recognize that there is always a gap between ideals and

practice on the ground and, in this area, we endeavour to do more.

I noted with great interest some of the specifics, cited by the Under-Secretary-General, of instances indicating the gap I am referring to. Once again, we are quite willing and prepared to discuss some of those issues with our partners, and in particular the United Nations presence on the ground, and, where possible, to provide remedies to the satisfaction of both sides.

In conclusion, we want to reiterate our commitment to peaceful coexistence and cooperation with the Republic of the Sudan, as both sides stand to gain from cordial ties. I take this opportunity to reaffirm our deep appreciation for the sustained and unwavering support we have received from the international community, in particular the AU and the United Nations, without which we could not have achieved all that we have been able to achieve to date.

The President: There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 11.30 a.m.