



# Security Council

Sixty-eighth year

*Provisional*

**7067**<sup>th</sup> meeting

Monday, 25 November 2013, 10.10 a.m.

New York

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<i>President:</i>	Mr. Liu Jieyi . . . . .	(China)
<i>Members:</i>	Argentina . . . . .	Mr. Stancanelli
	Australia . . . . .	Mr. Bliss
	Azerbaijan . . . . .	Mr. Mehdiyev
	France . . . . .	Mr. Lamek
	Guatemala . . . . .	Mr. Rosenthal
	Luxembourg . . . . .	Mr. Maes
	Morocco . . . . .	Mr. Loulichki
	Pakistan . . . . .	Mr. Sahebzada Ahmed Khan
	Republic of Korea . . . . .	Mr. Sul Kyung-hoon
	Russian Federation. . . . .	Mr. Iliichev
	Rwanda . . . . .	Mr. Nduhungirehe
	Togo. . . . .	Mr. M'Beou
	United Kingdom of Great Britain and Northern Ireland . . . .	Mr. Tatham
	United States of America. . . . .	Mr. DeLaurentis

## Agenda

Reports of the Secretary-General on the Sudan and South Sudan

Report of the Secretary-General on the situation in Abyei (S/2013/577)

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13-57999 (E)



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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 and South Sudan**

#### **Report of the Secretary-General on the situation in Abyei (S/2013/577)**

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

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

Members of the Council have before them document S/2013/682, which contains the text of a draft resolution submitted by the United States of America.

I wish to draw the attention of Council members to document S/2013/577, which contains the report of the Secretary-General on the situation in Abyei.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

*A vote was taken by show of hands.*

*In favour:*

Argentina, Australia, Azerbaijan, China, France, Guatemala, Luxembourg, Morocco, Pakistan, Republic of Korea, Russian Federation, Rwanda, Togo, United Kingdom of Great Britain and Northern Ireland and United States of America

**The President** (*spoke in Chinese*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2126 (2013).

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

**Mr. Deng** (South Sudan): It is a great pleasure and honour to address the Security Council once again. We welcome the Council's renewal of the mandate of the United Nations Interim Security Force for Abyei (UNISFA), and we continue to reiterate our profound appreciation to the Federal Democratic Republic of Ethiopia for its enormous contribution to the peacekeeping force and for its tireless efforts in support of peace between the Sudan and South Sudan.

Abyei remains a source of ongoing tension between our two countries and puts at risk our efforts in other areas of cooperation. The case of Abyei has been on the Council's agenda for years and is too well known to require extensive background. However, I believe that some historical highlights may shed useful light on the issues under consideration.

While it is now well known that Abyei was annexed to the north by the British in 1905 for administrative and security reasons, what is perhaps not equally known is that it was not the Ngok Dinka alone who were annexed to the north. Several communities from Bahr Al Ghazal and Upper Nile states, notably the Twich Dinka and the Ruweng Dinka, were also annexed to the north at the same time. Those communities were later returned to their original provinces, leaving the Ngok Dinka alone in the north as a conciliatory bridge between the north and the south. It is ironic that an area that had been a point of positive contact and cooperation between the north and the south became the worst victim of north-south conflict, leading to the devastating destruction of the area and massive displacement of the population.

Successive Governments of the Sudan have failed to honour virtually all agreements reached to bring peace and harmony to the Area. The 1972 Addis Ababa Agreement included a provision for the Ngok Dinka to decide by a referendum whether to remain in the north or rejoin the south. That was never implemented. The frustration of the Ngok Dinka eventually led to a local rebellion, which contributed to the resumption of the second north-south war in 1983.

The Abyei Protocol to the 2005 Comprehensive Peace Agreement (CPA), which ended the second war, provided for a self-determination referendum in Abyei to be held simultaneously with the 2011 referendum in the South, which resulted in the independence of South Sudan. That agreement, too, was not honoured. The Abyei Protocol also provided for the establishment of the Abyei Boundary Commission (ABC) to demarcate the boundaries of the Area and whose findings were to be final and binding. While South Sudan accepted the determination of the ABC, the Sudan rejected it.

After the May 2008 invasion of the Area by the Sudan Armed Forces that razed Abyei town to the ground, the two Governments agreed to take the issue to The Hague Permanent Court of Arbitration, whose determination was to be final and binding. The Court redefined Abyei Area, ceding a third of the ABC-demarcated Ngok

land to the north and designating the remainder as the land of the nine Ngok Dinka chiefdoms. Again, South Sudan accepted the determination of the Court. The Sudan initially accepted it, but then obstructed its implementation.

In May 2011, on the eve of the southern referendum and prospective independence, the Sudan staged another devastating invasion of Abyei and occupied the Area. The Ngok Dinka and the south refrained from any action that might undermine the referendum and prospective independence of the south.

The issue was eventually taken to the African Union (AU), whose Peace and Security Council, in partnership with the United Nations Security Council, created the United Nations Interim Security Force in Abyei, primarily for the protection of civilians, with the Abyei Joint Oversight Committee (AJOC) as a temporary management mechanism. The African Union High Implementation Panel, under the chairmanship of Former President Thabo Mbeki of South Africa, was mandated to mediate the negotiations between the Sudan and South Sudan on the final status of Abyei. After prolonged efforts that involved other envoys and mediators, the Panel came up with a proposal that stipulated that the Abyei referendum would be held in October 2013. South Sudan accepted the proposal. It was also accepted by the AU and supported by the United Nations, but it was rejected by the Sudan.

Although the Peace and Security Council urged the Presidents of the Sudan and South Sudan to negotiate an agreement on the basis of the Mbeki proposal, repeated meetings between them produced no progress. Accordingly, President Kiir informed the AU that they had reached an impasse and that there were no prospects of an agreement on Abyei between him and President Bashir. He therefore urged the AU and the United Nations to assume the responsibility for ensuring that the Panel's proposal was implemented.

In despair and desperation, the people of Abyei decided to organize their own referendum, in conformity with the proposal of the Mbeki Panel, in particular setting October as the date of the referendum. The choice of the month was important because it falls during the rainy season, when only the permanent inhabitants of the Area are to be found there. The Misseriya were back in their own homeland, 125 miles to the north. That is why the Sudan objected to the referendum being held that month. President Salva Kiir

encouraged and supported the displaced Ngok Dinka to return to their homeland, resettle, reorganize and prepare for the October referendum. Since the Mbeki proposal was not being implemented, and there was no indication that the referendum would be internationally conducted, the Ngok Dinka felt that they had to act on their own and conduct a community-based referendum in the month of October, as had been stipulated.

By all accounts, the referendum was conducted in an impressively efficient, orderly, professional and peaceful manner. A delegation of the AU Peace and Security Council that was to visit Abyei a few days before the referendum was prevented from doing so by the Sudanese Government, on allegations of security risks. Despite arriving after the referendum, the delegation was able to confirm that Abyei was indeed the land of the nine Ngok Dinka chiefdoms and that the Misseriya, who only appear there during the dry season in search of water and grazing lands, were conspicuously absent. That is a fact that has been repeatedly stated, but which the members of Peace and Security Council had to witness on the ground to fully appreciate.

When the AU delegation arrived in Abyei after the community referendum and had an opportunity to talk to all sides, they issued a press release on 6 November, in which they "underscored the inalienable right of the people of Abyei to self-determination in accordance with the Abyei Protocol of the Comprehensive Plan of Action of 2005." They also stated that they had

"listened to the expression of deep frustration, anger and concerns, as well as the reasons for the action of the Ngok Dinka community, and stressed the need for continued efforts to resolve the final status of Abyei within the context of the AU High-level Implementation Panel proposal of 21 September 2011."

The Peace and Security Council indeed renewed "its appeal to the United Nations Security Council to urgently support the proposal as the best way forward for the solution in Abyei".

It is important that the cause of the Ngok Dinka not be compromised by any adverse reaction to their action. Fortunately, a violent reaction by the Misseriya and the Government of the Sudan appears so far to have been averted, although that may also be due to the constraints imposed by the rainy season and the fact

that the Misseriya are not in the Area but in their own homeland, far to the north.

The threat of violence still looms over the Area in the dry season. Whatever international opinion may be on the Ngok Dinka community referendum, the population of that Area must be protected against northern reprisals. Although the UNISFA is poised to provide an appreciable degree of protection, much more will be required to ensure the full protection of the population against a possible massive assault by the Misseriya and the armed forces of the Sudan, as has happened repeatedly in the past. Under those circumstances, the potential for resumed conflict between the Sudan and South Sudan over Abyei is a threat that must be prevented.

The Ngok Dinka community referendum should be seen as a declaration of the people's aspiration and identification with the south. The significance of President Salva Kiir's encouragement and support for the return of the people of Abyei to their land is that it has opened doors for positive action in a situation that had been frozen in negativity. That challenges the Ngok Dinka and all those interested in their welfare to rebuild their society, which has been shattered by decades of devastating conflict. The fact that the Ngok Dinka were able to organize the referendum so efficiently on their own is evidence of their maturity and capacity for self-governance.

Priority must be given to several transformative measures. The process of return should continue to be encouraged and supported. The security of the population through UNISFA and other complementary reinforcements must be guaranteed. Essential humanitarian services should urgently be provided. The Ngok Dinka should be assisted in the process of reconstructing and rebuilding the Area, including institutions for their self-governance. Programmes for socio-economic development need to be urgently initiated. The process of Ngok Dinka-Misseriya reconciliation with a view to restoring peaceful coexistence and cooperation, predicated on addressing the case of the assassination of the Paramount Chief, should be initiated and actively supported by the two Governments.

In terms of interim arrangements, each community should govern itself within its borders as defined by the Comprehensive Peace Agreement, as was the case in the past, and the two communities should agree on arrangements for managing matters of mutual concern.

If the measures I have referred to are put in place, Ngok Dinka society could be stabilized and the issue of the final status of Abyei could be more amicably resolved in the mutual interests of the two communities and countries in accordance with the AU High-level Implementation Panel proposal.

Permit me to conclude with an anecdote. The Deputy Paramount Chief of the Ngok Dinka, Deng Abot, once said to me that Abyei was like an eye, which is so small but sees so much. I now reverse the metaphor to say that, although Abyei is so small, the eyes of the world are watching over its safety and welfare. That alone means major progress in the development and the destiny of the Area and its people.

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

**Mr. Osman** (Sudan) (*spoke in Arabic*): I would like to thank you, Mr. President, for giving me the floor and for allowing us to participate in this important meeting. I would also like to reaffirm our joy at the renewal of the mandate of the United Nations Interim Security Force for Abyei (UNISFA), whose mission charges it with maintaining security in the Abyei Area, which it does in an excellent manner. I should therefore like to express our thanks and appreciation to the sister country of Ethiopia and to its Government for performing that duty.

Unfortunately, what we have heard from the representative of the State of South Sudan goes against the very spirit that currently prevails between our two countries. My brother representative speaks of a reality that is entirely removed from the spirit of cooperation and solidarity that exists between the Presidents of our two countries, the Sudan and South Sudan. The reality is that everyone is working constantly to normalize relations in order to open borders and facilitate the movement of citizens and trade. Unfortunately, what we have just heard rings with echoes of war and a culture of war that refers to events already far back in history.

That leads me to wonder whether we are in the Council as representatives of our States, of our narrow regions according to our national affiliations, or of our wider affiliations, interests and demands? The answer is that we are here to defend our national interests — the interests of the Sudan in its entirety, from the far North to the far South, and the interests of South Sudan, from its far North to its far South. What we have heard today, however, speaks of narrow and, unfortunately, personal

interests that are not in tune with the reality that exists between our two countries.

We all know that the region of Abyei, as per the Comprehensive Peace Agreement and its clear and indisputable provisions, is part of the Sudan and will remain so until its final status is decided. Therefore, the use of such terminology as “aggression” and “occupation” is technically incorrect. I would therefore ask my colleague, the representative of the State of South Sudan, not to use them, especially since he is an experienced diplomat. The terms “occupation” and “aggression” are incorrect because the Abyei region is part of the Republic of the Sudan, whereas occupation usually occurs when foreign forces invade and occupy a certain area that does not belong to them.

We are completely committed to the provisions of the Abyei Protocol requiring the holding of a regional referendum to determine its fate as belonging either to the Sudan or to South Sudan. However, it would be unacceptable for the referendum to be held unilaterally — which the Council, the African Union and the Presidents of both countries have rejected — and even more so when it is called for from a singular, personal perspective. It undermines the security and stability of the region, the Sudan and South Sudan. It also sets back the normalization of relations that we seek, that is now at hand and that is being improved and developed on a daily basis.

We support the provisions of resolution 2126 (2013) extending the UNISFA mandate because we

believe that the continued delay in establishing and building the temporary administrative institutions and arrangements in Abyei is exacerbating tensions in the region. We are ready to agree immediately, today, to the formation of such temporary administrative mechanisms and arrangements. Those who are hesitant to set up those mechanisms must be encouraged to move forward towards their establishment so that they can pave the way for the two Presidents to agree on the final status. Those are the agreements that have been reached and signed between the two countries.

We strongly support the resolution just adopted, in which the Security Council expresses its concern with regard to the Ngok Dinka decision to hold a unilateral referendum, which would run counter to all signed agreements between the two countries and the two Presidents and has been rejected by the Security Council and the African Union.

In conclusion, we need wisdom and self-restraint. We do not need to add fuel to the fire or to propagate a culture of war. What we need from the Security Council is support for the efforts of the two Presidents. Those efforts are making progress on a daily basis and upholding the interests of both countries. We do not need to take a path that undermines those agreements and could lead to war and conflict.

**The President** (*spoke in Chinese*): There are no more names inscribed on the list of speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at 10.40 a.m.*