



# SECURITY COUNCIL REPORT UPDATE REPORT



17 June 2011 No. 3

## SUDAN

### EXPECTED COUNCIL ACTION

Council members have been individually assessing events in Sudan—the military takeover of Abyei and the deteriorating situation in Southern Kordofan—almost on a day-to-day basis, but Council members have not formally met on Sudan since 3 June and most of the scheduled informal discussions have been repeatedly postponed. A presidential statement was adopted on 3 June and the Council intended to receive follow-up briefings on progress of talks in Addis Ababa between Khartoum and Juba on a security arrangement for Abyei. But follow-up has been deferred.

The Council next meets on Monday 20 June, where it is expected they will receive a briefing on the outcome of the Addis Ababa talks. It is possible that Council members will then negotiate a mandate and authorise a force to implement the emerging ideas for a security arrangement in Abyei.

The Council is also expected to start negotiations on the mandate of a new peacekeeping mission in South Sudan in the coming days. While possible, it now seems unlikely that this mandate would be finalised and adopted before the end of June.

### KEY RECENT DEVELOPMENTS

Following the Council delegation's visit to Sudan in late May—during which the Sudanese military took over Abyei and Khartoum unilaterally dismissed

the Abyei administration—the Council met on 31 May to hear briefings from the head of UN peacekeeping, Alain Le Roy, and the head of the UN Mission in Sudan (UNMIS), Haile Menkerios, on the updated situation in Abyei.

The briefing had originally been scheduled to discuss a new mission in South Sudan. The chief recommendation in that regard from the Secretary-General was to rollover UNMIS for a further three months, pending resolution of outstanding elements of the Comprehensive Peace Agreement (CPA), and to manage a drawdown of UNMIS elements in northern Sudan. But on 27 May the foreign minister of Sudan wrote to the Secretary-General conveying a decision of the government of Sudan that UNMIS should terminate as of 9 July. The letter was distributed to Council members on 31 May, just ahead of the briefing. In his statement to the Council on 31 May, the Permanent Representative of Sudan, Daffa-Alla Elhag Ali Osman, reiterated that Khartoum would not support the continued presence of UNMIS in Sudan after 9 July. In comments following the briefing, Osman said that Khartoum was justified in using the military to take over Abyei, as the military was “putting its house in order” and that Abyei town was effectively deserted before the military arrived.

Sudan's clear opposition to a rollover seemed to most Council members to

effectively end the prospect of this recommendation, although it seems that some Council members in the consultations following the briefing continued to want to keep the option open of some sort of UN presence in Abyei, Southern Kordofan and Blue Nile states (the “three areas”) and the border.

The US proposed that the Council adopt a presidential statement at the meeting on 31 May, as Khartoum had yet to act on the demands the Council delegation included in its statement to the press on 22 May. Following three days of negotiations the Council adopted a statement on 3 June, wherein it:

- expressed grave concern about the ongoing violence and rapidly deteriorating situation in Abyei;
- strongly condemned the government of Sudan's taking and continued maintenance of military control over Abyei;
- condemned the blockage of two of the three main supply routes from north to south Sudan and called for immediate measures to restore full access through all routes;
- expressed grave concern following reports about the unusual, sudden influx of Misseriya into Abyei town that could force significant changes in the ethnic composition of the area;
- demanded the government of Sudan withdraw immediately from the Abyei area;

- demanded the immediate withdrawal of all military elements from Abyei;
- demanded the government of Sudan and government of Southern Sudan cooperate fully with the head of UNMIS and the AU High Level Implementation Panel led by Thabo Mbeki to establish immediately a viable security arrangement for Abyei, in which all Sudan Armed Forces (SAF), Sudan People's Liberation Army (SPLA) and allied forces withdraw from Abyei;
- underscored that failure by the government of Sudan to comply with and to fulfil the CPA jeopardises the benefits that could flow from such compliance; and
- stated that the security and prosperity of both parties would benefit from a continued UN-mandated presence in Abyei after 9 July, as well as UN assistance for the parties' management of their border after the independence of South Sudan.

After delivering the presidential statement, the Council President announced the Council would meet on 10 June to review its implementation.

Immediately following the military takeover of Abyei, the AU announced that Mbeki would undertake mediation between the parties to reach a solution to the situation in Abyei. Soon after, the prime minister of Ethiopia, Meles Zenawi, indicated to Khartoum and Juba that Ethiopia would be willing to deploy a number of troops to Abyei as a neutral force to assist in implementation of any future security arrangement agreed to by the parties. It seems that both parties were open to this offer, although it seems Khartoum attached more conditions to such a deployment than Juba.

The presidents of Sudan and Southern Sudan met on 12 June in Addis Ababa to discuss a security arrangement based upon the Ethiopian offer. It seems that the presidents were unable to reach an agreement, with parties apparently disagreeing on the nature of the civilian administration

of Abyei that such a security arrangement would revolve around. Expert level officials then took over the negotiations. At press time there were conflicting accounts in the media that the negotiations may have failed owing to Khartoum's insistence that a SAF presence remain in Abyei, as well as strict conditions on the composition of a new Abyei Administration (eg, that it be led by a representative nominated by Khartoum).

In response to these developments the Council postponed its 10 June scheduled meeting to 13 June, to allow the negotiations of 12 June to reach an outcome. As the negotiations dragged further Council meetings were scheduled and postponed.

The Council eventually received a briefing on the humanitarian situation in Abyei and Southern Kordofan on 16 June from the Assistant Secretary-General of the Office of the Coordination of Humanitarian Affairs (OCHA), Catherine Bragg, and the head of the department of peace-keeping (DPKO), Alain Le Roy. It is understood that Le Roy's briefing focused on the performance of UNMIS peacekeepers in protecting civilians and facilitating humanitarian access and also touched upon the progress of negotiations in Addis Ababa.

At press time the Council is scheduled to meet formally on 20 June, where it is understood Le Roy will brief publicly on the status of the Addis Ababa talks as well as DPKO recommendations on the future of the UN in Abyei, Southern Kordofan and Blue Nile. (The Council is also expected to consider the mid-term report of the Sudan sanctions committee panel of experts in consultations.)

The security situation has deteriorated in Abyei. Khartoum military forces (SAF) control all territory north of the Kiir River and armed Misseriya continue their presence in the area. On 7 June Khartoum unilaterally appointed an interim Administrator for Abyei, despite protests from Juba. On 15 June fresh clashes between the SAF and SPLA resulted in the death of five SAF

soldiers. A press time the UN refugee agency had estimated over 112,800 internally displaced persons were in need of humanitarian assistance.

The security situation also deteriorated markedly in Southern Kordofan in the past week. On 5 June violence was sparked between elements of the southern-aligned SPLA and the SAF when it seems SPLA forces moved to take control of the neighbourhood where the defeated SPLA candidate in the 5 May governor's election, Abdel Aziz Al-Hilu, resides. Fighting continued in Kadugli, with reports of at least 17 soldiers killed in the first day, with widespread fears that the SAF was following through on a command made in late May to enforce the removal of all SPLA elements from Southern Kordofan and Blue Nile by 1 June.

There were reports of SAF planes bombing SPLA positions in the hills around Kadugli. Both sides blame the other for sparking the violence.

Southern Kordofan is the most militarised state in Sudan. It is estimated that there are close to 40,000 ethnic Nubans, who are indigenous to the area, who are members of the SPLA. These groups from the Nuba Mountains in Southern Kordofan were allies of the south in the civil war. Long-term security arrangements for this group, and a smaller number in Blue Nile state, are a key element in the CPA and the future of these security arrangements remain unresolved.

After the third day of fighting the UN severely curtailed its operations in Southern Kordofan. There were reports that fighting was occurring near the offices of the World Food Programme and UN refugee agency in Kadugli. On 8 June fighting expanded into other parts of Southern Kordofan, including Kauda and Talodi (east of Kadugli), with reports that civilians were being targeted in some locations. The same day Khartoum announced that it was not seeking a political solution for Southern Kordofan and the SAF was "clearing

the state of the remaining rebels". On 9 June Al-Hilu called for the armed overthrow of the Khartoum regime to allow for a "New Sudan" to obliterate all forms of marginalisation. On 10 June fighting forced the closure of the Kadugli airport, further hampering UN humanitarian relief efforts.

SAF planes continued their bombing campaign, with two bombs landing near the UN base in Kauda on 14 June, close to an airstrip. A further 11 bombs were dropped in the areas of Kadugli and Kauda on 15 June, again targeting the airstrip.

On 9 June the conflict assumed a cross-border dimension when SAF planes bombed the town of Jau in Unity State, killing five civilians, wounding 15 others and causing the displacement of some 2,000 villagers. On 13 June the SAF carried out a further airstrike on Jau.

On 15 June the UN reported that close to 60,000 civilians were displaced by the fighting in Southern Kordofan.

Separately, on 13 June JEM rebels attacked the airport at the Heglieg oil fields near Abyei in Southern Kordofan state, purportedly as a warning to petroleum companies not to cooperate with Khartoum.

### KEY ISSUES

A key issue for the Council is how to proceed on Monday 20 June if there is still no agreement between Khartoum and Juba on a credible security arrangement for Abyei.

A second key issue is the Council response to the security and humanitarian situation in Southern Kordofan and the apparent rejection by Khartoum of the political reconciliation processes and commitments in the CPA relevant to this area.

A practical issue for the Council is the growing sense of frustration by many members and the sense that inaction will cultivate irrelevance. A related question is what tools it has to follow up on the demands it made in its 3

June presidential statement, as well as to encourage the parties to continue efforts to reach an agreement.

Assuming a positive outcome from the talks in Addis Ababa, a real issue for the Council in the next week will be how to interpret and implement any agreement on security arrangements for Abyei reached by the parties. Translating an agreement into a UN mission or other authority will be challenging as will understanding any subtle compromises reached in the negotiations.

A separate but equally critical issue given South Sudan's independence on 9 July is the commencement of negotiations on the mandate of a new mission in South Sudan (or an interim arrangement to rollover in South Sudan aspects of UNMIS). There is a risk of ongoing discussions on Abyei and Southern Kordofan absorbing Council attention until South Sudan's independence on 9 July.

In considering a new mission in South Sudan, as well as a possible UN-mandated mission in Abyei, a key issue for the Council is the UN presence in Southern Kordofan, Blue Nile and other disputed border areas. (Currently there are UNMIS contingents from Egypt in Southern Kordofan and Pakistan in Blue Nile, but given Sudan's position on UNMIS these might, at the least, need to be transformed to a new mission.) The possible links between all these possible separate UN missions and implications for leadership and coordination will be challenging practical issues.

Another issue for the Council will be how the precedent of establishing a peacekeeping mission around a sole troop contributor from a neighbouring state may affect command and control and leadership requirements and in the future the relationship between peacekeeping operations and host governments in other situations.

Another longer term issue which seems to be emerging is the wide level of discomfort in the Council with the

working methods which have dominated work on Sudan in recent weeks.

### UNDERLYING ISSUES

Changes in the internal dynamics within the Sudanese ruling party (the National Congress Party, NCP) following the imminent loss of the south seem to be reflected in how Khartoum is now pursuing aggressive military strategies in Abyei and Southern Kordofan. The hardline elements of the NCP—led by presidential adviser Nafie Ali Nafie— may have assumed greater importance.

The perception in Khartoum of being left by the international community without any benefits recognising its constructive behaviour prior to and during the referendum is also an underlying problem.

### OPTIONS

The Council could: continue to postpone discussion until policy is determined, one way or the other, by the parties;

- call a meeting of the Council or at least consultations to discuss collectively the big picture issues and options for managing the security and humanitarian situations in Abyei and Southern Kordofan;
- create a new UN mission in Abyei, comprised of the Ethiopian troops;
- authorise an AU or hybrid AU-UN mission in Abyei, comprised of the Ethiopian troops; or
- move towards a continued UN presence in Southern Kordofan, Blue Nile and other areas of the north-south border, pending implementation of all aspects of the CPA, but under a different name from UNMIS.

With respect to the new mission for South Sudan, the Council could:

- start discussions next week on the key elements for a new mission mandate at the expert level; or
- decide to re-hat the UNMIS presence in South Sudan to a new mission without a change in mandate for a short period whilst

negotiations continue on a new mandate, to avoid a gap that would complicate the UN's ongoing presence in South Sudan (e.g. maintaining UN property leases, vehicles and equipment and any relevant employment contracts).

### COUNCIL DYNAMICS

The Council seems quite unsettled in its approach to Sudan. One reason for that is that events have been moving so rapidly on the ground in Abyei, Southern Kordofan and in the negotiations in Addis Ababa. Council members have been trying to follow developments very closely, but it has been unclear to most members what is happening which has affected their ability to respond with ideas for when, how or whether the Council should intervene. It has even led to uncertainty as to whether it would be useful or not useful to hear a briefing. The looming independence of South Sudan in 21 days seems to be adding pressure.

The absence of regular briefings on the situation from the UN Secretariat does seem to have complicated already complex policy issues, particularly related to possible solutions between the parties, the UN's role and the Council's role. Many Council members do not have direct access to diplomatic reporting from Addis Ababa or Khartoum or Juba, which has left many relying on often contradictory media reporting.

There was an initial tendency from almost all member states that it would be wise not to formally adopt any decision in New York while the talks in Addis Ababa were making progress. Some members seemed sensitive that the Council not act in any way that might interfere with the atmospherics between the parties. Somehow this approach seemed also to lead to a conclusion that it was better not to even receive information. Some members now seem very concerned that this had led to a real drift in the Council's approach to the situation. Others are concerned about the delayed follow-up on the demands made

in the presidential statement. This frustration was reflected in the comments made by France at the press stakeout following the 16 June briefing, highlighting that if the parties do not reach an agreement then the Council must exercise its responsibilities.

It seems also that the recent working methods on Sudan, not least the lead up to the 3 June presidential statement, have left many Council members, particularly elected members feeling insulted by how they were treated in negotiations.

It seems that, at the outset, Council members did not differ greatly in their policies, with most seeking a text that balanced the importance of a condemnation of Khartoum's actions in Abyei with a constructive approach to future talks between the parties. But the differences that emerged in how the negotiations were run seem to have affected relationships between some key Council members. It seems that the poor atmospherics have built over a period of time, following the late circulation of drafts and curtailed negotiations of several simple resolutions and statements in the past months. Many Council members are now concerned that unless the atmospherics improve this will affect the key decisions that the Council may need to negotiate in the coming weeks.

Council members seem to be aware that it will be very challenging to interpret and implement any agreement reached between the parties on the presence of the Ethiopian forces in Abyei. There are risks that different Council members may interpret the agreement differently. There seem to be an overall preference within the Council that the Ethiopian forces operate under a UN chapeau. However, some are so wary of its interpretation of the parties' agreement that some might be prepared to accept another hybrid mission or even an AU-led mission as in Somalia. Although all members seem to agree that an AU-led mission would have serious downsides especially with regard to funding and overall coordination with other UN

missions in the area.

It seems there was initially wide understanding in the Council of the Secretary-General's initial recommendation for a three-month rollover of UNMIS to ensure continued security in the "three areas" (Abyei, Southern Kordofan and Blue Nile) as well as to maintain a political space for parties to reach final agreement on outstanding CPA matters. In this regard most members recognise that logistics constraints around the rainy season in South Sudan would limit the ability of an entirely new mission to deploy effectively throughout South Sudan. Keeping UNMIS elements in place for as long as feasible was a practical alternative. But these practicalities will now somehow have to be meshed with the new political realities.

Council members generally accept that UNMIS's departure from Abyei and northern Sudan on 9 July will leave a security vacuum and also that the UN, and therefore the Council, will lose a valuable source of information on events on the ground. Most Council members seem to remain hopeful that some form of UN presence in the three areas will be possible after 9 July.

The US is the lead country on this issue.

### UN DOCUMENTS

#### SECURITY COUNCIL RESOLUTION

- S/RES/1982 (17 May 2011) extended UNMIS until 9 July.

#### PRESIDENTIAL STATEMENT

- S/PRST/2011/12 (3 June 2011) was on the situation in Abyei.

#### REPORT OF THE SECRETARY-GENERAL

- S/2011/314 (17 May 2011) was a special report with recommendations on a new UN

mission in South Sudan.

#### OTHER

- S/2011/333 (31 May 2011) was a letter from Secretary-General conveying to the Council a letter from the Foreign Minister of Sudan on the future of UNMIS.
- SC/10262 (22 May 2011) was the Khartoum-issued Council delegation press statement on the situation in Abyei.

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