



Security Council

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Report of the Secretary-General on the United Nations Mission in Sudan

I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 1590 (2005), in which the Council requested that it be kept regularly informed of progress in the implementation of the Comprehensive Peace Agreement in the Sudan, and paragraph 26 of Council resolution 1870 (2009), in which the Council requested me to develop benchmarks (see annex I to the present report) for measuring and tracking progress in the implementation of the mandate of the United Nations Mission in Sudan (UNMIS), and to include in my report an assessment of progress made against those benchmarks, as well as any consequent recommendations regarding the configuration of the Mission. The report provides an assessment of the overall situation in the country since my previous report, of 17 April 2009 (S/2009/211), and provides an update on the activities of UNMIS up to 30 June 2009. Sections IV and VI of the report assess the progress made vis-à-vis the aforementioned benchmarks.

II. Security situation

2. The reporting period witnessed a deterioration in the security situation in Southern Sudan. On several occasions, long-simmering local conflicts have escalated into alarming waves of violence, at times triggering vicious cycles of attack. Most of the tribal violence occurred in Warrab, Lakes and Upper Nile States. Heavy fighting between the Murle and the Lou Nuer in Akobo County, Jonglei State, on 18 and 19 April, reflected a particularly disturbing development in which villages and their civilian inhabitants, rather than cattle camps, became targets of attack, resulting in an estimated 195 civilians killed and 70 wounded, including women and children.

3. Long-standing tensions between the Jikany Nuer of Nasser County, Upper Nile State, and the Lou Nuer of Akobo County, Jonglei State, escalated on 12 June when elements reportedly belonging to the Jikany Nuer attacked a convoy of 21 World Food Programme (WFP) barges and approximately 10 other boats, escorted by Sudan People's Liberation Army (SPLA) troops, on the Sobat River near Nyariem village, Upper Nile State. It is estimated that the clash resulted in the deaths of 30 civilians and 89 SPLA soldiers, while 20 soldiers were injured. At least 16 boats



were looted and 5 destroyed. The convoy was moving from Nasser to Akobo to distribute food aid to up to 19,000 internally displaced persons, who had been dislocated as a result of the recent tribal clashes. While the local authorities have brought the situation under control, the situation remains tense.

4. In the north, inter-tribal violence between the Misseriya and Rizeigat clans broke out between 19 and 23 May along the Southern Kordofan-Southern Darfur border. These clashes involved unusually large and heavily armed combatant forces. Large numbers of Central Reserve Police deployed by the Governor of Southern Kordofan State to prevent further fighting were reportedly also killed.

III. Political developments

5. Preparations for the elections began to dominate the political scene after the National Elections Commission announced February 2010 as the polling date in a proposed schedule for the electoral process. The National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM), as well as the majority of the other political parties, have publicly accepted this timetable. Due to delays in the process, the Commission released a revised timetable on 1 July with polling to take place in April 2010.

6. On 1 June, the Political Parties Affairs Council awarded registration certificates to 36 political parties, in addition to the 32 parties already registered. Former Foreign Minister Lam Akol Ajawin resigned from SPLM and announced the formation of a new political party to be registered as SPLM-Democratic Change.

7. Despite SPLM reservations over detention powers and other issues, the NCP-SPLM High Executive Political Committee, co-chaired by Vice-President Ali Osman Taha and Government of Southern Sudan Vice-President Riek Machar, agreed to table the National Security Bill for debate in the Parliament. Following numerous changes to the draft Press and Printed Material Bill, the Parliament passed the Bill on 8 June. However, opposition parties and other observers remain concerned that the Bill gives the Presidency and Press Council excessive control over the media.

8. The finalization of the draft Referendum Act on the 2011 referendums remains behind schedule. With voter registration for the referendum scheduled to take place in July 2010, according to the Comprehensive Peace Agreement timeline, enactment of the Act and the concurrent establishment of the Referendum Commission are urgently required. Continued delays in this regard could have serious implications for implementation of the Peace Agreement.

9. On 23 April NCP and SPLM concluded their final submissions in the Abyei boundaries dispute to the Permanent Court of Arbitration in The Hague. The Court is expected to deliver its decision by 22 July. Representatives of both parties have assured UNMIS that they are committed to fully implementing the Court decision in a peaceful manner.

10. During the reporting period, President Omar al-Bashir and Government of Southern Sudan President Salva Kiir both decreed a reshuffle of their respective senior government officials and governors. Among the significant changes, former State Minister for Humanitarian Affairs Ahmed Haroun (NCP) was appointed as Governor of Southern Kordofan State and Abdel Aziz al-Hilu (SPLM) as its Deputy

Governor. Former SPLA Chief of Staff, Oyai Deng Ajak, was appointed Minister for Regional Cooperation in the Government of Southern Sudan.

IV. Implementation of the Comprehensive Peace Agreement

Abyei

11. The security situation in Abyei remains volatile and requires constant attention in light of the upcoming Permanent Court of Arbitration decision expected by 22 July. The Misseriya seasonal migration sparked a significant number of security incidents over the course of the reporting period. Reportedly, cattle raiding took place and a number of armed Misseriya nomads crossed into disputed areas inhabited by the Dinka Ngok. Villagers in Noong, 15 kilometres east of Abyei, reported that some families had left for Abyei as a precautionary measure until the Misseriya leave the area. With a view towards strengthening protection capacity, UNMIS conducted two protection training workshops during the reporting period for members of the local Joint Integrated Unit and Joint Integrated Police Unit. The Mission has also supported the convening of direct meetings between Dinka and Misseriya leaders and government officials in Abyei and Muglad, which focused on security after the Court decision and on longer-term issues.

12. The absence of senior officials from Abyei continued to affect the functioning of the Abyei Interim Administration. The Abyei Area Administrator and the Deputy Administrator remained out of the area for much of the reporting period for negotiations and discussion on securing a budget for Abyei. Other senior members of the Administration, such as the parliament, the executive and council members were also absent, slowing progress at every level, including organization of the five-state inter-tribal and Government conference to address transboundary issues, including migration, and the sharing of water and grazing land.

13. The Ministry of Finance and National Economy reported that it had so far released 5 million Sudanese pounds to the Abyei Administration to facilitate payment of salaries and operational expenses and had processed the disbursement of an additional 1 million Sudanese pounds in June towards operational costs. The absence of an agreed yearly budget and the uncertainty associated with the disbursement of funds, however, continued to be a challenge for the Administration with regard to the provision of the most basic of services to the community and the retention of its employees.

14. Violations of the Abyei Road Map Agreement addressed by the Ceasefire Joint Military Commission included a complaint by SPLA concerning the presence of mobile and armed Oil Field Protection Police in the Road Map Area, as well as the alleged presence of organized militia said to be heavily armed and moving within Misseriya cattle camps in the southern reaches of the Road Map Area. Freedom of movement for UNMIS was generally granted within the Road Map Area, with the exception of the Akur area, south-west of Agok, where SPLA denied access claiming that Akur was part of Bahr el Ghazal State. The issue was taken up in the Ceasefire Joint Monitoring Commission and has been referred to the Ceasefire Political Commission for clarification on the location of Akur. Meanwhile, joint monitoring teams from sector VI and sector II will verify the troops in Akur. It is critical to note, however, that UNMIS movements north of the Road Map Area remain restricted, thus denying the Mission any situational awareness with regard to

deployment of forces by both sides just outside the Road Map Area. This affects the ability of UNMIS to take timely action to prevent any escalation.

15. Progress has been made in the deployment of the Joint Integrated Police Units, albeit at a slow pace. The Unit in Abyei now comprises 155 personnel from the north and 179 from the south. Six police posts have been constructed at strategic points along the Misseriya migratory routes and the installation of antenna base towers for the Abyei police headquarters and the police stations in Abatok and Agok was completed. Further deployment and relocation of personnel of the Unit outside of Abyei town, however, has been hampered by a continued lack of vehicles, accommodation, training areas, detention infrastructure and communication equipment. While personnel of the Unit have been trained to perform the duties of formed police units, they lack essential equipment to undertake requisite operations.

Southern Kordofan and Blue Nile States

16. The appointment of the new Governor and Deputy Governor in Southern Kordofan State has brought a new momentum to the process of integrating the former SPLM “closed areas” into the political, administrative, social and economic infrastructure of the State. Improvements can be observed in the political and security fields, which can also be attributed to a more positive cooperation between NCP and SPLM. The social and economic dividends of the peace process remain, however, insufficient. The government of Southern Kordofan, which appears to be aware of the difficulties this could present for the stability of the State, is engaged in prioritizing its objectives in these areas and has indicated its intention to seek an enlarged role for the United Nations in achieving them. In Blue Nile State, the SPLA-controlled Kurmuk area remains outside of the control of the State government in Ed Damazin.

17. Popular consultation is a mechanism foreseen in the Comprehensive Peace Agreement to ascertain the views of the people of the transitional states (South Kordofan and Blue Nile) on governance of their respective states. However, there is still widespread misunderstanding wherein many in these states equate popular consultation with the right to self-determination which, according to the Peace Agreement, is not the case. In this regard, public information efforts and public discourse on the subject are urgently needed. Accordingly, UNMIS has engaged the parties and local authorities on the overall popular consultation process and the way forward.

Redeployment of forces

18. The Sudanese Armed Forces verified redeployment figures stand at 95.5 per cent (of the 46,403 initially stated) and SPLA redeployment currently stands at 13.7 per cent (of the 59,168 initially stated). A comprehensive redeployment review has been submitted by the Ceasefire Joint Monitoring Commission to the Ceasefire Political Commission for consideration. The potential for further improvement in the figures through monitoring and verification remains limited. Further progress in this regard, therefore, lies within the purview of the political leadership of both sides. While the Monitoring Commission will continue monitoring and verification where applicable, it will not be able to verify the redeployment completely. Steps required to complete redeployment include a review of the initially stated figures and agreements on the verification of redeployed soldiers without weapons and on

redeployment figures that cannot be verified, including individuals transferred to other security services and voluntarily demobilized soldiers.

Joint Integrated Units

19. As reported by the 97th meeting of the Ceasefire Joint Monitoring Commission, held on 2 June, deployment of Joint Integrated Units stands at 82.6 per cent. The reverification of these Units in accordance with the new and approved standard operating procedure is pending submission of the nominal roll of soldiers by respective Sudanese Armed Forces and SPLA components of the Units. With the exception of the Unit in Abyei, which received training and support following the clashes in May 2008, the Units remain largely untrained, lack resources, are not co-located in most places and are not integrated. The efforts and resources provided by the Government of National Unity to make them functional have so far been insufficient.

20. Clashes in Malakal and Abyei indicate that the lack of command, control and integration in the Joint Integrated Units has become a source of instability in certain areas. As such the Units have in some instances further compounded an already fragile situation, in particular where former “other armed groups” from the region form part of the Units. The lack of progress on the relocation of the personnel of the Units out of Malakal town and the outstanding rotation of those involved in the fighting remain issues of serious concern. No executive orders have been issued by the Joint Defence Board on the matter thus far, despite efforts and repeated requests made by UNMIS to that effect.

21. In line with Security Council resolution 1870 (2009), mandating UNMIS to coordinate international assistance for the Joint Integrated Units, the Mission is currently reviewing options for a support plan that prioritizes support for the Units relative to their locations. This would allow for efficient and targeted use of donor funds in support of the Units.

National census and elections

22. On 2 April, the National Elections Commission publicly announced that general elections would take place from 6 to 21 February 2010. The proposed electoral timeline called for constituency delimitation to commence on 15 April, the constituencies to be published on 1 June, voter registration to commence on 2 June and publication of the provisional list of voters in early August. To date, none of these milestones have been met. As a result of continuing delays, the Commission has published a revised timetable which schedules polling to commence on 5 April 2010.

23. The period allotted for existing political parties to register and adjust their status ended on 5 May. According to the Political Parties Affairs Council, registration remains open for new parties to register and the Council will discuss the establishment of a deadline by which new parties wishing to nominate candidates for the elections must file their applications for registration with the National Elections Commission. As at 1 July, a total of 71 parties have been registered and applications for another 7 are pending.

24. Concerns about the census results raised by the Southern Sudan Commission for Census, Statistics and Evaluation were considered in the Technical Working

Group. The Working Group agreed to forward the results to the Population Census Council with a note about those concerns. On 26 April, the Council approved the results and forwarded them to the Presidency, which presented them to the National Elections Commission Chairman and Deputy Chairman on 6 May. On 21 May, the Director General of the Central Bureau of Statistics announced the long awaited results of the fifth national population census in the Sudan. The census results indicated that the total population of the Sudan was 39.15 million, with Northern Sudan having a population of 30.89 million (79 per cent) and Southern Sudan 8.26 million (21 per cent). Senior SPLM officials have publicly disputed the results and remain opposed to their use for power-sharing purposes. Nonetheless, the National Elections Commission took a decision on 8 June on the apportionment of seats in the National Assembly based on the census results received from the Presidency.

25. Members of the High Committee for Southern Sudan as well as the 25 state Election Committees have been appointed and were sworn in during a training workshop held in Khartoum from 16 to 18 June, organized by UNMIS, the National Elections Commission, the Assessment and Evaluation Commission, the United Nations Development Programme (UNDP) and the Government of Italy.

Wealth-sharing

26. According to a report by the Ministry of Finance and National Economy released in June, the Sudan's total oil revenues for April were \$158.76 million; the shares of the Government of National Unity and the Government of Southern Sudan stood at \$61.638 million and \$51.6 million respectively. The Ministry of Finance of the Government of National Unity has informed UNMIS that all arrears for 2008 have been settled, which the Government of Southern Sudan confirmed in May. However, figures for 2009 available as at 17 June suggest that \$4.45 million is still owed in arrears for the period January to April 2009. The total oil revenues transferred to the Government of Southern Sudan from 2005 to March 2009 amounted to \$5,372 million.

27. In accordance with the Abyei Protocol and the Abyei Road Map Agreement, Warrab and Southern Kordofan States continue to receive shares of revenue from oil produced in Abyei. The Ministry of Finance and National Economy has informed UNMIS that the 2 per cent shares allotted to local Ngok Dinka and Misseriya are being transferred to two separate accounts under the Abyei Area Administration and the government of Southern Kordofan State.

V. Implementation of other peace processes in the Sudan

28. The political and security situation in eastern Sudan during the reporting period has been relatively calm. Progress has been achieved in the implementation of the Eastern Sudan Peace Agreement including on the disarmament, demobilization and reintegration process, the flow of requisite funds from the Eastern Sudan Reconstruction Fund and implementation of a number of recovery and development projects in the three eastern states. However, a number of issues have not been fully addressed, including growing poverty and economic marginalization, as well as security vulnerabilities resulting from the long porous Sudanese coastline. Of particular concern is the break-up of the Eastern Front, a

party to the Eastern Sudan Peace Agreement, and its split into three different political parties, namely the Beja Congress, the Free Lions and the Eastern Democratic Party, which could paralyse further implementation of the benchmarks contained in the Peace Agreement given the lack of one counterpart for the Government of National Unity.

29. Delegations from the Government of the Sudan and the Justice and Equality Movement (JEM) met in Doha from 27 May to 18 June 2009 to discuss implementation of the Agreement of Goodwill and Confidence-building for the Settlement of the Problem in Darfur signed on 17 February 2009 under the auspices of the African Union-United Nations mediation and the Government of Qatar. The parties discussed ways to move the peace process forward, in particular with respect to the issues of exchange of prisoners, the humanitarian situation, a framework agreement and cessation of hostilities.

30. The objective of the mediation in Doha was to facilitate a framework agreement, including a cessation of hostilities, as soon as possible. However, JEM insisted that the Government release all JEM prisoners before initiating discussion of a framework agreement and cessation of hostilities, while the Government insisted upon a cessation of hostilities agreement before any prisoner exchange. With no significant change in position by either party, and following considerable efforts on the part of the mediation to find a middle ground, the talks were suspended to allow the parties to undertake further internal consultations. The mediation continues to work with both sides, in particular on the question of a timetable for prisoner release and a framework agreement, and plans to bring both parties back to Doha when they are ready to commence negotiations on a framework agreement. The African Union-United Nations Joint Chief Mediator, Djibrill Bassolé, met with the Tripoli Group (comprised of five rebel movements) in Sirte, Libyan Arab Jamahiriya, from 28 to 30 June to discuss the possible participation of the Group in the Doha negotiations. The mediation also held broad consultations in Darfur, Khartoum and Tripoli with representatives from Sudanese civil society, non-governmental organizations and tribal leadership to underline the intention to broaden participation in the Darfur peace process.

VI. Implementation of the mandate of the United Nations Mission in the Sudan

Good offices, conflict management and reconciliation

31. Throughout the reporting period, my Special Representative maintained constant dialogue with the Sudanese political leadership and key Sudanese and international stakeholders in the peace process. To address the security situation in Southern Sudan, my Special Representative met with President of Southern Sudan Salva Kiir and local authorities in Juba as well as officials in Pibor and Akobo in Jonglei State and Malakal in Upper Nile State.

32. During the recent outbreaks of violence in Jonglei State, UNMIS worked closely with the Southern Sudan Peace Commission to support and facilitate the work of the Joint Lou Nuer/Murle ceasefire committee in Jonglei State. UNMIS also provided support to the Lou Nuer/Dinka Twic peace and reconciliation conference convened by the Jonglei State government in Bor town. In addition, UNMIS has been collaborating with the Jonglei and the Upper Nile State authorities to lessen

tensions between the Jikany Nuer and Lou Nuer communities in their border areas. UNMIS will continue working with state and Government of Southern Sudan authorities on a series of bilateral peace conferences in Jonglei to reach agreements on grievances linked to compensation, grazing routes and abductions, culminating in an all Jonglei State peace conference later in 2009 with the view to ensuring a peaceful dry season between January and June 2010.

33. A review of the conflict mitigation activities of UNMIS in Jonglei State has led to strengthened forward planning in Jonglei and relevant adjoining portions of Upper Nile State, as well as plans for a strengthened surge capacity of military and non-military components of UNMIS for future potential or actual conflict situations.

Military deployment and activities

34. As at 28 June, 9,080 out of the authorized 10,000 UNMIS military personnel were deployed in the Sudan, including 521 military observers, 192 staff officers and 8,367 troops. These figures reflect a rebalancing of the military component as recommended by the military capability study conducted in August 2008. Given the composition of the military component of the Mission (staff officers at headquarters, engineering, medical, aviation, transport and de-mining personnel, military observers and support troops), this translates into a ratio of approximately one armed soldier per 121 square kilometres in the UNMIS area of operation or one armed soldier per 2,000 people.

35. Routine operations have continued through the conduct of joint patrols by military observers and national monitors and the military component has seen an increase in support to the ceasefire mechanism through the demobilization, disarmament and reintegration process.

36. In accordance with Security Council resolution 1870 (2009), UNMIS is reassessing its military deployment with special emphasis on the protection of civilians. Following reports of an imminent attack by Murle fighters on the Dinka village of Anyidi, east of the Jonglei State capital, Bor, a pre-emptive military deployment was launched on 9 April in coordination with local authorities and SPLA. The successful deployment ended on 11 April, following the arrival of SPLA soldiers dispatched to secure the location.

37. In an effort to contain the violence in Jonglei State between Murle and Lou Nuer, military forces from sector III and the force reserve battalion, both from the Indian contingent, have been deployed since 10 May to two temporary operating bases in Akobo and Pibor. Each base now has a platoon-strength military presence. Their task is to patrol the area and provide security for the civilian elements of the teams deployed to undertake conflict mitigation and reconciliation activities. These deployments have contributed to stabilizing the situation and preventing further clashes.

Police

38. As at 28 June, UNMIS had deployed 90 per cent of its mandated police strength (645 police advisers, including 68 women, out of 715) to 22 sites throughout the Mission area.

39. During the reporting period, UNMIS Police trained 2,856 local police officers, including 317 female officers, in various subjects, including basic training,

community policing, gender and child protection, special weapons and tactics, riot control and VIP security.

40. The Government of the Sudan Police renewed its request that UNMIS extend its training activities from Kassala, El Obeid, Sennar and Port Sudan to the remainder of the northern states. The Mission informed the Government of National Unity that conforming to that request would require additional UNMIS Police personnel. Further action will be considered once a response from the Government has been received. The implementation of the community policing model for internally displaced person camps, developed by UNMIS Police, has commenced successfully. The Government of the Sudan Police has requested that the model also be implemented by the African Union-United Nations Hybrid Operation in Darfur (UNAMID) for the Darfur area and UNMIS and UNAMID have taken steps to follow up on that request.

41. In addition to ongoing training for the Southern Sudan Police Service, new projects aimed at improving payroll verification, asset management and budgetary controls are being implemented. Despite improvements in administration, operations, awareness of human rights, gender issues and community policing, significant remaining challenges include illiteracy, limited organizational and management capacity and continued use of SPLA by local authorities to resolve law and order issues.

42. The Government of the Sudan Police has requested UNMIS support for election security training and UNMIS is a member of the recently established Government of the Sudan Police Elections Security Training Committee, chaired by the Director General of Police. The Government of the Sudan Police and the Southern Sudan Police Service have both approved the UNMIS elections security training curriculums.

Border demarcation

43. According to media reports, the Presidency has instructed the Border Commission to submit its final report by the end of September. Any outstanding disagreements are to be included in the report to be tackled by the Presidency. The United Nations hosted the Chair and the Deputy Chair of the Border Commission at the United Nations Logistics Base in Brindisi to discuss the delineation of the border on the base map with cartographic experts from the United Nations. At the request of the parties, the United Nations has agreed to deliver the necessary technical assistance for them to finalize their delineation work.

Disarmament, demobilization and reintegration

44. During the reporting period, the demobilization and reintegration programme continued in Blue Nile State. Three additional disarmament and demobilization operations were launched in Southern Kordofan and Central Equatoria States. As at 25 June, the Sudan disarmament, demobilization and reintegration programme had demobilized 6,104 ex-combatants. All candidates received their reinsertion packages, comprising cash, non-food items and coupons for WFP food rations for three months. Information, counselling and referral services for reintegration opportunities commenced in Ed Damazin and reintegration planning for the caseload in Southern Kordofan and Central Equatoria States is at an advanced stage.

45. Despite the progress achieved, significant challenges lie ahead for the United Nations and national counterparts. The total caseload of the first phase now stands at 64,000 (out of the eventual target of 180,000), which includes 34,000 current members of SPLA to be demobilized shortly by the Government of Southern Sudan due to the fiscal crisis in Southern Sudan. However, currently available funding will cover the reintegration of only approximately 23,000 participants across the Sudan. Discussions with donors to secure additional funding are ongoing. Demobilization operations may have to slow down this autumn if sufficient resources for reintegration cannot be secured in time. Similarly, there is a serious lack of funding for demobilization of child soldiers.

Return and reintegration

46. North-south convoys organized by the United Nations under the joint organized return programme all but ceased owing to lack of Government and donor support. Figures for organized returns of internally displaced persons have nonetheless reached 8,687 thus far for the current year and over 90,000 cumulatively. The fall-off in joint organized return convoys from the north has led to a significant increase in spontaneous returns. From January to June 2009, an estimated 120,000 people returned spontaneously from Northern Sudan to the Three Areas and Southern Sudan. Lack of information on these returns makes planning assistance difficult.

47. The Office of the United Nations High Commissioner for Refugees reported a cumulative total for organized and assisted refugee repatriation of 168,026 individuals by early June 2009, of whom 28,661 returned this year. Combined with spontaneous returns, this brought the grand total for all repatriations since the signing of the Comprehensive Peace Agreement in 2005 to 324,856, comprising more than 60 per cent of the Sudanese refugee population from neighbouring countries.

48. UNMIS estimates that by the end of the second quarter of 2009, well over 2.3 million displaced Sudanese will have returned home. Local tensions and violence have produced some secondary displacement of returnees, including backflows to prior areas of displacement, especially around Khartoum. Urbanized internally displaced persons have been detected returning back to the urban areas because the rural areas they moved to were less well served in terms of access to water, health care, education and livelihood opportunities. The accelerated return and reintegration initiatives by the United Nations and its partners are designed to address some of these deficiencies by ensuring improvements in the level of basic services available in areas of high return.

Recovery and development

49. In Southern Sudan, the humanitarian situation deteriorated sharply as a result of increased attacks by the Lord's Resistance Army (LRA) in Western, Eastern and Central Equatoria States, as well as an upsurge in inter-ethnic violence in Jonglei, Upper Nile, Warrab, Western Bahr el Ghazal and Northern Bahr el Ghazal States. The situation has been compounded by outbreaks of acute watery diarrhoea, cholera, meningitis and malaria in Northern Bahr el Ghazal and Warrab States, and polio in all states. Continued attacks by LRA have displaced 54,000 people within Southern

Sudan since December 2008, and 20,000 refugees displaced by LRA violence in the Democratic Republic of the Congo are currently in Southern Sudan.

50. Consequently, the United Nations and its partners responded to 24 incidents of humanitarian emergency during the reporting period and provided medical assistance, water, sanitation and food, as well as non-food items such as shelter, to the affected population. Over 100,000 people were displaced by conflicts in various parts of Southern Sudan during the reporting period, with further population movements caused by cattle raids among pastoral communities. The humanitarian situation was further aggravated by the fiscal crisis that is affecting Southern Sudan. The decrease in oil revenue will have severe effects: reduced economic activity, decreased spending by government and cuts in operating and salary costs.

51. Following the Joint Government/Three Areas/United Nations assessment mission, the Government has extended some of its basic service programmes and new international non-governmental organizations started operations under established Government/non-governmental organization mechanisms.

52. In Abyei and Southern Kordofan State, humanitarian and recovery programmes continue to be affected by conflict over land and grazing rights and by recurrent inter-tribal violence. The uncertainty surrounding the pending arbitration decision on Abyei and its possible fallout further aggravate the situation. Humanitarian contingency plans previously developed by the United Nations and partners to support communities affected by conflict in the Abyei area are being updated and will feed into the overall UNMIS contingency plan for Abyei. In Southern Kordofan State over half a million people do not have access to health services, affecting mostly children under the age of 5, women and returnees, especially in former SPLM controlled "closed areas". In Blue Nile State, concern has been expressed about the possible isolation of remote villages resulting from floods that accompany the onset of rains.

Human rights

53. On 21 April, the National Assembly passed the National Human Rights Commission Act, a key benchmark in the Comprehensive Peace Agreement and an important element of the national human rights protection system. On 24 April, the Sudan ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol. On 26 May, UNMIS Human Rights and the Government of the Sudan's Advisory Council for Human Rights co-chaired the second meeting of the new Human Rights Forum in Khartoum. The meeting focused on the detentions that followed the JEM attack on Omdurman in May 2008.

54. The number of death sentences awarded in the Sudan are a serious concern. Observers of recent death penalty cases have also raised concerns regarding the right to a fair trial guaranteed by the Comprehensive Peace Agreement, the Sudan's Bill of Rights and international treaty obligations. On 13 April, nine men, convicted in November 2007 for the murder of newspaper editor Mohamed Taha, were hanged in Khartoum, despite grave concerns expressed by observers of the trial about fair trial guarantees and allegations of torture raised by the defendants. Several appeals from the United Nations urging the Government of National Unity to stay the executions and ensure respect for the right to a fair trial were ignored. Similar concerns have been raised by observers of the trials of those suspected of involvement in the JEM attack on Omdurman by specially convened anti-terrorism

courts in Khartoum. By the time of writing of the present report, the number of death sentences issued in these cases stood at 103. More recently, four of the five defendants on trial for the murder of John Granville, a staff member of the United States Agency for International Development, and his Sudanese driver were sentenced to death. Observers of the trial reported that the defendants retracted their confessions, which they claimed were extracted under torture while they were held incommunicado for approximately one month. The prosecutor turned down requests by the defence counsel to investigate the torture allegations and the court used the confessions as evidence for the convictions.

55. In Southern Sudan, certain crimes continue to carry the imposition of the death penalty. Since September 2007, three executions have been carried out and more than 80 death sentences have been handed down. Given the serious limitations in the availability of adequate legal counsel services following detention, observers expressed serious concerns over fair trial rights, in particular in cases carrying the death penalty.

56. The Comprehensive Peace Agreement places an obligation on the authorities in Northern and Southern Sudan to protect the right to life of civilians within their jurisdiction. The ongoing inter-tribal clashes (as mentioned in para. 2 above) in Southern Sudan illustrate the numerous challenges that the authorities face in this regard.

Elections

57. An interdisciplinary United Nations needs assessment mission visited Khartoum, Juba and El Fasher from 28 April to 8 May providing an assessment of progress towards the holding of the elections and donor support. The elections, as envisaged in the Comprehensive Peace Agreement, form part of the larger process of democratic transformation. In this regard, a conducive environment supported by the requisite legal framework is essential for holding credible elections.

58. UNMIS continues to build its electoral assistance capacity, with approximately 84 per cent of the Mission's 2008-2009 electoral assistance staff recruited. Together with UNAMID and UNDP, the Mission continues to engage actively in coordination mechanisms both within the United Nations system and with the wider international community. The Policy Committee, established by the National Elections Commission to discuss critical issues facing the Commission and co-chaired by the Commission Chair and my Special Representative, has met three times. A Technical Committee, co-chaired by the Commission Secretary-General and the UNMIS Chief Electoral Affairs Officer, has also been established to ensure that international assistance addresses those critical issues. Operationally, the most important requirement is for the Commission to finalize a viable operational plan and budget for elections. Once those are finalized and donors are able to study the plan, they will be able to decide on the type of technical, financial and operational assistance they would be able to provide for the process.

59. UNMIS has also engaged with the National Elections Commission Commissioners and members of the various Commission committees, providing advice and recommendations on the development of the subsidiary legal framework and procedures, voter registration options, voter education, media relations and information technology systems. Numerous information resources, including fact sheets covering all areas of the electoral process, have been provided to the

Commission. UNMIS is also funding the printing of another 6,000 copies of the National Elections Act following a thorough review and revision of the English translation in conjunction with the Commission and the Ministry of Justice.

60. On 28 May, the Chair of the National Elections Commission, a representative of the Ministry of International Cooperation, and the UNDP Country Director signed a UNDP project document entitled "Support to elections and democratic processes". The document lays the foundation for international support to the elections and includes an initial budget of \$68.7 million to cover support to the National Elections Commission, the Political Parties Affairs Council, civic and voter education, domestic observation, media training and monitoring, and key stakeholders, such as women and youth. A total of \$7,097,874 has been received to date, \$5,790,328 of which is available. Confirmed pledges total \$22.5 million and donors have expressed interest in contributing another \$4.5 million.

Support for referendums

61. Following a request made by the Presidency, UNMIS is engaged with the Sudanese authorities in order to support preparation for the referendums through documentary resources and sample referendum laws.

Rule of law and corrections

62. During the reporting period, the Criminal Act Amendments Bill, the Criminal Procedure Code Amendments Bill, the Civil Procedures Amendments Bill, the Human Rights Commission Bill, the Press and Printed Materials Bill and the National Land Commission Bill have been adopted by the National Assembly and the National Armed Forces and Police Forces Acts were enacted into law. The Southern Sudan Land Act, Local Government Act and Sudan People's Liberation Army Act were adopted by the Southern Sudan Legislative Assembly. While these enactments provide some codification of basic individual protections, political parties have raised concerns that some provisions fail to effectively advance, and others expressly restrict, rights of citizens and democratic institutions as they set very vague behavioural standards open to interpretation and possible abuse.

63. The UNMIS Rule of Law and Corrections Unit continued its monitoring and advisory activities. The National Legal Aid Bill is being drafted by the Department of Legal Aid at the Ministry of Justice with support from UNDP and UNMIS. In Southern Sudan, UNMIS closely monitored the progress of the legislative agenda, through regular meetings with the Ministry of Legal Affairs and Constitutional Development as well as with members of the National Assembly. UNMIS is also monitoring input from civil society into the draft land policy for Southern Sudan, currently being worked on by the Southern Sudan Land Commission.

64. The UNMIS Rule of Law and Corrections Unit continued its assessments of prison conditions throughout the country. Based on its assessments, donor-funded infrastructure programmes have commenced in the El Roseires Prison in Blue Nile State, the Rumbek Prison in Lakes State and the Omdurman Female Prison. Training for prison officers and management in El Obeid, Port Sudan and Khartoum was also conducted.

Child protection

65. During the inter-tribal clashes between the Murle and Lou Nuer in Jonglei State, more than 200 children were reportedly abducted and unconfirmed numbers were killed and displaced. In collaboration with local authorities, community leaders and non-governmental organization partners, UNMIS and the United Nations Children's Fund are leading efforts to systematically register missing children. Tribal mediations have not been successful in ensuring the return of abducted children to their communities. The abductions also constitute a violation under the newly promulgated Southern Sudan Child Act.

66. Reintegration of children associated with SPLA remains a pressing challenge. The position of SPLA High Command of no longer recruiting children into their forces is not widely implemented by field commanders, who continue to hold boys and girls under 18 in their ranks.

Protection of civilians

67. Given the rising tensions related to seasonal migration in the Abyei region, UNMIS conducted two training workshops with 26 members of the Joint Integrated Unit and 20 members of the Joint Integrated Police Unit on issues of protection of civilians and that of children.

68. In Jonglei State, the conflict between the Lou Nuer and Murle tribes has left hundreds of civilians dead and thousands displaced; the destruction of property, theft of cattle and general insecurity have also undermined livelihoods and coping mechanisms and may endanger the security and reintegration of returnees. Provision of humanitarian assistance was also hampered by denial of access along the river between Nassir and Akobo by the Jikmir community in Nassir County.

69. The lack or weakness of adequate rule of law and human rights institutions, such as access to legal counsel, functioning courts and human rights commissions in many parts of the Three Areas and Southern Sudan is a major challenge in implementing the protection mandate. Violence, including gender-based violence, often remains unaddressed and perpetrators are not apprehended. While programmes for survivors of gender-based violence are very limited in these areas, protection and gender-based violence working groups are promoting direct advocacy and response mechanisms with state authorities.

Public information

70. In a period characterized by escalating media rhetoric from all sides, UNMIS organized workshops in Khartoum and Juba for national journalists to promote accurate reporting on the Comprehensive Peace Agreement and related issues. An outreach seminar on the dissemination of the Comprehensive Peace Agreement, the first in Northern Sudan, was held in Sennar State from 29 to 30 June in the presence of the Governor, Government ministers, senior local government officials, community leaders and opinion makers.

71. In support of the implementation of the Mission's mandate, a film was produced for the launch of the national disarmament, demobilization and reintegration programme in Blue Nile State to disseminate information on the programme to the beneficiaries and media visits were organized to cover the Mission's activities in Jonglei and Upper Nile States, supported by audiovisual

material. The UNMIS Public Information Office resumed regular press briefings, starting with a conference on progress in the disarmament, demobilization and reintegration process.

72. UNMIS Radio, “Miraya”, continues to be one of the most popular and trusted sources of news and information in Southern Sudan, where it is broadcast on FM frequencies. No such frequency has been assigned in Northern Sudan, making the radio programmes available only on short-wave radio for a few hours every day.

Mine action

73. Since the beginning of their activities in the Sudan, UNMIS mine action teams have opened a total of 31,813 kilometres of road, cleared 60,437,560 square metres of land, destroyed 17,935 mines and 835,106 unexploded ordnances, and provided risk education to 2,790,817 people in affected areas and internally displaced persons in camps and way-stations. Capacity-building efforts have focused on mine clearance, risk education and victim assistance through on-the-job training and workshops for national authorities.

74. The Pakistani Military Demining Company handed over 97,000 square metres of cleared land to the community of Kurmuk in Blue Nile State. Other major accomplishments include the clearance of a minefield at the Lafon airfield in Central Equatoria State, which will enable the establishment of an operations base for a wildlife national park, as well as the clearance of areas of rice fields in Northern Bahr el Ghazal State and of high-priority routes throughout the Three Areas and Southern Sudan.

Conduct and discipline

75. The strategic focus on prevention as the main pillar of activities undertaken by the UNMIS Conduct and Discipline Unit has yielded higher levels of compliance by all categories of personnel with the United Nations code of conduct and zero tolerance policy on sexual exploitation and abuse. No incidents of serious misconduct were reported. Minor cases were referred to management for resolution or resolved informally through mediation of the Unit to the satisfaction of the concerned parties.

76. The partnership emerging with national counterparts on issues relating to sexual exploitation and abuse was further strengthened through outreach activities jointly organized by a task force led by the Conduct and Discipline Unit with representatives from the Government, local non-governmental organizations and the United Nations country team. “Open house” and panel discussions on trafficking, prostitution and gender-based violence in Southern Sudan were aimed at raising awareness among local leaders, women, youth and civil society organizations, business owners and students and faculty at the universities in Juba, Omdurman, Malakal and Ed Damazin.

Gender

77. The UNMIS Gender Unit, in coordination with United Nations agencies, continued to focus its efforts on ensuring that both the disarmament, demobilization and reintegration process in Southern Kordofan State and the electoral process were gender-responsive and women’s full and active participation was ensured. UNMIS

has engaged with the United Nations Development Fund for Women to work out modalities of sharing resources to support the participation of women in the electoral process. The participation of women as voters and candidates, as well as possible collaboration on capacity-building efforts, was also discussed with the National Elections Commission. Meetings with relevant Government ministries were held to provide technical support on policy and operational matters.

HIV/AIDS

78. UNMIS key activities during the reporting period included the graduation of an additional 149 change agents for HIV/AIDS in four sectors; integration of HIV/AIDS in the disarmament, demobilization and reintegration programme; and HIV/AIDS sensitization of over 2,800 peacekeepers.

79. Through collaboration with the 11 HIV/AIDS regional committees, awareness was raised among 1,300 members of the local police, schools, women and local communities. A total of 245 ex-combatants received HIV/AIDS awareness training, including on the significance of HIV testing. Gender-based violence remained a focus of HIV/AIDS campaigns.

Staff security

80. The twice yearly country security risk assessment was approved by the Designated Official on 17 May and is being implemented to mitigate the identified high risks for the staff related to terror attacks (including improvised explosive devices) fire and road traffic accidents. The Resident Coordinator and Humanitarian Coordinator and the Department of Safety and Security, through a crisis working group, are coordinating influenza pandemic preparedness measures, with oversight from the senior management team and the United Nations country team.

81. The Department of Safety and Security has only a very limited presence of international security officers below sector headquarters level in Southern Sudan and the Three Areas. In this regard, UNMIS remains in need of resources enabling it to expand the presence of international security officers in Southern Sudan. Adequate staff security will become a serious concern throughout Southern Sudan as civilian deployment conforms to the State governance structure in areas without full-time Department of Safety and Security presence.

Financial aspects

82. The General Assembly, by its resolution 63/273 B, appropriated for the maintenance of UNMIS for the period from 1 July 2009 to 30 June 2010 an amount of \$958.3 million. Should the Security Council decide to extend the mandate of UNMIS beyond 30 April 2010, the cost of maintaining the Mission until 30 June 2010 would be limited to the amounts approved by the General Assembly.

83. As at 30 April 2009, unpaid assessed contributions to the Special Account for UNMIS amounted to \$65.4 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to \$1,246.6 million.

84. Reimbursement to troop-contributing Governments for troop and contingent-owned equipment costs has been made for the periods up to 31 December 2008 and 30 September 2008 respectively.

VII. Observations

85. The future of the Comprehensive Peace Agreement lies in the hands of its signatories and the institutions established in the Agreement. The quality of implementation will largely depend on the quality of the relationship between the two partners, who are responsible for its success or failure. Their action or inaction in the coming months will determine whether the outstanding benchmarks of the Comprehensive Peace Agreement can be implemented and the spirit of Naivasha — to make unity attractive — can be upheld.

86. Achieving progress in the little time left will require a strong partnership between the parties and their renewed commitment to overcoming deadlocks and finding lasting and peaceful solutions to contentious issues. It will furthermore require renewed commitment by the international community to support the implementation of the Comprehensive Peace Agreement. The Forum for Supporters of the Agreement hosted by the United States of America in Washington, D.C., on 23 June is a welcome initiative that could help refocus international attention on urgent outstanding provisions of the Agreement and international support required for its full implementation. The centrality of the Agreement to achieve peace and stability in the Sudan was acknowledged by all participants. I once again underline that the United Nations will continue to support the parties and stands ready to help in accordance with its mandate. But the parties themselves must also take steps to engage in meaningful dialogue and reach agreement on outstanding issues.

87. As the Permanent Court of Arbitration on Abyei prepares to render its decision, the situation in the Abyei area requires our immediate attention. UNMIS is currently undertaking contingency planning measures. However, it is the primary responsibility of the parties to ensure that peace and stability are maintained. The past has shown that disputes over the status of Abyei and conflicts between local communities have the potential to create instability that could spiral into a major escalation and threaten the Comprehensive Peace Agreement itself. I therefore welcome the public commitments made by the parties to accept and peacefully implement the decision of the Court. This commitment would now have to be translated into requisite orders to the security apparatus on the ground and to the local leadership and communities who may feel disenfranchised by the arbitration decision. Crucially, the Abyei area needs a fully funded and functional civilian administration irrespective of the result of the arbitration and I urge the parties to take all steps needed to achieve this. I assure the parties that the United Nations stands ready to assist them and the local communities in these efforts. I also urge the international community to engage with the parties in conflict mitigation measures during the critical time of the arbitration's decision and thereafter.

88. I am concerned that preparations for the elections remain seriously behind schedule and I urge the parties to take the necessary steps to resolve outstanding issues so the process can move forward, including resolving differences with regard to the usage of the census results. The conduct of peaceful, transparent and credible elections is fundamental for the process of democratic transformation throughout the Sudan and it is only possible if all Sudanese stakeholders, including those in Darfur, work together to enhance a conducive political environment.

89. Escalating inter-tribal violence in Southern Sudan is a significant threat to the stability of the Sudan as a whole. Key milestones in the Comprehensive Peace

Agreement, such as elections and the referendums, could easily be affected by growing insecurity. Civilian disarmament, currently under debate in the Government of Southern Sudan, is a sensitive and complex issue and must be planned and implemented equitably across Southern Sudan. UNMIS is working with the Government of Southern Sudan to stress a comprehensive approach to community security that will build the confidence of Southerners in their Government. However, the limited capacity of the institutions of the Government of Southern Sudan to manage local conflicts and facilitate constructive peace and reconciliation processes remains a serious concern. Despite repeated incidents resulting in significant loss of life and continued insecurity, no visible steps have been taken to strengthen the capacity of local authorities and the security apparatus to deter inter-communal conflicts. In this regard, I call upon the Government of Southern Sudan to take all possible measures to avoid further loss of life while disarmament operations are conducted in Southern Sudan.

90. The fact that there has been no change in composition and location of the Malakal Joint Integrated Unit, as agreed at the senior political level following the clashes, is reason for concern and continues to be a risk factor in the area. Components of the Unit that were involved in the clashes on 24 February need to be rotated out of the area and the Unit itself needs to be relocated out of Malakal town. I urge the Joint Defence Board and other authorities concerned to implement agreed measures to ensure that the Joint Integrated Units do not remain a source of instability. As part of this exercise, the parties should review the quality, composition and performance of the Units.

91. Delays in the preparations for the referendums in 2011 are worrisome, with the Sudan Referendum Act now two years behind schedule. There is an urgent need for a functioning institutional and legal framework for the referendums to ensure sufficient time for a peaceful implementation of their results. Moreover, the debate on unity and secession continues to remain a zero-sum game. I urge the parties to change this dynamic and initiate dialogue in order to reach agreements for the post-2011 period, irrespective of the results of the referendums.

92. Demarcation of the 1-1-56 north-south border is another key provision of the Comprehensive Peace Agreement in need of immediate attention. Uncertainty on the issue has an impact on preparations for the referendums as the border will geographically define Southern Sudan and the southern bounds of the Abyei Area. I encourage the parties to finalize the delineation process and commence with the demarcation thereafter, particularly in those border areas that are uncontested. Building on our prior assistance provided in the technical delineation process, the United Nations stands ready to support the parties with technical and logistical assistance in this regard.

93. I am encouraged by the recent positive developments in the joint efforts of the Government and the United Nations and its partners to narrow the most critical humanitarian gaps in the aftermath of the 4 March expulsions of international non-governmental organizations. These efforts have resulted in a constructive working environment between the Government and the humanitarian community. However, current levels of assistance in some areas remain below the necessary standards and the humanitarian community remains watchful of the onset of the rainy season. I further urge the Government of National Unity to do its utmost to provide a safe and secure environment for these operations to continue and to

sustain this collaborative environment. I recall that humanitarian assistance is only a temporary measure and sustaining it has its limits. The parties must reach durable political solutions so a transition towards recovery and development can occur and a meaningful peace dividend delivered to the people.

94. I am encouraged by the momentum being built in the demobilization of ex-combatants and I hope that it may serve to inspire progress in other areas of implementation of the Comprehensive Peace Agreement. However, I am concerned that not enough resources are being made available for the longer term reintegration of these ex-combatants. I call upon the international community to provide timely and sustained funding for this vital component of the disarmament, demobilization and reintegration operation.

95. Finally, I wish to express my gratitude to my Special Representative, Ashraf Jehangir Qazi, all United Nations staff working in the Sudan and Member States, especially troop- and police-contributing countries and donors, for their determined efforts to support UNMIS and the implementation of the Comprehensive Peace Agreement.

Annex

Draft benchmarks for the completion of the mandate of the United Nations Mission in the Sudan as of July 2009

The United Nations Mission in the Sudan (UNMIS) is mandated by the Security Council to assist and support, through its good offices, the parties to the Comprehensive Peace Agreement in the peaceful implementation of the Agreement. Implementation of its mandate is thus linked to the commitment of the parties to the Comprehensive Peace Agreement process and their progress achieved in implementing its provisions. Key benchmarks towards achieving a peaceful referendum as well as post-referendum stability are identified below.

Referendums

- Enactment of the referendum acts by the National Assembly
- Establishment of Southern Sudan and Abyei referendum commissions
- Voter registration in accordance with the referendum act for Southern Sudan
- Required post-referendum arrangements in place
- Technical/polling preparations/security in place
- Referendums in Southern Sudan and Abyei conducted in accordance with provisions of the Comprehensive Peace Agreement

Border demarcation

- Completion of base map
- Report by the Border Commission submitted to Presidency (September 2009)
- Physical demarcation on the ground completed (December 2009)

Abyei

- Permanent Court of Arbitration decision made (July 2009)
- Peaceful implementation of Court decision
- Conflict mitigation measures in place
- Adequate budget for the Abyei Administration provided
- Functional Abyei Administration delivering services to people
- Secure environment (ongoing)

Elections

- National Elections Commission operational nationwide (ongoing)
- Constituency delimitation and voter registration according to schedule
- Completion of an electoral plan and budget by the parties to enable donors to contribute assistance to the exercise

- Completion of legislative framework to ensure enabling environment for elections
- Technical/polling preparations/security in place
- Conduct of peaceful, transparent and credible elections

Southern Kordofan and Blue Nile States

- Completion of integration of former closed areas
- Conduct of popular consultations in accordance with provisions of the Comprehensive Peace Agreement
- Conflict mitigation measures in place

Security

- Parties to reach understanding on redeployment figures
- Presidency and Joint Defence Board approve and implement measures to address shortcomings of Joint Integrated Units in order to deploy and operationalize them as stipulated in the Comprehensive Peace Agreement
 - Assessment of quality of Joint Integrated Units conducted
 - Donor support generated
- Progress in police reform and capacity-building
- Protection of civilians
 - Functional governmental institutions and policies to ensure the protection of civilians in place
 - Implementation of UNMIS protection of civilians strategy and conflict mitigation strategy

Disarmament, demobilization and reintegration and downsizing

- Disarmament, demobilization and reintegration of first (“non-essentials”) and second caseload (“proportional downsizing”) completed
 - Strengthened dialogue between donors, the Government of National Unity/Government of Southern Sudan and the United Nations to address donor concerns
 - Sufficient donor and Government support for reintegration
- Adoption by the parties of a policy on proportional downsizing of armed forces

Humanitarian, recovery and development

- Access to all populations in need of relief, recovery and development assistance
- Development and implementation of state-level action plans for the return and reintegration of displaced persons and refugees

- Development and implementation of an integrated mission/United Nations country team strategy for stabilization in high-risk states

Governance, rule of law and human rights

- Establishment and functioning of all outstanding Commissions mandated by the Comprehensive Peace Agreement, particularly the Referendum Commission
 - Adoption by the National Assembly of all outstanding legislation required under the Comprehensive Peace Agreement and in line with the Interim National Constitution
 - Adoption by the Southern Sudan Legislative Assembly of all outstanding legislation required under the Comprehensive Peace Agreement and in line with the Southern Sudan Constitution
 - National civil service posts filled and integrated civil service operational in the Three Areas both in accordance with the Comprehensive Peace Agreement.
-