



SECURITY COUNCIL REPORT

UPDATE REPORT



5 September 2007 No. 1

SUDAN: NORTH-SOUTH

Expected Council Action

The Secretary-General's quarterly report on the "north-south" situation in Sudan is before the Council for consideration. Consultations are currently scheduled for Friday, 7 September.

A discussion of the recent delays in the implementation of the Comprehensive Peace Agreement (CPA) is expected. Formal Council action in response to the situation may depend on reactions by Council members to the Secretary-General's visit to the region this week.

Key Recent Developments

The Secretary-General visited Khartoum and southern Sudan on 3-4 September. The visit came amidst increasing concern about major difficulties and risks currently facing the CPA's implementation. He then underlined that "it is crucially important that we implement this Comprehensive Peace Agreement. For that to be possible it is again important that leaders of both north and south Sudan—President Bashir and President Kiir, are fully committed and closely coordinate for [its] successful implementation."

The Secretary-General also announced that Ashraf Qazi of Pakistan would serve as the new Special Representative and Head of the UN Mission in Sudan (UNMIS). (The post had been vacant since December 2006.)

The 20 August Secretary-General's report painted a picture of possible unravelling of the CPA. The 9 July deadline for redeployment of all northern forces away from southern Sudan was missed, "despite some hard work by all concerned and frequent assurances by the Government of its commitment".

The Secretary-General called on northern forces "immediately to remove all remaining regular military elements from southern Sudan", with the exception of those earmarked for joint integrated units. (Such units would combine southern and northern forces and would be responsible for security in critical areas such as oil fields and border zones between north and south.)

CPA implementation seems to be encountering obstacles in a number of critical areas:

- the practical functioning of the joint integrated units is behind schedule, with troops still operating under old chains of command;
- as a result, the withdrawal of southern forces from critical areas such as Southern Kordofan and Blue Nile, and of northern forces from southern oil fields has been delayed. UNMIS has faced continuing restrictions of movement in Abyei that have prevented the monitoring of the parties;
- in early July, the deadline for the national census was missed;
- progress with demarcating the north-south border has been slow. (The census and border demarcation issues are key steps in preparation for the 2009 elections and the 2011 referenda on southern independence and the status of Abyei, a deeply contested area. Both have been marred by difficulties due to Khartoum's failure to channel mandated funding);

- lack of border demarcation has also created difficulties with the sharing of oil revenues; and
- the final demarcation of Abyei, which was stalled after the north rejected the findings of the CPA-mandated Abyei Boundaries Commission.

Options

- One option, in the absence of further developments flowing from the Secretary-General's visit to Khartoum and south Sudan, is for the Council is to leave formal Council action on south Sudan for October, when UNMIS is renewed.
- An alternative is to adopt a presidential statement in September indicating concern with the recent CPA problems, and calling on the parties to abide by their commitments (particularly with respect to the borders, elections, oil-revenue sharing and redeployments).
- Another option, particularly if the situation seems to be worsening, may be to signal the possibility of reviewing the Council's overall approach to the whole of Sudan, including a wider strategy with demands for progress in key areas in both Darfur and south Sudan.

Key Issues

So far, the key issue for the Council concerning Sudan has been how best to make progress with the peacekeeping and political tracks in Darfur, while managing separately the CPA issues in the south.

However, the surfacing of numerous problems with the CPA's implementation has once again brought up the issue of how best to manage parallel—and sometimes competing—demands in adjacent regions of the same country.

Members are aware of the possibility that many of the problems with the CPA are linked to Khartoum's hesitant implementation of its commitments. The agreement, it seems, could lead to decisive changes to Sudan's power structures, distributions of oil-revenue and outcomes of the 2009 elections.

Managing Khartoum's commitments in Darfur simultaneously, with many of the same issues likely to arise, will be an underlying issue in the minds of many Council members.

This sense has been compounded by the proximity of Darfur peace talks, which that will certainly require increased Council attention to the south. At the very least, a new Darfur peace agreement will likely mean power-sharing structures that will have a bearing on the CPA's provisions.

Council Dynamics

An unprecedented degree of Council involvement marked the signing of the CPA, culminating in the Council meeting in Nairobi in late 2004. This was seemingly a direct result of the Council's earlier strategy of securing an agreement to solve the north-south conflict as a matter of priority, and deferring the situation in Darfur to a later stage.

Once the CPA was signed and the Darfur situation began to deteriorate much of the Council's energy was then reversed. Darfur became the priority focus. Most diplomatic resources were focused on Darfur, leaving relatively less for the south.

There is awareness within the Council of the dangers surrounding the CPA's implementation and the linkages with the peace talks in Darfur. It is nonetheless unclear whether the Council will be inclined to adopt a proactive stance on the south (and a more comprehensive approach to Sudan's problems) or, at this stage, wait and watch developments.

Background to the CPA

In 1983, fighting broke out between the Sudanese and the Sudan People's Liberation Movement/Army (SPLM/A) of John Garang. Mediation efforts by the Intergovernmental Authority on Development (IGAD) culminated in the Machakos Protocol in 2002, followed by five others between 2003 and 2004. The Council expressed support with an extraordinary meeting in Nairobi in November 2004.

The CPA, signed on 9 January 2005, marked the end of a war that observers estimate killed two million and UN sources indicate led to four million internally displaced and 600,000 refugees. It set in motion two parallel—and possibly contradictory—processes:

- the first, designed to transform Sudan's national political structure, established a six-year interim period during which a census and general elections (expected for 2009) would be carried out, culminating in a referendum on southern independence in 2011; and
- a second, in which the south would develop autonomous governing structures.

The CPA culminated in a power-sharing formula in which the National Congress Party (NCP) of President Omar Hassan al-Bashir retained political control over the north and the national government, while the SPLM retained the south plus a sizeable participation in national structures of government.

Key CPA provisions include the following.

- **Power-Sharing:** Government structures include the Government of National Unity (GNU), the Government of South Sudan (GOSS), and state governments. Each level is to adopt its own constitution based on the CPA's provisions. The NCP was allotted 52 percent of seats and the SPLM 28 percent at the federal level, with the remainder to be divided among other political parties primarily from the north and south. In south Sudan, the NCP was allotted 15 percent and the SPLM 70 percent of the seats. At the northern state level (including the Darfur states), the NCP will retain 80 percent of the seats and the SPLM 10 percent, and vice-versa for the southern states.
- **Wealth-Sharing:** A National Land Commission will be established as an arbiter on claims over land and compensation. Oil revenues are to be divided among the producing states, the GNU and the GOSS. (The south has the majority of oil fields.) Fifty percent of non-oil national revenues collected in the south shall be transferred to the GOSS, and multi-donor trust funds will be established.
- **Security Arrangements:** An internationally monitored ceasefire was agreed, with the following redeployment of northern forces from the south and SPLA forces from northern conflict zones. Each side will maintain separate armed forces. Joint Integrated Units (JIUs) will be formed and other armed groups are to align with one of the sides or demobilise.
- **The future of the conflict areas of Abyei** (including a separate referendum in 2011 and the establishment of a north-south border commission), **Southern Kordofan and Blue Nile.**

In the interim period, the north-south border would be demarcated as a reference for troop withdrawals, elections, the referenda and oil-revenue sharing.

In March 2005, the Council created UNMIS to support the implementation of the CPA, assist with returns, disarmament, demobilisation and reintegration (DDR), and to protect civilians under imminent danger.

The GNU's inauguration and the enactment of the constitution in July 2005 marked the beginning of the interim period. With Garang's death, Salva Kiir was sworn in as first vice-president in August. In September, the GNU announced the new Council of Ministers, with fifteen portfolios allotted to the NCP (including the key energy, interior and defence ministries) and eight to the SPLM.

Additional appointments were made to accommodate the Darfur Peace Agreement in October 2006 and the Eastern Sudan Peace Agreement in May 2007. Both agreements also led to the swearing-in at the national assembly of 12 new parliamentarians from Darfur and eight from the East, largely drawn from existing NCP seats.

Status of CPA Implementation

CPA implementation is lagging behind and has faced considerable difficulties.

Legislation on joint integrated units has been adopted. However, significant controversies surrounded the civil service legislation, which was only adopted in November 2006 after the NCP resorted to its majority in the assembly. The SPLM and other parties criticised the drafting for having failed to abide by CPA provisions. Most key commissions, such as on petroleum and fiscal matters, were established by presidential decree rather than legislation adopted by the national assembly, and have faced critical budget shortfalls.

There are also significant delays in setting up various commissions and developing legislation, especially regarding elections, land, national security, armed forces and human rights. Those are key in overseeing the implementation of the CPA and ensuring compatibility between government action and the agreement.

On power-sharing, there is particular concern with the delays and controversies surrounding the implementation of CPA provisions related to elections and the referenda:

- the national census has been postponed and the north-south border has not been demarcated. The Technical Ad-Hoc Border Committee is expected to report to the presidency on its work by October, and demarcation may not start until next year;
- the drafting of the Political Parties Act faced criticism and concern from the northern political opposition about provisions on judicial dissolution of parties and registration, which was introduced by the NCP as a last-minute amendment. It was seemingly adopted in a session in January 2007 boycotted by the opposition;
- the draft electoral bill has not yet been submitted to the national assembly. Delays in its adoption may lead to postponement of the CPA-mandated elections in 2009; and
- despite a final and binding ruling by the Abyei Boundaries Commission in July 2005, the NCP has refused to demarcate the border.

On wealth-sharing, there is continuing disagreement between the GOSS and the GNU over:

- oil revenues, the boundaries of oil-producing areas, and oil contracts (the GNU seemingly argues that oil revenues were lower than expected, with impact over transfers to the GOSS and producing states. Lack of demarcation of the north-south border has further contributed to tensions); and
- how best to establish mechanisms to begin sharing non-oil revenues.

The 2007 GNU budget has also faced criticism for:

- disproportional apportionments for military expenditures, which would seemingly be 37 times higher than those on health and education combined;
- imbalance in the proportion of allocations to the national government and states;
- lack of adequate allocations for reconstruction and rehabilitation as envisaged in the Darfur and Eastern Sudan peace agreements.

On security arrangements, implementation is behind schedule, and has been marked by considerable tensions:

- although about 77 percent of JIUs have reportedly been formed, it seems that little progress has been made with practical integration. Troops as a result have largely operated under pre-existing chains of command;
- lack of progress with the JIUs and north-south demarcation has delayed SPLA and northern redeployment;
- the SPLA has disputed northern forces' claims to have demobilised some of its troops and aligned armed groups in the south. Some observers also reportedly argue that the number of northern forces in the south is much higher than officially acknowledged; and
- DDR programmes have not yet commenced.

Underlying Problems

The south Sudan government seems to be facing a looming fiscal crisis which observers say could lead to popular dissatisfaction with the peace process due to the lack of benefits and persistent instability. Observers note that the fiscal situation may also have an impact in the south's ability to form a functioning civil administration. (There have already been protests by civil servants reportedly due to salary arrears.)

The southern government's dependence on oil revenues transferred from the north is very high, reportedly about 95 percent of the total GOSS budget. The decrease in transfers from Khartoum has been blamed on low oil revenues. The GOSS complains of lack of transparency in revenue collection. There have also been major differences of opinion between the parties on the signing of new oil contracts, as well as how best to manage existing ones.

The problem has been further compounded by:

- the reported slowness of disbursements by international donors, including through the CPA-mandated multi-donor trust funds;
- increases in military spending due to the incorporation into the SPLA of 31,000 troops associated with other armed groups; and
- problems with corruption and lack of capacity.

UN Documents

Selected Security Council Resolutions
<ul style="list-style-type: none"> • S/RES/1755 (30 April 2007) extended UNMIS until 31 October 2007. • S/RES/1706 (31 August 2006) set a mandate for UNMIS in Darfur. • S/RES/1590 (24 March 2005) established UNMIS. • S/RES/1574 (19 November 2004) was adopted in Nairobi and expressed support for the Sudanese peace processes.
Selected Secretary-General's Reports
<ul style="list-style-type: none"> • S/2007/500 (20 August 2007) was the latest quarterly report on Sudan.
Other
<ul style="list-style-type: none"> • S/2005/78 (8 February 2005) contained the CPA.

Other Relevant Facts

UNMIS: Special Representative of the Secretary-General
Ashraf Qazi (Pakistan)
UNMIS: Size, Composition and Cost
<ul style="list-style-type: none"> • Maximum authorised strength: up to 10,000 military and 715 police • Strength as of 31 July 2007: 8,807 troops, 605 observers and 646 police • Key troop contributors: India, Pakistan, Bangladesh, Kenya, Egypt and China • Civilian staff: 904 international civilians; 2,523 local civilians; 270 UN volunteers • Cost: Approved budget July 2007 to June 2008: \$887,332,000 (gross)
UNMIS: Duration
24 March 2005 to present; mandate expires 31 October 2007

Useful Additional Sources

- UNMIS, *The CPA Monitor*, available at www.unmis.org/english/cpaMonitor.htm
- *A Strategy for Comprehensive Peace in Sudan*, International Crisis Group, Africa Report No. 130, 26 July 2007