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Sixty-eighth year

Provisional

7062nd meeting

Monday, 18 November 2013, 10.10 a.m.

New York

<i>President:</i>	Mr. Liu Jieyi	(China)
<i>Members:</i>	Argentina	Mr. Oyarzábal
	Australia	Ms. King
	Azerbaijan	Mr. Mehdiyev
	France	Mr. Araud
	Guatemala	Mr. Rosenthal
	Luxembourg	Mr. Maes
	Morocco	Mr. Laassel
	Pakistan	Mr. Sahebzada Ahmed Khan
	Republic of Korea	Mr. Oh Joon
	Russian Federation.	Mr. Pankin
	Rwanda	Mr. Nduhungirehe
	Togo.	Mr. M'Beou
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America.	Ms. Power

Agenda

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

Report of the Secretary-General on South Sudan (S/2013/651)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

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

Report of the Secretary-General on South Sudan (S/2013/651)

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

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Hilde Johnson, Special Representative of the Secretary-General and Head of the United Nations Mission in the Republic of South Sudan, to participate in this meeting.

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

I wish to draw the attention of Council members to document S/2013/651, which contains the report of the Secretary-General on South Sudan.

I now give the floor to Ms. Johnson.

Ms. Johnson: I thank you, Mr. President, for this opportunity to brief the Security Council on the Secretary-General's report on South Sudan (S/2013/651). The world's youngest nation is still travelling a bumpy road but there are also positive indications that the country can turn the corner. I will talk about three important trends that have emerged since my last briefing to the Council in July (see S/PV.6998).

First, as noted in the Secretary-General's report, despite enormous challenges and a State struggling to establish and to extend its authority, progress has been made in some key areas. There are new opportunities to strengthen State-building and accountability. The new Cabinet is in the process of entering into a New Deal compact with international partners and is showing genuine commitment to improving relations with the Sudan.

Secondly, however, the situation in parts of Jonglei State continues to be worrying despite intermittent calm during the major part of the rainy season.

Thirdly, the behaviour of security forces continues to be a cause for grave concern whether with regard to human rights abuses and the incidents of violence and harassment affecting United Nations personnel, diplomats and ordinary citizens. Let me start with the two latter concerns and revert to the opportunities last.

Despite the relative stability in Jonglei in recent weeks, the vicious cycle of retaliatory violence continues and poses significant risks to the Government's efforts to stabilize Jonglei. The latest deadly attacks occurred on 20 October in Twic East County and resulted in a significant loss of life. Those attacks, as well as tensions between the Lou Nuer and Anyuak in Akobo and Uror counties and possible retaliations, may lead to further instability in the State.

The attacks have made it even more urgent to make concrete progress in the ongoing peace efforts between the Government and the David Yau Yau armed group, which should be complemented by intercommunal reconciliation, to address the underlying causes of conflict. The United Nations Mission in South Sudan (UNMISS) is supporting those efforts. Additionally, beyond Jonglei, for the first time in more than two years, there have been reports of suspected attacks and abductions by the Lord's Resistance Army in South Sudan, in Western Equatoria state.

With the dry season fast approaching, the mobility of both armed groups and the Sudan People's Liberation Army (SPLA) will increase, creating risks of increased attacks but also opportunities for response. With that in mind, UNMISS has developed a series of contingency plans to address the emerging security threats and protection of civilians needs, especially in the high-risk state of Jonglei, the tri-state areas of Lakes, Unity and Warrap and Upper Nile state. The contingency plans provide for graduated responses to foster a safe and secure environment across the affected areas.

Concurrently, UNMISS is utilizing all available assets and measures in areas with a history of violent incidents to prevent recurrences. Nevertheless, the critical mobility gaps that continue to face the Mission make timely responses to early warning a significant challenge, even during the dry season.

Pursuant to Security Council resolution 2109 (2013), UNMISS has deployed more forces in high-risk areas. As noted in the Secretary-General's report, the Mission and the Department of Peacekeeping Operations are also currently planning to implement the geographical

reconfiguration of the Mission's military to focus more of its forces in those areas, while at the same time maintaining the strategic flexibility to respond to emerging threats elsewhere. The reconfiguration will be subject to full consultation with the troop-contributing countries and will be implemented in sequenced phases, subject to periodic review, based on threat assessments and political milestones.

Meanwhile, regarding the significant mobility challenges facing the Mission, it is imperative that force multipliers be identified with requisite capabilities to augment the Mission's early warning and rapid response capability to enable timely access to hotspots. A reconfiguration that increases the presence in high-risk areas makes such needs even more critical and urgent.

Allow me to now turn to the performance of South Sudan's security forces. South Sudan continues to face serious challenges in the area of the promotion and protection of human rights. Key issues include prolonged and arbitrary detentions, the excessive use of force and arbitrary killings by ill-disciplined security forces and agencies, and individual incidents of interference with the rights to freedom of expression, association and assembly.

UNMISS continues to monitor and investigate reports of alleged violations and abuses, and will increase its public reporting. In addition to the two public human rights reports already issued on Jonglei since 2011, the Mission is currently finalizing a comprehensive report on nine alleged major human rights-related incidents that occurred in Jonglei between December 2012 and July 2013. In addition, a report on arbitrary and prolonged detentions, which we will issue early next year, is under preparation.

As noted in the Secretary-General's report, in an encouraging sign, the highest levels of the Government are speaking out publicly about the need to address human rights abuses by members of the armed forces. Partly as a result of the active engagement of UNMISS and strong political advocacy, the SPLA has ordered several boards of inquiry into allegations of murder in Pibor, Bor, Boma and Manyabol in Jonglei. The responsible commander for the Pibor operations has been arrested and charged. Out of a total of 115 court martial cases for contraventions of the SPLA Act, 92 were convicted. Thirty-nine SPLA officers have been charged with murder or rape. For the first time, the convictions are announced publicly.

To support the Government's efforts, UNMISS continues to conduct capacity-building activities in the area of human rights and protection of civilians. That includes conducting human rights training for security forces and other national stakeholders and exploring new ways to galvanize the security forces to take on their responsibilities to protect civilians. The Mission is also providing technical assistance to strengthen the legal framework for the promotion and protection of human rights.

In his recent reports to the Council, the Secretary-General has repeatedly raised his concerns about continued violations of the status-of-forces agreement in South Sudan, particularly with regard to incidents involving staff members. The most serious incidents have been reported to the Council.

The recent security incidents involving United Nations personnel, especially in Juba, are of deep concern. The diplomatic community and ordinary South Sudanese citizens themselves are also affected. The Council has already received a more detailed briefing from the Secretariat on that issue on 6 November. In the past six months, a total of 67 violations of the status-of-forces agreement have been recorded, including threats, assaults, arrests and the detention of United Nations personnel, mostly in and around Juba. That is unacceptable.

During a briefing to the new Cabinet a fortnight ago, I expressed grave concern over that worrying trend. I urged the Government to take immediate and concrete action to bring to an end those incidents and to hold perpetrators to account. Separately, I also raised such issues directly with President Kiir, who expressed dismay at the reports of abuse and harassment of United Nations and diplomatic personnel.

Thanks to our collective pressure and the engagement of the Security Council, violations of the status-of-forces agreement and the security of United Nations and diplomatic staff were addressed by the Council of Ministers. The President instructed the Ministers of Defence, National Security and the Interior to issue clear orders to the security forces to respect the violations of the status-of-forces agreement and the diplomatic immunity of the United Nations and the international community. Written orders to the SPLA and the police were issued last week. The Minister of Defence has reiterated the regulation to all SPLA members that off-duty personnel are not allowed

to wear uniforms or carry weapons, which must be kept in safe storage. The Minister also promised that ill-disciplined members of the security forces would be held accountable for violating those directives. UNMISS will closely monitor the implementation of those commitments.

Key to a durable solution to such problems, however, is security sector reform and the transformation of the armed forces. I am pleased to report that the South Sudan National Police Service (SSNPS) continues to make progress on its transformation. With UNMISS support, the SSNPS has undertaken a comprehensive institutional needs assessment to identify institutional gaps and to determine the way forward for police transformation. The recommendations for major reform measures have been endorsed by the Council of Ministers and all governors, and have galvanized donor support.

The Government, supported by UNMISS, has also completed the registration and screening of the South Sudan National Police Service, which verified the existence of 35,633 police officers after weeding out more than 16,000 “ghost officers”, with an additional 11,000 whose status needs clarification. That has resulted in savings of approximately 160 million South Sudanese pounds, to be re-allocated to the police for infrastructure and training. The Mission is supporting the transformation process at all levels.

Following the example of the police, the National Prison Service is also undertaking a similar registration and screening of its personnel. Elsewhere, UNMISS training of senior SPLA officers on command responsibility and military justice processes has intensified.

With UNMISS support, the authorities also continue to address cases of prolonged and arbitrary detention. Following extensive consultations with authorities and civil society at the national and state levels, the draft national security policy is now under review by the presidency, and it is expected to be adopted by the National Legislative Assembly before the end of the year.

Let me now finally move to the political situation in the country. Despite initial concerns over the risk of instability following President Kiir’s decision to dismiss his Cabinet and restructure the Government on 23 July, a smooth transition took place within both the executive and the legislative branches of Government

following these changes. Members of the new Cabinet, with more technocratic ministers in key positions, have shown commitment to reform and are determined to improve performance and service delivery.

Last month, an executive order was issued pardoning key opposition leaders, including Lam Akol, chairman of the largest opposition party, the Sudan People’s Liberation Movement for Democratic Change. Akol has since returned to Juba from his self-imposed exile and was accorded a State welcome. He is giving public statements on political issues, including the need for constitutional review and timely elections. These trends are promising signs in the light of approaching key transitional political milestones for South Sudan’s progress. These include the constitutional review process and national elections.

A key determinant for developments on this front will nevertheless be the management of divisions within the ruling party, the Sudan People’s Liberation Movement (SPLM). The way the preparatory process for the national convention of the SPLM is being handled will give an indication of this. Consultations within the SPLM on the convening of the party organs preparing for the Convention are still ongoing. The internal party dynamics will need to be monitored very carefully.

Pursuant to Security Council resolution 2109 (2013), the United Nations undertook an electoral needs assessment in September. Public debate and the announcement on 15 November by the President indicate that South Sudan is committed to holding the national elections in 2015, as constitutionally mandated. The needs assessment mission has formulated recommendations on the scope and nature of United Nations support to facilitate electoral preparations. Donor programmes are also being launched to provide support for elections.

Time is running short, however, with regard to election funding and the necessary preparations. The Government also has to decide whether elections can take place without a census, as the census preparations have already fallen behind schedule. That would require an amendment to the Transitional Constitution.

As Council members will recall, South Sudan has volunteered to be a pilot country for the so-called New Deal for Engagement in Fragile States. At the economic partners forum held in Washington, D.C., in April, the Government committed to entering into a compact of mutual accountability with its international

partners, focusing on a set of key State-building and peacebuilding priorities. The United Nations, together with key donors, is part of the steering committee that has guided the New Deal process in South Sudan.

Consultations have been held in all 10 states to enable members of civil society, the media, state legislatures and Government to voice their views. UNMISS has supported that process. The compact is now well on track to lead to an agreement between international partners and South Sudan on 3 December, although agreement on an International Monetary Fund staff-monitored programme is expected to precede the compact, and time is very tight to agree on that before the end of November.

To assist that process and the core priorities, and pursuant to resolution 2109 (2013), UNMISS and the United Nations country team are conducting an analysis of their respective comparative advantages to further synergies, complementarity and collaboration. While significant challenges continue to confront the world's newest country and impede progress on several fronts, as noted in the Secretary-General's report, recent developments still give reason for cautious optimism.

South Sudan is at a crossroads. As an international community, we cannot afford to see the newest country in the world fail. UNMISS and all of us have only one option, and that is to try to help South Sudan take the right course, consolidating peace and building the foundation for democracy and respect for fundamental human rights.

The President (*spoke in Chinese*): I thank Ms. Johnson for her briefing.

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

Mr. Deng (South Sudan): It is an honour and a privilege to once again address the Security Council on the situation in my country. As this is the first time that my delegation is addressing the Security Council during your presidency, Sir, let me begin by congratulating you on your already successful presidency and extending my best wishes to you and your delegation as you continue to carry the mantle of leadership this month.

The Republic of South Sudan welcomes this opportunity to contribute to the Security Council's discussion of the situation in our country. We would like to reiterate once again our appreciation to the members of the Council for their continued interest in

the process of peace consolidation and State-building in South Sudan. We thank the Secretary-General for his comprehensive report (S/2013/651) and welcome the briefing provided by Special Representative of the Secretary-General Hilde Johnson, whose commitment and dedication to the cause of peace, security, stability and good governance in our country go deep and are much appreciated.

The Republic of South Sudan recognizes that it faces continuing challenges in building its institutions, consolidating progress towards democracy and protecting civilians, among many other pressing issues. Our vision is nonetheless clear; we seek a stable, peaceful, economically vibrant and democratic South Sudan that is committed to the promotion of human rights and humanitarian principles. No one should doubt our ambitions in that regard, although we fully accept that we lack the capabilities we need to achieve our vision as quickly as we would all like.

Both our aspirations and our limitations are embedded in our long struggle, which lasted for over half a century and beyond. Ours was a struggle for human dignity, justice and equality for all — the normative foundations of universal human rights. By the same token, that war devastated our country and shattered our society. It has left a legacy of violence, fuelled by the spread of small arms and, paradoxically, the violation of rights. We are not in denial about those ills. On the contrary, we acknowledge them as challenges we are committed to addressing. However, we also recognize that they are challenges for which our capacity for effective response is unfortunately limited, for reasons that are well known. That is despite the large size of our Government, which was brought about by the quest for peace and inclusiveness.

We have now recognized that this is untenable. As the Secretary-General notes in his report, President Salva Kiir downsized and restructured the Government in July in order to ensure better delivery of services to our citizens. He reduced the national ministries by one-third and appointed a new Cabinet after extensive consultation with other political parties. This leaner and stronger Government will focus on tangible results in the areas of social services, agriculture, transport, mineral resources, energy and security.

On the development front, the Government produced a South Sudan development plan in 2011. Later, we realized that the New Deal compact would be a way for us to articulate and implement our development plan.

We are about to conclude the widespread consultations we have been holding across the country, working closely with civil society, state Governments and development partners. We look forward to signing the New Deal compact with our partners in December. In that connection, I would like to thank all of our partners for their support of the endeavour.

The people of South Sudan are firmly committed to democracy as one of the lofty objectives of our long struggle. That is why we agree with the Secretary-General about the importance of holding elections in 2015 and strengthening the processes leading up to those elections. The importance that the Government and people of South Sudan attach to democracy and elections is evident in the fact that the political climate in the country is already vibrant in anticipation of the 2015 elections.

The situation in Jonglei is obviously of great concern to us, as it is, understandably, to members of the Council. The background to the present situation is complex. We are dealing with cycles of intercommunal violence that go back many years — well before the advent of the United Nations peace consolidation mission. The situation is compounded by an armed insurgency, in an environment that has almost no infrastructure and is very difficult to control. It is a situation that clearly presents a challenge to our Government's ability to take the primary responsibility for the protection of its citizens, a responsibility we take seriously.

The repeated cycles of violence between communities, including senseless killings, the kidnapping of women and children, the destruction of property and cattle rustling, clearly need to be stopped. We continue negotiations with David Yau Yau, the leader of the insurgency, so that intercommunal violence can be brought to an end as soon as possible. The Government, in collaboration with the Church, has been in dialogue with Yau Yau and his followers.

As all Council members know, President Kiir has repeatedly extended offers of amnesty to various militia groups operating in South Sudan. Many groups have responded positively to the offers. This year, the South Sudan Liberation Army and other groups operating in Upper Nile state have accepted the President's offer. As the Special Representative of the Secretary-General has noted, President Salva Kiir has pardoned opposition leaders, some of whom have returned to Juba from exile.

We should not see the situation in Jonglei as one of villains and victims. The legacy of over 50 years of war has been a vicious cycle of violence, whether it is between Anuak and Nuer, or Murle and Dinka. There are victims and perpetrators on all sides and in all communities. We must stop those cycles. Our Government recognizes that to do that and to ensure the safety of all of our civilians we must assist them to address the root causes of conflict and discontent. That is precisely why the President launched a national reconciliation process.

The long-term work needed to address intercommunal violence will involve the provision of services such as schools and health centres, all-weather roads and stronger Government. Progress in those areas has been hampered by the presence of the armed insurgency in Jonglei, which we believe has been fuelled — at least in part — by external forces and by the difficult terrain and climatic conditions.

It is encouraging to see civilians return to Pibor town. We are working with the humanitarian community to support those returns and welcome cooperation with concerned agencies in that endeavour. We note that the challenges of humanitarian access appear to have been largely addressed, an objective to which we are deeply committed.

Our Government remains committed to a policy of zero tolerance for crimes against civilians, especially by the army, and those who commit such abuses will be held fully accountable. The Government has arrested a general who was in charge of the Sudan People's Liberation Army in Pibor during the 2012 civilian disarmament exercise. The Government has court-martialed those soldiers who committed abuses and has opened new investigations into such abuse. The Government is planning to publish the list of the cases that are presently under investigation or prosecution. It is my belief that we have responded as fast as was possible in difficult circumstances to the need for justice and accountability.

We deeply regret any violations against the United Nations status-of-forces agreement and other international personnel. The Government is seriously committed to ending those violations. Orders have indeed been given to that end and to hold those responsible accountable. Longer term measures will, however, require increased sensitization and training of

security forces, including security sector reform, which has begun.

We also recognize the role that the United Nations Mission in South Sudan (UNMISS) is playing, not least in Jonglei, where its increased presence and enhanced patrolling are desperately needed. On that basis, we fully accept the requirement that UNMISS is to have unhindered access across the territory in order to undertake its important work and support my Government in the consolidation of peace as a prerequisite to sustainable development.

With regard to the fulfillment of our obligations under the status of forces agreement, we deeply regret both the character and the number of incidents that have occurred. We would, however, like to reiterate that those incidents are by no means a reflection of either our policies or our aspirations. Our recent actions in Jonglei speak to that. In the interest of constructive dialogue towards greater mutual understanding between UNMISS and our Government's authorities, I believe there is a need for greater communication between UNMISS and the relevant national authorities. During my last visit to Juba, I heard complaints about the conduct of some UNMISS and other international personnel associated with the status-of-forces agreement. I was briefed extensively by the national aliens committee on those complaints. The committee consists of high-level Government officials from the Ministries for Foreign Affairs and International Cooperation, National Security, Defence and Veterans Affairs and the Inspector General of Police.

I briefed the Special Representative about that and recommended to her and the chair of the committee that they meet, to enable our Government, together with UNMISS, to seek ways of reducing misunderstandings and managing the response to the incidents more effectively. Some of the incidents highlighted as violations may have simply resulted from a lack of communication and coordination on both sides, but that is not withstanding the unacceptable occurrences for which we are responsible and continue to reiterate our deep regret.

We fully realize that UNMISS presents the goodwill and the strong desire of the international community, and the United Nations in particular, to support South

Sudan in a wide range of areas. South Sudan has nothing to gain, but much to lose, in jeopardizing that support. However, there can be no doubt that mutual understanding and close cooperation are necessary, including the full implementation of Security Council resolutions relating to other challenges in our region, especially those concerning our relations with the Sudan.

We are of course encouraged by the renewed spirit of cooperation with the Republic of the Sudan. South Sudan was pleased to welcome President Al-Bashir to Juba, in late October, for the third presidential summit to be held this year between the two leaders. I should mention that our Government continues to meet its financial obligations to transfer the fees for oil processing and the funds for the transitional financial arrangement, as stipulated in the 27 September 2012 cooperation agreements, a contribution worth several hundred million dollars this year alone.

In conclusion, we echo the Secretary-General's cautious optimism about the months ahead. That there is still much work to be done, we recognize. That we must improve the performance of our security services, we acknowledge. That it will take some time before we solve some of the problems mentioned heretofore, is widely understood. All that having been said, our will to remove the obstacles we face and become a peaceful member of the community of nations is undiminished. But we need the understanding and the support of the international community for us to achieve that objective.

Finally, on behalf of the Government and the people of the Republic of South Sudan, I would like to express our deep appreciation to Ms. Hilde Johnson, Special Representative of the Secretary-General, and to the entire UNMISS team, for their support and their continued engagement in promoting international cooperation with our Government. We would like also to express our deepest gratitude to all the troop-contributing countries for their participation in the Mission.

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

The meeting rose at 10.45 a.m.