

Briefing note for Mr. Menkerios

Presentation to the Security Council open debate on Sudan

(14 June 2010, New York)

Mr. President,

I would like to begin by thanking the Council for this opportunity to speak on the situation in Sudan, specifically on the remaining phases in the implementation of the Comprehensive Peace Agreement (CPA).

Mr. President,

Let me state at the very outset that both signatories to the Comprehensive Peace Agreement (CPA), that is, the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM), continue to express commitment to the full implementation of the CPA including the timely conduct of the referenda in Southern Sudan and Abyei, as well as the popular consultations in the Blue Nile and Southern Kordofan states. They also continue to reiterate their readiness to respect the outcomes of these processes. So far, the parties have maintained progress in CPA implementation without major breakdowns, emerging from the recent elections with parallel victories. As they approach the end of the implementation period, the stakes are higher as they face the outcomes in the referenda, and the final phases of the 2005 peace agreement.

Mr. President,

The path ahead is certainly not without challenges, and could be divided into two broad phases. First, the peaceful and credible conduct of the referenda in Southern Sudan and Abyei scheduled for 9 January 2011, and popular consultations in South Kordofan and Blue Nile States. The second, perhaps more important, challenge is the peaceful implementation of the outcomes of these processes.

Mr. President,

The immediate tasks that remain for the proper and timely implementation of the CPA are:

1. The formation of the GoNU and the GoSS;
2. The formation and launching of the referenda commissions for South Sudan and Abyei;
3. The demarcation of the North-South border, as well as the Abyei border;
4. Commencement of the popular consultations in Southern Kordofan and Blue Nile;
5. Initiation and progress on negotiations between the parties on post-referendum arrangements.

Both parties are preoccupied with the formation of their respective governments – a task we expect to be announced within this week or the next.

Widespread concerns exist about the tight timeframe for the preparation and conduct of the referenda. The postponement of the national elections, from January 2009, as originally scheduled, to April 2010, diminished the time available to prepare for and conduct the referenda. Since the announcement of the election results, the key priority has been and continues to be the formation and establishment of the referenda commissions for South Sudan and Abyei. There is no more time to lose.

On the referendum in Southern Sudan, I am glad to inform the Council that the the two sides have agreed on the formation of the South Sudan Referendum Commission and last week tabled their proposal to Parliament for approval, which is expected in the next few days. The United Nations awaits the formation of the Commission to start working with it. The priority is for the Commission, once established, to develop an operational plan and a budget so that resource needs can be identified and mobilized. In addition, the Commission needs to set up offices at all administrative levels, recruit and train staff, conduct voter registration, oversee the conduct of the referendum and announce its outcome- a tall order! I believe that if the parties act and cooperate on their commitments

with the sense of urgency the situation calls for, a timely conduct of the referenda is possible, albeit challenging.

Mr. President,

As requested by the Council, UNMIS is finalizing its plans and preparations to assist the parties with the conduct of the referenda and the popular consultations on time, consistent with the provisions of the CPA. The parties need to be encouraged, indeed urged, to push on with the necessary preparations without further delay.

On the referendum in Abyei, the parties have not yet agreed on who is eligible to vote. This issue has been referred to the Abyei Referendum Commission to finalize. While the parties have nominated their members to the Commission differences persist on who should chair it, as the chairperson would have the deciding vote – including on eligibility. Resolution of the eligibility issue and establishment of a Commission are top priorities for the Abyei referendum process to commence. Moreover, demarcation of Abyei's borders on the basis of the Permanent Court of Arbitration decision still continues to be stalled, for reasons related to the lack of agreement on residency and eligibility to vote in the referendum. My impression from informal discussions with the parties, the NCP in particular, is that the issues of residency and border demarcation in Abyei are unlikely to be easily resolved outside of a broader post referendum agreement on grazing rights, resource sharing, and citizenship among other issues.

Mr. President,

The Ad Hoc Technical Committee on Border Demarcation has presented its report to the parties, in which it described areas of agreement regarding the border and sections where it was unable to agree. It is a welcome development that the Committee has, with UN technical and logistical support, started to demarcate sections of the border it agreed upon with the exception of Abyei, citing security threats. It is imperative; however, that the

parties settle the remaining contentious parts of the border and demarcate them before the referendum.

The CPA gives the people of South Kordofan and Blue Nile States the right to decide on their future governance through a process of popular consultations. These popular consultations are to be conducted by elected state assemblies and should provide an opportunity for a fresh approach to center-periphery and minority issues which, if properly implemented, could serve as a model for the rest of Sudan. However, a potential continuation of the original north-south conflict is also possible if the process is not handled with the transparency and openness it demands. It is also of concern that the timeline for the meaningful conduct of these consultations remains tight especially in South Kordofan due to the postponement of the census and elections.

Mr. President,

During my last briefing to the Council, I had emphasized that unity and secession do not need to be a zero-sum game for the North and the South. It is thus advisable for the two sides to continue to cooperate for their mutual benefit whether in unity or separation. The goal of ‘making unity attractive’, therefore, should be a long term goal irrespective of the outcome. In interactions with the leaders of the two parties, we have advised that separation should not be considered a divorce, and that in the case of a vote for separation, maintaining close linkages between the South and the North is in the interest of both. In this regard, agreement on post referendum arrangements not only becomes crucial for long term peace and stability in Sudan and the region, but will also seriously impact on the smooth implementation of the CPA in the remaining phases of the interim period. Accordingly, the parties have been engaged in discussions and must be encouraged and supported in reaching agreement on key issues of common concern. Formal negotiations between the parties are scheduled to start on 21 June in Ethiopia with the assistance of the AUHIP. We will be fully supporting this effort.

Mr. President,

The security situation around much of the border and within Southern Sudan remains of great concern. Sporadic clashes between the Missiriya and Rzeigat armed militias and the SPLM around the borders of Abyei, Southern Kordofan and Western Bahr El Ghazal have continued. Within Southern Sudan, rebellious armed elements in Unity and Jonglei states in particular continue to cause security risks, as does the LRA in Western Equatoria. UNMIS continues to work with the parties to help address these security threats.

The overall situation in Southern Sudan requires a concerted and comprehensive capacity building effort, irrespective of the outcome of the referendum. This effort would, as an immediate priority, require a coherent strategy on security sector reform and institutional capacity building. A development plan that focuses on the provision of basic services in the short term and sustainable economic growth in the long term is also a must. The GoSS, with the assistance of the UN Country Team and other partners, is in the process of refining such a plan. It is only through such a multifaceted approach that we can help ensure a peaceful transition and effective protection of civilians both in the short and long term.

Mr. President,

The United Nations has stood firm in its commitment to assist the parties implement the CPA. UNMIS and the UN Country Team stand ready to assist the parties conclude this peace process in a way that contributes to continuing peace, stability and progress.

With regards to support for the referenda, the United Nations is ready to extend technical and logistical assistance to the two commissions as soon as they become operational. We have been providing and will continue to provide the requisite assistance for the conduct of popular consultations. In order to support these processes, we have planned and begun to redeploy resources and staff to locations beyond those covered during the elections.

UNMIS' military contingent is in the process of identifying possible hot spots and revising its deployment accordingly. We will continue to train and help develop the institutional capacity of the South Sudan Police Services. As requested by the Council, we have revised and are implementing a more effective approach to the protection of civilians, which is no longer a task entrusted to a particular unit but is an integral component of all Mission operations. The strategy being implemented entails reinforced presence at the state level where a 'State Coordinator' manages and directs the efforts of all Mission components to protect civilians; a more flexible military deployment will further enhance this effort.

In partnership with the AUHIP, and in collaboration with other key partners, we have been engaging the parties on all processes that require further agreement and shall continue to do so. In this regard, a Consultative Forum involving key international stakeholders met in Addis Ababa last May and agreed to support the partnership of the AU and the UN in taking the lead on facilitating progress and cooperation in the peaceful implementation of the CPA and beyond.

Mr. President,

International monitoring of the referenda is another important issue. The political significance of the referenda to the future of the people of Sudan, and indeed to the whole region, has led to calls by the two parties that they be conducted in a transparent and credible manner, and thus with much closer scrutiny by the international community than the elections. In fact, the two parties have separately informed UNMIS that they desire UN engagement at a much greater level than during the elections to help ensure that the referenda are prepared and conducted without any interference from one side or the other. This implies a wider scope of engagement for UNMIS that exceeds its current mandate. We have advised both parties that they should jointly define this "greater level" of UN engagement and present their request to the UN together. We await this joint request to the Secretary General.

Mr. President,

In all this, the international community must not only encourage and urge the parties to stay the course to ensure the timely conclusion of CPA implementation and continued peace and mutual benefit, but also to assist them in this endeavour. This would require both political and material support, both in the conduct of the remaining processes and in ensuring a soft landing in the post referendum period.

There is much at stake for the future of the people of Sudan, the region and the African continent in the outcome of the referenda and popular consultations. Sudan is a microcosm of Africa and its stability or instability will have far-reaching implications. Parallel with the exercise of self determination for the peoples of South Sudan and Abyei, and popular consultations in the concerned states, Sudan needs to be encouraged and assisted to expand the democratic space opened by the recent elections and establish a broad-based system of national governance that leads to a more equitable society and durable peace.

Thank you.