

Attached is an advance copy of the report of the Secretary-General pursuant on the situation in Abyei for the information of the members of the Security Council.

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## Report of the Secretary-General on the Situation in Abyei

### I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 1990 (2011), in which the Council requested that it be kept regularly informed of progress in the implementation of the Agreement between the Government of the Sudan and the Sudan People's Liberation Movement (SPLM) on Temporary Arrangements for the Administration and Security of the Abyei Area, signed on 20 June 2011 in Addis Ababa. The report outlines the latest developments in Abyei and provides an update on the deployment of the United Nations Interim Security Force for Abyei (UNISFA). It also provides recommendations on the change of UNISFA's mandate to support an international border mechanism.

### II. Security situation

2. Following the displacement of a large majority of its inhabitants, the security situation in Abyei remained relatively calm during the reporting period. Heavy and sustained rains impaired UNISFA's movement by road throughout much of the area. As of 22 September, the Sudanese Armed Forces (SAF) had not yet removed their elements from the area north of the Kiir/Bahr Al Arab River, including Abyei town, and the Sudan People's Liberation Army (SPLA) had not yet withdrawn from the area south of the river. Movements across the river by the two forces have reportedly also been limited. On 25 July, a UNISFA engineer

reconnaissance patrol to the Banton Bridge observed some 150 SPLA troops in the vicinity. However, following UNISFA's discussions with both SAF and SPLA Commanders, the troops withdrew to their previous position south of the river and an escalation of the situation was averted.

3. On 2 August, four Ethiopian soldiers died and seven others were injured, when a patrol vehicle was destroyed by a landmine in Mabok, 30 kilometres east of Abyei town. Unfortunately, the evacuation of the casualties by air was significantly hampered by a delay in the issuance of a flight clearance by Sudanese authorities. As a consequence, the casualties were transported by road to the newly established Ethiopian level II hospital in Abyei town, from where they were airlifted to Kadugli the same evening. Following this incident, and in light of strong concerns voiced by Troop Contributing Countries, revised procedures for medical evacuations are under discussion between UNISFA and the Governments of Sudan and South Sudan, in the context of the Status of Forces Agreement (SOFA) negotiations. In the meantime, a full investigation is ongoing and will provide a full report in early October 2011.

4. The incident also highlighted the enhanced threat posed by landmines. Following the incident, all familiarization patrols by road were immediately suspended and planning was expedited for the establishment of a United Nations Mine Action Service presence in Abyei, including a mine action survey capacity, route verification and clearance teams, a coordination and quality assurance capacity and technical assistance for coordination of mine risk education. The Mine Action Service expects to deploy into Abyei by the end of October, pending the receipt of visas. In the meantime, UNISFA has conducted some

limited demining activities within its capacities. The Mission also continues to engage with the SAF and SPLA in order to identify all mined areas.

5. Having commenced the initial phase of its operations on 8 August, UNISFA patrols commenced on 23 August, allowing the mission to establish situational awareness and project a security presence. There have been regular patrols in Abyei town, Diffra, Banton, Noon and Agok. Following the establishment of the Joint Military Observation Committee (JMOC), joint patrolling has also commenced in mid-September. The main supply route from Abyei to Diffra to the North of the Kiir/Bahr Al Arab River is presently dominated by UNISFA troops and Military Observers have commenced monitoring and verification activities, area and reconnaissance patrols along the lateral lines of communication emanating from the main supply route.

### III. Implementation of the 20 June Agreement

6. During the reporting period, some progress was made towards the implementation of the 20 June 2011 Agreement between the Government of Sudan and the SPLM, in the context of negotiations facilitated by the African Union High-Level Panel (AUHIP) led by President Thabo Mbeki, my Special Envoy, Haile Menkerios, and Head of Mission, Lieutenant-General Tadesse Werede Tesfay, and international partners on outstanding elements of the Comprehensive Peace Agreement. From 6 September, the AUHIP convened the parties in Addis Ababa and two days later the Panel facilitated the first substantive meeting of the Abyei Joint Oversight Committee (AJOC), attended by my representatives. The parties signed on to the terms of reference for the AJOC and a

timeline for the redeployment of SPLA and SAF forces, beginning on 11 September and concluding by 30 September. However, on 14 September the Government of Sudan stated in the press that they had not agreed to a withdrawal. As of 23 September, UNISFA had not witnessed yet the withdrawal of SAF, SPLA or other armed groups from the Abyei Area.

7. The parties have yet to agree on the Chairmanship of the Abyei Area Administration, which is preventing the establishment of this body. As a result, there is no formal civilian authority in the area to facilitate the returns process or support reconciliation, the rule of law, and the provision of basic services in the context of that process.

#### IV. Humanitarian situation

8. Approximately 110,000 displaced persons remained in Twic County (Warrap State) and in Agok, necessitating that the humanitarian coordination and response continued to be supported from South Sudan. The humanitarian community's response was, however, hampered by difficult access conditions due to heavy rainfall. WFP distributed food to all the affected people for three months up to August. Humanitarian organizations have also put arrangements in place to ensure that all school children displaced from Abyei town and surroundings continue to attend classes and tents were distributed for additional classroom space. A total of 140 teachers, who had been based in Abyei town and nearby schools, started teaching in Agok and surrounding areas.

9. An inter-agency mission visited parts of Agok and Twic County in Warrap State on 31 August, and held discussions on the

situation with the displaced population and members of the previous Abyei Area Administration which was unilaterally dissolved by President Bashir following the SAF take-over that occurred in late May and subsequently superseded by the provisions of the 20 June Agreement for a new administration. Both groups emphasised that a number of measures were required before the population can return to Abyei, namely, the full deployment of UNISFA, the withdrawal of the Sudanese Armed Forces, the repair of the Banton Bridge connecting Abyei with Agok, and the clearance of landmines and other remnants of war. Arrangements are being made for UNISFA to replace the Banton Bridge with a bailey bridge once the weather and road conditions improve.

10. In September, flash floods from heavy rains resulted in additional hardship for both residents and the IDPs in Agok, affecting an estimated 5,000 to 10,000 returnees who were once again displaced. The area south of Banton Bridge was flooded through to Agok, and the Mayon Abun-Agok and Agok-Abyei roads were impassable, restricting humanitarian access to Agok and the ability to assess the full scope of humanitarian assistance needed. The United Nations Mission to South Sudan (UNMISS) has been requested to conduct an aerial survey of the area during its routine flights in the area and several rapid humanitarian assessments were conducted by UNMISS between 5 and 6 September. On the ground, humanitarian partners have begun registration of the population in the affected areas and 600 emergency shelter kits have been distributed. However, access by road from the South has been cut off and flight authorizations as well as security clearances have only been granted by the Government of Sudan on case-by-case basis, hampering a swift response.

11. As of 15 September, there were, for security reasons, no UN agencies or NGOs in Abyei town except UNDP and Resident Coordinator's Support Office. However, humanitarian agencies are making preparations to address the needs of prospective returning IDPs, particularly in light of the widespread looting and burning of property that damaged much of Abyei town (and surroundings) in May 2011. A draft guiding strategic paper for the humanitarian, recovery and stabilization support for Abyei has been prepared and is to be discussed by the Sudan Country Team. UNISFA held a meeting with the Ngok Dinka leadership in Agok on 15 September to discuss the return process and it was agreed that 15 members from traditional leadership as well as civil society will visit Abyei town in early October to assess the town and surroundings before the return process starts. Meanwhile, UNISFA is also planning to meet the Misseriya leadership as part of the engagement process with the communities.

#### V. Protection of civilians

12. Security Council resolution 1990 (2011) mandates UNISFA to protect civilians in imminent danger of physical violence. In this regard, the primary concern now is that significant inter-communal tensions, which previously existed over limited resources, may be exacerbated during the migration season. UNISFA will identify priority protection threats, address protection issues proactively to prevent and deter harm, in close consultation with the other actors on the ground.

13. Pursuant to the Council's request in paragraph 10 of resolution 1990, the Office of the High Commissioner for Human

Rights deployed an assessment mission to the Sudan and South Sudan in early August. This mission was to assess the possibility of the establishment of a human rights presence to collect information on alleged human rights violations in Abyei since the SAF take-over of the region in May. While the mission was welcomed by the Government of the Sudan and was able to visit Khartoum, it was denied access to Abyei pending clarification as to how the United Nations intends to operationalise paragraph 10 of resolution 1990 (2011). The mission, however, met with relevant stakeholders in South Sudan including a host of displaced Abyei residents now living in camps for the displaced in Warrab and Western Bahr el Gazal states.

#### VI. Deployment of the United Nations Interim Security Force for Abyei

14. As of 20 September, 1,798 military personnel were deployed to UNISFA. The force is deployed in company strength at the operating bases in Abyei town, Agok and Diffra. The Force headquarters is functional, a small mission support start-up team is in place and planning is underway for the induction of more troops and occupation of four additional company bases, once an agreement on land usage has been secured. UNISFA has also been configured to take over the security and management of the UN logistics base at Kadugli, pending written confirmation from the Government of Sudan that this asset will be made available to UNISFA.

15. The second phase of deployment of 900 troops to Abyei is currently scheduled to start at the end of September. Planning is also underway for the deployment of the 50 international



police officers authorized under resolutions 1990 (2011), which is to occur once the Abyei Area Administration and Abyei Police Service are established. Two police advisors are ready to deploy once visas are received to commence advance planning and interaction with communities in the Area.

## VIII. Mission Support

16. The initial deployment of UNISFA took place despite numerous obstacles, including heavy rains, which washed away the land route between Kadugli and Abyei, halting all road movements and severely restricting the induction of UNISFA personnel. Additional constraints had to be overcome as a result of a lack of clarity from the Government of Sudan on the handover of the Kadugli base from UNMIS to UNISFA and denials of flight clearances.

17. UNISFA continues to address all remaining issues with the Governments of Sudan and South Sudan and is working to address the critical need for a road and air supply link with South Sudan to ensure the Mission and its contractors have adequate avenues for resupply. UNISFA's civilian support element has also been understaffed due to the timelines in which visas are received. While 36 of the 41 visas requests submitted on 4 August were granted on 8 September, paving the way for a significant strengthening of the civilian support component.

18. Discussions on the draft status of forces agreements are continuing with both Governments and it is hoped that they will agree to finalize them shortly. To enhance cooperation and address deployment issues, a consultative mechanism for UNISFA is being established, similar to the Tripartite established for

UNAMID, between the United Nations and Governments of Ethiopia, Sudan and South Sudan. Its first meeting was held on 26 September in New York.

19. While UNISFA has so far been accommodated within the former UNMIS premises, implementation of the next phases of deployment will depend on securing land and construction of premises and necessary infrastructure. Based on past experience, this activity normally takes several months. Measures are therefore being taken to speed this process up utilizing elements of the global field support strategy.

#### VIII. Border Mechanism: Change in UNISFA's mandate

20. The 29 June Agreement on Border Security and the Joint Political and Security Mechanism, reaffirmed the commitment of the Government of Sudan and Sudan People's Liberation Movement to the 7 December 2010 Agreement and 30 May 2011 Kuriftu Joint Position Paper, and provided for the establishment of a safe demilitarized border zone 10 kilometers on each side of the 1-1-56 borderline, pending the resolution of the status of the disputed areas and the final demarcation of the border. The agreement also requested UNISFA to provide force protection for the border monitoring mechanism.

21. Further to the 29 June Agreement, another document was signed in Addis Ababa on 30 July 2011 by the Government of Sudan and the Government of South Sudan. It is the latest installment in a series of security agreements reached since December 2010 on post-secession border and security arrangements pending a permanent agreement on the border, including demarcation. In the agreement, the parties call on the UN, and in particular UNISFA,

to play a significant role with regard to the functioning of the joint border mechanism.

22. In the absence of permanent border arrangements and prior to demarcation, the agreement makes important headway on the creation of a temporary bilateral border mechanism, with international support. The text further provides for a UN role, which will be performed by UNISFA, as requested by the parties.

23. The parties reiterated their request in the 29 June 2011 Agreement, that UNISFA undertake a joint assessment mission to establish the location of the mission headquarters, location and number of sector headquarters, the location and number of teams, and the personnel to be assigned to these tasks. A number of 300 force protection was agreed pending the recommendations and assessment of the Force Commander. The text calls on the UN Security Council to endorse the agreement and modify the UNISFA mandate with the following additional tasks, further to agreement on the details by the Joint Political and Security Mechanism (JPSM): 1) provide Force Protection; 2) provide observers; 3) provide logistic and air support; and 4) provide accommodation for national observers.

24. From 8 to 12 August, Lieutenant-General Tesfay, conducted a reconnaissance mission to the border area with both parties, to define the possible structure and modalities of the border monitoring support mission. The results were discussed during a meeting of the JPSM on 18 September, which was chaired by President Thabo Mbeki and jointly convened by Minister of Defense of the Government of Sudan Lieutenant-General Abdulrahim Mohammed Hussein, and the Minister for Defense and Veterans' Affairs of the Government of South Sudan, General John Kong

Nyuon. The representatives of the two Governments agreed on several technical details. In the formal outcome document, they adopted the texts of five previous agreements as reference instruments for the JPSM. The next JPSM meeting will be held on 18 October in Juba.

25. The establishment of the border mechanism by the Governments of Sudan and South Sudan is crucial to the promotion of good neighbourly relations. Further to the outcome of the JPSM meeting and as a means to contribute to peace and stability between the two states, I propose that the mandate of UNISFA be adjusted to incorporate within the already authorized troop strength of 4,200, under a Chapter VI mandate, the following tasks:

- assist in ensuring the observance of the security commitments agreed by the parties along the border, within UNISFA's mandated capabilities;
- support the operational activities of the parties along the safe demilitarized border zone (SDBZ) in their undertaking of verifications, investigations, monitoring, arbitrations, liaison coordinating, reporting, information exchange and patrols as appropriate and within UNISFA's mandated capabilities;
- coordinate planning, monitoring and verification of the implementation of the Joint Position Paper on Border Security of 30 May 2011;
- maintain necessary chart, geographical and mapping references;
- facilitate liaison between the parties;

- support capacity-building for effective bilateral management mechanisms along the border;
- assist in building mutual trust, confidence and an environment which encourages long-term stability.

26. To meet these additional tasks, the mission would avail of existing operating bases, assets, infrastructure and supply routes established by UNMISS and UNISFA. Within the existing authorized troop strength, the mission would be reconfigured in order to establish a dedicated capacity for the border mechanism, including 297 force protection, 90 Military Observers (subject to a final agreement between the parties on the number of team sites) and 146 enabling elements.

27. These elements would be deployed into four Joint Border Verification and Monitoring Sectors (JBVMSs) each with a sector headquarters supported by up to 10 permanent Joint Border Verification Monitoring Teams (JBVMTs). The JBVMSs and JBVMTs are to comprise an equal number (six SAF, six SPLA, six UNISFA) of personnel from Sudan and South Sudan (military, police and intelligence officers). The JBVMSs and JBVMTs will be led by UNISFA staff officers and military observers, respectively.

28. The proposal to project the aforementioned capability within the existing mandated troop strength for UNISFA, is predicated on the cooperation of the Governments of Sudan and South Sudan in ensuring the mission has sufficient air assets full and unrestricted freedom of movement by air and land, including cross-border movement. The latter is necessary, given that the area of operations consists approximately of 2,100 kilometres and has an extremely limited road infrastructure,

which becomes impassable during the rainy season. An additional four utility helicopters and two specialized reconnaissance fixed-wing aircraft (civilian contracted), would be necessary to carry out the aforementioned tasks.

## **IX. Observations**

29. Two months after the authorization of UNISFA, I am encouraged to report that almost 1,800 troops are already on the ground in Abyei and have commenced operations. I am committed to supporting the implementation of the 20 June, 29 June and 30 July Agreements, and I am optimistic that UNISFA will be capable of fulfilling its mandate to deter conflict and facilitate the parties' joint administration and security arrangements. However, it is incumbent upon the two parties to expedite the withdrawal of all armed forces outside the Abyei Area and to create conditions that would enable UNISFA to fully deploy and succeed in its mission. The stabilization of the security situation will depend on this withdrawal necessary for the return of the displaced population into the Abyei Area. The upcoming southward migration of Misseriya nomads through the Abyei Area, which is expected to commence in late October/early November and was blocked last year due to insecurity, might further contribute to the existing tensions between the Ngok Dinka and the Misseriya communities following the May hostilities. This will become a potential source of serious conflict if the Ngok Dinka IDPs are unable to return before the end of the planting season, which has already begun. UNISFA's role in helping to mitigate these conflicts and maintain a stable security situation will be most crucial in this environment.

30. While UNISFA's primary focus is on the security provisions of the 20 June Agreement, the establishment of governance institutions to implement the rule of law, provide basic services and promote recovery and reconciliation efforts is crucial. This will require a redoubling of efforts by both Governments to determine the Chairmanship of the Abyei Administration and the complete dismantling of the administration currently operating in Agok. Once established, it will be imperative that the new Administration take rapid steps to establish the Abyei Police Service and provide in advance for the needs of returning IDPs. I am also concerned about the human rights situation in the area and call upon both parties to respect the rights of the population. The United Nations stands ready to support this objective.

31. I would like to reiterate that the United Nations' role in Abyei can only be a temporary solution to the situation, and that negotiations between the Governments of Sudan and South Sudan to arrive at a permanent solution to the Area's status is the key to ensuring long-term stability. I therefore call on the Governments of Sudan and South Sudan to urgently move forward in their efforts to arrive at a lasting and peaceful resolution of this issue.

32. I am pleased that the parties agreed on a border monitoring mechanism, and I support the request of the Governments of Sudan and South Sudan for UNISFA's role in supporting the border monitoring mechanism. I firmly believe that a mission as described above can play a significant role in helping the Government and people of Sudan and South Sudan build trust and confidence, so as to create a foundation for stable bilateral relations, while other outstanding issues, such as the actual

demarcation of the border, oil, debt and citizenship are still being negotiated. I therefore recommend that the Security Council amend UNISFA's mandate to include these additional border monitoring tasks so that the United Nations may provide this important support.

33. In closing, I would like to thank Prime Minister Meles Zenawi of Ethiopia for his ongoing engagement and his Government's commitment to UNISFA. I also commend the African Union High-Level Implementation Panel, led by President Thabo Mbeki, for facilitating the negotiations in Addis Ababa, with support provided by my Special Envoy, Haile Menkerios. In addition, I express my appreciation to the Head of Mission, Lieutenant-General Tadesse Werede Tesfay, and the staff of UNISFA for their proactive efforts to deploy and commence mandate implementation in very challenging circumstances.