

(DPKO)

Note to Mr. Nambiar

Report of the Secretary-General on UNMIS

Please find attached a note from Mr. Le Roy, enclosing the draft report of the Secretary-General on the United Nations Mission in Sudan (UNMIS) for 1 May to 30 June 2010.

The report describes the political and security situation in Sudan, especially after the April 2010 elections, preparations being made by UNMIS to support the conduct of the referenda in Southern Sudan and Abyei and the negotiations on post-referendum arrangements.

I would like to bring your particular attention to the enhanced role of the UN in the referenda process, suggested by the CPA parties in order to ensure the credibility and legitimacy of its outcome (paragraph 87). It will be imperative to distinguish such a monitoring mechanism from technical, logistical, and security advisory roles UNMIS plans to play, as the body to monitor the referenda should be autonomous from the Mission supporting the process. The report proposes that the Secretary-General appoint a small panel of eminent persons, who would work with a small team of international monitors on the ground and engage the parties in rectifying any shortcomings that the panel may deem necessary to address. This has not had formal clearance. We accordingly propose alternative holding language, suggesting the SG would "consider such a proposal from the parties" in place of the original wording indicating (conditionally) that the SG is "intending" to so appoint a panel. (This could be changed if the SG is positively inclined following the Core group Meeting referred to below).

In this regard, I would like to inform you that a core group meeting is scheduled for 22 July (at 15:30) on Sudan. It will serve to brief the Secretary-General on recent developments in general and to decide on the suggested role for the Organization to monitor the conduct of the referenda in particular. The above-said issue needs to be discussed at this core group meeting.

Another matter I would like to bring to your attention is the passing reference to the second arrest warrant against President Bashir on 12 July. It is included in the present UNMIS report (paragraph 34).



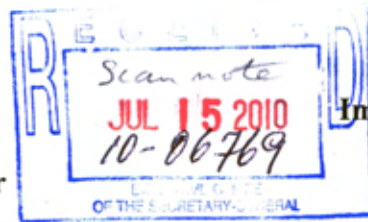
Nicholas Haysom
16 July 2010

cc: Mr. KIM



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Immediate

Note to Mr. Nambiar

Sudan: draft report of the Secretary-General to the Security Council

1. Please find attached the draft report of the Secretary-General to the Security Council on the United Nations Mission in Sudan (UNMIS) for 1 May to 30 June 2010. As requested in resolution 1919 (2010), the report describes the political and security situation in Sudan, especially after the April 2010 elections, preparations being made by UNMIS to support the conduct of the referenda in Southern Sudan and Abyei and the negotiation on post-referendum arrangements, as required, and the status of UN planning for the post-interim period following the conclusion of the Comprehensive Peace Agreement (CPA) framework.

2. With respect to the support by the UN for the conduct of the referenda, we anticipate that the Southern Sudan Referendum Commission, inaugurated on 6 July, would make a formal request for the UN to provide technical and logistical assistance. To support this process, UNMIS has identified that 186 temporary personnel and 346 UN Volunteers should be deployed, including to 79 counties in Southern Sudan and to Abyei. The Controller has been informed of these requirements and we will work with his Office to ensure that the Mission is provided adequate support.

3. In addition, the CPA parties have indicated that they would like the UN to monitor the referenda process in order to ensure the credibility and legitimacy of its outcome. Specifically, it appears the parties would like a high-level engagement of an UN-sponsored body, with some international presence on the ground, to monitor the referenda process and results. It will be imperative to distinguish such a monitoring mechanism from technical, logistical, and security advisory roles UNMIS plans to play, as the body to monitor the referenda should be autonomous from the Mission supporting the process. Such a formulation would be in addition to any observation missions intended by other international or national partners. In this context, it is proposed that the Secretary-General appoint a small panel of eminent persons, who would work with a small team of international monitors on the ground (e.g. one monitor in each of the ten states in Southern Sudan and in Abyei), and engage the parties in rectifying any shortcomings that the panel may deem necessary to address. We have made a reference to this plan in this report to the Security Council (in paragraph 88) in order to begin discussion on the exact terms of reference of the panel. It would be appreciated if you could bring this issue to the attention of the Secretary-General for his specific approval.

4. Please also note that the second arrest warrant against President Bashir on charges of genocide issued by the ICC on 12 July was not mentioned in the report on UNAMID, as that report covered a reporting period until 30 June. It is, therefore, now included in the present UNMIS report (paragraph 34). DPA, UNMIS and OLA have been consulted and agree on the factual statement contained in the first sentence of the paragraph. The second and the last sentence of the paragraph referring to the Secretary-General and the Security Council Resolution 1593 has been proposed by OLA.

5. We would be grateful for the Secretary-General's early approval of the text.

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Alain Le Roy
14 July 2010

cc: Ms. Malcorra
Mr. Pascoe



Security Council

Distr. GENERAL

Approved on behalf of the Secretary-General. *as amended*

S/...

[Signature]
Vijay Nambiar

[] April - June

Original: English

Draft Report of the Secretary-General on the 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. The report provides an assessment of the situation in the country since my previous report, dated 5 April (S/2010/168) and its addendum dated 27 April (S/2010/168/Add1), as well as an update on the activities of the United Nations Mission in the Sudan (UNMIS) through 30 June. In accordance with the Council's request, the report includes updates on support to the referendum and popular consultation processes, UN engagement with the parties on critical post-referendum tasks, as well as planning for a UN presence in Sudan after the end of the interim period.

II. Political developments

Elections

2. Following national and state level elections in April, the formation of governments, legislatures and related political institutions was the primary political activity in the Sudan during the reporting period. At the national level, Omar Al Bashir was elected as President of the Republic with 68 percent of the vote. Despite his withdrawal, Yassir Arman, the Presidential candidate of the Sudan Peoples' Liberation Movement (SPLM), won 21.6 percent of the ballot. On 29 May, Salva Kiir Mayardit and Ali Osman Mohamed Taha were sworn in as First Vice President and Vice President respectively. In the new national Government sworn in on 16 June, the NCP was allocated 24 Ministerial positions, including the Foreign Ministry. The SPLM received eight positions, including the newly established Oil Ministry, while three positions went to other Northern opposition parties.

3. In Southern Sudan, Salva Kiir Mayardit was elected as President of the Government of Southern Sudan (GoSS) with 92.99 percent of the vote. On 14 June, Riek Machar was sworn in as GoSS Vice President. On 21 June, President Kiir issued a decree appointing his new Government in which the SPLM holds 27, the NCP two, and other Southern political parties three Ministerial posts.

4. The National Congress Party (NCP) secured a 72 percent majority in the National Assembly by winning 319 seats. The SPLM's share of the vote was 22 percent with 99 seats. Further representation in the National Assembly includes the Popular Congress Party, the Democratic Unionist Party, the Federal Umma Party, the National Umma Party, the Umma Reform and Development Party, the SPLM-Democratic Change, the Democratic

Unionist Party-Original and the Muslim Brotherhood. Three seats were won by independent candidates. In the Southern Sudan Legislative Assembly, the SPLM won 159 seats, which amounts to 93.52 percent of the total, while the SPLM-DC won three seats. Seven seats went to independent candidates.

5. On 29 May, the Presidency formally requested the National Assembly to make appropriate legislative amendments for the allocation of additional National Assembly seats as per the 21 February agreement between the parties. The allocation of 40 seats for Southern Sudan, four for Southern Kordofan State, and two for Abyei is pending further agreement on the modalities for the allocation.

6. At the gubernatorial level, NCP candidates won the elections in all but one of the Northern states; only the incumbent SPLM Governor, Malik Agar, retained his seat in Blue Nile State. Similarly, SPLM candidates won the gubernatorial elections in nine of the ten Southern states. The Western Equatoria governorship went to Bangasi Joseph Bakosoro, an independent candidate, formerly of the SPLM.

7. During the reporting period, the Supreme Court received 188 election-related cases and rejected 177, including one challenge to the Presidential results. Of the remaining eleven, the Court reversed the results in two State Legislative Assembly elections and voided the results of four. It referred five cases to the National Election Commission (NEC) on procedural grounds; the NEC rejected all five.

8. A number of Sudanese political actors have criticized or rejected the elections as unfair, rigged, or otherwise illegitimate. Many Northern opposition leaders denounced the process as "fraudulent", "corrupt", and "a farce". On 27

April, nine small Southern political parties, including the SPLM-DC, issued a statement rejecting the results in the South. On 5 May, a coalition of Sudanese civil-society organizations issued a press statement, accusing that widespread violations had "prevented the voters of Sudan from freely expressing their will and selecting their representatives". Independent Jonglei gubernatorial candidate General George Athor Deng, who lost, commenced an armed conflict after the results were announced, demanding cancellation of the election results and the dissolution of the GoSS.

9. Elections were not held in April for 18 National and 26 State Assembly constituencies in 10 Northern and four Southern states for various reasons, including ballot printing errors, candidate deaths or legal challenges. The NEC conducted elections for 31 of these constituencies in June, postponing polling for the remaining constituencies until after the rainy season. As in the April elections, UNMIS, in cooperation with UNDP, provided extensive logistical support to the NEC and State High Committees in the procurement, distribution and retrieval of polling materials, repacking of sensitive materials, air transport to and from inaccessible locations and storage of election materials. UNAMID provided important logistical support to UNMIS electoral operations.

10. The NEC is furthermore seeking UNMIS, UNDP and other donor support for the postponed elections in Gezira State and Southern Kordofan. The new census exercise in Southern Kordofan started on 15 June. Following a request from the Central Bureau of Statistics, UNMIS transported census staff and materials from Khartoum to Kadugli. UNMIS also anticipates a request for transport support at the end of the exercise.

11. On 4 and 5 May, UNMIS, UNDP and the International Foundation for Electoral Systems (IFES), held a "Lessons Learned" workshop to assess all aspects of international assistance to the electoral process. UNMIS further conducted an internal lessons learned exercise, with a view to strengthening and improving its support to the forthcoming referenda processes. One of the key findings of these exercises is the need for an integrated United Nations approach, inclusive of the Mission, UNDP and other relevant UNCT members. Suggestions for the ongoing planning of referendum support include the creation of a joint support structure and enhanced coordination with the national counterparts, including the Southern Sudan and Abyei Referendum Commissions, at all stages of the process.

12. On 7 May, the African Union Commission convened a High-Level Strategic Review Meeting between the AU and the UN in Addis Ababa. Attended by representatives of the UN, the AU, including the AU High-Level Implementation Panel, the meeting emphasized the importance of strategic partnership between the two Organizations at the critical moment of the CPA implementation. On the following day, a consultative meeting on Sudan was held in Addis Ababa to bring together representatives of the AU, the UN, IGAD, the League of Arab States, the Organization of Islamic Conference, the European Union, countries in the region and the Permanent Members of the Security Council, the Assessment and Evaluation Commission (AEC), as well as Finland, Italy, Japan, Norway, Qatar, and Sweden. At the consultative meeting, it was decided to establish the Consultative Forum co-chaired by the AU and the UN, which would serve as a mechanism to harmonize international efforts in support of the CPA implementation, post-referendum arrangements, and the search for a political solution to the Darfur conflict. The Forum will meet every

two months with the first meeting scheduled for 17 July in Khartoum.

Preparations for Referenda

13. Though the formation of governments was the focus for much of the reporting period, the parties have now begun discussions on the referenda processes. Following President Al Bashir's inauguration, the parties announced that they were committed to holding the referendum by the CPA-mandated 9 January 2011 deadline, and that they had reached agreement that the national Government will work to "persuade the Southerners for voluntary unity."

14. On 7 June, the Presidency submitted a list of proposed Southern Sudan Referendum Commission (SSRC) members to the National Assembly, which was referred back to the Presidency on 14 June due to objections expressed against one NCP nominee. After the replacement of that nominee, the National Assembly endorsed the appointment of the Referendum Commission members on 28 June. The parties have yet to agree on the chairpersonship for the Abyei Referendum Commission, primarily due to controversy over eligibility of voters in the Abyei referendum.

15. The prospect of a joint unity campaign is proving contentious. The NCP insists that the CPA stipulates a pro-unity stance from both parties and is reportedly considering relocating Vice President Taha to Juba to supervise the campaign. Many in the South have expressed their reservations on this matter, arguing that it is too late to make unity attractive.

Integrated UN planning

16. Timely, flexible, and integrated planning will be essential to enable the United Nations presence in Sudan to meet the challenges of the next phases of the peace process: (i) preparation and conduct of the referenda (July 2010 - January 2011); (ii) support to the post-referendum transitional period (January-June 2011) and; (iii) support to peace consolidation in the post-CPA period (2011-2012). In anticipation of these needs, and in line with the Secretary-General's guidelines on integrated planning, in the reporting period UNMIS strengthened its Strategic Planning Cell and, jointly with the UN Country Team, established an integrated mission planning team in Khartoum.

17. In consultation with the Mission and the UN Country Team, my Special Representative has established five strategic objectives for the United Nations in the pre-referendum phase: 1) the organisation of credible referenda in Southern Sudan and Abyei; 2) the organisation of productive popular consultations in Southern Kordofan and Blue Nile; 3) the negotiation of post-referenda transitional arrangements and their peaceful implementation; 4) the maintenance of a secure environment and protection of civilians in the mission area; and 5) the development of governance and rule of law capacities in Southern Sudan. UNMIS and the UNCT have also drawn up an integrated action plan to coordinate the activities of the UN family in respect of these goals.

18. The national Government and GoSS have both indicated a desire for expanded UN involvement in the conduct of the referenda, beyond the role played during the elections. A joint request detailing an enlarged UN role in supporting the referenda, including monitoring, is expected shortly. UNMIS

stands ready to provide increased technical and logistical assistance within its mandate and capacity. The Mission has developed a concept of operations and staffing scenario for enhanced technical support to the referendum commissions, extending the deployment of electoral staff to the county level, 79 in Southern Sudan, and to Abyei. UNMIS is currently assessing available infrastructure in the South and has completed a resource and logistics requirements assessment for deployment in the North, South, and Abyei. UNMIS has also developed proposals to facilitate rapid decision-making by the Commissions.

19. Resource requirements for the support of the referenda were not included in the 2010/11 budget, as the level of assistance by the United Nations was yet to be defined. Pending the request from the Referendum Commissions, UNMIS will identify the costs required to support the referenda, while reviewing its capacity and prioritising its existing resources to the extent possible without undermining other mandated activities. Any unresolved resource requirements will be addressed through the authority vested in the Secretary-General and established processes for securing additional funding. In the interim, UNMIS has been requested to allocate resources for the referendum support temporarily from the 2010/11 budget appropriation.

20. Planning for the role of the United Nations in the post-referendum phases will be developed over the coming months. It will be important to ensure the timely preparation of plans and options for the post-CPA period, while taking account of the negotiations between the parties, the evolving situation on the ground, and preparing for a range of scenarios. To this end, the United Nations will undertake an integrated planning process in close coordination with the parties themselves and

in consultation with key partners, including the AU High-Level Panel. I will provide updates on the status of the post-referendum planning by the United Nations in forthcoming reports to the Security Council. Options for change in the mandate and configuration of the presence of the United Nations, which will be developed in the light of an updated strategic assessment, will be presented to the Council for its consideration shortly after the referenda. Meanwhile, within its existing mandate and capacity, UNMIS will adopt a flexible approach, adjusting short-term priorities to meet new needs and address requests for assistance that may be made by the parties in the transition period.

Popular Consultations in Southern Kordofan and Blue Nile States

21. Since my last report, there has been no substantive progress on the issue of Popular Consultations in Southern Kordofan State. The CPA stipulates the involvement of democratically elected representatives in the Popular Consultation process. The postponement of State Legislative elections has thus limited options for moving the process forward. UNMIS has been pursuing options to encourage such preparations including a joint project with the Peace Research Institute of University of Khartoum on the Popular Consultations in both Southern Kordofan and Blue Nile States. The objective is to assist in identifying topics of concern to the local population which might appropriately be addressed through the Popular Consultation mechanisms, the Popular Consultations themselves, or through related processes.

22. With an elected legislature in place, the Popular Consultations process is set to commence in Blue Nile State. From 23 to 25 May, and US Agency for International Development

(USAID) and implementing partner AECOM (Architecture, Engineering, Consulting, Operations and Management) organized a civic education workshop for around one thousand participants, which led to a joint declaration of principles and a code of conduct in preparation for the Popular Consultations process.

Negotiations on Post-Referendum Arrangements

23. On 24 June, the CPA parties signed a procedural framework agreement in Addis Ababa, governing formal talks on post-referendum arrangements. The negotiations are to be bilateral, with an AU facilitator supported by the UN, IGAD and the IGAD Partners' Forum to assist when needed. The parties expect to receive ad-hoc international expert input on key issues as they arise, including financial matters, natural resources, security and citizenship. The parties also agreed upon a joint Sudanese secretariat with administrative support from the Assessment and Evaluation Commission (AEC).

Abyei

24. The elections in Abyei were largely peaceful. Voters from Abyei Area voted in either Warrap or Southern Kordofan states. Although the decision not to conduct the Abyei gubernatorial and legislative council elections was controversial, it prevented the eruption of further tensions and conflict emanating from the controversy over the constituency of the area.

25. The seasonal migration has brought attendant challenges. Political tensions and disputes over the possession of weapons largely prevented the nomads from crossing the border from Abyei into Unity or Warrap States. Many nomads were also

prevented from using the Kiir/Bahr al-Arab River as a water source for their cattle for the same reasons. The Misseriya tribes have now begun their return journey towards the North. The number of cattle lost due to lack of water and pasture is yet to be ascertained. While the tribes and local military units have avoided any large-scale violence, the situation remains extremely tense and fragile. UNMIS and the Abyei Area Administration have established local migration committees to help resolve migration-related tensions.

26. Some Misseriya continue to oppose the implementation of the Permanent Court of Arbitration (PCA) decision regarding the borders of Abyei, and persistently block any progress on border demarcation. In the Northern portions of the Abyei area, Misseriya youth have accused the UN of bias in the delivery of humanitarian services and have, including through threat of violence, blocked Joint Monitoring Teams (JMT) access to some locations. The UNCT was hindered by threats from southern militias and at times SPLA units from digging wells in the area for fear of the Misseriya establishing permanent settlements around such water sources and thus claiming residence.

Wealth-sharing

27. According to the Petroleum Unit of the GoSS Ministry of Finance and Economic Planning, the national Government has transferred approximately \$669.92 million to the GoSS in the first quarter of 2010, pending an agreement on the sharing of Higlig oil field revenues.

28. The national Government continues to transfer revenue shares to oil producing states. According to the Ministry of Finance and National Economy, Upper Nile state received

\$18.560 million in oil revenues in the first quarter of 2010, Unity state \$12.571 million, and Southern Kordofan \$7.122 million. As per the Abyei Protocol, Warrap State and the local Ngok-Dinka tribe received \$179,000 each; the transfer of Misseriya shares awaits a decision by the Presidency.

29. The National Civil Service Commission (NCSC) has made limited progress in recruiting Southern Sudanese to the civil service, with only 1,039 recruitments against the approximately 8,500 positions reserved for them. The Commission is still awaiting Presidential Directives on Darfurian and Eastern Sudanese representation.

Border demarcation

30. The Presidency has decided to begin demarcating agreed upon areas, pending submission of the final written report. Following a request of the Technical Ad-hoc Border Committee, UNMIS facilitated aerial reconnaissance of a 388 km section of the 1/1/56 border from Ethiopia to the meeting point between Upper Nile, Blue Nile and Sennar States on 29 and 30 April. The Committee visited several points along this line by land to correct and verify geographical coordinates.

III. Implementation of other Peace Agreements

Eastern Sudan Peace Agreement

31. The political and security situation in Eastern Sudan remains calm following the elections. The three eastern Sudan political parties representing the East Sudan Peace Agreement (ESPA) signatories (Beja Congress, Free Lions Party and East Democratic Party) secured only three seats at the State

Assembly level (Two in Red Sea State by Beja Congress and East Democratic Party and One in Kasalla State by Free Lions); the East has also secured representation in the national Cabinet. Significant progress has been made in the implementation of the ESPA wealth-sharing file (76%). The long-awaited donor conference for Eastern Sudan is now scheduled to take place in November 2010 in Kuwait.

Darfur peace process

32. Following the April 2010 elections, talks resumed on 6 June between the Liberation and Justice Movement (LJM) and GoS. Civil society, IDP and refugee representatives have been participating in these talks. The two parties have agreed on a work programme and formed six committees to negotiate the following areas: power-sharing and administrative status of Darfur; wealth-sharing including land rights; compensation and return of internally displaced persons and refugees; security arrangements; justice and reconciliation; as well as an agreement on the resolution of disputes.

33. The Justice and Equality Movement (JEM) and the Government have failed to agree on a cease-fire implementation protocol or a final agreement by the stipulated deadline of 15 March, largely due to disputes over the participation of other movements in the peace talks and the insistence of JEM that all its prisoners held in Khartoum be released by the Government of Sudan. In May, JEM announced that it had frozen its participation in the negotiations in Doha and shortly thereafter withdrew its delegation from the talks. On 19 May, the Chairman of JEM, Dr Khalil Ibrahim, was detained at the airport in N'Djamena in Chad and refused entry by the Chadian authorities. Following the incident, the JEM Chairman travelled to Tripoli, Libya, where he remains.

34. On 12 July, the Pre-Trial Chamber I of the International Criminal Court (ICC) issued a second warrant of arrest against the President Omar Hassan Ahmad Al Bashir, considering that there are reasonable grounds to believe him responsible for three counts of genocide committed against the Fur, Masalit and Zaghawa ethnic groups in Darfur. I recognize the authority of the International Criminal Court as an independent judicial institution and trust that the Government of Sudan will address the issues of peace and justice in a manner consistent with Security Council resolution 1593 (2005).

IV. Security developments

35. After the elections, the security situation remained calm in the North, other than the Darfur states. However, in the South, post-election disputes increased tensions. Fighting in Northern Jonglei and Southern Upper Nile between General Athor's supporters and the SPLA, including an attack on an SPLA armoury south of Malakal (Doleib Hill) which left 14 SPLA soldiers dead, resulted in a significant deterioration of the security and human rights situation in the area, including killings, arbitrary arrests and detentions, rape, looting and destruction of property, as well as restrictions on critical UN staff movement. UNMIS, in collaboration with local elders, is assisting the GoSS to end the rebellion of General Athor peacefully.

36. Other instances of political violence included the mobilization of forces by David Yau-Yau, who ran as an independent candidate in Jongeli State after being refused the SPLM nomination. After losing the election, Yau-Yau's forces

have attacked SPLM troops in Jongeli State. In May, unknown assailants ambushed a vehicle carrying the Shilluk Chief, Peter Oyath, in the Upper Nile State, killing him and six others. The SPLM accused SPLM-Democratic Change (SPLM-DC) members of the Upper Nile State Legislative Assembly and the Southern Sudan Legislative Assembly (SSLA) of involvement in the incident and a criminal case was filed in Malakal against several SPLM-DC legislators. The SPLM-DC maintains it has been wrongly accused, claiming that the criminal case is a response to SPLM-DC electoral gains in Upper Nile State. GoSS forced disarmament of civilians in communities perceived to be supporting SPLM opposition parties, remains a concern, particularly in the context of the upcoming referendum.

37. On 3 April, an exchange of fire between the SPLA and SAF Joint Integrated Units (JIU) in Raja, Western Bahr El Ghazal State, left four wounded and one dead. The JIU commanders, with UNMIS support, acted quickly to contain the incident.

38. Tensions in and around Abyei and disputes over nomads carrying weapons during the migration sparked at least three incidents between SPLA units and Misseriya nomads in Unity State that, reportedly, left 7 dead and 13 injured. The migration season otherwise passed without serious security incidents, despite heightened tensions.

39. The reporting period was marked by steadily increasing localised tensions and the outbreak of violence in several areas in Southern Sudan. During the period under review, UNMIS received reports of 66 incidents of inter-communal violence in Southern Sudan, particularly in Warrap, Jonglei, Upper Nile, Western Bhar El Ghazal and Western Equatoria states.

40. Warrap, Lakes and Unity States have seen a marked increase in cattle rustling incidents. At least 41 people were killed during the reporting period, including six SPLA soldiers protecting civilians in Warrap State. The Minister for Internal Affairs authorised County Commissioners to cross borders between Lakes and Unity States, accompanied by the SPLA, to identify and return stolen cattle. A similar exercise is envisaged for Warrap and Unity States.

41. As part of a conflict mitigation strategy, UNMIS, UNDP, the International Organisation for Migration (IOM) and the International Republican Institute, a non-profit organisation, continued to organize political parties' round table discussions in all ten Southern States. Smaller Southern political parties and independent candidates have also used these discussions to engage with the SPLM in a neutral forum.

42. In early May, UNMIS received reports of serious fighting between Rezeigat tribesmen and SPLA forces in Balbala, on the border of Western Bahr el Ghazal and Southern Darfur States. The exact reasons for the fighting remain unclear. Efforts by UNMIS to investigate the incident in its immediate aftermath were unsuccessful due to restrictions of freedom of movement by the SPLA. Efforts by UNAMID to reach the area from South Darfur were also unsuccessful due to restrictions imposed by SAF. The matter was reportedly resolved on 17 May, with a ceasefire agreement signed by a Rezeigat delegation, headed by the acting Commissioner from Ed Deain (South Darfur state), and the Governor of Western Bahr el Ghazal State.

43. Also in May, the Justice and Equality Movement (JEM) launched an attack from South Darfur State into the areas west of Muglad in Southern Kordofan. On 8 May, an oil company guesthouse was attacked in Gibash. SAF helicopters were

observed patrolling the area and consequently staff movement was restricted.

44. On 6 April, a small group of soldiers, allegedly belonging to the Lord's Resistance Army (LRA), attacked a village close to Ezo in Western Equatorial State, killing one civilian and wounding another. On 16 May, the LRA reportedly ambushed a Government vehicle travelling from Yambio to Tambura, killing three GoSS officials. On 23 May, the SPLA killed one LRA soldier in Nzara County, Western Equatoria state and on 26 May, LRA reportedly attacked four civilians between Tambura and Namutina in Western Equatoria state, killing one and abducting three others.

Redeployment of forces

45. The SAF has redeployed its entire forces from Southern Sudan, while SPLA redeployment remains at 35 percent (20,622) of its stated strength (59,168).

Joint Integrated Units

46. The strength of the Joint Integrated Units (JIUs) remains unchanged since April 2009 at 83 percent of its mandated strength (39,639). The re-verification process which was scheduled for completion by 15 November 2009, is still ongoing. UNMIS is currently facilitating donor funded projects to improve water supply, sanitation, kitchen facilities and basic medical equipment at JIU camps.

UNMIS military deployment

47. As of 30 June 2010, UNMIS had deployed 9,935 of the authorized 10,000 military personnel, including 496 military

observers, 192 staff officers and 9,247 troops. The Mission completed the deployment of additional troops in March 2010 as per the 2008 Military Capability Study (MCS), bringing the Mission's force strength to 99.1 percent of the recommendation made by the MCS. The priority operations for the reporting period were election support, conflict deterrence, the protection of civilians, security monitoring, and planning for referendum support. UNMIS military elections support focused on situational awareness and area security, logistic support and force protection for UNMIS staff. UNMIS has revised and updated its elections-oriented integrated Protection of Civilians (PoC) contingency plan for use during the referenda.

Restrictions on freedom of movement

48. Both CPA parties have been placing further constraints on freedom of movement of UNMIS since the last reporting period. As of 27 May, UNMIS recorded 36 cases of freedom of movement restrictions this year by SPLA/SSPS and five by SAF. These include the impounding of 14 Bangladesh Armoured Personnel Carriers (APC) by SAF and SPLA for a period of three months as well as the denial of access and interference by a Sudanese member of the Joint Monitoring Team for patrols into the Balballa area during the SPLA-Rizeigat clashes in the border areas of Western Bahr El Ghazal and South Darfur. SPLA units have also broken into UNMIS containers, detained patrols, and, on one occasion, physically assaulted a UN military observer.

49. UNMIS continues to raise these issues through appropriate Governmental channels and CPA mechanisms. However the restrictions have created considerable delays in the ability of UNMIS to decisively monitor and verify the Ceasefire Agreement or to assess situations with regards to protection

of civilians or humanitarian needs. Freedom of movement restrictions in relation to UNMIS contracted logistics convoys are furthermore increasing the Mission's dependency on the use of Force Protection to logistics convoys and already scarce aviation resources that are increasingly required to ensure timely sustenance of team sites.

UNMIS police

50. UNMIS has deployed 679 of the 715 authorized police advisers, including 105 women police officers in 25 team sites throughout the Mission area. Operations during the reporting period focused on training 27,457 local Sudanese police personnel in elections security.

51. The mission deployed an UNPOL officer in each of the 10 state-level Southern Sudan Police Service (SSPS) Joint Operation Centres (JOC). Two officers are embedded in the central SSPS JOC. UNPOL began implementing a referendum training plan immediately after the elections. In close coordination with the SSPS Training Directorate and with support from donors, UNPOL proposes to train 16,550 SSPS officers and 1,090 Abyei Area police personnel in referendum security duties.

52. UNPOL conducted 3,011 patrols in the Mission area during the reporting period, including joint confidence building and long-range patrols with local police, UN Military Observers (UNMOs) and other Mission components. Six Special Protection Units are currently operating in Southern Sudan, and ten more are expected to be deployed in the near future. UNPOL further provides assistance in training and equipping a Livestock Patrol Unit to counter cattle raiding in Jonglei state.

Disarmament, demobilization and reintegration

53. As of 31 May, 23,345 candidates (18,365 in the North and 4,980 in the South) have been demobilized, including 5,558 women. On 23 March, demobilization activities resumed in Rumbek (Lakes State), following a temporary freeze due to the lack of food support. UNMIS and UNDP are working in close coordination with the National DDR Commission (NDDRC) to support the launch of the DDR programmes in Kauda (Southern Kordofan State), Torit (Eastern Equatoria State) and Aweil (Northern Bahr Al Ghazal State).

54. In close consultation with government authorities, UNMIS and UNDP continue to work together to reduce the gap between demobilization and reintegration. By mid-May, 18,340 DDR participants had been counselled on economic reintegration. In Northern Sudan, reintegration activities have commenced with regard to 2,054 DDR participants, while in Southern Sudan the reintegration exercise was completed for 62 DDR participants by mid-May. The Governments have signed agreements with the Food and Agriculture Organisation (FAO) and the German Aid Agency GTZ to provide reintegration support to 1,541 participants.

55. GoSS suspended civilian disarmament during the polling period to avoid any perception that the exercise was targeting particular candidates or their supporters. The process has since resumed in the areas of Jonglei State dominated by the Murle tribe. The SPLA indicated that civilian disarmament exercises will soon be extended to Eastern Equatoria state. However, the increased use of SPLA units for internal security and civilian disarmament has strained the relationship between the SPLA and local communities. Accusations of SPLA

politicization, poor discipline and participation in cattle raids threaten to exacerbate these tensions.

56. During the reporting period, the SPLA demobilized a total of 202 children associated with armed forces and groups in Eastern Equatoria and Unity States. Despite progress in identifying and registering these children for demobilization, their numbers still remain significant.

Mine action

57. During the reporting period, the UN cleared 3,571,736 square meters of land; destroyed 2,248 anti-personnel mines, 309 anti-tank mines 68,459 small arms and 22,021 items of unexploded ordnance. Other major accomplishments include clearance of the Abu Gamul minefield in Kassala State, the minefield surrounding Malakal town in Upper Nile State, the Kurmurk minefield in Blue Nile State and areas in Southern Kordofan State. Through these activities, the UN supported the safe implementation of the Sudanese national elections and reconnaissance for border demarcation.

V. Protection of civilians

58. Working with the Government and UN agencies, UNMIS has scaled-up its activities to deter violence and respond more effectively to protection needs. During the reporting period, early warning systems were established in Southern Sudan to collect and, where possible, verify information about communities under threat. Specifically, UNMIS undertook regular field missions and developed a reliable network of local communities and authorities. Based on information

provided through the early warning system, UNMIS in several cases dispatched joint civilian and military patrols to communities under threat with the view to conduct rapid situational assessments and identify steps that need to be immediately taken by the GoSS, SPLA and SSPS, and, where relevant, the UN, to improve community security and better protect communities, as was the case during the SPLA-Murle clash in Pibor and the clash between the SPLA and General Athor's forces in Khorfulus county, Jonglei State.

59. UNMIS also facilitated the creation of 35 Protection of Women Groups (PoWGs) in Southern Kordofan State. Efforts are currently underway to establish similar groups throughout Southern Sudan. Embedded and run by local communities, POWGs serve as early warning mechanisms at local level.

60. Analysis of possible flashpoints, which was carried out prior to the April elections, continues to be regularly updated. On 5 April, UNMIS established a Regional Operations Center (ROC) in Juba with the view to coordinate all security and operational information for Southern Sudan, ensure integrated conflict analysis and subsequent recommendations to prevent, manage or solve potential conflict across Southern Sudan.

61. An integrated security and conflict management concept is being finalized to enhance the response by the United Nations to possible incidents during the referendum period. UNMIS has developed a *Key Leadership Engagement Plan* to improve interaction with SAF and SPLA leadership, situational awareness, and to ensure appropriate responses by UNMIS, SAF and/or SPLA. The integrated contingency plan (CONPLAN) developed for the electoral period has been revised to prepare a joint UNMIS and UN Agencies response to civilians seeking

sanctuary in the event of violence during the referendum period.

VI. Humanitarian situation, recovery and return

Humanitarian developments

62. Localised insecurity continued to have serious humanitarian consequences in Southern Sudan during the reporting period, particularly in Jonglei, Lakes, Warrap, Unity, Western Equatoria and Eastern Equatoria states. More than 700 people were reported killed and over 150,000 newly displaced since the beginning of the year. After a relative lull in the first quarter of 2010, attacks by the LRA resumed during the reporting period. As of April, the humanitarian situation in Northern Jonglei state has become increasingly precarious due to the ongoing military stand-off between the SPLA and General Athor in Ayod County. The humanitarian community has prepared a contingency plan for humanitarian response for up to 25,000 civilians in the area under threat.

63. The food gap in the South continued to put millions at risk. It is caused by a combination of widespread displacement, unexpectedly low crop production and the contraction of market access for tens of thousands of destitute households. The 2009-2010 Annual Needs and Livelihood Assessment (ANLA), released on 13 April, anticipated that some 4.3 million people - nearly half the population of Southern Sudan - would be in need of food assistance at some point during 2010. All five nutrition surveys completed in hard-hit states have confirmed global acute malnutrition rates over the emergency threshold of fifteen percent.

64. In an effort to meet emergency needs and to prevent a further deterioration in conditions, despite limited funding, humanitarian partners have been pre-positioning six core pipelines of urgent inputs in as many areas as possible before the rainy season restricts access. By May 2010, the World Food Programme (WFP) had pre-positioned more than 50,000 metric tons of food aid throughout the South, a threefold increase over the amount pre-positioned last year. Similarly, it is estimated that only two of the six essential pipelines (food and non food items) will be fully pre-positioned in Southern Sudan by the onset of the rains due to a lack of financing.

65. To date, only 42 per cent of the funds requested for Southern Sudan through the consolidated appeals process have been received. The areas of returns and early reintegration, protection, agriculture, health and water and sanitation are the least funded, having received only between 20 to 30 percent of the requested funds. \$22 million will be allocated from the Central Emergency Response Fund (CERF) to cover some of the funding shortfalls. The lack of adequate and assured funding has an adverse impact on operations, and funding imbalances across sectors jeopardize the overall effectiveness of the humanitarian response. The risk of a humanitarian disaster later this year is therefore significant. Further increases in capacity on the ground and in resources are therefore urgently needed.

Recovery and development

66. The United Nations Country Team (UNCT) has stepped up its advocacy for greater investment by the Government in social and human development areas, addressing both the national

Government and the Government of Southern Sudan. The UNDP's Rapid Capacity Placement initiative to boost the UN's support to states in Southern Sudan gained momentum during the reporting period. By mid-May 2010, more than 50 of the 150 international United Nations Volunteers, who are to implement the programme, had been recruited and commissioned to various states. These include specialists in information technology, financial management, urban development and rule of law officers.

67. As part of a major initiative to support democratic processes, UNDP will provide assistance to the GoSS, through the ministries of Cabinet Affairs, Parliamentary Affairs, and Labour, to organize an orientation programme for the 170 elected members of the Southern Sudan Legislative Assembly (SSLA). The programme will provide sensitization, information, education, guidance, and background materials to SSLA members to assist them as they begin their first term.

Return and reintegration

68. As in previous years, the returns of the Internally Displaced Persons' (IDP) increased towards the end of the dry season. In Kost, over 10,000 individuals have passed through the transit hub since January 2010, in spontaneous movements to the places of their previous residence, located primarily in Abyei, Upper Nile, Southern Kordofan, Warrap and Northern Bahr Al Ghazal States. Also, UNHCR reported an organized repatriation movement in which 264 Sudanese travelled back to Central Equatoria State from Uganda. By 12 June, the repatriation of Sudanese refugees to Southern Sudan and Blue Nile state reached a cumulative total of 330,016 since the signing of the CPA in 2005. This includes 1820 individuals whose return was supported by UNHCR in 2010.

VII. Governance and Human Rights

Rule of law

69. The Mission continues to monitor and support the legislative reform process through workshops and analysis of new legislation. The Prison Advisory Unit's capacity-building training programme and assessment of prison facilities in the Three Areas are ongoing. The Government has agreed to the deployment of UNMIS prison advisers in the transitional areas' prisons which has provided a significant opportunity to improve prison system infrastructure and professional capacity in these areas. In Southern Sudan, the long delayed Prisons Bill is still pending. UNMIS continues to provide advisory support to the Southern Sudan Legislative Assembly, the Ministry of Legal Affairs and the Judiciary.

Human rights

70. Since the elections, a number of further incidents where political rights and freedoms were curtailed have been reported. Popular Congress Party (PCP) Chairman Dr. Hassan Abdallah Al Turabi, arrested by the National Intelligence and Security Service (NISS) on 16 May without formal charges, was not released until 30 June. Also, the former Chairman of the National Democratic Alliance (NDA), Farouq Abu Eissa, was arrested and briefly detained on 20 May. Four journalists from the PCP-affiliated *Rai al-Shaab* were arrested on 16 May and charged with "terrorist acts" and "undermining the Constitution". Both charges carry penalties of death or life imprisonment.

71. The Government's pre-print censorship of newspapers, suspended in September 2009, resumed on 4 June. As a result of censorship, the Communist Party's newspaper *Al Midan* has not been printed since 4 June and the SPLM aligned *Ajrass al Hurriya* for several issues.

72. Following the SPLM's victory in the Blue Nile State gubernatorial elections, SPLA soldiers reportedly harassed, arbitrarily arrested, detained and employed violence against NCP supporters, causing many to flee to Ed-Damazin in fear for their lives.

73. After covering the SPLA's violent dispersal of a political rally that left three civilians dead, a radio journalist was arrested on 23 April in Unity State and dismissed from the state-owned radio station after being detained for 13 days. On 21 May, NISS personnel arrested and detained nine Southern Sudan Radio and TV staff members for 16 days after a strike prevented them from covering the GoSS Presidential and SSLA inaugurations.

VIII. Cross-cutting issues

Public information

74. The Public Information Office (PIO) focused on election-related activities during the reporting period. UNMIS assisted the NEC with production of civic education material, and produced election related material to facilitate national, regional and international media coverage.

75. Since February 2010, the United Nations-sponsored Radio Miraya has doubled its daily short-wave broadcasts from three

to six hours. Despite the increasing need for a nationwide broadcast media outlet, the national Government has still not assigned the radio an FM frequency in Northern Sudan.

Conduct and discipline

76. Concerted efforts by UNMIS towards the prevention of misconduct during the elections period, only minor cases were reported. Training and awareness-raising workshops were conducted in all sectors, as well as continued monitoring of risk factors was undertaken during the period of elections.

77. The Mission continued to monitor the compliance of staff members with the United Nations Code of Conduct and Zero Tolerance Policy on sexual exploitation and abuse and continued its outreach programme in southern Sudan providing public information with regard to this policy.

Gender

78. Southern Sudanese voters elected a total of 53 women to the Southern Sudan Legislative Assembly (SSLA), exceeding the legally mandated minimum by 11 seats. The previous SSLA did not include female representatives. Seven women have been appointed to Ministerial positions in the GoSS and eight in the National Government; two as National Ministers and six as State Ministers.

79. UNMIS continued to provide technical support to the National Action Plan on Violence against Women, developed by the Ministry of Justice. The GoSS Ministry of Gender, Social Welfare and Religious Affairs requested the Mission's support in developing a strategic plan for the implementation of Southern Sudan Gender Policy in May.

HIV/AIDS

80. The Mission persevered in its support to the integration of HIV&AIDS awareness in the disarmament, demobilization and reintegration programme and conducted an awareness and capacity-building campaign that targeted 3059 (1932 men and 1127 women) former combatants and community members between 15 March and 30 April. UNMIS also carried out training workshops for former combatants and community police members in Juba, Khartoum and Rumbek.

Staff security

81. Criminality and banditry, which is on the increase in the South, continue to pose a threat to UN staff. UNDSS received reports of approximately 50 incidents of theft, break-in, criminal damage and road banditry against UN staff, vehicles, and residences during the reporting period. A total of 11 UN international staff members, and 14 national staff members were arrested by local police. The long distances and large numbers of missions that UN staff undertake increase the frequency of exposure of staff to these risks.

Coordination with other peacekeeping missions

82. UNMIS has been sharing information on the LRA with MONUC/MONUSCO and UNAMID in order to more effectively address LRA threats. Inter-mission military force conferences promote regular interaction between UNMIS and neighbouring UN missions, most recently on 2-3 June in Uganda on the LRA's activities. Cooperation with UNAMID was essential and proved beneficial during the Rezeigat-SPLA clash on the Western Bahr el Ghazal-South Darfur border at the end of April, as UNMIS

movement to the area was obstructed. On 7 June, UNMIS, UNAMID and the Joint Mediation Support Team (JMST) met to discuss strategic and political cooperation and the regional dimension of Sudanese conflicts.

Financial aspects

83. The General Assembly, by its resolution 64/283 of 24 June 2010, appropriated for the maintenance of UNMIS for the period from 1 July 2010 to 30 June 2011, an amount of \$938.0 million. Should the Security Council decide to extend the mandate of UNMIS beyond 30 April 2011, the cost of maintaining the Mission until 30 June 2010 would be limited to the amounts approved by the General Assembly. As at 31 May 2010, unpaid assessed contributions to the Special Account for UNMIS amounted to \$183.3 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to \$1,371.8 million. Reimbursement of troop-contributing governments for troop and contingent-owned equipment costs has been made for the period up to 31 May 2010 and 31 March 2010, respectively.

IX. Observations and recommendations

84. Despite operational challenges and shortcomings, the successful conduct of the national elections marked a critical CPA milestone and provided for the expansion of the political space available for democratic change. The elections were generally peaceful, albeit with some significant exceptions, and gave many Sudanese their first voting experience. However, in the absence of elections for the last 24 years, the process of democratisation is still fragile and is slow to take root. The failure to reform certain provisions of the legal framework and the resumption of pre-publication media

censorship and the arrest, interrogation and harassment of opposition leaders in both the North and South, represents a serious setback. I strongly encourage both CPA partners to work with all political parties in a transparent manner to maintain and expand the nascent democratic space, including in particular law reform consistent with the CPA and the Interim Constitutions of Sudan, which is critical for the remaining CPA processes especially the referenda.

85. I congratulate the parties on the establishment of the Southern Sudan Referendum Commission. I urge the parties to recognize that the pending issues outlined must be addressed immediately in order to conduct the referenda within the CPA timeframe. At this point, further delays might have serious implications. The parties' ongoing difficulties in addressing critical outstanding issues, including the establishment of the Abyei Referendum Commission, border demarcation, and the resolution of voter eligibility questions in Abyei are likely to further impede timely preparations.

86. The referenda will require significant international support if they are to be viewed as credible. While the parties have indicated their desire for extensive UN involvement in the referendum processes, they have yet to agree on the precise scope of the UN's role. However, the activation of the Referendum Commission and a joint request by the parties detailing the required additional support and role is a precondition for precise planning and timely delivery. I encourage the parties to provide such a joint request soonest. I urge the parties to take full advantage of UNMIS and other international partners' offers of material, technical, logistical, and "good offices" assistance.

87. The provisions of the CPA foresee international monitoring of the Referenda and both parties intend to request the UN to provide monitors, along with observers they plan to invite from several governments and international institutions. International monitoring, which is stipulated as necessary in the CPA, will be critical for the credibility of the referenda outcomes, their acceptance and subsequent peace.

[Should the parties request ^{me to do so} ~~it~~, I ^{will} ~~intend to~~ ^{consider} appoint a panel of eminent persons to monitor the referenda processes. The panel ^{could} ~~is to~~ consist of eminent personalities, supported by a small team of international monitors. The panel ^{would} ~~will~~ consult widely with national stakeholders to assess the situation on the ground and address particular concerns that may arise. It shall also collaborate closely with international and national observer groups. Arrangements ^{would} ~~will~~ be put into place to ensure a clear division of responsibilities between the UN technical assistance team (UNMIS and UNDP) and the panel.]

88. The need for a workable agreement on post-referendum

① Appropriate modalities to ensure this may need to be considered.

I propose to make certain recommendations in this regard in consultation with the parties as well as other stakeholders whose concerns ~~may~~ need to be addressed. In doing this I am aware that ^{the responsibility rests with} the UN technical teams ~~are~~ not duplicated.

es' agreement for bilateral phase that the necessary time. UNMIS to assist the support the

not end with UNMIS has

initiated a strategic planning process focusing on the role of the United Nations, both in the remainder of the interim period and beyond, as provided for in UN Security Council Resolution 1919 (2010). The results of this process will form

the basis of consultations with the parties that will not only identify the most pressing needs of Sudan, but also lay out the best options to address those needs.

90. Localised political tensions that might pose a threat to the peaceful conduct of the Abyei Referendum are a major concern. I encourage the parties, as well as Misseriya and Dinka Ngok leaders, to show vision and statesmanship in improving the political environment by pursuing a comprehensive agreement addressing the key contentious issues including residency, grazing rights, North-South border management, land claims, and the conduct of the referendum itself.

91. Continued restrictions of freedom of movement of UNMIS by both parties, in violation of the Status of Forces Agreement, seriously compromise its ability to monitor and verify the implementation of security arrangements and to assist the parties in preventing conflict and instability. The recent agreement in the Ceasefire Political Commission on freedom of movement is a positive step, but a broader commitment is needed in this regard if the Mission is to discharge its mandated responsibilities. I call upon the parties to fully comply with all of their obligations under their agreements, the SOFA and the relevant Security Council resolutions.

92. Intra-South tensions have mounted in the aftermath of the elections. Establishing stability and security in the South and managing the electoral fallout will be a challenging task for the GoSS in the months ahead. The need to provide a secure and conducive environment for the conduct of the referendum in Southern Sudan is heightening that challenge. The military standoff over the results of the Jonglei gubernatorial race is of great concern in this regard. Escalating local crises could

easily provide opportunities for spoilers, if not addressed in an appropriate and sustainable manner.

93. In the event of possible violence in the latter stages of the interim period, the Mission and UNCT are undertaking a contingency planning exercise to prepare for potential disruptions and ensure adequate response to the needs of people, including protection of civilians. In this regard, I encourage the parties to the CPA to ensure appropriate contingency planning for the protection of civilians and to publicly advocate against any form of violence on civilians. Further capacity building of police and rule of law institutions in Southern Sudan will be critical for maintaining a peaceful environment during the referendum.

94. The popular consultations process provides a unique opportunity for a nuanced and detailed review of CPA implementation. I call on the parties and their representatives and constituents in Southern Kordofan and Blue Nile States to offer and facilitate a serious appraisal. This process must transcend narrow partisanship if it is to contribute to sustainable conflict resolution in these areas. UNMIS stands ready to assist not only with the consultations but also with placing the processes in the wider political context of the CPA and Sudan as a whole.

95. The risk associated with the demobilisation of increasing numbers of former combatants without suitable reintegration programmes in place is a serious security concern. I encourage all parties to continue their efforts to ensure both the integrity and progress of the DDR programme, while taking into account the need for flexible short-term solutions in particular situations.

96. Finally, I urge donors to ensure that the much required humanitarian assistance is not curtailed by under-funding and to safeguard the continuation of life-saving pipelines by making funds available as quickly as possible in this critical period. I also encourage donors to strengthen longer-term recovery activities in parallel with immediate relief efforts to ensure stability and sustainable development in Sudan, particularly in the South.

97. I would like to end by expressing my appreciation for the dedicated service of my Special Representative Haile Menkerios as well as all military, police and civilian personnel serving in UNMIS.
