

The President of the Security Council presents her compliments to the members of the Council and has the honour to transmit herewith, for their information, a copy of a **letter dated 27 April 2012 from the Chargé d'affaires a.i. of the Permanent Mission of South Sudan** to the United Nations addressed to the President of the Security Council.

27 April 2012



Permanent Mission of the Republic of South Sudan to the United Nations

27 April 2012

H. E. Ms. Susan E. Rice
President of the UN Security Council
Permanent Representative of the United States of America to the United Nations
Permanent Mission of the United States of America to the United Nations
799 UN Plaza
New York, N.Y. 10017

Madam President, Your Excellency,

My Government would like to set out its position on the draft Security Council Resolution on Sudan and South Sudan that is currently under discussion in New York. We are grateful for the draft and find many of its provisions consistent with what the Republic of South Sudan ("South Sudan") has already proposed both at the United Nations and most recently at the African Union Peace & Security Council ("PSC"), proposals which were then reflected in the PSC's Communiqué of 24 April 2012.

There are only a few areas where South Sudan believes the Resolution could be strengthened and made more precise.

- 1) We welcome Preambular Paragraph 11. It could be strengthened by adding reference to a "political and negotiated solution **including all relevant Sudanese parties...**" As has been recognized by many countries, while South Sudan can play a role in facilitating a negotiated peace in the Two Areas, it is still very important that Sudan sit with Sudanese parties to discuss their legitimate grievances, which predate even the Comprehensive Peace Agreement.
- 2) We believe Operative Paragraph 1(iv) could more precisely read "cease **any** the harboring of, or support to, rebel groups against the other State."
- 3) It would be more precise as well as helpful in advancing implementation of prior agreements if Operative Paragraphs 1(vi) and 2(ii) of the resolution refer to the full name of the initialed nationality agreement -- the "**Framework Agreement on the Status of Nationals of the Other State and Related Matters.**" This also would provide the opening to refer to -- and call for the

implementation of -- the recently initialed border agreement in Operative Paragraph 2(iii). We respectfully propose that Operative Paragraph 2(iii) now read "resolution of the status of the disputed and claimed border areas and the demarcation of the border, **"including the demarcation of the already defined border areas, consistent with the Agreement between the Republic of Sudan and Republic of South Sudan on the Demarcation of the Boundary initialed in March 2012..."**"

4) South Sudan further welcomes Operative Paragraph 2 which calls for the resumption of "negotiations, under the auspices of the AUHIP *and with the support of the Chairman of IGAD.*" (emphasis added). This is consistent with the call South Sudan has issued previously to immediately resume negotiations, reflect more on the current facilitation mechanism, and increase the high level international support given to the same. South Sudan welcomes the support and presence of IGAD in the negotiations and would be pleased to see other provisions increasing the transparency of the negotiations and access to the negotiations for other States and institutions. That said, in light of this additional support to be provided by IGAD -- as was also called for by the AU in Paragraph 13 of the PSC's Communiqué -- *and* the role that the PSC has given to the Chair of the AU Commission with respect to these matters (including a monthly reporting role, as mentioned in paragraphs 18-20 of the Communiqué), South Sudan believes that the second part of Operative Paragraph 5 could read as follows: "*requests* the Secretary-General, in consultation with the AUHIP, **the Chair of IGAD, and the Chairman of the AU Commission**, to report within four months of the date of this resolution to the Security Council on the status of the negotiations, including detailed proposals on all outstanding issues;". In this way the Security Council will be assured a report that draws upon many observations and perspectives.

5) Regarding Operative Paragraph 6, while South Sudan is most appreciative of the efforts of the AUHIP and has called for an immediate return to the negotiations, the terms of reference for the AUHIP technically provide that it is a *facilitator* and not a mediator and as such, for accuracy, the wording should be "**facilitation efforts**" and not "mediation efforts".

6) With respect to Operative Paragraph 8, South Sudan would like to see the following addition: "*expresses its intention* to evaluate the mandate of UNISFA in the context of compliance by Sudan and South Sudan with the decisions set forth in this resolution, and with the fulfillment of their commitments as set out in the June 20, June 29, and July 30, 2011 Agreements, **as well as the adequacy of the number of its forces to carry out its mandated functions.**" South Sudan believes that this would expressly give the UN, in consultation with the relevant parties, an opportunity to clearly assess if the number of troops that were mandated to monitor the entire international border (a small number when compared with those present in Abyei) will be enough in light of the current circumstances, even with the good faith implementation of this resolution and the prior security agreements reached between the parties. This is not to suggest that a new force be created, but only to suggest that the Council must examine in depth the question as to whether the existing UNISFA force has the resources to carry out its mandated duties.

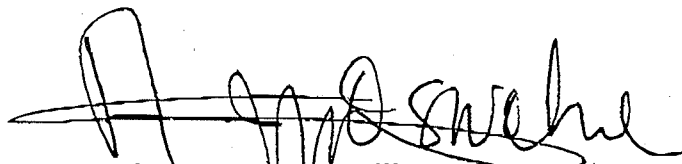
7) In this context, we also respectfully suggest that the Security Council consider adding a paragraph with respect to the ***requirement of the two Governments to finally approve the Status***

of Forces Agreement (SOFA) for the UNISFA forces. South Sudan has long been ready to sign such an agreement but there has been an unnecessary delay. Concluding the SOFA will facilitate the important work of UNISFA.

Your Excellency, the Republic of South Sudan deeply appreciates your Government's and the Council's work to date and we reiterate our gratitude for your deep commitment to resolving peacefully these matters, including through the elaboration of this critical resolution. I assure you of the cooperation of the Government of the Republic of South Sudan in these efforts.

I would be most grateful if this letter could be shared with the members of the Security Council.

Please accept, Your Excellency, the assurances of my highest consideration.



Ambassador Agnes Adlino Orita Oswaha
Chargé d'Affaires

