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Addis Ababa, ETHIOPIA P.O. Box 3243

AFRICAN UNION HIGH LEVEL IMPLEMENTATION PANEL FOR SUDAN

Preparing for Two Sudans - A Future of Peace and Cooperation

Statement on the Status of Negotiations between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement

Addis Ababa, 8th July 2011: Since receiving its mandate from the African Union Peace and Security Council in October 2009, the African Union High Level Implementation Panel (AUHIP) has been working with the Sudanese Parties, Government of the Sudan (GoS) and the Sudan People's Liberation Movement (SPLM), to facilitate their negotiations aimed at completing the implementation of outstanding issues of the Comprehensive Peace Agreement (CPA) and reaching agreement on the arrangements for the future after the January 2011 referendum on self-determination for the South. The Parties have concluded their latest round of negotiations in Addis Ababa. This is an overview of the progress made and the plans for the resumption of negotiations.

Overriding Principle – Promoting Two Viable States

During the last eighteen months, the Panel has, on behalf of the African Union, facilitated several bilateral and joint meetings with the Sudanese Parties in preparation for the outcome of the referendum. During 2010, the Parties articulated the Overriding Principle that would govern the relations between the two States: they agreed that in the event of the secession of southern Sudan, the two sovereign States would promote and maintain mutually supportive relations with a view to establishing two viable States.

This vision has informed the Panel's work with the Sudanese Parties, especially in the process of the negotiations of the outstanding CPA issues and, after the referendum, the post-secession arrangements.

Outstanding CPA Issues

The Abyei Area: The Panel has been engaging with both Parties to find a solution on the final status of the Abyei Area. Following a Summit in Addis Ababa between President Omar Hassan Al-Bashir of the Republic of the Sudan and President Salva Kiir Mayardit of Southern Sudan, the two sides, on 20th June, signed an agreement on "Temporary Arrangements for the Administration and Security of Abyei Area".

The agreement provides for the demilitarization of the Abyei Area, and for security to be provided an Interim Security Force for Abyei (ISFA) consisting of Ethiopian forces. By Resolution 1990 (2011) the UN Security Council has now established the ISFA, which is expected to be deployed in Abyei in the next few days.

The Panel believes that the deployment of the Ethiopian forces will create the necessary conditions for the humanitarian and political situation in Abyei to return to normal.

The Panel is working with the Principals (the two Presidents) to determine the timeframe during which discussions on resolving the Final Status of the Abyei Area can take place.

Southern Kordofan and Blue Nile: After intense negotiations the Government of the Sudan (GoS)/National Congress Party (NCP) and SPLM-North (SPLMN) signed on 28 June a "Framework Agreement on Political Partnership between NCP and SPLMN, and Political and Security Arrangements in Blue Nile and Southern Kordofan States".

This agreement contains the essentials for addressing permanently the conflict in the Two Areas (Blue Nile Southern Kordofan States). It allows, in particular, for

the important CPA processes of the popular consultations in the Two Areas to be implemented beyond 8th July 2011.

The Panel shall therefore continue to work with the parties to ensure that the necessary political and security arrangements, including a cessation of hostilities in Southern Kordofan, are established.

Demarcation of the North-South Boundary: Because the Parties were not able to complete the demarcation of the North-South boundary, they have agreed to continue this work after 8th July. A Joint demarcation committee shall be established with the assistance of the African Union Border Programme, to conclude the exercise of demarcation.

During the CPA Interim Period, the Parties, jointly, identified five (5) disputed areas along the boundary. The two States shall seek to resolve the status of these disputed areas amicably and, initially, by negotiation.

Post-Secession Arrangements

Nationality and freedoms: In their negotiations, both Parties recognised the need to preserve the historical ties between the Sudanese peoples. Each State shall therefore recognise, in its legislation and policies, the right of individuals to a nationality.

A Transitional Period of nine (9) months will run from 9th July, which will allow persons whose status is affected by the secession to regularise their status in the State in which they are residing, including by obtaining any documents they might require as a result of a change in their status, such as residence or work permits.

The Panel welcomes the commitment that nationals of the other state shall enjoy several key freedoms in each State. These are: the freedom to move in and out of the territory of the other State; freedom to reside in the other State; freedom to undertake economic activity (including employment, and self-employment); and, freedom to own property.

These freedoms, which shall be elaborated further by the two States, should ensure that the secession of southern Sudan does not disrupt the lives of ordinary Sudanese who are living in the other State.

Security Arrangements: Having committed themselves to building peaceful relations, on 29th June 2011, the Parties concluded an agreement on Border Security and the Joint Political and Security Mechanism (JPSM). A Safe Demilitarized Border Zone—ten kilometres either side of the 1/1/1956 boundary—is to be established. With regard to the five disputed areas, the current administrative boundaries would apply.

Forces of the two Parties shall redeploy outside of this zone and an international border verification mission shall monitor the zone, with the ISFA providing protection for the monitors. Issues of security will continue to be discussed through the JPSM and in summits and other high-level meetings between the two States.

Creating a Soft Border: In recognition of the close ties between the communities living along the new international border, the Parties have committed themselves to maintaining a “soft border” that will facilitate the movement of persons and economic and social interactions across the boundary.

The two States will also adopt an integrated border management approach, which will enable all aspects of life and activity along the border to be taken into account in the management of the border. The soft-border concept will also guarantee the freedom of transboundary populations, including pastoralists, to pursue their livelihoods across the international boundary.

Economic issues

The economic linkages between the Sudan and South Sudan will remain strong and intricate. The two States will continue to negotiate several agreements on economic issues, including on Transitional Financial Arrangements, which will allow each State to adjust to the economic shocks that will invariably result from the secession. These agreements will provide the building blocks for two economically viable States.

Oil and Petroleum resources: The Parties have agreed that the ownership of this important resource is to be determined by territory. The two States will need to reach further agreements on the management of the petroleum production, processing, transportation and exportation in line with the Overriding Principle, to support the viability of each State.

Assets and Liabilities: Sudan carries a large external debt. The Parties have agreed that the Republic of the Sudan will assume responsibility for the debt, as well as for Sudan's external assets. However, the two States will undertake a collaborative campaign to obtain debt relief for Sudan's debt. If Sudan does not achieve debt relief within an agreed period, the two States will then consider the apportionment of the debts and assets.

Pensions: The accrued-benefits and pension rights of individuals who have worked in the public service will be respected and honoured.

Currency: South Sudan will launch its own currency. Therefore, for an initial period after the independence of South Sudan, the Sudanese pound (SDG) will continue to be used on such terms and conditions as the two States will agree upon. The two States shall seek to prevent the introduction of the new currency creating adverse economic impacts for either State.

Trade Issues: Each State will be a significant trading partner of the other State. Accordingly, the Parties have agreed that the two States shall adopt policies for promoting and increasing trade between them.

Transport and Communications: Transport and communication links shall continue between the two States, with each State eventually managing its own transport and communications infrastructure. For an initial period of 60 days, the existing telecommunications arrangements shall continue until South Sudan assumes full control over this sector.

Water Resources: The Parties recognise the need for a long-term cooperation in the management of water resources, using regionally and internationally accepted principles and standards. The two States are working to finalise an agreement on the joint management of transboundary water resources.

A Future of Cooperation

The two sovereign Sudanese States shall be bound together by immutable ties of history and geography. While key challenges remain, the Panel is confident that guided by the vision of supporting each other's viability, the two sovereign Sudanese States shall prosper.

The Panel is encouraged that the Parties have already agreed to resume their negotiations on all the outstanding issues after 9th July 2011. During the recent IGAD Summit on 4th July 2011 in Addis Ababa, the final communiqué strongly commended “... *President Omar Hassan Al Bashir and First Vice President Salva Kiir Mayardit for agreeing to continue negotiations after July 9th 2011 for the resolution of all outstanding issues in the spirit of the CPA...*”

In the meantime, in order avoid disruptions and recourse to unilateral actions the two States will reach interim arrangements on the relevant issues under negotiation.

The Panel is committed to working with the two States to reach the necessary agreements that will lay the foundation for the attainment of the vision of two viable Sudanese States; a vision that is shared by the rest of the African Continent and all people of goodwill.

For more information:

Eric Abibo Ngandu

AUHIP Communications

abibongandu@gmail.com