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PEACE AND SECURITY COUNCIL
329TH MEETING

ADDIS ABABA, ETHIOPIA
3 AUGUST 2012

PSC/PR/COMM. (CCCXXIX)

COMMUNIQUÉ



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The Peace and Security Council of the African Union (AU), at its 329th meeting held on 3 August 2012, adopted the following decision on the situation between the Republic of Sudan and the Republic of South Sudan:

Council,

1. **Takes note** of the remarks made by the Commissioner for Peace and Security and of the update provided by the Chairperson of the AU High-Level Implementation Panel (AUHIP), former President Thabo Mbeki, on the status of the negotiations on the post-secession relations between the Republic of Sudan and the Republic of South Sudan, as well as on the efforts to address the situation in the Blue Nile and South Kordofan states of Sudan. Council **also takes note** of the statements made by the representatives of the Governments of the Republic of Sudan and the Republic of South Sudan, as well as of those of the Special Envoy of the United Nations Secretary-General and the representatives of the League of Arab States and of other bilateral and multilateral partners;
2. **Reiterates** its earlier communiqués and press statements on the situation between Sudan and South Sudan, in particular communiqué PSC/MIN/COMM/3.(CCCXIX) of its 319th meeting, held at ministerial level on 24 April 2012, which adopted a Roadmap outlining the steps to be taken to defuse the tension that was then prevailing between the two countries, facilitate the resumption of negotiations on the outstanding issues in their post-secession relations and the normalization of their relations, as well as communiqué PSC/AHG/COMM.2(CCCXXVII) of its 327th meeting, held at the level of Heads of State and Government, on 14 July 2012, which, among others, reaffirmed that the Parties must unconditionally implement all aspects of the Roadmap;
3. **Recalls** resolution 2046 (2012) adopted by the United Nations Security Council on 2 May 2012, which endorsed the Roadmap, and **reiterates** the AU's deep appreciation to the UN and other bilateral and multilateral partners for their unwavering support to the AU-led efforts;
4. **Further recalls** paragraph 14 of decision Assembly/AU/Dec.432(XIX), adopted by the Assembly of the Union, at its 19th Ordinary Session, held in Addis Ababa from 15 to 16 July 2012, which stressed the need and obligation on the part of the Parties fully and expeditiously to fulfil their obligations under the Roadmap, bearing in mind the timelines contained therein;

5. **Commends** the AUHIP and its members, namely former Presidents Thabo Mbeki, Abdulsalami Abubakar and Pierre Buyoya, as well as the Panel Support Team, for their ceaseless efforts to assist the Parties to resolve their differences and finalize negotiations on all outstanding issues in their post-secession relations. Council **reiterates** its belief that the Parties have discussed all issues extensively and have brought them close to conclusion, and that the major remaining challenge is for the leaders of the two countries to make the necessary political decisions in the interest of their two countries, their peoples and Africa as a whole;

6. **Further commends** the United Nations Interim Security Force for Abyei (UNISFA) for its effectiveness in providing security in Abyei, which has enabled the displaced communities to begin to return, and the seasonal migration of pastoralist communities to conclude peacefully;

7. **Notes** the progress achieved in the implementation of the AU Roadmap, as endorsed by UN Security Council resolution 2046 (2012). In this respect, Council **welcomes**:

- (i) the cessation of fighting along the common border and the significant reduction of tension between the two countries;
- (ii) the deployment by Sudan and South Sudan of their members of the Joint Border Verification and Monitoring Mechanism (JBVMM) to its temporary headquarters in Assosa, Ethiopia;
- (iii) the agreement on the terms of reference and membership of the *Ad Hoc* Committee tasked to receive and investigate allegations and counter-allegations of the Parties regarding violations, visualized in the 10 February 2012 Memorandum of Understanding on Non-aggression and Cooperation;
- (iv) the acceptance by the Government of the Republic of South Sudan of the administrative and security map submitted by the AUHIP in November 2011, which provides the centerline for the Safe Demilitarized Border Zone (SDBZ);
- (v) the withdrawal by South Sudan and Sudan of their forces from Abyei, on 10 and 29 May 2012, respectively, while noting that a company of Sudan's "oil police" remains in Diffra, and the reaffirmation by both Parties of their commitment to the Abyei Protocol of the January 2005 Comprehensive Peace Agreement (CPA), including its provisions for a referendum to determine the final status of Abyei;
- (vi) the agreement by the Parties to establish a Panel of Experts to provide an authoritative, non-binding opinion on the status of disputed areas;

- (vii) the agreement reached with the Government of Sudan, on 3 August 2012, on the modalities for the delivery of humanitarian assistance to affected civilian populations in areas controlled by the Sudan People's Liberation Movement-North (SPLM-N) in the Blue Nile and Southern Kordofan states, consistent with internationally-accepted principles of delivery by competent and impartial agencies; and
- (viii) the conclusion by the Parties of the agreement regarding oil and related matters between the Parties;

8. **Highly appreciates** the important agreement reached between the Parties regarding all financial matters relating to the export of South Sudan's oil through Port Sudan. Council **commends** the Republic of South Sudan for its generous Transitional Financial Arrangements agreement to support Sudan as it deals with the adverse economic consequences of the secession of South Sudan. Council **urges** the Parties to reach agreement on all remaining aspects of oil-related issues, in order for production and transportation to resume as soon as possible;

9. **Strongly supports** the decision of the Parties to constitute a Joint Delegation, supported by the AUHIP, which will approach various countries and institutions to request financial assistance to address the urgent needs of both countries, **urges** the lifting of all sanctions against Sudan and **encourages** the creditor nations expeditiously to forgive Sudan's external debt. Council **stresses** that the assistance that will be sought by the Joint Delegation would greatly assist the realization of the objective of achieving peace between Sudan and South Sudan and building two viable States. Council therefore **urges** all members of the international community to respond positively to the Joint Delegation;

10. **Notes with regret** that the Parties have not been able, at this stage, to finalize agreements on a number of critical issues in their post-secession relations by the deadline of 2 August 2012 stipulated in UN Security Council resolution 2046 (2012);

11. Accordingly **supports** the AUHIP programme of work, so as to continue and intensify its facilitation role to bridge the differences between the Parties. In this respect, Council **supports**:

- (i) the convening by the AUHIP, supported by the IGAD Chairperson, of a round of interactions with the Parties, to enable them to reach the necessary agreements on all outstanding issues, in particular security arrangements, border issues and the finalization of all outstanding documents;
- (ii) the convening by the AUHIP, supported by the IGAD Chairperson, of a Summit Meeting that will bring together Presidents Omar Hassan al Bashir and Salva Kiir Mayardit, to conclude a Final and Comprehensive Agreement

between the two countries, including the way forward with regard to determining the final status of the Abyei Area;

- (iii) the facilitation by the AUHIP of direct negotiations between the Government of Sudan and the SPLM-N, as visualized in paragraph 16 of its communiqué PSC/MIN/COMM/3.(CCCXXIX) of 24 April 2012, to resolve the political and security matters relating to the Sudanese states of Blue Nile and Southern Kordofan; and
- (iv) the convening by the Chairperson of the Commission, in consultation with the UN Secretary-General, of a meeting of the Sudan-South Sudan Consultative Forum, to mobilize international support for the AUHIP and the Parties in the final phase of the elaboration of the required Final and Comprehensive Agreement;

12. **Reiterates** the determination made by the AU, as endorsed by the UN Security Council, that the AUHIP administrative and security map of November 2011 in no way prejudices negotiations on the final border between the two States or the status of the disputed and claimed areas, but serves exclusively as a separation line between their armed forces. Council therefore **strongly urges** the Government of Sudan to accept this map without further delay, to enable the full activation of the JBVMM;

13. **Stresses** the importance expeditiously to address the security issues in order to promote confidence-building between the two countries. In this respect, Council **reiterates its demand** to the Parties to comply fully and unconditionally with subparagraphs 12 (i), (ii) and (iii) of the Roadmap of 24 April 2012, relating to the definitive cessation of aerial bombardment, the unconditional withdrawal of all of their armed forces to their side of the border, according to the centerline of the SBDZ, and the cessation of harboring of, or support to, rebel groups against the other State;

14. **Calls on** the Abyei Joint Oversight Committee (AJOC) speedily to finalize the establishment of the Abyei Police Service, to enable it to take over policing functions throughout the Abyei Area, including the protection of the oil infrastructure;

15. **Encourages** the Parties to consider the views of the Panel of Experts referred to in paragraph 7 (vi), as soon as these are available, and to proceed immediately to the demarcation of the agreed sections of the border. In case either of the Parties does not agree with the Panel of Experts' opinion on any section of the disputed areas, Council **urges** them to consider all peaceful options, including arbitration, for their final resolution. Council **also reiterates its call** to the Parties to agree to a strictly peaceful process to address the disputed and claimed areas;

16. **Urges** the Parties to take the necessary steps to open the border crossing points between the two countries to allow trade and movement of people, thus helping to address the urgent livelihood issues of the border communities in the two States;
17. **Requeststhe** Commission, working together with the United Nations and the League of Arab States, immediately to operationalize the agreement referred to in subparagraph 7 (vii) above, to ensure an early assessment of the situation and the speedy delivery of humanitarian assistance to war affected civilian populations in Blue Nile and Southern Kordofan states, within the framework of the *Joint Proposal for Access to Provide and Deliver Humanitarian Assistance to War-affected Civilians in South Kordofan and Blue Nile States*, submitted by the AU, the UN and the League of Arab States, and accepted by the SPLM-N on 17 February 2012 and by the Government of Sudan on 27 June 2012;
18. **Requests** the AUHIP, in line with paragraph 14 of communiqué PSC/MIN/COMM/3.(CCCXIX), to submit to it, by 22 September 2012, a comprehensive report on the status of the negotiations, including detailed proposals on all outstanding issues, to be endorsed as a final and binding solution to the post-secession relations, at a meeting of the Peace and Security Council to be held at ministerial level, within two weeks following the submission of the report, it being understood that the said report and related Council's communiqué shall be transmitted, for consideration and endorsement, by the UN Security Council acting under Chapter VII of the UN Charter;
19. **Requests** the Chairperson of the Commission to transmit this decision to the United Nations Security Council, as well as to all other AU partners. Council **seeks** the support of the Security Council and its endorsement of the present communiqué;
20. **Requests** the Chairperson of the Commission to report regularly to Council on the implementation of the present communiqué, including the security-related provisions of the AU Roadmap;
21. **Decides** to remain actively seized of the matter.