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PEACE AND SECURITY COUNCIL
353rd MEETING AT THE LEVEL OF
HEADS OF STATE AND GOVERNMENT

ADDIS ABABA, ETHIOPIA
25 JANUARY 2013

PSC/AHG/COMM/1.(CCCLIII)

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The Peace and Security Council of the African Union (AU), at its 353rd meeting held at the level of Heads of State and Government, on 25 January 2013, adopted the following decision on the situation between the Republic of Sudan and the Republic of South Sudan:

Council,

1. **Takes note** of the Report of the AU High-Level Implementation Panel (AUHIP) on Sudan and South Sudan (AUHIP), on the situation between Sudan and South Sudan [PSC/AHG/3.(CCCLIII)], as well as of the introductory remarks of the Chairperson of the Commission and the briefings given by the Commissioner for Peace and Security and the Chairperson of the AUHIP. Council **also takes note** of the statements made by the representatives of the Republic of Sudan and the Republic of South Sudan, as well as those made by Ethiopia, in its capacity as the Chair of the Inter-Governmental Authority on Development (IGAD), and the United Nations;
2. **Recalls** its previous communiqués on Sudan and South Sudan ;
3. **Commends** the AUHIP and its members, former Presidents Thabo Mbeki, Abdulsalami Abubakar and Pierre Buyoya, for their sustained efforts to assist the Parties to establish cooperative relations towards achieving the goal of two mutually viable states. Council **also expresses its appreciation** to the Chair of IGAD, the Prime Minister of Ethiopia, Haile Mariam Desalegn, for his continued support to the efforts of the AUHIP and the two Parties;
4. **Recalls** resolution 2046 (2012) adopted by the UN Security Council, on 2 May 2012, which endorsed the Roadmap adopted by Council, on 24 April 2012. In this respect, Council **commends** the United Nations, in particular the Special Envoy of the Secretary-General, Haile Menkerios, and the UN Interim Security Force for Abyei (UNISFA), as well as other bilateral and multilateral partners, for their continued support to the AU-led efforts;
5. **Commends** the continued willingness of President Omar Hassan Al Bashir and President Salva Kiir Mayardit to meet with a view to narrowing their differences, in order to arrive at common solutions to the outstanding issues in their bilateral relations. Council **expresses concern**, nonetheless, that despite their engagements and the progress that has been made to reach consensus between the two sides, some differences still persist, which have slowed progress in the implementation of the 27 September 2012 Agreements;
6. **Expresses appreciation** that the situation along the border between Sudan and South Sudan remains calm overall, in spite of isolated incidents, while **noting with concern** that the situation nonetheless remains tense, with the continued threat of escalation;
7. **Reiterates its concern** at the continued lack of implementation, by the Governments of the Republic of South Sudan and Sudan, of the Agreements reached on 27 September 2012. In particular, Council **expresses its deep concern** at any decision by a Party to link the implementation of certain Agreements, in which there is full concurrence, to the resolution of differences of interpretation on other Agreements. Council **stresses the need** for both Parties to unconditionally implement all the Agreements they have concluded in their entirety, and

with utmost urgency, as these Agreements represent an opportunity for the Parties to build two mutually viable States living side-by-side, at peace with one another. Council **stresses** to the Parties that, while the Implementation Matrix, developed at the request of the Presidents of the two countries, is an important tool for the coordinated implementation of all Agreements, it should in no way be used to prevent, delay or obstruct the implementation of any of the Agreements;

8. **Requests** the AUHIP, in line with its report to Council, to support the Parties in developing and applying the mechanisms for the implementation and monitoring of the Agreements referred to in paragraph 7 above. Council **further requests** the Panel to report to it, after 3 months, on the overall status of implementation of all the Agreements and obligations of the Parties, which report should include recommendations on the strengthening of the AU's support to the process in line with the previous decisions of Council;

9. **Urges** the Parties to immediately implement the Agreement on Security Arrangements, in particular through the establishment of the Safe Demilitarized Border Zone (SDBZ). Council **stresses** that disagreement on any particular part of the SDBZ should not prevent its establishment, and the resolution of any disagreement should be pursued within the framework of the Joint Political and Security Mechanism (JPSM);

10. **Expresses its disappointment** at the delay in the implementation of the 20 June 2011 *Agreement on Temporary Arrangements for the Administration and Security of the Abyei Area*. In this regard, Council **urges** the Parties to uphold the spirit in which the compromises which made the Temporary Arrangements Agreement possible were reached, in order to facilitate the establishment of Abyei Area Council. Council **stresses** the importance of implementing the Temporary Arrangements Agreement in all its aspects, as a crucial step to facilitate the continued return of displaced persons, as well as the resumption of normal life and livelihoods of the population of Abyei;

11. **Reaffirms** that the Proposal submitted by the AUHIP, on 21 September 2012, on the Final Status of the Abyei Area represents a fair, equitable and workable solution to the dispute, which takes into account existing agreements and antecedents, as well as the needs and interests of the communities on the ground. In this regard, Council **welcomes** the joint commitment by President Omar Hassan Al Bashir and President Salva Kiir Mayardit, as expressed at the end of their Summit meeting, on 5 January 2013, to continue their engagement on the Final Status of the Abyei Area. Council **strongly urges** the two leaders to resume their negotiations, including on the key issue of the formation of the Abyei Area Referendum Commission, on the basis of the AUHIP 21 September 2012 Proposal. Council **requests** the AUHIP, with the support of the IGAD Chair, to continue to assist the two Presidents to urgently resolve this issue, and **requests** the Panel to report to Council, in March 2013, on the Parties' progress for Council to make further determination on the matter;

12. **Welcomes** the decision taken by the two Presidents on 5 January 2013 that the necessary and agreed measures to demarcate the agreed sections of the boundary should be taken without further delay. In this regard, Council **calls upon** the Parties to immediately establish the bodies identified in the 27 September 2012 Agreement on Border Issues for the

Demarcation of the Boundary. Council **urges** the Parties to avail the necessary resources to support the demarcation process. Furthermore, Council **requests** the AU Border Programme (AUBP) to provide technical support to the Parties in accordance with the Agreement on Border Issues;

13. **Further welcomes** the continued engagement of the Parties with the AU Team of Experts (AUTE), which is preparing a non-binding opinion on the status of the Five Disputed Areas, and **commends** the Team of Experts for its work thus far. Council **urges** the Parties, upon receiving the Experts' report, to engage in good faith negotiations on the basis of their report, with the facilitation of the AUHIP, with a view to reaching a peaceful and speedy settlement of these Disputed Areas;

14. **Recalls** its previous decisions calling upon the Parties to agree on the process for settling the issue of the Claimed Border Areas, and **welcomes** the 5 January 2013 decision of the two Presidents to meet to determine the manner in which the issue of Claimed Border Areas should be addressed, as soon as the Parties, after receiving the opinion of the AUTE, conclude their discussions on the Five Disputed Areas. Council **requests** the AUHIP to continue to assist the Parties to reach a timely resolution of this issue;

15. **Expresses its grave concern** at the continued deterioration of the humanitarian situation in Blue Nile and Southern Kordofan states of Sudan, and **reiterates** that there is no military solution to the conflict. Council **calls on** the AUHIP to submit to the Parties a proposal for a Cessation of Hostilities Agreement that will facilitate humanitarian access to the affected population, with mechanisms to monitor implementation of such an Agreement;

16. **Stresses** that ending the hostilities is an imperative for alleviating the humanitarian crisis. In this regard, Council **urges** the Government of Sudan and the Sudan Peoples' Liberation Movement-North (SPLM-N) to enter into direct negotiations without pre-conditions, in order to reach a political solution to the conflict;

17. **Reiterates** that the June 2011 Framework Agreement and the September 2012 Draft Agreement provide the only viable basis for a negotiated settlement of the conflict in the Two Areas of Blue Nile and Southern Kordofan. In this regard, Council **requests** the AUHIP to invite the Parties to commence direct negotiations, by no later than 15 February 2013, towards a political resolution of the conflict;

18. **Decides** to extend the mandate of the AUHIP until 31 July 2013. Council **further decides** that the AUHIP should submit to it a final report on all matters within its purview since its establishment in October 2009, to a meeting to be held in July 2013;

19. **Decides** to remain actively seized of the matter.

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