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PEACE AND SECURITY COUNCIL
339TH MEETING

ADDIS ABABA, ETHIOPIA
24 OCTOBER 2012

PSC/MIN/COMM/1(CCCXXXIX)

COMMUNIQUÉ

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The Peace and Security Council of the African Union (AU), at its 339th meeting held on 24 October 2012, adopted the following decision on the situation between Sudan and South Sudan:

Council,

1. **Takes note of** the Interim Report of the African Union High-Level Implementation Panel on Sudan (AUHIP) on the Matters Detailed in the 24 April 2012 Communiqué of the Peace and Security Council [PSC/MIN/2(CCCXXXIX)], which includes recommendations for the resolution of the outstanding issues outlined in the Roadmap contained in the communiqué of 24 April 2012 [PSC/MIN/COMM/3.(CCCXIX)], as introduced by the Commissioner for Peace and Security and the Chairperson of the AUHIP. Council **further takes note** of the statements made by the Ministers of Foreign Affairs of the Republic of Sudan and the Republic of South Sudan, as well as by Ethiopia, as Chair of the Inter-Governmental Authority on Development (IGAD), the United Nations and other bilateral and multilateral partners;
2. **Recalls** communiqués PSC/MIN/COMM/3.(CCCXIX) and PSC/AHG/COMM.2(CCCXXVII), adopted at its 319th and 327th meetings held on 29 April and 14 July 2012, respectively, as well as the communiqué adopted at its 329th meeting, held on 3 August 2012, which, among others, extended the timeframe for the resolution of all issues to 22 September 2012 [PSC/PR/COMM. (CCCXIX)];
3. **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 tireless efforts to assist the Parties to resolve their differences, finalize their negotiations on all outstanding issues in their post-secession relations, and establish cooperative and mutually supportive relations. Council **further commends** the Chair of IGAD for his continued positive and supportive role to the work of the AUHIP and to both Parties;
4. **Recalls** resolution 2046 (2012) adopted by the United Nations Security Council (UNSC) on 2 May 2012, which endorses the Roadmap, and **reiterates**, once again, the AU's appreciation to the UN, including its Special Envoy and the United Nations Interim Security Force for Abyei (UNISFA), as well as other bilateral and multilateral partners, for their unwavering support to the AU-led efforts;
5. **Commends** the Governments of the Republic of Sudan and the Republic of South Sudan for the agreements reached on 27 September 2012, namely the Agreement on Security Arrangements, the Framework Agreement on the Status of Nationals of the Other State, the Agreement on Border Issues, the Agreement on Trade and Trade-related Issues, the Agreement on a Framework for Cooperation on Central Banking Issues, the Framework Agreement to Facilitate Payment of Post-service Benefits, the Agreement on Certain Economic Matters, Division of Assets and Liabilities, Arrears and Claims and Joint Approach to the International Community, the Agreement Concerning Oil and Related economic Matters,

and the overall Cooperation Agreement. In this regard, Council **commends** President Omar Hassan el Bashir and President Salva Kiir Mayardit, for the courage and statesmanship they have shown in reaching these landmark Agreements in the face of difficult circumstances. Council **recognizes** that these Agreements represent a major achievement for the people of Sudan and South Sudan, as well as for the African continent as a whole to resolve its own problems;

6. **Welcomes** the ratification of the 27 September 2012 Agreements by the two countries and **encourages** them to ensure the effective and timely implementation of the Agreements signed, as well as other Agreements reached with the facilitation of the AUHIP;

7. **Notes with regret**, nonetheless, that despite these major achievements, certain key issues included in the Roadmap remain unresolved between the two States, namely the Final Status of the Abyei Area and the resolution of Disputed and Claimed Border Areas;

8. **Commends** the AUHIP for the efforts exerted towards the resolution of the Final Status of the Abyei Area. In this respect, Council **accepts** the proposal submitted by the AUHIP on 21 September 2012, as representing a fair, equitable and workable solution to the dispute between the two countries, which takes into account existing Agreements entered into by the Parties, as well as the needs and interests of the communities on the ground. Council **welcomes** the acceptance of this proposal by the Republic of South Sudan, and **notes** the position of the Republic of Sudan;

9. **Requests** the Parties to engage each other, with the facilitation of the AUHIP, on the basis of the AUHIP's Proposal on the Final Status of Abyei Area of 21 September 2012, seeking to reach consensus on the Final Status of the Abyei Area, within a period of six weeks from the date of the adoption of this communiqué. Council **further requests** the AUHIP to report to it on the results of this engagement, immediately upon the expiration of the six-week period mentioned above;

10. **Decides that**, in the event that the Parties fail to reach agreement on the Final Status of the Abyei Area within the six-week period mentioned above, Council will endorse the 21 September 2012 Proposal as final and binding, and would seek the endorsement by the UN Security Council of the same;

11. **Calls on** the Parties immediately to implement, in its entirety, the Agreement on Temporary Arrangements for the Administration and Security of the Abyei Area, by ensuring the establishment of the Abyei Area Administration and the Abyei Area Council, pending the resolution of the Final Status of the Abyei Area. Council **calls on** the Abyei Joint Oversight Committee to assist in the establishment of the above bodies;

12. **Further calls on** the international community urgently to assist the Parties to effect the safe and dignified return of all displaced persons to Abyei and **requests** the Commission, in this regard, to convene an international conference bringing together relevant stakeholders and partners to coordinate assistance for the rehabilitation and reconstruction of Abyei, including addressing the economic needs of the nomadic population;

13. **Calls on** the Parties, under the facilitation of the AUHIP, to reach agreement, within two weeks, on the process for the negotiations for the resolution of the Five Disputed Areas they have already identified, as well as any other Claimed Border Areas. In this context, Council **endorses** the Draft Terms of Reference of the Team of Experts, and **urges** both Parties to accord the Team of Experts all the necessary cooperation in the conduct of its work, and **further requests** the AUHIP to submit to it a report on the outcome of these negotiations and the work of the Experts, including any recommendations as relevant;
14. **Decides** that, in the event that the Parties fail to reach agreement on the process for the resolution of the Five Disputed Areas as well as the Claimed Border Areas, the AUHIP will present a proposal to Council, which will then make a final and binding determination and seek the endorsement of the UN Security Council of the same;
15. **Expresses profound regret** that the Government of Sudan and the Sudan People's Liberation Movement-North (SPLM-North) have failed to convene direct negotiations, and **calls on them** immediately to do so no later than 10 November 2012, facilitated by the AUHIP with the support of the IGAD Chair, on the basis of the 28 June 2011 *Framework Agreement Between the Government of Sudan and the Sudan People's Liberation Movement-North on Political Partnership between NCP and SPLMN*, taking into account the Draft Agreement submitted to them by the AUHIP on 17 September 2012;
16. **Recalls** that communiqués PSC/MIN/COMM/3.(CCCXIX) and PSC/PR/COMM.(CCCXXIX) of its 319th and 329th meetings called on the Parties, immediately to implement the *Joint Proposal for Access to Provide and Deliver Humanitarian Assistance to War-affected Civilians in South Kordofan and Blue Nile States*. Council **expresses its serious concern** that, despite the signing by both Parties, on 4 and 5 August 2012, of the Memoranda of Understanding on the modalities for the delivery of humanitarian assistance to affected populations, there has to date been no orderly delivery of any humanitarian assistance in the SPLM-North held areas;
17. **Reiterates its call** to the Parties to permit and facilitate immediate humanitarian access to the affected populations of the Two Areas, in accordance with the Joint Proposal and the Memoranda of Understanding. To this end, Council **urges** the Parties to agree to an immediate cessation of hostilities as the first priority during their direct negotiations, as referred to in paragraph 15 above, in order to facilitate the urgent and long-overdue delivery of humanitarian assistance to the affected populations. Council **commends** the efforts of the Commission in this regard to deploy 12 humanitarian monitors to ensure that assessments and delivery of assistance is done in accordance with international humanitarian principles, and **calls on** the Government of Sudan and the SPLM-North immediately to facilitate the deployment of these monitors to affected areas to commence their work, together with those from the United Nations and the League of Arab States;
18. **Recognizes** the need for continued facilitation of dialogue between the Governments of Sudan and South Sudan to resolve the outstanding issues in their relations, namely the final status of the Abyei Area and the resolution of Disputed and Claimed Border Areas, as well as in the negotiations to end the conflict in the Two Areas and other matters requiring facilitation that may arise in the implementation process. Council **decides**, in this regard, to

extend the mandate of the AUHIP until the next meeting of Council to be held at the level of Heads of State and Government. Council **requests** the Commission to engage in consultations with the AUHIP to agree on the way forward with regard to the other aspects of its original mandate, namely the implementation of the recommendations of the AU High-Level Panel on Darfur (AUPD), the promotion of the democratic transformation in Sudan and South Sudan, and the mobilization and coordination of support for these processes within the international community;

19. **Decides** that the AU High-Level Implementation Panel for Sudan shall henceforth be referred to as the AU High-Level Implementation Panel for Sudan and South Sudan;

20. **Calls** on the international community to provide the necessary political, economic and financial assistance to the Parties as they strive to implement the Agreements reached, especially those related to Transitional Financial Arrangements, as agreed to by the Parties. Council **urges** the international community to include, as part of such assistance, in particular, debt relief and the lifting of sanctions;

21. **Requests** the AUHIP to submit a comprehensive narrative and analytical report, covering all matters falling within its mandate and scope of work since it was established in October 2009, to a meeting of Council to be convened at the level of Heads of State and Government, during the next meeting of the Ordinary Session of the Assembly of Heads of State and Government, in January 2013. Council **further requests** the Commission to take the necessary steps to support the implementation process of the Agreements reached and the work of the AUHIP and, to this effect, to upgrade its presence on the ground in both States. Council **also requests** the Commission to undertake a lessons-learnt exercise of this AUHIP-led mediation process;

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

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