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PEACE AND SECURITY COUNCIL
349TH MEETING
14 DECEMBER 2012
ADDIS ABABA, ETHIOPIA

PSC/PR/COMM(CCCXLIX)

COMMUNIQUÉ

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The Peace and Security Council of the African Union (AU), at its 349th meeting held on 14 December 2012, adopted the following decision on the situation between Sudan and South Sudan:

Council,

1. **Takes note** of the Report of the AU High-Level Implementation Panel on Sudan and South Sudan (AUHIP) on the implementation of matters contained in communiqué PSC/MIN/COMM/1(CCCXXXIX) adopted at its 339th meeting held of 24 October 2012, 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, the United Nations and other bilateral and multilateral partners;
2. **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 ongoing efforts to assist the Parties to establish cooperative and mutually supportive relations, subsequent to the Agreements between Sudan and South Sudan of 27 September 2012. Council **further commends** the Chair of the Inter-Governmental Authority on Development (IGAD), for his continued positive and supportive role to the work of the AUHIP and to both Parties;
3. **Recalls** resolution 2046 (2012) adopted by the United Nations Security Council (UNSC) on 2 May 2012, which endorsed the Roadmap adopted by Council on 24 April 2012 and **reiterates, once again**, the AU's appreciation to the UN, including its Special Envoy, Haile Menkerios, and the UN Interim Security Force for Abyei (UNISFA), as well as to other bilateral and multilateral partners, for their unwavering support to the AU-led efforts;
4. **Notes with concern** the non-implementation by the Governments of the Republic of Sudan and the Republic of South Sudan of 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 particular, Council **further notes with concern** the delay in the implementation of critical security arrangements entrusted to the Joint Political and Security Mechanism (JPSM);

5. **Reminds** the Governments of the Republic of Sudan and the Republic of South Sudan of their responsibilities to implement the above-mentioned Agreements without delay, in a comprehensive and coordinated manner. In this regard, Council **looks forward** to the meeting of the JPSM scheduled for 15 December 2012, and **urges** the Co-Chairs of the JPSM to work in a constructive and cooperative spirit to implement the commitments of the two countries under the 27 September 2012 Agreements;
6. **Takes note** of the steps taken to establish the Abyei Area Administration and Executive Council, consistent with the provisions of the 21 June 2011 Agreement on Temporary Arrangements for the Administration and Security of Abyei Area, namely the provision by Sudan of a list of nominees for the Administration and Council and South Sudan's acceptance to consider this list, and **urges** them to move forward in the establishment of these two bodies;
7. **Welcomes** the willingness of the President of the Republic of South Sudan and the President of the Republic of Sudan to meet, and **encourages** the convening of a Summit in the shortest possible time, in order to remove bottlenecks on all pending issues, including those relating to Abyei and the border;
8. **Reiterates its acceptance** of the Proposal for the resolution of the Final Status of Abyei Area, submitted by the AUHIP on 27 September 2012, as 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 **notes** that the deadline for the Parties to negotiate on the basis of this Proposal expired on 5 December 2012, but that no negotiations had taken place by that time. Council **urgently calls** for the anticipated negotiations to take place, and **eagerly awaits** the outcomes of the Summit Meeting referred to above. Council **further refers** the determination on the issue of the Final Status of Abyei to its meeting at the level of the Heads of State and Government, to be held on the margins of the 21st Ordinary Session of the Assembly of the Union, in Addis Ababa, in January 2013;
9. **Welcomes** the engagement of the Parties with the Team of Experts on the resolution of the Five Disputed Border Areas in accordance with its previous decision, and **urges** the Parties to continue their cooperation with the Experts in order to expedite the resolution of this issue. Council **however notes** that the Parties have not completed their negotiations on the process for the resolution of the Five Disputed Areas, as well as the Claimed Border Areas. Council **calls upon** the Parties to resolve these outstanding issues, and **defers** its decision on these matters pending the outcomes of the Summit Meeting between the President of the Republic of Sudan and the President of the Republic of South Sudan;
10. **Expresses profound regret** that the Government of Sudan and the Sudan People's Liberation Movement-North (SPLM-N) have failed to convene direct negotiations, despite the repeated calls upon them to do so. Council **notes with concern** the recent escalation of the conflict in the "Two Areas" of Blue Nile and Southern Kordofan, and **reiterates** that there can be no military solution to this conflict and that efforts towards a political solution should be

delayed no longer. Council **repeats** its urging that direct political talks should begin immediately, 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;

11. **Recalls** that communiqués PSC/MIN/COMM/3.(CCCXIX), PSC/PR/COMM.(CCCXXIX) and PSC/MIN/COMM/1(CCCXXXIX) of its 319th, 329th and 339th 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 been, to date, no orderly delivery of any humanitarian assistance in the SPLM-N held areas;

12. **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 above, in order to facilitate the urgent and long-overdue delivery of humanitarian assistance to the affected populations;

13. **Requests** the AUHIP to submit a final report to Council on all outstanding issues arising from the 24 April 2012 Communiqué and Roadmap, for its meeting planned to take place on the margins of the forthcoming Ordinary Session of the Assembly of the Union, in January 2013;

14. **Recalls** paragraph 21 of Communiqué PSC/MIN/COMM/1(CCXXXIX), in which Council requested 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 held at the level of Heads of State and Government, in January 2013. In this respect, Council **extends** this deadline by an additional six months;

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

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