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P.O. Box: 3243, Addis Ababa, Ethiopia, Tel. :(251-11) 551 38 22 Fax: (251-11) 551 93 21  
Email: [situationroom@africa-union.org](mailto:situationroom@africa-union.org)

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PEACE AND SECURITY COUNCIL  
349<sup>TH</sup> MEETING  
14 DECEMBER 2012  
ADDIS ABABA, ETHIOPIA

PSC/PR/2(CCCXLIX)

**REPORT OF THE AFRICAN UNION HIGH-LEVEL IMPLEMENTATION  
PANEL FOR SUDAN AND SOUTH SUDAN**



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**I. INTRODUCTION**

1. At its 339<sup>th</sup> meeting held on 24 October 2012, the African Union (AU) Peace and Security Council considered the Interim Report of the AU High-Level Implementation Panel on Sudan and South Sudan (AUHIP), and issued a Communiqué urging the Government of Sudan and the Government of South Sudan to finalize outstanding issues, within stipulated timeframes.

2. The AUHIP has engaged both States, to encourage direct dialogue and communication between them in order to resolve all of the outstanding issues identified by Council. In this regard, President Salva Kiir Mayardit has extended an invitation to President Omar Hassan Al Bashir, for a Summit meeting in Juba, to discuss various matters, including the final status of the Abyei Area. The AUHIP understands that President Bashir has accepted this invitation.

**II. ABYEI**

3. Council requested the Parties to engage with each other on the basis of the 21 September 2012 AUHIP Proposal on the Final Status of the Abyei Area, with a view to reaching an agreement within six weeks.

4. On 6 November 2012, the Chairperson of the AUHIP wrote to President Bashir and President Kiir, urging them to implement the 20 June 2011 Temporary Arrangements for the Administration and Security of the Abyei Area (“the Abyei Temporary Agreement”) and meet to discuss the Final Status of the Abyei Area on the basis of the AUHIP Proposal.

5. We regret to report that the Parties have not yet been able to meet to discuss either the implementation of the Abyei Temporary Agreement, or the Final Status of the Abyei Area.

6. The AU Facilitator of the Abyei Joint Oversight Committee (AJOC) has reported to us that several attempts to convene the Committee were unsuccessful.

7. At the time of writing this report, the AJOC was scheduled to meet on 12 and 13 December 2012.

8. On 9 December 2012, the Chairperson of the AUHIP again wrote to both Presidents to enquire about the results of their interaction on the settlement of the Final Status of the Abyei Area, in order to inform the Panel’s report to the PSC on the matter.

9. The Panel understands that the two Presidents were not able to meet during the six-week period envisaged by the PSC.

### III. BORDERS

10. Council called on the Parties to reach agreement on the process of negotiations for the resolution of the status of the Five Disputed Areas, as well as any other Claimed Border Areas. Council also endorsed the Draft Terms of Reference of the Team of Experts, and urged both Parties to accord the Team all necessary cooperation.

11. The AUHIP has encouraged the Parties, through their Lead Negotiators, to resolve the matter of the process for the negotiation of the Disputed and Claimed Border Areas and the outstanding question of 'Kaka'. However, the Parties have not met to continue their negotiations on these issues.

12. On 26 November 2012, the AUHIP wrote to the Parties to inform them of the planned visit of the Team of Experts to Khartoum and Juba in December 2012, in order to interact with them as envisaged by the Decision of Council, and urged the Parties to cooperate with the Experts.

13. At the time of preparing this report, both sides have welcomed the visit of the Experts and the Team has already commenced its interactions with the Government of Sudan in Khartoum, and will next travel to Juba, where it will meet representatives of the Government of South Sudan.

14. All of the matters relating to the process to resolve the outstanding border issues are eminently soluble, as long as the two sides engage each other to consider them. They should be encouraged to do so. In this regard, the Parties' cooperation with the Team of Experts is a welcome development, which will enable the Experts to produce an opinion to assist in the process of the resolution of the Five Disputed Areas.

### IV. CONFLICT IN BLUE NILE AND SOUTHERN KORDOFAN STATES

15. In paragraphs 17-19 of our Interim Report to Council for its 339<sup>th</sup> meeting on 24 October 2012, we outlined the steps that had been taken to facilitate a settlement of this conflict through political negotiations between the Parties (the Government of Sudan and the Sudan Peoples' Liberation Movement-North - SPLM-N) Unfortunately, as we reported to Council, the Parties did not agree to meet face-to-face and, as such, had not yet taken the first critical step towards finding such a political settlement. We also reported that, as a result of our extensive bilateral engagements with each Party, we had presented the Parties with a Draft Agreement on 17 September 2012, in the spirit of the Communiqué of 24 April, which we considered provided the basis for direct talks in order to resolve the conflict.

16. In its Communiqué, Council called on the Parties to convene immediately on the basis of the 28 June 2011 Framework Agreement on Political Partnership between NCP and SPLM-N, taking into account the 17 September 2012 AUHIP Draft Agreement for the Resolution of the Conflict in Blue Nile and Southern Kordofan States and Related Issues.
17. Council further urged the Parties to agree to an immediate cessation of hostilities as the first priority during their direct negotiations.
18. Regrettably, since Council met, seven weeks ago, the armed conflict in the Two Areas has escalated. Of particular concern has been fighting around the city of Kadugli in Southern Kordofan. This military escalation has contributed to an increase in accusations and counter-accusations by each side.
19. The Panel has continued to engage each of the Parties to the conflict separately, with a view to putting the process back on track. However, although they have been willing to engage with the Panel, the Parties have not yet committed themselves to direct negotiations. Face-to-face negotiations are necessary to resolve this conflict.
20. The resolution of this issue has become complicated by the insistence of the Government of Sudan that the SPLM-North is still receiving military assistance from the Government of the Republic of South Sudan, and that South Sudan must fully and verifiably disengage from the SPLM-N before a political solution can be reached. For its part, South Sudan denies having any military links with the SPLM-N.
21. This stand-off is now having adverse effects on the outstanding negotiations, and the implementation of the Agreements reached on 27 September 2012. For instance, Sudan is seeking to make implementation of the Agreement on Oil and Related Economic Matters conditional on the full implementation of the security agreements between the two States, while also maintaining that the security agreements between Sudan and South Sudan can only be implemented when there is complete and verified disengagement of South Sudan from the SPLM-N.
22. For its part, the SPLM-N says that it is willing to meet the Government of Sudan in order to discuss these issues.
23. On 10 October 2012, the Panel presented the Parties with an additional proposal for the settlement of the conflict, for their consideration. The Government of Sudan has asked for more time to consider the proposal. Both Parties have sought guidance from the Panel on how best to proceed. The presentation of the October proposal has obliged the Parties to discuss the issues internally, which will assist in moving them towards a political dialogue.

24. The SPLM-N has also indicated that it is willing to discuss a humanitarian ceasefire, if it is linked to security guarantees.

25. As Council has previously recognised, the AUHIP 28 June 2011 Framework Agreement and the 17 September 2012 Proposal still remain the most appropriate basis for the Government of Sudan and the SPLM-N to engage each other, and we therefore propose that they serve as the agenda and principles for direct political negotiation.

#### **V. HUMANITARIAN SITUATION IN BLUE NILE AND SOUTHERN KORDOFAN**

26. On the urgent matter of providing humanitarian assistance to the populations in the Two Areas, Council reiterated its call to the Parties to permit and facilitate immediate humanitarian access in accordance with the Joint Proposal and the Memoranda of Understanding signed by the Parties, in August 2012.

27. Regrettably, since the issuance of the Tripartite Joint Proposal for Access to Provide and Deliver Humanitarian Assistance to War-Affected Civilians in South Kordofan and Blue Nile States on 9 February 2012, the visualized delivery of assistance to the war-affected populations has not materialized.

28. Moreover, the Memorandum of Understanding signed with Government of Sudan lapsed on 3 November 2012. The Tripartite has stated its readiness to facilitate the immediate provision and distribution of humanitarian assistance, and is waiting for the Government and the SPLM-N to agree on the Plan of Action for the Delivery of Assistance submitted to them and to provide the necessary security arrangements. The process, however, is at an impasse, and civilians trapped by the conflict continue to suffer the consequences of the violence.

29. In the interim, the Tripartite has been preparing the necessary logistics, humanitarian monitors and field assessment staff drawn from several African and Arab League States for immediate deployment, once final agreement is reached on this issue. However, the recent escalation of fighting has exacerbated the already deteriorating humanitarian situation, and therefore calls for an urgent meeting that would reach agreement to facilitate delivery of humanitarian assistance to civilians affected by conflict.

#### **VI. OBSERVATIONS**

30. Since Council met on 24 October 2012, the negotiations on the outstanding matters, as well as the implementation of the September 2012 Agreements, have been hampered by the key issue of the conflict in the Two Areas, which has affected the political engagement between the two States. However, the willingness of the two Presidents to meet is positive, and they should be encouraged to do so in order to unlock the bottlenecks on all of the issues, including those relating to the Abyei Area and the Border.

31. Additionally, it is now evident that a resolution of the conflict in the Two Areas is an indispensable prerequisite for the normalization of relations between Sudan and South Sudan. The Panel holds that direct negotiations between the Parties to this conflict should convene immediately based upon the 17 September 2012 Draft Agreement.

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