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

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I. INTRODUCTION

1. This report is prepared pursuant to Council's communiqué adopted at its 353rd meeting, held at the level of Heads of State and Government on 25 January 2013, in the margins of the 20th Assembly of Heads of State and Government. It draws upon the activities undertaken by the African Union High-Level Implementation Panel for Sudan and South Sudan (AUHIP) and the AU Commission in facilitating talks between Sudan and South Sudan, as well as activities undertaken by the AUHIP and the Chair of Intergovernmental Authority on Development (IGAD) to mediate between the Government of Sudan and Sudan People's Liberation Movement North (SPLM-North) during this period.
2. Council's communiqué at its 353rd meeting on 25 January 2013 requested the AUHIP to provide a final and comprehensive report before the end of July 2013. Unfortunately, unresolved issues between Sudan and South Sudan necessitate that the Panel request an extension of its mandate, to facilitate the resolution of the remaining outstanding issues, and therefore that the final and comprehensive report be postponed to a later date.
3. Following the outbreak of hostilities along the border between Sudan and South Sudan in early April 2012, Council convened a meeting at ministerial level on 24 April 2012, at which it adopted a communiqué incorporating a Roadmap for implementation by Sudan and South Sudan. The Roadmap aimed at easing the tension then prevailing between the two countries, facilitating the resumption of negotiations on post-secession relations and outstanding issues in the Comprehensive Peace Agreement (CPA), and assisting in the normalization of relations between the two States. The communiqué also addressed the conflict in the "Two Areas" of Sudan, namely the two states of Blue Nile and Southern Kordofan, between the Government of Sudan and the Sudan People's Liberation Movement-North (SPLM-N). The Roadmap was endorsed by the United Nations Security Council, acting under Chapter VII authority, in resolution 2046 (2012) of 2 May 2012. The AU and UN adopted a three-month deadline for the resolution of the issues in the Roadmap, to expire on 2 August 2012.
4. Subsequently, the AUHIP facilitated negotiations on outstanding CPA matters and post-secession relations between Sudan and South Sudan. These negotiations culminated in a Summit meeting held between the two Presidents of Sudan and South Sudan in Addis Ababa from 22 to 27 September 2012, during which the two Presidents concluded a Cooperation Agreement and Agreements on eight other issues, on 27 September 2012, covering security arrangements, oil and transitional financial arrangements, the status of nationals of one country resident in the other, post-service benefits, trade, banking, border issues and certain other economic matters.

5. Despite the conclusion of the above-mentioned agreements, two key issues between the two States remained unresolved, namely disputed and claimed border areas and the issue of Abyei. The Parties also differed on a number of practical points relating to the implementation of the Security Agreement in particular. Subsequently, Council met on 24 October 2012 and again on 14 December 2012 and on 25 January 2013, to consider reports of the AUHIP on progress made by the Parties on these matters. These meetings took further decisions on relations between Sudan and South Sudan.

6. Council further met on 7 May 2013 to consider the crisis and attendant threat to peace and security arising from the killing of the Paramount Chief of the Ngok Dinka, Kuol Deng Kuol, and a United Nations Interim Security Force in Abyei (UNISFA) peacekeeper in Abyei on 4 May. In its 374th meeting, Council resolved to establish an independent inquiry into the incident.

II. DEVELOPMENTS SINCE THE LAST REPORT OF 25 JANUARY 2013

7. During January 2013, with the support of the Chair of IGAD, Prime Minister Haile Mariam Desalegn of Ethiopia, the AUHIP convened two Summit meetings between the Presidents of South Sudan and Sudan in Addis Ababa to address outstanding issues and the differences hampering implementation of the Cooperation Agreements signed in September 2012. In particular, the two states differed on the modalities for the redeployment out of the Safe Demilitarized Border Zone (SDBZ) in the “14 Mile Area,” and on the issue of allegations of continued support by South Sudan for the SPLM/A-North. The first Summit was held on 4-5 January 2013, leading to agreement by the two Presidents on the need for the expedited, unconditional and coordinated implementation of all elements of the 27 September 2012 Agreements. However, in the absence of any agreement on implementation modalities, this remained an in-principle agreement only. The second Summit was held on the margins of the Assembly of Heads of State and Government, on 26th January 2013, and failed to achieve any result.

Implementation Matrix

8. From 7-8 March 2013, the AUHIP convened an Extraordinary Meeting of the Joint Political and Security Mechanism (JPSM) in Addis Ababa with members of the Lead Negotiating Panel (LNP) present. On 8 March 2013, the Parties agreed to comprehensive Implementation Modalities for the Security Agreement, to serve as an integral addendum to the 27 September 2012 Agreements. These Modalities specified a detailed timeline for the implementation of the outstanding commitments in the areas of security, including the withdrawal of forces from the SDBZ and the deployment of the Joint Border Verification and Monitoring Mission (JBVMM), with force protection and logistical support from UNISFA. D-Day for start of implementation of the Security Agreement was agreed as 10 March 2013.

9. The Panel subsequently convened a meeting of the LNP to address all other outstanding issues, with particular reference to the resumption of oil production in South Sudan, and related economic and financial issues. The LNP concluded an Implementation Matrix, which highlighted the steps to be taken by both sides, and confirmed D-Day for the implementation of

all Agreements as 10 March 2013, confirming the agreement reached by the Ministers of Defense in concluding the Implementation Modalities for the Security Agreement. The Implementation Matrix was signed by the two Lead Negotiators on 12 March 2013. Immediately following the signing of the Implementation Matrix, the Government of Sudan issued an instruction for the reopening of the oil pipeline, and South Sudan ordered the oil companies to restart oil production.

10. This resumption of oil production was followed by the visit of President Bashir to Juba on 12 April 2013, during which the two Presidents committed to “rebooting” their relations on a new, more cooperative footing, marking the normalization of relations between the two states.

11. Other aspects relating to the implementation of the Agreements continued: the AU appointed a Chairperson to the Petroleum Monitoring Commission (PMC), Dr. Emmanuel Egbogah, and a meeting of the PMC was held in Addis Ababa on 8 June 2013. A second meeting of the PMC was held in Khartoum on 6 July 2013, followed by a visit to Port Sudan to witness the first lifting of oil.

12. In May, however, the Sudan Revolutionary Front (SRF), an alliance of rebels including the SPLM-North, initiated fighting in Abu Karshola and Um Ruwaba, briefly capturing both towns. This led to renewed allegations by the Government of Sudan that the Government of South Sudan was violating its commitment not to support and harbour rebel forces, and counter-allegations by the Government of South Sudan that the Government of Sudan was supporting rebel forces fighting inside South Sudan, including the insurgents led by David Yauyau in Jonglei State.

13. Following these attacks, on 19 May President Bashir announced his intention to shut down the transportation of South Sudanese oil through the pipeline to Port Sudan, alleging that these attacks were only made possible by continued support by the Government of South Sudan to the SPLA-North and SRF, whose stated goal was the overthrow of the Government of Sudan. He announced a decision with immediate effect on 8 June. Under the terms of that agreement, the pipeline can be closed for technical reasons, with a fourteen-day notice period, after which a sixty-day controlled shutdown is initiated.

14. Given this situation of allegation/denial and counter-allegation by the two Governments, and the inability of existing mechanisms to address them conclusively, the Chair of the AUHIP wrote to the two Presidents on 9 June 2013, and proposed that the AU Commission, working together with the Chair of IGAD, set up an Ad Hoc Investigation Mechanism (AIM) to ascertain the veracity of such allegations. The two Presidents accepted this proposal. The Commission and the Chair of IGAD have established this mechanism and it is working to assess the allegation of both states regarding support by the other to their armed rebel movements.

15. Additionally, the Government of Sudan had alleged that South Sudanese forces had re-entered the SDBZ and were located in several locations within and north of the SDBZ. The Government of South Sudan countered that its forces were indeed located outside of the SDBZ in accordance with the AUHIP Map, disputing where precisely the centreline fell on the ground, and alleging that Sudanese forces had failed to comply fully with their obligations to withdraw. In response to this, in his letter of 9 June 2013, the Chairperson of the AUHIP proposed that the AU Commission, through its Border Programme (AUBP), establish a Technical Team (AUBP TT) to make a conclusive technical determination of the location of the SDBZ centreline on the ground, in accordance with the AUHIP map. The AUHIP Chairperson further proposed that the AUBP TT prepare an operational map of the SDBZ depicting sufficient detail to enable its application on the ground. The two Presidents accepted this proposal. The Commission has set up this Technical Team, which has begun its work.

16. The mechanisms provided for in the previous two paragraphs were intended to complete their work before the end of July. However, unavoidable delays relating to the complexities of the tasks entailed, and the need to ensure close cooperation with both Parties in the context of high levels of insecurity along the border, mean that they are unlikely to be able to complete their activities before the end of August 2013. UNISFA is providing logistic support to both mechanisms.

17. Pending the conclusion of the work of the two mechanisms, namely the Ad Hoc Investigative Mechanism to assess the allegations of harbouring and supporting rebels and the technical mechanism to identify the application on the ground of the coordinates of the SDBZ, the AUHIP proposes that the two mechanisms reach agreement with the Governments of Sudan and South Sudan about when they should conclude their work.

18. With regard to the resumption of oil production, the AUHIP recommends that Council:

- a. Strongly endorse the establishment of the Ad Hoc Investigation Mechanism into allegations of harbouring and supporting rebels;
- b. Strongly endorse the establishment of the AUBP TT mechanism for conclusively determining the SDBZ centreline on the ground;
- c. Urge the Government of Sudan and the Government of South Sudan to extend all necessary support to enable these mechanisms to fulfill their functions;
- d. Urge the Government of Sudan to suspend any actions to halt the transportation of oil from South Sudan until such time as these mechanisms have completed their work.

19. With regard to the implementation processes, the AUHIP recommends that Council call upon the Parties to activate all of the bodies and processes stipulated in the Implementation Matrix.

Disputed and Claimed Border Areas

20. In the March 2013 Implementation Matrix, the Parties reconfirmed the sequence upon which the two Presidents previously had agreed for resolving the disputed and claimed Border Areas: first, the parties would complete negotiations on the disputed areas and, thereafter, proceed to address any other border claims. Previously, the Parties had called for the establishment of the African Union Team of Experts (AUTE) on the Sudan-South Sudan boundary, tasked with preparing a non-binding written opinion on the status of the five disputed areas identified by the Parties during the CPA period.

21. The AUTE continued its work to prepare an authoritative opinion on the status of the five disputed areas. Both sides were invited to Addis Ababa to discuss the process and timeframe of the AUTE work, and to exchange their written submissions on the five disputed areas. However, the anticipated exchange on 11 June 2013 did not take place, as the Parties failed to agree on the terms of reference for the AUTE's work, although they agreed on rules of procedure for the AUTE process.

22. Council will recall that, in its decision at its 339th meeting held in Addis Ababa on 24 October 2012, it endorsed the draft Terms of Reference of the AUTE, as negotiated by the Parties in September 2012. Those terms of reference were complete save for the designation of the dispute in relation to the designation of Kaka.

23. On 15 June 2013, following the failure of the Parties to agree on the terms of reference, the AUHIP wrote to the Chief Negotiator of the Republic of South Sudan, with a copy to his counterpart from the Government of Sudan, with a proposed amendment to the terms of reference to reflect the concerns of each Party. At the time of finalization of this report, the AUHIP had not yet received a response to its letter.

24. Save for the delay over the question of Kaka, the AUTE has long been prepared to complete its written opinion after receiving the further submissions of the Parties, and the continuing disagreement over the terms of reference is now the only matter holding up the entire effort to resolve the disputed and claimed border areas. The AUHIP believes that this matter can be resolved easily .

25. The AUHIP recommends that, in relation to the disputed areas, the PSC should welcome the agreement by the Parties to the rules of procedure for the work of the AUTE, which will facilitate the engagement of the Parties with the AUTE. Council should further urge the Parties to exchange their written submissions as soon as possible, leaving the AUTE to determine, by reference to the historical documents, what geographical territory with respect to Kaka was the subject of decisions by the British Colonial Administration. Council should also reaffirm its commitment to ensuring that the processes for settling the status of the disputed as well as claimed border areas are accorded the necessary priority.

Conflict in the “Two Areas”

26. In February 2013, in accordance with the 25 January 2013 communiqué of the PSC, the AUHIP invited the Government of Sudan and the SPLM-North to send delegations to Addis Ababa for the first direct negotiations on the resolution of the conflict in the “Two Areas” to be held since the aborted 28 June 2011 *Framework Agreement on Political Partnership between the NCP and the SPLM-North and Political Arrangements in Blue Nile and Southern Kordofan States*. These talks were slated to begin on 5 March 2013. The invitation stipulated that the talks be based on the 28 June Framework 2011, taking into account the 17 September 2012 draft proposal. As requested by Council, the AUHIP developed a detailed proposal on a Humanitarian Cessation of Hostilities to give to the Parties.

27. The Government of Sudan twice requested the postponement of the talks, before sending a delegation to negotiations convened in Addis Ababa on 24 April 2013. During initial discussions, both sides expressed their readiness to agree to a ceasefire and to humanitarian access to war-affected populations, and to negotiate political and security measures to resolve the conflict.

28. Following this initial meeting, the AUHIP drafted a “Declaration of Common Intent” which included an immediate cessation of hostilities for humanitarian purposes, and the beginning of direct talks on political and security issues. Both Parties responded to the document in writing.

29. The Government of Sudan response did not recognize the SPLM-North as the other party, and extended no recognition of the organized forces of the Sudan People’s Liberation Army-North (SPLA-North) and no structures to engage with the SPLA-North, such as a Ceasefire Commission. While it acknowledged a Joint Security Committee, the task of this committee was envisaged solely as demobilizing the SPLA-North fighters as quickly as possible. Regarding humanitarian access, it mentioned only the 5 August 2012 Memorandum of Understanding (MoU) between the Government of Sudan and the “Tripartite” of the United Nations (UN), AU and League of Arab States (LAS), with no mention of either the UN as an implementing partner or the parallel MoU between the Tripartite and the SPLM-N, signed at the same time.

30. The SPLM-N response, on the other hand, was limited to a humanitarian cessation of hostilities, with the Sudan Relief and Rehabilitation Association (SRRA), the humanitarian wing of the SPLM-North, responsible for humanitarian activities in areas it controlled. It contained only modest monitoring mechanisms for the cessation of hostilities, including a joint committee with a neutral chair, but included no provisions for third party monitoring. The cessation of hostilities was limited to six months and contained no onward linkages to negotiations on political and security issues.

31. The AUHIP considered that the positions of the two parties were so far apart that it would serve no purpose for the Panel to seek to reconcile their positions. However, the Panel encouraged the leaders of the two delegations, namely Prof. Ibrahim Gandour and Mr. Yasir Arman, to meet face-to-face, without the presence of a third party, to continue to talk. The two delegation leaders met on 25-26 April, in the presence of members of their delegations, but could not narrow their differences. The AUHIP therefore proposed that they adjourn the talks and consult with their principals on ways to compromise when next they convened. The Chair of the AUHIP stressed that they should not reconvene unless and until they were ready to negotiate with a view to reaching agreement, in the interests of their constituencies, who continued to suffer the consequences of armed conflict and displacement.

32. Within hours of the adjournment of the talks, the SRF mounted armed attacks on Um Ruwaba and Abu Karshola in Northern Kordofan. The Government of Sudan responded by repudiating further negotiations with the SPLM-North, which it accused South Sudan of supporting. President Bashir also instructed the Ministry of Petroleum immediately to initiate the shut-down of oil transportation of South Sudanese oil through its pipeline. The Sudan Armed Forces mounted military operations that recaptured the two towns.

33. Subsequently, fighting has continued in both Blue Nile and Southern Kordofan states of Sudan, with regular shelling of the Southern Kordofan capital of Kadugli, causing ongoing death, displacement, and humanitarian crisis.

34. The AUHIP reiterates its conviction, endorsed repeatedly by Council, that there can be no military solution to the conflict in the Two Areas, and that there is no alternative to the Parties engaging in direct negotiations toward a political settlement. The AUHIP recalls the Framework Agreement of 28 June 2011, and the proposed agreement it submitted to the Parties on 17 September 2012, but also notes its willingness to entertain new ideas should the Parties submit them. The AUHIP remains ready to facilitate the urgently needed political negotiations. Furthermore, the AUHIP recommends that possible solutions to the conflict in the Two Areas should be explored in the context of national democratization and constitutional reform in Sudan.

35. The AUHIP recommends that Council remains seized of this matter. The AUHIP will report to Council on progress on this matter.

Abyei

36. Two distinct albeit inter-related issues are of concern with regard to Abyei: the implementation of the 21 June 2011 *Agreement on Temporary Administrative and Security Arrangements for the Abyei Area* (Temporary Arrangements Agreement) and the resolution of the final status of Abyei. The lack of progress in both areas, and the resultant deteriorating security situation occasioned by the uncertainty, is a cause of grave concern for the AUHIP.

37. It will be recalled that, with the signing of the Temporary Arrangements Agreement, the responsibility for security and administrative oversight was placed on the Abyei Joint Oversight Committee (AJOC). However, the AJOC has found itself paralyzed in 2013. It was unable to meet, with the sole exception of an extraordinary meeting convened on 2-3 May 2013 to address the deteriorating security situation in Abyei.

38. Despite the strenuous efforts by UNISFA, AJOC has been unable to ensure that Abyei became a weapons-free zone as stipulated in the Temporary Arrangements Agreement. Incursions by armed individuals and groups have continued, with serious and deadly consequences. This situation culminated in the ambush by a group of armed Misseriya militiamen on 4 May 2013, which left the Paramount Chief of the Ngok Dinka, Kuol Deng Kuol, and a UNISFA peacekeeper, dead. A number of the militiamen were killed in the ensuing shoot-out.

39. In addition to the AJOC, the Temporary Arrangements Agreement calls for the establishment of three institutions, responsible for the governance and administration of the Abyei Area. These are the Abyei Area Council (AAC), the Abyei Area Administration (AAA), and the Abyei Area Police Service (AAPS). While the modalities for the establishment of the Administration have been agreed by the two Parties, it still has not yet been established, because of disagreement over the composition of the Council. The inability to agree on this matter has stalled the process of establishing all Abyei administrative structures.

40. The repeated violent clashes between the various communities residing in and transiting through Abyei have led to mass displacement, serious humanitarian consequences and lingering mistrust. In recognition of the importance of promoting inter-communal co-existence and dialogue, the Abyei Protocol called for the organization of a conference on inter-tribal reconciliation. However, to date this has not been undertaken. On numerous occasions AJOC has called for inter-tribal reconciliation. In its report to Council dated 25 January 2013, the AUHIP stressed the importance of normalizing life in Abyei, as a prerequisite for creating stability and good relations between the different Abyei communities, and called for the convening of a peaceful coexistence conference to expedite this assistance. This has yet to happen.

41. In the Temporary Arrangements Agreement, the Parties reiterated their commitment to resolve the final status of Abyei peacefully. They further agreed that they would consider, in good faith, any proposals that the AUHIP shall make to resolve this matter. On 21 September 2012, the AUHIP submitted a proposal for the resolution of the final status of Abyei, based on the need to respect previous agreements, in particular the need to hold a referendum to determine the final status. The Government of South Sudan accepted the 21 September proposal, while the Government of Sudan rejected it. On 24 October 2012, the AUHIP presented this proposal to Council, which unanimously accepted it, as representing a fair, equitable and workable solution to the dispute between the two countries. In the meantime, the AUHIP asked the Parties to put forth alternate proposals that would be acceptable to both.

42. Given the differences over the 21 September proposal, during the Summit meeting convened on 4-5 January 2013 between President Salva Kiir and President Omar al Bashir, both the implementation of the Temporary Arrangement Agreement and continuing negotiations on the final status of Abyei were discussed. The two Presidents agreed that they would first establish the temporary administrative bodies for Abyei before proceeding to discuss the final status of the area. In a subsequent Summit, convened in Juba on 12 April 2013, the two Presidents agreed to initiate the process to establish the Abyei Area Referendum Commission (AARC) as a way to restart their discussions on the final status. This was a welcome development in line with both the Parties' commitments under the Abyei Protocol of the CPA, and the AUHIP proposal on the final status of Abyei of 21 September 2012.

43. The two parties differed, however, on who should chair the AARC. The Government of Sudan insists that a head, to be nominated by it and subsequently accepted by the Government of South Sudan, as stipulated in the Abyei Referendum Act, should chair the AARC, while the Government of South Sudan endorses the 21 September AUHIP proposal of an independent Chair, nominated by the AU but neither Sudanese nor South Sudanese, as suggested by the 21 September proposal.

44. In May 2013, in the margins of the AU Summit, the two Presidents reconfirmed their commitment to the holding of a referendum as the way to determine the final status of Abyei. Consequently, on 27 May, the Chairperson of the AUHIP dispatched a letter to the two Presidents requesting them to appoint representatives to discuss draft legislative documents on the establishment of the AARC, to be submitted to their respective Parliaments for approval. The Government of the Republic of South Sudan submitted the names of its representatives two days later. The Government of Sudan has yet to submit its nominees.

45. The ongoing impasse in the implementation of the Temporary Arrangements Agreement, and the lack of progress in addressing the final status of Abyei, imperils efforts to maintain peace and security in the Area. Given the security and administrative vacuum in the area, the AJOC and UNISFA warned repeatedly that the situation threatened to erupt into violence with the potential of escalating into generalized conflict between the two states. On 4 May 2013, this warning was tragically realized, with the assassination of the Ngok Dinka Paramount Chief Kuol Deng Kuol, along with a UNISFA peacekeeper. This heinous act has led to a serious escalation of tension between the Abyei communities and contributed to the deterioration of relations between the Government of South Sudan and the Government of Sudan.

46. In view of gravity of the matter, the AU PSC convened on 7 May and requested the Commission to establish an investigation committee including members from the UN and the two states, to examine the circumstances surrounding the killing of the Paramount Chief. Due to circumstances beyond the control of the Commission, the commencement of the investigation was delayed, but has now commenced. At the time of finalization of this report the Abyei Joint Investigation Committee (AJIC) was meeting to consider its terms of reference and its work programme, which would include travel to Sudan, South Sudan and Abyei.

47. The AUHIP is concerned at the increasingly volatile and unstable situation in Abyei, and believes that the status quo is no longer tenable. For many residents of Abyei, who have lived through repeated failures to implement past agreements, there appears to be no further patience to delay the implementation of a final settlement. Ngok Dinka residents fear that the Government of Sudan and the Misseriya are carrying out a programme of settlement in the northern part of Abyei to change the demographic picture on the ground. They claim that the intention is either to ensure sufficient Misseriya become eligible to vote so as to sway the referendum results in their favor, or simply to facilitate a de facto partition of Abyei Area. On their part, some Misseriya fear that the Ngok Dinka are preparing for revenge attacks for the killing of their Paramount Chief. They further worry that the Ngok Dinka may try to use the deadline of October 2013 to create a *fait accompli*. The UNISFA Force Commander requested additional troops to be deployed in the Abyei area to augment his troop's protection capacity for the JBVMM, which was approved by the Security Council. In these circumstances the AUHIP has no alternative but to reiterate the PSC's view that the AUHIP 21 September Proposal, in its entirety, forms the basis for a fair, equitable and workable solution to the matter of Abyei and should be implemented as it stands and in accordance with the timetable as proposed, unless the Government of Sudan and the Government of South Sudan present agreed amendments to this Proposal.

48. The AUHIP recommends that:

- a. The independent investigation into the killing of Chief Deng Kuol Deng be pursued with alacrity, with the full support of the Governments of Sudan and South Sudan.
- b. Council reiterate its support for the AUHIP Proposal on the final settlement of Abyei of 21 September 2012, and renew its call to the Presidents of Sudan and South Sudan to meet and resolve their differences in this regard.
- c. Council undertake a visit to Abyei in order to express support for UNISFA and the people of the region.

Humanitarian Situation in Sudan and South Sudan

49. Humanitarian crisis continues to afflict the population of the Two Areas and refugees from those areas in neighbouring countries. Despite the Memoranda of Understanding signed between the two parties and the "Tripartite" on 4 and 5 August 2012 for the urgent provision of humanitarian assistance to the war-affected populations, no assistance was delivered under this modality, and it lapsed. The AUHIP continued to press the parties to fulfill their obligations under international humanitarian law.

50. The AUHIP recommends that Council

- (a) calls upon the Government of Sudan and the SPLM-North to implement their commitments to end the conflict in the Two Areas and facilitate humanitarian access, and

- (b) calls upon the Government of the Republic of South Sudan to provide immediate and unhindered humanitarian access to people affected by conflict in Jonglei State.

III. MANDATE OF THE AUHIP

51. At its 353rd meeting, on 25 January 2013, Council mandated an extension of the mandate of the AUHIP until the end of July 2013, by which time the AUHIP was expected to provide a final and comprehensive report. That deadline is now upon us. However, in the circumstances of unresolved issues between Sudan and South Sudan, and within each country, as well as of the deterioration in relations between the two countries in recent weeks, the AUHIP and the Commission believe that the termination of the mandate at this time is not appropriate.

IV. OBSERVATIONS

52. The AUHIP would like once again to reiterate its firm belief that the future of Sudan and South Sudan are inextricably linked. There is no viable alternative except for the two countries to affirm these ties and develop closer, cooperative relations with each other in the economic, social, political and security spheres. There is no alternative to the vision of two mutually viable states living side by side at peace with each other. In this regard, the range of the September 2012 Agreements and the March 2013 Implementation Matrix provide an appropriate basis upon which the two countries can, and must, build their bilateral relations.

53. The AUHIP's facilitation of negotiations between Sudan and South Sudan was intended to result in the normalization of relations between two neighbourly African states. The AUHIP anticipated that bilateral mechanisms such as those specified in the September 2012 Agreements, including the JPSM, would rapidly replace the need for mechanisms facilitated by a third-party. This expectation has not yet been met. To the contrary, the continued tensions and mistrust between the two Governments, continuing incidents along their common border and in the Abyei Area, and their regular reciprocal allegations that the other is harbouring and supporting rebels, require the continuous and careful engagement of the AUHIP.

54. The fundamental obstacles to the implementation of the September 2012 Agreements and the normalization of bilateral relations between Sudan and South Sudan lie in the high level of mistrust between them. It is clearer than ever before that the agreed goal of achieving "two viable states" cannot be achieved in the absence of an agenda of democratization, conflict resolution and peaceful coexistence in both states. In this regard, the AUHIP proposes to engage with each Government on its agenda of democratization and constitutional reform.

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