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

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PANEL FOR SUDAN AND SOUTH SUDAN**

I. INTRODUCTION

1. Council will recall that, at its 207th meeting held on 29 October 2009, in Abuja, Nigeria, at the level of Heads of State and Government, it endorsed the Report of the African Union High-Level Panel on Darfur (AUPD) and the Recommendations contained therein, and requested the establishment of an AU High-Level Implementation Panel for Sudan (AUHIP), comprised of former Presidents Thabo Mbeki, Pierre Buyoya and Abdulsalami Abubakar, to assist in the implementation of all aspects of the AUPD Recommendations, as well as in the implementation of the Comprehensive Peace Agreement (CPA) and other related processes, as part of the democratic transformation of the Sudan [Document PSC/AHG/2(CCVII) & Decision PSC/AHG/COMM.1(CCVII)].

2. This report is prepared pursuant to this decision and activities that the AUHIP has been undertaking on the peaceful resolution of the conflicts in the Two Areas of Blue Nile Southern Kordofan as well as Darfur, the implementation of the 2012 Cooperation Agreement between Sudan and South Sudan, and the planned Sudan National Dialogue.

II. NEGOTIATIONS CONCERNING THE CONFLICT IN THE TWO AREAS

3. The AUHIP wishes to report that, following its last briefing to Council, at its 423rd meeting of 10 March 2014, and in line with communiqué PSC/PR/COMM.(CDXXIII) adopted on that occasion, it convened the Government of the Republic of Sudan and the Sudan People's Liberation Movement-North (SPLM-N) in Addis Ababa, from 21 and 30 April 2014.

4. The Parties met to negotiate on the basis of the AUHIP 18 February 2014 Draft Framework Agreement. During this session, the Parties managed to bridge a number of differences through frank and focused interactions on reaching a humanitarian, security and political settlement to end the conflict in Southern Kordofan and Blue Nile.

5. The parties agreed to a consolidated text, which reflected their views and points of divergence. This is reflected in the "Draft 30 April 2014" that will form the basis of the next round of negotiations.

6. In this draft, the Parties agreed on the following: (i) the establishment of four committees; (ii) Council's respective communiqués on 24 April 2012 and 10 March 2014, as well as United Nations Security Council resolution 2046 of 2 May 2012, would serve as the key reference documents; and, (iii) general principles and agenda of the political and security committees.

7. The key matter that remains unresolved was the interrelationship between cessation of hostilities, comprehensive ceasefire and humanitarian issues. These matters will be discussed at the next round of negotiations scheduled for October 2014.

III. IMPLEMENTATION OF THE 2012 COOPERATION AGREEMENT BETWEEN SUDAN AND SOUTH SUDAN

a) Security Related Matters

8. During the period under review, the two countries have continued to work towards the implementation of the September 2012 Cooperation Agreement and the promotion of good neighbourly relations. It is against this background that President Salva Kiir Mayardit undertook a

visit to Sudan on 4 April 2014. The one-day visit was their first bilateral meeting after the conflict in South Sudan erupted in mid-December 2013. The visit was a bid to continue normal relations, as well as appreciate the constructive role the Sudan has been playing in preventing the exacerbation of the crisis in South Sudan. The two Presidents discussed the security situation along the border and how to ensure the protection of the oil installations. President Kiir noted with appreciation the positive role of Sudan in receiving over 80,000 South Sudanese refugees and thanked President Al Bashir issuing an order that allows South Sudanese fleeing the war to go into Sudan as citizens rather than refugees.

9. The AUHIP undertook a mission to Sudan and South Sudan, in August 2014, to follow-up on the implementation of the 27 September 2012 Cooperation Agreement. This followed reports of lack of progress, particularly in the area of security.

10. The AUHIP was informed of numerous bilateral meetings held in Juba and Khartoum between the two Ministers of Defence and the two Heads of State to discuss the proposed centreline and the Safe Demilitarized Border Zone (SDBZ).

11. However, there was no progress registered in these meetings, which prompted the intervention of the Panel. The Government of Sudan expressed disappointment but recognised the difficulties South Sudan was facing following the outbreak of the internal conflict in December 2013, as a genuine obstacle in the implementation process. They also raised concerns over the presence of Sudanese rebel forces in South Sudan which they have been monitoring.

12. The Government of South Sudan acknowledged that Sudan had so far played a constructive role in containing the conflict and receiving South Sudanese into Sudan. They agreed to the proposal of the AUHIP to convene the Joint Political and Security Mechanism (JPSM), as soon as possible to discuss these issues.

13. There has been no progress in terms of the implementation of the existing agreements on Abyei.

b) Borders

(i) AU Border Programme Technical Assessment Mission

14. The AUBP in its advisory function, as provided for in the Agreement on Border Issues, has completed its technical assessment on the readiness of Sudan and South Sudan to carry out demarcation.

15. The AUBP Technical Assessment Team (AUBP-TAT) finalised its report on Sudan and will present its findings to the Minister of State in the Office of the President, Harun Al Rashid on 17 August 2014.

(ii) Establishment of the Joint Border Committees

16. The Two Parties have been urged by the AUHIP, on several occasions, to initiate contacts and start their meetings. South Sudan did take the initiative to invite their counterparts but the meeting never took place.

17. During its meetings in Sudan and South Sudan, the AUHIP took the opportunity to remind both countries of their obligations as it stands in the agreement, and expressed the readiness of the AUBP to assist in their first meeting.

(iii) AU Team of Experts on the Disputed Border Areas between Sudan and South Sudan

18. The AUHIP has been engaging Sudan and South Sudan to cooperate with the AU Team of Experts (AUTE) in its efforts to provide a non-binding opinion on the status of the five disputed border areas.

19. In spite of the efforts made, the Parties have not yet exchanged their oral and written submissions to enable the AUTE finalize its report. On its part, the AUTE met in Addis Ababa on 23 March 2014, and agreed to visit one of the disputed areas, namely the 14-Mile area. A request was made to this effect to the Parties through the AUHIP. Sudan, in April 2014, accepted the request from the AUHIP Chair for the team to undertake the visit to the 14-Mile area. South Sudan accepted this during August 2014.

20. In their response, Sudan agreed to facilitate a visit to the 14-Mile area but requested the AUTE to adhere to the sequence that was agreed upon in the Terms of Reference.

21. During the writing of this report, the AUTE, through the AUHIP, had invited both Parties to meet in Addis Ababa to finalise any oral submissions, and exchange written submissions, between the 3 and 8 September 2014. The Government of Sudan declined the invitation, stating that they wish to discuss the sequencing issues with the AUTE before they can proceed to the exchanges.

IV. THE TRIPARTITE COMMITTEE ON THE JOINT APPROACH

22. The AUHIP continues to assist with the Joint Approach through the Tripartite Committee established by the Cooperation Agreement. The mandate of the Committee is to develop modalities to be utilized for the Joint Approach to the International Community for the assistance to the two countries on: (i) transitional financial assistance for Sudan, (ii) development support for South Sudan, (iii) comprehensive debt relief, and, (iv) the lifting of economic sanctions imposed on Sudan.

23. The work of the Tripartite Committee has been strengthened by the commitment of the two Presidents who made a joint request for support from the international community. Members of the Tripartite have participated in various meetings to discuss this matter, including the April 2014 meetings of the World Bank and the International Monetary Fund (IMF), in their efforts to urge for debt relief for Sudan. During its last meeting held on 31 May to 3 June 2014, the Committee proposed an African-led outreach programme to supplement the work of the Tripartite Committee.

24. The African-led outreach proposal was supported by the 23rd Ordinary Session of the Assembly of the Union, held in Malabo, Equatorial Guinea, from 26 to 27 June 2014, in decision Assembly/AU/Dec.536(XXIII). The Assembly welcomed the Joint Approach, expressed support for the conclusions of the Tripartite Committee, and requested the AUHIP to continue supporting the efforts of the two countries.

V. THE SUDAN NATIONAL DIALOGUE

25. During the period under review, the AUHIP took a number of steps in support of efforts towards a Sudan National Dialogue. It should be recalled that, on 27 January 2014, President Omar Hassan Al Bashir announced that an inclusive National Dialogue should be convened to address various Sudanese challenges. A National Political Parties Summit, chaired by President Al Bashir, was held on 6 April 2014. In a Communiqué issued on 9 April 2014, the Chairperson of the

Commission welcomed the formal commencement of the process leading to the Dialogue, acknowledging that this first meeting was an important step aimed at transitioning Sudan into a new political dispensation. The Chairperson was encouraged by the Government's move to undertake some immediate national reforms and confidence-building measures, as announced during the meeting with the leaders of the political parties, and stressed that this would facilitate genuine participation of all the sectors of society in the National Dialogue.

26. In order to support the efforts in the National Dialogue process, the AUHIP met with President Al Bashir in Khartoum, during its 24 to 26 February 2014 visit, and undertook subsequent visits between 16 and 18 May 2014 and 17 and 22 August 2014, where it received briefings from Senior Government officials on the various steps for the National Dialogue, as well as leaders of political parties, prominent Sudanese actors and civil society groups with whom it discussed the opportunities the National Dialogue presented, as well as the challenges to be overcome, notably those relating to the inclusion of the armed political opposition active in Darfur, South Kordofan and Blue Nile.

27. To complete the broad consultations held in Khartoum, the AUHIP invited the armed political opposition to discuss the National Dialogue. The consultative meeting with the armed opposition covered a number of concerns that are crucial to addressing confidence building measures, the peaceful resolution of the ongoing conflicts in Darfur, South Kordofan and Blue Nile, ensuring the protection of rights and freedoms, and topics that would be considered by the National Dialogue.

28. Subsequently, the armed political opposition and the Umma Party met with representatives from the Political Parties' 7+7 Committee of the National Dialogue.

29. The consultations resulted in an agreement by the G7+7 and the Paris Declaration Group on general principles, and the signing of an agreement on 5 September 2014.

VI. OBSERVATIONS AND CONCLUSIONS

30. In all its efforts, the AUHIP has always worked closely with the Special Envoy of the UN Secretary General for Sudan and South Sudan and the Representative of IGAD in Sudan, as well as the Joint Special Representative and Head of UNAMID, when those efforts relate to the Darfur conflict. The importance of such cooperation cannot be overemphasised.

31. With regard to the security situation between Sudan and South Sudan, the Panel is concerned that the implementation of the Cooperation Agreement will continue to be affected by the internal conflicts in both countries. However, the willingness by both States to continue to discuss issues bilaterally is an indicator that there is still commitment to the establishment of two viable States. The AUHIP will continue to engage the two Governments on these matters.

32. The numerous interactions and consultations carried out by the AUHIP have indicated that there exists a unanimous view amongst all stakeholders that the challenges of Sudan should be addressed through an inclusive and meaningful National Dialogue.

33. The African Union must continue to play its role through the AUHIP to help ensure that an inclusive, holistic and genuine National Dialogue takes place. The gains that have been made in the past few weeks should be strengthened, in order to give the necessary assurances to all Sudanese stakeholders who wish to participate in the Dialogue.

2014-09-12

Progress Report of the African Union High-Level Implementation Panel for Sudan and South Sudan

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