

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, Ethiopia, P.O.Box 3243 Tel.: (251-11) 5513 822 Fax: (251-11) 5519 321
Email: situationroom@africa-union.org

PEACE AND SECURITY COUNCIL
397TH MEETING AT THE LEVEL OF
HEADS OF STATE AND GOVERNMENT

NEW YORK, 23 SEPTEMBER 2013

PSC/AHG/4.(CCCXCVII)

**REPORT ON THE ACTIVITIES OF THE AFRICAN UNION HIGH-LEVEL IMPLEMENTATION PANEL
FOR SUDAN AND SOUTH SUDAN AND OTHER RELATED ISSUES**

**REPORT ON THE ACTIVITIES OF THE AFRICAN UNION HIGH LEVEL IMPLEMENTATION
PANEL FOR SUDAN AND SOUTH SUDAN AND OTHER RELATED ISSUES**

I. INTRODUCTION

1. This report is submitted in pursuance of communiqué PSC/MIN/COMM.1 (CCCLXXXVII) Rev.1 on the situation between Sudan and South Sudan adopted by Council at its 387th meeting held on 29 July 2013. The report provides an update on the steps taken during the period under review to follow-up on the relevant provisions of the communiqué under reference. It concludes with observations on the way forward.

II. FOLLOW-UP TO THE LETTER OF THE CHAIR OF THE AUHIP OF 9 JUNE 2013

2. In its Communiqué PSC/MIN/COMM.1 (CCCLXXXVII) Rev.1, Council welcomed the proposals made by the Chair of the African Union High-Level Panel on Sudan and South Sudan (AUHIP) in his letter of 9 June 2013 to the Presidents of Sudan and South Sudan to address the stalemate then characterizing the implementation of the Cooperation Agreement of 27 September 2012. More specifically, the Chair of the AUHIP proposed the establishment by the Chairperson of the Commission and the Chair of the Inter-Governmental Authority on Development (IGAD) of an Ad Hoc Investigation Mechanism (AIM) into the allegations of harbouring and support to armed rebel groups acting against the other State, as well as the establishment by the Commission of an AU Border Programme Technical Team (AUBP-TT) to determine conclusively the centre line of the Safe Demilitarized Border Zone (SD-BZ). Council further welcomed the acceptance by both countries of these mechanisms.

3. Since its establishment, the AIM has visited Sudan on three occasions, from 23 to 25 July 2013, 17 to 18 August and on 15 September. The AIM also visited South Sudan on three occasions, from 26 to 27 July, 12 to 17 August, and from 29 August to 5 September 2013. During these visits, the AIM held extensive consultations with officials from both sides. Both countries have provided the AIM with their allegations in writing, including supporting evidence. The AIM has also interacted with rebels and former rebels from both States, as well as with representatives of the international community and other stakeholders. The AIM also conducted on-site visits to locations in South Sudan mentioned in the allegations submitted by both states, namely Bentiu, Yida, Malakal, Renk and Raja. The AIM is currently in the process of completing its report which shall be submitted to the Chairpersons of IGAD and the Chairperson of the Commission.

4. Both states have acknowledged the positive impact that the AIM has had on their security relations. In this context, we are pleased to note the positive steps taken by the Parties to address bilaterally the matter of support to, and harbouring of, rebels against the other State. The Joint Political and Security Mechanism (JPSM), on 23 April 2013, established a Joint Security Committee (JSC), a mechanism headed by the Chiefs of Intelligence of Sudan and South Sudan. This mechanism has met twice in the last six weeks: on 30 and 31 July in Juba, and from 20 to 22 August in Khartoum, to address this issue. The reactivation of the JSC has facilitated discussions on the allegations made by both Parties.

During its Juba meeting, the JSC set up joint verification teams, which visited a number of sites in the border areas relevant to the allegations made by either side.

5. Following a preparatory phase of six weeks, the AUBP-TT deployed to the SDBZ on 2 August 2013. Representatives from both Parties joined the AUBP-TT as observers. The United Nations Interim Security Force in Abyei (UNISFA) provided the required logistical support. Following consultations with the Parties and UNISFA, it was agreed that the AUBP-TT would initially focus its attention on the areas that fall at the intersection of the SDBZ centreline, with the two following border corridors: (i) Bentiu – Heglig, and (ii) Kosti – Renk.

6. Prior to deployment to these corridors, it was agreed that the Parties would visit the relevant areas in their respective territories to undertake a process of 'community awareness sensitisation'. This process was important to ensure that local authorities and communities on the ground understood the nature of the work of the AUBP-TT, and would therefore provide the necessary cooperation to the Team. These visits were undertaken by the Parties, with the AUBP-TT accompanying them to provide technical clarifications, as necessary. Subsequently, the AUBP-TT, accompanied by observers from the Parties and UNISFA, undertook two trips to mark the SDBZ centre line along the Heglig-Bentiu and Kosti-Renk corridors. Unfortunately, the AUBP-TT was unable to mark the centreline in these locations due to a number of challenges, most notably misunderstanding amongst local authorities and communities on the difference between the SDBZ centreline and the international boundary, as well as a fear that the centreline would have negative consequences on the livelihoods of local communities. The situation was further complicated by the fact that the mission was undertaken during the rainy season, which hampered the AUBP-TT.

7. The AUBP-TT has made a number of recommendations on the way forward, emphasising in particular the need for the Parties to undertake further community sensitisation in areas situated along the centreline. It should be noted that, during the visit it undertook to South Sudan, from 6 to 8 September 2013, the Chairperson of the AUHIP was informed by President Salva Kiir Mayardit that necessary instructions had been issued to the relevant South Sudanese authorities to undertake a comprehensive programme of community sensitisation in areas along the SDBZ, to ensure that the necessary support and cooperation is provided to the AUBP-TT in the performance of its mandate.

III. ABYEI AREA JOINT INVESTIGATION/INQUIRY COMMITTEE

8. In its Communiqué PSC/MIN/COMM.1(CCCLXXXVII) Rev.1, Council noted with deep concern that, in spite of the efforts made by the Commission, the Abyei Area Joint Investigation/Inquiry Committee (AAJIC) was not able to proceed as planned with the investigation into the incident that led to the killing of the NgokDinka Paramount Chief and a UNISFA officer, on 4 May 2013. Council decided that, should the Chair of the AAJIC determine within a maximum period of 15 days from the date of its Communiqué that the Committee is unable to proceed with the implementation of its mandate, it shall review the situation to determine the best course of action.

9. We are pleased to report that following consultations between the Chair of the AAJIC, the representatives of Sudan and South Sudan and other relevant Parties, the Committee resumed its work on 13 August 2013. It visited Khartoum, from 17 to 20 August; Juba, from 20 to 23 August; and Abyei, from 23 to 26 August 2013. The AAJIC also visited Muglad (in Sudan), on 25 August 2013. These visits enabled the AAJIC to conduct interviews with officials, community leaders, witnesses and other relevant stakeholders. The AAJIC is currently finalising its report, which shall be submitted to Council as soon as possible.

IV. SUMMIT MEETING BETWEEN THE PRESIDENTS OF SUDAN AND SOUTH SUDAN

10. In its Communiqué PSC/MIN/COMM.1 (CCCLXXXVII) Rev.1, Council expressed grave concern at the fact that the smooth implementation of the Cooperation Agreement was being threatened by continuing disagreement between the Governments of Sudan and South Sudan over the implementation of the security arrangements, in particular as they apply to the redeployment of forces out of the SDBZ and the allegations on support to rebel groups opposed to the other State. Council stressed the urgent need for the two countries to summon the necessary political will to overcome the difficulties then encountered and establish two viable States at peace with one another and cooperating on issues of common concern.

11. On 3 September 2013, President Salva Kiir Mayardit visited Khartoum reciprocating the visit by President Omar Hassan al Bashir to Juba, in April 2013. The Summit meeting between the two Presidents concluded with positive outcomes. It is worth noting the decision by the Government of Sudan indefinitely to suspend the shutdown of the transportation and processing of oil from South Sudan, as well as the activation of the two committees created to oversee the implementation of the 27 September 2012 Cooperation Agreements. Indeed, the Summit directed the High Level Committee (HLC), co-chaired by the two Vice Presidents, to meet as a matter of urgency, as well as the activation of the Joint Implementation Committee (JIC), co-chaired by the two Ministers of Foreign Affairs. Following these directives, First Vice President Ali Osman Taha of Sudan, on 12 September 2013, extended an invitation to James Wani Igga, Vice President of the Republic of South Sudan, to host the first meeting of the HLC in Khartoum. The convening of this meeting will facilitate progress on various issues that have stalled the implementation of the Cooperation Agreement, in particular matters relating to border demarcation, trade and pensions. The Summit also witnessed the signing of a Memorandum of Understanding on Bilateral Co-operation, as well as that of an Agreement on the Establishment of a Joint Business Council.

12. Other important issues were also discussed:

- (i) on Abyei, the two Presidents committed themselves to the immediate and full implementation of the Agreement on Temporary Arrangements for the Security and Administration of the Abyei Area. They further agreed to pursue their discussions on the final status of Abyei;
- (ii) on the disputed areas, the Summit agreed to facilitate the work of the AU Team of Experts (AUTE) and begin work on demarcation immediately. During the visit he undertook to Khartoum and Juba from 5 to 8 September 2013, the Chairperson of

the AUHIP was informed by the two Presidents that they were taking steps to overcome the controversy regarding the definition of the geographical territory with respect to Kaka so as to enable the Experts to move forward in providing an opinion on the five disputed border areas;

- (iii) finally, regarding the work of the AIM, both Presidents reiterated their commitment to address the issue of support to and harbouring of, rebels of against the other State. They also emphasized the importance of the AIM's recommendations on the prevention of future violations.

13. During their Khartoum Summit, the two Presidents agreed jointly to address the question of Sudan's debt relief and the development needs of both countries, through the activation of the Tripartite Committee on the Joint Approach to the International Community. A letter to various international partners in this regard has been signed by both Presidents. It is to be recalled that, in communiqué PSC/PR/COMM.(CCCXXIX) adopted at its 329th meeting, held on 3 August 2012, Council strongly supported the decision of Sudan and South Sudan to constitute a joint delegation supported by the AUHIP, which will approach various countries and institutions to request financial assistance to address the urgent needs of both countries; urged the lifting of all sanctions against Sudan; and encouraged the creditor nations expeditiously to forgive Sudan's external debt.

V. CONFLICT IN THE TWO AREAS

14. In its Communiqué PSC/MIN/COMM.1(CCCLXXXVII) Rev.1, Council having reiterated its conviction that there can be no military solution to the conflict in the Two Areas of Blue Nile and Southern Kordofan in Sudan, requested the AUHIP to continue to avail itself to facilitate the urgently needed political negotiations between the Government of Sudan and the Sudan People's Liberation Movement/Army-North (SPLM/A-N). While there have been no negotiations between the two Parties during the period under review, the improvement of the relations between Sudan and South Sudan and the progress made by the AIM and the JSC in addressing the issue of support to rebels fighting against the other State create a conducive environment for the resumption of the talks. As indicated by Council, these talks should be based on the Framework Agreement of 28 June 2011, as well as on the proposed Agreement submitted by the AUHIP to the Parties on 17 September 2012.

VI. ENGAGEMENT ON DEMOCRATISATION IN SUDAN AND SOUTH SUDAN

15. In line with its mandate as provided for in Council's Communiqué PSC/AHG/COMM.1(CCVII) of 29 October 2009, the AUHIP has remained engaged with the issue of democratization in both Sudan and South Sudan. In the current circumstances of fast improving bilateral relations between the two countries, this matter is again becoming a priority in the Panel's activities. Following the 387th meeting of Council, the Panel undertook consultations with the two countries, with a view to determining how best it could support their efforts. In interacting with the Parties, the Panel made it clear that its efforts will be guided by the conviction that democratic transformation is a process that should be nationally owned and led.

VII. HORN OF AFRICA

16. The AU is deeply engaged in seeking resolution to conflicts in the countries of the Horn of Africa, as reflected by its on-going efforts in the Darfur region of Sudan, the relations between Sudan and South Sudan and in Somalia, as well as by its earlier efforts in the peace process between Ethiopia and Eritrea. Over the past few years, the Assembly of the Union has called repeatedly for a regional and holistic approach to resolving challenges to peace, security and stability in the Horn of Africa, in support of IGAD. To this end, it requested the Commission, in consultation with the countries of the region, IGAD, the European Union, the United Nations and other partners, to take the necessary steps with a view to launching this process.

17. It is against this background that it is proposed to broaden the mandate of the AUHIP to promote such an approach, in support of the region. This approach would, among other things, involve the holding of a regional conference on peace, security, stability, cooperation and development. Steps should then be taken to enhance the capacity of the Panel to carry out these additional responsibilities.

VIII. OBSERVATIONS

18. The period under review was marked by significant progress in the normalisation of relations between Sudan and South Sudan. The Summit meeting between President Omar Hassan al Bashir and President Salva Kiir Mayardit, held in Khartoum on 3 September, marked a watershed in the normalization of relations between Sudan and South Sudan. We commend the two Presidents for the leadership they have shown. We pay tribute to the IGAD Chairperson for his continued efforts and interactions with the Parties, which greatly contributed to the progress made. We urge the Parties to build on these achievements to address the outstanding issues, including Abyei, with the resolve and spirit of compromise required. The establishment of the Abyei Area Referendum Commission, in particular, requires the urgent attention of the two Presidents.

19. Having taken decisive steps towards the normalization of relations, Sudan and South Sudan need now to turn their attention to addressing the social, economic and political challenges of establishing two viable States in their respective countries. The recent progress in bilateral relations also provides an opportunity for each country to attend to its internal challenges, including resolving conflicts in the Two Areas and Darfur (in Sudan), and Jonglei (South Sudan), and the challenge of reform and democratization in both States. In this process, the AU, through the AUHIP, should continue to avail its facilitation. Furthermore, and as indicated above, it is proposed that the Panel contribute to the promotion of the much-needed regional approach to further peace, security and development in the Horn of Africa as a whole.

AFRICAN UNION UNION AFRICAINE

African Union Common Repository

<http://archives.au.int>

Organs

Peace and Security Collection

2013-09-23

Report on the Activities of the African Union High-Level Implementation Panel for Sudan and South Sudan and Other Related Issues

African Union

Peace and Security Department

<https://archives.au.int/handle/123456789/8443>

Downloaded from African Union Common Repository