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PEACE AND SECURITY COUNCIL 319TH MINISTERIAL MEETING

ADDIS ABABA, ETHIOPIA

24 APRIL 2012

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The Peace and Security Council of the African Union (AU), at its 319th meeting held, at ministerial level, on 24 April 2012, adopted the following decision on the situation between the Republic of Sudan and the Republic of South Sudan:

Council,

1. **Takes note** of the paragraphs on the situation between Sudan and South Sudan, as contained in the report of the Chairperson of the Commission on the situation in Guinea Bissau, Mali and between Sudan and South Sudan, and the briefing given by former President Pierre Buyoya on behalf of the AU High-Level Implementation Panel (AUHIP). Council **also takes note of** the statements made by the representatives of the Republic of Sudan and the Republic of South Sudan, as well as by IGAD, the United Nations and other bilateral and multilateral partners;
2. **Recalls** the communiqués adopted at its 310th and 317th meetings, held on 14 February and 12 April 2012, respectively, as well as the press statements issued by the Chairperson of the Commission on 11, 17 and 22 April 2012. Council **also recalls** the communiqué issued by the 3rd meeting of the Sudan-South Sudan Consultative Forum, held in Addis Ababa on 29 March 2012, under the auspices of the AU and the UN;
3. **Expresses grave concern** at the prevailing situation along the border between Sudan and South Sudan, which poses a serious threat to peace and security in both countries and in the region as a whole, undermines the economic viability of the two countries, as well as the rights and welfare of their citizens;
4. **Further expresses deep concern at** the humanitarian situation created by the fighting between Sudan and South Sudan, the aerial bombardments, the continued fighting in the states of Southern Kordofan and Blue Nile, in Sudan, as well as the fate of the nationals of both countries resident in each other's territory, following the end of the transition period that occurred on 8 April 2012;
5. **Welcomes** the withdrawal from Heglig of the army of South Sudan **and calls for** the immediate cessation of aerial bombardments by the Sudan Armed Forces against South Sudan.
6. **Strongly condemns** the violations of human rights of non-combatants in the affected area, the damage to economic infrastructure, in particular oil installations, and the inflammatory statements from both sides in the media resulting in mutual demonization and the threat of hostile action by extremist elements, including xenophobic attacks;

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7. **Reaffirms its strong commitment** to the respect for the unity and territorial integrity of Sudan and South Sudan and the inviolability of the border between the two countries, defined as that existing at the time of Sudan's independence on 1 January 1956, taking into account the disputed areas as agreed in the deliberations of the Technical *ad hoc* Boundary Committee. Council **reiterates that** the territorial boundaries of states shall not be altered by force, and that any territorial disputes shall be settled exclusively by peaceful means;

8. **Recalls** the provisions of the Constitutive Act of the African Union, as well as the Charter of the United Nations, which prohibit the use of force or the threat of force among Member States and call for non-interference in the internal affairs of Member States and for peaceful settlement of all disputes;

9. **Welcomes** the continuing efforts of Africa and the rest of the international community to support the Parties in addressing the legacy of conflict and bitterness in Sudan, notably through the conclusion of the January 2005 Comprehensive Peace Agreement (CPA), its implementation, in particular the holding of the referendum on self-determination of South Sudan, and the negotiations on post-secession relations. Council **commends** the efforts of the AUHIP, headed by former President Thabo Mbeki and including former Presidents Abdulsalami Abubakar and Pierre Buyoya, the Chairperson of IGAD, Prime Minister Meles Zenawi, the United Nations Special Envoy for Sudan and South Sudan, Haile Menkerios, and the United Nations Interim Security Force for Abyei (UNISFA) under the leadership of Lieutenant General Tesfay Tadesse, as well as the support provided by AU's partners, including the Troika on Sudan (Norway, United Kingdom and the USA), the members of the Security Council, the European Union (EU) and the League of Arab States;

10. **Expresses** Africa's dismay and deep disappointment at the failure of the leadership in both countries, to build on the goodwill of Africa and the rest of the international community as well as on the achievements they have already made, to address their post-secession relations, live up to their stated commitment to the principle of two viable states, in peace with one another, and create the necessary conditions of peace, security and stability to meet the most basic needs of their peoples;

11. **Expresses deep concern at** the failure of the Parties to implement agreements that they themselves have freely entered into, in particular the Agreement on the Temporary Arrangements for the Administration and Security of the Abyei Area of 20 June 2011, the Agreement on Border Security and the Joint Political and Security Mechanism (JPSM) of 29 June 2011, the Agreement on the Border Monitoring Support Mission of 30 July 2011, the decisions of the JPSM of 18 September 2011, the Memorandum of Understanding (MoU) on Non-Aggression and Cooperation of 10 February 2012;

12. **Decides**, in light of the above, to adopt the Roadmap outlined below, for implementation by both Sudan and South Sudan, in order to ease the current tension, facilitate the resumption of negotiations on post-secession relations and the normalization of their relations:

- (i) immediate cessation of all hostilities, including aerial bombardments, with the Parties formally conveying their commitment in this respect to the Chairperson of the Commission, within 48 hours;
- (ii) unconditional withdrawal of all of their armed forces to their side of the border, in accordance with previously adopted Agreements, including the Agreement on the Border Monitoring Support Mission of 30 July 2011;
- (iii) activation, within a week from the adoption of this decision, of the necessary border security mechanisms, namely the Joint Border Verification and Monitoring Mission (JBVMM), the Secure Demilitarized Border Zone (SDBZ), in accordance with the administrative and security map presented to the Parties by the AUHIP in November 2011, it being understood that this map in no way prejudices ongoing negotiations on the disputed areas and demarcation of the border. In this respect, Council **calls on** UNISFA to take the necessary steps to provide force protection and logistical support, in accordance with relevant provisions of UN Security Council resolution 2024 (2012);
- (iv) cessation of harbouring of, or support to, rebel groups against the other state;
- (v) activation of the *ad hoc* Committee, under the JPSM, to receive and investigate complaints and allegations made by one party against the other. In this regard, Council **requests** the AUHIP to convene a meeting of the JPSM, within ten (10) days of the adoption of the present decision;
- (vi) immediate cessation of hostile propaganda and inflammatory statements in the media, as well as of any attacks against the property, religious and cultural symbols belonging to the nationals of the other State. To this end, the two governments must take full responsibility for the protection of each other's nationals in line with international principles, as agreed in the Framework Agreement initialed in March 2012. In this regard, Council **requests** the Commission, in close collaboration with the United Nations and relevant agencies, to design a monitoring mechanism to verify compliance by both Parties; and
- (vii) implementation of pending aspects of the 20 June 2011 Agreement on Temporary Security and Administrative Arrangements for the Abyei Area, in particular the redeployment, within two weeks, of all Sudanese and South

Sudanese forces out of Abyei. Council **requests** UNISFA to report on compliance with this decision, for further action by Council as necessary;

13. **Urges** the Parties unconditionally to resume negotiations, under the auspices of the AUHIP and with the support of the Chairman of IGAD, within two weeks, at a time to be set by the Panel in consultation with relevant international partners, to reach agreement on the following critical issues:

- (i) arrangements concerning oil and associated payments;
- (ii) the status of nationals of one country resident in the other, in accordance with the Framework Agreement initialed in March 2012;
- (iii) resolution of the status of the disputed and claimed border areas and the demarcation of the border; and
- (iv) the final status of Abyei.

14. **Decides** that these negotiations must be concluded within three months of the adoption of this decision. Should these negotiations fail to result in an agreement on any or all of the issues identified above within the allotted timeframe of three months, Council **requests** the AUHIP to submit to it a comprehensive report on the status of the negotiations, including detailed proposals on all outstanding issues, to be endorsed as final and binding solutions to the post-secession relations. Council **undertakes** to seek the endorsement of, and support by, the United Nations Security Council of the same;

15. **Further decides** that failure by either Party to implement the provisions of the Roadmap outlined in paragraph 12 above, or to cooperate in good faith with the Panel towards the conclusion of the negotiations on the outstanding issues as enumerated in paragraph 13 above, will result in Council taking appropriate measures, as provided for in the Peace and Security Council Protocol and the Constitutive Act of the AU, and to seek the support of the UN Security Council and all AU partners to measures it may take;

16. **Reiterates AU's conviction that there** can be no military solution to the conflict in Southern Kordofan and Blue Nile, and **stresses** therefore the urgent need for a political and negotiated solution, based on respect for diversity in unity. Council **requests** the Government of Sudan and the SPLM-North to extend full cooperation to the AUHIP and the Chair of IGAD, to reach a negotiated settlement on the basis of the Framework Agreement on Political Partnership between NCP and SPLM-N and Political and Security Arrangements in Blue Nile and Southern Kordofan States. Pending the convening of talks by the AUHIP, Council **calls on** the Government to accept the tripartite proposal submitted by the African Union, the United Nations and the League of Arab States, to permit humanitarian access to the affected population in the two areas;

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17. **Requests** all AU Member States to support and abide by this decision, bearing in mind the provisions of article 7 (2 & 3) of the Protocol Relating to the Establishment of the Peace and Security Council, under which Member States agreed that, in carrying out its duties, Council acts on their behalf, and undertook to accept and implement the decisions of Council, in accordance with the AU Constitutive Act;

18. **Requests** the Chairperson of the Commission to transmit this decision to the United Nations Security Council, as well as to all other AU partners. Council **seeks** the support of the Security Council and its endorsement, under Chapter VII of the UN Charter, of the Roadmap of paragraphs 12 and 13 above. Council **also requests** the Chairperson of the Commission, in consultation with the Secretary-General of the United Nations, to urgently convene a meeting of the Sudan and South Sudan Consultative Forum, to mobilize its full support for the present decision and agree on practical ways and means for the implementation of its relevant provisions;

19. **Further requests** the Chairperson of the Commission to follow up on the implementation of this decision and to take all steps deemed necessary to this end, including interaction at the highest level with the Sudanese parties, involving as appropriate relevant AU organs, including a visit to both countries by a delegation of Council;

20. **Looks forward** to the submission by the Chairperson of the Commission of monthly factual reports on the evolution over the situation on the ground and compliance by Sudan and South Sudan with the relevant provisions of this decision, status of the negotiations on all pending issues and efforts to mobilize increased support from the international community, in order to enable it take appropriate decisions as maybe called for by the evolution of the situation;

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