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PEACE AND SECURITY COUNCIL 387th MEETING AT MINISTERIAL LEVEL 29 JULY 2013
ADDIS ABABA, ETHIOPIA

PSC/MIN/COMM.1(CCCLXXXVII)

COMMUNIQUE

The Peace and Security Council of the African Union (AU), at its 387th meeting held at ministerial level on 29 July 2013, adopted the following communique on the situation between the Republic of Sudan and the Republic of South Sudan:

Council,

1. **Takes note** of the Report of the AU High-Level Implementation Panel on Sudan and South Sudan (AUHIP) on the situation between Sudan and South Sudan [PSC/MIN/2. (CCCLXXXVII)], as well as of the introductory remarks of the Commissioner for Peace and Security and the briefing given by the Chairperson of the 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 those made by Ethiopia in its capacity of Chair of the Intergovernmental Authority on Development (IGAD), the United Nations (UN) Secretariat, Rwanda and Togo, as AU Member States in the UN Security Council, and by the following partners: China, United Kingdom and United States of America, as permanent members of the UN Security Council, Norway and the European Union;
2. **Recalls** all its earlier communique on the situation between Sudan and South Sudan;
3. **Commends** the AUHIP and its members, namely former Presidents Thabo Mbeki, Abdulsalami Abubakar and Pierre Buyoya, for their continued efforts to assist the Parties to establish cooperative relations toward the goal of establishing two viable States. Council **also expresses its appreciation** to the Chair of IGAD for his continued support to the efforts of the AUHIP and the Parties;
4. **Further commends** the UN, in particular its Special Envoy, Haile Menkerios, and the UN Interim Security Force for Abyei (UNISFA), as well as other bilateral and multilateral partners, for their continued support to the AU-led efforts;
5. **Welcomes**, once again, the signing, on 10 March 2013, of the Implementation Matrix, which marked the start of the implementation of all aspects of the Cooperation Agreement of 27 September 2012, including the redeployment of forces out of the Safe Demilitarized Border Zone (SDBZ) and the resumption of oil production in South Sudan and its export through the Sudan oil pipeline to Port Sudan;
6. **Expresses grave concern** that the smooth implementation of the Cooperation Agreement is threatened by continuing disagreements between the Governments of Sudan and South Sudan over the implementation of the Security Agreement, in particular as it applies to the redeployment of their armed forces out of the SDBZ, and the allegations of continued support to rebel groups opposed to the other State. Council **recalls** that such support would be in clear violation of the Memorandum of Understanding on Non-Aggression and Cooperation, signed by the two countries on 10 February 2012. Council **stresses** the urgent necessity for the two countries to summon the necessary political will to overcome the current difficulties and establish two viable States, at peace with one another and cooperating together on issues of common interest;
7. **Welcomes** the recent visits by the AUHIP to South Sudan and Sudan, during which it engaged with the leadership of both countries on ways in which to address the current impasse, and **calls upon** the Parties, in this regard, urgently to activate all of the bodies and processes stipulated in the Cooperation Agreement and its Implementation Matrix;
8. **Further welcomes** the proposals made by the Chair of the AUHIP, in his letter to the Presidents of Sudan and South Sudan dated 9 June 2013, to address the current stalemate in the implementation of

the Cooperation Agreement, namely the establishment by the Chair of the Commission and the Chair of IGAD of an Ad Hoc Investigative Mechanism (AIM) into allegations of harboring 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 SDBZ centerline on the ground. Council **welcomes** the acceptance by both countries of these mechanisms, including their commitment to accept their findings, and **commends** the Chairperson of the Commission and the Chair of IGAD for the speedy action they have taken in this regard;

9. **Strongly endorses** the establishment of the AIM, and **welcomes** its recent visit to Sudan and South Sudan, from 24 to 27 July 2013, in commencement of its investigation. Council **further strongly endorses** the establishment of the AUBP TT, and **welcomes** the commencement of its work. Council **reiterates** its position that the determination of the centerline of the SDBZ has no bearing whatsoever on the demarcation of the border between Sudan and South Sudan, which is the subject of other processes;

10. **Urges** the Governments of Sudan and South Sudan to extend all necessary support to enable these mechanisms to fulfill their functions. In particular, Council **urges** the Governments of Sudan and South Sudan to respect all aspects of the Implementation Matrix, notably as they relate to the redeployment of forces out of the SDBZ, as well as the principles contained in the Memorandum of Understanding on Non-Aggression and Cooperation. Council **also urges** 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;

11. **Welcomes**, in relation to the disputed border areas between Sudan and South Sudan, the agreement by the Parties on the rules of procedure for the work of the AU Team of Experts (AUTE). Council **urges** the Parties to exchange their written submissions as soon as possible, leaving the AUTE to determine, by reference to the historical documents, the definition of the geographical territory with respect to Kaka. Council **reaffirms** its commitment to help ensure that the processes for settling the status of the disputed and claimed border areas are accorded the necessary priority;

12. **Reiterates its firm conviction** that there can be no military solution to the conflict in the Two Areas in Sudan, and that there is no alternative to the Parties, namely the Government of Sudan and the Sudan Peoples' Liberation Movement/Army-North (SPLM/A-N), engaging in direct negotiations toward a political settlement. Council **recalls** the Framework Agreement of 28 June 2011, as well as the proposed agreement submitted by the AUHIP to the Parties on 17 September 2012, and **requests** the AUHIP to continue to avail itself to facilitate the urgently needed political negotiations;

13. **Recalls** communique PSC/PR/COMM.(CCCLXXIV) adopted at its 374th meeting held on 7 May 2013. Council **commends** the Commission for the follow-up steps taken, notably the establishment of the Abyei Area Joint Investigation Committee (AAJIC). Council **notes with deep regret** that, in spite of the efforts made by the Commission, the AAJIC has not been able to proceed as planned in undertaking the investigation, and **reiterates its demand** that full cooperation be extended to the AAJIC to enable it to fulfill its mandate, recalling the imperative of ensuring a credible, transparent and independent investigation;

14. **Decides** that, should the Chair of the AAJIC determine within a maximum period of 15 days from the date of this communique that the AAJIC is unable to proceed with the implementation of its mandate due to the current difficulties, it shall review the situation to determine the best course of action, including the possibility of reconstituting the AAJIC to comprise only representatives of the AU and the UN. Council **urges** the UN Security Council to endorse this course of action, bearing in mind the fact that a UNISFA peacekeeper was also murdered in the incident, and this incident continues to pose a grave

threat to peace and security in the Abyei Area and to the region as a whole;

15. **Expresses grave concern** over delays in implementing the Agreement on the Temporary Administrative and Security Arrangements for the Abyei Area signed on 20 June 2011. Council **recalls** that during the Summit meeting of 5 January 2013 in Addis Ababa, the Presidents of Sudan and South Sudan made commitments to fully implement the Agreement. Council **strongly urges** that the two Governments meet immediately in order to resolve any outstanding differences over the above-mentioned Agreement;

16. **Recalls** its earlier decision on the AUHIP Proposal on the final settlement of Abyei of 21 September 2012, which has been accepted by the Government of South Sudan, and **calls on** the Presidents of Sudan and South Sudan to meet, with the Facilitation of the AUHIP, to resolve their differences in this regard, with a view urgently to establish the Abyei Referendum Commission (ARC). Council **agrees** to undertake a visit to the Abyei Area, in order to express support for UNISFA and the people of the region;

17. **Expresses concern** at the humanitarian crises in Sudan and South Sudan, and **calls upon** both Governments to facilitate humanitarian access to affected populations. Council **calls upon** the Government of Sudan and the SPLM/A-North to implement their commitments to end the conflict in the Two Areas and facilitate humanitarian access. Council **also calls upon** the Government of the South Sudan to provide immediate and unhindered humanitarian access to people affected by the conflict in Jonglei State;

18. **Decides** to extend the mandate of the AUHIP for a further the period of six months, until a meeting of Council to be held in the margins of the next Ordinary Session of the Assembly of the Union in January 2014;

19. **Reaffirms** its belief that the agreed goal of achieving two mutually viable States can only be achieved in the framework of an agenda of democratization, conflict resolution and peaceful coexistence between and within both States. In this respect, Council **requests** the AUHIP to engage both Governments. Council **also requests** the AUHIP to consult the Government of Sudan on how best the Panel could reengage on the Darfur issue in support of the ongoing efforts to promote peace, security, stability, justice and reconciliation in this region;

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