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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 THE HEADS OF STATE AND GOVERNMENT

NEW YORK, 23 SEPTEMBER 2013

PSC/AHG/COMM/2.(CCCXCVII)

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The Peace and Security Council of the African Union (AU), at its 397th meeting, held on 23 September 2013, adopted the following decision on the situation between the Republic of Sudan and the Republic of South Sudan and other related issues:

Council,

1. **Takes note** of the Report of the African Union High-Level Implementation Panel on Sudan and South Sudan (AUHIP) on the situation between Sudan and South Sudan and other related developments [PSC/AHG/4(CCCXCVII)], as well as of the introductory remarks of the Chairperson of the Commission 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, Ethiopia in its capacity as the Chair of the Inter-Governmental Authority on Development (IGAD) and the United Nations (UN);

2. **Recalls** its earlier press statements and communiqués 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, as well as its support team, for their continued efforts to assist the Parties to establish cooperative relations toward the goal of two viable states, at peace with one another. Council **also commends** the Chair of IGAD, Prime Minister Haile Mariam Desalegn, for his continued support to the efforts of the AUHIP and the two Parties. Council **expresses its appreciation** to the United Nations, in particular the Secretary-General's Special Envoy, Haile Menkerios, and the UN Interim Security Force for Abyei (UNISFA), as well as to other bilateral and multilateral partners, for their continued support to the AU-led efforts;

4. **Welcomes** the outcomes of the Summit meeting between President Omar Hassan al Bashir of the Republic of Sudan and President Salva Kiir Mayardiit of the Republic of South Sudan, held in Khartoum on 3 September 2013;

5. **Notes with satisfaction** the progress made in the implementation of the proposals contained in the letter sent by the Chairperson of the AUHIP to the Presidents of Sudan and South Sudan, on 9 June 2013. In this respect, Council **acknowledges** the cooperation the two Governments extended to the *Ad Hoc* Investigative Mechanism (AIM) established to investigate allegations regarding the harbouring and support to rebels fighting against the other State, which has just completed its report, as well as the steps taken in the implementation of the Memorandum of Understanding on Non-Aggression and Cooperation of February 2012, and **encourages** the two Governments to continue with their efforts, including through reinforcing the existing bilateral structures such as the Joint Political and Security Mechanism;

6. **Also notes with satisfaction** the cooperation that Sudan and South Sudan extended to the AU Border Programme Technical Team (AUBP-TT), tasked to conclusively determine the centreline of the Safe Demilitarized Border Zone (SDBZ) on the ground. Council **further notes** the agreement by the two Presidents to ensure that the local populations in the vicinity of the SDBZ are properly sensitized on the nature and purpose of the SDBZ. In this regard, Council **emphasizes** that the SDBZ and its centreline represent only the location of the separation line between the armed forces of the two States and do not have any bearing on the definitive and final location of the boundary;

7. **Further notes with satisfaction** the cooperation extended by Sudan and South Sudan to the Abyei Area Joint Investigation/Inquiry Committee, which has completed its work and is expected to submit its report soon;

8. **Welcomes** the plan to convene a conference on the issue of the soft border, under the auspices of the AU and international partners, to be presided over by the two Vice-Presidents and include the Governors of the states of Sudan and South Sudan adjoining the common border, in order to expedite cooperation;

9. **Welcomes the commitment** by the two Presidents, following their Summit meeting of 3 September 2013, to proceed expeditiously with the implementation of the Agreement on Temporary Administrative and Security Arrangements for the Abyei Area of 20 June 2011. Council **calls upon** the two Governments to facilitate the rapid and safe return of refugees and displaced persons, assist with the rehabilitation and development of the communities in and adjacent to Abyei, and provide for the peaceful migration of nomadic pastoralists during the coming dry season. Council **calls for** a special partners' conference to mobilize assistance for Abyei, and **calls for** the implementation of the commitment to provide 2% of oil revenues originating from Abyei for the development of the Area;

10. **Reiterates its confidence in and support for** UNISFA. Council **also reiterates** the principle that Abyei is to be demilitarized fully, excepting UNISFA, which entails ensuring that the police force stationed in Diffra is withdrawn and replaced by the Abyei Area Police Service;

11. **Reiterates its acceptance of** the AUHIP Proposal on the Final Status of Abyei of 21 September 2012. **Council calls upon** the two Presidents to resume their discussions on the Final Status of Abyei on the basis of this Proposal, bearing in mind the need to ensure that Abyei serve as a bridge between South Sudan and Sudan, as envisaged in the Abyei Protocol of the Comprehensive Peace Agreement (CPA). Council **urges** the two Governments to establish the Abyei Area Referendum Commission, review and adopt a revised referendum law in line with the AUHIP Proposal, and **requests** both Governments to submit the list of their nominees to the AUHIP. Council **urges** the two countries not to undertake any unilateral actions concerning Abyei that might impede progress towards the implementation of these commitments;

12. **Reiterates its conviction** 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 towards a political settlement. Council **hopes** that the recent steps towards the normalization of relations between Sudan and South Sudan will create a conducive and cooperative environment in which negotiations can resume, based upon the Framework Agreement of 28 June 2011, as well as the proposed agreement submitted by the AUHIP to the Parties on 17 September 2012;

13. **Recalls the mandate** given by Council to the AUHIP through communiqué PSC/AHG/COMM.1(CCVII) adopted at its 207th meeting held on 29 October 2009, to assist the Sudanese parties in the implementation of the CPA and other related processes, as part of the democratic transformation of the Sudan. In this regard, Council **welcomes** the steps taken by the Panel to assist the Parties in this respect, through advice and facilitation, and **affirms** the guiding principles of democratic inclusiveness and unity in diversity that should inform the goals and processes of national dialogue and constitution making in the two sovereign nations of South Sudan and Sudan;

14. **Affirms** that the peaceful resolution of internal conflicts is an essential pre-requisite to any democratic, inclusive and legitimate process of national consultation and constitution-building. In this regard, Council **calls upon** the Government of the Republic of Sudan to redouble its efforts to seek a peaceful resolution of the conflicts in the Two Areas and in Darfur. Council similarly **calls upon** the Government of the Republic of South Sudan to seek a peaceful resolution to internal armed conflicts in South Sudan, especially the on-going conflict in Jonglei State;

15. **Affirms** that, for the two nations of South Sudan and Sudan to achieve the agreed goal of two viable states living peacefully with one another and with the wider region, it will be necessary for both to embark upon sustainable development, poverty reduction, the provision of essential services, and economic integration. Council **also affirms** that for these goals to be realized, the cooperation of international partners is required, in particular for debt relief, the lifting of economic sanctions, and the provision of development assistance and cooperation. Council **therefore supports** the efforts of South Sudan and Sudan to engage in a joint outreach to international partners in order to achieve these interlinked goals;

16. **Recalls** the decisions of the Assembly of the Union regarding the need to promote a regional and holistic approach to the challenges of peace, security, stability and development in the Horn of Africa in support of the IGAD's efforts. In this respect, Council **requests** the AUHIP, in close consultation with the Chair and Secretariat of IGAD, to contribute to the promotion of such an approach, which should involve the holding of a conference on peace, security, stability, cooperation and development in the Horn of Africa. Council **requests** the AUHIP to undertake the required consultations with IGAD and its Chairperson;

17. **Decides** to extend the mandate of the AUHIP until December 2014, and **requests** the Chairperson of the Commission to take the necessary steps to strengthen the capacity of the AUHIP;

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