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



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I. INTRODUCTION

1. This report is submitted pursuant to the mandate of the African Union High Level Implementation Panel (AUHIP) as determined by communiqué PSC/AHG/COMM.1(CCVII) adopted by Council at its 207th meeting held on 29 October 2009 which requested the AUHIP to assist the Sudanese parties in the implementation of the CPA and other related processes, as part of the democratic transformation of the Sudan and South Sudan. The mandate which has been augmented by subsequent decisions of the Council has been extended until 31 December 2015. This report provides an update on the activities undertaken by the AUHIP during the period since its last report of 12 September 2014.

II. INITIAL MOMENTUM TOWARDS AN INCLUSIVE NATIONAL DIALOGUE IN SUDAN

2. In the Communiqué adopted at its 456th meeting, held on 12 September 2014, Council endorsed the call of President of the Republic of Sudan Omar Hassan Al Bashir for a National Dialogue on 27 January 2014, as a forum and political process for addressing the challenges that Sudan faces. Council stressed the need for the National Dialogue process to be an authentic, transparent, inclusive and fair process, and in this regard, Council laid out a roadmap, which included: 1) immediate resumption of negotiations on cessation of hostilities; 2) negotiations to end the conflicts in the Two Areas and Darfur to be conducted in a synchronized manner (one process – two tracks); and 3) a preparatory meeting (pre-National Dialogue) to discuss procedural and process issues to be convened by the AUHIP in Addis Ababa.

3. Accordingly, the Panel conducted a series of consultations with key Sudanese interlocutors, with a view to promoting consensus on the imperative of the National Dialogue for addressing Sudan's challenges.

4. Council will recall that following the call for the National Dialogue, the General Assembly of Political Parties of Sudan established, on 6 April 2014, the National Dialogue Preparatory Committee ("7+7"), consisting of political representatives allied to the Government as well as an equal number of representatives of opposition parties who had accepted the call for the National Dialogue and agreed to participate in its preparation.

5. The AUHIP welcomed the Roadmap and the work of the 7+7, engaged the armed opposition groups, and facilitated consultations with government and opposition stakeholders in Khartoum in order to arrive at common positions based on the Roadmap. Thus the 4 September 2014 agreement signed in Addis Ababa by representatives of the 7+7 and the armed movements represented a significant step forward in creating the basis for an inclusive National Dialogue process. This agreement was endorsed by the General Assembly of Political Parties, in an act which further contributed to the momentum towards a holistic process to achieve lasting peace in Sudan.

6. The 7+7 achieved considerable progress in their preparations for the dialogue, including the development of a Roadmap for the National Dialogue. However, at the end of 2014, four of the opposition political parties suspended their participation in the 7+7 on account of the decision of the Government to forge ahead with elections. The four parties were replaced in controversial circumstances.

7. Preparations for the National Dialogue served to encourage the opposition stakeholders to align their positions on the objectives and modalities of the National Dialogue. Following the Paris Declaration on 8 August 2014, which brought together Sadiq Al Mahdi's National Umma Party and the armed movements, including the Sudan People's Liberation Movement-North (SPLM-N) and the Darfuri armed groups, internal efforts continued to expand and strengthen the opposition platform. This led to the signing of the "Sudan Call" on 3 December 2014 in Addis Ababa, which included not only the National Umma Party and the armed movements, the Civil Society Initiative, and the National Consensus Forces, an alliance of opposition political parties that have so far refused to join the National Dialogue. However, the Government of Sudan condemned the "Sudan Call" for its threat to turn to a popular uprising if the reform could not be achieved through peaceful means. The Government arrested two of the signatories of the Sudan Call, Farouk Abou Eissa, the leader of the National Consensus Forces, and Amin Mekki Madani, the leader of the Civil Society Initiative, upon their return to Sudan in December 2014 from meetings in Addis Ababa. Both opposition leaders were released from prison on 9 April 2015.

8. The Panel wrote to "Sudan Call" signatories to clarify its mandate under the Communiqué adopted by Council at its 456th meeting and reiterated that the Sudanese issues can only be resolved by peaceful means.

III. THE CONFLICTS IN THE TWO AREAS AND DARFUR

9. Under the principle of "one process two tracks", adopted by the Council, the AUHIP convened the Parties to negotiate a Draft Framework agreement in three rounds from November to early December 2014. Council will recall that in April 2014, the two delegations had unresolved differences, which included the call by the SPLM/N for a cessation of hostilities in order to facilitate humanitarian access, while the Government of Sudan (GoS) demanded an immediate and comprehensive ceasefire. The parties made further progress towards a final agreement.

10. These included tentative agreements on the security aspects and the concept of cessation of hostilities immediately leading to comprehensive security arrangements. However, they could not reach consensus on the demand by the SPLM/N for guarantees principally regarding autonomy for the Two Areas and on a genuine National Dialogue. Furthermore, arising from the principle of "one process-two tracks," the SPLM/N demanded that the Agreement should reflect the linkage between the Darfur process and the negotiations on the Two Areas. The Government rejected both demands. In the absence of further movement, the AUHIP suspended the talks on the Two Areas on 8 December 2014.

11. The AUHIP, in collaboration with the African Union-United Nations Hybrid Operation in Darfur (UNAMID), convened the Government and the Darfur armed movements in Addis

Ababa on 23 November 2014 to launch the negotiations. The meeting was convened following extensive consultations with all stakeholders including, notably the State of Qatar, as sponsors of the Doha Document for Peace in Darfur (DDPD). All the Darfur armed movements that are not signatory to the DDPD, namely the Sudan Liberation Movement (SLM-MM) of Minni Minawi, the Justice and Equality Movement (JEM) of Jibril Ibrahim, and the Sudan Liberation Movement (SLM-AW) of Abdul Wahid were engaged in separate initial talks. However, despite extensive direct engagement by the AUHIP, SLM-AW declined to participate in the principal negotiations.

12. The Darfur track failed to achieve agreement on the agenda, largely due the Government delegation's insistence that the negotiations be limited to security arrangements as political matters of Darfur were already dealt with in the DDPD. On their part, the movements demanded that the agenda included the five substantive items considered inadequately addressed in the DDPD. These were reconstruction and development; refugees and IDPs; land *Hawakir*; borders and nomads issues; justice, accountability and reconciliation; and comprehensive compensation. Faced with this deadlock, the AUHIP suspended the Darfur track as well, on 29 November 2014.

IV. ENGAGEMENT BY THE AUHIP OF REGIONAL AND INTERNATIONAL PARTNERS IN SUPPORT OF THE COMMUNIQUE OF THE 456TH MEETING OF COUNCIL

13. The AUHIP continued to engage and coordinate with international partners, including the Troika. Furthermore, the Panel visited the capitals of key regional and international partners of the AUHIP and Sudan. These included the United States of America (USA), Germany, Qatar, Egypt and Chad.

14. Following its report to Council in September 2014, the Panel travelled to New York to interact with the United Nations Security Council (UNSC) on 17 September 2014. It also travelled to meet the United States Government in Washington D.C. on the matters concerning the Dialogue.

15. From 1 to 3 December 2014, the AUHIP visited Berlin to meet with the German Government, which expressed a desire to support the Panel, as well as good offices with the Sudan Government and other stakeholders in the Dialogue process.

16. In January 2015, the AUHIP visited Egypt, and held extensive consultations with President Abd-Al Fattah Al Sisi, as well as the Foreign Minister of Egypt. President Al Sisi expressed concern over the overall security situation in Africa, notably in Libya, stressing that the resolution of Sudan's problems was critical to ensuring regional stability. He welcomed the decision by Council to adopt a holistic approach to resolve the conflicts in Sudan and the efforts towards the National Dialogue in Sudan. President Al Sisi further agreed on the need for the international community to present a comprehensive package as envisaged in the Council's Communiqué at its 456th meeting.

17. During the visit, the Panel also met the Secretary-General of the League of Arab States, Nabil El Araby, and discussed the situation in Sudan. The Secretary-General stressed

the urgency of moving forward with the National Dialogue in Sudan and requested that the League of Arab States be regularly consulted on the mediation efforts.

18. In its efforts to unlock the Darfur track, the Panel travelled to Doha in January 2015, to enlist the support of the State of Qatar for the National Dialogue as a holistic approach to resolving Sudan's outstanding issues. The Deputy Prime Minister of Qatar Ahmed Bin Abdullah Al-Mahmoud also welcomed Council's decision and the Roadmap stipulated, and offered the support of the State of Qatar as a guarantor of the Doha Document for Peace in Darfur (DDPD).

19. The AUHIP also travelled to N'Djamena in January 2015, where it consulted with President Idriss Deby Itno on the situation in Darfur. President Deby Itno agreed that the deterioration of the security situation in Darfur, as reported by UNAMID, had significant national and regional implications. Noting that the conflicts in Sudan had to be resolved in a holistic manner, President Deby Itno expressed support for the AUHIP's efforts on Darfur.

20. Through these engagements the Panel consolidated the regional and international support for its work in fulfilment of the mandate given by Council *vide* communiqué PSC/PR/COMM.(CDLVI). As a consequence of these engagements by the AUHIP, the Republic of Sudan was able to commence talks with key countries and donors, including the United States of America and Germany on pending issues, including debt relief.

V. THE PRE-NATIONAL DIALOGUE MEETING

21. Developments in Sudan at the beginning of 2015 highlighted the need to convene a pre-National Dialogue meeting, as endorsed by Council, in order to ensure adequate and inclusive preparations for a credible dialogue process. However, a combination of developments, including the failure of the parties to achieve progress in the cessation of hostilities talks, the signing of the "Sudan Call" document by various stakeholders, and the decision of Government to proceed with preparations for general elections in April 2015 despite a boycott from major political parties, polarized the political situation in Sudan and affected the prospects of a credible National Dialogue. Notwithstanding and in accordance with its programme, the Panel considered it imperative to invite the Sudanese parties to a pre-dialogue meeting in Addis Ababa.

22. Based on the Panel's broad consultations, the Government of Germany, in collaboration with the Berghof Foundation, convened a meeting of the opposition in Berlin from 24 to 28 February 2015, which led to the adoption of the "Berlin Declaration." The Declaration called, *inter alia*, for the postponement of preparations for elections in Sudan, the release of political prisoners and the abolishment of the recent constitutional amendments. In addition, the leader of the National Umma Party, Imam Sadiq al Mahdi, and the chairman of the Sudan Revolutionary Front (SRF), Mr. Malik Agar, issued a joint letter, committing to participate in the pre-dialogue meeting without any conditions. The National Congress Party (NCP) also indicated its readiness to attend the pre-dialogue meeting.

23. Invitations for the pre-Dialogue meeting were issued for 29 and 30 March 2015 in Addis Ababa. The agenda focused on process and procedural matters related to the National

Dialogue. The NCP and allies declined the invitation to the Addis Ababa, citing various constraints, in particular the holding General Elections.

24. The NCP's decision came as a surprise and against assurances provided to a joint AUHIP-UN-IGAD team that visited Khartoum on 16 and 17 March 2015 and engaged key Government and opposition stakeholders on the date and other modalities. In these consultations, senior NCP officials had reconfirmed their readiness to attend the pre-dialogue meeting in Addis Ababa if it was convened before the election month of April 2015.

25. The Panel was at all times guided by the principle of inclusivity, and in this context, political parties and the armed movements, the invited representatives of civil society, especially women and youth, as an important part of Sudanese society.

VI. RECENT ENGAGEMENT OF SUDANESE STAKEHOLDERS

(a) Visit to Sudan

26. Following the April elections and the formation of the new Government, the AUHIP visited Khartoum from 2 to 4 August 2015 at the invitation of the Government of Sudan. President Omar Al Bashir stated that the National Dialogue was a Sudanese process which must take place in Sudan and which would be launched soon. President Al Bashir reiterated his offer of security guarantees to the opposition parties, who wished to participate in the Dialogue. He also insisted that the Dialogue would proceed as planned with or without their participation. In this regard, he was of the view that a pre-dialogue meeting as previously envisaged was not required.

27. With respect to the Two Areas, President Bashir said the Government would only participate in negotiations on a comprehensive ceasefire. On Darfur, President Al Bashir complained that his Government had been compelled into renegotiating agreements it had previously considered to be binding. In that vein, he insisted that there would be no re-opening of the DDPD. He stated that the armed groups that continued to hold out no longer had a presence in Darfur or Sudan, with the exception of "small pockets" controlled by SLA-AW in the Jebel Marra area.

(b) Consultations with the external opposition

28. Following the meetings in Khartoum, the Panel invited the opposition groups based outside Sudan to come to Addis Ababa between 21 and 24 August 2015, for consultation with the Panel on the outcome of meetings in Sudan in early August. The Panel also wished discussed the way forward on the National Dialogue, Darfur and the Two Areas negotiations.

VII. HUMANITARIAN CONSEQUENCES OF ONGOING CONFLICTS

29. As a consequence of renewed insecurity including feuding between tribal militias, humanitarian organizations have estimated that over 80,000 people have been displaced in

Darfur during 2015. These figures do not include persons displaced in inaccessible areas, including Jebel Marra, where some of the heaviest fighting has been taking place. Security concerns include reports of indiscriminate attacks against civilians. The preceding year, 2014, registered the highest level of displacement in Darfur for a decade. Close to half a million people fled conflict and by years end some 300,000 remained displaced. The most recent estimates put the numbers of the internally displaced at more than 2.5 million.

30. Increased criminality has further impeded the capacity to deliver already strained humanitarian assistance, with inaccessibility of the displaced, including through the impeding of the movements of humanitarian personnel posing a continuing challenge.

31. In South Kordofan and Blue Nile, hundreds of thousands of people in SPLM/N controlled areas remain without humanitarian assistance and face starvation. The hostilities, including aerial bombardments, have interrupted livelihoods and continued to cause loss of life and limb. The ensuing disruption, including psychosocial trauma, has impacted negatively on food security in the SPLM/N controlled areas. The fighting has also curtailed, severely, the provision of healthcare including as a consequence of bombings of health facilities. Vaccination programmes and the delivery of medical supplies have been disrupted. According to UN Office for Coordination of Humanitarian Affairs (OCHA), between May 2014 and January 2015 a severe outbreak of measles was reported in the SLM/N controlled areas. Humanitarian access in Government-controlled areas of the Two States is also tightly controlled.

32. The fighting in South Sudan has seen an influx of South Sudanese into Sudan, while Sudanese fleeing the fighting in Blue Nile and South Kordofan have also taken refuge in South Sudan.

33. Urgent steps are required to facilitate unimpeded humanitarian access to all areas of Darfur and the Two Areas in order to ensure the delivery of much-needed humanitarian assistance. There is an urgent need to secure a cessation of hostilities in the Darfur and the Two Areas in order to facilitate humanitarian access and to ameliorate the impact of those conflicts on civilians. In this regard, Council will recall its previous decisions regarding humanitarian issues, as well as the decision of the United Nations Security Council, 2046, calling for “safe, unhindered and immediate access” to be afforded for humanitarian activities.

VIII. CONTINUED EFFORTS TO RESOLVE THE OUTSTANDING ISSUES BETWEEN SUDAN AND SOUTH SUDAN

34. The South Sudan conflict, which started in December 2013, continues, despite IGAD’s mediation to secure an agreement between the parties in conflict. The conflict has affected progress in the implementation of the September 2012 Cooperation Agreement, and the relations between the two states generally.

(a) Security Related Matters

35. The conflict has disrupted the implementation of the Security components of the Cooperation Agreement. Both countries continued to allege that the other is harbouring and supporting its rebels. Although the two sides have separately indicated a keen interest in convening the Joint Political and Security Mechanism (JPSM) to address these issues, a meeting has not been held. The latest effort earmarked for 24 August 2015 could not take place as the South Sudanese delegation had conflicting engagements.

36. In the recent meeting with the Panel, President Al Bashir reaffirmed his commitment to implementing the provisions of the agreements on border and security arrangements. He reiterated Sudan's acceptance of the coordinates of the Safe Demilitarized Border Zone (SBDZ) centre line proposed by the AUHIP.

37. The AUHIP will continue to engage the parties to find, as a matter of urgency, a mutually acceptable date to convene the next JPSM to assist the two sides address these and other security challenges.

(b) Border issues

38. Efforts to promote the implementation of the Agreement on Border Issues, have achieved some progress. Following its first meeting on 21 November 2014, the Joint Border Commission met again under the auspices of the AU Border Programme (AUBP) and the AUHIP, from February and March 2015 in Juba and Addis Ababa, respectively, to discuss options to expedite the demarcation of the already agreed parts of the boundary. The meetings led to an agreement on 18 March 2015 to establish an escrow account to meet the cost of the demarcation.

39. The AUBP continues its engagement with the parties to support the implementation of border issues. However, in an environment of continuing mutual accusations of support to rebel groups and the conflicts within South Sudan, the Two Areas and Darfur, progress has been impeded. It is of the utmost importance to ensure continuing progress in addressing border issues between the two countries.

(c) AU Team of Experts (AUTE) for the Settlement of the Boundary between Sudan and South Sudan

40. The AU Team of Experts on boundary issues sought to engage the parties to make their representations on the status of the disputed areas. The work of the AUTE has stalled because of differences between the Parties on the work and terms of reference of the AUTE. The AUHIP is continuing to engage both parties with a view to ascertaining the future of the AUTE process as the Government of Sudan has indicated that the work of the AUTE would no longer serve the envisaged purpose in facilitating their negotiations.

41. In a future report, the Panel will brief Council, with recommendations, on steps to be taken in the light of the impasse with regard to the work of the AUTE.

(d) Abyei

42. The situation in Abyei remains tense and unpredictable as local communities continue to compete for territory, pasture and water sources in the area. Several clashes have occurred between the Ngok Dinka and the Messeriya since the beginning of 2015 with resultant deaths and injuries.

43. In a positive development, the Abyei Joint Oversight Committee met from 29 to 30 March 2015 in Addis Ababa, which welcomed the two new co-chairs, Mr. Hassan Ali Nimir of Sudan and Mr. Deng Mading Mijak of South Sudan. In attendance were the United Nations Interim Security Force in Abyei (UNISFA) Head of Mission and as well as the new Force Commander. The meeting agreed on the convening of a traditional leaders' conference to enhance dialogue between the Ngok Dinka and Misseriya communities. The conference was scheduled to take place from 20 to 22 June 2015 in Addis Ababa, prepare the ground for the reconciliation dialogue between the communities over the killing of the Ngok Dinka Paramount Chief. However, the meeting was cancelled due to the unavailability of the South Sudanese delegation to attend.

44. The two sides continue to violate the agreement on the Temporary Arrangements for the Administration and Security of Abyei, signed on June 2011. Sudan maintains a security unit in Diffra in violation of the agreement. In the absence of progress on the establishment of temporary administrative institutions, the situation remains highly unpredictable. The persistent security incidents in the area highlight the need for continued engagement within AJOC, support for UNISFA, and sustained efforts to convene the traditional leaders meeting until the two countries find respite from internal divisions.

(e) Economic-related matters**(i) Joint Approach to the International Community**

45. The 23rd Ordinary Session of the Assembly of the Union, held in Malabo, Equatorial Guinea, from 26 to 27 June 2014, supported the Joint Approach initiative. The Assembly requested the AUHIP to continue assisting the efforts of the two countries in their quest to achieve the four objectives of the Joint Approach, namely, comprehensive debt relief, lifting of economic sanctions, support for payments of the Transitional Financial Arrangements and financing of urgently needed development projects in South Sudan.

46. Consistent with this request, the Panel, since September of 2014, has worked with the two Governments towards the achievement of the objectives of the Joint Approach. The Panel also held discussions with the highest levels in various governments and institutions, including the International Monetary Fund (IMF) and the World Bank, the United States, Germany and Qatar. Appeals for debt relief were also made in meetings with Governors of the Bretton Woods institutions and also of the African Development Bank, including those from the United States, the United Kingdom, France, Japan, China, Italy, Saudi Arabia, and Kuwait.

47. The Panel also successfully facilitated the extension of the Zero Option Approach from 17 October 2014 to 17 October 2016. This was an important achievement, as expiration of the terminal date would have led to a complicated negotiation between Sudan and South Sudan of the external debt of the Republic of Sudan.

48. However, despite the efforts of the two Governments and the AUHIP, it appears that debt relief would continue to be intimately tied to the issues in Sudan dealt with in this report.

The lifting of economic sanctions is a matter between the Governments of the U.S. and Sudan. However, the Panel as part of its efforts on the Joint Approach has engaged the US on this matter and urged the Government of Sudan to upgrade its bilateral relations with the US.

(ii) Other Economic-related Matters – *Oil*

49. As Council may recall, the Panel has monitored the implementation of the oil-related agreement, through advisory support by the Petroleum Monitoring Committee (PMC), which was constituted, and is chaired, by the AU. The PMC oversees the implementation of the Oil Agreement, through regular reports to the Parties on improving cooperation in the petroleum sector.

50. All oil-related operations have been implemented largely in conformity with the terms of the oil agreement, including transitional financial payments from South Sudan to Sudan. The operations have continued even though the volume of shipments has been much reduced since the conflict broke out in South Sudan.

51. Subsequent meetings of the PMC have been aborted. These meetings would have discussed important matters such as cross border operations, environmentally sound treatment of emissions and possible improvements on metering and pipeline systems. The Panel recommends the convening of a meeting of the PMC as soon as possible.

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Communiqués

2015-08-25

Communiqué of the 539th Meeting of the Peace and Security Council Held on 25 August 2015, Addis Ababa, Ethiopia.

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