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PEACE AND SECURITY COUNCIL 526TH MEETING
AT THE LEVEL OF MINISTERS

ADDIS ABABA, ETHIOPIA 24 JULY 2015

PSC/MIN/COMM.(DXXVI)

COMMUNIQUE

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The Peace and Security Council of the African Union (AU), at its 526th meeting held at ministerial level, on 24 July 2015, having officially received the Report of the AU Commission of Inquiry on South Sudan (AUCISS) and following an extensive exchange of views thereon, adopted the following decision:

Council,

1. **Takes note** of the report of the AUCISS and of the Separate Opinion submitted by a member of the AUCISS, as well as of the introductory remarks made by the Commissioner for Peace and Security. Council **further takes note** of the statements made by the representatives of the Government of the Republic of South Sudan and of the Inter-Governmental Authority on Development (IGAD), as well as by the representatives of Tanzania, on the internal dialogue within the Sudan People's Liberation Movement (SPLM), and Rwanda, in its capacity as a member of the AU High-Level *Ad hoc* Committee on South Sudan, established pursuant to communique PSC/PR/COMM(CDLXXIV) adopted at its 474th meeting held on 5 December 2014;
2. **Reiterates the AU's deep concern** at the situation prevailing in South Sudan, marked by continued fighting and attacks against civilian populations and other serious human rights abuses, as well as by a dire humanitarian crisis, including forced displacement, acute food insecurity, access restrictions and other impediments to humanitarian assistance. Council, **once again, condemns in the strongest terms** all the violations of the Cessation of Hostilities Agreement of 23 January 2014 committed by the parties, as well as the attacks and other egregious acts of violence and abuses of human rights. Council **also condemns** the attacks against civilians and other acts of violence and harassment targeting the humanitarian agencies, including their personnel and assets;
3. **Further reiterates Africa's deep disappointment** at the continued unwillingness and lack of political will of the leaders of the warring parties to make the compromises necessary to reach an agreement that would end the conflict in their country and the untold suffering they are deliberately inflicting on their own people. Council **expresses shock and outrage** at the level of violence and cruelty meted out by the South Sudanese protagonists on the civilian population and the disregard of the South Sudanese leaders to the suffering of their own people;
4. **Demands** that the armed belligerents immediately and fully respect the Cessation of Hostilities Agreement and end, once for all, all acts of violence, and **agrees**, should this become necessary, to deploy an African force to bring the ongoing tragedy in South Sudan to a definite end;
5. **Commends** the Chairperson of IGAD and the other leaders of the region, for their sustained efforts in facilitating a negotiated political solution to the conflict in South Sudan, including through the establishment of the IGAD Plus mechanism, and **reiterates the AU's support** to these efforts, including through the High Level *Ad hoc* Committee on South Sudan and the High Representative for South Sudan, former President Alpha Oumar Konare of Mali. Council **also reiterates the AU's support** to the United Nations Mission in South Sudan (UNMISS), as well as to the IGAD Monitoring and Verification Mechanism (MVM), and **demands once again** that the parties fully cooperate with UNMISS and the MVM to enable them effectively to discharge their respective mandates;
6. **Reiterates the AU's support** to the steps taken towards the implementation of the Arusha Agreement of 21 January 2015, and **welcomes** the efforts of the Chama Cha Mapinduzi (CCM) of

Tanzania and the African National Congress (ANC) of South Africa in this regard, aimed at reuniting the SPLM and the subsequent return to South Sudan of the former political detainees;

7. **Recalls** communique PSC/AHG/COMM.I(CDXI)-Rev.I adopted at its 411th meeting held in Banjul, The Gambia, on 30 December 2013, in particular its paragraph 8 in which it requested the Chairperson of the Commission, in consultation with the Chairperson of the African Commission on Human and Peoples' Rights (ACHPR) and other relevant AU structures, to establish urgently a commission to investigate the human rights violations and other abuses committed during the armed conflict in South Sudan and make recommendations on the best ways and means to ensure accountability, reconciliation and healing among all South Sudanese communities;

8. **Further recalls** its subsequent pronouncements on this issue, including communique PSC/PR/COMM.3(CDXLII) adopted at its 442nd meeting held on 17 June 2014, communique PSC/AHG/COMM.1(CDLXXXIV) adopted at its 484th meeting held on 29 January 2015, and communique PSC/AHG/COMM.1(DXV) adopted at its 515th meeting held on 13 June 2015;

9. **Reaffirms** the AU's commitment to a comprehensive approach to the issues of peace, justice and reconciliation in Africa, rooted in contexts specific to each country. In this respect, Council **underlines** the continued relevance of the AU Policy on Post-Conflict Reconstruction and Development adopted by the 9th Ordinary Session of the Executive Council, held in Banjul, from 28 to 29 June 2006. Council **further underlines** the particular relevance of communique PSC/MIN/COMM.(CCCLXXXIII) on the theme "National Reconciliation: Critical Factor for Security, Stability and Development in Africa", adopted at its 383rd meeting held in Algiers, Algeria, on 29 June 2013, as well as of decision Assembly/AU/Dec.501(XXII), adopted by the Assembly of the Union at its 22nd Ordinary Session, held in Addis Ababa from 30 to 31 January 2014, declaring 2014-2024 as the Madiba Nelson Mandela Decade of Reconciliation in Africa;

10. **Further reaffirms** the commitment of the AU to combat impunity, in line with Article 4 (o) of the AU Constitutive Act and the relevant provisions of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union;

11. **Expresses its conviction** that the achievement of lasting peace and reconciliation in South Sudan requires a holistic approach addressing in a mutually-supportive way the inter-related issues of accountability, reconciliation, healing and institutional reforms, based on ownership by the South Sudanese stakeholders and robust African and international support. Council **further expresses its conviction** on the need to promote an African solution to the challenges at hand, as opposed to a "one-size-fits-a 11" remedy packaged as universal, to further an approach rooted in the understanding of the South Sudanese context, including the multiple historical, political, moral and economic causes that led to the prevailing situation, on the understanding that those who have committed crimes, irrespective of their status and level of responsibility, shall be held accountable for their acts;

12. **Notes** that in the Agreement on the Principles on Transitional Arrangements Towards Resolution of the Crisis in South Sudan, signed in Addis Ababa, on 25 August 2014, and in the document titled Areas of Agreement on the Establishment of the Transitional Government of National Unity (TGoNU), signed in Addis Ababa, on 1 February 2015, the Parties, namely the Government of the Republic of South Sudan and the SPLM/IO, have addressed issues relating to impunity, justice, accountability and reconciliation;

13. **Congratulates** the Chair of the AU Commission of Inquiry on South Sudan, former President Olusegun Obasanjo, and the other members of the Commission, namely Honorable Sophia Akuffo, Ms. Bineta Diop, Professor Mahmood Mamdani and Professor Pacifique Manirakiza, for their hard work and commitment in the discharge of their mandate;

14. **Expresses appreciation** to IGAD, the countries of the region, the United Nations (UN) and other international stakeholders for the cooperation extended to the AUCISS;

15. **Agrees**, following submission to Council of the report of the AUCISS and of the Separate Opinion, on the following steps to expedite the in-depth consideration of the recommendations contained therein and their subsequent implementation:

- (i) establishment by Council of an *Ad hoc* sub-Committee, comprising of Algeria, Chad, Ethiopia, Nigeria, South Africa, Tanzania and Uganda, to consider the report of the AUCISS and the Separate Opinion and make recommendations on the way forward;
- (ii) submission by the *Ad hoc* sub-Committee of its report, along with recommendations on the way forward, to all members of Council by the third week of August 2015;
- (iii) meeting of Council, at the level of the Heads of State and Government, by the end of August 2015, to consider the recommendations of the *Ad hoc* sub-Committee and take the required decisions;

16. **Further invites** the Chairperson of the Commission to formally transmit the present communique to the South Sudanese stakeholders, as well as to the UN Security Council and other AU partners, in order to enlist their support;

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