

Country/entity	South Sudan Sudan
Region	Africa (excl MENA)
Agreement name	Memorandum of Understanding on Non-aggression and Cooperation
Date	10 Feb 2012
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Agreement/conflict level Interstate/intrastate conflict(s)

Sudan Conflicts (1955 -)

Agreements relate to several distinct dyads, and also the negotiated independence of South Sudan, and subsequent internal conflict in South Sudan. Sudan-South Sudan. The long-standing conflict between the north and the south of the country dates back to colonial times, where the British introduced a so-called 'Southern Policy', severely hampering population movements between these big regions. Immediately after gaining independence in 1956, southern movements started to fight for independence; this fight became professionalised in 1983 with the foundation of the soon internationally supported Sudan People's Liberation Army (SPLA). When the Islamic Front government introduced strict sharia laws in the south after it took over power in 1988 the war intensified. A decade later, the military situation reached a stalemate, enabling internationally facilitated peace negotiations to begin in 1997. After more fighting, a final negotiation push began in 2002, leading to the signing of the Comprehensive Peace Agreement (CPA) in January 2005.

Sudan-South Sudan post referendum. South Sudan became independent in July 2011; since then, relations between the two countries are complicated and violent conflict led by the SPLM (North) in the Sudanese Nuba mountains region has since intensified.

Darfur. Other long-standing violent conflicts are in the east and the west of the country. In the east, the Beja Congress, established in 1957, is the spearhead of a currently 'peaceful' opposition movement. In the west, the violent conflict in Darfur intensified in the early 2000s and rapidly gained international attention, even resulting in genocide charges against leading figures of the Sudanese government. The situation on the ground is complex, with over a dozen organisations (most notably the Sudanese Liberation Movement and the Justice and Equality Movement) fighting the Sudanese government and allied groups like the Janjaweed – although all parties have switched sides on numerous occasions. Several mediation attempts have not been successful, due to the shaky commitment of the Sudanese central government and the distrust among the armed opposition.

South Sudan - internal

In December 2013, after president Salva Kiir accused opposition leader Riek Machar of attempting a coup, violent conflict broke out between government forces of the SPLM/A and anti-governmental groups. In addition, several other political militias as well as communal militias have joined the conflict. In 2015 the Agreement on the Resolution of the Conflict in South Sudan (ARCSS) was signed. Due to unsuccessful implementation the agreement was revitalized in 2018. In September 2019, Kiir and Machar agreed to establish a power-sharing government after struggles on forming a unity transitional government.

Close

Sudan Conflicts (1955 -)

Stage Framework/substantive - partial

Conflict nature Territory

Peace process	North - South Sudan secession process
Parties	<p>[Signed] Lt. Gen. Mohamed Atta Elmula Abass Director General for National Intelligence and Security Services On Behalf of the Republic of the Sudan</p> <p>[Signed] Maj. Gen. Thomas Duoth Guet, Director General for General Intelligence Bureau On behalf of the Republic of South Sudan</p>
Third parties	<p>In the presence of: [Signed] Thabo Mvuyelwa Mbeki Chairperson, African Union High Level Implementation Panel, Facilitator of the Negotiations</p>

Description -

Agreement document	SD_SS_120210_MoU on Non-Agression and Cooperation.pdf (opens in new tab) Download PDF
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Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

**Racial/ethnic/
national group** No specific mention.

Religious groups No specific mention.

Indigenous people No specific mention.

Other groups No specific mention.

**Refugees/displaced
persons** No specific mention.

Social class No specific mention.

Gender

**Women, girls and
gender** No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

**Nature of state
(general)**

Page 1, Untitled Preamble, ... Welcoming and respecting the admission and recognition of the Republic of South Sudan as the 193rd member of the United Nations pursuant to General Assembly Resolution A/RES/65/308 of 14th July 2011.

Page 2, Part I, Non-Aggression

Article 2, Principles of good neighbourliness and non-aggression

The two States agree to abide by the following principles of good neighbourliness and non-aggression:

- 1) Respect for each other's sovereignty and territorial integrity.
- 2) Non-interference in the internal affairs of the other State.
- 3) Rejection of the use of force in conducting their relation in accordance with the principles enshrined in the African Union and United Nations charters.
- 4) Equality and mutual benefit.
- 5) Peace co-existence.

Page 2, Part II: Elaboration of the Principles,

Article 3, Respect for each other's sovereignty and territorial integrity.

- 1) Neither State shall violate the territorial integrity of the other State.

Page 3, Part II: Elaboration of the Principles,

Article 3, Respect for each other's sovereignty and territorial integrity.

- ... 2) Each State shall respect the sovereignty of the other State in all respects, including its political independence.

Page 3, Part II: Elaboration of the Principles,

Article 4, Non-interference in the internal affairs of the other State

- 1) Each State shall refrain from interfering in the internal governance of the other State including in legislative, executive functions.

Page 3, Part II: Elaboration of the Principles,

Article 4, Non-interference in the internal affairs of the other State

- 1) Each State shall refrain from interfering in the internal governance of the other State including in legislative, executive functions.
- ... 4) Neither State shall enter into an alliance with, or provide support to, a third party for purposes of undermining the integrity and interests of the other State.

Page 3, Part II: Elaboration of the Principles,

Article 5, Rejection of the use of force in conducting their relations

- 1) The two States shall conduct their relations on the basis of mutual non-aggression and shall resolve any disputes that might arise between them exclusively through peaceful means.

Page 4, Part II: Elaboration of the Principles,

Article 6, Equality and Mutual Benefit

- 1) The two States shall conduct their relations, and cooperate on the basis of equality and the promotion of their mutual benefit.

Page 4, Part II: Elaboration of the Principles,

Article 7, Peaceful Co-existence

- 1) Each State shall maintain diplomatic relations with the other State, including establishment of diplomatic missions.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

**Independence/
secession** No specific mention.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

**Cross-border
provision** Page 4, Part II: Elaboration of the Principles,
Article 7, Peaceful Co-existence
... 2) To ensure peace, stability and security, the two States shall maintain such joint
mechanisms for fostering political and security cooperation between them as they may
agree, including the Joint Political and Security Mechanism (JPSM).

Governance

**Political
institutions (new or
reformed)** No specific mention.

Elections No specific mention.

**Electoral
commission** No specific mention.

**Political parties
reform** No specific mention.

Civil society No specific mention.

**Traditional/
religious leaders** No specific mention.

**Public
administration** No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general Page 1, Untitled Preamble, ... Further affirming their commitment to implementing the African Union Constitutive Act, and the United National Charter, and relevant principles on International Law, including the Vienna Convention on the Succession of States in Respect of Treaties of 1978, and International Humanitarian Law, generally.

Bill of rights/similar No specific mention.

Treaty incorporation Page 1, Untitled Preamble, ... Further affirming their commitment to implementing the African Union Constitutive Act, and the United National Charter, and relevant principles on International Law, including the Vienna Convention on the Succession of States in Respect of Treaties of 1978, and International Humanitarian Law, generally.

Page 2, Part I, Non-Aggression
Article 2, Principles of good neighbourliness and non-aggression
The two States agree to abide by the following principles of good neighbourliness and non-aggression: ...
3) Rejection of the use of force in conducting their relation in accordance with the principles enshrined in the African Union and United Nations charters.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	Page 4, Part II: Elaboration of the Principles, Article 6, Equality and Mutual Benefit ... 2) Accordingly, each State shall refrain from blockading agreed corridors of movement, ports, coastlines, rivers, or airspace of the other State in accordance with the principles of International Law.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	No specific mention.
State of emergency provisions	No specific mention.
Judiciary and courts	No specific mention.
Prisons and detention	No specific mention.
Traditional Laws	No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

Water or riparian rights or access Page 4, Part II: Elaboration of the Principles, Article 6, Equality and Mutual Benefit
... 2) Accordingly, each State shall refrain from blockading agreed corridors of movement, ports, coastlines, rivers, or airspace of the other State in accordance with the principles of International Law.

Security sector

Security Guarantees

Page 2, Part I, Non-Aggression

Article 1, Definition of Aggression

For purposes of this Memorandum, 'aggression' means: 'the use of armed force or the conduct of any other hostilities act by a State or other entity against the sovereignty, territorial integrity or political independence of another 'State'.

Page 3, Part II: Elaboration of the Principles,

Article 4, Non-interference in the internal affairs of the other State

... 4) Neither State shall enter into an alliance with, or provide support to, a third party for purposes of undermining the integrity and interests of the other State.

Page 3, Part II: Elaboration of the Principles,

Article 5, Rejection of the use of force in conducting their relations

... 3) Neither State shall conduct overflight of the airspace of the other State without the prior formal agreement of that State.

Ceasefire

Security sector→Ceasefire→General commitments

Page 3, Part II: Elaboration of the Principles,

Article 4, Non-interference in the internal affairs of the other State

... 3) Each State shall refrain from carrying out military acts and espionage activities against the other State

Page 3, Part II: Elaboration of the Principles,

Article 5, Rejection of the use of force in conducting their relations

... 2) Each State shall refrain from launching any attack including bombardment against the territory of other State, neither shall the State invade, occupy or annex, however temporarily, the territory of the other State.

Police

No specific mention.

Armed forces

No specific mention.

DDR

No specific mention.

Intelligence services

Page 3, Part II: Elaboration of the Principles,

Article 4, Non-interference in the internal affairs of the other State

... 3) Each State shall refrain from carrying out military acts and espionage activities against the other State

Page 4, Part II: Elaboration of the Principles,

Article 5, Rejection of the use of force in conducting their relations

... 6) Neither State shall provide technological assistance, intelligence or training of any kind to another state or other entity which may be used to committing acts of aggression against the other State.

Parastatal/rebel and opposition group forces	<p>Page 3, Part II: Elaboration of the Principles, Article 4, Non-interference in the internal affairs of the other State ... 2) Neither State shall support political parties, other political actors, or opposition armed groups and movements, within the other State.</p> <p>Page 3, Part II: Elaboration of the Principles, Article 5, Rejection of the use of force in conducting their relations ... 4) Neither State shall allow its territory to be used by, another State, or by any armed group or movement to conduct any acts of aggression or to undertake military acts or other subversive activities against the territory of the other State.</p> <p>Page 4, Part II: Elaboration of the Principles, Article 5, Rejection of the use of force in conducting their relations ... 5) Neither State shall harbour or provide any form of support to armed groups, mercenaries, terrorist organisations, or other organized transnational criminal groups which may carry out hostile acts against the other State.</p>
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	<p>Page 4, Part II: Elaboration of the Principles, Article 5, Rejection of the use of force in conducting their relations ... 5) Neither State shall harbour or provide any form of support to armed groups, mercenaries, terrorist organisations, or other organized transnational criminal groups which may carry out hostile acts against the other State.</p> <p>Page 4, Part II: Elaboration of the Principles, Article 5, Rejection of the use of force in conducting their relations ... 7) The two State under to cooperate with each other to combat trans-boundary crimes and criminal acts.</p>
Drugs	No specific mention.
Terrorism	<p>Page 4, Part II: Elaboration of the Principles, Article 5, Rejection of the use of force in conducting their relations ... 5) Neither State shall harbour or provide any form of support to armed groups, mercenaries, terrorist organisations, or other organized transnational criminal groups which may carry out hostile acts against the other State.</p>

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory	No specific mention.
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Other international signatory	No specific mention.
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Referendum for agreement	No specific mention.
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International mission/force/similar	No specific mention.
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Enforcement mechanism	<p>Page 5, Part II: Elaboration of the Principles, Article 8, Observation of Implementation</p> <p>1) The two States hereby authorize the JPSM to oversee their compliance with this Memorandum. The Parties may adopt further mechanisms and principles to enable the JPSM to carry out this function.</p> <p>2) In the event of any dispute arising in the implementation of this Memorandum, the two States shall seek to resolve the matter amicably through the JPSM.</p>
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Related cases	No specific mention.
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