

Country/entity	South Sudan Sudan
Region	Africa (excl MENA)
Agreement name	Framework Agreement to Facilitate Payment of Post Service benefits between Sudan and South Sudan
Date	27 Sep 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	H.E. Idriss Abdel Gadir, On behalf of: The Republic of the Sudan; H.E. Pagan Amum Okiech, On behalf of: The Republic of South Sudan
Third parties	Witnessed by: H.E. General Abdusalami Abubakar - African Union High Level Implementation Panel
Description	An agreement by the parties that provides the specific obligations of the Parties regarding Post-Service Benefits for citizens of either State, and establishes a Joint Ministerial Committee on Pensions (JMCP) to oversee all issues related to pension administration for the eligible citizens in each state, including a Joint Technical Committee on Pensions. In cases where the JCMP cannot resolve an amicable solution, the International Labour Organization shall be referred to on the matter.

Agreement document	SD_120927_Framework Agreement to Facilitate Payment of Post-Service Benefits.pdf (opens in new tab) Download PDF
---------------------------	--

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)	No specific mention.
State configuration	No specific mention.
Self determination	No specific mention.
Referendum	No specific mention.
State symbols	No specific mention.
Independence/ secession	<p>Page 2, Preamble</p> <p>Acknowledging also that there are citizens of the Republic of the Sudan who, prior to or after the secession of South Sudan worked in the public service of the government of South Sudan who are pensioners or will be eligible to become pensioners under applicable laws of the Republic of South Sudan;</p> <p>Mindful of the critical importance, following the secession of the Republic of South Sudan, of agreeing on appropriate mechanisms to ensure uninterrupted, timely and convenient delivery of Post Service Benefits to all qualified individuals as aforesaid who are citizens of the Republic of South Sudan or of the Republic of the Sudan and who reside in either State;</p>
Accession/ unification	No specific mention.

Border delimitation No specific mention.

Cross-border provision

Page 2, Preamble

Mindful of the critical importance, following the secession of the Republic of South Sudan, of agreeing on appropriate mechanisms to ensure uninterrupted, timely and convenient delivery of Post Service Benefits to all qualified individuals as aforesaid who are citizens of the Republic of South Sudan or of the Republic of the Sudan and who reside in either State;

Page 3-4, 2. Specific Obligations of the Parties

2.1 The Republic of Sudan acknowledges its duty to pay Post-Service Benefits and hereby commits to pay all Post-Service Benefits, including pensions and gratuities and other payments due to eligible and vested current and former Public Servants of the Republic of the Sudan and their Survivors at the central, state or local levels, including Public Servants who have become citizens of the Republic of South Sudan and reside in the Republic of South Sudan or any other country, all in accordance with applicable laws of the Republic of the Sudan.

Page 4, 2. Specific Obligations of the Parties

2.2. The Republic of South Sudan acknowledges its duty to pay Post-Service Benefits and hereby commits to pay all Post-Service Benefits, including pensions and gratuities and other payments due to eligible and vested current and former Public Servants of the Republic of South Sudan and their Survivors at the central, state or local levels, including Public Servants who have become citizens of the Republic of the Sudan and who reside in the Republic of the Sudan or any other country, all in accordance with applicable laws of the Republic of South Sudan.

Page 4, 2. Specific Obligations of the Parties

2.3 Subject to agreements reached by the Parties on the basis of the assessments and reviews to be carried out in accordance with the provisions of this Agreement, the Republic of the Sudan hereby commits to finance identified and agreed unpaid contributions of eligible Public Servants who were serving in the Co-ordinating Council for Southern States. This is in accordance with the provision of the MoU, signed by the Government of National Unity and the Government of Southern Sudan, dated 14 July 2010.

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**

Page 2, Preamble

Acknowledging that there are South Sudanese public servants now residing in the territory of the Republic of South Sudan or the Republic of the Sudan or any other country who, prior to the secession of South Sudan, worked in the public service of the Republic of the Sudan and who are pensioners, or may be eligible to become pensioners, under applicable laws of the Republic of the Sudan;

Acknowledging also that there are citizens of the Republic of the Sudan who, prior to or after the secession of South Sudan worked in the public service of the government of South Sudan who are pensioners or will be eligible to become pensioners under applicable laws of the Republic of South Sudan;

Mindful of the critical importance, following the secession of the Republic of South Sudan, of agreeing on appropriate mechanisms to ensure uninterrupted, timely and convenient delivery of Post-Service Benefits to all qualified individuals as aforesaid who are citizens of the Republic of South Sudan or of the Republic of the Sudan and who reside in either State;

Page 2, 1. Definitions

"Post-Service Benefits" means pensions, gratuities and any other payments, for which a liability is provided under the relevant pension-related laws of the Republic of the Sudan and the Republic of South Sudan;

Page 3, 1. Definitions

"Public Servant" means (a) constitutional post holders; (b) justices and judges of the judiciary; (c) legal counsels of the Ministry of Justice, (d) civil servants, and (e) persons employed or engaged in employment in government institutions as defined in the applicable laws of the two States;

Page 3, 1. Definitions

"Pensioner" means a person who has served in the Organized Forces or public service of the Republic of the Sudan or the Republic of South Sudan, or worked in the private sector and who has a vested right to a pension on account of previous employment in pensionable service in accordance with the applicable laws of the two States;

Page 3-4, 2. Specific Obligations of the Parties

2.1 The Republic of Sudan acknowledges its duty to pay Post-Service Benefits and hereby commits to pay all Post-Service Benefits, including pensions and gratuities and other payments due to eligible and vested current and former Public Servants of the Republic of the Sudan and their Survivors at the central, state or local levels, including Public Servants who have become citizens of the Republic of South Sudan and reside in the Republic of South Sudan or any other country, all in accordance with applicable laws of the Republic of the Sudan.

Page 4, 2. Specific Obligations of the Parties

2.2. The Republic of South Sudan acknowledges its duty to pay Post-Service Benefits and hereby commits to pay all Post-Service Benefits, including pensions and gratuities and other payments due to eligible and vested current and former Public Servants of the Republic of South Sudan and their Survivors at the central, state or local levels, including Public Servants who have become citizens of the Republic of the Sudan and who reside in the Republic of the Sudan or any other country, all in accordance with applicable laws of the Republic of South Sudan.

Page 4, 2. Specific Obligations of the Parties

2.3 Subject to agreements reached by the Parties on the basis of the assessments and reviews to be carried out in accordance with the provisions of this Agreement, the Republic of the Sudan hereby commits to finance identified and agreed unpaid

Constitution	No specific mention.
---------------------	----------------------

Power sharing

Political power sharing	No specific mention.
--------------------------------	----------------------

Territorial power sharing	No specific mention.
----------------------------------	----------------------

Economic power sharing	Power sharing→Economic power sharing→Fiscal federalism Page 4, 2. Specific Obligations of the Parties 2.3 Subject to agreements reached by the Parties on the basis of the assessments and reviews to be carried out in accordance with the provisions of this Agreement, the Republic of the Sudan hereby commits to finance identified and agreed unpaid contributions of eligible Public Servants who were serving in the Co-ordinating Council for Southern States. This is in accordance with the provision of the MoU, signed by the Government of National Unity and the Government of Southern Sudan, dated 14 July 2010.
-------------------------------	---

Military power sharing	No specific mention.
-------------------------------	----------------------

Human rights and equality

Human rights/RoL general	No specific mention.
---------------------------------	----------------------

Bill of rights/similar	No specific mention.
-------------------------------	----------------------

Treaty incorporation	No specific mention.
-----------------------------	----------------------

Civil and political rights	No specific mention.
-----------------------------------	----------------------

Socio-economic rights	No specific mention.
------------------------------	----------------------

Rights related issues

Citizenship

Rights related issues→Citizenship→Citizen, general

Page 2, Preamble:

Mindful of the critical importance, following the secession of the Republic of South Sudan, of agreeing on appropriate mechanisms to ensure uninterrupted, timely and convenient delivery of Post Service Benefits to all qualified individuals as aforesaid who are citizens of the Republic of South Sudan or of the Republic of the Sudan and who reside in either State;

Page 3-4, 2. Specific Obligations of the Parties

2.1 The Republic of Sudan acknowledges its duty to pay Post-Service Benefits and hereby commits to pay all Post-Service Benefits, including pensions and gratuities and other payments due to eligible and vested current and former Public Servants of the Republic of the Sudan and their Survivors at the central, state or local levels, including Public Servants who have become citizens of the Republic of South Sudan and reside in the Republic of South Sudan or any other country, all in accordance with applicable laws of the Republic of the Sudan.

Page 4, 2. Specific Obligations of the Parties

2.2. The Republic of South Sudan acknowledges its duty to pay Post-Service Benefits and hereby commits to pay all Post-Service Benefits, including pensions and gratuities and other payments due to eligible and vested current and former Public Servants of the Republic of South Sudan and their Survivors at the central, state or local levels, including Public Servants who have become citizens of the Republic of the Sudan and who reside in the Republic of the Sudan or any other country, all in accordance with applicable laws of the Republic of South Sudan.

Page 7, 6. Terms of Reference of the JTCP

6.1. The terms of reference of the JTCP shall include the following:

(a) identify those individuals who are citizens of the either the Republic of the Sudan or the Republic of South Sudan who are, or shall be eligible, to receive Post-Service Benefits from Pensions Entities of the other State, according to the relevant laws of the two States;

Democracy

No specific mention.

**Detention
procedures**

No specific mention.

**Media and
communication**

No specific mention.

Mobility/access

No specific mention.

Protection measures	No specific mention.
Other	Page 8, 6. Terms of Reference of the JTCP 6.1. The terms of reference of the JTCP shall include the following: (h) develop materials and provide relevant information which the Pension Entities in the two States may utilize to inform prospective beneficiaries of their rights and the relevant procedures for applications to the Pensions Entities;

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 Page 3, 1. Definitions
"Public Servant" means (a) constitutional post holders; (b) justices and judges of the judiciary; (c) legal counsels of the Ministry of Justice, (d) civil servants, and (e) persons employed or engaged in employment in government institutions as defined in the applicable laws of the two States;

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** No specific mention.

Security sector

**Security
Guarantees** No specific mention.

Ceasefire No specific mention.

Police Page 3, 1. Definitions
"Organized Forces" means the armed forces, unified police forces, National Security and any other regular forces in accordance with the laws of the two States;

Armed forces Page 3, 1. Definitions
"Organized Forces" means the armed forces, unified police forces, National Security and any other regular forces in accordance with the laws of the two States;

DDR No specific mention.

**Intelligence
services** No specific mention.

Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

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.

Other international signatory Witnessed by: H.E. General Abdusalami Abubakar

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source Peacemaker.un.org,. 2015. 'UN Peacemaker'. <http://peacemaker.un.org>.
