

Country/entity	South Sudan Sudan
Region	Africa (excl MENA)
Agreement name	Agreement on Trade and Trade Related Issues 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. Pierre Buyoya, On behalf of the African Union High Level Implementation Panel
Description	An agreement by the parties that provides for trade arrangements between the two states and establishes the mandate for the Joint Ministerial Committee on Trade Relations (JMCTR) along with the terms of reference for the Joint Technical Committee on Trade Relations.

Agreement document [SD_120927_Agreement on Trade and Trade Related Issues.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 No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision

Page 2, Preamble

Recognising the need for the Republic of the Sudan and the Republic of South Sudan (the two States) to have a clear trade policy with respect to the other;

Aware of the range of issues that need to be clarified before special bilateral trade arrangements can be concluded between the Parties; and

Recognising the need for the two States to consider the various alternatives for trade arrangements before settling upon a long-term policy;

Page 2, 1. Independent National Trade Policy

(1) Each State shall pursue an independent national trade policy with respect to the other State.

(2) Each State shall review the policy referred to in Article 1.1 periodically to evaluate its success in facilitating trade, and the two States may agree to change or amend this policy as they may deem appropriate.

Page 2, 2. Relevance of Other Obligations to the Policy

(1) Notwithstanding its pursuit of an independent trade policy, each State shall abide by its obligations arising from its membership in any of the following organisations: The World Trade Organisation; COMESA; SADC-EAC-COMESA Tripartite Agreement; the IMF; and other similar institutions.

(2) Accordingly, the questions of anti-dumping; Most Favoured Nation (MFN) treatment; and other relevant trade principles, will be applied consistently with the rules of the applicable organisation to which each State is a member.

Page 3, 3. Establishment of a Joint Ministerial Committee on Trade Relations

(2) The first meeting of the JMCTR shall take place within forty-five (45) days of the ratification of this Agreement, thereafter, the JMCTR shall meet periodically at times and locations to be determined by it.

a) The JMCTR shall adopt rules of procedure for regulating its business.

b) The costs of meetings of the JMCTR shall be shared equally between the two States.

Page 3, 4. Mandate of the JMCTR

(1) The JMCTR shall have primary responsibility for all policy on trade and trade-related matters between the two States and shall oversee and approve the programme of the work of the Joint Technical Committee on Trade Relations referred to in Article 5 of this Agreement.

Page 3, 4. Mandate of the JMCTR

(2) The JMCTR shall consider the substantive aspects of trade agreements that are intended to enhance trade relations between the two States, including the desirability of a preferential trade regime, and shall develop a suitable dispute settlement mechanism to deal with trade-related disputes.

Page 3, 4. Mandate of the JMCTR

(3) In pursuance of the jointly articulated desire to promote trade between the two States at the earliest possible opportunity following the conclusion of this Agreement, the Parties agree that the JMCTR shall give due priority to the preparation of a draft agreement on customs within 90 days of its establishment. It shall consider adopting terms no less favourable than those among the member states of the Common Market for Eastern and Southern Africa.

[Agreement in its entirety focuses on the promotion of trade arrangements between the two States; see 'Political Institutions' and 'Economic Power-sharing' for more cross-border provisions]

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

Power sharing→Economic power sharing→Fiscal federalism

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4) The JMCTR may carry out such other functions as are necessary for the fulfilment of the objectives of this Agreement.

Page 3, 5. Joint Technical Committee on Trade Relations

(1) Within 30 days of the establishment of the JMCTR, in accordance with Article 3.1 of this agreement, the Parties shall establish a Joint Technical Committee on Trade

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 No specific mention.

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 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 Justice sector reform→Criminal justice and emergency law→Delimitation of powers in Criminal Justice System
Page 4-5, 6. Terms of Reference of the JTCTR
(2) The JTCTR shall in particular deal with the following issues, which the Parties have determined to require agreement at the earliest possible time, to facilitate and enhance trade between the two States. These include: [...]
d) Combating illicit financial transactions: money laundering, financing of terrorism, drug trafficking and trans-boundary crimes;

State of emergency provisions No specific mention.

Judiciary and courts Page 4, 5. Joint Technical Committee on Trade Relations
(2) The JTCTR shall be composed of representatives from the following institutions from each of the Parties: [...]
g) The Ministry of Justice;

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 Page 4, 5. Joint Technical Committee on Trade Relations
(2) The JTCTR shall be composed of representatives from the following institutions from each of the Parties: [...]
e) The Ministry of Petroleum;

International funds No specific mention.

Business No specific mention.

Taxation Socio-economic reconstruction→Taxation→Reform of taxation
Page 5, 6. Terms of Reference of the JTCTR
(3) The JTCTR shall, as part of its subsequent work programmes, discuss other matters, including the following: [...]
f) Non-tariff barriers;

Banks Socio-economic reconstruction→Banks→Cross-border financial flows
Page 4, 5. Joint Technical Committee on Trade Relations
(2) The JTCTR shall be composed of representatives from the following institutions from each of the Parties: [...]
i) The Central Bank;

Page 4-5, 6. Terms of Reference of the JTCTR
(2) The JTCTR shall in particular deal with the following issues, which the Parties have determined to require agreement at the earliest possible time, to facilitate and enhance trade between the two States. These include: [...]
b) Banking relations and trade-related payments arrangements (in coordination with the Joint Central Banks Committee);

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment Page 5, 6. Terms of Reference of the JTCTR
(3) The JTCTR shall, as part of its subsequent work programmes, discuss other matters, including the following: [...]
g) Environmental and health safeguards;

**Water or riparian
rights or access** No specific mention.

Security sector

**Security
Guarantees** No specific mention.

Ceasefire No specific mention.

Police	No specific mention.
Armed forces	No specific mention.
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	<p>Page 4-5, 6. Terms of Reference of the JTCTR</p> <p>(2) The JTCTR shall in particular deal with the following issues, which the Parties have determined to require agreement at the earliest possible time, to facilitate and enhance trade between the two States. These include: [...]</p> <p>c) Combating cross-border smuggling;</p> <p>d) Combating illicit financial transactions: money laundering, financing of terrorism, drug trafficking and trans-boundary crimes;</p>
Drugs	<p>Page 4-5, 6. Terms of Reference of the JTCTR</p> <p>(2) The JTCTR shall in particular deal with the following issues, which the Parties have determined to require agreement at the earliest possible time, to facilitate and enhance trade between the two States. These include: [...]</p> <p>... c) Combating cross-border smuggling;</p> <p>d) Combating illicit financial transactions: money laundering, financing of terrorism, drug trafficking and trans-boundary crimes;</p>
Terrorism	<p>Page 4-5, 6. Terms of Reference of the JTCTR</p> <p>(2) The JTCTR shall in particular deal with the following issues, which the Parties have determined to require agreement at the earliest possible time, to facilitate and enhance trade between the two States. These include:</p> <p>... d) Combating illicit financial transactions: money laundering, financing of terrorism, drug trafficking and trans-boundary crimes;</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.
Other international signatory	Witnessed by: H.E. Pierre Buyoya, On behalf of the African Union High Level Implementation Panel
Referendum for agreement	No specific mention.
International mission/force/similar	No specific mention.
Enforcement mechanism	No specific mention.
