

Country/entity	South Sudan Sudan
Region	Africa (excl MENA)
Agreement name	Framework Agreement on the Status of Nationals of the Other State and Related Matters 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 that provides measures relating to the status and treatment of nationals of each State in the territory of the other State, including the freedoms that pertain to these individuals, a Joint High Level Committee to adopt and implement these measures, the transitional period, and the role of the AUHIP. The Parties also provide that the agreement can be amended or, with a sixty day notice to the other State, terminated.

Agreement document	SD_120927_Framework Agmt on the Status of Nationals of the Other State.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) 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, Untitled Preamble
Affirming that the people of Sudan and South Sudan desire to co-exist peacefully and to build harmonious relations and good neighbourliness among themselves;
Convinced that for the social and economic viability of the two States it is necessary that Sudanese and South Sudanese people continue to interact with each other and enjoy the freedom to reside, move, acquire and dispose of property, and undertake economic activities within the territories of the two States;
Affirming the necessity for establishing arrangements for cooperation and for the implementation of relevant policies and commitments;
Agree as follows:

[Agreement in its entirety is cross-border in nature, providing measures relating to the status and treatment of nationals of each State in the territory of the other State. See Political Institutions, and Human Rights]

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	<p>Page 4, Part II - Freedoms of Nationals of the Other State</p> <p>4. The Freedoms</p> <p>2) A person who has already exercised any of the freedoms conferred by this Agreement shall not be deprived of that freedom by reason of the amendment or termination of this Agreement.</p> <p>Page 4, Part II - Freedoms of Nationals of the Other State</p> <p>4. The Freedoms</p> <p>3) The two States shall negotiate an agreement to elaborate the above [see below] freedoms. The AUHIP shall produce a draft text for consideration by the Committee.</p>
Bill of rights/similar	No specific mention.
Treaty incorporation	No specific mention.

Civil and political rights

Human rights and equality→Civil and political rights→Freedom of movement
Page 2, Untitled Preamble

Convinced that for the social and economic viability of the two States it is necessary that Sudanese and South Sudanese people continue to interact with each other and enjoy the freedom to reside, move, acquire and dispose of property, and undertake economic activities within the territories of the two States;

Page 3-4, Part II - Freedoms of Nationals of the Other State

4. The Freedoms

1) In accordance with the laws and regulations of each State, nationals of each State shall enjoy in the other State the following freedoms:

(a) Freedom of residence;

(d) Freedom to acquire and dispose of property.

Socio-economic rights

Human rights and equality→Socio-economic rights→Property
Page 2, Untitled Preamble

Convinced that for the social and economic viability of the two States it is necessary that Sudanese and South Sudanese people continue to interact with each other and enjoy the freedom to reside, move, acquire and dispose of property, and undertake economic activities within the territories of the two States;

Page 3-4, Part II - Freedoms of Nationals of the Other State

4. The Freedoms

4) In accordance with the laws and regulations of each State, nationals of each State shall enjoy in the other State the following freedoms:

(a) Freedom of residence;

(d) Freedom to acquire and dispose of property.

Human rights and equality→Socio-economic rights→Work

Page 2, Untitled Preamble

Convinced that for the social and economic viability of the two States it is necessary that Sudanese and South Sudanese people continue to interact with each other and enjoy the freedom to reside, move, acquire and dispose of property, and undertake economic activities within the territories of the two States;

Page 3, Part II - Freedoms of Nationals of the Other State

4. The Freedoms

4) In accordance with the laws and regulations of each State, nationals of each State shall enjoy in the other State the following freedoms: [...]

(c) Freedom to undertake economic activity;

Rights related issues

Citizenship

Rights related issues→Citizenship→Citizen, general

Page 2, Part I - Cooperation on Treatment of Nationals

1. Joint High Level Committee

1.1. The two States shall establish a standing Joint High-Level Committee ("the Committee"), which shall oversee the adoption and implementation of joint measures relating to the status and treatment of the nationals of each State in the territory of the other state.

Page 2, Part I - Cooperation on Treatment of Nationals

1. Joint High Level Committee

4) The Committee shall be responsible for all matters relating to the status and treatment of the nationals of each State in the other State.

Page 3, Part I - Cooperation on Treatment of Nationals

2. Documentation

1) The Parties shall accelerate their cooperation to provide the nationals of each State with the appropriate identification and other relevant documents relating to their status, such as work and residence permits.

Page 3, Part I - Cooperation on Treatment of Nationals

2. Documentation

2) The two States may jointly, through the African Union High Level Implementation Panel (AUHIP), appeal to the international community for technical support that may be required for the above exercise.

Page 3-4, Part II - Freedoms of Nationals of the Other State

4. The Freedoms

1) In accordance with the laws and regulations of each State, nationals of each State shall enjoy in the other State the following freedoms:

- (a) Freedom of residence;
- (b) Freedom of movement;
- (c) Freedom to undertake economic activity;
- (d) Freedom to acquire and dispose of property.

Page 4, Part II - Freedoms of Nationals of the Other State

4. The Freedoms

3) The two States shall negotiate an agreement to elaborate the above freedoms. The AUHIP shall produce a draft text for consideration by the Committee.

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	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	<p>Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development</p> <p>Page 3-4, Part II - Freedoms of Nationals of the Other State</p> <p>4. The Freedoms</p> <p>1) In accordance with the laws and regulations of each State, nationals of each State shall enjoy in the other State the following freedoms:</p> <p>(c) Freedom to undertake economic activity;</p>
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 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	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. 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 Page 3, Part I - Cooperation on Treatment of Nationals
3. Role of AUHIP
2) The Panel shall work with the two State to facilitate the implementation of this Agreement.

Related cases No specific mention.

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