

Memorandum of Understanding on Non-aggression and
Cooperation
("this Memorandum")

between

The Government of the Republic of the Sudan

and

The Government of the Republic of South Sudan

(hereinafter "the Parties" or "the two States")

The Parties:

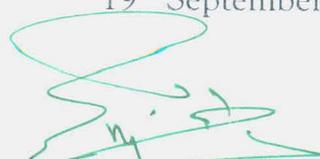
Recognizing the need to construct, promote and sustain a mutually supportive relationship between the Republic of the Sudan and the Republic of South Sudan,

Recalling the agreed principle of promoting the mutual viability of the two States, and affirming the commitment of the two States to maintain a secure Sudan and South Sudan,

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

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.

Committed to Implementing the Khartoum Consolidation Document of 19th September 2011.



Agree as follows:

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 hostile act by a State or other entity against the sovereignty, territorial integrity or political independence of another State'.

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 relations in accordance with the principles enshrined in the African Union and United Nations charters.
- 4) Equality and mutual benefit.
- 5) Peaceful co-existence.

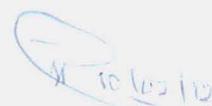
Part II

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.



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

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.
- 2) Neither State shall support political parties, other political actors, or opposition armed groups and movements, within the other State.
- 3) Each State shall refrain from carrying out military acts and espionage activities against 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.

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



- 5) Neither State shall harbour or provide any form of support to armed groups, mercenaries, terrorist organizations, or other organized trans-national criminal groups which may carry out hostile acts against the other State.
- 6) Neither State shall provide technological assistance, intelligence or training of any kind to another State or other entity which may be used in committing acts of aggression against the other State.
- 7) The two States undertake to cooperate with each other to combat trans-boundary crimes and criminal acts.

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.
- 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.

Article 7
Peaceful Co-existence

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



Article 8
Observation of Implementation

- 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.
- 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.

Article 9
Amendment and Termination

- 1) This Memorandum may be amended by the mutual consent of the Parties.
- 2) If either State wishes to terminate this Memorandum it shall give the other State notice of its intention to do so. After the expiry of sixty days from date of such notification, the Memorandum shall be deemed to be terminated.

Done in Addis Ababa, this 10th Day of February, 2012:



.....
1st Lt. Gen. Mohamed Atta
Elmula Abass,
Director General for National
Intelligence and Security Services,
On behalf of the Republic of the
Sudan



.....
Maj. Gen. Thomas Duoth Guet,
Director General for General
Intelligence Bureau,
On behalf of the Republic of
South Sudan

In the presence of:



.....
Thabo Mvuyelwa Mbeki
Chairperson, African Union High Level Implementation Panel
Facilitator of the Negotiations