

| | |
|----------------------------|---|
| Country/entity | South Sudan Sudan |
| Region | Africa (excl MENA) |
| Agreement name | Agreement between Sudan and South Sudan on Certain Economic Matters |
| 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 Government/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. Thabo Mvuyelwa Mbeki, Chairperson, African Union High Level Implementation Panel, on behalf of the AUHIP |
| Description | An agreement that provides measures for the resolution of treatment of external and domestic assets and liabilities in the the Republic of the Sudan (RoS) and the Republic of South Sudan (RSS). The agreement provides for RoS to retain all external debt liabilities with the intention of securing international assistance on repayment, however, in the case that international assistance cannot be secured within two years, the agreement provides three apportionment approaches for the two States. Furthermore, the agreement also provides measures for domestic assets and liabilities, cultural heritage, mutual forgiveness of non-oil related claims, and for a joint approach to the international community by the two States. |

Agreement document [SD_120927_Agmt on Certain Economic Matters.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 Page 2, Preamble
Recognising the need to determine, on the basis of the principles of international law, how external and domestic assets and liabilities of the Republic of the Sudan are to be treated following the secession of the Republic of South Sudan;

Page 2, 1. Definitions
"Archives": means all documents of whatever date or kind, produced or received by the Republic of the Sudan in the exercise of its functions which, at the date of the secession of the Republic of South Sudan, belonged to Republic of the Sudan according to its internal law, and were preserved by it directly or were under its control as archives for whatever purpose;

Accession/unification No specific mention.

Border delimitation Page 6, 4. Treatment of Domestic Assets and Liabilities
4.2 State Archives
4.2.2 The RoS shall provide the RSS with the following information:
a) the best available evidence from its State Archives, including maps and other documents relating to title to the territory of the RSS and to its boundaries;

Cross-border provision No specific mention.

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

Page 2, Preamble

Desiring to reach agreements on economic and financial issues, including an agreement on how to deal with debts owed to each other and other financial claims;

Conscious of the mutual benefits to be derived from pursuing strategic cooperation on certain economic issues to maximize rather than prejudice the growth potential of each state;

Recognising the need to determine, on the basis of the principles of international law, how external and domestic assets and liabilities of the Republic of the Sudan are to be treated following the secession of the Republic of South Sudan;

Page 3, 3. Treatment of External Assets and Liabilities

3.1. Agreed Zero-Option Approach

3.1.1. The two States hereby agree that the RoS, as the continuing state, shall retain all external debt liabilities and external assets of the RoS.

Page 4, 3. Treatment of External Assets and Liabilities

3.2. Trigger for Potential Apportionment of External Debts and Assets

3.2.1. If the firm commitment from international creditors regarding the relief for the external debt of the RoS is not secured, the Agreed Zero Option shall cease to apply.

Page 4, 3. Treatment of External Assets and Liabilities

3.2. Trigger for Potential Apportionment of External Debts and Assets

3.2.3 If, notwithstanding an agreed apportionment, the RoS shall have made any payments to offset an external debt liability for which the RSS is otherwise responsible under this Agreement, the RSS shall reimburse the RoS for such payments.

Page 5, 3. Treatment of External Assets and Liabilities

3.3. Potential Apportionment of Project Loans

3.3.1 The Parties shall determine the apportionment of project loan obligations between the RoS and the RSS on the basis of the primary final beneficiary principle.

Page 5, 3. Treatment of External Assets and Liabilities

3.3. Potential Apportionment of Project Loans

3.3.2 The project loan obligations under consideration by the two States amount to a total of between \$110 million (USD) and \$117 million (USD) as of 31 December 2009.

Page 5, 3. Treatment of External Assets and Liabilities

3.3. Potential Apportionment of Project Loans

3.3.3 The RoS shall provide relevant documentation pertaining to project loans in order to ascertain the terms of the loan and the primary final beneficiary.

Page 5, 3. Treatment of External Assets and Liabilities

3.4 Potential Apportionment of "Balance of Payments Support" Loans

3.4.1 The two States shall give further consideration to the potential apportionment of "balance-of-payments support" loan obligations, and shall identify such obligations jointly, and by reference to data that has been reconciled between the RoS and its respective international creditors.

Page 5, 3. Treatment of External Assets and Liabilities

3.4 Potential Apportionment of "Balance of Payments Support" Loans

3.4.2 In determining the formula for the apportionment of "balance-of-payments support" loans obligations, the two States shall consider criteria, including, the relative level of physical infrastructure development, human development, and the population within the RoS and the RSS, respectively, as of 9 July 2011

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general Page 8, 5. Mutual Forgiveness of Claims of Non-Oil Arrears and Other Claims 5.1.3 The Parties agree that the provisions of Article 5.1.1 shall not serve as a bar to any private claimants. The Parties agree to safeguard the rights of private claimants and to ensure that such claimants that they have the right of access to the courts, administrative tribunals and agencies of each State for the purpose of realizing the protection of their rights.

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 Page 8, 5. Mutual Forgiveness of Claims of Non-Oil Arrears and Other Claims 5.1.3 The Parties agree that the provisions of Article 5.1.1 shall not serve as a bar to any private claimants. The Parties agree to safeguard the rights of private claimants and to ensure that such claimants that they have the right of access to the courts, administrative tribunals and agencies of each State for the purpose of realizing the protection of their rights.

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 8, 5. Mutual Forgiveness of Claims of Non-Oil Arrears and Other Claims
5.1.3 The Parties agree that the provisions of Article 5.1.1 shall no serve as a bar to any private claimants. The Parties agree to safeguard the rights of private claimants and to ensure that such claimants that they have the right of access to the courts, administrative tribunals and agencies of each State for the purpose of realizing the protection of their rights.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction Socio-economic reconstruction→Development or socio-economic reconstruction→Infrastructure and reconstruction
Page 5, 3. Treatment of External Assets and Liabilities
3.4 Potential Apportionment of "Balance of Payments Support" Loans
3.4.2 In determining the formula for the apportionment of "balance-of-payments support" loans obligations, the two States shall consider criteria, including, the relative level of physical infrastructure development, human development, and the population within the RoS and the RSS, respectively, as of 9 July 2011.

National economic plan No specific mention.

Natural resources

Page 8, 6. Joint Approach to the International Community

6.1.2 The Parties and the AUHIP shall constitute a joint delegation which shall seek assistance from the international community with respect to:

- a) contribution of monies to provide one third of the aggregate amount of the funding required to fill the financing gap of the RoS resulting from the loss of revenues previously received from oil exports from the territory of South Sudan.

International funds Page 3, 3. Treatment of External Assets and Liabilities

3.1. Agreed Zero-Option Approach

3.1.2. The two States shall take all necessary steps, including through a joint creditor outreach strategy, to secure from international creditor a firm commitment to provide comprehensive relief of the external debt of the RoS.

Page 4, 3. Treatment of External Assets and Liabilities

3.1. Agreed Zero-Option Approach

3.1.3. The joint creditor outreach strategy referred to in Article 3.1.2. shall include:

- (a) the mobilisation of other states and international entities to lead and sustain international campaign for the relief of the external debt of the RoS; and,
- (b) the implementation of targeted and intensive outreach activities directed at the creditors of the RoS holding significant amounts of external debt claims.

Page 4, 3. Treatment of External Assets and Liabilities

3.1. Agreed Zero-Option Approach

3.1.4 The "firm commitment" referred to in Article 3.1.2 shall be deemed to have been secured:

- (a) when the RoS reaches the "decision point" as provided for under the Enhanced Initiative for Heavily Indebted Poor Countries (HIPC); and,
- (b) if the HIPC decision point is reached no later than two (2) years from the entry into force of this Agreement, or such later date as shall be agreed by the two States.

Page 4, 3. Treatment of External Assets and Liabilities

3.2. Trigger for Potential Apportionment of External Debts and Assets

3.2.1. If the firm commitment from international creditors regarding the relief for the external debt of the RoS is not secured, the Agreed Zero Option shall cease to apply.

Page 5, 3. Treatment of External Assets and Liabilities

3.4 Potential Apportionment of "Balance of Payments Support" Loans

3.4.1 The two States shall give further consideration to the potential apportionment of "balance-of-payments support" loan obligations, and shall identify such obligations jointly, and by reference to data that has been reconciled between the RoS and its respective international creditors.

Page 8, 6. Joint Approach to the International Community

6.1.1 Consistent with their recognition of and commitment to the overriding principle of two viable States, the Parties hereby agree to undertake, jointly with the AUHIP, an approach to the international community for the purposes set out in this Article.

Page 8, 6. Joint Approach to the International Community

6.1.2 The Parties and the AUHIP shall constitute a joint delegation which shall seek assistance from the international community with respect to:

- a) contribution of monies to provide one third of the aggregate amount of the funding required to fill the financing gap of the RoS resulting from the loss of revenues previously received from oil exports from the territory of South Sudan.
- b) funding to support the RSS in carrying out programmes and projects designed to respond to its urgent and immediate developmental challenges;
- c) direct debt relief from creditors of the Republic of Sudan's external debt, including debt relief provided under the HIPC initiative to be provided by no later than two years (2) from the signing of this Agreement; and,
- d) assistance in the lifting of all economic sanctions imposed on RoS.

Page 8, 6. Joint Approach to the International Community

6.1.2 The modalities and programme for this joint approach shall be agreed by the

Business No specific mention.

Taxation No specific mention.

Banks

Socio-economic reconstruction→Banks→International finance

Page 3, 3. Treatment of External Assets and Liabilities

3.1. Agreed Zero-Option Approach

3.1.2. The two States shall take all necessary steps, including through a joint creditor outreach strategy, to secure from international creditor a firm commitment to provide comprehensive relief of the external debt of the RoS.

Page 4, 3. Treatment of External Assets and Liabilities

3.1. Agreed Zero-Option Approach

3.1.3. The joint creditor outreach strategy referred to in Article 3.1.2. shall include:

- (a) the mobilisation of other states and international entities to lead and sustain international campaign for the relief of the external debt of the RoS; and,
- (b) the implementation of targeted and intensive outreach activities directed at the creditors of the RoS holding significant amounts of external debt claims.

Page 4, 3. Treatment of External Assets and Liabilities

3.1. Agreed Zero-Option Approach

3.1.4 The "firm commitment" referred to in Article 3.1.2 shall be deemed to have been secured:

- (a) when the RoS reaches the "decision point" as provided for under the Enhanced Initiative for Heavily Indebted Poor Countries (HIPC); and,
- (b) if the HIPC decision point is reached no later than two (2) years from the entry into force of this Agreement, or such later date as shall be agreed by the two States.

Page 4, 3. Treatment of External Assets and Liabilities

3.2. Trigger for Potential Apportionment of External Debts and Assets

3.2.1. If the firm commitment from international creditors regarding the relief for the external debt of the RoS is not secured, the Agreed Zero Option shall cease to apply.

Page 5, 3. Treatment of External Assets and Liabilities

3.4 Potential Apportionment of "Balance of Payments Support" Loans

3.4.1 The two States shall give further consideration to the potential apportionment of "balance-of-payments support" loan obligations, and shall identify such obligations jointly, and by reference to data that has been reconciled between the RoS and its respective international creditors.

Page 8, 6. Joint Approach to the International Community

6.1.1 Consistent with their recognition of and commitment to the overriding principle of two viable States, the Parties hereby agree to undertake, jointly with the AUHIP, an approach to the international community for the purposes set out in this Article.

Page 8, 6. Joint Approach to the International Community

6.1.2 The Parties and the AUHIP shall constitute a joint delegation which shall seek assistance from the international community with respect to:

- a) contribution of monies to provide one third of the aggregate amount of the funding required to fill the financing gap of the RoS resulting from the loss of revenues previously received from oil exports from the territory of South Sudan.
- b) funding to support the RSS in carrying out programmes and projects designed to respond to its urgent and immediate developmental challenges;
- c) direct debt relief from creditors of the Republic of Sudan's external debt, including debt relief provided under the HIPC initiative to be provided by no later than two years (2) from the signing of this Agreement; and,
- d) assistance in the lifting of all economic sanctions imposed on RoS.

Page 8, 6. Joint Approach to the International Community

Land, property and environment

Land reform/rights No specific mention.

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

Cultural heritage

Land, property and environment→Cultural heritage→Tangible

Page 7, 4. Treatment of Domestic Assets and Liabilities

4.3. Cultural Heritage Property

4.3.1 Property of particular importance to the cultural heritage of a State, or which originates from a State, shall pass to that State and, where practicable, shall be repatriated to that State.

Page 7, 4. Treatment of Domestic Assets and Liabilities

4.3. Cultural Heritage Property

4.3.2 The State in possession of the property shall have primary responsibility for the repatriation of property.

Page 7, 4. Treatment of Domestic Assets and Liabilities

4.3. Cultural Heritage Property

4.3.3 Each State shall submit to the other State the details of any Cultural Heritage Property to which it lays claims.

Page 7, 4. Treatment of Domestic Assets and Liabilities

4.3. Cultural Heritage Property

4.3.4. The transfer of Cultural Heritage Property shall be effected without compensation between the two States.

Page 7, 4. Treatment of Domestic Assets and Liabilities

4.3. Cultural Heritage Property

4.3.6 Where the two States deem that repatriation is not possible, arrangements shall be made with the mutual consent of the Parties, to facilitate access.

Page 7, 4. Treatment of Domestic Assets and Liabilities

4.3. Cultural Heritage Property

4.3.7 Any other matters relating to the implementation of this on assets and liabilities shall be address jointly between the two States, through the joint implementation mechanisms established in the Cooperation Agreement, and in accordance with the principles set forth in this Agreement.

Land, property and environment→Cultural heritage→Intangible

Page 6, 4. Treatment of Domestic Assets and Liabilities

4.2 State Archives

4.2.3 Any agreement on Archives shall not impede the access of individuals or groups of people from either State, to information about their history and their cultural heritage.

Land, property and environment→Cultural heritage→Promotion

Page 7, 4. Treatment of Domestic Assets and Liabilities

4.3. Cultural Heritage Property

4.3.5 The Parties shall establish a Joint Archives and Cultural Heritage Property Committee to assist in the identification of such Archives and Cultural Heritage Property located in the RoS and the RSS and to agree on suitable arrangements for their repatriation.

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. Thabo Mvuyelwa Mbeki, Chairperson, African Union High Level Implementation Panel, on behalf of the AUHIP |
| Referendum for agreement | No specific mention. |
| International mission/force/similar | No specific mention. |
| Enforcement mechanism | Page 7, 4. Treatment of Domestic Assets and Liabilities 4.3. Cultural Heritage Property 4.3.7 Any other matters relating to the implementation of this on assets and liabilities shall be address jointly between the two States, through the joint implementation mechanisms established in the Cooperation Agreement, and in accordance with the principles set forth in this Agreement. |
| Related cases | No specific mention. |
| Source | Peacemaker.un.org,. 2015. 'UN Peacemaker'. http://peacemaker.un.org . |
