

<b>Country/entity</b>	South Sudan Sudan
<b>Region</b>	Africa (excl MENA)
<b>Agreement name</b>	Agreement on Trade and Trade Related Issues between Sudan and South Sudan
<b>Date</b>	27 Sep 2012
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	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

<b>Peace process</b>	North - South Sudan secession process
<b>Parties</b>	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
<b>Third parties</b>	Witnessed by: H.E. Pierre Buyoya, On behalf of the African Union High Level Implementation Panel
<b>Description</b>	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.

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**Agreement document** [SD\\_120927\\_Agreement on Trade and Trade Related Issues.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.

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**Gender**

**Women, girls and gender** No specific mention.

**Men and boys** No specific mention.

**LGBTI** No specific mention.

**Family** No specific mention.

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## 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]



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**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.

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**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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Page 3, 4. Mandate of the JMCTR

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.

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### **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.

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### **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.

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## Rights institutions

**NHRI** No specific mention.

**Regional or international human rights institutions** No specific mention.

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## 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.

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## 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;

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(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);

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## **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.

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## **Security sector**

**Security  
Guarantees** No specific mention.

**Ceasefire** No specific mention.

<b>Police</b>	No specific mention.
<b>Armed forces</b>	No specific mention.
<b>DDR</b>	No specific mention.
<b>Intelligence services</b>	No specific mention.
<b>Parastatal/rebel and opposition group forces</b>	No specific mention.
<b>Withdrawal of foreign forces</b>	No specific mention.
<b>Corruption</b>	No specific mention.
<b>Crime/organised crime</b>	<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>
<b>Drugs</b>	<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>
<b>Terrorism</b>	<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>

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## **Transitional justice**

**Transitional justice general** No specific mention.

**Amnesty/pardon** No specific mention.

<b>Courts</b>	No specific mention.
<b>Mechanism</b>	No specific mention.
<b>Prisoner release</b>	No specific mention.
<b>Vetting</b>	No specific mention.
<b>Victims</b>	No specific mention.
<b>Missing persons</b>	No specific mention.
<b>Reparations</b>	No specific mention.
<b>Reconciliation</b>	No specific mention.

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## **Implementation**

<b>UN signatory</b>	No specific mention.
<b>Other international signatory</b>	Witnessed by: H.E. Pierre Buyoya, On behalf of the African Union High Level Implementation Panel
<b>Referendum for agreement</b>	No specific mention.
<b>International mission/force/similar</b>	No specific mention.
<b>Enforcement mechanism</b>	No specific mention.
<b>Related cases</b>	No specific mention.
<b>Source</b>	Peacemaker.un.org,. 2015. 'UN Peacemaker'. <a href="http://peacemaker.un.org">http://peacemaker.un.org</a> .

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