

<b>Country/entity</b>	South Sudan Sudan
<b>Region</b>	Africa (excl MENA)
<b>Agreement name</b>	Framework Agreement to Facilitate Payment of Post Service benefits 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. General Abdusalami Abubakar
<b>Description</b>	An agreement by the parties that provides the specific obligations of the Parties regarding Post-Service Benefits for citizens of either State, and establishes a Joint Ministerial Committee on Pensions (JMCP) to oversee all issues related to pension administration for the eligible citizens in each state, including a Joint Technical Committee on Pensions. In cases where the JCMP cannot resolve an amicable solution, the International Labour Organization shall be referred to on the matter.

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**Agreement document** [SD\\_120927\\_Framework Agreement to Facilitate Payment of Post-Service Benefits.pdf \(opens in new tab\)](#) | [Download PDF](#)

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### Groups

<b>Children/youth</b>	No specific mention.
<b>Disabled persons</b>	No specific mention.
<b>Elderly/age</b>	No specific mention.
<b>Migrant workers</b>	No specific mention.
<b>Racial/ethnic/ national group</b>	No specific mention.
<b>Religious groups</b>	No specific mention.
<b>Indigenous people</b>	No specific mention.
<b>Other groups</b>	No specific mention.
<b>Refugees/displaced persons</b>	No specific mention.
<b>Social class</b>	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** Page 2, Preamble  
Acknowledging also that there are citizens of the Republic of the Sudan who, prior to or after the secession of South Sudan worked in the public service of the government of South Sudan who are pensioners or will be eligible to become pensioners under applicable laws of the Republic of South Sudan;  
Mindful of the critical importance, following the secession of the Republic of South Sudan, of agreeing on appropriate mechanisms to ensure uninterrupted, timely and convenient delivery of Post Service Benefits to all qualified individuals as aforesaid who are citizens of the Republic of South Sudan or of the Republic of the Sudan and who reside in either State;

**Accession/unification** No specific mention.

**Border delimitation** No specific mention.

**Cross-border provision**

Page 2, Preamble

Mindful of the critical importance, following the secession of the Republic of South Sudan, of agreeing on appropriate mechanisms to ensure uninterrupted, timely and convenient delivery of Post Service Benefits to all qualified individuals as aforesaid who are citizens of the Republic of South Sudan or of the Republic of the Sudan and who reside in either State;

Page 3-4, 2. Specific Obligations of the Parties

2.1 The Republic of Sudan acknowledges its duty to pay Post-Service Benefits and hereby commits to pay all Post-Service Benefits, including pensions and gratuities and other payments due to eligible and vested current and former Public Servants of the Republic of the Sudan and their Survivors at the central, state or local levels, including Public Servants who have become citizens of the Republic of South Sudan and reside in the Republic of South Sudan or any other country, all in accordance with applicable laws of the Republic of the Sudan.

Page 4, 2. Specific Obligations of the Parties

2.2. The Republic of South Sudan acknowledges its duty to pay Post-Service Benefits and hereby commits to pay all Post-Service Benefits, including pensions and gratuities and other payments due to eligible and vested current and former Public Servants of the Republic of South Sudan and their Survivors at the central, state or local levels, including Public Servants who have become citizens of the Republic of the Sudan and who reside in the Republic of the Sudan or any other country, all in accordance with applicable laws of the Republic of South Sudan.

Page 4, 2. Specific Obligations of the Parties

2.3 Subject to agreements reached by the Parties on the basis of the assessments and reviews to be carried out in accordance with the provisions of this Agreement, the Republic of the Sudan hereby commits to finance identified and agreed unpaid contributions of eligible Public Servants who were serving in the Co-ordinating Council for Southern States. This is in accordance with the provision of the MoU, signed by the Government of National Unity and the Government of Southern Sudan, dated 14 July 2010.

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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**

Page 2, Preamble

Acknowledging that there are South Sudanese public servants now residing in the territory of the Republic of South Sudan or the Republic of the Sudan or any other country who, prior to the secession of South Sudan, worked in the public service of the Republic of the Sudan and who are pensioners, or may be eligible to become pensioners, under applicable laws of the Republic of the Sudan;

Acknowledging also that there are citizens of the Republic of the Sudan who, prior to or after the secession of South Sudan worked in the public service of the government of South Sudan who are pensioners or will be eligible to become pensioners under applicable laws of the Republic of South Sudan;

Mindful of the critical importance, following the secession of the Republic of South Sudan, of agreeing on appropriate mechanisms to ensure uninterrupted, timely and convenient delivery of Post-Service Benefits to all qualified individuals as aforesaid who are citizens of the Republic of South Sudan or of the Republic of the Sudan and who reside in either State;

Page 2, 1. Definitions

"Post-Service Benefits" means pensions, gratuities and any other payments, for which a liability is provided under the relevant pension-related laws of the Republic of the Sudan and the Republic of South Sudan;

Page 3, 1. Definitions

"Public Servant" means (a) constitutional post holders; (b) justices and judges of the judiciary; (c) legal counsels of the Ministry of Justice, (d) civil servants, and (e) persons employed or engaged in employment in government institutions as defined in the applicable laws of the two States;

Page 3, 1. Definitions

"Pensioner" means a person who has served in the Organized Forces or public service of the Republic of the Sudan or the Republic of South Sudan, or worked in the private sector and who has a vested right to a pension on account of previous employment in pensionable service in accordance with the applicable laws of the two States;

Page 3-4, 2. Specific Obligations of the Parties

2.1 The Republic of Sudan acknowledges its duty to pay Post-Service Benefits and hereby commits to pay all Post-Service Benefits, including pensions and gratuities and other payments due to eligible and vested current and former Public Servants of the Republic of the Sudan and their Survivors at the central, state or local levels, including Public Servants who have become citizens of the Republic of South Sudan and reside in the Republic of South Sudan or any other country, all in accordance with applicable laws of the Republic of the Sudan.

Page 4, 2. Specific Obligations of the Parties

2.2. The Republic of South Sudan acknowledges its duty to pay Post-Service Benefits and hereby commits to pay all Post-Service Benefits, including pensions and gratuities and other payments due to eligible and vested current and former Public Servants of the Republic of South Sudan and their Survivors at the central, state or local levels, including Public Servants who have become citizens of the Republic of the Sudan and who reside in the Republic of the Sudan or any other country, all in accordance with applicable laws of the Republic of South Sudan.

Page 4, 2. Specific Obligations of the Parties

2.3 Subject to agreements reached by the Parties on the basis of the assessments and reviews to be carried out in accordance with the provisions of this Agreement, the Republic of the Sudan hereby commits to finance identified and agreed unpaid

**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  
Page 4, 2. Specific Obligations of the Parties  
2.3 Subject to agreements reached by the Parties on the basis of the assessments and reviews to be carried out in accordance with the provisions of this Agreement, the Republic of the Sudan hereby commits to finance identified and agreed unpaid contributions of eligible Public Servants who were serving in the Co-ordinating Council for Southern States. This is in accordance with the provision of the MoU, signed by the Government of National Unity and the Government of Southern Sudan, dated 14 July 2010.

**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**

Rights related issues→Citizenship→Citizen, general

Page 2, Preamble:

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Page 3-4, 2. Specific Obligations of the Parties

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Page 4, 2. Specific Obligations of the Parties

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Page 7, 6. Terms of Reference of the JTCP

6.1. The terms of reference of the JTCP shall include the following:

(a) identify those individuals who are citizens of the either the Republic of the Sudan or the Republic of South Sudan who are, or shall be eligible, to receive Post-Service Benefits from Pensions Entities of the other State, according to the relevant laws of the two States;

**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, 6. Terms of Reference of the JTCP  
6.1. The terms of reference of the JTCP shall include the following:  
(h) develop materials and provide relevant information which the Pension Entities in the two States may utilize to inform prospective beneficiaries of their rights and the relevant procedures for applications to the Pensions Entities;

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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** No specific mention.

**State of emergency provisions** No specific mention.

**Judiciary and courts** Page 3, 1. Definitions  
"Public Servant" means (a) constitutional post holders; (b) justices and judges of the judiciary; (c) legal counsels of the Ministry of Justice, (d) civil servants, and (e) persons employed or engaged in employment in government institutions as defined in the applicable laws of the two States;

**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** No specific mention.

**International funds** No specific mention.

**Business** No specific mention.

**Taxation** No specific mention.

**Banks** No specific mention.

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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** No specific mention.

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

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### **Security sector**

**Security  
Guarantees** No specific mention.

**Ceasefire** No specific mention.

**Police** Page 3, 1. Definitions  
"Organized Forces" means the armed forces, unified police forces, National Security and any other regular forces in accordance with the laws of the two States;

**Armed forces** Page 3, 1. Definitions  
"Organized Forces" means the armed forces, unified police forces, National Security and any other regular forces in accordance with the laws of the two States;

**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.

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### **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.

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**Implementation**

**UN signatory** No specific mention.

**Other international signatory** Witnessed by: H.E. General Abdusalami Abubakar

**Referendum for agreement** No specific mention.

**International mission/force/similar** No specific mention.

**Enforcement mechanism** No specific mention.

**Related cases** No specific mention.

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

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