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Country/ entity	South Sudan Sudan
Region	Africa (excl MENA) Africa (excl MENA)
Agreement name	Agreement on Trade and Trade Related Issues 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 -))
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 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.

Agreement
document

[SD_120927_Agreement on Trade and Trade Related Issues.pdf](#)  | [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.
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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, 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.

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

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4) The JMCTR may carry out such other functions as are necessary for the fulfilment of the objectives of this Agreement.

Military power sharing No specific mention.

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.

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.

Rights institutions

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

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.

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	<p>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;</p> <p>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: [...] b) Banking relations and trade-related payments arrangements (in coordination with the Joint Central Banks Committee);</p>
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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	<p>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;</p>
Water or riparian rights or access	No specific mention.

Security sector

Security Guarantees	No specific mention.
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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	<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>
Drugs	<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>

Terrorism Page 4-5, 6. Terms of Reference of the JTCTR
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... d) Combating illicit financial transactions: money laundering, financing of terrorism, drug trafficking and trans-boundary crimes;

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 No specific mention.

Related
cases No specific mention.

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