

<b>Country/entity</b>	South Sudan Sudan
<b>Region</b>	Africa (excl MENA)
<b>Agreement name</b>	Framework Agreement on the Status of Nationals of the Other State and Related Matters 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 that provides measures relating to the status and treatment of nationals of each State in the territory of the other State, including the freedoms that pertain to these individuals, a Joint High Level Committee to adopt and implement these measures, the transitional period, and the role of the AUHIP. The Parties also provide that the agreement can be amended or, with a sixty day notice to the other State, terminated.

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**Agreement document** [SD\\_120927\\_Framework Agmt on the Status of Nationals of the Other State.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** No specific mention.

**Accession/unification** No specific mention.

**Border delimitation** No specific mention.

**Cross-border provision** Page 2, Untitled Preamble  
Affirming that the people of Sudan and South Sudan desire to co-exist peacefully and to build harmonious relations and good neighbourliness among themselves;  
Convinced that for the social and economic viability of the two States it is necessary that Sudanese and South Sudanese people continue to interact with each other and enjoy the freedom to reside, move, acquire and dispose of property, and undertake economic activities within the territories of the two States;  
Affirming the necessity for establishing arrangements for cooperation and for the implementation of relevant policies and commitments;  
Agree as follows:  
  
[Agreement in its entirety is cross-border in nature, providing measures relating to the status and treatment of nationals of each State in the territory of the other State. See Political Institutions, and Human Rights]

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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** No specific mention.

**Military power sharing** No specific mention.

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### **Human rights and equality**

**Human rights/RoL general** Page 4, Part II - Freedoms of Nationals of the Other State  
4. The Freedoms  
2) A person who has already exercised any of the freedoms conferred by this Agreement shall not be deprived of that freedom by reason of the amendment or termination of this Agreement.

Page 4, Part II - Freedoms of Nationals of the Other State  
4. The Freedoms  
3) The two States shall negotiate an agreement to elaborate the above [see below] freedoms. The AUHIP shall produce a draft text for consideration by the Committee.

**Bill of rights/similar** No specific mention.

**Treaty incorporation** No specific mention.

**Civil and political rights**

Human rights and equality→Civil and political rights→Freedom of movement  
Page 2, Untitled Preamble

Convinced that for the social and economic viability of the two States it is necessary that Sudanese and South Sudanese people continue to interact with each other and enjoy the freedom to reside, move, acquire and dispose of property, and undertake economic activities within the territories of the two States;

Page 3-4, Part II - Freedoms of Nationals of the Other State

4. The Freedoms

1) In accordance with the laws and regulations of each State, nationals of each State shall enjoy in the other State the following freedoms:

- (a) Freedom of residence;
- (d) Freedom to acquire and dispose of property.

**Socio-economic rights**

Human rights and equality→Socio-economic rights→Property  
Page 2, Untitled Preamble

Convinced that for the social and economic viability of the two States it is necessary that Sudanese and South Sudanese people continue to interact with each other and enjoy the freedom to reside, move, acquire and dispose of property, and undertake economic activities within the territories of the two States;

Page 3-4, Part II - Freedoms of Nationals of the Other State

4. The Freedoms

4) In accordance with the laws and regulations of each State, nationals of each State shall enjoy in the other State the following freedoms:

- (a) Freedom of residence;
- (d) Freedom to acquire and dispose of property.

Human rights and equality→Socio-economic rights→Work

Page 2, Untitled Preamble

Convinced that for the social and economic viability of the two States it is necessary that Sudanese and South Sudanese people continue to interact with each other and enjoy the freedom to reside, move, acquire and dispose of property, and undertake economic activities within the territories of the two States;

Page 3, Part II - Freedoms of Nationals of the Other State

4. The Freedoms

4) In accordance with the laws and regulations of each State, nationals of each State shall enjoy in the other State the following freedoms: [...]

- (c) Freedom to undertake economic activity;

## **Rights related issues**

### **Citizenship**

Rights related issues→Citizenship→Citizen, general

Page 2, Part I - Cooperation on Treatment of Nationals

1. Joint High Level Committee

1.1. The two States shall establish a standing Joint High-Level Committee ("the Committee"), which shall oversee the adoption and implementation of joint measures relating to the status and treatment of the nationals of each State in the territory of the other state.

Page 2, Part I - Cooperation on Treatment of Nationals

1. Joint High Level Committee

4) The Committee shall be responsible for all matters relating to the status and treatment of the nationals of each State in the other State.

Page 3, Part I - Cooperation on Treatment of Nationals

2. Documentation

1) The Parties shall accelerate their cooperation to provide the nationals of each State with the appropriate identification and other relevant documents relating to their status, such as work and residence permits.

Page 3, Part I - Cooperation on Treatment of Nationals

2. Documentation

2) The two States may jointly, through the African Union High Level Implementation Panel (AUHIP), appeal to the international community for technical support that may be required for the above exercise.

Page 3-4, Part II - Freedoms of Nationals of the Other State

4. The Freedoms

1) In accordance with the laws and regulations of each State, nationals of each State shall enjoy in the other State the following freedoms:

(a) Freedom of residence;

(b) Freedom of movement;

(c) Freedom to undertake economic activity;

(d) Freedom to acquire and dispose of property.

Page 4, Part II - Freedoms of Nationals of the Other State

4. The Freedoms

3) The two States shall negotiate an agreement to elaborate the above freedoms. The AUHIP shall produce a draft text for consideration by the Committee.

### **Democracy**

No specific mention.

### **Detention procedures**

No specific mention.

### **Media and communication**

No specific mention.



<b>Mobility/access</b>	No specific mention.
<b>Protection measures</b>	No specific mention.
<b>Other</b>	No specific mention.

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**Rights institutions**

<b>NHRI</b>	No specific mention.
<b>Regional or international human rights institutions</b>	No specific mention.

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**Justice sector reform**

<b>Criminal justice and emergency law</b>	No specific mention.
<b>State of emergency provisions</b>	No specific mention.
<b>Judiciary and courts</b>	No specific mention.
<b>Prisons and detention</b>	No specific mention.
<b>Traditional Laws</b>	No specific mention.

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**Socio-economic reconstruction**

<b>Development or socio-economic reconstruction</b>	Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development Page 3-4, Part II - Freedoms of Nationals of the Other State 4. The Freedoms 1) In accordance with the laws and regulations of each State, nationals of each State shall enjoy in the other State the following freedoms: (c) Freedom to undertake economic activity;
<b>National economic plan</b>	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** 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.

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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. 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** Page 3, Part I - Cooperation on Treatment of Nationals  
3. Role of AUHIP  
2) The Panel shall work with the two State to facilitate the implementation of this Agreement.

**Related cases** No specific mention.

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

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