

Agreement
between
The Republic of the Sudan
and
The Republic of South Sudan
on
Border Issues

Addis Ababa, 27 September 2012

The Preamble:

Recognising the common heritage and abiding connections between the Sudanese and South Sudanese peoples, particularly those who live along the common border between the Parties;

Resolving to promote social and economic interactions and cooperation between the Parties and its peoples;

Committed to completing the demarcation of the international border between the Parties, and to resolve, expeditiously, all outstanding disputes relating to the border;

Acknowledging the necessity of reaching final agreements on all key border issues in an integrated manner and to provide for appropriate mechanisms for their implementation;

The Parties agree as follows:

Part I

Definitions and Key Principles

1. Definitions

Border: means a region, zone or territory straddling a boundary or an area adjacent to a boundary

Boundary: means the line that marks the physical limits of a State's territory and sovereignty

Demarcation: means the physical marking of a boundary on the ground using pillars or beacons and production of boundary maps thereafter

Delimitation: means the legal description of a boundary in a text and or map.

JBC: refers to the Joint Border Commission established under this Agreement

JDC: refers to the Joint Demarcation Committee established under this Agreement

JPSM: refers to the Joint Political and Security Mechanism

JTT: refers to the Joint Technical Team

Physical description: means the description of geographical and physical features made on the ground during the reconnaissance in comparison with their location plotted on the map including the coordinates

The Commission: has the same meaning as the Joint Border Commission (also "JBC")

The Parties: has the same meaning as "the two States"

The two States: means the Republic of the Sudan and the Republic of South Sudan

Transhumance: means the practice of moving livestock from one grazing area to another in a seasonal cycle.

Tri-junction-point: means the point where the boundaries of three States meet

Part II **Soft Border**

2. Peaceful and Secure Border

- (1) The Parties shall maintain a peaceful, safe and secure border, along which economic activity and social interactions can flourish and across which people can move, and goods and services can flow easily.
- (2) The Parties shall develop jointly and progressively their vision of a peaceful, safe and secure international boundary and, in particular, they shall encourage and support coordinated management of the border at all levels.
- (3) The Parties shall resolve any conflicts that may arise in relation to the border exclusively through peaceful means.

3. Integrated Border Management Approach

- (1) The Parties recognise the special character of the border and the need to regulate, protect and promote the various interests of public and community nature along the border.
- (2) Accordingly, the Parties shall adopt an integrated border management approach (IBMA) aimed at ensuring coordinated management of the multiple border control and other interests of each State.

4. Key Pillars of the IBMA

- (1) The integrated border management approach shall consist of the following pillars:
 - (i) Bi-lateral cooperation
 - (ii) Inter-agency cooperation
 - (iii) Intra-agency cooperation
 - (iv) Local (stakeholder) participation
- (2) In the adoption or implementation of any measure under the IBMA, the views and interests of the various stakeholders including, the host communities, the administrative, security and private sectors, as well as other community actors, shall be taken into account.

Part III

Demarcation of the Boundary

5. Commitment to Demarcate the Boundary

- (1) The two States affirm the definition of the agreed boundary in accordance with the physical description and delimitation, and corresponding recommendations of the Technical Committee for the 1/1/1956 Border Line Demarcation Between North and South Sudan, as affirmed by the Presidency of the Republic of the Sudan prior to the secession of Southern Sudan.
- (2) Accordingly, the two States shall jointly demarcate the boundary from the tri-junction-point of the Republic of the Sudan, the Republic of South Sudan and the Central African Republic to the tri-junction point of the Republic of the Sudan, the Republic of South Sudan and the Federal Democratic Republic of Ethiopia.

6. Guiding Principles for Demarcation

- (1) The two States shall ensure that the demarcation exercise contributes to the maintenance of peaceful co-existence between the two States and the border communities.
- (2) The demarcation process shall take into account African best practices which seek to maintain the sanctity and cohesion of communities and to foster peaceful co-existence between neighbours.
- (3) During the demarcation process, the two States shall ensure the proper management of the natural resources along the border and in particular the protection of fragile eco-systems.

7. Demarcation Period for Agreed Boundary

- (1) The two States recognize the urgency of demarcating the agreed boundary as referred to in Article 5(2) of this Agreement, and shall complete the demarcation within three months of the commencement of the demarcation exercise.
- (2) The demarcation process shall commence immediately upon the establishment of the Joint Demarcation Committee (JDC) and the Joint Technical Team (JTT) in accordance with this Agreement, and, in any event, not later than sixty (60) days after the ratification of this Agreement.
- (3) The two States may extend the demarcation period referred to in paragraph (1) of this article upon the recommendation of the JDC, which shall be based on credible technical grounds.
- (4) Notwithstanding the expiry of the demarcation period, the mandate and work of the JDC and the JTT shall not be interrupted while a decision on the extension of the demarcation period is pending.

Part IV

Institutions Relating to Demarcation

8. Joint Demarcation Committee

- (1) Within two weeks of the ratification of this Agreement, the two States shall establish a Joint Demarcation Committee to manage and supervise the demarcation and the maintenance of the boundary pillars and beacons.

- (2) The JDC shall be a committee of the Joint Border Commission.
- (3) The JDC shall have ten members and shall be composed of an equal number of representatives from each State, drawn from persons with relevant knowledge or expertise in cartography, law and any other relevant discipline. The JDC shall have two co-chairs: one nominated by each State.
- (4) The JDC shall commence its functions immediately upon its establishment.
- (5) At its first sitting, which shall be held not later than two weeks after it has been established, the JDC shall formulate its internal procedures and shall make the necessary preparations for the establishment of the Joint Technical Team.

9. Joint Technical Team

- (1) Within two weeks of its first sitting, the JDC shall establish the JTT. The JTT shall consist of an equal number of surveyors, cartographers and other appropriate experts, including construction engineers, from each State.
- (2) The JTT shall be composed of eighty (80) persons; forty (40) from each State.
- (3) The JTT shall commence its activities in accordance with the Demarcation Plan provided for in Article 10(1) of this Agreement. It shall carry out the technical functions associated with the demarcation and the maintenance of the boundary pillars and beacons and shall report to the JDC.
- (4) The African Union shall provide surveyors to assist the JTT, particularly in the recording of agreements or disagreements to be referred to the JDC. The surveyors may, upon the request of the Parties assist the JTT in the performance of any of its functions.

Part V

Demarcation Process

10. The Demarcation Process

- (1) Within two weeks of its first meeting, the JDC shall produce a comprehensive plan for undertaking the demarcation exercise. The plan shall include the internal rules of procedures of the JDC as well as a budget. The plan shall set out in detail the demarcation outputs and processes.

- (2) A representative of the African Union may, at the request of the Parties, perform any advisory function related to the demarcation process.
- (3) The two States may agree to seek technical assistance on demarcation from any other source.

11. Outcome of Demarcation Process

The two States shall confirm the completion of the demarcation process through a written formal agreement, and shall deposit the agreement, including the agreed descriptions and maps, with the African Union Commission.

12. Costs and Technical Requirements for Demarcation

- (1) The costs of the demarcation exercise shall be met from funds to which each State shall contribute equally.
- (2) Each State shall pay its contribution towards the costs of the demarcation exercise into a Joint Escrow Account to be set up within one (1) week of the establishment of the Joint Demarcation Committee. At the time of the establishment of the account each State shall deposit USD \$100,000.
- (3) Upon the completion of the comprehensive plan, including the budget, referred to in Article (8)(1) of this Agreement, each State shall pay its equal financial obligation towards the budget as follows:
 - (a) Seventy percent (70%) within one week of adoption of the plan and budget.
 - (b) Fifteen percent (15%) within one month of adoption of the plan and budget.
 - (c) Fifteen percent (15%) within two months of the adoption of the plan and budget.
- (4) The African Union, or any other entity, may, upon the joint request of the Parties, provide technical or financial assistance to facilitate the demarcation exercise.

Part VI
Other Issues

13. Provision of Security for Demarcation

- (1) As soon as it has adopted the demarcation plan, the JDC shall notify the Joint Political and Security Mechanism (JPSM) of the proposed date for the commencement of the demarcation process as well as other details relating to the demarcation process.
- (2) In accordance with the Agreement on Border Security and Joint Political and Security Mechanism signed by the Parties on 29th June 2011, and the Agreement on the Border Monitoring Support Mission signed on 30th July 2011, the JPSM shall provide protection for the demarcation teams and for the equipment and other facilities relating to the demarcation process.

Part VII
Transboundary Populations

14. Management of Transhumance

- (1) The Parties shall regulate, protect and promote the livelihoods of border communities without prejudice to the rights of the host communities and in particular those of the nomadic and pastoral communities especially their seasonal customary right to cross, with their livestock, the international boundary between the Parties for access to pasture and water.
- (2) The Parties may reach further agreements to facilitate the peaceful movement of nomadic and pastoral communities taking into consideration the primary interest of the host communities and the security implications of such movements.
- (3) The Joint Border Commission shall adopt a comprehensive border management policy for the management of resources, including: rangelands, watersheds, stock routes and grazing areas.

15. General provisions on Border communities

- (1) The Parties may reach other agreements to facilitate the movement of members of border communities across the international boundary.
- (2) In the adoption or implementation of any measure or policy, the JBC shall give due consideration to the views of the host communities, border,

communities as well as to the interests and views of other affected interest groups.

Part VIII
Managing Border Security

16. Holistic Approach to Security

- (1) Consistent with the IBMA, each State shall adopt a holistic approach to the management of security along the border encompassing: conflict prevention, conflict management, conflict resolution as well as reconciliation and other peace-building measures.
- (2) The Parties shall develop and enhance the capacity of security personnel and border community leaders to address conflict-related issues.
- (3) Consistent with Part V of this Agreement, special attention shall be given to the security issues arising from transhumance.

Part VII
Institutional Arrangements for Managing the Border

17. Joint Border Commission

- (1) Within two weeks of the ratification of this Agreement, the Parties shall establish a Joint Border Commission ("JBC") to oversee the management and demarcation of the border.
- (2) The Commission shall be composed of five representatives and a co-chair from each State. The co-chairs shall be ministers or persons holding an office of an equivalent level.
- (3) Members of the Commission shall be persons with relevant expertise and of high integrity.

18. Functions of the Joint Border Commission

- (1) The Commission shall oversee the management of the border in accordance with the provisions of this Agreement.
- (2) In carrying out its functions, the Commission:

- (a) shall develop, in coordination with national actors, detailed policies for managing the border in accordance with the principles set out in this Agreement;
- (b) may make recommendations for the enactment of national legislation for the management of the border as necessary;
- (c) shall coordinate its activities with the various stakeholders including; national authorities, and local communities;
- (d) shall develop an effective working relationship with the administrations of the border states;
- (e) may solicit and coordinate, technical and financial support for its activities; and,
- (f) may make recommendations to the heads of the two States, or to any other joint body, with regard to the management of the border.

19. Structures of the Commission

- (1) In addition to the Joint Demarcation Committee, established in Part III of this Agreement, the Commission shall establish and facilitate joint committees for the effective carrying out of its specific functions including any of the following:
 - (i) Social and economic issues;
 - (ii) Transboundary resources management;
 - (iii) Border development and infrastructure;
 - (iv) Legal and judicial cooperation.
- (2) A committee established in accordance with the above sub-paragraph may set up its own subcommittees in consultation with the Commission.

20. Coordination on Security Issues

The primary responsibility for the joint management of security along the border shall lie with the Joint Political and Security Mechanism (JPSM), which shall coordinate its activities with the Joint Border Commission, especially with regard to the management of movement routes and corridors for the use of transboundary communities.

21. Coordination of border management

The Joint Border Commission shall convene coordination meetings, at least two times a year, with the JPSM, the Joint High Level Committee on Nationals, the relevant Joint Trade and Economic Committee and representatives of the Governors Forum among others.

22. Coordination

Each State shall ensure that the management of the border is coordinated at all levels of government in accordance with the key pillars of the IBMA.

23. Border Governors' Forum

The Parties shall convene and encourage the development of an effective Border Governors' Forum of the Parties, and shall build on previous experiences of Governors' cooperation, as appropriate.

Part VIII

Specific Policies for Management of the Border

24. Common Policies

The JBMA shall develop policies for the joint management of the border.

25. Resource Management Policy

The implementation of the policy shall be overseen by the relevant committees of the JBMA, which shall support national authorities to implement the relevant measures.

26. Economic and Trade Policies

- (1) The Parties shall facilitate cross border trade and establish customs posts and enclosures at the designated official crossing points
- (2) The Parties facilitate cross-border trade and combat smuggling and all forms of trafficking.
- (3) The Parties shall promote investment along the border and shall promote and facilitate the access of border communities to commercial banking, telecommunications, and currency exchange facilities.
- (4) The Parties shall permit and facilitate local subsistence trade between border communities, without formal taxation.

27. Dissemination of Policies

The Parties shall ensure that residents of the border and other affected persons have access to information concerning any decisions and developments relevant to the border, such as: legislation, official policies and agreements.

Part IX
Miscellaneous Provisions

28. Border Fund

- (1) The Parties shall establish a fund for supporting the implementation of this Agreement and to facilitate the activities of the Joint Border Commission.
- (2) The Parties shall make equal contributions into the fund, and may solicit additional assistance from third parties.

29. Future Agreements

The Parties may conclude further agreements for the better implementation of the provisions of this Agreement.



Done in Addis Ababa, this 27th Day of September, 2012:

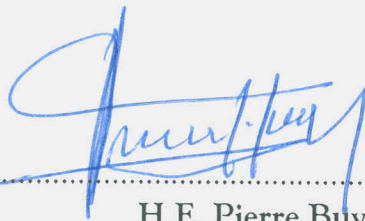


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H.E. Idriss Abdel Gadir
On behalf of the Republic of the
Sudan



.....
H.E. Pagan Amum Okiech
On behalf of the Republic of South
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Witnessed by:



.....
H.E. Pierre Buyoya
On behalf of the African Union High Level Implementation Panel

