

Agreement
between
The Republic of the Sudan
and
The Republic of South Sudan
On the Demarcation of the Boundary

Addis Ababa, 13 March 2012







The Parties:

Committed to completing, expeditiously, the demarcation of the international boundary between the two States;

Acknowledging the necessity of reaching final agreement on all key border issues, and thereby to provide a framework for managing their common border and for implementing of their commitments;

Agree as follows:

Part I Definitions

1. Terms and Meanings

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

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

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

Delimitation: the legal description of a boundary in text or maps

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

JDC: refers to the Joint Demarcation Committee

JPSM: refers to the Joint Political and Security Mechanism

JTT: refers to the Joint Technical Team

Physical description: refers to 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 JBC



The Parties: has the same meaning as “the two States”

The two States: refers to the Republic of the Sudan and the Republic of South Sudan

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

Part II Demarcation of the Boundary

2. 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.

3. 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.



4. Demarcation Period for Agreed Boundary

- (1) The two States recognize the urgency of demarcating the agreed boundary as referred to in Article 2(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 signing 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 III

Institutions Relating to Demarcation

5. Joint Border Commission

- (1) Within two weeks of the signing of this Agreement, the two States shall establish a Joint Border Commission (JBC) to oversee the demarcation of the boundary and the management of the border.
- (2) The two States may assign to the Commission any other function in subsequent agreements.
- (3) The Commission shall be composed of at least three representatives from each State and co-chaired by a representative from each State. Members of the Commission shall be persons of high integrity and shall have relevant experience.
- (4) Until the parties reach a further agreement relating to the mandate of the JBC, the Commission shall regulate its own procedures consistently with the provisions of this Agreement.

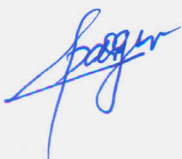


6. Joint Demarcation Committee

- (1) Within two weeks of the signing 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.

7. 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 8(1). 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 who will 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 IV
Demarcation Process

8. 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 source.

9. 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.

10. 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), each State shall pay its equal financial obligations 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 V
Other Issues

11. 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 of 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.

12. Completion of Negotiations

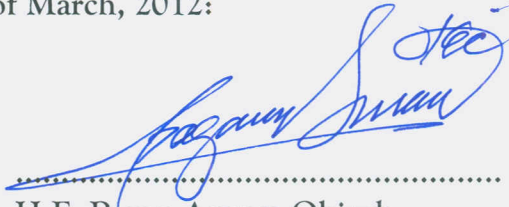
The two States shall continue their negotiations on all outstanding issues relating to the border, with a view to reaching an integrated agreement on all the issues within thirty (30) days of signing this Agreement.



Done in Addis Ababa, this 13th Day of March, 2012:

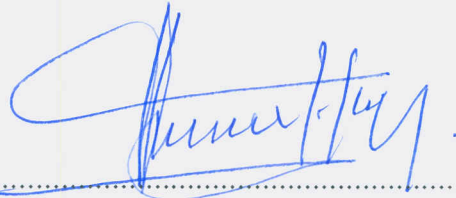


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H.E. Idriss Abdel Gadir
On behalf of the Republic of the
Sudan



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H.E. Pagan Amum Okiech
On behalf of the Republic of South
Sudan

Witnessed by:



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



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