



enough

The project to end genocide and crimes against humanity

Peace by Committee

The 17 Committees and Commissions Responsible for Making Peace between the Two Sudans

Jenn Christian and Akshaya Kumar

February 2013

On September 27, 2012, President Omar al-Bashir of Sudan and President Salva Kiir of South Sudan signed nine landmark agreements in Addis Ababa, Ethiopia. The agreements mark the culmination of a two-year long negotiation process facilitated by the African Union High-Level Implementation Panel, or AUHIP, and address issues arising from South Sudan's independence from Sudan. These issues are varied and include the modalities for South Sudan's export of oil through Sudan, border security and demarcation, and bilateral trade, among others. The agreements are an important first step toward consolidating peace, security, and economic growth between the Sudans. In most cases, however, instead of setting out mutually acceptable compromises, the agreements establish committees or commissions to undertake the difficult work of resolving thorny political, security, and economic issues. The most contentious of these could lead to further violent conflict between the two countries if not resolved.

In the months since the agreements were signed, it has become increasingly clear that the government of Sudan, in particular, is not genuinely committed to implementing, in good faith and in a timely fashion, the agreements, nor is it moving quickly to establish the required committees and commissions. Without significant involvement from the international community, the Sudanese government's delay tactics could undermine the work of the required committees and commissions and risk plunging the two countries back into violent conflict.

The September 2012 agreements provide for the establishment of 15 committees or commissions, in addition to two entities agreed to previously. These 17 committees and commissions are responsible for addressing contentious outstanding issues and implementing the September 2012 agreements.

The enclosed chart provides a snapshot of the committees and commissions. For each committee or commission, the chart:

- Identifies the issue or issues that the committee or commission is responsible for addressing—economics, petroleum, security and borders, or society
- Lists the full name of the committee or commission
- Provides a brief description of the committee’s or the commission’s mandate

The chart illustrates the challenges that confront the governments of Sudan and South Sudan in the coming weeks and months. Arranging the logistics necessary to ensure the regular convening of the 17 committees and commissions will demand a high level of coordination between Sudan and South Sudan and the expenditure of limited financial, technical, and personnel resources.

Moreover, the mandates of many committees and commissions contemplate the resolution of politically sensitive issues, which risks substantially extending the work of the committees and commissions and delaying full implementation of the agreements. Instead of providing a set of reciprocal obligations for the status and treatment of nationals, for example, the agreement on citizenship and nationality establishes a high-level committee to negotiate standards—a process that could take months, if not years. In another instance, the border cannot be demarcated until the Joint Demarcation Committee and its subsidiary Joint Technical Team are both established and adequately funded.





Given these challenges, the international community must provide diplomatic, technical, and financial support to assist Sudan and South Sudan in establishing and advancing the work of the committees and commissions. The Sudans cannot be left on their own to monitor the implementation of the September agreements. And periodic reports or updates from the AUHIP will not bring to bear the diplomatic pressure that is necessary to keep the parties on track. Instead, concerted international vigilance and appropriate international pressure are required to ensure the successful and timely implementation of the agreements. The government of Sudan’s tendency to delay or otherwise frustrate implementation of signed agreements—including the 2005 Comprehensive Peace Agreement, or CPA, and the 2011 Doha Document for Peace in Darfur—makes essential continued international engagement in the implementation of the September 2012 agreements.

To this end, the U.S. government should take the following steps:

- Assume a leadership role in establishing an international mechanism to monitor implementation of the September 2012 agreements and coordinate international financial, technical, and diplomatic support for the work of the 17 committees and commissions. Unlike the Comprehensive Peace Agreement, which established an international monitoring mechanism, the Assessment and Evaluation Commission, or AEC, the September 2012 agreements do not provide for international involvement in implementation. While the AEC proved ineffective in ensuring full implementation of the CPA, its existence nonetheless ensured international engagement in the parties’ adherence to the agreement. The United States and other influential international stakeholders, including the United Kingdom, Norway, Ethiopia, Qatar, and China,

should learn from the weaknesses of the AEC and construct a more effective international mechanism to monitor and support implementation of the September 2012 agreements and the convening of its related committees and commissions.

- Encourage the African Union Peace and Security Council and the U.N. Security Council to identify measures to take against any party that frustrates or unnecessarily delays the implementation of the September 2012 agreements. The following two actions, among others, should be defined as frustrating or otherwise unnecessarily delaying implementation: (1) imposing conditions on the implementation of any aspect of the September 2012 agreements; and (2) failing to attend multiple meetings of a given committee or commission without reasonable justification.
- Continue its diplomatic efforts to pressure the two Sudans to find an immediate resolution to the remaining outstanding issues not covered by the September 2012 agreements—most importantly, the final status of the disputed border region of Abyei. The leadership of newly appointed Secretary of State John Kerry will be instrumental in this regard. Secretary Kerry should publicly reiterate U.S. support for the AUHIP's September 21, 2012 proposal on the final status of Abyei and call on other international stakeholders—including Ethiopia, South Africa, Qatar, Egypt, and China, among others—to do the same. The concerted diplomatic efforts of the international community were instrumental in ensuring that the Southern Sudan Referendum occurred on time. Similar efforts are necessary today to increase pressure on the two Sudans to, at the very least, use the AUHIP's September 21, 2012 proposal as a basis for further negotiations over Abyei's final status.

| Issue(s) addressed by the committee/commission | Name of the committee/commission | Mandate of the committee/commission |
|--|--|---|
| Economics  | <p>Joint Central Banks Committee (JCBC)</p> <p>Joint Ministerial Committee on Pensions (JMCP)</p> <p>Joint Technical Committee on Pensions (JTCP)</p> <p>Joint Ministerial Committee on Trade Relations (JMCTR)</p> <p>Joint Technical Committee on Trade Relations (JTCTR)</p> | <p>Supports financial stability and sound banking policies in the two states and establishes cross-border banking systems and procedures</p> <p>Reaches agreements on pension-related issues and overseeing and approves the work of the JTCP</p> <p>Identifies eligible pensioners and coordinates disbursement of funds</p> <p>Holds primary responsibility for all matters of trade policy between the two states and oversees and approves the work of the JMCTR</p> <p>Coordinates and promotes technical cooperation and implementation of trade-related issues, including customs cooperation, trade-related payment arrangements, and dispute-resolution mechanisms, among others</p> |
| Petroleum  | <p>Joint Cross Border Cooperation Committee</p> <p>Petroleum Monitoring Committee</p> <p>Petroleum Monitoring Committee; Financial Subcommittee</p> <p>Petroleum Monitoring Committee; Technical Subcommittee</p> | <p>Coordinates the cross-border movement of oil sector personnel, equipment, and services and provides security to oil sector personnel</p> <p>Oversees implementation of the oil agreement and monitors oil extraction and export</p> <p>Reviews financial issues related to the oil sector, including reports produced by the operating companies and the two governments on oil extraction and export volumes</p> <p>Monitors operational aspects of petroleum operations in one state that might affect the other state</p> |
| Security and Borders  | <p>Joint Border Commission (JBC)</p> <p>Joint Border Verification and Monitoring Mission (JBVMM)</p> <p>Ad Hoc Committee of the JBVMM Sector Headquarters ("14 Mile" area)</p> <p>Joint Demarcation Committee (JDC)</p> <p>Joint Technical Team (JTT)</p> <p>Joint Political and Security Mechanism (JPSM)</p> | <p>Oversees management of the border, including issues related to transboundary resource management</p> <p>Investigates violations of agreements related to border security and monitoring and oversees monitoring of the Safe Demilitarized Buffer Zone</p> <p>Supports special arrangements related to the "14 Mile" area and investigates any alleged breaches of the special arrangements originating from beyond the Safe Demilitarized Buffer Zone</p> <p>Manages and supervises border demarcation and the maintenance of boundary pillars</p> <p>Carries out the technical aspects of border demarcation and the maintenance of boundary pillars</p> <p>Oversees implementation of agreements related to border security and monitoring and resolves related disputes</p> |
| Society  | <p>Joint Archives and Cultural Heritage Property Committee</p> <p>Joint High-Level Committee on Nationals</p> | <p>Assists in the identification and repatriation of archives and cultural heritage property</p> <p>Takes responsibility for all matters related to the status and treatment of nationals of one state in the other state, including the coordination of the adoption and implementation of relevant agreements</p> |

1 The Joint Position Paper on Security Arrangements of Post-Referendum Period, concluded on December 7, 2010, initially created the Joint Field Committee (Annex 2, paragraph 6). The Agreement on the Border Monitoring Support Mechanism, concluded on July 30, 2011, subsequently renamed the Joint Field Committee the JBVMM (paragraph 1(i)). The September 27, 2012 Agreement on Security Arrangements tasks the existing JBVMM committee with additional responsibilities.

2 The Joint Position Paper on Security Arrangements of Post-Referendum Period, concluded on December 7, 2010, initially created the JPSM (Annex 2). The September 27, 2012 Agreement on Security Arrangements tasks the existing JPSM committee with additional responsibilities.