

MECHANISMS FOR IMPLEMENTATION, MONITORING, EVALUATION
AND DISPUTE RESOLUTION RELATING TO THE COOPERATION
AGREEMENT

BETWEEN THE REPUBLIC OF THE SUDAN

AND

THE REPUBLIC OF SOUTH SUDAN

1. Definitions:

In this Document unless the context otherwise requires:

“Cooperation Agreement” means the Cooperation Agreement between the Republic of the Sudan and the Republic of South Sudan signed on 27 September 2012, the agreements referred to therein and the Implementation Matrix signed on 12 March 2013.

“Ministerial Committee” means any implementation mechanism which is co-chaired by a Minister from each State.

2. Oversight and Coordination of Cooperation and Bilateral Relations

2.1. The Parties shall oversee their mutual cooperation and bilateral relations through appropriate joint mechanisms including:

- (a) The Heads of State Summit
- (b) The High Level Committee (HLC)
- (c) Ministerial Committees
- (d) Technical and other Committees

2.2. The mechanisms specified herein shall be responsible for overseeing the implementation, monitoring and evaluation of the Cooperation Agreement, and for addressing any disputes arising from its implementation.



3. Heads of State Summit

- 3.1. The Parties have agreed in the Cooperation Agreement to establish and sustain viable mechanisms and frameworks for cooperation and for managing their bilateral relations, including through regular summit meetings of their Heads of State.
- 3.2. The Heads of State shall decide on matters referred to them by the HLC, including any matter arising from the Cooperation Agreement and any other relevant issue.

4. High Level Committee

- 4.1. The HLC shall be co-chaired by a Vice President of each State, and it shall have four Ministers designated by each state as members including the Minister of Foreign Affairs. Each state may nominate an alternate member to the HLC in case a member, including the Minister of Foreign Affairs, is unavailable to perform any function.
- 4.2. The principal responsibilities of the HLC shall be to:
 - (a) oversee and coordinate the implementation of the Cooperation Agreement;
 - (b) oversee and coordinate the monitoring and evaluation of the Cooperation Agreement;
 - (c) direct and oversee the work of the Joint Implementation Committee (JIC) established under Article 4.6 herein;
 - (d) perform any other function that may be assigned to it by the Heads of State.
- 4.3. Unless otherwise agreed, when deliberating upon any matter, the HLC shall invite the co-chairs of the relevant ministerial committee to participate in the meeting as *ex-officio* members.
- 4.4. The HLC shall report regularly to the Heads of State and may refer any matter to them for decision or guidance.
- 4.5. The HLC shall determine its methods of work as well as the frequency of its meetings.



4.6. The HLC shall establish a secretariat to be known as “the Joint Implementation Committee” (JIC).

4.7. *Joint Implementation Committee*

4.7.1. The JIC shall be co-chaired by the Ministers of Foreign Affairs of the two States who shall serve as joint rapporteurs to the HLC.

4.7.2. Under the oversight of the HLC, the JIC shall be responsible for:

- (a) liaising with and assisting the Ministerial Committees as appropriate;
- (b) the monitoring and evaluation functions;
- (c) collating information on the implementation of each agreement in the Cooperation Agreement and presenting and discussing its findings with the relevant implementation mechanism;
- (d) making recommendations to the HLC on the most appropriate methods of work for effective and efficient performance of the functions of the HLC;
- (e) any other function that may be assigned to it by the HLC.

4.7.3. In the performance of its functions, the JIC shall be assisted by technical staff.

4.7.4. The JIC shall be constituted and structured in such a manner as to ensure effective support to the HLC in the performance of its functions.

5. Ministerial Committees

Unless otherwise agreed, each ministerial committee shall report regularly to the HLC through the JIC.

6. Other Implementation Mechanisms

The Parties may establish other joint cooperation mechanisms as appropriate.

7. Monitoring and Evaluation

7.1. The Parties shall ensure that the implementation of each agreement in the Cooperation Agreement, is effectively monitored and evaluated.

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- 7.2. Each implementing mechanism shall make use of the Implementation Matrix and this Document for monitoring and reporting on the implementation of any matter for which it is responsible.

8. Methods and Frequency of Reporting

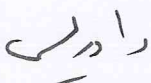
Where no specific provision has been made, each ministerial committee shall determine the method and frequency by which subordinate mechanisms shall report to it.

9. Review of Implementation Mechanisms

- 9.1. After twelve months from the adoption of this Document, the HLC shall review the various joint implementation mechanisms established by the Parties with a view to assess their effectiveness, efficiency and harmony.
- 9.2. Notwithstanding the provisions of Article 9.1 above, the HLC may review the effectiveness and efficiency of any joint implementation mechanism before the expiry of the twelve-month period.
- 9.3. Upon completion of its review, the HLC may recommend to the Heads of State the merger, restructuring or dissolution of any of the implementation mechanisms.

10. Dispute Resolution

- 10.1. The Parties shall, promptly, make every effort to resolve any difference or dispute that may arise in the course of their bilateral relations and the implementation of the Cooperation Agreement, in the first place, through discussion, dialogue and negotiations between themselves.
- 10.2. Where no specific provision has been made for dispute resolution in relation to any matter within the Cooperation Agreement, any joint mechanism adopted by the Parties for implementing that agreement or dealing with the issue shall serve as the primary mechanism for settling that matter or issue.
- 10.3. The mechanisms referred to in Article 2.1 herein, shall address any dispute that has not been resolved at a lower level of the implementation.



- 10.4. Where an implementation mechanism fails to resolve a dispute, it shall refer the matter to the relevant higher implementation mechanism as follows:
- (a) Any dispute that cannot be resolved at a technical level shall be referred to the next higher technical level or to the relevant ministerial committee as the case may be;
 - (b) Any dispute that cannot be resolved at the ministerial level shall be referred to the HLC;
 - (c) Any dispute that cannot be resolved by the HLC shall be referred to the Heads of State.
- 10.5. The Heads of State may seize themselves of any dispute arising at any level.
- 10.6. Where it comes to the notice of a higher implementation mechanism that a dispute requiring resolution remains outstanding at a level below, it shall give directives for the resolution of the matter or take it over.
- 10.7. Where there is doubt as to the appropriate mechanism provided for herein, addressing a particular dispute, the views of the JIC may be sought on the matter.
- 10.8. The Parties shall conduct their relations in good faith and shall strive to reach an amicable, expeditious and fair settlement of any dispute that may arise between them. In case the two Heads of State fail to resolve any dispute relating to the implementation of the Cooperation Agreement, they shall have regard to article 4 of the Constitutive Act of the African Union, as well as articles 2(3) and 33 of the Charter of the United Nations, which provide for, among others, recourse to third-party dispute resolution mechanisms.

11. Interpretation of the Cooperation Agreement

Where any question of the interpretation of any provision of the Cooperation Agreement arises, the relevant ministerial committee shall refer the matter to the HLC for interpretation.

12. Status of this Document

This Document shall be an integral part of the Cooperation Agreement.

Done in Addis Ababa, this 23rd day of April, 2013

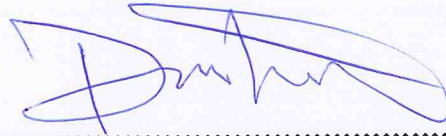


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H.E. Idris Abdelgadir

On behalf of:

The Government of the Republic of
the Sudan

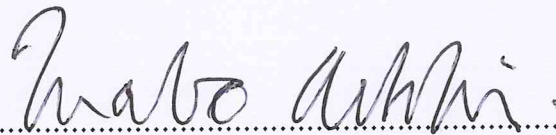


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H.E. Deng Alor Kuol

On behalf of:

The Government of the Republic of
South Sudan



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H.E. Thabo Mvuyelwa Mbeki

Chairperson, African Union High Level Implementation Panel, Facilitator of the
Negotiations,
On behalf of the AUHIP

Summary of Decisions of the Lead Negotiating Panel on Implementation
Mechanisms and the Joint Technical Secretariat

Radisson-Blu Hotel, Addis Ababa, 23rd April 2013

1. Adoption of Report of the Legal Cluster

The Meeting adopted the report of the Legal Cluster with amendments.

2. Continuing Role of Joint Technical Secretariat

- 2.1. The Meeting has resolved that the Joint Technical Secretariat (JTS), which supports the work of the LNP should continue to perform its functions for the duration of the mandate of the LNP.
- 2.2. In particular, the JTS shall continue to provide the logistical and other technical support for the outstanding negotiations by the LNP.
- 2.3. The two States may restructure the JTS to adjust its size to the scale of work of the LNP, and to enable it to provide appropriate technical support to any other implementation mechanism, as appropriate.

Done in Addis Ababa, this 23rd day of April, 2013



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H.E. Idris Abdelgadir

On behalf of:

The Government of the Republic of
the Sudan



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H.E. Deng Alor Kuol

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