

ALLIANCE TREATY OBLIGATIONS AND PROVISIONS (ATOP)
CODING SHEET

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Version 8.0; August, 2000

SECTION I: FORMATION, MEMBERS, AND DURATION

1. ATOP ID: 6045 Phase 1 & 2
2. COW Alliance # (if applicable): 412 (Version 4 ID)
3. Signature date(s) (may vary for members in multilateral alliances):
Phase 1: February 10, 2012
Phase 2: September 27, 2012
4. Members of alliance (use COW country codes):
625 Sudan
626 South Sudan
5. Was the alliance signed during war? If so, which war, and which member(s) was at war? (check COW data)
No.
6. Means by which alliance was established (e.g., treaty, executive agreement, diplomatic notes, etc.): (Only select "treaty" if the agreement requires ratification.)
Executive Agreement
7. Was the treaty public, public but with secret articles, or secret? If secret articles, describe the content of secret articles.
Public.
8. Are there provisions for adding additional members mentioned in the treaty? (Yes, No) If Yes, describe these provisions.
No.
9. Are specific state(s) mentioned as possible future members of the alliance? (Yes, No) If Yes, which state(s)?
No.
10. Are there specific provisions in the treaty concerning the length of time the treaty is to last? (Yes, No) If Yes, describe.
No.
11. Are there conditions under which members may renounce the treaty? If Yes, describe these conditions.
Yes. If either State wishes to terminate the Memorandum, it shall give the other State notice of its intention to do so. After the expiry of sixty days from date of such notification, the Memorandum shall be deemed to be terminated (Art. 9 of Phase 1 Treaty).
12. Are there specific provisions in the treaty concerning renewal of the treaty? (Yes, No) If Yes, describe these provisions.
No.
13. Number of times alliance renewed, dates of renewal, and means by which alliance was renewed (Do not include automatic renewals):
Zero.
14. Termination date(s) (may vary for members in multilateral alliances) and source(s) for termination dates(s):
Phase 1: Terminated by the Heglig Crisis, an armed conflict between the two countries, on March 27, 2012
(<http://www.voanews.com/content/south-sudan-sudan-clash-along-tense-disputed-border-144342325/180655.html>)

Phase 2: Still in effect according to the MFA website of Sudan (accessed on May 14, 2018)
(http://mofa.gov.sd/more.php?main_id=2&sub_id=15&id=257)
15. Describe what caused the alliance to terminate.
Phase 1: An armed conflict between the two countries

Phase 2: N/A

SECTION II: OBLIGATIONS

16. Type of alliance (defense pact, neutrality pact, nonaggression pact, consultation pact, offense pact): (List all that apply to any member of the alliance.)

Nonaggression Pact

17. Type of alliance as coded in COW data (if applicable): Type II-b (Nonaggression Pact)

18. Describe the obligations of the alliance partners.

“The two States agree to abide by the following principles of good neighbourliness and non-aggression: (...) rejection of the use of force in conducting their relations (...)” (Art. 2 of Phase 1). [Nonaggression]

“Neither State shall violate the territorial integrity of the other State” (Art. 3 (1)). [Nonaggression]

“The two States shall conduct their relations on the basis of mutual non-aggression and shall resolve any disputes that might arise between them exclusively through peaceful means.” (Art. 5 (1) of Phase 1) [Nonaggression]

“Each State shall refrain from launching any attack including bombardment against the territory of other State, neither shall the State invade, occupy or annex, however temporarily, the territory of the other State.” (Art. 5 (2) of Phase 1) [Nonaggression]

Phase 2 adds:

“Recognising the importance of their mutual security, they shall renounce permanently, any resort to war or violence in the conduct of their relations” (Preamble). [Nonaggression]

“Renewing their [Sudan and South Sudan] commitment to the Memorandum of Understanding (MoU) on Non-Aggression and Cooperation of 10 February 2012 (...)” (Preamble). [Nonaggression]

19. Are any of the obligations contingent upon any of the following: specific adversary, specific location, specific ongoing conflict, number of adversaries, noncompliance with a specific demand, attack, nonprovocation of enemy, or prior agreement among partners? (List all that apply)

No.

20. Describe the nature of the limits to obligations listed in #19.

No.

21. Are there any additional provisions for assistance in the event of war? (e.g., promise not to participate in economic sanctions against partner, promise not to aid internal or external enemies, etc.) (Yes, No) If Yes, describe.

Yes.

“Neither State shall allow its territory to be used by another State, or by any armed group or movement to conduct any acts of aggression or to undertake military acts or other subversive activities against the territory of the other State” (Art. 5 (4) of Phase 1).

“Neither State shall harbor or provide any form of support to armed groups, mercenaries, terrorist organizations, or other organized transnational criminal groups which may carry out hostile acts against the other State” (Art. 5 (5) of Phase 1).

“Neither State shall provide technological assistance, intelligence or training of any kind to another State or other entity which may be used in committing acts of aggression against the other State” (Art. 5 (6) of Phase 1).

“Neither State shall...provide support to, a third party for purposes of undermining the integrity and interests of the other State.” (Art. 4 (4) of Phase 1)

22. Are there any additional limits to the alliance obligations or conditions under which treaty obligations do not apply that were not listed in #19? (Yes, No) If Yes, describe.

No.

23. Is a specific target/threat mentioned as the object of the treaty? (Yes, No) (Answering Yes to this question does not necessarily mean that obligations are limited only to this adversary.) If Yes, list the target nation(s) (using COW country codes if possible) and describe

the general nature of the reference to the target of the treaty.

No.

24. Are the treaty obligations symmetric? (That is, do all members commit to the same obligations?) (Yes, No) If No, describe.

Yes.

25. Does the treaty prohibit members from settling conflicts independently (no separate peace)? (Yes, No) If Yes, describe.

No.

26. Does the treaty have provisions requiring that the contracting parties consult before making commitments to third parties (excluding no separate peace provisions discussed above)? (Yes, No) If Yes, describe these provisions.

No.

27. Does the treaty specify that the contracting parties must not enter into any other alliances that are directed against the alliance in question? (Yes, No) If Yes, describe.

Yes. "Neither State shall enter into an alliance with, or provide support to, a third party for purposes of undermining the integrity and interests of the other State" (Art. 4 of Phase 1).

28. Additional coder comments regarding treaty obligations:

"Neither State shall support political parties, other political actors, or opposition armed groups and movements, within the other State." (Art. 5 (2) of Phase 1)

"Each State shall refrain from carrying out military acts and espionage activities against the other State." (Art. 4 (3) of Phase 1)

"Neither State shall conduct overflight of the airspace of the other State without the prior formal agreement of that State." (Art. 5 (3) of Phase 1)

"The two States hereby authorize the JPSM [(the Joint Political and Security Mechanism)] to oversee their compliance with this Memorandum. The Parties may adopt further mechanisms and principles to enable the JPSM to carry out this function." (Art. 8 (1) of Phase 1)

Phase 2 adds:

"The Parties shall immediately operationalize the Joint Border Verification and Monitoring Mission (JBVMM) and the Safe Demilitarized Border Zone." (#2)

"...the Parties agree to immediately open the 10 agreed border-crossing corridors. The modalities for the opening of these corridors shall be agreed by the JPSM. The JBVMM shall monitor this process." (#5)

SECTION III: INSTITUTIONALIZATION OF THE ALLIANCE

29. Does the treaty make reference to the potential for conflict among members of the alliance? (Yes, No) If Yes, describe.

Yes.

"The two States shall conduct their relations on the basis of mutual non-aggression and shall resolve any disputes that might arise between them exclusively through peaceful means" (Art. 5 of Phase 1).

"In the event of any dispute arising in the implementation of this Memorandum, the two States shall seek to resolve the matter amicably through the JPSM (Joint Political and Security Mechanism)" (Art. 5 of Phase 1).

Phase 2 adds:

"The Parties shall immediately activate the Ad-Hoc Committee to receive and investigate complaints and allegations made by one party against the other...." (#4)

30. Does the treaty discuss mediation/arbitration or other means of settling disputes among the signatories? (Yes, No) If Yes, describe.

Yes. References to the JPSM (see Articles 7 (2) and 8 (1 & 2) of Phase 1, Q29).

Phase 2 adds: "The Parties shall immediately activate the Ad-Hoc Committee to receive and investigate complaints and allegations made by one party against the other...." (#4)

31. Does the treaty require official contact among the military forces of the participating states? (Yes, No) If Yes, describe. (Note whether official contact is required only in the event of hostilities or also during peacetime.)

No.

32. Does the treaty include provisions for military aid? (e.g., grants, loans, transfer of technology, training) (Yes, No) If Yes, describe these provisions.

No.

33. Does the treaty provide for integrated command of military forces while the alliance is in effect (peacetime as well as wartime)? (Yes, No) If Yes, describe.

No.

34. Does the treaty require subordination of the forces of one or more member states to another in the event of hostilities? (Yes, No) If Yes, describe.

No.

35. Does the treaty establish any organizations? (include provisions for regularly scheduled meetings) (Yes, No) If Yes, describe.

Phase 1: No.

Phase 2: Yes – JBVMM. “The Parties shall immediately operationalize the Joint Border Verification and Monitoring Mission (JBVMM) and the Safe Demilitarized Border Zone [(SDBZ)]. The Parties agree that the JBVMM shall be operationalized in accordance with the Agreement on the Border Monitoring Support Mission of 30 July 2011 as well as the JPSM reference documents adopted on 18 September 2011.” (#2)

The JBVMM and the “Ad-Hoc committee of the JBVMM Sector HQ” will support operationalization of the SDBZ. “The JBVMM will verify no movement by military forces and armed civilians in the demilitarized area. The Ad-Hoc committee will investigate any threats emanating to these arrangements from beyond the demilitarized area. Neither party will alter force dispositions in the border area without consultation with the JPSM, through the Ad-Hoc Committee.” (#3)

“The Parties shall immediately activate the Ad-Hoc Committee to receive and investigate complaints and allegations made by one party against the other....” (#4)

36. Does the treaty provide for joint military bases, or for one or more states to place troops in the territory of one or more other states? (Yes, No) If Yes, describe.

No.

37. Does the treaty specify contribution levels (funds, troops, etc.)? (Yes, No) If Yes, describe.

No.

38. Does the treaty contain any provisions regarding coordinated increase of armaments, reduction of armaments, prohibition of weapons, or rules of warfare? (Yes, No) If Yes, describe such provisions.

No.

39. Does the treaty explicitly permit or prohibit the acquisition of territory not currently held by either ally? (Yes, No) If Yes, describe reference.

No.

40. Does the treaty include discussion of the division of gains from any future conflict? (Yes, No) If Yes, describe.

No.

41. Does the treaty include discussion of demobilization/withdrawal following conflict? (Yes, No) If Yes, describe.

Phase 1: No.

Phase 2: Yes. “In accordance with previously adopted agreements, the Parties shall immediately issue instructions to their forces to withdraw unconditionally to their side of the border. Each Party shall relay relevant information on its withdrawal to the JBVMM, which shall monitor accordingly” (Art. 1).

42. Are there any other provisions in the treaty that describe the means through which the states will coordinate their military efforts and policies? (Yes, No) If Yes, describe.

No.

43. Additional coder comments regarding references to alliance institutionalization:

Phase 2: “The Parties shall immediately operationalize the Joint Border Verification and Monitoring Mission (JBVMM) and the Safe Demilitarized Border Zone.”

SECTION IV: TREATY CONTEXT

44. Does the treaty state that it nullifies any existing treaties signed by one or more of the contracting parties? (Yes, No) If Yes, list the treaties/agreements that are nullified and describe the treaty reference.

No.

45. Does the treaty state that it modifies any existing treaties signed by one or more of the contracting parties? (Yes, No) If Yes, list the treaties/agreements that are modified and describe the treaty reference.

No.

46. Does the treaty state that it includes any existing treaties signed by one or more of the contracting parties? (Yes, No) If Yes, list the treaties/agreements that are included and describe the treaty reference.

No.

47. Does the treaty make any references to international organizations? (Yes, No) If Yes, list the international organization and describe the nature of the reference.

Yes (UN and African Union) – UN Charter as a framework for cooperation between the two countries; the UNGA resolution on the admission and recognition of the Republic of South Sudan as a legal basis of the independent South Sudan (Preamble); African Union Constitutive Act (Preamble); Both sides signed the agreement in front of the African Union High Level Implementation Panel (Mr. Thabo Mvuvuwa Mbeki).

48. Does the treaty make any references to other existing alliances? (Yes, No) If Yes, list the alliance and describe the nature of the reference.

Yes. African Union - see #47.

49. Are there any companion agreements referenced in the treaty? (Yes, No) If Yes, describe the agreements.

No.

50. Does the treaty include statements regarding non-military cooperation (e.g., economic, cultural, scientific exchange)? (Yes, No) If Yes, describe.

Yes. “The two States undertake to cooperate with each other to combat trans-boundary crimes and criminal acts” (Art. 5 of Phase 1).

51. Does the treaty resolve other conflicts among the parties to the alliance? (Yes, No) If Yes, describe.

No.

52. Does the treaty propose/enforce settlement of a conflict not involving parties to the alliance? (Yes, No) If Yes, describe.

No.

53. Does the treaty propose other agreements among the contracting parties? (Yes, No) If Yes, describe.

No.

54. Does the treaty mention unresolved conflicts among the contracting parties? (Yes, No) If Yes, describe.

No.

55. Does the treaty include provisions for economic aid or other enticements (include trade concessions, post war recovery, etc.)? (Yes, No) If Yes, describe these provisions.

No.

56. Does the treaty describe circumstances under which one party may intervene in the internal politics of another party or specifically commit the states to non-intervention? (Yes, No) If Yes, describe.

Yes. “Each State shall refrain from interfering in the internal governance of the other State including in legislative, executive functions. Neither State shall support political parties, other political actors, or opposition armed groups and movements, within the other State.” (Art. 4 (1 & 2) in Phase 1).

SECTION V: DOCUMENTATION

57. Additional coder comments on this alliance treaty:

58. Source of coding information (e.g., treaty, treaty and secondary sources, secondary sources only, etc.): Treaty
Phase 1: Memorandum of Understanding on Non-aggression and Cooperation between the Government of the Republic of the Sudan and the Government of the Republic of South Sudan
Phase 2: Agreement on Security Arrangements between The Republic of the Sudan and The Republic of South Sudan

59. Treaty citation:

Phase 1: Tufts Digital Library: <http://hdl.handle.net/10427/000787> (Accessed on May 11, 2018)

Phase 2: UN Peacemaker:

https://peacemaker.un.org/sites/peacemaker.un.org/files/SD%20SS_120927_Agreement%20on%20Security%20Arrangements.pdf
(Accessed on May 11, 2018)

60. Date of last revision of this coding sheet: June 21, 2018

61. Coder: Jae-eon Lee, Jessica Edry, Ashley Leeds