

NCP Comments on Determination of Citizenship

Article 1: Sovereign Rights:

- a. The Republic of Sudan and the Successor State shall each exercise its sovereign right to independently determine the criteria of citizenship for its respective State in accordance with this joint understanding.
- b. The Parties agree that in exercising this sovereign right the Republic of Sudan and the Successor State shall ensure that individuals with genuine and effective links to either State are eligible to retain or acquire citizenship in that State.
- c. Citizens who are eligible to vote in the self-determination referendum of Southern Sudan are considered to be of genuine and effective link to the Successor State, whereas other citizens who are not eligible to vote in that referendum are considered to be of genuine and effective link to the Predecessor State.
- d. The Parties agree that neither the Republic of Sudan nor the Successor State, shall take any measures in the exercise of this sovereign right, of automatic extension of nationality, that may result in the statelessness of any individual who was a citizen of the Predecessor State at the time of secession.

Article 2: Automatic Acquiring of Nationality:

- a. Citizens of the Predecessor State who are eligible to vote in the self-determination referendum of Southern Sudan shall automatically acquire the nationality of the Successor State.
- b. Participation or non participation in the referendum of Southern Sudan, the individual choice made in that referendum, the status of minority or incapacity for citizens who are otherwise eligible to vote in the referendum, or having residence in Northern Sudan, Southern Sudan or outside Sudan are of no consequence regarding the automatic acquiring of nationality stated in (a) above.
- c. Citizens of the Predecessor State who are not eligible to vote in the Southern Sudan referendum, whether they reside in Northern Sudan, Southern Sudan or outside Sudan, shall retain the nationality of the Predecessor State.
- d. Automatic acquiring or maintaining of nationality shall not result in arbitrary or forced eviction or expulsion of any citizen or deprivation of movable or immovable property.

Article 3: Citizenship as between the two States:

- a. To avoid statelessness, an individual who was a citizen of the Predecessor State shall lose his or her citizenship only upon the acquisition of citizenship of the Successor State; provided that all citizens who are eligible to automatically acquire the nationality of the Successor State under 2 (a) above are to be deemed to have acquired such nationality within six months of announcing the Successor State.
- b. A citizen of the Predecessor State who actually or constructively acquires citizenship in the Successor State shall automatically cease to be a citizen of the Republic of Sudan.
- c. Notwithstanding (b) above, each of the two States may provide for dual citizenship in its internal law.