

IGAD

INTERGOVERNMENTAL AUTHORITY
ON DEVELOPMENT



AUTORITÉ INTERGOUVERNEMENTALE
POUR LE DÉVELOPPEMENT

INITIALISED

REVITALISED AGREEMENT ON THE RESOLUTION OF THE
CONFLICT IN THE REPUBLIC OF SOUTH SUDAN (R-ARCSS)

KHARTOUM, SUDAN

28 AUGUST 2018

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PREAMBLE

Mindful of our commitment under the Transitional Constitution of the Republic of South Sudan, 2011, (TCRSS) as amended, to lay the foundation for a united, peaceful and prosperous society based on justice, equality, respect for human rights and the rule of law;

Deeply regretting the scale of untold human suffering that had befallen our country and people as a result of disregarding this commitment;

Determined to compensate our people by recommitting ourselves to peace and constitutionalism and not to repeat mistakes of the past;

Recognizing the prime significance of preserving the sovereignty and territorial integrity of our country;

Cognizant that a federal system of government is a popular demand of the people of the Republic of South Sudan and of the need for the RTGoNU to reflect this demand by way of devolution of more powers and resources to lower levels of government;

Pursuant to the decision of the Inter-Governmental Authority for Development (IGAD) Assembly of Heads of State and Government at its 31st Extra-Ordinary Summit of 12 June 2017, held in Addis Ababa, Ethiopia, which decided: "to urgently convene a High-level Revitalisation Forum of the parties to the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS), including estranged groups to discuss concrete measures, to restore permanent ceasefire, full implementation of the ARCSS, and to develop revised realistic timelines and implementation schedule towards democratic elections at the end of the Transitional Period";

Reaffirming the commitments that we have solemnly undertaken in the ARCSS, the High-Level Revitalization Forum, the Khartoum Declaration and the Agreements on the Outstanding Security and Governance Issues;

We the Parties, comprising of Transitional Government of National Unity of the Republic of South Sudan (TGoNU), the Sudan People's Liberation Movement/Army-In Opposition (SPLM/A-IO), the South Sudan Opposition Alliance (SSOA), Former Detainees (FDs), Other Political Parties (OPP), collectively referred to as the Parties, confirm our commitment to the "the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan" and do hereby resolve as follows:

CHAPTER 1: REVITALISED TRANSITIONAL GOVERNMENT OF NATIONAL UNITY

1.1. Establishment, Seat and Term of TGoNU

- 1.1.1. There shall be established a **Revitalised Transitional Government of National Unity (RTGoNU)** in South Sudan entrusted with the task of implementing this Agreement.
- 1.1.2. The Transitional Period shall commence eight (8) months after signing of this Agreement and the term of office shall be thirty-six (36) months preceded by eight (8) months of a Pre-Transitional Period.
- 1.1.3. The seat of the RTGoNU shall be Juba.
- 1.1.4. The term and mandate of the RTGoNU shall be for the duration of the Transitional Period, until such time that elections are held, except as provided for in this Agreement.
- 1.1.5. The RTGoNU shall hold elections sixty (60) days before the end of the Transitional Period in order to establish a democratically elected government.
- 1.1.6. Responsibility will be shared in the Executive of the RTGoNU among the following parties: Incumbent TGoNU, SPLM/A-IO, SSOA, FDs and OPP.

1.2. Mandate of the RTGoNU

- 1.2.1. The RTGoNU shall:
 - 1.2.2. Implement this Agreement and restore permanent and sustainable peace, security and stability in the country;
 - 1.2.3. Expedite the relief, protection, voluntary and dignified repatriation, rehabilitation, resettlement and reintegration of IDPs and returnees, working closely with the United Nations and other international agencies;
 - 1.2.4. Facilitate and oversee a people-driven process of national reconciliation and healing through an independent mechanism in accordance with this Agreement including budgetary provisions for compensation and reparations;

- 1.2.5. Oversee and ensure that the Permanent Constitution-making process is successfully carried out and completed before the end of the Transitional Period;
- 1.2.6. Work closely with the IGAD-PLUS Member States and Organizations and other partners and friends of South Sudan, to consolidate peace and stability in the country;
- 1.2.7. Carry out radical reforms and transformation of public financial management systems to ensure transparency and accountability;
- 1.2.8. Ensure prudent, transparent and accountable management of national wealth and resources to build the nation and promote the welfare of the people;
- 1.2.9. Carry out the functions of government;
- 1.2.10. Restructure, rehabilitate, and ensure radical reform of the civil service;
- 1.2.11. Design and implement security sector reforms and security sector transformation, to include the restructuring and reconstitution of institutions;
- 1.2.12. Rebuild and recover destroyed physical infrastructure and give special attention to prioritizing the rebuilding of livelihoods of those affected by the conflict;
- 1.2.13. Reconstitute a competent and independent National Elections Commission (NEC) to conduct free, fair and credible elections before the end of the Transitional Period and ensure that the outcome reflects the will of the electorate;
- 1.2.14. Conduct a National Population and Housing Census before the end of the Transitional Period;
- 1.2.15. Devolve more powers and resources to the State and Local Government levels.

1.3. Composition of the RTGoNU

1.3.1. The RTGoNU shall be composed of:

1.3.1.1. The Incumbent TGoNU, comprising of: the former GRSS; the former SPLM/A-IO (led by Gen. Taban Deng Gai); and the Other Political Parties in TGoNU and represented, as such, at the HLRF;

1.3.1.2. The SPLM/A-IO;

1.3.1.3. The South Sudan Opposition Alliance (SSOA);

1.3.1.4. The Former Detainees (FDs); and

1.3.1.5. The Other Political Parties outside of the Incumbent TGoNU, including the Alliance, Umbrella and political parties who participated as such at the HLRF.

1.4. General provisions applicable during the Pre-Transitional Period

1.4.1. The Parties recognize that during the Pre-Transitional Period, the Incumbent TGoNU shall continue to exercise its powers as per the TCRSS, 2011 (as amended).

1.4.2. At the beginning of the Pre-Transitional Period, the Parties shall issue a solemn commitment to their people and the international community at large confirming unequivocally that they will not return to war and shall work hand in hand diligently and collectively for the sake of peace and stability of their country. In particular, the Parties shall pledge to use the resources of the country wisely and transparently, for the best interests of the people of the Republic of South Sudan, and to put in place efficient mechanisms for achieving this paramount goal. In their solemn commitment, the Parties shall also appeal to the international community for support and cooperation at this difficult time of the Republic of South Sudan.

1.4.3. The activities that shall be undertaken during the agreed eight (8) months Pre-Transitional Period shall include:

1.4.3.1. Dissemination of the Revitalised ARCSS to South Sudanese people inside the country, in different cities and refugee camps in neighbouring countries, and in Diaspora, so that the people can understand, support and own it;

1.4.3.2. Carrying out the tasks entrusted to the TBC, IBC, and the Referendum Commission on Number and Boundaries of States (RCNBS);

1.4.3.3. A process of national healing and reconciliation that shall be led by the Parties, faith based groups and civil society groups inside and outside of the Republic of South Sudan;

1.4.3.4. The agreed security arrangement activities;

1.4.3.5. Incorporation of the Revitalised ARCSS in the TCRSS, 2011 (as amended);

1.4.3.6. Reviewing and drafting necessary bills as per the Revitalised ARCSS; and

1.4.3.7. Any other activities agreed by the Parties, including the devolution of more powers and resources to lower levels of government.

1.4.4. Provisions of the Transitional Constitution of the Republic of South Sudan and ARCSS on participation of women (35%) in the Executive shall be observed. In particular, in their nomination to the Council of Ministers, Incumbent TGoNU shall nominate no fewer than six (6) women, SPLM/A-IO shall nominate no fewer than three (3) women, and SSOA shall nominate no less than one (1) woman.

1.4.5. Having in mind that more than 70 percent of the population in the Republic of South Sudan is under the age of thirty and that youth are the most affected by the war and represent high percentage of refugees and IDPs, the Parties shall strive to include people of young age in their quotas at different levels. In particular, the Parties shall strive to ensure that the Minister of Youth and Sports in the RTGoNU shall be less than forty (40) years old.

1.4.6. In selecting their nominees, Parties shall give due consideration to national diversity, gender and regional representation.

1.4.7. Without prejudice to Article 1.1 above and Article 1.17 on National Constitutional Amendment Committee (NCAC) below, a National Pre-Transitional Committee (NPTC) shall be formed as follows by the President of the Republic of South Sudan within two weeks of signing the Revitalised ARCSS:

1.4.7.1. The NPTC shall be comprised of ten (10) members representing the Parties as follows: five (5) for Incumbent TGoNU, two (2) for

SLPM/A-IO, one (1) for SSOA, one (1) for FDs, and one (1) for OPP. The NPTC shall be chaired by the Incumbent TGoNU representative with two Deputy Chairs to be nominated by SPLM/A-IO and SSOA respectively, and shall adopt its decisions by consensus.

1.4.7.2. The NPTC shall be entrusted with the function of oversight and coordination of the implementation of the activities of the Pre-Transitional Period stated in Article 1.4.3 above in collaboration with the Incumbent TGoNU.

1.4.7.3. The NPTC shall draw the road map for implementing the political tasks of the Pre-Transitional Period, prepare a budget for the activities of the Pre-Transitional Period, and address issues of VIP security as per security arrangements and preparations for new Ministers, among others.

1.4.7.4. The NPTC shall submit monthly written reports to the Chairperson of the reconstituted JMEC (RJMEC), the parties and other stakeholders.

1.4.8. There shall be established a fund, to be drawn from government funds and contributions of donors, for the implementation of the activities of the Pre-Transitional Period. The fund shall be deposited by the Ministry of Finance and Planning of the Incumbent TGoNU in a special account in a bank agreed to by the NPTC. The NPTC shall manage the fund transparently and report on it monthly to the President of the Republic of South Sudan and to the Parties.

1.4.9. The IGAD-led Mediation shall revitalise and restructure all monitoring and evaluation mechanisms to ensure inclusion of all Parties and to enhance the effectiveness of all mechanisms. Such review and restructuring shall be reflected in the Revitalised ARCSS.

1.4.10. Within twelve (12) months of the beginning of the Transitional Period, the reconstituted NCAC shall revise relevant laws and draft new legislations pursuant to the Revitalised ARCSS.

1.4.11. The Parties reaffirm their commitment to the ARCSS that a federal and democratic system of governance that reflects the character of the Republic of South Sudan and ensures unity in diversity be enacted during the permanent constitution making process.

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1.4.12. The Parties also reaffirm their commitment to the principle of lean government and that the number of members of the future legislature shall be commensurate with the number of the population of the country pursuant to the internationally recognised proportions. The Parties recognise that the high number of members of the Executive and TNLA is agreed herein on exceptional basis for the purposes of the Transitional Period only and that those numbers shall form no precedent or any precursor for the future.

1.5. Structure of the Executive of the RTGoNU

1.5.1. During the Transitional Period, the Executive of the RTGoNU shall comprise the President, the First Vice President, and four Vice Presidents, (hereinafter collectively referred to as "the Presidency" and the Council of Ministers and Deputy Ministers as follows:

1.5.1.1. H.E. Salva Kiir Mayardit shall continue as the President of the Republic of South Sudan;

1.5.1.2. The Chairman of SPLM/A-IO Dr Riek Machar Teny shall assume the position of the First Vice President of the Republic of South Sudan;

1.5.2. During the Transitional Period, there shall be four (04) Vice Presidents in the Republic of South Sudan, who shall be nominated as follows:

1.5.2.1. Vice President to be nominated by Incumbent TGoNU;

1.5.2.2. Vice President to be nominated by SSOA;

1.5.2.3. Vice President to be nominated by Incumbent TGoNU; and

1.5.2.4. Vice President to be nominated by FDs, who shall be a woman.

1.5.3. Apart from the First Vice President, there shall be no hierarchy among the Vice Presidents. The ranking in Article 1.5.2 above is for protocol purposes only.

1.5.4. The First Vice President and Vice Presidents shall oversee respectively the Cabinet Clusters as follows:

1.5.4.1. First Vice President: Governance Cluster;

1.5.4.2. Vice President: Economic Cluster;

1.5.4.3. Vice President: Services Delivery Cluster;

1.5.4.4. Vice President: Infrastructure Cluster; and

1.5.4.5. Vice President: Gender and Youth Cluster.

1.6. President of the Republic of South Sudan

1.6.1. The incumbent President of the Republic shall serve as President and Executive Head of State for the Transitional Period;

1.6.2. The Powers, Functions and Responsibilities of the President shall be to:

1.6.2.1. Preserve and protect the sovereignty and territorial integrity of the Republic of South Sudan;

1.6.2.2. Represent the State, the RTGoNU and the people of South Sudan in its international relations;

1.6.2.3. Serve as Commander-in-Chief of the unified South Sudan national army and the overall commander of all other organised forces during the Transitional Period;

1.6.2.4. Appoint and preside over the swearing into Office of the First Vice President, and the Vice Presidents, Ministers and Deputy Ministers, in accordance with the terms of this Agreement;

1.6.2.5. Appoint Undersecretaries of the Ministries as proposed by the respective Ministers, vetted and approved by the Council of Ministers.

1.6.2.6. Appoint Advisors. However, if more than two advisors to the President are appointed their selection shall take place in consultation with the First Vice President and the Vice Presidents in accordance with the power sharing ratios.

1.6.2.7. Chair the Council of Ministers;

1.6.2.8. Chair the National Security Council (NSC);

1.6.2.9. Chair the National Defence Council (NDC);

1.6.2.10. Cause the preparation of the annual budget of the RTGoNU by the Minister of Finance and Planning to be presented to the Council of Ministers and the Transitional National Legislative Assembly (TNLA);

1.6.2.11. Chair EFMA Board;

1.6.2.12. During emergencies, initiate the convening of the TNL in consultation with the Speaker, the First Vice President and the Vice Presidents in accordance with the provisions of this agreement;

1.6.2.13. Assent to and sign into law bills passed by the TNL;

1.6.2.14. Supervise the conduct of foreign policy and assents to treaties and international agreements with the approval of the TNLA;

1.6.2.15. Appoint ambassadors and other senior diplomatic representatives to foreign countries as proposed by the Minister of Foreign Affairs and International Cooperation, vetted and approved by the Council of Ministers.

1.6.2.16. Sign letters of accreditation of diplomatic representatives of the Republic of South Sudan to foreign countries, regional and international organizations, and receive the credentials of diplomatic representatives of foreign countries;

1.6.2.17. Confirm death sentences, grant pardons, and commute convictions and penalties in accordance with the law;

1.6.2.18. Confer national honours, both civil and military, in accordance with the laws governing such decorations and medals;

1.6.2.19. Preside over the swearing into office of heads of Independent Institutions, Commissions and Parastatals, as per this Agreement;

1.6.2.20. Perform any other function as may be prescribed by the TCRSS, 2011 (as amended), this Agreement and the Law;

1.6.3. In the event of temporary absence of the President, the First Vice President shall act as the President and Commander in Chief of the national army and overall commander of all other organised forces.

1.6.4. In the event of the temporary absence of both the President and the First Vice President, the President shall delegate one of the Vice Presidents to act as the President and Commander in Chief of the national army and overall commander of all other organised forces.

- 1.6.5. In the event that the post of the President falls vacant during the Transitional Period, for any reason, including mental infirmity or physical incapacity of the office holder, the replacement shall be nominated by the top leadership body of the respective Party as at the signing of this Agreement. Such a process of replacement shall not exceed forty-eight (48) hours.

1.7. First Vice President of the Republic of South Sudan

- 1.7.1. For the duration of the Transition, there shall continue to be the office of the First Vice President of the Republic of South Sudan. The office of the First Vice President shall cease to exist at the conclusion of the Transitional Period unless otherwise decided in the permanent Constitution;
- 1.7.2. The Chairman of the SPLM/A-IO Dr. Riek Machar Teny shall assume the position of the First Vice President of the Republic of South Sudan for the duration of the Transitional Period;
- 1.7.3. The Powers, Functions and Responsibilities of the First Vice President shall be to:
- 1.7.3.1. Serve as Commander-in-Chief of the SPLM/A-IO during the Pre-Transitional Period and until the unification of forces;
 - 1.7.3.2. Serve as the Acting Commander-in-Chief of the unified South Sudan national army and overall commander of all other organized forces in the event of any temporary absence of the President after the unification of the forces;
 - 1.7.3.3. Chair and oversee the Governance Cluster.
 - 1.7.3.4. Serve as Deputy Chair of EFMA Board;
 - 1.7.3.5. Serve as Deputy Chair of the NSC;
 - 1.7.3.6. Serve as Deputy Chair of the NDC;
 - 1.7.3.7. Follow up and ensure the implementation of Council of Ministers' decisions with the relevant Ministries and institutions within the Governance Cluster;
 - 1.7.3.8. In the absence of the President, the First Vice President shall chair the Council of Ministers; and

1.7.3.9. Carry out other functions as may be prescribed by law, as long as such laws do not contradict the terms of this Agreement.

1.7.4. In the event of temporary absence of the First Vice President, the First Vice President shall delegate any of the other Vice Presidents to carry out functions and duties of the First Vice President as stipulated in this Agreement.

1.7.5. In the event that the post of the First Vice President falls vacant during the Transitional Period, for any reason, including mental infirmity or physical incapacity of the office holder, the replacement shall be nominated by the top leadership body of the SPLM/A -IO as at the signing of this Agreement. Such a process of replacement shall not exceed forty-eight (48) hours. The successor as the First Vice President shall serve in Office until the end of the Transitional Period.

1.8. Vice Presidents of the Republic of South Sudan

1.8.1. For the duration of the Transition, there shall be established the Office of four Vice Presidents. The four Vice Presidents shall be equal in rank and their offices shall cease to exist at the conclusion of the Transitional Period.

1.8.2. The Powers, Functions and Responsibilities of the four Vice Presidents shall be to:

1.8.2.1. Oversee the work of the National Commissions and Parastatals falling under their respective clusters;

1.8.2.2. Serve as members of the NSC and the NDC;

1.8.2.3. Follow up and ensure the implementation of Council of Ministers' decisions with the relevant Ministries and institutions within the respective Clusters;

1.8.2.4. Perform any other functions or duties that may be assigned by the President, including the chairing of ad-hoc sub-committees of the Council of Ministers, as long as such assigned functions or duties do not conflict with the powers, functions and responsibilities of the First Vice President; and

1.8.2.5. Chair their respective Clusters and supervise implementation of the mandate of the respective Ministries as follows:

1.8.2.6.1. Economic Cluster (Vice President nominated by Incumbent TGoNU);

1.8.2.6.2. Service Cluster (Vice President nominated by SSOA);

1.8.2.6.3. Infrastructure Cluster (Vice President nominated by Incumbent TGoNU); and

1.8.2.6.4. Gender and Youth Cluster (Vice President nominated by FDs).

1.8.3. In the event that the post of any of the Vice Presidents falls vacant during the Transitional Period, for any reason, including mental infirmity or physical incapacity of the office holder, the replacement shall be nominated by the top leadership body of the respective party as at the signing of this Agreement. Such a process of replacement shall not exceed forty-eight (48) hours. The successor as the Vice President shall serve in Office until the end of the Transitional Period.

1.9. **Powers, Functions and Responsibilities to be exercised by the President, the First Vice President, and the Vice Presidents through consultation and agreements:**

1.9.1. The RTGoNU is founded on the premise that there shall be collegial collaboration in decision-making and continuous consultations within the Presidency, between the President, the First Vice President, and the Four Vice Presidents, to ensure effective governance during the Transitional Period;

1.9.2. Powers exercised by the President in consultation with the First Vice President, and the four Vice Presidents in order to reach at mutual understanding and agreement in accordance with this Agreement and the law:

1.9.2.1. Appointment of Constitutional and Judicial office holders including state governors;

1.9.2.2. Commissioning, appointment, promotion, retirement and dismissal of officers of the national army and other organized forces with the approval of the National Defence Council (NDC) or National Security Council (NSC), as appropriate; and

1.9.2.3. The nomination and appointment of the members of independent Commissions, interim and ad hoc Commissions and Committees; and

1.9.2.4. Appointment of more than two Presidential Advisors.

1.9.3. The following powers, functions and responsibilities shall be initiated by the President, in accordance with the TCRSS, 2011 (as amended), and shall require the agreement of the First Vice President, and all the Four Vice Presidents:

1.9.3.1. Declaration and termination of state of emergency;

1.9.3.2. Declaration of war; and

1.9.3.3. Convening, summoning and/or adjourning the Transitional National Legislature for ordinary sessions, in consultation with the Speaker of the Transitional National Legislative Legislature (TNL).

1.9.4. The following powers, functions and responsibilities may be initiated by either the President, the First Vice President, or any of the Vice Presidents and shall require the agreement of the others:

1.9.4.1. Initiation of Constitutional amendments, except as provided for in Chapter I, Article 1.17.1.1 of this Agreement;

1.9.4.2. Initiation of legislation; and

1.9.4.3. Initiation of institutional reforms.

1.9.5. Powers exercised by the President in consultation with the First Vice President, and the four Vice Presidents in supervising the implementation of the reforms outlined in this Agreement in order to reach at mutual understanding and agreement in accordance with this Agreement and the law:

1.9.5.1. Oversee the implementation of this Agreement;

1.9.5.2. Oversee the preparation and consideration of RTGoNU business and programmes; and

1.9.5.3. Oversee implementation of laws passed by the Transitional National Legislature.

1.9.6. Decision Making and Consultation Procedures in the Executive of the RTGoNU

1.9.6.1. The Presidency:

1.9.6.1.1. Decision making in the Presidency shall be in a spirit of collegial collaboration.

1.9.6.1.2. The President, the First Vice President, and the Vice Presidents shall seek to reach agreement on matters of Executive Administration and failure of which by agreement of at least four (04) of them.

1.9.6.1.3. The President, the First Vice President, and the Four Vice Presidents shall consult regularly in the exercise of their functions. Consultations may be made through different means but all shall be officially recorded in writing, to preclude misunderstanding and any conflict.

1.9.6.1.4. In the event of a deadlock or a tie in the exercise of joint Executive powers listed below, the matter shall be decided by the Council of Ministers, which shall require the agreement of two-thirds of all the members of the Council of Ministers (67%). The decision of the Council of Ministers shall be final:

1.9.6.1.4.1. In the appointment of Constitutional and Judicial office holders, including State Governors;

1.9.6.1.4.2. In the appointment and establishment of independent Commissions, interim and ad hoc Commissions and committees; and

1.9.6.1.4.3. The initiation of legislation necessary to implement this Agreement.

1.9.6.1.4.4. The President, the First Vice President, and the Vice Presidents shall seek to reach agreement on matters of supervision of the implementation of this agreement, failure of which, decision shall be reached with an agreement of at least four (04) of them,

where one must be either the President or the First Vice President.

1.9.7. Council of Ministers of the RTGoNU

1.9.7.1. The Council of Ministers shall comprise thirty-five (35) Ministries that shall be organised as per the above mentioned five (5) clusters.

1.9.7.2. Governance Cluster, twelve (12) Ministries:

- 1.9.7.2.1. Presidential Affairs;
- 1.9.7.2.2. Cabinet Affairs;
- 1.9.7.2.3. Foreign Affairs and International Cooperation;
- 1.9.7.2.4. Defence and Veterans Affairs;
- 1.9.7.2.5. Interior;
- 1.9.7.2.6. Peace Building;
- 1.9.7.2.7. Justice and Constitutional Affairs;
- 1.9.7.2.8. National Security;
- 1.9.7.2.9. Parliamentary Affairs;
- 1.9.7.2.10. Information, Communication Technology and Postal Services;
- 1.9.7.2.11. Federal Affairs; and
- 1.9.7.2.12. East African Community Affairs.

1.9.7.3. Economic Cluster, eleven (11) Ministries:

- 1.9.7.3.1. Finance and Planning;
- 1.9.7.3.2. Petroleum;
- 1.9.7.3.3. Mining;
- 1.9.7.3.4. Agriculture and Food Security;
- 1.9.7.3.5. Livestock and Fisheries;
- 1.9.7.3.6. Trade and Industry;
- 1.9.7.3.7. Environment and Forestry;
- 1.9.7.3.8. Water Resources and Irrigation;
- 1.9.7.3.9. Land, Housing and Urban Development;
- 1.9.7.3.10. Wildlife Conservation and Tourism; and
- 1.9.7.3.11. Investment.

1.9.7.4. Service Cluster, five (5) Ministries:

- 1.9.7.4.1. Higher Education, Science and Technology;

- 1.9.7.4.2. General Education and Instruction;
- 1.9.7.4.3. Health;
- 1.9.7.4.4. Public Service and Human Resources Development; and
- 1.9.7.4.5. Labour;

1.9.7.5. **The Infrastructure Cluster**, three (3) Ministries:

- 1.9.7.5.1. Energy and Dams;
- 1.9.7.5.2. Transport; and
- 1.9.7.5.3. Roads and Bridges.

1.9.7.6. **The Gender and Youth Cluster**, four (4) Ministries:

- 1.9.7.6.1. Gender, Child and Social Welfare;
- 1.9.7.6.2. Humanitarian Affairs & Disaster Management;
- 1.9.7.6.3. Culture, Museums & National Heritage; and
- 1.9.7.6.4. Youth and Sports.

1.9.8. The Ministerial positions shall be allocated as follows:

- 1.9.8.1. Incumbent TGoNU: 20 Ministries;
- 1.9.8.2. SPLM/A-IO: 09 Ministries;
- 1.9.8.3. SSOA: 03 Ministries;
- 1.9.8.4. FDs: 02 Ministries; and
- 1.9.8.5. OPP: 01 Ministry.

1.9.9. The Council of Ministers shall carry out the following duties and responsibilities:

- 1.9.9.1. Ensure the implementation of this Agreement, relevant programs and processes, and national reforms, and lead the RTGoNU in a manner consistent with peace, inclusive governance, and reconciliation;
- 1.9.9.2. Prepare, initiate and implement legislation;
- 1.9.9.3. Develop Government policies and programs at the national level, and where applicable to sub-national levels;
- 1.9.9.4. Manage and allocate resources to support the implementation of these policies and programs, within the framework of the approved national budget of the RTGoNU;

1.9.9.5. Supervise and co-ordinate the functioning of Government departments and administration, and ensure that State organs have sufficient financial and other resources and operational capacity to carry out their functions;

1.9.9.6. Perform any other function or duty as may be prescribed by the TCRSS, 2011 (as amended), this agreement and the law.

1.9.10. The Council of Ministers shall take decisions by consensus.

1.9.11. In the absence of consensus, on procedural and routine matters, decisions shall require a simple majority of the members of the Council of Ministers present;

1.9.12. In the absence of consensus, on substantive matters pertaining to this Revitalised Agreement, decisions shall require the agreement of two-thirds (67%) of the members of the Council of Ministers present;

1.9.13. Twenty-three (23) members of the Council shall make the quorum of the Council of Ministers.

1.10. Deputy Ministers

1.10.1. There shall be ten (10) Deputy Ministers in the following Ministries:

- 1.10.1.1. Cabinet Affairs;
- 1.10.1.2. Foreign Affairs and International Cooperation;
- 1.10.1.3. Defence;
- 1.10.1.4. Interior;
- 1.10.1.5. Justice and Constitutional Affairs;
- 1.10.1.6. Finance and Planning;
- 1.10.1.7. Agriculture and Food Security;
- 1.10.1.8. General Education and Instruction;
- 1.10.1.9. Public Service and Human Resources Development; and
- 1.10.1.10. Information, Communication, Technology and Postal Services.

1.10.2. Deputy Ministerial Portfolios shall be allocated as follows:

- 1.10.2.1. Incumbent TGoNU: five (5) Deputy Ministers.
- 1.10.2.2. SPLM/A-IO: three (3) Deputy Ministers.
- 1.10.2.3. SSOA: one (1) Deputy Minister.
- 1.10.2.4. OPP: one (1) Deputy Minister.

1.10.3. No Assistant Presidents, any other Ministers or Deputy Ministers shall be appointed during the Transitional Period.

1.10.4. If more than two Advisers to the President are appointed, their selection shall be in consultation with the Parties.

1.11. Allocation/Selection of Ministries and Appointment Procedure for Ministers and Deputy Ministers

1.11.1. The Parties shall, during the Pre-Transitional Period, agree on the allocation of the Ministerial and Deputy Ministerial portfolios. If the parties fail to agree, the following procedure shall apply:

1.11.1.1. The Incumbent TGoNU shall select the first RTGoNU Ministerial portfolio, from any of the Ministerial sectoral clusters, as described in Chapter I, Article 1.9.8 of this Agreement;

1.11.1.2. The SPLM/A-IO shall select the second RTGoNU Ministerial portfolio, from any of the Ministerial sectoral clusters, as described in Chapter I, Article 1.9.8 of this Agreement;

1.11.1.3. The SSOA shall select the third RTGoNU Ministerial portfolio, from any of the Ministerial sectoral clusters, as described in Chapter I, Article 1.9.8 of this Agreement;

1.11.1.4. The Former Detainees shall select the fourth RTGoNU Ministerial portfolio, from any of the Ministerial sectoral clusters, as described in Chapter I, Article 1.9.8 of this Agreement;

1.11.1.5. The OPP shall select the fifth RTGoNU Ministerial portfolio, from any of the Ministerial sectoral clusters, as described in Chapter I, Article 1.9.8 of this Agreement;

1.11.1.6. The Incumbent TGoNU shall select the sixth RTGoNU Ministerial portfolio, by selecting a Ministerial portfolio from a different Ministerial sectoral cluster to that of its choice of first Ministerial portfolio;

1.11.1.7. The SPLM/A-IO shall select the seventh RTGoNU Ministerial portfolio, by selecting a Ministerial portfolio from a different Ministerial sectoral cluster to that of its choice of first Ministerial portfolio;

1.11.1.8. The SSOA shall select the eight RTGoNU Ministerial portfolio, by selecting a Ministerial portfolio from a different Ministerial sectoral cluster to that of its choice of first Ministerial portfolio;

1.11.1.9. The Former Detainees shall select the ninth RTGoNU Ministerial portfolio, from a different Ministerial sectoral cluster to that of its choice of first Ministerial portfolio;

1.11.1.10. Subsequent selections of Ministerial portfolios by the Incumbent TGoNU, SPLM/A-IO and SSOA shall continue, on the same rotational basis, and continuing to alternate between the five (5) Ministerial sectoral clusters, until these Parties have their full allocation of RTGoNU Ministerial portfolios, in accordance with the responsibility sharing formula provided in Chapter I, Article 1.9.8 of this Agreement, and the selection of RTGoNU Ministerial portfolios is complete.

1.11.2. In accordance with the agreed guarantee of 35% participation of women in the Executive, the Parties to the RTGoNU shall nominate no fewer than twelve (12) women to the Council of Ministers in line with Article 1.4.4 above. Parties shall give due consideration to national diversity, including regional representation, in nominating their candidates.

1.11.3. The nominees to the Council of Ministers shall be appointed and sworn in by the President.

1.11.4. Unless agreed otherwise, Deputy Ministers' nomination shall follow the same formula above.

1.11.5. In accordance with the revitalised provisions on the participation of women in the executive, no fewer than three (3) of the Deputy Ministers shall be women.

1.11.6. The nominated Deputy Ministers shall be sworn in before the President.

1.11.7. No Assistant President, other Ministers or Deputy Ministers shall be appointed during the Transitional Period.

1.12. Replacement and Removal Procedures

1.12.1. Each Party may remove its representatives in the Council of Ministers and nominate replacements by notifying the President with at least fourteen (14) days' notice;

1.12.2. In the event that a Ministerial post falls vacant during the Transitional Period, the replacement shall be nominated by the top leadership body of the party that first selected that Ministerial portfolio, as appointed at the

commencement of the Transition. The replacement Minister shall serve in office until the end of the Transitional Period;

- 1.12.3. In the event that a Deputy Ministerial post falls vacant during the Transitional Period, the replacement shall be nominated by the top leadership body of the party that first nominated that ministerial portfolio, as appointed at the commencement of the Transition, or their duly chosen replacements as Deputy Ministers. The replacement Deputy Minister shall serve in office until the end of the Transition Period.

1.13. The Transitional National Legislative Assembly and the Council of States

- 1.13.1. The Transitional National Legislature (TNL) shall consist of the Transitional National Legislative Assembly (TNLA) and the Council of States.

- 1.13.2. The TNLA shall be expanded to five hundred and fifty (550) members and reconstituted as follows:

1.13.2.1. Incumbent TGoNU: three hundred and thirty two (332) members.

1.13.2.2. SPLM/A-IO: one hundred and twenty eight (128) members.

1.13.2.3. SSOA: fifty (50) members.

1.13.2.4. OPP: thirty (30) members.

1.13.2.5. FDs: ten (10) members.

- 1.13.3. The Speaker of the TNLA shall be nominated by the Incumbent TGoNU. One Deputy Speaker shall be nominated by SPLM/A-IO; another, who shall be a woman, shall be nominated by the Incumbent TGoNU; and a third Deputy Speaker to be nominated by OPP.

- 1.13.4. Upon issuing the final report of the Independent Boundaries Commission (IBC) in accordance with Article 1.14 below, the Council of State shall be reconstituted as shall be recommended by the IBC. However, if the IBC fails to issue its final report, the Council of State shall be reconstituted pursuant to the outcome of the referendum.

- 1.13.5. Without prejudice to the recommendations of the IBC, the Speaker of the Council of States shall be nominated by SPLM/A-IO, Deputy Speaker shall be nominated by Incumbent TGoNU, and shall be a woman, and Deputy Speaker shall be nominated by SSOA. For the purpose of regional

inclusivity required in a body representing the States, each of the Speaker and Deputy Speakers shall come from former regions.

- 1.13.6. The duration and term of the reconstituted TNL shall run concurrently with that of the RTGoNU, as per the terms of this Agreement, until such time as elections are held.
- 1.13.7. The functions and mandate of the TNLA shall remain as stipulated in the Transitional Constitution of the Republic of South Sudan, 2011 as amended, unless otherwise specified by the terms of this Agreement;
- 1.13.8. The reconstituted TNLA shall, in the conduct of its business, support this Agreement and enact legislation that enables and assists the transitional processes and reforms described in this Agreement;
- 1.13.9. Decisions in the reconstituted TNLA on matters pertaining to this Agreement shall be by consensus and failure to that, shall be by two thirds (2/3) majority of all the members;
- 1.13.10. Decisions in the TNLA on other matters not related to this Agreement shall be by consensus and in lieu of that by simple majority.

1.14. Number and Boundaries of States

- 1.14.1. Within two weeks of the signing of the Revitalised ARCSS, the IGAD Executive Secretariat, taking into account the decision of the 55th Extra-Ordinary Session of the IGAD Council of Ministers held in Addis Ababa, Ethiopia, January 30-31, 2016, shall appoint an Independent Boundaries Commission (IBC) for the Republic of South Sudan.
- 1.14.2. The IBC shall consist of fifteen (15) members with the necessary skills and expertise.
- 1.14.3. Members of the IBC shall be nominated as follows:
- 1.14.3.1. Five (5) members to be nominated by Incumbent TGoNU.
- 1.14.3.2. Five (5) members to be nominated by opposition groups: two (2) from SPLM/A-IO, one (1) from SSOA, one (1) from FDs, and one (1) from OPP.
- 1.14.3.3. Five (5) highly experienced C5 members to be nominated by the Member States of the African Union High-Level Ad Hoc Committee on South Sudan from South Africa, Nigeria, Rwanda, Algeria and Chad.

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- 1.14.4. The IBC shall be chaired by a non-South Sudanese member who shall be of recognized standing and integrity and who should have served in a senior judicial, executive or administrative position in his/her home country.
- 1.14.5. The IBC may retain the services of a team of experts from South Sudan, the IGAD region, AU, the Troika, and the international community as required.
- 1.14.6. If found appropriate, the IBC shall establish three teams, each consisting of five representatives and relevant experts, to be deployed at locations it will designate.
- 1.14.7. The function of the IBC shall be to consider the number of States of the Republic of South Sudan, their boundaries, the composition and restructuring of the Council of States and to make recommendations on the same.
- 1.14.8. The IBC shall study all viable alternatives in the light of guidelines that shall be drawn beforehand and right at the beginning of its work. The IBC shall also draw its own internal regulations. Adoption of the guidelines and internal regulations shall be by simple majority of the IBC.
- 1.14.9. The IBC shall strive to adopt its final report by consensus. If consensus is not achieved, the IBC shall adopt its final report by a decision that shall be supported by at least seven (7) of its South Sudanese members.
- 1.14.10. The recommendations of the IBC shall be presented to the IGAD Executive Secretariat and shall be immediately communicated to the Parties.
- 1.14.11. The Parties agree to abide by the recommendations of the IBC, and hereby authorize the IGAD Executive Secretariat to enshrine the same in the Revitalised ARCSS as an addendum. The Parties accept to implement the recommendations in full at the beginning of the Transitional Period.
- 1.14.12. The IBC shall complete its work within a maximum of ninety (90) days that shall not be extendable.
- 1.14.13. Upon issuing the final report of the IBC the Council of States shall be reconstituted as shall be recommended by the IBC. However, if the IBC failed to issue its final report the Council of States shall be reconstituted pursuant to the outcome of the referendum.

1.14.14. In the unlikely event of the IBC failing to make its final report before the end of its term, the IBC shall be automatically transformed on the 90th day of its term into Referendum Commission on Number and Boundaries of States (RCNBS) of the Republic of South Sudan.

1.14.15. The RCNBS shall work under the direct supervision and support of the African Union and the IGAD, and pursuant to international guidelines, and shall conduct the referendum before the end of the agreed eight (8) months Pre-Transitional Period.

1.14.16. The referendum shall be conducted on the number and boundaries of States of the Republic of South Sudan; taking account of the positions advanced by the Parties. The question or set of questions that shall be posed in the referendum shall be the same for the entire country unless it is decided in the RCNBS that each State shall have different question or set of questions more understandable to the people.

1.14.17. Without prejudice to the above provisions of Article 1.14.1 - 1.14.16:

1.14.17.1. Immediately upon the signing of the Revitalised ARCSS, the IGAD Mediation shall appoint a Technical Boundary Committee (TBC) to define and demarcate the tribal areas of South Sudan as they stood on 1 January 1956.

1.14.17.2. The TBC shall consist of suitable number of experts drawn from IGAD and Troika Countries.

1.14.17.3. The TBC shall receive presentations from local communities and any South Sudanese and study them. It shall finish its work within sixty (60) days.

1.14.17.4. The decision of the TBC shall be by consensus. If consensus is not achieved, decision shall be by simple majority and any dissenting view shall be recorded.

1.14.17.5. Immediately upon completion of its work, the TBC shall present its report including dissenting views, if any, to the IGAD Mediation.

1.14.17.6. The IBC and RCNBS shall take full account of the report of the TBC which shall form the basis of their decision and formulation of the question for the referendum.

1.14.17.7. In the event that any tribe claims that the TBC report is violated, that tribe is entitled to resort within a maximum of two years of the alleged violation to arbitration and bring its case against the RTGoNU or any subsequent government of the Republic of South Sudan before the Permanent Court of Arbitration at The Hague. The RTGoNU or any subsequent government agrees to abide by the arbitration award and shall introduce any required state boundary rectifications.

1.15. State and Local Governments

1.15.1. The Responsibility sharing ratio at State and local government levels shall be in accordance with the following ratio:

1.15.1.1. Incumbent TGoNU: 55%;

1.15.1.2. SPLM/A-IO: 27%

1.15.1.3. SSOA: 10%

1.15.1.4. OPP: 08%

1.15.2. At the beginning of the Transitional Period, State and local governments shall be reconstituted in accordance with the responsibility sharing formula stated in Article 1.15.1 above.

1.15.3. The positions that shall be shared as per the responsibility sharing formula are: Governors, Speakers of State Legislatures, State Councils of Ministers, State Legislatures, County Commissioners, and County Councils (if any).

1.15.4. In sharing State and local government positions the Parties shall take into account the relative prominence each Party has in the respective State or county.

1.15.5. The FDs shall have three (3) State Ministers in States of their choice that shall be deducted from the opposition ratio.

1.16. The Judiciary

1.16.1. The Judiciary of South Sudan shall be independent and subscribe to the principle of separation of powers and the supremacy of the rule of law.

1.16.2. There shall be reforms of the judiciary that shall include but not be limited to the review of the Judiciary Act during the Transition. Notwithstanding, efforts shall be made to build the capacity of the judicial, personnel and infrastructure.

1.16.3. The RTGoNU shall establish an ad hoc Judicial Reform Committee (JRC) to study and make recommendations to the RTGoNU for consideration.

1.16.4. The JRC shall be chaired by an eminent and independent jurist and its members shall be drawn by the stakeholders from the legal profession. The ad hoc JRC shall be composed of: TGoNU: five (05); SPLM/A-IO: two (02); SSOA: one (01); FDs: one (01); OPP: one (01); and IGAD Representatives: two (02).

1.16.5. The JRC shall be chaired and deputized by the representatives from IGAD.

1.16.6. The reconstituted Judicial Service Commission (JSC) as provided for under Article 17.1.9, shall undertake appropriate judicial reforms and restructuring of the Judiciary during the Transitional Period.

1.16.7. There shall be established, during the Transitional Period, an independent, impartial and credible Constitutional Court, whose composition, functions and duties shall be regulated by law.

1.17. Pre-Transitional Period and National Constitutional Amendment Committee (NCAC)

1.17.1. Upon the signing of this Agreement, the IGAD-led Mediation in consultation with the Parties and other stakeholders shall reconstitute the National Constitutional Amendment Committee (NCAC) into a representative committee of persons with legal and other competencies. The Committee shall complete the tasks necessary to prepare for the Transitional Period and the formation of the RTGoNU. The mandate of the NCAC shall also extend up to a maximum of twelve (12) months into the Transitional Period to draft new or revise, as appropriate, other legislation as provided for in this Agreement. The Committee shall have competent legal capacity to perform the following tasks:

1.17.1.1. To draft and complete a Constitutional Amendment Bill within twenty-one (21) days upon the signing of this Revitalised ARCSS. The Bill shall incorporate this Agreement into the Transitional Constitution of the Republic of South Sudan of 2011 (as amended). In the event of any contradictions, the provisions of this Agreement shall prevail

1.17.1.2. To review and complete Amendments to relevant national security legislations to bring their provisions into conformity

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with this Agreement, including: the SPLA Act, 2009; National Security Service Act, 2014; The Police Service Act, 2009; The Prison Service Act, 2011; The Wildlife Service Act, 2011 and the Fire Brigade Service Act 2009. The NCAC shall complete the drafting of these Amendments within ninety days (90) days from the date of signature of this Agreement.

1.17.1.3. Amendments to other legislations and incorporating any reforms relevant to this Agreement shall be completed within the first year of the date of signature of this Agreement.

1.17.1.4. To receive a list of nominees of respective parties indicated in Chapter 1, Article 1.13 of this Agreement relating to the appointment of members of the reconstituted TNLA. The list shall be submitted to the President who shall forward it to the TNLA.

1.17.2. In accordance with Chapter VIII of this Agreement, relating to the Supremacy of this Agreement, in the event that the provisions of this Agreement conflict with the provisions of the TCRSS, 2011 (as amended), the provisions of this Agreement shall prevail.

1.17.3. The enactment of the proposed amendments into law shall be completed within twelve (12) months of the commencement of the Transitional Period.

1.17.4. The reconstituted NCAC shall be composed of fifteen (15) members nominated as follows: TGoNU: five (05); SPLM/A-IO: two (02); SSOA: one (01); FDs: one (01); OPP: one (01); Representatives of IGAD: two (2) - Chair and Deputy Chair; Civil Society: one (01); Women Bloc (01); and Youth: one (01).

1.17.5. Upon its reconstitution, the NCAC shall maintain its own secretariat.

1.17.6. The Minister of Justice and Constitutional Affairs RTGoNU shall receive the draft Amendments to the TCRSS, 2011 (as amended) and other legislation relevant to this Agreement prepared by the NCAC and shall present those Amendments to the Council of Ministers and the Transitional National Legislative Assembly, within seven (7) days of receiving the Amendments from the NCAC;

- 1.17.7. The Transitional National Legislative Assembly shall ratify the Amendments to the TCRSS, 2011 (as amended) within thirty (30) days upon receipt from the Minister of Justice and Constitutional Affairs;
- 1.17.8. The President shall assent to the Amendments no later than the end of the Pre-Transitional (within eight months of the signing of this Agreement). The Amended Constitution shall be known as the Transitional Constitution of the Republic of South Sudan, TCRSS, 2011 (as amended);
- 1.17.9. Institutions and mechanisms that are necessary for the establishment of the RTGoNU provided for in this Agreement shall be established or reconstituted during the Pre-Transitional Period taking into consideration inclusivity and national diversity of the people of South Sudan.

1.18. Transitional Institutions and Mechanisms

- 1.18.1. During the Transitional Period, the following existing Commissions and Institutions shall be restructured and reconstituted at the national level, as provided for in this Agreement. The Executive shall supervise and facilitate the reforms and reconstitutions of the Commissions and Institutions paying particular attention to the mandate and appointments, to ensure their independence and accountability:

- 1.18.1.1. Anti-Corruption Commission (ACC);
- 1.18.1.2. Public Grievances Chamber (PGC);
- 1.18.1.3. Fiscal, Financial Allocation and Monitoring Commission (FFAMC);
- 1.18.1.4. National Audit Chamber (AC);
- 1.18.1.5. Relief and Rehabilitation Commission (RRC);
- 1.18.1.6. Peace Commission (PC);
- 1.18.1.7. National Bureau of Statistics (NBS);
- 1.18.1.8. Human Rights Commission (HRC);
- 1.18.1.9. Judicial Service Commission (JSC);
- 1.18.1.10. Civil Service Commission (CSC);
- 1.18.1.11. Land Commission (LC);
- 1.18.1.12. Electricity Corporation (EC);
- 1.18.1.13. Refugees Commission (RC);
- 1.18.1.14. South Sudan Broadcasting Corporation (SSBC);
- 1.18.1.15. National Petroleum and Gas Commission (NPGC);
- 1.18.1.16. National Bureau of Standards (NBS);

- 1.18.1.17. Urban Water Corporation (UWC);
1.18.1.18. Roads Authority;
1.18.1.19. Commission for War-Wounded, Widows and Orphans; and
1.18.1.20. DDR Commission.

1.19. National Elections

1.19.1. Within six (6) months of the signing of this Agreement, the reconstituted National Constitutional Amendment Committee (NCAC) shall review the Political Parties Act, 2012, and ensure that the Act complies with international best practices for the free and democratic registration of Political Parties in South Sudan, and shall present a draft Bill to the National Legislative Assembly for adoption through the Minister of Justice and Constitutional Affairs. The Act shall permit the open registration of Parties.

1.19.2. The Executive of the RTGoNU, in consultation with stakeholders, shall reconstitute the Political Parties Council not later than two (2) months after amendment of the Political Parties Act, and no later than four (4) months after the into the Transitional Period.

1.19.3. The National Elections Act, 2012 shall be amended to conform to the terms of this Agreement, no later than twelve (12) months after the commencement of the Transitional Period No later than seven (7) months after the commencement of the Transitional Period, the President, in consultation with the Parties to this Agreement and with the approval of the reconstituted TNLA, shall reconstitute a competent and impartial National Elections Commission (NEC), to conduct elections.

1.19.4. Sixty (60) days prior to the end of the Transitional Period, the National Elections Commission (NEC) shall organize elections in accordance with the provisions of the Permanent Constitution adopted pursuant to this Agreement, and shall ensure that the outcome is broadly reflective of the will of the electorate.

1.19.5. Within two (2) months of the adoption of the Permanent Constitution, the National Elections Act 2012, shall be amended to conform to the terms of the Permanent Constitution.

1.19.6. The RTGoNU, shall urgently address challenges of reconstruction, repatriation, resettlement, rehabilitation and reintegration of IDPs and returnees as critical factors affecting peacebuilding and elections.

1.19.7. The reconstituted NEC, may, upon its formation, request the assistance of the United Nations and the African Union in the following areas but not limited to:

- 1.19.7.1. Establishment of subsidiary electoral management bodies at state level;
- 1.19.7.2. Establishment of procedures for the voter registry and targeted voter registration;
- 1.19.7.3. Procurement of electoral material;
- 1.19.7.4. Capacity building;
- 1.19.7.5. Polling and Elections security arrangements;
- 1.19.7.6. Tallying and counting;
- 1.19.7.7. Announcement of election results;
- 1.19.7.8. Complaints procedures;
- 1.19.7.9. Support to civic education and voter outreach.

1.19.8. The NEC may also request additional technical assistance from any other regional or international partners, as it deems necessary.

1.19.9. The voters register shall be published within six (6) months prior to the holding of elections.

1.19.10. The NEC shall invite and accredit competent and impartial national, regional and international observers to monitor the conduct of the entire electoral process in accordance with the provisions of the amended National Elections Act.

1.19.11. Any dispute regarding the propriety of the conduct and results of any aspects of the elections shall be appealable in accordance with the provisions of the national elections law, and any other relevant legislation.

CHAPTER II: PERMANENT CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS

2.1. The Permanent Ceasefire

- 2.1.1. The Parties hereby agree that the Permanent Ceasefire signed in the Khartoum Declaration of 27 June 2018, which came into effect on 1st July 2018, shall be observed meticulously throughout the Republic of South Sudan to ensure sustainable peace, and facilitate the operationalization of the Transitional Security Arrangements and the voluntary repatriation, resettlement, rehabilitation and reintegration of returnees and Internally Displaced Persons (IDPs).
- 2.1.2. In observing the permanent ceasefire, the Parties reiterate all their commitments under the Cessation of Hostilities (CoHA) signed on 21st December 2017.
- 2.1.3. The Parties shall, immediately upon signing, disseminate the provisions of this Agreement to all forces, allies and affiliates under their command or influence to ensure compliance.
- 2.1.4. The Permanent Ceasefire shall apply to all forces of the warring parties and all other forces or militias allied to either Party, and shall be based on the Agreement on Cessation of Hostilities (CoHA), Protection of Civilians and Humanitarian Access of 21st December 2017, and its implementation modalities matrix.
- 2.1.5. Within seventy-two (72) hours of the signing of this Agreement, the Parties shall embark on all the ceasefire arrangements including disengagement and separation of forces in close proximity, withdrawal of allied troops and opening of humanitarian corridors. All relevant provisions of the Agreement on Resolution of the Conflict in South Sudan of 2015 (ARCSS) shall apply unless it is agreed otherwise.
- 2.1.6. Prisoners of War (PoWs) and detainees shall be released immediately under the supervision of the International Committee of the Red Cross and Crescent (ICRC).

2.1.7. The Parties shall ensure that all non-South Sudanese armed groups leave the country within the Pre-Transitional Period.

2.1.8. All Parties agree to cease security forces recruitment and training of late recruits.

2.1.9. No revenge, vengeance or retribution and any kind of violation of the Permanent Ceasefire is allowed under any circumstances.

2.1.10. The Parties shall refrain from prohibited actions outlined in the CoHA of 21st December 2017, which inter-alia include but are not limited to:

2.1.10.1. actions that may impede or delay the provision of humanitarian assistance, or protection of civilians, and restrict free movement of people;

2.1.10.2. acts and forms of sexual and gender-based violence, including sexual exploitation and harassment;

2.1.10.3. recruitment and/or use of child soldiers by armed forces or militias in contravention of international conventions;

2.1.10.4. offensive, provocative or retaliatory actions such as dissemination of hostile propaganda, recruitment, mobilization, redeployment and movement of forces, except for administrative and logistical movements allowed under CoHA of 21st December 2017, which shall be reported to the CTSAMVM prior to movements, and any other activities that may jeopardize this Agreement;

2.1.10.5. acts of hostility, intimidation, violence or attacks against the following: civilian population including IDPs, returnees and media personnel; UNMISS/RPF personnel, installations and equipment; international humanitarian agencies including the UN agencies, International Organizations and Non-Governmental Organizations (national and international), including their personnel, installations and equipment; IGAD institutions such as the reconstituted Joint Monitoring and Evaluation Commission (RJMEC) and CTSAMVM personnel, installations, and equipment.

- 2.1.10.6. movement and access restrictions on CTSAMVM and UNMISS/RPF personnel performing their duties as prescribed by their mandates.
- 2.1.10.7. The Parties shall adhere to the obligations outlined in the CoHA of 21st December 2017, which inter-alia include but are not limited to:
- 2.1.10.8. respect and ensure full compliance with international humanitarian law;
- 2.1.10.9. cessation of all hostile military actions as defined in the CoHA of 21st December 2017;
- 2.1.10.10. ensuring accountability for breaches of this Agreement;
- 2.1.10.11. protection of human rights of civilians at all times to ensure safety and dignity of individuals and communities;
- 2.1.10.12. protection of the needs of women, girls and those of other groups with special needs;
- 2.1.10.13. cooperation with UNMISS in the discharge of its mandate to protect civilians;
- 2.1.10.14. fully support the full and rapid deployment and operations of the Regional Protection Force;
- 2.1.10.15. uphold international law, and shall allow and facilitate unfettered access for people in need to receive humanitarian assistance from the United Nations, and impartial international and national non-governmental organizations; and
- 2.1.10.16. guarantee the safety and security of all humanitarian personnel.
- 2.1.10.17. Free movement of citizens, commodities and services shall be guaranteed.
- 2.1.10.18. Humanitarian corridors for relief shall be immediately opened.
- 2.1.11. The Parties agree to a Permanent Ceasefire and Transitional Security Arrangements (PCTSA) workshop in Khartoum to be convened by the CTSAMM, which should be completed within fourteen (14) days of the signing of this Agreement. Those nominated by the parties for the workshop shall among others:

- 2.1.11.1. declare the disposition of their forces down to battalion level, or lowest possible unit depending on the size of the armed group or army;
- 2.1.11.2. establish forces concentration areas, the minimum number of troops for each concentration area shall be determined by CTSAMVM and individual armed groups depending on the total size of their organizations;
- 2.1.11.3. establish disengagement procedures;
- 2.1.11.4. determine the type and size of security forces needed for the protection of all cities; and
- 2.1.11.5. ratify Implementation Matrix and Ceasefire Master Map.
- 2.1.11.6. A process of national healing and reconciliation shall commence at the beginning of the pre-transitional period and shall include all forces and affected people

2.2. The Pre-Transitional Period

2.2.1. The Pre-Transitional Period shall start on D-Day and continue up to the completion of the training and redeployment of the necessary unified forces. However, training and redeployment of the necessary unified forces shall be completed within a period that shall not exceed eight (8) months. This provision prevails on any other contrary text.

2.2.2. The Parties agree to the disengagement and separation of their forces, which are in close proximity, and the assembly and cantonment of their forces within thirty (30) days of the signing of this Agreement to enable registration of personnel, weapons and equipment accountability, screening, re-organization and/or disarmament and demobilization. Forces in cantonment shall receive non-military logistical supplies including food, shelter and access to medical care.

2.2.3. The following activities shall take place during the Pre-Transitional Period:

2.2.3.1. Civilian areas shall be immediately demilitarized. This includes schools, service centers, occupied houses, IDP camps, protection of

civilian sites, villages, churches, mosques, ritual centers and livelihood areas.

2.2.3.2. Disengagement, separation of forces and collection of long and medium range heavy weapons.

2.2.3.3. All forces shall be cantoned under the supervision of the current monitoring bodies at their present barracks and sites. However, cantoned forces shall be assembled in accessible areas and in a size of not less than a battalion.

2.2.3.4. Maps detailing present locations and lists stating numbers of forces not previously declared as per CoHA shall be presented to the monitoring and verification mechanisms and the Joint Military Ceasefire Commission (JMCC). Lists shall include size of forces, weaponry, equipment and ammunition.

2.2.3.5. All forces shall be screened and classified according to known military criteria followed for the purposes of recruitment for the army, police, national security and other services. Ineligible individuals shall be referred to DDR.

2.2.4. The JDB, shall recommend to the Commanders-in-Chief, for the formation of a Joint Transitional Security Committee (JTSC), comprising representatives from the warring parties.

2.2.5. Half of the members of the Joint Transitional Security Committee (JTSC) shall be from the TGoNU and the other half from the opposition groups collectively. Eight (8) of the party members of the Joint Transitional Security Committee (JTSC) shall be from TGoNU, five (5) members shall be from the SPLM/A-IO and three (3) members from SSOA. Decision of the JTSC shall be adopted by consensus.

2.2.6. The JTSC shall be co-chaired by nominees of the Incumbent TGoNU and the SPLM/A-IO and shall be supported by a Secretariat nominee from SSOA.

2.2.7. The JTSC shall hold its first preparatory meeting in Khartoum, Sudan and shall be facilitated by the Joint Chief of General Staff of Sudan Armed Forces.

2.2.8. The JTSC shall set eligibility criteria for candidates willing to serve in the unified national army, national security service, police, prisons, fire brigade and wildlife services. The JTSC shall plan and execute the unification of all forces (see Annex C).

2.2.9. Training of the unified forces of the military, police and other security services shall start at the beginning of the Pre-Transitional Period according to the requirement of each force or service. Forces shall be trained together to ensure coherence and harmony.

2.2.10. On the completion of training the unified forces shall be redeployed at different levels and sizes (units, formations and commands).

2.2.11. The selection criteria for assembly/cantonment sites is agreed as:

- 2.2.11.1. ease of protection;
- 2.2.11.2. accessible by river, road, and/or air;
- 2.2.11.3. away from the civilian population and in consultation with local communities;
- 2.2.11.4. availability of water;
- 2.2.11.5. situated far from borders with neighboring countries, and with the capacity to accommodate the troops to be cantoned.

2.3. The Transitional Period

2.3.1. Notwithstanding any agreement to the contrary, the Transitional Period of (36) thirty-six months shall start on completion of redeployment of necessary unified forces, or on the expiry of eight (8) months whichever takes place first.

2.3.2. Throughout the Transitional Period training of personnel selected for the military, police, security and other services shall continue. Programme of DDR shall continue for ineligible personnel.

2.3.3. During the Transitional Period, all collected heavy and medium range weapons and ammunitions shall be disposed of as shall be determined by the JDB.

2.3.4. Building of the national army, police, national security service and other organised forces shall be completed before the end of the Transitional Period.

2.4. Mechanisms for Security Arrangements

2.4.2. The Joint Defence Board (JDB) shall be formed at the level of Chiefs of Staff and Director General of National Security Service, Police, and all other organized forces to exercise command and control over all forces during the Pre-Transitional Period.

2.4.4. The following mechanisms of monitoring and verification shall be formed:

2.4.4.2. Area Joint Military Ceasefire Committee (AJMCC), at states level;

2.4.5. Upon entry into force of the Permanent Ceasefire the current Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM) shall be restructured and reconstituted in accordance with Article 11.1 of CoHA of 21st December 2017, and shall be responsible for reporting on the progress of the implementation of the Permanent Ceasefire and Transitional Security Arrangements (PCTSA). (See Annex B: Diagram: Ceasefire Institutions Diagram).

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2.4.7. The CTSAMVM, including the national monitors, shall be responsible for monitoring, verification, compliance and reporting directly to IGAD Council of Ministers and the reconstituted Joint Monitoring and Evaluation Commission (RJMEC) on the progress of the implementation of the PCTSA and shall last for the duration of the Transitional Period. The meetings shall be in Juba during the Transitional Period. It shall consist of a Board and Secretariat, both of which are chaired by a representative of IGAD (See Annex B: CTSAMVM diagram.)

2.4.8. The CTSAMVM Board membership shall comprise of the representatives of:

- 2.4.8.1. Three each from the warring parties (3x3=9);
- 2.4.8.2. Former Detainees: one (1);
- 2.4.8.3. Other Political Parties: three (3);
- 2.4.8.4. Women's bloc: one (1) and Other Women: one (1);
- 2.4.8.5. CSOs: two (2);
- 2.4.8.6. Youth: two (2);
- 2.4.8.7. Business Community: one (1);
- 2.4.8.8. Academia: one (1);
- 2.4.8.9. Eminent personalities: one (1);
- 2.4.8.10. IGAD: three (3);
- 2.4.8.11. AU: one (1);
- 2.4.8.12. China: one (1);
- 2.4.8.13. Troika (United States, United Kingdom, Norway): one (1);
- 2.4.8.14. UNMISS: one (1);
- 2.4.8.15. IPF: one (1);
- 2.4.8.16. EU: one (1);

2.4.9. The Disarmament, Demobilization and Re-Integration Commission shall be reconstituted within 30 days following the signing of this agreement.

2.4.10. The Disarmament, Demobilization and Re-Integration of persons with special needs that are ineligible, or not willing to serve in the unified army shall commence at the beginning of the pre-transitional period and continue in parallel with the unification process.

2.4.11. In addition to their other responsibilities, all security forces shall prepare for elections-related security tasks at least six (6) months before the end of the Transitional Period.

2.5. Strategic Defence and Security Review Board (SDSRB)

2.5.1. The current Strategic Defence and Security Review (SDSR) shall be reconstituted during the Pre-Transitional Period of the Agreement through the restructured multi-stakeholder Revitalised Strategic Defence and Security Review Board (RSDSRB) comprising of:

- 2.5.1.1. Three (3) from each of the warring parties;
- 2.5.1.2. Two (2) Former Detainees;
- 2.5.1.3. One (1) Other Political Parties;
- 2.5.1.4. One (1) Faith-Based Leaders;
- 2.5.1.5. One (1) Eminent Personalities;
- 2.5.1.6. One (1) academia;
- 2.5.1.7. One (1) Women's Bloc and Other Women one (1);
- 2.5.1.8. One (1) Youth;
- 2.5.1.9. Two (2) CSOs.

2.5.2. The Board may draw a team of national and international experts to provide organized experts' opinion and best practices on the subject. The Board shall report regularly to the RTGoNU and RJMEC.

2.5.3. Within thirty (30) days of the signing of this Agreement (inclusive of formation of the Board), the SDSR Board shall undertake the Strategic Security Assessment. The Board shall make use of previous documents, including a) the Strategic Security Assessment; b) the Security Policy Framework; and c) the Revised Defence Policy. The results of the assessment shall inform the requirements of the armed forces, national security service and other organised forces which shall be the basis for the formulation of the country's Defence and Security policies leading to the overall restructuring of the security organs. The restructuring shall include the future command, function, size, composition and budget of the national army, national security service other organised forces, and requirements for DDR.

2.5.4. The SDSR process shall be comprehensive, inclusive, transparent and underpinned by the principles and strategies of national interests in promoting and defending the sovereignty and dignity of the country and its people. The SDSR shall be conducted in four (4) Stages:

2.5.4.1. Stage 1 (complete within one hundred twenty (120) days):

2.5.4.1.1. Firstly, a strategic security assessment that examines the military and non-military security challenges that affect the Republic of South Sudan currently and in the future, including an analysis of all state, state-aligned and non-state, or other independent security actors and armed groups (drawing on the information provided by forces in cantonment);

2.5.4.1.2. Secondly, a security policy framework, clarifying the responsibilities of different bodies and agencies in responding to these security challenges, including the management and oversight of the security sector;

2.5.4.1.3. Thirdly, a revised defence policy, identify the specific role and mission of the national army, NSS, and other organised forces and outlining a vision for their modernisation.

2.5.4.2. Stage 2 (complete within one hundred and fifty (150) days):

2.5.4.2.1. An analysis of the operational capabilities that national army and other security forces shall require to meet the challenges identified in Stage 1, and the supporting systems, structures and resources that are needed to ensure effective utilization of these capabilities.

2.5.4.2.2. The key output should be a range of strategic models, specifying the level of human resources, equipment, and training needed to develop the military to respond to defence and security priorities, and the associated financial implications.

2.5.4.3. Stage 3 (executive approval within one hundred and eighty (180) days):

2.5.4.3.1. The findings of Stage 2 are submitted to the principals for evaluation and adoption.

2.5.4.3.2. Their task is to decide which model, or combination of models, best meets the needs of the nation, along with the level of expenditure required.

2.5.4.3.3. The findings of the review should then be published in a white paper on Defence and Security and a Security Sector Transformation (SST) Roadmap, approved firstly by the Council of Ministers and then by the Transitional National Legislative Assembly (TNLA).

2.5.4.4. Stage 4 (implementation):

2.5.4.4.1. DDR and the SSR processes.

2.5.4.4.2. In addition, the relevant ministries shall produce annual plans to turn the Republic of South Sudan's vision of defence and security into practical, costed programmes.

CHAPTER III. HUMANITARIAN ASSISTANCE AND RECONSTRUCTION

3.1. Agreed Principles for Humanitarian Assistance and Reconstructions

3.1.1. During the Pre-Transitional Period and throughout the Transition, the Parties shall create an enabling political, administrative, operational and legal environment for the delivery of humanitarian assistance and protection. In addition to the Permanent Ceasefire obligations described in Chapter II, the warring Parties, shall ensure:

3.1.1.1. Secure access to civilian populations in need of emergency humanitarian assistance and protection, including establishment of safe humanitarian corridors;

3.1.1.2. The right of Refugees and Internally Displaced Persons (IDPs) to return in safety and dignity and to be afforded physical, legal and psychological protection;

3.1.1.3. The rights of returnees shall be respected in accordance with the Bill of Rights as provided for in the Transitional Constitution of the Republic of South Sudan (TCRSS), 2011, as amended. Given that, efforts shall be made to assist in the re-unification of family members who were separated during the conflict;

3.1.1.4. The right of Refugees and IDPs to citizenship and the establishment of mechanisms for registration and appropriate identification and/or documentation of affected populations including their children, spouses, property, land and other possessions which might have been lost during the conflict;

3.1.1.5. Exercise of the right of refugees and IDPs to return to their places of origin and/or live in areas of their choice in safety and dignity;

3.1.2. During the Transition, the RTGoNU shall:

3.1.2.1. immediately institute programmes for relief, protection, repatriation, resettlement, reintegration and rehabilitation of Internally Displaced Persons (IDPs) and returnees, in coordination with the United Nations and other relief and humanitarian agencies;

- 3.1.2.2. Offer special consideration to conflict-affected persons (children, orphans, women, widows, war wounded, etc.), in the provision of public service delivery, including access to health and education services and grant the host communities the same benefit, protection and humanitarian services;
- 3.1.2.3. Fast track procedures and institutions for the import and customs clearance of relief materials;
- 3.1.2.4. Fast track procedures and institutions for the granting and renewal of visas required by international personnel participating in the humanitarian relief effort;
- 3.1.2.5. Within twelve (12) months into the Transitional Period, the reconstituted NCAC shall review the Non-Governmental Organizations Act, 2016, to ensure that such legislation complies with international best practice in regulating the activities of Non-Governmental Organizations (NGOs) in South Sudan.

3.2. Special Reconstruction Fund (SRF)

- 3.2.1. The RTGoNU, in collaboration and support of international partners and friends of South Sudan, shall establish a Special Fund for Reconstruction (SRF), within the first one (1) month of the Transition, to be administered by the Board of Special Reconstruction Fund (BSRF), comprising of membership drawn from the RTGoNU and international partners of South Sudan.
- 3.2.2. The BSRF shall be composed of thirty (30) members, to be nominated as follows:
- 3.2.2.1. RTGoNU: Five (5), (one representative of each of the Ministry of Finance and Planning; the Ministry of Health; the Ministry of General Education and Instruction; Agriculture and Food Security ; and Ministry of Humanitarian Affairs and Disaster Management).
- 3.2.2.2. Greater Equatoria and Greater Bahr El Ghazal six (06): three (03) representatives each, Greater Upper Nile (Jonglei, Unity and Upper Nile): Two (2) representatives each.
- 3.2.2.3. Civil Society: Two (2) representative;
- 3.2.2.4. Academia - one (1) representative;
- 3.2.2.5. IGAD: one (1) representative;

- 3.2.2.6. Troika (Norway, United Kingdom, United States): three (3)—one representative from each;
- 3.2.2.7. People's Republic of China: one (1) representative;
- 3.2.2.8. African Union: one (1) representative;
- 3.2.2.9. United Nations (UN): one (1) representative;
- 3.2.2.10. European Union: one (1) representative;
- 3.2.2.11. The World Bank: one (1) representative;
- 3.2.2.12. IGAD Partners Forum: one (1) representative;
- 3.2.2.13. African Development Bank: one (1) representative.

3.2.3. The BSRF shall be chaired by an international member of the BSRF and deputised by the Ministry of Finance and Planning.

3.2.4. The international members of the BSRF shall select the Chair. The BSRF shall define its working modalities and Terms of Reference to allow for efficient planning and disbursement of its responsibilities. The Board shall be assisted by a team of local and international experts whose recruitment shall be determined by the Board.

3.2.5. The BSRF shall, in coordination with the RTGoNU, relevant National Ministries, the State and Local Governments, lead in assessing and determining the priorities for reconstruction of infrastructure in the country, with priorities to conflict-affected States, and areas.

3.2.6. The BSRF shall prepare a programme and detailed action plan for the reconstruction of conflict-affected States, and other areas to guide the work of the SRF. The said programme shall include but will not be limited to the provision of assistance and protection to IDPs, returnees and families affected by the conflict, and shall be completed within six (6) months of its establishment.

3.2.7. The RTGoNU shall provide the SRF with initial funding of not less than one hundred million dollars (US \$100 million) per annum for the Transitional Period, and shall cooperate with international donors in the administration of pledges to the Fund.

3.2.8. Within nine (9) months of the establishment of the SRF, the BSRF in collaboration with the Chairperson of IGAD, Chairperson of the African Union Commission (AUC) and the Secretary General of the United Nations (UNSG) shall convene a South Sudan Pledging Conference to raise money to resource this Fund, and to support the implementation of this Agreement. The Fund shall supplement core financing by the RTGoNU.

A hand-drawn diagram in blue ink on a white background. It features a long, smooth, upward-curving line that starts from the bottom left and extends towards the top right. Near the top right end of this curve, there is a small, tight loop. Just below the loop, there is a small tick mark or a short vertical line segment drawn perpendicular to the curve.



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CHAPTER IV: RESOURCE, ECONOMIC AND FINANCIAL MANAGEMENT

4.1. General Principles

- 4.1.1. Political leaders and stakeholders shall ensure that the RTGoNU is transparent and accountable, with legal, institutional, policies and procedures fully functional for sustainable development.
- 4.1.2. Political leaders and stakeholders shall establish effective leadership and commitment in the fight against corruption. Any leader found to have condoned or engaged in corrupt practices shall be held accountable and barred from holding public office in accordance with this Agreement and the law.
- 4.1.3. The RTGoNU shall develop a code of ethics and integrity for public officials emphasizing the values of honesty and integrity. In addition, it shall expand the curriculum in the educational system to inculcate the spirit of nationalism and promote the values of honesty, integrity and respect for public property.
- 4.1.4. The RTGoNU shall establish a high level, competent and effective oversight mechanism that shall control revenues collection, budgeting, revenue allocation and expenditure. The oversight mechanism may solicit technical and advisory resources on economic governance from the regional and international community. The mechanism shall be guided by principles of mutual consent in accountability.
- 4.1.5. The wealth of South Sudan shall be shared equitably so as to enable each level of government to discharge its reconstruction, development, legal and constitutional obligations, duties and responsibilities.
- 4.1.6. Revenue sharing shall reflect a commitment to devolution of powers and resources, and the decentralization of decision-making in regard to development, service delivery and governance.
- 4.1.7. The RTGoNU shall undertake immediate and medium-term Economic and Financial Management reform programme.

4.2. Institutional Reforms

4.2.1. Bank of South Sudan (BoSS):

4.2.1.1. The RTGoNU shall, within three (3) months of the beginning of the Transition, review legislation governing the Bank of South Sudan (BoSS) with a view to restructure and enable it to render efficient and effective service. This restructuring shall include, but not limited to, the leadership, composition, powers, functions and operations.

4.2.1.2. The nomenclature of the Bank of South Sudan (BoSS) shall be decided upon the promulgation of the new Constitution.

4.2.2. The Bank of South Sudan shall:

4.2.2.1. be independent in its statutory and supervisory functions;

4.2.2.2. be responsible for formulating monetary policy, promoting price stability, issuing currency, regulating the financial sector, and performing other functions conferred upon it by the law;

4.2.2.3. be headed by a competent and appropriately qualified Governor;

4.2.2.4.adopt comprehensive reforms to improve its supervisory and regulatory functions and prudential regulatory roles;

4.2.2.5. have a board of nine (9) members, at least 3 shall be women, appointed by the President in consultation and agreement with the First Vice President and the Vice Presidents.

4.2.3. Within four (4) months upon the commencement of the Transitional Period, the President shall appoint the Governor of the Bank of South Sudan in consultation and agreement with the First Vice President and the Vice Presidents.

4.3. Ministry of Finance and Planning

4.3.1. The Ministry of Finance and Planning shall:

4.3.1.1. Within nine (9) months of the signing of this Agreement, review and implement the Strategic Economic Development Roadmap (national development plan) to accelerate progress in achieving a sustainable and resilient national economy in collaboration and coordination

with an inter-ministerial departments and, where appropriate, with development partners;

4.3.1.2. ensure that all public financial and budgetary commitments entered into by the RTGoNU are transparent, competitive and in accordance with the laws of the country and internationally accepted norms and practices for the management of public finances;

4.3.1.3. ensure sustainability of public finances across all levels of Government through rigorous adherence to national laws and international standards (including PFMA Act, 2011);

4.3.1.4. ensure that the National Budget and the budget at each level of Government addresses national priorities, and the realities on the ground without negatively affecting the macroeconomic stability;

4.3.1.5. within nine (9) months of the Transition, review the Constituency Development Fund (CDF) programme in accordance with this Agreement;

4.3.1.6. increase partnership, coordination and mutual accountability with development and humanitarian partners to ensure policies, strategies, programmes and projects, and action plans are developed through participatory and transparent mutual consent and accountability;

4.3.1.7. monitor and evaluate issues of importance including review of the New Deal Compact in coordination with development and humanitarian partners;

4.3.1.8. ensure that development partners and recipients of any development assistance, provide timely and comprehensive data on aid flows to the States, sectors and institutions of South Sudan.

4.4. Anti-Corruption Commission

4.4.1. In order to fight corruption, the RTGoNU shall:

4.4.1.1. review within five (5) months of the Transition, the Anti-Corruption Commission Act 2009 with the aim of enabling the Commission to effectively perform its functions of protecting public property, investigating and prosecuting cases of corruption, combating administrative malpractices in public institutions, and promoting ethical standards;

4.4.1.2. protect the independence of the Anti-Corruption Commission and empower it from political interference with corruption cases whether at the investigation stage or at the commencement of trial before courts of law;

4.4.1.3. harmonize the role of the Anti-Corruption Commission with the Ministry of Justice and Constitutional Affairs/Director of Public Prosecution and the Police, in the fight against corruption;

4.4.1.4. strengthen legal and institutional frameworks of the Anti-Corruption Commission and ensure their enforcement;

4.4.1.5. involve media, civil society, women's organizations, youth and faith leaders in policy advocacy against corruption and raising public awareness to strengthen capacity of the public to resist and prevent corruption;

4.4.1.6. accede to regional and international conventions on fighting corruption particularly to the African Convention on Preventing and Combating Corruption (AUCPC) and the UN Convention Against Corruption (UNCAC), and coordinate with their respective implementation mechanisms and other institutions to recover and return misappropriated funds and assets;

4.4.1.7. Within two months of the Transitional period, the President shall in consultation and agreement with the First Vice President and the Vice Presidents nominate the head of the Anti-Corruption Commission and pass his or her nomination to the TNLA for approval.

4.5. National Audit Chamber

4.5.1. The RTGoNU shall, within three (3) months of the Transitional Period, review the National Audit Chamber Act 2011 and guarantee its independence;

4.5.2. The Chamber shall be independent and carry out its functions without political interference;

4.5.3. The revised National Audit Chamber Act 2011 shall provide for the qualifications of a National Auditor-General, which shall among others, include wide-ranging knowledge of public finance and extensive experience in auditing or public finance management;

- 4.5.4. Within four (4) months of the Transitional Period, the President shall in consultation and agreement with the First Vice President, and the Vice Presidents nominate a National Auditor-General for the approval by the TNLA.

4.6. New Institutions

- 4.6.1. Without prejudice to other provisions of this Agreement, the RTGoNU shall establish the following new institutions immediately upon the commencement of the Transitional Period:

- 4.6.1.1. Public Procurement and Asset Disposal Authority;
- 4.6.1.2. Salaries and Remuneration Commission;
- 4.6.1.3. Environmental Management Authority (EMA);
- 4.6.1.4. Research and Development Centers: Natural Disasters, Strategic Studies and Scientific Research;
- 4.6.1.5. Health Care Support Fund;
- 4.6.1.6. Students Support Fund.

4.7. Review of National Legislations

- 4.7.1. The RTGoNU shall review all national legislations in accordance with the provisions of this Agreement. These shall include but not limited to the:

- 4.7.1.1. Investment Promotion Act, 2009;
- 4.7.1.2. Banking Act, 2010;
- 4.7.1.3. Telecommunications and Postal Services Act, 2010;
- 4.7.1.4. The Transport Act, 2008;
- 4.7.1.5. The National Audit Chamber Act 2011;
- 4.7.1.6. Anti-Corruption Commission Act 2009,
- 4.7.1.7. Public Finance Management and Accountability Act 2011;
- 4.7.1.8. Petroleum Revenue Act 2012;
- 4.7.1.9. The Mining Act 2012;
- 4.7.1.10. Petroleum Revenue Management Act 2012;
- 4.7.1.11. National Pensions Fund Act, 2012; and
- 4.7.1.12. National Revenue Authority Act 2017.

4.8. Resource Management

4.8.1. Oil /Petroleum

- 4.8.1.1. The RTGoNU, through the Ministries of Petroleum and Finance and Planning, shall implement the provisions of the Petroleum Revenue Management Act (PRMA), 2012, within three (3) months of the Transitional Period.
- 4.8.1.2. The RTGoNU through the Minister of Finance and Planning, the Minister of Petroleum, and the Governor of the Bank of South Sudan (BoSS), shall mandate the closure of any petroleum revenue accounts other than those approved by law within three (3) months of the start of the Transition.
- 4.8.1.3. Within six (6) months of the Transition all loans and contracts collateralized or guaranteed against oil shall be identified, checked and recorded for the purposes of transparency and accountability.
- 4.8.1.4. Current employment in the oil sector shall be reviewed given that employment in this sector has not been based on merit and competence, but largely on ethnic, political and regional considerations.
- 4.8.1.5. Review, vet and take corrective measures against all contracts awarded to service companies operating in the oil fields. Any companies found to be non-performing shall have their contracts terminated and new contracts awarded through an open public tender process by the Ministry of Petroleum in accordance with guidelines set by law.
- 4.8.1.6. Priority in contracting Service Companies shall be given to qualified nationals of South Sudan. The companies awarded such contracts shall ensure that local communities are given priority in employment;
- 4.8.1.7. Oil marketing system including future sales shall be open, transparent and competitive; and any fraudulent dealings shall be checked and severely punished.
- 4.8.1.8. Awards of oil concessions shall be conducted in accordance with the provisions of the revised Petroleum legislation. The National Petroleum and Gas Commission shall play a key role in processing

oil contracts. The Commission shall be chaired by the President and deputized by the First Vice President.

4.8.1.9. The framework for sharing wealth from the extraction of natural resources should balance the needs of service delivery and reconstruction of the producing States.

4.8.1.10. All oil revenue including surface rentals, training fees, bonuses, etc., shall be remitted to the oil account in BoSS and withdrawals shall be in accordance with the law and procedures of the Ministry of Finance and Economic Planning.

4.8.1.11. The oil revenue funds including the Oil Stabilization Account (OSA) and Future Generations' Fund (FGF) must be prudently managed in accordance with the applicable legislation, in particular the revised Petroleum Act and the revised Public Finance Management and Accountability Act.

4.8.1.12. Communities in whose areas development of subterranean natural resources occur have the right to participate through their respective States in decision making and negotiation of contracts for the exploration, development, production and use of those resources.

4.8.1.13. Persons enjoying rights to land are entitled to compensation on equitable terms arising from acquisition or development of land for the extraction of subterranean natural resources from the area in which they have rights.

4.8.1.14. Without prejudice to the foregoing paragraphs, the RTGoNU shall:

4.8.1.14.1. ensure transparent management of the oil industry and efficient and equitable distribution of oil wealth for the welfare of the people and sustainable development of the country in strict adherence to provisions of the revised Petroleum Act, 2012 and the revised Mining Act, 2012;

4.8.1.14.2. criminalize depositing or diverting any petroleum revenue into any account other than the Petroleum Revenue Account at the BoSS, including concession

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cancellation penalties for non-compliance by concessionaires;

4.8.1.14.3. empower the appropriate levels of government to develop, including policies on national and local content, and manage in consultation with the relevant communities, the various stages of oil production within the overall framework for the management of petroleum development;

4.8.1.14.4. ensure strict adherence to provisions of the revised Petroleum Act, 2012, and the Mining Act, 2012;

4.8.1.14.5. carry out, within six (6) months of the Transitional Period, an urgent audit of the Petroleum Sector and empower the National Petroleum and Gas Commission to oversee negotiations with oil companies as well as the award of concessions and licenses;

4.8.1.14.6. review the Petroleum Act, 2012 to broaden the mandate and composition of the National Petroleum and Gas Commission;

4.8.1.14.7. expedite the operationalization of the FGF and Oil Revenue Stabilization Account that shall manage oil price volatility;

4.8.1.14.8. ensure that records of payments made to the oil producing states shall be regularly published by the Ministry of Finance and Planning for public scrutiny and accountability;

4.8.1.14.9. review and audit the previous allocation and transfer of the 2% and 3% made to oil producing States since 2011;

4.8.1.14.10. review and audit all oil revenues due to the National Government and their allocation in the budget since 2011;

4.8.1.14.11. expedite the process of joining the Extractive Industries Transparency Initiative (EITI) to enhance

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accountability in the management of the petroleum and mining industry;

4.8.1.14.12. consult persons and communities enjoying rights to land and their views shall duly be taken into account regarding decisions to develop subterranean natural resources from the area in which they have rights, and shall also share in the benefits of the development;

4.8.1.14.13. develop national competence and capacity (training of engineers and others) to enable it to derive maximum benefit from its oil resources. In this regard, there shall be a competent and enterprising National Oil Company as well as distribution outlets;

4.8.1.14.14. review and transform the national oil company - Nile Petroleum Corporation (NPC) - and the National Petroleum and Gas Commission (NPGC) and empower them to exercise their responsibilities as stated in the Amended Constitution and law;

4.8.1.14.15. ensure efficient production and environmentally friendly extraction of natural resources, development of oil producing areas, capacity building and local content strategy, fairness in employment in the medium and long-term indigenization of the workforce;

4.8.1.14.16. honor all national and international commitments, including agreements with the Republic of Sudan on oil / petroleum agreements in accordance with the law.

4.8.2. Land

4.8.2.1. The RTGoNU shall expedite the following measures relating to the land policy and administration:

4.8.2.1.1. Within twelve (12) months of the Transitional Period, initiate an in-depth national debate to review the current national land policy and the Land Act, 2008, in order to achieve consensus over land tenure, use, management and address issues of land grabbing, other malpractices involving land, carry out necessary reforms, undertake

mapping, and to maximize economic utilization of land in South Sudan;

4.8.2.1.2. Within eighteen (18) months of the Transitional Period, establish an independent registry of Lands at all levels of government for issuance of title deeds.

4.8.2.1.3. Empower the Land Commissions at different levels of Government to develop and interpret legislation regarding land issues and to reflect customary laws and practices, local heritage and institutional trends;

4.8.2.1.4. Assist in the mediation of conflicts arising from land.

4.8.3. The Nile and Other Water Resources

4.8.3.1. The RTGoNU shall develop a comprehensive policy for the use and management of South Sudan's water bodies, including but not limited to river Nile.

4.8.4. Agriculture, Livestock, Fisheries, Wildlife and Tourism

4.8.4.1. The RTGoNU shall initiate policies, strategies and programmes for the management and development of Agriculture, Livestock, Wildlife, Tourism and Fisheries.

4.9. Environmental Protections

4.9.1. The RTGoNU shall develop comprehensive policies and legal and institutional frameworks for the preservation, conservation and sustainable use of the environment.

4.9.2. The feasibility study of any project of South Sudan must include an environmental impact certificate from the Ministry of Environment and Forestry.

4.10. Public Finance and Economic Management

4.10.1. Revenue Collection:

4.10.1.1. The RTGoNU shall establish effective, transparent and accountable management of oil and non-oil revenues;

- 4.10.1.2. The RTGoNU shall ensure that all revenues due to the government derived from petroleum and other natural resources are collected centrally into a "single treasury account," and that those revenues are managed and spent responsibly and in accordance with the laws of South Sudan using predictable, auditable processes for the benefit of the people;
- 4.10.1.3. The national, state and local governments are empowered by their respective constitutions and laws to collect revenue and establish institutions for that purpose;
- 4.10.1.4. The established National Revenue Authority (NRA) shall ensure that all revenues are remitted to a "single treasury account," and expenditures are conducted in accordance with the law and budget;
- 4.10.1.5. The mandate of the NRA shall be the assessment, collection, administration and enforcement of laws relating to taxation and revenues;
- 4.10.1.6. All revenue collected for or by the National Revenue Authority shall be pooled and administered by the National Revenue Authority in a "single treasury account." Such funds shall include all sub-accounts into which monies due to the National Government are collected, reported, deposited and audited.

4.11. Wealth Sharing and Revenue Allocation

- 4.11.1. The revenue collected by the National Government shall be allocated to the different levels of government;
- 4.11.2. The RTGoNU shall within two (2) months from the start of the Transitional Period, review and reinvigorate the independent Fiscal and Financial Allocation Monitoring Commission (FFAMC), which shall comprise experts nominated by the States and National Government to ensure transparency in regard to the allocation of nationally collected funds to the States and Counties;
- 4.11.3. FFAMC regulations and procedures shall be adopted at State and County levels;
- 4.11.4. In line with the agreement on the devolution of more powers and resources to the States and Counties, wealth sharing and revenue allocation shall be

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worked out by the RTGoNU within three (3) months of the commencement of the Transitional Period;

4.11.5. The proportion of the natural resource wealth of South Sudan shared with the States and counties shall be increased and that the final terms of the increment and formulae to be applied shall be determined in the permanent constitution;

4.11.6. The RTGoNU shall not withhold an allocation due to a State or Local Government in South Sudan. Any level of Government may initiate proceedings in the courts of law should any other organ or level withhold its duly authorized funds.

4.12. Public Expenditure

4.12.1. The RTGoNU shall within three (3) months of the commencement of the Transitional Period:

4.12.1.1. Establish effective public procurement and payroll systems, granting of public concessions, public borrowing and debt management in compliance with the law;

4.12.1.2. Carry out an effective payroll cleansing exercise under public service reform;

4.12.1.3. Adopt strict measures to control borrowing and to ensure that all borrowing is in accordance with the law;

4.12.1.4. Review the implementation of Public Financial Management and Accountability Act, 2011;

4.12.1.5. Assess and determine the level of public debt and ascertain the correctness in procedures used;

4.12.1.6. Adopt strict macroeconomic coordination between the fiscal and monetary arms of the economy and by the Ministry of Finance and Economic Planning, and the Bank of South Sudan;

4.12.1.7. Strictly enforce financial discipline in budgetary planning, constructing and executing;

4.12.1.8. Establish a mechanism for safeguarding public assets.

4.13. Borrowing

- 4.13.1. The TNLA shall by legislation prescribe the terms on which the RTGoNU and the States may borrow and impose reporting requirements;
- 4.13.2. The RTGoNU and the States shall report financial and fiscal data to the relevant National Government bodies for statistical purposes;
- 4.13.3. A State government may borrow with the approval of the State Legislative Assembly and in consultation with the National Government in accordance with the law;
- 4.13.4. Any borrowing shall be negotiated through the National Ministry of Finance and Planning and the BoSS; and BoSS shall then guarantee such loans;
- 4.13.5. Borrowing by any level of government shall be done in a manner that does not undermine national macroeconomic policies and shall be consistent with the objectives of maintaining external financial viability and debt sustainability.

4.14. Public Finance Management

- 4.14.1. The RTGoNU shall ensure that government finances are managed responsibly and that budget execution is enforced in accordance with the law;
- 4.14.2. The RTGoNU shall ensure that all its transactions are transparent and subject to auditing and oversight to promote accountability;
- 4.14.3. The RTGoNU shall ensure that debts, arrears and prepayments will be audited, fully accounted for, responsibly managed and controlled. New debt and payables will be issued and undertaken in an open, transparent and responsible fashion and shall be contracted strictly in accordance with the law;
- 4.14.4. The Ministry of Finance and Economic Planning shall identify all loans and contracts collateralized or guaranteed with oil, checked, and made publicly available for the purposes of transparency and accountability;
- 4.14.5. The National Audit-Chamber shall audit and report on all public funds and financial dealings to relevant institutions generally and in particular to the Transitional National Legislative Assembly or to a State Assembly;

4.14.6. The TNLA shall receive pending reports of the Audit Chamber within six (6) months of the start of the Transitional Period. Subsequent reports shall be received in accordance with the law.

4.14.7. After receiving an audit report, the Transitional National Legislative Assembly and or the State Legislative Assembly, as the case may be, shall immediately debate and consider the report and take appropriate action;

4.14.8. All revenues, expenditures, deficits, and debts of the RTGoNU shall be accounted for and the information shall be made accessible to the public. An annual report which details the RTGoNU financial activities shall be required by the Transitional National Legislative Assembly;

4.14.9. The RTGoNU shall define and adhere to clear lines of authority, public disclosure requirements, and reporting channels amongst the Ministry of Finance and Economic Planning, the Ministry of Petroleum, the Ministry of Mining and Bank of South Sudan, the line Ministries, and Transitional National Legislative Assembly in accordance with the law;

4.14.10. The RTGoNU shall reform South Sudan's existing economic and public sector financial management institutions, to ensure that public financial management of oil and non-oil revenues, the exchange rate, budgetary processes, procurement, management of payroll, public concessions, borrowing, debt and regulatory agencies are effective, transparent and accountable, free from corruption, compliant with international best practices and South Sudan laws, and that resources are properly allocated and used for the benefit of the people of South Sudan.

4.15. Enterprise Development Funds

4.15.1. The RTGoNU shall:

4.15.1.1. identify local, national, sectoral or private sector associations with the view to improving their productivity/efficiency through capacity enhancement and easing access to financing;

4.15.1.2. develop Micro, Small and Medium Enterprises (MSMEs) among rural populations and the urban poor, including but not limited to South Sudan farmers associations, dairy producers associations, poultry producers associations, national private companies in the areas of supply, general trade, construction, and others;

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- 4.15.1.3. implement the recommendations of the Private Sector Development Strategy (PSDS) developed jointly between the South Sudan Business Forum and Ministry of Trade and Industry;
- 4.15.1.4. establish a Youth Enterprise Development Fund with the goal to bring more youth into economic growth and development;
- 4.15.1.5. establish a Women Enterprise Development Fund for provision of subsidized credit for women-based enterprise development and capacity building of women entrepreneurs;
- 4.15.1.6. establish micro-finance institutions;
- 4.15.1.7. promote social welfare development policy;
- 4.15.1.8. establish Social Security Fund;
- 4.15.1.9. provide subsidized credit and capacity building for vulnerable members of the society;
- 4.15.1.10. Coordinate enterprise related skills and technology transfer.

4.16. Economic and Financial Management Authority (EFMA)

- 4.16.1. The RTGoNU shall, through legislation, establish an Economic and Financial Management Authority (EFMA), within four (4) months of the Transition, comprised of individuals selected on the basis of a set of criteria by the Board of EFMA as per the Legislation that establishes the Authority. The mandate of the Authority shall be to provide an effective oversight of economic and public financial management, and to ensure transparency and accountability particularly in the oil/petroleum sector, concessions and contract award, budgetary and public expenditure, revenue collection and other related matters;
- 4.16.2. The EFMA shall be governed by a board to be known as Board of Economic and Financial Management Authority (BEFMA) comprising the President and the First Vice President of the RTGoNU as Chair and Deputy Chair respectively, the four Vice Presidents and Ministers of Finance and Planning, Petroleum, Mining, Roads and Bridges, Governor of the Bank of South Sudan (BoSS), National Revenue Authority, Chair of the Parliamentary Committee dealing with Public Accounts; representatives of Political Parties, South Sudan Chamber of Commerce, Industry and Agriculture (SSCCIA), Civil Society, women representatives, youth and academia;

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- 4.16.3. The BEFMA shall appoint the Head of the Authority that shall be endorsed by the Transitional National Legislative Assembly (TNLA). In the exercise of its statutory and oversight functions, the Authority shall be independent, and all public and private institutions shall fully cooperate with the Authority;
- 4.16.4. The EFMA shall be supported by an Advisory Committee comprised of: the World Bank, International Monetary Fund, African Development Bank, Common Market for Eastern and Southern Africa (COMESA), PTA Bank, UN-Economic Commission for Africa, United Nations Development Programme, and three (3) major donor representatives. The Advisory Committee shall select its own Chair, Deputy and sub-committee leaders.
- 4.16.5. The main tasks of the Advisory Committee, among others, shall include: advise the oversight Authority, build the capacity of EFMA, and assess and review the Authority's effectiveness in its oversight functions, identify gaps and recommend solutions. The Advisory Committee shall submit its regular report to the BEFMA, EFMA and RJMEC. The Chairperson of the Advisory Committee and sub-committee leaders in the Committees shall participate in the BEFMA and the EFMA meetings as experts.
- 4.16.6. The Authority in collaboration and support of the Advisory Committee shall develop an efficient and effective oversight mechanism through institutional follow-up, support and review of implementation of public economic and financial programmes by line Ministries and other departments;
- 4.16.7. No later than six (6) months of the Transition, the BEFMA, EFMA, and its Secretariat, and the Advisory Committee shall be fully functional.

CHAPTER V: TRANSITIONAL JUSTICE, ACCOUNTABILITY, RECONCILIATION AND HEALING

5.1. Agreed Principles for Transitional Justice

5.1.1. Upon establishment, the RTGoNU shall initiate legislation for the establishment of the following transitional justice institutions (observe the 35% women representations in these institutions):

5.1.1.1. The Commission for Truth, Reconciliation and Healing (CTRH);

5.1.1.2. An independent hybrid judicial body, to be known as the Hybrid Court for South Sudan (HCSS).

5.1.1.3. Compensation and Reparation Authority (CRA).

5.1.2. The legislation referred to in Article 5.1.1 above, shall clearly define the mandate and jurisdiction of the three institutions including but not limited to their establishment and funding, actors, and defined processes for public participation in the selection of their respective members.

5.1.3. Following their establishment, the CTRH, HCSS and CRA shall independently promote the common objective of facilitating truth, reconciliation and healing, compensation and reparation in South Sudan.

5.1.4. The RTGoNU shall fully support and facilitate the operations of the CTRH and cooperate with the HCSS.

5.1.5. The RTGoNU commits to fully cooperate and seek the assistance of the African Union, the United Nations and the African Commission on Human and People's Rights to design, to implement and to facilitate the work of the agreed transitional justice mechanisms provided for in this Agreement.

5.2. Commission for Truth, Reconciliation and Healing (CTRH)

5.2.1. Establishment of the Commission for Truth, Reconciliation and Healing (CTRH):

5.2.1.1. The RTGoNU shall establish the CTRH as a critical part of the peace building process in South Sudan, to spearhead efforts to address the legacy of conflicts, promote peace, national reconciliation and healing.

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5.2.1.2. The CTRH shall be established by a legislation, which shall be promulgated not later than three (3) months after the formation of the RTGoNU and commence its activities not later than a month thereafter. Such legislation shall, among others, outline mechanisms and methods for enabling the CTRH to discharge its duties and responsibilities.

5.2.1.3. The Ministry of Justice and Constitutional Affairs of the RTGoNU, in collaboration with other stakeholders and the civil society, shall conduct public consultations for a period not less than one (1) month prior to the establishment of the CTRH, to inform the design of the legislation referred to in Chapter IV, Article (5.1.1) above. Such consultations shall ensure that the experiences of women, men, girls and boys are sufficiently documented and the findings of such consultations incorporated in the resultant legislation.

5.2.1.4. The existing Committee for National Healing, Peace and Reconciliation (CNHPR) and the National Platform for Peace and Reconciliation shall transfer all their files, records and documentation to the CTRH within fifteen (15) days following its establishment.

5.2.1.5. The CTRH shall recommend processes and mechanisms for the full enjoyment by victims of the right to remedy, including by suggesting measures for reparations and compensation. In the determination of such remedial processes and mechanisms, the CTRH shall draw on existing traditional practices, processes, and mechanisms, where appropriate.

5.3. Mandate and Functions of the CTRH:

5.3.1. Without prejudice to the administration of and access to justice, the CTRH shall inquire into all aspects of human rights violations and abuses, breaches of the rule of law and excessive abuses of power, committed against all persons in South Sudan by State, non-State actors, and or their agents and allies. In particular, the CTRH shall inquire into the circumstances, surrounding the aforementioned and any other connected or incidental matters. Such inquiry shall investigate, document and report on the course and causes of conflict and identify or review cut-off timeframes for the operations of the CTRH, as may be determined by legislation, this Agreement or both. In that regard, the CTRH shall recommend processes for the full

enjoyment by victims of the right to remedy, including by suggesting measures for reparations and compensation;

5.3.2. adopt, in the implementation of its mandate, best practices for promoting truth, reconciliation and healing from Africa and elsewhere;

5.3.3. Without prejudice to its Mandate, the Functions of the CTRH are to:

5.3.3.1. establish an accurate and impartial historical record of human rights violations, breaches of the rule of law and excessive abuses of power, committed by State and non-state actors from the date of signing of this Agreement to July 2005;

5.3.3.2. receive applications from alleged victims, identify and determine their right to remedy;

5.3.3.3. identify perpetrators of violations and crimes prescribed in this agreement;

5.3.3.4. recommend guidelines, to be endorsed by the TNLA, for determining the type and size of compensation and reparation for victims;

5.3.3.5. record the experiences of victims, including but not limited to women and girls;

5.3.3.6. investigate the causes of conflicts and their circumstances and make recommendations regarding possible ways of preventing recurrence;

5.3.3.7. develop detailed recommendations for legal and institutional reforms to ensure non-repetition of human rights abuses and violations, breaches of the rule of law and excessive use of power;

5.3.3.8. lead efforts to facilitate local and national reconciliation and healing;

5.3.3.9. where appropriate, supervise proceeding of traditional dispute resolution, reconciliation, and healing mechanisms. In this regard, and without prejudice to traditional justice mechanisms, develop standard operating procedures for the

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functioning of the latter, in accordance with the principles of natural justice;

5.3.3.10. establish a secretariat that shall function as the administrative arm of the Commission and prepare guidelines and procedures for its proper functioning.

5.3.4. The CTRH shall issue quarterly progress reports updating the RTGoNU on its progress in meeting its objectives. The CTRH shall make sustained efforts to publicly and regularly inform and involve the people of South Sudan in all its tasks and activities and be responsible for carrying out public education, awareness-raising and civic engagement activities to inform the public, in particular with youth and women, about the Commission's work, and solicit continuous feedback.

5.3.5. The CTRH shall issue a final, public report at the conclusion of its mandate three months before the end of the Transition that shall include the observations and findings of its documentation activities and its recommendations for peace, reconciliation and healing in South Sudan.

5.4. Personnel and Appointment Procedures:

5.4.1. Commissioners, investigators and staff of the CTRH shall be persons of high moral character, impartiality and integrity. They shall be independent in the performance of their functions and shall not accept or seek instructions from any third party.

5.4.2. The CTRH shall be composed of seven (7) Commissioners, four (4) of whom shall be South Sudanese nationals, including two (2) women. The remaining three (3) Commissioners shall be from other African countries, of whom at least one (1) shall be a woman. The CTRH shall be chaired by a South Sudanese national, deputised by a non-South Sudanese national.

5.4.3. The Executive of the RTGoNU shall nominate the four Commissioners of South Sudanese nationality and present to the Transitional National Legislative Assembly for endorsement. Furthermore, the Executive of the RTGoNU, in consultation with the Chairperson of the African Union Commission and the Secretary-General of the United Nations, shall nominate the three (3) from other African countries and present their list to the TNLA for endorsement.

5.4.4. In order for the CTRH to execute its mandate, the Commission shall have the power to subpoena persons, documents and other materials deemed necessary for the purpose of discharging its responsibilities.

5.5. Rights of Victims and Witnesses

5.5.1. The CTRH shall implement measures to protect victims and witnesses, in particular, youth, women and children. Such protection measures shall include, but shall not be limited to the conduct of in camera proceedings and the protection of the identity of a victim or witness.

5.6. Hybrid Court for South Sudan (HCSS)

5.6.1. Establishment of the Hybrid Court for South Sudan (HCSS)

5.6.1.1. There shall be established an independent hybrid judicial court, the Hybrid Court for South Sudan (HCSS). The Court shall be established by the African Union Commission to investigate and where necessary prosecute individuals bearing responsibility for violations of international law and/or applicable South Sudanese law, committed from 15 December 2013 through the end of the Transitional Period.

5.6.1.2. The terms establishing the HCSS shall conform to the terms of this Agreement and the AUC shall provide broad guidelines relating to including the location of the HCSS, its infrastructure, funding mechanisms, enforcement mechanism, the applicable jurisprudence, number and composition of judges, privileges and immunities of Court personnel or any other related matters.

5.6.1.3. The Chairperson of the AUC shall decide the seat of the HCSS.

5.6.2. Jurisdiction Mandate and Supremacy

5.6.2.1. The HCSS shall have jurisdiction with respect to the following crimes:

5.6.2.1.1. Genocide;

5.6.2.1.2. Crimes Against Humanity;

5.6.2.1.3. War Crimes

5.6.2.1.4. Other serious crimes under international law and relevant laws of the Republic of South Sudan including gender based crimes and sexual violence.

5.6.2.2. The HCSS shall be independent and distinct from the national judiciary in its operations, and shall carry out its own investigations: The HCSS shall have primacy over any national courts of RSS.

5.6.3. Personnel and Appointment Procedures

5.6.3.1. Judges, prosecutors, investigators and defence counsels and the registrar of the HCSS shall be persons of high moral character, impartiality and integrity, and should demonstrate expertise in criminal law and international law, including international humanitarian and human rights law.

5.6.3.2. A majority of judges on all panels, whether trial or appellate, shall be composed of judges from African states other than the Republic of South Sudan. The judges of the HCSS shall elect a president of the court from amongst their members.

5.6.3.3. Prosecutors and defence counsels of the HCSS shall be composed of personnel from African states other than the Republic of South Sudan, notwithstanding the right of defendants to select their own defence counsel in addition to, or in place of, the duty personnel of the HCSS.

5.6.3.4. The registrar of the HCSS shall be appointed from African states other than the Republic of South Sudan.

5.6.3.5. Judges, prosecutors, defence counsels and the registrar shall be selected and appointed by the Chairperson of the African Union Commission. The same selection and appointment processes shall apply to South Sudanese judges and judges from other African states.

5.6.3.6. The prosecutors and defence counsels shall be assisted by such South Sudanese and African staff of other nationalities as may be required to perform the functions assigned to them effectively and efficiently.

5.6.4. Rights of Victims and Witnesses

5.6.4.1. The HCSS shall implement measures to protect victims and witnesses in line with applicable international laws, standards and practices.

5.6.4.2. The rights of the accused shall be respected in accordance to applicable laws, standards and practices.

5.6.5. Criminal Responsibility, Convictions and Penalties

5.6.5.1. A person who planned, instigated, ordered, committed, aided and abetted, conspired or participated in a joint criminal enterprise in the planning, preparation or execution of a crime referred to in Chapter V, Article 5.6.2. of this Agreement shall be individually responsible for the crime.

5.6.5.2. The HCSS may order the forfeiture of the property, proceeds and any assets acquired unlawfully or by criminal conduct, and their return to their rightful owner or to the state of South Sudan.

5.6.5.3. While all judgments of the court shall be consistent with the accepted International Human Rights Law, International Humanitarian Law and International Criminal Law, the HCSS shall also award appropriate remedies to victims, including but not limited to reparations and compensation.

5.6.5.4. The HCSS shall not be impeded or constrained by any statutes of limitations or the granting of pardons, immunities or amnesties.

5.6.5.5. No one shall be exempted from criminal responsibility on account of their official capacity as a government official, an elected official or claiming the defence of superior orders.

5.6.5.6. The HCSS shall leave a permanent legacy in the State of South Sudan Upon completion of its HCSS Mandate.

5.6.6. Use of Findings, Documentation and Evidence

5.6.6.1. In carrying out its investigations, the HCSS may use the report of the African Union Commission of Inquiry (COI) on South Sudan and draw on other existing documents, reports, and materials, including but not limited to those in the possession of the African Union, or any other entities and sources, for use as the Prosecutor deems necessary for his or her investigations and/or prosecution of those

alleged to have committed serious human rights violations or abuses, war crimes, or crimes against humanity. Such documents, reports and materials shall be used in accordance with applicable international conventions, standards and practices.

5.7. Compensation and Reparation Authority (CRA)

5.7.1. The RTGoNU, in recognition of the destructive impact of the conflict to the citizens of South Sudan, shall establish within six (6) months from the commencement of the Transitional Period, a Compensation and Reparation Fund, CRF and Compensation and Reparation Authority, CRA to administer the CRF.

5.7.2. The CRA:

5.7.2.1. Shall be run by an executive body to be chaired by an Executive Director appointed by the RTGoNU.

5.7.2.2. Shall be composed of an Executive body that shall include but not limited to:

5.7.2.2.1. The parties in RTGoNU;

5.7.2.2.2. Representatives of CSOs, Women groups, Faith-based leaders, Business Community, youth and traditional leaders;

5.7.2.3. The criteria for the selection of the members of the Executive body and the Executive Director of the CRA shall be established by law;

5.7.2.4. The CRA shall provide material and financial support to citizens whose property was destroyed by the conflict and help them to rebuild their livelihoods in accordance with a well-established criterion by the RTGoNU;

5.7.2.5. The CRA shall manage the Compensation and Reparation Fund, the utilization of which should be guided by a law enacted by the TNLA;

5.7.2.6. The CRA shall receive applications from victims including natural and legal persons from CTRH, and make the necessary compensation and reparation as provided for in this Agreement;

5.7.3. The RTGoNU shall establish transparent mechanisms to control the proper use of these funds for the intended purpose.

5.8. Ineligibility for Participation in the TGoNU or Successor Governments

5.8.1. Individuals indicted or convicted by the HCSS shall not be eligible for participation in the RTGoNU, or in its successor government(s) for a period of time determined by law, or, if already participating in the RTGoNU, or in its successor government(s), they shall lose their position in government. If proven innocent, individuals indicted shall be entitled for compensation as shall be determined by law.

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CHAPTER VI: PARAMETERS OF PERMANENT CONSTITUTION

6. Parameters of Permanent Constitution

- 6.1. The RTGoNU shall initiate and oversee a Permanent Constitution-making Process, during the Transitional Period.
- 6.2. The Permanent Constitution-making Process shall be based on the principles of:
 - 6.2.1. Supremacy of the People of South Sudan;
 - 6.2.2. Initiate a Federal and democratic system of government that reflects the character of South Sudan in its various institutions taken together, guarantees good governance, constitutionalism, rule of law, human rights, gender equity and affirmative action;
 - 6.2.3. Guaranteeing peace and stability, national unity and territorial integrity of the Republic of South Sudan;
 - 6.2.4. Promoting people's participation in the governance of the country through democratic, free and fair elections and the devolution of powers and resources to the states and counties;
 - 6.2.5. Respecting ethnic and regional diversity and communal rights, including the right of communities to preserve their history, develop their language, promote their culture and expression of their identities;
 - 6.2.6. Ensuring the provision of the basic needs of the people through the establishment of a framework for fair and equitable economic growth and access to national resources and services;
 - 6.2.7. Promoting and facilitating regional and international cooperation with South Sudan;
 - 6.2.8. Committing the people of South Sudan to peaceful resolution of national issues through dialogue, tolerance, accommodation and respect of others opinions.
- 6.3. The reconstituted TNLA shall within the first six (6) months of Transitional Period enact a legislation to govern the constitutional making process.

- 6.4. The permanent constitution shall be completed not later than twenty-four (24) months following the establishment of the Transitional Period and shall be in place to guide the elections toward the end of the Transition.
- 6.5. The following phases of Constitution-making process shall be completed within twenty-four (24) months of the Transitional Period as per the timetable stipulated in the implementation mechanism process except for the transformation of the TNLA into a constituent assembly to adopt the new constitution which shall be defined by law;
- 6.6. The Executive of the Revitalized TGoNU after adequate consultations with all stakeholders including the political parties, Civil Society Organizations, Women groups, youth and Faith-based groups, shall reconstitute the National Constitutional Review Commission (NCRC) and appoints a preparatory sub-committee for convening a National Constitutional Conference (NCC) in accordance with the Act governing the constitution making process;
- 6.7. The Commission shall carry out wide consultation with the people and conduct civic education and prepare the Draft Constitutional Text;
- 6.8. The Commission shall present the Draft Constitutional Text to the Executive accompanied by a report;
- 6.9. The Draft Constitution Text presented by the Commission to the Executive shall be presented to a National Constitutional Conference (NCC) composed of selected representatives from all levels of administrations and registered institutions as shall be stipulated in the legislation governing the Constitution-making process;
- 6.10. The Constitutional Text adopted by the Constitutional Conference shall be presented by the Minister of Justice and Constitutional Affairs to a Constituent Assembly for deliberation and adoption;
- 6.11. The Parties agree that the Transitional National Legislature shall be transformed into a Constituent Assembly on the 1st date of the 27th month of the Transition for purposes of adopting the Permanent Constitution after which it shall be dissolved preceding the elections.
- 6.12. In drafting the Permanent Constitution, lessons shall be drawn from South Sudan common law, constitutional history and experience, and this Agreement;

6.13. The process of permanent Constitution-making shall be led and owned by the people of South Sudan.

6.14. The RTGoNU shall review the ongoing permanent Constitution-making process and reconstitute the National Constitutional Review Commission (NCRC). In order to ensure quality of participation and inclusiveness in the reformulated Constitution review process, the composition of the reconstituted NCRC shall include but not be limited to representatives of the RTGoNU, Political Parties, faith-based groups, women groups, youth, ethnic minorities, representatives of the private sector, CSO groups, academics, people with special needs and other professionals. The process of appointment shall be as defined in the reviewed and enacted legislation governing the constitution-making process.

6.15. The RTGoNU shall provide in its budgetary provisions adequate funding for the Constitution making-process.

6.16. The RTGoNU and the NCRC shall seek the assistance of regional and international experts to benefit from the experience, expertise and best practices to assist in the Constitution-making process.

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Bottom center: The word "SNLEY" above "WILIS", with "ETS" and "73" below it.

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Bottom center: A signature "K-K".

Bottom right: A signature "S.S." and a signature "RA".

CHAPTER VII: JOINT MONITORING AND EVALUATION COMMISSION (JMEC)

7. Joint Monitoring and Evaluation Commission (JMEC)

7.1. Upon the signing of this Agreement, the Joint Monitoring and Evaluation Commission (JMEC) shall be reconstituted within fifteen (15) days.

7.2. The membership of the Reconstituted JMEC (RJMEC) shall comprise representatives of the Parties to this Agreement, other South Sudanese stakeholders, and regional and international guarantors and partners of South Sudan, as follows:

7.2.1. The Parties to the Agreement, ten (10) representatives:

- 7.2.1.1. Incumbent TGoNU – five (5) representatives;
- 7.2.1.2. SPLM/A-IO – two (2) representatives;
- 7.2.1.3. SSOA – One (1) representative;
- 7.2.1.4. Former Detainees – one (1) representative;
- 7.2.1.5. Other Political Parties- one (1) representative.

7.2.2. Other South Sudanese Stakeholders and Adherents, thirteen (13) representatives:

- 7.2.2.1. Faith- Based Leaders – two (2) representatives;
- 7.2.2.2. Women – two (2) representatives [Women's bloc- one (1) and Women's Coalition – one (1)];
- 7.2.2.3. Civil Society – two (2) representatives [CS Alliance – one (1) and CS Forum- one (1)];
- 7.2.2.4. Eminent personalities—two (02) representatives;
- 7.2.2.5. Business groups - two (2) representatives (one male, one female);
- 7.2.2.6. Academia – one (1) representative;
- 7.2.2.7. Youth – two (2) representatives (one male, one female).

7.2.3. Regional Guarantors, thirteen (13) representatives:

- 7.2.3.1. Ethiopia – one (1) representative;
- 7.2.3.2. Djibouti- one (1) representative;
- 7.2.3.3. Kenya – one (1) representative;
- 7.2.3.4. Somalia- one (1) representative;
- 7.2.3.5. Sudan – one (1) representative;
- 7.2.3.6. Uganda – one (1) representative;

- 7.2.3.7. The AU-HLAHC, five (5) each represented by one (1);
7.2.3.8. African Union Commission - one (1) representative; and
7.2.3.9. IGAD Secretariat - one (1) representative.

7.2.4. International Partners and Friends of South Sudan, seven (7) representatives:

- 7.2.4.1. People's Republic of China - one (1) representative;
7.2.4.2. Norway- one (1) representative;
7.2.4.3. United Kingdom - one (1) representative;
7.2.4.4. United States - one (1) representative;
7.2.4.5. United Nations - one (1) representative;
7.2.4.6. European Union - one (1) representative; and
7.2.4.7. IPF- one (1) representative.

7.3. RJMEC shall be chaired by a prominent African personality appointed by the IGAD Assembly of Heads of State and Government in consultation with IGAD-PLUS Partners, and form Committees to facilitate its activities.

7.4. The terms of reference of RJMEC shall be endorsed by the IGAD Assembly of Heads of State and Government.

7.5. The secretariat for RJMEC shall be independent and shall seek administrative international support.

7.6. The RJMEC shall be responsible for monitoring and overseeing the implementation of the Agreement and the mandate and tasks of the RTGoNU, including the adherence of the Parties to the agreed timelines and implementation schedule. In case of non-implementation of the mandate and tasks of the RTGoNU, or other serious deficiencies, the RJMEC shall recommend appropriate corrective action to the RTGoNU.

7.7. The RJMEC shall oversee the work of the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM), the Economic and Financial Management Authority (EFMA), the Strategic Defence and Security Review Board (SDSRB), the National Elections Commission (NEC), and all other transitional institutions and mechanisms created by this Agreement.

7.8. The reconstituted CTSAMVM, EFMA, the SDSRB, the NEC, CTRH, NCAC, JMCC, JTSC, NPTC and other institutions and mechanisms created by this Agreement shall present regular reports to RJMEC for this purpose.

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Notwithstanding the foregoing, RJMEC may request further reports from any transitional institutions and mechanisms, as it deems necessary.

7.9. The RJMEC shall brief regularly the Executive of the RTGoNU, and submit written reports, followed by detailed briefings, to the RTGoNU Council of Ministers, the Transitional National Legislative Assembly, the Chairperson of the IGAD Assembly of Heads of State and Government, Chairperson of the IGAD Council of Ministers, the Chairperson of the African Union Commission, the Peace and Security Council (PSC) of the African Union and to the Secretary-General and Security Council of the United Nations on the status of implementation of this Agreement every three (3) months.

7.10. Notwithstanding the foregoing, the Chairperson of RJMEC shall report all serious incidents of violation and critical issues that may arise during the implementation of the Agreement to the RTGoNU, and copy to the Chairperson of IGAD Council of Ministers. The Chairperson of IGAD Council of Ministers shall upon receipt of such reports, convene an Extra-Ordinary meeting of the IGAD Council of Ministers within 14 days, to decide appropriate timely remedial actions.

7.11. Following the establishment of the RTGoNU, the parties agree that in the event of any deadlock, RJMEC shall propose measures to resolve the deadlocks. In case any party(ies) fails to comply with the recommendations of RJMEC of breaking the deadlock, RJMEC will refer the matter to the guarantors.

7.12. RJMEC shall hold regular meetings at least once every month and may convene extra-ordinary meetings as may be dictated by the situation.

7.13. Decisions of the RJMEC shall be by consensus, failing of which a simple majority of the voting members present shall prevail. The voting members of RJMEC shall be the forty-three (42) representatives of the Parties, other South Sudanese stakeholders, regional and international guarantors and partners of South Sudan, as stipulated in Chapter VII, Articles 7.2.1 - 7.2.4.

7.14. The quorum of the RJMEC shall be twenty-nine (29), of which at least thirteen (15) of the members shall be from South Sudan and the other ten (14) from regional and international group.

CHAPTER VIII: SUPREMACY OF THIS AGREEMENT AND PROCEDURES FOR AMENDMENT OF THE AGREEMENT

8. Supremacy of this Agreement and Procedures for Amendment of the Agreement

- 8.1. This Revitalised Agreement shall, upon signature be binding on all parties and shall repeal the ARCSS 2015 in its entirety, and shall be ratified by the Transitional National Legislature of the Republic of South Sudan.
- 8.2. This Revitalised Agreement shall be fully incorporated into the Transitional Constitution of the Republic of South Sudan, 2011 (TCRSS as amended). Notwithstanding this process of incorporation, in the event that the provisions of the TCRSS, 2011 (as amended) conflicts with the terms of this Agreement, the terms of this Agreement shall prevail.
- 8.3. This Revitalised Agreement shall take precedence over any national legislation, any existing agreement to the contrary, and in the event that the provisions of a national legislation or previous agreement conflict with the terms of this Agreement, the provisions of this Agreement shall prevail.
- 8.4. This Revitalised Agreement may be amended by the Parties, with at least two-thirds of the members of the Council of Ministers of the RTGoNU, and, at least two-thirds of the voting members of the Joint Monitoring and Evaluation Commission consenting to the amendment, followed by ratification by the Transitional National Legislature, according to the constitutional amendment procedures set out in the TCRSS, 2011 (as amended).

Done in Khartoum, on this 28th day of August 2018.

Signatures of Parties, other Stakeholders, Guarantors and Witnesses to this Agreement.

[Handwritten signatures and initials follow]

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I. THE PARTIES:



For the Incumbent TGoNU



For SPLM/SPLA-IO



For SPLM-Former Detainees

For South Sudan Opposition Alliance (SSOA):



For National Democratic Movement



For National Salvation Front



Federal Democratic Party/South Sudan
Armed Forces



South Sudan Patriotic Movement/Army



South Sudan National Movement for Change



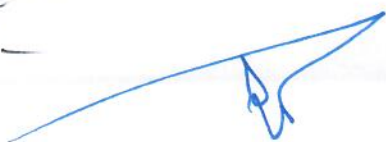
South Sudan United Movement/Army




South Sudan Liberation Movement/Army





People Democratic Movement




For Other Political Parties (OPP)



For Umbrella of Political Parties


For National Alliance of Political Parties


For United Sudan African Party
~~National Agenda~~ Dr. I. W


For United Democratic Salvation Front


For United Democratic Party


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African National Congress (ANC)

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II. STAKEHOLDERS:



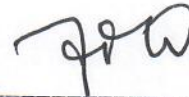
Bishop Emeritus Enock Tombe Loro
Faith Based Leader



Sheik Mohamed Hassan Morjan
Faith Based Leader



Prof. Moses Machar
For Eminent Personality



Prof. Francis Deng
For Eminent Personality

28/8/2018/11/13

Ms. Mary Akech Bior
For Women's Bloc

Hon. Rebecca Nyadeng Garang
Eminent Personalities



Mr Simon Akuei Deng
For Business Community



Ms. Rita M. Lopidia
For Women Coalition



Ms Alokiir Malual
For Civil Society of South Sudan



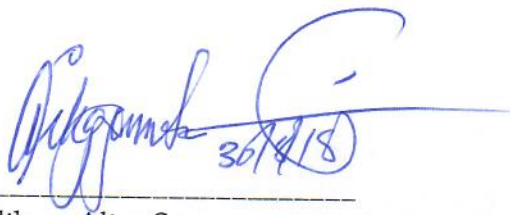
Prof. Pauline Elaine Riak
For Academia



Dr Emily Koiti
For Youth representative.

Mr Biel Boutros Biel
For Human Rights Society for
Advocacy

Sheik. Vileke Alijo Samson
South Sudan Civil Society alliance



Mr Alikayo Aligo Samson
For Concerned Citizen



Mr Rajab J. Simon Mohandis
For Organization for Responsive
Governance



Mr Edmund Yakani
For Community Empowerment for
Progress Organization



Ms Sarah Nyanath Elijah
For Gender Empowerment for
South Sudan Organization



III. THE GUARANTORS:

A) IGAD Heads of State and Government

For the Federal Democratic Republic of
Ethiopia and Chair of IGAD

For the Republic of Uganda

For the Republic of Sudan

For the Republic of Djibouti

For the Federal Republic of Somalia

For the Republic of Kenya

B) African Union High Level Ad-hoc Committee for South Sudan and African Union Commission

For the People's Democratic Republic of
Algeria

For the Republic of Chad

For Federal Republic of Nigeria

For the Republic of Rwanda

For the Republic of South Africa

For the Chairperson of the African
Union Commission

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C) Witnesses

Dr. Ismail Wais

H.E. Amb. Dr Ismail Wais
IGAD Special Envoy for South Sudan

Al-Dirdiery Mohamed Ahmed

H.E Al-Dirdiery Mohamed Ahmed
Minister for Foreign Affairs, Republic of
Sudan

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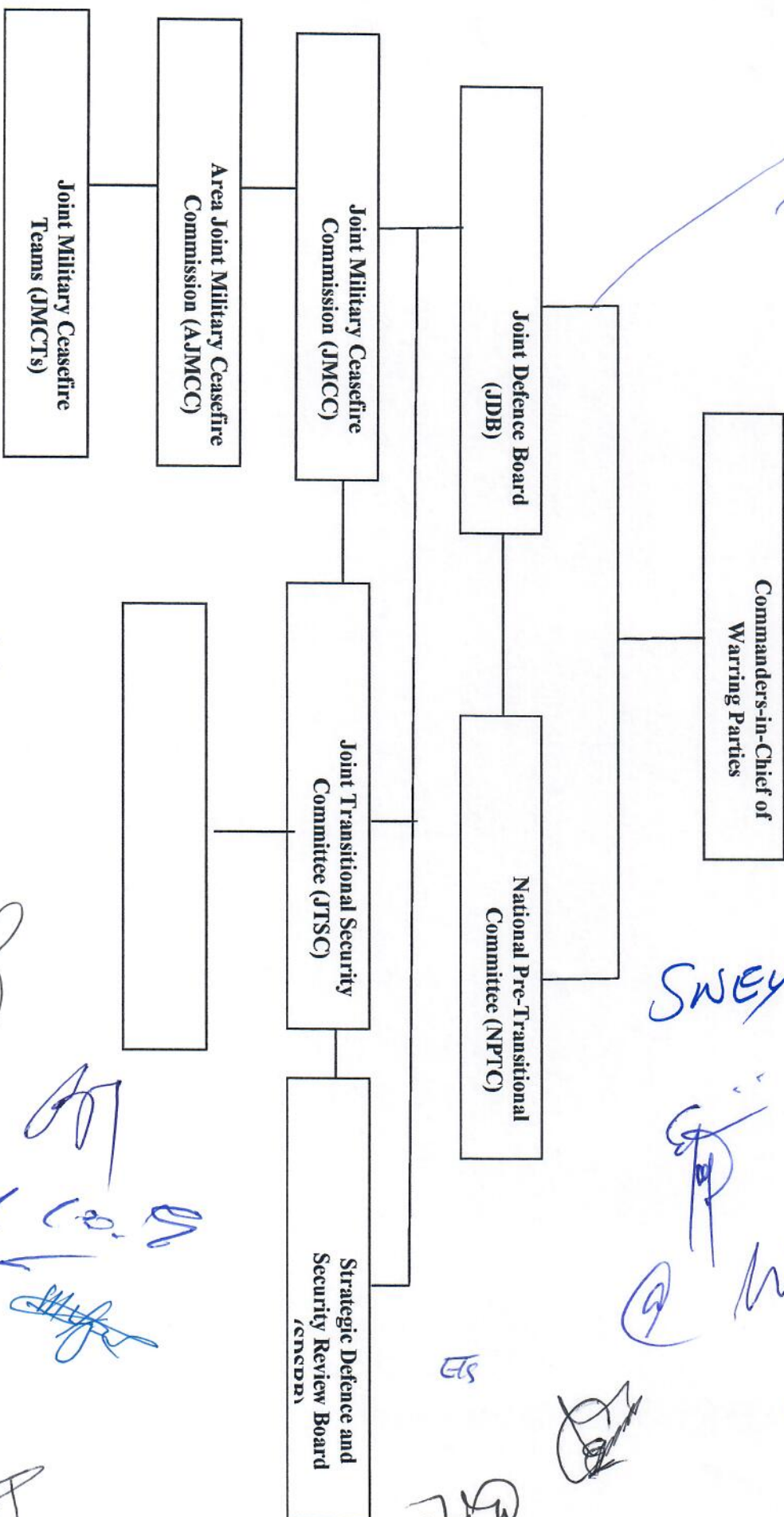
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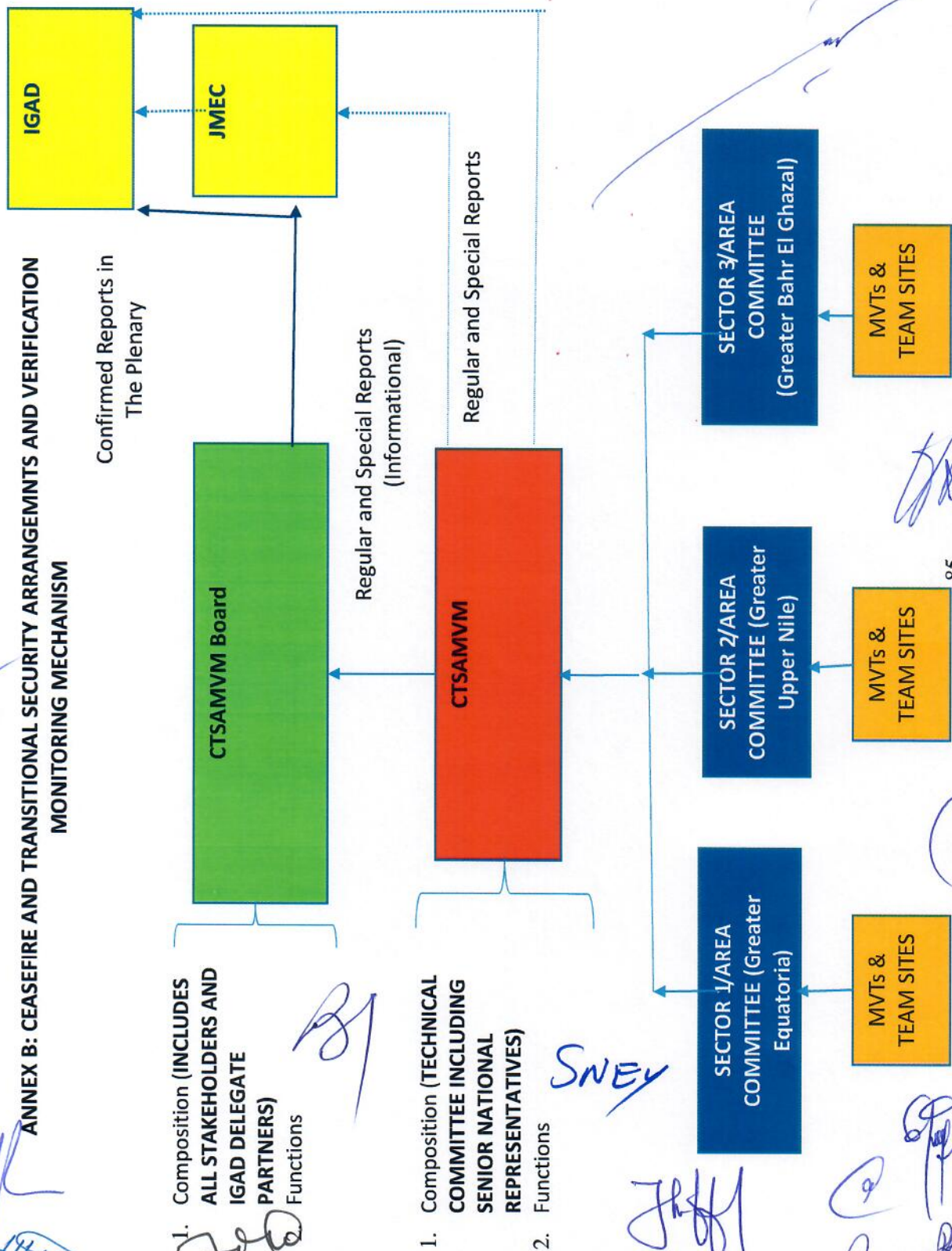
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Annex A: National Architecture



ANNEX B: CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS AND VERIFICATION MONITORING MECHANISM



1. Composition (INCLUDES ALL STAKEHOLDERS AND IGAD DELEGATE PARTNERS) Functions

1. Composition (TECHNICAL COMMITTEE INCLUDING SENIOR NATIONAL REPRESENTATIVES)
2. Functions

ANNEX C: PRE-TRANSITIONAL UNIFICATION MANAGEMENT
STRUCTURE

COMMANDERS IN CHIEF (OF ALL WARRING
PARTIES)

JOINT DEFENCE BOARD

JOINT TRANSITIONAL SECURITY
COMMITTEE

MILITARY COMD
FROM ALL PARTIES

NATIONAL SECURITY
SERVICE FROM ALL
PARTIES

OTHER ORGANISED
FORCES FROM ALL
PARTIES

ARMY
TRAINING

NATIONAL
SECURITY
TRAINING

POLICE, WILDLIFE,
PRISONS, FIRE
BRIDAGE TRAINING