

Country/entity	South Sudan
Region	Africa (excl MENA)
Agreement name	Protocol on Agreed Principles on Transitional Arrangements Towards Resolution of the Crises in South Sudan
Date	25 Aug 2014
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Agreement/conflict level Intrastate/intrastate conflict

Sudan Conflicts (1955 -)

Agreements relate to several distinct dyads, and also the negotiated independence of South Sudan, and subsequent internal conflict in South Sudan. Sudan-South Sudan. The long-standing conflict between the north and the south of the country dates back to colonial times, where the British introduced a so-called 'Southern Policy', severely hampering population movements between these big regions. Immediately after gaining independence in 1956, southern movements started to fight for independence; this fight became professionalised in 1983 with the foundation of the soon internationally supported Sudan People's Liberation Army (SPLA). When the Islamic Front government introduced strict sharia laws in the south after it took over power in 1988 the war intensified. A decade later, the military situation reached a stalemate, enabling internationally facilitated peace negotiations to begin in 1997. After more fighting, a final negotiation push began in 2002, leading to the signing of the Comprehensive Peace Agreement (CPA) in January 2005.

Sudan-South Sudan post referendum. South Sudan became independent in July 2011; since then, relations between the two countries are complicated and violent conflict led by the SPLM (North) in the Sudanese Nuba mountains region has since intensified.

Darfur. Other long-standing violent conflicts are in the east and the west of the country. In the east, the Beja Congress, established in 1957, is the spearhead of a currently 'peaceful' opposition movement. In the west, the violent conflict in Darfur intensified in the early 2000s and rapidly gained international attention, even resulting in genocide charges against leading figures of the Sudanese government. The situation on the ground is complex, with over a dozen organisations (most notably the Sudanese Liberation Movement and the Justice and Equality Movement) fighting the Sudanese government and allied groups like the Janjaweed – although all parties have switched sides on numerous occasions. Several mediation attempts have not been successful, due to the shaky commitment of the Sudanese central government and the distrust among the armed opposition.

South Sudan - internal

In December 2013, after president Salva Kiir accused opposition leader Riek Machar of attempting a coup, violent conflict broke out between government forces of the SPLM/A and anti-governmental groups. In addition, several other political militias as well as communal militias have joined the conflict. In 2015 the Agreement on the Resolution of the Conflict in South Sudan (ARCSS) was signed. Due to unsuccessful implementation the agreement was revitalized in 2018. In September 2019, Kiir and Machar agreed to establish a power-sharing government after struggles on forming a unity transitional government.

Close

Sudan Conflicts (1955 -)

Stage Framework/substantive - comprehensive

Conflict nature Government

Peace process	South Sudan post-secession process
Parties	Government of the Republic of South Sudan, signed by H.E. Salva Kiir Mayardit, President of the Republic of South Sudan; Sudan People's Liberation Movement/Army (in Opposition), signed by Dr. Riek Machar Teny [unsigned], Leader of the SPLM/A; and Stakeholders (SPLM Leaders (Former Detainees), Political Parties, Civil Society, and Faith-Based Leaders) (no signatures)
Third parties	<p>Guarantors: H. E. Hailemariam Dessalegn, Prime Minister of the Federal Democratic Republic of Ethiopia and Chairperson of the IGAD Assembly; H. E. Yoweri Museveni President of the Republic of Uganda; H. E. Ismail Omar Guelleh, President of the Republic of Djibouti; H. E. Uhuru Kenyatta President of the Republic of Kenya; H. E. Bakri Hassan Saleh Mohammed, First Vice President of the Republic of Sudan; H. E. Abdiweli Sheikh Ahmed, Prime Minister of the Republic of Somalia;</p> <p>Witnessed by Amb. Seyoum Mesfin, Chairperson of IGAD; Gen. Lazaro K. Sumbeiywo, IGAD Special Envoy to South Sudan; Gen. Mohamed Ahmed el-Dabi, IGAD Special Envoy to South Sudan</p> <p>"Friends of Sudan" United Nations Mission to South Sudan</p>
Description	-

Agreement document	SS_140825_Protocol on Principles.pdf (opens in new tab) Download PDF
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Groups

Children/youth	<p>Groups→Children/youth→Substantive Page 5, V. Agreed Principles: Humanitarian Concerns ...</p> <p>26. Agree to urgently institute programmes of relief, repatriation, resettlement, reintegration and rehabilitation of IDPs and returnees, and in particular, provide programmes for war/conflict affected persons (children, orphans, women, widows, war wounded, etc.), including reconstruction of war-affected areas, the terms and scope of which shall be negotiated by the stakeholders in the negotiations;</p>
Disabled persons	<p>Groups→Disabled persons→Substantive Page 5, V. Agreed Principles: Humanitarian Concerns ...</p> <p>26. Agree to urgently institute programmes of relief, repatriation, resettlement, reintegration and rehabilitation of IDPs and returnees, and in particular, provide programmes for war/conflict affected persons (children, orphans, women, widows, war wounded, etc.), including reconstruction of war-affected areas, the terms and scope of which shall be negotiated by the stakeholders in the negotiations;</p>

Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	Groups→Refugees/displaced persons→Rhetorical Page 2, PREAMBLE, Concerned about the grave and continuing crisis in South Sudan, resulting in ... mass displacement ... Groups→Refugees/displaced persons→Substantive Page 5, V. Agreed Principles: Humanitarian Concerns, 26. Agree to urgently institute programmes of relief, repatriation, resettlement, reintegration and rehabilitation of IDPs and returnees, and in particular, provide programmes for war/conflict affected persons (children, orphans, women, widows, war wounded, etc.), including reconstruction of war-affected areas, the terms and scope of which shall be negotiated by the stakeholders in the negotiations;
Social class	No specific mention.

Gender

Women, girls and gender	V. Agreed Principles: Humanitarian Concerns ... 26. Agree to urgently institute programmes of relief, repatriation, resettlement, reintegration and rehabilitation of IDPs and returnees, and in particular, provide programmes for war/conflict affected persons (children, orphans, women, widows, war wounded, etc.), including reconstruction of war-affected areas, the terms and scope of which shall be negotiated by the stakeholders in the negotiations;
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/ secession No specific mention.

Accession/ unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→Temporary new institutions
Page 2, I. Agreed Principles: Transitional Governance Arrangements: 1. Establishing a Transnational Government of National Unity (TGONU) offers the best chance for the people of South Sudan to take the country forward;

Page 3, I. Agreed Principles: Transitional Governance Arrangements: 3. There shall be established the office of the Prime Minister nominated by the SPLM/A (O) and who shall be acceptable to the President; whose duties and powers shall be negotiated in the peace process;

... 8. The Transitional Period shall last for a period of 30 months;

... 10. The Transitional Period shall be preceded by a Pre-Transition period of 90 days, during which tasks necessary to initiate the Transition shall be completed; these tasks shall be negotiated by the stakeholders in the negotiations;

... 13. In the event that the post of President falls vacant, the provisions of the the Transitional Constitution of the Republic of South Sudan shall prevail. Should the post of Prime Minister fall vacant during the Transitional Period, the post shall be filled by the nominee of the SPLM/A (IO),as per the terms to be negotiated;

Page 4, III. Agreed Principles: Resource, Economic, and Financial Management: 20. In accordance with existing international best practices, standards and norms, introduce during the Transitional Period a programme of economic and public financial management reform, implemented in accordance with the existing institutional and legal architecture; the terms of the reform programme shall be negotiated by the stakeholders in the negotiations;

21. Establish during the Transitional Period, a competent and effective oversight mechanism to help oversee implementation of the reform programme and ensure transparency and efficiency in public financial management.

Elections

Page 3, I. Agreed Principles: Transitional Governance Arrangements: 2. The Head of State and Government, Commander-in-Chief of the Armed Forces of the TGONU shall be the elected

...

6. The Prime Minister will not be eligible to stand for any public office in the national elections at the end of the Transitional Period;

...

9. National elections shall be held 60 days before the end of the Transitional Period in order to introduce a new political dispensation in South Sudan;

12. The Executive shall guide the transitional agenda and national elections as shall be agreed by the participating stakeholders in the GAD-led peace process;

Electoral commission

No specific mention.

Political parties reform	No specific mention.
Civil society	<p>Page 2, PREAMBLE: ... Political Parties, Civil Society, and Faith-Based Leaders; jointly referred to as "Stakeholders"</p> <p>Page 5, V. Agreed Principles: Humanitarian Concerns 25. Given the impending threat of war-induced-famine, the Government and SPLM/A (O), as a matter of urgency, immediately and jointly agree to fully support the international call for humanitarian assistance to South Sudan, and agree to facilitate the necessary humanitarian access assessment and assistance initiatives;</p>
Traditional/religious leaders	Page 2, PREAMBLE: ... SPLM Leaders (Former Detainees), Political Parties, Civil Society, and Faith-Based Leaders; jointly referred to as "Stakeholders"
Public administration	No specific mention.
Constitution	<p>Governance→Constitution→Constitutional reform/making</p> <p>Page 3, I. Agreed Principles: Transitional Governance Arrangements: 14. Upon the adoption of the amended Constitution...</p> <p>Page 5, IV. Agreed Principles: Parameters for a Permanent Constitution Process 27. The TGONU to initiate and oversee a permanent constitution-making process, during the Transitional Period, based on the principles of federalism and taking into accountability in diversity, and to devolve more power to the states. The terms and parameters of this process shall be negotiated by the stakeholders in the negotiations;</p>

Political power sharing

Power sharing→Political power sharing→General
State level

Page 2, I. Agreed Principles: Transitional Governance Arrangements: 1. Establishing a Transnational Government of National Unity (TGONU) offers the best chance for the people of South Sudan to take the country forward;

Page 3, 11. The Transitional Government shall include representatives nominated by the Government, the SPLM/A (IO), the SPLM Leaders and other Political Parties, shall be negotiated by the parties mentioned above in the negotiations;

Power sharing→Political power sharing→Executive coalition
State level

Page 3, I. Agreed Principles: Transitional Governance Arrangements: 2. The Head of State and Government, Commander-in-Chief of the Armed Forces of the TGONU shall be the elected, incumbent President of the Republic; the President of the Republic shall be deputized by a Vice President of the Republic;

Page 3, I. Agreed Principles: Transitional Governance Arrangements:

3. There shall be established the office of the Prime Minister nominated by the SPLM/A (O) and who shall be acceptable to the President; whose duties and powers shall be negotiated in the peace process;

... 7. The Executive of the Transitional Government shall comprise the President, the Vice President, the Prime Minister and the Council of Ministers;

... 11. The Transitional Government shall include representatives nominated by the Government, the SPLM/A (IO), the SPLM Leaders and other Political Parties, shall be negotiated by the parties mentioned above in the negotiations;

Page 3, I. Agreed Principles: Transitional Governance Arrangements:

5. The Prime Minister shall work harmoniously with the President during the interim period.

Power sharing→Political power sharing→Proportionality in legislature
State level

Page 3, I. Agreed Principles: Transitional Governance Arrangements: 14. Upon the adoption of the amended Constitution, the National Legislature shall be reviewed with a view to expand the National Legislature to reflect the new political dispensation that shall be negotiated by the stakeholders in the negotiations; (nominated portion of National Legislature).

Power sharing→Political power sharing→International involvement
State level

Page 4, I. Agreed Principles: Transitional Governance Arrangements: 15. individuals ... as identified by the African Union Commission of Inquiry for South Sudan

Territorial power sharing

Power sharing→Territorial power sharing→Federal or similar sub-divided government

Page 5, IV. Agreed Principles: Parameters for a Permanent Constitution Process

27. The TGONU to initiate and oversee a permanent constitution-making process, during the Transitional Period, based on the principles of federalism and taking into accountability in diversity, and to devolve more power to the states. The terms and parameters of this process shall be negotiated by the stakeholders in the negotiations;

Economic power sharing	Power sharing→Economic power sharing→Sharing of resources Page 4, III. Agreed Principles: Resource, Economic, and Financial Management: 22. Agree to a resource sharing framework for the revenues from the extraction of natural resources that balances the needs for national development, service delivery and reconstruction of the country, and be allocated by a formula to be negotiated by the stakeholders in the negotiations;
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general	Page 5, IV. Agreed Principles: Transitional Justice, Reconciliation, and Healing: 24. Establish during the Transitional Period, an independent judicial body to investigate and prosecute individuals bearing the greatest responsibility for violations of international humanitarian law, and/or applicable South Sudanese law, committed since 15 December 2013; the terms and mandate of this body shall be negotiated by the stakeholders in the negotiations;
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Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access Page 5, V. Agreed Principles: Humanitarian Concerns
25. Given the impending threat of war-induced-famine, the Government and SPLM/A (O), as a matter of urgency, immediately and jointly agree to fully support the international call for humanitarian assistance to South Sudan, and agree to facilitate the necessary humanitarian access assessment and assistance initiatives;

Protection measures	No specific mention.
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Other	No specific mention.
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Rights institutions

NHRI	No specific mention.
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Regional or international human rights institutions	Rights institutions→Regional or international human rights institutions→Monitoring calls Page 4, I. Agreed Principles: Transitional Governance Arrangements: 15. individuals ... as identified by the African Union Commission of Inquiry for South Sudan
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Justice sector reform

Criminal justice and emergency law	No specific mention.
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State of emergency provisions	No specific mention.
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Judiciary and courts	Page 5, IV. Agreed Principles: Transitional Justice, Reconciliation, and Healing: 24. Establish during the Transitional Period, an independent judicial body to investigate and prosecute individuals bearing the greatest responsibility for violations of international humanitarian law, and/or applicable South Sudanese law, committed since 15 December 2013; the terms and mandate of this body shall be negotiated by the stakeholders in the negotiations;
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Prisons and detention	No specific mention.
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Traditional Laws	No specific mention.
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Socio-economic reconstruction

Development or socio-economic reconstruction	<p>Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development</p> <p>Page 4, III. Agreed Principles: Resource, Economic, and Financial Management: 20. In accordance with existing international best practices, standards and norms, introduce during the Transitional Period a programme of economic and public financial management reform, implemented in accordance with the existing institutional and legal architecture; the terms of the reform programme shall be negotiated by the stakeholders in the negotiations;</p> <p>Socio-economic reconstruction→Development or socio-economic reconstruction→Humanitarian assistance</p> <p>Page 5, V. Agreed Principles: Humanitarian Concerns 25. ... the Government and SPLM/A (O) ... agree to facilitate the necessary humanitarian access assessment and assistance initiatives;</p>
National economic plan	No specific mention.
Natural resources	Page 4, III. Agreed Principles: Resource, Economic, and Financial Management: 22. Agree to a resource sharing framework for the revenues from the extraction of natural resources that balances the needs for national development, service delivery and reconstruction of the country, and be allocated by a formula to be negotiated by the stakeholders in the negotiations;
International funds	No specific mention.
Business	No specific mention.
Taxation	No specific mention.
Banks	No specific mention.

Land, property and environment

Land reform/rights	No specific mention.
Pastoralist/nomadism rights	No specific mention.
Cultural heritage	No specific mention.

Environment	<p>Page 2, PREAMBLE: Mindful that the crisis in South Sudan cannot be permitted to continue amid the impending threat of war-induced-famine and further devastation;</p> <p>Page 5, V. Agreed Principles: Humanitarian Concerns</p> <p>25. Given the impending threat of war-induced-famine, the Government and SPLM/A (O), as a matter of urgency, immediately and jointly agree to fully support the international call for humanitarian assistance to South Sudan, and agree to facilitate the necessary humanitarian access assessment and assistance initiatives;</p>
Water or riparian rights or access	No specific mention.

Security sector

Security Guarantees	<p>Page 4. IV.Agreed Principles: Transitional Security Arrangements:</p> <p>18. Negotiate and agree to undertake comprehensive institutional reforms in the security sector during the Transitional Period ,to restore public confidence and that lead to enduring reforms beyond the Transitional Period;</p> <p>19. Establish during the Transitional Period a competent and effective oversight mechanism to help oversee implementation of the security sector reform programme and ensure accountability amongst the security agencies;</p>
Ceasefire	<p>Security sector→Ceasefire→Ceasefire provision</p> <p>Page 4. IV.Agreed Principles: Transitional Security Arrangements: 16. To sign the implementation matrix of the Cessation of Hostilities Agreement, its and its addendum, and fully implement the provisions of the Cessation of Hostilities Agreement to immediately stop the war,which is contributing to the humanitarian crisis;</p> <p>17. Immediately begin negotiations on a Permanent Ceasefire that will result in the declaration of the disposition of forces, cantonment, demobilization, disarmament and reintegration, and the eventual withdrawal of allied forces, in accordance with the Cessation of Hostilities Agreement, and re-unification of the hitherto fragmented national army;</p>
Police	No specific mention.
Armed forces	Page 4. IV.Agreed Principles: Transitional Security Arrangements: 17. Immediately begin negotiations on a Permanent Ceasefire that will result in the declaration of ... re-unification of the hitherto fragmented national army;
DDR	<p>Security sector→DDR→DDR programmes</p> <p>Page 4. IV.Agreed Principles: Transitional Security Arrangements: 17. Immediately begin negotiations on a Permanent Ceasefire that will result in the declaration of ... demobilization, disarmament and reintegration,</p>
Intelligence services	No specific mention.

Parastatal/rebel and opposition group forces	Page 4. IV. Agreed Principles: Transitional Security Arrangements: 17. Immediately begin negotiations on a Permanent Ceasefire that will result in the declaration of ... the eventual withdrawal of allied forces
Withdrawal of foreign forces	No specific mention.
Corruption	Page 4, III. Agreed Principles: Resource, Economic, and Financial Management: 21. Establish during the Transitional Period, a competent and effective oversight mechanism to help oversee implementation of the reform programme and ensure transparency and efficiency in public financial management.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	Page 4, I. Agreed Principles: Transitional Governance Arrangements: 15. Individuals, groups and parties to the conflict shall be accountable for their actions, individuals found to have committed atrocity crimes, war crimes, or other crimes against humanity, as identified by the African Union Commission of Inquiry for South Sudan, shall not be eligible for participation in the Transitional Government, or, if already participating in the Transitional Government shall resign.
Prisoner release	No specific mention.
Vetting	Page 4, I. Agreed Principles: Transitional Governance Arrangements: 15. Individuals, groups and parties to the conflict shall be accountable for their actions, individuals found to have committed atrocity crimes, war crimes, or other crimes against humanity, as identified by the African Union Commission of Inquiry for South Sudan, shall not be eligible for participation in the Transitional Government, or, if already participating in the Transitional Government shall resign.

Victims	Page 5, IV. Agreed Principles: Transitional Justice, Reconciliation, and Healing: 26. Agree to urgently institute programmes of relief, repatriation, resettlement, reintegration and rehabilitation of IDPs and returnees, and in particular, provide programmes for war/conflict affected persons (children, orphans, women, widows, war wounded, etc.), including reconstruction of war-affected areas, the terms and scope of which shall be negotiated by the stakeholders in the negotiations;
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	Page 2, PREAMBLE: ... and the progress to date of the multi-stakeholder dialogue; Page 5, IV. Agreed Principles: Transitional Justice, Reconciliation, and Healing: 23 Establish during the Transitional Period, a National Commission for Truth, Reconciliation and Healing, which will be hybrid in composition, to spearhead efforts to address the legacy of conflict in South Sudan; the terms and mandate of the Commission shall be negotiated by the stakeholders in the negotiations; Page 5, IV. Agreed Principles: Transitional Justice, Reconciliation, and Healing: 24. Establish during the Transitional Period, an independent judicial body to investigate and prosecute individuals bearing the greatest responsibility for violations of international humanitarian law, and/or applicable South Sudanese law, committed since 15 December 2013; the terms and mandate of this body shall be negotiated by the stakeholders in the negotiations;
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Implementation	
UN signatory	No specific mention.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.
International mission/force/similar	Page 2, PREAMBLE: ... the deployment of a Regional Protection Force under the mandate of the United Nations Mission in South Sudan ...
Enforcement mechanism	No specific mention.
Related cases	No specific mention.
Source	Radio Tamazuj - https://radiotamazuj.org/sites/default/files/Protocol%20signed%2025%20Aug%2014_0.pdf
