

Country/entity South Sudan

Region Africa (excl MENA)

Agreement name Agreement on Outstanding issues of Governance

Date 5 Aug 2018

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 - partial

Conflict nature Government

Peace process	South Sudan post-secession process
Parties	<p>For Incumbent TGonu H.E. Salva Kiir Mayardit President of the Republic of South Sudan</p> <p>For SPLM/A-IO Dr Riek Machar Teny Chairman of the SPLM/A-IO</p>
Third parties	<p>For SSOA [illegible] For FDs [illegible] For OPP [illegible]</p> <p>Francis Madeng Deng Eminent Personalities Mohammed Morjan Faith Based leaders 13 Sarah Nyanth Elijah Yang Civil Society Organization Outsude (CSO Outsided) Alokiir Malwal Anguer Civil Society Organisation (CSO) Amer Manyok Deng Women bloc of South Sudan</p>
Description	Agreement 'bridging' from the R-ARCSS by supplementing/ amending its provisions, in particular by naming who will hold the key government ministries and positions.
<hr/>	
Agreement document	SS_180508_Agreement on Outstanding Issues of Governance.pdf (opens in new tab) Download PDF
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Groups

Children/youth	<p>Groups→Children/youth→Substantive Page 2, 1. The Presidency 1.5. The First Vice President and Vice Presidents shall oversee respectively the following Cabinet Clusters: ... (e) Vice President: Gender and Youth Cluster</p> <p>Pages 2, 1. The Presidency 2. The Revitalized TGoNU 2.1. The Council of Ministers shall comprise thirty five (35) Ministries that shall be organized in the abovementioned five (5) Clusters. 2.4. The Gender and Youth Cluster shall include Ministries of Gender, Child and Social Welfare; Culture and Heritage, Youth, and Sports; and any other appropriate Ministry of the five new Ministries.</p> <p>Page 10, 6. General Provisions 6.5. 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 that the Minister of Culture, Youth, and Sport in the Revitalized TGoNU shall be less than forty (40) years old.</p>
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	<p>Groups→Racial/ethnic/national group→Rhetorical Page 10, 6. General Provisions 6.6. In selecting their nominees, the Parties shall give due consideration to national diversity, gender and regional representation.</p>
Religious groups	<p>Groups→Religious groups→Substantive Page 9, 6. General Provisions c. A process of national healing and reconciliation that shall be led by the Parties, churches, and civil society groups inside and outside of the Republic of South Sudan.</p>
Indigenous people	No specific mention.
Other groups	No specific mention.

Refugees/displaced persons Groups→Refugees/displaced persons→Substantive
Page 9, 6. General Provisions

6.3. The activities that shall be undertaken during the agreed eight (8) months Pre-transitional Period shall include: a. Dissemination of the Revitalized 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.

Page 10, 6. General Provisions

6.5. 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 that the Minister of Culture, Youth, and Sport in the Revitalized TGoNU shall be less than forty (40) years old.

Social class No specific mention.

Gender

Women, girls and gender

Page 2, 1. The Presidency

1.2. During the Transitional Period there shall be four Vice Presidents of the Republic of South Sudan who shall be nominated as follows:

...

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

Page 2, 1. The Presidency

1.5. The First Vice President and Vice Presidents shall oversee respectively the following Cabinet Clusters:

...

(e) Vice President: Gender and Youth Cluster

Pages 2, 1. The Presidency

2. The Revitalized TGoNU 2.1. The Council of Ministers shall comprise thirty five (35) Ministries that shall be organized in the abovementioned five (5) Clusters.

2.4. The Gender and Youth Cluster shall include Ministries of Gender, Child and Social Welfare; Culture and Heritage, Youth, and Sports; and any other appropriate Ministry of the five new Ministries.

Pages 4-5, 3. The Transitional National Legislature

3.3. 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.

3.5. Without prejudice to the recommendations of the IBC, the Speaker of the Council of States shall be from SPLM-IO, Deputy Speaker from the TGoNU, who shall be a woman, and Deputy Speaker from SSOA. For the purpose of regional inclusivity required in a body representing the States, each of the Speaker and Deputy Speakers shall come from a different region.

Page 10, 6. General Provisions

6.4. 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-IO shall nominate no fewer than three (3) women, and SSOA shall nominate no less than one (1) woman.

Page 10, 6. General Provisions

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

Page 13,

Amer Manyok Deng

Women bloc of South Sudan [signed]

Men and boys

No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

**Nature of state
(general)**

Page 1, 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,

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

Page 11, 6. General Provisions

6.11. 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.

Pages 11-12, 6. General Provisions

6.12. The Parties also reaffirm their commitment to the principle of lean government and that the number of members of the future legislatures shall be commensurate with the number of the population of the country pursuant to the internationally recognised proportions. The Parties recognize 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.

6.13. The Agreement shall prevail on contradictory or incompatible provisions or ARCSS, any other agreement and the Revitalised Bridging Proposal.

State configuration Page 1,

...

Recognising 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 Revitalized TGoNU to reflect this demand by way of devolution of more powers and resources to lower levels of government,

Page 11, 6. General Provisions

6.11. 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.

Self determination No specific mention.

Referendum	<p>Pages 4-5,</p> <p>3. The Transitional National Legislature</p> <p>3.4. 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 5 failed to issue its final report, the Council of States shall be reconstituted pursuant to the outcome of the referendum.</p> <p>Pages 6-7, 4. Number and Boundaries of States:</p> <p>4.13. 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 terms into Referendum Commission on Number and Boundaries of States (RCNBS) of the Republic of South Sudan.</p> <p>4.14. The RCNBS shall work under the direct supervision and support of the African Union and the IGAD, and pursuant to the international guidelines, and shall conduct the referendum before the end of the agreed eight (8) months Pre-Transitional Period.</p> <p>4.15. 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 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 states shall have different question or set of questions more understandable to the people.</p> <p>4a.</p> <p>4a. 6. The IBC and RCNBC shall take full account of the report of the TBC which shall form the basis of their decision and formulation of the question of the referendum.</p>
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)	<p>Governance→Political institutions (new or reformed)→New political institutions (indefinite)</p> <p>Pages 2-3, 1. The Presidency</p> <p>2. The Revitalized TGoNU</p> <p>2.1. The Council of Ministers shall comprise thirty five (35) Ministries that shall be organized in the abovementioned five (5) Clusters.</p> <p>2.2. The three Clusters stated in the ARCSS shall continue having due regard to the amendments required as a result of creating new Clusters and new Ministries.</p> <p>2.3. The Infrastructure Cluster shall include Ministries of Energy and Dams; Transport; Roads and Bridges; and any other appropriate Ministry of the five new Ministries.</p> <p>2.4. The Gender and Youth Cluster shall include Ministries of Gender, Child and Social Welfare; Culture and Heritage, Youth, and Sports; and any other appropriate Ministry of the five new Ministries.</p> <p>2.5. The additional five Ministries and their clustering shall be agreed by the Parties before or during the Pre-Transitional Period further to a proposal to be drawn by the IGAD. The full list of the thirty five (35) Ministries and their clustering shall be drawn at that time and shall be included in the Revitalized ARCSS,</p> <p>2.6. The Ministerial positions shall be allocated as follows:</p> <ul style="list-style-type: none">a. Incumbent TGoNU: 20 Ministriesb. SPLM/A-IO: 09 Ministriesc. SSOA: 03 Ministries.d. FDs: 02 Ministriese. OPP; 01 Ministry <p>2.7. There shall be ten (10) Deputy Ministers in the following Ministries:</p> <ul style="list-style-type: none">a. Cabinet Affairs.b. Foreign Affairs and International Cooperation.c. Defense and Veteran Affairs.d. Interior.e. Justice and Constitutional Affairs.f. Finance and Planning.g. Agriculture and Food Security.h. General Education and Instruction.i. Public Service and Human Resource Development.j. Information, Telecommunication, Technology and Postal Services. <p>2.8. Deputy Ministers shall be allocated as follows:</p> <ul style="list-style-type: none">a. Incumbent TGoNU: five (5) Deputy Ministers.b. SPLM/A-IO: three (3) Deputy Ministersc. SSOA: one (1) Deputy Minister.d. OPP: one (1) Deputy Minister.
Elections	No specific mention.
Electoral commission	No specific mention.
Political parties reform	No specific mention.

Civil society	<p>Page 9, 6. General Provisions</p> <p>c. A process of national healing and reconciliation that shall be led by the Parties, churches, and civil society groups inside and outside of the Republic of South Sudan.</p>
Traditional/religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	<p>Governance→Constitution→Constitution affirmation/renewal</p> <p>Page 1, Preamble</p> <p>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,</p> <p>Governance→Constitution→Constitutional reform/making</p> <p>Page 11, 6. General Provisions</p> <p>6.10. Within twelve (12) months of the beginning of the Transitional Period, the Reconstituted National Constitutional Amendments Committee (NCAC) shall revise relevant laws and draft new legislation pursuant to the Revitalized ARCSS.</p> <p>6.11. 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.</p>

Power sharing

Political power sharing

Power sharing→Political power sharing→General
State level
Sub-state level
State level power-sharing is provided for, see below.

Page 8,

5. States and Local Government

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

- a. Incumbent TGoNU: 55%
- b. SPLM/ A-IO: 27%
- c. SSOA: 10%
- D. OPP: 8%

5.2. At the beginning of the Transitional Period State and local governments shall be reconstituted as per the responsibility sharing formula stated above.

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

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

5.5. The FDs shall have three State Ministries in States of their choice that shall be deducted from the opposition ratio.

Power sharing→Political power sharing→Executive coalition

State level

Sub-state level

Pages 2-4,

1. The Presidency

1.1. During the Transitional Period:

- a. H.E. Salva Kiir Mayardit shall continue as the President of the Republic of South Sudan.
- b. 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.

1.2. During the Transitional Period there shall be four Vice Presidents of the Republic of South Sudan who shall be nominated as follows:

- a. Vice President to be nominated by Incumbent TGoNU.
- b. Vice President to be nominated by SSOA.
- c. Vice President to be nominated by Incumbent TGoNU.
- d. Vice President to be nominated by FDs, who shall be a woman.

1.3. Apart from the First Vice President, there shall be no hierarchy among the Vice Presidents. The ranking in 1.2. above is for protocol purposes only.

1.4. Decision making in the Presidency shall be in the spirit of collegial collaboration. However, the powers and functions of the President, First Vice President, and Vice Presidents shall be delineated along the provisions of the ARCSS 2015.

1.5. The First Vice President and Vice Presidents shall oversee respectively the following Cabinet Clusters:

- (a) First Vice President: Governance Cluster
- (b) Vice President: Economic Cluster
- (c) Vice President: Services Cluster.
- (d) Vice President: Infrastructure Cluster
- (e) Vice President: Gender and Youth Cluster

2. The Revitalized TGoNU

Territorial power sharing Power sharing→Territorial power sharing→Local/municipal government
Page 1,
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 Revitalized TGoNU to reflect this demand by way of devolution of more powers and resources to lower levels of government,

Page 9, 6. General Provisions
6.3. The activities that shall be undertaken during the agreed eight (8) months Pre-transitional Period shall include:
g. Any other activities agreed by the Parties including the devolution of more powers and resources to lower levels of government.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general Page 1, 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,
...
Determined to compensate our people by recommitting ourselves to peace and constitutionalism and not to repeat mistakes of the past,

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	Page 11, 6. General Provisions 6.11. 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.
Detention procedures	No specific mention.
Media and communication	Rights related issues→Media and communication→Other Page 9, 6. General Provisions 6.3. The activities that shall be undertaken during the agreed eight (8) months Pre-transitional Period shall include: a. Dissemination of the Revitalized 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.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	No specific mention.
State of emergency provisions	No specific mention.
Judiciary and courts	No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development
Page 2, 1. The Presidency

1.5. The First Vice President and Vice Presidents shall oversee respectively the following Cabinet Clusters:

- (b) Vice President: Economic Cluster
- (c) Vice President: Services Cluster.

Pages 2-3, 1. The Presidency

2. The Revitalized TGoNU 2.1. The Council of Ministers shall comprise thirty five (35) Ministries that shall be organized in the abovementioned five (5) Clusters.

2.6. The Ministerial positions shall be allocated as follows:

- h. General Education and Instruction.
- i. Public Service and Human Resource Development.
- j. Information, Telecommunication, Technology and Postal Services.

Page 11, 6. General Provisions

6.8. There shall be established a fund, to be drawn from government funds and contributions of donors, for the implementation of the activities of the preTransitional Period. The fund shall be deposited by 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.

Socio-economic reconstruction→Development or socio-economic reconstruction→Infrastructure and reconstruction

Page 2, 1. The Presidency

1.5. The First Vice President and Vice Presidents shall oversee respectively the following Cabinet Clusters:

...

- (d) Vice President: Infrastructure Cluster (e)

Pages 2-3,

2. The Revitalized TGoNU 2.1. The Council of Ministers shall comprise thirty five (35) Ministries that shall be organized in the abovementioned five (5) Clusters.

2.3. The Infrastructure Cluster shall include Ministries of Energy and Dams; Transport; Roads and Bridges; and any other appropriate Ministry of the five new Ministries.

National economic plan No specific mention.

Natural resources No specific mention.

Page 9, 6. General Provisions

6.2. 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 the 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.

Page 11, 6. General Provisions

6.8. There shall be established a fund, to be drawn from government funds and contributions of donors, for the implementation of the activities of the preTransitional Period. The fund shall be deposited by 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.

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 Land, property and environment→Cultural heritage→Intangible
Pages 2, 1. The Presidency
2. The Revitalized TGoNU 2.1. The Council of Ministers shall comprise thirty five (35) Ministries that shall be organized in the abovementioned five (5) Clusters.
2.4. The Gender and Youth Cluster shall include Ministries of Gender, Child and Social Welfare; Culture and Heritage, Youth, and Sports; and any other appropriate Ministry of the five new Ministries.

Environment Pages 2-3, 1. The Presidency
2. The Revitalized TGoNU 2.1. The Council of Ministers shall comprise thirty five (35) Ministries that shall be organized in the abovementioned five (5) Clusters.
2.6. The Ministerial positions shall be allocated as follows:
g. Agriculture and Food Security.

**Water or riparian
rights or access** No specific mention.

Security sector

**Security
Guarantees** No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR No specific mention.

**Intelligence
services** No specific mention.

**Parastatal/rebel
and opposition
group forces** No specific mention.

**Withdrawal of
foreign forces** No specific mention.

Corruption	No specific mention.
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	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	Page 9, 6. General Provisions c. A process of national healing and reconciliation that shall be led by the Parties, churches, and civil society groups inside and outside of the Republic of South Sudan.

Implementation

UN signatory	No specific mention.
Other international signatory	No specific mention.

Referendum for agreement

Page 4-5, 3. The Transitional National Legislature
3.4. 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.

International mission/force/similar

No specific mention.

Enforcement mechanism

Page 7,
4a. 4a.1 Immediately upon the signing of the Revitalized 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 and the tribal areas in dispute in the country.
4a. 5 Immediately upon completion of its work, the TBC shall present its report including dissenting views, if any, to the IGAD Mediation..
Page 10, 6. General Provisions
6.9. The IGAD-led mediation shall revitalize and restructure all monitoring and evaluation mechanisms to ensure inclusion of all Parties and to enhance effectiveness of all mechanisms. Such review and restructuring shall be reflected in the Revitalized ARCSS.
