

<b>Country/entity</b>	South Sudan Sudan
<b>Region</b>	Africa (excl MENA)
<b>Agreement name</b>	Protocol between the Government of the Sudan and the Sudan People's Liberation Movement (SPLM) on Power Sharing
<b>Date</b>	26 May 2004
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	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/territory

<b>Peace process</b>	Sudanese (North-South) peace process
<b>Parties</b>	[Uploaded document does not include signatures] The Government of Sudan (GOS) and the Sudan People's Liberation Movement (SPLM)
<b>Third parties</b>	[Uploaded document does not include signatures, therefore it is difficult to determine Third Parties]
<b>Description</b>	An agreement on the modalities and implementation for the devolution of power among the national government, the Government of Southern Sudan (GOSS), and sub-state governments. Part I provides for general principles, including a list of human rights and fundamental freedoms, Part II includes provisions for political institutions at the national level, Part III details the political institutions for the GOSS, Part IV provides for institutions at the sub-state level, and Part V establishes schedules. Schedule A lists exclusive competencies of the national government, Schedule B lists exclusive powers of the GOSS, Schedule C lists the competencies of the individual states, Schedule D details concurrent powers between the National Government and GOSS during the Interim Period, Schedule E establishes that residual powers shall be dealt with in accordance to the nature of the matter, and Schedule F provides resolution for conflict between the concurrent powers.

---

<b>Agreement document</b>	<a href="#">SD_040526_Protocol btwn Sudan and SPLM on Power-Sharing.pdf (opens in new tab)</a>   <a href="#">Download PDF</a>
---------------------------	---

---

## Groups

### Children/youth

Groups→Children/youth→Anti-discrimination

Page 12, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following:

1.6.2.15 The Rights of Children - Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his/her status as a minor.;

Groups→Children/youth→Substantive

Page 7, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.1 The Republic of the Sudan, including all levels of Government throughout the country, shall comply fully with its obligations under the international human rights treaties to which it is or becomes a party. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, [...]

Page 57, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be:

...

18. Rehabilitation and benefits to disabled war veterans, orphans, widows and care for the dependents of deceased war fallen heroes;

Page 61, PART V: SCHEDULES, SCHEDULE D: CONCURRENT POWERS

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period:

...

26. Mother, Child protection and care;

### Disabled persons

Groups→Disabled persons→Substantive

Page 55-57, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be:

...

18. Rehabilitation and benefits to disabled war veterans, orphans, widows and care for the dependents of deceased war fallen heroes;

### Elderly/age

No specific mention.

### Migrant workers

No specific mention.

**Racial/ethnic/  
national group**

Groups→Racial/ethnic/national group→Rhetorical

Page 31, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.9 Foreign Policy: 2.9.1 During the Interim Period, as a matter of principle Sudan's Foreign Policy shall serve first and foremost Sudan's national interests to achieve the following objectives: 2.9.1.3 Striving to achieve African and Arab integration, each within the ongoing regional plans and forums as well as promoting African and Arab Unity and Afro-Arab cooperation;

Groups→Racial/ethnic/national group→Anti-discrimination

Page 7, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.1 The Republic of the Sudan, including all levels of Government throughout the country, shall comply fully with its obligations under the international human rights treaties to which it is or becomes a party. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Slavery Convention of 1926, as amended, and the related Supplementary Convention, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the International Convention Against Apartheid in Sports, [...]

Page 11, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.13 Freedom from Discrimination - The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

Page 27, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.6 Civil Service: 2.6.1 The Government of National Unity shall also ensure that the National Civil Service, notably at the senior and middle-levels, is representative of the people of Sudan. In so doing, the following principles shall be recognized: [...] 2.6.1.4 No level of government shall discriminate against any qualified Sudanese citizen on the basis of religion, ethnicity, region, gender, or political beliefs;

**Religious groups**

Groups→Religious groups→Anti-discrimination

Page 11, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.13

Freedom from Discrimination - The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

Page 27, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.6 Civil Service: 2.6.1 The Government of National Unity shall also ensure that the National Civil Service, notably at the senior and middle-levels, is representative of the people of Sudan. In so doing, the following principles shall be recognized: [...] 2.6.1.4 No level of government shall discriminate against any qualified Sudanese citizen on the basis of religion, ethnicity, region, gender, or political beliefs;

Groups→Religious groups→Substantive

Page 23, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.4 Law enforcement agencies of the Capital shall be representative of the population of Sudan and shall be adequately trained and made sensitive to the cultural, religious and social diversity of all Sudanese.

**Indigenous people**

Groups→Indigenous people→Substantive

Page 29, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.8 Language: 2.8.1 All the indigenous languages are national languages which shall be respected, developed and promoted.

**Other groups**

Groups→Other groups→Anti-discrimination

Page 27, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.6 Civil Service: 2.6.1 The Government of National Unity shall also ensure that the National Civil Service, notably at the senior and middle-levels, is representative of the people of Sudan. In so doing, the following principles shall be recognized: [...] 2.6.1.4 No level of government shall discriminate against any qualified Sudanese citizen on the basis of religion, ethnicity, region, gender, or political beliefs;

**Refugees/displaced persons**

Groups→Refugees/displaced persons→Substantive

Page 7, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.1 The Republic of the Sudan, including all levels of Government throughout the country, shall comply fully with its obligations under the international human rights treaties to which it is or becomes a party. These include [...] the Convention Relating to the Status of Refugees and the Related Protocol, [...]

Page 14, PART I, 1. GENERAL PRINCIPLES

1.8 Population Census, Elections and Representation: 1.8.5 Certain considerations, while not conditional upon their completion, should be taken into account with respect to the timing of the elections (including, inter alia, resettlement, rehabilitation, reconstruction, repatriation, building of structures and institutions, and consolidation of the Peace Agreement);

Page 23, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.5 Without prejudice to the competency of any National Institution to promulgate laws, Judges

and law enforcement agents shall, in dispensing justice and enforcing current laws in the National Capital be guided by the following: [...] 2.4.5.5 Leniency and granting the accused the benefit of doubt are legal principles of universal application, especially in the circumstances of a poor society like the Sudan, which is just emerging from war, characterized by prevalent poverty and subject to massive displacement of people.

Page 61, PART V: SCHEDULES, SCHEDULE D: CONCURRENT POWERS

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period: [...] 18. Relief, Repatriation, Resettlement, Rehabilitation and Reconstruction;

**Social class**

Groups→Social class→Rhetorical

Page 23, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.4 Law enforcement agencies of the Capital shall be representative of the population of Sudan and shall be adequately trained and made sensitive to the cultural, religious and social diversity of all Sudanese.

Groups→Social class→Anti-discrimination

Page 11, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.13 Freedom from Discrimination - The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

---

**Gender**

**Women, girls and  
gender**

Page 11, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.10 Family and Marriage - [...] (b) The right of men and women of marriageable age to marry and to found a family shall be recognized, according to their respective family laws.

Page 11, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.13. Freedom from Discrimination - The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

Page 12, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.15. The Rights of Children - Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his/her status as a minor;

Page 12, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.16. Equal Rights of Men and Women - (a) The equal right of men and women to the enjoyment of all civil and political rights set forth in the International Covenant on Civil and Political Rights and all economic, social, and cultural rights set forth in the International Covenant on Economic, Social and Cultural Rights shall be ensured;

Page 27, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.6 Civil Service: 2.6.1 The Government of National Unity shall also ensure that the National Civil Service, notably at the senior and middle-levels, is representative of the people of Sudan. In so doing, the following principles shall be recognized: [...]

2.6.1.4 No level of government shall discriminate against any qualified Sudanese citizen on the basis of religion, ethnicity, region, gender, or political beliefs;

Page 57, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 18. Rehabilitation and benefits to disabled war veterans, orphans, widows and care for the dependents of deceased war fallen heroes;

Page 61, PART V: SCHEDULES, SCHEDULE D: CONCURRENT POWERS

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period: [...] 21. Women's empowerment; 22. Gender policy; [...] 26. Mother, Child protection and care;

**Men and boys**

Gender→Men and boys→Gender neutral wording

Page 12, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.16.

Equal Rights of Men and Women - (a) The equal right of men and women to the enjoyment of all civil and political rights set forth in the International Covenant on Civil and Political Rights and all economic, social, and cultural rights set forth in the International Covenant on Economic, Social and Cultural Rights shall be ensured;

**LGBTI**

No specific mention.

**Family**

Page 10, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.6

Privacy - No one shall be subjected to arbitrary or unlawful interference with his/her privacy, family, home or correspondence;

Page 11, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.10

Family and Marriage - (a) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State; (b) The right of men and women of marriageable age to marry and to found a family shall be recognized, according to their respective family laws.

Page 57, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 16. Reconstruction and development of the Southern Sudan as a whole, subject to the provisions of the Wealth Sharing Agreement; 18. Rehabilitation and benefits to disabled war veterans, orphans, widows and care for the dependents of deceased war fallen heroes;

Page 57, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 18. Rehabilitation and benefits to disabled war veterans, orphans, widows and care for the dependents of deceased war fallen heroes;

Page 59, PART V: SCHEDULES, SCHEDULE C: POWERS OF STATES

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under: [...] 26. Population policy and family planning;

---

**State definition**

**Nature of state  
(general)**

Page 2, PREAMBLE:

DETERMINED to crown the valuable achievement of this Peace Process by arriving at an equitable and fair formula for sharing power in the Sudan;

Page 2, PREAMBLE:

RESOLVED to usher in an era of responsible, just, transparent, people-led and integrity based governance;

Page 2, PREAMBLE:

CONVINCED that decentralization and empowerment of all levels of government are cardinal principles of effective and fair administration of the country;

Page 3, PART I, 1. GENERAL PRINCIPLES

1.2 The Parties reaffirm their acceptance of the Agreed Principles (of Governance) as stipulated in the Machakos Protocol of 20th July, 2002. The modalities of implementation of these principles are the object of the present Protocol on Power Sharing.

Page 3, PART I, 1. GENERAL PRINCIPLES

1.3 In accordance with the Machakos Protocol, the structures of governments in the Sudan shall be as follows during the Interim Period:-

1.3.1 The National level of Government which shall exercise authority so as to protect and promote the national sovereignty of Sudan and the welfare of its people;

1.3.2 The Southern Sudan level of Government which shall exercise authority in respect of the people and States in the South;

1.3.3 The States throughout Sudan which shall exercise authority at the state level and render public services through the level of government close to the people; and

1.3.4 The level of local government throughout the Sudan.

Page 21, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.3. The National Executive: 2.3. 12 The President shall, within 30 days of the entry into force of the Peace Agreement, and in consultation with the First Vice President, establish a Council of Ministers, having due regard to the need for inclusiveness and diversity in the establishment of a Government of National Unity. The Cabinet Ministers shall be accountable to the President and the National Assembly in the performance of their functions and may be removed by a resolution supported by two-thirds of all the members of the National Assembly.

Page 22, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.2 The Administration of the National Capital shall be representative; and during the Interim

Period the two Parties shall be adequately represented in the administration of the National Capital.

Page 24, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.5. The Government of National Unity: 2.5.1 During the Interim Period, there shall be a Government of National Unity reflecting the need for inclusiveness, the promotion of national unity, and the defense of national sovereignty, and the respect and implementation of Peace Agreement.

**State configuration** Page 3, PART I, 1. GENERAL PRINCIPLES

1.3 In accordance with the Machakos Protocol, the structures of governments in the Sudan shall be as follows during the Interim Period:

1.3.1 The National level of Government which shall exercise authority so as to protect and promote the national sovereignty of Sudan and the welfare of its people;

1.3.2 The Southern Sudan level of Government which shall exercise authority in respect of the people and States in the South;

1.3.3 The States throughout Sudan which shall exercise authority at the state level and render public services through the level of government close to the people; and

1.3.4 The level of local government throughout the Sudan.

Page 54, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government. [...] 21. National Institutions as envisaged under the Peace Agreement or as set forth in the Interim National Constitution;

Page 62, PART V: SCHEDULES, SCHEDULE F: Resolution of Conflicts in Respect of Concurrent Powers:

If there is a contradiction between the provisions of Southern Sudan law and/or a State law and/or a National law, on the matters referred in Schedule D, the law of the level of government which shall prevail shall be that which most effectively deals with the subject matter of the law, having regard to:

1. The need to recognize the sovereignty of the Nation while accommodating the autonomy of Southern Sudan or of the States;

2. Whether there is a need for National or Southern Sudan norms and standards;

3. The principle of subsidiarity;

4. The need to promote the welfare of the people and to protect each person's human rights and fundamental freedoms.

**Self determination** Page 31, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.10 Other Independent and/or National Institutions to be Established in Accordance with the Peace Agreement: 2.10.1 The National Constitutional Review Commission, as detailed in Section 2.12 herein, shall also detail the mandate and provide for the

appointment and other mechanisms to ensure the independence of the following institutions: 2.10.1.5 An ad-hoc Commission to monitor and ensure accuracy, legitimacy,

and transparency of the Referendum as mentioned in the Machakos Protocol on Self-Determination for the People of South Sudan, which shall also include international experts;

## Referendum

Page 31, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.10 Other Independent and/or National Institutions to be Established in Accordance with the Peace Agreement: 2.10.1 The National Constitutional Review Commission, as detailed in Section 2.12 herein, shall also detail the mandate and provide for the appointment and other mechanisms to ensure the independence of the following institutions: 2.10.1.5 An ad-hoc Commission to monitor and ensure accuracy, legitimacy, and transparency of the Referendum as mentioned in the Machakos Protocol on Self-Determination for the People of South Sudan, which shall also include international experts;

Page 56, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 11. Referenda in Southern Sudan on matters affecting Southern Sudan as a whole within the competencies of Southern Sudan Government;

## State symbols

Page 22, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.1 Khartoum shall be the Capital of the Republic of the Sudan. The National Capital shall be a symbol of national unity that reflects the diversity of Sudan.

Page 26, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.5. The Government of National Unity: 2.5.9. The Government of National Unity shall implement an information campaign throughout Sudan in all national languages in Sudan to popularize the Peace Agreement, and to foster national unity, reconciliation and mutual understanding.

Page 29, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.8 Language: 2.8.1 All the indigenous languages are national languages which shall be respected, developed and promoted.

Page 30, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.8 Language: 2.8.2 Arabic language is the widely spoken national language in the Sudan. 2.8.3 Arabic, as a major language at the national level, and English shall be the official working languages of the National Government business and languages of instruction for higher education.

2.8.4 In addition to Arabic and English, the legislature of any sub-national level of government may adopt any other national language(s) as additional official working language(s) at its level.

2.8.5 The use of either language at any level of government or education shall not be discriminated against.

Page 54, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government. [...] 24. National Flag, National Emblem and National Anthem;

Page 56, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 15. GOSS flag, emblem;

**Independence/  
secession**                      No specific mention.

**Accession/  
unification**                      No specific mention.

**Border delimitation** Page 40, PART III, 3. GOVERNMENT OF SOUTHERN SUDAN:

3.1 In respect of the Southern Sudan, there shall be a Government of Southern Sudan {GOSS}, as per the borders of 1/1/56, which shall consist of: [...]

**Cross-border provision**

Page 30, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.9 Foreign Policy: 2.9.1 During the Interim Period, as a matter of principle Sudan's Foreign Policy shall serve first and foremost Sudan's national interests to achieve the following objectives: 2.9.1.1 Promotion of international cooperation, especially within the UN and other International and Regional Organizations for the consolidation of universal peace, respect of international law and treaty obligations and the promotion of a just world economic order;

Page 30, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.9 Foreign Policy: 2.9.1 During the Interim Period, as a matter of principle Sudan's Foreign Policy shall serve first and foremost Sudan's national interests to achieve the following objectives: 2.9.1.2 To achieve the latter, enhancement of South-South and international cooperation;

Page 31, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.9 Foreign Policy: 2.9.1 During the Interim Period, as a matter of principle Sudan's Foreign Policy shall serve first and foremost Sudan's national interests to achieve the following objectives: 2.9.1.3 Striving to achieve African and Arab integration, each within the ongoing regional plans and forums as well as promoting African and Arab Unity and Afro-Arab cooperation;

Page 31, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.9 Foreign Policy: 2.9.1 During the Interim Period, as a matter of principle Sudan's Foreign Policy shall serve first and foremost Sudan's national interests to achieve the following objectives: 2.9.1.4 Non-interference in the affairs of other states and promotion of good-neighborliness and mutual cooperation among all Sudan's neighbors;

Page 31, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.9 Foreign Policy: 2.9.1 During the Interim Period, as a matter of principle Sudan's Foreign Policy shall serve first and foremost Sudan's national interests to achieve the following objectives: 2.9.1.5 Combating international and transnational organized crimes and terrorism.

Page 53, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government. [...] 2. Foreign Affairs and International Representation;

Page 54, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government. [...] 25. Signing of International Treaties on behalf of the Republic of Sudan;



**Political  
institutions (new or  
reformed)**

Governance→Political institutions (new or reformed)→General references

Page 5, PART I, 1. GENERAL PRINCIPLES

1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:

1.5.1.4 In their relationships with each other or with other government organs, all levels of government and particularly National, Southern Sudan, and State Governments shall:  
(a) Respect each others' autonomy;

Page 6, PART I, 1. GENERAL PRINCIPLES

1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected: 1.5.1.4 In their relationships with each other or with other

government organs, all levels of government and particularly National, Southern Sudan, and State Governments shall: (c) Perform their functions and exercise their powers so as: [...] ix) To respect the status and institutions of other levels of government.

Page 12, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.16.

Equal Rights of Men and Women - (b) The human rights and fundamental freedoms embodied in the International Covenant on Civil and Political Rights (ICCPR) shall also be reflected in the Interim National Constitution. No derogation from these rights and freedoms shall be made under the Constitution or under the ICCPR except in accordance with the provisions thereof and only with the approval of the Presidency and the National Legislature, as required by Section 2.3.14 herein;

Page 14, PART I, 1. GENERAL PRINCIPLES

1.8 Population Census, Elections and Representation: 1.8.5 Certain considerations, while not conditional upon their completion, should be taken into account with respect to the timing of the elections (including, inter alia, resettlement, rehabilitation, reconstruction, repatriation, building of structures and institutions, and consolidation of the Peace Agreement);

Governance→Political institutions (new or reformed)→New political institutions  
(indefinite)

Page 40, PART III, 3. GOVERNMENT OF SOUTHERN SUDAN:

3.2 The Government of Southern Sudan shall function in accordance with a Southern Sudan

Constitution, which shall be drafted by an inclusive Southern Sudan Constitutional Drafting Committee and adopted by the Transitional Assembly of Southern Sudan by a two-thirds majority of all members. It shall conform with the Interim National Constitution.

Page 41, PART III, 3. GOVERNMENT OF SOUTHERN SUDAN:

3.5 Legislature of Southern Sudan: 3.5.1 Pending the elections, the First Southern Sudan Assembly shall be an inclusive, constituent legislature comprised of:

3.5.1.1 The SPLM shall be represented by Seventy Percent (70%);

3.5.1.2 The NCP shall be represented by Fifteen Percent (15%);

3.5.1.3 The other Southern political forces shall be represented by Fifteen Percent (15%).

Page 41, 3. GOVERNMENT OF SOUTHERN SUDAN:

3.5 Legislature of Southern Sudan: 3.5.2 The Southern Sudan Assembly shall, in accordance with the Constitution adopted by it, provide for the election of its Speaker and other office holders. Page 18 of 60

Page 41, 3. GOVERNMENT OF SOUTHERN SUDAN:

## Elections

Page 4, PART I, 1. GENERAL PRINCIPLES

1.4 The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures:

1.4.6 Recognizing the need to legitimize the arrangements agreed to herein, fair electoral laws shall be adopted, including the free establishment of political parties. Elections at all levels of government shall be held by universal adult suffrage.

Page 11, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.11

Right to Vote - Every citizen shall have the right and the opportunity, without distinctions and unreasonable restrictions, to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

Page 13, PART I, 1. GENERAL PRINCIPLES

1.8 Population Census, Elections and Representation: 1.8.3 General Elections at all levels of government shall be completed by the end of the third year of the Interim Period;

Page 14, PART I, 1. GENERAL PRINCIPLES

1.8 Population Census, Elections and Representation: 1.8.5 Certain considerations, while not conditional upon their completion, should be taken into account with respect to the timing of the elections (including, inter alia, resettlement, rehabilitation, reconstruction, repatriation, building of structures and institutions, and consolidation of the Peace Agreement);

Page 14, PART I, 1. GENERAL PRINCIPLES

1.8 Population Census, Elections and Representation: 1.8.6 Whoever runs in any election must respect, abide by, and enforce the Peace Agreement;

Page 14, PART I, 1. GENERAL PRINCIPLES

1.8 Population Census, Elections and Representation: 1.8.7 International observers shall participate in the observation of elections;

Page 16, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.2. The National Legislature: 2.2.3 The National Legislature shall be structured and operate as follows:

2.2.3.1 The National Assembly shall be elected in accordance with the procedures set forth by an impartial and representative Electoral Commission and in accordance with fair electoral laws; [...]

2.2.3.3 Free and fair elections for the National Assembly shall be conducted in accordance with the Interim National Constitution governing the Interim Period. The date shall be determined by the Parties signatory to this Agreement, after consulting with the Electoral Commission.

Page 20, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.3. The National Executive: 2.3.7 The President shall be elected in national elections, the timing of which shall be subject to the agreement of the two parties. The President elect shall appoint two Vice Presidents, one from the South and the other from the North. If the President-elect is from the North, the position of the First Vice President shall be filled by the person who has been elected to the post of President of the Government of Southern Sudan, as the President's appointee to the said position. In the event that a person from the South wins the Presidential elections, the President-elect shall appoint the

**Electoral  
commission**

Page 16, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.2. The National Legislature: 2.2.3 The National Legislature shall be structured and operate as follows:

2.2.3.1 The National Assembly shall be elected in accordance with the procedures set forth by an impartial and representative Electoral Commission and in accordance with fair electoral laws; [...]

2.2.3.3 Free and fair elections for the National Assembly shall be conducted in accordance with the Interim National Constitution governing the Interim Period. The date shall be determined by the Parties signatory to this Agreement, after consulting with the Electoral Commission.

Page 31, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.10 Other Independent and/or National Institutions to be Established in Accordance with the Peace Agreement: 2.10.1 The National Constitutional Review Commission, as detailed in Section 2.12 herein, shall also detail the mandate and provide for the appointment and other mechanisms to ensure the independence of the following institutions: 2.10.1.1 An impartial and representative National Electoral Commission;

Page 47, PART IV, 4. INSTITUTIONS AT THE STATE LEVEL

4.4 The State Legislature: 4.4.1 There shall be a State Legislature comprised of members elected in accordance with the electoral provisions herein and as set forth by the National Electoral Commission referred to in subparagraph 2.10.1.1 herein.

Page 55, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government. [...] 37. Laws providing for National elections and their supervision by the Electoral Commission;

**Political parties  
reform**

Governance→Political parties reform→Other political parties reform

Page 4, PART I, 1. GENERAL PRINCIPLES

1.4 The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures:

1.4.6 Recognizing the need to legitimize the arrangements agreed to herein, fair electoral laws shall be adopted, including the free establishment of political parties. Elections at all levels of government shall be held by universal adult suffrage.

## Civil society

Page 2, PREAMBLE:

RESOLVED to usher in an era of responsible, just, transparent, people-led and integrity based governance;

Page 4, PART I, 1. GENERAL PRINCIPLES

1.4 The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures: 1.4.4 Recognition of the need for the involvement and participation of the people of South Sudan at all levels of government and National institutions as an expression of the national unity of the country;

Page 26, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.5. The Government of National Unity: 2.5.8 The Government of National Unity shall make decisions related to the ongoing or future activities of the organizations of the United Nations, bilateral, national, or international governmental and non-governmental organizations (NGOs), with a view toward ensuring equitable and transparent distribution of projects, activities, and employment of personnel in the whole of Sudan and especially the reconstruction of the war affected areas. There is to be an equivalent obligation on all levels of Government.

2.12.10, the National Constitutional Review Commission shall be responsible for organizing an inclusive Constitutional Review Process. The process must provide for political inclusiveness and public participation.

Page 37, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.12 Constitutional Review Process: 2.12.4 After the Agreement has been signed: 2.12.4.2 A representative National Constitutional Review Commission shall be established, as is more fully described below, which shall within six (6) weeks of receipt of the Agreement prepare a Legal and Constitutional Framework ("The Constitutional Text");

Page 37, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.12 Constitutional Review Process: 2.12.4 After the Agreement has been signed: 2.12.4.3 The National Constitutional Review Commission shall be comprised of the NCP, SPLM and representatives of such other political forces and civil society as agreed by the Parties. Such composition shall be reflected in the final Peace Agreement.

Page 37, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.12 Constitutional Review Process: 2.12.5 The National Constitutional Review Commission shall have as its first task the preparation of a Legal and Constitutional Framework text in the constitutionally appropriate form, based on the Peace Agreement and the current Sudan Constitution, for adoption by the National Assembly. The same text shall be presented to the SPLM National Liberation Council for adoption. In the event of a contradiction, the terms of the Peace Agreement shall prevail in so far as that contradiction exists.

Page 38, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.12 Constitutional Review Process: 2.12.10 Without prejudice to the provisions of the Peace Agreement, as a subsequent task and during the course of the six-year Interim Period, the National Constitutional Review Commission shall be responsible for organizing an inclusive Constitutional Review Process. The process must provide for political inclusiveness and public participation.

Page 43, 3. GOVERNMENT OF SOUTHERN SUDAN:

3.6 The Southern Sudan Executive Council: 3.6.2 The Government of Southern Sudan shall be established with due regard to the need for inclusiveness.

**Traditional/  
religious leaders**

No specific mention.

Page 27, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.6 Civil Service: 2.6.1 The Government of National Unity shall also ensure that the National Civil Service, notably at the senior and middle-levels, is representative of the people of Sudan. In so doing, the following principles shall be recognized:

- 2.6.1.1 Imbalances and disadvantages which exist must be redressed;
- 2.6.1.2 Merit is important and training is necessary;
- 2.6.1.3 There must be fair competition for jobs in the National Civil Service;
- 2.6.1.4 No level of government shall discriminate against any qualified Sudanese citizen on the basis of religion, ethnicity, region, gender, or political beliefs;
- 2.6.1.5 The National Civil Service will fairly represent all the people of the Sudan and will utilize affirmative action and job training to achieve equitable targets for representation within an agreed time frame;
- 2.6.1.6 Additional educational opportunities shall be created for war-affected people.

Page 27, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.6 Civil Service: 2.6.2 In order to create a sense of national belonging and address imbalances in the National Civil Service, a National Civil Service Commission shall be established with the task of:

- 2.6.2.1 Formulating policies for training and recruitment into the civil service, targeting between Twenty – Thirty Percent (20% - 30%) of the positions, confirmed upon the outcome of the census referred to herein, for people of South Sudan who qualify;

Page 28, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.6 Civil Service: 2.6.2 In order to create a sense of national belonging and address imbalances in the National Civil Service, a National Civil Service Commission shall be established with the task of:

- 2.6.2.2 Ensuring that not less than Twenty Percent (20%) of the middle and upper level positions in the National Civil Service (including the positions of Under Secretaries) are filled with qualified persons from the South within the first three years and achieving twenty Five Percent (25%) in five years and the final target figure referred to in subparagraph 2.6.2.1 above, within six years; and
- 2.6.2.3 Reviewing, after the first three years of the beginning of the Interim Period the progress made as a result of the policies and setting new goals and targets as necessary, taking into account the census results.

Page 31, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.10 Other Independent and/or National Institutions to be Established in Accordance with the Peace Agreement: 2.10.1 The National Constitutional Review Commission, as detailed in Section 2.12 herein, shall also detail the mandate and provide for the appointment and other mechanisms to ensure the independence of the following institutions: 2.10.1.4 A National Civil Service Commission;

Page 43, 3. GOVERNMENT OF SOUTHERN SUDAN:

3.6 The Southern Sudan Executive: 3.6.5 The Government of Southern Sudan shall discharge its obligations and exercise such rights and powers in regard to administration, security, financial, and development issues as is set forth in the Southern Sudan Constitution, the Interim National Constitution, the Peace Agreement and any other agreement relating to the reconstruction and development of the Southern Sudan.

Page 53, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government. [...] 9. The fixing of and providing for salaries and allowances of civil and other officers of the National Government;

## Constitution

Governance→Constitution→Constitutional reform/making

Page 4, PART I, 1. GENERAL PRINCIPLES

1.4 The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures:

1.4.6 Recognizing the need to legitimize the arrangements agreed to herein, fair electoral laws shall be adopted, including the free establishment of political parties. Elections at all levels of government shall be held by universal adult suffrage.

Page 5, PART I, 1. GENERAL PRINCIPLES

1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:

1.5.1.2 The Interim National Constitution, being the legal and constitutional framework text adopted as contemplated in paragraph 2.12.6 herein, shall be the Supreme Law of the land and the Southern Sudan Constitution, state constitutions, and the laws of all levels of government must comply with it;

Page 5, PART I, 1. GENERAL PRINCIPLES

1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:

1.5.1.3 The linkage between the National Government and the states in the Southern Sudan shall be through the Government of Southern Sudan, subject to paragraph 1.5.1.4 below, and as provided for in the Interim National Constitution and the Southern Sudan Constitution;

Page 6, PART I, 1. GENERAL PRINCIPLES

1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:

1.5.1.4 In their relationships with each other or with other government organs, all levels of government and particularly National, Southern Sudan, and State Governments shall: (b) Collaborate rather than compete, in the task of governing and assist each other in fulfilling each others' constitutional obligations;

Page 6, PART I, 1. GENERAL PRINCIPLES

1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:

1.5.1.4 In their relationships with each other or with other government organs, all levels of government and particularly National, Southern Sudan, and State Governments shall: (c) Perform their functions and exercise their powers so as:  
[...] ii) Not to assume another level's powers or functions conferred upon it by the Constitution;

Page 12, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.16. Equal Rights of Men and Women - (b) The human rights and fundamental freedoms embodied in the International Covenant on Civil and Political Rights (ICCPR) shall also be reflected in the Interim National Constitution. No derogation from these rights and freedoms shall be made under the Constitution or under the ICCPR except in accordance with the provisions thereof and only with the approval of the Presidency and the National Legislature, as required by Section 2.3.14 herein;

Page 15, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.1 During the Interim Period, the Institutions at the National level shall consist of: [...]

2.1.4 The Institutions and Commissions specified in this Agreement and the Interim

---

**Power sharing**

## Political power sharing

Power sharing→Political power sharing→General  
State level  
Sub-state level

Summary: Extensive state level power sharing is provided for, see below.

Page 2, PREAMBLE:

DETERMINED to crown the valuable achievement of this Peace Process by arriving at an equitable and fair formula for sharing power in the Sudan;

Page 5, PART I, 1. GENERAL PRINCIPLES

1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:

1.5.1.2 The Interim National Constitution, being the legal and constitutional framework text adopted as contemplated in paragraph 2.12.6 herein, shall be the Supreme Law of the land and the Southern Sudan Constitution, state constitutions, and the laws of all levels of government must comply with it;

Page 5, PART I, 1. GENERAL PRINCIPLES

1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:

1.5.1.3 The linkage between the National Government and the states in the Southern Sudan shall be through the Government of Southern Sudan, subject to paragraph 1.5.1.4 below, and as provided for in the Interim National Constitution and the Southern Sudan Constitution;

Page 5, PART I, 1. GENERAL PRINCIPLES

1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:

1.5.1.4 In their relationships with each other or with other government organs, all levels of government and particularly National, Southern Sudan, and State Governments shall:  
(a) Respect each others' autonomy;

Page 6, PART I, 1. GENERAL PRINCIPLES

1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:

1.5.1.4 In their relationships with each other or with other government organs, all levels of government and particularly National, Southern Sudan, and State Governments shall:  
(b) Collaborate rather than compete, in the task of governing and assist each other in fulfilling each others' constitutional obligations;

Page 6, PART I, 1. GENERAL PRINCIPLES

1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:

1.5.1.4 In their relationships with each other or with other government organs, all levels of government and particularly National, Southern Sudan, and State Governments shall:  
(c) Perform their functions and exercise their powers so as:

- i) Not to encroach on another level's powers or functions;
- ii) Not to assume another level's powers or functions conferred upon it by the Constitution;
- iii) To promote co-operation between them;
- iv) To promote open communication between government and levels of government;
- v) To strive to render assistance and support to other levels of government;
- vi) To advance the good co-ordination of governmental functions;
- vii) To adhere to procedures of inter-governmental interaction as agreed upon;
- viii) To promote amicable settlement of disputes before attempting litigation;

## **Territorial power sharing**

Power sharing→Territorial power sharing→Federal or similar sub-divided government  
Page 2, PREAMBLE:

CONVINCED that decentralization and empowerment of all levels of government are cardinal principles of effective and fair administration of the country;

Page 3, PART I, 1. GENERAL PRINCIPLES

1.3 In accordance with the Machakos Protocol, the structures of governments in the Sudan shall be as follows during the Interim Period:

1.3.2 The Southern Sudan level of Government which shall exercise authority in respect of the people and States in the South;

Page 4, PART I, 1. GENERAL PRINCIPLES

1.4 The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures:

1.4.1 Recognition of both the sovereignty of the nation as vested in its people as well as the need for autonomy of the Government of Southern Sudan and States throughout the Sudan;

Page 5, PART I, 1. GENERAL PRINCIPLES

1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:

1.5.1.1 There shall be a decentralized system of government with significant devolution of powers, having regard to the National, Southern Sudan, State, and Local levels of government;

Page 5, PART I, 1. GENERAL PRINCIPLES

1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:

1.5.1.2 The Interim National Constitution, being the legal and constitutional framework text adopted as contemplated in paragraph 2.12.6 herein, shall be the Supreme Law of the land and the Southern Sudan Constitution, state constitutions, and the laws of all levels of government must comply with it;

1.5.1.3 The linkage between the National Government and the states in the Southern Sudan shall be through the Government of Southern Sudan, subject to paragraph 1.5.1.4 below, and as provided for in the Interim National Constitution and the Southern Sudan Constitution;

(Page 5-6)

1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:

1.5.1.4 In their relationships with each other or with other government organs, all levels of government and particularly National, Southern Sudan, and State Governments shall:

- (a) Respect each others' autonomy;
- (b) Collaborate rather than compete, in the task of governing and assist each other in fulfilling each others' constitutional obligations;
- (c) Perform their functions and exercise their powers so as:
  - i) Not to encroach on another level's powers or functions;
  - ii) Not to assume another level's powers or functions conferred upon it by the Constitution;
  - iii) To promote co-operation between them;
  - iv) To promote open communication between government and levels of government;
  - v) To strive to render assistance and support to other levels of government;
  - vi) To advance the good co-ordination of governmental functions;
  - vii) To adhere to procedures of inter-governmental interaction as agreed upon;
  - viii) To promote amicable settlement of disputes before attempting litigation;
  - ix) To respect the status and institutions of other levels of government.

**Economic power sharing**

Power sharing→Economic power sharing→Sharing of resources

Page 17, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.2. The National Legislature: 2.2.6 Both Chambers of the National Legislature shall approve the allocation of resources and revenues, in accordance with the agreement of Wealth Sharing. The National Assembly shall approve the annual National budget.

Page 55, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government.

36. National Budget;

Page 56, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 13. Southern Sudan Budget, subject to the agreement on Wealth Sharing;

Page 56, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 16. Reconstruction and development of the Southern Sudan as a whole, subject to the provisions of the Wealth Sharing Agreement;

Page 57, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 20. Such matters relating to taxation, royalties and economic planning as is specified in the Agreement on Wealth Sharing as a matter or matters in regard to which the Government of Southern Sudan is accorded exclusive authority;

Page 62, PART V: SCHEDULES, SCHEDULE D: CONCURRENT POWERS

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period: [...] 28. Notwithstanding Schedules A, B and C, such matters relating to taxation, royalties and economic planning as specified in the Agreement on Wealth Sharing; [...] 30. Such matters relating to taxation, royalties and economic planning as is specified in the Agreement on Wealth Sharing as a matter or matters in regard to which the Government of Southern Sudan is accorded concurrent authority;

**Military power sharing**

Power sharing→Military power sharing→Joint command structures

2.3.5 Until such time as elections are held, the current incumbent President (or his successor) shall be the President and Commander-in-Chief of the Sudan Armed Forces {SAF}. The current SPLM Chairman (or his successor) shall be the First Vice President and shall at the same time hold the posts of President of the Government of Southern Sudan (GOSS) and Commander-in-Chief of the Sudan People's Liberation Army (SPLA).



**Human rights/RoL  
general**

Page 4, PART I, 1. GENERAL PRINCIPLES

1.4 The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures:

1.4.3 Acknowledgement of the need to promote the welfare of the people and protect their human rights and fundamental freedoms;

Page 4, PART I, 1. GENERAL PRINCIPLES

1.4 The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures:

1.4.5 Pursuit of good governance, accountability, transparency, democracy, and the rule of law at all levels of government to achieve lasting peace;

Page 7, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: [...]

Page 22, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.3 Human rights and fundamental freedoms as specified in the Machakos Protocol, and in the Agreement herein, including respect for all religions, beliefs and customs, shall be guaranteed and enforced in the National Capital, as well as throughout the whole of Sudan, and shall be enshrined in the Interim National Constitution.

Page 33, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.11 The National Judiciary: 2.11.3. The Constitutional Court: 2. 11.3.2. The Constitutional Court shall: [...]

(vii) Protect human rights and fundamental freedoms;

(viii) Have criminal jurisdiction over the President, the two Vice Presidents of the Republic, the two Speakers of the National Legislature, and the Justices of the National and Southern Sudan Supreme Courts.

Page 45, PART III, 3. GOVERNMENT OF SOUTHERN SUDAN:

3.7 The Judiciary of Southern Sudan: 3.7.4 Judges of the Courts of Southern Sudan shall perform their functions without political interference, shall be independent, and shall administer the law without fear or favour. The provisions of the Southern Sudan Constitution and the Law shall protect their independence.

Page 51, PART IV, 4. INSTITUTIONS AT THE STATE LEVEL

4.6 State Judicial Institutions: 4.6.2 State legislation must provide for: [...]

4.6.2.2 Guarantees of the independence and impartiality of the judiciary and ensure that judges shall not be subject to political or other interference.

Page 62, PART V: SCHEDULES, SCHEDULE F: Resolution of Conflicts in Respect of Concurrent Powers:

If there is a contradiction between the provisions of Southern Sudan law and/or a State law and/or a National law, on the matters referred in Schedule D, the law of the level of government which shall prevail shall be that which most effectively deals with the subject matter of the law, having regard to: [...]

4. The need to promote the welfare of the people and to protect each person's human rights and fundamental freedoms.

**Bill of rights/similar** Page 7, 1.6 Human Rights and Fundamental Freedoms: 1.6.1 The Republic of the Sudan, including all levels of Government throughout the country, shall comply fully with its obligations under the international human rights treaties to which it is or becomes a party. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Slavery Convention of 1926, as amended, and the related Supplementary Convention, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the International Convention Against Apartheid in Sports, the Convention Relating to the Status of Refugees and the Related Protocol, and the African Charter on Human and People's Rights. The Republic of the Sudan should endeavor to ratify other human rights treaties which it has signed. 1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following:-

**Treaty  
incorporation**

Page 7, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.1 The Republic of the Sudan, including all levels of Government throughout the country, shall comply fully with its obligations under the international human rights treaties to which it is or becomes a party. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Slavery Convention of 1926, as amended, and the related Supplementary Convention, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the International Convention Against Apartheid in Sports, the Convention Relating to the Status of Refugees and the Related Protocol, and the African Charter on Human and People's Rights. The Republic of the Sudan should endeavor to ratify other human rights treaties which it has signed.

Page 7, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: [...]

Page 12, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.16. Equal Rights of Men and Women - (a) The equal right of men and women to the enjoyment of all civil and political rights set forth in the International Covenant on Civil and Political Rights and all economic, social, and cultural rights set forth in the International Covenant on Economic, Social and Cultural Rights shall be ensured;

Page 12, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.16. Equal Rights of Men and Women - (b) The human rights and fundamental freedoms embodied in the International Covenant on Civil and Political Rights (ICCPR) shall also be reflected in the Interim National Constitution. No derogation from these rights and freedoms shall be made under the Constitution or under the ICCPR except in accordance with the provisions thereof and only with the approval of the Presidency and the National Legislature, as required by Section 2.3.14 herein;

Page 30, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.9 Foreign Policy: 2.9.1 During the Interim Period, as a matter of principle Sudan's Foreign Policy shall serve first and

foremost Sudan's national interests to achieve the following objectives: 2.9.1.1

Promotion of international cooperation, especially within the UN and other International and Regional Organizations for the consolidation of universal peace, respect of international law and treaty obligations and the promotion of a just world economic order;

## Civil and political rights

Human rights and equality→Civil and political rights→Life

Page 8, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.1

Life - Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his/her life;

Human rights and equality→Civil and political rights→Torture

Page 8, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.4

Torture - No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment;

Human rights and equality→Civil and political rights→Equality

Page 2, PREAMBLE:

DETERMINED to crown the valuable achievement of this Peace Process by arriving at an equitable and fair formula for sharing power in the Sudan;

Page 11, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.12

Equality Before the Law - All persons are equal before the law and are entitled without any discrimination to the equal protection of the law;

Page 11, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.13

Freedom from Discrimination - The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

Page 12, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.15

The Rights of Children - Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his/her status as a minor.;

Page 15, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.2. The National Legislature: 2.2.2. In the establishment of the National Legislature, the following principles shall apply:

2.2.2.1. There shall be equitable representation of the people of South Sudan in both legislative chambers; and

2.2.2.2. Relevant considerations shall be taken into account in determining what constitutes equitable representation.

Page 23, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.5 Without prejudice to the competency of any National

Institution to promulgate laws, Judges and law enforcement agents shall, in dispensing justice and enforcing current laws in the National Capital be guided by the following:

**Socio-economic rights**

Human rights and equality→Socio-economic rights→Cultural life

Page 23, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.5 Without prejudice to the competency of any National Institution to promulgate laws, Judges and law enforcement agents shall, in dispensing justice and enforcing current laws in the National Capital be guided by the following: [...]  
2.4.5.2 Behavior based on cultural practices and traditions which does not disturb public order, is not disdainful of other traditions, and not in flagrant disregard of the law or disturbing public order shall be deemed in the eyes of the law as an exercise of personal freedoms;

---

**Rights related issues**

**Citizenship**

No specific mention.

**Democracy**

Page 4, PART I, 1. GENERAL PRINCIPLES

1.4 The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures:

1.4.5 Pursuit of good governance, accountability, transparency, democracy, and the rule of law at all levels of government to achieve lasting peace;

Page 4, PART I, 1. GENERAL PRINCIPLES

1.4 The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures:

1.4.6 Recognizing the need to legitimize the arrangements agreed to herein, fair electoral laws shall be adopted, including the free establishment of political parties. Elections at all levels of government shall be held by universal adult suffrage.

**Detention procedures**

No specific mention.

**Media and communication**

Rights related issues→Media and communication→Governance of media

Page 54, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government.  
[...] 34. National information, publications, telecommunications regulations;

Page 56, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 17. GOSS information, publications, media and telecommunications utilities;

Page 58, PART V: SCHEDULES, SCHEDULE C: POWERS OF STATES

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under: [...] 4. State information, state publications and state media;

Page 61, PART V: SCHEDULES, SCHEDULE D: CONCURRENT POWERS

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period: [...] 16. Information, Publications, Media, Broadcasting and Telecommunications;

Rights related issues→Media and communication→Media roles

Page 26, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.5. The Government of National Unity: 2.5.9. The Government of National Unity shall implement an information campaign throughout Sudan in all national languages in Sudan to popularize the Peace Agreement, and to foster national unity, reconciliation and mutual understanding.

**Mobility/access**

No specific mention.

**Protection  
measures**

Rights related issues→Protection measures→Protection of civilians

Page 3, PART I, 1. GENERAL PRINCIPLES

1.3 In accordance with the Machakos Protocol, the structures of governments in the Sudan shall be as follows during the Interim Period:-

1.3.1 The National level of Government which shall exercise authority so as to protect and promote the national sovereignty of Sudan and the welfare of its people;

Rights related issues→Protection measures→Protection of groups

Page 11, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.10

Family and Marriage - (a) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State; (b) The right of men and women of marriageable age to marry and to found a family shall be recognized, according to their respective family laws.

Page 12, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.15

The Rights of Children - Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his/her status as a minor.;

Page 24, PART II

2.4.6 A special commission shall be appointed by the Presidency to ensure that the rights of nonMuslims

are protected in accordance with the aforementioned guidelines and not adversely affected by the application of Sharia Law in the Capital. The said commission shall make its

observations and recommendations to the Presidency.

Rights related issues→Protection measures→Other

Page 45, PART III, 3. GOVERNMENT OF SOUTHERN SUDAN:

3.7 The Judiciary of Southern Sudan: 3.7.4 Judges of the Courts of Southern Sudan shall perform their functions without political interference, shall be independent, and shall administer the law without fear or favour. The provisions of the Southern Sudan Constitution and the Law shall protect their independence.

Page 61, PART V: SCHEDULES, SCHEDULE D: CONCURRENT POWERS

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below

during the Interim Period: [...] 15. Electricity generation and water and waste

management; [...] 17. Environmental management, conservation and protection; [...] 27.

Water Resources other than interstate waters;

24. Consumer safety and protection;

26. Mother, Child protection and care;

## Other

Page 12, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.15

The Rights of Children - Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his/her status as a minor.;

Page 23, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.5 Without prejudice to the competency of any National Institution to promulgate laws, Judges and law enforcement agents shall, in dispensing justice and enforcing current laws in the National Capital be guided by the following: [...]

2.4.5.4 The judicial discretion of courts to impose penalties on non-Muslims shall observe the long-established legal {Sharia} principle that non-Muslims are not subject to prescribed penalties, and therefore remitted penalties shall apply;

Page 24, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.6 A special commission shall be appointed by the Presidency to ensure that the rights of non-Muslims

are protected in accordance with the aforementioned guidelines and not adversely affected by the application of Sharia Law in the Capital. The said commission shall make its observations and recommendations to the Presidency.

---

## **Rights institutions**

### **NHRI**

Rights institutions→NHRI→New or fundamentally revised NHRI

Page 13, PART I, 1. GENERAL PRINCIPLES

1.6 Human Rights and Fundamental Freedoms:

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following: 1.6.2.16. Equal Rights of Men and Women - (c) These human rights and fundamental freedoms shall be monitored by the Human Rights Commission specified in paragraph 2.10.1.2 herein.

Page 24, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.6 A special commission shall be appointed by the Presidency to ensure that the rights of non-Muslims are protected in accordance with the aforementioned guidelines and not adversely affected by the application of Sharia Law in the Capital. The said commission shall make its observations and recommendations to the Presidency.

Page 31, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.10 Other Independent and/or National Institutions to be Established in Accordance with the Peace Agreement: 2.10.1 The National Constitutional Review Commission, as detailed in Section 2.12 herein, shall also detail the mandate and provide for the appointment and other mechanisms to ensure the independence of the following institutions: 2.10.1.2 A Human Rights Commission;

### **Regional or international human rights institutions**

No specific mention.



**Criminal justice and emergency law** Justice sector reform→Criminal justice and emergency law→Reform to specific laws  
Page 19, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.3. The National Executive: 2.3.6 In respect of the following matters, the President shall take decisions with the consent of the First Vice President, namely: 2.3.6.1 Declaration and termination of a state of emergency;

Page 22, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.3. The National Executive: 2.3.14 The National Legislature shall be required to approve declarations of war or state of emergency, but in either event, there shall be no derogation from the provisions of the Peace Agreement, except as may be provided herein.

Page 23, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.5 Without prejudice to the competency of any National Institution to promulgate laws, Judges and law enforcement agents shall, in dispensing justice and enforcing current laws in the National Capital be guided by the following: [...]

2.4.5.2 Behavior based on cultural practices and traditions which does not disturb public order, is not disdainful of other traditions, and not in flagrant disregard of the law or disturbing public order shall be deemed in the eyes of the law as an exercise of personal freedoms;

2.4.5.3 Personal privacy is inviolable and evidence obtained in violation of such privacy shall not be admissible in the court of law; [...]

Page 33, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.11 The National Judiciary: 2.11.3. The Constitutional Court: 2. 11.3.2. The Constitutional Court shall: [...]

(viii) Have criminal jurisdiction over the President, the two Vice Presidents of the Republic, the two Speakers of the National Legislature, and the Justices of the National and Southern Sudan Supreme Courts.

Page 34, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.11 The National Judiciary: 2.11.4. The National Supreme Court: 2.11.4.1 The National Supreme Court shall:

(i) Be a court of review and cassation in respect of any criminal or civil matter arising out of or under national laws;

(ii) Have criminal jurisdiction over the Justices of the Constitutional Court;

(iii) Review death sentences imposed by any Court in respect to matters arising out of or under National Laws; and

(iv) Have such other jurisdiction as determined by the Interim National Constitution, the Peace Agreement, and law.

Page 45, PART III, 3. GOVERNMENT OF SOUTHERN SUDAN:

3.7 The Judiciary of Southern Sudan: 3.7.3 The Southern Sudan Supreme Court shall:

3.7.3.5 Have criminal jurisdiction over the President and Vice President of the Government of Southern Sudan and the Speaker of Southern Sudan Legislature;

Page 45, PART III, 3. GOVERNMENT OF SOUTHERN SUDAN:

3.7 The Judiciary of Southern Sudan: 3.7.3 The Southern Sudan Supreme Court shall:

3.7.3.6 Review death sentences imposed by Southern Sudan courts in respect of matters arising out of or under Southern Sudan Laws;

Page 51, PART IV, 4. INSTITUTIONS AT THE STATE LEVEL

4.6 State Judicial Institutions: 4.6.3 State Courts shall have civil and criminal jurisdiction in respect of State, Southern Sudan, and National Laws, save that a right of appeal shall

**State of emergency** Page 19, 2.3. The National Executive:

**provisions**

... 2.3.6 In respect of the following matters, the President shall take decisions with the consent of the First Vice President, namely:-

2.3.6.1 Declaration and termination of a state of emergency;

Page 22, 2.3. The National Executive:

... 2.3. 14 The National Legislature shall be required to approve declarations of war or state of emergency, but in either event, there shall be no derogation from the provisions of the Peace Agreement, except as may be provided herein.

Page 54, PART V: SCHEDULES

SCHEDULE A: NATIONAL POWERS, 28. National States of emergency;

## Judiciary and courts

Art 10 provides for a National Judiciary and Constitutional Court. Sets out the judiciary of Southern Sudan (3.7), and at state level (4.6).

Page 15, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.1 During the Interim Period, the Institutions at the National level shall consist of:

[...] 2.1.3 The Judiciary; and

Page 23, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.5 Without prejudice to the competency of any National Institution to promulgate laws, Judges

and law enforcement agents shall, in dispensing justice and enforcing current laws in the National Capital be guided by the following:

2.4.5.1 Tolerance shall be the basis of coexistence between the Sudanese people of different cultures, religions and traditions;

2.4.5.2 Behavior based on cultural practices and traditions which does not disturb public order, is not disdainful of other traditions, and not in flagrant disregard of the law or disturbing public order shall be deemed in the eyes of the law as an exercise of personal freedoms;

2.4.5.3 Personal privacy is inviolable and evidence obtained in violation of such privacy shall not be admissible in the court of law;

2.4.5.4 The judicial discretion of courts to impose penalties on non-Muslims shall observe the long-established legal {Sharia} principle that non-Muslims are not subject to prescribed penalties, and therefore remitted penalties shall apply;

2.4.5.5 Leniency and granting the accused the benefit of doubt are legal principles of universal application, especially in the circumstances of a poor society like the Sudan, which is just emerging from war, characterized by prevalent poverty and subject to massive displacement of people.

Page 24, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.7 Additionally, a system of mechanisms of guarantees shall be established to operationalize

the above points, which includes:

2.4.7.1 Judicial circulars to guide the courts as to how to observe the foregoing principles;

2.4.7.2 Establishment of specialized courts; and

2.4.7.3 Establishment of specialized Attorney General circuits to conduct investigations and pre-trial proceedings related to offences involving these principles.

Page 31, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.10 Other Independent and/or National Institutions to be Established in Accordance with the Peace Agreement: 2.10.1 The National Constitutional Review Commission, as detailed in Section 2.12 herein, shall also detail the mandate and provide for the appointment and other mechanisms to ensure the independence of the following institutions: 2.10.1.3 A National Judicial Service Commission;

Page 32, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.11 The National Judiciary: 2.11.1 The powers of the Judiciary shall be exercised by Courts and other tribunals. The Judiciary shall be independent of the Legislature and the Executive. Its independence shall be guaranteed in the Interim National Constitution.

Page 32, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.11 The National Judiciary: 2.11.2. There shall be established at the National Level:

2.11.2.1. A Constitutional Court;

2.11.2.2. A National Supreme Court;

2.11.2.3. National Courts of Appeal; and

**Prisons and  
detention**

Page 54, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government.  
[...] 20. Establishment and Maintenance of National Prisons;

Page 55, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF  
SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan  
shall be: 2. Police, Prisons and Wildlife Services;

Page 56, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF  
SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan  
shall be: [...] 9. The co-ordination of Southern Sudan services or the establishment of  
minimum Southern Sudan standards or the establishment of Southern Sudan uniform  
norms in respect of any matter or service referred to in Schedule C or Schedule D, read  
together with Schedule E, with the exception of Item 1 of Schedule C, including but not  
limited to, education, health, welfare, police (without prejudice to the National  
Standards and Regulations), prisons, state public services, such authority over civil and  
criminal laws and judicial institutions as is specified in the Schedules, lands,  
reformatory institutions, [...]

Page 57, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF  
SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan  
shall be: [...] 19. Any matter relating to an item referred to in schedule D that cannot be  
dealt with effectively by a single State and requires GOSS legislation or intervention  
including, but not limited to the following: [...] 19.6. GOSS reformatory institutions;

Page 58, PART V: SCHEDULES, SCHEDULE C: POWERS OF STATES

Exclusive executive and legislative competencies of the individual States of Sudan shall  
be as set out here under: [...] 2. State Police, prisons; [...] 14. The establishment,  
maintenance and management of reformatory institutions;

**Traditional Laws**

Page 23, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.5 Without prejudice to the competency of any National Institution to promulgate laws, Judges and law enforcement agents shall, in dispensing justice and enforcing current laws in the National Capital be guided by the following:  
... 2.4.5.4 The judicial discretion of courts to impose penalties on non-Muslims shall observe the long-established legal {Sharia} principle that non-Muslims are not subject to prescribed penalties, and therefore remitted penalties shall apply;

Page 24, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.6 A special commission shall be appointed by the Presidency to ensure that the rights of non-Muslims are protected in accordance with the aforementioned guidelines and not adversely affected by the application of Sharia Law in the Capital. The said commission shall make its observations and recommendations to the Presidency.

Page 58, PART V: SCHEDULES, SCHEDULE C: POWERS OF STATES

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under: [...] 9. Cultural matters within the State; 10. Regulation of religious matters subject to the National Constitution and the Peace Agreement;

Page 60, PART V: SCHEDULES, SCHEDULE C: POWERS OF STATES

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under: [...] 34. Traditional and customary law;

---



**Development or socio-economic reconstruction**

Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development

Page 14, PART I, 1. GENERAL PRINCIPLES

1.8 Population Census, Elections and Representation: 1.8.5 Certain considerations, while not conditional upon their completion, should be taken into account with respect to the timing of the elections (including, inter alia, resettlement, rehabilitation, reconstruction, repatriation, building of structures and institutions, and consolidation of the Peace Agreement);

Page 26, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.5. The Government of National Unity: 2.5.7 The Government of National Unity shall be responsible for establishing recruitment systems and admission policies to national universities, national institutes, and other institutions of higher education based on fair competition, giving equal opportunity to all citizens.

Page 26, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.5. The Government of National Unity: 2.5.8 The Government of National Unity shall make decisions related to the ongoing or future activities of the organizations of the United Nations, bilateral, national, or international governmental and non-governmental organizations (NGOs), with a view toward ensuring equitable and transparent distribution of projects, activities, and employment of personnel in the whole of Sudan and especially the reconstruction of the war affected areas. There is to be an equivalent obligation on all levels of Government.

Page 43, 3. GOVERNMENT OF SOUTHERN SUDAN:

3.6 The Southern Sudan Executive: 3.6.5 The Government of Southern Sudan shall discharge its obligations and exercise such rights and powers in regard to administration, security, financial, and development issues as is set forth in the Southern Sudan Constitution, the Interim National Constitution, the Peace Agreement and any other agreement relating to the reconstruction and development of the Southern Sudan.

Page 54, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government.  
[...]

29. International and Inter-State Transport, including roads, airports, waterways, harbours and railways;

30. National Public Utilities;

Page 55, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 6. Planning for Southern Sudan Government services including health, education, and welfare, etc;

Page 55, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 8. Development of financial resources for the Government of Southern Sudan;

Page 56, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 9. The co-ordination of Southern Sudan services or the establishment of minimum Southern Sudan standards or the establishment of Southern Sudan uniform

**National economic plan**

Page 26, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.5. The Government of National Unity: 2.5.8 The Government of National Unity shall make decisions related to the ongoing or future activities of the organizations of the United Nations, bilateral, national, or international governmental and non-governmental organizations (NGOs), with a view toward ensuring equitable and transparent distribution of projects, activities, and employment of personnel in the whole of Sudan and especially the reconstruction of the war affected areas. There is to be an equivalent obligation on all levels of Government.

Page 32, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.10 Other Independent and/or National Institutions to be Established in Accordance with the Peace Agreement: 2.10.1 The National Constitutional Review Commission, as detailed in Section 2.12 herein, shall also detail the mandate and provide for the appointment and other mechanisms to ensure the independence of the following institutions: 2.10.1.6 A Fiscal and Financial Allocation and Monitoring Commission;

Page 54, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government. [...] 32. National Economic Policy and Planning;

Page 55, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 5. Borrowing of money on the sole credit of the Government of Southern Sudan within the national macro-economic policy;

Page 58, PART V: SCHEDULES, SCHEDULE C: POWERS OF STATES

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under: [...] 11. Internal and external borrowing of money on the sole credit of the State within the National macro-economic framework;

**Natural resources** Page 54, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS  
Exclusive competencies (Legislative and Executive Powers) of the National Government.  
[...] 15. National Lands and National natural resources;

Page 57, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN  
The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 19. Any matter relating to an item referred to in schedule D that cannot be dealt with effectively by a single State and requires GOSS legislation or intervention including, but not limited to the following: [...] 19.2. Natural resources and forestry;

Page 58, PART V: SCHEDULES, SCHEDULE C: POWERS OF STATES  
Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under: [...] 8. State Land and State Natural Resources;

Page 59, PART V: SCHEDULES, SCHEDULE C: POWERS OF STATES  
Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under: [...] 21. The development, conservation and management of State natural resources and State forestry resources; [...] 31. Quarrying regulations, (subject to the Agreement on Wealth Sharing);

Page 61, PART V: SCHEDULES, SCHEDULE D: CONCURRENT POWERS  
The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period: [...] 15. Electricity generation and water and waste management; [...] 17. Environmental management, conservation and protection; [...] 27. Water Resources other than interstate waters;

**International funds** No specific mention.

## **Business**

Page 56, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 9. The co-ordination of Southern Sudan services or the establishment of minimum Southern Sudan standards or the establishment of Southern Sudan uniform norms in respect of any matter or service referred to in Schedule C or Schedule D, read together with Schedule E, with the exception of Item 1 of Schedule C, including but not limited to, [...] intra-state business, commerce and trade, tourism, environment, agriculture, disaster intervention, fire and medical emergency services, commercial regulation, provision of [...]

Page 57, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 19. Any matter relating to an item referred to in schedule D that cannot be dealt with effectively by a single State and requires GOSS legislation or intervention including, but not limited to the following: [...] 19.1. Matters relating to businesses, trade licenses and conditions of operation;

Page 59, PART V: SCHEDULES, SCHEDULE C: POWERS OF STATES

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under: [...] 16. Regulation of businesses, trade licenses, working conditions, hours, and holidays within the State;

## **Taxation**

Socio-economic reconstruction→Taxation→Power to tax

Page 55, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government.  
[...] 35. National Taxation and National Revenue Raising;

Page 56, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 12. Taxation and revenue raising in Southern Sudan as a whole;

Page 57, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 20. Such matters relating to taxation, royalties and economic planning as is specified in the Agreement on Wealth Sharing as a matter or matters in regard to which the Government of Southern Sudan is accorded exclusive authority;

Page 60, PART V: SCHEDULES, SCHEDULE C: POWERS OF STATES

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under: [...] 39. Direct and indirect taxation within the State in order to raise revenue for the State;

Page 62, PART V: SCHEDULES, SCHEDULE D: CONCURRENT POWERS

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period: [...] 28. Notwithstanding Schedules A, B and C, such matters relating to taxation, royalties and economic planning as specified in the Agreement on Wealth Sharing; [...] 30. Such matters relating to taxation, royalties and economic planning as is specified in the Agreement on Wealth Sharing as a matter or matters in regard to which the Government of Southern Sudan is accorded concurrent authority;

## **Banks**

Socio-economic reconstruction→Banks→Central bank

Page 54, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government.  
[...] 16. Central Bank, the Incorporation of National banks and issuing of paper money;

Socio-economic reconstruction→Banks→Personal or commercial banking

Page 61, PART V: SCHEDULES, SCHEDULE D: CONCURRENT POWERS

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period: [...] 8. Banking and insurance; 9. Bankruptcy and insolvency;

---

## **Land, property and environment**

<b>Land reform/rights</b>	<p>Land, property and environment→Land reform/rights→Land reform and management</p> <p>Page 54, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS</p> <p>Exclusive competencies (Legislative and Executive Powers) of the National Government.</p> <p>[...] 15. National Lands and National natural resources;</p> <p>Page 56, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN</p> <p>The exclusive legislative and executive powers of the Government of Southern Sudan shall be:</p> <p>... 9. The co-ordination of Southern Sudan services or the establishment of minimum Southern Sudan standards or the establishment of Southern Sudan uniform norms in respect of any matter or service referred to in Schedule C or Schedule D, read together with Schedule E, with the exception of Item 1 of Schedule C, including but not limited to, [...] lands, [...] environment, agriculture, [...]</p> <p>Page 58, PART V: SCHEDULES, SCHEDULE C: POWERS OF STATES</p> <p>Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under:</p> <p>... 8. State Land and State Natural Resources;</p> <p>... 13. The management, lease and utilization of lands belonging to the State;</p> <p>Page 59, PART V: SCHEDULES, SCHEDULE C: POWERS OF STATES</p> <p>Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under: [...] 23. Laws in relation to Agriculture within the State;</p>
<b>Pastoralist/ nomadism rights</b>	<p>Page 61, PART V: SCHEDULES, SCHEDULE D: CONCURRENT POWERS</p> <p>The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period: [...] 23. Animal and livestock control, animal diseases, pastures and veterinary services;</p>

## **Cultural heritage**

Land, property and environment→Cultural heritage→Tangible

Page 54, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government.

[...] 31. National Museums and National Heritage Sites;

Page 59, PART V: SCHEDULES, SCHEDULE C: POWERS OF STATES

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under: [...] 33. State cultural and heritage sites, State libraries, State museums, and other historical sites;

Land, property and environment→Cultural heritage→Intangible

Page 29, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.8 Language: 2.8.1 All the indigenous languages are national languages which shall be respected, developed and promoted.

Page 58, PART V: SCHEDULES, SCHEDULE C: POWERS OF STATES

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under: [...] 9. Cultural matters within the State; 10. Regulation of religious matters subject to the National Constitution and the Peace Agreement;

Land, property and environment→Cultural heritage→Promotion

Page 22, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.3 Human rights and fundamental freedoms as specified in the Machakos Protocol, and in the Agreement herein, including respect for all religions, beliefs and customs, shall be guaranteed and enforced in the National Capital, as well as throughout the whole of Sudan, and shall be enshrined in the Interim National Constitution.

Page 23, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.5 Without prejudice to the competency of any National Institution to promulgate laws, Judges

and law enforcement agents shall, in dispensing justice and enforcing current laws in the National Capital be guided by the following:

... 2.4.5.2 Behavior based on cultural practices and traditions which does not disturb public order, is not disdainful of other traditions, and not in flagrant disregard of the law or disturbing public order shall be deemed in the eyes of the law as an exercise of personal freedoms;

## Environment

Page 55, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: 2. Police, Prisons and Wildlife Services;

Page 56, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 9. The co-ordination of Southern Sudan services or the establishment of minimum Southern Sudan standards or the establishment of Southern Sudan uniform norms in respect of any matter or service referred to in Schedule C or Schedule D, read together with Schedule E, with the exception of Item 1 of Schedule C, including but not limited to, [...] environment, agriculture, disaster intervention, fire and medical emergency services, commercial regulation, provision of electricity, water and waste management services, local Government, animal control and veterinary services, [...]

Page 57, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 19. Any matter relating to an item referred to in schedule D that cannot be dealt with effectively by a single State and requires GOSS legislation or intervention including, but not limited to the following: [...] 19.5. Fire fighting and ambulance services;

Page 59, PART V: SCHEDULES, SCHEDULE C: POWERS OF STATES

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under: [...] 27. Pollution control;

Page 60, PART V: SCHEDULES, SCHEDULE C: POWERS OF STATES

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under: [...] 42. Fire fighting and ambulance services;

Page 61, PART V: SCHEDULES, SCHEDULE D: CONCURRENT POWERS

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period: [...] 13. Disaster preparedness, management and relief and epidemics control; [...] 15. Electricity generation and water and waste management; [...] 17. Environmental management, conservation and protection;

Page 62, PART V: SCHEDULES, SCHEDULE D: CONCURRENT POWERS

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period: [...] 31. Human and animal drug quality control.

**Water or riparian  
rights or access**

Page 54, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government.  
[...] 29. International and Inter-State Transport, including roads, airports, waterways, harbours and railways;

Page 54, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government.  
[...] 33. Nile Water Commission, the management of the Nile Waters, transboundary waters and disputes arising from the management of interstate waters between Northern states and any dispute between Northern and Southern states;

Page 56, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 9. The co-ordination of Southern Sudan services or the establishment of minimum Southern Sudan standards or the establishment of Southern Sudan uniform norms in respect of any matter or service referred to in Schedule C or Schedule D, read together with Schedule E, with the exception of Item 1 of Schedule C, including but not limited to, [...] environment, provision of electricity, water and waste management services, [...]

Page 57, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 19. Any matter relating to an item referred to in schedule D that cannot be dealt with effectively by a single State and requires GOSS legislation or intervention including, but not limited to the following: [...] 19.4 Disputes arising from the management of interstate waters strictly within Southern Sudan;

Page 60, PART V: SCHEDULES, SCHEDULE C: POWERS OF STATES

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under: [...] 36. State irrigation and embankments;

Page 61, PART V: SCHEDULES, SCHEDULE D: CONCURRENT POWERS

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period: [...] 12. River transport; [...] 15. Electricity generation and water and waste management; [...] 27. Water Resources other than interstate waters;

---

## **Security sector**

### **Security Guarantees**

Page 28, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.7 National Security: 2.7.1 The National Security Council:

2.7.1.1 There shall be at the National level a National Security Council, the composition and functions of which shall be determined by the law;

2.7.1.2 The National Security Council shall define the new national security strategy based on the analysis of the new security threats.

Page 29, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.7 National Security: 2.7.2 National Security Service:

2.7.2.1 There shall be one National Security Service. The details of its establishment shall be worked out under the implementation modalities;

2.7.2.2 The National Security Service shall be representative of the population and reflect the partnership of the negotiating Parties;

2.7.2.3 The South shall be equitably represented in the National Security Service;

2.7.2.4 The National Security Service shall be professional and its mandate shall be advisory and focused on information gathering and analysis;

2.7.2.5 There shall be established security committees at the Government of Southern Sudan and State levels, their composition and functions shall be determined by the law;

2.7.2.6 The National Security Service shall be anchored in the Presidency;

2.7.2.7 There shall be a National Security Act that shall reflect the mandate of the National Security Service and the provisions of this Agreement relating to the National Security;

2.7.2.8 That all the assets of the respective security organs of the two Parties shall accrue to the National Security Service.

Page 43, 3. GOVERNMENT OF SOUTHERN SUDAN:

3.6 The Southern Sudan Executive: 3.6.5 The Government of Southern Sudan shall discharge its obligations and exercise such rights and powers in regard to administration, security, financial, and development issues as is set forth in the Southern Sudan Constitution, the Interim National Constitution, the Peace Agreement and any other agreement relating to the reconstruction and development of the Southern Sudan.

Page 53, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government.

1. National Defense and National Security and Protection of the National Borders;

Page 55, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 3. Security and military forces during the Interim Period (subject to Agreement on Security Arrangements);

### **Ceasefire**

No specific mention.

## Police

Page 23, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.4 Law enforcement agencies of the Capital shall be representative of the population of Sudan and shall be adequately trained and made sensitive to the cultural, religious and social diversity of all Sudanese.

Page 23, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:

2.4 National Capital: 2.4.5 Without prejudice to the competency of any National Institution to promulgate laws, Judges

and law enforcement agents shall, in dispensing justice and enforcing current laws in the National Capital be guided by the following: 2.4.5.1 Tolerance shall be the basis of coexistence between the Sudanese people of different cultures, religions and traditions; 2.4.5.2 Behavior based on cultural practices and traditions which does not disturb public order, is not disdainful of other traditions, and not in flagrant disregard of the law or disturbing public order shall be deemed in the eyes of the law as an exercise of personal freedoms;

2.4.5.3 Personal privacy is inviolable and evidence obtained in violation of such privacy shall not be admissible in the court of law;

2.4.5.4 The judicial discretion of courts to impose penalties on non-Muslims shall observe the long-established legal {Sharia} principle that non-Muslims are not subject to prescribed penalties, and therefore remitted penalties shall apply;

2.4.5.5 Leniency and granting the accused the benefit of doubt are legal principles of universal application, especially in the circumstances of a poor society like the Sudan, which is just emerging from war, characterized by prevalent poverty and subject to massive displacement of people.

Page 53, PART V: SCHEDULES, SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government.

[...] 8. National Police (including Criminal Investigation Department - CID), Coordination of International, Regional and bilateral Criminal Matters, and Standards and Regulations including the standards for training the police in the National Capital);

Page 55, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 2. Police, Prisons and Wildlife Services;

Page 56, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 9. The co-ordination of Southern Sudan services or the establishment of minimum Southern Sudan standards or the establishment of Southern Sudan uniform norms in respect of any matter or service referred to in Schedule C or Schedule D, read together with Schedule E, with the exception of Item 1 of Schedule C, including but not limited to, education, health, welfare, police (without prejudice to the National Standards and Regulations), prisons, state public services, such authority over civil and criminal laws and judicial institutions as is specified in the Schedules, lands, reformatories, personal law, intra-state business, commerce and trade, tourism, environment, agriculture, disaster intervention, fire and medical emergency services, commercial regulation, provision of electricity, water and waste management services, local Government, animal control and veterinary services, consumer protection, and any other matters referred to in the above Schedules;

Page 58, PART V: SCHEDULES, SCHEDULE C: POWERS OF STATES

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under: [...] 2. State Police, prisons;

<b>Armed forces</b>	<p>Page 20, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:</p> <p>2.3. The National Executive: 2.3.8.3 The Vice President shall be Commander-in-Chief of the Sudan Armed Forces {SAF}.</p>
<b>DDR</b>	<p>Security sector→DDR→DDR programmes</p> <p>Page 14, PART I, 1. GENERAL PRINCIPLES</p> <p>1.8 Population Census, Elections and Representation: 1.8.5 Certain considerations, while not conditional upon their completion, should be taken into account with respect to the timing of the elections (including, inter alia, resettlement, rehabilitation, reconstruction, repatriation, building of structures and institutions, and consolidation of the Peace Agreement);</p> <p>Page 61, PART V: SCHEDULES, SCHEDULE D: CONCURRENT POWERS</p> <p>The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period: [...] 18. Relief, Repatriation, Resettlement, Rehabilitation and Reconstruction;</p>
<b>Intelligence services</b>	No specific mention.
<b>Parastatal/rebel and opposition group forces</b>	<p>Page 16, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:</p> <p>2.2. The National Legislature: 2.2.4 Pending the elections referred to above, the National Assembly shall consist of such members representing the Parties to the Agreement, and other forces in the North and South so as to promote inclusiveness and stability, in such proportions to be determined by the parties prior to the conclusion of the Peace Agreement.</p> <p>~</p> <p>Page 16, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:</p> <p>2.2. The National Legislature: 2.2.4 Pending the elections referred to above, the National Assembly shall consist of such members representing the Parties to the Agreement, and other forces in the North and South so as to promote inclusiveness and stability, in such proportions to be determined by the parties prior to the conclusion of the Peace Agreement.</p>
<b>Withdrawal of foreign forces</b>	No specific mention.
<b>Corruption</b>	No specific mention.

<b>Crime/organised crime</b>	Page 4, PART I, 1. GENERAL PRINCIPLES 1.4 The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures: 1.4.5 Pursuit of good governance, accountability, transparency, democracy, and the rule of law at all levels of government to achieve lasting peace;
	Page 31, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL: 2.9 Foreign Policy: 2.9.1 During the Interim Period, as a matter of principle Sudan's Foreign Policy shall serve first and foremost Sudan's national interests to achieve the following objectives: 2.9.1.5 Combating international and transnational organized crimes and terrorism.
	Page 45, PART III, 3. GOVERNMENT OF SOUTHERN SUDAN: 3.7 The Judiciary of Southern Sudan: 3.7.4 Judges of the Courts of Southern Sudan shall perform their functions without political interference, shall be independent, and shall administer the law without fear or favour. The provisions of the Southern Sudan Constitution and the Law shall protect their independence.
	Page 51, PART IV, 4. INSTITUTIONS AT THE STATE LEVEL 4.6 State Judicial Institutions: 4.6.2 State legislation must provide for: [...] 4.6.2.2 Guarantees of the independence and impartiality of the judiciary and ensure that judges shall not be subject to political or other interference.
<b>Drugs</b>	No specific mention.
<b>Terrorism</b>	Page 31, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL: 2.9 Foreign Policy: 2.9.1 During the Interim Period, as a matter of principle Sudan's Foreign Policy shall serve first and foremost Sudan's national interests to achieve the following objectives: 2.9.1.5 Combating international and transnational organized crimes and terrorism.

---

## **Transitional justice**

<b>Transitional justice general</b>	No specific mention.
<b>Amnesty/pardon</b>	No specific mention.
<b>Courts</b>	No specific mention.
<b>Mechanism</b>	Page 13, PART I, 1. GENERAL PRINCIPLES 1.7 Reconciliation: The Parties agree to initiate a comprehensive process of national reconciliation and healing throughout the country as part of the peace building process. Its mechanisms and forms shall be worked out by the Government of National Unity.
<b>Prisoner release</b>	No specific mention.

<b>Vetting</b>	No specific mention.
<b>Victims</b>	<p>Page 57, PART V: SCHEDULES, SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN</p> <p>The exclusive legislative and executive powers of the Government of Southern Sudan shall be: [...] 18. Rehabilitation and benefits to disabled war veterans, orphans, widows and care for the dependents of deceased war fallen heroes;</p>
<b>Missing persons</b>	No specific mention.
<b>Reparations</b>	No specific mention.
<b>Reconciliation</b>	<p>Page 13, PART I, 1. GENERAL PRINCIPLES</p> <p>1.7 Reconciliation: The Parties agree to initiate a comprehensive process of national reconciliation and healing throughout the country as part of the peace building process. Its mechanisms and forms shall be worked out by the Government of National Unity.</p> <p>Page 26, PART II, 2. INSTITUTIONS AT THE NATIONAL LEVEL:</p> <p>2.5. The Government of National Unity: 2.5.9. The Government of National Unity shall implement an information campaign throughout Sudan in all national languages in Sudan to popularize the Peace Agreement, and to foster national unity, reconciliation and mutual understanding.</p>

---

## Implementation

<b>UN signatory</b>	No specific mention.
<b>Other international signatory</b>	No specific mention.
<b>Referendum for agreement</b>	No specific mention.
<b>International mission/force/similar</b>	<p>Page 14, PART I, 1. GENERAL PRINCIPLES</p> <p>1.8 Population Census, Elections and Representation: 1.8.7 International observers shall participate in the observation of elections;</p>
<b>Enforcement mechanism</b>	No specific mention.
<b>Related cases</b>	No specific mention.
<b>Source</b>	Peacemaker.un.org,. 2015. 'UN Peacemaker'. <a href="http://peacemaker.un.org">http://peacemaker.un.org</a> .

---