

Country/entity	South Sudan Sudan
Region	Africa (excl MENA)
Agreement name	The Implementation Modalities of the Framework Agreement on Wealth Sharing
Date	31 Dec 2004
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Agreement/conflict level Intrastate/intrastate conflict

Sudan Conflicts (1955 -)

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

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

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

South Sudan - internal

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

Close

Sudan Conflicts (1955 -)

Stage Implementation/renegotiation

Conflict nature Government/territory

Peace process	Sudanese (North-South) peace process
Parties	The Government of Sudan; Sudan People's Liberation Movement/Army
Third parties	-
Description	An agreement included in the Comprehensive Peace Agreement to establish implementation modalities for the Framework Agreement on Wealth-Sharing. The modalities include provisions on land ownership, oil resources, existing oil contracts, sharing of oil revenues, sharing of non-oil revenues, equalization and allocation of nationally collected revenues, division of government assets, accounting standards, financing the transitional government, and banking. The agreement also provides implementation modalities for the Reconstruction and Development Funds, as well as the Fiscal and Financial Allocation and Monitoring Commission. Attached is an Appendix that provides details on the definition and calculations of net oil revenue.

Agreement document	SD 041231 Implementation Modalities on Wealth Sharing.pdf (opens in new tab) Download PDF
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Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.

Refugees/displaced persons Groups→Refugees/displaced persons→Substantive
Page 27, N. Reconstruction & Development Funds
1. Establish South Sudan Reconstruction and Development Fund (SSRDF)
[Clause in the Agreement: 15.1]

Page 30, N. Reconstruction & Development Funds
5. Establishment of two multi-donor trust funds (MDTFs)--one for Southern Sudan and other national
[Procedures, Process or Criteria: Governance including fiduciary to be set by World Bank and National Government for NMDTF and SPLM/GOSS for SSMDTF in consultation with International Community and stakeholders. NG to determine projects to be implemented by UN agencies, NGOS, local governments, communities, National Government agencies, private sector and others in the North. SPLM/GOSS to determine projects to be implemented by UN agencies, NGOs, local governments, communities, SPLM/GOSS agencies, private sector and others in the South; Clause in the Agreement: 15.5]

Page 32, N. Reconstruction & Development Funds
6. Set criteria for eligible financing from MDTFs
[Procedures, Process or Criteria: Priorities include 6. Peace Building and security (DDR, IDPS, etc.; Clause in the Agreement: 15.7]

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum	No specific mention.
State symbols	No specific mention.
Independence/ secession	No specific mention.
Accession/ unification	No specific mention.
Border delimitation	No specific mention.
Cross-border provision	No specific mention.

Governance

Political institutions (new or reformed)	No specific mention.
Elections	No specific mention.
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	Page 3, B. Oil Resources 1. Consultation and participation of communities in the management of natural resources [Clause in the Agreement: 3.1.2, 3.1.5, 3.1.6, 3.1.7] Page 30, N. Reconstruction & Development Funds 5. Establishment of two multi-donor trust funds (MDTFs)--one for Southern Sudan and other national [Procedures, Process or Criteria: Governance including fiduciary to be set by World Bank and National Government for NMDTF and SPLM/GOSS for SSMDTF in consultation with International Community and stakeholders. NG to determine projects to be implemented by UN agencies, NGOS, local governments, communities, National Government agencies, private sector and others in the North. SPLM/GOSS to determine projects to be implemented by UN agencies, NGOs, local governments, communities, SPLM/GOSS agencies, private sector and others in the South; Clause in the Agreement: 15.5]
Traditional/ religious leaders	No specific mention.

Public administration No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing Power sharing→Economic power sharing→Sharing of resources
Summary: Agreement provides a detailed implementation table for the Wealth sharing arrangements, and an appendix of modalities which specifies particular means of calculating and dividing oil revenue.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights Human rights and equality→Civil and political rights→Fair trial
Page 5, C. Existing Oil Contracts
3. Remedy of persons whose rights have been violated by oil contracts
[Clause in the Agreement: 4.5]

Socio-economic rights Human rights and equality→Socio-economic rights→Property
Page 3, B. Oil Resources
1. Consultation and participation of communities in the management of natural resources
[Clause in the Agreement: 3.1.2, 3.1.5, 3.1.6, 3.1.7]

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

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

Justice sector reform

Criminal justice and emergency law	No specific mention.
State of emergency provisions	No specific mention.
Judiciary and courts	No specific mention.
Prisons and detention	No specific mention.
Traditional Laws	Page 2, A. Land Ownership 1. Institute a process to develop and amend the relevant laws to incorporate customary laws and practices. [Clause in the Agreement: 2.5]

**Development or
socio-economic
reconstruction**

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

Page 17, F. Equalization & Allocation of Nationally collected Revenues

4. Agree on an approach to appeal for donor funds for the reconstruction of South Sudan
[Clause in the Agreement: 7.4]

Page 27, N. Reconstruction & Development Funds

1. Establish South Sudan Reconstruction and Development Fund (SSRDF)
[Clause in the Agreement: 15.1]

Page 28, N. Reconstruction & Development Funds

2. Establish monitoring and evaluation system for accountability and transparency
[Clause in the Agreement: 15.2]

Page 28, N. Reconstruction & Development Funds

3. Establish an oversight committee for SSRDF
[Clause in the Agreement: 15.3]

Page 30, N. Reconstruction & Development Funds

5. Establishment of two multi-donor trust funds (MDTFs)--one for Southern Sudan and other national

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Page 32, N. Reconstruction & Development Funds

6. Set criteria for eligible financing from MDTFs

[Procedures, Process or Criteria: Priorities include 6. Peace Building and security (DDR, IDPS, etc.; Clause in the Agreement: 15.7]

National economic plan

Page 14, F. Equalization & Allocation of Nationally collected Revenues

1. Establishment of National Revenue Fund (NRF)

[Clause in the Agreement: 7.1]

Page 29, N. Reconstruction & Development Funds

4. Establish National Reconstruction Fund (NRDF)

[Clause in the Agreement: 15.4]

Page 30, N. Reconstruction & Development Funds

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Natural resources

Page 3, B. Oil Resources

1. Consultation and participation of communities in the management of natural resources

[Clause in the Agreement: 3.1.2, 3.1.5, 3.1.6, 3.1.7]

Page 4, C. Existing Oil Contracts

1. SPLM appoint a technical team, to have access to existing oil contracts

[Clause in the Agreement: 4.1]

Page 5, C. Existing Oil Contracts

2. Assess contracts with social and environmental problems

[Clause in the Agreement: 4.3]

Page 5, C. Existing Oil Contracts

3. Remedy of persons whose rights have been violated by oil contracts

[Clause in the Agreement: 4.5]

Page 5, D. Sharing of Oil Revenue

1. Define "net revenue from oil"

[Clause in the Agreement: 5.3]

Page 6, D. Sharing of Oil Revenue

2. Establish a system to monitor daily production of oil in all Sudan

[Clause in the Agreement: 5.3]

Page 6, D. Sharing of Oil Revenue

3. Reveal to the SPLM production sharing formula between GOS and oil concessions

[Clause in the Agreement: 5.3]

Page 6, D. Sharing of Oil Revenue

4.a. Agree on a mechanism to monitor Oil Revenue Stabilization Account (ORSA)

[Clause in the Agreement: 5.4]

Page 7, D. Sharing of Oil Revenue

4.b. Agree on the benchmark price for 2005

[Clause in the Agreement: 5.4]

Page 7, D. Sharing of Oil Revenue

4.c. Agree on the annual benchmark price

[Clause in the Agreement: 5.4]

Page 8, D. Sharing of Oil Revenue

5. Establish a system to calculate and monitor net oil revenue

[Clause in the Agreement: 5.3]

Page 9, D. Sharing of Oil Revenue

6. Transfer of (2%) of producing State share of net oil revenue

[Clause in the Agreement: 5.5]

Page 10, D. Sharing of Oil Revenue

7. Transfer of the GOSS share of 50% of net oil revenue

[Clause in the Agreement: 5.6]

Page 11, D. Sharing of Oil Revenue

8. Establish Future Generation Fund

International funds	Page 17, F. Equalization & Allocation of Nationally collected Revenues 4. Agree on an approach to appeal for donor funds for the reconstruction of South Sudan [Clause in the Agreement: 7.4]
	Page 21, K. Financing the transition 1. National Government assists the SPLM/A in the establishment of the new transitional governments at GOSS and State levels [Clause in the Agreement: 13.1]
	Page 27, N. Reconstruction & Development Funds 1. Establish South Sudan Reconstruction and Development Fund (SSRDF) [Clause in the Agreement: 15.1]
	Page 28, N. Reconstruction & Development Funds 2. Establish monitoring and evaluation system for accountability and transparency [Clause in the Agreement: 15.2]
	Page 28, N. Reconstruction & Development Funds 3. Establish an oversight committee for SSRDF [Clause in the Agreement: 15.3]
	Page 30, N. Reconstruction & Development Funds 5. Establishment of two multi-donor trust funds (MDTFs)--one for Southern Sudan and other national [Clause in the Agreement: 15.5]
	Page 32, N. Reconstruction & Development Funds 6. Set criteria for eligible financing from MDTFs [Clause in the Agreement: 15.7]
Business	No specific mention.

Taxation

Socio-economic reconstruction→Taxation→Reform of taxation

Page 9, D. Sharing of Oil Revenue

6. Transfer of (2%) of producing State share of net oil revenue
[Clause in the Agreement: 5.5]

Page 10, D. Sharing of Oil Revenue

7. Transfer of the GOSS share of 50% of net oil revenue
[Clause in the Agreement: 5.6]

Page 13, E. Sharing of Non-Oil Revenue

1. Collection of non-oil revenue by GOSS and states
[Clause in the Agreement: 6.2, 6.3]

Banks

Socio-economic reconstruction→Banks→Central bank

Page 23, L. Banking & Currency

2. Appoint Board of Directors (BOD) of Central Bank of Sudan (CBOS)

[Clause in the Agreement: 14.8]

Page 24, L. Banking & Currency

3. Restructure CBOS

[Clause in the Agreement: 14.3]

Page 24, L. Banking & Currency

4. Establish Bank of South Sudan (BOSS)

[Clause in the Agreement: 14.2, 14.10]

Page 24, L. Banking & Currency

5.a. Establish a joint committee to design national currency

[Clause in the Agreement: 14.9]

Page 25, L. Banking & Currency

5.b. Assess circulating currencies in South Sudan

[Clause in the Agreement: 14.9]

Page 25, L. Banking & Currency

5.c. Issuing new currency

[Clause in the Agreement: 14.9]

Page 25, M. Borrowing

1. Enacting borrowing standards and requirements by CBOS

[Clause in the Agreement: 6.2.13, 14.1, 14.15, 14.16]

Page 33, N. Reconstruction & Development Funds

7. Establishment of special accounts in a commercial bank in Southern Sudan for GOSS

[Clause in the Agreement: 15.11]

Socio-economic reconstruction→Banks→Personal or commercial banking

Page 23, L. Banking & Currency

1. Enact/modify legislations to set up a dual banking system

[Clause in the Agreement: 14.1]

Socio-economic reconstruction→Banks→International finance

Page 30, N. Reconstruction & Development Funds

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Socio-economic reconstruction→Banks→Cross-border financial flows

Page 10, D. Sharing of Oil Revenue

7. Transfer of the GOSS share of 50% of net oil revenue

[Clause in the Agreement: 5.6]

Land, property and environment

Land reform/rights	Land, property and environment→Land reform/rights→Land reform and management Page 2, A. Land Ownership 1. Institute a process to develop and amend the relevant laws to incorporate customary laws and practices. [Clause in the Agreement: 2.5] Page 2, A. Land Ownership 2. Establish National Land Commission [Clause in the Agreement: 2.6] Page 3, A. Land Ownership 3. Establish Southern Sudan Land commission [Clause in the Agreement: 2.7] Land, property and environment→Land reform/rights→Other land rights Page 3, B. Oil Resources 1. Consultation and participation of communities in the management of natural resources [Clause in the Agreement: 3.1.2, 3.1.5, 3.1.6, 3.1.7]
Pastoralist/ nomadism rights	No specific mention.
Cultural heritage	Land, property and environment→Cultural heritage→Promotion Page 2, A. Land Ownership 1. Institute a process to develop and amend the relevant laws to incorporate customary laws and practices. [Clause in the Agreement: 2.5]
Environment	Page 5, C. Existing Oil Contracts 2. Assess contracts with social and environmental problems [Clause in the Agreement: 4.3]
Water or riparian rights or access	No specific mention.

Security sector

Security Guarantees	No specific mention.
Ceasefire	No specific mention.
Police	No specific mention.
Armed forces	No specific mention.

DDR

Security sector→DDR→DDR programmes

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Page 32, N. Reconstruction & Development Funds

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Intelligence services

No specific mention.

Parastatal/rebel and opposition group forces

No specific mention.

Withdrawal of foreign forces

No specific mention.

Corruption

No specific mention.

Crime/organised crime

No specific mention.

Drugs

No specific mention.

Terrorism

No specific mention.

Transitional justice**Transitional justice general**

No specific mention.

Amnesty/pardon

No specific mention.

Courts

No specific mention.

Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	Transitional justice→Reparations→Material reparations Page 5, C. Existing Oil Contracts 3. Remedy of persons whose rights have been violated by oil contracts [Clause in the Agreement: 4.5]
Reconciliation	No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source Unmis.unmissions.org., 2015. 'United Nations Missions In Sudan (UNMIS)'. <http://unmis.unmissions.org/>.
