

<b>Country/entity</b>	South Sudan Sudan
<b>Region</b>	Africa (excl MENA)
<b>Agreement name</b>	The Implementation Modalities of the Protocol on Power Sharing, dated 26th May, 2004
<b>Date</b>	31 Dec 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** Implementation/renegotiation

**Conflict nature** Government/territory

<b>Peace process</b>	Sudanese (North-South) peace process
<b>Parties</b>	The Government of Sudan; Sudan People's Liberation Movement/Army
<b>Third parties</b>	-
<b>Description</b>	An agreement on the implementation modalities of the Machakos and power sharing protocols, with provisions on the referendum for the people of South Sudan, national reconciliation and healing, power-sharing mechanisms at the national level, sub-state level, and in Southern Sudan, taking into account the protocols on the resolution of the conflict in Abyei and the Kordofan and Blue Nile States, with their respective provisions on administrative status and representation. Attached to the agreement are Appendixes which denote the functions of the first vice president and the vice president, in addition to the appointments that require or do not require consultation or consent in the executive coalition. Lastly, the Appendix D provides a table of the Clusters of National Ministries.

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<b>Agreement document</b>	<a href="#">SD 041231 Implementation Modalities for Machakos and Power-sharing.pdf (opens in new tab)</a>   <a href="#">Download PDF</a>
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## Groups

<b>Children/youth</b>	No specific mention.
<b>Disabled persons</b>	No specific mention.
<b>Elderly/age</b>	No specific mention.
<b>Migrant workers</b>	No specific mention.
<b>Racial/ethnic/ national group</b>	Groups→Racial/ethnic/national group→Substantive Page 18, Power Sharing: Part II 35. Development and promotion of national languages a. Enactment of a founding law b. Establishment of a council for development and promotion of national languages [Reference in the Agreement: PS 2.8.1]
<b>Religious groups</b>	Groups→Religious groups→Substantive Page 14, Power Sharing: Part II 23. Appointment of a special commission to ensure that the rights of non-Muslims are protected in the National Capital 24. Establishment of mechanisms of guarantees of the rights of non-Muslims in the National Capital
<b>Indigenous people</b>	No specific mention.

<b>Other groups</b>	No specific mention.
<b>Refugees/displaced persons</b>	Groups→Refugees/displaced persons→Substantive Page 3, Machakos Protocol 2. Plan for 5 Rs (Repatriation, Resettlement, Reintegration, Rehabilitation, and Reconstruction) [Reference in Agreements: MP 1.5.4]
<b>Social class</b>	No specific mention.

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## Gender

<b>Women, girls and gender</b>	No specific mention.
<b>Men and boys</b>	No specific mention.
<b>LGBTI</b>	No specific mention.
<b>Family</b>	No specific mention.

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## State definition

<b>Nature of state (general)</b>	Protocol 1. provides for self-determination referendum for the people of South Sudan; 4. provides for 'Improvement of Institutions and arrangements created under the Agreement to making the unity of Sudan attractive to the people of Southern Sudan; 35. provides for development and promotion of national languages and establishment of a council to develop and promote national languages; 46. provides for determination of the North/South border of 1/1/1956; 56. provides for establishment of Abyei Area Council; Annex B.1. provides for establishment of Abyei Boundaries Commission and Abyei Referendum Commission; Annex C-2 president to decide whether to put special administrative status of Abyei Area into effect  Page 4, Machakos Protocol 4. Improvement of institutions and arrangements created under the Agreement to making the unity of Sudan attractive to the people of Southern Sudan [Reference in Agreements: MP 2.4.2]
<b>State configuration</b>	No specific mention.
<b>Self determination</b>	Page 2, Machakos Protocol 1. Self determination Referendum for people of South Sudan [Reference in Agreements: MP 2.5, PS 2.10.1.5]

## **Referendum**

Page 2, Machakos Protocol

1. Self determination Referendum for people of South Sudan  
[Reference in Agreements: MP 2.5, PS 2.10.1.5]

Page 2, Machakos Protocol

1.(a) Enactment of Referendum Act  
[Reference in Agreements: MP 2.5, PS 2.10.1.5]

Page 2, Machakos Protocol

1.(b) Establishment of Referendum Commission  
[Reference in Agreements: MP 2.5, PS 2.10.1.5]

Page 2, Machakos Protocol

1.(c) Registration of voters  
[Reference in Agreements: MP 2.5, PS 2.10.1.5]

Page 3, Machakos Protocol

1.(d) Enlightenment campaign on the Referendum  
[Reference in Agreements: MP 2.5, PS 2.10.1.5]

Page 3, Machakos Protocol

1.(e) Voting  
[Reference in Agreements: MP 2.5, PS 2.10.1.5]

Page 30, Appendix B 1: Appointments that the President is required to make with the consent of the 1st VP

6. Establishment of Ad-Hoc Commission to monitor and ensure accuracy, legitimacy and transparency of the Referendum (2.10.1.5 of PSP and 2.5 of MP)

Page 31, Appendix B 1: Appointments that the President is required to make with the consent of the 1st VP

25. Establishment of Abyei Referendum Commission (8.1 of AP)

## **State symbols**

Page 13, Power Sharing: Part II

21. Representativeness of the administration of the National Capital  
[Reference in the Agreement: 2.4.2]

Page 15, Power Sharing: Part II

27. Information Campaign in all languages to popularize the Peace Agreement and foster national unity, reconciliation, and mutual understanding.  
[Reference in the Agreement: PS 2.5.9]

Page 18, Power Sharing: Part II

35. Development and promotion of national languages  
a. Enactment of a founding law  
b. Establishment of a council for development and promotion of national languages  
[Reference in the Agreement: PS 2.8.1]

<b>Independence/ secession</b>	<p>Page 2, Machakos Protocol</p> <p>1. Self determination Referendum for people of South Sudan [Reference in Agreements: MP 2.5, PS 2.10.1.5]</p>
<b>Accession/ unification</b>	<p>No specific mention.</p>
<b>Border delimitation</b>	<p>Page 23, Power Sharing: Part III</p> <p>46. Determination of North/South border of 1/1/1956 [Reference in the Agreement: PS 3.1]</p> <p>Page 31, Appendix B 1: Appointments that the President is required to make with the consent of the 1st VP</p> <p>24. Establishment of Abyei Boundaries Commission (5.1 of AP)</p>
<b>Cross-border provision</b>	<p>No specific mention.</p>

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**Political  
institutions (new or  
reformed)**

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

[[3. provides for adoption of interim national constitution (INC); Power-sharing Part 1. provides for political parties act; 9. provides for enactment of national electoral law and establishment of National Electoral Commission, and general elections comprising elections for state governors, national assembly, the legislature of Southern Sudan, and state legislatures all over Sudan, and presidential elections and election to President of Southern Sudan; Part II: establishes the Council of States to comprise reps from each state plus observers from Abyei Area, to function as upper chamber; 12. provides for establishment and convening of national assembly; 13. Joint Constitutional Task Team to draft constitutional text and decide relationship between upper and lower chambers; 19. the jurisdiction of the Ministry of Defence shall not extend to the SPLA, and the jurisdiction of the Ministry of Guidance and Endowment and the Ministry of Federal Governance shall not extend to the Southern States; 26. sets out allocation of seats of the national executive (power-sharing); 28. provides for National Civil Service Commission; 41. establishment and composition of the National Constitutional Review Commission; 45. provides for organization of an inclusive constitutional review process; establishment of an inclusive South Sudan Constitutional Drafting Committee; 48. provides for establishment of the First Sudan Assembly, and 51. council of ministers of GOSS, and 54. appointment of state governors and 55. state legislatures; 56. provides for establishment of Abyei Area Council; Appendix A: functions of the first vice president, and B. the appointments that the President is required to make; Appendix D lists clusters of ministries]]

Page 2, Machakos Protocol

1. Self determination Referendum for people of South Sudan

[Reference in Agreements: MP 2.5, PS 2.10.1.5]

Page 4, Machakos Protocol

4. Improvement of institutions and arrangements created under the Agreement to making the unity of Sudan attractive to the people of Southern Sudan

[Reference in Agreements: MP 2.4.2]

Page 8, Power Sharing: Part II

11. The Council of States

[Reference in the Agreement: PS 2.2.3.2]

Page 10, Power Sharing: Part II

13. Determination of the scope of legislative competency of the National Assembly and the Council of States respectively

[Reference in the Agreement: PS 2.2.5]

Page 11, Power Sharing: Part II

14. Elections of Speakers, Deputy Speakers and other officers of the National Legislature

[Reference in the Agreement: PS 2.2.12]

Page 11, Power Sharing: Part II

15. Establishment of the Institution of the Presidency

[Reference in the Agreement: PS 2.3.2]

Page 12, Power Sharing: Part II

18. Establishment of Council of Ministers (prior to elections)

[Reference in the Agreement: PS 2.3.12]

Page 15, Power Sharing: Part II

25. Clustering of National Ministries



## **Elections**

Page 5, Power Sharing: Part I  
6. Enactment of Political Parties Act  
[Reference in the Agreement: PS 1.4.6]

Page 7, Power Sharing: Part I  
9. General Elections.  
(a) Enactment of National Electoral Law  
(b) Establishment of the National Electoral Commission  
(c) General Elections comprising elections for the State Governors, National Assembly, the Legislature of Southern Sudan, and State Legislatures all over Sudan  
[Reference in the Agreement: PS 1.8.3]

Page 8, Power Sharing: Part I  
9. General Elections.  
(d) Presidential elections and elections for the post of President of the government of southern Sudan (GOSS)  
[Reference in the Agreement: PS 2.3.7]

Page 8, Power Sharing: Part I  
10. Review of the feasibility of the dates set for census and elections  
[Reference in the Agreement: PS 1.8.4]

Page 30, Appendix B 1: Appointments that the President is required to make with the consent of the 1st VP  
2. Establishment of impartial and representative National Electoral Commission (2.10.1.1 of PSP)

## **Electoral commission**

9. provides for enactment of national electoral law and establishment of National Electoral Commission, and general elections comprising elections for state governors, national assembly, the legislature of Southern Sudan, and state legislatures all over Sudan, and presidential elections and election to President of Southern Sudan

Page 7, Power Sharing: Part I  
9. General Elections.  
(a) Enactment of National Electoral Law  
(b) Establishment of the National Electoral Commission  
(c) General Elections comprising elections for the State Governors, National Assembly, the Legislature of Southern Sudan, and State Legislatures all over Sudan  
[Reference in the Agreement: PS 1.8.3]

Page 30, Appendix B 1: Appointments that the President is required to make with the consent of the 1st VP  
2. Establishment of impartial and representative National Electoral Commission (2.10.1.1 of PSP)

## **Political parties reform**

Governance→Political parties reform→Other political parties reform  
Power-sharing Part 1. provides for political parties act;

**Civil society**

Page 22, Power Sharing: Part II

41. Establishment and composition of the National Constitutional Review Commission (NCRC)

[Reference in the Agreement: PS 2.12.4.2 and 2.12.4.3]

Page 23, Power Sharing: Part II

45. Organization of an inclusive Constitutional Review Process (CRP)

[Reference in the Agreement: PS 2.12.10]

Page 23, Power Sharing: Part III

47. a) Establishment of an inclusive Southern Sudan Constitutional Drafting Committee (SSDCC)

b) Drafting and adoption of the text

c) Determination of Compatibility of SSC with INC

[Reference in the Agreement: PS 3.2, 2.12.12]

**Traditional/  
religious leaders**

No specific mention.

**Public  
administration**

Page 16, Power Sharing: Part II

28. Establishment of the National Civil Service Commission (NCSC)

(a) Enactment of the National Civil Service Commission Act

(b) Establishment of the NCSC

[Reference in the Agreement: PS 2.6.1.5, 2.6.2]

Page 16, Power Sharing: Part II

29. Mechanism for operationalization of affirmative action

[Reference in the Agreement: PS 2.6.1.5]

Page 30, Appendix B 1: Appointments that the President is required to make with the consent of the 1st VP

5. Establishment of a National Civil Service Commission (2.6.2. and 2.10.1.4 of PSP)

## Constitution

Governance→Constitution→Constitutional reform/making

Page 5, Power Sharing: Part I

6. Enactment of Political Parties Act

[Reference in the Agreement: PS 1.4.6]

Page 9, Power Sharing: Part II

12. Establishment and convening of National Assembly

[Reference in the Agreement: PS 2.2.5]

Page 10, Power Sharing: Part II

13. Determination of the scope of legislative competency of the National Assembly and the Council of States respectively

[Reference in the Agreement: PS 2.2.5]

Page 18-19, Power Sharing: Part II

36. Human Rights Commission

a. Enactment of the HRC Act

b. Establishment of Human Rights Commission (HRC)

[Reference in the Agreement: PS 2.10.1.2.]

Page 19, Power Sharing: Part II

37. The Constitutional Court Act

a. Enactment of the Constitutional Court Act

b. Establishment of the Constitutional Court

[Reference in the Agreement: PS 2.11.2.1]

Page 20, Power Sharing: Part II

38. The National Judicial Service Commission

a. Enactment of the NJSC Act

b. Establishment of the National Judicial Service Commission (NJSC)

[Reference in the Agreement: PS 2.11.4.5]

Page 21, Power Sharing: Part II

39. Southern Sudan representation in Constitutional Court, National Supreme Court and other national courts in the Capital

[Reference in the Agreement: PS 2.11.4.6(iii)]

Page 22, Power Sharing: Part II

40. Submission and approval of the CPA to the National Assembly (NA) and National Liberation Council (NLC)

[Reference in the Agreement: PS 2.12.4.1]

Page 22, Power Sharing: Part II

41. Establishment and composition of the National Constitutional Review Commission (NCRC)

[Reference in the Agreement: PS 2.12.4.2 and 2.12.4.3]

Page 22, Power Sharing: Part II

42. Preparation of the Constitutional Text by NCRC

[Reference in the Agreement: PS 2.12.5]

Page 22, Power Sharing: Part II

43. Adoption of the Constitutional Text by INC

[Reference in the Agreement: PS 2.12.7]

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**Power sharing**

**Political power sharing**

Power sharing→Political power sharing→General

State level

Sub-state level

Summary: Provides detailed implementation modalities for the state level political power sharing arrangements in other agreements.

Summary: Provides detailed implementation modalities for the sub-state level political power sharing arrangements in other agreements.

Power sharing→Political power sharing→Executive coalition

State level

Sub-state level

Provides for implementation plans for executive coalition power-sharing.

Page 28, Power Sharing: Part IV

57. Mechanism for selection of 20% of other political forces in the Northern and Southern States

[Reference in the Agreement: 4.4.2.2(iii)]

Power sharing→Political power sharing→Proportionality in legislature

State level

Sub-state level

Provides for implementation plans for legislative coalition power sharing.

Power sharing→Political power sharing→Other proportionality

State level

Sub-state level

Provides for implementation plans for power sharing in matters such as judiciary.

## **Territorial power sharing**

Power sharing→Territorial power sharing→Federal or similar sub-divided government  
Summary: Agreement provides timetable and implementation modalities for the power-sharing commitments.

Page 4, Machakos Protocol

4. Improvement of institutions and arrangements created under the Agreement to making the unity of Sudan attractive to the people of Southern Sudan  
[Reference in Agreements: MP 2.4.2]

Page 26, Power Sharing: Part IV

54. Appointment of state governors

[Procedures, Process and criteria: According to the INC, CPA and in the case of Southern Sudan according to SSC]

Page 28, Power Sharing: Part IV

57. Mechanism for selection of 20% of other political forces in the Northern and Southern States

[Reference in the Agreement: 4.4.2.2(iii)]

Page 28, Power Sharing: Part IV

58. a) Drafting and adoption of the State constitutions

b) Determination of the Compatibility of the State constitutions with INC, and in case of states in Southern Sudan according to INC and SSC.

[Reference in the Agreement: 4.4.4]

59. Establishment of state Council of Ministers

[Composition: Except for Southern Kordofan State, between 5 to 8 ministries, one of whom shall be appointed a deputy governor; the numbers are subject to review. In the case of Southern Kordofan State, the State Council of Ministers shall consist of 11 members including the State Governor and his/her deputy; Reference in the Agreement: 4.5.1, 4.5.3]

Page 32, Appendix C 2: Matters to be decided upon by the Presidency:

1. Determination of the Executive, Legislative and Financial powers and competencies of Abyei Area (2.6 of AP)

2. Application to the Judiciary for establishment of Courts for Abyei Area as deemed appropriate (2.7 of AP)

3. Approval of Abyei Area Special Account 3.5 of AP)

4. Putting the Special Administrative status of Abyei Area into effect (5.3 of AP)

5. Determination of representation of citizens of Abyei Area in an appropriate State in Bahr El Ghazal and in Southern Kordofan State (6.2 of AP)

Page 28, Power Sharing: Part IV

58. a) Drafting and adoption of the State constitutions

b) Determination of the Compatibility of the State constitutions with INC, and in case of states in Southern Sudan according to INC and SSC.

[Reference in the Agreement: 4.4.4]

Power sharing→Territorial power sharing→Local/municipal government

Page 23-24, Power Sharing: Part III

47. a) Establishment of an inclusive Southern Sudan Constitutional Drafting Committee (SSDCC)

b) Drafting and adoption of the text

c) Determination of Compatibility of SSC with INC

[Reference in the Agreement: PS 3.2, 2.12.12]



**Economic power sharing**

Power sharing→Economic power sharing→Sharing of resources

Page 3, Machakos Protocol

2. Plan for 5 Rs (Repatriation, Resettlement, Reintegration, Rehabilitation, and Reconstruction)

[Reference in Agreements: MP 1.5.4]

Page 30, Appendix B 1: Appointments that the President is required to make with the consent of the 1st VP

7. Establishment of Fiscal and Financial Allocation and Monitoring Commission (2.10.1.6 of PSP)

Page 30, Appendix B 1: Appointments that the President is required to make with the consent of the 1st VP

16. Establishment and appointment of the Chairperson of FFAMC (8.4 of WSP)

**Military power sharing**

Power sharing→Military power sharing→Merger of forces

Page 12, Power Sharing: Part II

19. The status of the Ministries of Defence, Guidance and Endowment, and Federal Governance

[Procedures, Process and criteria: (a) the Jurisdiction of the Ministry of Defence shall not extend to the SPLA (b) The military chain of authority and command common to both Parties to the CAP shall strictly consist of: (i) The Presidency, (ii) The Joint Defence Board (JDB), (c) the jurisdiction of the Ministry of Guidance and Endowment and the Ministry of Federal Governance shall not extend to the Southern States, (d) Matters that fall within the Ministries of Federal Governance and Guidance and Endowment shall be in conformity with the provisions of the Protocols on the resolution of the Conflict in Southern Kordofan and the Blue Nile States and the Protocol on the resolution of the Conflict in Abyei Area]

Power sharing→Military power sharing→Joint command structures

Page 12, Power Sharing: Part II

19. The status of the Ministries of Defence, Guidance and Endowment, and Federal Governance

[Procedures, Process and criteria: (a) the Jurisdiction of the Ministry of Defence shall not extend to the SPLA (b) The military chain of authority and command common to both Parties to the CAP shall strictly consist of: (i) The Presidency, (ii) The Joint Defence Board (JDB), (c) the jurisdiction of the Ministry of Guidance and Endowment and the Ministry of Federal Governance shall not extend to the Southern States, (d) Matters that fall within the Ministries of Federal Governance and Guidance and Endowment shall be in conformity with the provisions of the Protocols on the resolution of the Conflict in Southern Kordofan and the Blue Nile States and the Protocol on the resolution of the Conflict in Abyei Area]

Page 30, Appendix B 1: Appointments that the President is required to make with the consent of the 1st VP

13. Establishment of the Joint Defence Board (5.1. of SAP)

## **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→Vote and take part  
Page 5, Power Sharing: Part I  
6. Enactment of Political Parties Act  
[Reference in the Agreement: PS 1.4.6]

**Socio-economic rights** No specific mention.

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## **Rights related issues**

<b>Citizenship</b>	No specific mention.
<b>Democracy</b>	Page 5, Power Sharing: Part I 6. Enactment of Political Parties Act [Reference in the Agreement: PS 1.4.6]
<b>Detention procedures</b>	No specific mention.
<b>Media and communication</b>	Rights related issues→Media and communication→Media roles Page 3, Machakos Protocol 1.(d) Enlightenment campaign on the Referendum [Reference in Agreements: MP 2.5, PS 2.10.1.5]  Page 15, Power Sharing: Part II 27. Information Campaign in all languages to popularize the Peace Agreement and foster national unity, reconciliation, and mutual understanding. [Reference in the Agreement: PS 2.5.9]
<b>Mobility/access</b>	No specific mention.
<b>Protection measures</b>	No specific mention.
<b>Other</b>	Page 14, Power Sharing: Part II 23. Appointment of a special commission to ensure that the rights of non-Muslims are protected in the National Capital 24. Establishment of mechanisms of guarantees of the rights of non-Muslims in the National Capital [Reference in the Agreement: PS 2.4.6, 2.4.7]

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## Rights institutions

### NHRI

Rights institutions→NHRI→New or fundamentally revised NHRI

Page 14, Power Sharing: Part II

23. Appointment of a special commission to ensure that the rights of non-Muslims are protected in the National Capital

24. Establishment of mechanisms of guarantees of the rights of non-Muslims in the National Capital

[Reference in the Agreement: PS 2.4.6, 2.4.7]

Page 18-19, Power Sharing: Part II

36. Human Rights Commission

a. Enactment of the HRC Act

b. Establishment of Human Rights Commission (HRC)

[Reference in the Agreement: PS 2.10.1.2.]

Page 30, Appendix B 1: Appointments that the President is required to make with the consent of the 1st VP

1. Establishment of a Special Commission to ensure that the rights of non-Muslims are protected in the National Capital (2.4.6 of the PSP)

3. Establishment of Human Rights Commission (2.10.1.2 of PSP)

### Regional or international human rights institutions

No specific mention.

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## Justice sector reform

### Criminal justice and emergency law

Justice sector reform→Criminal justice and emergency law→Reform to specific laws

Page 32, Appendix C 1: Matters in respect of which the President shall take decisions with the consent of the 1st VP according to the Protocols and Agreements

1. Declaration and termination of state and emergency (2.3.6.1 of PSP)

### State of emergency provisions

Page 32, Appendix C 1: Matters in respect of which the President shall take decision with the consent of the 1st CP according to the Protocols and Agreements

Declaration and termination of state and emergency (2.3.6.1 pf PSP)

**Judiciary and  
courts**

Page 19, Power Sharing: Part II

37. The Constitutional Court Act

a. Enactment of the Constitutional Court Act

b. Establishment of the Constitutional Court

[Reference in the Agreement: PS 2.11.2.1]

Page 20, Power Sharing: Part II

38. The National Judicial Service Commission

a. Enactment of the NJSC Act

b. Establishment of the National Judicial Service Commission (NJSC)

[Reference in the Agreement: PS 2.11.4.5]

Page 21, Power Sharing: Part II

39. Southern Sudan representation in Constitutional Court, National Supreme Court and other national courts in the Capital

[Reference in the Agreement: PS 2.11.4.6(iii)]

Page 25, Power Sharing: Part III

52. Establishment of Judiciary of Southern Sudan

[Reference in the Agreement: PS 3.7.1]

Page 25, Power Sharing: Part III

53. Appointment of the President and Justices of Southern Sudan Supreme Court, Courts of Appeal, and Judges of other courts

[Reference in the Agreement: PS 3.7.2, 3.7.5]

Page 30, Appendix B 1: Appointments that the President is required to make with the consent of the 1st VP

4. Establishment of the National Judicial Service Commission (2.10.1.3 of PSP)

8. Appointment of the President of the Constitutional Court (2.11.3.2 of PSP)

9. Appointment of Judges other than Justices of the Constitutional Court (2.11.4.4 of PSP)

10. Appointment of Justices of the Constitutional Court (2.11.4.6(i) of the PSP)

11. Appointment of Justices of the National Supreme Court (2.11.4.6(ii) of PSP)

Page 32, Appendix C 2: Matters to be decided upon by the Presidency:

2. Application to the Judiciary for establishment of Courts for Abyei Area as deemed appropriate (2.7 of AP)

3. Approval of Abyei Area Special Account 3.5 of AP)

**Prisons and  
detention**

No specific mention.

**Traditional Laws**

No specific mention.

## **Socio-economic reconstruction**

<b>Development or socio-economic reconstruction</b>	Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development Page 3, Machakos Protocol 2. Plan for 5 Rs (Repatriation, Resettlement, Reintegration, Rehabilitation, and Reconstruction) [Reference in Agreements: MP 1.5.4] Socio-economic reconstruction→Development or socio-economic reconstruction→Infrastructure and reconstruction Page 3, Machakos Protocol 2. Plan for 5 Rs (Repatriation, Resettlement, Reintegration, Rehabilitation, and Reconstruction) [Reference in Agreements: MP 1.5.4]
<b>National economic plan</b>	No specific mention.
<b>Natural resources</b>	Page 30, Appendix B 1: Appointments that the President is required to make with the consent of the 1st VP 15. Establishment of the National Petroleum Commission (3.2 of WSP)
<b>International funds</b>	No specific mention.
<b>Business</b>	No specific mention.
<b>Taxation</b>	No specific mention.
<b>Banks</b>	Socio-economic reconstruction→Banks→Central bank Page 31, Appendix B 1: Appointments that the President is required to make with the consent of the 1st VP 18. Appointment of the Governor of CBOS and his/her two Deputies (14.7 of WSP) 19. Appointment of the Board Directors of the CBOS responsible and accountable to the Presidency (14.8 of WSP)

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## **Land, property and environment**

<b>Land reform/rights</b>	Land, property and environment→Land reform/rights→Land reform and management Page 30, Appendix B 1: Appointments that the President is required to make with the consent of the 1st VP 14. Appointment of Chairperson of the National Land Commission (2.6.10 of WSP)  Page 32, Appendix C 2: Matters to be decided upon by the Presidency: 6. Approval of the budget of the National Land Commission (2.6.12. WSA)
<b>Pastoralist/nomadism rights</b>	No specific mention.

<b>Cultural heritage</b>	Land, property and environment→Cultural heritage→Intangible Page 18, Power Sharing: Part II 35. Development and promotion of national languages a. Enactment of a founding law b. Establishment of a council for development and promotion of national languages [Reference in the Agreement: PS 2.8.1]
<b>Environment</b>	No specific mention.
<b>Water or riparian rights or access</b>	No specific mention.

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**Security sector**



**Security  
Guarantees**

Page 12, Power Sharing: Part II

19. The status of the Ministries of Defence, Guidance and Endowment, and Federal Governance

[Procedures, Process and criteria: (a) the Jurisdiction of the Ministry of Defence shall not extend to the SPLA (b) The military chain of authority and command common to both Parties to the CAP shall strictly consist of: (i) The Presidency, (ii) The Joint Defence Board (JDB), (c) the jurisdiction of the Ministry of Guidance and Endowment and the Ministry of Federal Governance shall not extend to the Southern States, (d) Matters that fall within the Ministries of Federal Governance and Guidance and Endowment shall be in conformity with the provisions of the Protocols on the resolution of the Conflict in Southern Kordofan and the Blue Nile States and the Protocol on the resolution of the Conflict in Abyei Area]

Page 16, Power Sharing: Part II

30. Enactment of the National Security Act

[Reference in the Agreement: PS 2.7.1.1]

Page 17, Power Sharing: Part II

31. Establishment of the National Security Council (NSC)

[Reference in the Agreement: PS 2.7.1.1]

Page 17, Power Sharing: Part II

32. Establishment of the National Security Service (NSS)

[Reference in the Agreement: PS 2.7.1.1]

Page 17, Power Sharing: Part II

33. Establishment of Security Committees at the GOSS and the States level.

[Reference in the Agreement: PS 2.7.2.5]

Page 18, Power Sharing: Part II

34. Identification of the security organs of the two Parties and their assets

[Reference in the Agreement: PS 2.7.2.8]

Page 30, Appendix A

(i) FUNCTIONS OF THE FIRST VICE PRESIDENT

[...] 3. Member of the National Security Council

Page 30, Appendix A

(ii) FUNCTIONS OF THE VICE PRESIDENT

[...] 3. Member of the Presidential Council and Commander-in-Chief of SAF in case of a vacancy in the post of the President in the Pre and Post Election periods

4. Member of the National Security Council

Page 30, Appendix B 1: Appointments that the President is required to make with the consent of the 1st VP

13. Establishment of the Joint Defence Board (5.1. of SAP)

<b>Ceasefire</b>	<p>Security sector→Ceasefire→Ceasefire provision</p> <p>Page 4, Machakos Protocol</p> <p>5. Guarantees to safeguard CPA against revocation or abrogation</p> <p>[Procedures, Process and criteria: Built-in Regional and International guarantees (AEC, and UN Peace Support Mission of the Ceasefire Agreement). The Parties urge the international community to take necessary measures in support of the Peace Agreement and its full implementation; Reference in Agreements: MP 2.6]</p>
<b>Police</b>	<p>Page 14, Power Sharing: Part II</p> <p>22. Representation of the people of Sudan in the law enforcement agencies in the National Capital and provision for their adequate training</p> <p>[Reference in the Agreement: PS 2.4.4]</p>
<b>Armed forces</b>	<p>Page 32, Appendix C 1: Matters in respect of which the President shall take decisions with the consent of the 1st VP according to the Protocols and Agreements</p> <p>4. Determination of SAF troop levels in SK and BN States during the Interim Period (10.1 of SK and BNP)</p>
<b>DDR</b>	<p>Security sector→DDR→DDR programmes</p> <p>Page 3, Machakos Protocol</p> <p>2. Plan for 5 Rs (Repatriation, Resettlement, Reintegration, Rehabilitation, and Reconstruction)</p> <p>[Reference in Agreements: MP 1.5.4]</p>
<b>Intelligence services</b>	No specific mention.
<b>Parastatal/rebel and opposition group forces</b>	No specific mention.
<b>Withdrawal of foreign forces</b>	No specific mention.
<b>Corruption</b>	No specific mention.
<b>Crime/organised crime</b>	No specific mention.
<b>Drugs</b>	No specific mention.
<b>Terrorism</b>	No specific mention.

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## **Transitional justice**

**Transitional justice general** No specific mention.

**Amnesty/pardon** No specific mention.

**Courts** No specific mention.

**Mechanism** No specific mention.

**Prisoner release** No specific mention.

**Vetting** No specific mention.

**Victims** No specific mention.

**Missing persons** No specific mention.

**Reparations** No specific mention.

**Reconciliation** Page 5, Power Sharing: Part I  
7. National reconciliation and healing process (NRHP)  
[Reference in the Agreement: PS 1.7]

Page 15, Power Sharing: Part II  
27. Information Campaign in all languages to popularize the Peace Agreement and foster national unity, reconciliation, and mutual understanding.  
[Reference in the Agreement: PS 2.5.9]

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## **Implementation**

**UN signatory** No specific mention.

**Other international signatory** No specific mention.

**Referendum for agreement** No specific mention.

<b>International mission/force/similar</b>	<p>Page 4, Machakos Protocol</p> <p>5. Guarantees to safeguard CPA against revocation or abrogation [Procedures, Process and criteria: Built-in Regional and International guarantees (AEC, and UN Peace Support Mission of the Ceasefire Agreement). The Parties urge the international community to take necessary measures in support of the Peace Agreement and its full implementation; Reference in Agreements: MP 2.6]</p>
<b>Enforcement mechanism</b>	<p>Page 3, Machakos Protocol</p> <p>3. Establishment of Assessment and Evaluation Commission (AEC) [Reference in Agreements: MP 2.4 and 2.4.1]</p> <p>Page 4, Machakos Protocol</p> <p>5. Guarantees to safeguard CPA against revocation or abrogation [Procedures, Process and criteria: Built-in Regional and International guarantees (AEC, and UN Peace Support Mission of the Ceasefire Agreement). The Parties urge the international community to take necessary measures in support of the Peace Agreement and its full implementation; Reference in Agreements: MP 2.6]</p>
<b>Related cases</b>	No specific mention.
<b>Source</b>	Unmis.unmissions.org,. 2015. 'United Nations Missions In Sudan (UNMIS)'. <a href="https://unmis.unmissions.org/">https://unmis.unmissions.org/</a> .

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