

Country/entity	South Sudan Sudan
Region	Africa (excl MENA)
Agreement name	The Interim National Constitution of the Republic of Sudan 2005
Date	6 Jul 2005
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Agreement/conflict level Intrastate/intrastate conflict

Sudan Conflicts (1955 -)

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

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

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

South Sudan - internal

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

Close

Sudan Conflicts (1955 -)

Stage Framework/substantive - comprehensive

Conflict nature Government/territory

Peace process	Sudanese (North-South) peace process
Parties	Ahmed Ibrahim Eltahir, Speaker of the National Assembly; Hon. Gabriel Mathiang Rok, Speaker of the National Liberation Council of the Sudan People's Liberation Movement (SPLM), Rumbek - New Sudan;
Third parties	-
Description	An Interim Constitution covering a comprehensive range of issues. The Constitution is split into 17 parts: The State, the Constitution and Guiding Principles; The Bill of Rights; The National Executive; The National Legislature; The National Judicial Organs; Public Attorneys and Advocacy; The National Civil Service; Independent National Institutions and Commissions; Armed Forces, Law Enforcement Agencies, and National Security; The National Capital; Government of Southern Sudan; The States and Abyei Area; Finance and Economic Matters; State of Emergency and Declaration of War; Census and Elections; Southern Sudan right to self-determination; and Misc Provisions.

Agreement document	SD_050706_Interim_National_Constitution.pdf (opens in new tab) Download PDF
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Women, girls and gender

Participation

Participation→Effective participation

Page 64, PART ELEVEN, GOVERNMENT OF SOUTHERN SUDAN, CHAPTER II, THE EXECUTIVE OF SOUTHERN SUDAN

Southern Sudan Council of Ministers

165. (1) There shall be established a Southern Sudan Council of Ministers to be appointed by the President of Government of Southern Sudan, in consultation with the Vice President and approved by Southern Sudan Assembly. The Government of Southern Sudan shall be established with due regard to the need for inclusiveness in recognition of ethnic, religious diversity and gender.

Equality

Equality→Equality (general)

Page 14, PART TWO, BILL OF RIGHTS

Equality before the Law

31. All persons are equal before the law and are entitled without discrimination, as to race, colour, sex, language, religious creed, political opinion, or ethnic origin, to the equal protection of the law.

Page 30-31, PART THREE, THE NATIONAL EXECUTIVE, CHAPTER V, THE GOVERNMENT OF NATIONAL UNITY

Duties of the Government of National Unity

82. The Government of National Unity shall undertake the following duties:-

... (b) establishment of a decentralized democratic system of governance taking into account the cultural, ethnic, racial, religious, and linguistic diversity and gender equality,

Page 75, PART THIRTEEN, FINANCE AND ECONOMIC MATTERS, CHAPTER I, GUIDING PRINCIPLES FOR EQUITABLE SHARING OF RESOURCES AND COMMON WEALTH

185. (1) Resources and common wealth of the Sudan shall be shared equitably to enable each level of government to discharge its legal and constitutional responsibilities and duties and to ensure that the quality of life, dignity and living conditions of all citizens are promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language or region.

Page 92, PART FOURTEEN, STATE OF EMERGENCY AND DECLARATION OF WAR

Powers of the President in the State of Emergency

211. The President of the Republic, with the consent of the First Vice President, may during the state of emergency take, by virtue of law or exceptional order, any measures that shall not derogate from the provisions of this Constitution and the Comprehensive Peace Agreement except as may be provided herein:-

(a) to suspend part of the Bill of Rights. However, there shall be no infringement on the right to life, sanctity from slavery, sanctity from torture, the right of non-discrimination on the basis of race, sex, religious creed, the right in litigation or the right to fair trial, Equality→Social equality

Page 14, PART TWO, BILL OF RIGHTS

Rights of Women and Children

32 (1) The State shall guarantee equal right of men and women to the enjoyment of all civil, political, social, cultural and economic rights, including the right to equal pay for equal work and other related benefits.

(2) The State shall promote woman rights through affirmative action.

Particular groups of women No specific mention.

International law No specific mention.

New institutions No specific mention.

Violence against women No specific mention.

Transitional justice Transitional justice→Past and gender
Page 102-103, SCHEDULES
Schedule (B)
Powers of the Government of Southern Sudan
The exclusive legislative and executive powers of Government of Southern Sudan shall be as follows:
18. Rehabilitation and benefits to disabled war veterans, orphans, widows and care for the dependents of deceased war fallen heroes;

Institutional reform Institutional reform→Emergency/criminal law/corruption reform
Page 15, PART TWO, BILL OF RIGHTS
Restriction on Death Penalty
36. (3) No death penalty shall be executed upon pregnant or lactating women, save after two years of lactation.
Institutional reform→Public administration
Page 52, PART SEVEN, THE NATIONAL CIVIL SERVICE, Principles and Guidelines for the National Civil Service Employees
Guidelines for Inclusiveness in the National Civil Service
136. The National Civil Service, notably at the senior and middlelevels, shall be representative of the people of the Sudan; to ensure this, the following principles and guidelines shall be recognized and observed:-
... (c) no level of government shall discriminate against any qualified Sudanese citizen on the basis of religion, ethnicity, region or gender,

Development	<p>Development→General Page 14, PART TWO, BILL OF RIGHTS Rights of Women and Children 32 (1) The State shall guarantee equal right of men and women to the enjoyment of all civil, political, social, cultural and economic rights, including the right to equal pay for equal work and other related benefits. (2) The State shall promote woman rights through affirmative action. (3) The State shall combat harmful customs and traditions which undermine the dignity and the status of women.</p> <p>Development→Education Page 17, PART TWO, BILL OF RIGHTS Right to Education 44. (1) Education is a right for every citizen and the State shall provide access to education without discrimination as to religion, race, ethnicity, gender or disability.</p> <p>Development→Reproductive rights Page 14, PART TWO, BILL OF RIGHTS Rights of Women and Children 32 ... (4) The State shall provide maternity and child care and medical care for pregnant women.</p>
Implementation	No specific mention.
Other	<p>Page 105-106, 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:- 21. Women's empowerment; 26. Mother, Child protection and care;</p>
