

1997 Peace Agreement

Signed the 21st April 1997 between:

1. The Government of Sudan;
2. The South Sudan United Democratic Salvation Front (UDSF) comprising:
 - a) The South Sudan Independence Movement (SSIM);
 - b) The Union of Sudan African Parties (USAP); and
3. The Sudan People's Liberation Movement (SPLM);
4. The Equatoria Defence Force (EDF); and
5. The South Sudan Independents Group (SSIG)

PREAMBLE

We the parties to the conflict in the Sudan;

Deeply committed to an immediate end to the current armed conflict through peaceful and political means;

Aware that the attainment of a just and lasting peace requires courage, statesmanship, political daring and challenging vision from the parties;

Aware that only a sustainable peace based on justice, equality, democracy, and freedom can lead to a meaningful development and progress which would assist in the solution of the fundamental problems of the people of the Sudan;

Fully cognizant of the fact that the unity of the Sudan cannot be based on force or coercion, but on the free will of the people;

Hereby agree to make and abide by this agreement.

CHAPTER ONE

A. DEFINITIONS

In this agreement unless the context otherwise requires the following words shall have the same meanings assigned to it.

“Southern States” means the ten Southern States arising from the former provinces of Bahr el Gazal, Equatoria and Upper Nile with their boundaries as stood on 1st January 1956.

“Interim Period” means the transitional period having the defined functions to this agreement, the end of which shall be the announcement of the referendum results.

“Constitution” means the constitution of the Sudan including such parts or articles of the agreement as shall be designated to be part thereof.

“Agreement” is this peace agreement signed on April 21st 1997, between the Sudan Government on the one hand and the UDSF, SPLM, SSIG and EDF on the other.

“President of the Coordinating Council” refers to the person appointed by the President of the Republic of the Sudan to preside over the Coordinating Council.

“Custom” in the States of South Sudan means the African Custom.

B. GENERAL PRINCIPLES.

1. The general principles contained in the political charter signed in Khartoum on 10th April 1996 shall be part of this agreement and shall guide and explain its provisions.
2. During a four-year interim period South Sudan shall enjoy a special status as defined in this peace agreement.
3. The interim arrangements shall be preceded by a declaration of permanent cease-fire and general amnesty proclamation.
4. The people of South Sudan shall exercise the right of self-determination through a referendum.
5. The problem of Abyei has been discussed and a final solution is referred to a conference on Abyei that will be convened in the area within the interim period.

CHAPTER TWO

1. AGREEMENT

a. Parties to the Agreement:

1. The Government of Sudan;
2. The South Sudan United Democratic Salvation Front (UDSF) comprising:
 - a. The South Sudan Independence Movement (SSIM);
 - b. The Union of Sudan African Parties (U.S.A.P); and
3. The Sudan People’s Liberation Movement (SPLM);
4. The Equatoria Defence Force (EDF); and
5. The South Sudan Independents Group (SSIG)

CHAPTER THREE

POLITICAL ISSUES

2. CONSTITUTIONAL AND LEGAL MATTERS

A. Religion and the State

1. Sudan is a multi-racial, multi-ethnic, multi-cultural and multi-religious society. Islam is the religion of the majority of the population and Christianity and the African creeds are followed by a considerable number of citizens. Nevertheless the basis of rights and duties in the Sudan shall be citizenship, and all Sudanese shall equally share in all aspects of life and political responsibilities on the basis of citizenship.

2. Freedom of religion, belief and worship shall be guaranteed.

3. A suitable atmosphere shall be maintained for practising, worship, dawa, proselytization and preaching.

4. No citizen shall be coerced to embrace any faith or religion.

5. There shall be no legislation which would adversely affect the religious rights of any citizen.

6. Regarding legislation:

a. Sharia and custom shall be the sources of legislation.

b. On the issue of Sharia, the parties agreed on a formula under which Laws of a general nature that are based on general principles common to the States shall apply at the national level, provided that the States shall have the right to enact any complementary legislation to federal legislation on matters that are peculiar to them. This power shall be exercised in addition to the powers the States exercise on matters designated as falling within their jurisdiction, including the development of customary law.

B. The Constitutional Guarantees

1. The Supreme Court is the custodian of the Constitution and is thus entrusted with the protection and interpretation of the Constitution.

2. The Constitution shall enshrine the following principles:

a. There shall be no punishment except as provided for by the law.

b. Every person is presumed innocent until the contrary is proved.

c. Litigation before courts is a right guaranteed for every person.

d. The Constitution shall guarantee the equality of all citizens before law without any discrimination; no immunity shall be without law.

- e. The Constitution shall guarantee the application of the Rule of Law.
3. The bill of rights and freedoms shall be enshrined in the Constitution.
4. Any law or decision that contravenes the Constitution may be challenged in court by any aggrieved person.
5. All personal matters such as marriage, divorce, parentage and inheritance shall be governed by the religion and custom of those involved.

C. Fundamental Rights and Freedoms

Under the concept of the Rule of Law, the following basic human rights and fundamental freedoms shall be guaranteed:

1. The right to life and inviolability of the human person.
2. The right to equal treatment irrespective of gender, race, colour, religion or origin.
3. The right to family life and privacy.
4. The right to freedom of thought and conscience.
5. The right to property.
6. Freedom of expression.
7. Freedom of movement.
8. Freedom of the press.
9. Freedom of association and assembly as shall be regulated by the law.
10. Immunity from arbitrary arrest, detention and torture.
11. Freedom of religious worship, preaching, dawa, proselytization and religious propagation.
12. Freedom of expression and development of cultures and languages.
13. All other basic rights and freedoms that are recognised by and guaranteed under the International Conventions and Protocols ratified by the Government of the Sudan.

D. The Judiciary

1. The Judiciary in the Sudan shall be independent and decentralised.
2. Every State shall have judicial organ which is composed of a Court of Appeal, Province Courts, District Courts and Local Courts.
3. Appeals from the Court of Appeal shall be submitted to the Supreme Court.
4. Administration of justice in the State shall be vested in the State Judicial Organ.
5. Judges at all levels shall be appointed by the President of the Republic on the recommendation of the High Judicial Council.
6. Matters related to qualification, emoluments, privileges, promotions, training, retirement, etc. shall be regulated by law.

E. Democracy

1. Participatory democracy shall be realised through congresses and national convention or conference.
2. In promotion of participatory democracy the congresses and national convention shall be organised:
 - a. to accommodate forums for all citizens.
 - b. to discourage all forms of intolerance and totalitarianism.
3. The parties to this Agreement shall be guaranteed full participation in the political and constitutional processes in Sudan.

3. POWER SHARING

A. FEDERAL POWERS

The following powers shall be exercised by the Federal institutions:

1. Foreign Affairs.
2. Armed Forces and Defence Affairs.
3. Maritime Shipping and Navigation.
4. Currency, Coinage and Bills of Exchange.
5. Federal Budget and Federal Planning.
6. External Communications, External and Inter-State Postal and Telecommunication services, Civil Aviation and the operation and maintenance of International Airports.
7. The Judiciary.
8. Federal Railways and Inter-State Highways.
9. Weights, measures and determination of time.
10. The National Census.
11. Fishing and Fisheries in and beyond territorial waters.
12. Mining.
13. Inter-State Waterways.
14. Federal Election Commission.
15. Customs.
16. External Trade.
17. International Boundaries and Inter-State Boundary Disputes.
18. Meteorological Services.
19. National Security.
20. Federal Legislation:
 - i. on matters within Federal Powers.
 - ii. on matters common to the States.
21. Audit General.
22. Education Planning.
23. Attorney General and Advocacy
24. National Electricity Network.
25. Federal Taxation.

26. Passports, Immigration, Nationality and Aliens Affairs.
27. Epidemic Control.
28. Emergency Jurisdiction.

B. STATE POWERS

1. State Security, Public Order and Good Governance.
2. Wildlife, Tourism, Hotels, Inns, and so forth.
3. Land use and conservation without prejudice to the Federal Policies.
4. Local Government.
5. State Taxes.
6. Agriculture, Forestry and Fisheries including the establishment of Training Institutions in these fields.
7. Promotion of Languages, Cultures, Folklore, Arts, etc.
8. State Radio, TV, Newspapers and Printing Press.
9. Quarrying.
10. Roads, Water Supply, Hydro-Electric Power.
11. Irrigation and embankment pastures and their development.
12. Animal Health, Animal Husbandry and Animal Wealth.
13. Libraries and Museums.
14. Industrial and commercial development.
15. Missionaries activities, Charities and Endowments.
16. Specialised Hospitals and Clinics.
17. Establishment of Banks in accordance with the Central Bank Policies.
18. State Public Audit.
19. State Electricity Network.
20. State Attorney General.
21. State Legislation:
 - a. In matters within State Powers.
 - b. Complementary to Federal laws in matters peculiar to the State.
 - c. Customary laws.
22. State Economic development and Planning in accordance with Federal Planning.
23. Recruitment of Specialised technical expertise in various fields of development.
24. Health care and Establishment of all types of medical institutions for treatment and training of qualified medical personnel.
25. Registration of Birth and Death, and Marriages.
26. Statistics.
27. Scientific Research and Development.
28. Administration of Meteorological Services.
29. Education Management, Planning and Training up to University level within the framework of National Planning.

C. RESIDUAL POWERS

1. The State shall exercise the residual powers without prejudice to the powers allocated to the Federal authorities.

2. The Federal authorities shall exercise the residual powers without infringing on powers allocated to the States.

3. In case of any dispute over the residual powers between the State and Federal authority, the dispute shall be referred to the Federal (Supreme) Court.

4. WEALTH SHARING

1. The Federal Government shall lay down a comprehensive economic and social plan to develop the country in general and to bridge the gap between the various States in particular, so that within a definite period, a parity in provision of basic needs such as security, employment, water, food, education, health and housing could be reached.

2. In order to consolidate the economic policies:

- a. The economy in the Sudan shall be based on free market forces.
- b. The Federal Bank of the Sudan shall be responsible for regulating internal and external value of the Sudanese currency.
- c. There shall be an independent Stock Exchange Bureau for selling and floating shares, bonds and premiums of companies and currency regulation to enhance free market economy.
- d. There shall be established development projects to promote and maintain peace and stability among the people of the Sudan.

3. Major Federal development projects and big mining and oil projects shall be considered national wealth and be managed on a national basis provided that:

- a. The Federal Government shall observe to allocate an equitable percentage of the Returns to be fixed by the Revenue Allocation Commission to the State where the project is located (see Annexe 3).
- b. Ensure participation of the States in the management of such projects.
- c. Ensure recruitment and training of citizens of the State in order to participate in such projects.
- d. Any other fringe benefits.

4. A Revenue Allocation Commission shall be established to recommend revenue sharing formula for the whole country. The Coordinating Council shall be represented.

5. The Federal Government shall observe the following for the purpose of distribution of national revenue among the States and for site selection of major development projects:

- a. Giving priority to the less-developed States according to their state of underdevelopment.
- b. Economic feasibility of projects and their efficient functioning.
- c. The effect of the project on the realisation of self-sufficiency in the basic needs of the country.
- d. A balanced relationship between development and density of population and environment.

- e. Establishment of a special fund to take care of crash development programmes and maintenance of peace.
6. In the field of rehabilitation of the war-affected areas, the following shall be observed:
 - a. The Federal Government and the Coordinating Council shall work to attract loans and aid from friendly countries and international benevolent organisations to rehabilitate the economic projects which ceased to function or were damaged because of the war. It shall also work for the reconstruction of the war-affected areas and resettlement of returnees and displaced persons.
 - b. The Federal Government and the Coordinating Council shall launch a plan and joint international appeal for the reconstruction, rehabilitation, repatriation and development of the Southern States and other war affected areas.
 - c. The Coordinating Council shall also establish a relief, resettlement, rehabilitation, reconstruction commission to manage and administer the resources acquired for the above purposes.
7. The sources of revenue of the Southern States shall consist of the following:
 - a. State taxes and generated revenue.
 - b. Fees, excise duties and licences.
 - c. Revenue from commercial, industrial and agricultural projects based in the Southern States.
 - d. Funds from the Federal treasury for established services in the States until such a time when they become self-reliant.
 - e. Any development assistance and donations from foreign sources.
 - f. Revenue allocation from the Federal Government for socio-economic development.
 - g. State share of Federal taxes levied on Federal projects and services functioning within the Southern States.
 - h. Business profit taxes.
 - i. Corporate taxes on factories and agricultural enterprises in the State, other than Federal ones, established in the Southern States.
 - j. Property taxes.
 - k. The share of fees on licenses for mineral and oil explorations (see Annexe 3).
 - l. Profits accruing from the Customs, Airports Services, Roads, Postal and Telecommunication Services and River Transport in the Southern States shall be allocated to Rehabilitation, Reconstruction, Repatriation Commission.
8. The State Government shall prepare a budget to meet the expenditure on services, administration and development of the State to be submitted to the State Legislative Organ for approval.
9. No project adversely affecting the people, ecology and natural environment of State may be implemented without consulting the State concerned.
10. The Federal Government and the Coordinating Council shall encourage and promote foreign investment and procurement of development assistance for the

Southern States and shall encourage establishment of branches of public sector institutions, development corporations and specialised banks.

11. The Coordinating Council shall prepare a development budget for the Southern States and submit the same to the President.

5. PARTICIPATION OF THE SOUTHERN CITIZENS IN THE FEDERAL INSTITUTIONS

1. Mindful of the present participation of the Southerners in the Federal Institutions, this Agreement is putting forward further balanced representation in the Federal institutions.

2. The participation shall be based on values of efficiency, qualification, honesty, justice, responsibility and equality between all the citizens without discrimination.

3. The Southern citizens shall participate in all Federal, political and constitutional institutions in numbers commensurate to the demands of the interim period, taking into consideration population size and provided that the criteria for eligibility are met.

4. The Southern citizens shall have the right to participate in the Federal Institutions as follows:

- a. The Presidency.
- b. The Federal Council of Ministers.
- c. The National Legislative Assembly.
- d. The Federal Defense and Security Council.
- e. The Supreme Court.
- f. The Federal Planning Institutions.
- g. The National Elections Commission.
- h. Foreign Affairs.
- i. The Federal Career Selection Commission.
- j. Federal Universities and Research Institutions.
- k. The Armed Forces.
- l. Any other Federal Institutions.

5. The Federal Career Selection Commission (FCC) shall have an office at the seat of the Coordinating Council.

CHAPTER FOUR

6. THE INTERIM PERIOD

i. The length of the interim period shall be four years. However, it may be shortened or extended if need arises by recommendation from the Coordinating Council to the President of the Republic.

ii. The interim period shall commence as from the date of the formation of the Coordinating Council and shall end as soon as the referendum is accomplished and the results are declared.

iii. The Coordinating Council shall carry out the following activities during the interim period:

1. To assist repatriate, resettle and rehabilitate the displaced and the returnees.
2. To reconstruct the war devastated areas.
3. To remove effects of war by clearing mine fields, opening tip roads and waterways.
4. To promote reconciliation, peace and confidence-building amongst the Sudanese citizens.
5. To draw development plans for the Southern States and solicit funds from national, regional and international bodies and institutions for implementation of the peace agreement.
6. To draw a political mobilisation plan to strengthen peace and unity in different parts of the country.
7. To strengthen the Federal rule in the Southern States.
8. To reassemble and train manpower in order to re-establish the public service in the Southern States.
9. To strengthen the capacity building of the people in the Southern States to become self-reliant. In this regard plans shall be drawn to receive support for educational, health, food security and social services institutions.
10. To educate and mobilise the people of Southern States on the process of referendum.
11. To provide adequate security in the Southern States in order to create a conducive atmosphere for the referendum.
12. To participate in conducting census in the Southern States.
13. To assist register voters for the referendum.

CHAPTER FIVE

7. THE COORDINATING COUNCIL OF THE SOUTHERN STATES

1. DEFINITION

a. In accordance with this Peace Agreement, there shall be established a Coordinating Council in Southern States during the interim period. The Coordinating Council shall be responsible for coordination, supervision, socio-economic planning, confidence-building, peace-nurturing, policy-making as well as political mobilisation.

b. The President of the Coordinating Council shall be accountable to the President of the Republic.

c. The President of the Republic in consultation with parties signatory to this Agreement shall appoint the President of the Coordinating Council.

d. The President of the Coordinating Council in consultation with Southern political forces shall recommend his cabinet including the Governors (Wadis) to the President of the Republic for appointment.

e. The Ministers in the Coordinating Council shall enjoy status of Federal Ministers.

f. The Governors of the Southern States in consultation with the political forces in their respective States shall recommend appointment of members of their governments including commissioners to the President of the Coordinating Council who shall pass the same to the President of the Republic.

g. Until the atmosphere is conducive for elections of State Assemblies to take place, the President of the Coordinating Council, in consultation with the political forces, shall recommend to the President of the Republic new members of legislative assemblies in the Southern States for appointment.

h. The Coordinating Council shall act as a link between the Federal Government and the Southern States.

i. The Coordinating Council has the right to choose its seat.

2. FUNCTIONS OF THE COORDINATING COUNCIL

The Coordinating Council shall have the following functions:

1. General Supervision of the implementation of this peace agreement as well as all peace matters.

2. Voluntary repatriation of the returnees, and the displaced, rehabilitation and reconstruction of war-affected areas in the Southern States.

a. Ensuring confidence-building measures among the Sudanese citizens.

b. To embark on mobilisation of the people therein for the referendum.

c. Legislative Functions:

The Coordinating Council shall establish an Advisory Council for perfection of the legislative process.

1. The Coordinating Council shall coordinate legislation with the Southern States Legislative Assemblies in matters common to these States.

2. The Coordinating Council may request adjournment of any legislation tabled in the National Assembly if deemed to adversely affect the interests of the Southern States until such a time the Coordinating Council presents its opinion.

3. Encourage establishment and supervision of foreign consulate, UN agencies and NGOs in South Sudan in coordination with the Federal Government in coordination with the Federal organs concerned.

3. POWERS OF THE COORDINATING COUNCIL

The Coordinating Council shall exercise the following powers:

DEVOLVED POWERS

- a. Education Planning up to University level in accordance with National policies.
- b. Planning and supervision of Southern States security, public order and good governance.
- c. Economic development and planning in accordance with national policies.
- d. Planning and programming for electricity network and other public utilities in the Southern States.
- e. Organisation of scientific research, technological, industrial and commercial development.
- f. To conduct International agreements on culture, trade, including border trade, and technical co-operation, the procurement of foreign capital investment and development assistance from governmental and non-governmental organisations (NGOs) in coordination with the Federal organs concerned.

CONCURRENT POWERS

4. The Coordinating Council shall exercise the following powers concurrent with the Federal organs:

- a. Planning for survey and land disposition.
- b. Planning and supervision of the Public Service in the Southern States.
- c. Organisation of States Elections and Census.
- d. Drawing of environmental conservation policies.
- e. Cultural planning and regulation, supervision of Radio, TV, newspapers and printing press.
- f. Supervision of trade union disputes.
- g. Audit within the Audit General.
- h. Establishment of Banks.
- i. Air, Land and River Transport, Postal Services and Telecommunication.
- j. Copyrights, Patents and Publishers' Rights.

5. In addition to the above-devolved and concurrent powers, the President of the Republic and any Federal Ministry or Federal Organ may delegate powers to the Coordinating Council for policy, planning and general supervision in Southern States.

6. The Coordinating Council shall receive regular reports from the Governments and other Institutions of the Southern States and shall report the same to the President of the Republic.

7. The Coordinating Council shall take over the responsibilities and functions of the Supreme Council for Peace and its organs.

COMPOSITION OF THE COORDINATING COUNCIL

8. The Coordinating Council membership shall be as follows:

1. The President of the Coordinating Council.
2. The Vice President of the Coordinating Council and Minister of Local Government Affairs and Public Security.

3. Minister for Cabinet Affairs.
4. Minister for Economic Planning and Financial Affairs.
5. Minister for Education and Instruction Affairs.
6. Minister for Legal Affairs.
7. Minister for Public Service and Labour.
8. Minister for Information, Culture and Social Affairs.
9. Minister for Agriculture and Natural Resources.
10. Minister for Health Affairs.
11. Minister for Peace and Political Mobilisation.
12. Minister for Wildlife Conservation, Tourism and Environmental Control.
13. Minister for Engineering Affairs and Public Utilities.
14. Minister for Humanitarian Affairs and Rehabilitation.
15. Minister for Commerce, Supplies and Industry.

9. Besides the members mentioned above the Governors (Walis) of the Southern States shall be members in the Coordinating Council by virtue of their post.

10. There shall be established in Southern States a Relief, Rehabilitation, Resettlement, Repatriation Commission (SSRRRRC) which shall be supervised by the Minister for Humanitarian Affairs.

11. The Coordinating Council shall prepare its annual budget to be submitted to the President of the Republic.

12. The Coordinating Council shall issue regulations to direct its activities and specify the functions, duties and roles of its various departments.

13. The President of the Coordinating Council shall recommend to the President of the Republic relief from office, acceptance or rejection of resignation of any member of the Coordinating Council including the Governors.

14. The State Governors shall recommend to the President of the Coordinating Council relief from office, acceptance or rejection of resignation of any member of the State governments including commissioners. The President of the Coordinating Council shall pass the same to the President of the Republic for approval.

CHAPTER SIX

8. SECURITY ARRANGEMENTS DURING THE INTERIM PERIOD

i. The South Sudan Defence Force (SSDF) shall remain separate from the National Army and be stationed in their locations under their command.

ii. Police, Prisons, Wild Life, Civil Defence, Fire Brigade and Public Security in the Southern States shall be drawn from the people of Southern Sudan.

iii. The size of the Sudanese Armed Forces in South Sudan shall be reduced to peace-time level once peace is established.

- iv. A Joint Technical Military Committee of equal numbers shall be constituted from the Sudanese Armed Forces on one hand and the SSDF on the other for the purpose of supervision and implementation of the security arrangements in this agreement (see Annexe 1).
- v. The Joint Technical Military Committee shall oversee and supervise the activities of the Cease-Fire Commission and the peace-keeping observers.
- vi. The Joint Technical Military Committee shall coordinate with the Army General HQs provision of supplies, training, armament, emoluments and other facilities for the SSDF.
- vii. A Joint Military Cease-Fire Commission shall be established to monitor cease-fire violations and the disengagement of troops in Southern States (Annexe 1).
- viii. The Movement of the armed parties shall be coordinated and controlled by the Joint Technical Military Committee, and its subcommittees (Annexe 1).
- ix. In accordance with this agreement the President of the Republic of the Sudan shall declare general amnesty to members of SSDF from any criminal or civil culpability relating to acts committed during the period of the war with effect from the date of signing this Peace Agreement (see Annexe 2).
- x. There shall be established a Joint Amnesty Commission to follow up the implementation of the General Amnesty Proclamation (see Annexe 2).
- xi. There shall be established a Joint Amnesty Tribunal to receive, examine and determine cases which are covered by this Amnesty Proclamation (see Annexe 2).
- xii. War wounded, widows, orphans and other war victims shall be rehabilitated with assistance from the national, regional and international humanitarian agencies.
- xiii. The Annexes are considered as guidelines with a degree of flexibility to the said committees/commissions.

CHAPTER SEVEN

10. THE REFERENDUM

1. By this Agreement the right of the people of Southern Sudan to determine their political aspirations and to pursue their economic, social and cultural development is hereby affirmed.
2. The people of Southern Sudan shall exercise this right in a referendum before the end of the interim period.
3. Options in the referendum shall be:
 - a. Unity.
 - b. Secession.

4. The referendum shall be free, fair and be conducted by a Special Referendum Commission (SRC) to be formed by a Presidential decree in consultation with the Coordinating Council.

5. Eligible voters for the referendum shall be Southern Sudanese people who have attained the age of eighteen years and above and who are residing inside and outside of South Sudan.

6. The vote shall be by secret ballot.

7. To ensure free and fair conduct of the referendum, the SRC shall invite observers as follows:

a) OAU, Arab League, UN, Religious bodies, IGAD, National and Foreign NGOs and any other countries.

b) National and international media and journalists.

8. The parties agree to respect, abide by and implement in good faith the result of the referendum.

CHAPTER EIGHT

11. FINAL PROVISIONS

1. LANGUAGE

Arabic shall be the official language of the Sudan, with English as the second language of the Sudan. The government shall endeavour to develop other languages.

2. AMENDMENT OF THE AGREEMENT

a) No bill of amendment to this Agreement shall be presented to the National Assembly without consulting the Coordinating Council.

b) For amendment on this Agreement the Coordinating Council may present its petition to the President of the Republic provided that such a bill is passed in the Coordinating Council by a two-thirds majority.

(signed)

For The Sudan Government

LT General
EL Zuber Mohammed Saleh

For United Salvation Front (UDSF) and
South Sudan Independence Movement/Army (SSIM/A)

Cdr Dr Riek Macher Teny D.
Chairman & C-in-C

For Sudan People's Liberation Movement (SPLM/A)

Cdr Karubino Kawanyin Bol
Chairman C-in-C (SPLM/A)

For South Sudan Independents Group (SSIG)

Cdr Kawac Makwei
Chairman C-in-C (SSIG)
For Equatoria Defence Force (EDF)

Dr Theophilus Ochang Loti
Chairman C-in-C (EDF)

For the Union of Sudanese African Parties (U.S.A.P)

Mr Samuel Aru Bol
Chairman (USAP)

Cdr Arok Thong Arok
SPLA/M Bor Group

ANNEXE 1

Agreement on the Cessation of Hostilities and Cease-Fire Between South Sudan Defence Force (SSDF) and the Government of the Sudan

In pursuance of the Political Charter of 10th April 1996, the following Agreement for the total cessation of hostilities and permanent cease-fire is hereby concluded and declared.

1. Definition

In this agreement the following words shall have the meanings hereinafter assigned to them.

a. The "Parties" means the parties to the cease-fire agreement that are the Government of the Sudan represented by the Sudanese Armed Forces on one hand and the United

Democratic Salvation Front (UDSF), SPLM, SSIG and EDF represented by SSDF on the other.

b. The “Joint Technical Military Committee” means the Joint Technical Military Committee consulted from officers of Sudanese Armed Forces and SSDF under Article 3 below.

c. “Joint Cease-fire Commission” means Joint Cease-fire Commission, established under Article 4 below from officers of the Sudanese Armed Forces and SSDF.

2. Cessation of Hostilities and Cease-Fire

a) There shall be total cessation of all forms of hostilities amid a permanent Cease-Fire in all areas of conflict effective as from _____ Hours, _____, 1997;

b) The parties shall promote peace through mass media, public rallies, conferences, seminars, etc.,

c) The parties shall refrain from any propaganda or information policy that is inconsistent with the process of peace;

3. Joint Technical Military Committee

a) The parties shall constitute a Joint Technical Military Committee from capable officers of the parties as follows:

- i. Five (5) officers from each side;
- ii. Other support staff;
- iii. Headquarters;
- iv. The Chairmanship shall alternate for three months;
- v. The HQ of the Joint Technical Military Committee shall be in Khartoum at the General Military Headquarters.

b) Duties of the Joint Technical Military Committee:

- i. To supervises the work of the Joint Cease-Fire Commission;
- ii. To deal with any administrative matters connected with implementation of the Cease-Fire; and
- iii. Any other relevant matters pertaining to the implementation of the security arrangements.

c) Decisions of the Joint Technical Committee shall be taken unanimously and in case of disagreement such matters shall be referred to the leadership of the parties.

4. The Joint Cease-Fire Commission

a) Composition

It shall be constituted by the parties as follows:

- i) Ten officers from each side.
- ii) The Chairmanship shall alternate for three months period.
- iii) The HQ of the Joint Cease-Fire Commission shall be at the headquarters of the Coordinating Council and shall have local branches at each State, Province and Local Council levels in the areas affected by the conflict.

5. Duties of the Joint Cease-Fire Commission

- a. To ensure that the Cease-Fire is enforced and consolidated;
- b. To constantly observe and report any breaches of the Cease-Fire;
- c. To investigate alleged violations of the Cease-Fire and to take appropriate measures;
- d. To send regular reports to the Joint Technical Military Committee on the general military and security situation;
- e. To supervise local Cease-Fire Committees at State, Province and Local Council levels.

6. Local Cease-Fire Commissions

- a. There shall be established local Cease-Fire Committees at the State, Province or Local Council levels in areas where SSDF and Sudanese Armed Forces are in close contact.
- b. Each local Cease-Fire Committee shall consist of seven (7) members and shall be formed by the Joint Cease-Fire Commission, and its members may be drawn from Military personnel, civil administrators, chiefs and community leaders.

7. Acts that are Prohibited As of that date in which the Cease-Fire and the cessation of hostilities comes into effect the forces of the parties to the agreement and any allied militia shall refrain from the following:

- a. Hostile military operations against each other by means of forces or individuals under control;
- b. Acts of terrorism, sabotage or harassment against each other;
- c. Acts of violence against the civil population;
- d. Interference with free movement of the civil population and services or looting of their property; and
- e. Any hostile conduct which is inconsistent with the spirit of peace and stability.

8. Free Movement of Forces

- a) Subject to the prior notification of the Joint Cease-Fire Commission, forces of the parties shall enjoy freedom of movement in areas controlled by each side whether as military units or as individuals for any of the following purposes:

- i) To carry out troops rotation or relief;
 - ii) To carry out liaison and coordination activities between command and units on the move;
 - iii) To deliver logistical supplies; and iv) To go on leave or seek medical care or for other humanitarian reasons.
- b) After receiving notification of troops movement the Joint Cease-Fire Commission or the Local Cease-Fire Committee, as the case may be, shall acknowledge the information and shall transmit the same to the next higher authorities for information and record.
- c) Individual members of SSDF and the Sudanese Armed Forces exercising the freedom of movement for family, humanitarian or whatever reasons, for which they have been granted permission by their military units, must carry the necessary departure orders duly signed by the commanders of their units.
- d) The Joint Cease-Fire Commission shall systematically evaluate the progress being made in ensuring compliance with the Cease-Fire agreement. If it notes that a situation is developing which might result in a crisis, it shall draw such conclusions and make recommendations as may be necessary to prevent a collapse of the Cease-Fire or a crisis of public order. It shall transmit its conclusions and recommendations to the Joint Technical Military Committee and subsequently to the leadership of the parties.

ANNEXE 2

GENERAL AMNESTY PROCLAMATION ORDER 1997

The Parties agree that the President of the Republic of Sudan shall declare a general and unconditional amnesty for all offenses committed between 16th May 1983 through 1997 in accordance with the common will of the people of the Sudan.

1. The general and unconditional amnesty shall cover the period from 16th May 1983 to 1997 to all (SSDF) forces, to the effect that nobody shall be prosecuted or punished for acts or omissions committed during this period.
2. No action or other legal proceedings whatsoever, civil or criminal, shall be instituted against any persons in any court of law or any place for, or on account of, any act, omission or matter done inside or outside Sudan as from 16th May 1983 to 1997, if such act or omission or matter was committed by any member of (SSDF).
3. Civil Actions: All civil suits instituted before 1997, relating to acts committed or matters referred to in Article 2 above or as scheduled in Article 8 in this Proclamation Order are covered by this amnesty and shall be discharged and made null and void.
4. Discharge of Prisoners and Detainees: All persons serving terms of imprisonment or being held in detention in respect of offences committed in relation to the war or

persons being detained or sentenced to imprisonment for political or politically-motivated crimes, and falling within the offences mentioned in the schedule in Article 8 below shall be discharged and set free from the day of signature of this Proclamation.

5. Freedom of Movement: There shall be freedom of movement of people, goods and services throughout the Sudan. The relevant authorities shall implement this provision accordingly.

6. Joint Amnesty Committee:

a. The parties shall set up an ad hoc Joint Amnesty Committee to follow up implementation of the provisions of this Amnesty Proclamation and shall compile and report about all those persons who were in prison or under detention, whether civilians or military personnel, and who should have been released in response to the terms of the amnesty, and the degree of freedom of movement of persons, goods, and services inside Southern States.

b. The members of the Joint Amnesty Commission shall be drawn from the parties to the conflict and members of the National Human Rights groups.

c. The Joint Amnesty Commission shall be composed of three from each of the parties.

7. Special Amnesty Tribunal:

a. The parties shall set up special tribunal with judicial powers to receive, examine and determine cases which are covered by this Amnesty Proclamation.

b. The tribunal shall be composed of three persons from each party.

8. Schedule of offences covered by the Amnesty: The undermentioned are offences covered by the Amnesty Proclamation Order covering the period from 16th May 1983 through 1997.

a. Treason.

b. Desertion.

c. Defamation.

d. Any other political and war-related offences committed during the above-mentioned period.