



Key Provisions and Justification for the Agreement on the Resolution of the Conflict in the Republic of South Sudan

The *Agreement on the Resolution of the Conflict in the Republic of South Sudan* (the 'Agreement'), comprising a PP page text and PP page implementation matrix, offers a comprehensive, balanced compromise settlement to end the civil war in South Sudan, ongoing since December 2013, and institute transitional arrangements sufficient to consolidate peace and stability for all South Sudanese.

To be implemented over a period of 33 months, the Agreement is divided into 8 chapters, covering the six thematic areas negotiated over the past 14 months: transitional governance arrangements; permanent ceasefire and transitional security arrangements; humanitarian assistance and reconstruction; resource, economic and financial management; transitional justice, accountability, reconciliation and healing; and parameters for the permanent constitution making process.

In addition to the four negotiating Parties: the Government of the Republic of South Sudan (GRSS), the Sudan Peoples' Liberation Movement/Army in Opposition (SPLM/A (IO)), the SPLM Leaders (Former Detainees (FD)) and Other Political Parties, the Agreement will be open for signature by other South Sudanese stakeholders, to provide for South Sudanese society to demonstrate popular support for the terms of the Agreement.

The Agreement also provides for the establishment of a robust oversight mechanism, known as the Joint Monitoring and Evaluation Commission (JMEC), with powers to oversee implementation and take corrective action in the event of non-compliance with the terms of this Agreement.

Transitional Governance Arrangements (chapter I)

Broad based and inclusive: The Agreement provides for a broad-based, all-inclusive Transitional Government of National Unity (TGoNU), comprising the four negotiating Parties: the GRSS, the SPLM/A (IO), the SPLM Leaders (FD) and Other Political Parties.

Tasks and term: The TGoNU will be in office for 30 months, implement reforms, and lead South Sudan to general elections. To initiate the TGoNU, a 3-month Pre-Transition will commence on signature of the Agreement, to complete the tasks necessary to operationalize the TGoNU.

Compromise on power sharing: The Agreement provides for the former GRSS to maintain a majority in the legislature, the positions of President and Vice President and 53 per cent of ministerial portfolios; the SPLM/A (IO) the second-largest share of seats in the legislature, the new position of First Vice President and 33 per cent of ministerial portfolios; and the SPLM-FD

and Other Political Parties allocated 14 per cent of ministerial portfolios and representation in legislative institutions. Decision-making in the institutions of TGoNU (Council of Ministers, TNA etc.) shall be by consensus, simple majority and on matters affecting the Agreement by two thirds or 67%.

Schedule of powers: The incumbent President shall serve as President and the Executive Head of State for the Transition Period. The powers, functions and responsibilities of the President, the First Vice President and the Vice President will be clearly defined. In the event of disagreement on decision-making, there are clear procedures to break the deadlock. The Agreement extends the term of the incumbent President, vice president and for the 7 State Governors of states not affected by conflict either until the end of the Transitional Period or an elected government is in place.

Expansion of the National Legislature: Expanded to incorporate additional members from SPLM/A (IO) and the Other Political Parties for the duration of the Transition. The term of the current Transitional National Assembly (TNA) shall be extended as per the term of TGoNU; and expanded from 332 to become 400. The SPLM/A-IO shall take 50 members while the other political parties 17 and the SPLM Leaders (FDs) take 1 of the added members of TNA. Members of the National Assembly who may have been previously dismissed shall be reinstated. The same shall apply to any members of the Council States.

The Judiciary shall be reformed to ensure its independence; and, subscribe to the principle of separation of powers. The judicial Service Commission shall be reformed.

Arrangements for states most affected by conflict: In Unity, Upper Nile and Jonglei, state governments will be reconstituted to ensure the reform of governance in these areas. The State Council of Ministers in the States of Jonglei, Unity, and Upper Nile shall be reconstituted and appointed at the beginning of the transition, and not later than a month, as per the following power sharing ratios: GRSS: thirty-three (33) per cent; SPLM/A-IO: fifty-three (53) per cent; SPLM Leaders (Former Detainees): seven (7) per cent; Other Political Parties: seven (7) per cent.

National elections: organized by a reconstituted elections commission, and held 60 days before the end of the TGoNU.

Permanent Ceasefire and Transitional Security Arrangements (chapter II)

Terms for a Permanent Ceasefire: to come into effect within 72 hours of the Agreement and lead to the withdrawal of all allied foreign forces and militias present in South Sudan. All forces previously in combat will be separated, assembled and cantoned in designated areas, according to a precise and rigorous timetable, with priority being given to the areas most-affected by conflict.

Unification of Security Forces: The TGoNU shall within 18 months of the Agreement, complete the unification of security forces with national army and security forces fully constituted, unified under a single command. Until such unification is completed the President of South Sudan and the Chairman of the SPLM/A-IO shall be commander –in- chief of their respective forces; and, the Chair and Deputy of the National Defence Council and National Security Council respectively to facilitate unification process.