

IGAD

INTERGOVERNMENTAL AUTHORITY
ON DEVELOPMENT



AUTORITÉ INTERGOUVERNEMENTALE
POUR LE DÉVELOPPEMENT

REVITALISED AGREEMENT ON THE RESOLUTION OF THE CONFLICT IN THE REPUBLIC OF SOUTH SUDAN (R-ARCSS)

ADDIS ABABA, ETHIOPIA

12 SEPTEMBER 2018

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ACRONYMS

ACC	Anti-Corruption Commission
AfDB	African Development Bank
AJMCC	Area Joint Military Ceasefire Committees
AU	African Union
AU COI	African Union Commission of Inquiry
AUHLAHC	African Union High-level Ad hoc Committee
AUSF	Amalgamated Units of the Security Forces of South Sudan
BEFMA	Board of Economic and Financial Management Authority
BoSS	Bank of South Sudan
BSRF	Board of Special Reconstruction Fund
CoH	Cessation of Hostilities
CoHA	Cessation of Hostilities Agreement (21 December 2017)
CSO	Civil Society Organizations
CTRH	Commission for Truth, Reconciliation and Healing
CTSAMM	Ceasefire and Transitional Security Arrangements Monitoring Mechanism
CTSAMVM	Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism
DDR	Disarmament, Demobilization and Reintegration
EFMA	Economic and Financial Management Authority
EDF	Enterprise Development Fund
EITI	Extractive Industries Transparency Initiative
FDs	Former Detainees
FFAMC	Fiscal and Financial Allocation Monitoring Commission
GRSS	Government of the Republic of South Sudan
HCSS	Hybrid Court for South Sudan
IBC	Independent Boundaries Committee
IDPs	Internally displaced persons
IGAD	Intergovernmental Authority on Development
IGAD PLUS	An expanded form of the IGAD-led Mediation
IMF	International Monetary Fund
IPF	IGAD Partners Forum
JMCC	Joint Military Ceasefire Commission
JMCT	Joint Military Ceasefire Teams
JMEC	Joint Monitoring and Evaluation Commission

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JTSC	Joint Transitional Security Committee
MVM	Monitoring and Verification Mechanism
NBC	National Broadcasting Corporation
NBS	National Bureau of Standards
NCAC	National Constitutional Amendment Committee
NCC	National Constitutional Conference
NCRC	National Constitution Review Committee
NDC	National Defence Council
NDFSS	National Defence Forces of South Sudan
NEC	National Elections Commission
NLA	National Legislative Assembly
NPGC	National Petroleum and Gas Corporation
NPTC	National Pre-Transitional Committee
NSC	National Security Council
OPP	Other Political Parties
PCTSA	Permanent Ceasefire and Transitional Security Arrangements
PFMA	Public Financial Management and Accountability Act, 2011
PRMA	Petroleum Revenue Management Act, 2012
PRSF	Petroleum Revenue Savings Fund
SAA	Special Arrangement Area
SDSR	Strategic Defence and Security Review
SPLM/A-IO	Sudan Peoples' Liberation Movement/Army – In Opposition
SRF	Special Reconstruction Fund
SSOA	South Sudan Opposition Alliance
SST	Security Sector Transformation
TCRSS	Transitional Constitution of the Republic South Sudan, 2011
TBC	Technical Boundary Committee
TGoNU	Transitional Government of National Unity
TTPSU	Transitional Third Party Security Unit
TNA	Transitional National Assembly
TNLA	Transitional National Legislative Assembly
RA	Roads Authority
R-ARCSS	Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan
RC	Refugees Commission
RJMEC	Revitalized Joint Monitoring and Evaluation Commission
RPF	Regional Protection Force

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RTGONU	Revitalized Transitional Government of National Unity
SSBC	South Sudan Broadcasting Corporation
UWC	Urban Water Corporation
UN	United Nations
UNMISS	United Nations Mission in South Sudan

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PREAMBLE

Mindful of our commitment under the Transitional Constitution of the Republic of South Sudan, 2011, (TCRSS) as amended, to lay the foundation for a united, peaceful and prosperous society based on justice, equality, respect for human rights and the rule of law;

Deeply regretting the scale of untold human suffering that had befallen our country and people as a result of disregarding this commitment;

Determined to compensate our people by recommitting ourselves to peace and constitutionalism and not to repeat mistakes of the past;

Recognizing the prime significance of preserving the sovereignty and territorial integrity of our country;

Cognizant that a federal system of government is a popular demand of the people of the Republic of South Sudan and the need for the RTGoNU to reflect this demand by way of devolution of more powers and resources to lower levels of government;

Pursuant to the decision of the Inter-Governmental Authority for Development (IGAD) Assembly of Heads of State and Government at its 31st Extra-Ordinary Summit of 12 June 2017, held in Addis Ababa, Ethiopia, which decided: "to urgently convene a High-level Revitalisation Forum of the parties to the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS), including estranged groups to discuss concrete measures, to restore permanent ceasefire, full implementation of the ARCSS, and to develop revised realistic timelines and implementation schedule towards democratic elections at the end of the Transitional Period";

Reaffirming the commitments that we have solemnly undertaken in the ARCSS, the High-Level Revitalization Forum, the Khartoum Declaration and the Agreements on the Outstanding Security and Governance Issues;

We the Parties, comprising of Transitional Government of National Unity of the Republic of South Sudan (TGoNU), the Sudan People's Liberation Movement/Army-In Opposition (SPLM/A-IO), the South Sudan Opposition Alliance (SSOA), Former Detainees (FDs), Other Political Parties (OPP), collectively referred to as the Parties, confirm our commitment to the "the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan" and do hereby resolve as follows:

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CHAPTER 1: REVITALISED TRANSITIONAL GOVERNMENT OF NATIONAL UNITY

1.1. Establishment, Seat and Term of TGoNU

- 1.1.1. There shall be established a **Revitalised Transitional Government of National Unity (RTGoNU)** in the Republic of South Sudan entrusted with the task of implementing this Agreement.
- 1.1.2. The Transitional Period shall commence eight (8) months after signing of this Agreement and the term of office shall be thirty-six (36) months preceded by eight (8) months of a Pre-Transitional Period.
- 1.1.3. The seat of the RTGoNU shall be Juba.
- 1.1.4. The term and mandate of the RTGoNU shall be for the duration of the Transitional Period, until such time that elections are held, except as provided for in this Agreement.
- 1.1.5. The RTGoNU shall hold elections sixty (60) days before the end of the Transitional Period in order to establish a democratically elected government.
- 1.1.6. Responsibility will be shared in the Executive of the RTGoNU among the following parties: Incumbent TGoNU, SPLM/A-IO, SSOA, FDs and OPP.

1.2. Mandate of the RTGoNU

1.2.1. The RTGoNU shall:

- 1.2.2. Implement this Agreement and restore permanent and sustainable peace, security and stability in the country;
- 1.2.3. Expedite the relief, protection, voluntary and dignified repatriation, rehabilitation, resettlement and reintegration of IDPs and returnees, working closely with the United Nations and other international agencies;
- 1.2.4. Facilitate and oversee a people-driven process of national reconciliation and healing through an independent mechanism in accordance with this Agreement including budgetary provisions for compensation and reparations;

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- 1.2.5. Oversee and ensure that the Permanent Constitution-making process is successfully carried out and completed before the end of the Transitional Period;
- 1.2.6. Work closely with the IGAD-PLUS Member States and Organizations and other partners and friends of South Sudan, to consolidate peace and stability in the country;
- 1.2.7. Carry out radical reforms and transformation of public financial management systems to ensure transparency and accountability;
- 1.2.8. Ensure prudent, transparent and accountable management of national wealth and resources to build the nation and promote the welfare of the people;
- 1.2.9. Carry out the functions of government;
- 1.2.10. Restructure, rehabilitate, and ensure radical reform of the civil service;
- 1.2.11. Design and implement security sector reforms and security sector transformation, to include the restructuring and reconstitution of institutions;
- 1.2.12. Rebuild and recover destroyed physical infrastructure and give special attention to prioritizing the rebuilding of livelihoods of those affected by the conflict;
- 1.2.13. Reconstitute a competent and independent National Elections Commission (NEC) to conduct free, fair and credible elections before the end of the Transitional Period and ensure that the outcome reflects the will of the electorate;
- 1.2.14. Conduct a National Population and Housing Census before the end of the Transitional Period;
- 1.2.15. Devolve more powers and resources to the State and Local Government levels.

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1.3. Composition of the RTGoNU

1.3.1. The RTGoNU shall be composed of:

- 1.3.1.1. The Incumbent TGoNU, comprising: the former GRSS; the former SPLM/A-IO (led by Gen. Taban Deng Gai); and the Other Political Parties in TGoNU represented, as such, at the HLRF;
- 1.3.1.2. The SPLM/A-IO;
- 1.3.1.3. The South Sudan Opposition Alliance (SSOA);
- 1.3.1.4. The Former Detainees (FDs); and
- 1.3.1.5. The Other Political Parties outside of the Incumbent TGoNU, including the Alliance, Umbrella and political parties who participated, as such, at the HLRF.

1.4. General provisions applicable during the Pre-Transitional Period

- 1.4.1. The Parties recognize that during the Pre-Transitional Period, the Incumbent TGoNU shall continue to exercise its powers as per the TCRSS, 2011 (as amended).
- 1.4.2. At the beginning of the Pre-Transitional Period, the Parties shall issue a solemn commitment to their people and the international community at large, confirming unequivocally that they will not return to war, and shall work hand in hand diligently and collectively for the sake of peace and stability of their country. In particular, the Parties shall pledge to use the resources of the country wisely and transparently, for the best interests of the people of the Republic of South Sudan, and to put in place efficient mechanisms for achieving this paramount goal. In their solemn commitment, the Parties shall also appeal to the international community for support and cooperation at this difficult time in the Republic of South Sudan.
- 1.4.3. The activities that shall be undertaken during the agreed eight (8) months Pre-Transitional Period shall include:
 - 1.4.3.1. Dissemination of the Revitalised ARCSS to South Sudanese people inside the country, in different cities and refugee camps in neighbouring countries, and in Diaspora, so that the people can understand, support and own it;

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1.4.3.2. Carrying out the tasks entrusted to the Technical Boundaries Committee (TBC), Independent Boundaries Commission (IBC), and the Referendum Commission on Number and Boundaries of States (RCNBS);

1.4.3.3. A process of national healing and reconciliation that shall be led by the Parties, faith based groups and civil society groups inside and outside of the Republic of South Sudan;

1.4.3.4. The agreed security arrangement activities;

1.4.3.5. Incorporation of the Revitalised ARCSS in the TCRSS, 2011 (as amended);

1.4.3.6. Reviewing and drafting necessary bills as per the Revitalised ARCSS; and

1.4.3.7. Any other activities agreed by the Parties, including the devolution of more powers and resources to lower levels of government.

1.4.4. Provisions of the Transitional Constitution of the Republic of South Sudan and ARCSS on participation of women (35%) in the Executive shall be observed. In particular, in their nomination to the Council of Ministers, Incumbent TGoNU shall nominate no fewer than six (6) women, SPLM/A-IO shall nominate no fewer than three (3) women, and SSOA shall nominate no less than one (1) woman.

1.4.5. Having in mind that more than 70 percent of the population in the Republic of South Sudan is under the age of thirty and that youth are the most affected by the war and represent high percentage of refugees and IDPs, the Parties shall strive to include people of young age in their quotas at different levels. In particular, the Parties shall strive to ensure that the Minister of Youth and Sports in the RTGoNU shall be less than forty (40) years old.

1.4.6. In selecting their nominees, Parties shall give due consideration to national diversity, gender and regional representation.

1.4.7. Without prejudice to Article 1.1 above and Article 1.17 on National Constitutional Amendment Committee (NCAC) below, a National Pre-Transitional Committee (NPTC) shall be formed as follows by the President of the Republic of South Sudan within two weeks of signing the Revitalised ARCSS:

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1.4.7.1. The NPTC shall comprise ten (10) members representing the Parties as follows: five (5) for Incumbent TGoNU, two (2) for SPLM/A-IO, one (1) for SSOA, one (1) for FDs, and one (1) for OPP. The NPTC shall be chaired by the Incumbent TGoNU representative with two Deputy Chairs to be nominated by SPLM/A-IO and SSOA respectively, and shall adopt its decisions by consensus.

1.4.7.2. The NPTC shall be entrusted with the function of oversight and coordination of the implementation of the activities of the Pre-Transitional Period stated in Article 1.4.3 above in collaboration with the Incumbent TGoNU.

1.4.7.3. The NPTC shall draw the road map for implementing the political tasks of the Pre-Transitional Period, prepare a budget for the activities of the Pre-Transitional Period, and address issues of VIP security as per security arrangements and preparations for new Ministers, among others.

1.4.7.4. The NPTC shall submit monthly written reports to Chairperson of the Reconstituted JMEC (RJMEC), the parties and other stakeholders.

1.4.8. There shall be established a fund, to be drawn from government funds and contributions of donors, for the implementation of the activities of the Pre-Transitional Period. The fund shall be deposited by the Ministry of Finance and Planning of the Incumbent TGoNU in a special account in a bank agreed to by the NPTC. The NPTC shall manage the fund transparently and report on it monthly to the President of the Republic of South Sudan and to the Parties.

1.4.9. The IGAD-led Mediation shall revitalise and restructure all monitoring and evaluation mechanisms to ensure inclusion of all Parties and to enhance the effectiveness of all mechanisms. Such review and restructuring shall be reflected in the Revitalised ARCSS.

1.4.10. Within twelve (12) months of the beginning of the Transitional Period, the reconstituted NCAC shall revise relevant laws and draft new legislations pursuant to the Revitalised ARCSS.

1.4.11. The Parties reaffirm their commitment to the ARCSS that a federal and democratic system of governance that reflects the character of the Republic of South Sudan and ensures unity in diversity be enacted during the permanent constitution making process.

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1.4.12. The Parties also reaffirm their commitment to the principle of lean government and that the number of members of the future legislature shall be commensurate with the number of the population of the country pursuant to the internationally recognised proportions. The Parties recognise that the high number of members of the Executive and TNLA is agreed herein on exceptional basis for the purposes of the Transitional Period only and that those numbers shall form no precedent or any precursor for the future.

1.5. Structure of the Executive of the RTGoNU

1.5.1. During the Transitional Period, the Executive of the RTGoNU shall comprise the President, the First Vice President, and four Vice Presidents, (hereinafter collectively referred to as "the Presidency" and the Council of Ministers and Deputy Ministers as follows:

1.5.1.1. H.E. Salva Kiir Mayardit shall continue as the President of the Republic of South Sudan;

1.5.1.2. The Chairman of SPLM/A-IO Dr Riek Machar Teny shall assume the position of the First Vice President of the Republic of South Sudan;

1.5.2. During the Transitional Period, there shall be four (04) Vice Presidents in the Republic of South Sudan, who shall be nominated as follows:

1.5.2.1. Vice President to be nominated by Incumbent TGoNU;

1.5.2.2. Vice President to be nominated by SSOA;

1.5.2.3. Vice President to be nominated by Incumbent TGoNU; and

1.5.2.4. Vice President to be nominated by FDs, who shall be a woman.

1.5.3. Apart from the First Vice President, there shall be no hierarchy among the Vice Presidents. The ranking in Article 1.5.2 above is for protocol purposes only.

1.5.4. The First Vice President and Vice Presidents shall oversee respectively the Cabinet Clusters as follows:

1.5.4.1. First Vice President: Governance Cluster;

1.5.4.2. Vice President: Economic Cluster;

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- 1.5.4.3. Vice President: Services Delivery Cluster;
- 1.5.4.4. Vice President: Infrastructure Cluster; and
- 1.5.4.5. Vice President: Gender and Youth Cluster.

1.6. President of the Republic of South Sudan

1.6.1. The incumbent President of the Republic shall serve as President and Executive Head of State for the Transitional Period;

1.6.2. The Powers, Functions and Responsibilities of the President shall be to:

- 1.6.2.1. Preserve and protect the sovereignty and territorial integrity of the Republic of South Sudan;
- 1.6.2.2. Represent the State, the RTGoNU and the people of South Sudan in its international relations;
- 1.6.2.3. Serve as Commander-in-Chief of the unified South Sudan national army and the overall commander of all other organised forces during the Transitional Period;
- 1.6.2.4. Appoint and preside over the swearing into Office of the First Vice President, and the Vice Presidents, Ministers and Deputy Ministers, in accordance with the terms of this Agreement;
- 1.6.2.5. Appoint Undersecretaries of the Ministries as proposed by the respective Ministers, vetted and approved by the Council of Ministers.
- 1.6.2.6. Appoint Advisors. However, if more than two advisors to the President are appointed their selection shall take place in consultation with the First Vice President and the Vice Presidents in accordance with the power sharing ratios.
- 1.6.2.7. Chair the Council of Ministers;
- 1.6.2.8. Chair the National Security Council (NSC);
- 1.6.2.9. Chair the National Defence Council (NDC);
- 1.6.2.10. Cause the preparation of the annual budget of the RTGoNU by the Minister of Finance and Planning to be

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presented to the Council of Ministers and the Transitional National Legislative Assembly (TNLA);

- 1.6.2.11. Chair EFMA Board;
- 1.6.2.12. During emergencies, initiate the convening of the TNL in consultation with the Speaker, the First Vice President and the Vice Presidents in accordance with the provisions of this agreement;
- 1.6.2.13. Assent to and sign into law bills passed by the TNL;
- 1.6.2.14. Supervise the conduct of foreign policy and assent to treaties and international agreements with the approval of the TNLA;
- 1.6.2.15. Appoint ambassadors and other senior diplomatic representatives to foreign countries as proposed by the Minister of Foreign Affairs and International Cooperation, vetted and approved by the Council of Ministers.
- 1.6.2.16. Sign letters of accreditation of diplomatic representatives of the Republic of South Sudan to foreign countries, regional and international organizations, and receive the credentials of diplomatic representatives of foreign countries;
- 1.6.2.17. Confirm death sentences, grant pardons, and commute convictions and penalties in accordance with the law;
- 1.6.2.18. Confer national honours, both civil and military, in accordance with the laws governing such decorations and medals;
- 1.6.2.19. Preside over the swearing into office of heads of Independent Institutions, Commissions and Parastatals, as per this Agreement;
- 1.6.2.20. Perform any other function as may be prescribed by the TCRSS, 2011 (as amended), this Agreement and the Law;
- 1.6.3. In the event of temporary absence of the President, the First Vice President shall act as the President and Commander in Chief of the national army and overall commander of all other organised forces.

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1.6.4. In the event of the temporary absence of both the President and the First Vice President, the President shall delegate one of the Vice Presidents to act as the President and Commander in Chief of the national army and overall commander of all other organised forces.

1.6.5. In the event that the post of the President falls vacant during the Transitional Period, for any reason, including mental infirmity or physical incapacity of the office holder, the replacement shall be nominated by the top leadership body of the respective Party as at the signing of this Agreement. Such a process of replacement shall not exceed forty-eight (48) hours.

1.7. First Vice President of the Republic of South Sudan

1.7.1. For the duration of the Transition, there shall continue to be the office of the First Vice President of the Republic of South Sudan. The office of the First Vice President shall cease to exist at the conclusion of the Transitional Period unless otherwise decided in the permanent Constitution;

1.7.2. The Chairman of the SPLM/A-IO Dr. Riek Machar Teny shall assume the position of the First Vice President of the Republic of South Sudan for the duration of the Transitional Period;

1.7.3. The Powers, Functions and Responsibilities of the First Vice President shall be to:

1.7.3.1. Serve as Commander-in-Chief of the SPLM/A-IO during the Pre-Transitional Period and until the unification of forces;

1.7.3.2. Serve as the Acting Commander-in-Chief of the unified South Sudan national army and overall commander of all other organized forces in the event of any temporary absence of the President after the unification of the forces;

1.7.3.3. Chair and oversee the Governance Cluster.

1.7.3.4. Serve as Deputy Chair of EFMA Board;

1.7.3.5. Serve as Deputy Chair of the NSC;

1.7.3.6. Serve as Deputy Chair of the NDC;

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- 1.7.3.7. Follow up and ensure the implementation of Council of Ministers' decisions with the relevant Ministries and institutions within the Governance Cluster;
- 1.7.3.8. In the absence of the President, the First Vice President shall chair the Council of Ministers; and
- 1.7.3.9. Carry out other functions as may be prescribed by law, as long as such laws do not contradict the terms of this Agreement.
- 1.7.4. In the event of temporary absence of the First Vice President, the First Vice President shall delegate any of the other Vice Presidents to carry out functions and duties of the First Vice President as stipulated in this Agreement.
- 1.7.5. In the event that the post of the First Vice President falls vacant during the Transitional Period, for any reason, including mental infirmity or physical incapacity of the office holder, the replacement shall be nominated by the top leadership body of the SPLM/A -IO as at the signing of this Agreement. Such a process of replacement shall not exceed forty-eight (48) hours. The successor as the First Vice President shall serve in Office until the end of the Transitional Period.

1.8. Vice Presidents of the Republic of South Sudan

- 1.8.1. For the duration of the Transition, there shall be established the Office of four Vice Presidents. The four Vice Presidents shall be equal in rank and their offices shall cease to exist at the conclusion of the Transitional Period.
- 1.8.2. The Powers, Functions and Responsibilities of the four Vice Presidents shall be to:
 - 1.8.2.1. Oversee the work of the National Commissions and Parastatals falling under their respective clusters;
 - 1.8.2.2. Serve as members of the NSC and the NDC;
 - 1.8.2.3. Follow up and ensure the implementation of Council of Ministers' decisions with the relevant Ministries and institutions within the respective Clusters;

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- 1.8.2.4. Perform any other functions or duties that may be assigned by the President, including the chairing of ad-hoc sub-committees of the Council of Ministers, as long as such assigned functions or duties do not conflict with the powers, functions and responsibilities of the First Vice President; and
- 1.8.2.5. Chair their respective Clusters and supervise implementation of the mandate of the respective Ministries as follows:
 - 1.8.2.6.1. Economic Cluster (Vice President nominated by Incumbent TGoNU);
 - 1.8.2.6.2. Service Cluster (Vice President nominated by SSOA);
 - 1.8.2.6.3. Infrastructure Cluster (Vice President nominated by Incumbent TGoNU); and
 - 1.8.2.6.4. Gender and Youth Cluster (Vice President nominated by FDs).

1.8.3. In the event that the post of any of the Vice Presidents falls vacant during the Transitional Period, for any reason, including mental infirmity or physical incapacity of the office holder, the replacement shall be nominated by the top leadership body of the respective party as at the signing of this Agreement. Such a process of replacement shall not exceed forty-eight (48) hours. The successor as the Vice President shall serve in Office until the end of the Transitional Period.

1.9. Powers, Functions and Responsibilities to be exercised by the President, the First Vice President, and the Vice Presidents through consultation and agreements:

- 1.9.1. The RTGoNU is founded on the premise that there shall be collegial collaboration in decision-making and continuous consultations within the Presidency, between the President, the First Vice President, and the Four Vice Presidents, to ensure effective governance during the Transitional Period;
- 1.9.2. Powers exercised by the President in consultation with the First Vice President, and the four Vice Presidents in order to reach a mutual understanding and agreement in accordance with this Agreement and the law:

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- 1.9.2.1. Appointment of Constitutional and Judicial office holders including state governors;
 - 1.9.2.2. Commissioning, appointment, promotion, retirement and dismissal of officers of the national army and other organized forces with the approval of the National Defence Council (NDC) or National Security Council (NSC), as appropriate; and
 - 1.9.2.3. The nomination and appointment of the members of independent Commissions, interim and ad hoc Commissions and Committees; and
 - 1.9.2.4. Appointment of more than two Presidential Advisors.
- 1.9.3. The following powers, functions and responsibilities shall be initiated by the President, in accordance with the TCRSS, 2011 (as amended), and shall require the agreement of the First Vice President, and all the Four Vice Presidents:
- 1.9.3.1. Declaration and termination of state of emergency;
 - 1.9.3.2. Declaration of war; and
 - 1.9.3.3. Convening, summoning and/or adjourning the Transitional National Legislature for ordinary sessions, in consultation with the Speaker of the Transitional National Legislature (TNL).
- 1.9.4. The following powers, functions and responsibilities may be initiated by either the President, the First Vice President, or any of the Vice Presidents and shall require the agreement of the others:
- 1.9.4.1. Initiation of Constitutional amendments, except as provided for in Chapter I, Article 1.17.1 of this Agreement;
 - 1.9.4.2. Initiation of legislation; and
 - 1.9.4.3. Initiation of institutional reforms.
- 1.9.5. Powers exercised by the President in consultation with the First Vice President, and the four Vice Presidents in supervising the implementation of the reforms outlined in this Agreement in order to reach at mutual understanding and agreement in accordance with this Agreement and the law:

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- 1.9.5.1. Oversee the implementation of this Agreement;
 - 1.9.5.2. Oversee the preparation and consideration of RTGoNU business and programmes; and
 - 1.9.5.3. Oversee implementation of laws passed by the Transitional National Legislature.
- 1.9.6. Decision Making and Consultation Procedures in the Executive of the RTGoNU

1.9.6.1. **The Presidency:**

1.9.6.1.1. Decision making in the Presidency shall be in a spirit of collegial collaboration.

1.9.6.1.2. The President, the First Vice President, and the Vice Presidents shall seek to reach agreement on matters of Executive Administration and failure of which by agreement of at least four (04) of them.

1.9.6.1.3. The President, the First Vice President, and the Four Vice Presidents shall consult regularly in the exercise of their functions. Consultations may be made through different means but all shall be officially recorded in writing, to preclude misunderstanding and any conflict.

1.9.6.1.4. In the event of a deadlock or a tie in the exercise of joint Executive powers listed below, the matter shall be decided by the Council of Ministers, which shall require the agreement of two-thirds of all the members of the Council of Ministers (67%). The decision of the Council of Ministers shall be final:

1.9.6.1.4.1. In the appointment of Constitutional and Judicial office holders, including State Governors;

1.9.6.1.4.2. In the appointment and establishment of independent Commissions, interim and ad hoc Commissions and committees; and

1.9.6.1.4.3. The initiation of legislation necessary to implement this Agreement.

1.9.6.1.4.4. The President, the First Vice President, and the Vice Presidents shall seek to reach agreement on matters of

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1.10. Council of Ministers of the RTGoNU

1.10.2. Governance Cluster, twelve (12) Ministries:

- 1.10.3. **Economic Cluster**, eleven (11) Ministries:

- 1.10.4. **Service Cluster, five (5) Ministries:**

- #### 1.10.4.1. Higher Education, Science and Technology;

- 1.10.4.2. General Education and Instruction;
- 1.10.4.3. Health;
- 1.10.4.4. Public Service and Human Resources Development;
and
- 1.10.4.5. Labour;
- 1.10.5. **The Infrastructure Cluster, three (3) Ministries:**
 - 1.10.5.1. Energy and Dams;
 - 1.10.5.2. Transport; and
 - 1.10.5.3. Roads and Bridges.
- 1.10.6. **The Gender and Youth Cluster, four (4) Ministries:**
 - 1.10.6.1. Gender, Child and Social Welfare;
 - 1.10.6.2. Humanitarian Affairs & Disaster Management;
 - 1.10.6.3. Culture, Museums & National Heritage; and
 - 1.10.6.4. Youth and Sports.
- 1.10.7. The Ministerial positions shall be allocated as follows:
 - 1.10.7.1. Incumbent TGoNU: 20 Ministries;
 - 1.10.7.2. SPLM/A-IO: 09 Ministries;
 - 1.10.7.3. SSOA: 03 Ministries;
 - 1.10.7.4. FDs: 02 Ministries; and
 - 1.10.7.5. OPP: 01 Ministry.
- 1.10.8. The Council of Ministers shall carry out the following duties and responsibilities:
 - 1.10.8.1. Ensure the implementation of this Agreement, relevant programs and processes, and national reforms, and lead the RTGoNU in a manner consistent with peace, inclusive governance, and reconciliation;
 - 1.10.8.2. Prepare, initiate and implement legislation;
 - 1.10.8.3. Develop Government policies and programs at the national level, and where applicable to sub-national levels;
 - 1.10.8.4. Manage and allocate resources to support the implementation of these policies and programs, within the framework of the approved national budget of the RTGoNU;
 - 1.10.8.5. Supervise and co-ordinate the functioning of Government departments and administration, and

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ensure that State organs have sufficient financial and other resources and operational capacity to carry out their functions;

1.10.8.6. Perform any other function or duty as may be prescribed by the TCRSS, 2011 (as amended), this Agreement and the law.

1.10.9. The Council of Ministers shall take decisions by consensus.

1.10.10. In the absence of consensus, on procedural and routine matters, decisions shall require a simple majority of the members of the Council of Ministers present;

1.10.11. In the absence of consensus, on substantive matters pertaining to this Revitalised Agreement, decisions shall require the agreement of two-thirds (67%) of the members of the Council of Ministers present;

1.10.12. Twenty-three (23) members of the Council shall make the quorum of the Council of Ministers provided that the ministers present include at least six (6) from the opposition.

1.11. Deputy Ministers

1.11.1. There shall be ten (10) Deputy Ministers in the following Ministries:

- 1.11.1.1. Cabinet Affairs;
- 1.11.1.2. Foreign Affairs and International Cooperation;
- 1.11.1.3. Defence;
- 1.11.1.4. Interior;
- 1.11.1.5. Justice and Constitutional Affairs;
- 1.11.1.6. Finance and Planning;
- 1.11.1.7. Agriculture and Food Security;
- 1.11.1.8. General Education and Instruction;
- 1.11.1.9. Public Service and Human Resources Development; and
- 1.11.1.10. Information, Communication, Technology and Postal Services.

1.11.2. Deputy Ministerial Portfolios shall be allocated as follows:

- 1.11.2.1. Incumbent TGoNU: five (5) Deputy Ministers.
- 1.11.2.2. SPLM/A-IO: three (3) Deputy Ministers.
- 1.11.2.3. SSOA: one (1) Deputy Minister.

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1.11.2.4. OPP: one (1) Deputy Minister.

1.11.3. No Assistant Presidents, any other Ministers or Deputy Ministers shall be appointed during the Transitional Period.

1.11.4. If more than two Advisers to the President are appointed, their selection shall be in consultation with the Parties.

1.12. Allocation/Selection of Ministries and Appointment Procedure for Ministers and Deputy Ministers

1.12.1. The Parties shall, during the Pre-Transitional Period, agree on the allocation of the Ministerial and Deputy Ministerial portfolios. If the parties fail to agree, the following procedure shall apply:

1.12.1.1. The Incumbent TGoNU shall select the first RTGoNU Ministerial portfolio, from any of the Ministerial sectoral clusters, as described in Chapter I, Article 1.10.7 of this Agreement;

1.12.1.2. The SPLM/A-IO shall select the second RTGoNU Ministerial portfolio, from any of the Ministerial sectoral clusters, as described in Chapter I, Article 1.10.7 of this Agreement;

1.12.1.3. The SSOA shall select the third RTGoNU Ministerial portfolio, from any of the Ministerial sectoral clusters, as described in Chapter I, Article 1.10.7 of this Agreement;

1.12.1.4. The Former Detainees shall select the fourth RTGoNU Ministerial portfolio, from any of the Ministerial sectoral clusters, as described in Chapter I, Article 1.10.7 of this Agreement;

1.12.1.5. The OPP shall select the fifth RTGoNU Ministerial portfolio, from any of the Ministerial sectoral clusters, as described in Chapter I, Article 1.10.7 of this Agreement;

1.12.1.6. The Incumbent TGoNU shall select the sixth RTGoNU Ministerial portfolio, by selecting a Ministerial portfolio from a different Ministerial sectoral cluster to that of its choice of first Ministerial portfolio;

1.12.1.7. The SPLM/A-IO shall select the seventh RTGoNU Ministerial portfolio, by selecting a Ministerial portfolio from

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a different Ministerial sectoral cluster to that of its choice of the first Ministerial portfolio;

1.12.1.8. The SSOA shall select the eight RTGoNU Ministerial portfolio, by selecting a Ministerial portfolio from a different Ministerial sectoral cluster to that of its choice of first Ministerial portfolio;

1.12.1.9. The Former Detainees shall select the ninth RTGoNU Ministerial portfolio, from a different Ministerial sectoral cluster to that of its choice of first Ministerial portfolio;

1.12.1.10. Subsequent selections of Ministerial portfolios by the Incumbent TGoNU, SPLM/A-IO and SSOA shall continue, on the same rotational basis, and continuing to alternate between the five (5) Ministerial sectoral clusters, until these Parties have their full allocation of RTGoNU Ministerial portfolios, in accordance with the responsibility sharing formula provided in Chapter I, Article 1.10.7 of this Agreement, and the selection of RTGoNU Ministerial portfolios is complete.

1.12.2. In accordance with the agreed guarantee of 35% participation of women in the Executive, the Parties to the RTGoNU shall nominate no fewer than twelve (12) women to the Council of Ministers in line with Article 1.4.4 above. Parties shall give due consideration to national diversity, including regional representation, in nominating their candidates.

1.12.3. The nominees to the Council of Ministers shall be appointed and sworn in by the President.

1.12.4. Unless agreed otherwise, Deputy Ministers nomination shall follow the same formula above.

1.12.5. In accordance with the revitalised provisions on the participation of women in the executive, no fewer than three (3) of the Deputy Ministers shall be women.

1.12.6. The nominated Deputy Ministers shall be sworn in before the President.

1.12.7. No Assistant President, other Ministers or Deputy Ministers shall be appointed during the Transitional Period.

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1.13. Replacement and Removal Procedures

- 1.13.1. Each Party may remove its representatives in the Council of Ministers and nominate replacements by notifying the President with at least fourteen (14) days' notice;
- 1.13.2. In the event that a Ministerial post falls vacant during the Transitional Period, the replacement shall be nominated by the top leadership body of the party that first selected that Ministerial portfolio, as appointed at the commencement of the Transition. The replacement Minister shall serve in office until the end of the Transitional Period;
- 1.13.3. In the event that a Deputy Ministerial post falls vacant during the Transitional Period, the replacement shall be nominated by the top leadership body of the party that first nominated that ministerial portfolio, as appointed at the commencement of the Transition, or their duly chosen replacements as Deputy Ministers. The replacement Deputy Minister shall serve in office until the end of the Transition Period.

1.14. The Transitional National Legislative Assembly and the Council of States

- 1.14.1. The Transitional National Legislature (TNL) shall consist of the Transitional National Legislative Assembly (TNLA) and the Council of States.
- 1.14.2. The TNLA shall be expanded to five hundred and fifty (550) members and reconstituted as follows:
 - 1.14.2.1. Incumbent TGoNU: three hundred and thirty two (332) members.
 - 1.14.2.2. SPLM/A-IO: one hundred and twenty eight (128) members.
 - 1.14.2.3. SSOA: fifty (50) members.
 - 1.14.2.4. OPP: thirty (30) members.
 - 1.14.2.5. FDs: ten (10) members.
- 1.14.3. The Speaker of the TNLA shall be nominated by the Incumbent TGoNU. One Deputy Speaker shall be nominated by SPLM/A-IO; another, who shall be a woman, shall be nominated by the Incumbent TGoNU; and a third Deputy Speaker to be nominated by OPP.

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- 1.14.4. Upon issuing the final report of the Independent Boundaries Commission (IBC) in accordance with Article 1.15 below, the Council of State shall be reconstituted as shall be recommended by the IBC. However, if the IBC fails to issue its final report, the Council of State shall be reconstituted pursuant to the outcome of the referendum.
- 1.14.5. Without prejudice to the recommendations of the IBC, the Speaker of the Council of States shall be nominated by SPLM/A-IO, Deputy Speaker shall be nominated by Incumbent TGoNU, and shall be a woman, and Deputy Speaker shall be nominated by SSOA. For the purpose of regional inclusivity required in a body representing the States, each of the Speaker and Deputy Speakers shall come from former regions.
- 1.14.6. The duration and term of the reconstituted TNL shall run concurrently with that of the RTGoNU, as per the terms of this Agreement, until elections are held.
- 1.14.7. The functions and mandate of the TNLA shall remain as stipulated in the Transitional Constitution of the Republic of South Sudan, 2011 as amended, unless otherwise specified by the terms of this Agreement;
- 1.14.8. The reconstituted TNLA shall, in the conduct of its business, support this Agreement and enact legislation that enables and assists the transitional processes and reforms described in this Agreement;
- 1.14.9. Decisions in the reconstituted TNLA on matters pertaining to this Agreement shall be by consensus and failure to that, shall be by two thirds (2/3) majority of all the members;
- 1.14.10. Decisions in the TNLA on other matters not related to this Agreement shall be by consensus and in lieu of that by simple majority.

1.15. Number and Boundaries of States

- 1.15.1. Within two weeks of the signing of the Revitalised ARCSS, the IGAD Executive Secretariat, taking into account the decision of the 55th Extra-Ordinary Session of the IGAD Council of Ministers held in Addis Ababa, Ethiopia, January 30-31, 2016, shall appoint an Independent Boundaries Commission (IBC) for the Republic of South Sudan.
- 1.15.2. The IBC shall consist of fifteen (15) members with the necessary skills and expertise.

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1.15.3. Members of the IBC shall be nominated as follows:

1.15.3.1. Five (5) members to be nominated by Incumbent TGoNU.

1.15.3.2. Five (5) members to be nominated by opposition groups: two (2) from SPLM/A-IO, one (1) from SSOA, one (1) from FDs, and one (1) from OPP.

1.15.3.3. Five (5) highly experienced C5 members to be nominated by the Member States of the African Union High-Level Ad Hoc Committee on South Sudan from South Africa, Nigeria, Rwanda, Algeria and Chad.

1.15.4. The IBC shall be chaired by a non-South Sudanese member who shall be of recognized standing and integrity and who should have served in a senior judicial, executive or administrative position in his/her home country.

1.15.5. The IBC may retain the services of a team of experts from South Sudan, the IGAD region, AU, the Troika, and the international community as required.

1.15.6. If found appropriate, the IBC shall establish three teams, each consisting of five representatives and relevant experts, to be deployed at locations it will designate.

1.15.7. The function of the IBC shall be to consider the number of States of the Republic of South Sudan, their boundaries, the composition and restructuring of the Council of States and to make recommendations on the same.

1.15.8. The IBC shall study all viable alternatives in the light of guidelines that shall be drawn beforehand and right at the beginning of its work. The IBC shall also draw its own internal regulations. Adoption of the guidelines and internal regulations shall be by simple majority of the IBC.

1.15.9. The IBC shall strive to adopt its final report by consensus. If consensus is not achieved, the IBC shall adopt its final report by a decision that shall be supported by at least seven (7) of its South Sudanese members.

1.15.10. The recommendations of the IBC shall be presented to the IGAD Executive Secretariat and shall be immediately communicated to the Parties.

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- 1.15.11. The Parties agree to abide by the recommendations of the IBC, and hereby authorize the IGAD Executive Secretariat to enshrine the same in the Revitalised ARCSS as an addendum. The Parties accept to implement the recommendations in full at the beginning of the Transitional Period.
- 1.15.12. The IBC shall complete its work within a maximum of ninety (90) days that shall not be extendable.
- 1.15.13. Upon issuing the final report of the IBC the Council of States shall be reconstituted as shall be recommended by the IBC. However, if the IBC failed to issue its final report the Council of States shall be reconstituted pursuant to the outcome of the referendum.
- 1.15.14. In the unlikely event of the IBC failing to make its final report before the end of its term, the IBC shall be automatically transformed on the 90th day of its term into Referendum Commission on Number and Boundaries of States (RCNBS) of the Republic of South Sudan.
- 1.15.15. The RCNBS shall work under the direct supervision and support of the African Union and the IGAD, and pursuant to international guidelines, and shall conduct the referendum before the end of the agreed eight (8) months Pre-Transitional Period.
- 1.15.16. The referendum shall be conducted on the number and boundaries of States of the Republic of South Sudan; taking into account the positions advanced by the Parties. The question or set of questions that shall be posed in the referendum shall be the same for the entire country unless it is decided in the RCNBS that each State shall have different question or set of questions more understandable to the people.
- 1.15.17. Annex E (Mediation Proposal of August 19, 2018) to this Agreement shall apply notwithstanding any provision to the contrary.
- 1.15.18. Without prejudice to the above provisions of Article 1.15.1 - 1.15.16:
- 1.15.18.1. Immediately upon the signing of the Revitalised ARCSS, the IGAD Mediation shall appoint a Technical Boundary Committee (TBC) to define and demarcate the tribal areas of South Sudan as they stood on 1 January 1956 and the tribal areas in dispute in the country.

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- 1.15.18.2. The TBC shall consist of suitable number of experts drawn from IGAD and Troika Countries.
- 1.15.18.3. The TBC shall receive presentations from local communities and any South Sudanese and study them. It shall finish its work within sixty (60) days.
- 1.15.18.4. The decision of the TBC shall be by consensus. If consensus is not achieved, decision shall be by simple majority and any dissenting view shall be recorded.
- 1.15.18.5. Immediately upon completion of its work, the TBC shall present its report including dissenting views, if any, to the IGAD Mediation.
- 1.15.18.6. The IBC and RCNBS shall take full account of the report of the TBC which shall form the basis for their decision and formulation of the question for the referendum.
- 1.15.18.7. In the event that any tribe claims that the TBC report is violated, that tribe is entitled to resort within a maximum of two years of the alleged violation to arbitration and bring its case against the RTGoNU or any subsequent government of the Republic of South Sudan before the Permanent Court of Arbitration at The Hague. The RTGoNU or any subsequent government agrees to abide by the arbitration award and shall introduce any required state boundary rectifications.

1.16. State and Local Governments

- 1.16.1. The Responsibility sharing ratio at State and local government levels shall be in accordance with the following ratio:
- 1.16.1.1. Incumbent TGoNU: 55%;
- 1.16.1.2. SPLM/A-IO: 27%
- 1.16.1.3. SSOA: 10%
- 1.16.1.4. OPP: 08%
- 1.16.2. At the beginning of the Transitional Period, State and local governments shall be reconstituted in accordance with the responsibility sharing formula stated in Article 1.16.1 above.

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- 1.16.3. The positions that shall be shared as per the responsibility sharing formula are: Governors, Speakers of State Legislatures, State Councils of Ministers, State Legislatures, County Commissioners, and County Councils (if any).
- 1.16.4. In sharing State and local government positions the Parties shall take into account the relative prominence each Party has in the respective State or county.
- 1.16.5. The FDs shall have three (3) State Ministers in States of their choice that shall be deducted from the opposition ratio.

1.17. The Judiciary

- 1.17.1. The Judiciary of South Sudan shall be independent and subscribe to the principle of separation of powers and the supremacy of the rule of law.
- 1.17.2. There shall be reforms of the judiciary that shall include but not be limited to the review of the Judiciary Act during the Transition. Notwithstanding, efforts shall be made to build the capacity of the judicial, personnel and infrastructure.
- 1.17.3. The RTGoNU shall establish an ad hoc Judicial Reform Committee (JRC) to study and make recommendations to the RTGoNU for consideration.
- 1.17.4. The JRC shall be chaired by an eminent and independent jurist and its members shall be drawn by the stakeholders from the legal profession. The ad hoc JRC shall be composed of: TGoNU: five (05); SPLM/A-IO: two (02); SSOA: one (01); FDs: one (01); OPP: one (01); and IGAD Representatives: two (02).
- 1.17.5. The JRC shall be chaired and deputized by the representatives from IGAD.
- 1.17.6. The reconstituted Judicial Service Commission (JSC) as provided for under Article 1.19.1.9, shall undertake appropriate judicial reforms and restructuring of the Judiciary during the Transitional Period.
- 1.17.7. There shall be established, during the Transitional Period, an independent, impartial and credible Constitutional Court, whose composition, functions and duties shall be regulated by law.

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1.18. Pre-Transitional Period and National Constitutional Amendment Committee (NCAC)

1.18.1. Upon the signing of this Agreement, the IGAD-led Mediation in consultation with the Parties and other stakeholders shall reconstitute the National Constitutional Amendment Committee (NCAC) into a representative committee of persons with legal and other competencies. The Committee shall complete the tasks necessary to prepare for the Transitional Period and the formation of the RTGoNU. The mandate of the NCAC shall also extend up to a maximum of twelve (12) months into the Transitional Period to draft new or revise, as appropriate, other legislation as provided for in this Agreement. The Committee shall have competent legal capacity to perform the following tasks:

1.18.1.1. To draft and complete a Constitutional Amendment Bill within twenty-one (21) days upon the signing of this Revitalised ARCSS. The Bill shall incorporate this Agreement into the Transitional Constitution of the Republic of South Sudan of 2011 (as amended). In the event of any contradictions, the provisions of this Agreement shall prevail;

1.18.1.2. To review and complete Amendments to relevant national security legislations to bring their provisions into conformity with this Agreement, including: the SPLA Act, 2009; National Security Service Act, 2014; The Police Service Act, 2009; The Prison Service Act, 2011; The Wildlife Service Act, 2011 and the Fire Brigade Service Act 2009. The NCAC shall complete the drafting of these Amendments within ninety days (90) days from the date of signature of this Agreement;

1.18.1.3. Amendments to other legislations and incorporating any reforms relevant to this Agreement shall be completed within the first year of the date of signature of this Agreement.

1.18.1.4. To receive a list of nominees of respective parties indicated in Chapter 1, Article 1.13 of this Agreement relating to the appointment of members of the reconstituted TNLA. The list shall be submitted to the President who shall forward it to the TNLA.

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- 1.18.2. In accordance with Chapter VIII of this Agreement, relating to the Supremacy of this Agreement, in the event that the provisions of this Agreement conflict with the provisions of the TCRSS, 2011 (as amended), the provisions of this Agreement shall prevail.
- 1.18.3. The enactment of the proposed amendments into law shall be completed within twelve (12) months of the commencement of the Transitional Period.
- 1.18.4. The reconstituted NCAC shall be composed of fifteen (15) members nominated as follows: TGoNU: five (05); SPLM/A-IO: two (02); SSOA: one (01); FDs: one (01); OPP: one (01); Representatives of IGAD: two (2) - Chair and Deputy Chair; Civil Society: one (01); Women (01); and Youth: one (01).
- 1.18.5. Upon its reconstitution, the NCAC shall maintain its own secretariat.
- 1.18.6. The Minister of Justice and Constitutional Affairs RTGoNU shall receive the draft Amendments to the TCRSS, 2011 (as amended) and other legislation relevant to this Agreement prepared by the NCAC and shall present those Amendments to the Council of Ministers and the Transitional National Legislative Assembly, within seven (7) days of receiving the Amendments from the NCAC;
- 1.18.7. The Transitional National Legislative Assembly shall ratify the Amendments to the TCRSS, 2011 (as amended) within thirty (30) days upon receipt from the Minister of Justice and Constitutional Affairs;
- 1.18.8. The President shall assent to the Amendments no later than the end of the Pre-Transitional (within eight months of the signing of this Agreement). The Amended Constitution shall be known as the Transitional Constitution of the Republic of South Sudan, TCRSS, 2011 (as amended);
- 1.18.9. Institutions and mechanisms that are necessary for the establishment of the RTGoNU provided for in this Agreement shall be established or reconstituted during the Pre-Transitional Period taking into consideration inclusivity and national diversity of the people of South Sudan.

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1.19. Transitional Institutions and Mechanisms

1.19.1. During the Transitional Period, the following existing Commissions and Institutions shall be restructured and reconstituted at the national level, as provided for in this Agreement. The Executive shall supervise and facilitate the reforms and reconstitutions of the Commissions and Institutions paying particular attention to the mandate and appointments, to ensure their independence and accountability:

- 1.19.1.1. Anti-Corruption Commission (ACC);
- 1.19.1.2. Public Grievances Chamber (PGC);
- 1.19.1.3. Fiscal, Financial Allocation and Monitoring Commission (FFAMC);
- 1.19.1.4. National Audit Chamber (AC);
- 1.19.1.5. Relief and Rehabilitation Commission (RRC);
- 1.19.1.6. Peace Commission (PC);
- 1.19.1.7. National Bureau of Statistics (NBS);
- 1.19.1.8. Human Rights Commission (HRC);
- 1.19.1.9. Judicial Service Commission (JSC);
- 1.19.1.10. Civil Service Commission (CSC);
- 1.19.1.11. Land Commission (LC);
- 1.19.1.12. Electricity Corporation (EC);
- 1.19.1.13. Refugees Commission (RC);
- 1.19.1.14. South Sudan Broadcasting Corporation (SSBC);
- 1.19.1.15. National Petroleum and Gas Commission (NPGC);
- 1.19.1.16. National Bureau of Standards (NBS);
- 1.19.1.17. Urban Water Corporation (UWC);
- 1.19.1.18. Roads Authority;
- 1.19.1.19. Commission for War-Wounded, Widows and Orphans; and
- 1.19.1.20. DDR Commission.

1.20. National Elections

1.20.1. Within six (6) months of the signing of this Agreement, the reconstituted National Constitutional Amendment Committee (NCAC) shall review the Political Parties Act, 2012, and ensure that the Act complies with international best practices for the free and democratic registration of Political Parties in South Sudan, and shall present a draft Bill to the National Legislative Assembly for adoption through the Minister of Justice and Constitutional Affairs. The Act shall permit the open registration of Parties.

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- 1.20.2. The Executive of the RTGoNU, in consultation with stakeholders, shall reconstitute the Political Parties Council not later than two (2) months after amendment of the Political Parties Act, and no later than four (4) months into the Transitional Period.
- 1.20.3. The National Elections Act, 2012 shall be amended to conform to the terms of this Agreement, no later than seven (7) months after the commencement of the Transitional Period.
- 1.20.4. No later than twelve (12) months after the commencement of the Transitional Period, the President, in consultation with the Parties to this Agreement and with the approval of the TNLA, shall reconstitute a competent and impartial National Elections Commission (NEC), to conduct elections.
- 1.20.5. Sixty (60) days prior to the end of the Transitional Period, the National Elections Commission (NEC) shall organize elections in accordance with the provisions of the Permanent Constitution adopted pursuant to this Agreement, and shall ensure that the outcome is broadly reflective of the will of the electorate.
- 1.20.6. Within two (2) months of the adoption of the Permanent Constitution, the National Elections Act 2012, shall be amended to conform to the terms of the Permanent Constitution.
- 1.20.7. The RTGoNU, shall urgently address challenges of reconstruction, repatriation, resettlement, rehabilitation and reintegration of IDPs and returnees as critical factors affecting peacebuilding and elections.
- 1.20.8. The reconstituted NEC, may, upon its formation, request the assistance of the United Nations and the African Union in the following areas but not limited to:
- 1.20.8.1. Establishment of subsidiary electoral management bodies at state level;
 - 1.20.8.2. Establishment of procedures for the voter registry and targeted voter registration;
 - 1.20.8.3. Procurement of electoral material;
 - 1.20.8.4. Capacity building;
 - 1.20.8.5. Polling and Elections security arrangements;
 - 1.20.8.6. Tallying and counting;
 - 1.20.8.7. Announcement of election results;
 - 1.20.8.8. Complaints procedures;

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1.20.8.9. Support to civic education and voter outreach.

1.20.9. The NEC may also request additional technical assistance from any other regional or international partners, as it deems necessary.

1.20.10. The voters register shall be published within six (6) months prior to the holding of elections.

1.20.11. The NEC shall invite and accredit competent and impartial national, regional and international observers to monitor the conduct of the entire electoral process in accordance with the provisions of the amended National Elections Act.

1.20.12. Any dispute regarding the propriety of the conduct and results of any aspects of the elections shall be appealable in accordance with the provisions of the national elections law, and any other relevant legislation.

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 for W.H.S. [Signature]

CHAPTER II: PERMANENT CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS

2.1. The Permanent Ceasefire

- 2.1.1. The Parties hereby agree that the Permanent Ceasefire signed in the Khartoum Declaration of 27th June 2018, which came into effect on 1st July 2018, shall be observed meticulously throughout the Republic of South Sudan to ensure sustainable peace, and facilitate the operationalization of the Transitional Security Arrangements and the voluntary repatriation, resettlement, rehabilitation and reintegration of returnees and Internally Displaced Persons (IDPs).
- 2.1.2. In observing the permanent ceasefire, the Parties reiterate all their commitments under the Cessation of Hostilities (CoHA) signed on 21st December 2017.
- 2.1.3. The Parties shall, immediately upon signing, disseminate the provisions of this Agreement to all forces, allies and affiliates under their command or influence to ensure compliance.
- 2.1.4. The Permanent Ceasefire shall apply to all forces of the warring parties and all other forces or militias allied to either Party, and shall be based on the Agreement on Cessation of Hostilities (CoHA), Protection of Civilians and Humanitarian Access of 21st December 2017, and its implementation modalities matrix.
- 2.1.5. Within seventy-two (72) hours of the signing of this Agreement, the Parties shall embark on all the ceasefire arrangements including disengagement and separation of forces in close proximity, withdrawal of allied troops and opening of humanitarian corridors. All relevant provisions of the Agreement on Resolution of the Conflict in South Sudan of 2015 (ARCSS) shall apply unless it is agreed otherwise.
- 2.1.6. Prisoners of War (PoWs) and detainees shall be released immediately under the supervision of the International Committee of the Red Cross (ICRC).

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2.1.7. The Parties shall ensure that all non-South Sudanese armed groups leave the country within the Pre-Transitional Period.

2.1.8. All Parties agree to cease security forces recruitment and training of late recruits.

2.1.9. No revenge, vengeance or retribution and any kind of violation of the Permanent Ceasefire is allowed under any circumstances.

2.1.10. The Parties shall refrain from prohibited actions outlined in the CoHA of 21st December 2017, which inter-alia include but are not limited to:

2.1.10.1. actions that may impede or delay the provision of humanitarian assistance, or protection of civilians, and restrict free movement of people;

2.1.10.2. acts and forms of sexual and gender-based violence, including sexual exploitation and harassment;

2.1.10.3. recruitment and/or use of child soldiers by armed forces or militias in contravention of international conventions;

2.1.10.4. offensive, provocative or retaliatory actions such as dissemination of hostile propaganda, recruitment, mobilization, redeployment and movement of forces, except for administrative and logistical movements allowed under CoHA of 21st December 2017, which shall be reported to the CTSAMVM prior to movements, and any other activities that may jeopardize this Agreement;

2.1.10.5. acts of hostility, intimidation, violence or attacks against the following: civilian population including IDPs, returnees and media personnel; UNMISS/RPF personnel, installations and equipment; international humanitarian agencies including the UN agencies, International Organizations and Non-Governmental Organizations (national and international), including their personnel, installations and equipment; IGAD institutions such as the reconstituted Joint Monitoring and Evaluation Commission (RJMEC) and CTSAMVM personnel, installations, and equipment.

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2.1.10.6. movement and access restrictions on CTSAMVM and UNMISS/RPF personnel performing their duties as prescribed by their mandates.

2.1.10.7. The Parties shall adhere to the obligations outlined in the CoHA of 21st December 2017, which inter-alia include but are not limited to:

2.1.10.7.1. respect and ensure full compliance with international humanitarian law;

2.1.10.7.2. cessation of all hostile military actions as defined in the CoHA of 21st December 2017;

2.1.10.7.3. ensuring accountability for breaches of this Agreement;

2.1.10.7.4. protection of human rights of civilians at all times to ensure safety and dignity of individuals and communities;

2.1.10.7.5. protection of the needs of women, girls and those of other groups with special needs;

2.1.10.7.6. cooperation with UNMISS in the discharge of its mandate to protect civilians;

2.1.10.7.7. fully support the full and rapid deployment and operations of the Regional Protection Force;

2.1.10.7.8. uphold international law, and shall allow and facilitate unfettered access for people in need to receive humanitarian assistance from the United Nations, and impartial international and national non-governmental organizations; and

2.1.10.7.9. guarantee the safety and security of all humanitarian personnel.

2.1.10.8. Free movement of citizens, commodities and services shall be guaranteed.

2.1.10.9. Humanitarian corridors for relief shall be immediately opened.

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2.1.11. The Parties agree to a Permanent Ceasefire and Transitional Security Arrangements (PCTSA) workshop in Khartoum to be convened by the CTSAMM, which should be completed within fourteen (14) days of the signing of this Agreement. Those nominated by the parties for the workshop shall among others:

- 2.1.11.1. declare the disposition of their forces down to battalion level, or lowest possible unit depending on the size of the armed group or army;
- 2.1.11.2. establish forces concentration areas, the minimum number of troops for each concentration area shall be determined by CTSAMVM and individual armed groups depending on the total size of their organizations;
- 2.1.11.3. establish disengagement procedures;
- 2.1.11.4. determine the type and size of security forces needed for the protection of all cities; and
- 2.1.11.5. ratify Implementation Matrix and Ceasefire Master Map.
- 2.1.11.6. A process of national healing and reconciliation shall commence at the beginning of the pre-transitional period and shall include all forces and affected people

2.2. The Pre-Transitional Period

2.2.1. The Pre-Transitional Period shall start on D-Day and continue up to the completion of the training and redeployment of the necessary unified forces. However, training and redeployment of the necessary unified forces shall be completed within a period that shall not exceed eight (8) months. This provision prevails on any other contrary text.

2.2.2. The Parties agree to the disengagement and separation of their forces, which are in close proximity, and the assembly and cantonment of their forces within thirty (30) days of the signing of this Agreement to enable registration of personnel, weapons and equipment accountability, screening, re-organization and/or disarmament and demobilization. Forces in cantonment shall receive non-military logistical supplies including food, shelter and access to medical care.

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2.2.3. The following activities shall take place during the Pre-Transitional Period:

2.2.3.1. Civilian areas shall be immediately demilitarized. This includes schools, service centers, occupied houses, IDP camps, protection of civilian sites, villages, churches, mosques, ritual centers and livelihood areas.

2.2.3.2. Disengagement, separation of forces and collection of long and medium range heavy weapons.

2.2.3.3. All forces shall be cantoned under the supervision of the current monitoring bodies at their present barracks and sites. However, cantoned forces shall be assembled in accessible areas and in a size of not less than a battalion.

2.2.3.4. Maps detailing present locations and lists stating numbers of forces not previously declared as per CoHA shall be presented to the monitoring and verification mechanisms and the Joint Military Ceasefire Commission (JMCC). Lists shall include size of forces, weaponry, equipment and ammunition.

2.2.3.5. All forces shall be screened and classified according to known military criteria followed for the purposes of recruitment for the army, police, national security and other services. Ineligible individuals shall be referred to DDR.

2.2.4. The Joint Defence Board (JDB), shall recommend to the Commanders-in-Chief, for the formation of a Joint Transitional Security Committee (JTSC), comprising representatives from the warring parties.

2.2.5. Half of the members of the Joint Transitional Security Committee (JTSC) shall be from the TGoNU and the other half from the opposition groups collectively. Eight (8) of the party members of the Joint Transitional Security Committee (JTSC) shall be from TGoNU, five (5) members shall be from the SPLM/A-IO and three (3) members from SSOA. Decision of the JTSC shall be adopted by consensus.

2.2.6. The JTSC shall be co-chaired by the nominees of the Incumbent TGoNU and the SPLM/A-IO and shall be supported by a Secretariat nominee from SSOA.

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2.2.7. The JTSC shall hold its first preparatory meeting in Khartoum, Sudan and shall be facilitated by the Joint Chief of General Staff of Sudan Armed Forces.

2.2.8. The JTSC shall set eligibility criteria for candidates willing to serve in the unified national army, national security service, police, prisons, fire brigade and wildlife services. The JTSC shall plan and execute the unification of all forces (see Annex C).

2.2.9. Training of the unified forces of the military, police and other security services shall start at the beginning of the Pre-Transitional Period according to the requirement of each force or service. Forces shall be trained together to ensure coherence and harmony.

2.2.10. On the completion of training the unified forces shall be redeployed at different levels and sizes (units, formations and commands).

2.2.11. The selection criteria for assembly/cantonment sites is agreed as:

2.2.11.1. ease of protection;

2.2.11.2. accessible by river, road, and/or air;

2.2.11.3. away from the civilian population and in consultation with local communities;

2.2.11.4. availability of water;

2.2.11.5. situated far from borders with neighboring countries, and with the capacity to accommodate the troops to be cantoned.

2.3. The Transitional Period

2.3.1. Notwithstanding any agreement to the contrary, the Transitional Period of (36) thirty-six months shall start on completion of redeployment of necessary unified forces, or on the expiry of eight (8) months whichever takes place first.

2.3.2. Throughout the Transitional Period training of personnel selected for the military, police, security and other services shall continue. Programme of DDR shall continue for ineligible personnel.

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2.3.3. During the Transitional Period, all collected heavy and medium range weapons and ammunitions shall be disposed of as shall be determined by the JDB.

2.3.4. Building of the national army, police, national security service and other organised forces shall be completed before the end of the Transitional Period.

2.3.5. By the end of the Transitional Period the national army and other organized forces shall be redeployed throughout the Republic of South Sudan pursuant to the plan laid down by the Strategic Defense and Security Review Board (SDSRB).

2.4. Mechanisms for Security Arrangements

2.4.1. All the Heads of Opposition Armed Groups shall continue as Commanders-in-Chief of their forces until the end of the Pre-Transitional Period or until the end of the unification process.

2.4.2. The Joint Defence Board (JDB) shall be formed at the level of Chiefs of Staff and Directors General of National Security Service, Police, and all other organized forces to exercise command and control over all forces during the Pre-Transitional Period.

2.4.3. The Joint Transitional Security Committee (JTSC) shall be formed at the national level.

2.4.4. The following mechanisms of monitoring and verification shall be formed:

2.4.4.1. Joint Military Ceasefire Commission (JMCC), at national level;

2.4.4.2. Area Joint Military Ceasefire Committee (AJMCC), at states level;

2.4.4.3. Joint Military Ceasefire Teams (JMCTs) on sites at counties and payams.

2.4.5. Upon entry into force of the Permanent Ceasefire the current Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM) shall be restructured and reconstituted in accordance with Article 11.1 of CoHA of 21st December 2017, and shall be responsible for reporting on the

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progress of the implementation of the Permanent Ceasefire and Transitional Security Arrangements (PCTSA). (See Annex B: Diagram: Ceasefire Institutions Diagram).

2.4.6. The current monitoring and verification mechanism shall be restructured and reconstituted into the Ceasefire Transitional Security Arrangement, Monitoring and Verification Mechanism (CTSAMVM).

2.4.7. The CTSAMVM, including the national monitors, shall be responsible for monitoring, verification, compliance and reporting directly to IGAD Council of Ministers and the reconstituted Joint Monitoring and Evaluation Commission (RJMEC) on the progress of the implementation of the PCTSA and shall last for the duration of the Transitional Period. The meetings shall be in Juba during the Transitional Period. It shall consist of a Board and Secretariat, both of which are chaired by a representative of IGAD (See Annex B: CTSAMVM diagram.)

2.4.8. The CTSAMVM Board membership shall comprise the representatives of:

2.4.8.1. Three each from the warring parties (3x3=9);

2.4.8.2. Former Detainees: one (1);

2.4.8.3. Other Political Parties: three (3);

2.4.8.4. Women's bloc: one (1) and Other Women groups: one (1);

2.4.8.5. CSOs: two (2);

2.4.8.6. Youth: two (2);

2.4.8.7. Business Community: one (1);

2.4.8.8. Academia: one (1);

2.4.8.9. Eminent personalities: one (1);

2.4.8.10. IGAD: three (3);

2.4.8.11. AU: one (1);

2.4.8.12. China: one (1);

2.4.8.13. Troika (United States, United Kingdom, Norway): one (1);

2.4.8.14. UNMISS: one (1);

2.4.8.15. IPF: one (1);

2.4.8.16. EU: one (1);

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