

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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2.4.9. The Disarmament, Demobilization and Re-Integration Commission shall be reconstituted within 30 days following the signing of this agreement.

2.4.10. The Disarmament, Demobilization and Re-Integration of persons with special needs that are ineligible, or not willing to serve in the unified army shall commence at the beginning of the pre-transitional period and continue in parallel with the unification process.

2.4.11. In addition to their other responsibilities, all security forces shall prepare for elections-related security tasks at least six (6) months before the end of the Transitional Period.

## 2.5. Strategic Defence and Security Review Board (SDSRB)

2.5.1. The current Strategic Defence and Security Review (SDSR) shall be reconstituted during the Pre-Transitional Period of the Agreement through the restructured multi-stakeholder Revitalised Strategic Defence and Security Review Board (RSDSRB) comprising the following:

2.5.1.1. Three (3) from each of the warring parties;

2.5.1.2. Two (2) Former Detainees;

2.5.1.3. One (1) Other Political Parties;

2.5.1.4. One (1) Faith-Based Leaders;

2.5.1.5. One (1) Eminent Personalities;

2.5.1.6. One (1) academia;

2.5.1.7. One (1) Women's Bloc and Other Women groups one (1);

2.5.1.8. One (1) Youth;

2.5.1.9. Two (2) CSOs.

2.5.2. The Board may draw a team of national and international experts to provide organized experts' opinion and best practices on the subject. The Board shall report regularly to the RTGoNU and RJMEC.

2.5.3. Within thirty (30) days of the signing of this Agreement (inclusive of formation of the Board), the SDSR Board shall undertake the Strategic Security Assessment. The Board shall make use of previous documents, including a) the Strategic Security Assessment; b) the Security Policy Framework; and c) the Revised Defence Policy. The results of the

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assessment shall inform the requirements of the armed forces, national security service and other organised forces which shall be the basis for the formulation of the country's Defence and Security policies leading to the overall restructuring of the security organs. The restructuring shall include the future command, function, size, composition and budget of the national army, national security service other organised forces, and requirements for DDR.

2.5.4. The SDSR process shall be comprehensive, inclusive, transparent and underpinned by the principles and strategies of national interests in promoting and defending the sovereignty and dignity of the country and its people. The SDSR shall be conducted in four (4) Stages:

2.5.4.1. Stage 1 (complete within one hundred twenty (120) days):

2.5.4.1.1. Firstly, a strategic security assessment that examines the military and non-military security challenges that affect the Republic of South Sudan currently and in the future, including an analysis of all state, state-aligned and non-state, or other independent security actors and armed groups (drawing on the information provided by forces in cantonment);

2.5.4.1.2. Secondly, a security policy framework, clarifying the responsibilities of different bodies and agencies in responding to these security challenges, including the management and oversight of the security sector;

2.5.4.1.3. Thirdly, a revised defence policy, identify the specific role and mission of the national army, NSS, and other organised forces and outlining a vision for their modernisation.

2.5.4.2. Stage 2 (complete within one hundred and fifty (150) days):

2.5.4.2.1. An analysis of the operational capabilities that national army and other security forces shall be required to meet the challenges identified in Stage 1, and the supporting

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systems, structures and resources that are needed to ensure effective utilization of these capabilities.

2.5.4.2.2. The key output should be a range of strategic models, specifying the level of human resources, equipment, and training needed to develop the military to respond to defence and security priorities, and the associated financial implications.

2.5.4.3. Stage 3 (executive approval within one hundred and eighty (180) days):

2.5.4.3.1. The findings of Stage 2 are submitted to the principals for evaluation and adoption.

2.5.4.3.2. Their task is to decide which model, or combination of models, best meets the needs of the nation, along with the level of expenditure required.

2.5.4.3.3. The findings of the review should then be published in a white paper on Defence and Security and a Security Sector Transformation (SST) Roadmap, approved firstly by the Council of Ministers and then by the Transitional National Legislative Assembly (TNLA).

2.5.4.4. Stage 4 (implementation):

2.5.4.4.1. DDR and the SSR processes.

2.5.4.4.2. In addition, the relevant ministries shall produce annual plans to turn the Republic of South Sudan's vision of defence and security into practical, costed programmes.

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## CHAPTER III. HUMANITARIAN ASSISTANCE AND RECONSTRUCTION

### 3.1. Agreed Principles for Humanitarian Assistance and Reconstructions

3.1.1. During the Pre-Transitional Period and throughout the Transition, the Parties shall create an enabling political, administrative, operational and legal environment for the delivery of humanitarian assistance and protection. In addition to the Permanent Ceasefire obligations described in Chapter II, the warring Parties, shall ensure:

3.1.1.1. Secure access to civilian populations in need of emergency humanitarian assistance and protection, including establishment of safe humanitarian corridors;

3.1.1.2. The right of Refugees and Internally Displaced Persons (IDPs) to return in safety and dignity and to be afforded physical, legal and psychological protection;

3.1.1.3. The rights of returnees shall be respected in accordance with the Bill of Rights as provided for in the Transitional Constitution of the Republic of South Sudan (TCRSS), 2011, as amended. Given that, efforts shall be made to assist in the re-unification of family members who were separated during the conflict;

3.1.1.4. The right of Refugees and IDPs to citizenship and the establishment of mechanisms for registration and appropriate identification and/or documentation of affected populations including their children, spouses, property, land and other possessions which might have been lost during the conflict;

3.1.1.5. Exercise of the right of refugees and IDPs to return to their places of origin and/or live in areas of their choice in safety and dignity;

3.1.2. During the Transition, the RTGoNU shall:

3.1.2.1. immediately institute programmes for relief, protection, repatriation, resettlement, reintegration and rehabilitation of Internally Displaced Persons (IDPs) and returnees, in coordination with the United Nations and other relief and humanitarian agencies;

3.1.2.2. Offer special consideration to conflict-affected persons (children, orphans, women, widows, war wounded, etc.), in the provision of

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public services delivery, including access to health and education services and grant the host communities the same benefit, protection and humanitarian services;

- 3.1.2.3. Fast track procedures and institutions for the import and customs clearance of relief materials;
- 3.1.2.4. Fast track procedures and institutions for the granting and renewal of visas required by international personnel participating in the humanitarian relief effort;
- 3.1.2.5. Within twelve (12) months into the Transitional Period, the reconstituted NCAC shall review the Non-Governmental Organizations Act, 2016, to ensure that such legislation complies with international best practice in regulating the activities of Non-Governmental Organizations (NGOs) in South Sudan.

### 3.2. Special Reconstruction Fund (SRF)

- 3.2.1. The RTGoNU, in collaboration and support of international partners and friends of South Sudan, shall establish a Special Fund for Reconstruction (SRF), within the first one (1) month of the Transition, to be administered by the Board of Special Reconstruction Fund (BSRF), comprising membership drawn from the RTGoNU and international partners and friends of South Sudan.
- 3.2.2. The BSRF shall be composed of thirty (30) members, to be nominated as follows:
  - 3.2.2.1. RTGoNU: Five (5), (one representative of each of the Ministry of Finance and Planning; the Ministry of Health; the Ministry of General Education and Instruction; Ministry of Agriculture and Food Security; and Ministry of Humanitarian Affairs and Disaster Management).
  - 3.2.2.2. Greater Equatoria and Greater Bahr El Ghazal six (06): three (03) representatives each, Greater Upper Nile (Jonglei, Unity and Upper Nile): six (6): two (2) representatives each.
  - 3.2.2.3. Civil Society: one (1) representative;
  - 3.2.2.4. Academia – one (1) representative;
  - 3.2.2.5. IGAD: one (1) representative;
  - 3.2.2.6. Troika (Norway, United Kingdom, United States): three (3)—one representative from each;

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- 3.2.2.7. People's Republic of China: one (1) representative;
  - 3.2.2.8. African Union: one (1) representative;
  - 3.2.2.9. United Nations (UN): one (1) representative;
  - 3.2.2.10. European Union: one (1) representative;
  - 3.2.2.11. The World Bank: one (1) representative;
  - 3.2.2.12. IGAD Partners Forum: one (1) representative;
  - 3.2.2.13. African Development Bank: one (1) representative.
- 3.2.3. The BSRF shall be chaired by an international member of the BSRF and deputised by the Ministry of Finance and Planning.
- 3.2.4. The international members of the BSRF shall select the Chair. The BSRF shall define its working modalities and Terms of Reference to allow for efficient planning and disbursement of its responsibilities. The Board shall be assisted by a team of local and international experts whose recruitment shall be determined by the Board.
- 3.2.5. The BSRF shall, in coordination with the RTGoNU, relevant National Ministries, the State and Local Governments, lead in assessing and determining the priorities for reconstruction of infrastructure in the country, with priorities to conflict-affected States, and areas.
- 3.2.6. The BSRF shall prepare a programme and detailed action plan for the reconstruction of conflict-affected States, and other areas to guide the work of the SRF. The said programme shall include but will not be limited to the provision of assistance and protection to IDPs, returnees and families affected by the conflict, and shall be completed within six (6) months of its establishment.
- 3.2.7. The RTGoNU shall provide the SRF with initial funding of not less than one hundred million dollars (US \$100 million) per annum for the Transitional Period, and shall cooperate with international donors in the administration of pledges to the Fund.
- 3.2.8. Within nine (9) months of the establishment of the SRF, the BSRF in collaboration with the Chairperson of IGAD, Chairperson of the African Union Commission (AUC) and the Secretary General of the United Nations (UNSG) shall convene a South Sudan Pledging Conference to raise money to resource this Fund, and to support the implementation of this Agreement. The Fund shall supplement core financing by the RTGoNU.
- 3.2.9. A report on the income, expenditure and the projects supported by the Fund shall be placed by the Board before the Transitional National

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Legislative Assembly and the Council of States which shall exercise oversight over the Fund.

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## CHAPTER IV: RESOURCE, ECONOMIC AND FINANCIAL MANAGEMENT

### 4.1. General Principles

- 4.1.1. Political leaders and stakeholders shall ensure that the RTGoNU is transparent and accountable, with legal, institutional, policies and procedures fully functional for sustainable development.
- 4.1.2. Political leaders and stakeholders shall establish effective leadership and commitment in the fight against corruption. Any leader found to have condoned or engaged in corrupt practices shall be held accountable and barred from holding public office in accordance with this Agreement and the law.
- 4.1.3. The RTGoNU shall develop a code of ethics and integrity for public officials emphasizing the values of honesty and integrity. In addition, it shall expand the curriculum in the educational system to inculcate the spirit of nationalism and promote the values of honesty, integrity and respect for public property.
- 4.1.4. The RTGoNU shall establish a high-level, competent and effective oversight mechanism that shall control revenues collection, budgeting, revenue allocation and expenditure. The oversight mechanism may solicit technical and advisory resources on economic governance from the regional and international community. The mechanism shall be guided by principles of mutual consent in accountability.
- 4.1.5. The wealth of South Sudan shall be shared equitably so as to enable each level of government to discharge its reconstruction, development, legal and constitutional obligations, duties and responsibilities.
- 4.1.6. Revenue sharing shall reflect a commitment to devolution of powers and resources, and the decentralization of decision-making in regard to development, service delivery and governance.
- 4.1.7. The RTGoNU shall undertake immediate and medium-term Economic and Financial Management reform programme.

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## 4.2. Institutional Reforms

### 4.2.1. Bank of South Sudan (BoSS):

4.2.1.1. The RTGoNU shall, within three (3) months of the beginning of the Transition, review legislation governing the Bank of South Sudan (BoSS) with a view to restructure and enable it to render efficient and effective service. This restructuring shall include, but not limited to, the leadership, composition, powers, functions and operations.

4.2.1.2. The nomenclature of the Bank of South Sudan (BoSS) shall be decided upon the promulgation of the new Constitution.

### 4.2.2. The Bank of South Sudan shall:

4.2.2.1. be independent in its statutory and supervisory functions;

4.2.2.2. be responsible for formulating monetary policy, promoting price stability, issuing currency, regulating the financial sector, and performing other functions conferred upon it by the law;

4.2.2.3. be headed by a competent and appropriately qualified Governor;

4.2.2.4. adopt comprehensive reforms to improve its supervisory and regulatory functions and prudential regulatory roles;

4.2.2.5. have a board of nine (9) members, at least 3 shall be women, appointed by the President in consultation and agreement with the First Vice President and the Vice Presidents.

4.2.3. Within four (4) months upon the commencement of the Transitional Period, the President shall appoint the Governor of the Bank of South Sudan in consultation and agreement with the First Vice President and the Vice Presidents.

## 4.3. Ministry of Finance and Planning

### 4.3.1. The Ministry of Finance and Planning shall:

4.3.1.1. Within nine (9) months of the signing of this Agreement, review and implement the Strategic Economic Development Roadmap (national development plan) to accelerate progress in achieving a sustainable and resilient national economy in collaboration and coordination

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with an inter-ministerial departments and, where appropriate, with development partners;

4.3.1.2. ensure that all public financial and budgetary commitments entered into by the RTGoNU are transparent, competitive and in accordance with the laws of the country and internationally accepted norms and practices for the management of public finances;

4.3.1.3. ensure sustainability of public finances across all levels of Government through rigorous adherence to national laws and international standards (including PFMA Act, 2011);

4.3.1.4. ensure that the National Budget and the budget at each level of Government addresses national priorities, and the realities on the ground without negatively affecting the macroeconomic stability;

4.3.1.5. within nine (9) months of the Transition, review the Constituency Development Fund (CDF) programme in accordance with this Agreement;

4.3.1.6. increase partnership, coordination and mutual accountability with development and humanitarian partners to ensure policies, strategies, programmes and projects, and action plans are developed through participatory and transparent mutual consent and accountability;

4.3.1.7. monitor and evaluate issues of importance including review of the New Deal Compact in coordination with development and humanitarian partners;

4.3.1.8. ensure that development partners and recipients of any development assistance, provide timely and comprehensive data on aid flows to the States, sectors and institutions of South Sudan.

#### 4.4. Anti-Corruption Commission

4.4.1. In order to fight corruption, the RTGoNU shall:

4.4.1.1. review within five (5) months of the Transition, the Anti-Corruption Commission Act 2009 with the aim of enabling the Commission to effectively perform its functions of protecting public property, investigating and prosecuting cases of corruption, combating administrative malpractices in public institutions, and promoting ethical standards;

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- 4.4.1.2. protect the independence of the Anti-Corruption Commission and empower it from political interference with corruption cases whether at the investigation stage or at the commencement of trial before courts of law;
- 4.4.1.3. harmonize the role of the Anti-Corruption Commission with the Ministry of Justice and Constitutional Affairs/Director of Public Prosecution and the Police, in the fight against corruption;
- 4.4.1.4. strengthen legal and institutional frameworks of the Anti-Corruption Commission and ensure their enforcement;
- 4.4.1.5. involve media, civil society, women's organizations, youth and faith leaders in policy advocacy against corruption and raising public awareness to strengthen capacity of the public to resist and prevent corruption;
- 4.4.1.6. accede to regional and international conventions on fighting corruption particularly to the African Convention on Preventing and Combating Corruption (AUCPC) and the UN Convention Against Corruption (UNCAC), and coordinate with their respective implementation mechanisms and other institutions to recover and return misappropriated funds and assets;
- 4.4.1.7. Within two months of the Transitional period, the President shall in consultation and agreement with the First Vice President and the Vice Presidents nominate the head of the Anti-Corruption Commission and pass his or her nomination to the TNLA for approval.

#### 4.5. National Audit Chamber

- 4.5.1. The RTGoNU shall, within three (3) months of the Transitional Period, review the National Audit Chamber Act 2011 and guarantee its independence;
- 4.5.2. The Chamber shall be independent and carry out its functions without political interference;
- 4.5.3. The revised National Audit Chamber Act 2011 shall provide for the qualifications of a National Auditor-General, which shall among others, include wide-ranging knowledge of public finance and extensive experience in auditing or public finance management;

- 4.5.4. Within four (4) months of the Transitional Period, the President shall in consultation and agreement with the First Vice President, and the Vice Presidents nominate a National Auditor-General for the approval by the TNLA.

#### 4.6. New Institutions

- 4.6.1. Without prejudice to other provisions of this Agreement, the RTGoNU shall establish the following new institutions immediately upon the commencement of the Transitional Period:

- 4.6.1.1. Public Procurement and Asset Disposal Authority;
- 4.6.1.2. Salaries and Remuneration Commission;
- 4.6.1.3. Environmental Management Authority (EMA);
- 4.6.1.4. Research and Development Centers: Natural Disasters, Strategic Studies and Scientific Research;
- 4.6.1.5. Health Care Support Fund;
- 4.6.1.6. Students Support Fund.

#### 4.7. Review of National Legislations

- 4.7.1. The RTGoNU shall review all national legislations in accordance with the provisions of this Agreement. These shall include but not limited to the:

- 4.7.1.1. Investment Promotion Act, 2009;
- 4.7.1.2. Banking Act, 2010;
- 4.7.1.3. Telecommunications and Postal Services Act, 2010;
- 4.7.1.4. The Transport Act, 2008;
- 4.7.1.5. The National Audit Chamber Act 2011;
- 4.7.1.6. Anti-Corruption Commission Act 2009,
- 4.7.1.7. Public Finance Management and Accountability Act 2011;
- 4.7.1.8. Petroleum Revenue Act 2012;
- 4.7.1.9. The Mining Act 2012;
- 4.7.1.10. Petroleum Revenue Management Act 2012;
- 4.7.1.11. National Pensions Fund Act, 2012; and
- 4.7.1.12. National Revenue Authority Act 2017.

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## 4.8. Resource Management

### 4.8.1. Oil /Petroleum

- 4.8.1.1. The RTGoNU, through the Ministries of Petroleum and Finance and Planning, shall implement the provisions of the Petroleum Revenue Management Act (PRMA), 2012, within three (3) months of the Transitional Period.
- 4.8.1.2. The RTGoNU through the Minister of Finance and Planning, the Minister of Petroleum, and the Governor of the Bank of South Sudan (BoSS), shall mandate the closure of any petroleum revenue accounts other than those approved by law within three (3) months of the start of the Transition.
- 4.8.1.3. Within six (6) months of the Transition all loans and contracts collateralized or guaranteed against oil shall be identified, checked and recorded for the purposes of transparency and accountability.
- 4.8.1.4. Current employment in the oil sector shall be reviewed given that employment in this sector has not been based on merit and competence, but largely on ethnic, political and regional considerations.
- 4.8.1.5. Review, vet and take corrective measures against all contracts awarded to service companies operating in the oil fields. Any companies found to be non-performing shall have their contracts terminated and new contracts awarded through an open public tender process by the Ministry of Petroleum in accordance with guidelines set by law.
- 4.8.1.6. Priority in contracting Service Companies shall be given to qualified nationals of South Sudan. The companies awarded such contracts shall ensure that local communities are given priority in employment;
- 4.8.1.7. Oil marketing system including future sales shall be open, transparent and competitive; and any fraudulent dealings shall be checked and severely punished.
- 4.8.1.8. Awards of oil concessions shall be conducted in accordance with the provisions of the revised Petroleum legislation. The National Petroleum and Gas Commission shall play a key role in processing

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oil contracts. The Commission shall be chaired by the President and deputized by the First Vice President.

- 4.8.1.9. The framework for sharing wealth from the extraction of natural resources should balance the needs of service delivery and reconstruction of the producing States.
- 4.8.1.10. All oil revenue including surface rentals, training fees, bonuses, etc., shall be remitted to the oil account in BoSS and withdrawals shall be in accordance with the law and procedures of the Ministry of Finance and Economic Planning.
- 4.8.1.11. The oil revenue funds including the Oil Stabilization Account (OSA) and Future Generations' Fund (FGF) must be prudently managed in accordance with the applicable legislation, in particular the revised Petroleum Act and the revised Public Finance Management and Accountability Act.
- 4.8.1.12. Communities in whose areas development of subterranean natural resources occur have the right to participate through their respective States in decision making and negotiation of contracts for the exploration, development, production and use of those resources.
- 4.8.1.13. Persons enjoying rights to land are entitled to compensation on equitable terms arising from acquisition or development of land for the extraction of subterranean natural resources from the area in which they have rights.
- 4.8.1.14. Without prejudice to the foregoing paragraphs, the RTGoNU shall:
- 4.8.1.14.1. ensure transparent management of the oil industry and efficient and equitable distribution of oil wealth for the welfare of the people and sustainable development of the country in strict adherence to provisions of the revised Petroleum Act, 2012 and the revised Mining Act, 2012;
- 4.8.1.14.2. criminalize depositing or diverting any petroleum revenue into any account other than the Petroleum Revenue Account at the BoSS, including concession

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cancellation penalties for non-compliance by concessionaires;

- 4.8.1.14.3. empower the appropriate levels of government to develop, including policies on national and local content, and manage in consultation with the relevant communities, the various stages of oil production within the overall framework for the management of petroleum development;
- 4.8.1.14.4. ensure strict adherence to provisions of the revised Petroleum Act, 2012, and the Mining Act, 2012;
- 4.8.1.14.5. carry out, within six (6) months of the Transitional Period, an urgent audit of the Petroleum Sector and empower the National Petroleum and Gas Commission to oversee negotiations with oil companies as well as the award of concessions and licenses;
- 4.8.1.14.6. review the Petroleum Act, 2012 to broaden the mandate and composition of the National Petroleum and Gas Commission;
- 4.8.1.14.7. expedite the operationalization of the FGF and Oil Revenue Stabilization Account that shall manage oil price volatility;
- 4.8.1.14.8. ensure that records of payments made to the oil producing states shall be regularly published by the Ministry of Finance and Planning for public scrutiny and accountability;
- 4.8.1.14.9. review and audit the previous allocation and transfer of the 2% and 3% made to oil producing States since 2011;
- 4.8.1.14.10. review and audit all oil revenues due to the National Government and their allocation in the budget since 2011;
- 4.8.1.14.11. expedite the process of joining the Extractive Industries Transparency Initiative (EITI) to enhance

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accountability in the management of the petroleum and mining industry;

4.8.1.14.12. consult persons and communities enjoying rights to land and their views shall duly be taken into account regarding decisions to develop subterranean natural resources from the area in which they have rights, and shall also share in the benefits of the development;

4.8.1.14.13. develop national competence and capacity (training of engineers and others) to enable it to derive maximum benefit from its oil resources. In this regard, there shall be a competent and enterprising National Oil Company as well as distribution outlets;

4.8.1.14.14. review and transform the national oil company - Nile Petroleum Corporation (NPC) - and the National Petroleum and Gas Commission (NPGC) and empower them to exercise their responsibilities as stated in the Amended Constitution and law;

4.8.1.14.15. ensure efficient production and environmentally friendly extraction of natural resources, development of oil producing areas, capacity building and local content strategy, fairness in employment in the medium and long-term indigenization of the workforce;

4.8.1.14.16. honor all national and international commitments, including agreements with the Republic of Sudan on oil / petroleum agreements in accordance with the law.

#### 4.8.2. Land

4.8.2.1. The RTGoNU shall expedite the following measures relating to the land policy and administration:

4.8.2.1.1. Within twelve (12) months of the Transitional Period, initiate an in-depth national debate to review the current national land policy and the Land Act, 2008, in order to achieve consensus over land tenure, use, management and address issues of land grabbing, other malpractices involving land, carry out necessary reforms, undertake

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mapping, and to maximize economic utilization of land in South Sudan;

4.8.2.1.2. Within eighteen (18) months of the Transitional Period, establish an independent registry of Lands at all levels of government for issuance of title deeds.

4.8.2.1.3. Empower the Land Commissions at different levels of Government to develop and interpret legislation regarding land issues and to reflect customary laws and practices, local heritage and institutional trends;

4.8.2.1.4. Assist in the mediation of conflicts arising from land.

#### 4.8.3. The Nile and Other Water Resources

4.8.3.1. The RTGoNU shall develop a comprehensive policy for the use and management of South Sudan's water bodies, including but not limited to river Nile.

#### 4.8.4. Agriculture, Livestock, Fisheries, Wildlife and Tourism

4.8.4.1. The RTGoNU shall initiate policies, strategies and programmes for the management and development of Agriculture, Livestock, Wildlife, Tourism and Fisheries.

### 4.9. Environmental Protections

4.9.1. The RTGoNU shall develop comprehensive policies and legal and institutional frameworks for the preservation, conservation and sustainable use of the environment.

4.9.2. The feasibility study of any project of South Sudan must include an environmental impact certificate from the Ministry of Environment and Forestry.

### 4.10. Public Finance and Economic Management

#### 4.10.1. Revenue Collection:

4.10.1.1. The RTGoNU shall establish effective, transparent and accountable management of oil and non-oil revenues;

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- 4.10.1.2. The RTGoNU shall ensure that all revenues due to the government derived from petroleum and other natural resources are collected centrally into a "single treasury account," and that those revenues are managed and spent responsibly and in accordance with the laws of South Sudan using predictable, auditable processes for the benefit of the people;
- 4.10.1.3. The national, state and local governments are empowered by their respective constitutions and laws to collect revenue and establish institutions for that purpose;
- 4.10.1.4. The established National Revenue Authority (NRA) shall ensure that all revenues are remitted to a "single treasury account" and expenditures are conducted in accordance with the law and budget;
- 4.10.1.5. The mandate of the NRA shall be the assessment, collection, administration and enforcement of laws relating to taxation and revenues;
- 4.10.1.6. All revenue collected for or by the National Revenue Authority shall be pooled and administered by the National Revenue Authority in a "single treasury account." Such funds shall include all sub-accounts into which monies due to the National Government are collected, reported, deposited and audited.

#### 4.11. Wealth Sharing and Revenue Allocation

- 4.11.1. The revenue collected by the National Government shall be allocated to the different levels of government;
- 4.11.2. The RTGoNU shall within two (2) months from the start of the Transitional Period, review and reinvigorate the independent Fiscal and Financial Allocation Monitoring Commission (FFAMC), which shall comprise experts nominated by the States and National Government to ensure transparency in regard to the allocation of nationally collected funds to the States and Counties;
- 4.11.3. FFAMC regulations and procedures shall be adopted at State and County levels;
- 4.11.4. In line with the agreement on the devolution of more powers and resources to the States and Counties, wealth sharing and revenue allocation shall be

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worked out by the RTGoNU within three (3) months of the commencement of the Transitional Period;

4.11.5. The proportion of the natural resource wealth of South Sudan shared with the States and counties shall be increased and that the final terms of the increment and formulae to be applied shall be determined in the permanent constitution;

4.11.6. The RTGoNU shall not withhold an allocation due to a State or Local Government in South Sudan. Any level of Government may initiate proceedings in the courts of law should any other organ or level withhold its duly authorized funds.

#### 4.12. Public Expenditure

4.12.1. The RTGoNU shall within three (3) months of the commencement of the Transitional Period:

4.12.1.1. Establish effective public procurement and payroll systems, granting of public concessions, public borrowing and debt management in compliance with the law;

4.12.1.2. Carry out an effective payroll cleansing exercise under public service reform;

4.12.1.3. Adopt strict measures to control borrowing and to ensure that all borrowing is in accordance with the law;

4.12.1.4. Review the implementation of Public Financial Management and Accountability Act, 2011;

4.12.1.5. Assess and determine the level of public debt and ascertain the correctness in procedures used;

4.12.1.6. Adopt strict macroeconomic coordination between the fiscal and monetary arms of the economy and by the Ministry of Finance and Economic Planning, and the Bank of South Sudan;

4.12.1.7. Strictly enforce financial discipline in budgetary planning, constructing and executing;

4.12.1.8. Establish a mechanism for safeguarding public assets.

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#### 4.13. Borrowing

- 4.13.1. The TNLA shall by legislation prescribe the terms on which the RTGoNU and the States may borrow and impose reporting requirements;
- 4.13.2. The RTGoNU and the States shall report financial and fiscal data to the relevant National Government bodies for statistical purposes;
- 4.13.3. A State government may borrow with the approval of the State Legislative Assembly and in consultation with the National Government in accordance with the law;
- 4.13.4. Any borrowing shall be negotiated through the National Ministry of Finance and Planning and the BoSS; and BoSS shall then guarantee such loans;
- 4.13.5. Borrowing by any level of government shall be done in a manner that does not undermine national macroeconomic policies and shall be consistent with the objectives of maintaining external financial viability and debt sustainability.

#### 4.14. Public Finance Management

- 4.14.1. The RTGoNU shall ensure that government finances are managed responsibly and that budget execution is enforced in accordance with the law;
- 4.14.2. The RTGoNU shall ensure that all its transactions are transparent and subject to auditing and oversight to promote accountability;
- 4.14.3. The RTGoNU shall ensure that debts, arrears and prepayments will be audited, fully accounted for, responsibly managed and controlled. New debt and payables will be issued and undertaken in an open, transparent and responsible fashion and shall be contracted strictly in accordance with the law;
- 4.14.4. The Ministry of Finance and Economic Planning shall identify all loans and contracts collateralized or guaranteed with oil, checked, and made publicly available for the purposes of transparency and accountability;
- 4.14.5. The National Audit Chamber shall audit and report on all public funds and financial dealings to relevant institutions generally and in particular to the Transitional National Legislative Assembly or to a State Assembly;

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- 4.14.6. The TNLA shall receive pending reports of the Audit Chamber within six (6) months of the start of the Transitional Period. Subsequent reports shall be received in accordance with the law.
- 4.14.7. After receiving an audit report, the Transitional National Legislative Assembly and or the State Legislative Assembly, as the case may be, shall immediately debate and consider the report and take appropriate action;
- 4.14.8. All revenues, expenditures, deficits, and debts of the RTGoNU shall be accounted for and the information shall be made accessible to the public. An annual report which details the RTGoNU financial activities shall be required by the Transitional National Legislative Assembly;
- 4.14.9. The RTGoNU shall define and adhere to clear lines of authority, public disclosure requirements, and reporting channels amongst the Ministry of Finance and Planning, the Ministry of Petroleum, the Ministry of Mining, and the Bank of South Sudan, other line Ministries, and Transitional National Legislative Assembly in accordance with the law;
- 4.14.10. The RTGoNU shall reform South Sudan's existing economic and public sector financial management institutions, to ensure that public financial management of oil and non-oil revenues, the exchange rate, budgetary processes, procurement, management of payroll, public concessions, borrowing, debt and regulatory agencies are effective, transparent and accountable, free from corruption, compliant with international best practices and the laws of the Republic of South Sudan, and that resources are properly allocated and used for the benefit of the people of South Sudan.

#### 4.15. Enterprise Development Funds

4.15.1. The RTGoNU shall:

- 4.15.1.1. identify local, national, sectoral or private sector associations with the view to improving their productivity/efficiency through capacity enhancement and easing access to financing;
- 4.15.1.2. develop Micro, Small and Medium Enterprises (MSMEs) among rural populations and the urban poor, including but not limited to South Sudan farmers associations, dairy producers associations, poultry producers associations, national private companies in the areas of supply, general trade, construction, and others;

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- 4.15.1.3. implement the recommendations of the Private Sector Development Strategy (PSDS) developed jointly between the South Sudan Business Forum and Ministry of Trade and Industry;
- 4.15.1.4. establish a Youth Enterprise Development Fund with the goal to bring more youth into economic growth and development;
- 4.15.1.5. establish a Women Enterprise Development Fund for provision of subsidized credit for women-based enterprise development and capacity building of women entrepreneurs;
- 4.15.1.6. establish micro-finance institutions;
- 4.15.1.7. promote social welfare development policy;
- 4.15.1.8. establish Social Security Fund;
- 4.15.1.9. provide subsidized credit and capacity building for vulnerable members of the society;
- 4.15.1.10. Coordinate enterprise related skills and technology transfer.

#### 4.16. Economic and Financial Management Authority (EFMA)

- 4.16.1. The RTGoNU shall, through legislation, establish an Economic and Financial Management Authority (EFMA), within four (4) months of the Transition, comprised of individuals selected on the basis of a set of criteria by the Board of EFMA as per the Legislation that establishes the Authority. The mandate of the Authority shall be to provide an effective oversight of economic and public financial management, and to ensure transparency and accountability particularly in the oil/petroleum sector, concessions and contract award, budgetary and public expenditure, revenue collection and other related matters;
- 4.16.2. The EFMA shall be governed by a board to be known as Board of Economic and Financial Management Authority (BEFMA) comprising the President and the First Vice President of the RTGoNU as Chair and Deputy Chair respectively, the four Vice Presidents and Ministers of Finance and Planning, Petroleum, Mining, Roads and Bridges, Governor of the Bank of South Sudan (BoSS), National Revenue Authority, Chair of the Parliamentary Committee dealing with Public Accounts; representatives of Political Parties, South Sudan Chamber of Commerce, Industry and Agriculture (SSCCIA), Civil Society, women representatives, youth and academia;

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- 4.16.3. The BEFMA shall appoint the Head of the Authority that shall be endorsed by the Transitional National Legislative Assembly (TNLA). In the exercise of its statutory and oversight functions, the Authority shall be independent, and all public and private institutions shall fully cooperate with the Authority;
- 4.16.4. The EFMA shall be supported by an Advisory Committee comprised of: the World Bank, International Monetary Fund, African Development Bank, Common Market for Eastern and Southern Africa (COMESA), PTA Bank, UN-Economic Commission for Africa, United Nations Development Programme, and three (3) major donor representatives. The Advisory Committee shall select its own Chair, Deputy and sub-committee leaders.
- 4.16.5. The main tasks of the Advisory Committee, among others, shall include: advise the oversight Authority, build the capacity of EFMA, and assess and review the Authority's effectiveness in its oversight functions, identify gaps and recommend solutions. The Advisory Committee shall submit its regular report to the BEFMA, EFMA and RJMEC. The Chairperson of the Advisory Committee and sub-committee leaders in the Committees shall participate in the BEFMA and the EFMA meetings as experts.
- 4.16.6. The Authority in collaboration and support of the Advisory Committee shall develop an efficient and effective oversight mechanism through institutional follow-up, support and review of implementation of public economic and financial programmes by line Ministries and other departments;
- 4.16.7. No later than six (6) months of the Transition, the BEFMA, EFMA, and its Secretariat, and the Advisory Committee shall be fully functional.

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## CHAPTER V: TRANSITIONAL JUSTICE, ACCOUNTABILITY, RECONCILIATION AND HEALING

### 5.1. Agreed Principles for Transitional Justice


- 5.1.1. Upon establishment, the RTGoNU shall initiate legislation for the establishment of the following transitional justice institutions (observe the 35% women representations in these institutions):
- 5.1.1.1. The Commission for Truth, Reconciliation and Healing (CTRH);
  - 5.1.1.2. An independent hybrid judicial body, to be known as the Hybrid Court for South Sudan (HCSS).
  - 5.1.1.3. Compensation and Reparation Authority (CRA).
- 5.1.2. The legislation referred to in Article 5.1.1 above, shall clearly define the mandate and jurisdiction of the three institutions including but not limited to their establishment and funding, actors, and defined processes for public participation in the selection of their respective members.
- 5.1.3. Following their establishment, the CTRH, HCSS and CRA shall independently promote the common objective of facilitating truth, reconciliation and healing, compensation and reparation in South Sudan.
- 5.1.4. The RTGoNU shall fully support and facilitate the operations of the CTRH and cooperate with the HCSS.
- 5.1.5. The RTGoNU commits to fully cooperate and seek the assistance of the African Union, the United Nations and the African Commission on Human and People's Rights to design, to implement and to facilitate the work of the agreed transitional justice mechanisms provided for in this Agreement.

### 5.2. Commission for Truth, Reconciliation and Healing (CTRH)

- 5.2.1. Establishment of the Commission for Truth, Reconciliation and Healing (CTRH):
- 5.2.1.1. The RTGoNU shall establish the CTRH as a critical part of the peace building process in South Sudan, to spearhead efforts to address the legacy of conflicts, promote peace, national reconciliation and healing.

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- 5.2.1.2. The CTRH shall be established by a legislation, which shall be promulgated not later than three (3) months after the formation of the RTGoNU and commence its activities not later than a month thereafter. Such legislation shall, among others, outline mechanisms and methods for enabling the CTRH to discharge its duties and responsibilities.
- 5.2.1.3. The Ministry of Justice and Constitutional Affairs of the RTGoNU, in collaboration with other stakeholders and the civil society, shall conduct public consultations for a period not less than one (1) month prior to the establishment of the CTRH, to inform the design of the legislation referred to in Chapter V, Article (5.1.1) above. Such consultations shall ensure that the experiences of women, men, girls and boys are sufficiently documented and the findings of such consultations incorporated in the resultant legislation.
- 5.2.1.4. The existing Committee for National Healing, Peace and Reconciliation (CNHPR) and the National Platform for Peace and Reconciliation shall transfer all their files, records and documentation to the CTRH within fifteen (15) days following its establishment.
- 5.2.1.5. The CTRH shall recommend processes and mechanisms for the full enjoyment by victims of the right to remedy, including by suggesting measures for reparations and compensation. In the determination of such remedial processes and mechanisms, the CTRH shall draw on existing traditional practices, processes, and mechanisms, where appropriate.

#### 5.2.2. Mandate and Functions of the CTRH:

- 5.2.2.1. Without prejudice to the administration of and access to justice, the CTRH shall inquire into all aspects of human rights violations and abuses, breaches of the rule of law and excessive abuses of power, committed against all persons in South Sudan by State, non-State actors, and or their agents and allies. In particular, the CTRH shall inquire into the circumstances, surrounding the aforementioned and any other connected or incidental matters. Such inquiry shall investigate, document and report on the course and causes of conflict and identify or review cut-off timeframes for the operations of the CTRH, as may be determined by legislation, this Agreement or both.

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In that regard, the CTRH shall recommend processes for the full enjoyment by victims of the right to remedy, including by suggesting measures for reparations and compensation;

5.2.2.2. adopt, in the implementation of its mandate, best practices for promoting truth, reconciliation and healing from Africa and elsewhere;

5.2.2.3. Without prejudice to its Mandate, the Functions of the CTRH are to:

5.2.2.3.1. establish an accurate and impartial historical record of human rights violations, breaches of the rule of law and excessive abuses of power, committed by State and non-state actors from the date of signing of this Agreement to July 2005;

5.2.2.3.2. receive applications from alleged victims, identify and determine their right to remedy;

5.2.2.3.3. identify perpetrators of violations and crimes prescribed in this agreement;

5.2.2.3.4. recommend guidelines, to be endorsed by the TNLA, for determining the type and size of compensation and reparation for victims;

5.2.2.3.5. record the experiences of victims, including but not limited to women and girls;

5.2.2.3.6. investigate the causes of conflicts and their circumstances and make recommendations regarding possible ways of preventing recurrence;

5.2.2.3.7. develop detailed recommendations for legal and institutional reforms to ensure non-repetition of human rights abuses and violations, breaches of the rule of law and excessive use of power;

5.2.2.3.8. lead efforts to facilitate local and national reconciliation and healing;

5.2.2.3.9. where appropriate, supervise proceeding of traditional dispute resolution, reconciliation, and healing mechanisms. In this regard, and without prejudice to

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traditional justice mechanisms, develop standard operating procedures for the functioning of the latter, in accordance with the principles of natural justice;

5.2.2.3.10. establish a secretariat that shall function as the administrative arm of the Commission and prepare guidelines and procedures for its proper functioning.

5.2.2.4. The CTRH shall issue quarterly progress reports updating the RTGoNU on its progress in meeting its objectives. The CTRH shall make sustained efforts to publicly and regularly inform and involve the people of South Sudan in all its tasks and activities and be responsible for carrying out public education, awareness-raising and civic engagement activities to inform the public, in particular with youth and women, about the Commission's work, and solicit continuous feedback.

5.2.2.5. The CTRH shall issue a final, public report at the conclusion of its mandate three months before the end of the Transition that shall include the observations and findings of its documentation activities and its recommendations for peace, reconciliation and healing in South Sudan.

### 5.2.3. Personnel and Appointment Procedures:

5.2.3.1. Commissioners, investigators and staff of the CTRH shall be persons of high moral character, impartiality and integrity. They shall be independent in the performance of their functions and shall not accept or seek instructions from any third party.

5.2.3.2. The CTRH shall be composed of seven (7) Commissioners, four (4) of whom shall be South Sudanese nationals, including two (2) women. The remaining three (3) Commissioners shall be from other African countries, of whom at least one (1) shall be a woman. The CTRH shall be chaired by a South Sudanese national, deputised by a non-South Sudanese national.

5.2.3.3. The Executive of the RTGoNU shall nominate the four Commissioners of South Sudanese nationality and present to the Transitional National Legislative Assembly for endorsement. Furthermore, the Executive of the RTGoNU, in consultation with the Chairperson of the African Union Commission and the Secretary-

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General of the United Nations, shall nominate the three (3) from other African countries and present their list to the TNLA for endorsement.

5.2.3.4. In order for the CTRH to execute its mandate, the Commission shall have the power to subpoena persons, documents and other materials deemed necessary for the purpose of discharging its responsibilities.

#### 5.2.4. Rights of Victims and Witnesses

5.2.4.1. The CTRH shall implement measures to protect victims and witnesses, in particular, youth, women and children. Such protection measures shall include, but shall not be limited to the conduct of in camera proceedings and the protection of the identity of a victim or witness.

### 5.3. Hybrid Court for South Sudan (HCSS)

#### 5.3.1. Establishment of the Hybrid Court for South Sudan (HCSS)

5.3.1.1. There shall be established an independent hybrid judicial court, the Hybrid Court for South Sudan (HCSS). The Court shall be established by the African Union Commission to investigate and where necessary prosecute individuals bearing responsibility for violations of international law and/or applicable South Sudanese law, committed from 15<sup>th</sup> December 2013 through the end of the Transitional Period.

5.3.1.2. The terms establishing the HCSS shall conform to the terms of this Agreement and the AUC shall provide broad guidelines relating to including the location of the HCSS, its infrastructure, funding mechanisms, enforcement mechanism, the applicable jurisprudence, number and composition of judges, privileges and immunities of Court personnel or any other related matters.

5.3.1.3. The Chairperson of the AUC shall decide the seat of the HCSS.

#### 5.3.2. Jurisdiction Mandate and Supremacy

5.3.2.1. The HCSS shall have jurisdiction with respect to the following crimes:

5.3.2.1.1. Genocide;

5.3.2.1.2. Crimes Against Humanity;

5.3.2.1.3. War Crimes

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5.3.2.1.4. Other serious crimes under international law and relevant laws of the Republic of South Sudan including gender based crimes and sexual violence.

5.3.2.2. The HCSS shall be independent and distinct from the national judiciary in its operations, and shall carry out its own investigations: The HCSS shall have primacy over any national courts of RSS.

### 5.3.3. Personnel and Appointment Procedures

5.3.3.1. Judges, prosecutors, investigators and defence counsels and the registrar of the HCSS shall be persons of high moral character, impartiality and integrity, and should demonstrate expertise in criminal law and international law, including international humanitarian and human rights law.

5.3.3.2. A majority of judges on all panels, whether trial or appellate, shall be composed of judges from African states other than the Republic of South Sudan. The judges of the HCSS shall elect a president of the court from amongst their members.

5.3.3.3. Prosecutors and defence counsels of the HCSS shall be composed of personnel from African states other than the Republic of South Sudan, notwithstanding the right of defendants to select their own defence counsel in addition to, or in place of, the duty personnel of the HCSS.

5.3.3.4. The registrar of the HCSS shall be appointed from African states other than the Republic of South Sudan.

5.3.3.5. Judges, prosecutors, defence counsels and the registrar shall be selected and appointed by the Chairperson of the African Union Commission. The same selection and appointment processes shall apply to South Sudanese judges and judges from other African states.

5.3.3.6. The prosecutors and defence counsels shall be assisted by such South Sudanese and African staff of other nationalities as may be required to perform the functions assigned to them effectively and efficiently.

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#### 5.3.4. Rights of Victims and Witnesses

- 5.3.4.1. The HCSS shall implement measures to protect victims and witnesses in line with applicable international laws, standards and practices.
- 5.3.4.2. The rights of the accused shall be respected in accordance to applicable laws, standards and practices.

#### 5.3.5. Criminal Responsibility, Convictions and Penalties

- 5.3.5.1. A person who planned, instigated, ordered, committed, aided and abetted, conspired or participated in a joint criminal enterprise in the planning, preparation or execution of a crime referred to in Chapter V, Article 5.6.2. of this Agreement shall be individually responsible for the crime.
- 5.3.5.2. The HCSS may order the forfeiture of the property, proceeds and any assets acquired unlawfully or by criminal conduct, and their return to their rightful owner or to the state of South Sudan.
- 5.3.5.3. While all judgments of the court shall be consistent with the accepted International Human Rights Law, International Humanitarian Law and International Criminal Law, the HCSS shall also award appropriate remedies to victims, including but not limited to reparations and compensation.
- 5.3.5.4. The HCSS shall not be impeded or constrained by any statutes of limitations or the granting of pardons, immunities or amnesties.
- 5.3.5.5. No one shall be exempted from criminal responsibility on account of their official capacity as a government official, an elected official or claiming the defence of superior orders.
- 5.3.5.6. The HCSS shall strive to leave a permanent legacy in the State of South Sudan upon completion of its mandate.

#### 5.3.6. Use of Findings, Documentation and Evidence

- 5.3.6.1. In carrying out its investigations, the HCSS may use the report of the African Union Commission of Inquiry (COI) on South Sudan and draw on other existing documents, reports, and materials, including but not limited to those in the possession of the African Union, or any other entities and sources, for use as the Prosecutor deems

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necessary for his or her investigations and/or prosecution of those alleged to have committed serious human rights violations or abuses, war crimes, or crimes against humanity. Such documents, reports and materials shall be used in accordance with applicable international conventions, standards and practices.

#### 5.4. Compensation and Reparation Authority (CRA)

5.4.1. The RTGoNU, in recognition of the destructive impact of the conflict to the citizens of South Sudan, shall establish within six (6) months from the commencement of the Transitional Period, a Compensation and Reparation Fund, CRF and Compensation and Reparation Authority, CRA to administer the CRF.

5.4.2. The CRA:

5.4.2.1. Shall be run by an executive body to be chaired by an Executive Director appointed by the RTGoNU.

5.4.2.2. Shall be composed of an Executive body that shall include but not limited to:

5.4.2.2.1. The parties in RTGoNU;

5.4.2.2.2. Representatives of CSOs, Women groups, Faith-based leaders, Business Community, youth and traditional leaders;

5.4.2.3. The criteria for the selection of the members of the Executive body and the Executive Director of the CRA shall be established by law;

5.4.2.4. The CRA shall provide material and financial support to citizens whose property was destroyed by the conflict and help them to rebuild their livelihoods in accordance with a well-established criterion by the RTGoNU;

5.4.2.5. The CRA shall manage the Compensation and Reparation Fund, the utilization of which should be guided by a law enacted by the TNLA;

5.4.2.6. The CRA shall receive applications from victims including natural and legal persons from CTRH, and make the necessary compensation and reparation as provided for in this Agreement;

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5.4.3. The RTGoNU shall establish transparent mechanisms to control the proper use of these funds for the intended purpose.

**5.5. Ineligibility for Participation in the RTGoNU or Successor Governments**

5.5.1. Individuals indicted or convicted by the HCSS shall not be eligible for participation in the RTGoNU, or in its successor government(s) for a period determined by law, or, if already participating in the RTGoNU, or in its successor government(s), they shall lose their position in government. If proven innocent, individuals indicted shall be entitled for compensation as shall be determined by law.

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## CHAPTER VI: PARAMETERS OF PERMANENT CONSTITUTION

- 6.1. The RTGoNU shall initiate and oversee a Permanent Constitution-making Process, during the Transitional Period.
- 6.2. The Permanent Constitution-making Process shall be based on the principles of:
  - 6.2.1. Supremacy of the People of South Sudan;
  - 6.2.2. Initiate a Federal and democratic system of government that reflects the character of South Sudan in its various institutions taken together, guarantees good governance, constitutionalism, rule of law, human rights, gender equity and affirmative action;
  - 6.2.3. Guaranteeing peace and stability, national unity and territorial integrity of the Republic of South Sudan;
  - 6.2.4. Promoting people's participation in the governance of the country through democratic, free and fair elections and the devolution of powers and resources to the states and counties;
  - 6.2.5. Respecting ethnic and regional diversity and communal rights, including the right of communities to preserve their history, develop their language, promote their culture and expression of their identities;
  - 6.2.6. Ensuring the provision of the basic needs of the people through the establishment of a framework for fair and equitable economic growth and access to national resources and services;
  - 6.2.7. Promoting and facilitating regional and international cooperation with South Sudan;
  - 6.2.8. Committing the people of South Sudan to peaceful resolution of national issues through dialogue, tolerance, accommodation and respect of others opinions.
- 6.3. The reconstituted TNLA shall within the first six (6) months of Transitional Period enact a legislation to govern the constitutional making process.
- 6.4. The permanent constitution shall be completed not later than twenty-four (24) months following the establishment of the Transitional Period and shall be in place to guide the elections toward the end of the Transition.

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- 6.5. The following phases of Constitution-making process shall be completed within twenty-four (24) months of the Transitional Period as per the timetable stipulated in the implementation mechanism process except for the transformation of the TNLA into a constituent assembly to adopt the new constitution which shall be defined by law;
- 6.6. The Executive of the Revitalized TGoNU after adequate consultations with all stakeholders including the political parties, Civil Society Organizations, Women groups, youth and Faith-based groups, shall reconstitute the National Constitutional Review Commission (NCRC) and appoints a preparatory sub-committee for convening a National Constitutional Conference (NCC) in accordance with the Act governing the constitution making process;
- 6.7. During the fourth month of the Transitional Period, a workshop shall be convened for the Parties to the R-ARCSS by the RJMEC to agree on the details of conducting the Constitutional-making process.
- 6.8. The workshop, shall be moderated and facilitated by an institute renowned internationally for constitution making.
- 6.9. The outcome of the workshop shall form the basis for drafting the legislation to be enacted to govern the Constitution-making process.
- 6.10. The Constitutional Text adopted by the Constitutional Conference shall be presented by the Minister of Justice and Constitutional Affairs to a Constituent Assembly for deliberation and adoption;
- 6.11. The Parties agree that the Transitional National Legislature shall be transformed into a Constituent Assembly on the 1st date of the 27<sup>th</sup> month of the Transition for purposes of adopting the Permanent Constitution after which it shall be dissolved preceding the elections.
- 6.12. In drafting the Permanent Constitution, lessons shall be drawn from South Sudan common law, constitutional history and experience, and this Agreement;
- 6.13. The process of permanent Constitution-making shall be led and owned by the people of South Sudan.
- 6.14. The RTGoNU shall review the ongoing permanent Constitution-making process and reconstitute the National Constitutional Review Commission (NCRC). In order to ensure quality of participation and inclusiveness in the reformulated Constitution review process, the composition of the

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reconstituted NCRC shall include but not be limited to representatives of the RTGoNU, Political Parties, faith-based groups, women groups, youth, ethnic minorities, representatives of the private sector, CSO groups, academics, people with special needs and other professionals. The process of appointment shall be as defined in the reviewed and enacted legislation governing the constitution-making process.

6.15. The RTGoNU shall provide in its budgetary provisions adequate funding for the Constitution making-process.

6.16. The RTGoNU and the NCRC shall seek the assistance of regional and international experts to benefit from the experience, expertise and best practices to assist in the Constitution-making process.

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## CHAPTER VII: JOINT MONITORING AND EVALUATION COMMISSION

### (JMEC)

- 7.1. Upon the signing of this Agreement, the Joint Monitoring and Evaluation Commission (JMEC) shall be reconstituted within fifteen (15) days.
- 7.2. The membership of the Reconstituted JMEC (RJMEC) shall comprise representatives of the Parties to this Agreement, other South Sudanese stakeholders, and regional and international guarantors and partners of South Sudan, as follows:
- 7.2.1. The Parties to the Agreement, ten (10) representatives:
- 7.2.1.1. Incumbent TGoNU – five (5) representatives;
  - 7.2.1.2. SPLM/A-IO – two (2) representatives;
  - 7.2.1.3. SSOA – One (1) representative;
  - 7.2.1.4. Former Detainees – one (1) representative;
  - 7.2.1.5. Other Political Parties- one (1) representative.
- 7.2.2. Other South Sudanese Stakeholders and Adherents, thirteen (13) representatives:
- 7.2.2.1. Faith- Based Leaders – two (2) representatives;
  - 7.2.2.2. Women – two (2) representatives [Women's bloc- one (1) and Women's Coalition – one (1)];
  - 7.2.2.3. Civil Society – two (2) representatives [CS Alliance – one (1) and CS Forum- one (1)];
  - 7.2.2.4. Eminent personalities—two (02) representatives;
  - 7.2.2.5. Business groups - two (2) representatives (one male, one female);
  - 7.2.2.6. Academia – one (1) representative;
  - 7.2.2.7. Youth – two (2) representatives (one male, one female).
- 7.2.3. Regional Guarantors, thirteen (13) representatives:
- 7.2.3.1. Ethiopia – one (1) representative;
  - 7.2.3.2. Djibouti- one (1) representative;
  - 7.2.3.3. Kenya – one (1) representative;
  - 7.2.3.4. Somalia- one (1) representative;
  - 7.2.3.5. Sudan – one (1) representative;
  - 7.2.3.6. Uganda – one (1) representative;

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- 7.2.3.7. The AU-HLAHC, five (5) each represented by one (1);
- 7.2.3.8. African Union Commission – one (1) representative; and
- 7.2.3.9. IGAD Secretariat – one (1) representative.

7.2.4. International Partners and Friends of South Sudan, seven (7) representatives:

- 7.2.4.1. People's Republic of China – one (1) representative;
- 7.2.4.2. Norway – one (1) representative;
- 7.2.4.3. United Kingdom – one (1) representative;
- 7.2.4.4. United States – one (1) representative;
- 7.2.4.5. United Nations – one (1) representative;
- 7.2.4.6. European Union – one (1) representative; and
- 7.2.4.7. IPF – one (1) representative.

- 7.3. RJMEC shall be chaired by a prominent African personality appointed by the IGAD Assembly of Heads of State and Government in consultation with IGAD-PLUS Partners, and form Committees to facilitate its activities.
- 7.4. The terms of reference of RJMEC shall be endorsed by the IGAD Assembly of Heads of State and Government.
- 7.5. The secretariat for RJMEC shall be independent and shall seek international administrative support.
- 7.6. The RJMEC shall be responsible for monitoring and overseeing the implementation of the Agreement and the mandate and tasks of the RTGoNU, including the adherence of the Parties to the agreed timelines and implementation schedule. In case of non-implementation of the mandate and tasks of the RTGoNU, or other serious deficiencies, the RJMEC shall recommend appropriate corrective action to the RTGoNU.
- 7.7. The RJMEC shall oversee the work of the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM), the Economic and Financial Management Authority (EFMA), the Strategic Defence and Security Review Board (SDSRB), the National Elections Commission (NEC), and all other transitional institutions and mechanisms created by this Agreement.
- 7.8. The reconstituted CTSAMVM, EFMA, the SDSRB, the NEC, CTRH, NCAC, JMCC, JTSC, NPTC and other institutions and mechanisms created by this Agreement shall present regular reports to RJMEC for this purpose.

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Notwithstanding the foregoing, RJMEC may request further reports from any transitional institutions and mechanisms, as it deems necessary.

- 7.9. The RJMEC shall brief regularly the Executive of the RTGoNU, and submit written reports, followed by detailed briefings, to the RTGoNU Council of Ministers, the Transitional National Legislative Assembly, the Chairperson of the IGAD Assembly of Heads of State and Government, Chairperson of the IGAD Council of Ministers, the Chairperson of the African Union Commission, the Peace and Security Council (PSC) of the African Union and to the Secretary-General and Security Council of the United Nations on the status of implementation of this Agreement every three (3) months.
- 7.10. Notwithstanding the foregoing, the Chairperson of RJMEC shall report all serious incidents of violation and critical issues that may arise during the implementation of the Agreement to the RTGoNU, and copy to the Chairperson of IGAD Council of Ministers. The Chairperson of IGAD Council of Ministers shall upon receipt of such reports, convene an Extra-Ordinary meeting of the IGAD Council of Ministers within 14 days, to decide appropriate timely remedial actions.
- 7.11. Following the establishment of the RTGoNU, the parties agree that in the event of any deadlock, RJMEC shall propose measures to resolve the deadlocks. In case any party(ies) fails to comply with the recommendations of RJMEC of breaking the deadlock, RJMEC will refer the matter to the guarantors.
- 7.12. RJMEC shall hold regular meetings at least once every month and may convene extra-ordinary meetings as may be dictated by the situation.
- 7.13. Decisions of the RJMEC shall be by consensus, failing of which a simple majority of the voting members present shall prevail. The voting members of RJMEC shall be the forty-three (43) representatives of the Parties, other South Sudanese stakeholders, regional and international guarantors and partners of South Sudan, as stipulated in Chapter VII, Articles 7.2.1 - 7.2.4.
- 7.14. The quorum of the RJMEC shall be twenty-nine (29), of which at least fifteen (15) of the members shall be from South Sudan and the other fourteen (14) from regional and international group.

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W.L.S.      [Signature]



## CHAPTER VIII: SUPREMACY OF THIS AGREEMENT AND PROCEDURES FOR AMENDMENT OF THE AGREEMENT

- 8.1. This Revitalised Agreement shall, upon signature be binding on all parties and shall repeal the ARCSS 2015 in its entirety, and shall be ratified within seven (7) days by the Transitional National Legislature of the Republic of South Sudan, the National Liberation Council of the SPLM/A.IO, and the Leadership organ of SSOA.
- 8.2. This Revitalised Agreement shall be fully incorporated into the Transitional Constitution of the Republic of South Sudan, 2011 (TCRSS as amended). Notwithstanding this process of incorporation, in the event that the provisions of the TCRSS, 2011 (as amended) conflicts with the terms of this Agreement, the terms of this Agreement shall prevail.
- 8.3. This Revitalised Agreement shall take precedence over any national legislation, any existing agreement to the contrary, and in the event that the provisions of a national legislation or previous agreement conflict with the terms of this Agreement, the provisions of this Agreement shall prevail.
- 8.4. This Revitalised Agreement may be amended by the Parties, with at least two-thirds of the members of the Council of Ministers of the RTGoNU, and, at least two-thirds of the voting members of the Revitalised Joint Monitoring and Evaluation Commission consenting to the amendment, followed by ratification by the Transitional National Legislature, according to the constitutional amendment procedures set out in the TCRSS, 2011 (as amended).

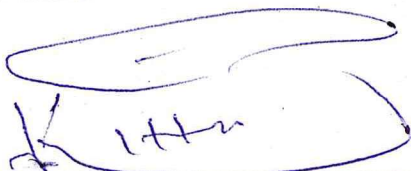
Done in Addis Ababa, on this 12<sup>th</sup> day of September 2018.

Signatures of Parties, other Stakeholders, Guarantors and Witnesses to this Agreement.

*JUA* *Chang* *SKM* *W.S.* *77* *Maya* *RMTD* *K.K*




## I. THE PARTIES:



H.E. Salva Kiir Mayardit  
President of the Republic of South Sudan  
For the Incumbent TGoNU



H.E. Dr. Riek Machar Teny  
Chairman and Commander in  
Chief of the SPLM/SPLA-IO

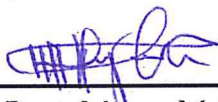


Hon. Deng Alor Kuol  
For SPLM-Former Detainees



Hon. Gabriel Changson Chang  
For the South Sudanese Opposition Alliance

### For Other Political Parties (OPP) of South Sudan



Hon. Peter Mayen Majongdit  
For Umbrella of Political Parties



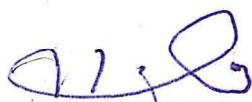
Hon. Kornello Kon Ngu  
For National Alliance of Political Parties



Hon. Utaz Joseph Ukel Abango  
For United Sudan African Party (USAF)



Hon. Peter Martin Toko Moyi  
For United Democratic Salvation Front



Hon. Steward Sorobo Budia  
For United Democratic Party

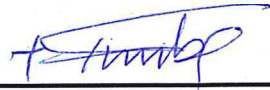


Hon. Wilson Lionding Sabit  
For African National Congress (ANC)

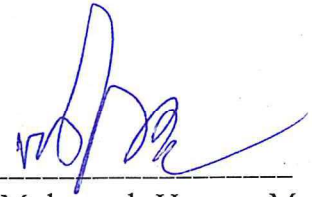
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*W.L.S.* *for*

## II. STAKEHOLDERS:



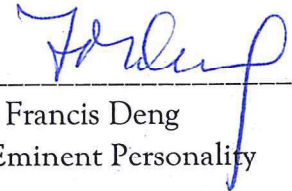
Bishop Emeritus Enock Tombe Loro  
Faith Based Leader



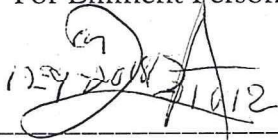
Sheik Mohamed Hassan Morjan  
Faith Based Leader



Prof. Moses Machar  
For Eminent Personality



Prof. Francis Deng  
For Eminent Personality

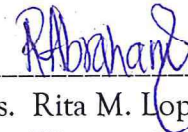


Ms. Mary Akech Bior  
For Women's Bloc

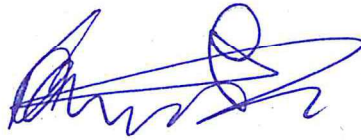
Hon. Rebecca Nyadeng Garang  
Eminent Personalities



Mr Simon Akuei Deng  
For Business Community



Ms. Rita M. Iopidia  
For Women Coalition



Ms Alokiir Malual  
For Civil Society of South Sudan



Prof. Pauline Elaine Riak  
For Academia

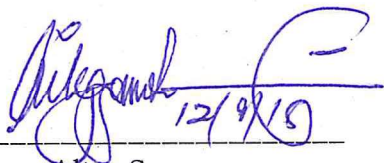


Dr Koiti Emmily  
For Youth representative.

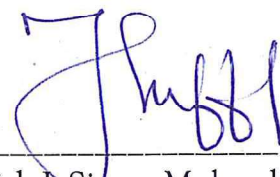


Mr Biel Boutros Biel  
Civil Society Delegate

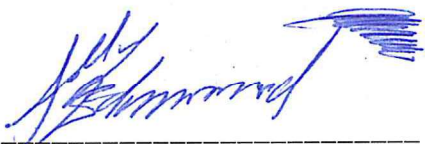
J.M.A. *chang* 79 *SKM* *RMID* K.K  
*W.L.S.*



Mr Alikayo Aligo Samson  
For Concerned Citizen



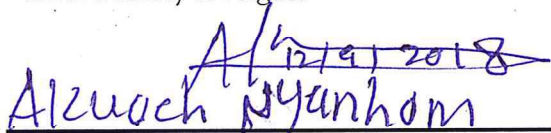
Mr Rajab J. Simon Mohandis  
Civil Society Delegate



Mr Edmund Yakani  
Civil Society Delegate



Ms Sarah Nyanath Elijah  
For Gender Empowerment for  
South Sudan Organization



Shiek Vitale Aligo Samsom  
For South Sudan Civil Society Alliance

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