



**SUDAN PEOPLES' LIBERATION MOVEMENT/ARMY**  
**CHAIRMAN & COMMANDER-IN-CHIEF**

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**SPLM/SPLA POSITION**

**IGAD PLUS MEDIATED PEACE PROCESS FOR  
SUSTAINABLE PEACE IN SOUTH SUDAN**

- 1. FEDERALISM**
- 2. INSTITUTIONAL REFORMS**
- 3. TRANSITIONAL SECURITY  
ARRANGEMENTS AND SECURITY SECTOR  
REFORMS**
- 4. TRANSITIONAL JUSTICE**
- 5. POWER SHARING**

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## I. Chapter One

### ***FEDERALISM***

- 1) Federalism is a popular demand of the people of South Sudan as a system of governance. It shall be adopted and implemented during the Transitional Period;
- 2) **Nomenclature:** During the Transitional Period, the name of the country shall be: The Federal Republic of South Sudan (FRSS)
- 3) The Federal System shall be Presidential System of Governance;
- 4) The Federal Republic of South Sudan shall be a federation of twenty-one (21) states derived out of former British Colonial Districts;
- 5) The Republic shall be a multi-party democracy.
- 6) The system of governance shall empower the national, state and local governments to have their own executive, legislature and judicial organs;
- 7) The state and local governments shall be empowered to have their own local forces (Police, Correctional Service, Wildlife and Civil Defense);
- 8) The state and local governments shall be empowered to deliver basic services in education, health, communication, infrastructure services, etc;
- 9) State and local governments shall also be empowered through devolution of powers to exercise concurrent powers in developing natural resources such as mining, energy, oil and gas, agriculture, forestry, animal resources, fisheries and public utilities;
- 10) The Federal Capital of the Federation shall be Ramchiel.

### ***POWER SCHEDULES***

#### SCHEDULE A: THE FEDERAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the Federal Government:-

1. National Defense and National Security and Protection of the National Borders;
2. Foreign Affairs and International Representation;
3. Nationality and Naturalization;
4. Passports and Visas;

5. Immigration and Aliens;
6. Currency, Coinage and Exchange Control;
7. Federal Courts;
8. Federal Police (including Criminal Investigation Department – CID), Coordination of International, Regional and bilateral Criminal Matters, and Standards and Regulations including the standards for training the police in the Federal Capital);
9. The fixing of and providing for salaries and allowances of civil and other officers of the Federal Government;
10. Postal Services;
11. Civil Aviation;
12. Maritime shipment;
13. Beacons;
14. Navigation and Shipment;
15. Federal Lands;
16. Federal Reserve Bank, the Incorporation of National banks and issuing of paper money;
17. Bills of Exchange and Promissory Notes;
18. Weights, Measures and Standards, Dates and Standards of Time;
19. Meteorology;
20. Establishment and Maintenance of Federal Correctional Services;
21. Federal Institutions as envisaged under the Peace Agreement or as set forth in the Transitional Constitution;
22. Customs, Excise and Export Duties;
23. Intellectual Property Rights, including Patents and Copyright;
24. National Flag, National Emblem and National Anthem;
25. Signing of International Treaties on behalf of the Republic of South Sudan;
26. National Debt and borrowing on public credit;
27. National Census, National Surveys and National Statistics;
28. National State of Emergency;
29. International and Inter-State Transport, including roads, airports, waterways, harbors and railways;
30. Federal Public Utilities;
31. National Museums and National Heritage Sites;
32. National Economic Policy and Planning;
33. Nile Water Commission, the management of the Nile Waters, trans-boundary waters and disputes arising from the management of interstate waters;
34. Federal Information, Publications, Telecommunications Regulations;
35. Federal Taxation and Revenue Raising; and
36. Federal Budget.

**SCHEDULE B:  
POWERS OF THE STATES**

Exclusive executive and legislative competencies of the individual States of South Sudan shall be as set out hereunder:-

1. The Constitution of the State, subject to compliance with the Transitional Constitution;
2. State Police, Correctional Service, Wildlife and Civil Defence;
3. Local Government;
4. State Information, Publications and Media;
5. Social Welfare including State Pensions;
6. The Civil Service;
7. The State Judiciary and Administration of Justice at state level including maintenance and organization of State Courts;
8. State Land and State Natural Resources;
9. Cultural matters within the State;
10. Regulation of Religious Matters;
11. Internal and external borrowing of money on the sole credit of the state within the Federal macro-economic framework;
12. The establishment, tenure, appointment, and payment of state officers;
13. The management, lease and utilization of state lands;
14. The establishment, maintenance and management of reformatory institutions;
15. The establishment, regulation, and provision of health care, including hospitals and other health institutions;
16. Regulation of businesses, trade licenses, working conditions, hours, and holidays within the state;
17. Local works and undertakings;
18. Registration of marriage, divorce, inheritance, births, deaths, adoption and affiliations;
19. Enforcement of state laws;
20. Statutes enacted under the Penal Law power, save for the penalization for the breach of Federal laws relating to the Federal competencies;
21. The development, conservation and management of state natural resources;
22. Tertiary Education and Higher Learning;
23. Laws in relation to Agriculture within the State;
24. Airstrips other than international and Federal airports within civil aviation regulations;
25. Intrastate public transport and roads;
26. Population policy and family planning;
27. Pollution control;
28. State statistics, and state surveys;
29. State referenda;
30. Charities and endowment;

31. Quarrying regulations;
32. Town and rural planning;
33. State cultural and heritage sites, State libraries, State museums, and other historical sites;
34. Traditional and customary law;
35. State finances;
36. State irrigation and embankments;
37. State Budget;
38. State archives, antiquities, and monuments;
39. Issuance of State ID Card.
40. Direct and indirect taxation within the State;
41. State public utilities;
42. Vehicle licensing;
43. Firefighting and ambulance services;
44. Recreation and sport;
45. Firearms Licenses;
46. Elections; and
47. Flag and emblem.



## **SCHEDULE C:**

### **POWERS OF THE LOCAL GOVERNMENT**

1. The upholding, protection and enforcement of the provisions of the peace agreement in conformity with the Transitional Constitution and the State Constitution;
2. Provision of basic services;
3. Regulation of Local Government, Information, Publications and Media;
4. The regulation of Social Welfare including Council Pensions;
5. Civil Service;
6. Customary Courts and Administration of Justice;
7. Regulation, Administration and Protection of Local Government Council Land and Natural Resources;
8. Acquisition of land from the relevant authority for use for service provision and development;
9. Observing, harmonizing and promoting cultural activities;
10. Internal borrowing on the sole credit worthiness of the Local Government Council within the Federal Government macro-economic framework;
11. The establishment tenure, appointment, and payment of Local Government employees, and the supervision of Local Government officers and seconded staff;
12. The management, leasing and utilization of the Local Government Council lands;
13. The establishment, maintenance and management of community juvenile delinquency centers and institutions;
14. The establishment, regulation, and provision of primary health care;
15. Regulation of businesses trade licenses, working conditions, hours, and local holidays;
16. Local works and undertakings;
17. Registration of marriages, divorces, inheritance, births, deaths, adoption and affiliation.
18. Enforcement of Federal and State laws;
19. Enforcement of By-Laws enacted under the customary law;
20. The development, conservation and management of the Local Government Council natural resources;
21. The establishment and management of Pre-School, Basic and Secondary Education Institutions;
22. Support maintenance of airfields other than international airports within Civil Aviation Regulations;
23. Inter Council public transport and roads;
24. The management of the Local Government Council statistics and surveys;
25. The regulation of charities and endowments;
26. Quarrying regulations;
27. Town and rural planning;

28. The regulation and management of cultural and heritage sites, libraries, museums, and other historical sites;
29. The management of the Local Government Council finances;
30. The regulation and management of irrigation and embankments;
31. The management of archives, antiquities, and monuments;
32. Direct and indirect taxation;
33. Public utilities;
34. Fire fighting and ambulance services;
35. Recreation and sport facilities; and
36. The protection of flags and emblems.

## **SCHEDULE D:**

### **CONCURRENT POWERS**

The Federal and State Governments shall have legislative and executive competencies on any of the matters listed below during the Transitional Period:-

1. Economic and Social Development;
2. Legal and other professions and their associations;
3. Tertiary education, education policy and scientific research;
4. Health policy;
5. Urban development, planning and housing;
6. Trade, Commerce, Industry and Industrial Development;
7. Delivery of public services;
8. Banking and insurance;
9. Bankruptcy and insolvency;
10. Manufacturing licenses;
11. Airports only with respect to the states in accordance with Civil Aviation standards and regulations;
12. River transport;
13. Disaster preparedness, management, relief and epidemics control;
14. Traffic regulations;
15. Electricity generation, water and waste management;
16. Information, Publications, Media, Broadcasting and Telecommunications;
17. Environmental management, conservation and protection;
18. Relief, Repatriation, Resettlement, Rehabilitation and Reconstruction;
19. Without prejudice to the Federal Regulation, the initiation, negotiation and conclusion of International and Regional Agreements on culture, sports, trade, investment, credit, loans, grants and technical assistance with foreign governments and foreign non-governmental organizations;
20. Financial and economic policies and planning;
21. Women's empowerment;
22. Gender policy;
23. Animal and livestock control, animal diseases, pastures and veterinary services;
24. Consumer safety and protection;
25. Residual powers, subject to schedule D;
26. Mother, Child protection and care;
27. Water Resources other than interstate waters;
28. Notwithstanding Schedules A and B such matters relating to taxation, royalties and economic planning as specified in the Agreement on Wealth Sharing;

29. Such matters relating to taxation, royalties and economic planning as is specified in the Agreement on Wealth Sharing as a matter or matters in regard to which the state governments is accorded concurrent authority; and
30. Human and animal drug quality control.

#### **SCHEDULE E:**

##### **RESIDUAL POWERS**

The residual powers shall be dealt with according to its nature (e.g., if the power pertains to a federal matter, requires a federal standard, or is a matter which cannot be regulated by a single state, it shall be exercised by the Federal Government. If the power pertains to a matter that is usually exercised by the state or local government, it shall be exercised by the state).

#### **SCHEDULE F:**

##### **RESOLUTION OF CONFLICTS IN RESPECT OF CONCURRENT POWERS**

If there is a contradiction between the provisions of state law and/or a Federal law, on the matters referred in Schedule C, the law of the level of government which shall prevail shall be that which most effectively deals with the subject matter of the law, having regard to:-

1. The need to recognize the sovereignty of the Nation while accommodating the autonomy of the states;
2. Whether there is a need for federal or state norms and standards;
3. The principle of subsidiarity; and
4. The need to promote the welfare of the people and to protect each person's human rights and fundamental freedoms.

## **II. Chapter Two**

### ***INSTITUTIONAL REFORMS***

Weak institutions of governance contributed significantly in the failure of the country to govern itself and combat tribalism and corruption. The SPLM/SPLA, therefore, demands fundamental reforms in economy, security sector, public service, judiciary, political pluralism, etc.

Part One:

#### **ECONOMY - GENERAL PRINCIPLES**

- 1) Political Leaders should show Political will to ensure that policies and procedures are fully functional for sustainable development and government should adapt open doors policy to ensure transparency and accountability. This shall be done through legal and institutional mechanism established for this purpose;
- 2) Political Leaders must demonstrate effective leadership and commitment in the fight against corruption and any leader or citizen found to have condoned or engaged in corrupt practices must be punished and barred from holding public office in accordance to law;
- 3) Involve Media and Civil Society in policy advocacy against corruption and raising public awareness to strengthen capacity of the public to resist and prevent corruption;
- 4) Develop policies and procedures that are fully functional for sustainable development and maintenance of infrastructure and to ensure and regulate effective social and economic activities;
- 5) Develop code of ethics and Integrity for public officials; emphasizing the values of honesty and integrity; expand the curriculum in the educational system to promote the values of honesty, integrity and respect for public property;
- 6) Develop implementation and monitoring mechanism to ensure proper allocation and use of financial resources;
- 7) Establish a high level, competent and effective oversight mechanism that controls revenues, their allocation in broad terms through the budget and the effective spending for the planned purposes. The oversight mechanism shall be made up of all key Stakeholders (Relevant institutions and levels of government);
- 8) Institutions that deal with Public Sector Management must be developed and strengthened, with an emphasis on Public Finances and clear indicators set with more attention given to the budget execution phase of financial management (in PFMA Act);
- 9) Increase partnership, coordination and mutual accountability with development and humanitarian partners to ensure that development partners provide timely and comprehensive

data on aid flows to the states, sectors and institutions of South Sudan, with reports of the results they achieve for citizens. This should be jointly monitored and evaluated (Review the New Deal Compact for South Sudan);

- 10) Expedite the enactment of the NGOs Bill to regulate their activities in the country;
- 11) Take corrective measures to curb the misalignment and incessant exchange rate debacle inherent in the two parallel rates of the South Sudanese Pound;
- 12) Adopt tighter regulatory processes including the establishment of an Ombudsman body embedded in the Federal Reserve Bank to keep watch on the regulators and play the role of guarding the guardians. This is important to mitigate the damning perversities such as malpractice, bribery, and insider's dealing; conflict of interests and abetment of financial crimes by Bank officials;
- 13) An immediate and long-term Economic and Financial Management reform program as an agenda for the Transitional Government and public sector management;
- 14) Reform to strengthen effective, transparent and accountable management of oil and non-oil revenue, expenditure including public procurement and payroll, granting of public concessions, public borrowing and debt management compliant with the law;
- 15) In order to promote sound economic and financial management (EFM) and systems, the transitional government will collect revenue efficiently, spend responsibly and be transparently accountable to its citizens;
- 16) To make sound financial choices during the transitional period, the oversight mechanism may solicit, if deemed necessary, technical and advisory resource commitments to economic governance from the regional and international community.

## ***INSTITUTIONAL REFORMS AND NEW INSTITUTIONS***

### **2.1 Reforms**

#### **2.1.1 Bank of South Sudan**

- 1) The name "Bank of South Sudan" BSS shall be changed to "Federal Reserve Bank (FRB);"
- 2) The Federal Reserve Bank shall be headed by a competent/ appropriately qualified Governor whose responsibility shall be to ensure price stability, maintain a stable exchange rate and sound banking system as well as the issuance of currency;
- 3) The restructure FRB shall adopt comprehensive reforms to improve its supervisory functions and prudential regulatory roles in order to stamp out widespread corruption in its operations;

- 4) The restructure FRB shall have a board of nine (9) members appointed by the President in consultation with and consent of the Vice President;
- 5) The Governor of FRB shall be appointed per the joint executive functions of the President and Vice President.

### **2.1.2 Ministry of Finance and Economic Planning**

- 1) Develop a Strategic National Economic Development Plan of 3 – 5 years to accelerate progress in achieving a sustainable and resilient national economy;
- 2) Define and adhere to clear lines of authority, public disclosure requirements, and reporting channels among the Ministry of Finance and Economic Planning, the Ministry of Petroleum and Mining, Federal Reserve Bank, the line Ministries, and Federal Legislature in accordance to the law;
- 3) Ensure that all public financial and budgetary commitments entered into by the TFGONU are transparent, competitive and in accordance with the laws of the country and internationally accepted norms of commercial practice;
- 4) To put public finances on a more sustainable path across all levels of government through rigorous adherence to national laws and international standards (including the review of Public Financial Management and Accountability (PFMA) Act, 2011) shall be enforced;
- 5) Ensure that Federal Budget and budget at each level of government should address the reality on ground; and
- 6) Review the Constituency Development Fund (CDF) program.

### **2.1.3 Anti-Corruption Commission**

- 1) Review Anti-corruption Commission Act with aim of enabling the Commission to fully perform its functions of protecting public and private property, investigating and prosecuting cases of corruption, combating administrative malpractices in public and private institutions;
- 2) Protect the independence of the Anti-Corruption Commission and empower it to stop any political interferences with corruption cases whether at the investigation stage or at commencement of trial before courts of law;
- 3) Ensure all persons holding public offices make formal declarations of their income, assets and wealth in accordance to the law;
- 4) Harmonize the role of the Anti-corruption Commission with Ministry of Justice, the Legislature, Director of Public Prosecution and the Police;

- 5) Strengthening of legal and institutional frameworks of the Anti-Corruption Commission and to ensure their enforcement; and
- 6) The TFGONU shall accede to regional and international conventions on Corruption particularly the African Union Convention on Preventing and Combating Corruption (AUCPC) and the UN Convention Against Corruption (UNCAC) and coordinate with them to recover and return embezzled money in local and foreign bank accounts;

#### **2.1.4 Federal Audit Chamber**

- 1) TFGONU shall review the National Audit Chamber Act and guarantee its independence and its operations facilitated; and
- 2) The Chamber shall be empowered to carry out its functions without political interference, with the Federal Legislature playing its oversight role in the fight against corruption;

### **2.2. New Institutions**

2.2.1 The TFGONU during the Transitional Period shall establish a:

- 1) National Development Bank;
- 2) Insurance Regulatory Authority;
- 3) Stock Exchange Market;
- 4) Financial Security Authority;
- 5) Federal Revenue Authority;
- 6) Environmental Management Authority (EMA);
- 7) Federal Salaries and Remuneration Commission;
- 8) Public Procurement and Asset Disposal Authority;
  - a. TFGONU shall expedite the establishment of a Public Procurement and Asset Disposal Authority to ensure strict compliance with Public Procurement and Asset Disposal Law and Procedures;
  - b. TFGONU shall establish a Special Fund for Reconstruction of areas/ states affected by the conflict; and
  - c. TFGONU shall establish a Special Fund for Compensation and Reparation.
- 9) Establish a Research and Development Centers For:
  - a. Natural Disasters;
  - b. Strategic studies; and
  - c. Scientific research



## **Resource Management**

### **3.1 Petroleum**

- 1) Ensure a transparent management of the oil industry, efficient and equitable distribution of oil wealth for the welfare of the people and sustainable development of the country in accordance with formula for oil distribution as per the peace agreement;
- 2) Empowerment of the appropriate levels of government to develop, including policies on national/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;
- 3) Review Petroleum Act 2012, and the Mining Act 2012 and ensure strict adherence to the provisions of the laws;
- 4) Carry out an urgent audit of the Petroleum sector; and empowerment of the National Petroleum Commission to oversee negotiations with oil companies as well as the award of concessions and licenses;
- 5) Review the Petroleum Act, 2012 to broaden its mandate and composition; title of the re-constituted commission to be “Petroleum and Gas Commission”;
- 6) Expedite the process of South Sudan joining the Extractive Industries Transparency Initiative (EITI) to enhance accountability in the management of petroleum and mining industry;
- 7) Persons and communities enjoying rights in land shall be consulted 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 that development;
- 8) Persons enjoying rights in 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;
- 9) The communities in whose areas development of subterranean natural resources occur have the right to participate, through their respective states, in decision making and negotiations of contracts for the exploration, development and production of those resources;
- 10) All loans and contracts collateralized or guaranteed with oil shall be identified, checked and recorded for the purposes of transparency and accountability;

- 11) 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;
- 12) Review all contracts awarded to service companies in the oil fields; such contracts shall be awarded by the Ministry of Petroleum;
- 13) Priority in contracting Service Companies shall be given to nationals; and the companies shall ensure that casual labor is recruited from the local area;
- 14) Oil marketing system including future sales shall be open, transparent and competitive; and any fraudulent dealings shall be checked and punished according to law;
- 15) Awarding of oil concessions shall be conducted in accordance with the provisions of the reviewed Petroleum Act, 2012;
- 16) The framework for sharing wealth from the extraction of natural resources should balance the needs of service delivery and reconstruction of the producing states of the Federal Republic of South Sudan;
- 17) All records of transactions including payments made to the oil producing states shall be regularly published by the Ministry of Finance for public scrutiny and accountability;
- 18) Review and audit the previous allocation and transfer of the 2% and 3% made to oil producing states since 2011;
- 19) Review and audit all oil revenues due to the Federal Government and their allocation in the budget since 2011;
- 20) All oil revenue including surface rentals, training fees, bonuses, etc, shall be remitted to the Oil Account in the Federal Reserve Bank and withdrawals shall be in accordance with the law and procedures through the Ministry of Finance;
- 21) Expedite operationalization of the Future Generations' Fund and Oil Prices Stabilization Account to deal with oil price shocks and market volatility;
- 22) The oil revenue funds including the Oil Stabilization Account, Future Generation Fund must be prudently managed in accordance with the reviewed Petroleum Act, 2012 and the Public Financial Management and Accountability Act, 2011;
- 23) South Sudan as an oil producing country shall develop its national competence and capacity (training of managers, engineers, technicians, etc.) to enable it derive maximum benefit from its oil resources. In this regard, the need to build a competent and enterprising National Oil Company as well as distribution outlets/ systems (Central

Processing Facilities, laboratories, storage tanks, petrol stations, fuel tankers, etc) cannot be over-emphasized;

- 24) The TFGONU shall review and transform the national oil companies – Sudar Oil Corporation, Nile Petroleum Corporation - and the National Petroleum Commission (NPC) and empower them to exercise their responsibilities as stated in the Constitution and the law without interference from individuals and avoid any malpractices;
- 25) Ensure efficient production and environment-friendly extraction of natural resources, development of oil producing areas, capacity building and local content strategy, fairness in employment and long-term indigenization of the workforce; and
- 26) Oil companies operating in South Sudan shall carry out and pay for an independent social and environmental audit, in compliance with international standards to determine any present environmental and social damage, establish the costs of repair and compensation and determine any other areas of concern.

### **3.2. Other Minerals**

- 1) Review of all concession awarded for Exploration and Mining.
- 2) Carry out an independent social and environmental audit of all exploration and mining activities.

### **3.3. Land**

- 1) 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 mapping; and to maximize economic utilization of land in South Sudan. This shall be undertaken during the transitional period;
- 2) Land use activities and any conflict on land issues will be handled by land commissions and other competent bodies at the various levels of government (Federal, State and County);
- 3) Establish independent Registrars of Lands at all levels of government to streamline and introduce digital registration of land titles and deeds;
- 4) Empower 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;

- 5) Ensure security of land rights as a fundamental condition for poverty eradication according to Land Act, 2008;
- 6) Enact and implement laws, regulations and procedures that promote transparent and accountable land administration;
- 7) Review all land concessions awarded to individuals and foreign companies for large scale agriculture, mining, exploration and extraction; and
- 8) Assist in mediation of land rights conflicts.

### **3.4. The Nile and Other Waters**

1. Develop the hydropower potential on the White Nile and other rivers. These projects are of critical importance for socio-economic development of the country and promotion of industrial development. To uplift the people of South Sudan out of the present situation, the country will require massive investment in agriculture that will need water for irrigation instead of total dependence on unreliable rain water for agriculture;
2. In pursuit of its water rights and interests, South Sudan will fully subscribe to the Shared Vision and its programs articulated within the Nile Basin Initiative (NBI) and the Cooperative Framework Agreement (CFA). South Sudan will cooperate with the other riparian states to achieve the stated goal of sustainable socio-economic development through the equitable utilization of, and benefit from, the common Nile basin water resources guided by:
  - a. The need to meet the vital needs of its population;
  - b. Adherence to the principle of equitable and reasonable use of the Nile waters and ensuring that activities conducted within its borders do not cause any significant harm to the interest of the other riparian states;
  - c. To participate within the institutional framework established under the NBI Shared Vision and Subsidiary Programs;
  - d. The obligation to protect the ecosystem and biodiversity - particularly the Sudd wetland - and prevent pollution and degradation;
  - e. Work to resolve any conflicts arising from the utilization of the Nile water peacefully through negotiation and other available institutional mechanisms of conflict resolution in accordance with principles of international law;
  - f. Develop river ports, dredge and make the White Nile and other water courses navigable throughout the year to facilitate cheap inter-state commerce;

- g. Work to develop and manage subterranean water and aquifers, catchments, dikes, reservoirs and canals;
- h. Promote and improve the exploration, development and utilization of water, oil, wind, biogas, and other energy resources including solar energy;
- i. Access, monitor and maintain data base of water resources for planning purposes to ensure sustainability and explore options for future development and use; and
- j. Review national water policy.

### **3.5. Food Security - Agriculture, Livestock, Fisheries, Wildlife and Tourism**

- 1) Review the South Sudan Agricultural Bank Act and operationalize it's activities; urge the TFGONU to increase working capital of the Agricultural and Cooperative Banks in line with the Federal Reserve Bank policies to facilitate farmers with credit and modernize agricultural sector infrastructure;
- 2) Adopt policies and measures to diversify the economy by developing agriculture sector given the country's endowment with vast arable land, water resources, forestry, animal resources including livestock and wildlife;
- 3) Ten percent (10%) of the national budget should be allocated to the agricultural sector in line with the Maputo declaration – 2003;
- 4) Provide farmers with modern and appropriate farming machinery and technology to promote commercial and subsistence farming to increase production output;
- 5) Create an enabling environment for improved and sustainable agribusiness to ensure production, food security and nutrition as well as improve market access so as to enhance livelihoods and the resilience of both rural and urban communities;
- 6) Review and implement the national food security policy framework;
- 7) Support and modernize the livestock sector and introduce ranches, improve livestock health and breed; and develop fisheries industries by both the public and private sectors;
- 8) Revive and strengthen the Agriculture research centers;
- 9) Carry out comprehensive studies with the view to design policy measures that address the all-important issues of livestock management particularly cattle; by focusing on harnessing its immense economic potential. In addition, measures to deal with role of cattle in social relations, generation of inter-communal conflict in form of cattle rustling

among the herders and conflict with sedentary farmers as well as environmental degradation need to be undertaken;

- 10) Promote and develop forestry and agro-industries, and commerce;
- 11) Undertake institutional and human resource capacity building to enhance productivity;
- 12) Encourage establishment of cooperative societies, farmers associations/unions and guarantee them credit/ loans through agricultural bank, cooperative bank, commercial banks and other lending institutions;
- 13) Create conducive environment and encourage private sector investment in agriculture sector;
- 14) Develop a comprehensive seed policy; and
- 15) Promote soil mapping for agricultural development.

### **3.6. Environmental protection**

- 1) Develop comprehensive policy and legal framework for the preservation, conservation and sustainable use of ecosystems, biodiversity and forests;
- 2) Ensure sustainable and equitable use of natural resources without degrading the environment or risking health or safety of the people and wildlife;
- 3) Adopt measures to prevent and control degradation of land, water, vegetation and air, and forests; by implementation a forestation programs in rural and urban areas;
- 4) Conserve and protect wildlife, wetlands, national parks and game reserves, and promote tourism;
- 5) Allocation of resources for the development of physical infrastructure and protection against poaching and wildlife trafficking;
- 6) Develop strategies, mechanisms, economic and social instruments to improve environmental quality and sustainable use of natural resources;
- 7) Conduct environmental and social impact assessments before implementation of any development projects (infrastructure, hydropower, oil, mining, industrial, irrigation, etc);
- 8) Promote regional and international cooperation on preservation and protection of the environment especially with the United Nations Environment Program (UNEP) as well as the Kyoto Protocol;

- 9) Raise awareness and understanding of the link between environment and development, and promote individual and community participation in protection of the environment; and
- 10) Undertake survey of wetlands and biodiversity resources of the country; (possibility of tapping Carbon Credit) carry out environmental profiling and establish an environmental information center and research.

### **3.7. Revenue Collection**

- 1) Establish effective, transparent and accountable management of oil and non-oil revenue;
- 2) Establish an autonomous Federal Revenue Authority whose mandate shall be Assessment, Collection, Administration and Enforcement of laws relating to taxation and revenue;
- 3) Review and re-invigorate the independent Fiscal and Financial Allocation Monitoring Commission (FFAMC) which shall comprise of experts nominated by the states and Federal Government to ensure transparency in regard to the allocation of Federal collected funds to the states and counties;
- 4) FFAMC shall be replicated at state and county levels;
- 5) All revenue collected for or by the Federal Revenue Authority shall be pooled and administered by the Federal Revenue Authority. Such Fund shall embrace all accounts and sub-accounts into which monies due to the Federal Government are collected, reported, deposited and audited; and
- 6) All revenues, expenditures, deficits, and debt of the TFGONU shall be accounted for and the information made accessible to the public. An annual report to the Transitional Federal Legislature shall be required, which details the TFGONU financial activities.

### **Public Expenditure**

- 1) Establish effective public procurement and payroll systems, granting of public concessions, public borrowing and debt management in compliance with the law;
- 2) Adoption of strict measures to control uncoordinated borrowing and to ensure that all borrowing are in accordance with the law;
- 3) Review and implementation of Public Financial Management and Accountability Act, 2011;

- 4) Assessment and determination of the level of public debt and ascertain the correctness in procedures used;
- 5) Adoption of strict macroeconomic coordination between the fiscal and monetary arms of the economy; by the Ministry of Finance and the Federal Reserve Bank;
- 6) Strict enforcement of financial discipline in budget execution (capacity and rigor in building/ constructing the budget). (Budget cycle of three years only for development projects).
- 7) Establish a mechanism of safeguarding the public assets (vehicles, buildings, office equipment, etc.) by hire purchase of vehicles;
- 8) Ensure continued improvement in the coordination of aid/grants from multilateral, bilateral, regional, the NGOs and from other creditors/donors.
- 9) TFGONU shall carry out an effective payroll cleansing exercise under public service reform;
- 10) Monitor the inflows and expenditure of revenues from the NGOs and donor community.

## **Reconstruction and Development Fund**

### **5.1. Reconstruction Fund**

Establish a special fund for reconstruction of conflict affected areas/states.

### **5.2. Compensation and Reparation Fund**

Establish a special fund for compensation and reparation for war affected persons.

### **5.3. Development Fund**

Identify local, national, sectorial or private sector associations with the view to improving their productivity/efficiency through capacity enhancement and easing access to financing. These types of businesses are considered small and medium enterprises (SMEs). These entities include but are not limited to South Sudan petrol stations associations, maize producers associations, dairy producers associations, poultry producers associations, national private companies in the areas of supply, general trade, construction, airlines, and others;

- 1) Fully work to implement the recommendations of the Private Sector Development Strategy (PSD) developed jointly between the South Sudan Business Forum and Ministry of Commerce and Trade;
- 2) There shall be established a Youth Enterprise Development Fund with the goal to bring more youth into economic development activities to enhance social cohesion within the country.



The Fund hopes to foster and promote entrepreneurship among youth, typically in the form of micro, small and medium businesses/enterprises (SMEs);

- 3) There shall be established a Women Enterprise Development Fund for provision of subsidized credit for women-based enterprise development; capacity building of women entrepreneurs, women oriented enterprises and others;
- 4) Establishment of micro-finance institutions;
- 5) Prioritize the development of Physical Infrastructure (Roads, Power plants) and Agriculture;
- 6) Promote social welfare development policy;
- 7) Establish Social Security Fund; and
- 8) There shall be established an Enterprise Development Fund (EDF) for vulnerable members of the society to provide subsidized credit for enterprise development; capacity building of their members.

## **6. Projects and Programs of the TFGONU**

### **6.1 Priority Programs and Projects**

- 1) Expedite implementation of the outstanding issues in the Cooperation Agreement with the Republic of Sudan;
- 2) Prioritize the construction of alternative oil infrastructure; central processing facility, etc;
- 3) Speed up the construction of the two mini refineries in Upper Nile and Unity states and the expansion of their capacities;
- 4) Study the possibility of establishing a larger refinery;
- 5) Review existing oil concession agreements that are inactive and intensify further oil exploration in the country; and
- 6) Study various policy options for further development of petroleum and mapping of mineral resources of the country;

## **6.2. Other Programs and Projects**

- 1) Review airport projects;
- 2) River Transport – Dredging waterways, construction and maintenance of river ports, provision of river boats and barges;
- 3) Review the road projects:
- 4) Energy: Fulla, Baden and Wau hydro-power, Power Plant in Paloch and Tharjiath using petroleum residual.
- 5) Review the feasibility of the refinery projects in Paloch and Tharjiath and on the basis of the review, construct and rehabilitate these mini-refineries; thermal power generators using crude oil;
- 6) Telecom: Review contracts for provision, installation, ownership and operation of Gateway;
- 7) Basic Social Services: health, sanitation and educational facilities in war affected states/ areas (Malakal Hospital, Bor Hospital, Bentiu Hospital, etc);
- 8) Construction of universities and technical colleges;
- 9) Cement and steel factories; and
- 10) Make use of bilateral relationship with neighboring countries to secure affordable electricity connection.

## **7. Borrowing**

- 1) The TFGONU and the states may borrow money locally based on their respective credit worthiness. Any foreign borrowing shall be negotiated through the Ministry of Finance, Development Bank and the Federal Reserve Bank; and the FRB shall then guarantee such loans;
- 2) Foreign 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 objective of maintaining external financial viability.

## **8. CONTRACTED DEBT STOCK**

- 1) Contracted debt from December 2013 to date;
- 2) SPLM/SPLA Debt; and
- 3) GRSS Debt.

## **9. WEALTH SHARING AND RESOURCE ALLOCATION**

### **9.1 Principles of Wealth Sharing**

- 1) The state shall own the resources and the state shall contribute to the federal level per the agreed wealth sharing formula.
- 2) The wealth of South Sudan shall be shared equitably so as to enable each level of government to discharge its legal and constitutional obligations, duties and responsibilities;
- 3) The sharing and allocation of wealth emanating from resources in South Sudan shall ensure that the quality of life, dignity and living conditions of all citizens are promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language, or state.
- 4) The sharing and allocation of this wealth shall be based on the premise that all areas of South Sudan are entitled to development;
- 5) The allocation percentages of revenue sharing shall reflect a commitment to Federalism in regard to development, service delivery and governance. In that vein, the TFGONU shall fulfill its obligation to provide the required transfers to the various levels of governments as stipulated in the peace agreement;
- 6) The Parties acknowledge that South Sudan faces serious challenges to: (i) be able to perform basic government functions, (ii) build up the civil administration, and (iii) rehabilitate and construct/reconstruct the social and physical infrastructure in a post-conflict South Sudan;
- 7) The development of South Sudan's infrastructure, human resources, sustainable economic development and the capacity to meet the nation's human needs shall be done within a viable framework of transparent and accountable government;
- 8) All areas of South Sudan in need of construction/reconstruction shall be brought up to the same average level of socio-economic and public services standard, which will take time understandably to build up the required local institutional, human, and economic capacity. For this purpose, special funds shall be established as provided herein;
- 9) The Parties recognize that, this recent conflict and the past decades of war have caused great distress to the people; therefore, there is an urgent need to provide public services and begin essential infrastructure development projects. The highest priority during the Transitional Period shall be essential public infrastructure, health, education, and upgrading the public finance and accountability systems of the country, at all levels of government;
- 10) The best known practices in sustainable utilization and control of natural resources shall keenly be employed during the transitional period and beyond;
- 11) This Agreement herein sets out the respective types of income, revenue, taxes and other sources of wealth to which the various levels of government are entitled.

- 12) The TFGONU shall not withhold an allocation due to a state or local government in South Sudan. Any level of Government may initiate proceedings in the Supreme Court should any other organ or level withhold its duly authorized funds;
- 13) All revenues, expenditures, deficits, and debt of the FRSS will be accounted for and be made accessible to the public. An annual report to the Parliament shall be required, which details the FRSS financial activities.

## **9.2. Guiding Principles for Sharing Oil Revenue**

- 1) The basis for an agreed and definitive framework for the sharing of the wealth emanating from oil resources of South Sudan shall include the following;
- 2) The framework for sharing wealth from the extraction of natural resources should balance the needs for national development and reconstruction of all the states in South Sudan;
- 3) A formula for sharing the revenue from oil resources shall be as set forth in this Agreement.
- 4) For the purposes of this Agreement 'Net revenue from oil' shall be the sum of the net revenue (i) from exports of government oil and (ii) from deliveries of government oil to the refineries. Exports shall be valued at the actual Free on Board (FOB) export prices less the charges to deliver the oil to any export destination including pipeline and management charges. Oil delivered to the refinery shall be valued at the average FOB export prices during the last calendar month in which there was an export sale less the charges that would have been incurred to deliver the oil to any export destination including pipeline and management charges. The oil revenue collected by the National Government shall be allocated to the different levels of government.

## **9.3. Oil Revenue Allocation**

- 1) Thirty percent (30%) of net oil revenue shall be allocated to the Federal Government;
- 2) Thirty percent (30%) of net oil revenue shall be allocated to the oil producing state in proportion to output produced in such state;
- 3) Fifteen percent (15%) to all State Governments;
- 4) Fifteen percent (15%) to all Counties;
- 5) Five percent (5%) shall be allocated to the Stabilization Fund; and
- 6) Five percent (5%) shall be allocated to the Future Generation Fund.

## **9.4. Guiding Principles for Sharing Non-Oil Revenue**

### **9.4.1. Federal Revenue**

- 1) All non-oil revenues collected nationally for or by the National Government shall be pooled in a Federal Revenue Fund (FRF) administered by the Federal Revenue Authority (FRA).

Such Fund shall embrace all accounts and sub-funds into which monies due to the Government are collected, reported or deposited; and

- 2) The non-oil revenue collected by the Federal Government shall be allocated to the different levels of government;

#### **9.5. Federal Non-Oil Revenue Allocation**

- 1) Thirty percent (30%) of the national non-oil revenue collected shall be allocated to the National Government;
- 2) Thirty percent (30%) of the national non-oil revenue collected shall be allocated to the state generating the revenue in proportion to amount collected in such a state;
- 3) Fifteen percent (15%) of national non-oil collected shall be equitably distributed to all the states;
- 4) Fifteen percent (15%) of national non-oil collected shall be equitably distributed to all the counties; and
- 5) Ten percent (10%) shall be allocated for Future Generation Fund.

#### **9.6. State Level Resource Allocation**

- 1) Twenty five percent (25%) of state revenue shall be allocated to the state;
- 2) Fifty percent (50%) of state revenue shall be allocated to the county generating the revenue in proportion to amount generated in such a county;
- 3) Twenty five percent (25%) shall be allocated to all the counties in the state;

#### **9.7. County Level Wealth Sharing Allocation**

- 1) Fifty percent (50%) of county revenue shall be allocated to the county;
- 2) Twenty five percent (25%) of county revenue shall be allocated to the Payams in the county; and
- 3) Twenty five percent (25%) of county revenue shall be allocated to the Bomas in the county.

**Appendix I: WEALTH SHARING FORMULA**

<b>1</b>		<b>Oil Revenue Sharing</b>	<b>Percentages</b>
	a	States Producing Oil	30%
	b	Federal Government	30%
	c	All States	15%
	d	All Counties	15%
	e	Stabilization Fund	5%
	f	Future Generation Fund	5%
<b>2</b>		<b>Non-Oil Revenue Sharing</b>	
	<b>I.</b>	<b>National Revenue</b>	
	a	States Generating Revenue	30%
	b	Federal Government	30%
	c	All States	15%
	d	All Counties	15%
	f	Future Generation Fund	10%
	<b>II.</b>	<b>State Revenue (Taxes and Fees)</b>	
	a	Counties Generating Revenue	50%
	b	State	25%
	c	All Counties	25%
	<b>III.</b>	<b>Local Government Revenue (Taxes and Fees)</b>	
	a	Payam Generating Revenue	50%
	b	County	25%
	c	All Bomas	25%

## **Part Two**

### ***JUDICIAL AND LEGAL REFORMS***

- 1) The Judiciary of South Sudan shall be independent, subject only to checks and balances. It shall be re-structured to reflect the agreed federal character of the country, and be divided into three distinct levels of government, that is, federal, state and local government levels.
- 2) The judiciary in the Federal Republic of South Sudan shall be divided into Federal Courts, state courts, county courts and customary courts. At the federal level, there shall be the Supreme Court, Court of Appeals and District Courts and at the state level, there shall be High Court, Court of Appeal and County (Trial) Court. The local government courts also known as Customary Courts shall constitute the Main court, C Court, B Court and A Court.
- 3) The name of the Ministry of Justice shall be changed to the Ministry of Justice and Constitutional Development.
- 4) An independent institution shall be established to independently take up the responsibility to prosecute criminal matters. The Parties further agree that this body shall be referred to as the Directorate of Public Prosecution, and shall be headed by a Director.

### **Attorney-General**

- 1) There shall be established the office of Attorney-General;
- 2) The Attorney-General shall be the Principal Legal Advisor of the Federal Republic of South Sudan;
- 3) The Attorney-General shall be nominated by the President, with the approval of the Senate;
- 4) The qualifications for appointment as Attorney-General are the same as for appointment to the office of Chief Justice;
- 5) The Attorney-General—
  - (a) is the principal legal adviser to the Government;
  - (b) shall represent the national government in court or in any other legal proceedings to which the federal government is a party, other than criminal proceedings; and
  - (c) shall perform any other functions conferred on the office by an Act of Parliament or by the President.
- 6) The Attorney-General shall have authority, with the leave of the court, to appear as a friend of the court in any civil proceedings to which the Government is not a party.

- 7) The Attorney-General shall promote, protect and uphold the rule of law and defend the public interest.
- 8) The powers of the Attorney-General may be exercised in person or by subordinate officers acting in accordance with general or special instructions.

### **Director of Public Prosecution**

- 1) There shall be established the office of Director of Public Prosecutions.
- 2) The Director of Public Prosecutions shall be nominated with the approval of the senate and appointed by the President.
- 3) The qualifications for appointment as Director of Public Prosecutions are the same as for the appointment as a judge of the Federal District Court.
- 4) The Director of Public Prosecutions shall have power to direct the Inspector-General of the Federal Police Service to investigate any information or allegation of criminal conduct and the Inspector-General shall comply with any such direction.
- 5) The Director of Public Prosecutions shall hold office for a term of eight years and shall not be eligible for re-appointment.
- 6) The Director of Public Prosecutions shall exercise State powers of prosecution and may—
  - a. institute and undertake criminal proceedings against any person before any court (other than a court martial) in respect of any offence alleged to have been committed;
  - b. take over and continue any criminal proceedings commenced in any court (other than a court martial) that have been instituted or undertaken by another person or authority, with the permission of the person or authority;
  - c. discontinue at any stage before judgment is delivered any criminal proceedings instituted by the Director of Public Prosecution or taken over by the Director of Public Prosecution; and
  - d. If the discontinuance of any proceedings takes place after the close of the prosecution's case, the defendant shall be acquitted.
- 7) The Director of Public Prosecution may not discontinue a prosecution without the permission of the court.
- 8) The powers of the Director of Public Prosecutions may be exercised in person or by subordinate officers acting in accordance with general or special instructions.



- 9) The Director of Public Prosecution shall not require the consent of any person or authority for the commencement of criminal proceedings and in the exercise of his or her powers or functions, shall not be under the direction or control of any person or authority.
- 10) In exercising the powers conferred by the Transitional National Constitution, the Director of Public Prosecution shall have regard to the public interest, the interests of the administration of justice and the need to prevent and avoid abuse of the legal process.
- 11) National Legislature may enact legislation conferring powers of prosecution on authorities other than the Director of Public Prosecution.

### **Removal and resignation of Director of Public Prosecutions**

- 1) The Director of Public Prosecutions may be removed from office only on the grounds of—
  - a. inability to perform the functions of office arising from mental or physical incapacity;
  - b. non-compliance with chapter on leadership and integrity;
  - c. bankruptcy;
  - d. incompetence; or
  - e. gross misconduct or misbehavior.
- 2) A person desiring the removal of the Director of Public Prosecutions may present a petition to the Public Service Commission which, shall be in writing, setting out the alleged facts constituting the grounds for the removal of the Director.
- 3) The Public Service Commission shall consider the petition and, if it is satisfied that it discloses the existence of a ground under clause (1), it shall send the petition to the President.
- 4) On receipt and examination of the petition, the President shall, within fourteen days, suspend the Director of Public Prosecutions from office pending action by the President in accordance with clause (5) and shall, acting in accordance with the advice of the Public Service Commission, appoint a tribunal consisting of—
  - a. four members from among persons who hold or have held office as a judge of a superior court, or who are qualified to be appointed as such;
  - b. one advocate of at least fifteen years' standing nominated by the statutory body responsible for the professional regulation of advocates; and
  - c. two other persons with experience in public affairs.
- 5) The tribunal shall inquire into the matter expeditiously and report on the facts and make recommendations to the President, who shall act in accordance with the recommendations of the tribunal.
- 6) A Director of Public Prosecutions who is suspended from office under clause (4) shall be entitled to half of their remuneration until removed from, or reinstated in, office.
- 7) A tribunal appointed under clause (4) shall elect a chairperson from among its members.
- 8) A tribunal appointed under clause (4) shall be responsible for the regulation of its proceedings.

- 9) The Director of Public Prosecutions may resign from office by giving notice, in writing, to the President.

### **Appointment of Chief Justice, Deputy Chief Justice and other judges**

- 1) The President shall appoint—
  - a. the Chief Justice and the Deputy Chief Justice, in accordance with the recommendation of the Judicial Service Commission, and subject to the approval of the National Assembly; and
  - b. all other judges, in accordance with the recommendation of the Judicial Service Commission.
- 2) Each judge of a superior court shall be appointed from among persons who—
  - a. hold a law degree from a recognized university, or are advocates of the High Court of South Sudan, or possess an equivalent qualification in a common-law jurisdiction;
  - b. possess the experience required under clause (3) to (6) as applicable, irrespective of whether that experience was gained in South or in another Commonwealth common-law jurisdiction; and
  - c. have a high moral character, integrity and impartiality.
- 3) The Chief Justice and other judges of the Supreme Court shall be appointed from among persons who have—
  - a. at least fifteen years experience as a superior court judge; or
  - b. at least fifteen years' experience as a distinguished academic, judicial officer, legal practitioner or such experience in other relevant legal field; or
  - c. held the qualifications specified in paragraphs (a) and (b) for a period amounting, in the aggregate, to fifteen years.
- 4) Each judge of the Court of Appeal shall be appointed from among persons who have—
  - a. at least ten years' experience as a superior court judge; or
  - b. at least ten years' experience as a distinguished academic or legal practitioner or such experience in other relevant legal field; or
  - c. held the qualifications mentioned in paragraphs (a) and (b) for a period amounting, in the aggregate, to ten years.

### **Tenure of office of the Chief Justice and other judges**

1. A judge shall retire from office on attaining the age of seventy years, but may elect to retire at any time after attaining the age of sixty-five years.

2. The Chief Justice shall hold office for a maximum of ten years or until retiring under clause (1), whichever is the earlier.
3. If the Chief Justice's term of office expires before the Chief Justice retires under clause (1), the Chief Justice may continue in office as a judge of the Supreme Court.
4. If, on the expiry of the term of office of a Chief Justice, the Chief Justice opts to remain on the Supreme Court under clause (3), the next person appointed as Chief Justice may be selected in accordance with Article 166 (1), even though that appointment may result in there being more than the maximum permitted number of Supreme Court judges holding office.
5. The Chief Justice and any other judge may resign from office by giving notice, in writing, to the President.

### **Removal from office**

1. A judge of a superior court may be removed from office only on the grounds of—
  - a. inability to perform the functions of office arising from mental or physical incapacity;
  - b. a breach of a code of conduct prescribed for judges of the superior courts by an Act of Parliament;
  - c. bankruptcy;
  - d. incompetence; or
  - e. gross misconduct or misbehavior.
2. The removal of a judge may be initiated only by the Judicial Service Commission acting on its own motion, or on the petition of any person to the Judicial Service Commission.
3. A petition by a person to the Judicial Service Commission under clause (2) shall be in writing, setting out the alleged facts constituting the grounds for the judges removal.
4. The Judicial Service Commission shall consider the petition and, if it is satisfied that the petition discloses a ground for removal under clause (1), send the petition to the President.
5. The President shall, within fourteen days after receiving the petition, suspend the judge from office and, acting in accordance with the recommendation of the Judicial Service Commission—
  - a. in the case of the Chief Justice, appoint a tribunal consisting of—
    - (i) the Speaker of the National Assembly, as chairperson;
    - (ii) three superior court judges from common-law jurisdictions;
    - (iii) one advocate of fifteen years standing; and
    - (iv) two other persons with experience in public affairs; or
  - b. in the case of a judge other than the Chief Justice, appoint a tribunal consisting of—
    - (i) a chairperson and three other members from among persons who hold or have held office as a judge of a superior court, or who are qualified to be appointed as such but who, in either case, have not been members of the Judicial Service Commission at any time within the immediately preceding three years;
    - (ii) one advocate of fifteen years standing; and
    - (iii) two other persons with experience in public affairs.

6. Despite Article 160 (4), the remuneration and benefits payable to a judge who is suspended from office under clause (5) shall be adjusted to one half until such time as the judge is removed from, or reinstated in, office.
7. A tribunal appointed under clause (5) shall—
  - (a) be responsible for the regulation of its proceedings, subject to any legislation contemplated in clause (10); and
  - (b) inquire into the matter expeditiously and report on the facts and make binding recommendations to the President.
8. A judge who is aggrieved by a decision of the tribunal under this Article may appeal against the decision to the Supreme Court, within ten days after the tribunal makes its recommendations.
9. The President shall act in accordance with the recommendations made by the tribunal on the later of—
  - (a) the expiry of the time allowed for an appeal under clause (8), if no such appeal is taken; or
  - (b) the completion of all rights of appeal in any proceedings allowed for under clause (8), if such an appeal is taken and the final order in the matter affirms the tribunal's recommendations.
10. Parliament shall enact legislation providing for the procedure of a tribunal appointed under this Article.

## **JUDICIAL SERVICE COMMISSION**

### **Establishment of the Judicial Service Commission**

- 1) There is established the Judicial Service Commission.
- 2) The Commission shall consist of—
  - a. the Chief Justice, who shall be the chairperson of the Commission;
  - b. one Federal Supreme Court Justice elected by the judges of the Federal Supreme Court;
  - c. one Federal Court of Appeal judge elected by the judges of the Federal Court of Appeal;
  - d. one magistrate, one a woman and one a man, elected by the members of the association of judges and magistrates;
  - e. the Attorney-General;

- f. two advocates, one a woman and one a man, each of whom has at least fifteen years' experience, elected by the members of the statutory body responsible for the professional regulation of advocates;
  - g. one person nominated by the Public Service Commission; and
  - h. one woman and one man to represent the public, not being lawyers, appointed by the President with the approval of the Senate.
- 3) The Chief Registrar of the Judiciary shall be the Secretary to the Commission.
  - 4) Members of the Commission, apart from the Chief Justice and the Attorney-General, shall hold office, provided that they remain qualified, for a term of five years and shall be eligible to be nominated for one further term of five years.

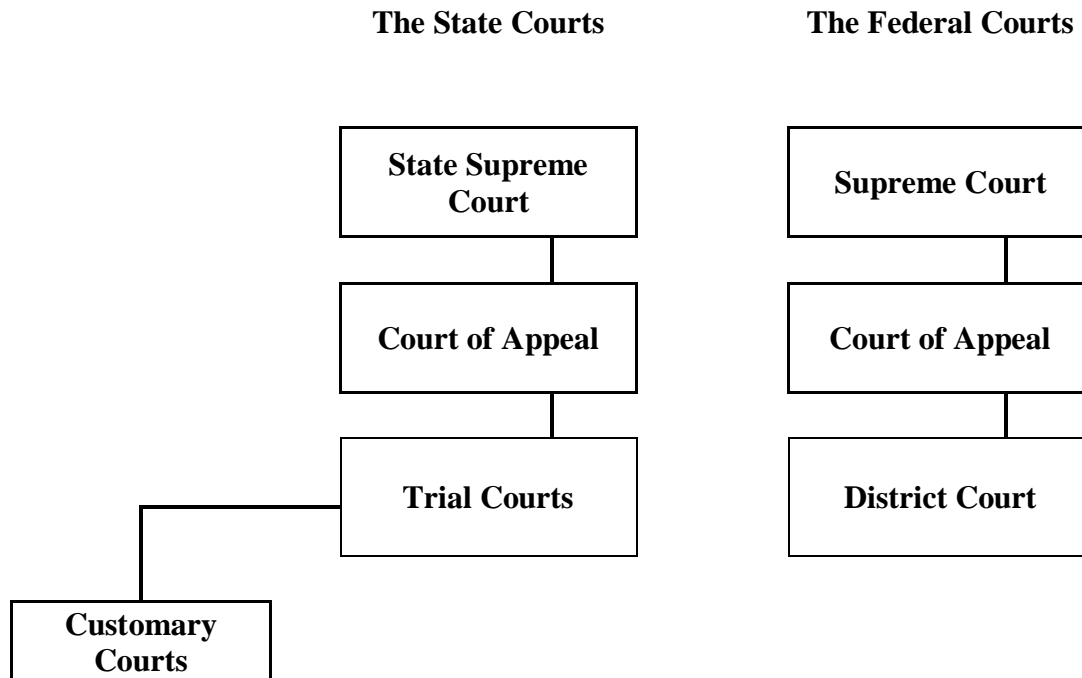
### **Functions of the Judicial Service Commission**

- 1) The Judicial Service Commission shall promote and facilitate the independence and accountability of the judiciary and the efficient, effective and transparent administration of justice and shall—
  - a. recommend to the President persons for appointment as judges and Justices;
  - b. review and make recommendations on the conditions of service of—
    - (i) judges and judicial officers, other than their remuneration; and
    - (ii) the staff of the Judiciary;
  - c. appoint, receive complaints against, investigate and remove from office or otherwise discipline registrars, magistrates, other judicial officers and other staff of the Judiciary, in the manner prescribed by an Act of Parliament;
  - d. prepare and implement programs for the continuing education and training of judges and judicial officers; and
  - e. advise the Federal government on improving the efficiency of the administration of justice.
- 2) In the performance of its functions, the Commission shall be guided by the following—
  - a. competitiveness and transparent processes of appointment of judicial officers and other staff of the judiciary; and
  - b. the promotion of gender equality.
  - c. affirmative action for magistrates applying for posts in their respective state.

## Judiciary Fund

- 1) There is established a fund to be known as the Judiciary Fund which shall be administered by the Chief Registrar of the Judiciary.
- 2) The Fund shall be used for administrative expenses of the Judiciary and such other purposes as may be necessary for the discharge of the functions of the Judiciary.
- 3) Each financial year, the Chief Registrar shall prepare estimates of expenditure for the following year, and submit them to the Parliament for approval.
- 4) On approval of the estimates by the Parliament, the expenditure of the Judiciary shall be a charge on the Consolidated Fund and the funds shall be paid directly into the Judiciary Fund.
- 5) National Legislature shall enact legislation to provide for the regulation of the Fund.
- 6) Each federal state may establish its own judiciary fund as deemed necessary for discharging the functions of the judiciary at that level.

### STRUCTURE OF FEDERAL AND STATE COURTS



## **Part Three**

### ***CIVIL SERVICE REFORMS***

- 1) The current Public Service Law(s) shall be reviewed and amended to ensure that it is effective and be operationalized during the Pre-transitional and Transitional period.
- 2) The bureaucratic structures of civil service shall be restructured based on federal system of governance.
- 3) The current employment processes and procedures shall be reviewed and amended to ensure that, it can be strictly followed and adhered to and provide fair opportunity to every citizen of South Sudan equal opportunity of employment based on merit, competence and experience.
- 4) Reduce or eradicate wasteful spending that undermines the effectiveness of public policies.
- 5) Introduce merit –based reward systems.
- 6) To unify standards of civil service at all levels of government.
- 7) Review the current payroll system and re-structure it to ensure that only active and working employees are on the payroll.
- 8) Civil servants shall be held accountable for their actions.
- 9) Civil service rules and regulations need to be strictly enforced and anyone found violating shall be held accountable.
- 10) Scholarship and training selection criteria shall be developed by the TFGONU and shall be strictly adhered to.
- 11) All employees of the TFGONU shall be recruited on competitive basis and taking into consideration affirmative action.
- 12) Review the pension acts to conform with the federal system of governance.
- 13) All civil servants who left their positions due to the crisis in Juba and elsewhere in the country effective from December 15, 2013 shall be reinstated back to their positions and paid all their salaries and benefits due to them from December 15, 2013.

### **III. Chapter Three**

## ***SECURITY ARRANGEMENTS AND SECURITY SECTOR REFORM***

### **Part One:**

#### **The Ceasefire Arrangements**

##### **1. General and Fundamental Provisions**

- 1) The Parties agree that the national ownership of the peace process, political will, and continuous dialogue are indispensable elements for sustainable peace. They shall collaborate to observe and respect the Ceasefire and resort to their own wisdom to contain and solve any problem that may arise;
- 2) The Parties shall always refrain from any act or acts that may in any way spoil the peace process. They shall unceasingly create and maintain a conducive atmosphere for peace and tranquility;
- 3) The Parties shall abide by a federal system of governance, good governance, democracy and foster civil society;
- 4) The Parties agree that inclusiveness is of the essence to this agreement and contribute to the sustenance of this Agreement;
- 5) The Ceasefire Agreement shall ensure clarity by eliminating any room for ambiguity in all elements of the Ceasefire Agreement;
- 6) The Ceasefire Agreement shall guarantee the free movement of people, goods and services throughout South Sudan;
- 7) The Parties shall provide and share information and statistics on their troops strength, arms and military equipment and any other relevant information, among themselves and with the UNMISS;
- 8) The Parties shall commit themselves to render and facilitate humanitarian assistance through creation of conditions conducive to the provision of urgent humanitarian assistance to displaced persons, refugees and other affected persons and their right to return;
- 9) The Parties agree to inform the rank and file of their armed forces as a way of popularizing the Ceasefire Agreement;



- 10) The Parties shall commit themselves to immediate withdrawal of all foreign allied forces from the Republic of South Sudan;
- 11) The Parties shall commit themselves that all forces, troops under their respective command at all levels and rank and file shall fully cease fire and stop hostilities;
- 12) The Parties agree not to arm, train, harbor on their respective areas of control, or render any form of support to external subversive elements;
- 13) The Parties shall endeavor to promote and disseminate peace culture and confidence building measures among and between the people as well as their forces as integral part of ceasefire arrangements and sustenance of the peace;

## **2. Entry into Force:**

The Ceasefire Agreement (hereinafter referred to as the Agreement or this Agreement) shall come into effect from the date of signature of the Peace Agreement (that day hereafter referred to as D-Day).

## **3. Amendment of this Agreement:**

This Agreement may only be amended by the Parties to the agreement upon recommendation of the Ceasefire Political Commission (CPC).

## **4. The Parties of the Agreement:**

The Parties to this Agreement shall be:

- 1) The Sudan People's Liberation Movement/Army (SPLM/A), with all its formations and units; and
- 2) The Government of the Republic of South Sudan (GRSS), with all its formations and units.

## **5. Principles of the Ceasefire:**

- 1) The Parties agree to a permanent ceasefire among all their forces with the broader objective of sustaining the peace agreement, promoting peace culture, reconciliation and confidence building;
- 2) The ceasefire shall uphold the following principles: Permanent cessation of hostilities between SPLM/SPLA and GRSS within 72 hours of the signature of the Peace Agreement.
- 3) The permanent cessation of hostilities shall include final termination of the following activities:

- a. Military activities including movement, reconnaissance, reinforcement, recruitment, draft, and military exercises other than those permitted by the Joint Command Board (JCB). The JCB will inform the UNMISS of permitted current and future activities;
- b. Land, air, and river operations;
- c. Laying of mines and other subversive activities;
- d. Use of force against and abuse of civilians;
- e. Replenishment of ammunition, weapons and other lethal or military equipment;
- f. Hostile propaganda;
- g. Occupation of new locations;
- h. Any other actions that may impede the normal progress of the ceasefire process.

## **6. Scope of Ceasefire**

The scope of the ceasefire shall be all the 21 states of South Sudan.

## **7. Duration and Calendar of Major Ceasefire Activities:**

7.1. Duration of the ceasefire shall be divided into three (3) phases:

- 1) Phase I: The Pre-transitional Period duration 1 month (D-day to D-day + 1 month) ceasefire activities shall start (as per attached lists), the formation, co-location in training centers, training of the unified units and the IGAD/UNMISS monitors;
- 2) Phase II: First half of the Transitional Period duration 12 months (D-day+ 1 month to D-day + 13 months). This phase shall cover the completion of deployment of the unified units. The beginning of the Demobilization, Disarmament, Re-integration and Reconciliation (DDRR); and
- 3) Phase III: Second half of the Transitional Period--duration 12 months (D-day + 13 months to D-day + 25 months), continuation of DDRR process, training and the monitoring process. Development of plans and modalities of transforming the two armies SPLM/SPLA and GRSS forces into unified South Sudan Armed Forces;
- 4) The unification and redeployment of the forces shall be completed at least 3 months before the end of the transitional period; and
- 5) The Calendar of major ceasefire activities is agreed to by the parties as per Annex 2.

## **8. Disengagement:**

- 1) There shall be lines of disengagement according to the assembly areas, as specified in Annex 1, and shall be adjusted by the IGAD monitors;
- 2) On the declaration of the ceasefire, the SPLM/SPLA and GRSS forces shall maintain their current positions;
- 3) All forces shall take defensive positions and be redeployed to assembly points within the one month of the Pre-Transitional Period according to the agreed timetable;
- 4) All forces shall be disengaged, separated, encamped in their assembly points, and redeployed subject to international monitoring arrangements;
- 5) The parties shall provide maps and sketches showing their current dispositions before the declaration of the ceasefire. Such maps and sketches shall include:
  - a. Current dispositions including deployment and weapons sites; and
  - b. All necessary information about roads, tracks, passages, minefields, and command posts.
- 6) To safeguard against the menace and hazards posed by landmines and unexploded ordnance, the Parties agree that:
  - a. The laying of mines, explosive devices or booby traps of whatever type shall be prohibited;
  - b. The Parties and forces under their control shall promptly provide on D - day to the Ceasefire Joint Military Committee (CJMC) all known information concerning the locations and descriptions of all minefields, unexploded ordnance, demolitions, booby traps and any other physical or military hazards which could affect the safe movement of persons, within the ceasefire zones. The Parties shall also promptly produce a plan to mark and signpost any danger areas and initiate this plan according to agreed priorities;
  - c. The Parties shall allow and facilitate cross-line de-mining activities, the repair and reopening of roads and the removal, dismantling or destruction of mines, unexploded ordnance and all other such hazards as described above immediately upon the signature of this agreement;
  - d. The Parties and forces under their control shall promptly provide to the CJMC information concerning the stockpiles of Anti Personal Mines;

- e. The Parties shall conduct de-mining activities as soon as possible, and in coordination with the UNMISS with a view to create the conditions necessary for deployment of the UNMISS and the return of displaced populations;
  - f. The UNMISS, in conjunction with United Nations Mine Action Office, will assist the Parties' de-mining efforts by providing technical advice and coordination. The Parties shall, as necessary, seek additional de-mining assistance and advice from the UNMISS;
  - g. The Parties shall establish by D Day + 30 Days a demining authority that shall work in close cooperation with UN Mine Action Office;
- 7) Before the declaration of the ceasefire, the Parties shall present detailed lists of size and location of their forces in each area to UNMISS, subject to confirmation by the Monitoring and Verification Team (MVT) and Joint Technical Committee (JTC). Such lists shall be attached to the Peace Agreement.
- 8) Notwithstanding (g) above, the Parties shall present detailed lists of particulars of all troops to the Ceasefire Joint Military Committee (CJMC) or, pending the formation of the CJMC, to the MVT and JTC. The lists shall be verified by the CJMC and/or the MVT and JTC, as the case may be, immediately after the declaration of the ceasefire.
- 9) The Parties agree, and in collaboration with the UNMISS, to pull back all the weapons of effective range fire within the other Party's assembly areas.
- 10) The Parties shall provide detailed data on their inventories and stocks including different weapons and munitions, fuel, oil and lubricants, etc., and their exact locations to CJMC or the MVT in the ceasefire zone. Such inventories shall be verified immediately after the declaration of the ceasefire. The Parties shall agree on ways and means of monitoring such stocks and/or stores to make sure that they are no longer accessible to the Parties.

### **9. Permitted Activities:**

In view of negative consequences of war, the key principle that shall underpin permitted activities shall be to alleviate the effects of the war on the civilians and war-affected areas and to galvanize popular support for peace. Permitted activities shall therefore include:

- 1) De-mining and decommissioning of military hazards (this shall be done in collaboration with other bodies referred to in 8.6 herein, according to agreed timetables and mechanisms, and under IGAD monitors);
- 2) Development activities to include opening of roads, rehabilitation of bridges and passages, railways, airports and airstrips, and lines of river navigation etc;
- 3) Humanitarian activities such as securing unimpeded access to humanitarian relief according to agreed regulations;
- 4) Socio-economic activities such as assisting free movement of people, goods and services;
- 5) Free movement of unarmed soldiers in plain clothes who are on leave, medical referrals, or visiting their families;
- 6) Re-supply of armed forces lethal items as shall be deemed appropriate by the JCB and coordinated with UNMISS and MVT;
- 7) Supply of non-lethal items (food, water, medicine, fuel oils and lubricants, stationery, uniforms, etc.);
- 8) Training and Refresher training;
- 9) During the disengagement of forces, they shall not exercise any military activities except the following:
  - a. Training and refresher training (UNMISS shall be informed of such training - location, duration and type); particularly the field training of platoon level and higher;
  - b. Administrative movement (e.g. replenishment with non-lethal supplies or equipment); and
  - c. Medical evacuation.

## **10. Violations:**

10.1. The following acts shall constitute violations to this Agreement:

- 1) Any acts that may contravene this Agreement;
- 2) Unauthorized movement of troops;
- 3) Unauthorized invitation of foreign forces;
- 4) Unauthorized recruitment, draft and/or mobilization drive;
- 5) Unauthorized replenishment of military equipment and supplies;
- 6) Hostile acts that may provoke confrontation;

- 7) Violation of human rights, humanitarian law and obstruction of freedom of movement;
- 8) Hostile propaganda and media warfare;
- 9) Espionage, sabotage, and acts of subversion to undermine either party and/or the Agreement;
- 10) Recruitment of child soldiers.

10.2 In event of any violation to provisions of this Agreement, the CJMC will determine appropriate disciplinary measures which may include the following:

- 1) Publicizing or mentioning the parties that took part in the violations;
- 2) Exposing or shaming the guilty or recommending severe punishment in event of grave violations;
- 3) Recommend referral to civil, criminal trial procedures, or court-martial of individual or parties involved as may be applicable;
- 4) The Parties agree to follow up on recommendations for disciplinary measures as proposed by CJMC.

10.3. The hostile propaganda as provided in sub-section (10.1.h) above shall be comprehensively monitored by CJMC as part of the ceasefire monitoring process;

10.4. Without prejudice to the freedom of press and media, the Parties agree to set up a Joint Media Committee upon signing of the Peace Agreement to establish guidelines for the media and press to enhance conducive environment for the smooth implementation of the ceasefire.

10.5. The Parties agree that any deadlock arising out of the implementation of the ceasefire shall be referred, as of last resort, to the two principals to the Peace Agreement for consideration and action after having exhausted all avenues of dispute management at all lower levels;

## **11. Foreign Forces and Foreign Insurgency Groups:**

- 1) The parties acknowledge and are concerned about the threat and menace that the foreign forces and foreign insurgency groups pose on the security, stability, unity of the people and territorial integrity of South Sudan and the neighboring countries;
- 2) The Parties agree to the immediate and unconditional withdrawal of Uganda People's Defense Forces (UPDF) and factions of the Sudan rebels (JEM, SLA-Abdul Wahid,

SLA-Minawi and SPLA-North), Chadian, Central African Republic rebels, etc. from the territory of the Republic of South Sudan; and

- 3) The parties shall work together to disarm, repatriate and/or expel these foreign forces and foreign insurgency groups immediately from the territory of the Republic of South Sudan.

## **12. Verification, Monitoring, Complaints and Obligations:**

The structure and levels of monitoring and verification of the implementation of this Agreement shall be as follows:

- 1) Ceasefire Political Commission (CPC);
- 2) Ceasefire Joint Military Committee (CJMC);
- 3) Area Joint Military Committee (AJMC); and
- 4) Joint Military Teams (JMTs)

## **13. The Ceasefire Political Commission (CPC):**

- 1) The CPC shall be answerable to the two Principals;
- 2) The CPC shall be a political decision making body composed of:
  - a. One senior political representative from each Party;
  - b. One senior military officer from each Party;
  - c. Special Representative of UN Secretary General or her/his deputy;
  - d. One Senior Security officer from each Party;
  - e. One Legal advisor from each Party;
  - f. Representative of members of IGAD Plus (observer);
- 3) The CPC chair shall be rotational between the Parties; and
- 4) The CPC shall reach its decisions by consensus of the Parties;

### **13.5. The mandate and functions of the CPC shall be to:**

- 1) Supervise, monitor and oversee the implementation of this Agreement;
- 2) Negotiate any operational details as shall be necessary;
- 3) Sound the Parties to rise up to their obligations in this Agreement;
- 4) Update the Parties on the progress of the ceasefire implementation;

- 5) Co-ordinate with other relevant national, regional and international bodies;
- 6) Settle deadlocks arising out from the ceasefire implementation as reported by the CJMC and refer the unresolved ones to the two Principals;
- 7) Provide disciplinary measures for violations;
- 8) Provide a political forum for continuous dialogue between the Parties, regional and the international community;
- 9) Foster confidence building between the Parties;
- 10) Update IGAD Plus, African Union (AU) and the United Nations periodically on the progress of the ceasefire implementation.

### **13.6. Ceasefire Joint Military Committee (CJMC):**

- 1) The CJMC shall be answerable to the CPC and shall oversee the activities of AJMC;
- 2) The CJMC shall be located in the Federal capital;
- 3) The CJMC shall be a military decision making body and shall be composed of:
  - a. The Force Commander of the UNMISS (Chair),
  - b. The Deputy Force Commander from a country acceptable to the Parties. Considering that the official working languages in South Sudan are English and Arabic;
  - c. Three senior officers from SPLM/SPLA with ranks not less than Colonel;
  - d. Three officers from GRSS with ranks not less than Colonel;
  - e. One senior National Security Officer from each Party;
  - f. One senior police officer from each Party.
- 4) The CJMC shall reach its decisions by consensus of the Parties and shall establish its own internal regulations;

#### **13.6.5. The CJMC shall have the following functions:**

- 1) Oversee compliance of the Parties to their obligations under this Agreement;
- 2) Coordinate planning, monitoring and verification of the implementation of this Agreement;
- 3) Liaise between the parties;
- 4) Coordinate monitoring and verification of disengagement, disarmament and redeployment of the forces as agreed upon in this Agreement;



- 6) Check on the conduct of the military forces;
- 7) Specify current locations of troops as of the D day;
- 8) Monitor troop strength, stocks piles of arms, ammunitions and other war-related equipment;
- 9) Coordinate and monitor permitted military movements and itineraries thereof;
- 10) Receive and verify unresolved violations, disputes and complaints and rule on them;
- 11) Serve as a channel of communication between the Parties;
- 12) Inspect replenishment of supplies to the forces;
- 13) Supervise demining activities; decommission unexploded ordnance and other form of military hazards;
- 14) Disseminate information about this Agreement;
- 15) Implement peace support operations in collaboration with MVT and JTC until the deployment of the IGAD monitors;

13.6.6. Communicate decisions reached by CJMC down through the individual chains of command and report to CPC.

13.6.7. Subject to the timing of different activities specified in the Agreement on Security Arrangements, CJMC may re-adjust, *within the transitional period*, on practical considerations the timing of activities or obligations related to ceasefire including redeployment.

13.6.8. The CJMC may compile necessary cartographical and mapping references which, once agreed to by the Parties, and shall be used for the purposes of monitoring the implementation of this Agreement.

13.6.9. The CJMC shall be entitled to move freely throughout the ceasefire zone.

### **13.7 Area Joint Military Committee (AJMC):**

- 1) The AJMC shall be established in each state capital and shall be composed of:
- 2) The senior most UN Officer in the Area, Chairperson;
- 3) Equal number of senior officers from each Party;
- 4) UNMISS/IGAD monitors.

### **13.8 Joint Military Teams (JMTs):**

- 1) JMTs shall be the lowest operating unit of the ceasefire monitoring mechanism;
- 2) JMTs shall be established and designated by the AJMC at that level;
- 3) A JMT shall be composed of UN senior officer at that level, international monitors, equal number of officers from each Party.
- 4) JMTs shall conduct regular patrols and visits throughout their respective areas to prevent violations, preserve the ceasefire, and assist in building confidence.
- 5) JMTs shall monitor, verify and report alleged violations to the appropriate AJMC.

### **14. UNMISS**

- 1) The Parties acknowledge and appreciate the presence and the role of invigorated UNMISS to monitor and verify this Agreement and to support the implementation of the Peace Agreement as provided for under Chapter VII of the UN Charter;
- 2) The Parties call upon the international community to provide technical and financial assistance to expedite the implementation of the ceasefire activities.
- 3) For the purpose of monitoring activities related to the ceasefire, the international monitors shall have unrestricted access in accordance with the Memorandum of Understanding (MOU) and the Status of Mission Agreement (SOMA).
- 4) The Parties agree to request the UN to provide cultural orientation to all its members to create conducive atmosphere for respect and better understanding of social values and cultures;
- 5) The Parties undertake to respect the exclusively international nature of the UNMISS as in terms of flag, vehicle markings, communication, travel and transport, privileges and immunities, facilities, provisions, supplies, services, sanitary arrangements, recruitment of local personnel, currency, entry, residence, departure, uniform, arms, permits and licenses, military police, arrests, transfer of custody, mutual assistance, jurisdiction, deceased members and settlement of disputes;
- 6) SPLM/SPLA and GRSS members of AJMCs and JMTs shall have the right to participate in verification and monitoring missions, however in case of failure of either or both Parties to participate, the mission shall still continue with its verification and monitoring tasks.

- 7) The Monitoring and Verification Team (MVT) and the Joint Technical Committee (JTC) shall continue performing their duties, under operational control of the UNMISS, according to their current and/or expanded mandate, fill the gap and carry out duties as shall be entrusted to them by the Parties.

#### **15. The Joint Command Board (JCB):**

- 1) JCB shall be composed and structured on parity basis and take its decisions by consensus, in case of disagreement, the matter shall be referred to the two Principals. It shall be composed of the Chiefs of General Staff of SPLM/SPLA and GRSS, their deputies and four senior officers from each party.
- 2) JCB shall exhibit a characteristic of well-functioning body capable of timely response to tasks and situation.
- 3) JCB shall have a Technical Committee to be formed from two senior officers from each Party.
- 4) The Technical Committee shall undertake the duty of coordination between the two forces and resolve different problems that may ensue. It shall report regularly to JCB in all ordinary and extraordinary sessions.
- 5) The two Principals shall appoint the Commander and the deputy commander of the JPG who shall be ex officio members of JCB.
- 6) In the event of any external or internal threat, JCB shall, subject to section 15.2 above, decide on how to address the situation. JCB shall decide whether all forces, the JPG or either force (SPLM/SPLA and GRSS) shall handle the threat alone or collectively.
- 7) JCB may decide on the appropriate support and reinforcements that other forces shall lend to the forces facing direct threat and aggression.
- 8) In a joint operation, JCB shall determine lead HQS for that operation.
- 9) JCB shall be entrusted to work out a comprehensive framework for confidence building measures between SPLM/SPLA and GRSS forces.
- 10) JCB shall form a committee to lay down the principles of the future South Sudan Armed Forces.
- 11) At the earliest opportunity, appointed representatives of SPLM/SPLA and GRSS will determine a staff structure in support of JCB command. JCB shall prepare a budget.

## **16. Redeployment:**

The line of redeployment of SPLM/SPLA and GRSS force shall be deployed outside the major towns and civilian centers.

## **17. The Status of Unified Presidential Guards:**

4. There shall be formed Unified Presidential Guards (hereinafter referred to as UPG) during the pre-transitional and the transitional period from SPLM/SPLA and GRSS to replace the Tiger Division.
5. Formation, training, tasking and deployment of UPG formations and sub-formations shall be completed not later than D-day + 1 month.
6. At the inception, UPG shall remain in their joint form. However, the process of full unification shall be completed by D day + 7 months.
7. UPG as per Agreement on Security Arrangements shall fall under the command of the Joint Command Board (JCB). Nevertheless, the two Principals shall appoint the commander and deputy commander for the UPG as the highest level who shall, by virtue of their positions, be members of JCB. They shall oversee routine command matters of UPG in accordance to authority conferment by JCB.
8. UPG command shall be exercised on parity basis between SPLM/SPLA and GRSS officers with alternation of roles at the uppermost and other levels of command.
9. UPG personnel shall be treated equally. There shall be uniformity in welfare, salaries, emoluments, pension rights, supplies, armament, and equipment.

### **17.7 Training of the Unified Presidential Guards:**

- 1) Both Forces (SPLM/SPLA and GRSS) shall complete selection and organization of officers, Non-Commissioned Officers (NCOs) and men for UPG within D Day +1 month from the beginning of the pre-transitional period.
- 2) UPG components from both Parties shall be formed within D Day +1 month from the pre-transitional period and co-locate in their various training centers to be trained for not less than six (6) months (in phases) after which they shall be unified.
- 3) There shall be developed a joint doctrine, code of conduct, as well as disciplinary laws, regulations, and standing operating procedures to govern UPG general training policies,

programs, disciplinary scopes and behavioral patterns during the Peace Talks and be signed as part of security arrangement agreement.

- 4) In view of special status of the Federal Capital Ramchiel, UPG Command shall allot tasks to UPG contingents that shall be deployed to the capital by the end of the pre-transitional period after completion of initial joint training session that shall not exceed one (1) month. Nonetheless, UPG command shall organize further training sessions for these contingents in accordance to UPG training policy and programs.
- 5) The parties shall appeal to the international community to render additional technical, material and financial support to assist in forming and training UPG.

#### **17.11. UPG Command and Control:**

UPG Headquarters is under command of JCB and shall be located in Ramchiel. The UPG command shall perform among other things, the following duties and responsibilities:

- 1) Command of UPG formations and units;
- 2) Promotion of mutual cooperation between UPG, SPLM/SPLA and GRSS at all command levels;
- 3) Coordination of supply and replenishment plans with JCB;
- 4) Implementation of JCB plans, policies, programs and directives pertaining to UPG;
- 5) Appointment and transfer of UPG officers within the discretion of UPG command;
- 6) Create and promote confidence building measures;
- 7) Development and execution of training programs for UPG;
- 8) Coordination with CPC;
- 9) Resolution of disputes that may arise within UPG jurisdiction.

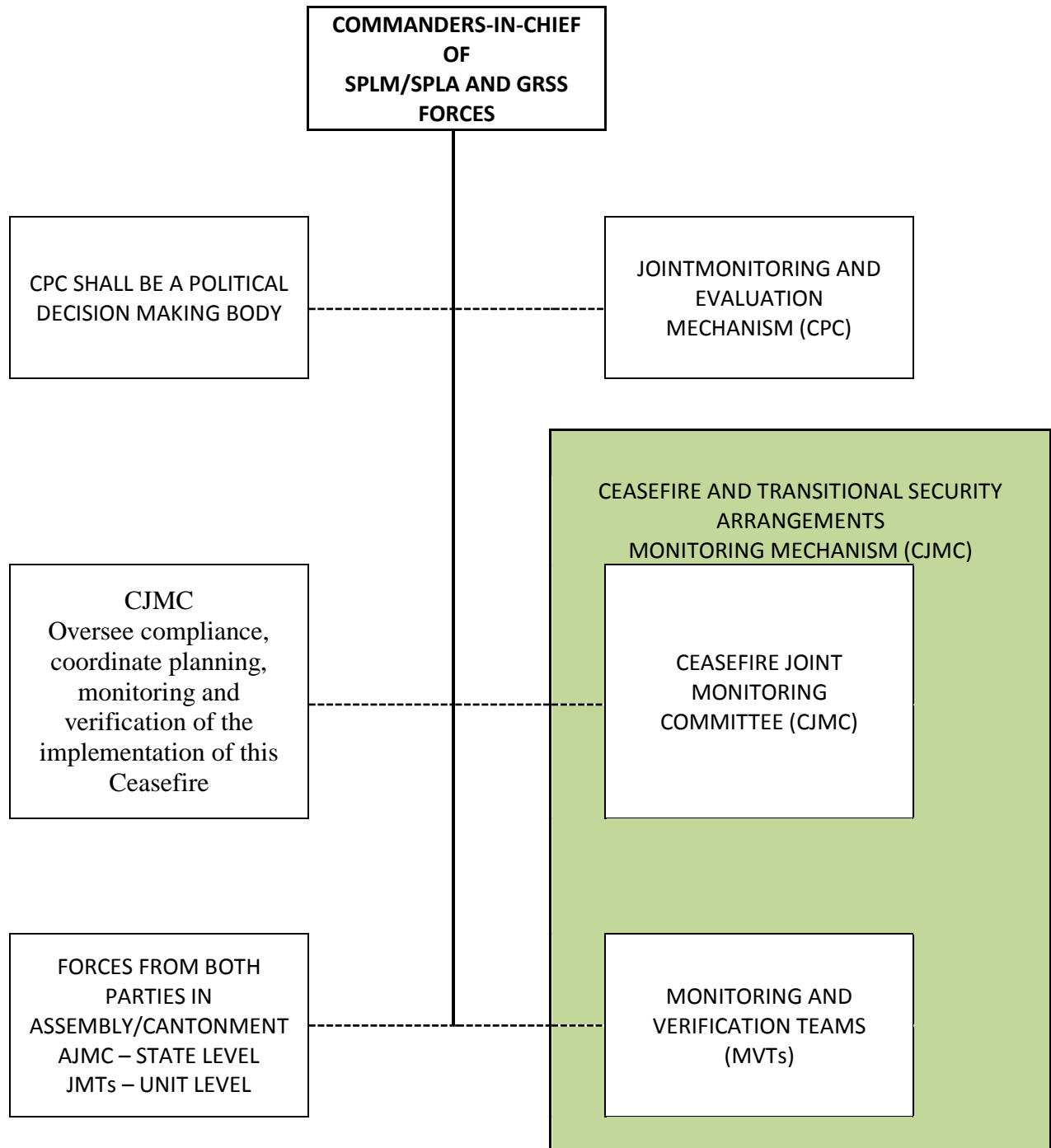
#### **17.12. UPG Commanders shall exercise the following authority/responsibility:**

- 1) Command and control of UPG in their respective areas of command;
- 2) Implementation of and compliance with the directives of the UPG Higher Headquarters;
- 3) Implement confidence building policies of the higher headquarters as well as create and promote confidence building measures within their power as shall be desirable;
- 4) Development and execution of training programs within their command jurisdiction;
- 5) Performance of any other duties that may be conferred upon them by the higher headquarters.

17.13. UPG battalion shall be formed of two SPLM/SPLA companies and two GRSS companies, whereas the HQs Company and the support company shall be mixed. The size of the forces in each locality shall not exceed one infantry battalion.

17.14. Oil installations shall be demilitarized. In case of any threat to the oil installations, the Parties agree that JCB shall protect the oil fields.

## PERMANENT CEASEFIRE AGREEMENT MONITORING INSTITUTIONS



## **Part Two:**

### **THE SOUTH SUDAN ARMED FORCES**

#### **1. Restructuring the SPLM/SPLA and the GRSS (SPLA) forces.**

- 1) All irregular forces shall be regularized.
- 2) The SPLM/SPLA and GRSS (SPLA) forces shall be restructured and shall have a new command structure. The forces shall be drawn from the ranks and files of the SPLM/SPLA, the GRSS (SPLA) forces, as well as from civilians.
- 3) The SPLM/SPLA shall constitute 60%, GRSS 30% and 10% shall be recruits from the population of South Sudan.
- 4) The restructured army shall be called South Sudan Armed Forces herein abbreviated “SSAF”.

#### **2. Doctrine of SSAF**

- 1) Subordination to democratic and civil control;
- 2) Non-Partisan
- 3) Respect the fundamental rights, obligations and dignity of all its members.
- 4) Uphold and respect the rights, dignity and diversity of the people of South Sudan.
- 5) Respect and protect the Constitution of the Federal Republic of South Sudan.

#### **3. Principles**

- 1) In executing its mission and functions, the SSAF shall adhere to the following principles:- perform its functions in accordance with the provisions of the Peace Agreement, the Transitional Federal Constitution and international law regulating the use of force;
- 2) promote the highest standard of professionalism and discipline within its rank and file; and
- 3) reflect the ethnic diversity and national character of the people of South Sudan.

### **CONSTITUTING, MISSION AND STRUCTURES OF THE SSAF**

#### **2. 1 Constitution of the SSAF**

- 1) There shall be constituted in South Sudan armed forces to be known as the “South Sudan Armed Forces” herein after abbreviated “SSAF”.
- 2) Members of the SSAF shall be South Sudanese who satisfy the conditions and qualify for recruitment and without discrimination on grounds of gender, religion, ethnicity or state.



- 3) The SSAF shall be a disciplined, regular, professional, patriotic, productive, non-partisan military force subordinate to civilian authority as established under the Transitional Federal Constitution of South Sudan.

## **2.2 Mission of the SSAF**

The mission of the SSAF, in addition to its other national duties, shall be to:-

- 1) protect the territorial integrity and sovereignty of the Republic of South Sudan;
- 2) protect the Peace Agreement;
- 3) defend the Transitional Federal Constitution of the Federal Republic of South Sudan;
- 4) protect the people of South Sudan;
- 5) undertake responsibility for the defense of South Sudan against external threats and aggressions; and
- 6) Involve in addressing specific emergencies, participate in reconstruction activities, and assist in disaster relief whenever directed by the TFGONU, this agreement and any other law in force in South Sudan.

## **2.3 Functions and Roles of the SSAF**

Functions and Roles of the SSAF shall be to:-

- 1) Serve as the national Armed Forces of South Sudan;
- 2) Coordinate with defense forces in the region on security issues; and
- 3) Participate in peacekeeping missions.

## **2.4 Structures of the SSAF**

- 1) The South Sudan Armed Forces shall be organized into:
  - a. an active force, and
  - b. a reserve force.
- 2) The active force shall not exceed ten (10) divisions and each division shall not exceed 15,000 strong men and women. The active force shall consist of:-
  - a. the ground force 136,510 men and women;
  - b. the air force 5,000 men and women; and
  - c. The Riverine 5,000 men and women.
- 3) The active force shall be organized into divisions down to brigades, battalions, companies, platoons and squads, organized into combat units, combat support and service support units and shall be under the direct command and control of such officers as may be assigned by the appropriate authority.
- 4) The reserve force shall not exceed 50,000;

## **2.5 Composition of the Active Force**

The active force shall consist of:-

- 1) Officers commissioned by the President and Commander-in-Chief ; and
- 2) Non-commissioned officers enrolled in accordance with this agreement.

## **2.6 Reserve Force**

The reserve force shall be drawn from the National Service.

## **POWERS, FUNCTIONS AND DUTIES OF THE COMMANDER-IN-CHIEF**

### **3. 1 Command and Control**

- 1) Command and control of the SSAF shall be vested in the President and Commander-in-Chief;
- 2) The President and Commander-in-Chief shall commission, promote, retire or dismiss officers of the SSAF in accordance with the provisions of the law.

### **3.2 Functions and Powers of the Commander-in-Chief**

The President in his or her capacity as Commander-in-Chief of the SSAF shall, in consultation with the Command Council, exercise the following powers:-

- 1) determine the strategic and military objectives of SSAF;
- 2) issue political and executive directives to the Secretary of Defense;
- 3) appoint the Chief of General Staff in accordance to law;
- 4) issue military orders to the Chief of General Staff;
- 5) appoint Deputies to the Chief of General Staff, directors of branches, armed service division commanders in accordance to law;
- 6) commission officers, and in particular, grant promotion in accordance to law;
- 7) convene General Court Martial when appropriate;
- 8) commute sentences and pardon officers and other ranks sentenced by courts martial; and
- 9) Declare a general mobilization and take appropriate measures or request the declaration of the state of emergency in the Country in accordance with the Transitional Federal Constitution.

### **3.3 The Command Council**

There shall be established a consultative body to be known as the Command Council.

- 1) The Command Council shall consist of the Chief of General Staff, Deputies of the Chief of General Staff, and Directors of branches, armed services and division commanders.
- 2) The Command Council shall advise on the following:-
  - a. the SSAF military strategy;
  - b. review of the organization and structure of SSAF;
  - c. programs to enhance operational matters; and
  - d. SSAF requirements.
- 3) The Command Council shall have a secretariat located in SSAF General Headquarters.

### **3.4 Functions, Powers and Duties of the Secretary of Defense**

- 1) The Secretary of Defense shall be a non-uniformed person assisted by an Undersecretary.
- 2) The Secretary shall:-
  - a. organize the Department of Defense in accordance with the directives of TFGONU and the Commander -in-Chief;
  - b. periodically produce strategic management guidelines which establish key planning priorities for resource allocation against an agreed time-frame;
  - c. responsible for the preparation and management of SSAF budget, to meet the requirements of SSAF in accordance with the Government financial rules and procurement regulations;
  - d. responsible for the development and management of military industries;
  - e. promote democratic civil-military relations;
  - f. ensure transparency and accountability in the overall activities of SSAF;
  - g. responsible for representation of SSAF internally and externally under the directives of FRSS; and
  - h. Coordinate disarmament, demobilization and reintegration programs and efforts within SSAF and with other government and international institutions and work for their speedy implementation.

### **3.5 Functions, Powers and Duties of the Chief of General Staff**

The Chief of General Staff shall be responsible for:-

- 1) Preparation of SSAF military strategy and programs on the directives of the Command Council to organize and modernize SSAF to ensure its ability to carry out its mission;
- 2) Organization of SSAF forces into combat units, combat support and service support units and staff;
- 3) Determination of personnel, military equipment and material requirements; in consultation with his or her Staff Command.

- 4) Recruitment, training and education of military personnel and management of their assignments and careers;
- 5) Development of operational plans, deployment of forces and command;
- 6) Ensuring the sustenance of operational units through the distribution, management and maintenance of military equipment, hardware, material and facilities;
- 7) Enhancing the morale and welfare of SSAF personnel;
- 8) Ensuring the combat readiness of SSAF;
- 9) Recommend to the Commander-in-Chief officers for commissioning and promotion in accordance with the law, established regulations and procedures governing promotions;
- 10) Convening a General Court Martial when appropriate;
- 11) Development of the necessary military rules, regulations and standing operating procedures for the purpose of effective and efficient management of the forces;
- 12) Recommend appointment of the staff branch Directors to the Commander -in-Chief, in accordance to law;
- 13) Assignment of senior officers to various SSAF divisions, brigades, battalions and specialized units as shall be directed by the Commander-in-Chief; -
- 14) Development and supervision of research and development capabilities;
- 15) Determination of the number and the quality of civilian employees required to serve in SSAF and submission of the same to the Secretary for approval and appointment in accordance to civil service law; and
- 16) Any other function as shall be delegated to him or her by the President and Commander-in-Chief, and the Secretary.

### **3.6 Functions, Powers and Duties of the Deputies of the Chief of General Staff**

- 1) The Deputies of the Chief of General Staff shall:-
  - a. assist the Chief of General Staff in preparing and executing strategic plans, coordinating and supervising the activities in their respective areas of responsibilities;
  - b. Prepare briefings and submit regular reports on their activities to the Chief of General Staff; and
- 2) The Deputies of the Chief of General Staff shall have clearly defined functions, powers, duties and responsibilities.

## **MILITARY SERVICE**

### **4.1 Enrolment into the Military Service**

Enrolment into SSAF military service shall be voluntary, except where the Transitional Federal Legislature, on the recommendation of the President, decides or deems it otherwise.

### **4.2 Enrolment Recruitment Authority and Procedure**

- 1) Authority to recruit cadets and enlisted personnel into SSAF shall be vested in SSAF Command Council.

- 2) Every person who is interested or willing to be recruited in SSAF shall fulfill the conditions set out in section 4.2 below.
- 3) Recruitment shall be carried out by the office of the Deputy Chief of General Staff for Administration.
- 4) Recruitment shall be representative, widely publicized and carried out in accordance with the rules and procedures as prescribed by law and regulations in all the 21 states of South Sudan.

#### **4.3 Eligibility for Enrolment**

- 1) A person shall be eligible for enrolment into SSAF if he or she satisfies the following conditions:-
  - a. Is a South Sudanese;
  - b. Has attained eighteen years of age.
  - c. Has not exceeded thirty years;
  - d. Has passed medical fitness exams;
  - e. Has no criminal record;
  - f. Has attained basic education in the case of enlisted personnel and not less than secondary education in the case of officer cadets; and
- 2) In case of general mobilization, the provisions of sub-sections (3) and (6) above, shall not apply.

#### **4.4 Recruitment of Officer Cadets**

Officer Cadets shall be recruited from:-

- 1) Secondary school certificate holders and other equivalent qualifications or higher; and
- 2) Among SSAF non-commissioned officers and enlisted personnel who meet the requirements in section 4.2 above.

#### **4.5 Commissioning**

- 1) Officer Cadets shall be commissioned as officers in SSAF upon completion of the requisite military training.
- 2) The President and Commander-in-Chief may grant to such person as he or she deems fit, a commission as an officer in SSAF in accordance with the rules and regulation governing commissioning.
- 3) An officer cadet on commissioning shall take oath of allegiance in a prescribed form before the Commander-in-Chief.

#### **4.6 Military Training**

- 1) All recruits into SSAF shall receive basic military training before assignment into service.
- 2) Enlisted personnel shall take an oath of allegiance upon completion of their basic military training.

- 3) SSAF personnel shall receive specialized military training in various areas relevant to the service.
- 4) SSAF shall organize higher level military training programs (Platoon Commanders Course, Company Commanders' Course, BN commanders' course, Staff College, etc) inside and outside South Sudan in order to enhance the military capability of SSAF.

#### **4.7 Period of Service.**

- 1) There shall be a minimum period of obligatory service in SSAF categorized as follows:-
  - a. officers after commissioning shall serve for twelve (12) years;
  - b. enlisted personnel after basic military training for six (6) years; and
  - c. where SSAF personnel is willing to serve additional period and SSAF General Headquarters so agrees, the period of service may be extended, without exceeding the prescribed retirement age.
- 2) The period of service beyond the minimum obligatory service may be extended under the following circumstances:-
  - a. During period of national emergency, in which case SSAF personnel concerned may be retained, and his or her service may be prolonged for such further period not exceeding twelve months, or as may be decided by SSAF Command Council; and
  - b. Where SSAF General Headquarters and the relevant SSAF personnel mutually agree to extend the obligatory period of service by reason of the said personnel acquiring an advanced specialized training.
- 3) SSAF personnel shall be retired when that person reaches the following age limit:-
  - a. Private to Sergeant forty seven (47) years;
  - b. Sergeant Major to Regimental Sergeant Major, at fifty (50) years;
  - c. Second Lieutenant to Captain, at fifty two (52) years;
  - d. Major to Colonel, at fifty (50) years; and
  - e. Brigadier and higher, at sixty (60) years.
- 4) SSAF General Headquarters may, under special circumstances, extend the age of retirement specified above, for a period not exceeding two (2) years.

#### **4.8 Assignment, Transfer and Secondment**

- 1) Assignment, transfer and secondment in SSAF shall be guided by the following considerations:-
  - a. need of service and the objectives of SSAF,
  - b. military occupational specialty and career path;
  - c. level of experience;
  - d. Assignment appropriate to the rank; and

- 2) Any SSAF personnel is obliged and under duty to accept assignment, transfer and secondment to render any service, inside and outside South Sudan, as the case may be, in accordance with the provisions of this agreement and any regulations in force.

#### **4.9 Entitlements**

- 1) SSAF personnel shall be paid a salary based on the TFGONU approved salary structure appropriate for each rank.
- 2) SSAF personnel shall be entitled to retirement benefits in accordance with SSAF pension's law.
- 3) The TFGONU shall provide SSAF personnel with:-
  - a. Subsidized essential commodities;
  - b. Military uniform and other quarter master items;
  - c. Health care services;
  - d. Camp accommodation;
  - e. Annual leave, sick leave, maternity/paternity leave of 30-90 days and any other leaves prescribed by regulations;
  - f. Educational benefits; and
  - g. Life Insurance.

#### **4.10 Promotion and Military Ranks**

- 1) The following military ranks shall be instituted in SSAF:-
  - a. Marshal;
  - b. General (Gen.);
  - c. Lieutenant General (Lt. Gen.);
  - d. Major General (Maj. Gen.);
  - e. Brigadier (Brig.);
  - f. Colonel (Col.);
  - g. Lieutenant Colonel (Lt. Col.);
  - h. Major (Maj.);
  - i. Captain (Capt.);
  - j. First Lieutenant (1st Lt.);
  - k. Second Lieutenant (2nd Lt.)

#### **2) Non-Commission Officers**

- a. Regimental Sergeant Major (R/SM);
- b. Sergeant Major (SM);
- c. Sergeant (Sgt.);
- d. Corporal (Cpl.);
- e. Lance Corporal (L/Cpl.); and
- f. Private (Pvt.)

#### **4.11 Promotion from a lower to a higher rank shall be based on:-**

- 1) Availability of vacant positions;
- 2) Fulfillment of the required waiting time in rank;
- 3) Satisfactory performance report;
- 4) Above and beyond exceptional performance;
- 5) Fulfillment of the required training and courses; and
- 6) Fulfillment of any other condition as shall be prescribed by SSAF General Headquarters.
- 7) There shall be established at the levels of SSAF General Headquarters, division, brigade, battalion and equivalent staff and specialized unit levels;
- 8) There shall be established a Promotion Board whose task shall be to evaluate and recommend appropriate candidates for promotion.
- 9) The Promotion Boards shall be chaired by the Deputy Chief of General Staff for Administration, deputy commanders at the divisional, brigade and battalion levels. (non-commissioned officers at division level);
- 10) Meritorious promotion shall be given in recognition of outstanding performance in the battle field.
- 11) The authority to promote officers shall be carried out according to section 4.11.2 of this agreement, and the authority to promote other ranks shall be prescribed by the General Headquarters.
- 12) There shall be developed regulations to govern the system and procedure of promotions in SSAF.

#### **4.12 Termination of Service**

- 1) The service of a SSAF personnel shall cease and terminate upon:-
  - a. reaching the required retirement age;
  - b. expiration of the contract of service;
  - c. acceptance of resignation;
  - d. conviction by court martial for offences that necessitate termination of service;
  - e. mental and physical unfitness;
  - f. right-sizing and restructuring of SSAF ;
  - g. incompetence in the performance of regular duties;
  - h. absence without leave for a period exceeding thirty days; and
  - i. Death.
- 2) SSAF personnel whose service ceased or is terminated shall be given a discharge certificate upon handing over all properties, materials and documents issued to him or her during his or her service.



#### **4.12 Employment of Civilians**

- 1) A civilian may be employed in SSAF where:-
  - a. SSAF does not have an appropriately qualified and, or adequately experienced military personnel to fill a vacancy in the establishment;
  - b. SSAF deems it necessary to employ a civilian to improve its efficiency; and
  - c. SSAF recruitment shall be gender sensitive.

#### **4.13 Number and Qualifications of Civilian Employees**

- 1) The number and qualifications of civilian employees required to be employed in SSAF, shall be determined by the Secretary of Defense on the recommendation of the Chief of General Staff.
- 2) Appointment of civilian employees shall be subject to the following considerations:-
  - a. Availability of a vacancy in the establishment of SSAF and the need to fill that vacancy;
  - b. Availability of funds for the remuneration and entitlements of the civilian to be employed; and
  - c. Such other considerations as SSAF Command Council may determine.

#### **4.14 Manner of Employment**

- 1) Civilian employees who work in the SSAF shall be employed and governed in accordance with Public Service law, Rules and Regulations.
- 2) Without prejudice to the provisions of sub-section (1) above, SSAF may, by contract, employ services of internal or external experts and any other personnel when necessary and the relationship between the parties shall be governed by the terms and conditions of the contract.

### ***5.0 MILITARY FACILITIES AND INSTALLATIONS***

#### **5.1 Military Barracks and Facilities**

- 1) The Department of Defense shall be located in the National capital of the Federal Republic of South Sudan. The General Head Quarters of the Armed Forces shall be located 30-45 kilometers outside the Federal Capital;
- 2) All military barracks and facilities shall be located outside any major town not less than 30 kilometers from any town;
- 3) The TFGONU shall provide housing for all military personnel assigned to any military facility outside his/her place of usual residence; and

- 4) Basic services such as health, education, sanitation, clean water, etc. shall be provided on the military base for immediate family members of service personnel.

## **6. NATIONAL SERVICE**

### **6.1 Compulsory Military Service**

- 1) There shall be established compulsory military service for all male citizens from eighteen (18) to thirty (30) years of age. Optional for females.
- 2) Those who are engaged in higher education or vocational training programs prior to their military drafting are allowed to delay service until they have completed the programs or reach a certain age.
- 3) The duration of the basic military service varies:
  - a. For those without 4-year university degrees, twenty four (24) months as a private after completion of basic training;
  - b. For those with 4-year university degrees or higher either twenty four (24) months as reserve officer or twelve (12) months as a private after completion of basic training.

Part Three:

## **THE UNIFIED PRESIDENTIAL GUARDS:**

- 1) There shall be formed Unified Presidential Guards (hereinafter referred to as UPG) during the pre-transitional and the transitional period from SPLM/SPLA and GRSS forces to replace the Tiger Division.
- 2) Formation, training, tasking and deployment of UPG formations and sub-formations shall be completed not later than D-day + 1 month.
- 3) At the inception, UPG shall remain in their joint form. However, the process of full integration shall be completed by D day + 7 months.
- 4) UPG as per Agreement on Security Arrangements shall fall under the command of the Unified Command Board (UCB). Nevertheless, the two Principals shall appoint the commander and deputy commander for the UPG as the highest level who shall, by virtue of their positions, be members of UCB. They shall oversee routine command matters of UPG in accordance to authority conferment by UCB.
- 5) UPG command shall be exercised on parity basis between SPLM/SPLA and GRSS officers with alternation of roles at the uppermost and other levels of command.
- 6) UPG personnel shall be treated equally. There shall be uniformity in welfare, salaries, emoluments, pension rights, supplies, armament, and equipment.

### **2. Training of the Unified Presidential Guards:**

- 1) Both Forces (SPLM/SPLA and GRSS) shall complete selection and organization of officers, Non-Commissioned Officers (NCOs) and men for UPG within D Day +1 month from the beginning of the pre-transitional period.
- 2) UPG components from both Parties shall be formed within D Day +1 month from the pre-transitional period and co-locate in their various training centers to be trained for not less than six (6) months (in phases) after which they shall be integrated.
- 3) There shall be developed a joint doctrine, code of conduct, as well as disciplinary laws, regulations, and standing operating procedures to govern UPG general training policies, programs, disciplinary scopes and behavioral patterns during the Peace Talks and be signed as part of security arrangement agreement.
- 4) In view of special status of the Federal Capital Ramchiel, UPG Command shall allot tasks to UPG contingents that shall be deployed to the capital by the end of the pre-transitional period after completion of initial joint training session that shall not exceed one (1) month. Nonetheless, UPG command shall organize further training sessions for these contingents in accordance to UPG training policy and programs.
- 5) The parties shall appeal to the international community to render additional technical, material and financial support to assist in forming and training UPG.

### 3. UPG Command and Control:

- 1) UPG Headquarters is under command of UCB and shall be located in Ramchiel. The UPG command shall perform among other things, the following duties and responsibilities:
  - a. Command of UPG formations and units;
  - b. Promotion of mutual cooperation between UPG, SPLM/SPLA and GRSS forces at all command levels;
  - c. Coordination of supply and replenishments plans with UCB;
  - d. Implementation of UCB plans, policies, programs and directives pertaining to UPG;
  - e. Appointment and transfer of UPG officers within the discretion of UPG command;
  - f. Create and promote confidence building measures;
  - g. Development and execution of training programs for UPG;
  - h. Coordination with Ceasefire Political Commission (CPC);
  - i. Resolution of disputes that may arise within UPG jurisdiction.
  - j. UPG Commanders shall exercise the following authority/responsibility:
    1. Implementation of and compliance with the directives of the UPG Higher Headquarters;
  - m. Implement confidence building policies of the higher headquarters as well as create and promote confidence building measures within their power as shall be desirable;
  - n. Development and execution of training programs within their command jurisdiction;
  - o. Performance of any other duties that may be conferred upon them by the higher headquarters.

### 4. UPG Composition and organization:

- 1) **Composition:** UPG shall be formed from SPLM/SPLA and GRSS forces;
- 2) **Organization:** UPG shall be a Division deployed in the Federal Capital. Thus, there shall be formed four (4) UPG brigades and one independent battalion as follows:
  - a. 1st Infantry Brigade which shall have a total strength of 3411 officers, NCOs and men.
  - b. 2nd Infantry Brigade which shall have a total strength of 3411 officers, NCOs and men.
  - c. 3rd Infantry Brigade which shall have a total strength of 3411 officers, NCOs and men,
  - d. 4th Infantry Brigade which shall have a total strength of 3411 officers, NCOs and men.
  - e. Independent Battalion which shall have a total strength of 851 officers, NCOs and men.
- 3) Infantry brigades, of not more than 3,000 troops each, to compose of:
  - a. Brigade Command;
  - b. Brigade HQ Company;
  - c. Four infantry Battalions;
  - d. Armored, artillery, engineering, transport, signal and medical corps.

- 4) The infantry battalion shall compose of:
  - a. Battalion Command;
  - b. Battalion HQ Company;
  - c. Four infantry companies;
  - d. Support Company.
- 5) UPG battalion shall be formed of two SPLM/SPLA companies and two GRSS companies, whereas the HQs Company and the support company shall be mixed. The size of the forces in each locality shall not exceed one infantry battalion.
- 6) Oil installations shall be demilitarized. In case of any threat to the oil installations, the Parties agree that ACB shall protect the oil fields.

## **5. Funding of the Armed Forces:**

During the Transitional Period, SPLM/SPLA, GRSS and UPG forces shall be funded by the Federal Government. To meet this obligation, the TFGONU shall raise additional financial resources from International Partners (IGAD, Troika, AU, UN and China).

## **7. Policing Issues and Domestic Security**

- 1) In order to facilitate the removal and withdrawal of the military and paramilitary forces from areas where they were previously located and in order to return societal order and harmony, in accordance with the law, in compliance with national and international acceptable standards and with accountability to the Courts and civil Administration, the police at the appropriate level during the ceasefire shall:
  - a. Maintain law and public order;
  - b. Ensure safety and security of all people and their property;
  - c. Prevent and detect crimes.
  - d. Assist returnees and the displaced to start a normal, stable and safe life in their respective communities;
  - e. Provide national service (such as nationality, civil registry, identity documents (IDs), passports etc.) and other police services and make them available to all citizens in their locations;
  - f. Protect VIPs in collaboration with other security agencies;
  - g. Preserve natural resources;
  - h. Combat illicit trafficking in narcotics, drugs and illegal trade in firearms and other organized and trans-boundary crimes in the area;
  - i. Control illegal presence and movement of aliens in the area;
  - j. Collect data and information on criminal matters that threaten implementation of the peace agreement in the area.
  - k. Re-deployment of military and para-military forces outside villages, communities and city streets;
  - l. Help combat corruption at all levels of government and civil society; and

- 2) In order to strengthen the effective implementation of this Agreement, the Federal Police may assist, as required, other police at all levels to establish and promote police service at that level;
- 3) The police shall cooperate and participate in the entire process of ceasefire implementation;
- 4) The Parties agree that the police shall assume their normal functions and duties particularly in the areas where military and para-military forces had previously assumed their functions;
- 5) The Parties call upon the international partners to assist in the areas of training, establishment and capacity building of police and other law enforcement agencies for the sustenance of peace and rule of law;
- 6) The Parties recognize the need for cooperation and coordination mechanism between the Federal Police and other law enforcement agencies at all levels with regards to the implementation of this Agreement.

#### **Part Four:**

### **UNIFIED NATIONAL SECURITY SERVICE**

- 1) The Unified National Security Service Command (UNSC):
  - a. Unified National Security Service (UNSS) shall be composed and structured on parity basis and take its decisions by consensus, in case of disagreement, the matter shall be referred to the two Principals. It shall be composed of the Directors General of SPLM/SPLA and GRSS National Security Services, their deputies and four senior officers from each party.
  - b. UNSC shall exhibit a characteristic of well-functioning body capable of timely response to tasks and situation.
  - c. UNSC shall have a Technical Committee to be formed from four senior officers from both parties.
  - d. The Technical Committee shall undertake the duty of coordination between the two National Security Services and resolve different problems that may ensue. It shall report regularly to UNSC in all ordinary and extraordinary sessions.
  - e. The two Principals shall appoint the Director General and the Deputy of the UNSS who shall be ex officio members of UNSC.
  - f. UNSC shall be entrusted to work out a comprehensive framework for confidence building measures between SPLM/SPLA and GRSS National Security Service Forces.
  - g. At the earliest opportunity, appointed representatives of SPLM/SPLA and GRSS will determine a staff structure in support of UNSC.

h. UNSC shall prepare budget.

**2) The Status of Unified National Security Service (UNSS)**

- a. There shall be formed a Unified National Security Service (hereinafter referred to as UNSS) during the pre-transitional and the transitional period from SPLM/SPLA and GRSS National Security Services to replace the current forces.
- b. Formation, training, tasking and deployment of UNSS formations and sub-formations shall be completed not later than D-day + 1 month.
- c. At the inception, UNSS shall remain in their joint form. However, the process of full integration shall be completed by D day + 7 months.
- d. UNSS as per Agreement on Security Arrangements shall fall under the command of the Unified National Security Service Command (UNSC). Nevertheless, the two Principals shall appoint the Director General and Deputy for the UNSS as the highest level who shall, by virtue of their positions, be members of UNSC. They shall oversee routine command matters of UNSS in accordance to authority conferment by UNSC.
- e. UNSS command shall be exercised on parity basis between SPLM/SPLA and GRSS National Security Service officers with alternation of roles at the uppermost and other levels of command.
- f. UNSS personnel shall be treated equally. There shall be uniformity in welfare, salaries, emoluments, pension rights, supplies, armament, and equipment.

**3) Training of the Unified National Security Service (UNSS)**

- a. Both National Security Service forces (SPLM/SPLA and GRSS) shall complete selection and organization of officers, non-commissioned officers (NCOs) and men for UNSS within D Day +1 month from the beginning of the pre-transitional period.
- b. UNSS components from both Parties shall be formed within D Day +1 month from the pre-transitional period and co-locate in their various training centers to be trained for not less than six (6) months (in phases) after which they shall be integrated.
- c. There shall be developed a joint doctrine, code of conduct, as well as disciplinary laws, regulations, and standing operating procedures to govern UNSS general training policies, programs, disciplinary scopes and behavioral patterns during the Peace Talks and be signed as part of security arrangement agreement.
- d. In view of special status of the Federal Capital Ramchiel, UNSS Command shall allot tasks to UNSS contingents that shall be deployed to the capital by the end of the pre-transitional period after completion of initial joint training session that shall not exceed

one (1) month. Nonetheless, UNSS command shall organize further training sessions for these contingents in accordance to UNSS training policy and programs.

- e. The parties shall appeal to the international community to render additional technical, material and financial support to assist in forming and training UNSS.

#### **4) UNSS Command and Control:**

- a. UNSS Headquarters is under command of UNSC and shall be located in Ramchiel. The UNSC command shall perform among other things, the following duties and responsibilities:

- (i) Command of UNSS formations and units;
- (ii) Promotion of mutual cooperation between UNSS, SPLM/SPLA and GRSS at all command levels;
- (iii) Coordination of supply and replenishments plans with UNSS;
- (iv) Implementation of UNSC plans, policies, programs and directives pertaining to UNSS;
- (v) Appointment and transfer of UNSS officers within the discretion of UNSS command;
- (vi) Create and promote confidence building measures;
- (vii) Development and execution of training programs for UNSS.
- (viii) Coordination with Ceasefire Political Commission (CPC);
- (ix) Resolution of disputes that may arise within UNSS jurisdiction.

#### **5) UNSS Leadership shall exercise the following authority/responsibility:**

- a. Command and control of UNSS in their respective areas of command;
- b. Implementation of and compliance with the directives of the UNSS Higher Headquarters;
- c. Implement confidence building policies of the higher headquarters as well as create and promote confidence building measures within their power as shall be desirable;
- d. Development and execution of training programs within their command jurisdiction;
- e. Performance of any other duties that may be conferred upon them by the higher headquarters.



**6) UNSS Composition and organization:**

- 1) **Composition:** UNSS shall be formed from SPLM/SPLA and GRSS National Security Services forces;
- 2) **Organization:** UNSS shall be a Brigade and a battalion deployed in the Federal Capital and the states and shall be as follows:
  - a. 1st battalion which shall have a total strength of 851 officers, NCOs and men (internal security).
  - b. 2nd battalion which shall have a total strength of 851 officers, NCOs and men (internal security).
  - c. 3rd battalion which shall have a total strength of 851 officers, NCOs and men (internal security),
  - d. 4th battalion which shall have a total strength of 851 officers, NCOs and men (internal security).
  - e. 5th battalion which shall have a total strength of 851 officers, NCOs and men (external security).
- 3) The UNSS battalion shall compose of:
  - a. Battalion command;
  - b. Battalion HQ company;
  - c. Four companies;
  - d. Technical company.
- 4) UNSS battalion shall be formed of two SPLM/SPLA companies and two GRSS companies, whereas the HQs Company and the technical company shall be mixed. The size of the forces in each locality shall not exceed one battalion.
- 7) UNSS shall assist the Unified Federal Police (AFP) in the protection oil installation.
- 8) Funding of the Unified National Security Service:

During the Transitional Period, the Federal Government shall fund the joint National Security Service (SPLM/SPLA and GRSS). To meet this obligation, the TFGONU shall raise additional financial resources from International Partners (IGAD, Troika, AU, UN and China).

## **Part Five:**

### **UNIFIED FEDERAL POLICE**

#### **1. The Unified Federal Police Command (UFPC):**

- 1) UFPC shall be composed and structured on parity basis and take its decisions by consensus, in case of disagreement, the matter shall be referred to the two Principals. It shall be composed of the Chief of Police of SPLM/SPLA and Inspector General of Police of GRSS, their deputies and four senior officers from each party.
- 2) UFPC shall exhibit a characteristic of well-functioning body capable of timely response to tasks and situation.
- 3) UFPC shall have a Technical Committee to be formed from four senior officers from both parties.
- 4) The Technical Committee shall undertake the duty of coordination between the two police forces and resolve different problems that may ensue. It shall report regularly to UFPC in all ordinary and extraordinary sessions.
- 5) The two Principals shall appoint the Commander and the deputy commander of the Unified Federal Capital Police (UFCS) who shall be ex officio members of UFPC.
- 6) UFPC shall be entrusted to work out a comprehensive framework for confidence building measures between SPLM/SPLA and GRSS Police forces.
- 7) At the earliest opportunity, appointed representatives of SPLM/SPLA and GRSS will determine a staff structure in support of UFPC.
- 8) UFPC shall prepare budget.

#### **2. The Status of Unified Federal Capital Police (UFCS):**

- 1) There shall be formed Unified Federal Capital Police (hereinafter referred to as UFCS) during the pre-transitional and the transitional period from SPLM/SPLA and GRSS police to replace the current police forces in the capital.
- 2) Formation, training, tasking and deployment of UFCS formations and sub-formations shall be completed not later than D-day + 1 month.
- 3) At the inception, UFCS shall remain in their joint form. However, the process of full integration shall be completed by D day + 7 months.
- 4) UFCS as per Agreement on Security Arrangements shall fall under the command of the Unified Federal Police Command (UFPC). Nevertheless, the two Principals shall appoint the commander and deputy commander for the UFCS as the highest level who shall, by virtue of their positions, be members of UFPC. They shall oversee routine command matters of UFCS in accordance to authority conferment by UFPC.
- 5) UFCS command shall be exercised on parity basis between SPLM/SPLA and GRSS officers with alternation of roles at the uppermost and other levels of command.
- 6) UFCS personnel shall be treated equally. There shall be uniformity in welfare, salaries, emoluments, pension rights, supplies, armament, and equipment.

### **3. Training of the Unified Federal Capital Police (UFCS):**

- 1) Both Forces (SPLM/SPLA and GRSS) shall complete selection and organization of police officers, Non-Commissioned Officers (NCOs) and men for UFCS within D Day +1 month from the beginning of the pre-transitional period.
- 2) UFCS components from both Parties shall be formed within D Day +1 month from the pre-transitional period and co-locate in their various training centers to be trained for not less than six (6) months (in phases) after which they shall be integrated.
- 3) There shall be developed a joint doctrine, code of conduct, as well as disciplinary laws, regulations, and standing operating procedures to govern UFCS general training policies, programs, disciplinary scopes and behavioral patterns during the Peace Talks and be signed as part of security arrangement agreement.
- 4) In view of special status of the Federal Capital Ramchiel, UFCS Command shall allot tasks to UFCS contingents that shall be deployed to the capital by the end of the pre-transitional period after completion of initial joint training session that shall not exceed one (1) month. Nonetheless, UFCS command shall organize further training sessions for these contingents in accordance to UFCS training policy and programs.
- 5) The parties shall appeal to the international community to render additional technical, material and financial support to assist in forming and training UFCS.

### **4. UFCS Command and Control:**

UFCS Headquarters is under command of UFPC and shall be located in Ramchiel. The UFCS command shall perform among other things, the following duties and responsibilities:

- a. Command of UFCS formations and units;
  - b. Promotion of mutual cooperation between UFCS, SPLM/SPLA and GRSS at all command levels;
  - c. Coordination of supply and replenishments plans with UFPC;
  - d. Implementation of UFPC plans, policies, programs and directives pertaining to UFCS;
  - e. Appointment and transfer of UFCS officers within the discretion of UFCS command;
  - f. Create and promote confidence building measures;
  - g. Development and execution of training programs for UFCS;
  - h. Coordination with Ceasefire Political Commission (CPC);
  - i. Resolution of disputes that may arise within UFCS jurisdiction.
- 5. UFCS Commanders shall exercise the following authority/responsibility:**
- a. Command and control of UFCS in their respective areas of command;
  - b. Implementation of and compliance with the directives of the UFCS Higher Headquarters;
  - c. Implement confidence building policies of the higher headquarters as well as create and promote confidence building measures within their power as shall be desirable;
  - d. Development and execution of training programs within their command jurisdiction;

- e. Performance of any other duties that may be conferred upon them by the higher headquarters.

**6. UFCS Composition and organization:**

- 8) **Composition:** UFCS shall be formed from SPLM/SPLA and GRSS police forces;
- 9) **Organization:** UFCS shall be comprised of a Brigade and two battalions (see organizational structure attached as annexure 4) deployed in the Federal Capital and shall be as follows:
  - a. 1st battalion which shall have a total strength of 851 officers, NCOs and men (Police).
  - b. 2nd battalion which shall have a total strength of 851 officers, NCOs and men (Police).
  - c. 3rd battalion which shall have a total strength of 851 officers, NCOs and men (Police).
  - d. 4th battalion which shall have a total strength of 851 officers, NCOs and men (Prisons),
  - e. 5th battalion which shall have a total strength of 851 officers, NCOs and men (Wildlife).
  - f. 6th battalion which shall have a total strength of 851 officers, NCOs and men (All Unified Federal Police Specialized Units).

10) The police battalion shall compose of:

- a. Battalion Command;
- b. Battalion HQ Company;
- c. Four police companies;
- d. Support Company.

11) UFCS battalion shall be formed of two SPLM/SPLA companies and two GRSS companies, whereas the HQs Company and the support company shall be mixed. The size of the forces in each locality shall not exceed one police battalion.

7) Oil installations shall be demilitarized and be protected by Unified Federal Police (AFP). In case of any threat to the oil installations, the Parties agree that Unified Presidential Guard (UPG) shall assist the AFP to protect the oil fields.

**8) Funding of the Unified Federal Police:**

During the Transitional Period, the Federal Government shall fund the Unified Federal Police (SPLM/SPLA, GRSS and UFCS). To meet this obligation, the TFGONU shall raise additional financial resources from International Partners (IGAD, Troika, AU, UN and China).

**9) Other Policing Issues and Domestic Security in the States**

- a. In order to facilitate the removal and withdrawal of the military and paramilitary forces from areas where they were previously located and in order to return societal order and harmony, in accordance with the law, in compliance with national and international

acceptable standards and with accountability to the Courts and civil Administration, the police at the appropriate level during the ceasefire shall:

- (i) Maintain law and public order;
  - (ii) Ensure safety and security of all people and their property;
  - (iii) Prevent and detect crimes.
  - (iv) Assist returnees and the displaced to start a normal, stable and safe life in their respective communities;
  - (v) Provide national service {such as nationality, civil registry, identity documents (IDs), passports etc.} and other police services and make them available to all citizens in their locations;
  - (vi) Protect VIPs in collaboration with other security agencies;
  - (vii) Protect and preserve natural resources;
  - (viii) Combat illicit trafficking in narcotics, drugs and illegal trade in firearms and other organized and trans-boundary crimes in the area;
  - (ix) Control illegal presence and movement of aliens in the area;
  - (x) Collect data and information on criminal matters that threaten implementation of the peace agreement in the area.
  - (xi) Ensure re-deployment of military and para-military forces outside villages, communities and city streets;
  - (xii) Help combat corruption at all levels of government and civil society; and
  - (xiii) In order to strengthen the effective implementation of this Agreement, the Federal Police may assist, as required, other police at all levels to establish and promote police service at that level;
- b. Cooperate and participate in the entire process of ceasefire implementation;
  - c. The Parties agree that the police shall assume their normal functions and duties particularly in the areas where military and para-military forces had previously assumed their functions;
  - d. The Parties call upon the international partners to assist in the areas of training, establishment and capacity building of Unified Federal Police and other law enforcement agencies for the sustenance of peace and rule of law;
  - e. The Parties recognize the need for cooperation and coordination mechanism between the Unified Federal Police and other law enforcement agencies at all levels with regards to the implementation of this Agreement.

## **Part Six:**

### **UNIFIED FEDERAL CORRECTIONAL SERVICE**

#### **1. The Unified Federal Correctional Service Command (UFCSC)**

- 1) UFCSC shall be composed and structured on parity basis and take its decisions by consensus, in case of disagreement, the matter shall be referred to the two Principals. It shall be composed of the Chief of Correctional Service of SPLM/SPLA and Inspector General of Correctional Service of GRSS, their deputies and four senior officers from each party.
- 2) UFCSC shall exhibit a characteristic of well-functioning body capable of timely response to tasks and situation.
- 3) UFCSC shall have a Technical Committee to be formed from four senior officers from both parties.
- 4) The Technical Committee shall undertake the duty of coordination between the two police forces and resolve different problems that may ensue. It shall report regularly to UFCSC in all ordinary and extraordinary sessions.
- 5) The two Principals shall appoint the Commander and the deputy commander of the Unified Federal Correctional Service (UFCS) who shall be ex officio members of UFCSC.
- 6) UFCSC shall be entrusted to work out a comprehensive framework for confidence building measures between SPLM/SPLA and GRSS Correctional Service forces.
- 7) At the earliest opportunity, appointed representatives of SPLM/SPLA and GRSS will determine a staff structure in support of UFCSC.
- 8) UFCSC shall prepare budget.

#### **2. The Status of Unified Federal Correctional Service (UFCS):**

- 1) There shall be formed Unified Federal Correctional Service (hereinafter referred to as UFCS) during the pre-transitional and the transitional period from SPLM/SPLA and GRSS police to replace the current Prison Service Forces in the capital.
- 2) Formation, training, tasking and deployment of UFCS formations and sub-formations shall be completed not later than D-day + 1 month.
- 3) At the inception, UFCS shall remain in their joint form. However, the process of full integration shall be completed by D day + 7 months.
- 4) UFCS as per Agreement on Security Arrangements shall fall under the command of the Unified Federal Correctional Service Command (UFCSC). Nevertheless, the two Principals shall appoint the commander and deputy commander for the UFCS as the highest level who shall, by virtue of their positions, be members of UFCSC. They shall oversee routine command matters of UFCS in accordance to authority conferment by UFCSC.
- 5) UFCS command shall be exercised on parity basis between SPLM/SPLA and GRSS officers with alternation of roles at the uppermost and other levels of command.

- 6) UFCS personnel shall be treated equally. There shall be uniformity in welfare, salaries, emoluments, pension rights, supplies, armament, and equipment.
- 7) Training of the Unified Federal Capital Correctional Service (UFCCS):
  - a. Both Forces (SPLM/SPLA and GRSS) shall complete selection and organization of police officers, Non-Commissioned Officers (NCOs) and men for UFCS within D Day +1 month from the beginning of the pre-transitional period.
  - b. UFCCS components from both Parties shall be formed within D Day +1 month from the pre-transitional period and co-locate in their various training centers to be trained for not less than six (6) months (in phases) after which they shall be integrated.
  - c. There shall be developed a joint doctrine, code of conduct, as well as disciplinary laws, regulations, and standing operating procedures to govern UFCCS general training policies, programs, disciplinary scopes and behavioral patterns during the Peace Talks and be signed as part of security arrangement agreement.
  - d. In view of special status of the Federal Capital Ramchiel, UFCS Command shall allot tasks to UFCCS contingents that shall be deployed to the capital by the end of the pre-transitional period after completion of initial joint training session that shall not exceed one (1) month. Nonetheless, UFCCS command shall organize further training sessions for these contingents in accordance to UFCS training policy and programs.
  - e. The parties shall appeal to the international community to render additional technical, material and financial support to assist in forming and training UFCCS.

8) UFCCS Command and Control:

UFCCS Headquarters is under command of UFCSC and shall be located in Ramchiel. The UFCCS command shall perform among other things, the following duties and responsibilities:

- a. Command of UFCS formations and units;
  - b. Promotion of mutual cooperation between UFCCS, SPLM/SPLA and GRSS at all command levels;
  - c. Coordination of supply and replenishments plans with UFCSC;
  - d. Implementation of UFCSC plans, policies, programs and directives pertaining to UFCS;
  - e. Appointment and transfer of UFCCS officers within the discretion of UFCCS command;
  - f. Create and promote confidence building measures;
  - g. Development and execution of training programs for UFCS;
  - h. Coordination with Ceasefire Political Commission (CPC);
  - i. Resolution of disputes that may arise within UFCCS jurisdiction.
- 9) UFCCS Commanders shall exercise the following authority/responsibility:
- a. Command and control of UFCCS in their respective areas of command;
  - b. Implementation of and compliance with the directives of the UFCCS Higher Headquarters;

- c. Implement confidence building policies of the higher headquarters as well as create and promote confidence building measures within their power as shall be desirable;
- d. Development and execution of training programs within their command jurisdiction;
- e. Performance of any other duties that may be conferred upon them by the higher headquarters.

10) UFCCS Composition and organization:

- a. Composition: UFCCS shall be formed from SPLM/SPLA and GRSS police forces;
- b. Organization: UFCCS shall be comprised of a Brigade and two battalions (see organizational structure attached as annexure 4) deployed in the Federal Capital and shall be as follows:
  - (i) 1st battalion which shall have a total strength of 851 officers, NCOs and men (Correctional Service).
  - (ii) 2nd battalion which shall have a total strength of 851 officers, NCOs and men (Correctional Service).
  - (iii) 3rd battalion which shall have a total strength of 851 officers, NCOs and men (Correctional Service).
  - (iv) 4th battalion which shall have a total strength of 851 officers, NCOs and men (Prisons),
  - (v) 5th battalion which shall have a total strength of 851 officers, NCOs and men (Wildlife).
  - (vi) 6th battalion which shall have a total strength of 851 officers, NCOs and men (All Unified Federal Correctional Service Specialized Units).
- c. The police battalion shall compose of:
  - (i) Battalion Command;
  - (ii) Battalion HQ Company;
  - (iii) Four police companies;
  - (iv) Support Company.
- d. UFCCS battalion shall be formed of two SPLM/SPLA companies and two GRSS companies, whereas the HQs Company and the support company shall be mixed. The size of the forces in each locality shall not exceed one police battalion.

**3. Funding of the Unified Federal Correctional Service:**

During the Transitional Period, the Federal Government shall fund the Unified Federal Correctional Service (SPLM/SPLA, GRSS and UFCS). To meet this obligation, the TFGONU shall raise additional financial resources from International Partners (IGAD, Troika, AU, UN and China).



#### **4. Other Policing Issues and Domestic Security in the States**

In order to facilitate the removal and withdrawal of the military and paramilitary forces from areas where they were previously located and in order to return societal order and harmony, in accordance with the law, in compliance with national and international acceptable standards and with accountability to the Courts and civil Administration, the police at the appropriate level during the ceasefire shall:

- a. Maintain law and public order;
  - b. Ensure safety and security of all people and their property;
  - c. Prevent and detect crimes.
  - d. Assist returnees and the displaced to start a normal, stable and safe life in their respective communities;
  - e. Provide national service {such as nationality, civil registry, identity documents (IDs), passports etc.} and other police services and make them available to all citizens in their locations;
  - f. Protect VIPs in collaboration with other security agencies;
  - g. Protect and preserve natural resources;
  - h. Combat illicit trafficking in narcotics, drugs and illegal trade in firearms and other organized and trans-boundary crimes in the area;
  - i. Control illegal presence and movement of aliens in the area;
  - j. Collect data and information on criminal matters that threaten implementation of the peace agreement in the area.
  - k. Ensure re-deployment of military and para-military forces outside villages, communities and city streets;
    - l. Help combat corruption at all levels of government and civil society; and
  - m. In order to strengthen the effective implementation of this Agreement, the Federal Correctional Service may assist, as required, other police at all levels to establish and promote police service at that level;
  - n. Cooperate and participate in the entire process of ceasefire implementation;
- 5)** The Parties agree that the police shall assume their normal functions and duties particularly in the areas where military and para-military forces had previously assumed their functions;
- 6)** The Parties call upon the international partners to assist in the areas of training, establishment and capacity building of Unified Federal Correctional Service and other law enforcement agencies for the sustenance of peace and rule of law;
- 7)** The Parties recognize the need for cooperation and coordination mechanism between the Unified Federal Correctional Service and other law enforcement agencies at all levels with regards to the implementation of this Agreement.

## **Part Seven:**

### **UNIFIED FEDERAL WILDLIFE SERVICE**

#### **1. The Unified Federal Wildlife Service Command (UFWSC):**

- 1) UFWSC shall be composed and structured on parity basis and take its decisions by consensus, in case of disagreement, the matter shall be referred to the two Principals. It shall be composed of the Chief of Wildlife Service of SPLM/SPLA and Inspector General of Wildlife Service of GRSS, their deputies and four senior officers from each party.
- 2) UFWSC shall exhibit a characteristic of well-functioning body capable of timely response to tasks and situation.
- 3) UFWSC shall have a Technical Committee to be formed from four senior officers from both parties.
- 4) The Technical Committee shall undertake the duty of coordination between the two police forces and resolve different problems that may ensue. It shall report regularly to UFWSC in all ordinary and extraordinary sessions.
- 5) The two Principals shall appoint the Commander and the deputy commander of the Unified Federal Wildlife Service (UFWS) who shall be ex officio members of UFWSC.
- 6) UFWSC shall be entrusted to work out a comprehensive framework for confidence building measures between SPLM/SPLA and GRSS Wildlife Service forces.
- 7) At the earliest opportunity, appointed representatives of SPLM/SPLA and GRSS will determine a staff structure in support of UFWSC.
- 8) UFWSC shall prepare budget.

#### **2. The Status of Unified Federal Wildlife Service (UFWS):**

- 1) There shall be formed Unified Federal Wildlife Service (hereinafter referred to as UFWS) during the pre-transitional and the transitional period from SPLM/SPLA and GRSS police to replace the current Prison Service Forces in the capital.
- 2) Formation, training, tasking and deployment of UFWS formations and sub-formations shall be completed not later than D-day + 1 month.
- 3) At the inception, UFWS shall remain in their joint form. However, the process of full integration shall be completed by D day + 7 months.
- 4) UFWS as per Agreement on Security Arrangements shall fall under the command of the Unified Federal Wildlife Service Command (UFWSC). Nevertheless, the two Principals shall appoint the commander and deputy commander for the UFWS as the highest level who shall, by virtue of their positions, be members of UFWSC. They shall oversee routine command matters of UFWS in accordance to authority conferment by UFWSC.
- 5) UFWS command shall be exercised on parity basis between SPLM/SPLA and GRSS officers with alternation of roles at the uppermost and other levels of command.

- 6) UFWS personnel shall be treated equally. There shall be uniformity in welfare, salaries, emoluments, pension rights, supplies, armament, and equipment.
- 7) Training of the Unified Federal Capital Wildlife Service (UFWS):
  - a. Both Forces (SPLM/SPLA and GRSS) shall complete selection and organization of police officers, Non-Commissioned Officers (NCOs) and men for UFWS within D Day +1 month from the beginning of the pre-transitional period.
  - b. UFWS components from both Parties shall be formed within D Day +1 month from the pre-transitional period and co-locate in their various training centers to be trained for not less than six (6) months (in phases) after which they shall be integrated.
  - c. There shall be developed a joint doctrine, code of conduct, as well as disciplinary laws, regulations, and standing operating procedures to govern UFWS general training policies, programs, disciplinary scopes and behavioral patterns during the Peace Talks and be signed as part of security arrangement agreement.
  - d. In view of special status of the Federal Capital Ramchiel, UFWS Command shall allot tasks to UFWS contingents that shall be deployed to the capital by the end of the pre-transitional period after completion of initial joint training session that shall not exceed one (1) month. Nonetheless, UFWS command shall organize further training sessions for these contingents in accordance to UFWS training policy and programs.
  - e. The parties shall appeal to the international community to render additional technical, material and financial support to assist in forming and training UFWS.

8) UFWS Command and Control:

UFWS Headquarters is under command of UFWSC and shall be located in Ramchiel. The UFWS command shall perform among other things, the following duties and responsibilities:

- a. Command of UFWS formations and units;
  - b. Promotion of mutual cooperation between UFWS, SPLM/SPLA and GRSS at all command levels;
  - c. Coordination of supply and replenishments plans with UFWSC;
  - d. Implementation of UFWSC plans, policies, programs and directives pertaining to UFWS;
  - e. Appointment and transfer of UFWS officers within the discretion of UFWS command;
  - f. Create and promote confidence building measures;
  - g. Development and execution of training programs for UFWS;
  - h. Coordination with Ceasefire Political Commission (CPC);
  - i. Resolution of disputes that may arise within UFWS jurisdiction.
- 9) UFWS Commanders shall exercise the following authority/responsibility:
- a. Command and control of UFWS in their respective areas of command;
  - b. Implementation of and compliance with the directives of the UFWS Higher Headquarters;

- c. Implement confidence building policies of the higher headquarters as well as create and promote confidence building measures within their power as shall be desirable;
- d. Development and execution of training programs within their command jurisdiction;
- e. Performance of any other duties that may be conferred upon them by the higher headquarters.

10) UFWS Composition and organization:

- a. Composition: UFWS shall be formed from SPLM/SPLA and GRSS police forces;
- b. Organization: UFWS shall be comprised of a Brigade and two battalions deployed in the Federal Capital and shall be as follows:
  - (i) 1st battalion which shall have a total strength of 851 officers, NCOs and men (Wildlife Service).
  - (ii) 2nd battalion which shall have a total strength of 851 officers, NCOs and men (Wildlife Service).
  - (iii) 3rd battalion which shall have a total strength of 851 officers, NCOs and men (Wildlife Service).
  - (iv) 4th battalion which shall have a total strength of 851 officers, NCOs and men (Prisons),
  - (v) 5th battalion which shall have a total strength of 851 officers, NCOs and men (Wildlife).
  - (vi) 6th battalion which shall have a total strength of 851 officers, NCOs and men (All Unified Federal Wildlife Service Specialized Units).
- c. The Wildlife battalion shall compose of:
  - (i) Battalion Command;
  - (ii) Battalion HQ Company;
  - (iii) Four Wildlife companies;
  - (iv) Support Company.
- d. UFWS battalion shall be formed of two SPLM/SPLA companies and two GRSS companies, whereas the HQs Company and the support company shall be mixed. The size of the forces in each locality shall not exceed one police battalion.

**3. Funding of the Unified Federal Wildlife Service:**

During the Transitional Period, the Federal Government shall fund the Unified Federal Wildlife Service (SPLM/SPLA, GRSS and UFCS). To meet this obligation, the TFGONU shall raise additional financial resources from International Partners (IGAD, Troika, AU, UN and China).

Part Eight:

## **UNIFIED FEDERAL CIVIL DEFENSE SERVICE**

### **1. The Unified Federal Civil Defense Service Command (UFCDSC):**

- 1) UFCDSC shall be composed and structured on parity basis and take its decisions by consensus, in case of disagreement, the matter shall be referred to the two Principals. It shall be composed of the Chief of Civil Defense Service of SPLM/SPLA and Inspector General of Civil Defense Service of GRSS, their deputies and four senior officers from each party.
- 2) UFCDSC shall exhibit a characteristic of well-functioning body capable of timely response to tasks and situation.
- 3) UFCDSC shall have a Technical Committee to be formed from four senior officers from both parties.
- 4) The Technical Committee shall undertake the duty of coordination between the two police forces and resolve different problems that may ensue. It shall report regularly to UFCDSC in all ordinary and extraordinary sessions.
- 5) The two Principals shall appoint the Commander and the deputy commander of the Unified Federal Civil Defense Service (UFCDSC) who shall be ex officio members of UFCDSC.
- 6) UFCDSC shall be entrusted to work out a comprehensive framework for confidence building measures between SPLM/SPLA and GRSS Civil Defense Service forces.
- 7) At the earliest opportunity, appointed representatives of SPLM/SPLA and GRSS will determine a staff structure in support of UFCDSC.
- 8) UFCDSC shall prepare budget.

### **2. The Status of Unified Federal Civil Defense Service (UFCDS):**

- 1) There shall be formed Unified Federal Civil Defense Service (hereinafter referred to as UFCDS) during the pre-transitional and the transitional period from SPLM/SPLA and GRSS police to replace the current Prison Service Forces in the capital.
- 2) Formation, training, tasking and deployment of UFCDS formations and sub-formations shall be completed not later than D-day + 1 month.
- 3) At the inception, UFCDS shall remain in their joint form. However, the process of full integration shall be completed by D day + 7 months.
- 4) UFCDS as per Agreement on Security Arrangements shall fall under the command of the Unified Federal Civil Defense Service Command (UFCDSC). Nevertheless, the two Principals shall appoint the commander and deputy commander for the UFCDS as the highest level who shall, by virtue of their positions, be members of UFCDSC. They shall oversee routine command matters of UFCDS in accordance to authority conferment by UFCDSC.
- 5) UFCDS command shall be exercised on parity basis between SPLM/SPLA and GRSS officers with alternation of roles at the uppermost and other levels of command.

- 6) UFCDS personnel shall be treated equally. There shall be uniformity in welfare, salaries, emoluments, pension rights, supplies, armament, and equipment.
- 7) Training of the Unified Federal Capital Civil Defense Service (UFCDS):
  - a. Both Forces (SPLM/SPLA and GRSS) shall complete selection and organization of police officers, Non-Commissioned Officers (NCOs) and men for UFCDS within D Day +1 month from the beginning of the pre-transitional period.
  - b. UFCDS components from both Parties shall be formed within D Day +1 month from the pre-transitional period and co-locate in their various training centers to be trained for not less than six (6) months (in phases) after which they shall be integrated.
  - c. There shall be developed a joint doctrine, code of conduct, as well as disciplinary laws, regulations, and standing operating procedures to govern UFCDS general training policies, programs, disciplinary scopes and behavioral patterns during the Peace Talks and be signed as part of security arrangement agreement.
  - d. In view of special status of the Federal Capital Ramciel, UFCDS Command shall allot tasks to UFCDS contingents that shall be deployed to the capital by the end of the pre-transitional period after completion of initial joint training session that shall not exceed one (1) month. Nonetheless, UFCDS command shall organize further training sessions for these contingents in accordance to UFCDS training policy and programs.
  - e. The parties shall appeal to the international community to render additional technical, material and financial support to assist in forming and training UFCDS.
- 8) UFCDS Command and Control:

UFCDS Headquarters is under command of UFCDS Command and shall be located in Ramciel. The UFCDS command shall perform among other things, the following duties and responsibilities:

- a. Command of UFCDS formations and units;
  - b. Promotion of mutual cooperation between UFCDS, SPLM/SPLA and GRSS at all command levels;
  - c. Coordination of supply and replenishments plans with UFCDS Command;
  - d. Implementation of UFCDS Command plans, policies, programs and directives pertaining to UFCDS;
  - e. Appointment and transfer of UFCDS officers within the discretion of UFCDS Command;
  - f. Create and promote confidence building measures;
  - g. Development and execution of training programs for UFCDS;
  - h. Coordination with Ceasefire Political Commission (CPC);
  - i. Resolution of disputes that may arise within UFCDS jurisdiction.
- 9) UFCDS Commanders shall exercise the following authority/responsibility:
    - a. Command and control of UFCDS in their respective areas of command;
    - b. Implementation of and compliance with the directives of the UFCDS Higher Headquarters;

- c. Implement confidence building policies of the higher headquarters as well as create and promote confidence building measures within their power as shall be desirable;
- d. Development and execution of training programs within their command jurisdiction;
- e. Performance of any other duties that may be conferred upon them by the higher headquarters.

10) UFCDS Composition and organization:

- a. Composition: UFCDS shall be formed from SPLM/SPLA and GRSS police forces;
- b. Organization: UFCDS shall be comprised of a Brigade and two battalions deployed in the Federal Capital and shall be as follows:
  - (i) 1st battalion which shall have a total strength of 851 officers, NCOs and men (Civil Defense Service).
  - (ii) 2nd battalion which shall have a total strength of 851 officers, NCOs and men (Civil Defense Service).
  - (iii) 3rd battalion which shall have a total strength of 851 officers, NCOs and men (Civil Defense Service).
  - (iv) 4th battalion which shall have a total strength of 851 officers, NCOs and men (Prisons),
  - (v) 5th battalion which shall have a total strength of 851 officers, NCOs and men (Civil Defense).
  - (vi) 6th battalion which shall have a total strength of 851 officers, NCOs and men (All Unified Federal Civil Defense Service Specialized Units).
- c. The Civil Defense battalion shall compose of:
  - (i) Battalion Command;
  - (ii) Battalion HQ Company;
  - (iii) Four Civil Defense companies;
  - (iv) Support Company.
- d. UFCDS battalion shall be formed of two SPLM/SPLA companies and two GRSS companies, whereas the HQs Company and the support company shall be mixed. The size of the forces in each locality shall not exceed one police battalion.

**3. Funding of the Unified Federal Civil Defense Service:**

During the Transitional Period, the Federal Government shall fund the Unified Federal Civil Defense Service (SPLM/SPLA, GRSS and UFCS). To meet this obligation, the TFGONU shall raise additional financial resources from International Partners (IGAD, Troika, AU, UN and China).

#### **IV. Chapter Four**

### **DEMOCRACY AND POLITICAL PLURALISM**

#### **Part One:**

#### ***MEDIA REFORMS***

- 1) The freedom and independence of electronic, print and all other types of media shall be guaranteed by the TFGONU.
- 2) The TFGONU shall not—
  - 1) Exercise control over or interfere with any person engaged in broadcasting, the production or circulation of any publication or the dissemination of information by any medium or freedom of expression or freedom of the media; and
  - 2) Penalize any person for any opinion or view or the content of any broadcast, publication or dissemination.
- 3) Broadcasting and other electronic media shall have freedom of establishment, subject only to licensing procedures that—
  - 1) are necessary to regulate the airwaves and other forms of signal distribution; and
  - 2) are independent of control by government, political interests or commercial interests.
- 4) TFGONU-owned media shall—
  - 1) be free to determine independently the editorial content of their broadcasts or other communications;
  - 2) be impartial; and
  - 3) afford fair opportunity for the presentation of divergent views and dissenting opinions.
- 5) Review Media laws to conform with the following: The Media shall
  - 1) be independent of control by government, political interests or commercial interests;
  - 2) reflect the interests of all sections of the society;
  - 3) set media standards, regulate and monitor compliance with those standards by journalists, media practitioners and enterprises;
  - 4) promote and protect independence of media;
  - 5) ensure that all journalists and enterprises of the media community maintain professionalism and are required to have high ethical standards to ensure compliance to the code of conduct;
  - 6) Accreditation of foreign media journalists and set up the validity of their duration;
  - 7) manage and regulate funds raised through accreditation, fees and registration of Journalists;
  - 8) develop code of conduct for its business;
  - 9) handle issues of violations and disputes among the media community;
  - 10) develop code of conduct for practice of journalism that requires all journalists to report fair, accurate and unbiased story on matters of public interest;
  - 11) protect whistle blowers; and



12) setup regulation to govern its own procedures.

## **Part Two:**

### **HUMAN RIGHTS COMMISSION**

- 1) To reaffirm basic civil and political rights enunciated in the declaration and Principles of Human Rights adopted by the United Nations, African Union, the Universal Declaration of Human Rights, and the African Charter on Human and People's Rights, as contained in the South Sudan Constitution and Laws, shall be fully guaranteed and respected within South Sudan.
- 2) The basic civil and political rights include:
  - 1) The right to life, liberty, freedom from torture;
  - 2) The right to a fair trial, freedom of conscience, expression and association; and
  - 3) The right to take part in the governance of one's country.
- 3) The bill of rights contained in the 2011 constitution shall be reviewed to conform to international standards on human rights.
- 4) The Parties agree to restructure the Human Rights Commission. The members should be impartial and of high moral integrity vetted by the Senate and appointed by the President with the consent of the Vice President.
- 5) The tenure of office of the members shall be five (5) years subject to renewal for another five (5) years.
- 6) The security of the members of the Commission shall be guaranteed by the TFGONU.
- 7) The Commission shall monitor compliance with basic rights guaranteed in the present peace agreement as well as promote human rights education throughout the various sectors of the South Sudanese Society including schools, the Media and the security organs.
- 8) The Commission shall work together with the South Sudanese Human Rights and Civil Society Organizations, international human rights organizations and other relevant UN agencies to monitor and strengthen the observance of human rights in the country.
- 9) Technical, financial and material assistance maybe sought by the Commission from UN Office of the High Commissioner for Human Rights (UNHCR), the African Commission on Human Rights and other relevant international organizations in addition to any budget approved by the Federal Legislature which shall be charged on the consolidated fund.

**Part Three:**

**ELECTIONS COMMISSION**

- 1) Review the election act, 2012.
- 2) The United Nations shall conduct and supervise elections before the end of the Transitional Period.
- 3) The Parties agree to restructure the Elections Commission. The members should be impartial and of high moral integrity vetted by the Senate and appointed by the President with the consent of the Vice President.

**Part Four:**

**POLITICAL PARTIES COUNCIL**

- 1) Review the Political Parties Act, 2012.
- 2) The Parties agree to restructure the Political Parties Council. The members should be impartial and of high moral integrity vetted by the Senate and appointed by the President with the consent of the Vice President.

**Part Five:**

**NGOs ACT**

Review the NGOs Act, 2014.

**Part Six:**

**MEDIUM TO LONG TERM REFORMS**

**The Parties agree that:**

- 1) The below listed institutions shall be review/restructured by the TFGONU to ensure that it can deliver its mandate as required by law.
- 2) Review/restructuring shall start immediately after the establishment of the TFGONU.
  - a. Local Government Board (Inter Governmental Linkages Board)
  - b. Land Commission
  - c. Peace Commission
  - d. Public Grievances Chamber
  - e. HIV/AIDS Commission
  - f. National Employee Justice Chamber
  - g. National Road Authority
  - h. Telecommunication Authority
  - i. Civil Aviation Authority
  - j. Food and Drug Authority
  - k. Medical Council
  - l. Medical Specialized Board
  - m. National Bureau of Standards
  - n. Any other institution that may be identified by the TFGONU.

**Part Seven:**

**NEW INSTITUTIONS**

The Parties agree that, during the transitional period, the following institutions shall be established in accordance with the Peace Agreement. These institutions shall be established within 90 days of the establishment of the TFGONU.

- 1) Compensation and Reparation Commission;
- 2) National Constitutional Commission;
- 3) Civil Service Reform Commission;
- 4) Justice Sector Reform Commission;
- 5) National Public Service Recruitment Board;

- 6) Boundaries and Borders Commission;
- 7) Commission For Truth, Reconciliation and Healing; and
- 8) Hybrid Judicial Body.

## **V. Chapter Five**

### **TRANSITIONAL JUSTICE**

Part One:

#### **GENERAL PROVISIONS**

##### **TFGONU shall**

- 1) Embark on a comprehensive process of accountability and justice, and national reconciliation to combat impunity and to address legacy of mass human rights violations committed in current conflict in South Sudan;
- 2) Establish an independent Commission for Truth, Reconciliation and Healing;
- 3) Not grant amnesty for persons responsible for violations of international laws and or applicable laws of South Sudan;
- 4) Undertake efforts to strengthen national justice institutions to include vetting of judges, police, other law enforcement agencies and institutional reforms among other initiatives;
- 5) Initiate other processes of truth, justice, reconciliation and healing at the national, state and local levels;
- 6) Implement all the recommendations of African Union Commission of Inquiry for South Sudan, as per May 9, 2014 Agreement;
- 7) Cooperate and assist the work of the hybrid judicial body; and

##### **The AU shall**

- 1) Make public the report of the African Union Commission of Inquiry for South Sudan, to enable its incorporation into the final Peace Agreement, as per May 9, 2014 Agreement; and
- 2) Establish the hybrid judicial body.

## **Part Two:**

### **COMMISSION FOR TRUTH, RECONCILIATION AND HEALING**

The Commission for Truth, Reconciliation and Healing shall be established to spearhead efforts to address the legacy of conflict in South Sudan. Eminent African Personalities and others shall assist the process. The mandate of the Commission shall be to establish an accurate and impartial historical record of human rights violations, identify victims and perpetrators, record the experiences of victims, and facilitate local and national reconciliation and healing.

#### **1) Establishment and Duration of the Commission**

- 1) The commission shall be established four (4) months from the date of signing the Peace Agreement;
- 2) The legislation shall be enacted to establish the Truth, Reconciliation and Healing Commission within (2) Months from the date of commencement of the TFGONU; and
- 3) The Commission for Truth, Reconciliation and Healing shall operate for a period of five (5) years. Its term of office maybe extended by the Government for another two (2) years.

#### **2) Scope of Inquiry**

- 1) Politically motivated violence;
- 2) Inter-communal and/ethnic violence;
- 3) Genocide;
- 4) Ethnic cleansing;
- 5) Crimes against humanity and war crimes;
- 6) Mass killing, murder and other violations of the right to life;
- 7) Extra-judicial killings;
- 8) Enforced and involuntary disappearances;
- 9) Abductions and kidnappings;
- 10) Torture or cruel, inhuman and degrading treatment;
- 11) All forms of sexual violence;
- 12) Violence against women, children, elderly people, people with disability and vulnerable groups;
- 13) Intentional destruction of property; and
- 14) Other human rights abuses and violations of similar type and magnitude that the Commission decides are necessary to include in order fulfill its mandate.

#### **3) Functions of the Commission**

- 1) Implement AUCI recommendations;
- 2) Investigate human rights violations to establish accurate and impartial records;
- 3) Identify those responsible for human rights violations and abuses;
- 4) Recommend cases for prosecution;
- 5) Develop recommendations for legal institutional reforms;
- 6) Recommend cases for compensation, reparation, trauma counseling and healing, and any other appropriate remedies for reconciliation and healing;
- 7) Facilitate local and national reconciliation and healing;

- 8) Coordinate, liaise and cooperate with all relevant institutions; and
- 9) Promote the integrity and well-being of victims and witnesses.

**4) Structures of the Commission**

- 1) Directorates of Truth Seeking, of Reconciliation and Healing, and of Public Outreach;
- 2) Directorate of Truth Seeking shall be responsible for investigating and reporting on abuses and violations;
- 3) Directorate of Reconciliation and Healing shall be responsible for facilitation of national and local reconciliation and healing;
- 4) Directorate of Public Outreach shall start its work immediately; and
- 5) The Commission may establish other directorates as necessary.

**5) Composition, Nomination, Selection and Appointment of Commissioners**

- 1) Seven Commissioners;
- 2) Four of the Commissioners shall be eminent non-South Sudanese and three South Sudanese;
- 3) The Chairperson shall be non-South Sudanese;
- 4) At least two female Commissioners;
- 5) Persons of high moral character, impartiality and integrity; and
- 6) Both TFGONU and AU shall nominate the commissioners.

**6) Inquiry-related Powers**

- 1) Conduct hearing for any purpose associated with an inquiry of the Commission
- 2) Interview witnesses or invite people to attend hearings;
- 3) Subpoena a person to appear before the Commission;
- 4) Subpoena any object, item or document that the commission considers relevant to its work;
- 5) Persons making statements before the commission shall be under oath; and
- 6) Be present at forensic investigations or exhumations relevant to its inquiry.

**7) Search and Seizure Powers:**

- 1) The commission shall have the authority to issue search warrants;
- 2) Police with search warrants may:
- 3) Inspect and search the identified premises;
- 4) Examine any object, item or document found on the premises;
- 5) Question any person responsible for such premises;
- 6) Make copies of or extract any object or item found upon or in such premises;
- 7) Seize any object or item found upon or in such premises which he/she upon reasonable grounds suspects to be relevant to its work; and
- 8) Any object or item that has been so removed shall be returned as soon as possible after the purpose of such removal has been accomplished.
- 9) Any entry into premises undertaken under this section shall be undertaken in a fashion that considers:
- 10) A person's right to, respect for the protection of his or her dignity;

- 1) The right of a person to freedom and security; and
- 2) The right of a person to his or her personal privacy.

**8) Funding**

- 1) TFGONU
- 2) AU
- 3) UN
- 4) Donors

**Part Three:**

**HYBRID JUDICIAL BODY**

The independent judicial body, with participation from South Sudanese, eminent lawyers and Jurists from Africa and the international community, shall be established to investigate and prosecute individuals bearing the greatest responsibility for violations of international humanitarian law, and or applicable South Sudanese law, committed since 15 December 2013.

**1) Establishment of hybrid judicial body:**

- a. The AU shall establish an independent hybrid judicial body
- b. The hybrid judicial body shall be established four (4) months on signature of the peace agreement;
- c. The hybrid judicial body shall operate for a period of five (5) years. AU may extend its term of office for another five (5) years.

**2) Jurisdiction of the hybrid judicial body**

- a. Prosecute and try cases as per the AUCI recommendations;
- b. Prosecute and try cases referred by the Truth and Reconciliation and Healing Commission;
- c. Investigate, prosecute and try persons responsible for crimes in violation of international humanitarian law and or applicable South Sudanese law, committed since 15 December 2013;
- d. Jurisdiction of the hybrid judicial body:
  - (i) Genocide;
  - (ii) Ethnic Cleansing;
  - (iii) Crimes against humanity;
  - (iv) War Crimes;
  - (v) Torture; and
  - (vi) Relevant crimes arising under South Sudan laws and international humanitarian law.
- e. Has primacy over national courts of South Sudan; and
- f. Separate and distinct from the national judiciary.



**3) Individual Criminal Responsibility shall cover the following:**

- 1) Any person who planned, instigated, ordered, committed, aided and abetted, conspired or participated in a joint criminal enterprise;
- 2) Any person granted amnesty for crimes falling under the jurisdiction of the hybrid judicial body;
- 3) Any person protected by the Status of forces agreements;
- 4) Any person holding public office;

**4) Seat of the hybrid judicial body**

Outside South Sudan

**5) Composition of the Hybrid Judicial Body**

- 1) One chamber of more benches each composed of two South Sudanese judges and three non-South Sudanese;
- 2) Appeal chamber composed of one South Sudanese and two non-South Sudanese sitting together;
- 3) A registrar and other staff

**6) Selection and Appointment of Judges**

- 1) All judges shall be selected and appointed by the Secretary General of the United Nations in consultation with AU Commission within five (5) months on the signature of the peace agreement;
- 2) Judges serving shall be persons of high moral character, impartiality and integrity;
- 3) In selecting judges, due account shall be taken of their experiences in criminal law and international law, including international humanitarian and human rights law.

**7) Office of the Prosecutor**

- 1) Responsible for investigation and prosecution;
- 2) Represented by one Chief Prosecutor and one or more deputies; they shall be non-South Sudanese; and
- 3) South Sudanese and non-South Sudanese shall support the office.

**8) Selection and Appointment of Prosecutors**

- 1) All prosecutors shall be selected and appointed by the Secretary General of the United Nations in consultation with the AU Commission;
- 2) Prosecutors serving shall be persons of high moral character, impartiality and integrity; and
- 3) Be independent in performing their functions.

**9) Protection of Victims and Witnesses**

Provide for protection of victims and witnesses.

**10) Rights of the Accused**

Rights of the accused shall be respected and defended.

**11) Funding**

- 1) AU
- 2) UN
- 3) Donors

**Part Four:**

**COORDINATION MECHANISM**

- 1) The hybrid body and the Commission on Truth, Reconciliation and Healing share common objectives, namely to secure lasting peace and stability, help South Sudan come to terms with its history of mass human rights violations, and build a society based on democracy and the rule of law. In pursuit of these common objectives, the hybrid judicial body and the Commission on Truth, Reconciliation and Healing shall coordinate activities in a spirit of cooperation and mutual respect.
- 2) The hybrid judicial body and the Commission on Truth, Reconciliation and Healing shall enter into a written, binding and enforceable agreement for the regulation of their relationship within 30 days of the establishment of both bodies. Such agreement shall provide for mutual respect for the independence of each institution and their respective mandate.

## **VI. Chapter Six**

### **PARAMETERS FOR A PERMANENT CONSTITUTION PROCESS**

#### **1. CONSTITUTIONAL PRINCIPLES**

- a) Democracy
- b) Human Rights
- c) Rule of Law
- d) Inclusivity
- e) Federalism
- f) Constitutionalism and Institutionalism

#### **2. CONSTITUTIONAL OBJECTIVES**

The process shall have the objective of achieving a new constitution that addresses the following:

- a) Guaranteeing peace, national unity and territorial integrity of the Republic of South Sudan to safeguard the wellbeing of the people;
- b) Establishing 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;
- c) Promoting the people's participation in the governance of the country through democratic, free and fair elections and the devolution and exercise of power;
- d) Respecting ethnic and regional diversity and communal rights including the right of communities to organize and participate in cultural activities and expression of their identities;
- e) Ensuring the provision of the basic needs of the people through the establishment of a framework for fair and even economic growth and equitable access to national resources and services;
- f) Promoting and facilitating regional and international cooperation to ensure economic development, peace and stability, and to support democracy and human rights;
- g) Strengthening and safeguarding national unity;
- h) Creating conditions for free exchange of ideas;

- i) Committing the people of South Sudan to peaceful resolution of national issues through dialogue.

### **3. PERMANENT CONSTITUTION MAKING PROCESS**

During the Transitional Period the TFGONU shall,

- a) Enact a law for constitution making process;
- b) Establish an all-inclusive and representative National Constitutional Committee to draft the constitutional text;
- c) Establish a National Constituent Assembly to debate and pass the draft constitutional text of the permanent constitution;

### **4. CONSTITUTION MAKING PROCEDURES**

- a) Public Consultation Process [Constitutional Committee];
- b) Drafting [Constitutional Committee];
- c) Public Hearing and Dissemination;
- d) Debate [Constituent Assembly];
- e) Referendum [if necessary]; and
- f) Enactment of the constitutional Bill [Constituent Assembly].

## **VII. Chapter Seven**

### **POWER SHARING:**

- 1) The Peace Agreement shall replace the 2015 elections.
- 2) The national, state and local governments shall be reconstituted.
- 3) SPLM/SPLA proposal to reconstitute the current National, State and Local governments is as follows:
  - a. SPLM/SPLA 70%;
  - b. GRSS 20%; and
  - c. Others 10%;