

# PROPOSAL

## AGREEMENT ON THE ESTABLISHMENT OF THE TRANSITIONAL GOVERNMENT OF NATIONAL UNITY (TGoNU) IN THE REPUBLIC OF SOUTH SUDAN

We, the Government of the Republic of South Sudan (hereinafter referred to as the “GRSS”), the Sudan People’s Liberation Movement/Army (in Opposition) (hereinafter referred to as the (SPLM/A (IO)), the SPLM Leaders (Former Detainees), and, the Other Political Parties of South Sudan, jointly referred to as “the Parties” to this Agreement;

**Cognizant** of the tremendous damage and suffering caused by the crisis in our country, the Republic of South Sudan, since December 2013;

**Recognizing** the grave danger posed by the continuation of conflict in South Sudan;

**Further recognizing** that armed conflict will only further damage the country and the lives of millions of South Sudanese;

**Accepting** the need for profound structural, institutional and political reform in South Sudan;

**Recalling** the commitments made to resolve the crisis in South Sudan, namely the Cessation of Hostilities Agreement of January 23, 2014; the Agreement to Resolve the Crisis in South Sudan of May 9, 2014, and the commitment of the Parties to form a Transitional Government of National Unity in South Sudan without further delay;

Hereby agree the following:

### **I. Structure and Mandate of the Transitional Government of National Unity**

1. There shall be established in South Sudan a Transitional Government of National Unity (TGoNU), no later than July 9, 2015. The term of the TGoNU shall be thirty (30) months to be preceded by a pre-Transition Period of three (3) months.
2. The Executive of the TGoNU shall comprise the President of the Republic, the First Vice President, and the Vice President and the Council of Ministers.
3. The President and the Vice President of the TGoNU shall be the incumbent President and Vice President of the Republic. The SPLM/A (IO) shall nominate the First Vice President of the TGoNU.
4. Should the office of the President or the office of the First Vice President fall vacant during the Transition Period for any reason, including mental infirmity or physical incapacity of the office holder, then the office of President or First Vice President, respectively, will be assumed by the nominee of the respective party.
5. In order to permit the establishment of the TGoNU no later than July 9, 2015:
  - a. Determination of the remaining implementation arrangements of the mediation agenda shall be concluded by the Parties no later than March 31, 2015, and the Pre-Transition Period should begin on April 1, 2015.

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b. Amendments to the Transitional National Constitution will be presented to the National Legislature in the Pre-Transition Period, and the President shall sign such amendments into law, no later than the end of the Pre-Transition Period.

## 6. Duties and Responsibilities of the President and the First Vice President

The sharing of duties, functions and responsibilities of the President and the First Vice President shall be as follows:

<b>Functions of the President</b>	<b>Joint Executive Functions</b>	<b>Functions of the First Vice President</b>
<p>i) <i>Preservation of security of South Sudan and protection of its territorial integrity;</i></p> <p>ii) <i>Declaration and termination of a state of emergency in accordance with the provisions of the Constitution and the law, and in consultation with and consent of the First Vice President;</i></p> <p>iii) <i>Assenting to and signing into law bills passed by the National Legislature;</i></p> <p>iv) <i>Appointing the First Vice President in accordance with the Peace Agreement;</i></p> <p>v) <i>Appointing Ministers and Presidential Advisors in consultation with and consent of the First Vice President and in accordance with the peace agreement;</i></p> <p>vi) <i>Commander in Chief of the Armed Forces;</i></p> <p>vii) <i>Chairs the Council of Ministers. The President may delegate the First Vice President to chair the Council of Ministers;</i></p> <p>viii) <i>Chairs the National Defence Council (NDC);</i></p> <p>ix) <i>Chairs the National Security Council;</i></p> <p>x) <i>Confers National honors;</i></p> <p>xi) <i>A symbol of national unity;</i></p> <p>xii) <i>Represents the State, directs</i></p>	<p><i>The President and the First Vice President shall:</i></p> <p>i) <i>Jointly appoint constitutional office holders in accordance with the Peace Agreement and the law;</i></p> <p>ii) <i>Jointly appoint state governors and may remove a state Governor and/or dissolve a state legislative assembly in the event of a crisis in the state that threatens national security and territorial integrity subject to the approval of the Council of States.</i></p> <p>iii) <i>Jointly declare war in accordance with the Constitution and the law;</i></p> <p>iv) <i>Jointly appoint independent commissions, interim and ad hoc commissions and committees;</i></p> <p>v) <i>Jointly establish interim independent institutions and commissions including the judiciary;</i></p> <p>vi) <i>Jointly convene, summon and/or adjourn the National Legislature in consultation with the Speaker;</i></p> <p>vii) <i>Jointly initiate constitutional amendments;</i></p>	<p>i) <i>Directing the work of Government and overseeing the preparation and consideration of Government business and programmes;</i></p> <p>ii) <i>Commander in Chief of SPLM/SPLA forces during the Pre-Transition Period of this Agreement;</i></p> <p>iii) <i>Coordinate implementation of the Peace Agreement and institutional reforms;</i></p> <p>iv) <i>Chair sub-Committees of cabinet;</i></p> <p>v) <i>Follow and ensure implementation of Cabinet Resolutions by relevant Ministries and institutions;</i></p> <p>vi) <i>Appointment of the undersecretaries of ministries and heads public corporations and Executive Directors of commissions in consultation with the President and subject to approval by the council of ministers and the National Legislative Assembly;</i></p> <p>vii) <i>Appointment of senior civil servants below the position of undersecretary in consultation with the President and after approval by the cabinet and in accordance with public service regulations;</i></p> <p>viii) <i>Causes the preparation of the annual budget of the</i></p>

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<p>xiii) <i>and supervises foreign policy and relations, and appoints ambassadors in consultation with and consent of the First Vice President;</i></p> <p>xiv) <i>Ratifies treaties and international agreements with the approval of the National Legislative Assembly.</i></p> <p>xv) <i>Confirmation of death sentences and granting pardons and remitting convictions or Punishments in accordance to the constitution and the law.</i></p> <p>xvi) <i>Any other function that may be conferred upon the President by the constitution or the law.</i></p>	<p>viii) <i>Jointly initiate legislation;</i></p> <p>ix) <i>Commissioning, promotion, dismissal and retirement of officers SPLA and other regular forces in consultation with the National Defense Council and the National Security Council as appropriate.</i></p>	<p><i>National Government in consultation with the President and presents to the National Legislature;</i></p> <p>ix) <i>Presents government programmes to the National Legislative Assembly;</i></p> <p>x) <i>Deputy Chairman of the National Defence Council and National Security Council;</i></p> <p>xi) <i>In the absence of the President, the First Vice President shall be the acting Commander in Chief and Chairs the Council of Ministers;</i></p> <p>xii) <i>Any other function that may be conferred by constitution or the law.</i></p>
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7. The responsibility and function of the Vice President is to serve as the principal assistant to the President. The Vice President will serve as a member of the National Security Council and the National Defence Council and perform any other function or duty that may be assigned to him by the President, as long as such assigned functions or duties do not conflict with the powers and functions of the First Vice President.
8. The President, the First Vice President and the Vice President will work collegially, and in a constant state of consultation. While it is acknowledged that consultation may take different forms such as phone calls, memoranda and other modes of communication, both written and electronic, all decisions will be rendered in writing to preclude conflict and misunderstanding.
9. In the event of a deadlock in the exercise of joint executive powers to appoint constitutional office holders, including state governors; the appointment and establishment of independent commissions, interim and ad hoc commissions and committees; and the initiation of legislation, the matter will be decided by the Council of Ministers, which will require the agreement of eighty (80) per cent of the members of the Council of Ministers.

## **II. Power Sharing Ratios of the Council of Ministers**

1. The Council of Ministers shall consist of the President, the First Vice President and twenty-seven (27) ministers, organized in three (3) clusters:
  - a. Governance Cluster
    - i. Minister of Foreign Affairs and International Cooperation
    - ii. Minister of Defense and Veterans' Affairs
    - iii. Minister of Interior

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- iv. Minister of Justice and Constitutional Affairs
- v. Minister of National Security
- vi. Minister of Information, Communication Technology and Postal Services
- vii. Minister without Portfolio in the Office of the President

b. Economic Cluster

- i. Minister of Finance
- ii. Minister of National Planning
- iii. Minister of Petroleum
- iv. Minister of Mining
- v. Minister of Agriculture and Food Security
- vi. Minister of Livestock and Fisheries
- vii. Minister of Trade and Industry
- viii. Minister of Energy and Dams
- ix. Minister of Transport
- x. Minister of Roads and Bridges
- xi. Minister of Environment and Forestry
- xii. Minister of Land, Housing and Urban Development
- xiii. Minister of Water Resources and Irrigation
- xiv. Minister of Wildlife Conservation and Tourism

c. Services and Social Development Cluster

- i. Minister of Education, Science and Technology
- ii. Minister of Health
- iii. Minister of Labour, Public Service and Human Resource Development
- iv. Minister of Gender, Child and Social Welfare
- v. Minister of Culture, Youth and Sports
- vi. Minister of Humanitarian Affairs and Disaster Management

2. Ministerial portfolios shall be allocated amongst the Parties to this Agreement according to the following percentages:

GRSS	SPLM/A (IO)	SPLM Leaders (FD) and Other Political Parties
60 per cent	30 per cent	10 per cent

3. Decisions by the Council of Ministers:

- a. on procedural issues, decisions will require a simple majority of members of the Council of Ministers.
- b. on substantive issues, decisions will require consensus. In the absence of consensus, decisions will require the agreement of eighty (80) per cent of the members of the Council of Ministers.

4. There shall be seven (7) deputy ministers as follows:

- i. Deputy Minister of Foreign Affairs and International Cooperation
- ii. Deputy Minister of Defense and Veterans' Affairs

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- iii. Deputy Minister of Interior
- iv. Deputy Minister of Justice and Constitutional Affairs
- v. Deputy Minister of Information, Communication Technology and Postal Services
- vi. Deputy Minister of Labour, Public Service and Human Resource Development
- vii. Deputy Minister of Education, Science and Technology

5. Deputy ministerial positions shall be allocated as follows:

	GRSS	SPLM/ A (IO)	SPLM Leaders (FD)	Other Political Parties	Total
Governance Cluster	3	2	0	0	5
Services and Social Development Cluster	0	0	1	1	2
	3	2	1	1	7

### III. National Assembly

1. Effective no later than July 9, 2015, the National Legislative Assembly shall be expanded from three hundred and thirty-two (332) to four hundred (400) members for the duration of the Transition. The National Legislative Assembly during the Transition shall comprise the existing membership of the National Legislative Assembly, and an additional sixty-eight (68) members to be appointed as negotiated by the Parties.
2. Election of the Speaker of the National Legislative Assembly will be conducted once the expansion of the membership of the Assembly is complete, as provided for in article III (1) of this Agreement. The Speaker will be elected from amongst the members of the National Legislative Assembly representing the three (3) states of Equatoria.
3. The term of the National Legislative Assembly shall be extended to run concurrently with that of the TGoNU, until such time as elections are held.
4. The term of the Council of States shall be extended to run concurrently with that of the TGoNU, until such time as elections are held. The composition of the Council of States shall remain as currently constituted, for the duration of the Transition Period.
5. The National Assembly shall facilitate, constitutional, legal and institutional reforms during the implementation of the TGoNU.

### IV. Federalism

1. During the Transition Period, the TGoNU shall complete the permanent constitutional process in South Sudan, which shall determine the future structure of government and the implementation of a federal system of governance.

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2. The TGoNU shall revise the terms of the permanent constitutional process, to ensure an inclusive, consultative and transparent process, and one that responds to the popular demand of the people of South Sudan to introduce a federal system of governance.
3. The TGONU shall effectively decentralize and devolve power to the states and counties, in areas including law enforcement, judicial administration, and public service provision. The TGONU shall allocate to the states and counties financial resources sufficient to implement these devolved powers.

## **V. Regional and International Stabilization Force**

1. The Parties agree that there shall be transitional third party security arrangements (IGAD-led or any other arrangements, as agreed) for the members of the TGoNU returning to Juba and in all other locations identified and agreed to by the Parties. Third party security units shall provide office and residential perimeter security to, as well as static and mobile security during movement of agreed individuals of the TGoNU and other agreed persons.

## **VI. Completion of Negotiations on Remaining Thematic Issues**

1. The Parties agree to complete negotiations on the thematic areas of security sector arrangements, economic and public finance management, humanitarian affairs, justice and accountability, no later than March 31, 2015.

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Done in Addis Ababa, this 31<sup>st</sup> of January 2015.

## SIGNATORIES:

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

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Dr. Riek Machar Teny-Dhurgon  
For the SPLM/A (In Opposition)

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Deng Alor Kuol  
For the SPLM Leaders (Former Detainees)

\_\_\_\_\_  
For the Political Parties of South Sudan

## WITNESSED BY:

\_\_\_\_\_  
Alokiir Malual Aguer  
Representative of Civil Society of South Sudan

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Bishop Enock Tombe Stephen Loro  
For the Faith Based Leaders  
of South Sudan

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Amer Manyok Deng  
Representative of the Women's Bloc  
of South Sudan

## GUARANTORS:

\_\_\_\_\_  
H. E. Hailemariam Dessalegn  
Prime Minister of the Federal Democratic Republic of Ethiopia and Chair of the  
Intergovernmental Authority on Development

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H. E. Dr. Nkosazana Dlamini Zuma  
For the African Union Commission