

# IGAD

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## AREAS OF 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))), 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 reforms 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 mandate of the TGoNU shall be to:**

- a. Implement the Peace Agreement and restore peace, security and order in the country;
- b. Expedite the relief, repatriation, rehabilitation and resettlement of IDPs and returnees;
- c. Facilitate and oversee a process of national reconciliation and healing through an independent mechanism as per the Articles of this Peace Agreement;
- d. Oversee the Permanent Constitution-making process;

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- e. Work closely with the African Union, the IGAD region, and the international community, to consolidate peace and stability in the country;
  - f. Ensure prudent, transparent and accountable management of national wealth and resources to build the nation and promote the welfare of the people;
  - g. Carry out routine functions of government;
  - h. Rehabilitate and reform the civil service;
  - i. Implement security sector reforms and security sector transformation;
  - j. Rebuild destroyed physical infrastructure in conflict-affected areas and give special attention to prioritizing the rebuilding of livelihoods of those affected by conflict;
  - k. The TGONU shall establish a competent and impartial National Elections Commission to conduct free and fair elections towards the end of the Transitional Period. This Election shall ensure that the outcome is broadly reflective of the will of the electorate.
  - l. The TGONU shall conduct a National Population and Housing Census before the end of the Transitional Period.
3. In order to permit the establishment of the TGONU no later than July 9, 2015:
- a. All other outstanding issues of the conflict shall be resolved no later than March 5, 2015, and the Pre-Transition Period shall begin on April 1, 2015.
  - b. The Peace Agreement shall be presented to the National Legislature and National Liberation Council of the SPLM/A (IO) for approval and ratification as is.
  - c. Amendments to the Transitional Constitution, 2011 for the incorporation of the Peace Agreement shall be presented to the National Legislature in the Pre-Transition Period and approved as is, and the President shall sign such amendments into law, no later than the end of the Pre-Transition Period.

## II. Power Sharing Ratios

### a. Governance Cluster

- i. Minister of Cabinet Affairs
- ii. Minister of Foreign Affairs and International Cooperation
- iii. Minister of Defense and Veterans' Affairs
- iv. Minister of Interior
- v. Minister of Justice and Constitutional Affairs
- vi. Minister of National Security
- vii. Minister of Parliamentary Affairs
- viii. Minister of Information, Communication Technology and Postal Services
- ix. Minister in the Office of the President

### b. Economic Cluster

- i. Minister of Finance and Budgetary Control
- ii. Minister of Petroleum
- iii. Minister of Mining
- iv. Minister of Agriculture and Food Security
- v. Minister of Livestock and Fisheries
- vi. Minister of Trade and Industry
- vii. Minister of Energy and Dams
- viii. Minister of Transport
- ix. Minister of Roads and Bridges

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- x. Minister of Environment and Forestry
- xi. Minister of Land, Housing and Urban Development
- xii. Minister of Water Resources and Irrigation
- xiii. Minister of Wildlife Conservation and Tourism

c. Services and Social Development Cluster

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

NB. Geological Survey Authority to be established

1. Ministerial portfolios shall be allocated amongst the Parties to this Agreement according to percentages to be negotiated.
2. Decisions by the Council of Ministers:
  - a. On procedural issues, decisions will require a simple majority of members of the Council of Ministers.
3. There shall be eight (8) deputy ministers as follows:
  - i. Deputy Minister of Foreign Affairs and International Cooperation
  - ii. Deputy Minister of Defense and Veterans' Affairs
  - 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 Agriculture and Food Security
  - viii. Deputy Minister of Finance and Budgetary Control
4. Ministerial and Deputy Ministerial portfolios shall be allocated by an ad-hoc committee of the Parties as per the agreed percentages.

### III. National Assembly

1. The National Legislative Assembly shall oversee the implementation of the Peace Agreement and the reforms therein.

### IV. Federalism

### V. Transitional Security Arrangements

1. The GRSS and the SPLM/A (IO) declare and enter into a Permanent Ceasefire, to ensure sustainable peace, effective transitional security arrangements, and the resettlement of returnees and internally displaced persons (IDPs).

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2. The Permanent Ceasefire shall come into effect within seventy-two (72) hours of the signing of the final peace agreement, and shall apply to all forces of the GRSS and the SPLM/A (IO), and all other forces, armed groups, or militias allied to either Party.
3. The Permanent Ceasefire shall be based on the articles of the Cessation of Hostilities Agreement (CoHA) of January 23, 2014 and its implementation modalities matrix. The Parties agree to maintain the current CoHA until the declaration of the Permanent Ceasefire, and shall disseminate appropriate orders to their troops and allies, in line with this Agreement and the final peace agreement, immediately upon signing of the final peace agreement.
4. As of the date of this Agreement, the Parties recommit to the Cessation of Hostilities Agreement of January 23, 2014 and its implementation matrix. The Parties agree that any verified breach of the CoHA will be denounced by IGAD and IGAD will take appropriate action against the breaching Party. Any violation will be reported to the African Union Peace and Security Council and the United Nations Security Council for further action.

#### **VI. Justice, Accountability, Reconciliation and Healing**

1. 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.
2. The independent hybrid judicial body, with participation from South Sudanese and eminent African lawyers and jurists, 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 December 15, 2013.

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

#### **VIII. Participation of the Other Political Parties**

#### **IX. Joint Monitoring and Evaluation Commission**

1. During the Pre-Transition Period, the Parties, in conjunction with the Guarantors, agree to establish a Joint Monitoring and Evaluation Commission (JMEC).
2. The JMEC will be responsible for monitoring and overseeing the implementation of the Agreement and the mandate and tasks of the TGoNU, including the adherence of the Parties to the agreed timelines and implementation schedule. In case of non-implementation of the mandate and tasks of the TGoNU, or other serious deficiencies, the JMEC shall recommend appropriate corrective action to the TGoNU.

#### **X. Completion of Negotiations on Outstanding Issues**

The Parties will be provided with the opportunity for consultation until the resumption of negotiations on February 19, 2015 as per the request of the Parties.  
These consultations will

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be the final negotiations and will be conducted by the two Principals. The Parties agree to complete negotiations on all the other outstanding issues and sign a Peace Agreement no later than March 5, 2015.

**XI. Annexed Issues**

Annexed to this document is the 'PROPOSAL - AGREEMENT ON THE ESTABLISHMENT OF THE TRANSITIONAL GOVERNMENT OF NATIONAL UNITY (TGoNU) IN THE REPUBLIC OF SOUTH SUDAN' containing the results of negotiations of January 28 - February 1, 2015 which shall form the basis for the continuation of the negotiations.

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Done in Addis Ababa, this 1<sup>st</sup> of February 2015.

**SIGNATORIES:**



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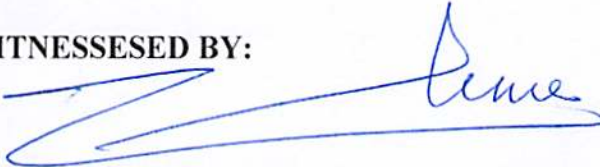
H. E. Salva Kiir Mayardit  
President of the Republic of South Sudan



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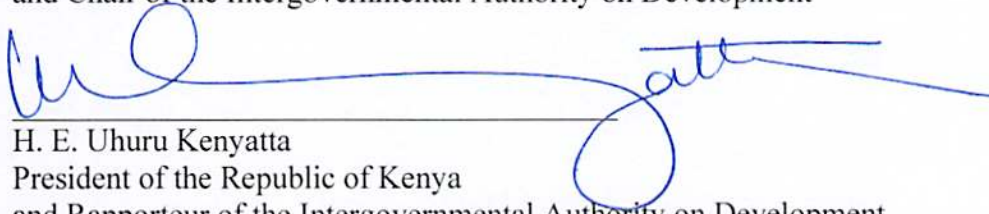
H. E. Dr. Riek Machar Teny  
Chairman and Commander-in-Chief,  
SPLM/SPLA (In Opposition)

**WITNESSESED BY:**



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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. Uhuru Kenyatta  
President of the Republic of Kenya  
and Rapporteur of the Intergovernmental Authority on Development