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Protocol on Agreed Principles on Transitional Arrangements Towards Resolution of the Crisis in South Sudan

25 August 2014

Handwritten signatures and initials:
BAK. J ue Z Yledy

PREAMBLE

The Government of the Republic of South Sudan (hereinafter referred to as the "Government" or the GRSS), and the Sudan People's Liberation Movement/Army (in Opposition) (hereinafter referred to as (SPLM/A (IO)) and others namely: SPLM Leaders (Former Detainees), Political Parties, Civil Society, and Faith-Based Leaders; jointly referred to as "Stakeholders";

Concerned about the grave and continuing crisis in South Sudan, resulting in senseless loss of life, mass displacement and destruction of property;

Mindful that the crisis in South Sudan cannot be permitted to continue amid the impending threat of war-induced-famine and further devastation;

Determined to end the war and restore peace and stability in the country;

Acknowledging the concerted efforts of IGAD and its Member States, which together convened five Extraordinary Summits between December 2013 and August 2014, and initiated the IGAD Peace Process for South Sudan;

Further acknowledging the extensive consultations carried out by the Special Envoy throughout the region and beyond, and the efforts toward a negotiated resolution of the crisis;

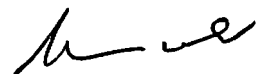
Recalling the achievements made thus far: the signing of the Cessation of Hostilities Agreement on 23rd January 2014, the establishment and operationalization of the Monitoring and Verification Mechanism, the deployment of a Regional Protection Force under the mandate of the United Nations Mission in South Sudan, and the progress to date of the multi-stakeholder dialogue;

Applauding the critical support provided by IGAD Partners and Friends of South Sudan to the peace process;

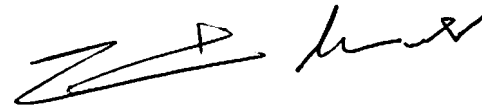
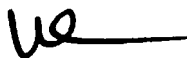
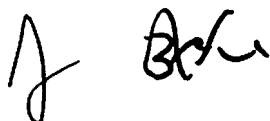
Do Hereby **Agree** the following Principles, and **Further Agree**, with the endorsement of the Guarantors, that the terms of a political transition shall be further determined by the agreed outcomes of the IGAD-led multi-stakeholder peace process, and that such terms shall necessarily be formulated in accordance with these Principles;

I. **Agreed Principles: Transitional Governance Arrangements**

1. Establishing a Transitional Government of National Unity (TGONU) offers the best chance for the people of South Sudan to take the country forward;



2. The Head of State and Government, Commander-in-Chief of the Armed Forces of the TGNU shall be the elected, incumbent President of the Republic; the President of the Republic shall be deputized by a Vice President of the Republic;
3. There shall be established the office of the Prime Minister nominated by the SPLM/A (IO) and who shall be acceptable to the President; whose duties and powers shall be negotiated in the peace process;
4. The Prime Minister shall be a credible, professional and competent person to accomplish the tasks entrusted to him to coordinate the implementation of the interim process;
5. The Prime Minister shall work harmoniously with the President during the interim period.
6. The Prime Minister will not be eligible to stand for any public office in the national elections at the end of the Transitional Period;
7. The Executive of the Transitional Government shall comprise the President, the Vice President, the Prime Minister and the Council of Ministers;
8. The Transitional Period shall last for a period of 30 months;
9. National elections shall be held 60 days before the end of the Transitional Period in order to introduce a new political dispensation in South Sudan;
10. The Transitional Period shall be preceded by a Pre-Transition period of 90 days, during which tasks necessary to initiate the Transition shall be completed; these tasks shall be negotiated by the stakeholders in the negotiations;
11. The Transitional Government shall include representatives nominated by the Government, the SPLM/A (IO), the SPLM Leaders and other Political Parties, shall be negotiated by the parties mentioned above in the negotiations;
12. The Executive shall guide the transitional agenda and national elections as shall be agreed by the participating stakeholders in the IGAD-led peace process;
13. In the event that the post of President falls vacant, the provisions of the Transitional Constitution of the Republic of South Sudan shall prevail. Should the post of Prime Minister fall vacant during the Transitional Period, the post shall be filled by the nominee of the SPLM/A (IO), as per the terms to be negotiated;
14. Upon the adoption of the amended Constitution, the National Legislature shall be reviewed with a view to expand the National Legislature to reflect the new political dispensation that shall be negotiated by the stakeholders in the negotiations; (nominated portion of National Legislature)




15. Individuals, groups and parties to the conflict shall be accountable for their actions. Individuals found to have committed atrocity crimes, war crimes, or other crimes against humanity, as identified by the African Union Commission of Inquiry for South Sudan, shall not be eligible for participation in the Transitional Government, or, if already participating in the Transitional Government shall resign.

II. Agreed Principles: Transitional Security Arrangements


16. To sign the implementation matrix of the Cessation of Hostilities Agreement, its addendum, and fully implement the provisions of the Cessation of Hostilities Agreement to immediately stop the war, which is contributing to the humanitarian crisis;
17. Immediately begin negotiations on a Permanent Ceasefire that will result in the declaration of the disposition of forces, cantonment, demobilization, disarmament and reintegration, and the eventual withdrawal of allied forces, in accordance with the Cessation of Hostilities Agreement, and re-unification of the hitherto fragmented national army;
18. Negotiate and agree to undertake comprehensive institutional reforms in the security sector during the Transitional Period, to restore public confidence and that lead to enduring reforms beyond the Transitional Period;
19. Establish during the Transitional Period a competent and effective oversight mechanism to help oversee implementation of the security sector reform programme and ensure accountability amongst the security agencies;

III. Agreed Principles: Resource, Economic, and Financial Management

20. In accordance with existing international best practices, standards and norms, introduce during the Transitional Period a programme of economic and public financial management reform, implemented in accordance with the existing institutional and legal architecture; the terms of the reform programme shall be negotiated by the stakeholders in the negotiations;
21. Establish during the Transitional Period, a competent and effective oversight mechanism to help oversee implementation of the reform programme and ensure transparency and efficiency in public financial management. 
22. Agree to a resource sharing framework for the revenues from the extraction of natural resources that balances the needs for national development, service delivery and reconstruction of the country, and be allocated by a formula to be negotiated by the stakeholders in the negotiations;

IV. Agreed Principles: Transitional Justice, Reconciliation, and Healing

 BAKI



23. Establish during the Transitional Period, a National Commission for Truth, Reconciliation and Healing, which will be hybrid in composition, to spearhead efforts to address the legacy of conflict in South Sudan; the terms and mandate of the Commission shall be negotiated by the stakeholders in the negotiations;
24. Establish during the Transitional Period, an independent judicial body 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; the terms and mandate of this body shall be negotiated by the stakeholders in the negotiations;

V. Agreed Principles: Humanitarian Concerns

25. Given the impending threat of war-induced-famine, the Government and SPLM/A (IO), as a matter of urgency, immediately and jointly agree to fully support the international call for humanitarian assistance to South Sudan, and agree to facilitate the necessary humanitarian access assessment and assistance initiatives;
26. Agree to urgently institute programmes of relief, repatriation, resettlement, reintegration and rehabilitation of IDPs and returnees, and in particular, provide programmes for war/conflict affected persons (children, orphans, women, widows, war wounded, etc.), including reconstruction of war-affected areas, the terms and scope of which shall be negotiated by the stakeholders in the negotiations;

VI. Agreed Principles: Parameters for a Permanent Constitution Process

27. The TGONU to initiate and oversee a permanent constitution-making process, during the Transitional Period, based on the principles of federalism and taking into account unity in diversity, and to devolve more power to the states. The terms and parameters of this process shall be negotiated by the stakeholders in the negotiations;

VII: Timetable to Complete Negotiations

28. That upon the signing of this Protocol, the stakeholders commit to negotiate and complete the agreement within a period of 45 days.

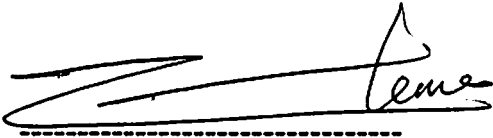
VII. Signatories, Guarantors and Witnesses

SIGNATORIES:

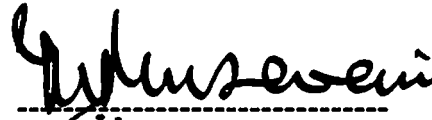


H. E. Salva Kiir Mayardit
President of the Republic of South Sudan

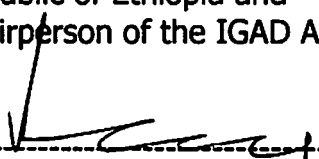
Dr. Riek Machar Teny
Leader of the SPLM/A (In Opposition)



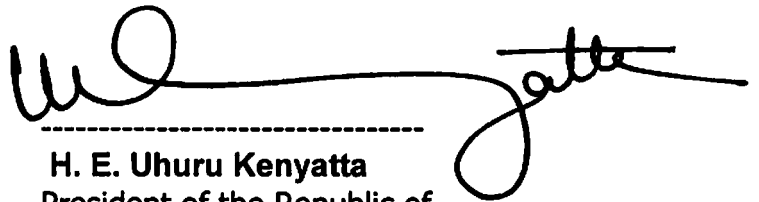
H. E. Hailemariam Dessalegn
Prime Minister of the Federal Democratic
Republic of Ethiopia and
Chairperson of the IGAD Assembly



H. E. Yoweri Museveni
President of the Republic of Uganda



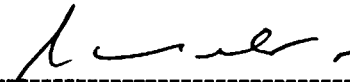
H. E. Ismaïl Omar Guelleh
President of the Republic of Djibouti



H. E. Uhuru Kenyatta
President of the Republic of
Kenya



H. E. Bakri Hassan Saleh
Mohammed
First Vice President of the
Republic of Sudan

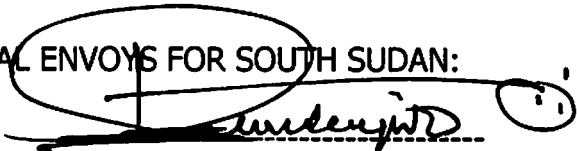


H. E. Abdiweli Sheikh Ahmed
Prime Minister of the Republic of
Somalia

WITNESSED BY THE IGAD SPECIAL ENVOYS FOR SOUTH SUDAN:



Amb. Seyoum Mesfin
Chairperson



Gen. Lazaro K. Sumbeiywo



Gen. Mohamed Ahmed El-Dabi