

AGREEMENT ON
OUTSTANDING ISSUES OF GOVERNANCE

Mindful of their commitment under the Transitional Constitution of the Republic of South Sudan, 2011 to lay the foundation for a united, peaceful and prosperous society based on justice, equality, respect for human rights and the rule of law,

Deeply regretting the scale of untold human suffering that had befallen their country and people as a result of disregarding this commitment,

Determined to compensate their people by recommitting themselves to peace and constitutionalism and not to repeat mistakes of the past,

Cognizant of the prime significance of preserving the sovereignty and territorial integrity of their country,

Confirming the commitments that they have solemnly undertaken in the Khartoum Declaration and the ARCSS,

The Transitional Government of National Unity of the Republic of South Sudan (TGoNU) the Sudan People's Liberation Movement Army-In Opposition (SPLM/ A-IO), the South Sudan Opposition Alliance (SSOA), Former Detainees (FDs), Other Political Parties (OPP), referred to hereinafter collectively as the Parties, confirm their commitment to the agreed part of the Revised Bridging Proposal and hereby resolve as follows the outstanding issues on governance:

1. The Presidency:

- 1.1. At the beginning of the Transitional Period:
 - a. H.E. Salva Kiir Mayardit shall continue as President of the Republic of South Sudan.
 - b. The Chairman of SPLM/ A-IO Dr Riek Machar Teny shall assume the position of the First Vice President of the Republic of South Sudan.
- 1.2. During the Transitional Period there shall be four Vice Presidents of the Republic of South Sudan who shall be nominated as follows:

- a. Vice President to be nominated by Incumbent TGoNU.
 - b. Vice President to be nominated by SSOA.
 - c. Vice President to be nominated by Incumbent TGoNU.
 - d. Vice President to be nominated by FDs, who shall be a woman.
- 1.3. Apart from the First Vice President, there shall be no hierarchy among Vice Presidents. The ranking in 1.2 above is for protocol purposes only.
- 1.4. Decision making in the Presidency shall be in a spirit of collegial collaboration. However, the powers and functions of the President, First Vice President, and Vice Presidents shall be delineated along the provisions of the ARCSS 2015.
- 1.5. The First Vice President and Vice Presidents shall oversee respectively the Cabinet Clusters as follows:
- (a) First Vice President: Governance Cluster.
 - (b) Vice President: Economic Cluster.
 - (c) Vice President: Services Delivery Cluster.
 - (d) Vice President: Infrastructure Cluster.
 - (e) Vice President: Gender and Youth Cluster.

2. The Revitalized TGoNU:

- 2.1. The Council of Ministers shall be comprised of thirty five (35) Ministers organized in the abovementioned five (5) clusters.
- 2.2. The Infrastructure Cluster shall include Ministries of Energy and Dams; Transport; Roads and Bridges; and Information, Communication Technology and Postal Services.
- 2.3. The Gender and Youth Cluster shall include the Ministries of Gender, Child and Social Welfare; and Culture, Youth, and Sports.
- 2.4. The additional five Ministries and their clustering shall be agreed by the Parties before or during the Pre-Transitional Period further to a proposal to be drawn by the IGAD and shall be included in the Revitalized ARCSS.
- 2.5. The Ministerial positions shall be selected as follows:
- a. Incumbent TGoNU: 20 Ministers.
 - b. SPLM/ A-IO: 09 Ministers.

- c. SSOA: 03 Ministers.
 - d. FDs: 02 Ministers.
 - e. OPP: 01 Minister.
- 2.6. There shall be ten (10) Deputy Ministers in the following Ministries:
- a. Cabinet Affairs.
 - b. Foreign Affairs.
 - c. Defense.
 - d. Interior.
 - e. Justice and Constitutional Affairs.
 - f. Finance.
 - g. Agricultural and Food Security.
 - h. General Educational and Instruction.
 - i. Public Services and Human Resource Development
 - j. Lands, Housing and Urban Development.
- 2.7. Deputy Ministers shall be nominated by the Parties by rotation from the above list according to the following ratio:
- a. TGoNU: five (5) Deputy Ministers.
 - b. SPLM/ A-IO: three(3) Deputy Ministers.
 - c. SSOA: one (1) Deputy Minister.
 - d. OPP: one (1) Deputy Minister.
- 2.8. No fewer than three (3) of the Deputy Ministers shall be women.
- 2.9. No Assistant Presidents, other Ministers or Deputy Ministers shall be appointed during the Transitional Period.
- 2.10. If more than two Advisers to the President are appointed, the responsibility sharing ratio shall apply to their selection.

3. The Transitional National Legislature:

- 3.1. The Transitional National Legislature shall consist of the Transitional National Legislative Assembly (TNLA) and the Council of States.
- 3.2. The TNLA shall be dissolved and composed of 550 members who shall be allocated as follows:
- a. Incumbent TGoNU: 332 members.
 - b. SPLM/ A-IO: 128 members.

- c. SSOA:50members.
 - d. OPP: 35 members.
 - e. FDs: 5 members.
- 3.3. The Speaker of the TNLA shall be nominated by Incumbent TGoNU. One Deputy Speaker shall be nominated by OPP and the other, who shall be a woman, shall be nominated by Incumbent TGoNU.
 - 3.4. The Council of States shall be dissolved and composed of 50 members or the closest figure that can be shared evenly by the States as per the number that shall be recommended by the IBC. However, the minimum number for the representatives of every and each State shall be two.
 - 3.5. The membership of the Council of States shall be reconstituted as per the responsibility sharing ratio.
 - 3.6. The Speaker of the Council of States shall be nominated by SPLM/A-IO and the Deputy Speaker shall be nominated by Incumbent TGoNU.

4. Number and Boundaries of States:

- 4.1. Within thirty (30) days of the signing of this Agreement, the IGAD Executive Secretariat, taking into account the decision of 55th Extra-Ordinary Session of the IGAD Council of Ministers held in Addis Ababa, Ethiopia, January 30-31, 2016, shall appoint Independent Boundaries Commission (IBC) for the Republic of South Sudan.
- 4.2. The IBC shall consist of fifteen (15) members with the necessary skills and expertise.
- 4.3. Members of the IBC shall be appointed as follows:
 - a. Five (5) South Sudanese who shall be appointed by the Parties, one (1) each.
 - b. Two (2) representatives of the IGAD states that shall come from states with no boundaries with South Sudan.
 - c. Three (3) representatives of the Troika states.
 - d. Five (5) representatives of the African Union that shall be from the C5 states.

- 4.4. The IBC shall be chaired by one of its non-South Sudanese members who shall be of recognized standing and integrity and who had occupied a senior judicial, executive or administrative position in his home country.
- 4.5. The IBC may retain the services of a team of experts.
- 4.6. The IBC shall establish three teams, each consisting of five representatives and relevant experts, to be deployed at locations it will designate.
- 4.7. The function of the IBC shall be to consider the number of States of the Republic of South Sudan and their boundaries; and to make recommendations on the same.
- 4.8. The IBC shall focus on studying the alternatives currently proposed by the Parties and any other viable alternatives in the light of guidelines that shall be drawn beforehand. The IBC shall also draw its own internal regulations.
- 4.9. The IBC shall strive to arrive at its recommendations by consensus. If consensus is not achieved, the IBC shall adopt its recommendations by simple majority.
- 4.10. The recommendations of the IBC shall be presented to the IGAD Executive Secretariat and shall be immediately communicated to the Parties.
- 4.11. The IBC shall complete its work within ninety (90) days, extendable to a maximum of ninety (90) days more. In all cases it shall make its recommendations on the number and boundaries of States during the Pre-Transitional Period. Thereafter it shall be dissolved.
- 4.12. The Parties agree to abide by the recommendations of the IBC, and hereby authorize the IGAD Executive Secretariat to enshrine those recommendations in the Revitalized ARCISS. The Parties accept to implement the recommendations in full at the beginning of the Transitional Period.
- 4.13. In the unlikely event of the IBC failing to make its recommendations before the end of the Pre-Transitional Period, the Republic of South Sudan shall have as regions the old three provinces, as per their boundaries of January 1st 1956. This solution shall be adopted on

temporary basis until the number and boundaries of the States are agreed.

4.14.

5. States and Local Government

5.1. The Responsibility sharing ratio at State level and local government level shall be as follows:

- a. Incumbent TGoNU: 55%
- b. SPLM/ A-IO: 25%
- c. SSOA: 10%
- d. OPP: 10%

5.2. State and local governments shall be dissolved and reconstituted as per the responsibility sharing formula stated above.

5.3. The positions that shall be subject to responsibility sharing include: Governors, Speakers of State Legislatures, State Councils of Ministers, State Legislatures, County Commissioners, County Councils, Mayors and City Councils.

5.4. In sharing State and local positions Parties shall take into account the relative prominence each Party has in the respective State or Payam and effective administration of that unit.

5.5. The FDs shall have three state Ministers in States of their choice.

6. General:

6.1. This Agreement shall prevail on contradictory or incompatible provisions of ARCSS and the Revised Bridging Proposal.

6.2. The high number of members of the Executive and TNLA is agreed to be exceptional and for the purposes of the Transitional Period only. The principle of lean government and an assembly that follows the internationally recognized proportions of population to members of parliament shall be observed beyond the Transitional Period.

6.3. Provisions of the Transitional Constitution of South Sudan and ARCSS on participation of women (35 %) in the Executive shall be observed. In particular, Incumbent TGoNU shall nominate no fewer than six (6)

women to the Council of Ministers, and SPLM-IO shall nominate no fewer than three (3) women to the Council of Ministers.

- 6.4. Having in mind that more than 70 percent of the population in the Republic of South Sudan is under the age of thirty and that the youth are also the most affected by the war and represent high percentage of refugees and IDPs, the Minister of Culture, Youth, and Sports shall be less than forty (40) years old. The Parties shall strive to include people of young age in their quotas at different levels.
- 6.5. In selecting their nominees Parties shall give due consideration to national diversity, including regional representation.
- 6.6. Within thirty days of signing this Agreement, the Parties shall form a National Pre-Transitional Committee (NPTC) of ten members (5,2,1,1,1) to be tasked with oversight and coordination of the implementation of the activities of the Pre-Transitional Period. The NPTC shall be chaired by TGoNU with two Deputy Chairs from SPLM/A-IO and SSOA and shall adopt its decisions by consensus. The NPTC shall draw the road map for implementing the political tasks of the Pre-Transitional Period, prepare a budget for the Pre-Transitional Period, and address issues of VIP security and preparations for new Ministers, among others. The NPTC shall start in Addis Ababa and shall move to Juba sometime during the Pre-Transitional Period. The NPTC shall be dissolved when the Pre-Transitional Period ends.
- 6.7. The Reconstituted National Constitutional Amendments Committee NCAC shall continue to revise relevant laws and draft new legislation under this agreement within 12 (twelve) months of the beginning of the Transition Period.
- 6.8. There shall be established a fund for the implementation of the political and security activities of the Pre-Transitional Period. The fund, which shall be drawn from the proceeds of oil, shall be deposited in an escrow account in a bank agreed by the NPTC. The NPTC shall manage the fund transparently and report on it monthly to the Parties.
- 6.9. The activities that shall be undertaken during the Pre-Transitional Period which can take as long as 8 months shall include:

- a. Dissemination of the Agreement to South Sudanese People inside the country, in different cities and towns of Sudan, in refugee camps in other neighboring countries, in diaspora, so that the people can own it.
 - b. To be carrying out the tasks entrusted in the IBC.
 - c. A process of national healing and reconciliation that shall be led by all Parties inside and outside of the Republic of South Sudan.
 - d. Security arrangement activities as per the Agreement on Security Arrangement.
 - e. Incorporation of the Agreement of the Revitalized ARCSS in the Transitional Constitution of the Republic of South Sudan, 2011.
 - f. Reviewing and drafting necessary Bills as per the revitalized ARCSS.
 - g. Any other activities agreed by the Parties.
- 6.10. The Parties shall agree on Inter-Ministerial Mechanism for Implementation of the Revitalized ARCSS including reporting to JMEC. The IGAD led mediation and the guarantors shall revitalize and restructure all monitoring and evaluation mechanism to ensure inclusivity of all parties and enhance their effectiveness. Such review and restructuring shall be included in the revitalized ARCSS.
- 6.11. At the beginning of the Pre-Transitional Period, the Parties shall issue a solemn commitment to their people and the international community confirming unequivocally that they will not return to war and shall work hand in hand diligently and collectively for the sake of peace and stability of the country. In particular, the Parties shall pledge to use the resources of the country wisely and transparently, for the best interest of the people of the Republic of South Sudan, and to put in place the efficient mechanisms required for achieving this paramount goal. In their solemn commitment the Parties shall also appeal to the international community for support and cooperation at this difficult time of the Republic of South Sudan.

Done in the Republican Palace, Khartoum, Sudan, this day 17th of July 2018.

For Incumbent TGoNU

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For SPLM/A-IO

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For SSOA

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For FDs

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For OPP

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For the Republic of Sudan (Guarantor):

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Witnesses:

For IGAD

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For IPF (IGAD PARTNERS FORUM)

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For the AU

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For the UN

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For TROIKA

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For CHINA

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