

Country/entity South Sudan
Sudan

Region Africa (excl MENA)

Agreement name Memorandum of Understanding between the Government of the Sudan and the Sudan People's Liberation Movement/Army on Aspects of Structures of Government

Date 18 Nov 2002

Agreement status Multiparty signed/agreed

Interim arrangement Yes

Agreement/conflict level Intrastate/intrastate conflict

Sudan Conflicts (1955 -)

Agreements relate to several distinct dyads, and also the negotiated independence of South Sudan, and subsequent internal conflict in South Sudan. Sudan-South Sudan. The long-standing conflict between the north and the south of the country dates back to colonial times, where the British introduced a so-called 'Southern Policy', severely hampering population movements between these big regions. Immediately after gaining independence in 1956, southern movements started to fight for independence; this fight became professionalised in 1983 with the foundation of the soon internationally supported Sudan People's Liberation Army (SPLA). When the Islamic Front government introduced strict sharia laws in the south after it took over power in 1988 the war intensified. A decade later, the military situation reached a stalemate, enabling internationally facilitated peace negotiations to begin in 1997. After more fighting, a final negotiation push began in 2002, leading to the signing of the Comprehensive Peace Agreement (CPA) in January 2005.

Sudan-South Sudan post referendum. South Sudan became independent in July 2011; since then, relations between the two countries are complicated and violent conflict led by the SPLM (North) in the Sudanese Nuba mountains region has since intensified.

Darfur. Other long-standing violent conflicts are in the east and the west of the country. In the east, the Beja Congress, established in 1957, is the spearhead of a currently 'peaceful' opposition movement. In the west, the violent conflict in Darfur intensified in the early 2000s and rapidly gained international attention, even resulting in genocide charges against leading figures of the Sudanese government. The situation on the ground is complex, with over a dozen organisations (most notably the Sudanese Liberation Movement and the Justice and Equality Movement) fighting the Sudanese government and allied groups like the Janjaweed – although all parties have switched sides on numerous occasions. Several mediation attempts have not been successful, due to the shaky commitment of the Sudanese central government and the distrust among the armed opposition.

South Sudan - internal

In December 2013, after president Salva Kiir accused opposition leader Riek Machar of attempting a coup, violent conflict broke out between government forces of the SPLM/A and anti-governmental groups. In addition, several other political militias as well as communal militias have joined the conflict. In 2015 the Agreement on the Resolution of the Conflict in South Sudan (ARCSS) was signed. Due to unsuccessful implementation the agreement was revitalized in 2018. In September 2019, Kiir and Machar agreed to establish a power-sharing government after struggles on forming a unity transitional government.

Close

Sudan Conflicts (1955 -)

Stage Framework/substantive - partial

Conflict nature Government/territory

Peace process	Sudanese (North-South) peace process
Parties	Dr. Ghazi Salahuddin Atabani, The Government of the Sudan; Cdr. Salva Kiir Mayardit, The Sudan People's Liberation Movement/Army
Third parties	Witnessed by: Lt. Gen. Lazaro K. Sumbeiywo, Special Envoy IGAD Sudan Peace Process and on Behalf of the IGAD Envoys
Description	An agreement between the Parties that provides principles, to be incorporated into a final peace agreement, on the governance of Sudan including provisions political and wealth power-sharing. Additionally, the Parties recommit themselves to the pursuit of a lasting peace, and provide for an extension of the Memorandum of Understanding on the Cessation of Hostilities until March 31, 2003.

Agreement document [SD_021118_MoU with SPLM on Government Aspects.pdf \(opens in new tab\) | Download PDF](#)

Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) Page 1, 1. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: - To recognize the national sovereignty of the Sudan as vested in its people as well as the need to give expression to the aspirations of the people of Southern Sudan in all spheres of Government and to provide for linkages between the different levels of Government;

Page 2, 1. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: [...] - - To general principles of inter-governmental relations;

Page 2, 1. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: [...] - To establish a Government of National Unity during the Interim Period.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed)	<p>Governance→Political institutions (new or reformed)→New political institutions (indefinite)</p> <p>Page 1, 1. That within the above context, they have reached agreement concerning numerous aspects of the Structures of Government, including aspects of Power Sharing, the Judiciary and Human Rights. The Parties record that they have reached a measure of understanding on the texts on Structures of Government and revenue sharing on which they have been jointly engaged. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: [...]</p> <p>Page 2, 1. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: [...] - To a bicameral National Legislature with equitable representation of the people of Southern Sudan in both legislative chambers;</p> <p>Page 2, 1. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: [...] - To a collegial decision-making process within the Presidency;</p> <p>Page 2, 1. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: [...] - To establish a Government of National Unity during the Interim Period.</p>
Elections	<p>Page 1, 1. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: [...] - To hold free and fair general elections during the Interim Period;</p>
Electoral commission	<p>No specific mention.</p>
Political parties reform	<p>No specific mention.</p>
Civil society	<p>No specific mention.</p>
Traditional/religious leaders	<p>No specific mention.</p>
Public administration	<p>Page 2, 1. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: [...] - To ensure that the National Civil Service and Cabinet Ministries be representative of the people of Sudan, and that specifically the people of Southern Sudan shall be equitably represented at the senior and middle levels;</p>
Constitution	<p>Governance→Constitution→Constitutional reform/making</p> <p>Page 2, 1. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: [...] - To a bicameral National Legislature with equitable representation of the people of Southern Sudan in both legislative chambers;</p> <p>Page 2, 1. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: [...] - In general terms to the sequence and process governing constitutional review and implementation of the Peace Agreement;</p>

Power sharing

Political power sharing

Power sharing→Political power sharing→General
State level

Page 1, 1. That within the above context, they have reached agreement concerning numerous aspects of the Structures of Government, including aspects of Power Sharing, the Judiciary and Human Rights. The Parties record that they have reached a measure of understanding on the texts on Structures of Government and revenue sharing on which they have been jointly engaged. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement:

Power sharing→Political power sharing→Executive coalition
State level

Page 1, 1. ...In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement:

- To recognize the national sovereignty of the Sudan as vested in its people as well as the need to give expression to the aspirations of the people of Southern Sudan in all spheres of Government and to provide for linkages between the different levels of Government;

- To ensure that the National Civil Service and Cabinet Ministries be representative of the people of Sudan, and that specifically the people of Southern Sudan shall be equitably represented at the senior and middle levels;

...

- To establish a Government of National Unity during the Interim Period.

Power sharing→Political power sharing→Proportionality in legislature
State level

Page 2, 1. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: [...]

...

- To a bicameral National Legislature with equitable representation of the people of Southern Sudan in both legislative chambers;

Territorial power sharing

No specific mention.

Economic power sharing

Power sharing→Economic power sharing→Sharing of resources

Page 1, 1. That within the above context, they have reached agreement concerning numerous

aspects of the Structures of Government, including aspects of Power Sharing, the Judiciary and Human Rights. The Parties record that they have reached a measure of understanding on the texts on Structures of Government and revenue sharing on which they have been jointly engaged. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: [...]

Page 2, 1. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: [...] - To the general principles for sharing revenue and natural resources;

Military power sharing

No specific mention.

Human rights and equality

Human rights/RoL general Page 1, 1. That within the above context, they have reached agreement concerning numerous aspects of the Structures of Government, including aspects of Power Sharing, the Judiciary and Human Rights. The Parties record that they have reached a measure of understanding on the texts on Structures of Government and revenue sharing on which they have been jointly engaged. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: [...]

Page 1, 1. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: [...] - To promote the welfare of the people and protect their human rights and fundamental freedoms;

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication Rights related issues→Media and communication→Media roles
Page 2, 1. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: [...] - To implement an information campaign throughout Sudan to popularize the Peace Agreement in the context of the Machakos Protocol;

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts Page 1, 1. That within the above context, they have reached agreement concerning numerous aspects of the Structures of Government, including aspects of Power Sharing, the Judiciary and Human Rights. The Parties record that they have reached a measure of understanding on the texts on Structures of Government and revenue sharing on which they have been jointly engaged. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: [...]

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources Page 2, 1. In particular, the Parties have agreed in principle to the following, which will be incorporated in the final Peace Agreement: [...] - To the general principles for sharing revenue and natural resources;

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

**Security
Guarantees** No specific mention.

Ceasefire Security sector→Ceasefire→General commitments
Page 2, 3. [...] The Parties have also agreed in a separate document to extend the Memorandum of Understanding (MOU) on the Cessation of Hostilities to the 31st of March, 2003 and to continue their regularly scheduled meetings under the terms of reference established by the Cessation of Hostilities Committee to facilitate the implementation of that MOU.

Police No specific mention.

Armed forces No specific mention.

DDR No specific mention.

**Intelligence
services** No specific mention.

**Parastatal/rebel
and opposition
group forces** No specific mention.

Withdrawal of foreign forces No specific mention.

Corruption No specific mention.

Crime/organised crime No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement	No specific mention.
International mission/force/similar	Page 2, 3. [...] The Parties have also agreed in a separate document to extend the Memorandum of Understanding (MOU) on the Cessation of Hostilities to the 31st of March, 2003 and to continue their regularly scheduled meetings under the terms of reference established by the Cessation of Hostilities Committee to facilitate the implementation of that MOU.
Enforcement mechanism	No specific mention.
Related cases	No specific mention.
Source	Peacemaker.un.org,. 2015. 'UN Peacemaker'. http://peacemaker.un.org .
