

Country/entity South Sudan

Region Africa (excl MENA)

Agreement name Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS)

Date 17 Aug 2015

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 - comprehensive

Conflict nature Government

Peace process	South Sudan post-secession process
Parties	<p>I) THE PARTIES: H. E. Salva Kiir Mayardit, President of the Republic of South Sudan, Commander-in-Chief of the NDFSS; H. E. Dr. Riek Machar Teny, Chairman and Commander-in-Chief, SPLM/ SPLA-IO; Pagan Okech Amum, For the Former Detainees ; [unknown], For the Political Parties of South Sudan</p> <p>II) STAKEHOLDERS: Alokiir Malual Aguer, Representative of Civil Society of South Sudan; Bishop Enock Tombe Loro, For the Faith Based Leaders of South Sudan; Amer Manyok Deng, Representative of Women’s Bloc of South Sudan; [Unknown], Representative of Eminent Personalities</p>
Third parties	<p>Guarantors: IGAD Heads of State and Government H. E. Hailemariam Dessalegn, Prime Minister of the Federal Democratic Republic of Ethiopia and Chair of IGAD; H.E. Yoweri Museveni, President of the Republic of Uganda; H.E. Omar Hassan al-Bashir, President of the Republic of Sudan; H.E. Ismail Omar Guelleh, President of the Republic of Djibouti; H.E. Hassan Sheikh Mahmud, President of the Federal Government of Somalia; H.E. Uhuru Kenyatta, President of the Republic of Kenya; Rapporteur of IGAD</p> <p>African Union –High Level Ad hoc Committee for South Sudan & African Union Comission; For the People’s Democratic Republic of Algeria; For the Republic of Chad; For the Federal Republic of Nigeria; For the Republic of Rwanda; For the Republic of South Africa; Chairperson of the AU Commission</p> <p>For the IGAD led Mediation: Amb. Seyoum Mesfin; Gen. Lazarus Sumbeiywo; Amb. Gen. Mohamed Ahmed El-Dabi</p> <p>International Partners as Witnesses: Representative of the People’s Republic of China; Representative of the Kingdom of Norway; Representative of the United Kingdom; Representative of the United States of America; Representative of the United Nations; Representative of the European Union; Representative of the IGAD Partners Forum (IPF)</p>
Description	A comprehensive agreement attempting to reconcile President Salva Kiir and Riek Machar of the Sudan People's Liberation Army in Opposition. Agreement including provisions on creating a unity government, a permanent ceasefire, provisions for humanitarian assistance and reconstruction, economic and financial arrangements, arrangements for transitional justice, accountability, reconciliation and healing, the parametres of permanent constitution, the establishment of a JMEC and implementation procedures.

Agreement document	SS_150817_Agreement on the Resolution of the Conflict in the Republic of South Sudan.pdf (opens in new tab) Download PDF
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Women, girls and gender

Participation

Participation→Gender quotas

Page 23, CHAPTER II: PERMANENT CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS

4. Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM)

4.3.4 Women's bloc: one (1);

Page 13-14, 10. Council of Ministers

... 10.5.2. In accordance with the TCRSS provisions providing for the participation of women in the Executive (25%), the GRSS shall nominate no fewer than four (4) women to the Council of Ministers, and the South Sudan Armed Opposition shall nominate no fewer than three (3) women to the Council of Ministers. Parties shall give due consideration to national diversity, including regional representation, in appointing their nominees.

... 10.5.4. Deputy Ministers shall be appointed by the Party holding the respective Ministry. In accordance with the TCRSS provisions on the participation of women in the executive, no fewer than two (2) of the Deputy Ministers shall be women.

Page 24, CHAPTER II: PERMANENT CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS

6. Strategic Defence and Security Review (SDSR)

6.1 There shall be a holistic Strategic Defence and Security Review (SDSR) during the Pre-Transition Period of this Agreement through the formation of a multi-stakeholder Strategic Defence and Security Review (SDSR) Board comprising:

6.1.9 Women's bloc: one (1);

Page 41-42, CHAPTER IV. RESOURCE, ECONOMIC AND FINANCIAL MANAGEMENT

CHAPTER V. TRANSITIONAL JUSTICE, ACCOUNTABILITY, RECONCILIATION AND HEALING

2. Commission for Truth, Reconciliation and Healing (CTRH)

2.3. Personnel and Appointment Procedures:

2.3.2. The CTRH shall be composed of seven (7) Commissioners, four (4) of whom shall be South Sudanese nationals, including two (2) women. The remaining three (3) Commissioners shall be from other African countries, of whom at least one (1) shall be a woman. The CTRH shall be chaired by a South Sudanese national, deputised by a non-South Sudanese national; .

Page 48, CHAPTER VII: JOINT MONITORING AND EVALUATION COMMISSION (JMEC)

2. The membership of the JMEC shall comprise representatives of the Parties to this Agreement, other South Sudanese stakeholders, and regional and international guarantors and partners of South Sudan, as follows:

2.2.2 Women's bloc– one (1) representative,

Participation→Effective participation

Page 3, Joined by other Stakeholders: Representatives of CSOs, Women's bloc, Faith-Based Leaders and Eminent personalities,

Page 42, CHAPTER IV. RESOURCE, ECONOMIC AND FINANCIAL MANAGEMENT

8. Economic and Financial Management Authority (EFMA)

... 8.2. EFMA shall be governed by a board to be known as Board of Economic and Financial Management Authority (BEFMA) comprising the President and the First Vice President of the TGoNU as Chair and Deputy Chair respectively, and Ministers of Finance and Planning, Petroleum, Mining, Roads and Bridges, Governor of the Bank of South Sudan (BoSS), National Revenue Authority, Chair of the Parliamentary Committee

Equality

Equality→Social equality

Page 4, Page 4, Convinced that the sharing and allocation of wealth emanating from resources in South Sudan shall ensure that the quality of life and dignity of all citizens are promoted without discrimination on the grounds of gender, religion, political affiliation, ethnicity, and language;

Page 27, CHAPTER III. HUMANITARIAN ASSISTANCE AND RECONSTRUCTION 1. Agreed Principles for Humanitarian Assistance and Reconstruction 1.2. During the Transition, the TGoNU shall: .. 2. Offer special consideration to conflict-affected persons (children, orphans, women, widows, war wounded, etc.), in the provision of public service delivery, including access to health and education services and grant the host communities the same benefit, protection and humanitarian services;

Particular groups of women No specific mention.

International law No specific mention.

New institutions

New institutions→Institutions for women

Page 41, CHAPTER IV. RESOURCE, ECONOMIC AND FINANCIAL MANAGEMENT

7. Enterprise Development Fund

7.1. The TGoNU shall:-

... 7.1.5. establish a Women Enterprise Development Fund for provision of subsidized credit for women-based enterprise development and capacity building of women entrepreneurs;

New institutions→Infrastructure (general)

Page 12, 10. Council of Ministers

10.2. The Council of Ministers shall comprise thirty (30) Ministries, organised in three (3) Sectoral clusters. No other Ministries shall be created during the Transitional Period. The Ministries of the TGoNU shall be as follows:

... Gender,

Page 31, CHAPTER IV. RESOURCE, ECONOMIC AND FINANCIAL MANAGEMENT

2. Institutional Reforms

2.3 Anti-Corruption Commission

... 2.3.1.5 involve media, civil society, women's organizations, youth and faith leaders in policy advocacy against corruption and raising public awareness to strengthen capacity of the public to resist and prevent corruption;

New institutions→Reconciliation and peace

Page 25, CHAPTER II: PERMANENT CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS

6. Strategic Defence and Security Review (SDSR)

6.5 The SDSR Board shall provide the Roadmap for the Security Sector Transformation (SST), which outlines the details for the unification of the army, and security forces, Disarmament, Demobilization and Re-integration and the Security Sector Reform process. The Roadmap shall contribute to the amendment of Defence and Security-related legislations such as, National Security Services, NDFSS, and Police Service Acts. The list of areas for reform identified by the Parties in this Agreement shall include but not limited to: Defence, Police, Prison Service, Wildlife Service, Fire Service, National Security Service, Private Security Organizations and any other institutions that play a role in managing and overseeing the design and implementation, such as Ministries, Parliament, Human Rights Commission and Civil Society Organizations, the De-Mining Authority, Disarmament, Demobilization and Reintegration Commission, War Disabled, Widows and Orphans Commission, War Veterans Commission, Bureau for Community Security and Small Arms Control.

Violence against women

Violence against women→Sexual violence

Page 20, CHAPTER II: PERMANENT CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS

1. Permanent Ceasefire

1.7.2. Acts and forms of sexual and gender-based violence, including sexual exploitation and harassment;

Violence against women→Gender-based violence/VAW (general)

Page 20, CHAPTER II: PERMANENT CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS

1. Permanent Ceasefire

1.7.2. Acts and forms of sexual and gender-based violence, including sexual exploitation and harassment;

Violence against women→Protection (general)

Page 27, CHAPTER III. HUMANITARIAN ASSISTANCE AND RECONSTRUCTION

1. Agreed Principles for Humanitarian Assistance and Reconstruction

1.2. During the Transition, the TGoNU shall:

.. .2. Offer special consideration to conflict-affected persons (children, orphans, women, widows, war wounded, etc.), in the provision of public service delivery, including access to health and education services and grant the host communities the same benefit, protection and humanitarian services;

1.2.3. Fast track procedures and institutions for the import and customs clearance of relief materials;

Transitional justice Transitional justice→Past and gender

Page 40, CHAPTER IV. RESOURCE, ECONOMIC AND FINANCIAL MANAGEMENT

CHAPTER V. TRANSITIONAL JUSTICE, ACCOUNTABILITY, RECONCILIATION AND HEALING

2. Commission for Truth, Reconciliation and Healing (CTRH)

2.1. Establishment of the Commission for Truth, Reconciliation and Healing (CTRH)

2.1.3 The Ministry of Justice and Constitutional Affairs of the TGoNU, in collaboration with other stakeholders and the civil society, shall conduct public consultations for a period not less than one (1) month prior to the establishment of the CTRH, to inform the design of the legislation referred to in Chapter IV, Article (1.1). This notwithstanding, such consultations shall ensure that the experiences of women, men, girls and boys are sufficiently documented and the findings of such consultations incorporated in the resultant legislation.

Page 41-42, CHAPTER IV. RESOURCE, ECONOMIC AND FINANCIAL MANAGEMENT

CHAPTER V. TRANSITIONAL JUSTICE, ACCOUNTABILITY, RECONCILIATION AND HEALING

2. Commission for Truth, Reconciliation and Healing (CTRH)

2.2.2. Without prejudice to its Mandate, the Functions of the CTRH are to:

... 2.2.2.6. record the experiences of victims, including but not limited to women and girls;

Page 41-42, CHAPTER IV. RESOURCE, ECONOMIC AND FINANCIAL MANAGEMENT

CHAPTER V. TRANSITIONAL JUSTICE, ACCOUNTABILITY, RECONCILIATION AND HEALING

2. Commission for Truth, Reconciliation and Healing (CTRH)

2.2.2. Without prejudice to its Mandate, the Functions of the CTRH are to:

... 2.2.3. The CTRH shall issue quarterly progress reports updating the TGoNU on its progress in meeting its objectives. The CTRH shall make sustained efforts to publicly and regularly inform and involve the people of South Sudan in all of its tasks and activities and be responsible for carrying out public education, awareness-raising and civic engagement activities to inform the public, in particular with youth and women, about the Commission's work, and solicit continuous feedback.

Page 41-42, CHAPTER IV. RESOURCE, ECONOMIC AND FINANCIAL MANAGEMENT

CHAPTER V. TRANSITIONAL JUSTICE, ACCOUNTABILITY, RECONCILIATION AND HEALING

2. Commission for Truth, Reconciliation and Healing (CTRH)

2.3. Personnel and Appointment Procedures:

2.3.2. The CTRH shall be composed of seven (7) Commissioners, four (4) of whom shall be South Sudanese nationals, including two (2) women. The remaining three (3) Commissioners shall be from other African countries, of whom at least one (1) shall be a woman. The CTRH shall be chaired by a South Sudanese national, deputised by a non-South Sudanese national; .

Page 42, CHAPTER IV. RESOURCE, ECONOMIC AND FINANCIAL MANAGEMENT

CHAPTER V. TRANSITIONAL JUSTICE, ACCOUNTABILITY, RECONCILIATION AND HEALING

2. Commission for Truth, Reconciliation and Healing (CTRH)

2.4. Rights of Victims and Witnesses

2.4.1. The CTRH shall implement measures to protect victims and witnesses, in particular, youth, women and children. Such protection measures shall include, but shall not be limited to the conduct of in camera proceedings and the protection of the identity of a victim or witness.

Institutional reform Institutional reform→Constitution-making/reform

Page 40, CHAPTER IV. RESOURCE, ECONOMIC AND FINANCIAL MANAGEMENT CHAPTER V. TRANSITIONAL JUSTICE, ACCOUNTABILITY, RECONCILIATION AND HEALING 2.

Commission for Truth, Reconciliation and Healing (CTRH) 2.1. Establishment of the Commission for Truth, Reconciliation and Healing (CTRH) 2.1.3 The Ministry of Justice and Constitutional Affairs of the TGoNU, in collaboration with other stakeholders and the civil society, shall conduct public consultations for a period not less than one (1) month prior to the establishment of the CTRH, to inform the design of the legislation referred to in Chapter IV, Article (1.1). This notwithstanding, such consultations shall ensure that the experiences of women, men, girls and boys are sufficiently documented and the findings of such consultations incorporated in the resultant legislation.

Page 46, CHAPTER IV. RESOURCE, ECONOMIC AND FINANCIAL MANAGEMENT CHAPTER VI. PARAMETERS OF PERMANENT CONSTITUTION 1. The TGoNU shall initiate and oversee a Permanent Constitution-making Process, during the Transitional Period. The Permanent Constitution-making Process shall be based on the principles of: 1.2. Initiate a Federal and democratic system of government that reflects the character of South Sudan in its various institutions taken together, guarantees good governance, constitutionalism, rule of law, human rights, gender equity and affirmative action;

Page 47, CHAPTER IV. RESOURCE, ECONOMIC AND FINANCIAL MANAGEMENT CHAPTER VI. PARAMETERS OF PERMANENT CONSTITUTION 5. The reconstituted National Constitution Review Commission (NCRC) shall be appointed by the Executive after adequate consultation with all key stakeholders including but not limited to the Political Parties, Civil Society Organizations and Faith-Based groups for their views to prepare a Draft Constitutional Text; ... 8. The TGoNU shall review the ongoing permanent Constitution-making process and reconstitute the National Constitutional Review Commission (NCRC). In order to ensure quality of participation and inclusiveness in the reformulated Constitution review process, the composition of the reconstituted NCRC shall include but not limited to representatives of the TGoNU, Political Parties, faith-based groups, women's bloc, youth, ethnic minorities, representatives of the private sector, CSO groups, academics and other professionals. The process of appointment shall be as defined in the reviewed and enacted legislation governing the constitution-making process.

Institutional reform→Police

Page 25, CHAPTER II: PERMANENT CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS

6. Strategic Defence and Security Review (SDSR)

6.5 The SDSR Board shall provide the Roadmap for the Security Sector Transformation (SST), which outlines the details for the unification of the army, and security forces, Disarmament, Demobilization and Re-integration and the Security Sector Reform process. The Roadmap shall contribute to the amendment of Defence and Security-related legislations such as, National Security Services, NDFSS, and Police Service Acts. The list of areas for reform identified by the Parties in this Agreement shall include but not limited to: Defence, Police, Prison Service, Wildlife Service, Fire Service, National Security Service, Private Security Organizations and any other institutions that play a role in managing and overseeing the design and implementation, such as Ministries, Parliament, Human Rights Commission and Civil Society Organizations, the De-Mining Authority, Disarmament, Demobilization and Reintegration Commission, War Disabled, Widows and Orphans Commission, War Veterans Commission, Bureau for Community Security and Small Arms Control.

Institutional reform→DDR, army, parastatal or rebel forces

Page 23, CHAPTER II: PERMANENT CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS

4. Ceasefire and Transitional Security Arrangements Monitoring Mechanism

Development

Development→Education

Page 27, CHAPTER III. HUMANITARIAN ASSISTANCE AND RECONSTRUCTION

1. Agreed Principles for Humanitarian Assistance and Reconstruction

1.2. During the Transition, the TGoNU shall:

.. 2. Offer special consideration to conflict-affected persons (children, orphans, women, widows, war wounded, etc.), in the provision of public service delivery, including access to health and education services and grant the host communities the same benefit, protection and humanitarian services;

1.2.3. Fast track procedures and institutions for the import and customs clearance of relief materials;

Development→Health (general)

Page 27, CHAPTER III. HUMANITARIAN ASSISTANCE AND RECONSTRUCTION 1. Agreed

Principles for Humanitarian Assistance and Reconstruction 1.2. During the Transition, the TGoNU shall: ... 2. Offer special consideration to conflict-affected persons (children, orphans, women, widows, war wounded, etc.), in the provision of public service delivery, including access to health and education services and grant the host communities the same benefit, protection and humanitarian services;

Implementation

Implementation→Women's role and consideration in implementation of the agreement

Page 23, CHAPTER II: PERMANENT CEASEFIRE AND TRANSITIONAL SECURITY ARRANGEMENTS

4. Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM)

4.3.4 Women's bloc: one (1);

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6.1.9 Women's bloc: one (1);

Page 48, CHAPTER VII: JOINT MONITORING AND EVALUATION COMMISSION (JMEC)

2. The membership of the JMEC shall comprise representatives of the Parties to this Agreement, other South Sudanese stakeholders, and regional and international guarantors and partners of South Sudan, as follows:

2.2.2 Women's bloc– one (1) representative,

Implementation→Signing or witnessing agreement

[Signatory] Amer Manyok Deng, Representative of Women's Bloc of South Sudan;

Other

No specific mention.