



SUMMARY

OF THE

REVITALIZED AGREEMENT ON THE RESOLUTION OF THE CONFLICT IN THE REPUBLIC OF SOUTH SUDAN (R-ARCSS)

12 SEPTEMBER 2018

This document has been produced for informational purposes. It is intended to summarize the key provisions of the R-ARCSS 2018 for easy reading and understanding only. For reference and quotation of actual provisions, please refer to the full text of the R-ARCSS 2018.

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PREAMBLE

We are determined to achieve a united, peaceful and prosperous society based on justice, equality, respect for human rights and the rule of law. We deeply regret the scale of human suffering and do not want to repeat mistakes of the past. With the devolution of more powers and resources to lower levels of government, we can protect the sovereignty and the territorial integrity of our country. So, we confirm our commitment to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS).

The Parties to this Agreement are 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), and Other Political Parties (OPP).

CHAPTER 1

How long?

The Revitalized Agreement will be implemented in two phases. A Pre-Transitional Period of eight months will lead to three years of Revitalized Transitional Government of National Unity (RTGoNU), and then there will be elections two months before the end of the Transitional Period. The RTGoNU is based in Juba.

What?

This Agreement sees the RTGoNU restore permanent and sustainable peace, security and stability in the country. The internally displaced persons and refugees will come home, and there will be a people-driven process of national reconciliation and healing, and a Permanent Constitution-making process.

In all functions of government and civil service, there will be transparency and accountability for the management of national wealth and resources, and the Agreement envisages the rebuilding of the infrastructure that has been destroyed. This will be achieved with the support of the regional guarantors and international partners and friends of South Sudan. There will also be a population census, devolution of powers, and proper and democratic elections will be organized.

Who makes up RTGoNU?

The RTGoNU is made up of the Incumbent Transitional Government of National Unity of the Republic of South Sudan (ITGoNU), the Sudan People's Liberation Movement/Army-In Opposition (SPLM/A-IO), the South Sudan Opposition Alliance (SSOA), Former Detainees (FDs), and Other Political Parties (OPP).

The Pre-Transitional Period

In the Pre-Transitional Period, the government will continue as per the Transitional Constitution of the Republic of South Sudan (TCRSS) 2011 (as amended), and the Parties have pledged publicly their commitment to implement the R-ARCSS in letter and spirit. The details of the Agreement will be disseminated all across South Sudan.

South Sudan's government needs to take into account national diversity, gender and regional representation. Women will form 35% of the Executive, as per the TCRSS 2011 (as amended). All Parties to the Agreement will observe this level of

participation as they nominate candidates to the Council of Ministers, and the youth of South Sudan will also be included in decision-making positions. The process of national reconciliation and healing will begin, and the agreed security arrangements will happen.

The National Pre-Transitional Committee

The National Pre-Transitional Committee (NPTC) will be formed by various members of the Parties, and it will oversee the implementation of all activities in the Pre-Transitional Period, including drawing the roadmap needed to oversee and coordinate the implementation of the political and security tasks in the Pre-Transitional Period. The NPTC will manage the funds allocated for the Pre-Transition tasks.

Executive of RTGoNU

Collectively known as the Presidency, there will be: the incumbent President (H.E. Salva Kiir Mayardit), First Vice President (H.E. Dr Riek Machar Teny) and four Vice Presidents to be nominated by the other Parties. The functions of Cabinet Clusters for governance, economics, services delivery, infrastructure, and gender and youth will be overseen by the First Vice President and four Vice Presidents.

The President

During the Transitional Period, the incumbent President will remain president and Commander-in-Chief of the national army, representing the State, RTGoNU and the people of South Sudan while protecting the country's sovereignty and territorial integrity. He will chair the Council of Ministers, the National Security Council (NSC) and the National Defence Council (NDC), and he will sign in to law bills passed by the Transitional National Legislative Assembly. When the President is absent, the First Vice President will assume temporary leadership.

First Vice President

At the end of the Transitional Period, the position of First Vice President will cease to exist, unless the Permanent Constitution requires it to remain. He will command the SPLM-IO forces until overall unification of the forces, and act as overall Commander-in-Chief in the event of any temporary absence of the

President. He will also act as the deputy-chair of the Councils chaired by the President.

Four Vice Presidents

At the end of the Transitional Period, the positions of the four Vice Presidents will cease to exist. Until then, they will oversee the work of the National Commissions, sit on the Councils of National Security and National Defence, and ensure that decisions made by the Council of Ministers are implemented. They will each chair a particular ministerial cluster.

Consultations and Agreements

Decision-making within the Presidency will be collaborative and will be based on continuous consultations with written records kept. These decisions include choosing State governors, or appointment or retirement within the army, which also requires NSC and NDC approval. Only the President can declare a state of emergency or war, and he convenes the Transitional National Legislature.

The Presidency oversees the implementation of this Agreement and the laws passed by the Transitional National Legislature (TNL). If the TNL can't agree, a majority of two-thirds of the Council of Ministers will decide the issue.

Council of Ministers

The Council of Ministers (CoM) is a consensual body made of 35 Ministries, organized in the five clusters of governance, economic, services delivery, infrastructure, and gender and youth. It must ensure the implementation of this Agreement in a manner consistent with peace, inclusive governance, and reconciliation. It prepares legislation, develops policies and programs, and allocates necessary resources.

With due consideration to national diversity and regional representation, there will be no fewer than 12 women nominated to the Council of Ministers, and there will be 10 deputy ministers, with portfolios shared proportionally among the Parties. This will be agreed during the Pre-Transitional Period.

Transitional National Legislative Assembly and Council of States

Together, the Transitional National Legislative Assembly (TNLA) and Council of States (CoS) form the Transitional National Legislature, which like the RTGoNU, will run until elections are held. The Assembly will have 550 members shared proportionally among the Parties, as will the Speaker and Deputy Speakers be. Its functions and mandate are set out in the TCRSS 2011 (as amended), and will support the transitional processes and reforms set out in this Agreement.

The constitution of the CoS will depend on the outcome of the work of the Independent Boundaries Commission (IBC), but the CoS is a body that gives voice to regional inclusivity by representing the States.

Number and Boundaries of States

In the Pre-Transitional Period, the Technical Boundary Committee (TBC) will carry out its work over a period of 60 days, and will submit its findings to the IGAD Mediation. The TBC is a consensual body made of experts from IGAD and Troika member countries (United States, United Kingdom, and Norway) which will work to define and demarcate the tribal areas of South Sudan as they stood on 1 January 1956. This will feed into the IBC's work.

The IBC will have 15 members shared proportionally among the Parties, supported by five highly-experienced members nominated by the member states of the African Union High Level Ad Hoc Committee on South Sudan (South Africa, Algeria, Chad, Nigeria and Rwanda), and it will look at the number and boundaries of States in South Sudan. Within 90 days, the IBC will deliver its final say on the number of States and boundaries, and the composition and structure of the CoS. If it fails to complete its work, it will transform into a Referendum Commission on Number and Boundaries of States, meaning a referendum will be held before the end of the Pre-Transitional Period to decide the matter.

State and Local Governments

At the start of the Transitional Period, the State and local levels of government will be reconstituted with power-sharing among the Parties at these levels: 55% for Incumbent TGoNU, 27% for SPLM/A-IO, 10% for SSOA, and 8% for the OPP. Positions such as governors, speakers and county commissioners will also be shared. The FDs will have three State Ministers.

Judiciary

The independent judiciary of South Sudan will subscribe to the principle of the separation of powers and the supremacy of the rule of law. A Judicial Reform Committee (JRC) will review the Judiciary Act during the Transitional Period, as well as study other reforms. The make-up of the JRC will be shared proportionally among the Parties, and it will be chaired and deputized by IGAD. A Constitutional Court will also be established during the Transitional Period.

National Constitutional Amendment Committee

The National Constitutional Amendment Committee (NCAC) will be made up of people shared proportionally among the Parties, and a representative each from civil society, women, and youth groups. It will be chaired and deputized by IGAD. In the Pre-Transitional Period, it will draft and complete a Constitutional Amendment Bill within three weeks, which will incorporate the Revitalized ARCSS into the TCRSS 2011 (as amended). It will also review and complete amendments to various national security legislations within three months. These amendments to the law will be enacted within one year of the start of the Transitional period.

Transitional Institutions and Mechanisms

During the Transitional Period, twenty institutions and commissions, such as the Anti-Corruption Commission, the Human Rights Commission, the Refugees Commission, and the Disarmament, Demobilization and Reintegration Commission, will be restructured and reconstituted at the national level to ensure their independence and accountability.

National Elections

The Political Parties Act will be reviewed by the NCAC within six months of signing the Agreement to produce a draft bill that will ensure that the free, open and democratic registration of political parties can take place. An impartial and competent National Elections Commission (NEC) will be reconstituted to organize elections 60 days before the end of the Transitional Period, and it may call upon the African Union and United Nations for technical assistance. The voter's register will be published within six months prior to the elections, and national, regional and international election observers will be invited.

CHAPTER 2

The Permanent Ceasefire

The Parties agreed to a permanent ceasefire which came into effect on 1 July 2018. This ceasefire facilitates the transitional security arrangements and voluntary repatriation of refugees and internally displaced persons (IDPs). The Parties remain committed to the Cessation of Hostilities Agreement (CoHA) they signed on 21 December 2017, which requires providing protection of civilians (including women and girls) and humanitarian access. It also requires accountability, and compliance with international humanitarian law while enabling safety and dignity.

By sharing this Agreement with everyone under their command, the Parties will ensure their forces disengage and separate, and they will forbid absolutely any revenge or retribution. The Parties must forbid actions that:

- i) create obstacles to humanitarian access;
- ii) allow sexual and gender-based violence;
- iii) use or recruit of child soldiers;
- iv) involve hostile propaganda, movement of troops or further recruitment; and
- v) attack IDPs, refugees, the media, United Nations staff or equipment, the Joint Monitoring and Evaluation Commission (JMEC) / the Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM), and all national and international non-governmental organizations.

The Regional Protection Force will be deployed quickly and in full, while citizens will be able to go about their business, enjoying free movement. Prisoners of war will be released to the International Committee of the Red Cross, and all non-South Sudanese groups will leave the country during the Pre-Transitional Period.

The Parties with forces under their command will declare the location of their forces, establish disengagement procedures, redeploy and either retain or dismiss them within eight months. The forces are an integral part of the national healing and reconciliation process, and will work together to provide proportional protection to all cities.

The Pre-Transitional Period

In the eight-month Pre-Transitional Period, civilian areas will be demilitarized. Long and medium range heavy weapons will be collected. Maps of troop locations will be provided to the monitoring mechanisms. Existing forces will gather separately in moderate numbers to be disengaged and reassigned, either to other legitimate South Sudanese services (unified national army, national security service, police, prisons, fire brigade and wildlife) or referred to Disarmament, Demobilization, and Reintegration (DDR). The DDR Commission will be reconstituted within one month of signing this Agreement.

A Joint Transitional Security Committee (JTSC) will be formed, with membership shared proportionally among the Parties. It will set eligibility criteria for candidates who want to serve in the country's other legitimate services, and will plan and carry out the unification of all forces.

The Transitional Period

Lasting three years in total, the Transitional Period starts as soon as the troops are redeployed, or eight months after signing, whichever is soonest. DDR will continue during this period, and demobilized troops will continue their retraining. The weapons collected will be disposed of, and by the end of the period, the national army will be organized and deployed throughout the country. The army will also prepare for providing security to the elections.

Mechanisms for Security Arrangements

During the Pre-Transitional Period, the existing commanders will continue to command their forces, coordinated through The Joint Defence Board (JDB).

The existing Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM) will be restructured and called Ceasefire and Transitional Security Arrangements Monitoring Verification Mechanism (CTSAMVM). This will be responsible for monitoring, verification, compliance and reporting directly to IGAD Council of Ministers and the Reconstituted JMEC. Its membership will include the warring parties, but also representatives from the women groups, CSOs, youth, business community, academia, an eminent personality, and others including IGAD, the African Union, China, the Troika, UNMISS, the IGAD Partners Forum, and the EU.

A Strategic Defence and Security Review Board (SDSRB) will conduct a strategic security assessment to examine military and non-military security challenges facing the country, and will devise a security policy framework and revise defence policy. This work will be backed up by an analysis of operational capabilities required to meet the country's security needs, and then it will all be approved officially and published as a white paper.

CHAPTER 3

Humanitarian Assistance and Reconstruction

The Parties will create an enabling political, administrative, operational and legal environment for the delivery of humanitarian assistance and protection during and throughout the Pre-Transitional and Transitional Period. This means several things:

- i) providing secure access to and protection of civilian populations in need of humanitarian assistance;
- ii) providing physical, legal and psychological protection to refugees and internally displaced persons (IDPs) to return in safety and dignity, including reunification of families separated during the conflict;
- iii) affording the right to citizenship, registration and appropriate identification to refugees and IDPs; and
- iv) allowing refugees and IDPs to return to their places of origin and/or live in the areas of their choice.

During the transition, the RTGoNU will institute programs for IDPs and refugees in coordination with the United Nations and humanitarian organizations. Special consideration shall be given to the provision of public services (such as access to health and education services) to conflict-affected persons such as children, orphans, women, widows, and the war-wounded. During the transition, the Non-Governmental Organization law will also be revised.

Special Reconstruction Fund

During the transition, the RTGoNU will establish a Special Reconstruction Fund (SRF), overseen by a 30-member board comprising membership drawn from the RTGoNU and international partners and friends of South Sudan. The board will lead in assessing and determining the priorities for reconstruction of infrastructure in the country, with priority given to conflict-affected areas. The fund will receive US \$100 million per annum for the Transitional Period from RTGoNU, and a South Sudan Pledging Conference will be held to raise money to resource the SRF. The board will be drawn from the representatives of all the States, Ministries, civil society, academia, IGAD, the Troika, China, the AU, the UN, the EU, the World Bank, the IGAD Partners Forum, and the African Development Bank.

CHAPTER 4

Resource, Economic and Financial Management

The RTGoNU will be transparent and accountable, with fully functional legal and institutional policies and procedures to promote sustainable development. Effective leadership and commitment will fight against corruption.

A code of ethics and integrity for public officials will emphasize the values of honesty and integrity. Any leader found to have condoned or engaged in corrupt practices will be held accountable and barred from holding public office in accordance with this Agreement and the law. The educational system will be expanded to promote the values of honesty, integrity and respect for public property.

The wealth of South Sudan will be shared equitably so each level of government can deliver the reconstruction and development needed, according to its legal constitutional obligations. This sharing of wealth will reflect a commitment to devolution of powers and resources, and reflect the decentralization of decision-making in regard to development, service delivery and governance. An oversight mechanism, guided by principles of mutual consent in accountability, will control revenues collection, budgeting, revenue allocation and expenditure.

Institutional Reforms

Financial and resource management will be backed up by a medium-term Economic and Financial Management reform program. Under new legislation, the Bank of South Sudan (BoSS) will be independent, and it will formulate monetary policy, promote price stability, issue currency, and regulate the financial sector. In a board of nine members, at least three will be women.

The Ministry of Finance and Planning will carry out several key roles in the spirit of partnership, coordination and mutual accountability. It will review and implement the Strategic Economic Development Roadmap so that South Sudan can achieve a sustainable and resilient national economy quicker. It will ensure that all public financial and budgetary commitments entered into by the RTGoNU are transparent, competitive and in accordance with the laws of the country and international norms.

It will also ensure that South Sudan's national budget will address national priorities throughout government, and that public finances are sustainable. It will then ensure the provision of timely and comprehensive data on aid flows to the States, sectors and institutions of South Sudan.

Anti-Corruption Commission

In order to fight corruption, the RTGoNU will review the Anti-Corruption Commission Act 2009 within five months of the transition so it can better protect public property, investigate and prosecute cases of corruption, combat administrative malpractices in public institutions, and promote ethical standards. This means using predictable, auditable processes in public finance.

The Commission must be completely independent and harmonized in the fight against corruption with the Ministry of Justice, Public Prosecutions and the police. South Sudan will be able the recovery and return misappropriated funds and assets, and it will also be part of regional and international conventions on fighting corruption, such as the African Convention on Preventing and Combating Corruption.

National Audit Chamber

Within three months of the Transitional Period, the RTGoNU will review the National Audit Chamber Act 2011 to guarantee its independence and allow it to carry out its functions free from political interference.

New Institutions

The RTGoNU will establish new institutions immediately in the Transitional Period, including: Public Procurement and Asset Disposal Authority; Salaries and Remuneration Commission; Health Care Support Fund; and the Students Support Fund.

National Legislations Review

A wide range of national legislations will be reviewed for improvement, including the Banking Act 2010, the Public Finance Management and Accountability Act 2011, and the Petroleum Revenue Act 2012.

Resource Management

Within three months of the Transitional Period, the RTGoNU will implement the provisions of the Petroleum Revenue Management Act 2012. Petroleum revenue accounts unapproved by law will be closed, and all oil revenue will go to the oil account in the BoSS and managed in accordance with the applicable legislation. The resulting data will be published for public scrutiny and accountability.

Within six months of the transition, all loans and contracts collateralized or guaranteed against oil will be identified, checked and recorded for the purposes of transparency and accountability. Contracts awarded to service companies operating in the oil fields will be reviewed to ensure performance, merit and competence, and to ensure that local communities are given priority in employment, while balancing the needs of service delivery and reconstruction of the producing States.

Awards of oil concessions in the future will be in accordance with the provisions of the revised petroleum legislation. People with rights to the land will be compensated where natural resources are extracted, and they will share in the benefits of development. The national oil company will be reviewed and transformed to develop national competence and capacity in the production and environmentally-friendly extraction of natural resources.

Land

Within twelve months of the Transitional Period beginning, the RTGoNU will review current national land policy and the Land Act 2008 so that consensus over land policy and administration can be achieved. Within eighteen months, an independent registry of lands for the issuance of title deeds at all levels of government will be established, and the Land Commissions at different levels of government will be empowered to reflect customary laws and practices, and local heritage. It will also be able to assist in the mediation of conflicts arising from land.

The Nile and Other Water Resources

The RTGoNU will develop a comprehensive policy for the use and management of South Sudan's water bodies, including the Nile. Concurrently, it will initiate policies, strategies and programs for the management and development of agriculture, livestock, wildlife, tourism and fisheries.

Environmental Protections

The preservation, conservation and sustainable use of the environment will be promoted through comprehensive policies and legal and institutional frameworks.

Public Finance and Economic Management

The RTGoNU will establish effective, transparent and accountable management of oil and non-oil revenues. The national, state and local governments are empowered by their respective constitutions and laws to collect revenue and establish institutions for that purpose. The National Revenue Authority (NRA) mandate will be the assessment, collection, administration and enforcement of laws relating to taxation and revenues.

Wealth Sharing and Revenue Allocation

Wealth sharing and revenue allocation will be worked out by the RTGoNU within three months of the commencement of the Transitional Period, and the government may not withhold any due allocation. The allocation of nationally collected funds to the States and counties will be transparent and ensured by the independent Fiscal and Financial Allocation Monitoring Commission (FFAMC)

Public Expenditure

Within three months of the commencement of the Transitional Period, the RTGoNU will undertake numerous activities regarding public expenditure, including:

- i) effective public procurement and payroll systems;
- ii) effective payroll cleansing;
- iii) adopting strict measures to control borrowing;
- iv) determining the level of public debt;
- v) establishing a mechanism for safeguarding public assets; and
- vi) reviewing the implementation of Public Financial Management and Accountability Act 2011.

Borrowing

A State government may borrow with the approval of the State Legislative Assembly and in consultation with the national government, so long as external financial

viability and debt sustainability is maintained. Any borrowing will be negotiated through the National Ministry of Finance and Planning and the BoSS. The terms of borrowing will be prescribed the TNLA legislation, and the BoSS will guarantee loans.

Public Finance Management

The RTGoNU will reform South Sudan's existing economic and public sector financial management institutions to ensure the most transparent and accountable possible public financial management of oil and non-oil revenues, the exchange rate, budgetary processes, procurement, management of payroll, public concessions, borrowing, debt and regulatory agencies.

Enterprise Development Funds

Through Enterprise Development Funds, the RTGoNU will capacity-build existing local, national, sectoral or private sector associations, and develop micro, small and medium enterprises among rural populations and the urban poor, such as farmers' associations or dairy producers' associations.

A Private Sector Development Strategy will be implemented, and a Youth Enterprise Development Fund will be established to bring more youth into economic growth and development. A Women Enterprise Development Fund will also be established for the provision of subsidized credit for women-based enterprise development and capacity building of women entrepreneurs. Beyond these, there will be established micro-finance institutions, a Social Security Fund, and subsidized credit and capacity building for vulnerable members of society.

Economic and Financial Management Authority

Within four months of the Transitional, the RTGoNU will establish an Economic and Financial Management Authority, mandated to provide effective oversight of economic and public financial management and to ensure transparency and accountability particularly in the oil/petroleum sector.

CHAPTER 5

Transitional Justice, Accountability, Reconciliation, and Healing

The RTGoNU will establish through legislation the following transitional justice institutions, ensuring that at least 35% of their members are women:

- i) The Commission for Truth, Reconciliation and Healing (CTRH);
- ii) The Hybrid Court for South Sudan (HCSS), an independent hybrid judicial body; and
- iii) The Compensation and Reparation Authority (CRA).

These bodies will independently promote the common objective of facilitating truth, reconciliation and healing, and compensation and reparation in South Sudan. Other regional and international organizations such as the African Union, the United Nations and the African Commission on Human and People's Rights will help in designing, implementing and facilitating these transitional justice institutions.

The Commission for Truth, Reconciliation and Healing

The Commission for Truth, Reconciliation and Healing (CTRH), which will begin work four months after establishing the RTGoNU, is a critical part of the peace building process in South Sudan that will lead efforts to address the legacy of conflicts, and promote peace, and national reconciliation and healing. It will ensure that the experiences of women, men, girls and boys are sufficiently documented and that the findings incorporated in the resulting legislation. The period of inquiry will be from the date of signing of this Agreement to July 2005.

Activities

The Commission will:

- i) Investigate, document and report on the circumstances of all aspects of human rights violations and abuses, breaches of the rule of law and excessive abuses of power, committed against all persons in South Sudan by State and non-State actors as well as their agents and allies.

- ii) Establish an accurate and impartial historical record of human rights violations, identify perpetrators of crimes, and receive applications from alleged victims (women, men, girls and boys) and investigate.
- iii) Recommend remedial processes and mechanisms which draw on existing traditional practices, processes, and mechanisms, including suggesting measures for reparations and compensation, and lead efforts on facilitating local and national reconciliation.
- iv) Investigate the cause of conflicts to make recommendations on avoiding reoccurrence, while developing detailed recommendations for legal reforms to ensure non-repetition of human rights violations.
- v) Have the power to subpoena persons, documents and other materials deemed necessary for the purpose of discharging its responsibilities, and it will be able to protect the identity of a victim or witness.
- vi) Issue quarterly progress reports updating the RTGoNU and will conduct public outreach and awareness-raising about its work, in particular with youth and women.

The CTRH will also draw on best practices for promoting truth, reconciliation and healing from Africa and elsewhere. The CTRH will be composed of seven Commissioners, four of whom will be South Sudanese nationals, including two women. The remaining three Commissioners will be from other African countries, of whom at least one will be a woman. A final public report will be issued at the end of its work, three months before the end of the Transition.

The Hybrid Court for South Sudan

An independent hybrid judicial court, the Hybrid Court for South Sudan (HCSS), will be established by the African Union Commission to investigate, and where necessary, prosecute individuals bearing responsibility for violations of international law and / or applicable South Sudanese law. The HCSS will have jurisdiction with respect to the following: Genocide; Crimes Against Humanity; War Crimes; and other serious crimes under international law and relevant laws of South Sudan, including gender-based crimes and sexual violence. It will investigate crimes committed from 15 December 2013 to the end of the Transitional Period.

Impartiality and fairness

The judges, prosecutors, investigators and defence counsels of the HCSS will be impartial experts in criminal law and international law, including international humanitarian and human rights law. A majority of judges on all panels will be composed of judges from African states other than South Sudan.

The HCSS will implement measures to protect victims and witnesses in line with applicable international laws, standards and practices, and the rights of the accused will be respected. No one will be exempted from criminal responsibility on account of their official capacity as a government official, an elected official or by claiming the defence of superior orders. The granting of pardons, immunities, or amnesties will not impede or constrain the HCSS.

The HCSS may order the forfeit of the property, proceeds and any assets acquired unlawfully or by criminal conduct, and their return to their rightful owner or to the state of South Sudan, and the HCSS will also award appropriate remedies to victims, such as reparations and compensation. Individuals indicted or convicted by the HCSS will not be eligible for participation in the RTGoNU or successor governments.

The Compensation and Reparation Authority

The RTGoNU will establish a Compensation and Reparation Fund (CRF) to be administered by the Compensation and Reparation Authority (CRA). The CRA will be composed of an executive body formed by the Parties in the RTGoNU, and representatives of CSOs, women groups, faith-based leaders, the business community, youth and traditional leaders. The CRA will provide material and financial support to citizens whose property was destroyed by the conflict and help them to rebuild their livelihoods. The CRA will receive applications from victims and make the necessary compensation and reparation as provided for in this Agreement.

CHAPTER 6

Parameters of Permanent Constitution

During the Transitional Period, the RTGoNU will oversee a Permanent Constitution-making process. It will be guided by principles of:

- i) Supremacy of the People of South Sudan;
- ii) A federal and democratic system of government reflecting the character of South Sudan;
- iii) Guaranteeing peace and stability, national unity and territorial integrity of South Sudan;
- iv) Promoting people's participation in the governance of the country through democratic, free and fair elections and the devolution of powers and resources to the States and counties;
- v) Respecting ethnic and regional diversity and communal rights, including the right of communities to preserve their history, develop their language, promote their culture and expression of their identities;
- vi) Ensuring the provision of the basic needs of the people through the establishment of a framework for fair and equitable economic growth and access to national resources and services;
- vii) Promoting and facilitating regional and international cooperation with South Sudan;
- viii) Committing the people of South Sudan to peaceful resolution of national issues through dialogue, tolerance, accommodation and respect of others' opinions.

The Permanent Constitution-making process will be completed within 24 months of the Transitional Period. It should be in place to guide the elections at the end of the Transitional Period.

The RJMEC will convene a workshop in the fourth month of the Transitional Period, to be facilitated by renowned institutes in constitution-making, in order for the Parties to the R-ARCSS to agree on the details for conducting the Permanent Constitution-making process. The process of the Permanent Constitution-making will be led and owned by the people of South Sudan, assisted by regional and international experts as required.

CHAPTER 7

The Joint Monitoring and Evaluation Commission

Upon the signing of this Agreement, the Joint Monitoring and Evaluation Commission (JMEC) will be reconstituted. The membership of the Reconstituted JMEC (RJMEC) will be expanded to 43 members and composed of representatives of the Parties to this Agreement, other South Sudanese stakeholders, and regional and international guarantors and partners of South Sudan.

The Parties to the Agreement will have ten representatives, as follows:

- i) Incumbent TGoNU – five representatives;
- ii) SPLM/A-IO – two representatives;
- iii) SSOA – one representative;
- iv) Former Detainees – one representative;
- v) Other Political Parties – one representative.

Other South Sudanese stakeholders and adherents will have thirteen representatives, as follows:

- i) Faith-based Leaders – two representatives;
- ii) Women – two representatives (Women's bloc – one; and Women's Coalition – one);
- iii) Civil society – two representatives (Civil Society Alliance – one; and Civil Society Forum – one);
- iv) Eminent personalities – two representatives;
- v) Business groups – two representatives (one male, one female);
- vi) Academia – one representative;
- vii) Youth – two representatives (one male, one female).

The Regional Guarantors will have thirteen representatives, with one each from Ethiopia, Djibouti, Kenya, Somalia, Sudan, Uganda, the African Union Commission, and the IGAD Secretariat. The African Union High Level Ad Hoc Committee will have five in total, each country represented by one. The International Partners and Friends of South Sudan will have seven representatives, with one each from the People's Republic of China, Norway, the United Kingdom, the United States, the United Nations, the European Union, and the IGAD Partners Forum.

Monitoring and Evaluating Mandate

The RJMEC will be responsible for monitoring and overseeing the implementation of the Agreement, and the mandate and tasks of the RTGoNU, including the adherence of the Parties to the agreed timelines and implementation schedule.

The Chairperson of RJMEC will report all serious incidents of violation and critical issues that may arise during the implementation of the Agreement to the RTGoNU, and send a copy to the Chairperson of IGAD Council of Ministers (IGAD CoM). Upon receipt of such reports, the IGAD Chairperson will convene an extraordinary meeting of the IGAD CoM within fourteen days to decide appropriate and timely remedial actions. RJMEC will be empowered to suggest resolutions to any deadlocks that may occur among the Parties. If not successful, RJMEC will then refer the matter to the guarantors.

The RJMEC will report regularly on the status of implementation of this Agreement in writing every three months to the Executive of the RTGoNU, the RTGoNU Council of Ministers, the Transitional National Legislative Assembly, and other key regional and international stakeholders. RJMEC will hold regular meetings at least once every month and may convene extraordinary meetings as may be required. Its decisions will be taken by consensus.

Oversight

The RJMEC will also oversee the work of the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM), the Economic and Financial Management Authority (EFMA), the Strategic Defence and Security Review Board (SDSRB), the National Elections Commission (NEC), and all other transitional institutions and mechanisms created by this Agreement. These organizations, and the NCAC, CTRH, JMCC, JTSC, NPTC and other institutions and mechanisms created by this Agreement will report regularly to RJMEC.

CHAPTER 8

Supremacy of the Agreement and Procedures for Amendment of the Agreement

This Revitalized Agreement is binding on all Parties, and it repeals the ARCSS 2015 in its entirety. The Revitalized Agreement will be fully incorporated into the Transitional Constitution of the Republic of South Sudan (TCRSS) 2011 (as amended). If there is any conflict in terms with provisions of the TCRSS 2011 (as amended), (notwithstanding the process of its incorporation) or any national legislation, the terms of this Agreement will prevail.

This Revitalized Agreement may be amended by the Parties, with the consent of at least two-thirds of the members of the Council of Ministers of the RTGoNU, and at least two-thirds of the voting members of the RJMEC, to be then ratified by the Transitional National Legislature.

Done in Addis Ababa, on this 12th day of September 2018.