A REVISED BRIDGING PROPOSAL

ON THE OUTSTANDING ISSUES PERTAINING TO GOVERNANCE AND SECURITY ARRANGEMENTS IN THE HIGH-LEVEL REVITALIZATION FORUM OF THE AGREEMENT ON THE RESOLUTION OF THE CONFLICT IN THE REPUBLIC OF SOUTH SUDAN

ADDIS ABABA, ETHIOPIA

After eleven (11) months of intensive engagements and negotiations to revitalize the ARCSS as mandated by the IGAD Assembly of Heads of State and Government on 12 June 2017, ten (10) key Governance and Security issues remain outstanding. At the request of the HLRF Parties, this proposal offers a middle ground on their various negotiating positions. It is not a full proposal on all the issues under consideration in the HLRF; neither does it reflect all agreed issues initialled by the Parties.

CHAPTER I: REVITALIZED TRANSITIONAL GOVERNMENT OF NATIONAL UNITY

1. Principles of Governance for the Transitional Period

1.1. Governance during the Transitional Period shall be guided by the following principles and considerations:

1.1.1. the necessity of renewing and strengthening the Transitional Government to reflect the diversity of South Sudan and to deliver the goals of the Transition;

1.1.2. the imperative for inclusive responsibility-sharing, ensuring the equitable participation of opposition entities, women, and citizens of South Sudan that hail from all parts of the country, and youth in governance;
1.1.3. in all instances of responsibility-sharing, the agreed upon guarantee of women’s participation of 35% shall apply, whether or not any reference has been made to this ratio in the text;

1.1.4. the need to prioritise, and cooperate in the delivery of, the goals of the Transition, and in the effective implementation of this Agreement;

1.1.5. separation of powers and functions between the legislative, executive and judicial arms of government;

1.1.6. maintaining effective checks and balances in the exercise of executive power;

1.1.7. collegiality and effective coordination within the Executive, and particularly the Presidency;

1.1.8. ensuring competence and efficiency in the leadership of the Transition and in the delivery of public and social services;

1.1.9. the urgency of responding effectively to the popular demand for a Federal system of government by:

   1.1.9.1. accelerating the devolution of power and resources to local levels of government; and,

   1.1.9.2. undertaking effective consultations and preparations for adopting a Federal system for South Sudan in the Permanent Constitution; and,

1.1.10. the imperative of promoting inclusive dialogue, consultation and popular participation in key national decisions, while also ensuring the coherence and complementarity of such initiatives.

Structure of the Transitional Government

2. The proposed structure of the Executive of the revitalised TGoNU shall be as follows, provided one of the Vice Presidents shall be a Woman:

   (a)    The President (TGoNU);

   (b)    The First Vice President (nominated by SPLM/A-IO);1

   (c)    The Vice President (TGoNU);

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1 In this Proposal, “SPLM/A-IO” refers to the entity led by Dr. Riek Machar.
(d) The Third Vice President (nominated by Other Parties & Entities (SSOA, FDs & OPP, as a bloc);

(e) The Ministers (42 ministries in 3 clusters); and

(f) The Deputy Ministers (15).

2.1. The First Vice President, the Vice President and Third Vice President shall oversee the Cabinet Clusters as follows:

2.1.1 First Vice President, Governance Cluster;

2.1.2 Vice President, Economic Cluster; and

2.1.3 Third Vice President, Services Delivery Cluster.

2.2. Note: In addition to collegial decision making and responsibility sharing within the Presidency, the powers and function of the President, First Vice President, Vice Presidents and Third Vice President shall be delineated along the provisions of the ARCSS 2015.

3. The Composition of the Government

3.1. The Incumbent TGoNU, comprising of: the former GRSS; the former SPLM/A-IO (led by Gen. Taban Deng); and the Other Political Parties in TGoNU;

3.2. The SPLM/A-IO;

3.3. The Former Detainees (FDs);

3.4. Other Political Parties (OPP) outside of the Incumbent TGoNU including Alliance, Umbrella and political parties participating as such at the HLRF; and

3.5. The South Sudan Opposition Alliance (SSOA).

4. Responsibility Sharing

4.1. Pursuant to the mandate of the High-Level Revitalization Forum (HLRF), the imperative to achieve genuine inclusivity in the composition of the revitalized TGoNU, and thereby to enhance the visible representation of the regions (i.e. former Southern Sudan Provinces of Bar el Ghazal, Upper Nile and Equatoria) and communities of South Sudan, the parties shall make necessary adjustments to the power-sharing formula adopted in the ARCSS (2015), to better reflect the
new realities in South Sudan and, in particular, to ensure the inclusivity of the revitalized TGoNU.

4.2. In the re-allocation of responsibility, the following considerations shall apply:

4.2.1. the political complexion, and reach of a party within the country;
4.2.2. any shifts in the composition of parties and entities;
4.2.3. the emergence of new opposition entities;
4.2.4. the inherent advantages associated with the various high offices;
4.2.5. the inherent advantages of incumbency;
4.2.6. the necessity to promote collegial decision-making, consultation and consensus building by ensuring that no single party retains a two-thirds majority in major decision-making;
4.2.7. the imperative to allocate at least 35% of positions to women;
4.2.8. the need to ensure effective implementation of the Agreement by competent representatives; and,
4.2.9. the imperative to inspire confidence in the transitional government, particularly within the civilian population, including displaced persons and refugees.

4.3. Allocation of responsibilities

4.3.1. Given the current configuration of the parties at the HLRF, and in line with the rationales specified above, the following allocations shall apply to all positions in the Executive:

4.3.1.1. the TGoNU, 55%;
4.3.1.2. the SPLM/A-IO, 25%;
4.3.1.3. the FDs, 5%;
4.3.1.4. the OPP, 5%; and
4.3.1.5. the SSOA, 10%.
5. **Structure and Composition of State Governments**

5.1. In the case of State Governments, the responsibility-sharing allocations applicable to all the States of South Sudan shall be as follows:

5.1.1. The TGoNU, 55%;
5.1.2. The SPLM/A-IO, 25%; and,
5.1.3. The OPE, i.e. FDs, OPP and SSOA, to be allocated as a bloc, 20%.

5.2. The above ratios shall apply to governorships, the executive councils of the States, and, the legislative assemblies of the States.

5.3. In the allocation of the above positions in a state, the parties shall take into account the relative prominence of the Parties in the respective States and effective administration of the State.

5.4. If the Parties still fail to agree on the allocation of States and positions within a specific State, they shall decide the matter by a simple majority of the meeting of the Parties. Alternatively, the selection shall be on a rotational basis as provided for in ministerial nominations.

5.5. **Independent (Ad hoc) Boundary Commission**

5.5.1. Immediately upon the signing of this Agreement, the revitalized TGoNU shall, 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, appoint an Independent, ad hoc Boundary Commission (IBC) whose function shall be to review the establishment of new states and their boundaries and to make recommendations for addressing the consequences of these changes.

5.5.2. The IBC shall consist of 15 persons with the necessary skills and knowledge to undertake its functions: 12 South Sudanese, at least five of whom shall be women, and 3 representatives of the regional

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2 The number of States in South Sudan was expanded from (10) to thirty-two (32) after the signing of the 2015 ARCSS. Even though this was deemed to be in violation of the ARCSS, it was agreed that an inclusive mechanism be established to determine the number and boundary of States during the Transitional Period until the matter is resolved within the Permanent Constitution-making process.
guarantors of the Agreement. The IBC shall be chaired by a Judge of the Supreme Court of South Sudan.

5.5.3. The IBC shall complete its work within 180 days, and shall make recommendations on adjustments to be made to the number and boundary of States during the Transitional Period. Thereafter it shall be dissolved. The above period may be extended with good cause.

5.5.4. To enhance its efficiency, the IBC shall establish three teams, each consisting of five representatives, to be deployed at locations it will designate.

5.5.5. The recommendations of the IBC shall be binding.

6. **The Transitional National Legislature**

6.1. The Transitional National Legislature (TNL) shall consist of the Transitional National Legislative Assembly (TNLA) and the Council of States.

6.2. Considering the need to promote inclusivity, effectiveness and efficiency of the legislature, the tenure of the current TNLA shall lapse at the end of the Pre-Transitional Period.

6.3. The size of TNLA shall remain at four hundred (400) members to be reconstituted as follows:

6.3.1. the Incumbent TGoNU, fifty-five (55%);

6.3.2. the SPLM/A-IO, twenty-five (25%);

6.3.3. The OPE, i.e. FDs, OPP and SSOA, to be allocated twenty (20%) as a bloc.

6.4. The duration and term of the expanded and reconstituted TNLA shall run concurrently with that of the Revitalized TGoNU until elections are held at the end of the Transitional Period.

6.5. Once the expansion of the Assembly is complete, a Speaker and two Deputy Speakers shall be elected in accordance with the following criteria:

6.5.1. the Speaker shall be nominated by the Incumbent TGoNU and shall hail from Equatoria;
6.5.2. One Deputy Speaker to be nominated by the SPLM/A-IO;

6.5.3. The other Deputy Speaker to be nominated by the Other Parties and Entities; and

6.5.4. At least one of the above nominees shall be a woman.

6.6. The Speaker and Deputy Speakers shall serve for the duration of the Transitional Period. In case the Speaker or a Deputy Speaker is for any reason unable to continue in office, he or she shall be replaced in accordance with the criteria and process specified above.

6.7. Decisions of the TNLA on matters pertaining to this Agreement shall be by consensus and failing consensus, by two thirds (2/3) majority of all the members.

6.8. Decisions in the TNLA on other matters not related to this Agreement shall be by consensus and failing which, by a simple majority.

6.9. The functions and mandate of the TNL shall remain as stipulated in the Transitional Constitution of the Republic of South Sudan, 2011 (as amended in 2015), unless otherwise specified by the terms of this Agreement.

6.10. In the fulfilment of its functions, the TNL shall at all times support the implementation of the transitional processes and reforms stipulated by this Agreement, and in particular, shall enact the necessary legislation to give full effect to the Agreement.

The Council of States

6.11. For the duration of the Transitional Period, the functions and mandate of the Council of States shall continue as provided for under the TCRSS, 2011.

6.12. The tenure of the 30 appointees to the Council of States shall lapse at the end of the Pre-Transitional Period, and they shall be reconstituted as follows:

6.12.1. Incumbent TGoNU: fifty-five percent (55%);

6.12.2. SPLM/A-IO: twenty-five percent (25%); and

6.12.3. Other Parties and Entities: 20 percent (20%) as a bloc.
6.13. Within 30 days of the reconstitution of the TNLA, legislation shall be introduced in the TNLA to make adequate provisions for the benefits and emoluments of former TNL members displaced by virtue of implementation of this Agreement.

7. **Question of the System of Government, Federalism:**

7.1. The ARCSS recognises that a federal system of government is a popular demand of the people of South Sudan, and that there is a need, consequently, to (a) reflect this demand by way of devolution of more power and resources to lower levels of government, and (b) initiate preparations for the adoption of a federal and democratic system of government within the Permanent Constitution-making process.

7.2. Accordingly, the Ministry for Federal Affairs shall be strengthened in order that it may carry out its mandate to support the consideration of the appropriate models of federalism for South Sudan, and to contribute to the processes for adopting a federal system of government within the envisaged permanent Constitution of South Sudan.
B. CHAPTER II: PERMANENT CEASEFIRE, TRANSITIONAL SECURITY ARRANGEMENTS

Outstanding Issue 1: Demilitarization of Civilian Centres

1. PERMANENT CEASEFIRE

1.7. The parties agree that no military personnel or any other member of any other armed services or groups signatory to this Agreement shall carry arms, or wear a military uniform in public places except if the person is on security duties approved by the Transitional Government of National Unity. In order to create conducive environment for civilian activities, as well as space for law enforcement by civil authorities, within Two Weeks of the signing of this Agreement, the Joint Military Command shall establish rules and regulations for the conduct of military personnel living in cities and towns.

Article 1: New 1.11. (old 1.8)

The Parties agree to a Permanent Ceasefire and Transitional Security Arrangements (PCTSA) workshop in Addis Ababa convened by the CTSAMM, which should be completed within 14 days of the signing of this Agreement. Those nominated by the parties for the workshop shall among others:

Proposed language:

1.11.4. Establish weapons free-zones (areas in which members of security services including the army are not allowed to carry weapons); withdrawal procedures for security forces occupying civilian property or facilities such as schools, business centers, houses, etc.; withdrawal routes; cantonment areas/sites; critical infrastructure and vital installations and determine appropriate security measures for their protection;

Outstanding Issue 2: Cantonment of Forces

Article 2: Separation, Assembly and Cantonment

2.2. All TGoNU and armed opposition military forces and their weapons shall be accounted for during the Pre-Transition Period through a process of concentration of forces in specific areas to allow for the counting of personnel and weapons:
(a) TGoNU forces shall be contained in their peacetime barracks except for units deployed for control and protection of the international borders, and the protection of vital installations such as bridges;

(b) Armed opposition forces shall be concentrated in cantonment sites determined during the PCTSA Workshop convened by CTSAMM with JMEC and UNMISS support.

2.4. **Within sixty (60) days of the signing of this Agreement, the following activities shall be conducted and completed in the cantonment sites by the (CTSAMM, AU, UNMISS, the warring Parties and civil society):**

2.4.1 Registration of all personnel;

2.4.2 Initial screening of the underage, elderly, wounded, sick and disabled;

2.4.3 Selection of joint integrated units

2.4.4 Registration of weapons, munitions and other equipment;

2.4.5 Secure storage of weapons and munitions;

2.4.6 Administrative movements (supply/replenishment of non-lethal items);

2.4.7 Medical treatment and evacuation;

2.4.8 Humanitarian activities such as facilitating/assisting safe and free movement of people, goods and services;

2.4.9 Activities such as opening of roads, waterways, rehabilitation of bridges, passages, and demining;

2.4.10 Confidence building measures (orientation) and sensitization about this Agreement;

2.4.11 Disarmament, Demobilization and Reintegration (DDR) activities;
Outstanding Issue 3: Security of Juba and other Areas during the Transition

Article 5: Transitional Security Arrangements

5.1. Until the completion of the process of unification, all TGoNU and armed opposition military forces shall be confined to barracks and cantonments, respectively. During this period, the police shall be responsible for the maintenance of law and order in South Sudan.

5.2. Accordingly, the South Sudan National Police Service (SSNPS) shall be reconstituted within the Pre-Transition Period in accordance with the new security laws. The SSNPS shall reflect the diversity of the people of South Sudan (including women). In order to prevent security vacuums, the reconstitution and redeployment of the SSNPS shall be undertaken in phases.

5.3. The State Police shall be responsible for the maintenance of law and order and protection in the towns and cities their respective states. The reconstitution of the State Police shall commence immediately upon the completion of the reconstitution of the SSNPS as specified in Article 5.2., and shall be completed within 90 days.

5.4. The deployment of the reconstituted SSNPS and the State Police shall prioritize the protection of international border points, cities and towns, and vulnerable communities such as IDPs and returning refugees.

5.5. Immediately upon the signing of this Agreement, the National Security Service shall cease combat duties and shall immediately be reconstituted in order to create sufficient units capable of performing critical national security duties during the Pre-Transition Period. The reconstitution shall be undertaken in accordance with the new security laws and the principle of diversity, including the participation of women.

5.6. During the Pre-Transition Period, a special unit shall be established and trained for the protection of all VIPs during the transitional period. The size of the unit shall be determined by national, regional and international experts during the PCTSA Workshop to be convened immediately upon the signing of this Agreement.

5.7. Within thirty (30) days of the signing of this Agreement, a Joint Transitional Security Committee (JTSC) (see Annex C.) shall be established, which shall be responsible for the formation of the Special Protection Unit (SPU) for the protection of VIPs referred to in Article 5.6 above. The JTSC shall also be responsible for overseeing the
reconstitution of the South Sudan National Police Service, the State Police services, as well as the National Security Services units.

5.8. The JTSC shall determine the criteria for the selection of candidates for the SPU, and the standards for the reconstituted police and National Security Services units, ensuring the participation of women in the reconstituted security units.

5.9. The JTSC shall report directly to the JMC on all operational matters.

5.10. The Chairperson of the JMC shall report on the status of implementation of all security issues to the JMEC Chairperson and Plenary on monthly basis, as well as to the Presidency and any other national body having responsibility for security issues.

5.11. Membership of the JTSC shall be based on experience pertaining to matters of national security (army, police and national intelligence), and assigned officers shall be one or two star generals. The agreed upon guarantee of women’s participation of 35% shall apply for membership to the JTSC.

5.12. The composition of the JTSC shall be as follows:

- **5.12.1. TGoNU** 3 Officers (army, police, and national security/intelligence)
- **5.12.2. SPLA-IO** 3 Officers (army, police, and national security/intelligence)
- **5.12.3. SSOA** 3 Officers (army, police, and national security/intelligence)
- **5.12.4. IGAD** 1 Serving Officer (VIP Protection or national security experience)
- **5.12.5. TROIKA** 1 Serving Officer (VIP Protection or national security experience)

5.13. The JTSC shall be co-chaired by nominees of the TGoNU and the SPLM/A-IO and shall be supported by a Secretariat headed by a nominee from the SSOA. The regional and international members of the JTSC shall serve as technical advisors.

5.14. The JTSC shall hold its first preparatory meeting outside South Sudan and shall be facilitated by a Chief of Defence Forces from one of the IGAD members.

5.15. IGAD shall engage the UN Security Council Resolution to ensure that the Regional Protection Force (RPF) is fully deployed to execute its mandate in accordance with the UNSC 2304/16 and 2406/18 and shall request for a
further review of its mandate and capabilities to provide VIPs protection to the revitalized Transitional Government of National Unity in addition to other agreed security arrangements.

5.16. The National Security Council shall be reconstituted in a manner that builds confidence of the nation in the provision of security during the Transition Period. The reconstituted National Security Council shall coordinate and oversee the work of all transitional security mechanisms and structures.

5.17. During the Transition Period, all security services and agencies shall coordinate their activities through the Joint Operations Center staffed by two (2) representatives from the SPLM/A-IO, two (2) from the SSOA, and two (2) representatives each from the TGoNU military, police service, and national security, and two (2) representatives each from UNMISS and CTSAMM. The JOC structure shall be replicated in the towns of Bor, Malakal, Bentiu, Wau, Raja, Rumbek, Yambio, Yei, Torit and any other area that the Parties may identify as requiring the presence of the JOC.

5.18. The reconstitution of all other services shall reflect a national character and the participation of all Parties shall be undertaken in accordance with the new security laws, the amended constitution, and the 35% women's representation policy.

5.19. At least twelve (12) months before the end of the Transitional Period, the TGoNU shall initiate a nation-wide process of civilian disarmament. The civilian disarmament process shall have three (3) phases:

5.19.1. National Consultation on peaceful disarmament.

5.19.2. Development of a strategy for civilian disarmament including a review of policy and legislation to control Small Arms and Light Weapons.

5.19.3. Formation of a multi-stakeholder National Committee on Disarmament to oversee the arms collection, registration, safe storage and destruction. The committee shall consist of the following: one (1) representative each of TGoNU; SPLM/A - IO; SSOA; UNMISS; CSOs; Traditional Leaders; Youth; Women; Religious Leaders; and Other Political parties.

5.20. Any dispute arising from the work of the JMCC, JTSC, or any other mechanism responsible for the implementation of the transitional security arrangements shall in the first instance be addressed by the chairpersons of the mechanisms,
failing which the dispute shall be referred to the JMC. In the event that the JMC should fail to provide a satisfactory resolution, the matter shall be referred to the Commander-in-Chief of the revitalized TGoNU to be considered jointly with the chairpersons of the different armed opposition movements. The joint decision on the issue shall be binding.

Outstanding Issue 4: Security Sector (Reform/Establishment)

Article 6: Strategic Defence and Security Review (SDSR)

6.1 The Parties shall within seven (7) days of the signing of this Agreement, establish a reconstituted Strategic Defence and Security Review (SDSR) Board that includes all signatories to this agreement.

6.2. The SDSR Board, shall conduct a holistic Strategic Defence and Security Review (SDSR) process starting by a review of tasks already accomplished by the previous SDSR Board. The composition of the reconstituted SDSR Board is as follows:

6.3. Within thirty (30) days of the signing of this Agreement (inclusive of its formation of the Board), the SDSR Board shall review the documents already completed by the previous SDSR Board which are: a) the Strategic Security Assessment; b) the Security Policy Framework; and c) the Revised Defence Policy. These documents shall provide a comprehensive assessment of the requirements of the armed forces which shall inform the formulation of the country's Defence and Security policies leading to the overall restructuring of the armed forces. The assessment and restructuring shall include the future command, function, size, composition and budget of South Sudan’s national army and security forces, and requirements for DDR.

6.4. Within one hundred and fifty (150) days of the signing of this Agreement, the Board shall: examine the military and non-military security challenges that affect the Republic of South Sudan (internally and externally); clarify the responsibilities of different bodies and agencies in responding to these security challenges, including the management and oversight of the security sector forces; identify the mission, vision, specific role of the national army and security sector forces; and, outline the programme and doctrine for its over unification, modernization and professionalization.

6.5. The SDSR Board shall provide the Roadmap for the Security Sector Transformation (SST), which outlines the details for the transformation and
modernization 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 Act (2014), SPLA Act (2009), Police Service Act (2009), Wildlife Services Act (2011) and all relevant draft amendments. 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 Brigade 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.

Article introducing the stages of SDSR process:

6.6 The SDSR process shall be comprehensive, inclusive, transparent and underpinned by the principles and strategies of national interests in promoting and defending the sovereignty and dignity of the country and its people. The SDSR shall be conducted in four (4) Stages:

Proposed Language

Stage 1 (complete review of documents produced by the previous Board in thirty (30) days):

Stage 3 (Executive approval within hundred and twenty (120) days)

Stage 4 (implementation): SST Roadmap provides the details for the unification of the army and security forces.

b. The SST Roadmap shall provide details that shall contribute to the amendment of defence and security related legislation such as, National Security Services, SPLA, and Police Service, Wildlife Service, and Fire Brigade Acts.

d. The TGoNU shall, through the SST roadmap, and within twelve (12) months including the Pre-Transition Period focus on the training and unification of the army and other security forces.
Outstanding Issue 5: Timeframe for unification of forces and approach to the formation of one national army

Article 7: Unification of Forces

7.1. Upon the formation of the Joint Military Command, the military leadership shall immediately prepare institutions responsible for the selection and training of all levels of the military.

7.2. Within thirty (30) days of the signing of this Agreement, the Parties shall form a high-level technical integration committee (HLTIC), comprising of representatives from the warring parties.

7.3. The HLTIC shall set eligibility criteria for candidates willing to integrate and form part of the national army, national security, police, prison, fire brigade and wildlife services. The HLTIC shall plan and execute the integration of all forces as directed by the Joint Military Command.

7.3. Qualifications and other criteria for the screening of personnel to serve in the national army shall apply to members of the government forces as well as combatants from armed opposition groups.

7.4. The outcomes of the SDSR process shall determine the size of the integrated army and its needs for professionalization.

7.5. The process of the formation of one army shall be completed within twelve (12) months from the signing of this Agreement, and shall be guided by the new security laws and the Transitional Constitution of South Sudan. The Joint Military Command, the Joint Military Ceasefire Commission, and CTSAMM shall oversee and monitor the process.

7.6. The Disarmament, Demobilization and Re-Integration Commission shall be reconstituted during the Pre-Transition Period.

7.7. The Disarmament, Demobilization and Re-Integration of persons with special needs shall be undertaken in parallel with the integration processes. The full process of DDR for ineligible candidates or residual forces, as will be defined by the result of SDSR, shall be conducted in phases after the unification is completed.
7.8. In addition to their other responsibilities, the military and security forces shall prepare for Elections-related security tasks in coordination with the UN and other institutions and structures established by law or by this Agreement at least six (6) months before the end of the Transitional Period.