

Country/entity South Sudan
Sudan

Region Africa (excl MENA)

Agreement name Framework Agreement on Wealth Sharing during the Pre-interim and Interim Periods between the Government of the Sudan (GOS) and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/A)

Date 7 Jan 2004

Agreement status Multiparty signed/agreed

Interim arrangement Yes

Agreement/conflict level Intrastate/intrastate conflict

Sudan Conflicts (1955 -)

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

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

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

South Sudan - internal

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

Close

Sudan Conflicts (1955 -)

Stage Framework/substantive - partial

Conflict nature Government/territory

Peace process	Sudanese (North-South) peace process
Parties	For The Government of the Sudan: Hon. Idris Mohamed Abdelgadir; For: The Sudan People's Liberation Movement/Army: Cdr. Nhial Deng Nhial
Third parties	WITNESSED BY: Lt. Gen. Lazaro K. Sumbeiywo (Rtd), Special Envoy IGAD Sudan Peace Process and on behalf of the IGAD Envoys
Description	A framework agreement that provides detail on the aspects of wealth sharing during the pre-interim and interim period. The Agreement lays out guiding principles of equitable sharing of common wealth, ownership of land and resources, specifically oil, sharing of non-oil revenue, the allocation of nationally collected revenue to the appropriate government levels, and monetary policy, currency, banking, and borrowing. The agreement also provides for reconstruction and development funds for Southern Sudan and for the Nation as a whole.

Agreement document [SD_040107_Framework Agmt on Wealth Sharing Pre-Interim and Interim Period.pdf](#)
 (opens in new tab) | [Download PDF](#)

Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

Racial/ethnic/national group Groups→Racial/ethnic/national group→Anti-discrimination
 Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH
 1.4 The sharing and allocation of wealth emanating from the resources of the Sudan shall ensure that the quality of life, dignity and living conditions of all the citizens are promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language, or region. The sharing and allocation of this wealth shall be based on the premise that all parts of Sudan are entitled to development.

Religious groups Groups→Religious groups→Anti-discrimination
 Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH
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Indigenous people No specific mention.

Other groups Groups→Other groups→Anti-discrimination
Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH
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Refugees/displaced persons Groups→Refugees/displaced persons→Substantive
Page 17, 15 RECONSTRUCTION AND DEVELOPMENT FUNDS
A. Southern Sudan Reconstruction and Development Fund (SSRDF)
15.1. There shall be established a Southern Sudan Reconstruction and Development Fund (SSRDF) to solicit, raise and collect funds from domestic and international donors and disburse such funds for the reconstruction and rehabilitation of the infrastructure of the South, for the resettlement and reintegration of internally and externally displaced persons, and to address past imbalances in regional development and infrastructure.

Social class No specific mention.

Gender

Women, girls and gender Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH
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Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration Page 3, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH
1.8 That revenue sharing should reflect a commitment to devolution of power and decentralisation of decision-making in regard to development, service delivery and governance.

Self determination Page 7, 3.0 OIL RESOURCES
A. Guiding Principles for the management and development of the petroleum sector
3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall include the following:
3.1.3 Give due attention to enabling policy environment for the flow of foreign direct investment by reducing risks associated with uncertainties regarding the outcome of the referendum on self-determination at the end of the Interim Period.

Referendum Page 7, 3.0 OIL RESOURCES
A. Guiding Principles for the management and development of the petroleum sector
3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall include the following:
3.1.3 Give due attention to enabling policy environment for the flow of foreign direct investment by reducing risks associated with uncertainties regarding the outcome of the referendum on self-determination at the end of the Interim Period.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision Page 6, 2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES
2.8 The National Land Commission and the Southern Sudan Land Commission shall co-operate and co-ordinate their activities so as to use their resources efficiently.

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→Temporary new institutions
Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.2 The wealth of Sudan shall be shared equitably so as to enable each level of government to discharge its legal and constitutional responsibilities and duties.

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.5 The Parties agree that Southern Sudan faces serious needs to: (i) be able to perform basic government functions, (ii) build up the civil administration, and (iii) rehabilitate and reconstruct/construct the social and physical infrastructure in a postconflict Sudan.

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.6 The Parties agree that Nuba Mountains, Southern Blue Nile, Abyei and other war affected areas face serious needs to: (i) be able to perform basic government functions, (ii) establish and build civil administration and (iii) rehabilitate and reconstruct/construct the social and physical infrastructure in a post-conflict Sudan.

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.7 That, without prejudice to the provisions of paragraph 1.3 herein, Southern Sudan, and those areas in need of construction/reconstruction, shall be brought up to the same average level of socio-economic and public services standard as the Northern states. To achieve these objectives will take time and effort to build up local institutional, human, and economic capacity. For this purpose, two special funds shall be established as provided herein.

Page 3, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.14 The National Government shall not withhold an allocation due to a state/region or the Government of Southern Sudan. Any level of Government may initiate proceedings in the Constitutional Court should any other organ or level withhold monies due to it. The National Government shall make transfers to the Government of Southern Sudan based on the principles established.

Page 3, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.16 The National Government shall assist the Government of Southern Sudan, during the pre-Interim Period, in cooperation with international organizations, to develop and implement a program for capacity enhancement in the South. The highest priority should be public finance and intergovernmental relations, including expenditure management to ensure accountability.

Page 6, 2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES

2.9 In the case of conflict between the findings or recommendations of the National Land Commission and the Southern Sudan Land Commission, which cannot be resolved by agreement, the two Commissions shall reconcile their positions. Failure to reconcile, the matter shall be referred to the Constitutional Court.

Page 7, 3.0 OIL RESOURCES

A. Guiding Principles for the management and development of the petroleum sector

3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall

Elections	No specific mention.
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	<p>Page 3, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH</p> <p>1.16 The National Government shall assist the Government of Southern Sudan, during the pre-Interim Period, in cooperation with international organizations, to develop and implement a program for capacity enhancement in the South. The highest priority should be public finance and intergovernmental relations, including expenditure management to ensure accountability.</p> <p>Page 7, 3.0 OIL RESOURCES</p> <p>A. Guiding Principles for the management and development of the petroleum sector</p> <p>3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall include the following:</p> <p>3.1.2 Empowerment of the appropriate levels of government to develop and manage, in consultation with the relevant communities, the various stages of oil production within the overall framework for the management of petroleum development during the Interim Period.</p> <p>Page 7, 3.0 OIL RESOURCES</p> <p>A. Guiding Principles for the management and development of the petroleum sector</p> <p>3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall include the following:</p> <p>3.1.6 Persons enjoying rights in land are entitled to compensation on just terms arising from acquisition or development of land for the extraction of subterranean natural resources from the area in respect of which they have rights.</p> <p>Page 7, 3.0 OIL RESOURCES</p> <p>A. Guiding Principles for the management and development of the petroleum sector</p> <p>3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall include the following:</p> <p>3.1.7 The communities in whose areas development of subterranean natural resources occurs have the right to participate, through their respective states/regions, in the negotiation of contracts for the development of those resources.</p>
Traditional/religious leaders	No specific mention.

Public administration

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.5 The Parties agree that Southern Sudan faces serious needs to: (i) be able to perform basic government functions, (ii) build up the civil administration, and (iii) rehabilitate and reconstruct/construct the social and physical infrastructure in a postconflict Sudan.

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.6 The Parties agree that Nuba Mountains, Southern Blue Nile, Abyei and other war affected areas face serious needs to: (i) be able to perform basic government functions, (ii) establish and build civil administration and (iii) rehabilitate and reconstruct/construct the social and physical infrastructure in a post-conflict Sudan.

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.7 That, without prejudice to the provisions of paragraph 1.3 herein, Southern Sudan, and those areas in need of construction/reconstruction, shall be brought up to the same average level of socio-economic and public services standard as the Northern states. To achieve these objectives will take time and effort to build up local institutional, human, and economic capacity. For this purpose, two special funds shall be established as provided herein.

Constitution

No specific mention.

Power sharing

Political power sharing

Power sharing→Political power sharing→Other State level

Page 14,

8.3. The FFAMC [Fiscal and Financial Allocation and Monitoring Commission] shall be composed of representatives from the National Government and the Government of Southern Sudan and States/Regions as follows: a) Three Representatives of the National Government; b) Three Representatives of the Government of Southern Sudan (GOSS); c) All Finance Ministers in all States/Regions of Sudan

Page

14.8. The Parties agree to establish, during the Pre-Interim Period, an independent Board of Directors (BOD). Decisions of BOD on matters that may affect adversely the interest of either Party to this Agreement shall be by consensus. The BOD shall be responsible to the Presidency on the accountability of the CBOS and shall consist of nine (9) members as follows: a) Governor of CBOS (Chairperson) and his/her two deputies and; b) Six highly qualified Sudanese to be appointed by the Presidency taking into account the agreed formula in the Power Sharing Protocol for the institutions of the National Government.

Territorial power sharing

No specific mention.

Economic power sharing

Power sharing→Economic power sharing→Sharing of resources

Summary: The Agreement in its entirety provides for detailed wealth sharing, in particular with respect to oil resources, and for joint financial management.

Page 1, Untitled Preamble

NOW RECORD THAT they have reached agreement on Wealth Sharing, covering the division of oil and non-oil revenues, the management of the oil sector, the monetary authority and the reconstruction of the South and other war-affected areas during the Pre-Interim and Interim Period;

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.1 The Parties agree that the guiding principles and provisions below shall be the basis for the comprehensive text on Wealth Sharing.

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.2 The wealth of Sudan shall be shared equitably so as to enable each level of government to discharge its legal and constitutional responsibilities and duties.

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.3 The National Government shall also fulfil its obligation to provide transfers to the Government of Southern Sudan.

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.4 The sharing and allocation of wealth emanating from the resources of the Sudan shall ensure that the quality of life, dignity and living conditions of all the citizens are promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language, or region. The sharing and allocation of this wealth shall be based on the premise that all parts of Sudan are entitled to development.

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.5 The Parties agree that Southern Sudan faces serious needs to: (i) be able to perform basic government functions, (ii) build up the civil administration, and (iii) rehabilitate and reconstruct/construct the social and physical infrastructure in a postconflict Sudan.

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

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Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.7 That, without prejudice to the provisions of paragraph 1.3 herein, Southern Sudan, and those areas in need of construction/reconstruction, shall be brought up to the same average level of socio-economic and public services standard as the Northern states. To achieve these objectives will take time and effort to build up local institutional, human, and economic capacity. For this purpose, two special funds shall be established as provided herein

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general Page 3, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH
1.9 The development of infrastructure, human resources, sustainable economic development and the capacity to meet human needs shall be conducted within a framework of transparent and accountable government.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights

Human rights and equality→Civil and political rights→Equality

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

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Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

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Page 14, 11.0 DIVISION OF GOVERNMENT ASSETS

11.1 There shall be a fair and equitable division of government assets. An asset shall in the first instance be allocated to the level of government responsible for the function in respect of which the asset is related (e.g. school buildings to the level of government responsible for education). In the event of a dispute, the Parties agree that such dispute shall be referred to a committee comprising a representative of each of the Parties involved in the dispute and a mutually agreed expert.

Page 17, 15 RECONSTRUCTION AND DEVELOPMENT FUNDS

A. Southern Sudan Reconstruction and Development Fund (SSRDF)

15.2. A monitoring and evaluation system shall be established to ensure accountability, transparency, efficiency, equity and fairness in the utilization of resources.

Human rights and equality→Civil and political rights→Fair trial

Page 9, 3.0 OIL RESOURCES

B. National Petroleum Commission (NPC)

3.5 In performing the functions referred to in paragraph 3.4 above, the NPC shall take into account relevant considerations, including the following:

3.5.3 If the NPC decides to approve the contract, persons holding rights in land who are aggrieved by the decision shall seek relief through arbitration or in a court of law.

Page 9, 4.0 EXISTING OIL CONTRACTS

4.5 Persons whose rights have been violated by oil contracts are entitled to compensation. On the establishment of these violations through due legal process the Parties to the oil contracts shall be liable to compensate the affected persons to the extent of the damage caused.

Human rights and equality→Civil and political rights→Vote and take part

Page 7, 3.0 OIL RESOURCES

A. Guiding Principles for the management and development of the petroleum sector

3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall include the following:

3.1.7 The communities in whose areas development of subterranean natural resources occurs have the right to participate, through their respective states/regions, in the negotiation of contracts for the development of those resources.

Human rights and equality→Civil and political rights→Thought, opinion, conscience and religion

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.4 The sharing and allocation of wealth emanating from the resources of the Sudan shall ensure that the quality of life, dignity and living conditions of all the citizens are promoted without discrimination on grounds of gender, race, religion, political

Socio-economic rights

Human rights and equality→Socio-economic rights→Property

Page 7, 3.0 OIL RESOURCES

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Page 9, 3.0 OIL RESOURCES

B. National Petroleum Commission (NPC)

3.5 In performing the functions referred to in paragraph 3.4 above, the NPC shall take into account relevant considerations, including the following:

3.5.3 If the NPC decides to approve the contract, persons holding rights in land who are aggrieved by the decision shall seek relief through arbitration or in a court of law.

Human rights and equality→Socio-economic rights→Adequate standard of living

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

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Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures Rights related issues→Protection measures→Other
Page 7, 3.0 OIL RESOURCES
A. Guiding Principles for the management and development of the petroleum sector
3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall include the following:
3.1.1 Sustainable utilization of oil as a non-renewable natural resource consistent with:
... d) national environmental policies, biodiversity conservation guidelines, and cultural heritage protection principles.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts

Page 4, 2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES
2.6 Without prejudice to the jurisdiction of courts, there shall be established a National Land Commission that shall have the following functions: [...]

Page 6, 2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES
2.7 In accordance with this Agreement and without prejudice to the jurisdiction of courts, there shall be established a Southern Sudan Land Commission which shall have the following functions: [...]

Page 6, 2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES
2.9 In the case of conflict between the findings or recommendations of the National Land Commission and the Southern Sudan Land Commission, which cannot be resolved by agreement, the two Commissions shall reconcile their positions. Failure to reconcile, the matter shall be referred to the Constitutional Court.

Prisons and detention

No specific mention.

Traditional Laws

Page 4, 2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES
2.5. The Parties agree that a process be instituted to progressively develop and amend the relevant laws to incorporate customary laws and practices, local heritage and international trends and practices.

Page 4, 2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES
2.6 Without prejudice to the jurisdiction of courts, there shall be established a National Land Commission that shall have the following functions: [...]
2.6.6 Accept references on request from the relevant government, or in the process of resolving claims, and make recommendations to the appropriate levels of government concerning:
[...] 2.6.6.2 Recognition of customary land rights and/or law

Page 5, 2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES
2.7 In accordance with this Agreement and without prejudice to the jurisdiction of courts, there shall be established a Southern Sudan Land Commission which shall have the following functions:
... 2.7.6 Accept references on request from the relevant government, or in the process of resolving claims, and make recommendations to the appropriate levels of government concerning:
... 2.7.6.2 Recognition of customary land rights and/or law.

Socio-economic reconstruction

Development or socio-economic reconstruction

Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

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Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.5 The Parties agree that Southern Sudan faces serious needs to: (i) be able to perform basic government functions, (ii) build up the civil administration, and (iii) rehabilitate and reconstruct/construct the social and physical infrastructure in a postconflict Sudan.

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.6 The Parties agree that Nuba Mountains, Southern Blue Nile, Abyei and other war affected areas face serious needs to: (i) be able to perform basic government functions, (ii) establish and build civil administration and (iii) rehabilitate and reconstruct/construct the social and physical infrastructure in a post-conflict Sudan.

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.7 That, without prejudice to the provisions of paragraph 1.3 herein, Southern Sudan, and those areas in need of construction/reconstruction, shall be brought up to the same average level of socio-economic and public services standard as the Northern states. To achieve these objectives will take time and effort to build up local institutional, human, and economic capacity. For this purpose, two special funds shall be established as provided herein.

Page 3, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.8 That revenue sharing should reflect a commitment to devolution of power and decentralisation of decision-making in regard to development, service delivery and governance.

Page 3, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.9 The development of infrastructure, human resources, sustainable economic development and the capacity to meet human needs shall be conducted within a framework of transparent and accountable government.

Page 3, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.15 In agreeing to these wealth sharing arrangements the Parties signal to the international community that it will have to play a strong and constructive role in providing post-conflict construction/reconstruction assistance to Sudan, especially to Southern Sudan and other war affected and least developed areas.

Page 3, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.16 The National Government shall assist the Government of Southern Sudan, during

National economic plan

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.7 That, without prejudice to the provisions of paragraph 1.3 herein, Southern Sudan, and those areas in need of construction/reconstruction, shall be brought up to the same average level of socio-economic and public services standard as the Northern states. To achieve these objectives will take time and effort to build up local institutional, human, and economic capacity. For this purpose, two special funds shall be established as provided herein.

Page 3, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.12 The Parties recognize that the National Government, during the Interim Period, will need to mobilize additional national resources.

Page 7, 3.0 OIL RESOURCES

A. Guiding Principles for the management and development of the petroleum sector

3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall include the following:

3.1.1 Sustainable utilization of oil as a non-renewable natural resource consistent with:

a) the national interest and the public good;

Page 7, 3.0 OIL RESOURCES

A. Guiding Principles for the management and development of the petroleum sector

3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall include the following:

3.1.4 A stable macroeconomic environment that emphasizes stability of the petroleum sector.

Page 10, 5.0 GUIDING PRINCIPLES FOR SHARING OIL REVENUE

5.1 The Parties agree that the basis for an agreed and definitive framework for the sharing of the wealth emanating from oil resources of Southern Sudan shall include the following:

5.1.1 The framework for sharing wealth from the extraction of natural resources should balance the needs for national development and reconstruction of Southern Sudan.

Page 13, 7. EQUALIZATION AND ALLOCATION TO THE NATIONAL, SOUTHERN SUDAN AND STATE/REGIONAL LEVELS OF GOVERNMENT IN RESPECT OF REVENUE COLLECTED NATIONALLY

7.1. All revenues collected nationally for or by the National Government shall be pooled in a National Revenue Fund (NRF) administered by the National Treasury. Such Fund shall embrace all accounts and sub-funds into which monies due to the Government are collected, reported or deposited.

Page 13, 7. EQUALIZATION AND ALLOCATION TO THE NATIONAL, SOUTHERN SUDAN AND STATE/REGIONAL LEVELS OF GOVERNMENT IN RESPECT OF REVENUE COLLECTED NATIONALLY

7.2 All the revenues and expenditures of the Government will be on-budget operations and made public.

Page 14, 9.0 INTERSTATE COMMERCE

9.1 There shall be no legal impediment to interstate commerce or the flow of goods and services, capital, or labour between the states/regions.

Natural resources Page 1, Untitled Preamble

NOW RECORD THAT they have reached agreement on Wealth Sharing, covering the division of oil and non-oil revenues, the management of the oil sector, the monetary authority and the reconstruction of the South and other war-affected areas during the Pre-Interim and Interim Period;

Page 2, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.4 The sharing and allocation of wealth emanating from the resources of the Sudan shall ensure that the quality of life, dignity and living conditions of all the citizens are promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language, or region. The sharing and allocation of this wealth shall be based on the premise that all parts of Sudan are entitled to development.

Page 3, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.10 That the best known practices in the sustainable utilization and control of natural resources shall be followed.

Page 3, 2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES

2.1 Without prejudice to the position of the Parties with respect to ownership of land and subterranean natural resources, including in Southern Sudan, this Agreement is not intended to address the ownership of those resources. The Parties agree to establish a process to resolve this issue.

Page 4, 2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES

2.2. The Parties agree that the regulation, management, and the process for the sharing of wealth from subterranean natural resources are addressed below.

Page 5, 2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES

... 2.6 Without prejudice to the jurisdiction of courts, there shall be established a National Land Commission that shall have the following functions: [...]

... 2.6.9 Study and record land use practices in areas where natural resource exploitation occurs.

Page 6, 2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES

... 2.7 In accordance with this Agreement and without prejudice to the jurisdiction of courts, there shall be established a Southern Sudan Land Commission which shall have the following functions: [...]

... 2.7.9 Study and record land use practices in areas where natural resource exploitation occurs.

Page 7, 3.0 OIL RESOURCES

A. Guiding Principles for the management and development of the petroleum sector

3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall include the following:

3.1.1 Sustainable utilization of oil as a non-renewable natural resource consistent with:

- a) the national interest and the public good; b) the interest of the affected states/regions;
- c) the interests of the local population in affected areas; d) national environmental policies, biodiversity conservation guidelines, and cultural heritage protection principles.

Page 7, 3.0 OIL RESOURCES

A. Guiding Principles for the management and development of the petroleum sector

International funds Page 3, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.13 There is a limit on how much additional national resources can be mobilized and part of the national needs in a post-conflict Sudan will have to be met by external assistance.

Page 3, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.15 In agreeing to these wealth sharing arrangements the Parties signal to the international community that it will have to play a strong and constructive role in providing post-conflict construction/reconstruction assistance to Sudan, especially to Southern Sudan and other war affected and least developed areas.

Page 13, 7. EQUALIZATION AND ALLOCATION TO THE NATIONAL, SOUTHERN SUDAN AND STATE/REGIONAL LEVELS OF GOVERNMENT IN RESPECT OF REVENUE COLLECTED NATIONALLY

7.4 As a result of the allocation arrangements in paragraph 7.3 above, the Parties agree to appeal to the international and donor community to help the Government of Southern Sudan by providing post-conflict reconstruction assistance especially at the beginning of the transition.

Page 15, 13 FINANCING THE TRANSITION

13.1 The National Government shall assist, during the Pre-Interim Period to the extent that it is able, the SPLM/A in the establishment of the new transitional governments at the State/Regional level and the Government of Southern Sudan. The Government of Southern Sudan shall meet the direct costs of establishing these levels of government, with the assistance from the international community.

Page 17, 15 RECONSTRUCTION AND DEVELOPMENT FUNDS

A. Southern Sudan Reconstruction and Development Fund (SSRDF)

15.1. There shall be established a Southern Sudan Reconstruction and Development Fund (SSRDF) to solicit, raise and collect funds from domestic and international donors and disburse such funds for the reconstruction and rehabilitation of the infrastructure of the South, for the resettlement and reintegration of internally and externally displaced persons, and to address past imbalances in regional development and infrastructure.

Page 18, 15 RECONSTRUCTION AND DEVELOPMENT FUNDS

A. Southern Sudan Reconstruction and Development Fund (SSRDF)

15.3. The Government of Southern Sudan shall be responsible for expenditure from the fund and shall be entitled to raise additional funds by way of donation from foreign States, multilateral organizations, or other bodies for the purposes of the reconstruction and development of the southern states/regions. [...]

Page 18, 15 RECONSTRUCTION AND DEVELOPMENT FUNDS

C. Multi-Donor Trust Funds

15.7. Both funds shall support urgent recurrent and investment budget costs under clearly stated criteria of eligible financing components, and both shall have the right to solicit, raise and collect funds from foreign donors.

Page 19, 15 RECONSTRUCTION AND DEVELOPMENT FUNDS

C. Multi-Donor Trust Funds

15.11. During the Pre-Interim Period, the flow of foreign funds shall be through special accounts established in the Bank of Sudan for areas outside Southern Sudan and for Southern Sudan in a commercial bank in Southern Sudan until the Bank of Southern Sudan is established and operational. For the Interim Period: (i) the flow of foreign funds

Business

Page 12, 6. SHARING OF NON-OIL REVENUE

6.2 The Government of Southern Sudan shall be entitled to revenue from the following sources and to raise and collect the below-listed taxes: [...]

6.2.9 Taxes and levies on small and medium business;

Page 14, 9.0 INTERSTATE COMMERCE

9.1 There shall be no legal impediment to interstate commerce or the flow of goods and services, capital, or labour between the states/regions.

Taxation

Socio-economic reconstruction→Taxation→Power to tax

Page 3, 1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.11 This Agreement sets out the respective types of income, revenue, taxes and other sources of wealth to which the various levels of government are entitled.

Page 11, 6. SHARING OF NON-OIL REVENUE

6.1 The National Government shall be entitled to legislate, raise and collect the below-listed taxes and to collect revenue from these sources:

- 6.1.1 National Personal Income Tax;
- 6.1.2 Corporate or Business Profit Tax;
- 6.1.3 Customs Duties and import taxes; and
- 6.1.4 Sea-ports and Airports Revenue;
- 6.1.5 Service charges;
- 6.1.6 Oil revenues as set out herein;
- 6.1.7 National Government Enterprises and projects;
- 6.1.8 VAT or GST or other retail taxes on goods and services;
- 6.1.9 Excise Tax;
- 6.1.10 Any other tax as agreed upon in these negotiations;
- 6.1.11 Loans, including borrowing from the Central Bank and the public.

Page 11, 6. SHARING OF NON-OIL REVENUE

6.2 The Government of Southern Sudan shall be entitled to revenue from the following sources and to raise and collect the below-listed taxes:

- 6.2.1 The National revenue allocation to the Government of Southern Sudan and States/Regions from the National Revenue Fund as set forth in section 7.0 of this Agreement;
- 6.2.2 Revenue from any of the sources listed as state/region revenue sources referred to in paragraph 6.3 herein;
- 6.2.3 The Southern Sudan Reconstruction and Development Fund (SSRDF);
- 6.2.4 Oil revenues as is set out in this Agreement;
- 6.2.5 Southern Sudan Government Taxes, which do not encroach on the exclusive National Government taxing powers or which are contemplated in the Power Sharing Protocol;

Page 12, 6. SHARING OF NON-OIL REVENUE

6.2 The Government of Southern Sudan shall be entitled to revenue from the following sources and to raise and collect the below-listed taxes:

- 6.2.6 Service charges of the Government of Southern Sudan;
- 6.2.7 Government of Southern Sudan enterprises and projects;
- 6.2.8 Grants in Aid and Foreign Aid;
- 6.2.9 Taxes and levies on small and medium business;
- 6.2.10 Excise taxes on goods within the region deemed to be luxury consumables;
- 6.2.11 Southern Sudan Personal Income Tax;
- 6.2.12 Any other taxes as may be agreed to from time to time;
- 6.2.13 Loans and Borrowing in accordance with the Monetary Policy, Banking, Currency and Borrowing sections of this Agreement.

Page 12, 6. SHARING OF NON-OIL REVENUE

6.3 The states/regions shall be entitled to raise and collect the below-listed taxes and revenue from the below listed sources:

- 6.3.1 State/Regional Land and property tax and royalties;
- 6.3.2 Service charges for state/regional services;
- 6.3.3 Licences;
- 6.3.4 State/Regional Personal Income Tax;
- 6.3.5 Levies on Tourism;

Banks

Socio-economic reconstruction→Banks→Central bank

Page 11, 6. SHARING OF NON-OIL REVENUE

6.1 The National Government shall be entitled to legislate, raise and collect the below-listed taxes and to collect revenue from these sources: [...]

6.1.11 Loans, including borrowing from the Central Bank and the public.

Page 12, 6. SHARING OF NON-OIL REVENUE

6.2 The Government of Southern Sudan shall be entitled to revenue from the following sources and to raise and collect the below-listed taxes: [...]

6.2.13 Loans and Borrowing in accordance with the Monetary Policy, Banking, Currency and Borrowing sections of this Agreement.

Page 13, 6. SHARING OF NON-OIL REVENUE

6.3 The states/regions shall be entitled to raise and collect the below-listed taxes and revenue from the below listed sources: [...]

6.3.15 Loans and borrowing in accordance with the Monetary Policy, Banking, Currency and Borrowing sections of this Agreement.

Page 16, 14.0 MONETARY POLICY, BANKING, CURRENCY AND BORROWING

A. MONETARY POLICY, BANKING AND CURRENCY

14.1. The Parties agree, consistent with the Machakos Protocol of 20th July 2002, to have a dual banking system in Sudan during the Interim Period. An Islamic banking system shall operate in Northern Sudan and conventional banking system shall operate in Southern Sudan.

Page 16, 14.0 MONETARY POLICY, BANKING, CURRENCY AND BORROWING

A. MONETARY POLICY, BANKING AND CURRENCY

14.2. The Parties agree that conventional banking facilities are urgently needed in Southern Sudan. The Parties therefore agree to establish, during the Pre-Interim period, the Bank of Southern Sudan (BOSS) as a branch of Central Bank of Sudan (CBOS) consistent with paragraph 14.1 above.

Page 16, 14.0 MONETARY POLICY, BANKING, CURRENCY AND BORROWING

A. MONETARY POLICY, BANKING AND CURRENCY

14.3. The Parties agree to restructure, during the Pre-Interim Period, the CBOS so as to reflect the duality of the banking system in Sudan. The CBOS shall therefore use and develop two sets of banking instruments, one Islamic and the other Conventional, to regulate and supervise the implementation of a single monetary policy through:

- (i) an Islamic financing window in Northern Sudan under a deputy governor of CBOS using Islamic financing instruments to implement the national monetary policy in Northern Sudan; and
- (ii) the Bank of Southern Sudan (BOSS), headed by a deputy governor of CBOS, to manage the conventional window using conventional financing instruments in implementing the same national monetary policy in Southern Sudan.

Page 16, 14.0 MONETARY POLICY, BANKING, CURRENCY AND BORROWING

A. MONETARY POLICY, BANKING AND CURRENCY

14.4. The CBOS shall be responsible for the conduct of monetary policy. All banking institutions shall be subject to the rules and regulations set by the CBOS.

Page 16, 14.0 MONETARY POLICY, BANKING, CURRENCY AND BORROWING

A. MONETARY POLICY, BANKING AND CURRENCY

14.5. The primary responsibility and mandate of the CBOS shall be ensuring price stability, maintaining stable exchange rate, sound banking system and issuance of



Land, property and environment

Land reform/rights Land, property and environment→Land reform/rights→Land reform and management
Page 4, 2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES
2.3. The Parties record that the regulation of land tenure, usage and exercise of rights in land is to be a concurrent competency exercised at the appropriate levels of government.

Page 4, 2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES
2.4. Rights in land owned by the Government of Sudan shall be exercised through the appropriate or designated levels of Government.

Page 4-5, 2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES
2.6 Without prejudice to the jurisdiction of courts, there shall be established a National Land Commission that shall have the following functions:
2.6.1 Arbitrate between willing contending Parties on claims over land, and sort out such claims.
2.6.2 The party or group making claims in respect of land may make a claim against the relevant government and/or other Parties interested in the land.
2.6.3 The National Land Commission may at its discretion entertain such claims.
2.6.4 The Parties to the arbitration shall be bound by the decision of the National Land Commission on mutual consent and upon registration of the award in a court of law.
2.6.5 The National Land Commission shall apply the law applicable in the locality where the land is situated or such other law as the Parties to the arbitration agree, including principles of equity.
2.6.6 Accept references on request from the relevant government, or in the process of resolving claims, and make recommendations to the appropriate levels of government concerning:
2.6.6.1 Land reform policies;
2.6.6.2 Recognition of customary land rights and/or law
2.6.7 Assess appropriate land compensation, which need not be limited to monetary compensation, for applicants in the course of arbitration or in the course of a reference from a court.
2.6.8 Advise different levels of government on how to co-ordinate policies on national projects.
2.6.9 Study and record land use practices in areas where natural resource exploitation occurs.

Page 5, 2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES
2.7 In accordance with this Agreement and without prejudice to the jurisdiction of courts, there shall be established a Southern Sudan Land Commission which shall have the following functions:
2.7.1 Arbitrate between willing contending Parties on claims over land, and sort out such claims.
2.7.2 The party or group making claims in respect of land may make a claim against the relevant government and/or other Parties interested in the land.
2.7.3 The Southern Sudan Land Commission may entertain such claims at its discretion.
2.7.4 The Parties to the arbitration shall be bound by the Southern Sudan Land Commission's decision on mutual consent and upon registration of the award in a court of law.
2.7.5 The Southern Sudan Land Commission shall apply the law applicable in the locality where the land is situated or such other law as the Parties to the arbitration agree, including principles of equity.
2.7.6 Accept references on request from the relevant government, or in the process of resolving claims, and make recommendations to the appropriate levels of government concerning:
2.7.6.1 Land reform policies;

**Pastoralist/
nomadism rights**

No specific mention.

Cultural heritage

Land, property and environment→Cultural heritage→Promotion
Page 4, 2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES

2.5. The Parties agree that a process be instituted to progressively develop and amend the relevant laws to incorporate customary laws and practices, local heritage and international trends and practices.

Page 7, 3.0 OIL RESOURCES

A. Guiding Principles for the management and development of the petroleum sector

3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall include the following:

3.1.1 Sustainable utilization of oil as a non-renewable natural resource consistent with:
... d) national environmental policies, biodiversity conservation guidelines, and cultural heritage protection principles.

Environment

Page 7, 3.0 OIL RESOURCES

A. Guiding Principles for the management and development of the petroleum sector

3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall include the following:

3.1.1 Sustainable utilization of oil as a non-renewable natural resource consistent with:
[...] d) national environmental policies, biodiversity conservation guidelines, and cultural heritage protection principles.

Page 9, 4.0 EXISTING OIL CONTRACTS

4.3 If contracts are deemed to have fundamental social and environmental problems the Government of Sudan will implement necessary remedial measures.

**Water or riparian
rights or access**

No specific mention.

Security sector

**Security
Guarantees**

No specific mention.

Ceasefire

No specific mention.

Police

No specific mention.

Armed forces

No specific mention.

DDR

No specific mention.

Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.

Reparations Transitional justice→Reparations→Material reparations
Page 4, 2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES
2.6 Without prejudice to the jurisdiction of courts, there shall be established a National Land Commission that shall have the following functions: [...]
2.6.7 Assess appropriate land compensation, which need not be limited to monetary compensation, for applicants in the course of arbitration or in the course of a reference from a court.

Page 9, 4.0 EXISTING OIL CONTRACTS
4.5 Persons whose rights have been violated by oil contracts are entitled to compensation. On the establishment of these violations through due legal process the Parties to the oil contracts shall be liable to compensate the affected persons to the extent of the damage caused.

Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source Peacemaker.un.org,. 2015. 'UN Peacemaker'. <http://peacemaker.un.org>.
