

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE SUDAN (GOS)
AND
THE SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY (SPLM/A)

ON ASPECTS OF STRUCTURES OF GOVERNMENT

Nairobi, Kenya
18th November 2002

The Government of the Republic of The Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army (the Parties) have continued their negotiations from 14th October to 18th November, 2002 in Machakos and Nairobi, Kenya, under the auspices of the IGAD Sudan Peace Process; and

The Parties reaffirm their commitment to a negotiated, peaceful, comprehensive resolution to the Sudan conflict within the context of the Machakos Protocol of 20th July 2002 which stipulates that unity shall be the priority of the Parties during the Interim Period. The Parties hereby agree:

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

- To recognize the national sovereignty of the Sudan as vested in its people as well as the need to give expression to the aspirations of the people of Southern Sudan in all spheres of Government and to provide for linkages between the different levels of Government;
- To promote the welfare of the people and protect their human rights and fundamental freedoms;
- To hold free and fair general elections during the Interim Period;

- To a bicameral National Legislature with equitable representation of the people of Southern Sudan in both legislative chambers;
- To ensure that the National Civil Service and Cabinet Ministries be representative of the people of Sudan, and that specifically the people of Southern Sudan shall be equitably represented at the senior and middle levels;
- To hold a census during the Interim Period;
- To the general principles for sharing revenue and natural resources;
- To establish a number of independent commissions;
- To general principles of inter-governmental relations;
- In general terms to the sequence and process governing constitutional review and implementation of the Peace Agreement;
- To a collegial decision-making process within the Presidency;
- The allocation of the majority of functional areas of competence of the different levels of government;
- To establish a Government of National Unity during the Interim Period.
- To implement an information campaign throughout Sudan to popularize the Peace Agreement in the context of the Machakos Protocol;
- That the remaining issues still to be agreed in draft text No. 4 on Structures of Government presented by the Mediators shall form the starting point for their further negotiations.

2. To recommit themselves to continue to search for lasting peace and, without prejudice to the positions of the Parties, to resolve all outstanding issues and incorporate them into the final Peace Agreement.

3. To resume and conduct negotiations in January 2003 in good faith and goodwill in order to operationalize the above principles and achieve a just and comprehensive peace in the Sudan at the earliest possible time.

The Parties have also agreed in a separate document to extend the Memorandum of Understanding (MOU) on the Cessation of Hostilities to the 31st of March, 2003 and to continue their regularly scheduled meetings under the terms of reference established by the Cessation of Hostilities Committee to facilitate the implementation of that MOU.

Dr. Ghazi Salahuddin Atabani
For: The Government of the Sudan

Cdr. Salva Kiir Mayardit
For: The Sudan People's Liberation Movement/Army

WITNESSED BY:
Lt. Gen. Lazaro K. Sumbeiywo
Special Envoy
IGAD Sudan Peace Process and on
Behalf of the IGAD Envoys