

THE ADDIS ABABA AGREEMENT ON THE PROBLEM OF SOUTH SUDAN

Draft Organic Law to organize Regional Self-Government in the Southern provinces of the Democratic Republic of the Sudan

In accordance with the provisions of the Constitution of the Democratic Republic of the Sudan and in realization of the memorable May Revolution Declaration of June 9, 1969, granting the Southern Provinces of the Sudan Regional Self-Government within a united socialist Sudan, and in accordance with the principle of the May Revolution that the Sudanese people participate actively in and supervise the decentralized system of the government of their country, it is hereunder enacted:

Article 1.

This law shall be called the law for Regional Self-Government in the Southern Provinces. It shall come into force and a date within a period not exceeding thirty days from the date of Addis Ababa Agreement.

Article 2.

This law shall be issued as an organic law which cannot be amended except by a three-quarters majority of the People's National Assembly and confirmed by a two-thirds majority in a referendum held in the three Southern Provinces of the Sudan.

CHAPTER I: DEFINITIONS

Article 3.

- a) 'Constitution' refers to the Republican Order No. 5 or any other basic law replacing or amending it.
 - b) 'President' means the president of the Democratic Republic of the Sudan.
 - c) 'Southern Provinces of the Sudan' means the Provinces of Bahr El Ghazal, Equatoria and Upper Nile in accordance with their boundaries as they stood January 1, 1956, and other areas that were culturally and geographically a part of the Southern Complex as may be decided by a referendum.
- 'People's Regional Assembly' refers to the legislative body for the Southern Region of the Sudan.
- 'High Executive Council' refers to the Executive council appointed by the President on the recommendation of the President of the High Executive Council and such body shall supervise the administration and direct public affairs in the Southern Region of the Sudan.
- 'President of the High Executive Council' refers to the person appointed by the President on the recommendation of the People's Regional Assembly to lead and supervise the executive organs responsible for the administration of the Southern Provinces.
- 'People's National Assembly' refer to the National Legislative Assembly representing the people of the Sudan in accordance with the constitution.
- 'Sudanese' refers to any Sudanese citizens as defined by the Sudanese Nationality Act 1957 and any amendment thereof.

CHAPTER II

Article 4. The Provinces of Bahr El Ghazal, Equatoria and Upper Nile as defined in Article 3. (iii) shall constitute a self-governing Region within the Democratic Republic of the Sudan and be known as the Southern Region.

Article 5. The Southern Region shall have legislative and executive organs, the functions and power of which are defined by this law.

Article 6. Arabic shall be official language for the Sudan and English the principle language for the Southern Region without prejudice to the use of any language or languages, which may serve a practical necessity for the efficient and expeditious discharge of executive and administrative functions of the Region.

CHAPTER III

Article 7. Neither the People's Regional Assembly nor the High Executive Council shall legislate or exercise any powers on matters of national nature which are:

- National Defense
- External Affairs
- Currency and Coinage
- Air and Inter-Regional Transport
- Communications and Telecommunications
- Customs and Foreign Trade except for border trade and certain commodities, which the Regional Government may specify with the approval of the Central Government.
- Nationality and Immigration (Emigration)
- Planning for Economic and Social Development
- Educational Planning
- Public-Audit.

CHAPTER IV

Article 8. Regional Legislation in the Southern Region is exercised by a People's Regional Assembly elected by Sudanese Citizens resident in the Southern Region. The constitution and condition of membership of the Assembly shall be determined by law.

Article 9. Members of the People's Regional Assembly shall be elected by direct secret ballot.

Article 10.

For the First Assembly the President may appoint additional members to the People's Regional Assembly where conditions for elections are not conducive to such elections as stipulated in Article 9, provided that such appointed members shall not exceed one-quarter of the Assembly.

The People's Regional Assembly shall regulate the conduct of its business in accordance with rules of procedures to be laid down by the said Assembly during its first sitting.

The People's Regional Assembly shall elect one of its members as a speaker, provided that the first sitting shall be presided over by the Interim President of the High Executive Council.

Article 11. The People's Regional Assembly shall legislate for the preservation of public order, interim security, efficient administration and the development of the Southern Region in cultural, economic and social fields and in particular in the following:

Promotion and utilization of Regional financial resources for the development and administration of the Southern Region.

Organization of the machinery for Regional and Local Administration.

Legislation on traditional law and custom within the framework of National Law.

Establishment, maintenance and administration of prisons and reformatory institutions.

Establishment, maintenance and administration of Public Schools at all levels in accordance with National Plans for education and economic and social development.

Promotion of local languages and cultures.

Town and village planning and the construction of roads in accordance with National Plans and programs

Promotion of trade; establishment of local industries and markets; issue of traders' licenses and formation of co-operation societies.

Establishment, maintenance and administration of public hospitals.

Administration of environmental health services; maternity care; child welfare; supervision of markets; combat of epidemic diseases; training of medical assistants and rural midwives; establishment of health centers, dispensaries and dressing stations.

Promotion of animal health; control of epidemics and improvement of animal production and trade.

Promotion of tourism

Establishment of zoological gardens, museums, organizations of trade and cultural exhibitions.

Mining and quarrying without prejudice to the right of the Central Government in the event of the discovery of natural gas and minerals.

Recruitment for, organization and administration of Police and Prison services in accordance with the national policy and standards.

Land use in accordance with national laws.

Control and prevention of pests and plant diseases.

Development, utilization, and protection of forests crops and pastures in accordance with national laws.

Promotion and encouragement of self-help programmes.

All other matters delegated by the President or the People's National Assembly for legislation.

Article 12. The People's National Assembly may call for facts and information concerning the conduct of administration in the Southern Region.

Article 13.

The People's Regional Assembly may, by a three-quarters majority and for specified reasons relating to public interest, request the President of relieve the President or any member of the High Executive Council from office. The President shall accede to such request.

in case of vacancy, relief or resignation of the President of the High Executive Council, the entire body shall be considered as having automatically resigned.

Article 14. The People's Regional Assembly may, by a two-thirds majority, request the President to postpone the coming into force of any law which, in the view of the members, adversely affects the welfare and interests of the citizens of the Southern Region. The President may, if he thinks fit, accede to such request.

Article 15.

The People's Regional Assembly may, by a majority of its members, request the President to withdraw any Bill presented to the People's National Assembly which in their view affects adversely the welfare, rights or interests of the citizens in the Southern Region, pending communication of the views of the People's Regional Assembly.

If the President accedes to such request, the People's Regional Assembly shall present its views within 15 days from the date accession to the request.

The President accedes to such request, The People's Regional Assembly together with his own observation if he deems necessary.

Article 16. The People's National Assembly shall communicate all Bills and Acts of the People's Regional Assembly for their information. The People's Regional Assembly shall act similarly.

CHAPTER V: THE EXECUTIVE

Article 17. The Regional Executive Authority is vested in a High Executive Council which acts on behalf of the President.

Article 18. The High Executive Council shall specify the duties of the various departments in the Southern Region provided that on matters relating to Central Government Agencies it shall act with approval of the President.

Article 19. The President of the High Executive council shall be appointed and relieved of office by the President on the recommendation of the People's Regional Assembly.

Article 20. The High Executive Council shall be composed of members appointed and relieved of office by the President on the recommendation of the President of the High Executive Council

Article 21. The President of the High Executive Council and its members are responsible to the President and to the People's Regional Assembly for efficient administration in the Southern Region. They shall take an oath of office before the President.

Article 22. The President and members of the High Executive Council may attend meetings of the People's Regional Assembly and participate in its deliberations without

the right of vote, unless they are also members of the People's Regional Assembly.

CHAPTER VI

Article 23. The president shall from time to time regulate the relationship between the high Executive Council and the central ministries.

Article 24. The High Executive Council may initiate laws for the creation of a Regional Public Service. These laws shall specify the terms and conditions of service for the Regional Public Service.

CHAPTER VII: FINANCE

Article 25. The People's Regional Assembly may levy Regional duties and taxes in addition to National and Local duties and taxes. It may issue legislation and orders to guarantee the collection of all public monies at different levels.

(One) The source of revenue of the Southern Region shall consist of the following:-

Direct and indirect regional taxes.

Contribution from People's Local Government Councils

Revenue from commercial, industrial and agricultural projects in the Region in accordance with the National Plan.

Funds from the National Treasury for established services.

Funds voted by the people's National Assembly in accordance with the requirements of the Region.

The Special Development Budget for the South as presented by the People's Regional Assembly for the acceleration of economic and social advancement of the Southern Region as envisaged in the declaration of June 9, 1968.

CHAPTER VIII: OTHER PROVISIONS

Article 26. Citizens of the Southern Region shall constitute a sizeable proportion of the People's Armed Forces in such reasonable numbers as will correspond to the population of the region.

the use of the People's Armed Forces within the Region and outside the framework of national defense shall be controlled by the President of the advice of the President of the High Executive Council

Temporary arrangements for the composition of units of the People's Armed Forces in the Southern Region are provided for in the Protocol on Interim Arrangements.

Article 27. The President may veto any Bill which he deems contrary to the Provisions of the National Constitution provided the People's Regional Assembly, after receiving the President's views, may reintroduce the Bill.

Article 28. The President and members of the High Executive Council may initiate laws in the People's Regional Assembly.

Article 29. Any member of the People's Regional Assembly may initiate any law provided that financial Bills shall not be presented without sufficient notice to the President of the High Executive Council.

Article 30. The People's Regional Assembly shall strive to consolidate the unity of the Sudan and respect the spirit of the National Constitution.

Article 31. All citizens are guaranteed freedom of movement in and out of the Southern Region, provided restriction or prohibition of movement may be imposed on a named citizen solely on grounds of public health and order.

Article 32.a) All citizens resident in the Southern Region are guaranteed equal opportunity of education, employment, commerce and the practice of any profession.

No law adversely affect the rights of citizens enumerated in the previous item on the basis of race, tribal origin, religion, place of birth, or sex.

Article 33. Juba shall be the Capital of the Southern Region and the seat of the Regional Executive and Legislature.

APPENDIX A: FUNDAMENTAL RIGHTS AND FREEDOMS

The following should be guaranteed by the Constitution of the Democratic Republic of the Sudan.

A citizen should not be deprived of his citizenship

Equality of citizens.

a) All citizens, without distinction based on race, national origin, birth, language, sex, economic or social status, should have equal rights and duties before the law.

All persons should be equal before the courts of law and should have the rights to institute legal proceedings in order to remove any injustice or declare any right in an open court without delay prejudicing their interest.

Personal liberty.

a) Penal liability should be personal. Any kind of collective punishment should be prohibited.

The accused should be presumed innocent until proved guilty.

Retrospective penal legislation and punishment should be prohibited.

The right of the accused to defend himself personally or through an agent should be guaranteed.

No person should be arrested, detained or imprisoned except in accordance with the due process of law, and no person should remain in custody or detention for more than twenty-four hours without judicial order.

No accused person should be subjected to inducement, intimidation or torture in order to extract evidence from him whether in his favor or against him or against any other person, and no humiliating punishment should be inflicted on any convicted person.

Freedom of Religion and Conscience.

Every person should enjoy freedom of religious opinion and of conscience and the right to profess them publicly and privately and to establish religious institutions subject to reasonable limitations in favor of morality, health or public order as prescribed by law.

Parents and Guardians should be guaranteed the right to educate their children and those under their care in accordance with the relation of their choice.

Protection of Labor.

i) Forced and compulsory labor of any kind should be prohibited except when ordered for military or civil necessity or pursuant to penal punishment prescribed by law.

ii) The right to equal pay for equal work should be guaranteed.

Freedom of minority to use their languages and develop their culture should be guaranteed.

APPENDIX B: DRAFT ORDINANCE ON ITEMS OR REVENUE AND GRANTS-IN-AID FOR THE SOUTHERN REGION

Profits accruing to the Central Government as a result of exporting products of the Southern Region.

Business Profit Tax of the Southern Region that are at present in the Central list of the Ministry of Treasury.

Excise Duties on alcoholic beverages and spirits consumed in the Southern Region.

Profits on sugar consumed in Southern Region.

Royalties of forest products of the Southern Region.

Royalties on leaf Tobacco and Cigarettes.

Taxation on property other than that provided in the Rates Ordinance.

Taxes and Rates on Central and Local Government Projects (5 percent of net profits of factories, co-operative societies, agricultural enterprises and cinemas).

Revenue accruing from Central Government activities in the Southern Region provided the Region shall bear maintenance expenses e.g., Post Office revenue, land sales, sale of forms and documents, stamp duties and any other item to be specified from time to time.

Licenses other than those provided for in the People's Local Government Act, 1971.

Special Development Tax to be paid by Residents in the Southern Region the rate of which should be decided by the People's Regional Assembly.

Income Tax collected from officials and employees serving in the Southern Region both in the local and national civil services as well as in the Army, Police and Prisons, Judiciary, and Political Establishment.

Corporation Tax on any factory and/or agricultural project established in the Region but not run by the Regional Government (5 percent of the initial cost).

Contribution from the Central Government for the encouragement of construction and development; for every agricultural project, industrial project and trading enterprise (20 percent of the initial cost as assessed by the Central Government).

New Social Service Projects to be established by the Region or any of its Local Government units, and for which funds are allocated, shall receive grants from the

National Treasury in the following manner:
Education institution, 20 percent of expenses.
Trunk and through Roads and Bridges, 25 per cent of expenses.
Relief and Social amenities, 15 percent of expenses.
Tourist attraction projects 25 percent of expenses.
Security, 15 percent of expenses.
Grants for Post Secondary and University education within the Sudan, 20 percent of grants, outside the Sudan 30 percent of grants.
Contribution for Research, Scientific Advancement, and Cultural Activities, 25 percent of expenses.

AGREEMENT OF THE CEASE-FIRE IN THE SOUTHERN REGION

Article 1. This Agreement shall come into force on the date and time specified for the ratification of the Addis Ababa Agreement.

Article 2. There will be an end to all military operations and to all armed actions in the Southern Region from the time of cease-fire.

Article 3. All combat forces shall remain in the area under their control at the time of the cease-fire.

Article 4. Both parties agree to forbid any individual or collective acts of violence.

Any underground activities contrary to public order shall cease.

Article 5. Movements of individual members of both combat forces outside the areas under their control shall be allowed only if these individuals are unarmed and authorized by their respective authorities. The plans for stationing troops from the National Army shall be such as to avoid any contact between them and the Southern Sudan Liberation Movement combat forces.

Article 6. A joint Commission is hereby created for the implementation of all questions related to the cease-fire including repatriation of refugees. The Joint Commission shall include members from all the countries bordering on the Southern Region as well as representatives of the International Committee of the Red Cross, World Council of Churches, all Africa Conference of Churches and United Nations High Commissioner for Refugees.

Article 7. The joint Commission shall propose all measures to be undertaken by both parties in dealing with all incidents after a full inquiry on the spot.

Article 8. Each party shall be represented on the Joint Commission by one senior military officer and maximum of five other members.

Article 9. The headquarters of the Joint Commission shall be located in Juba with provincial branches in Juba, Malakal and Wau.

Article 10. The Joint Commission shall appoint local commission in various centers of the Southern Region composed of two members from each party.

PROTOCOLS ON INTERIM ARRANGEMENTS

CHAPTER 1: INTERIM ADMINISTRATIVE ARRANGEMENTS

(Political, Local Government and Civil Service)

Article 1. The President of the Democratic Republic of Sudan shall, in consultation with the Southern Sudan Liberation Movement (S.S.L.M) and branches of the Sudanese Socialist Union in the Southern Region, appoint the president and members of an Interim High Executive Council.

Article 2. The Interim High Executive Council shall consist of the President and other members with portfolios in:

- 1 Finance and Economic Planning.
- 2 Education
- 3 Information, Culture and Tourism
- 4 Communication and Transport
- 5 Agriculture, Animal Production and Fisheries.
- 6 Public Health.
- 7 Regional Administration (Local Government, Legal Affairs, Police and Prisons).
- 8 Housing, Public Works and Utilities
- 9 Natural Resources and Rural Development (Land Use, Rural Water Supply, Forestry and Cooperatives).
- 10 Public Service and Labor
- 11 Minerals and Industry, Trade and Supply.

Article 3. The interim High Executive Council shall, in accordance with national laws, establish a Regional Civil Service subject to ratification by the People's Regional Assembly.

Article 4. The President shall, in consultation with the Interim High Executive Council determine the date for the election to the People's Regional Assembly, and the Interim High Executive Council shall make arrangements for the setting up of this Assembly.

Article 5. In order to facilitate the placement in and appointment to both central and regional institutions, the Southern Sudan Liberation Movement shall compile and communicate lists of citizens of the Southern Region outside of the Sudan in accordance with details to be supplied by the Ministry of Public Service and Administrative Reform.

Article 6. The Interim High Executive Council and the Ministry of Public Service and Administrative Reform shall undertake to provide necessary financial allocations with effect from the 192\72-73 Budget for such placements and appointments.

Article 7. The Mandate of the Interim High Executive Council shall not exceed a period of 18 months.

CHAPTER II: TEMPORARY ARRANGEMENTS FOR THE COMPOSITION OF UNITS OF THE PEOPLE'S ARMED FORCES IN THE SOUTHERN REGION.

Article 1. These arrangements shall remain in force for a period of five years subject to revision by the President of the request of the President of the High Executive Council acting with the consent of the People's Regional Assembly.

Article 2. The People's Armed Forces in the Southern Region shall consist of a national force called the Southern Command composed of 12,000 officers and men of whom 6,000 shall be citizens from the Region and the other 6,000 from outside the Region.

Article 3. The recruitment and integration of citizens from the Southern Region within the aforementioned Forces shall be determined by a Joint Military Commission taking into account the need for initial separate deployment of troops with a view to achieve smooth integration in the national force. The commission shall ensure that this deployment shall be such that an atmosphere of peace and confidence shall prevail in the Southern Region.

Article 4. The joint Military Commission shall be composed of three senior military officers from each side. Decision of the Joint Military Commission shall be taken unanimously. In case of disagreement such matters shall be referred to the respective authorities.

CHAPTER III: AMNESTY AND JUDICIAL ARRANGEMENTS

Article 1. No action or other legal proceedings whatsoever, civil or criminal, shall be instituted against any person in any court of law for or on account of any act or matter done inside or outside the Sudan as from the 18th day of August 1995, if such act or matter was done in connection with mutiny, rebellion or sedition in the Southern Region.

Article 2. If a civil suit in relation to any acts or matters referred to in Article 1 is instituted before or after the date of ratification of the Addis Ababa Agreement such a suit shall be discharged and made null and void.

Article 3. All persons serving terms of imprisonment or held in detention in respect of offences herein before specified in Article 1 shall be discharged or released within 15 days for the date of ratification of the Addis Ababa Agreement.

Article 4. The joint Cease-fire Commission shall keep a register of all civilian returnees, which register shall serve to certify that the person therein named are considered indemnified within the meaning of this Agreement provided that the commission may delegate such power to the Sudan in the case of citizens from the Southern Region living abroad and to whom the provisions of this Agreement apply.

Article 5. In the case of armed returnees or those belonging to combat forces the Joint Military Commission shall keep a similar register of those persons who shall be treated in the same manner as provided for in Article 4.

Article 6. Notwithstanding the provisions of Articles 4 and 5 above a Special Tribunal with ad hoc judicial powers shall be established to examine and decide on those cases which in the estimation of the authorities do not meet the conditions for amnesty specified in Article 1 of this Agreement. The Special Tribunal shall be composed of a President appointed by the President of the Republic and not more than four members named by the Cease-fire Commission.

Article 7. Cases referred to in Article 6 shall be brought to the attention of the Special Tribunal by request of the Minister of Justice.

Article 8. The Amnesty Provision contained in this Agreement as well as the powers of Special Tribunal shall remain in force until such time as the President after consultation with the commissions referred to in this

Article 9. Although resettlement and rehabilitation of refugees and displaced persons is administratively the responsibility of the Regional Government the present conditions in the Southern Region dictate that efforts of the whole nation of the Sudan and International organizations should be pooled to help and rehabilitate persons affected by the conflict. The Relief and Resettlement Commission shall co-ordinate activities and resources of the Organization within the country.

Article 10. The first priority shall be the resettlement of displaced persons within the Sudan in the following order:

- 1 Persons presently residing in overcrowded centers in the Southern Region, and persons desirous to return to their original areas and homes;
- 2 Persons returning from the bush including Anayanya Supporters;
- 3 Handicapped persons and orphans

Article 11. The second priority shall be given to returnees from the neighboring and other countries according to an agreed plan. This plan shall provide for:

- 1 Adequate reception centers with facilities for shelter, food supplies, medicine and medicaments;
- 2 Transportation to permanent resettlement villages or places of origin.
- 3 Materials and equipment.

Article 12. The Relief and Resettlement Commission shall:

- 1 Appeal to international organizations and voluntary agencies to continue assistance for students already under their support particularly for students in secondary schools and higher institutions until appropriate arrangements are made for their repatriation;
- 2 Compile adequate information on students and persons in need of financial support from the Sudan Government.

Article 13. The Relief and Resettlement Commission shall arrange for the education of all returnees who were attending primary schools.

This agreement is hereby concluded on this twenty-seventh day of the month of February in the year one thousand nine hundred and seventy two, A.D, in this city Addis Ababa, Ethiopia, between the Government of the Democratic Republic of the Sudan on the one hand and the Southern Sudan Liberation Movement on the other. It shall come into force on the date and hour fixed for its ratification by the President of the Democratic Republic of the Sudan and the Leader of the Southern Sudan Liberation Movement. It shall be ratified by the said by two Leaders in person or through their respective authorized Representatives, in this city, Addis Ababa Ethiopia, at the twelfth hour at noon, on the twelfth day of the month of March, in the year on thousand nine hundred and seventy two, A.D.

In witness whereof, we the Representatives of the Government of the Democratic Republic of the Sudan and the Representatives of the Southern Sudan Liberation Movement hereby append our signatures in the presence of the Representative of His Imperial Majesty the Emperor of Ethiopia and the Representatives of the World Council of Churches, the All Africa Conference of Churches, and the Sudan Council of Churches.

FOR THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF THE SUDAN

Abel Alier-Wal Kuai, Vice President and Minister of State for Southern Affairs.
Dr. Mansour Khalid, Minister for foreign Affairs.
Dr. Gaafar Mohammed Ali Bakheit, Minister for Local Government
Major-General Mohammed Al Baghir Ahmed, Minister of Interior.
Abel Rahman Abdalla, Minister of Public Service and Administrative Reform.
Brigadier Mirghani Suleiman
Colonel Kamal Abashar.

FOR THE SOUTHERN SUDAN LIBERATION MOVEMENT

Ezboni Mondiri Gwonza, Leader of the Delegation.
Dr. Lawrence Wol Wol, Secretary of the Delegation. Mading deGarang, Spokesman
of the Delegation.
Colonel Frederick Brian Maggot, Special Military Representative.
Oliver Batali Albino, Member.
Anelo Voga Morjan, Member.
Rev. Paul Puot, Member.

Job Adier de Jok, Member.

Witnesses

Nabiyelul Kifle, Representative of His Imperial Majesty the Emperor of Ethiopia.

Leopolda J. Nilus, Representative of the World Council of Churches.

Kodwo E. Akrah, Representative of the World Council of Churches.

Burgess Carr, General Secretary All Africa Council of Churches.

Samuel Athi Bwogo, Representative of the Sudan Council of Churches.

Attestation