

Comprehensive Peace Agreement (CPA)

The Republic of South Sudan became a sovereign nation on July 9, 2011. The date marked the end of a long fight for independence, which spanned two civil wars (1955-1972, 1983-2005), the signing of a Comprehensive Peace Agreement (CPA) in 2005, and ultimately a referendum on self-determination in January 2011.

The new country is home to roughly 11 million people (2012) [[1]] and covers the landmass of Texas or Germany, Belgium, Holland and Portugal combined. The nation is organized according to a principle of decentralization (some doubt about its implementation exists) and is divided into ten states.

The model of government, and the role of law played therein, has varied throughout the country's history. A British colony since the defeat of Napoleon in Egypt in 1804 and the extension of the mandate to Sudan, the end of colonialism in 1955 and the subsequent independence of Sudan also brought with them a reform of legal system. [[2]] The British system of laws and regulations is still partly used in decisions and adjudications today.

The founding of the new country of South Sudan resulted from successful armed resistance. Many South Sudanese fought in the war, but the most visible organization was the Sudanese People's Liberation Movement (SPLM) and its army – the SPLA. Following South Sudan's independence, the SPLM became the most prominent political party in South Sudan, with party members occupying the vast majority of elected mandates and executive posts in government. [[3]] To understand the legal system of South Sudan, resolutions passed at the SPLM Convention of 1994, which later evolved into the charter of the movement, are also significant. [[4]]

During the civil war, the SPLM/A developed a set of laws and regulations to govern the territory in controlled. [[5]] At first, the SPLM/A developed military regulations but later also turned to the administration of the civilian population, the main tenants of which were developed at the 1994 SPLM convention mentioned above. The SPLM/A initiated a Punitive Law “to regulate and govern the conduct of the armed forces.” [[6]] One year later the Penal and Discipline Law of the SPLA was passed and remained in force until 1994 when it was repealed by the SPLA Act. The 2003 SPLA Act again overhauled and added laws.

Concurrently with the signing of the CPA in 2005, the SPLM/A enacted the Interim Constitution of Southern Sudan. The CPA granted Southern Sudan regional autonomy, in the form of the Government of Southern Sudan. The president of Southern Sudan was made the first vice-president of the Republic of Sudan, and a share of national wealth was given to the southern region. The CPA stipulated that after a six-year interim period, the south would vote in a referendum on self-determination to decide whether to remain united or become independent.

In January 2011, the people of Southern Sudan voted overwhelmingly for independence. At independence, the Interim Constitution was substituted with the Transitional Constitution of the Republic of South Sudan of 2011. In accordance with the Transitional Constitution, in January 2012, South Sudan initiated a constitutional review process, which will culminate in the adoption of a permanent constitution.

South Sudan presents interesting questions of international law relating to territorial disputes with the neighboring Republic of the Sudan and the succession and accession to international treaties. [[7]]]