



# The CPA Monitor

Monthly Report on the Implementation of the CPA

United Nations Mission In Sudan  
[www.unmis.org](http://www.unmis.org)

Vol. 5, Issue 48

November 2009

Status of the implementation  
of the CPA:

Power-Sharing .....2

Wealth-Sharing ..... 16

The Three Areas ..... 19

Security Arrangements ..... 26

Dissemination of CPA ..... 34

Glossary of Acronyms ..... 35

## HIGHLIGHTS

- Southern Sudanese political parties block continued to boycott National Assembly sessions, citing delays in adoption of important Bills.
- Countrywide voter registration that began on 1 November extended until first week of December. 12,018,948 registered by the end of November, according to provisional estimate released by the National Elections Commission.
- UNPOL conducted forty one training courses for 1026 police officers. More than 2000 received on-the-job training.
- 18,035 ex-combatants demobilized since the launching of DDR exercise in February.

New developments are in blue text, boxed and dated (11/09).

The CPA Monitor can be downloaded along with its related annexes at: <http://unmis.unmissions.org/Default.aspx?tabid=2213>.

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## 1 - Power-Sharing Agreement

### 1.1 - The National Level

#### STATUS OF THE IMPLEMENTATION OF THE

#### COMPREHENSIVE PEACE AGREEMENT (CPA)

### 1 Power-Sharing Agreement

#### 1.1 THE NATIONAL LEVEL

##### A) National Constitution

1. President Omar Hassan Ahmed Al-Bashir signed the **Interim National Constitution (INC)** into law on 9 July 2005 ([Annex 1](#)). The INC, which is based on the Comprehensive Peace Agreement (CPA) and the 1998 Sudan Constitution, is the supreme law of the land during the Interim Period. It was prepared by the National Constitutional Review Commission (NCRC), a creation of the CPA, with 31 members from the NCP, 17 from SPLM, 8 from Northern political parties and 4 from Southern political forces. The National Assembly and the SPLM National Liberation Council adopted the INC on 6 July 2005.

##### B) The National Executive

2. The three-member **Presidency** was inaugurated on 9 July 2005. Omar Hassan Ahmed Al-Bashir was sworn in as President, John Garang de Mabior as First Vice President and Ali Osman Mohamed Taha as Vice President. Lt. General Salva Kiir Mayardit was sworn in as the First Vice President on 11 August 2005 following the death of John Garang in a helicopter crash on 30 July 2005.
3. President Al-Bashir issued four decrees on 20 September 2005 establishing the **Government of National Unity**, largely in accordance with the CPA power-sharing formula. Members of the GNU were sworn in on 22 September 2005. On 27 November 2005, President Al-Bashir issued two decrees filling the ministerial seats left vacant for the opposition umbrella group, the National Democratic Alliance (NDA).
4. Additional appointments to the GNU were made in October 2006 to reflect commitments made under the **Darfur Peace Agreement (DPA)**. Minni Minnawi of the SLA/MM was appointed Senior Assistant to the President and Mustafa Mohamed Ahmed Tirab as a State Minister without portfolio. (10/06)
5. Further appointments to the GNU were made on 29 May 2007 to reflect commitments made under the **Eastern Sudan Peace Agreement (ESPA)** signed on 14 October 2006. Eastern Front Chairman Musa Mohamed Ahmed was appointed Assistant to the President, Amna Dirar as Presidential Advisor and 'Free Lions' leader Mabrouk Mubarak Salim as State Minister in the Ministry of Transport and Roads (5/07).
6. In March 2007, the **NCP-SPLM Joint Leadership Committee** held its first annual meeting, chaired by President Al-Bashir and FVP Salva Kiir. The meeting established a new high-level sub-committee, the **NCP-SPLM Joint High Political Committee**, to address contentious issues related to CPA implementation.
7. On 11 October 2007, the Sudan People's Liberation Movement (SPLM) announced the suspension of its participation in the GNU, citing the lack of progress on the issues of Abyei, border demarcation, redeployment, transparency of oil revenues and preparations for the census and elections. It recalled its ministers, state ministers and presidential advisers from the GNU, and indicated that they would resume participation in the central government only after these issues had been resolved. On 17 October, President Al-Bashir, agreeing to one of the demands of the SPLM, issued a decree reshuffling the cabinet. The reshuffle concerned two Presidential Advisors, six Cabinet Ministers and six Ministers of State in the GNU. SPLM, however, rejected the decree on the ground that the reshuffling did not reflect the recommendations it had submitted to the Presidency. On 26 December 2007, President Al-Bashir issued a series of decrees appointing new

## 1 - Power-Sharing Agreement

### 1.1 - The National Level

SPLM ministers, state ministers and presidential advisors in the Government of National Unity (GNU). The new SPLM ministers were sworn in on 27 December, thus ending a two-month boycott of the GNU. There was no change in the NCP line-up in the GNU, as the NCP kept to its limited reshuffle in early December, which brought in one presidential advisor and six state ministers. (12/07)

8. On 14 February 2008, President Al-Bashir carried out a Cabinet reshuffle involving NCP Ministers in the GNU and reallocated portfolios of several Ministers of State. A list of current members of the GNU can be found in [Annex 2](#). (09/08)
9. On 8 June 2008, President Al-Bashir issued Republican Decree 146 adopting a landmark agreement between the NCP and the SPLM entitled 'Roadmap for Return of IDPs and Implementation of Abyei Protocol'. The four main points outlined were: security arrangements, return of IDPs, an interim administration and final arbitration. A follow up to the decree, specifying the modalities for the establishment of the interim administration was issued on 15 June 2008. The Roadmap establishes the geographical boundaries of the interim administration in an agreed map that was attached to the 8 June document. It also gives the Abyei administrative area a special status under the Presidency and establishes the Abyei Executive Council, Abyei Security Committee, and Abyei Area Council, and outlines how they will be financed. This interim agreement will be in effect pending the result of the final arbitration process. The text of the Roadmap can be found in [Annex 23](#). (06/08)
10. On 7 July 2008 Ali Osman Mohamed Taha, Vice-President of the Republic and Riek Machar, Vice President of the Government of Southern Sudan, signed a Convention on the arbitration on the Abyei area. The text is to be deposited with International Court of Arbitration in The Hague. (07/08)
11. On 17 November 2008, the National Assembly approved the nominations of the chairman and members of the Political Parties Council. They were sworn in on 25 November. (11/08)
12. The **National Legislature** (the Council of States and the National Assembly) was formed on 31 August 2005. Ahmed Ibrahim El Tahir (NCP) was elected Speaker for the National Assembly and Atim Garang Deng (SPLM) Deputy Speaker. Ali Yahia (NCP) was elected Speaker and Remo Olair (SPLM) Deputy Speaker of the Council of States. The **Council of States** has two members from each of the 25 States and two representing Abyei, currently appointed by the Presidency after consultation with state institutions
13. The **National Assembly** has 450 members. Membership is allocated according to the CPA's power-sharing formula, with modifications to take account of the Darfur Peace Agreement (DPA) and Eastern Sudan Peace Agreement (ESPA) (see below). The original division was as follows: NCP: 234 seats; SPLM: 126 seats; Northern political forces: 55 seats (20 for the NDA, seven for the Registered Democratic Unionist Party, three for Umma Party Reform and Renewal, three for Federal Umma Party, three for Umma Party Collective Leadership, three for Ansar Al-Sunna, three for the Muslim Brotherhood and five for Parties' Forum); Southern political forces: 27 seats (ten for Union of Sudan African Parties, five for United Democratic Salvation Front, three for United Democratic Front, five for Sudanese African National Union and four for the Southern Sudan Democratic Forum); national personalities: eight seats. Of the 55 seats allocated to the Northern political forces, 8 were allocated to the Umma Party (Mainstream) and the Popular National Congress, but both declined to participate. The National Assembly has 20 standing committees. A list of the chairs of standing specialised committees can be found in [Annex 3](#). (10/07)
14. On 3 April 2007, twelve representatives of the **Darfur Peace Agreement signatory parties** were sworn in as members of the National Assembly. Nine of the seats they assumed were already vacant; the remaining three were made available by the NCP from its own allocation. (4/07)
15. On 24 October 2007, eight members from the Eastern Front took the oath of office in the National Assembly, in accordance with the **Eastern Sudan Peace Agreement** (ESPA) which provides for

## 1 - Power-Sharing Agreement

### 1.1 - The National Level

the allocation of eight seats to nominees of the Eastern Front. (11/07)

#### C) Legislative Agenda

16. The 1<sup>st</sup> session of the National Assembly since the signature of the CPA convened on 31 August 2005. It endorsed the **Joint Integrated Units (JIUs) Act** and the **Organization of Voluntary and Humanitarian Work Act (NGO Act)**. (11/06)
17. The 2<sup>nd</sup> session of the National Assembly met from 3 April – 3 July 2006. It did not pass any significant CPA-implementation related legislation.
18. The 3<sup>rd</sup> session of the National Assembly convened on 30 October 2006. It adopted a number of important CPA-implementation related pieces of legislation. These included the **National Civil Service Commission Act** (10 January 2007), text of which can be found in [Annex 5. Political Parties Act](#) (22 January 2007) and **National Civil Service Bill** (23 January 2007).
19. The **Political Parties Act** has been controversial. During the three readings of the Bill in the National Assembly, controversy centred on Article 18.b, which allows for the dissolution of political parties by a court decision. In the final version of the Bill, this article (now Article 19-2) was revised to provide that a party may be dissolved upon the decision of *the Constitutional Court* on the basis of a case raised by a two-thirds majority of the Political Parties Council, *if* it is proven before the Court that the party has violated article 40 (3) of the INC. NDA parliamentarians refused to endorse the final draft, and walked out of the Assembly session in protest. NCP parliamentarians then introduced a further amendment to toughen the requirements for party registration (Article 4). This was incorporated into the final Bill, which was adopted by consensus in the absence of the NDA. Opposition parties have expressed concerns about the implications of the final Act, which requires parties to register within 90 days, on preparations for democratic elections. The **Political Parties Act** was signed into law by the President on 6 February 2007 (The text of the Act can be found in [Annex 4](#)).
20. The 4<sup>th</sup> Session of the National Assembly was convened from 2 April 2007 to 27 June 2007, during which the **National Audit Chamber Bill**, the **Electronic Crimes Bill**, the **Auditing and Finance Procedures Bill**, and **National Police Bill** were adopted. (6/07)
21. The **Armed Forces Bill** was approved by the National Assembly on 4 December 2007. The Assembly on 15 December also approved the National Budget along with its accompanying Bills. (12/07)
22. The National Assembly in its 6<sup>th</sup> session in June 2008 passed the **National Police Bill** in its third reading following a protracted debate. It also passed the **National Council for Developing and Promoting the National Languages Bill** for 2008, as well as, the **National Council of Population Bill** for 2008 after being amended at the third reading stage. It also passed, at second reading stage, the **National Council for Child Welfare** and the **National Tourism Bills** for 2008. (06/08)
23. In its extended session, the National Assembly on 7 July 2008 passed the **National Elections Act** 2008, with a majority of 350 votes (with 14 opposed and two abstentions) after introducing 67 amendments to the bill. An important provision of the new law is that the new parliament will consist of 450 members, with 60% selected by geographical constituencies and 40% by proportional representation party lists, out of which 25% is allocated to a separate women's party list and 15% for political parties' list. The act stipulated that parties must receive a minimum of 4% of the overall votes to secure seats according to the proportional representation. This is the first time that proportional representation system will be used in Sudan. President Al-Bashir signed the bill into law on 14 July 2008. The Speaker of the National Assembly, Ahmed Ibrahim El-Tahir, declared that the parliament will be on call to meet in special session to approve the formation of the National Electoral Commission (NEC), as stipulated by the Act. The law requires that the NEC be established within one month of the adoption of the law. He also stated that during the recent session, the assembly adopted 14 laws, inter alia, laws on: Elections, Police, Armed Forces, National

## 1 - Power-Sharing Agreement

### 1.1 - The National Level

Council for Languages, Public Health, and the National Council for Child Welfare. It also finalised seven international agreements. He said that National Assembly convened 30 sittings, as well as five additional sessions. He indicated further that the assembly heard five statements from various ministers: the Ministers of Defence, Interior, Finance, the Commissioner of the Bank of Sudan, and the Vice-President of the Republic. Lawmakers also held an urgent query regarding the explosion of a Sudan Airways plane in Khartoum. He added that the assembly's specialised committees held a total of 205 meetings in its last session. (07/08)

24. On 17 November 2008, the National Assembly endorsed the members of the National Elections Commission (NEC). The composition of the Commission are as follows: Abel Alier, Chairman; Abdallah Ahmed Abdallah, Deputy Chairman; and Fillister Baya, Mahassin Haj Al-Saffi, James Bol Kajmal, Abdallah Ballah Al-Hardalou, Mohamed Taha Abu Samrah, Mukhtar Al-Asam and Al-Hadi Mohamed Ahmed Hassabou as Members. On 25 November, a presidential decree was issued in this regard, and the Chairman and members of the NEC were sworn-in in the presence of President Al-Bashir and FVP Salva Kiir. (11/08)
25. On 13 April 2009, the National Assembly reconvened for the 8<sup>th</sup> session. On 20 April 2009, the National Assembly adopted the **Land Commission Bill**, a significant objective in the implementation of the CPA. The bill empowers the independent commission to arbitrate between willing contending parties on claims over lands without prejudice to the jurisdiction of the courts. The chairman of the commission will be appointed by the President with the consent of the First Vice President. On 21 April 2009, the National Assembly adopted the **National Human Rights Commission Bill** following inclusion of some amendments. (04/09)
26. On 8 June 2009, the National Assembly adopted the **Press and Printed Materials Bill 2009**. The bill shifted the powers of the journalist registry and discipline of journalists from the Press Council to the Journalists Union; replaced the provision of fine of 50,000 SDG with fines to be determined by the court; pre-conditioned the arrest of journalists with notification to the Union; and limited the powers of the Press Council, particularly in regards to the suspension of publication. The National Assembly closed its 8th session On 24 June 2009 (06/09)
27. On 28 July 2009, the NCRC sub-committee on the Referendum Bill agreed to include both procedural and substantive issues in the draft law following representations from the CPA parties. However, several key provisions regarding definition of eligible voters, determination of the areas of voting as well as chairmanship, composition and seat of Referendum Commission remain unresolved. As a result, on 31 July 2009, the CPA partners established another bipartisan sub committee comprised of senior officials to address the outstanding issues on the Referendum Bill draft. (07/09)
28. On 10 September 2009, the Council of Ministers passed the National Security Bill. The Council suggested introduction of slight amendments in the Bill in order to vest the National Security Council with powers to confront national security threats. However, the media reported that the SPLM has distanced itself from the Bill on the ground that the adopted version of the Bill is different from what was agreed upon during joint discussions between the CPA parties. The SPLM named a number of areas of differences related to the power of arrest and appointment of the Security Service Director and his deputies. (09/09)

29. [The Southern Sudanese parties block, including the SPLM, continued to boycott legislative sessions at the National Assembly \(since 19 October\), citing delay in adoption of a number of important Bills, especially the Southern Sudan Referendum Bill.](#)
30. [On 12 of November 2009, the President of the Republic announced the formation of the Press and Printed Press Council in accordance with the new Press Act 2009. The Council is composed of 21 members.](#)
31. [On 16 November, the National Assembly adopted the National Budget Bill 2010.](#)

## 1 - Power-Sharing Agreement

### 1.1 - The National Level

32. On 18 November, the National Assembly adjourned its session in observance of the Eid–Al-Adha and will reconvene on 7 December. (11/09)

#### *D) The National Judiciary*

33. On 28 November 2005, President Al-Bashir issued a decree appointing Jalal-Eddin Mohamed Osman (NCP) as Chief Justice and John Aungi Kasiba (SPLM) and Dr. Wahabi Mohamed Mukhtar (NCP) as Deputy Chief Justices. A list of current members of the Constitutional Court can be found in Annex 6. (07/08).
34. The National Assembly approved the **Constitutional Court Act** on 1 October 2005. President Al-Bashir signed the Act in November 2005 and on 24 December 2005 issued a decree appointing the **President and members of the Constitutional Court**. They were sworn in on 31 December 2005. (1/06)
35. The National Assembly adopted the **National Judicial Service Commission Act** (NJSC) in October 2005 and the President endorsed it in November 2005. On 7 December 2005, President Al-Bashir formally established the National Judicial Service Commission. The National Judicial Service Commission Act passed through the National Assembly with the required three readings, but it bypassed the NCRC in contravention of the INC. The SPLM criticized the Act, contending that this procedural error and key aspects of legislation itself contravened the INC or the Interim Constitution of Southern Sudan. The NJSC held a meeting on 31 March chaired by Chief Justice Jalal Al Din Mohammed Osman and discussed the issue of coordination between Southern Sudan Judiciary and National Judiciary Commission. (03/08)
36. In December 2008, the National Judicial Service Commission appointed a number of Magistrates as follows: First Grade Courts Magistrates: 11, including 5 women; Second Grade Courts Magistrates: 23, including 2 women; Third Grade Courts Magistrates: 19, including 4 women. It also appointed 80 Judicial Assistants, including 5 women. (12/08)
37. On 12 January 2009, the Chief Justice issued a directive to transfer all the newly-appointed judges to Darfur and Kordofan states (total of 69 including 11 women) (01/09)
38. On 9 September 2009, the Constitutional Court issued its ruling on the challenge to the National Intelligence and Security Service (NISS) over the censorship of newspapers. The court ruled that the government has the right to impose restrictions on the freedom of expression whenever deemed necessary for public interest in accordance with the Interim National Constitution (INC). This challenge was filed by two media companies in September 2008, arguing that the censorship violates the INC.
39. On 27 September 2009, in a meeting with representatives of the Journalists Union, the National Council for Press and Publication and editor-in-chiefs, the President of the Republic instructed the lifting of the pre-publication censorship imposed on newspapers by the security services. The President called upon the journalists to abide by the new Code of Ethics signed by editors-in-chief in September. (09/09)
40. On 19 October 2009, the National Judicial Service Commission (NJSC) held its last meeting for the year 2009. It approved the budget of the Judiciary and the NJSC for the year 2010, and discussed future plan and areas of cooperation between North and Southern Sudan Judiciaries. Meanwhile, the Chief Justice and Chairman of the NJSC on 27 October announced a decision to include judges of the SPLM in South Kordofan State Judiciary. (10/09)

#### *E) Commissions*

41. The CPA provides for the establishment of a large number of Commissions to oversee implementation of the agreement. There was initially considerable delay in establishing many of these Commissions; however, the process got back underway in late 2005, with the formation and staffing of the **National Petroleum Commission** (NPC), the **Ceasefire Political Commission**

## 1 - Power-Sharing Agreement

### 1.1 - The National Level

(CPC), the **Fiscal and Financial Allocation and Monitoring Commission** (FFAMC), and the **National Judicial Service Commission** (NJSC). The progress of these Commissions is dealt with under the relevant sections of the Monitor. The **Assessment and Evaluation Commission** (AEC), the **Technical ad hoc Border Committee** and the **National Civil Service Commission** (NCSC) are dealt with below. With the exception of the NCSC, all the Commissions have been formed by presidential decree rather than legislation. Some National Assembly members have argued that FFAMC and the NPC in particular require a legislative basis.

- *Assessment and Evaluation Commission*

42. The **Assessment and Evaluation Commission (AEC)** was established in October 2005 to assess and evaluate the implementation of the CPA with the Parties (establishing decree can be found in [Annex 7](#)). It has 13 members and four observers and meets in plenary session once a month. The AEC has four Working Groups chaired by international members: Power-Sharing (Italy); Wealth-Sharing (USA); Security Arrangements (UK); Three Areas (Netherlands). The AEC reports to the Presidency. On 12 February 2008, the President of the Republic issued a decree appointing Sir Derek Plumbly as new Chairman of the Commission.

43. [A delegation of the Security Working Group of the Assessment and Evaluation Commission visited Jonglei and Upper Nile State between 11 and 12 November to assess security situation in the States. The delegation, composed of international community representatives \(US, UK, Norway, Italy, Netherlands, Kenya, IGAD, Arab League, EU, AU\) and two CPA partners, met government officials, tribal leaders, JIUs and discussed the issues of insecurity, civilian disarmament, among others and stressed on the need to ensure the success of elections, referendum and popular consultation. \(11/09\)](#)

44. The **Assessment and Evaluation Commission for Blue Nile and Southern Kordofan States** were established by presidential decree on 26 July 2007, is dealt with under sections 3.2 and 3.3 of the Monitor.

- *Technical ad hoc Border Committee*

45. The **Technical ad hoc Border Committee** started work in January 2007 on mapping the 1 January 1956 border between North and South Sudan. It has made a number of field trips to discuss its work with local officials and communities and to collect data. In July 2007, the **Technical ad hoc Border Committee** made fact-finding visits to Cairo and London to study documents relating to the 1-1-1956 border in Egyptian and British archives. On 4 August, Professor Abdalla AlSadig Ali was appointed Chairperson of the Committee through a presidential decree. It is expected to submit its final report in the first quarter of 2008. (9/07)
46. On 17 February 2009, the Technical ad hoc Border Committee approached UNMIS for supporting a training programme in GIS for six Committee members. The training programme covers basic concepts of GIS, experiencing field data collection with Trimble GPS, image processing with ERDAS Imagine software using SPOT and Quickbird Satellite Imagery, manipulating Vector and Raster data to create maps using ArcGIS 9.3 version and Vector/Raster map production. (02/09)
47. The Technical ad hoc Border Committee is still working on the report for the Presidency, and to date they have agreed on the delineation of approximately 1/3 of the border, starting East from the border with Ethiopia. UNMIS is providing training to the members of the committee on mapping and GIS. (04/09)
48. The Ad Hoc Technical Border Committee is still to come to any decision on several contentious areas such as the Kafia Kingi and Hufat en-Nahas in Western Bahr El-Ghazal (WBeG) State. The Committee has been instructed by the Presidency to complete the delineation report by 30 September 2009. (06/09)
49. In an agreement signed on 19 August 2009, the NCP and SPLM agreed to urge the Ad Hoc Technical Border Committee, as directed by the Presidency, to continue delimiting undisputed areas

## 1 - Power-Sharing Agreement

### 1.1 - The National Level

and to finalize its report no later than 30 September 2009. (08/09)

50. In August 2009, UNMIS delivered a base map to the Ad Hoc Technical Border Committee, which will help with the delimitation work of the 1-1-56 borderline. (08/09)
  - *National Civil Service Commission*
51. On 26 July 2007, the Presidency issued a decree establishing the **National Civil Service Commission** and appointing Professor Moses Machar as its chairman. The creation of the Commission followed the passage of the National Civil Service Commission Act in January 2007. On 4 August, ten members were appointed to the Commission by a presidential decree. A list of the appointed members can be found in [\(Annex 8\)](#). The NCSC met for the first time on 22 August. (8/07)
52. On 3 September 2009, the National Civil Service Commission held a meeting with the Minister of Labor, where it was agreed to establish a joint committee to follow up on the implementation of the allocation of 20%-30% of the civil service posts to the Southerners as per the provisions of the CPA, INC and the 2007 Civil Service Commission Act. (9/07)
  - *National Elections Commission (NEC)*
53. On 17 November 2008, the National Assembly endorsed the members of the National Elections Commission (NEC). For details, please refer to the section on National Legislature above.
54. On 3 February 2009, the Political Parties Council passed the political parties registration regulation. In the same month, the NEC approved the establishment of various subsidiary committees: Voter Registration Committee; Boundaries Delimitation Committee; Technical Committee; Coordination and Communication Committee. (02/09)
55. The timeline for existing political parties to register and adjust their status (5 February-5 May) ended on 5 May 2009. However, according to the Political Parties Affairs Council, unregistered political parties can still register as new parties, as there is no deadline for new political parties to register. As at August, a total of 76 political parties have been registered. (08/09)
56. The first meeting of the NEC Policy Committee took place on 17 May 2009. The Policy Committee's original proposed membership comprises senior leadership from NEC, UNMIS, UNDP, Ministry of Foreign Affairs, and Ministry of International Cooperation. In addition to discussions on expanding the membership to include donor representatives, the Political Parties Affairs Council, and the GoSS Ministry of Regional Cooperation and the schedule for the group itself, the Policy Committee reviewed the status of election preparations. (05/09)
57. On 25 May 2009, the NEC established the High Committee for Elections for Southern Sudan and the 25 State High Committees; the Returning Officer for Elections in each State was also appointed. (05/09)
58. On 28 May, the Chairman of the NEC, State Minister for Internal Cooperation, and the UNDP Country Director signed a UNDP project document titled "Support to Elections and Democratic Processes." The project document lays the foundation for international support to the elections and contains an initial budget of US\$68.7 million to cover support to NEC, the Political Parties Affairs Council, civic and voter education, domestic observation, media training and monitoring and vital stakeholders such as women and youth. (05/09)
59. On 30 June 2009, NEC released a revised the electoral calendar that delays the 2010 elections by another two months, to 5-12 April. The modified schedule came as a result of delays in the release of census data, required by NEC for delimitation of electoral constituencies. According to NEC, the new timetable provides greater opportunities for training of staff and civic education, and facilitates the voter registration process which will now take place following the rainy season. Some political forces have expressed reservation about the new date. (06/09)



## 1 - Power-Sharing Agreement

### 1.1 - The National Level

60. On 4 August 2009, the NEC announced the completion of the demarcation of geographical constituencies in all 25 States. Copies of the preliminary demarcation reports were handed to representatives of political parties on the same date. The Electoral Law provides for objections and challenges to demarcation to be made within a period of 30 days from initial publication of the reports; the period for filing such objections expires on 3 September. (08/09)
61. Three political parties, including SPLM-Democratic Change, were registered by the Political Parties Affairs Council during the reporting period. The total number of registered parties now stands at 79. A total of 885 objections to the Constituency Delimitation process were received by the NEC by the extended deadline of 14 September. Of these, 400 were accepted and 485 rejected. 58 appeals were also received by the NEC, of which 3 were accepted.(10/09)
62. Voter registration commenced countrywide on 1 November 2009, including Darfur. UNMIS air support operations, for the distribution of voter registration materials and deployment of registration personnel, were completed with the final delivery of materials taking place on 4 November.
63. On 26 November, the NEC extended the voter registration period, which was scheduled to end on 30 November, by one week to 7 December 2009 to accommodate logistical problems in some registration locations and in response to requests by national stakeholders for an extension.
64. By 30 November provisional estimates by the NEC (excluding statistics from some remote locations which had not reached NEC) of the total number of people registered stood at 12,018,946, representing 11,961,663 in-country, and 57,283 out- of-country registrations.
65. The Exhibition and Objections Manual dealing with procedures for challenges to the Voters' Roll was finalized and approved by the NEC during the reporting period.
66. The NEC announced a revised schedule for the elections process. According to the new schedule, the initial voters' Register will be published on 10 December, while the final publication of the Register will be on 11 January 2010. Submission of nominations will now take place during January 12-22, while the final list of the candidates will be published on February 10. The operation of voting, counting of votes and announcement of the results will be during April 11- 18. (11/09)

### *F) Population Census*

67. The **National Population Census Council (NPCC)** was established by presidential decree on 7 January 2006 ([Annex 9](#)). It is mandated to plan for the census; set standards and criteria for the Central Bureau for Statistics; follow-up on the preparations leading up to the population census operation; and report to the Presidency. In September 2006, FVP Kiir issued a decree establishing the **Higher Council for Population Census in Southern Sudan**. ([Annex 10](#)).
68. Following repeated changes of schedule, a presidential decree was issued on 11 February 2008 setting 15-30 April 2008 as date for the 5<sup>th</sup> national population census. However, on 12 April, the GoSS announced the postponement of census in the south. In support of its decision, it cited failure to resolve the Darfur crisis; non-completion of return movements of IDPs from the north to the south; non-inclusion of questions on ethnicity and religion in the questionnaire; and delays in the demarcation of the north-south border. The GoSS eventually reversed its decision, but reserved the right to have an opinion on the census general outcome and the application of the results. The Presidency, meanwhile, changed the census dates from 15-30 April to 22 April-6 May.
69. The census enumeration commenced at 00:00 hrs on 22 April 2008 which was the census reference hour and ended on 6 May 2008. A number of national and international monitors selected by the Monitoring and Observer Committee (MOC) and appointed by UNFPA using EU funds monitored the process in the 25 states of Sudan (15 northern states and 10 southern states). The process has largely been peaceful in spite of security, material and human resource challenges which emerged in the first week of enumeration.

## 1 - Power-Sharing Agreement

### 1.1 - The National Level

70. On 21 May 2009, the Central Bureau of Statistics (CBS) officially released the "Sudan Census Priority Results" at a press conference in Khartoum. The total enumerated population from the 2008 census is 39,154,490 persons of which 20,073,977 were males and 19,080,513 were females. The sex ratio is 105 males per 100 females. In terms of region of enumeration, 30,894,000 (78.9%) were enumerated in North Sudan and 8,260,490 (21.1%) enumerated in South Sudan. Khartoum State has the largest number of persons (5,274,321) followed by South Darfur (4,093,594), Gezira (3,575,280), North Kordofan (2,920,992), and North Darfur (2,113,626). The state with the smallest number of persons is Western Bahr El Ghazal (333,341), followed by Unity (585,801), Western Equatoria (619,029), and Lakes (695,730). The age distribution continues to show a youthful population typical of developing countries with (14.9%) aged 0-4 years, (42.6%) under 15 years, (54.0%) aged 15- 64 years and (3.38%) aged 65 years and over. (05/09)
71. On 6 June 2009, the South Sudan Centre for Census, Statistics and Evaluation (SSCCSE) released the census results officially in Juba, following authorization by the GoSS President. Thereafter, the SSCCSE dispatched two teams headed by the Chairman and Deputy Chairman between 19th and 30th June to disseminate the results in the 10 states of South Sudan. The Central Bureau of Statistics (CBS) will be mounting a similar dissemination exercise in the 15 states of North Sudan in July 2009. Meanwhile, work is continuing on the processing of the long questionnaire at the data processing centres in Khartoum and Rumbek. (06/09).
72. On 3 July 2009, GoSS objected to the use of the population census results either as the basis for allotting constituencies for the general elections or adjusting the CPA wealth and power sharing formula on the ground that they under count population of the region and over count the population of Darfur and nomads. The Southern Sudan Legislative Assembly also refused to accept the census results. (07/09)
73. The SPLM Political Bureau rejected the results of the Fifth Population Census. A communiqué issued on the conclusion of at its meeting held in Juba on 16-20 August 2009 reads: "...the census results are too flawed and lack minimum acceptable level of credibility. The PB (Political Bureau) therefore rejects the results and affirms the use of the CPA formula for the purpose of mid-term general elections." (08/09)

74. The Southern Sudan First Statistical Yearbook was launched on 25 November 2009 by the Southern Sudan Centre for Census, Statistical and Evaluation (SSCCSE), in Juba. (11/09)

### *G) Returns, Repatriation and Reintegration (RRR)*

75. As the rainy season approached its final phase, the usual patterns of seasonal flooding appeared to have been less severe in many parts of the country this year after a prolonged dry spell and late arrival of the rains. The resultant relative ease of access along many return routes therefore facilitated some continued movements. Returnees were, however, not alone in taking advantage of those roads still passable. Fluidity along many transit axes also allowed persistent attacks by LRA marauders and offered little impediment to continued ethnic clashes.
76. A reduced, but steady, trend in IDP and refugee returns was noticed as the rains abated. For the year so far, the number of IDPs returning with organized movements had reached over 11,000 individuals, while UNHCR reported fewer than 32,800 refugees arriving in organized and assisted repatriations. Overall by the end of November 2009, cumulative spontaneous returns were estimated to have climbed to around two-million people, while total organized and assisted returns of refugees and IDPs topped 263,850.
77. While attempts were made across the south to encourage voter registration after initially disappointing turnout, reports from the IDP camps around Khartoum indicated that the ongoing registration exercise there was proving a deterrent to movements until after the elections. In addition, the launch of registration and approach of the polls also provoked resistance by the IDP community and political leadership to a relocation process designed to provide permanent resettlement to plots allocated for those not intending to return. In general, return movements during

## 1 - Power-Sharing Agreement

### 1.1 - The National Level

the period did not exhibit any perceptible surge related to voter registration.

78. Reduced demand for organized return after two seasons of such movements prompted UNMIS to begin exploring a more rational realignment of its resources to reinforce co-ordination architecture for early reintegration efforts through to recovery and development activities. In response, a substantive merger between RRR and HERR-RCSO was announced on 12 November whose initial stage would concentrate on the ten southern states. A phased programmatic fusion of field teams over the next few months has been formulated for improving capacity to meet the multifarious challenges to implementation of the CPA, while addressing the humanitarian, stabilization and early recovery needs of returnees and their host communities. The emphasis will shift entirely to creating conditions in areas of return that are conducive to stability and sustainable reintegration, laying the foundation for subsequent recovery and development efforts. (11/09)

#### *H) National Capital*

79. A **joint ad hoc committee** composed of ten members representing the NCP and the SPLM was formed on 18 October 2005 to discuss issues regarding the **administration of the national capital** during the Interim Period. The committee was unable to agree on the implementation of CPA provisions on national representation in the institutions of the national capital and the establishment of mechanisms to guarantee the rights of non-Muslims.
80. The Presidency decided on 3 January 2006 that the Cabinet for the administration of the National Capital would include eight ministers: four from the NCP, two from the SPLM (one of them Deputy Governor) and two from Northern political forces (one of them Deputy Governor).
81. The **State Legislative Assembly of Khartoum** adopted its **State Constitution** on 30 May 2006. It was signed into law on 5 June 2006. On 17 June 2006, the Governor of Khartoum State issued a decree appointing the Ministers of the State Government. Five ministerial posts were allocated to the NCP, two to the SPLM and two to other northern political groups. One post was reserved for a Darfurian representative (6/06). On 4 September, the Local Governance Bill was signed into law by the Governor of Khartoum State. The Bill was adopted by the Khartoum Legislative Council on 25 August. (9/07)
82. On 11 August 2008, the State Legislative Assembly of Khartoum passed the Disabled Welfare Act 2008. The Act provided for establishment of a welfare fund to help the disabled and their families in education, transportation, work, social welfare, residence and treatment in and out of Sudan. (08/08)
83. On 24 August, Khartoum Legislative Council passed Khartoum State Police Act which was signed on the same day by the Governor of Khartoum State. (08/09)

#### *i) Representation of Sudanese People in Khartoum Law Enforcement*

84. On 6 November 2006, the Khartoum State cabinet approved the **Khartoum Police Forces Bill** in the first reading stage. Discussion in the Khartoum Legislative Council was delayed by a dispute between Khartoum state authorities and the General Director of the National Police, who argued that Khartoum police should be supervised by the National Police Directorate. The **Khartoum Police Forces Bill** was tabled in the Khartoum Legislative Council in February 2007, but not adopted. High-ranking police officers from the Ministry of Interior argued that the State Law on Police should be adopted only after the National Act in order to avoid any conflict of provisions between the texts. (2/07). The Khartoum Legislative Council has confirmed that the bill will not be discussed until the National Police Bill has been approved. (7/07)

#### *ii) The Commission for the Protection of the Rights of Non-Muslims in the National Capital*

85. The Presidency issued a decree in August 2006 providing for establishment of the **Commission on the Protection of the Rights of Non-Muslims in the National Capital** ([Annex 11](#)). It sets

## 1 - Power-Sharing Agreement

### 1.2 - The GOVERNMENT OF Southern Sudan

out the Commission's mandate and functions, including to ensure that the rights of non-Muslims are protected in accordance with the human rights and fundamental freedoms enshrined in the Interim National Constitution as well as the principles stated in the CPA guiding judges and law enforcement agencies 'in dispensing justice and enforcing law' in Khartoum. The Commission should also ensure that 'non-Muslims are not adversely affected by the application of the Sharia law in the National Capital.

86. The members of the Commission (the Chairperson plus ten religious scholars (five Christians and five Muslims), ten community leaders, two traditions and customs experts, and one representative each from Khartoum State, the Judiciary, the Ministry of Justice, the Police, and National Security) were appointed by presidential decree on 15 February 2007. The Commission met for the first time on 12 April 2007. The Chief Justice, on his part, has agreed to establish special courts for trying non-Muslims in the capital Khartoum. (8/07)

### 1.2 THE GOVERNMENT OF SOUTHERN SUDAN

#### A) *Legislation and Constitutions*

87. GoSS President Salva Kiir Mayardit signed the **Interim Constitution of Southern Sudan** into law on 5 December 2005 ([Annex 12](#)), following its approval by the Transitional Southern Sudan Legislative Assembly and the GNU Ministry of Justice. On 5 August 2006, the GoSS Council of Ministers formally decided that Juba would remain the capital of Southern Sudan and seat of the GoSS.

#### B) *The Southern Sudan Executive*

88. Salva Kiir Mayardit became **the President of GoSS** on 11 August 2005, following the death of John Garang. As stipulated in the CPA, the SPLM Chairman shall be the First Vice President and shall at the same time hold the posts of the President of the GoSS and Commander-in-Chief of the SPLA.
89. Riek Machar was appointed **Vice President of GoSS** on 19 August 2005. Abdout Agua Jok was appointed **Secretary-General of the GoSS Council of Ministers** on 18 October 2005.
90. Pending the adoption of the Interim Constitution of Southern Sudan, **the care-taker Government of Southern Sudan** (GoSS) was established on 22 October 2005 and sworn-in on 24 October. Each of the ten states was represented at the ministerial level. Nevertheless, the composition of the GoSS was criticized as lacking in inclusiveness, as some of the smaller tribes were not represented. Southern Muslims were also excluded, while women held only two of the 22 ministerial portfolios.
91. On 24 October 2008, the Southern Sudan Legislative Assembly approved a **supplementary budget** to the amount of 3.08 billion Sudanese pounds to cover military spending for the calendar year. Media quoted GoSS Minister of Finance as saying that the money was needed to cover expenditure by the army, which spent all its original budget by July. Earlier on 17 October 2008, the GoSS Council of Ministers passed a 3.96 billion Sudanese pound **budget for 2009 for Southern Sudan** and is awaiting final approval from SSLA. According to GoSS Minister for Information and Broadcasting, the budget was developed after considering the development needs of the region. (10/08)
92. On 31 May 2009, the President of GoSS reshuffled the Southern Sudan cabinet, and appointed three new Ministers. (05/09) In addition, he also reshuffled the State Governments of Lakes, Jonglei and Western Equatoria, on recommendations from the respective State Governors. A list of the current members of GoSS can be found in [Annex 13](#). (06/09)

#### C) *Legislature of Southern Sudan*

93. On 20 September 2005, GoSS President Salva Kiir issued a decree appointing the **Transitional**

## 1 - Power-Sharing Agreement

### 1.2 - The GOVERNMENT OF Southern Sudan

**Southern Sudan Legislative Assembly (SSLA).** The Assembly is composed of 161 members (110 from SPLM, 25 from NCP, 26 from other Southern political parties (seven from Union of Sudan African Parties (USAP), three from Sudanese African National Union (SANU), four from United Democratic Salvation Front (UDSF), four from Southern Sudan Democratic Forum (SSDF), four from United Democratic Front (UDF), four from USAP2 (splinter of USAP)). A list of the current chairs of the specialised standing committees of the SSLA can be found in [Annex 14](#). (8/07)

94. The **1<sup>st</sup> session of the SSLA** opened on 26 September 2005. It elected James Wani Igga (SPLM) as Speaker and Tor Deng (NCP) as Deputy Speaker. After the adoption of the Interim Constitution of Southern Sudan, the SSLA reconstituted itself into the Southern Sudan Legislative Assembly.
95. The **2<sup>nd</sup> session of the SSLA** took place between September and December 2006. Four bills were passed into law in the session: the **Code of Evidence**; the **Interpretation of Law and General Provisions Act**; the **Public Premises Eviction Act**; and the **Investigation of Commissions Act**. (12/06).
96. On 25 April 2008, GoSS President through Presidential Decrees replaced 8 members of United Democratic Forum Party in the following State Assemblies: South Sudan (4), Western Bahr el Ghazal (2), Western Equatoria(2). (04/08)
97. The Speaker of the SSLA announced that the following bills had been passed into law: the **Code of Civil Procedure Bill**, the **Southern Sudan Research Council Bill**, the **Personal Income Tax Provisional Order Bill**, the **Appropriations Bill**, the **Judiciary Bill**, the **Judicial Service Council Bill** and the **Kush Institution Bill**.(06/08)
98. On 23 July 2008, the SSLA passed two bills: the **Penal Code** and the **Code of Criminal Procedure**.(07/08)
99. On 22 October 2008, the Council of States and Southern Sudan Legislative Assembly held their first-ever joint session in Juba. A statement issued at the end of the session affirmed the necessity of realising comprehensive development for the entire country, the importance of the census results ensuring free and fair elections, the significance of popular consultations and of adhering to the final result. (10/08)
100. The Organized Forces Bills (Police, Fire brigade and Wildlife) have been drafted and forwarded to the GoSS council of ministers for consideration. The SSLA intended to consider them during the current session. The Southern Sudan Prisons Act, drafted with assistance from UNMIS among others in accordance with the Interim Constitution of Southern Sudan and international standards for the management of prisoners, has also been forwarded to the Minister of Internal Affairs for consideration by the Legislative Assembly. (10/08)
101. The SSLA resumed sittings in mid-January 2009. On 14 and 26 January 2009, it passed the **Sudan People's Liberation Army (SPLA) Bill** and the **Land Bill**, respectively. In addition, the Assembly on 27 January 2009 passed the **2009 GoSS budget**, amounting to SDG 3,606,312,239 (US\$1.8 billion). (01/09)
102. On 23 March 2009, the SSLA passed the GoSS **Anti-Corruption Commission Bill**. The enabling legislation gives the Commission created earlier the right to investigate corruption cases and refer them for prosecution.
103. On 9 April 2009, the SSLA passed the Local Government Act 2009. It provides for the establishment of local governments in Southern Sudan, their powers, functions and duties, and composition. (04/09)
104. On 31 July 2009, the GoSS Council of Ministers passed the Right to Information Bill, the Public Service Broadcasting Bill, and the Independent Media Authority Bill. (08/09)

## 1 - Power-Sharing Agreement

### 1.3 - The State Level

105. On 3 October 2009, the Southern Sudan Police Bill was passed in the Southern Sudan Legislative Assembly.
106. The newly-elected Speaker of the Northern Bahr El Ghazal State Assembly, Majang Ngor Kuany (SPLM), was sworn in on 20 October 2009 following the dismissal of his predecessor on allegations of mismanagement by a motion passed by 34 Members of the Assembly out of 48. (10/09)

107. [On November, the Southern Sudan Legislative Assembly resumed its sessions after recess. The SSLA is deliberating on the 2010-2011 Government of Southern Sudan Budget.](#)(11/12)

#### *D) The Judiciary of Southern Sudan*

108. The judges of the High Court and of the Court of Appeal of Southern Sudan were sworn in on 24 June 2006 and deployed by a decision of the President of the Supreme Court of Southern Sudan on 12 July 2006. (6/06)
109. On 2 July 2007, GoSS President Salva Kiir appointed John Wuol Makec as the new Chief Justice and President of the Supreme Court of Southern Sudan, replacing Ambrose Riiny. (7/07)
110. On 12 July, the Supreme Court issued its first circular: Judicial Circular 1/2007 on the Applicable Law in Southern Sudan. The Circular directs the judiciary to apply the current laws of the New Sudan in all suits within the territory of Southern Sudan arising on or after 10 July 2005. For suits that arose before that date, the judiciary is to apply the laws of the New Sudan if the suit arose in SPLM-controlled territory and the relevant national laws if in territory controlled by the Government of Sudan. (7/07)

#### *E) Commissions*

111. On 27 June 2006, GoSS President Salva Kiir signed 14 presidential decrees making appointments to a number of Commissions and bodies: the Southern Sudan (SS) **Relief and Rehabilitation Commission**, SS **De-Mining Authority**, SS **Peace Commission**, SS **Anti-Corruption Commission**, SS **Human Rights Commission**, SS **Public Grievances Chamber**, SS **Reconstruction and Development Fund**, SS **Civil Service Commission**, SS **Land Commission**, SS **Fiscal and Financial Allocation and Monitoring Commission**, SS **Centre for Census, Statistics and Evaluation**, SS **HIV/AIDS Commission**, SS **Audit Chamber** and the SS **Employees Justice Chamber**. The decrees request the nominees to help draft legislation to establish the bodies, and to help determine their terms and conditions of service. (6/06)
112. On 22 August 2006, FVP Kiir issued a decree establishing the **Southern Sudan Security Committee**, with powers to be defined in the forthcoming National Security Act. (9/06)

### 1.3 THE STATE LEVEL

#### *A) States' Constitutions*

113. On 19 October 2005, Vice-President Taha received a copy of the **model constitution for the Northern states**. Most of the states in the North had to revise their drafts in order to comply with the model constitution. The National Constitutional Review Commission (NCRC) did not draft the model Northern State Constitution. By 19 December 2006, all fifteen Northern states had adopted a Constitution. (12/06)
114. In December 2005, the SSCDC drafted the **model Constitution for Southern States**. After much wrangling between the Southern States and the GNU Ministry of Justice over the compatibility of the southern states' constitutions with the Interim National Constitution, all ten southern states adopted constitutions and received certificates of compatibility from the Ministry of Legal Affairs of GoSS by June 2007. In July 2007, the GNU Minister of Justice declared that he would issue a certificate to confirm the compatibility of Southern Sudan State constitutions and the INC. (7/07)

## 1 - Power-Sharing Agreement

### 1.4 - Human Rights

#### *B) States' Executives*

115. On 27 August 2005, the President appointed **Governors for 14 Northern States**: Khartoum, Sinar, Red Sea, North Darfur, North Kordofan, Kassala, Gadarif, Gezira, Blue Nile, White Nile, West Darfur and South Darfur. The Governor of Southern Kordofan was appointed at a later date and took up his post on 20 October 2005. An up-to-date list of the Governors of the Northern States can be found in [Annex 15](#). (07/08).
116. On 22 October 2005, the President of GoSS appointed **Governors for the ten Southern States**.(07/08)
117. The President of GoSS removed the Governor of Upper Nile State, Dak Duop Bichiok, from his post effective 18 February 2008 and appointed Gatluak Deng Garang (NCP) as his replacement.

118. [On 14 November 2009, the GoSS President appointed William Othwon Awer as the new Governor of Upper Nile State \(UNS\) through a decree. An up-to-date list of the Governors of the Southern States can be found in \[Annex 16\]\(#\) \(11/12\)](#)

#### 1.4 HUMAN RIGHTS

119. The signing of the CPA and the political and legal reforms that followed represent a key opportunity for the Sudanese Government to improve Sudan's human rights environment. The CPA cites Sudan's obligations to comply with international human rights treaties to which it is a party. These include the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Elimination of Racial Discrimination (CERD); the Convention on the Rights of the Child (CRC); and the regional human rights instruments for Africa, the African Charter on peoples' and human rights. The CPA also calls on Sudan to endeavour to ratify other human rights treaties it has signed. These include the Convention against Torture and the Statute of the International Criminal Court.
120. The Interim National Constitution (INC) makes international human rights treaties an integral part of its Bill of Rights and provides for an independent Human Rights Commission with advisory powers.
121. On 29 December 2008, the Human Rights Committee of the National Assembly met to finalize the draft law of the National Human Right Commission. The draft law is in line with the rights mentioned in the National Interim Constitution. In the meantime, UNMIS Human Rights conducted workshops with the National Parliamentary Committees on the establishment process, mandate and functioning of the Human Rights Commission, and Southern Sudan Human Rights Commission (SSHRC).
122. On 24 April 2009, Sudan ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol. Its purpose is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. The Optional Protocol allows for submission of individual communications to the Convention's monitoring Committee once domestic remedies have been exhausted. The Committee may also decide to conduct a confidential inquiry with the State, which could also involve a country visit.

123. [During the month of November 2009, UNMIS Human Rights met with several parliamentarians and civil society groups in order to share its core recommendations on the National Security Bill, include limiting the role of the NISS to an advisory and information gathering agency consistent with the role envisioned for it under the CPA and ensuring the accountability of the NISS through the establishment of judicial oversight mechanisms. \(11/12\)](#)

#### *A) National Human Rights Commission*

## 2 - Wealth-Sharing Agreement

### 0 - 2.1 Land ownership and natural resources

124. On 21 April 2009, the National Assembly passed the National Human Rights Commission Bill following inclusion of some amendments. (04/09)
125. The appointment of Commissioners to serve on the National Human Rights Commission in Khartoum has still not taken place. The National Human Rights Commission Act, adopted in April, provides that the Presidency will appoint commissioners following consultations at the Presidency. Civil society groups in October 2009 held a press conference and submitted a list of 15 potential candidates to the Presidency for consideration. (10/09)

#### *B) Southern Sudan Human Rights Commission (SSHRC)*

126. In October 2006, GoSS President Salva Kiir issued a decree appointing the five members of the Southern Sudan Human Rights Commission (SSHRC). On 3 February 2009, the Southern Sudan Legislative Assembly passed the enabling legislation for the Commission. The Bill - which provides for the Commission's independence and adequate powers to carry out its current monitoring, investigation, advisory and promotional work - is largely in line with the Paris Principles (the international standards on National Human Rights Institutions). (02/09)
127. In October 2009, the Southern Sudan Human Rights Commission launched an outreach programme in order to be able to monitor and report on human rights in Southern Sudan. A permanent office has been established in Jonglei state and plans are in place extend coverage into other remote and troubled areas of Southern Sudan. Upon the request of the Commission, UNMIS Human Rights continues to provide technical support and advisory services. (10/09)

128. The Southern Sudan Human Rights Commission has established seven (Jonglei, Unity, Upper Nile, Western Bahr el Ghazal, Eastern Equatoria, Western Equatoria and Central Equatoria) out of ten state offices in Southern Sudan. Upon the request of the Commission, UNMIS Human Rights continues to work with the SSHRC in building its capacities through provision of technical and logistical support and advisory services. (11/12)

## 2. Wealth-Sharing Agreement

### 2.1 LAND OWNERSHIP AND NATURAL RESOURCES

129. The CPA does not address issues regarding the ownership of land and natural resources. The Parties agree to establish a process to resolve this issue. However the CPA also provides for the establishment of a **National Land Commission** and a **Southern Sudan Land Commission** which, without prejudice to the jurisdiction of courts, may arbitrate between willing contending parties over land issues and make recommendations to government, for example regarding land reform and recognition of customary rights. The FAO is the lead UN agency for support to the Land Commissions.

#### *A. National Land Commission (NLC)*

130. On 20 April 2009, the National Assembly adopted the **National Land Commission Bill**. (4/09).

#### *B. Southern Sudan Land Commission (SSLC)*

131. The Interim Constitution of Southern Sudan sets out the requirement for a Southern Sudan Land Commission and lays out its basic mandate and functions. In 2006, the **Southern Sudan Land Commission (SSLC)** was established with five members through a Presidential decree. (11/06)

### 2.2 OIL REVENUES (INCLUDING THE NATIONAL PETROLEUM COMMISSION (NPC))

132. The CPA establishes guiding principles for the management and development of the petroleum sector and sharing of revenues from the oil sector. It provides for the establishment of a National Petroleum Commission to formulate policies and guidelines on development of the oil sector, and



## 2 - Wealth-Sharing Agreement

### 0 - 2.2 Oil revenues (including the National Petroleum Commission (NPC))

monitor their implementation to ensure policies work in the best interests of the people of Sudan.

#### *A) National Petroleum Commission (NPC)*

133. The **National Petroleum Commission** was established on 30 October 2005 by presidential decree, and its membership announced in another decree on 1 November 2005.
134. The NPC held its first full meeting on 5 April 2007, chaired by President Al-Bashir and FVP Salva Kiir. The two parties agreed on the mechanism of negotiating new oil contracts and the formation and duties of the secretariat. The Rules of Procedures of the Commission have been signed by the co-chairs. (8/07)
135. On 25 August 2009, the National Petroleum Commission, co-chaired by President Bashir and First Vice President Kiir, met and reviewed a number of policy and procedural issues on endorsement of agreements on oil contracts. (08/09).

#### *B) Sharing of Oil Revenues*

136. The CPA and the INC provide for equitable sharing of oil revenue among oil producing states. Under the terms of the agreement, at least 2% of net oil revenue is allocated to the state or region in which oil is produced. Remaining revenues from oil produced in the South are divided equally between GNU and GOSS, while those from oil produced in the North accrue exclusively to the GNU. Transfers of oil revenue to the Southern Sudan and States level have taken place since 2005.
137. On 6 August 2008, in a meeting with the Assessment and Evaluation Commission (AEC) Wealth-Sharing Group, members of the Joint (GNU/GoSS) Committee for Monitoring, Calculating and Sharing of Oil Revenue provided an update on the current state of transfers to GoSS and oil producing states. The Committee informed that the cumulative total arrears due to GoSS from 2005, 2006 and 2007 now stands at US\$55.86 million. However, there are no arrears due to GoSS for the first half of 2008, and the total amount received by GoSS so far exceeded US\$1 billion. GoSS representative raised the issue of the Oil Revenue Stabilization Account (ORSA), where the differences (surplus) between the budgeted and actual oil revenues are kept and which is currently held in the Central Bank of Sudan. Since the banking system in the North is governed by Sharia law which forbids interest payments, GoSS would like the ORSA funds to be split between the GNU and GoSS so that it may collect interests (08/08)
138. According to a report on Sudan Oil Sector for the year 2008 released by the GoSS Ministry of Finance and Economic Planning, Sudan's total oil revenue for 2008 was \$6,566.04 million, of which the GNU share was \$3,677.74 million. In a separate report, the Ministry of Finance & National Economy indicated that the total oil revenue for GoSS for 2008 was \$2,888.20 million. According to the same report, by end of December 2008, oil revenue arrears in favour of GoSS stood at \$265.66 million.(02/09)
139. According to a half-yearly report by the Petroleum Unit of the GoSS Ministry of Finance and Economic Planning, Sudan's total oil revenues for the period January-June 2009 were \$787.01 million. It reports further that the shares of the GNU and GoSS stood at \$422.15 million and \$364.86 million, respectively. Meanwhile, the GNU paid back to GoSS approximately \$52 million that it had deducted unilaterally as GoSS contribution to national elections. (08/09)

#### *C) Existing Oil Contracts and Compensation*

140. The CPA stipulates that "existing oil contracts" mean contracts signed before the date of the signing of the CPA and that the SPLA (and *the GoSS*) shall appoint a limited number of representatives to have access to all existing oil contracts.
141. According to the CPA, people whose rights have been violated by oil contracts are entitled to compensation. However, no action has been taken to compensate victims of such contracts provided for in the wealth-sharing agreement.

## 2 - Wealth-Sharing Agreement

### 0 - 2.3 Non-OIL Revenue

#### 2.3 NON-OIL REVENUE

142. The CPA provides for the sharing of non-oil revenue from federal sources in the South, including customs and immigration, airport taxes, etc.
143. According to the Ministry of Finance and National Economy, the Government of Southern Sudan collected a total of 34.2 million Sudanese pounds in 2008 in Southern Sudan in the form of taxes. After an adjustment of 8 per cent administrative charges, the balance has been divided equally between the national and Southern Sudan governments. (03/09)

#### 2.4 BUDGET AND FISCAL DECENTRALIZATION

144. In the CPA, the Parties agreed on general principles related to the fiscal process including transparency, decentralization and a commitment to reduce regional inequities. The CPA also sets out which taxes may be collected by different levels of government, and further specifies that all nationally collected revenues are to go into a National Revenue Fund to be transparently allocated, while states and the Government of Southern Sudan shall retain and dispose of income collected under their own taxing powers. The CPA also provides that each level of government shall be liable for its own borrowing.

#### 2.5 FISCAL AND FINANCIAL ALLOCATION AND MONITORING COMMISSION (FFAMC)

145. The **Fiscal and Financial Allocation and Monitoring Commission (FFAMC)** was established by presidential decree on 15 November 2005. A task force led by the Joint National Transition Team worked on developing legislation and the FFAMC's terms of reference. The FFAMC initially got off to a slow start, raising concerns over delays in transfers of national revenues to states, in particular to the Three Areas. The FFAMC established a Technical Secretariat and a Panel of Experts in May 2006. (05/06)

#### 2.6 NATIONAL AND SOUTHERN SUDAN AUDIT CHAMBERS

146. On 27 June 2006, GoSS President nominated four appointees to the **Southern Sudan Audit Chamber**, though it remained without legislative basis. Enabling legislation for the **Southern Sudan Audit Chamber** was submitted to the GoSS Ministry of Legal Affairs and Constitutional Development in March 2007. (3/07)
147. The National Assembly passed the **National Audit Chamber Act** and related audit legislation in June. (6/07)
148. The President of GoSS in February 2008 removed Barnabas Majok from the position of the Southern Sudan Auditor General and appointed the Secretary General of GoSS as a caretaker of the Audit Chamber until the appointment of a new Auditor General. The decision follows a vote of no confidence in the Southern Sudan Legislative Assembly against Majok last December, accusing him of financial impropriety and failure to deliver services in auditing government accounts. (02/08)

#### 2.7 JOINT NATIONAL TRANSITION TEAM (JNTT)

149. The **Joint National Transition Team (JNTT)** was established in Nairobi on 9 March 2005. Originally foreseen as having an important role in resource mobilization and implementation of the findings of the Joint Assessment Mission (JAM), the NCP and SPLM agreed in June 2005 that the JNTT should cover the CPA's power-sharing as well as wealth-sharing provisions. Following the formation of the GNU and GoSS, and the appointment of several **JNTT** members to new positions, there was some doubt as to the composition and role of the body. Though the JNTT chaired initial meetings of the MDTF Interim Oversight Committees, further to the formation of the GNU and GoSS, the role was later taken over by the respective Ministries of Finance. The JNTT played an important role in preparations for and during the Sudan Consortium meeting on 9 and 10 March

### 3 - The Three Areas: Abyei, Southern Kordofan and Blue Nile States

#### 0 - 2.8 Banking and currency

2006 in Paris. (9/06)

#### 2.8 BANKING AND CURRENCY

##### A) Banking

150. In June 2005, the JNTT reported that the **Bank of Sudan** had been restructured to accommodate a **dual (Islamic and conventional) banking system**, as per the provisions of the wealth-sharing agreement. On 18 July 2005, the GoSS and the Central Bank of Sudan signed a Memorandum of Understanding, and the Bank of Sudan opened its Juba branch on 19 July 2005. (7/06)
151. The **Central Bank of Sudan Act** was adopted by the National Assembly in October 2005 and signed into law in November 2005.

##### B) Currency

152. Sudan's new national currency, **the Sudanese Pound**, was launched in Juba on 9 January 2007, as part of the ceremonies marking Peace Day and in fulfilment of the CPA requirement. The Bank of Southern Sudan started in April 2007 to collect foreign currency belonging to Uganda, Ethiopia and Kenya to be returned to those countries. On 1 July 2007, the Sudanese Pound officially replaced the Dinar as legal tender. The transition went smoothly. (7/07)

#### 2.9 RECONSTRUCTION AND DEVELOPMENT FUNDS (INCLUDING MDTFS)

##### A) Multi-Donor Trust Funds (MDTFs)

153. The **MDTFs** (National and South) became operational in June 2005. The National and Southern Sudan MDTFs held their first Joint Oversight Committee in Khartoum on 22 July. Overall disbursement from the MDTFs has been slower than expected. These are attributed partly to the complexity of the MDTF mechanism and World Bank procedures.
154. The second meeting of the **Sudan Consortium** was held on 19-21 March 2007 in Khartoum and Juba. Donors made it clear that they would not be able to continue to finance recovery and development efforts in the North unless there was progress in Darfur. They recognized that GoSS had made significant progress in 2006, but urged GoSS to focus on building of public institutions for good governance, establishing basic infrastructure links, enabling productive activities and delivering basic services. Donors also called for a review of aid mechanisms, including the establishment of new priorities and costing for the second phase of the original Joint Assessment Mission. (3/07)
155. By the end of August 2007, the MDTFs had received \$384.8m (\$132.5m for the National MDTF and \$252.4m for the Southern Sudan MDTF), of the \$561.3m pledged at and since Oslo. (8/07)
156. The third meeting of the Sudan Consortium was held in Oslo from 5 to 7 May 2008. Jointly chaired by the GNU and GoSS, and organized by the UN and the World Bank, the Consortium reviewed the progress in the implementation of the social and economic aspects of the CPA and Joint Assessment Mission commitments for the period 2005-2007, and agreed on the recovery and development priorities for the second half of the CPA period (2008-2011). At the meeting, donors pledged about US\$4.8 billion in total support to humanitarian, recovery and development efforts in Sudan for the period 2008-2011. Part of the funds for development efforts will be channelled through two complimentary mechanisms-the Multi Donor Trust Funds and the newly created Sudan Recovery Fund. (05/08)

### 3. The Three Areas: Abyei, Southern Kordofan and Blue Nile States

#### 3.1 ABYEI

### 3 - The Three Areas: Abyei, Southern Kordofan and Blue Nile States

#### 3.1 - Abyei

##### *A. Determination of Geographic Boundaries*

157. The **Abyei Boundaries Commission** (ABC) was mandated to define and demarcate the area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905, referred to as 'the Abyei area'. The ABC submitted its final report to the Presidency on 14 July 2005. However the Presidency failed to agree on adoption of the report.
158. In May 2006, the NCP/SPLM Joint Leadership meeting referred the deadlock over the Abyei Boundaries Commission (ABC) report to its political sub-committee for consideration. Four options were to be considered: a) reach a political agreement; b) call on the ABC experts to defend their recommendations; c) refer the matter to the Constitutional Court or d) seek arbitration by a third party. The parties did not specify a timeframe. On 2 September 2006, the political sub-committee reported deadlock to the NCP-SPLM Joint High Political Committee, but was tasked to continue its discussions. (10/06)
159. At the invitation of GoSS and following strong criticism by the NCP, the experts of the Abyei Borders Commission made a one-day visit to the South on 15 September and met at the South Sudan Legislative Assembly's headquarters in Juba with MPs, GoSS officials and civil society representatives to defend their findings. They stressed that they based their decision on scientific facts and that they had not overstepped their mandate. (9/07)
160. On 22 July 2009, the Abyei Arbitral Tribunal at the Permanent Court of Arbitration rendered its decision in the Abyei dispute, finding that the Abyei Boundaries Commission (ABC) had exceeded its mandate in some locations, but it also upheld ABC recommendations in others. The Tribunal determined that the Abyei Area's northern boundary lies along latitude 10°10' North, its western boundary along longitude 27°50' East, and its eastern boundary along longitude 29°00' East. The SPLM, NCP, and senior Misseriya and Ngok-Dinka tribal leaders all publicly reaffirmed their commitment to accept the PCA decision as final and binding. The NCP and SPLM announced plans to complete demarcation of the boundary on the ground by September 2009. A map of the Abyei Area Tribunal Boundary can be found in [Annex 28](#). (07/09)

##### *B) Administrative Structures*

161. On 31 December 2007, GoSS President Salva Kiir issued a decree appointing a key SPLM Abyei leader, Edward Lino, as Chairman of SPLM in Abyei Area. According to the decree, Lino will be answerable to the SPLM Chairman and a member of the Interim Political Bureau. Presidential Advisor Mustafa Osman Ismail said in a press statement on 4 January that the appointment of Lino does not violate the Abyei Protocol and that NCP will wait and judge Lino by his actions. (12/07). In March 2008, the NCP, however, issued a statement, rejecting the appointment of Lino 'in the strongest possible terms,' and describing it as an act that 'transgresses the authority of the Presidency which owns alone the decision to appoint the administration of Abyei' under the CPA. It also called for removal of the administration. (03/08)
162. On 8 June 2008, President Al-Bashir issued Republican Decree 146 adopting a landmark agreement between the NCP and the SPLM entitled '**Roadmap for Return of IDPs and Implementation of Abyei Protocol**'. The four main points outlined were: security arrangements, return of IDPs, an interim administration and final arbitration. (06/08)
163. *Terms of the Abyei Roadmap:* The parties agreed that a newly-formed Joint Integrated Unit (JIU— comprised of elements other than those involved in the Abyei clashes) would deploy within 10 days of the signing of the accord (i.e. 18 June), and that a police force would be deployed within two weeks of the signing. Following the deployment of JIUs and police, SAF and SPLA forces would redeploy out of the administrative area (delineated in a map attached to the Roadmap agreement). Both parties committed to an investigation into the violence to be conducted by the CJMC. The road map stipulates that the Presidency within two weeks would also set up an interim administration led by SPLM, with an NCP deputy; that IDPs could return to Abyei after the security arrangements were complete; and that GoNU would work with international organizations and the area administration to provide for their needs. The parties furthermore agreed that oil revenues from the

### 3 - The Three Areas: Abyei, Southern Kordofan and Blue Nile States

#### 3.1 - Abyei

area under arbitration shall be shared according to the Abyei Protocol and that both parties shall contribute an agreed percentage of those shares to a fund for development of the areas along the North-South Border. Finally, both parties agreed to resort to arbitration to resolve the dispute over the findings of the Abyei Boundaries Commission and to abide by and implement the decision of the arbitration tribunal. (06/08)

164. *Implementation of the Abyei Roadmap:* On 8 August 2008, the Presidency appointed Arop Mayak Mony Tock (SPLM) and Rahama Abdelrahman al-Nour (NCP) as Chief Administrator and Deputy Administrator, respectively, of the interim Abyei Area Administration. They were sworn in on 31 August. (08/08)
165. On 6 October 2008, two Presidential decrees were issued appointing remaining members of the Abyei Executive and Area Councils according to the Abyei Roadmap Agreement. Five heads of administration have been named; however, assignments as heads of specific departments are yet to be confirmed. (10/08).
166. In accordance with the provisions of the Abyei Roadmap, the redeployment of SAF and SPLA from the Roadmap Area was completed on 8 March 2009. The Sector VI AJMC accepted the redeployment completed on 13 March 2009; the CJMC at its 92nd meeting held on 24 March expressed its appreciation to Sector VI for the effort of the implementation of the Roadmap. (03/09)
167. JIU have deployed to Balom and Bajadiid in order to provide security along the Misseriya migration route. The Joint Integrated Police Unit (JIPU) comprising 334 (179 from the South and 155 from the North) has been deployed and is policing Abyei town, Agok and Abathok. (04/09)
168. Further to the Abyei Protocol and Abyei Roadmap Agreement, implementation of the Abyei Area Administration took effect on 11 November 2008 with the swearing in of five Executive Council Members. The Secretaries are to head five departments which are Administration, Governance and Human Resources; Finance and Economic Planning; Agriculture, Animal and Natural Resources; Social Services and Cultural Affairs; and Public Utilities and Infrastructure. They would report directly to the Chief Administrator. Policing will be managed separately by Office of the Chief Administrator under a 'Security Commission.'(11/08)
169. In May 2009, the Presidency provided funds of SDG five million for the Abyei Area Administration to facilitate payment of salaries and overhead costs. In addition, some funds were approved for the restructuring of the Abyei Area Administration of over 1200 posts within the administrative structure. (05/09)
170. On 27 May 2009, UNPOL, RRR and UNDP representatives officially handed over the six purposely built Police Posts / Tukuls (at strategic points along the Misseriya migratory corridors) to the JIPU Commander. Despite UNMIS' best efforts, deployment by the JIPU officers to these locations and their subsequent use and upkeep of these facilities is being resisted until such time as transportation and communication equipment is delivered to them. (05/09)
171. A technical team from the Ministry of Finance and National Economy visited the Abyei Area in the third week of June 2009. In separate meetings with UNMIS, Abyei Area Administration officials underscored the need for funds for basic social amenities, such as water, clinics and schools in settled and nomadic communities. They also stressed the need for funds to create conducive environment for self-sustaining economic activities to facilitate the voluntary return of the IDPs to their places of origin. (06/09)
172. The 4th session of the Abyei Area Legislative Council (AALC) opened in Abyei on 20 October 2009. At the opening session, Abyei Area Chief Administrator Arop Moyak Monyoc expressed appreciation on the ongoing collaboration between the Executive and the Legislature and enumerated challenges faced by the Abyei Administration, including on the restructuring of the traditional administration, the problems faced by the Abyei Border Demarcation Committee, the absence of

### 3 - The Three Areas: Abyei, Southern Kordofan and Blue Nile States

#### 3.1 - Abyei

courts and the Judiciary and the need to ensure peace and security during the upcoming migration season. (10/09)

#### *C) Security Arrangements*

173. **Movement restrictions:** In March 2006, SAF notified UNMIS that a number of towns in the north of UNMIS Sector VI - including Al Fula, Muglad and Meiram – were to be excluded from monitoring and verification, restricting the area of operation of UNMOs to about 30% of the Sector. In September 2006, SPLA representatives informed the CJMC and the CPC that it would also be imposing restrictions on the movement of UNMIS monitors south of Abyei. In February 2007, further restrictions were imposed on UNMIS reducing the movement of UNMOs to the Abyei area - no more than 15km<sup>2</sup>.
174. Since the implementation of the Abyei Roadmap, UNMOs and TCCs have enjoyed freedom of movement within the Abyei Administrative Area.(08/08)
175. In December 2008, a high-ranking Joint Monitoring Team and the Chief Administrator for Abyei, the Sector Commander, the UNMO Coordinator, AJMC members and UNMOs monitored the withdrawal of SPLA and SSPS from Agok. The MP Platoon from 13 (SPLA) Brigade consisted of 2 officers and 37 soldiers with 37 x AK-47 rifles. The Police Service detachment included 12 police officers and 29 men; the Prison Service detachment consisted of 4 officers and 58 men; the Fire Service detachment included 5 officers and 27 men; while the Wildlife Services detachment consisted of 7 officers and 37 men. The JMT, including representatives from the SAF, SPLA and UNMIS verified the above troop numbers and weapons. Ten SSPS policemen will remain in Agok until the JIPU arrive to take over policing of the town. The withdrawal of forces from Diffra is expected to be announced soon. (12/08)
176. On 21 December 2009, JIPU has deployed in AGOK consequent to the redeployment of SSPS from the area. (01/09)
177. On 18 January 2009, a special patrol consisting of the Sector Commander, JIU Commander, UNMO Coordinator, JIU cell and the AJMC National Monitors from SAF / SPLA monitored the withdrawal of SAF soldiers from the Diffra oil field area. It has reported that 21 soldiers redeployed to HQ 31 BDE and ten soldiers remained behind to guard storage containers that could not be lifted on that day. Heavy lifting equipment will be required to move the large SAF accommodation container. It is anticipated this will occur in near future. (01/09)
178. Nine months after the signing of the Abyei Roadmap, SAF redeployed its last ten soldiers with two storage containers from Diffra on 8 March, and SPLA a Logistic Base from Agok on 2 March 2009. (03/09)

#### *D) Reconciliation Process*

179. Several confidence-building initiatives have been organized by UNMIS between the Dinka Ngok and the Misseriya around the issue of migration, including workshops and a peace conference. For example, in July 2007, the UN sponsored an agreement between the Misseriya and Dinka Ngok to coordinate the annual migration movement of Misseriya nomads in Abyei through a joint Leaders' Committee. (7/07)
180. In November 2007, with the onset of the migration season, Sector VI facilitated an initial meeting between Dinka Ngok and Misseriya leaders on this year's migration. Reconciliation on nomad migration routes were agreed upon by both sides and have been adopted into resolutions to be implemented. For instance, the committees to handle tribal disputes between the nomadic and farming community have been put in place to prevent escalation of potential tensions/conflict. A follow-up meeting will bring in representatives from communities south of the River Kiir/Bahr el Arab through whose territories the nomads migrate. GoSS President Kiir also instructed Southern officials to allow Arab tribes to move freely with their cattle during the migration season in the south. (11/07)

### 3 - The Three Areas: Abyei, Southern Kordofan and Blue Nile States

#### 3.2 - Southern Kordofan

181. UNMIS Civil Affairs in Bor, Jonglei State and the Regional Office continued to facilitate and support the works of the Murle-Lou Nuer Joint Cease-Fire Committee in preparations for the Murle-Lou Nuer Peace and Reconciliation Conference scheduled for 11 September 2009 in Bor. (08/09)

182. On 19 November 2009, UNMIS Civil Affairs in Abyei, in collaboration with UNDP, organized a conflict resolution workshop for the Payam and Boma Administrators in Abyei to help reactivate the local-level Conflict Mitigation Committees at the Payam and Boma levels. More than 20 Administrators and Boma Chiefs participated in the workshop. The Committees are expected to help facilitate a peaceful migration season by meeting with nomads and their leadership in their respective areas. The participants were trained on basic conflict resolution skills. (11/09)

#### 3.2 SOUTHERN KORDOFAN

##### A) Geographic Boundaries

183. On 16 August 2005, President Al-Bashir issued a decree declaring the **Boundaries of Southern Kordofan State** to be the previous boundaries of Southern Kordofan Province as defined in the 1974 Act of the division of provinces. Some parts of Western Kordofan were thus merged into Southern Kordofan. Some parts of the boundaries of Southern Kordofan remain unclear pending the resolution of the boundaries of Abyei and the final demarcation of the 1956 North-South Border.
184. Redeployment of SAF and SPLA neared completion at the end of July 2008. A formal handover in the area of security from SPLA to the new JIU took place in Manyang on 28 July. By the end of the month, the JIU had deployed to Abyei town and started its patrols. JIU stations are to be established in Manyang, Balom/Diffra, Todach and Agok. UXOs left behind by SAF and SPLA are currently being disposed of.
185. The **Legislative Council of Southern Kordofan** was formed on 12 December 2005 and convened on 22 December 2005 with 54 members (30 NCP and 24 SPLM), seven of whom were women. Ibrahim Balandia (NCP) was appointed Chairman.
186. The formation of the Southern Kordofan government was plagued by delays in 2006, mainly due to failure to adopt the state constitution. The resulting partial paralysis of the executive prevented the appointment of ministers and the proper functioning of the legislature. A caretaker government was eventually set up on 7 March 2006.
187. The work of the legislature remained blocked over a disagreement on whether its chairmanship should be rotated between the parties on a regular basis. On 11 November, the Presidency took the decision to leave the chairmanship of the Legislative Council with the NCP, the deputy position with the SPLM, and create a new position of 'Leader' of the Council, to be filled by the SPLM. On 21 November 2006, the Legislative Council accepted the final draft of the **state constitution**. On 19 December 2006, the constitution was formally adopted in Kadugli in the presence of Vice President Taha. The Council met in full session for the first time on 13 March 2007 and is now a functioning body.
188. The second session of the Southern Kordofan Legislative Council since the ratification of the state constitution took place in Al Fula, the state's second town, in April 2007. This fulfilled the CPA requirement of alternating legislative sessions between Kadugli and Al Fula. The Legislative Council created ten permanent committees, the members of which were announced at the session. (4/07)
189. On 1 July 2007, President Al-Bashir sworn in Omer Suleiman Adam (NCP) as the new **Governor of Southern Kordofan State**, replacing Ismail Khamis Jallab (SPLM). The new Deputy Governor, Daniel Kodi (SPLM) was appointed on 17 July 2007, replacing Eissa Bashari (NCP). The rotation of Governors should have taken place in April 2007, but was postponed by mutual consent.
190. At the end of December 2007 and beginning of January 2008, the Governor appointed the state

### 3 - The Three Areas: Abyei, Southern Kordofan and Blue Nile States

#### 3.2 - Southern Kordofan

cabinet (five ministers from SPLM, including Deputy Governor, and five from NCP as well as government advisors and locality commissioners. ([Annex 17](#)).

191. On 26 July 2007, an Assessment and Evaluation Commission for Southern Kordofan State was created by a presidential decree, just after the end of the second year of the Interim period deadline stipulated by the CPA (07/07). On 12 February 2008, President Al Bashir appointed El Dirdeiri Mohamed Ahmed and Neron Philips as co-chairs of the Commission. (02/08)
192. The Legislative Council of Southern Kordofan established seven new localities in the State, namely, Hieban, Alburam, Um Durain, East Rural, Abbasia, AlGoz and Babanosa, which were endorsed by the Governor on 13 August 2009. (08/09)

193. On 13 November 2009, the Southern Kordofan State Governor issued a special decree forming a Special Committee to facilitate the integration of 1708 SPLM civil servants into the political and administrative structure of the State, according to a senior State civil service officer. The Committee, chaired by the State Secretary-General, is supported by two other technical committees tasked to classify and define the pay scale for each individual staff based on their qualifications and work experiences. Accordingly, the allocation of staff to the State Ministries and local government units will be based with the current administrative structure. The Committee was given three weeks to present its recommendation(s). (11/09)

#### *B) Security Arrangements*

194. The security situation is relatively calm. Disputes over land and water resources between nomads and farmers throughout the state continue to be the main source of conflict between nomads and farmers, sometimes resulting in death and injury, destruction of property, and displacement of people. Apart from security issues associated with migration, incidents continue between settled Arab and Nuba tribes, albeit at a lower level than in previous years. While these are mostly resource-based, the fundamental problem can almost invariably be traced to unresolved problems of land ownership which are often politicized. (03/09)
195. Pre-registration of PDF, SAF and SAF personnel earmarked for Disarmament and Demobilization was successfully completed in April 2007. (4/07)
196. During July 2007, SPLA units in the Sector IV AOR of Southern Kordofan (Sector IV) began to withdraw to the White Lake/Jaw assembly areas to await redeployment south of the 1-1-56 line. Some SPLA units have already moved south of the line, but most remain at the assembly area. The process was slow, in part due to logistical problems associated with heavy rain. In April 2009, after long preparations Sector IV conducted a successful Verification at White Lake/Jaw, which has to be continued after agreement at AJMC level.
197. On 22 December 2007, armed clashes were reported between the SPLA and the Misseriya (Awlad Kamil) at Al Girinti (Um Sha'ara), near Al Meiram in the western part of the Southern Kordofan State. The fighting renewed on 23 December in the area of Al Jurf, 90 kilometres south of Al Meiram. Misseriya armed elements attacked an SPLA camp in Al Jurf (river bank), in retaliation for the killing of their kin a day earlier. The Misseriya alleged that the attack occurred when the Misseriya refused to pay heavy levies on cattle imposed by the SPLA as crossing fees to the South. Some SPLA sources informed that the fighting broke out when armed Misseriya nomads attempted to force their way behind River Kiir/Bahr Al Arab, which the SPLA considers the 1.1.1956 borderline between the North and the South. An UNMIS facilitated visit of the Governors of SKS and NBEG on 30th December resulted in a truce. (12/07)
198. The last three traditional Baggara migration have been relatively incident free. In an effort to reduce the risk of violent confrontations, dialogue at several levels between UNMIS, representatives of NCP and SPLM/GoSS, and Dinka, Nuer and Baggara leaders was initiated and is continuing. The most contentious issue is whether the nomads should be allowed to carry arms south of 1-1-56 line (03/09)



### 3 - The Three Areas: Abyei, Southern Kordofan and Blue Nile States

#### 3.1 - Blue Nile State (BNS)

##### *C) Returns*

199. Estimates of number of returnees to the state since the beginning of 2006 (UN assisted, state sponsored and spontaneous) vary, but according to IOM are in the vicinity of 307,000 with the overwhelming majority (around 300,000) being spontaneous. As organized returns have been discontinued, the UN effort is concentrated on assisting spontaneous returns; this is mostly manifested in food and non-food item distribution to the returnees and providing assistance for their reintegration in the chosen location of settlement. (03/09)
200. A workshop entitled 'Creating Opportunities for Youth Employment in Sudan' organized jointly by GNU and 13 UN Agencies was held in Kadugli, Southern Kordofan State on 13 October 2009. The workshop aimed to create job opportunities for youths aged 15-24 years, in particular the returnees and demobilized soldiers. (10/09)

#### 3.1 BLUE NILE STATE (BNS)

##### *A. State Executive, Legislature and Administration*

201. The Blue Nile State Government was formed on 5 December 2005, comprising eight ministers including five locality commissioners. In November 2007, the number of localities increased to six by the establishment of Al-Tadamon Locality. The state legislative body was also instituted. Seats were allocated according to the formula stipulated in the CPA (NCP 55%/ SPLM 45%). The state cabinet was sworn in on 7 December 2005. Certain groups, mainly from the Ingesna and Arab tribes in the western part of Blue Nile State, protested the Government's lack of inclusiveness.
202. On 1 July 2007, President Al-Bashir issued a decree appointing Malik Aggar (SPLM) as Governor of Blue Nile State, replacing Abdulrahman Mohamed Abumedian (NCP). The rotation should have taken place in February 2007: Aggar's predecessor had been appointed in August 2005 and the CPA stipulates that control of the governorships of Blue Nile State should have switched between the NCP and the SPLM after the initial appointee had served 18 months. Ahmed Kremano (NCP) was appointed Deputy Governor in place of Zayed Issa Zayed (SPLM). Both Aggar and Kremano were sworn in at a ceremony on 3 July. (7/07)
203. On 26 July, an Assessment and Evaluation Commission for Blue Nile States was created by presidential decree (7/07). On 12 February 2008, President Al Bashir appointed Abdel Rahim Mohamed Ali and Eisa Zayed as co-chairs of the Commission (02/08).
204. On 21 April 2008, the head of the Blue Nile Assessment and Evaluation Commission, Abdel Rahim Osman, informed local media that the Commission has completed a tour round the State to assess NCP-SPLM efforts to implement the CPA in Blue Nile State. He confirmed consensus among the two parties on the importance to implement the agreement and said that emerging political or executive differences did not impact the implementation process. (04/08)
205. On 24 September 2009, a reshuffle of NCP ministers in the government of BNS took place. Three ministers lost their portfolio while three were given cabinet post. The newly-appointed ministers are Omda Obaid Mohamed Suliaman Abushotal (Culture, Youth & Sports); Fidail Abdelrahman Ogail (Local Government); and Al Agib Abbas Zarroug (Education). In addition, three advisors were also appointed. (09/09)
206. A delegation of the Three Areas Working Group of the Assessment and Evaluation Commission (AEC) visited Ed-Damazin and Kurmuk in Blue Nile State on 14-15 October 2009 to assess the status of CPA implementation in the State. The delegation composed of international community representatives (US, UK, Norway, Netherlands, Kenya, IGAD, EU, and AU) and the two CPA partners. (10/09)

##### *B, Security Arrangements*

207. Joint Integrated Units have been established in Sector V (Damazin). However both parties continue

## 4 - Security Arrangements

### 4.1 - Ceasefire Political Commission (CPC)

to be slow in filling their respective quota of troops and in deployment to all eight agreed locations, complaining of logistical problems. As of September 2009, the 8 JIUs locations are now occupied by SAF and SPLA. But still to be filled with the agreed quota in all locations: Um-darfa, Menza, Wadal Mahe. Dindiro, Ulu, Gissan, Kurmuk and Taliya.

208. On 10 August 2009, an official ceremony marking the end of demobilization operations in Blue Nile State was held in Ed-Damazin. A total of 5443 ex-combatants drawn from SAF, SPLA and PDF were demobilized. (09/09)

## 4. Security Arrangements

### 4.1 CEASEFIRE POLITICAL COMMISSION (CPC)

209. Fighting broke out between SPLA and SAF JIUs elements in Malakal on 24-26 February, following the return of Major General Gabriel Tang to the town on 23 February whose presence in the area increased tension due to his involvement in the earlier Malakal incident of November 2006. Around 57 people including civilians were reported killed in the clashes. The CJMC held two emergency sessions on 23 and 26 February in Khartoum and Malakal respectively and agreed on a number of decisions to de-escalate the situation. The implementation of these decisions together with those of the GNU-GoSS High level committee led by GoSS Vice President Machar which was sent to Malakal succeeded in stabilization of the security situation. By the end of the month the security situation was stable but tense. (02/09)
210. The **Ceasefire Political Commission (CPC)** is mandated to supervise, monitor and oversee the implementation of the permanent ceasefire and security arrangements implementation modalities. It reports directly to the Presidency. The CPC is expected to settle deadlocks referred to it by the Ceasefire Joint Military Committee (CJMC) and provide disciplinary measures for violations. It can propose amendments to the ceasefire arrangements and refer any deadlocks over implementation to the Presidency. The chairmanship of the CPC is to be rotated between the parties. In addition to the Parties themselves, membership of the CPC includes the UN SRSG or his deputy, IGAD and the IGAD Partner's Forum.
211. The CPC was established on 27 August 2005 by presidential decree and its membership announced on 1 November 2005. It convened its first meeting on 23 February 2006. The CPC meets routinely on the last Thursday of the month, but the rules of procedure allow both the Parties and the UN to call an ad hoc meeting of the CPC. The CPC continues to meet regularly. However, its performance as a body for resolution of disputes over ceasefire issues has been uneven. Issues referred up from the CJMC have frequently become deadlocked at the CPC level.

#### A. Recent CPC Meetings

212. [No CPC meeting was held in the month of November 2009.\(11/09\)](#)

### 4.2 CEASEFIRE JOINT MILITARY COMMITTEE (CJMC)

213. The CPA instructed SAF and SPLA to establish a **Ceasefire Joint Military Committee (CJMC)** covering the territorial jurisdiction of the Ceasefire Agreement and answerable to the Ceasefire Political Commission (CPC). The CJMC is composed of senior military representatives of SAF and SPLA and is chaired by the UNMIS Force Commander.
214. The first CJMC meeting was held in Juba on 8 May 2005. The Committee agreed to convene fortnightly meetings and also agreed the Terms of Reference of both the CJMC and the Area Joint Military Committees (AJMCs). The CJMC has continued to convene regularly and has supported open and frank discussion between the parties and the resolution of concerns around military violations of the CPA.

## 4 - Security Arrangements

### 4.3 - Area Joint Military Committee

#### *A. Recent CJMC Meetings*

215. The 107<sup>th</sup> CJMC meeting was held on 5 November 2009. The meeting discussed on the theme 'way ahead'. The DDR programme manager was invited to the meeting and a special presentation on DDR was made in order to discuss the impact of DDR on redeployment figures. The CJMC decided: (a) to accept the DDR figures of SPLA forwarded by AJMCs from Sectors IV and V as redeployed and to further report the updated SPLA redeployment figures and the process undertaken to CPC; (b) that the complete DDR process will be subject to M&V so as to accept the figures; (c) to task the AJMCs of all Sectors to request the senior AJMC members to provide a master list of ex-combatants for registration to undergo the integration process to the respective DDR commission; the master list is to be submitted prior to commencement of the DDR process; (d) to refer the balance of 4074 SPLA troops including 800 deployed to JUBA and 3274 from the area of Panaru (1st Front) to the CPC for political decision (the figures refer to a movement of SPLA troops south of the CBL allegedly made between July 2007 and January 2008 and can not be traced with M&V means anymore).
216. The 108<sup>th</sup> CJMC meeting was held on 16 November 2009. It was the last meeting in succession of theme-oriented meetings. The subject was 'Implementation of, and compliance with, CPA'. The meeting discussed operational and strategic issues. The CJMC recognized a need to increase liaison/integration on security-related issues with DDR commission, National Election Commission (NEC) and Border Demarcation Commission. The CJMC decided to request the CPC to facilitate coordination of these institutions to improve liaison/integration. SPLA mentioned that the issue of the elections is sensitive, and that the parties should be informed about the role of JMTs. The senior SPLA CJMC member said that there is need for them to make the issue official. After accepting the updated DDR figures in Sector IV and new M&V figures in White Lake Jaw also in sector IV, the redeployment figures of SPLA rose to 33.68%. On the issue of alleged armed Misseriya presence in Um Khaer in Sector VI, the CJMC tasked Sector VI AJMC to further clarify the situation on ground and submit its findings for consideration at the 109<sup>th</sup> CJMC meeting to allow a cogent decision to be reached. (11/09)

#### *B. Freedom of Movement of UNMOS*

217. According to the Status of Forces Agreement (SOFA), UNMIS Joint Military Teams enjoy guaranteed freedom of movement throughout the Ceasefire Zone. However both Parties have imposed restrictions on UNMO movement in Abyei (Sector VI). In October and December 2006, movement restrictions in Abyei were lifted temporarily but were re-imposed on 28 February 2007.
218. Since the implementation of the Abyei Roadmap, the UN enjoys freedom of movement within the Abyei Administrative Area. Sector 6 has established two temporary bases in Agok and Diffra. (08/08)
219. The restriction of freedom of movement by SPLA to UNMIS from accessing Akur area South of Abyei took centre stage for during the month of June. SPLA claimed that the area belongs to Sector II, whereas according to the Abyei Roadmap Area, Akur is within the Roadmap Area. CJMC is trying to resolve the issue. (06/09)

### **4.3 AREA JOINT MILITARY COMMITTEE**

220. The **Area Joint Military Committees** (AJMC), which coordinate all the ceasefire related monitoring and verification activities in the Sectors, were to be formed by 24 June 2005. However, due to the non-availability of the members nominated by the parties and the Sector HQs (in some cases), their formation was delayed. The first AJMC was held in the Nuba Mountains Area on 20 September 2005.
221. In November 2009, AJMC meetings were held in all Sectors as follows: Sectors I and II on 10 and 24 November; Sector III on 11 and 24 November; Sector IV on 12 and 24 November; Sector V on 11 November and Sector VI on 12 and 26 November. (11/09)

## 4 - Security Arrangements

### 4.4 - Joint Military Teams (JMTs)

#### 4.4 JOINT MILITARY TEAMS (JMTS)

222. **Joint Military Teams** (JMTs) are the lowest operating units of the Ceasefire Military Mechanism, comprising UNMOs (international monitors) and an equal number of officers (**National Monitors**) from SAF and the SPLA. The formation of the JMTs has been delayed due to lack of clarity on the logistical support for the National Monitors.
223. According to the Status of Forces Agreement (SOFA), UNMIS Joint Military Teams (JMT) enjoy guaranteed freedom of movement throughout the Ceasefire Zone. However both Parties have imposed restrictions on UNMO movement in Sector VI (Abyei). In October and December 2006, movement restrictions in Abyei were lifted temporarily but were re-imposed on 28 February 2007. The restrictions were again temporarily lifted in December 2007 to allow for monitoring and verification of the southern deployment of SPLA-aligned Debab and Abu Matariq forces. This temporary window closed again on 9 January 2008 and has imposed significant restriction on the JMT patrols of Sector VI. This issue has been raised at various CJMC and has been regularly referred to CPC however without resolution. (04/08)

#### 4.5 REDEPLOYMENT OF FORCES

224. The line of **redeployment** of SAF and SPLA is the North/South border as at 1 January 1956 (the 1.1.1956 Line). The CPA requires SAF to redeploy out of Southern Sudan in accordance with an agreed schedule, completing 72% redeployment by January 2007 and 100% by 9 July 2007. It requires the SPLA to complete its redeployment from Eastern Sudan by 9 January 2006 and from Southern Kordofan and Blue Nile six months after full formation of Joint Integrated Units. Both parties have frequently reiterated their commitment to respecting these timelines.
225. The **SPLA redeployment from Eastern Sudan** proceeded relatively smoothly in 2006 with logistic support from SAF. UNMIS observers verified the redeployment of 5,672 SPLA troops from total start date strength of 8,736. At the 30<sup>th</sup> CJMC meeting on 4 July 2006, both Parties agreed that the SPLA redeployment from the East was complete. (6/06)
226. **SPLA redeployment from Abyei, Southern Kordofan, and Blue Nile** has been delayed because of delay in the formation of JIUs.

#### 4.6 THE JOINT DEFENCE BOARD (JDB)

227. According to the CPA, the **Joint Defence Board** is responsible for co-ordination between the SAF and SPLA and for the command of the JIUs. The JDB is tasked with agreeing how to address any external and internal threats, and for organizing confidence-building measures between the Parties' armed forces. The Board is to be composed of the Chiefs of Staff of the two Armed Forces, their deputies and four senior officers, and is to operate by consensus. The Commanders of the JIUs are *ex officio* members of the JDB. The JDB is to be supported by a Technical Secretariat of eight senior officers.
228. The JDB was formed by presidential decree on 30 December 2005 and held its first meeting on 2-3 January 2006. It is jointly chaired by First Lieutenant-General Abbas Arabi Abdallah (SAF) and First Lieutenant General Oyai Deng Ajak (SPLA). The JDB has continued to meet regularly, approximately every other month.
229. The Parties agreed in July to task the Joint Defence Board with finding a solution to the dispute between SAF and the SPLA over the continued presence of approximately 3600 SAF troops in oil producing areas south of the 1-1-1956 Line after the 9 July redeployment deadline. SAF had argued that it needed to keep troops in these key areas to maintain security in the absence of fully formed JIUs. (7/07)

#### 4.7. JOINT INTEGRATED UNITS (JIUS)

## 4 - Security Arrangements

### 4.7 - Joint Integrated Units (JIUs)

230. The **Joint Integrated Units (JIUs)** are to be formed during the Pre-interim and the Interim Period from SAF and SPLA troops. The role of the JIUs is to act as a symbol of national unity and, in the event of unity after the 2011 referendum, to form the core of a new National Army. There were initially inordinate delays in formation of JIUs, linked to the delay in forming the Joint Defence Board (JDB). The National Assembly endorsed the **Joint Integrated Units (JIUs) Act** on 17 January 2006 ([Annex 19](#)).

#### *A) Assembly of JIUs*

231. In 2006, the Parties made considerable progress in the nomination of forces to serve in the JIUs. However overall the deployment of JIUs, which was to have been completed by 9 October 2006, is significantly behind schedule. The Parties, especially the SPLA, have blamed logistical challenges. While some JIUs are co-located, in other areas nominated personnel are gathered at assembly areas some way from the final deployment location.
232. New Standard Operational Procedures (SOP) on JIU re-verification was promulgated on 8 July 2008. 81<sup>st</sup> JMC on 18 August 2008 decided to freeze JIU re-verification till 18 September 2008 to allow understanding of the new SOP.
233. The 85<sup>th</sup> CJMC on 25 November 2008 decided further to freeze the JIU figure till 20 January 2009 to allow sufficient time for completion of JIU re-verification. During the freezing of JIU figure, the verified strength was 33,583 (84.7%) of CPA authorized strength 39,639.
234. The properly-conducted re-verification of JIUs could not be completed until the end of May 2009 due to the postponement in verification of weapons and the lack of nominal rolls of JIU soldiers. As stated at the 96<sup>th</sup> CJMC (19 May 2009), the verified deployment figure stands at 32,723 (82.55%). Consolidated JIU figures are not expected until June 2009. (05/09)
235. There was no change to the status of JIU deployment in August 2009, which still stands at 82.6%. JIU commanders attended the 103<sup>rd</sup> CJMC meeting to discuss JIU issues and security aspects. The 103<sup>rd</sup> CJMC decided that JIU command to conduct an internal review of the forces figures until 15 October 2009. Therefore, monitoring of the JIU is frozen up to 15 October 2009. UNMIS will conduct M&V of all JIUs from 16 Oct – 15 Nov 2009. This will be considered the last and final verification of JIU strength. CJMC and JIU command will have a follow-up meeting in December 2009 in Juba. CJMC and JIU command decided that the Parties should look for funds for deployment of JIUs & National Monitors to Diffra and Agok (Sector VI – Abyei) which has been a pending issue for some time. (08/09)
236. On 2 November 2009, a hand-over ceremony was held at the UN Logistic Base at El Obeid between UNMIS, presented by the Force Commander, the UK and the Netherlands ambassadors, and the JIU command, accompanied by the JDB Technical Committee Chairman and his deputy. The event marked the handing over of the 'Project One' part of the equipment allocated by donor countries (UK and Netherlands), and facilitated by UNMIS through a UN Trust Fund (fence equipment, generators, concrete mixers, water storage tanks etc). The transport operation from El Obeid to designated JIU locations would be run by JIU from 22 November 2009.
237. There was no change to the status of the JIU deployment since April 2009. On re-verification of the JIUs, the senior SAF CJMC member stated that M&V cannot be conducted of Khartoum Independent Brigade because it is outside the Cease Fire Zone (CFZ). However, CJMC decided to pursue M&V of Khartoum Independent Brigade as per the 106<sup>th</sup> CJMC decision and the Chairman would write a letter to JIU command to facilitate the same. (11/09)

## 4 - Security Arrangements

### 4.8 - Other Armed Groups (OAGs)

<b>JIU Deployment November 2009</b>										
Sector	Party	CPA Auth Strength	Stated at AJMC		Verified			Total % CPA Auth	Total % Stated	Last CJMC 06 Apr (CPA Auth)
			Proper	Former OAG	Proper	Former OAG	Total			
I	SPLA	4,500	4,433		3,403		3,403	75.62%	76.76%	75.62%
	SAF	4,500	4,068		2,956		2,956	65.68%	72.66%	65.68%
II	SPLA	3,500	3,317		2,991		2,991	85.46%	90.17%	85.46%
	SAF	3,500	3,302		2,684		2,684	76.69%	81.28%	76.69%
III	SPLA	4,000	3,596		3,549		3,549	88.73%	98.69%	88.73%
	SAF	4,000	3,975	983	4,021		4,021	100.52%	101.15%	100.53%
IV	SPLA	3,000	3,198		2,582		2,582	86.06%	80.74%	86.06%
	SAF	3,000	3,163		2,771		2,771	92.36%	87.60%	92.36%
V	SPLA	3,000	2,525		1,750		1,750	58.33%	69.31%	61.36%
	SAF	3,000	3,084		2,417		2,417	81.00%	78.37%	87.76%
VI	SPLA	320	320		307		307	95.93%	95.93%	98.75%
	SAF	319	308		292		292	91.53%	94.80%	94.98%
Khartoum	SPLA	1,500	1,500		1,500		1,500	100%	100%	100%
	SAF	1,500	1,500		1,500		1,500	100%	100%	100%
TOTAL	SPLA	19,820	18,889		16,082		16,082	81.33%	85.34%	81.64%
	SAF	19,819	19,400	983	16,641		16,641	83.99%	85.75%	85.09%
SUMMARY	JIUs	39,639	38,289	983	32,723		32,723	82.55%	85.46%	83.36%

#### 4.8. OTHER ARMED GROUPS (OAGS)

238. The CPA requires that no Other Armed Groups aligned to either party should be allowed to operate outside the formal structure of the two forces during the Interim Period. Other Armed Groups are required either to be integrated into the organized forces of one of the Parties (army, police, prisons or wildlife service), or disarmed, demobilized and reintegrated into civilian life.
239. The **Other Armed Groups Collaborative Committee** (OAGCC) designed to oversee this process was formally established in March 2005. The SPLA finally nominated its members to the OAGCC on 24 July 2006.
240. On 8 January 2006, the SPLA signed the **Juba Declaration on Unity and Integration of SPLA and SSDF** with Paulino Matip, the leader of the Southern Sudan Defence Force (SSDF) umbrella organization comprising the majority of formerly SAF-aligned OAGs. A diagram illustrating OAG-SSDF alignment after the Juba Declaration can be found in [Annex 20](#). (2/06)
241. In preparation for the 9 July 2007 deadline for redeployment, SAF declared in May 2007 that there were no more SAF-aligned OAGs in South Sudan. (5/07).

#### 4.9 UNMIS DEPLOYMENT

242. As at 30 November 2009, total Military in the Mission is 9275 ( out of 9978), UNMOs 477 (out of 525), Staff Officers 198 (out of 203), and TCC 8600 (out of 9250) (11/09)

#### 4.10 UNMIS POLICE DEPLOYMENT

243. As of 30 November 2009, UNMIS deployed 673 police advisors, including 87 women, out of 715 to 25 team Sites throughout the Mission Area. (11/09)

244. UN Police have supported both GNU Police and the Southern Sudan Police Service (SSPS) with capacity building and standards. In Khartoum, UN Police have conducted training courses in a number of areas

## 4 - Security Arrangements

### 4.11 - isarmament, Demobilization and Reintegration (DDR)

including traffic management, cyber crime, riot control, airport security and SWAT and VIP Protection. In Southern Sudan, UN Police have provided support for the registration of SSPS personnel, development of the legal framework for the work of the SSPS, monitoring and follow up on reports of human rights violations. UN Police are involved in community policing work in the Three Areas and in IDP camps around Khartoum.

245. In November 2009, UNPOL concluded 41 training courses in areas such as Airport Security, Computer Training, Crime Investigation, Crisis Response and Post-Traumatic Management, Community Policing and Crime Investigation. 1,026 local police officers (485 GoS and 541 SSPS) benefited from these courses, including 54 female officers. In the field of capacity building, UNPOL conducted on-the-job training to 2,184 local police officers in various subjects, including Treatment of Offenders in Custody, Maintenance of Records, Protection of Scene of the Crime and Traffic Management.
246. UNPOL concluded 21 courses in Election Security Training. 926 local police officers (703 in the North and 223 in the South) benefited from these courses.
247. In Abyei, six security monitoring posts were built along the migration route with UNMIS support. UNPOL engineers finalized the drawings of proposed accommodation for 250 JIPU personnel in Abyei. Two barracks have been completed and are to be handed over to JIPU in first week of December. UNPOL also facilitated the donation of seven pick ups and two trucks to JIPU for patrolling the Misseriya migration route. All activities have been supported by the Dutch government through UNDP (11/09)

### 4.11 ISARMAMENT, DEMOBILIZATION AND REINTEGRATION (DDR)

248. On 18 February 2006, President Al-Bashir issued a presidential decree to form the **National DDR Coordination Council** (NDDRCC), chaired by Minister of Presidency Maj. Gen. Bakri Hassan Salih. (Text of decree can be found in [Annex 21](#).) It comprises Federal and State Ministers, Chief of Staff of the Armed Forces, Chief of Staff of the SPLA, General Commissioner for DDR for the Northern States, General Commissioner for DDR for the Southern States and other members to be appointed by the Presidency. The NDDRCC met for the first time on 20 December 2006. (12/06)
249. On 15 February 2006, President Al-Bashir issued a presidential decree establishing the **Northern Sudan DDR Commission** (NSDDRC) with its budget. (Text of decree can be found in [Annex 22](#)). The Commissioner-General of NSDDRC was formally appointed in December 2006. (1/07)
250. On 3 May 2006, GoSS President Kiir issued a presidential decree appointing the Chairperson and Deputy Chairperson for the **Southern Sudan DDR Commission** (SSDDRC). The Interim DDR Programme (IDDRP) was endorsed by GoSS in January 2006 and the GNU in May 2006.
251. Throughout May 2007, SAF conducted **unilateral disarmament** of its aligned former OAG members in Upper Nile, Western Bahr El Ghazal and across Eastern Equatoria. UNMOs observed the procedure and reported that a total of 975 former combatants were disarmed and given a one-off payment, according to rank, by SAF officials. The unilateral disarmament process did not involve the Northern and Southern Sudan DDR institutions. (5/07)
252. In line with the Presidential Decree on administrative arrangements for DDR in Three Areas (July 2008), North and South DDR Commissions agreed on the structure of offices for all the three areas. As a first step, a Joint DDR Office was established at Ed Damazin for the State of Blue Nile, which was inaugurated on 22 October. This joint office will take lead on the operationalisation of the pilot DDR activities in the State of Blue Nile. (10/08)
253. The Government of Japan made a grant of US\$17 million towards the implementation of the DDR programme in Sudan. The grant, earmarked for reintegration operations in the Three Areas, comes as the first amount to be given for provision of reintegration opportunity programmes during the Multi-Year DDR Programme in Sudan. The total cost of reintegration for the caseload of 182,000

## 4 - Security Arrangements

### 4.12 - De-mining

ex-combatants from SAF and SPLA has been estimated at US\$ 430 million. (01/09) In February 2009, the United Kingdom, the European Union, Sweden, the Netherlands, Norway and Germany pledged US\$88.3 million at a donor roundtable in Juba. . At the forum, GONU and GOSS undertook to contribute \$250 directly for each DDR participant and, with the assistance of the UN, to beef up resources at the disposal of the North and South Sudan DDR Commissions. (02/09)

254. Momentum is steadily building in the demobilisation exercise underway in Blue Nile State. As at February 24, a total of 263 candidates, including 37 women, had effectively gone through the process, receiving a reinsertion package that includes cash, non-food items and a food ration to last three months. About 5,000 combatants from both the SAF and SPLA are on roll for demobilisation in Blue Nile State alone, over a period of one year. A similar operation is scheduled to start in Julud and Kadugli (South Kordofan State), in March, 2009. (02/09)
255. As of 29 August, a total of 12428 combatants drawn from the SAF, PDF and SPLA have been demobilized since the start of operations in February 2009. (08/09)

256. In November 2009, a total of 2,168 of ex-combatants and members of special needs groups were demobilized in Julud and Kadugli in Southern Kordofan State and in Rumbek in Lakes State. This brings the total number of demobilized ex-combatants and members of special needs groups to 18,035 so far. A total of 6,521 DDR participants had also received counselling that will help them select reintegration options.
257. The Rumbek demobilization site concluded operations for the current year. Operations will resume once further food supplies are received from WFP.
258. The first group of 19 trainees in the food processing course provided by the Women Self-help Development Organization supported by the Japan International Cooperation Agency (JICA) graduated in Juba on 20 November. The trainees also received lessons on basic adult literacy and numeric skills. (11/09)

### 4.12 DE-MINING

259. Based on the provisions of the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, the Parties have declared and reported the types and numbers of stockpiled anti-personnel (AP) mines in the Article 7 Transparency Report of the Convention of 30 April 2005, listing a total of 9,485 AP mines under the control of the SAF and 5,000 AP mines under the control of the SPLA. Details of the technical characteristics and photos of the stockpiled AP mines were also provided. Of the 9,485 AP mines listed for the SAF, 4,488 were destroyed on 30 April 2007.
260. On 31 March 2008 in Juba, the destruction of the second and final batch of 6078 stockpiled anti-personnel (AP) mines took place. This event completes the destruction of the known and declared stockpiles of AP mines in Sudan. The GOSS and SPLA have decided not to retain any AP mines for training purposes and accordingly destroyed all known stockpiles of mines. The UN Mine Action Office assigned the Bangladeshi Military Demining Company to assist the SPLA engineers in the stacking and preparing of the mines for demolition, to prepare the site and provide medical back up and communications. (03/08)
261. In December 2008, the Swedish Rescue Services Agency (SRSA) completed their Explosive Ordnance Disposal tasks in Abyei. The Cambodian Military De-mining Company on the other has been disposing of a 50 tonne stockpile found in the Joint Integrated Units compound in Malakal. (12/08)
262. In Equatoria, the Juba-Lobanok road was opened and dangerous areas around Lobanok were cleared in support of returnees settling in the Lobanok area. In Southern Kordofan, the verification and clearance of the Kauda-Talodi road was completed. In Blue Nile States, the verification and clearance of the road from El Roseries-El Gery-Takamol-Mughla-Menze in Geissan locality was



## 4 - Security Arrangements

### 4.13 - release of POWs/Detainees

completed. These activities facilitate the safe movement of UN convoys and other humanitarian traffic, thus promoting socioeconomic development of villages attached to the routes. (02/09)

263. Following recent fighting in Malakal town, UN Mine Action Office (UNMAO) tasked the Cambodian Military Demining Company (CMDC) to conduct the survey and clearance of the Malakal airport, where they found and destroyed a total of 13 unexploded ordnance (UXO) and 20 kg of small arms ammunitions. The team also conducted a survey of Malakal town, locating and destroying a total of 28 UXO and 9 Anti-Personnel. Emergency mine20risk education was also provided in Malakal in order to prevent any accidents or injuries from explosive remnants of war. The Southern Sudan Demining Commission was instrumental in providing support to the operations conducted by the CMDC and UNMAO. (03/09)

264. On 11 November 2009, a ceremony sponsored by the UN Mine Action Office (UNMAO) and the National Mine Action Authority (NMAA) was held to formally recognize the translation of the National Technical Standards and Guidelines (NTSG) from English to Sudanese Arabic. The NTSG is a key reference for the safe conduct and management of de-mining activities throughout Sudan. Translation of this document is a component of facilitating national ownership of mine action activities scheduled to take place in June 2011.(11/09)

#### *National Mine Action Authority*

265. A presidential decree was issued on 24 December 2005 establishing the **National Mine Action Authority (NMAA)**. Although the CPA stipulates the establishment of two mine action authorities (North and South), the decree ordered the establishment of a single national authority, with a General Secretariat and National Mine Action Centre based in Khartoum. Under the National Mine Action Centre, there would be a Regional Mine Action Centre in Southern Sudan, based in Juba. The NMAA was launched in Khartoum on 7 March 2006. (4/06)
266. In July 2006, GoSS appointed the Chairperson, Deputy Chairperson and members for a new **South Sudan Demining Commission (SSDC)**. (8/06)
267. In accordance with decisions made at the Joint Defence Board meeting of 22 January 2007, the first demining teams of the Joint Integrated Demining Units (JIDUs) were deployed in February 2007 under the joint management of the NMAA and the SSDC. By June 2007, the teams had completed clearance of mines from the 446-kilometre railway line from Babanusa to Wau. (6/07)
268. During September, preparatory operations began for Nuba Mountain Mine Action Sudan (NMMAS), the first national NGO to be funded by the United Nations to carry out demining activities, to be conducted in Blue Nile State. (9/07)
269. On 10 November, in Hameshkoreib town, an official handover ceremony of four high priority roads in Kassala State, following verification and clearance of mine/explosive remnant of war (EWR) conducted by the Joint Integrated Demining Units. The total length of the roads verified/cleared is 234.7 kilometers, with Kassala- Hameshkoreib 170 km, Kassala - Awad 23.7 km, Kassal-Al-Luffa 24 km and Kassala - Gulsa 17 km. The event was attended by the Acting Minister for Humanitarian Affairs and key stakeholders.
270. During the month of November, training began for 120 additional deminers, with 60 each from the South and the North, which is being conducted by the International Mine Action Training Centre (IMATC) in Nairobi. The training will be completed by mid-December and is funded by the UK Government and facilitated by UNMAO. (11/07)

### 4.13 RELEASE OF POWS/DETAINÉES

271. Throughout 2005, the SPLM released a number of Prisoners of War (PoWs). The ICRC reported on the basis of partial involvement in the process and interviews with PoWs that PoWs had been well-treated and had returned voluntarily.

#### 4 - Security Arrangements

0 - 5. propAgation and dissemination of CPA

#### 5. PROPAGATION AND DISSEMINATION OF CPA

272. In September 2009, UNMIS Public Information Office (PIO) organised a press conference in Juba. It focused on the voter's registration process for the 2010 national elections, the humanitarian situation, the escalating LRA attacks, and the tribal clashes in the region. In observance of the International Peace Day, PIO also organised a students' event Khartoum. The Sudanese youth were linked through video conference with the UN Headquarters in NY and other missions and exchanged views on disarmament and peace. The monthly "In Sudan" magazine was published in English and Arabic and disseminated countrywide. The theme of this month's edition was education and the CPA. The new UNMIS website was launched in the Arabic language too (<http://unmis.unmissions.org>) and it is being updated with UNMIS and CPA related documents and reports in both English and Arabic. (09/09)

273. In November 2009, UNMIS Public Information Office (PIO), in collaboration with the Future Trends Foundation, a Sudanese think tank, organized a two-day symposium on unity and self-determination in Sudan. The symposium aimed at enabling Sudanese experts, academics, commentators, analysts and members of the two CPA partners and other Sudanese political parties to brainstorm on the myriad of issues relevant to unity and self determination. Independent and carefully selected researchers including foreign experts presented papers on unity, referendum, role of the media and the Sudan economy after 2011. The seminar was held behind closed doors where Chatham House rules were applied to ensure that discussions are freely conducted.

274. UNMIS PIO and Goethe-Institut Khartoum organized a symposium on "cultural diversity and multicultural societies". Some 20 Sudanese intellectuals, opinion makers and academics focused on the political aspect of the subject with emphasis on the various peace agreements in Sudan including the CPA. PIO also organized an Open Day on CPA and Election sensitization at the University of Bahr el-Ghazal in Southern Sudan targeting over 500 students.

275. The monthly "In Sudan" magazine was published in English and Arabic and disseminated countrywide. CPA related documents and reports in both English and Arabic were posted on the UNMIS website (<http://unmis.unmissions.org>). PIO assisted the National Elections Commission in producing and providing radio and video public service announcements on elections. PIO continued organizing regular press briefings among which was a briefing by SRSG for Children and Armed Conflict, Radhika Coomaraswamy. (11/09)

#### 5.1 MEDIA AND PUBLIC INFORMATION

276. UN-sponsored Radio Miraya (Mirror) continued to support CPA implementation through daily broadcasts, audience response shows, debates and programmes. Focused coverage on DDR and elections is regularly produced. Miraya has still not been assigned an FM frequency to operate in the North, where it can be heard only through short-wave transmissions three hours daily. Miraya, however, has 13 relay stations in Juba, Malakal, Wau, Rumbek, Maridi, Torit, Yambio, Bor, Yei, and other locations in Southern Sudan. Miraya website ([www.mirayafm.org](http://www.mirayafm.org)) also provides live audio streaming of all broadcasts, scripted news bulletins and audio access to a selection of other programmes. (11/09)

## GLOSSARY OF ACRONYMS

<b>A</b>	
ABC	Abyei Boundaries Commission
ACHR	Advisory Council for Human Rights
AEC	Assessment and Evaluation Commission
AJMC	Area Joint Military Committee
<b>C</b>	
CBS	Central Bureau of Statistics
CJMC	Ceasefire Joint Military Committee
CPA	Comprehensive Peace Agreement
CPC	Cease-fire Political Commission
CPT	Commission Preparatory Team(s)
<b>D</b>	
DDR	Disarmament, Demobilization and Reintegration
DPA	Darfur Peace Agreement
<b>E</b>	
ESPA	East Sudan Peace Agreement
<b>F</b>	
FFAMC	Fiscal and Financial Allocation and Monitoring Commission
<b>G</b>	
GNU	Government of National Unity
GoSS	Government of Southern Sudan
<b>H</b>	
(N)HRC	(National) Human Rights Commission
<b>I</b>	
ICSS	Interim Constitution of Southern Sudan
ICRC	International Committee of the Red Cross
IDP(s)	Internally Displaced Person (People)
IMAT	International Military Advisory Team
INC	Interim National Constitution
IOC	Interim Oversight Committee
IOM	International Organization for Migration
IPP	Initial Project Proposal(s)
<b>J</b>	
JAM	Joint Assessment Mission
JDB	Joint Defence Board
JIU	Joint Integrated Unit(s)
JMC	Joint Media Committee
JMT	Joint Military Team
JNTT	Joint National Transitional Team(s)
JPC	Joint Political Committee (NCP/SPLM)
<b>M</b>	
(N)MDTFs	(National) Multi Donor Trust Funds
MTC	Military Technical Committee

<b>N</b>	
NCP	National Congress Party
NCRC	National Constitutional Review Commission
NCSC	National Civil Service Commission
NDA	National Democratic Alliance
NDDRCC	National Disarmament, Demobilization and Reintegration Coordination Council
NSDDR	Northern Sudan Disarmament, Demobilization and Reintegration Commission
NGO	Non-Governmental Organization
NGO Act	Organization of Voluntary and Humanitarian Work Act 2006
(N)HRC	(National) Human Rights Commission
NJSC	National Judicial Service Commission
NLC	National Land Commission
NMAA	National Mine Action Authority
(N)MDTFs	(National) Multi Donor Trust Funds
NMPACT	Nuba Mountains Programme for Advancing Conflict Transformation
NPC	National Petroleum Commission
NSC	National Security Council
NS DDRC	Northern Sudan Disarmament, demobilization, and Reintegration Commission
NSS	National Security Service
<b>O</b>	
OAG(s)	Other Armed Group(s)
OAG CC	Other Armed Groups' Collaborative Committee
OCHA	Office for the Coordination of Humanitarian Affairs
<b>P</b>	
PCC	Population Census Council
PIO	UNMIS Public Information Office
<b>Q</b>	
QIPs	Quick Impact Projects
<b>R</b>	
RRR	Return, Reintegration and Recovery
<b>S</b>	
SAF	Sudanese Armed Forces
SANU	Sudanese African National Union
SOFA	Status of Forces Agreement
SPLA	Sudan People's Liberation Army

Glossary of Acronyms

SPLM	Sudan People's Liberation Movement
SRSG	Special Representative of the Secretary-General
SSCCSE	Southern Sudan Centre for Statistics and Evaluation
SSCDC	Southern Sudan Constitution Drafting Committee
SSDF	Southern Sudan Defence Force
SSDDRC	Southern Sudan DDR Commission
SSDF	Southern Sudan Democratic Forum (less common)
SSLA	Southern Sudan Legislative Assembly

<b>T</b>	
TSSLA	Transitional Southern Sudan Legislative Assembly
<b>U</b>	
UDF	United Democratic Front
UDSF	United Democratic Salvation Front
UNDP	United Nations Development Programme
UNMIS	United Nations Mission in Sudan
USAP	Union of Sudan African Parties
USAP2	Splinter of USAP