



# **ASSESSMENT AND EVALUATION COMMISSION**

**Factual Report  
on  
the Status of CPA Implementation  
2007**

# ASSESSMENT AND EVALUATION COMMISSION

## Factual Report on the Status of CPA Implementation, 2007



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## Assessment & Evaluation Commission

### ***Foreword***

*The CPA was signed in Nairobi on January 9<sup>th</sup>, 2005. The Government of National Unity (GONU) and the Government of Southern Sudan (GOSS) were established in July 2005.*

*This document represents a collective effort by the Assessment and Evaluation Commission (AEC) to take stock of the implementation of the Comprehensive Peace Agreement (CPA). It is a factual document which will be updated as the implementations proceeds.*

*Significant progress has been achieved by the parties in implementation of CPA since 2005, through, inter alia, the adoption of the Interim National Constitution (INC) and the Interim Constitution of Southern Sudan (INSS) and the establishment of institutions provided for in the Agreement, such as the GONU, the GOSS and the States Governments, as well as the general compliance with the ceasefire.*

*The CPA is a bridge between two parties which have been in conflict for many years. They are presently involved in no less than political nation - building. This is a daunting task under the best of circumstances.*

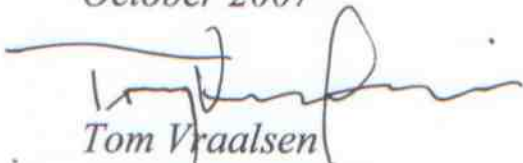
*A six and a half year transition period is short, but it should be sufficient to establish a fair playing ground between the parties.*

*The CPA enjoys broad international support. However, the responsibility for implementing it rests with the parties. They owe it to the people of the Sudan, on the commitments they solemnly made when signing the CPA in January 2005.*

*The CPA is a win-win proposition for the people of the Sudan and their political leaders. It lays out the way forward to consolidate peace and stability and to transform the Sudan into a democratic state where the basic freedoms and rights embodied in the CPA and the INC will be realized.*

*Three years from now the people of Southern Sudan will decide on their future. Those three years must be used effectively by the parties to make unity attractive. The people of the Sudan must experience first hand that CPA is more than the absence of war. The CPA means development, freedom and respects for the individual citizen whoever and wherever they are.*

*October 2007*

A handwritten signature in blue ink, appearing to read 'Tom Vraalsen', with a long horizontal line extending to the left.

*Tom Vraalsen  
Chairman of the  
Assessment and Evaluation Commission*

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#### Power Sharing

<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>MACHAKOS PROTOCOL</b>			
<b>Plan for 5 Rs ( Repatriation, Resettlement, Reintegration Rehabilitation and Reconstruction)</b>	In progress (JAM)	CCG / JAM	<p>It is part of UNMIS mandate to “facilitate and coordinate (...) the voluntary return of refugees and internally displaced persons”. UNMIS Return, Reintegration and Recovery Unit plays a coordinating and planning role for UN, NGOs and donor return-related activities, and supports Government programs.</p> <p>In October 2006, GNU, GoSS and UN agreed on a joint plan for organized returns, up to December 2007. Parties complain for the lack of clear UN strategies over returnees and would like to have more details on the UN activities on Repatriation in general and from Ethiopia in particular.</p>
<b>Establishment of Assessment and Evaluation Commission (AEC)</b>	During the Pre-interim Period after the adoption of Interim National Constitution (INC) and establishment of the Institution of the Presidency.	The Presidency	<p>The AEC was established in October 2005 to assess and evaluate the implementation of the CPA with the Parties. It is composed by 13 members and 4 observers, who meet in a plenary setting once a month. The AEC has held 25 Plenary Sessions, and 7 special sessions. Regular meetings of the Working Groups are coordinated by the international members of the AEC (Power Sharing by Italy; Wealth Sharing by USA; Security Arrangements by UK; Three Areas by the Netherlands). The PSWG held 10 meetings.</p>

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>Improvement of institutions and arrangements created under the Agreement to making the unity of Sudan attractive to the people of Southern Sudan</b>	After adoption of the INC and establishment of the AEC	The Parties to the CPA and the AEC	The AEC is working. Few other actions have been undertaken by the Parties.
<b>Guarantees to safeguard agreement against Unilateral revocation or abrogation</b>	Upon signature of the CPA and up to the end of Interim Period	The Parties, IGAD and the International Community	The Constitutional Court was established on December 2006.

<b>POWER SHARING PROTOCOL</b>			
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<b>Part I</b>			
<b>Enactment of Political Parties Act</b>	Upon adoption of the Interim National Constitution (INC)	The National Legislature	The Political Parties Act was approved by the National Assembly in January 2007.
<b>National reconciliation and healing process (NRHP)</b>	After adoption of the INC	The Presidency	No national program for reconciliation and healing has been launched by the GoNU.



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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>National Population Census (NPC)</b>  <b>a) Establishment of the population Census Council</b>  <b>b) Conduct of the census</b>	<p>After the establishment of the institution of the Presidency</p> <p>Second year of the Interim Period</p>	<p>The Presidency</p> <p>Central Bureau of Statistics and the GoSS Centre for Statistics and Evaluation</p>	<p>The National Population Census Council was established on 7<sup>th</sup> January 2006 by Presidential Decree and meets every three months. A Technical Working Group is functioning and is holding regular meetings in different towns of Sudan.</p> <p>A Monitoring and Observers Committee was established to monitor the census implementation, in order to give assurances on the quality of the process. They held two meetings in December 2006 and March 2007. It is funded by the Council of States. The pilot project for the census, after being delayed twice, took place on 15-30 April 2007 in all States. Parties disagreed on the final form used during the pilot census and therefore on the outcome. The form was approved by the National Population Census Council and by the Presidency.</p> <p>Parties revised in 2006 the date set by the CPA and fixed the census for February 2008.</p> <p>During the last AEC Special Session on the Census, the SSCCSE pointed out the challenges and causes for delays in conducting the census in Southern Sudan, such as lack of timely funding for the census and for the establishment of an infra-structure for the SSCCSE in the 10 States, the shortage of qualified human resources, security and logistical problems. The Director of SSCCSE advised also to postpone</p>

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
			<p>the census at the beginning of 2008 to take advantage of the dry season.</p> <p>The return of the IDPs and refugees and the security situation are major concerns for Southern Sudan. The census in Darfur is also an issue that must be addressed.</p> <p>Census is important for social and economic issues and for the development of the Country. Moreover, political implications are attached to the census. People agree on the need for a qualitative census even with some delay, due the great importance attached to its result for the future development of the Country. The link with General Elections must be solved by the Parties.</p> <p>The AEC held 2 special sessions on the Census.</p>
<b>General Elections:</b> <b>a) Enactment of National Electoral Law</b>  <b>b) Establishment of the National Electoral Commission</b>	<p>Within Six month from the start of the Interim Period</p> <p>Within one month after the adoption of the law.</p>	<p>The National Legislature</p> <p>The Presidency</p>	<p>The National Electoral Law has not been approved yet. At the moment the NCRC is drafting the law. On this regard, the NCRC has established a committee, headed by Abel Alier, co-chair of the NCRC, to prepare the draft of the law. Moreover, in order to have a law that could gain the broadest consensus, the NCRC has established two sub-committee, one for the consultations with the political parties that are not members of the NCRC, chaired by Tajelsir Salih</p>



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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
			DUP), and one for the consultations at the State level, chaired by Marwa Jaknoon (NCP). The National Electoral Commission has not been established. The Electoral Law should have been enacted six months from the start of the Interim Period and the Commission within one month from the enactment of the Law.
<b>Review of the feasibility of the dates set for census</b>	For the census six months before the end of the first two years into the Interim Period;	The Parties to the Agreement	Parties revised during 2006 the date set by the CPA and fixed the census for February 2008.

<b>Part II</b>			
<b>The Council of States</b>	<p>i) Establishment Within 2 weeks after enactment of the INC</p> <p>ii) Appointment of members of the Council of States within two weeks from enactment of the INC.</p>	<p>The Presidency</p> <p>The Presidency</p>	<p>The Council of States was formed and convened on 31<sup>st</sup> of August 2005, therefore a little later than it was foreseen in the CPA. The Council of States has two members from each States, appointed by the Presidency in consultation with State institutions. Observers of Abyei have not been appointed because Abyei area is not identified. All members of the Council of State are from NCP and SPLM, according to the CPA.</p>

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
	iii) Convening of Council of States within two weeks of the enactment of the INC. iv) staffing of Council of States during the Pre-interim Period	The Presidency  The Council of States	
<b>Establishment and convening of the National Assembly</b>	Within two weeks after the adoption of INC  Staffing of the National Assembly seven days after enactment of the INC	The Presidency  The National Assembly	The National Assembly was formed and reconvened on 31 <sup>st</sup> of August 2005, with a composition that reflects the Power Sharing formula. Some opposition political parties refused to join. The NA has concluded its 4 <sup>th</sup> session and has not reached all established targets for the legislative reform after the CPA and INC.
<b>Determination of the scope of legislative competency of the National Assembly and the Council of States respectively</b>	In the course of the work of the Parties 14 member Joint Constitutional Task Team charged with preparation of a	The Parties	Coordination among the Ministry of Justice, the Presidency, the NCRC and the National Legislature has improved.

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
	draft Constitutional text for presentation to the (NCRC		
<b>Election of Speakers, Deputy Speakers and other officers of the National Legislature</b>	Upon the convening of the first session in both Chambers	Both chambers	Done according to the CPA
<b>Establishment of the Institution of the Presidency</b>	Upon adoption and signature of the INC.	The President of the Republic	The Presidency was inaugurated on 9 <sup>th</sup> July 2005 with Omar Hassan El Bashir as President, John Garang De Mabior as First Vice President, Ali Osman Taha as Vice President. After the death of John Garang, Salva Kiir Mayardit becomes First Vice President on 11 <sup>th</sup> August 2005.
<b>Defining the functions of the two Vice Presidents</b>	Implementation modalities	The Parties to the CPA	Done according to the CPA
<b>Specification of appointments made by the President with the consent of the 1<sup>st</sup> Vice President</b>	During the implementation modalities process	The Parties to the process	Done according to the CPA

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>Establishment of Council of Ministers (prior to elections)</b>	Within 30 days after the adoption of INC.	The President of the Republic	On 20 <sup>th</sup> September 2005, President Bashir issued 4 decrees establishing the Government of National Unity, in accordance with the Power Sharing formula.
<b>The status of the Ministries of Defense, Guidance and Endowment, and Federal Governance</b>	N/A	N/A	Done according to the CPA
<b>Matters in respect of which the President shall take decisions with the consent of the First Vice President according to the Protocols and Agreements</b>	N/A	The President and the First Vice President	Done according to the CPA
<b>Representativeness of the administration of the National Capital</b>	After establishment of the institution of the Presidency	The Presidency in consultation with the Governor of Khartoum State	The ad hoc Committee for the representative ness of the administration of the National Capital was established on 18 <sup>th</sup> October 2005. The Committee is formed by ten members representing NCP and SPLM. The Committee finished its work and although there were some disagreement, the Committee presented its report to the Presidency, leaving to that institution the final decision on those matters. Khartoum State Government was formed accordingly.

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>Representation of the people of Sudan in the law enforcement agencies in the National Capital and provision for their adequate training</b>	During the Pre-Interim Period	The Presidency and the Government of Khartoum State	No major developments were registered on the representation of people of Sudan in the new law enforcement agencies in the NC and provisions for their adequate training,
<b>Appointment of a special commission to ensure that the rights of non-Muslims are protected in the National Capital</b>	Upon the establishment of the institution of the Presidency	The Presidency	The Chairman and the members of the Commission have been appointed with a Presidential Decree on 15 <sup>th</sup> February 2007 and was officially inaugurated on April 2007.
<b>Establishment of mechanisms of guarantees of the rights of non-Muslims in the National Capital</b>	After the enactment of the INC	Chief Justice and the National Minister of Justice and any other Institutions charged with the implementation of mechanisms and guarantees	With Decree n. 24 of 2006, the Presidency set up the objectives of the Commission. The Commission presented to the Presidency by laws to operationalize its work and define its legal framework.
<b>Establishment of the National Civil Service Commission (NCSC)</b>  <b>a) Enactment of the National Civil Service Commission Act</b>	After adoption of the INC within the Pre-interim Period.	National Legislature	Before the end of its 3 <sup>rd</sup> session, the National Assembly approved the National Civil Service Commission Act (December 2006) and the National Civil Service Act (January 2007). The Chairman and the members of the Civil Service Commission have just been appointed by a Presidential Decree.

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>b) Establishment of the NCSC</b>	After the enactment of the NCSC Act	The Presidency	
<b>Mechanism for operationalization of affirmative action</b>	After establishment of the NCSC	NCSC	Not set yet due to the lack of the NSCS
<b>Enactment of the National Security Act</b>	After the enactment of the INC	The National Legislature	The two Parties are studying the draft of the new national Security Act.
<b>Establishment of the National Security Council (NSC)</b>	During the Pre-interim Period and After the enactment of the NS Act	The Presidency	Not implemented yet
<b>Establishment of the National Security Service (NSS)</b>	During Pre-interim Period after adoption of NS Act	The Presidency	Not implemented yet
<b>Establishment of Security Committees at the GOSS and the States level.</b>	Upon adoption of the NS Act	The President of the GOSS and the Governors of the States	Not implemented yet
<b>Identification of the Security organs of the two Parties and their assets</b>	During the Pre-interim Period and before the enactment of the NSS	The Parties to the CPA	Not implemented yet



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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>Development and promotion of national languages</b> a) <b>Enactment of a founding law</b> b) <b>Establishment of a Council for development and promotion of national languages</b>	After the enactment of the INC After the enactment of the law	GONU The President	The Council has not been formed. The Law was approved by the NCRC in January 2007 and enacted by the NA afterwards.
<b>Human Rights Commission</b> a) <b>Enactment of the HRC Act</b> b) <b>Establishment of the HRC</b>	After the enactment of the INC After the enactment of the Act	The National Legislature The Presidency	The HRC has not been established. The HRC Act has been approved by the NCRC in January 2007 and passed to the Council of Ministers that made some observations to the act. A Joint Committee NCP/SPLM has been established with members of NA and NCRC to look into the observations and to speed up approval.
<b>The National Judicial Service Commission</b> a) <b>Enactment of the NJSC Act</b> b) <b>Establishment of the National Judicial</b>	After the enactment of INC After the adoption of the INC within the Pre-Interim	The National Legislature The Presidency	The National Judicial Service Commission was enacted on 29 <sup>th</sup> September 2005 and the Commission was established on 6 <sup>th</sup> December 2005. The NJSC is operational and received support from UNDP and the World Bank that together with the Ministry of Finance launched a three years programme (18 million dollars) to provide training and technical support to the NJSC and to the National

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>Service Commission (NJSC)</b>	Period and enactment of NJSC Act		Judiciary.
<b>Southern Sudan representation in Constitutional Court, National Supreme Court and other national courts in the Capital</b>	For the Constitutional Court as mentioned above in the establishment of the Constitutional Court the rest throughout the Interim Period of the Agreement.	The Presidency according to recommendation by NJSC	The representation of Southern Sudan in the Constitutional Court is assured. Parties have to work in order to assure the Southern Sudan representation in the National Supreme Court and the other Courts in the capital.
<b>Submission and approval of the CPA to the National Assembly (NA) and National Liberation Council (NLC)</b>	Within two weeks from the date of signature of the CPA	IGAD, NA and NLC	Approved
<b>Establishment and composition of the National Constitutional Review Commission (NCRC)</b>	Within two weeks from the date of signature.	The parties to the CPA	The NCRC was first established in April 2005 in order to draft INC, after significant delay. It was formed in its actual capacity in JUNE 2006. It has worked on establishing Acts of various commissions (i.e. Human Rights Commission, Council of Languages), which have not been established yet, and on the legislative review process (i.e. Political Parties Act). NCRC is now working on the draft for

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
			the establishment of the National Land Commission and the Electoral Law Commission
<b>Preparation of the Constitutional Text by NCRC</b>	Within six weeks from the date of receipt of the text of the CPA	NCRC	The NCRC drafted the Interim National Constitution. To have a more inclusive process, the NCRC convened in a broader composition, i.e. 180 members instead of 60.
<b>Adoption of the Constitutional Text as INC</b>	Within two weeks from the date of receipt from NCRC	NA and SPLM NLC	The INC was adopted on 9 <sup>th</sup> July 2005.
<b>Preparation of other legal instruments as stipulated in 2.10 of PSP</b>	After the adoption of the INC within the Pre-interim Period.	NCRC	The Commission is working establishing acts and laws, like for example, the Human Rights Commission, Civil Service Commission, Council of Languages.
<b>Organization of an inclusive Constitutional Review Process (CRP)</b>	During the Interim Period	NCRC	Not yet started

<b>PART III</b>			
<b>Determination of North/South border of 1/1/1956</b>	Pre-interim period after the adoption of the INC	The Presidency	The ad hoc North/South Technical Border Committee was established on 8 <sup>th</sup> September 2005, and its members were appointed on November 2005. The first significant meeting of the Committee was held in May 2006. The Committee has carried out a reconnaissance survey on the ground during 2007 first dry season, as

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
			<p>a preparatory work for the demarcation. It could not be completed in South Darfur/Western Bahr al Gazal border and in Blue Nile/Upper Nile border due to insecurity.</p> <p>The Committee has traveled to UK and Egypt in July 2007 to consult maps.</p> <p>The Ministry of Finance has approved the budget and money is released on demand.</p> <p>According to the last plan of the Committee, the demarcation of the border is due to happen in February 2008.</p> <p>The Committee will issue a recommendation for the Presidency.</p>
<b>Establishment of Abyei Area Council</b>	Within one week after the appointment of the Chief Administrator	The Presidency	Not yet implemented
<b>Mechanism for selection of 20% of other political forces in the Northern and Southern States</b>	Before the establishment of the state Assemblies.	NCP in the North and SPLM in the Southern Sudan	
<b>a) Drafting and adoption of the State Constitutions</b>	Within three weeks from the establishment of	State Legislature	The State Constitutions of the Northern States and Southern States have been adopted.

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>b) Determination of the Compatibility of the State Constitutions with INC, and in case of states in Southern Sudan according to INC and SSC</b>	<p>the state legislature in Northern States and in case of states of Southern Sudan the adoption shall be within 4 weeks after signing of SSC.</p> <p>Within two weeks from the receipt of the State constitution</p>	National Ministry of Justice ( MoJ)	<p>Nevertheless, whilst all the Northern State Constitutions received the compatibility certificate, there is an outstanding issue with regard to the Southern Sudan State Constitutions between the National Minister of Justice and the Ministry of Legal Affairs of the GoSS. The Ministry of Justice refused to issue the compatibility certificate for the SS State Constitutions on the basis of a legal incongruity with the INC.</p> <p>A model of State Constitution had been developed and agreed on both by the Ministry of Justice and the Ministry of Legal Affairs in the South.</p>
<b>Establishment of State Council of Ministers</b>	Within one week after signing the Constitution of the State	State Governors	State Governors were appointed. Governors appointed the State Legislative Assemblies, State Constitutions were drafted and adopted and accordingly State Councils of Ministers were formed.

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## Power Sharing

This report will follow the model of the implementation modalities of the Power Sharing Protocol of the CPA, analysing the achievements, the delays. The aim of the report is to give a picture of the actual situation and create a useful reference for further more effective actions, also for the AEC.

### Part I. General Principles

*1.1 In accordance with the Machakos Protocol agreed to at Machakos, Kenya, on 20th July, 2002, the following Protocol on Power Sharing forms an integral part of the overall Peace Agreement.*

*1.2 The Parties reaffirm their acceptance of the Agreed Principles (of Governance) as stipulated in the Machakos Protocol of 20th July, 2002. The modalities of implementation of these principles are the object of the present Protocol on Power Sharing*

*1.3 In accordance with the Machakos Protocol, the structures of governments in the Sudan shall be as follows during the Interim Period:*

*1.3.1 The National level of Government which shall exercise authority so as to protect and promote the national sovereignty of Sudan and the welfare of its people;*

*1.3.2 The Southern Sudan level of Government which shall exercise authority in respect of the people and States in the South;*

*1.3.3 The States throughout Sudan which shall exercise authority at the state level and render public services through the level of government close to the people; and*

*1.3.4 The level of local government throughout the Sudan.*

*1.4 The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures:*

*1.4.1 Recognition of both the sovereignty of the nation as vested in its people as well as the need for autonomy of the Government of Southern Sudan and States throughout the Sudan;*



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*1.4.2 Affirmation of the need for both national as well as state and Southern Sudan norms and standards so as to reflect the unity of the country and the diversity of the Sudanese people;*

*1.4.3 Acknowledgement of the need to promote the welfare of the people and protect their human rights and fundamental freedoms;*

*1.4.4 Recognition of the need for the involvement and participation of the people of South Sudan at all levels of government and National institutions as an expression of the national unity of the country;*

*1.4.5 Pursuit of good governance, accountability, transparency, democracy, and the rule of law at all levels of government to achieve lasting peace;*

*1.4.6 Recognizing the need to legitimize the arrangements agreed to herein, fair electoral laws shall be adopted, including the free establishment of political parties. Elections at all levels of government shall be held by universal adult suffrage.*

#### ***1.5 Principles of Administration and Inter-Governmental Linkages:***

*1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:*

*1.5.1.1 There shall be a decentralized system of government with significant devolution of powers, having regard to the National, Southern Sudan, State, and Local levels of government;*

*1.5.1.2 The Interim National Constitution, being the legal and constitutional framework text adopted as contemplated in paragraph 2.12.6 herein, shall be the Supreme Law of the land and the Southern Sudan Constitution, state constitutions, and the laws of all levels of government must comply with it;*

*1.5.1.3 The linkage between the National Government and the states in the Southern Sudan shall be through the Government of Southern Sudan, subject to paragraph 1.5.1.4 below, and as provided for in the Interim National Constitution and the Southern Sudan Constitution;*

*1.5.1.4 In their relationships with each other or with other government organs, all levels of government and particularly National, Southern Sudan, and State Governments shall:*

*(a) Respect each others' autonomy;*

*(b) Collaborate rather than compete, in the task of governing and assist each other in fulfilling each others' constitutional obligations;*

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- (c) *Perform their functions and exercise their powers so as:*
  - (i) *Not to encroach on another level's powers or functions;*
  - (ii) *Not to assume another level's powers or functions conferred upon it by the Constitution;*
  - (iii) *To promote co-operation between them;*
  - (iv) *To promote open communication between government and levels of government;*
  - (v) *To strive to render assistance and support to other levels of government;*
  - (vi) *To advance the good co-ordination of governmental functions;*
  - (vii) *To adhere to procedures of inter-governmental interaction as agreed upon;*
  - (viii) *To promote amicable settlement of disputes before attempting litigation;*
  - (ix) *To respect the status and institutions of other levels of government.*
- (d) *Allow the harmonious and collaborative interaction of the different levels of government within the context of national unity and for the achievement of a better quality of life for all.*

#### **1.6 Human Rights and Fundamental Freedoms:**

*1.6.1 The Republic of the Sudan, including all levels of Government throughout the country, shall comply fully with its obligations under the international human rights treaties to which it is or becomes a party. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Slavery Convention of 1926, as amended, and the related Supplementary Convention, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the International Convention Against Apartheid in Sports, the Convention Relating to the Status of Refugees and the Related Protocol, and the African Charter on Human and People's Rights. The Republic of the Sudan should endeavor to ratify other human rights treaties which it has signed.*

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*16.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following:*

#### *1.6.2.1 Life*

*Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his/her life;*

#### *1.6.2.2 Personal Liberty*

*Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his/her liberty except on such grounds and in accordance with such procedures as are established by law.*

#### *1.6.2.3 Slavery*

*No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited. No one shall be held in servitude or be required to perform forced or compulsory labor;*

#### *1.6.2.4 Torture*

*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment;*

#### *1.6.2.5 Fair Trial*

*(a) Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his/her arrest and shall be promptly informed of any charges against him/her;*  
*(b) In the determination of any criminal charges against him/her, or of his/her rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law;*

*(c) Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law;*

*(d) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed;*

*(e) In the determination of any criminal charge against him/her, everyone shall be entitled, in full equality, to be tried without undue delay, to be tried in his/her presence and to defend himself/herself in person or through legal assistance of his/her own choosing and to have legal assistance assigned to him/her in any case where the interests of justice so require.*

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#### *1.6.2.6 Privacy*

*No one shall be subjected to arbitrary or unlawful interference with his/her privacy, family, home or correspondence;*

#### *1.6.2.7 Freedom of Thought, Conscience and Religion*

*Everyone shall have the right to freedom of thought, conscience and religion;*

#### *1.6.2.8 Freedom of Expression*

*Everyone shall have the right to freedom of expression;*

#### *1.6.2.9 Freedom of Assembly and Association*

*The right of peaceful assembly shall be recognized. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his/her interests;*

#### *1.6.2.10 Family and Marriage*

*(a) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State;*

*(b) The right of men and women of marriageable age to marry and to found a family shall be recognized, according to their respective family laws.*

#### *1.6.2.11 Right to Vote*

*Every citizen shall have the right and the opportunity, without distinctions and unreasonable restrictions, to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;*

#### *1.6.2.12 Equality Before the Law*

*All persons are equal before the law and are entitled without any discrimination to the equal protection of the law;*

#### *1.6.2.13 Freedom from Discrimination*

*The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;*

#### *1.6.2.14 Freedom of Movement*

*Everyone has the right to liberty of movement and freedom to choose his/her residence;*

#### *1.6.2.15 The Rights of Children*

*Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his/her status as a minor.;*

#### *1.6.2.16 Equal Rights of Men and Women*

*(a) The equal right of men and women to the enjoyment of all civil and political rights set forth in the International Covenant on Civil and Political Rights and all*

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*economic, social, and cultural rights set forth in the International Covenant on Economic, Social and Cultural Rights shall be ensured;*

*(b) The human rights and fundamental freedoms embodied in the International Covenant on Civil and Political Rights (ICCPR) shall also be reflected in the Interim National Constitution. No derogation from these rights and freedoms shall be made under the Constitution or under the ICCPR except in accordance with the provisions thereof and only with the approval of the Presidency and the National Legislature, as required by Section 2.3.14 herein;*

*(c) These human rights and fundamental freedoms shall be monitored by the Human Rights Commission specified in paragraph 2.10.1.2 herein.*

#### **1.7 Reconciliation:**

*The Parties agree to initiate a comprehensive process of national reconciliation and healing throughout the country as part of the peace building process. Its mechanisms and forms shall be worked out by the Government of National Unity.*

#### **1.8 Population Census, Elections and Representation:**

*1.8.1 Population census throughout the Sudan shall be conducted and completed by the end of the second year of the Interim Period;*

*1.8.2 The preparation, planning and organization for the census shall commence as soon as the Peace Agreement is signed;*

*1.8.3 General Elections at all levels of government shall be completed by the end of the third year of the Interim Period<sup>1</sup>;*

*1.8.4 Six months before the end of the periods referred to in Sub-Paragraphs 1.8.1 and 1.8.3 the Parties shall meet and review the feasibility of the dates set out in the above-mentioned sub-Paragraphs.*

*1.8.5 Certain considerations, while not conditional upon their completion, should be taken into account with respect to the timing of the elections (including, inter alia, resettlement, rehabilitation, reconstruction, repatriation, building of structures and institutions, and consolidation of the Peace Agreement);*

*1.8.6 Whoever runs in any election must respect, abide by, and enforce the Peace Agreement;*

*1.8.7 International observers shall participate in the observation of elections;*

*1.8.8 Representation of the north and the south at the National level shall be based on population ratio;*

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<sup>1</sup> As agreed by the two Parties in para 9(d) of the Implementation Modalities to the PSP and Art. 216 of the INC, general Elections shall be held no later than the end of the fourth year of the Interim Period.

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*1.8.9 The percentages agreed herein are temporary and shall either be confirmed or adjusted on the basis of the census results.*

#### **PSP 1.7 National reconciliation and healing process (NRHP)**

No national program for reconciliation and healing has been launched by GoNU.

#### **PSP 1.8.1,2 National Population Census**

The National Population Census Council was established in 2006 and it is meeting every 3 months. The Central Bureau of Statistics (CBS) and the Southern Sudan Centre for Census, Statistics and Evaluation (SSCCSE) in Juba are the technical implementing bodies for the census. They work in coordination with UNFPA and 4 subcommittees: financial, Technical Working Group, advocacy and Monitoring and Observers Committee (MOC).

The Technical Working Group is functioning and held regular meetings in different towns of Sudan. The Advocacy Committee wrote a plan of actions and is carrying out different activities, like TV programmes, press conference and advertisements. The Advocacy Committee fully participated in the pilot project. MOC has clear mandate and receives funds from the National Population Census Council.

GONU and MDTF are funding the census. There is a major concern over the slow disbursement of funds. They have started to release money for 2007.

The pilot census took place from 15-30<sup>th</sup> April in all States. Parties have revised during 2006 the date set by the CPA and fixed the census for 2<sup>nd</sup> -16<sup>th</sup> February 2008. During the last AEC Special Session on the Census, the SSCCSE pointed out the challenges and causes for delays in conducting the census in Southern Sudan, such as lack of timely funding for the census and for the establishment of an infra-structure for the SSCCSE in the 10 States, the shortage of qualified human resources, security and logistical problems. The Director of SSCCSE advised also to postpone the census at the beginning of 2008 to take advantage of the dry season. The return of the IDPs and refugees and the security situation are major concerns for Southern Sudan. The census in Darfur is also an issue that must be addressed.



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Census is important for social and economic issues and for the development of the Country. Moreover, political implications are attached to the census. People agree on the need for a qualitative census even with some delay, due the great

importance attached to its result for the future development of the Country. The link with General Elections must be solved by the Parties. The AEC held 2 Special Sessions on the Census.

#### **PSP 1.8.3,4; 2.3.7 General Elections**

The Political Parties Act was enacted in January 2007.

The drafting exercise of the Electoral Law has started in 2007 within the NCRC. Political Parties and civil society groups are preparing their drafts at times with technical international assistance. NCRC will produce a comprehensive draft for the NA. Parties believe the law will not be enacted before the end of 2007. The National Electoral Commission will be formed afterward.

The Electoral Law should have been enacted six months from the start of the Interim Period and the Commission within one month from the enactment of the Law.

## **Part II. Institutions at the National Level**

### **PSP 2.2 The National Legislature**

The NA was set and is working but some of the opposition parties refused to join.

Since the signature of the CPA, the National Assembly has held four sessions and has approved different laws. Among them we recall the Civil Service Commission Act, the National Civil Service Act, and the Political Parties Act.

The use of Presidential Decree for the enactment of laws has stopped.

### **PSP 2.3 The National Executive**

The Presidency and the Executive were established in 2005. The Presidency maintains the political and financial control over the implementation of the CPA. Cooperation between the Executive and the Legislative is good.

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Some outstanding issues concerning the implementation of the CPA are waiting for a Presidential decision.

#### **PSP 2.4 The National Capital**

After extensive consultations the Parties decided Khartoum is the National Capital (NC), where rights of non-Muslim are protected and not adversely affected by the application of Sharia.

The ad hoc Committee for the representativeness of the administration of the NC was established last October 2005. The Committee finished its work and although there were some disagreement the Committee presented its report to the Presidency, leaving to that institution the final decision on those matters. Khartoum State Government has been formed accordingly.

The Commission for the protection of the rights of non-Muslim was established in 2007 and was officially inaugurated on April 2007.

No major developments were registered on the representation of people of Sudan in the law enforcement agencies in the NC and the provisions for their adequate training.

#### **PSP 2.6 The Civil Service**

The National Civil Service Act was enacted on January 2007, after significant delay. The National Civil Service Commission Act, after the revision of the NCRC, was also approved by the NA. The Chairman and members of the Civil Service Commission have just been appointed by a Presidential Decree.

#### **PSP 2.7 The National Security**

None of the CPA provisions has been implemented. The two Parties are studying the draft of the new National Security Act.

#### **PSP 2.8 Language**

The NCRC has revised the founding law for the development and promotion of national languages and, after the enactment at the NA, the Council for development and promotion of national languages will be established.

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#### **PSP 2.10 Commissions**

The NCRC was first established in April 2005 in order to draft the INC, after significant delay. It was formed in its actual capacity in June 2006. It has worked on establishing Acts of various Commissions (i.e. Human Rights Commissions, Council of languages), which have not been established yet, and on the legislative review process (i.e. Political Parties Act). NCRC is now working on the draft for the establishment of the National Land Commission and Electoral Law Commission.

The National Petroleum Commission dispute has been settled between the two Parties. On 19<sup>th</sup> of April 2007, the NPC had its first meeting and the rules of procedures were passed.

The HRC has not been established. The HRC Act has been approved by the NCRC in January 2007 and passed to the Council of Ministers that made some observations. A Joint Committee NCP/SPLM has been established with members of NA and NCRC to look into the observations and to speed up approval.

The National Judicial Service Commission Act was enacted.

FFAMC was formed by presidential decree and its working.

#### **PSP 2.11 The National Judiciary**

The Constitutional Court Act was established last December 2005.

The National Judicial Service Commission was also established.

### **Part III. Government of Southern Sudan (GoSS)**

GoSS was established and is operational. Cooperation between the Executive and the Legislative is good.

#### **PSP 3.1 Ad hoc North/South Border Technical Committee**

The ad hoc North/South Technical Border Committee was established on 8<sup>th</sup> September 2005, and its members were appointed on November 2005. The first significant meeting of the Committee was held in May 2006.

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The Committee has carried out a reconnaissance survey on the ground during 2007 first dry season, as a preparatory work for the demarcation. It could not be completed in South Darfur/Western Bahr al Gazal border and in Blue Nile/Upper Nile border due to insecurity. The Committee has travelled to UK and Egypt in July 2007 to consult maps.

The Ministry of Finance has approved the budget and money is released on demand. According to the last plan of the Committee, the demarcation of the border is due to happen in February 2008. The Committee will issue a recommendation for the Presidency.

#### **PSP 3.5-6 Southern Sudan Legislature and Executive**

The SSLA is operational and it is at its third session.

During the first session, 16 subcommittees were formed. The DDR Commission was established and on May 2006 the Chairman and the Deputy Chairman of the DDR Commission were appointed.

On 27<sup>th</sup> June 2006, when the SSLA was on recess, the following 14 Southern Sudan Commissions were established through Presidential decree, despite ISSC provision. Nevertheless bills for establishment of these commissions will soon be tabled for legislation by SSLA:

1. SS Relief and Rehabilitation Commission;
2. SS De-Mining Authority;
3. SS Peace Commission;
4. SS Anti-corruption Commission;
5. SS Human Rights Commission;
6. Public Grievance Chamber;
7. Reconstruction and Development Fund;
8. Civil Service Commission;
9. Land Commission;
10. Fiscal and Financial Allocation and Monitoring Commission;
11. Centre for Census Statistics and Evaluation;
12. HIV/AIDS Commission;
13. Audit Chamber;
14. Employees Justice Chamber.

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SSLA has seriously embarked on addressing issues of corruption within the executive.

#### **PSP 3.7 The Judiciary of Southern Sudan**

All Judges have been appointed in the Supreme Court of Southern Sudan, the Appeal Court and the County Courts; the system is starting to be operational. However there is a lack of qualified supporting staff. The main challenges of the SS Judiciary are enlisted below:

1. Establishment of the Judiciary at all levels
2. Set standard for the State Judiciary
3. Develop policies of training and define models
4. Establish administrative man power at the High Courts level
5. Define position of customary structure in State Judiciary
6. Shortage of trained judges and support staff

#### **Part IV. Institutions at the State Level**

All State Executive and Legislative have been established in the last 2 years.

However the issue of compatibility for Southern Sudan States Constitutions is still open. The Ministry of Justice in fact refused to issue the compatibility certificate to the Constitutions on the basis of a legal incongruity with the INC. A model of State Constitution has been developed and agreed on both by the Ministry of Justice and the Ministry of Legal Affairs in the South.

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#### **Minutes from the AEC Plenary Drafting Session Discussion of the Power Sharing Working Group Draft Report – Outstanding Issues October 3<sup>rd</sup>, 2007**

The Coordinator of the Power Sharing Working Group presented the latest draft report on “the status of the CPA implementation”. That draft was the result of two drafting sessions, one focused on the matrix and the last one focused on the narrative report. During the last drafting session the Parties agreed on inserting the general principles of the Power Sharing Protocol. The draft is a factual document.

At the Special Drafting Session, the Coordinator of the Power Sharing Working Group showed the two issues which were still pending:

Issue 1:

#### **1.7 National Reconciliation and Healing Process.**

The Coordinator of the Power Sharing Working Group proposed to come back at the original formulation, i.e. “No national program for reconciliation and healing has been launched by GoNU”, instead of inserting the activities that the Parties carried out towards the OAGs, that is an issue related to the SA report.

The Parties accepted the proposal made by the Coordinator of the Power Sharing Working Group.

Issue 2:

#### **2.4 National Capital and in particular the Commission for the Protection of the Right of Non-Muslim.**

During the last drafting session, to overcome the disagreement between the Parties, the Coordinator of the Power Sharing proposed to put in the report what is written in the Presidential Decree.

During the Special Drafting Session the SPLM insisted to put a sentence to highlight the presence in the Commission of a majority of Muslim, whilst the NCP pointed out that the role of the Commission is to protect the rights of the non-Muslim and not the non-Muslim tout court. At last the SPLM proposed to simply stated that the Commission



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was established and inaugurated, without making any reference to its composition. The NCP approved that proposition.

Therefore, the Coordinator of the Power Sharing declared finalised the report on “the status of the implementation of the CPA” as far as the Power Sharing Protocol is concern.

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**Wealth Sharing**

<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>WEALTH SHARING PROTOCOL</b>			
<b>A. Land Ownership</b>			
<b>Institute a process to develop and amend the relevant laws to incorporate customary laws and practices</b>	During the Pre-interim Period after establishment of land commissions at all levels.	Land Commissions Executive Bodies at all levels Legislature at all levels	Legislation for the land commission is being prepared by the NCRC. Consensus building process is underway. Legislative procedures require it to be submitted to the Council of Ministers, then to the National Assembly.
<b>Establish National Land Commission</b>	After approval of Interim National Constitution	The National Government and The Presidency	As above.
<b>Establish Southern Sudan Land Commission</b>	After establishment of GOSS	The President of GOSS	Commission personnel have been appointed, although the Land Act has not been enacted.

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>B. Oil Resources</b>			
<b>Consultation and participation of communities in the management of natural resources</b>	Pre-Interim Period	GOS GOSS States NPC	Some consultations have taken place. However, a systematic community consultation program is yet to be developed.
<b>Establish National Petroleum Commission (NPC)</b>	Two weeks after the adoption of the Interim National Constitution and consequent formation of GONU and GOSS	The Presidency	The NPC has been established. Internal regulations of the NPC were adopted April 19, 2007. The Joint Technical Committee on Oil Revenue has been formed and is functioning. The Secretariat is partially functioning, but is awaiting GOSS nominees.
<b>C. Existing Oil Contracts</b>			
<b>SPLM appoint a technical team, to have access to existing oil contracts</b>	D Day + 30 Days	SPLM Ministry of Energy and Mining	Completed.
<b>Assess contracts with social and environmental problems</b>	During Pre-interim period and after the recommendation of the Technical Team as provided	Joint Technical committee (GOSS and National Government) to be appointed by National Petroleum Commission (NPC)	Assessment process is underway.

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
	in sub-section 4.1 of WSA		
<b>Persons whose rights have been violated by oil contracts should be able to seek remedy.</b>	Upon signing the CPA	Affected persons	The process (whereby affected persons can seek redress) is ongoing.
<b>D. Sharing of Oil Revenue</b>			
<b>Define “net revenue from oil”</b>	During Implementation Modalities	The GOS and SPLM Delegation to the implementation Modalities on WSA	A formula for sharing of oil revenues has been established, and revenues are being divided according to the formula.
<b>Establish a system to monitor daily production of oil in all Sudan</b>	Upon signing of CPA and within 60 Days	GOS SPLM	This falls under the responsibility of the Joint Technical Committee.
<b>Reveal to the SPLM production sharing formula between GOS and oil concessions</b>	Upon signing of CPA and within 60 Days	GOS	Completed.
<b>a) Agree on a mechanism to monitor Oil Revenue Stabilization Account (ORSA)</b>	Upon signing of CPA and within 60 Days	Joint Technical Committee	Completed.

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>b) Agree on the benchmark price for 2005</b>	Upon signing of CPA and within the IMF quarterly review	Joint Technical Team from GOS and SPLM	Completed.
<b>c) Agree on the annual benchmark price</b>	Annually within the budget process	NG GOSS CBOS	Continuing process.
<b>Establish a system to calculate and monitor net oil revenue</b>	Upon signing of CPA and within 30 Days	GOS SPLM	A system of calculation of net oil revenue is in place.
<b>Transfer of (2%) of producing State share of net oil revenue</b>	D Day	National Ministry of Finance for Oil Producing States in the North Ministry of Finance of GOSS for Southern Sudan Oil Producing States	This is being done on a continuing basis. Entitlement to oil revenue for Bahr el Ghazal, Abyei, Dinka Ngok, and Misseriya has not yet been established because Abyei Area borders have not been agreed upon.
<b>Transfer of the GOSS share of 50% of net oil revenue</b>	D Day	Oil Revenue Allocation Committee composed of representatives of: MOF (NG, SPLM/GOSS), NPC, CBOS, BOSS and relevant States.	This is being done on a continuing basis. Entitlement to oil revenues from Abyei has not yet been established because Abyei Area borders have not been agreed upon.

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>Establish Future Generation Fund</b>	Upon reaching a ceiling of 2 million barrels a day production	Joint Technical Team (GOS and GOSS)	Oil production has not yet reached 2 million barrels a day.
<b>E. Sharing of Non-oil Revenue</b>			
<b>Collection of non-oil revenue by GOSS and states</b>	After establishment of GOSS and governments of States	Ministry of Finance of GOSS Ministry of Finance of States	New taxation legislation under preparation by GOSS. Information on state revenues is lacking.
<b>F. Equalization &amp; Allocation of Nationally collected Revenues</b>			
<b>Establishment of National Revenue Fund (NRF)</b>	D Day +1	National Ministry of Finance	Completed.
<b>Agree on mechanisms to transfer to GOSS 50% of national non-oil revenues collected in Southern Sudan</b>	After establishment of GOSS	National Ministry of Finance Fiscal and Financial Allocation and Monitoring Commission (FFAMC)	The two parties agree that the schedules of powers enumerated in the CPA are to be respected. Difficulties have been experienced in collecting revenues. However, some National non-oil revenues are now being collected. The two parties are working to establish the mechanisms necessary for full collection of revenues due by the relevant authorities.

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>Agree on an approach to appeal for donor funds for the reconstruction of South Sudan.</b>	Immediately before the signing of CPA	Joint Assessment Mission (JAM) Core Coordinating Group (CCG)	Completed – the Sudan Donor Consortium serves this role.
<b>G. Fiscal and Financial Allocation and Monitoring Commission (FFAMC)</b>			
<b>Establish FFAMC</b>	Pre-interim Period after Constitution Review Commission (CRC) report approved as per sub-section 2.10.1.6 and 2.12.9 of Power Sharing Protocol	The National Government, GOSS and States Presidency to appoint the Chairperson	Established and in operation.
<b>Establish formulae for allocating resources to war affected areas</b>	Pre-interim period after establishing FFAMC	FFAMC	Formula for distribution of revenues to all states has been devised.



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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>H. Division of Government Assets</b>			
<b>Establish a joint technical committee to assess and allocate assets between various levels of government</b>	After establishment of GONU and GOSS and when disputes arise	Joint Technical Committees for each level of government	Several committees formed, work still in progress.
<b>I. Accounting Standards</b>			
<b>Establish National and Southern Sudan Audit Chambers</b>	Immediately after establishment of GONU and GOSS	The Presidency National Assembly GOSS	Chamber established,, although legislation is not yet enacted.
<b>K. Financing the transition</b>			
<b>National government assists the SPLM/A in the establishment of the new transitional governments at GOSS and State levels</b>	After signing of the CPA	National Government Joint National Transition Team (JNTT)	Completed.
<b>Establish a Joint National Transition Team (JNTT)</b>	Upon signature of CPA	GOS (President of the Sudan) SPLM Chairman	Established; initial functions have been modified.

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>L. Banking &amp; Currency</b>			
<b>Enact/modify legislations to set up a dual banking system</b>	Immediately upon signing CPA and within 90 Days	The National Legislature	Legislation has been enacted establishing a dual banking system.
<b>Appoint Board of Directors (BOD) of Central Bank of Sudan (CBOS)</b>	Immediately within one week after ratification of CBOS Act	The Presidency	Completed
<b>Restructure CBOS</b>	Within 30 days after appointment of BOD	CBOS BOD	Completed. Bank of Southern Sudan set up
<b>Establish Bank of South Sudan (BOSS)</b>	Within 30 days after appointment of BOD	CBOS BOD	BOSS established and in operation
<b>a) Establish a joint committee to design national currency</b>	Immediately upon signing of CPA.	Joint Technical Committee from (GOS and SPLM)	Completed
<b>b) Assess circulating currencies in South Sudan</b>	Within 30 days after signing the CPA.	Joint Technical Committee (GOS and SPLM )	Completed

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>c) Issuing new currency</b>	After designing and assessing currencies circulating in South Sudan.	CBOS	New currency issued January 9, 2007. Will be phased in over a period ending August 31, 2007.
<b>M. Borrowing</b>			
<b>Enacting borrowing standards and requirements by CBOS</b>	After amendment of CBOS Act to comply with the CAP and after establishment of GOSS and States.	CBOS BOD	Done. Embodied in amended CBOS Act.
<b>N. Reconstruction &amp; Development Funds</b>			
<b>Establish South Sudan Reconstruction and Development Fund (SSRDF)</b>	After establishment of GOSS	SPLM Economic Commission/GOSS	Established, but not operational.
<b>Establish monitoring and evaluation system for accountability and transparency</b>	Pre-interim Period	GOSS Project Implementation Authority	Completed. (Anti-Corruption Committee, Employee Justice Chamber and Public Grievances Board established.)
<b>Establish an oversight committee for SSRDF</b>	Pre-interim Period and after the establishment of SSRDF	GOSS	Established, but not yet fully operational.

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>Establish National Reconstruction and Development Fund (NRDF)</b>	Pre-interim Period	Ministry of Finance JNTT	Established.
<b>Establishment of two multi-donor trust funds (MDTFs) – one for Southern Sudan and other national</b>	Pre-interim Period before the donors conference	National MDTF (National Government and World Bank) South Sudan MDTF (SPLM/ GOSS and World Bank)	Both MDTFs established and in operation.
<b>Set criteria for eligible financing from MDTFs</b>	Pre-interim Period before the donors conference	To be determined by MDTF systems.	Completed; done by the World Bank
<b>Establishment of special accounts in a commercial bank in Southern Sudan for GOSS</b>	Pre-interim Period	Ministry of Finance of GOSS	GOSS has established bank accounts in Khartoum, Nairobi and elsewhere.

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#### **Minutes from the AEC Plenary Drafting Session Discussion of the Wealth Sharing Working Group Draft Report – Outstanding Issues October 3<sup>rd</sup>, 2007**

Meeting in a plenary session to discuss remaining difficulties in agreeing the reports by each of the four working groups, the AEC discussed the following four points concerning the matrix being drafted by the Wealth Sharing Working Group (WSWG). The AEC Chairman stressed to the participants the goal of finalizing the report, which will be forwarded to the Presidency, by adhering to its factual nature.

On each topic, discussion began with a representative of the Coordinator attempting to summarize the position of each of the two sides.

Issue 1:

**B. Oil Resources – 1<sup>st</sup> point: “Consultation and participation of communities in the management of natural resources.”**

On this point, discussion centered on whether, as the SPLM said, consultation and participation should include all oil contracts in the South (regardless of whether they had been signed before or after signing of the CPA), or, as the NCP held, the relevant portions of the CPA and Wealth Sharing Protocol concerned only contracts signed after the CPA.

The two parties agreed to the wording: *Some consultations have taken place. However, a systematic community consultation program is yet to be developed.*

Issue 2:

**D. Sharing of Oil Revenue – 1<sup>st</sup> point: “Define “net revenue from oil.”**

Discussion here regarded the proper forum for discussing the SPLM’s concerns about the level of management and transport fees being deducted from oil revenues. The NCP representative stated they have no objection to discussing these issues, but that such concerns should be raised at the JTC and/or at the upcoming mid-term evaluation. The SPLM replied that their concern is to make certain that this topic will be discussed in the future, and that wording in the WSWG’s report not preclude such a discussion. The NCP representatives

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expressed their willingness to discuss this issue in the future and agreed that this be noted in the minutes of the drafting session. The Chairman urged the SPLM to accept this solution, and the SPLM representatives agreed. Accordingly, the agreed language in the matrix is:

*“A formula for sharing of oil revenues has been established, and revenues are being divided according to the formula.”*

Issue 3:

**F. Equalization & Allocation of Nationally collected Revenues – 2<sup>nd</sup> point: “Agree on mechanisms to transfer to GOSS 50% of national non-oil revenues collected in Southern Sudan.”**

Discussion concerned who (GOSS or representatives of the National Government) should be collecting national non-oil revenues in Southern Sudan, both taxes and customs duties. Both sides agree that some (but not all) duties are being collected. In the end, the two parties agreed to this language for the matrix:

*“The two parties agree that the schedules of powers enumerated in the CPA are to be respected. Difficulties have been experienced in collecting revenues. However, some National non-oil revenues are now being collected. The two parties are working to establish the mechanisms necessary for full collection of revenues due by the relevant authorities.”*

Issue 4:

**G. Fiscal and Financial Allocation and Monitoring Commission (FFAMC) –  
1<sup>st</sup> point: “Establish FFAMC.”**

The WSWG Coordinator prefaced discussion of this point by noting that the current FFAMC Chairman is to be invited to address a special plenary meeting of the AEC before the scheduled October 30 regular plenary session. The aim of his presentation will be to describe the Commission’s performance and its duties, and then to entertain questions from AEC members. Should we be unable to reach agreement today, the Coordinator said, this session would be an opportunity to clarify the FFAMC’s role. The Chairman stressed that the AEC’s goal is to adopt the report at the next plenary (October 30).

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The two parties then engaged in a brief explication of their positions on this issue. In the end, the two parties agreed to accept the original language, with this, the minutes of the drafting session on the WSWG portion, to make note of the disagreement between the two parties on the FFAMC's role and duties.

Discussion of the AEC plenary session then moved on to the Power Sharing Working Group.



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### The Three Areas

<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>PROTOCOL ON ABYEI AREA</b>			
<b>A. Abyei Special Administrative Status</b>			
<b>According Abyei Special Administrative Status</b>	Upon signature of CPA	The Presidency	Abyei has yet to receive special administrative status
<b>Abyei residents becoming citizens of both Southern Kordofan and Bahr el Ghazal</b>	Upon signature of CPA	As per agreement	Residents have yet to become citizens of both Southern Kordofan and Bahr el Ghazal.
<b>Representation of Abyei residents in the legislatures of Southern Kordofan and Bahr el Ghazal</b>	When relevant legislature comes to effect	The Parties	NCP: Abyei residents represented through their parties and within their quota
<b>Establishing Executive Council</b>	As per agreement	The Presidency	Executive Council yet to be established
<b>Establish mechanism to transfer shares of net oil revenue from Abyei Area</b>	As per Wealth Sharing Agreement		Mechanism yet to be established
<b>Deployment of international monitors to ensure full implementation of this agreement</b>	After this agreement comes into force	International Community	International monitors have been deployed. Interpretation between SAF and UNMIS differ on the extent of the area to be monitored as the SAF claim that the areas north of Abyei town are not considered

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
			war affected.
<b>B. Administrative Structure</b>			
<b>Mechanism for appointment of members of Abyei Council</b>	As per Agreement on Abyei Area	The Presidency	The issue of Abyei remains unresolved. SPLM is of the opinion that the ABC report as submitted to the Presidency should be fully implemented. The NCP is of the opinion that the experts have exceeded their mandate and that the report is <i>a priori</i> invalid. Common denominator is that the elements of the administrative structure and financial resources have not been implemented.
<b>Appointment of Chief Administrator and his / her deputy</b>	As per Agreement on Abyei Area	The Presidency	Idem
<b>Appointment of heads of departments</b>	As per Agreement on Abyei Area	The Presidency & Chief Administrator	Idem
<b>Determining the executive, legislative and financial powers and competencies of Abyei Area</b>	As per Agreement on Abyei Area	The Presidency	Idem
<b>Establishment of Courts for Abyei Area</b>	As per Agreement on Abyei Area	National Judiciary	Idem
<b>C. Financial Resources :</b>			
<b>Sharing of net oil revenue from oil produced in Abyei Area</b>	As per Wealth Sharing Agreement	As per Wealth Sharing Agreement	Idem

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>Mechanism of transferring other non-oil financial resources to Abyei Administration</b>			Idem
<b>Allocation from National Government to cover cost of establishment of the new administration, its running cost and provision of services</b>	Upon establishment of Abyei Administration	The Presidency	Idem
<b>Establishment of Abyei Resettlement, Reconstruction and Development Fund</b>	Upon establishment of Abyei Administration	Abyei Executive Council	Idem
<b>National Government appeals to international donor community to facilitate the return and resettlement of the residents of Abyei Area</b>	Upon signature of the CPA	National Government	GoNU, UNMIS and donors have established a broad returns strategy for the return and settlement of Abyei Area residents.
<b>Opening of Special Accounts for Abyei Administration</b>	After the appointment of the Chief Administrator	Abyei Executive Council	As under first element of B (Administrative Structure)

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>D. Geographical Boundaries</b>			
<b>Establishment of Abyei Boundaries Commission</b>	Upon signature	The Two Parties	Abyei Boundaries Commission was established by the two parties
<b>Mechanism for selecting members of Abyei Boundaries Commission</b>	As per the Parties' attached agreed text of 17/12/2004 (Abyei Annex). Article (2)	The Two Parties	Mechanism was established and members to the commission selected
<b>Presentation of final report of boundaries on Abyei</b>	Before the end of the Pre-interim Period	Abyei Boundary Commission	The ABC Expert Report was submitted to the Presidency but parties differ over whether or not the report has officially been presented to the Presidency.
<b>Putting the Special Administrative Status of Abyei Area into immediate effect</b>	By the beginning of the Interim Period. Article (6) and (7) of the Parties' agreed text of 17/12/2004 (Abyei Annex)		The special administrative status has not yet been conferred on Abyei.

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>E. Residents:</b>			
<b>Mechanism for representation of residents of Abyei Area in the two legislatures</b>	Prior to elections	Presidency/National Electoral Commission	NCP: Parties are represented and selected through political parties and within quotas.
<b>F. Security Arrangements:</b>			
<b>Establishment of Abyei Area Security Committee</b>	As soon as the executive is formed	Abyei Administration	As under first element of B (Administrative Structure)
<b>H. Reconciliation Process:</b>			
<b>Formation and Deployment of Joint Battalion in Abyei Area (JIU Battalion)</b>	As per Ceasefire Agreement	JDB	Formation and deployment of JIU for Abyei has commenced with the arrival of the SPLA contribution in November 2005 followed by the SAF contribution in January 2006.
<b>Deployment of international monitors</b>	As per Ceasefire Agreement	As per Ceasefire Agreement	International monitors have been deployed. Interpretation between SAF and UNMIS differ on the extent of the area to be monitored as the SAF claim that the areas north of Abyei town are not considered war affected.
<b>Peace and Reconciliation Process in Abyei Area</b>	Upon signature of the Comprehensive Peace Agreement	The Presidency, Abyei Area Council Administration, Bahr El Ghazal, W. Kordofan, Civil Society	Several peace and reconciliation processes and conferences have taken place but these were set and up and led by the international community. The Presidency has yet to start the Process of Peace and Reconciliation.

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>PROTOCOL ON BLUE NILE AND SOUTHERN KORDOFAN</b>			
<b>A. Preamble</b>			
<b>Settling the name of Nuba Mountains/Southern Kordofan &amp; issues of merger</b>	During the current negotiations	SPLM and GOS Negotiating Teams	Name issue was settled by the SPLM and GOS negotiating teams.
<b>B. Popular Consultation</b>			
<b>Establishment of State Legislature</b>	Within the Pre-Interim Period.	NCP and SPLM	- Established for Southern Kordofan on 12 December 2005. - Established for Blue Nile on 5 December 2005
<b>Appointment of Governor and Deputy Governor</b>	After the Institution of the Presidency is formed	NCP and SPLM	Both Governors and Deputy Governors have been appointed
<b>Appointment of State Council of Ministers in Pre-Elections and Commissioners</b>	After the appointment of the Governor	State Governor and State Legislation in Consultation with the Parties	The Blue Nile State Government was formed on 5 November 2005.  A caretaker Southern Kordofan State Government was formed on 7 March 2006 and the executive part dissolved on 19 February 2007. A new executive took office on 27 February 2007.

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>Establishment of Local Councils pre-elections</b>	After the appointment of Commissioners	State Governor in Consultation with the Commissioner.	Local Councils have been established.
<b>Establishment of State Security Committee</b>	Immediately after the State Government is in force.	The State Executive	State Security Committee has been established but, according to the SPLM, the composition is not according to the CPA.
<b>State Police Service, prisons W/life, fire brigade be recruited.</b>	Within the first six months of the Interim Period	State Executive (Institutions concerned)	NCP: recruitment in progress based on citizenship of the respective states.  SPLM: recruitment based on citizenship and quality but care should be taken that the police force should be reflective and representative of the local population.
<b>State Civil Service</b>			Civil Service not yet harmonized. SPLM and NCP do not agree on the percentages.
<b>C. The State Legislature :</b>			
<b>Drafting, preparation and adoption of State Constitution</b>	After the adoption of the Interim National Constitution and preparation of the State Model Constitution	- State Legislature - Constitutional Review Commission	Both Constitutions adopted and signed.



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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>New Legislation/laws</b>	After the establishment of the State Legislature	State Legislature and Sate Governor	Legislation is being produced by both State Legislatures on a case by case basis. No enactment of new of revised laws required by the CPA, takes place. The Southern Kordofan State Legislature has been hampered by the absence of a State Constitution.
<b>D. The State Judiciary:</b>			
<b>Establishment of State Courts</b>	After the adoption of the State Interim Constitution	The State Judiciary	Existing State Courts have been confirmed in both Southern Kordofan and Blue Nile
<b>E. State Share in National Wealth :</b>			
<b>Collection of taxes and revenue</b>	Immediately after the new Government comes into force	State Executive	Taxes and revenue are being collected in both States
<b>Transfer of State's share of (2%) of net oil revenue oil producing States</b>	As per Wealth Sharing	As Per Wealth Sharing	2% oil revenue is being transferred to Southern Kordofan
<b>State representation in FFAMC</b>	As per Wealth Sharing	As per Wealth Sharing	State is represented
<b>Transfer of State's share in NRDF</b>	As per Wealth Sharing	As per Wealth Sharing	NRDF is established but yet to be formed.

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>Presidential additional allocation to State</b>	After the formation of the State Government	The Presidency	<p>According to the NCP, the President has announced funding of projects during his recent visits to the states to be funded by the Presidency.</p> <p>According to the SPLM, the additional allocation need to be budget based, not project based, and need to be coordinated with the SPLM.</p>
<b>Establishment of Technical Committee for Division of government assets and disputes resolution</b>	Whenever dispute arises	GoNU and state concerned	Technical Committee yet to be established
<b>F. State Land Commission</b>			
<b>Establishment of State Land Commission</b>	After the establishment of the State Government.	The State Executive	State Land Commissions yet to be set up. Awaiting National Land Commission.
<b>Review existing land leases and contracts and examine the criteria</b>	On complaints lodged	<ul style="list-style-type: none"> <li>- State Land Commission</li> <li>- State Executive</li> </ul>	Idem
<b>G. Security Arrangements</b>			
<b>SAF troops level in the two States</b>	After the formation of the Institution of the Presidency	The Presidency	NCP: SAF troop level during peace time to be established by the Presidency after establishment of the JIU and redeployment of the SPLA to under the 1-1-1956 Boundary.

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>H. Pre-Election Arrangements</b>			
<b>Representation of the State in National institutions</b>	As per Power Sharing and Wealth Sharing.	The Presidency	Representatives from both states are represented in the national institutions.
<b>Representation in national Legislative Assembly</b>			Representatives from Blue Nile and South-Kordofan represented in the National Assembly
<b>Representation in Council of States</b>			Representatives from Blue Nile and South-Kordofan represented in the Council of States
<b>Representation in the FFAMC</b>			Representatives from Blue Nile and South-Kordofan represented in the FFAMC
<b>Representation in Constitutional Review Process</b>			Representatives from Blue Nile and South-Kordofan represented in the NCRC
<b>Representation in NRDF Steering Committee</b>			
<b>Order in which each party assumes the governorship in each state.</b>	After the establishment of the Presidency	The Presidency	Implemented
<b>A. Southern Kordofan</b>	After the establishment of the Presidency	The Presidency	Nominees for the posts were submitted 4 months ago but no decision has been taken yet (SPLM). Deadline was 22 March 2007
<b>B. Blue Nile State</b>	After the establishment of the Presidency	The Presidency	Implemented

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<i>Activity</i>	<i>Timing</i>	<i>Executing Body</i>	<i>Assessment &amp; Evaluation</i>
<b>Fund for the War Affected Areas</b>	After the establishment of the Presidency	The Presidency	Not yet implemented

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The implementation of the Protocol on the Resolution of the Abyei Conflict shows little progress as parties have not been able to reach final agreement on the way ahead with regard to the Abyei Boundaries Commission-report of 14 July 2005. The Protocols on the resolution of the Conflict in Southern Kordofan and Blue Nile have shown progress but the governments of the two states have to find a way to render the civil service more inclusive.

The AEC Working Group has convened eight sessions and organized a Special Plenary Session on South Kordofan and Blue Nile. The WG has mainly focused on the resolution of the Abyei conflict as this was determined a priority in the initial AEC-work plan. Convening of meetings on Abyei has on many occasions been subject to and dependent on developments outside the AEC-structure such as the Presidency-meetings at which Abyei was to be discussed. Improving the linkage between the Presidency discussions on Abyei and those in the AEC Working Group is important as is catering to the immediate needs of the people of Abyei.

#### **Resolution of the Abyei Conflict:**

Progress with regard to the Protocol on the Resolution of the Abyei Conflict has been little as the key decision on the ABC-report, submitted to the Presidency on 14 July 2005, has yet to be taken. Parties differ on the validity of the report which prevents the further implementation of the majority of provisions of the protocol. The NCP is of the opinion that the ABC's experts have overstepped their mandate; therefore their report is not valid. The SPLM says the report is final and binding as it has been properly presented to the Presidency, therefore immediate implementation is required.

Both partners have held discussions within and outside the framework of the AEC to come to a solution. During the 1st Joint Meeting between the NCP's Leading Office and the SPLM's Politburo, parties agreed on four options to resolve the dispute: (1) to reach a solution based on political grounds; (2) Invite the experts to come and defend their report; (3) Refer the question for solution via the legal means i.e. to the constitutional court; and (4) Refer the question to arbitration through a third party approved by the two sides. The AEC Legal Expert provided a legal opinion on the Implementation of the Abyei Protocol. Thus far, the first option of pursuing a political settlement for the issue has been the

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preferred and agreed option between the Parties. Implementation of the other options has however not been excluded by either Party.

The discussions between the two Parties have not yet yielded any outcome. As a result Abyei has yet to be conferred its Special Administrative Status by the Presidency as is called for in the Abyei Protocol, and has its administrative structures set up. Due to this situation the provision of basic services to the people living in Abyei has been minimal. Parallel structures have emerged as stop-gaps.

The need to act in the interest of the people of Abyei has led to a discussion in the AEC between Parties, pending a final decision on the ABC-report, establishing an interim administration for a limited period of time and within provisional borders. In this discussion, Parties agreed on some of the features of such an interim administration such as the endowment of full administrative powers and financing by the Presidency.

Discussions are ongoing. Whenever Abyei receives its special administrative status and an administrative structure is established, calculations will be made of the net-oil revenues that should have been transferred to Abyei since the start of the CPA.

The first components of the Abyei Joint Integrated Unit (JIU) belonging to the SPLA entered Abyei on 28 November 2005 to be followed by its SAF counterparts on 5 January 2006. The JIU has been formed and deployed. However, the Abyei JIU is plagued by the common problems facing the JIUs as highlighted in the draft report of the AEC Security Arrangement Working Group.

The security situation continues to be unpredictable due to competition between Dingka Ngok and Misseriya tribes over scarce natural resources, basic services and the passage during rainy and dry season of Misseriya people and cattle. The redeployment of SPLA forces from East-Sudan and of Other Armed Groups from Khartoum has led to a constant passage of soldiers and arms through Abyei. Both parties state that the other is strengthening its military presence in Abyei, specifically around the oil-rich areas.

UNMIS monitors have been deployed in the Abyei Area since the signing of the CPA. However, UNMIS and SAF disagree on the area of monitoring. SAF is of the opinion that the area north of Abyei town is not part of the cease fire zone and thus therefore not falls within the scope of UNMIS' monitoring duty and has imposed restrictions to the area north of Abyei town. Consequently, SPLA has imposed restrictions to the area south of Abyei town. The

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difference in interpretation of this CPA-reference is still subject of discussion in the CJMC and CPC.

#### **Protocol on the Resolution of the Conflict in Southern Kordofan and Blue Nile**

Overall, the implementation of the Protocol on the Resolution of the Conflict in Southern Kordofan and Blue Nile has seen substantial progress. However, both states are coping with the fiscal and policy decentralization that is part of the principles of the CPA and has led to significant problems and challenges. These problems and challenges are compounded by the specific transitional status of both States.

In both States, the appointment of the Governor and his Deputy, and the establishment of the Executive and the State Legislature have been completed. The State Constitutions have been adopted. Existing State Courts have been confirmed and are functioning. Also, both states are represented at the national level including the Executive, Legislature and various CPA-Commissions.

Due to the delays in forming the Southern Kordofan State Government and adopting the State Constitution, the State Legislature has not been working optimally and legislation/legal reform has been sparse. The delay in adopting the State Constitution also prevented the budget from being spent timely and efficiently.

In both States, the establishment of a State Land Commission is considered a priority in order to, inter alia; review existing land leases and contracts. The SPLM is ready to set up such a commission; the NCP states that first the National Land Commission at the national level should be established. Both SPLM and NCP agree on the fact that positions need to be filled based on citizenship, experience and professional qualifications. Both Parties agree to take into consideration to positively discriminate candidates from war effected areas.

Both Parties acknowledge the ongoing efforts to establish the police service at State level. Both Parties agree that the State Police Service shall adhere to national standards and regulations and recruitment be based on state citizenship, experience and professional qualifications. Efforts should be intensified to ensure that the police service is representative of the population of the respective state.

There are currently some SPLA troops and a number of Other Armed Groups (OAGs) active in Southern Kordofan which impact negatively on the state's security situation and on the



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integration and deployment of the Joint Integrated Units. Integration is progressing slowly and not all JIU-elements are co-located. A difference in opinion on whether or not

the PDF, mobile police and people's police are to be marked as OAG, is a potential problem.

Returns of IDPs have taken place throughout the last two years. Returns have been spontaneous and organized. The returns have put a strain on the already scarce resources of both states and have led to some tensions between local communities.

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## Security Arrangements

### Summary

1. 2007 is the year in which the majority of the Security arrangements are due for completion – by 9<sup>th</sup> July 2007 all redeployments, establishment and deployment of Joint Integrated Units (JIUs) and integration of Other Armed Groups (OAGs) should have been complete. Despite substantial progress, redeployments and the creation of effective JIUs have not been completed. Aside from the serious incident in Malakal in November 2006, ceasefire violations have been few and comparatively minor – the peace has held. Both parties have put great efforts into attending to the security provisions but mistrust remains, particularly on the SPLM side. Priorities remain:

- a. the completion of **redeployments**;
- b. the deployment, establishment, training, integration and local tasking of the **JIUs** with priority on their taking over security tasks in the oilfields, and in the Transitional Areas;
- c. resolution of remaining **OAG** issues; and,
- d. acceleration of **the Disarmament, Demobilization and Reintegration (DDR)** programmes.

### Cease-Fire

2. There has been one serious ceasefire violation, in Malakal in November 2006 with substantial loss of life and the deployment of heavy weapons. There has yet to be a Ceasefire Joint Monitoring Commission (CJMC) or other joint investigation which could lead to the perpetrators being brought to justice, but the significant presence at that time of other armed groups and an absence of integration of the Joint Integrated Units (JIUs) (whose components fought each other) were contributory factors. The situation was brought swiftly under control by the CJMC without whose intervention the conflict was set quickly to escalate. There have been a number of other, less serious, reported violations, mostly involving other armed groups. With the significant progress made in integrating OAGs since January 2006 it is hoped that such violations will markedly reduce.

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3. The Joint Monitoring Teams, Area Joint Military Commissions and the CJMC are operating effectively and there is good cooperation generally between the parties and the UN. Many issues of detail relating to separation of forces, ceasefire violations and redeployments have been dealt with effectively through the CJMC and its subordinate bodies. CJMC decisions are made jointly by the Chair a senior representative each of SAF and SPLA. The Ceasefire Political Commission (CPC) has operated although there was a period of some months in 2007 in which it did not meet. There remain some outstanding issues for resolution, including restrictions on freedom of movement of UNMIS in the Abyei area.

#### **Re-deployment**

4. The SPLA completed its redeployment from the East in mid 2006, although SAF maintains that some of these SPLA forces remain North of the 1.1.56 line. The UNMIS operation in the East consequently closed down.

5. SAF accelerated its redeployment from Equatoria and Bahr Al Ghazal in 2006 and maintains that it redeployed over 90% of its non-JIU forces from the South by the CPA deadline of 9 July 07, by which time there should have been no SAF troops, aside from SAF contribution to JIUs, south of the 1.1.56 border. The CJMC (UNMIS, SAF and SPLA) stated on 9<sup>th</sup> July that UNMIS had at that time verified the redeployment of 30,837 SAF from a declared start state of 46,403 (66.5%). The status of a further 8,919 voluntarily demobilized SAF was contested by the SPLA on the grounds that they believed that these forces had only been disarmed but continued to enjoy the status of SAF troops. For its part, SAF stated it would make after-service benefit payments until the end of 2007 from which time these ex-combatants would have no further links to SAF. This issue was taken by the CPC on 26<sup>th</sup> July and on 20<sup>th</sup> August 2007 the CJMC's position was that 87.4% of the SAF's 46,403 troops in the south had been redeployed, integrated into JIUs or demobilized.

6. SAF states it now has a total of 3,655 soldiers left in the South, predominantly in the oil producing areas. It justifies this on a need to protect a vital national asset while the JIUs are not ready to take over, and because it views that SPLA troops in the areas have not deployed to Assembly Areas. SPLM contests this position, asserting that no such conditionality exists in the CPA. The CPC has agreed a 3 track plan (deploy JIUs, SAF redeploy north, SPLA deploy to Assembly Areas) but the timetable is not yet clear.

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Planning is underway within the Joint Defense Board (JDB) and JIU command to ensure that the JIUs will be able to take on the task.

7. SPLM further maintains, independently of the CJMC position, that SAF has over 12,000 troops in Unity State, 7,000 in Upper Nile, a full brigade in Northern Bahr el Ghazal and 2 brigades in Western Bahr el Ghazal. The chair of the CJMC stated on 20<sup>th</sup> August that no large concentrations of SAF forces remained in the South. Malakal, the last remaining northern Garrison town in the South was handed over to the JIU on 9<sup>th</sup> July 07, although some troops have yet to redeploy.

8. SPLA currently retains forces in Blue Nile and in South Kordofan – its start figures were 22,601 in Nuba Mountains and 35,330 in Southern Blue Nile. Their redeployment should have been triggered by the establishment of the JIUs in those states and, separately, the CPA indicates that this should have completed by 15 months into the agreement. But there had been disagreement between the parties over the definition of ‘establishment’. Nevertheless, the SPLA redeployment commenced in early July 2007. It is on temporary hold to allow UNMIS to put in place effective monitoring and verification measures. SPLA is concerned is that areas from which its troops have redeployed will become zones of insecurity.

#### **Establishment of the Joint Integrated Units (JIUs)**

The second half of 2006 and early 2007 has seen the consolidation of the JDB and its supporting Joint Technical Committee (JTC) as a military-strategic decision making entity. The JDB deals with matters of weight, approving budgetary and other proposals constructed by the JTC and acting as a forum for discussion on wider CPA related issues complementary to the CJMC, CPC and AEC. There has been significant progress. There is an agreed Government of National Unity budget of approximately US\$55m for the Joint Integrated Units in 2007. All JIU soldiers are paid monthly, now at a rate 65% above that of SAF, representing the special nature of the units. Officers and soldiers have a new, common uniform and JIU emblem. A number of vehicles have been bought and provision made for food for the whole of 2007. A contract has been let for prefabricated accommodation to meet the needs of locations where there is particularly poor infrastructure, and building is about to commence in Kadugli and Ad Damazien. The Common Military Doctrine and code of conduct have been agreed: a significant achievement. The JIU operational HQ in Juba is functioning and has recently issued training directives to the JIU Divisions. A 3 month pilot

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programme in Juba has seen the training and integration of two JIU companies and it is planned to continue this training on a brigade by brigade basis.

9. However, the flow of operating funds has all but stopped and no significant funding has yet been made available by the Government of National Unity's Ministry of Finance from the Presidency agreed budget for JIU training (although it is understood that an 'emergency grant' has been agreed). These funds are necessary if JIUs are to carry out essential integration training. Establishment and deployment of properly integrated JIUs remains key to the completion of the security arrangements.

10. On the ground, progress in establishing the JIUs has been slower than envisaged in the CPA which required the formation, training and tasking of JIUs to be complete in September 2006. On 20<sup>th</sup> August the CJMC stated that, overall, 80.1% of the total of 39,000 JIU troops had been mobilised (SAF 82.5%, SPLA 77.7%). However, while collocated, and with each JIU having a commander chosen on a rotating basis between SAF and SPLA, in practice the two command chains have generally remained separate, with separate administration and, to date, limited professional interaction. A proportion of the SAF elements in JIUs is comprised of former SAF-aligned OAGs. Suspicion remains on the SPLM side of some activities within the SAF elements of the JIUs following a serious incident in Juba that resulted in the arrest of SAF members of the JIU (SAF maintains that these personnel are innocent and that they have been held for over a year without trial). But despite these challenges, in some areas, Abyei and Wau in particular, joint patrolling has been underway for some time, with JIUs, working to State Governors, carrying out security tasks (in Wau the JIUs enforce a weapons-free policy). Some Joint patrolling is now underway in Malakal and Juba. JIUs are now positioned to take up security duties in Northern Upper Nile, where, the JIU Command says, practically no SAF remain, but are unable as yet, to move into oil producing areas in Western Upper Nile or Unity State. A particular success was the employment of a Joint Integrated Demining Unit which cleared the entire length (446km length) of the Babanousa-Wau railway connecting northern and southern Sudan. The unit has started work on the Kassala – Hamesh Koreib road in support of the East Sudan Peace Agreement.

11. Both sides maintain that they are capable of training themselves but have been reluctant to accept training from individuals on the other side. Together with funding shortfalls, this has militated against the delivery of the joint training essential both to improving transparency and transforming the units into effective, joint military forces. There is an acceptance on both sides at senior officer level that limited, impartial, international training assistance is essential to breaking this deadlock. The UK has provided

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limited training assistance to JIUs for 2 years, and the Netherlands has recently contributed. Other donors seem willing, but only with the preconditions of the JDB's acceptance and the UN's role in coordination (UNMIS has agreed to the latter – it is in their mandate). The JIU command will present an initial list of training and logistical requests to the next meeting of the Joint Defense Board.

#### Other Armed Groups (OAGs)

12. There has been significant progress on the alignment and management of OAGs in the last year. Following the Juba declaration in January 06 the majority of former SSDF joined SPLA, and their training and integration are underway. Others OAGs have joined SPLA in recent months. SAF trained and integrated some of the remaining SAF-aligned OAGs into its JIU forces. On 26 June 07, NCP, SAF and SSDF jointly declared, with SPLM and SPLA present, that, in line with the OAGCC plan, accepted by the Presidency in March and which saw the end of SAF-aligned OAGs in the South by 9 July, that the SSDF no longer existed and that all former, SAF-aligned members had either been: integrated into SAF in the North, integrated into SAF and employed in JIUs in the South, integrated into other public ministries, or had been disarmed and demobilized. This disarming and demobilization took place with little warning, in the absence of a reintegration programme and neither DDR commission was involved. But it was welcomed by SPLM as a show of faith. A joint sub committee of the OAGCC was charged with following up details of the disbandment of SSDF, and it reported on 10<sup>th</sup> September that there remained no SAF-aligned Other Armed Groups in southern Sudan. The SPLM maintains that significant SAF-aligned OAGs remain in Upper Nile, parts of Jonglei and Unity, separate from established State and GoSS security structures. NCP has committed to remaining engaged on this issue and to meeting to resolve remaining difficulties.

13. On 6<sup>th</sup> September 2007 a group of senior SPLA officers and a group of 50 or so armed SPLA soldiers were detained by SAF at Muglad in South Kordofan. Their presence had been coordinated neither with SAF nor through the CJMC. The CPC's ruling on 8<sup>th</sup> September was that the incident was in relation to an OAG based in the North, in which a Brigadier had been accorded the rank of Brigadier in the SPLA. The OAG should be allowed to move, unarmed and in civilian clothes, with the SPLA party, to south of 1-1-56 within one week. This has not yet happened. The total numbers involved are as yet unclear but are thought to be several thousand.

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14. There have been a number of OAG related incidents in Khartoum over the 2 year period and the Ministry of Interior has made clear its determination to deal with any future incidents.

15. Activities of the LRA continue to be a concern for security in South Sudan but LRA related insecurity has substantially reduced since the beginning of the Juba talks.

#### **Disarmament, Demobilization and Re - Integration (DDR)**

16. The Northern DDR Commission has been established and there has been a start to DDR activities in the North. The Southern DDR office has formally been created but as yet there is no cross-GoSS commission. The Southern DDR Office lacks capacity. And despite some improvements the UN DDR Unit suffers still from a shortage of capacity and lacks some credibility, particularly in the South – this is improving. Both parties have significant caseloads for DDR but limited operational activity has taken place, although the Northern DDR Commission has started work on disarming and demobilizing former combatants in the Transitional Areas. In the south, as nationally, there is no agreed re-integration strategy. A workshop in the South in March helped to energize the process but there has not yet been a follow-up meeting of a cross-Ministry southern DDR Commission. There has been some recent operational progress in the south in defining a programme for the DDR of an initial caseload of 25,000 SPLA.

17. The National DDR Coordination Council was not formed until after the establishment of the North and South structures. The National DDR Strategy was formally adopted recently by the National DDR Coordination Council, although some issues remain over the coordination of activities in the Transitional Areas.