



# The CPA Monitor

Monthly Report on the Implementation of the CPA

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## HIGHLIGHTS

- On 4 April, the National Assembly convened its first session for the year in the absence of Southern Sudan MPs. President Al-Bashir inaugurated the session and delivered a speech on recent developments.
- On 4 and 7 April, the NCP and the SPLM launched their electoral campaigns respectively, and continued their campaigns throughout the month.
- On 9 April, the data entry process of the popular consultation public hearings began at the Data Entry Centre of the Popular Consultation Parliamentary Commission in Ed-Damazin, and was completed on 27 April.
- On 13 April, the Abyei Standing Committee agreed to form a Joint Technical Committee in order to monitor and verify the withdrawal of all unauthorised security forces from the Abyei Area in accordance with the Kadugli agreements of 13 and 17 January and the Abyei agreement of 4 March.
- On 27 April, the National Assembly passed an amendment to the Constitutional Court Act 2005. The amendment changed the quorum required for court decisions from seven to five members (Article 8 of the Act) due to the absence of two Southern Sudanese judges. The National Assembly also passed the National Elections Act Amendment Bill 2011, which abolished all provisions relating to Southern Sudan and reduced the number of the Assembly's seats from 450 to 354.
- A total of 2,699 DDR ex-combatants and members of the Special Needs Groups were demobilised in three demobilisation operations (Khartoum, Wau and Kadugli), including 810 women and 124 disabled participants.
- UNPOL conducted 1,166 capacity building training activities (South 905; North 261) for 4,980 local police officers (South 3,776; North 1,204) on topics relating to human rights, gender-based issues, criminal investigations, crime scene and a range of general police operational and legal issues.

*New developments are in blue text, boxed and dated (04/11).*

*The CPA Monitor can be downloaded along with its related annexes at:*

*<http://unmis.unmissions.org/Default.aspx?tabid=2213>.*

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## STATUS OF THE IMPLEMENTATION OF THE COMPREHENSIVE PEACE AGREEMENT (CPA)

### **1 Power-Sharing Agreement**

#### **1.1 THE NATIONAL LEVEL**

##### **A) National Constitution**

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

##### **B) The National Executive**

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

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recommendations it had submitted to the Presidency. On 26 December 2007, President Al-Bashir issued a series of decrees appointing new SPLM ministers, state ministers and presidential advisors in the Government of National Unity (GNU). The new SPLM ministers were sworn in on 27 December, thus ending a two-month boycott of the GNU. There was no change in the NCP line-up in the GNU, as the NCP kept to its limited reshuffle in early December, which brought in one presidential advisor and six state ministers. (12/07)

8. On 14 February 2008, President Al-Bashir carried out a Cabinet reshuffle involving NCP Ministers in the GNU and reallocated portfolios of several Ministers of State. (09/08)
9. On 8 June 2008, President Al-Bashir issued Republican Decree 146 adopting a landmark agreement between the NCP and the SPLM entitled 'Roadmap for Return of IDPs and Implementation of Abyei Protocol'. The four main points outlined were: security arrangements, return of IDPs, an interim administration and final arbitration. A follow up to the decree, specifying the modalities for the establishment of the interim administration was issued on 15 June 2008. The Roadmap establishes the geographical boundaries of the interim administration in an agreed map that was attached to the 8 June document. It also gives the Abyei administrative area a special status under the Presidency and establishes the Abyei Executive Council, Abyei Security Committee, and Abyei Area Council, and outlines how they will be financed. This interim agreement will be in effect pending the result of the final arbitration process. The text of the Roadmap can be found in [Annex 23](#). (06/08)
10. On 7 July 2008 Ali Osman Mohamed Taha, Vice-President of the Republic and Riek Machar, Vice President of the Government of Southern Sudan, signed a Convention on the arbitration on the Abyei area. The text is to be deposited with International Court of Arbitration in The Hague. (07/08)
11. On 17 November 2008, the National Assembly approved the nominations of the chairman and members of the Political Parties Council. They were sworn in on 25 November. (11/08)
12. The **National Legislature** (the Council of States and the National Assembly) was formed on 31 August 2005. Ahmed Ibrahim El Tahir (NCP) was elected Speaker for the National Assembly and Atim Garang Deng (SPLM) Deputy Speaker. Ali Yahia (NCP) was elected Speaker and Remo Olair (SPLM) Deputy Speaker of the Council of States. The **Council of States** has two members from each of the 25 States and two representing Abyei, currently appointed by the Presidency after consultation with state institutions. [**Note:** Following the general elections held in April 2010, and Council of States in May 2010, members of the National Legislature henceforth are elected]
13. The **National Assembly** has 450 members. Membership is allocated according to the CPA's power-sharing formula, with modifications to take account of the Darfur Peace Agreement (DPA) and Eastern Sudan Peace Agreement (ESPA) (see below). The original division was as follows: NCP: 234 seats; SPLM: 126 seats; Northern political forces: 55 seats (20 for the NDA, seven for the Registered Democratic Unionist Party, three for Umma Party Reform and Renewal, three for Federal Umma Party, three for Umma Party Collective Leadership, three for Ansar Al-Sunna, three for the Muslim Brotherhood and five for Parties' Forum); Southern political forces: 27 seats (ten for Union of Sudan African Parties, five for United Democratic Salvation Front, three for United Democratic Front, five for Sudanese African National Union and four for the Southern Sudan Democratic Forum); national personalities: eight seats. Of the 55 seats allocated to the Northern political forces, 8 were allocated to the Umma Party (Mainstream) and the Popular National Congress, but both declined to participate. The National Assembly has 20 standing committees. A list of the chairs of standing specialised committees can be found in [Annex 3](#). (10/07)
14. On 3 April 2007, twelve representatives of the **Darfur Peace Agreement signatory parties** were sworn in as members of the National Assembly. Nine of the seats they assumed were

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already vacant; the remaining three were made available by the NCP from its own allocation. (4/07)

15. On 24 October 2007, eight members from the Eastern Front took the oath of office in the National Assembly, in accordance with the **Eastern Sudan Peace Agreement** (ESPA) which provides for the allocation of eight seats to nominees of the Eastern Front. (11/07)
16. On 21 February 2010, the Presidency reached an agreement on the contested census results that provides for an additional 40 seats in the National Assembly for the South, to be filled by appointment following the national election. With this agreement, the South agreed to drop its objections to the national census results. In addition, only presidential and national parliamentary elections would be held in Southern Kordofan State, while state-level elections would be postponed to allow for the conduct of new census and reallocation of state constituencies. Further, Southern Kordofan and Abyei would be allocated 4 and 2 seats, respectively, in the new National Assembly. (02/10)
17. Elections across Sudan held, fulfilling a CPA benchmark. Omar Hassan Ahmed Al Bashir elected President of the Republic, Salva Kiir Mayardit President of the Government of Southern Sudan. Polling did not take place in 33 geographical constituencies for technical and logistical problems; gubernatorial elections in Southern Kordofan postponed as agreed upon by the CPA parties. (04/10)
18. On 14 June 2010, the President of the Republic issued decrees appointing 35 Ministers and 42 State Ministers in the national government. The NCP was allocated 24 ministerial seats, SPLM 8, and other parties who had participated in the elections 3. The newly-appointed ministers were sworn in on 16 June. A list of current members of the GNU can be found in [Annex 2](#).
19. On 23 June 2010, the CPA parties signed an agreement in Mekelle, Ethiopia, on post-referendum issues and arrangements. The parties agreed that negotiations on post-2011 referendum arrangements shall be conducted and led by NCP-SPLM Joint Negotiation Team composed of six members from each side and shall be facilitated by the African Union High Level Implementation Panel on Sudan (AUHIP) and supported by the Intergovernmental Authority on Development (IGAD), IGAD partners' forum and the UN. The parties agreed that the negotiations shall be supported by a Joint Secretariat composed of six members that shall coordinate and liaise with the AEC Secretariat. Further, the parties agreed to cluster the negotiations into four working groups to collectively address the issues of citizenship; security; financial, economic and natural resources; and international treaties and legal issues. The negotiations will be launched on 5 July 2010 in Khartoum.
20. On 30 June 2010, the President of the Republic, through a Presidential Decree, appointed Chairman, Deputy Chairman, and Members of the Southern Sudan Referendum Commission. Those who appointed are: Mohammed Ibrahim Khalil (Chairman); Chan Rieth Madut (Deputy Chairman); Suaad Ibrahim Eissa, Deng Awur Wany Nyiel, Lual Chany Chuol, Tariq Osman Al-Tahir, Paulino Wanawill Unango, Sebit Alle Abbe, Kamal Ali Mohamed Saleh (Members). (06/10) \*\*\* [Note: For ease of reference, future developments related to the Southern Sudan Referendum Commission will be reflected in a separate section under the title 'The Southern Sudan Referendum Commission'].

### C) Legislative Agenda

21. The 1<sup>st</sup> session of the National Assembly since the signature of the CPA convened on 31 August 2005. It endorsed the **Joint Integrated Units (JIUs) Act** and the **Organization of Voluntary and Humanitarian Work Act (NGO Act)**. (11/06)
22. The 2<sup>nd</sup> session of the National Assembly met from 3 April – 3 July 2006. It did not pass any significant CPA-implementation related legislation.

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23. The 3<sup>rd</sup> session of the National Assembly convened on 30 October 2006. It adopted a number of important CPA-implementation related pieces of legislation. These included the **National Civil Service Commission Act** (10 January 2007), text of which can be found in [Annex 5](#). **Political Parties Act** (22 January 2007) and **National Civil Service Bill** (23 January 2007).
24. The **Political Parties Act** has been controversial. During the three readings of the Bill in the National Assembly, controversy centred on Article 18.b, which allows for the dissolution of political parties by a court decision. In the final version of the Bill, this article (now Article 19-2) was revised to provide that a party may be dissolved upon the decision of the *Constitutional Court* on the basis of a case raised by a two-thirds majority of the Political Parties Council, if it is proven before the Court that the party has violated article 40 (3) of the INC. NDA parliamentarians refused to endorse the final draft, and walked out of the Assembly session in protest. NCP parliamentarians then introduced a further amendment to toughen the requirements for party registration (Article 4). This was incorporated into the final Bill, which was adopted by consensus in the absence of the NDA. Opposition parties have expressed concerns about the implications of the final Act, which requires parties to register within 90 days, on preparations for democratic elections. The **Political Parties Act** was signed into law by the President on 6 February 2007 (The text of the Act can be found in [Annex 4](#)).
25. The 4<sup>th</sup> Session of the National Assembly was convened from 2 April 2007 to 27 June 2007, during which the **National Audit Chamber Bill**, the **Electronic Crimes Bill**, the **Auditing and Finance Procedures Bill**, and **National Police Bill** were adopted. (6/07)
26. The **Armed Forces Bill** was approved by the National Assembly on 4 December 2007. The Assembly on 15 December also approved the National Budget along with its accompanying Bills. (12/07)
27. The National Assembly in its 6<sup>th</sup> session in June 2008 passed the **National Police Bill** in its third reading following a protracted debate. It also passed the **National Council for Developing and Promoting the National Languages Bill** for 2008, as well as, the **National Council of Population Bill** for 2008 after being amended at the third reading stage. It also passed, at second reading stage, the **National Council for Child Welfare** and the **National Tourism Bills** for 2008.(06/08)
28. In its extended session, the National Assembly on 7 July 2008 passed the **National Elections Act** 2008, with a majority of 350 votes (with 14 opposed and two abstentions) after introducing 67 amendments to the bill. An important provision of the new law is that the new parliament will consist of 450 members, with 60% selected by geographical constituencies and 40% by proportional representation party lists, out of which 25% is allocated to a separate women's party list and 15% for political parties' list. The act stipulated that parties must receive a minimum of 4% of the overall votes to secure seats according to the proportional representation. This is the first time that proportional representation system will be used in Sudan. President Al-Bashir signed the bill into law on 14 July 2008. The Speaker of the National Assembly, Ahmed Ibrahim El-Tahir, declared that the parliament will be on call to meet in special session to approve the formation of the National Electoral Commission (NEC), as stipulated by the Act. The law requires that the NEC be established within one month of the adoption of the law. He also stated that during the recent session, the assembly adopted 14 laws, inter alia, laws on: Elections, Police, Armed Forces, National Council for Languages, Public Health, and the National Council for Child Welfare. It also finalised seven international agreements. He said that National Assembly convened 30 sittings, as well as five additional sessions. He indicated further that the assembly heard five statements from various ministers: the Ministers of Defence, Interior, Finance, the Commissioner of the Bank of Sudan, and the Vice-President of the Republic. Lawmakers also held an urgent query regarding the explosion of a Sudan Airways plane in Khartoum. He added that the assembly's specialised committees held a total of 205 meetings in its last session. (07/08)

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29. On 17 November 2008, the National Assembly endorsed the members of the National Elections Commission (NEC). The composition of the Commission are as follows: Abel Alier, Chairman; Abdallah Ahmed Abdallah, Deputy Chairman; and Fillister Baya, Mahassin Haj Al-Saffi, James Bol Kajmal, Abdallah Ballah Al-Hardalou, Mohamed Taha Abu Samrah, Mukhtar Al-Asam and Al-Hadi Mohamed Ahmed Hassabou as Members. On 25 November, a presidential decree was issued in this regard, and the Chairman and members of the NEC were sworn-in in the presence of President Al-Bashir and FVP Salva Kiir.(11/08)
30. On 13 April 2009, the National Assembly reconvened for the 8<sup>th</sup> session. On 20 April 2009, the National Assembly adopted the **Land Commission Bill**, a significant objective in the implementation of the CPA. The bill empowers the independent commission to arbitrate between willing contending parties on claims over lands without prejudice to the jurisdiction of the courts. The chairman of the commission will be appointed by the President with the consent of the First Vice President. On 21 April 2009, the National Assembly adopted the **National Human Rights Commission Bill** following inclusion of some amendments. (04/09)
31. On 8 June 2009, the National Assembly adopted the **Press and Printed Materials Bill 2009**. The bill shifted the powers of the journalist registry and discipline of journalists from the Press Council to the Journalists Union; replaced the provision of fine of 50,000 SDG with fines to be determined by the court; pre-conditioned the arrest of journalists with notification to the Union; and limited the powers of the Press Council, particularly in regards to the suspension of publication. The National Assembly closed its 8th session On 24 June 2009 (06/09)
32. In December 2009, the National Assembly adopted a number of important bills. These included **Regulations of Prisons and Treatment of Inmates Bill 2009** (14 December); the **National Intelligence and Security Forces Bill** (20 December); the **Southern Sudan Referendum Bill** (29 December); the **Child Bill 2008** (30 December); the **Abyei Referendum Bill 2009** (30 December); the **Popular Consultations for Blue Nile and Southern Kordofan States Bill** (30 December); and the **Trade Unions Bill 2009** (30 December). On 31 December, the Southern Sudan Referendum Bill 2009 received the presidential assent after being adopted in the Parliament.
33. On 13 January 2010, the National Assembly submitted the final report of the work of the Assembly (from 31 August 2005 to 30 December 2009) as well as the bills which were passed in the last session to the President of the Republic. The report indicated that during this period, the Assembly adopted a total of 94 Acts, 7 Provisional Orders, and 40 Conventions. (01/10)
34. On 15 of February 2010, the President of the Republic issued a provisional order on the draft Act of Money Laundering and Funding of Terrorism following its endorsement by the Council of Ministers. (02/10)
35. On 29 April 2010, the President of the Republic issued a decree (No 6 for 2010) terminating the tenure of the appointed National Assembly in accordance with the provisions of the Interim National Constitution. (04/10)
36. On 24 May 2010, the elected National Assembly held its first procedural session following the elections. The Assembly members took the oath and elected Ahmed Ibrahim Eltahir (NCP), as the Speaker of the National Assembly. On the same day he Council of States also elected Lt. Gen. Adam Musa Hamid as the Speaker of the Council. In a session that followed, Atem Garang (SPLM) was elected as the Deputy Speaker of the National Assembly. (05/10)
37. Regarding the allocation of seats in the NA (excluding the 17 rescheduled Geographical Constituency elections and one Red Sea constituency whose results have not yet been

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released), the NCP obtained a total of 312 seats, comprising 180 Geographical Constituency, 50 Party List, and 82 Women's List seats, equating to 72 percent of the total. The SPLM won a total of 99 seats, made up of 56 Geographical Constituency, 17 Party List, and 26 Women's List seats (23 percent of the total). The Popular Congress Party (PCP) won four seats - one Geographical Constituency and three Women's List seats - while the Federal UMMA Party obtained one Women's List seat and two Geographical Constituency seats. The Democratic Unionist Party garnered four Geographical Constituency seats, while the Democratic Unionist Party-Original (DUP-O) won one Geographical Constituency seat, the SPLM-DC two Geographical Constituency seats, UMMA Reform & Development two Geographical Constituency seats, National UMMA Party (NUP) one Geographical Constituency seat, Independent candidates won three Geographical Constituency seats, and the Muslim Brotherhood won one Geographical Constituency seat.(05/10)

38. On 27 May 2010, President-elect, Omer Hassan Ahmed Al-Bashir, was sworn in as President of the Republic of Sudan before the National Legislature. (05/10)
39. On 15 June 2010, members of the National Assembly elected Samia Mohamed Ahmed and Hago Gasm el Seid as Deputy Speakers.
40. On 7 July 2010, the elected National Assembly ended its first session; it will reconvene in mid-October. During the reporting period, a committee was established comprising a number of parliamentarians and headed by Deputy Speaker Ateem Garang with a mandate to oversee referendum preparations in the region and to provide technical assistance to the South Sudan Referendum Commission during the vacation period. Three sub-committees have also been established on referendum and unity, Darfur peace negotiations, and political issues. In addition, the Assembly adjourned consideration of amendments to the National Elections Act 2008 for further consideration and discussion. These amendments have been agreed upon between the NCP and SPLM in order to increase the number of seats allocated to Southern Sudan representatives in the National Assembly. (07/10)
41. On 12 October, the National Assembly convened its second session. In his statement, President Al-Bashir focussed on referendum and Darfur related issues, and the Speaker of the Parliament stated that the current session would focus on the referendum process, as well as the budget and oversight of the executive organs, in addition to the normal legislative tasks. (10/10)
42. On 21 February, the National Legislature (National Assembly and the Council of States) officially endorsed the final results of the South Sudan Referendum, following President Bashir's decree accepting the vote. (02/11)
43. On 4 April, the National Assembly convened its first session in 2011 in the absence of Southern Sudan MPs. President Al-Bashir inaugurated the session and delivered a speech on recent developments followed by a speech by Speaker of the Assembly Al-Tahir.
44. On 27 April, the National Assembly passed an amendment to the Constitutional Court Act 2005. The amendment changed the quorum required for court decisions from seven to five members (Article 8 of the Act) due to the absence of two Southern Sudanese judges. The National Assembly also passed the National Elections Act Amendment Bill 2011, which abolished all provisions relating to Southern Sudan and reduced the number of the Assembly's seats from 450 to 354. The bill also introduced new provisions regarding the states legislatures' membership conditions in the North. (04/11)

#### **D) The National Judiciary**

45. On 28 November 2005, President Al-Bashir issued a decree appointing Jalal-Eddin Mohamed

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Osman (NCP) as Chief Justice and John Aungi Kasiba (SPLM) and Dr. Wahabi Mohamed Mukhtar (NCP) as Deputy Chief Justices. A list of current members of the Constitutional Court can be found in Annex 6. (07/08).

46. The National Assembly approved the **Constitutional Court Act** on 1 October 2005. President Al-Bashir signed the Act in November 2005 and on 24 December 2005 issued a decree appointing the **President and members of the Constitutional Court**. They were sworn in on 31 December 2005. (1/06)
47. The National Assembly adopted the **National Judicial Service Commission Act** (NJSC) in October 2005 and the President endorsed it in November 2005. On 7 December 2005, President Al-Bashir formally established the National Judicial Service Commission. The National Judicial Service Commission Act passed through the National Assembly with the required three readings, but it bypassed the NCRC in contravention of the INC. The SPLM criticized the Act, contending that this procedural error and key aspects of legislation itself contravened the INC or the Interim Constitution of Southern Sudan. (03/08)
48. In December 2008, the National Judicial Service Commission appointed a number of Magistrates as follows: First Grade Courts Magistrates: 11, including 5 women; Second Grade Courts Magistrates: 23, including 2 women; Third Grade Courts Magistrates: 19, including 4 women. It also appointed 80 Judicial Assistants, including 5 women. (12/08)
49. On 9 September 2009, the Constitutional Court issued its ruling on the challenge to the National Intelligence and Security Service (NISS) over the censorship of newspapers. The court ruled that the government has the right to impose restrictions on the freedom of expression whenever deemed necessary for public interest in accordance with the Interim National Constitution (INC). This challenge was filed by two media companies in September 2008, arguing that the censorship violates the INC.
50. On 27 September 2009, in a meeting with representatives of the Journalists Union, the National Council for Press and Publication and editor-in-chiefs, the President of the Republic instructed the lifting of the pre-publication censorship imposed on newspapers by the security services. The President called upon the journalists to abide by the new Code of Ethics signed by editors-in-chief in September. (09/09)
51. On 6 January 2010, the Constitutional Court voided as unconstitutional restrictions imposed by the GoSS on the activities of the SPLM-Democratic Change Party (a political party registered in 2007 and headed by Lam Akol) in Southern Sudan. (01/10)
52. On 8 February 2010, the Supreme Court rejected challenges against the eligibility of Omer Al Bashir (NCP) and Salva Kiir Mayardit (SPLM) to run for offices of the Republic and GoSS, respectively. The court's Chamber of Appeal also ruled that candidates Fatima Abdul Mahmoud and Mounir Sheikh Eddin can rejoin the presidential race, reversing a decision of the National Elections Commission. (02/10)
53. On 15 May 2010, the National Supreme Court announced the decision on a case which was submitted by the Democratic Unionist Party (DUP-Original) to invalidate the election result in constituency number 4 in the Red Sea state, on the ground of violating the provisions of the National Election Act in a manner that affected the results of the elections. Accordingly, the court cancelled the result, which was previously in favor of an NCP candidate". (05/10)
54. On 13 June 2010, the Constitutional Court issued its decision on the interpretation of Article 133 of the Interim National Constitution regarding the powers of the Minister of Justice and General Prosecution. The Court ruled that the decisions of the Minister in relation to the pre-trial procedures are not challengeable before any court or before the Constitutional Court unless they include a violation of a constitutional right. (06/10)

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55. On 20 July 2010, the National Judicial Service Commission met for the first time in this year. It was chaired by the Chief Justice and Head of Commission, Jalal al-din Mohamed Osman. The meeting approved the promotion of several judges as well as the performance report of the Commission and the Judiciary in 2009. (06/10)
56. On 24 October, the Minister of Justice had issued a decree abolishing fees for criminal prosecution. (10/10)
57. On 26 of October, the Minister of Justice, Mohamed Bushara Dosa, issued decrees appointing Omer Ahmed Mohamed as Chairperson of the Criminal Sector and Prosecutor General, as well as Salah-Eddin Abu-Zaid, as Chairperson of the Civil Sector and Solicitor General for the national government. (10/10)
58. On 11 December, the Chief of Justice, Jalal Al-Din Mohamed Osman, issued a decision (No. 167/2010), establishing competent courts in all northern States in the Sudan to look at the objection to the decisions made by the referendum committees in the registration phase, in accordance with Article 31 of the Referendum Act 2009, as well as to deal with corrupt and illegal practices during the referendum, according to articles 49-95 of the Referendum Act 2009. (12/10)

#### **E) Commissions**

59. The CPA provides for the establishment of a large number of Commissions to oversee implementation of the agreement. There was initially considerable delay in establishing many of these Commissions; however, the process got back underway in late 2005, with the formation and staffing of the **National Petroleum Commission** (NPC), the **Ceasefire Political Commission** (CPC), the **Fiscal and Financial Allocation and Monitoring Commission** (FFAMC), and the **National Judicial Service Commission** (NJSC). The progress of these Commissions is dealt with under the relevant sections of the Monitor. The **Assessment and Evaluation Commission** (AEC), the **Technical ad hoc Border Committee** and the **National Civil Service Commission** (NCSC) are dealt with below. With the exception of the NCSC, all the Commissions have been formed by presidential decree rather than legislation. Some National Assembly members have argued that FFAMC and the NPC in particular require a legislative basis.
  - **Assessment and Evaluation Commission (AEC)**
60. The Assessment and Evaluation Commission (AEC) was established in October 2005 to assess and evaluate the implementation of the CPA with the Parties (establishing decree can be found in Annex 7). It has 13 members and four observers and meets in plenary session once a month. The AEC has four Working Groups chaired by international members: Power-Sharing (Italy); Wealth-Sharing (USA); Security Arrangements (UK); Three Areas (Netherlands). The AEC reports to the Presidency. On 12 February 2008, the President of the Republic issued a decree appointing Sir Derek Plumby as new Chairman of the Commission.
61. On 17 October 2010, the Assessment and Evaluation Commission held its 59<sup>th</sup> plenary session in Juba. The meeting discussed developments relating to Abyei, post-referendum arrangements negotiations, as well as border demarcation (10/10)
62. On 19 April 2011, the AEC held a special session in which the Deputy Chairperson of the National Elections Commission briefed participants on preparations for elections in Southern Kordofan State. (04/11)
63. The **Assessment and Evaluation Commission for Blue Nile and Southern Kordofan States** were established by presidential decree on 26 July 2007, is dealt with under sections 3.2 and 3.3 of the Monitor.

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- ***Technical ad hoc Border Committee***

64. The **Technical ad hoc Border Committee** started work in January 2007 on mapping the 1 January 1956 border between North and South Sudan. It has made a number of field trips to discuss its work with local officials and communities and to collect data. In July 2007, the **Technical ad hoc Border Committee** made fact-finding visits to Cairo and London to study documents relating to the 1-1-1956 border in Egyptian and British archives. On 4 August, Professor Abdalla Al-Sadig Ali was appointed Chairperson of the Committee through a presidential decree. It is expected to submit its final report in the first quarter of 2008. (9/07)
65. On 17 February 2009, the Technical ad hoc Border Committee approached UNMIS for supporting a training programme in GIS for six Committee members. The training programme covers basic concepts of GIS, experiencing field data collection with Trimble GPS, image processing with ERDAS Imagine software using SPOT and Quickbird Satellite Imagery, manipulating Vector and Raster data to create maps using ArcGIS 9.3 version and Vector/Raster map production. (02/09)
66. The Technical ad hoc Border Committee is still working on the report for the Presidency, and to date they have agreed on the delineation of approximately 1/3 of the border, starting East from the border with Ethiopia. UNMIS is providing training to the members of the committee on mapping and GIS. (04/09)
67. In an agreement signed on 19 August 2009, the NCP and SPLM agreed to urge the Ad Hoc Technical Border Committee, as directed by the Presidency, to continue delimiting undisputed areas and to finalize its report no later than 30 September 2009. (08/09)
68. Upon the request of the Technical ad-hoc Border Committee, UNMIS organized on 29 and 30 April 2010 a fly-over of the border between Sennar and Blue Nile States and Upper Nile State. The Committee had identified 12 reference points along this 388 km border; the trip allowed them to verify the above points and to amend the coordinates for a number of locations. (04/10)

- ***National Civil Service Commission (NCSC)***

69. On 26 July 2007, the Presidency issued a decree establishing the **National Civil Service Commission** and appointing Professor Moses Machar as its chairman. The creation of the Commission followed the passage of the National Civil Service Commission Act in January 2007. On 4 August, ten members were appointed to the Commission by a presidential decree. A list of the appointed members can be found in ([Annex 8](#)). The NCSC met for the first time on 22 August. (8/07)
70. By the end of 2009, the Presidency approved 1150 Southern Sudanese candidates for appointment in the National Civil Service. (01/12)

- ***National Elections Commission (NEC)***

71. On 17 November 2008, the National Assembly endorsed the members of the National Elections Commission (NEC). For details, please refer to the section on National Legislature above.
72. On 3 February 2009, the Political Parties Council passed the political parties registration regulation. In the same month, the NEC approved the establishment of various subsidiary committees: Voter Registration Committee; Boundaries Delimitation Committee; Technical Committee; Coordination and Communication Committee. (02/09)
73. The timeline for existing political parties to register and adjust their status (5 February-5 May) ended on 5 May 2009. However, according to the Political Parties Affairs Council, unregistered political parties can still register as new parties, as there is no deadline for new political parties

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to register. As at August, a total of 76 political parties have been registered. (08/09)

74. The first meeting of the NEC Policy Committee took place on 17 May 2009. The Policy Committee's original proposed membership comprises senior leadership from NEC, UNMIS, UNDP, Ministry of Foreign Affairs, and Ministry of International Cooperation. In addition to discussions on expanding the membership to include donor representatives, the Political Parties Affairs Council, and the GoSS Ministry of Regional Cooperation and the schedule for the group itself, the Policy Committee reviewed the status of election preparations. (05/09)
75. On 25 May 2009, the NEC established the High Committee for Elections for Southern Sudan and the 25 State High Committees; the Returning Officer for Elections in each State was also appointed. (05/09)
76. On 30 June 2009, NEC released a revised electoral calendar that delays the 2010 elections by another two months, to 5-12 April. The modified schedule came as a result of delays in the release of census data, required by NEC for delimitation of electoral constituencies. According to NEC, the new timetable provides greater opportunities for training of staff and civic education, and facilitates the voter registration process which will now take place following the rainy season. Some political forces have expressed reservation about the new date. (06/09)
77. On 4 August 2009, the NEC announced the completion of the demarcation of geographical constituencies in all 25 States. Copies of the preliminary demarcation reports were handed to representatives of political parties on the same date. The Electoral Law provides for objections and challenges to demarcation to be made within a period of 30 days from initial publication of the reports; the period for filing such objections expires on 3 September. (08/09)
78. Three political parties, including SPLM-Democratic Change, were registered by the Political Parties Affairs Council during the reporting period. The total number of registered parties now stands at 79. A total of 885 objections to the Constituency Delimitation process were received by the NEC by the extended deadline of 14 September. Of these, 400 were accepted and 485 rejected. 58 appeals were also received by the NEC, of which 3 were accepted. (10/09)
79. Two major phases of the electoral process were completed in January 2010-- the voter registration and candidate nominations. An estimated 16, 544,520 persons – both in and out of country– are reported to have registered for the elections scheduled in April 2010. (The NEC has yet to confirm officially the final figure)
80. Nomination of candidates for all levels of elections commenced on 12 January and closed on 27 January 2010 (the nominations period was extended for an additional five days from the initial closing date of 22 January.)
81. On 23 January 2010, the NEC published a revised Elections Timeline to accommodate the extended nominations period; it also made provision for a possible run-off period (10-11 May), if required, for the positions of the President of the Republic and the President of the GoSS. (01/10)
82. Electoral campaign period commenced on 13 February and will run until 9 April. (02/10)
83. In February 2010, the NEC confirmed that 12 candidates are contesting for the office of the President of the Republic; 2 for the President of the GoSS; 189 for State Governorship; 4136 for the National Assembly; 8708 for the State Legislatures and 627 for the Southern Sudan Legislative Assembly. The NEC also released the final voter registration figure, breakdown of which are as follows: Northern Sudan- 11,655,513 (including 2,446,816 in three Darfur States); Southern Sudan- 4,680,640; total in-country-16, 336,153; total out-of-country- 105,699; total overall registration number- 16,441,852. (02/10)

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84. On 22 February, the NEC issued a Circular on Campaign Activities "to serve as a point of reference on what constitutes acceptable campaign conduct". It also released a Code of Conduct for Observers and established a five-member Observation Committee. (02/10)
85. On 10 February, the GNU Minister of Justice issued a decision on the formation of attorney offices to consider election violations in Northern States. Accordingly 65 Prosecutors will be designated to work at these offices. This decision was in line with a NEC request for the establishment of specialized prosecution offices to address possible corrupt practices pursuant to National Elections Act. (02/10)
86. On 10 March 2010, and following an agreement between the two parties to the CPA, the National Elections Commission issued decree No. 71 on the "Partial Postponement of Southern Kordofan State Elections".
87. On 11 March, the NEC issued decision No. 72 on "Processing of Second Round Elections to elect the Governor and Members of Legislative Assemblies in circumstance of equal votes".
88. Following an appeal by the Gezira State Legislative Assembly (SLA) over constituency delimitation, and a ruling by the Supreme Court on the issue (27 December 2009), the NEC decided on 11 March to postpone elections for the SLA in order to redraw constituencies and increase the number of seats accordingly from 48 to 84 seats. (03/10)
89. Polling for the Sudanese elections commenced, as scheduled, on 11 April 2010. On the second day of polling, the Commission announced the extension of the polling period (from 11-13 April) by 2 additional days to 15 April.
90. Due to logistical and technical problems, polling did not take place in 33 geographical constituencies: 6 in Khartoum State, 3 in Western Darfur State, 3 in Northern Darfur, 4 in Red Sea State, 3 in Northern Kordofan, 1 in Upper Nile, 3 in River Nile, 1 in Jonglei, 4 in Gedaref, 4 in Sennar and 1 in Kassala. On 15 April, the National Elections Commission issued in this regard a decision (No 79), stating as well that elections will be held within 60 days from the start of polling day (i.e., no later than 10 June).
91. The NEC commenced to announce progressively preliminary results released by some State High Committees for all levels of elections. On April 26, the Commission announced the results for the President of the Republic and the President of GoSS. National Congress Party (NCP) candidate, Omer Hassan Al-Bashir, was elected President of Sudan with 68.24 % of votes cast, and Salva Kiir Mayardit of the SPLM was elected President of the Government of Southern Sudan with 93% of votes cast.
92. With the exception of Southern Kordofan State where gubernatorial elections were postponed and Blue Nile State where the SPLM candidate won the elections, NCP candidates won the elections for the office of Governor in thirteen Northern States. In Southern Sudan, with the exception of Central Equatoria State, where an independent candidate won the gubernatorial elections, SPLM candidates won in the remaining nine states. (04/10)
93. Nomination of candidates for the Council of States' elections opened on 1 May and closed on 9 May 2010. Polling, sorting, counting and declaration of results commenced on 12 May in nine states in Northern Sudan - the three states of Darfur, River Nile, White Nile, Northern Kordofan, Sennar, Kassala, Gedaref, with Blue Nile State completing its elections on 15 May, while Red Sea and Northern States completed their elections on 16 May, and Khartoum State on 18 May. In Southern Sudan, three states, Central Equatoria, Jonglei, and Unity, held elections on 12 May. Northern Bahr-el-Ghazal completed elections on 19 May and Warrap State on 20 May, while elections in Lakes State were held on 27 May. By the end of the reporting period, May elections had not taken place in four states in Southern Sudan - Eastern Equatoria, Upper Nile, Western Bahr-el-Ghazal, and Western Equatoria. (05/10).

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94. On 5 and 6 June 2010, rescheduled elections in Geographic Constituencies in eight States – Khartoum, River Nile, Kassala, Sennar, Northern Kordofan, Western Darfur, Upper Nile, and Jonglei – were held. Counting commenced on the same day in some states, while other states started counting on 7 June. In Red Sea and Gedaref states, these elections were held on 18 and 19 June while security concerns prevented polling from taking place in Northern Darfur. The new tentative date for the repeat elections in Northern Darfur is set for 16-17 July. On 9 June, the National Elections Commission released the results of the eight States while the results in Red Sea and Gedaref States were officially announced on 22 June. (06/10)

• ***Southern Sudan Referendum Commission (SSRC)***

95. On 30 June 2010, the President of the Republic, through a Presidential Decree, appointed Chairman, Deputy Chairman, and Members of the Southern Sudan Referendum Commission. Those who appointed are: Mohammed Ibrahim Khalil (Chairman); Chan Rieth Madut (Deputy Chairman); Suaad Ibrahim Eissa, Deng Awur Wany Nyiel, Lual Chany Chuol, Tariq Osman Al-Tahir, Paulino Wanawill Unango, Sebit Alle Abbe, Kamal Ali Mohamed Saleh (Members). (06/10)
96. On 28 June 2010, the National Assembly approved the nominees, submitted by the Presidency, to serve on the Southern Sudan Referendum Commission. (06/10)
97. On 20 July 2010, the CPA parties held a Post-Referendum Negotiations Exposure Workshop in Juba as part of their discussions on post-referendum issues. On that occasion, the parties signed "Guiding Principles on Post 2011 Referendum Arrangements Negotiations". The Guiding Principles emphasise a spirit of cooperation between the parties and the people of the North and the South for a prosperous future for all Sudanese people and a sustainable peace in the Sudan. The principles also affirm the parties' commitment to the CPA, including the conduct of the referendum and respecting the choice of the people. (07/10)
98. The GoSS in July nominated members of the Southern Sudan Referendum Bureau who are yet to be sworn in. (07/10).
99. On 12 August 2010, members of the ten Southern Sudan Referendum State High Committees were nominated. They were sworn in on 23 August. (08/10)
100. On 2 September, Mohamed Osman El-Negoumi was nominated as the Secretary General of the Southern Sudan Referendum Commission. El-Negoumi's nomination was ratified by the Presidency on 14 September. (09/10)
101. Three Coordination Mechanisms, namely, Policy Committee, Technical Committee and Basket Fund Project Board, have been established. The Policy Committee is co-chaired by the Chairperson of the SSRC and the SRSG; the Technical Committee is co-chaired by the Secretary General of the SSRC and the Director of UNIRED, and the Basket Fund Project Board is aimed at facilitating coordination between the Southern Sudan Referendum Commission and international partners on all issues regarding donor contributions to the referendum process.
102. On 11 October, the Policy Committee convened its first meeting, focusing on key policy, budgetary, and planning issues. On 21 October, the Technical Committee held its first meeting, focusing on critical operational and planning aspects of the referendum process. On 28 October, the Basket Fund Project Board organised a meeting, which focused on donor contributions to the process.
103. Voter Registration materials (registration books, forms, and kits) have arrived in-country, and the distribution of these materials has begun. The SSRC also approved the Voter Registration Training Manual.

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104. On 26 October, training of State Referendum High Committee state level trainers in Southern Sudan commenced, and was completed on 28 October. Training for SSRC State Referendum High Committee staff in Northern Sudan is scheduled to take place at a later date.
105. All Southern Sudan Political Parties Conference was organised in Juba from 13–17 October under the theme "Southern Sudan united for free, fair and transparent referendum", and adopted a "Common Code of Conduct for the Referenda and Popular Consultations." (10/10)
106. On 7 February, the Southern Sudan Referendum Commission announced the final results for the Referendum. 1.17 per cent of valid votes were cast in favor of unity, 98.83 per cent of valid votes were cast in favor of secession with a 97.58 per cent voter turnout (3,851,994 registered voters). (02/11)

#### **F) Population Census**

107. The **National Population Census Council** (NPCC) was established by presidential decree on 7 January 2006 ([Annex 9](#)). It is mandated to plan for the census; set standards and criteria for the Central Bureau for Statistics; follow-up on the preparations leading up to the population census operation; and report to the Presidency. In September 2006, FVP Kiir issued a decree establishing the **Higher Council for Population Census in Southern Sudan**. ([Annex 10](#)).
108. Following repeated changes of schedule, a presidential decree was issued on 11 February 2008 setting 15-30 April 2008 as date for the 5<sup>th</sup> national population census. However, on 12 April, the GoSS announced the postponement of census in the south. In support of its decision, it cited failure to resolve the Darfur crisis; non-completion of return movements of IDPs from the north to the south; non-inclusion of questions on ethnicity and religion in the questionnaire; and delays in the demarcation of the north-south border. The GoSS eventually reversed its decision, but reserved the right to have an opinion on the census general outcome and the application of the results. The Presidency, meanwhile, changed the census dates from 15-30 April to 22 April-6 May.
109. On 21 May 2009, the Central Bureau of Statistics (CBS) officially released the "Sudan Census Priority Results" at a press conference in Khartoum. The total enumerated population from the 2008 census is 39,154,490 persons of which 20,073,977 were males and 19,080,513 were females. The sex ratio is 105 males per 100 females. In terms of region of enumeration, 30,894, 000 (78.9%) were enumerated in North Sudan and 8,260,490 (21.1%) enumerated in South Sudan. Khartoum State has the largest number of persons (5,274,321) followed by South Darfur (4,093,594), Gezira (3,575,280), North Kordofan (2,920,992), and North Darfur (2,113,626). The state with the smallest number of persons is Western Bahr El Ghazal (333,341), followed by Unity (585,801), Western Equatoria (619,029), and Lakes (695,730). The age distribution continues to show a youthful population typical of developing countries with (14.9%) aged 0-4 years, (42.6%) under 15 years, (54.0%) aged 15- 64 years and (3.38%) aged 65 years and over. (05/09)
110. On 6 June 2009, the South Sudan Centre for Census, Statistics and Evaluation (SSCCSE) released the census results officially in Juba, following authorization by the GoSS President. Thereafter, the SSCCSE dispatched two teams headed by the Chairman and Deputy Chairman between 19th and 30th June to disseminate the results in the 10 states of South Sudan. The Central Bureau of Statistics (CBS) will be mounting a similar dissemination exercise in the 15 states of North Sudan in July 2009. Meanwhile, work is continuing on the processing of the long questionnaire at the data processing centres in Khartoum and Rumbek. (06/09).
111. On 3 July 2009, GoSS objected to the use of the population census results either as the basis for allotting constituencies for the general elections or adjusting the CPA wealth and power sharing formula on the ground that they under count population of the region and over count the population of Darfur and nomads. The Southern Sudan Legislative Assembly also refused

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to accept the census results. (07/09)

112. The SPLM Political Bureau rejected the results of the Fifth Population Census. A communiqué issued on the conclusion of at its meeting held in Juba on 16-20 August 2009 reads: "...the census results are too flawed and lack minimum acceptable level of credibility. The PB (Political Bureau) therefore rejects the results and affirms the use of the CPA formula for the purpose of mid-term general elections." (08/09)

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

113. Since the launch of government-organised returns in late October 2010, at least 157,779 individuals had transited through Kosti (White Nile State) with the main southern destinations being Northern Bahr el Ghazal, Unity, Warrab and Upper Nile States. Total voluntary returns from the North to the South since October 2010 stand at 53,718. The number of organised and voluntary returns totalled at least 211,497. If we include those who have not been tracked, the overall total should thus represent more than 252,000 individuals.
114. By mid-April, the number of repatriated Sudanese refugees to Southern Sudan and Blue Nile State had reached a cumulative total of 331,578 since the signing of the CPA in 2005. This includes 373 individuals whose return has been supported by the United Nations High Commissioner for Refugees since January this year. (04/11)

#### **H) National Capital**

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

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

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

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

120. The Presidency issued a decree in August 2006 providing for establishment of the **Commission on the Protection of the Rights of Non-Muslims in the National Capital** ([Annex 11](#)). It sets out the Commission's mandate and functions, including to ensure that the rights of non-Muslims are protected in accordance with the human rights and fundamental freedoms enshrined in the Interim National Constitution as well as the principles stated in the CPA guiding judges and law enforcement agencies 'in dispensing justice and enforcing law' in Khartoum. The Commission should also ensure that 'non-Muslims are not adversely affected by the application of the Sharia law in the National Capital.'
121. The members of the Commission (the Chairperson plus ten religious scholars (five Christians and five Muslims), ten community leaders, two traditions and customs experts, and one representative each from Khartoum State, the Judiciary, the Ministry of Justice, the Police, and National Security) were appointed by presidential decree on 15 February 2007. (8/07)
122. On 14 October, the Special Commission for the Rights of Non-Muslims held a workshop in support of unity of the Sudan. (10/10)

## **1.2 THE GOVERNMENT OF SOUTHERN SUDAN**

**A) Legislation and Constitutions**

123. GoSS President Salva Kiir Mayardit signed the **Interim Constitution of Southern Sudan** into law on 5 December 2005 ([Annex 12](#)), following its approval by the Transitional Southern Sudan Legislative Assembly and the GNU Ministry of Justice. On 5 August 2006, the GoSS Council of Ministers formally decided that Juba would remain the capital of Southern Sudan and seat of the GoSS.
124. On 14 January 2011, the GoSS Minister of Legal Affairs and Constitutional Development, John Luk Jok, drafted the Terms of Reference for the Technical Committee to oversee the review of the current interim constitution for adoption by the Southern Sudan Legislative Assembly as the transitional constitution.
125. On 21 January, the President of the Government of Southern Sudan, Salva Kiir Mayardit, issued a Presidential decree forming a Constitutional Review Committee to review the current constitution of Southern Sudan. The twenty four member committee will be chaired by the GoSS Minister of Legal Affairs and Constitutional Development. The decree and list of members can be found in ([Annex 49](#)). (01/11)

**B) The Southern Sudan Executive**

126. Salva Kiir Mayardit became **the President of GoSS** on 11 August 2005, following the death of John Garang. As stipulated in the CPA, the SPLM Chairman shall be the First Vice President and shall at the same time hold the posts of the President of the GoSS and Commander-in-Chief of the SPLA.
127. Riek Machar was appointed **Vice President of GoSS** on 19 August 2005. Abdout Agua Jok was appointed **Secretary-General of the GoSS Council of Ministers** on 18 October 2005.
128. Pending the adoption of the Interim Constitution of Southern Sudan, **the care-taker Government of Southern Sudan** (GoSS) was established on 22 October 2005 and sworn-in on 24 October. Each of the ten states was represented at the ministerial level. Nevertheless, the composition of the GoSS was criticized as lacking in inclusiveness, as some of the smaller tribes were not represented. Southern Muslims were also excluded, while women held only two of the 22 ministerial portfolios.

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129. On 31 May 2009, the President of GoSS reshuffled the Southern Sudan cabinet, and appointed three new Ministers. (05/09) In addition, he also reshuffled the State Governments of Lakes, Jonglei and Western Equatoria, on recommendations from the respective State Governors. (06/09)
130. The President of GoSS issued a decree, effective 2 March 2010, relieving all his ministers and reappointing some of them as caretakers with limited responsibilities. The decree will remain in force until a government is formed following the elections scheduled in April 2010. The decree also applies to the state caretaker governors, state ministers and county commissioners. (03/10)
131. On 21 May 2010, Salva Kiir Myardit was sworn in as the elected President of the Government of Southern Sudan. (05/10)
132. On 12 June 2010, the President of GoSS issued a decree re-appointing Riek Machar Teny as the Vice President of GoSS.
133. On 20 June 2010, the President of GoSS issued a decree appointing 32 Ministers. 27 Ministers are from the SPLM, 3 from the southern opposition parties, with 2 to be nominated by the NCP. The newly-appointed ministers were sworn in on 23 June. A list of the current members of the GoSS cabinet can be found in Annex 13. (06/10)
134. On 20 July 2010, the President of GoSS issued a decree, appointing 11 new GoSS Presidential Advisors. A list of the newly-appointed advisors can be found in Annex 13.
135. On 30 July 2010, the Referendum Team of South Sudan held intensive meetings with the Governors of the ten southern states to introduce the members of the team to the officials. The Chairman of the team in a press statement in Juba said that referendum committees had been set up in the states, adding that the state authorities had nominated five members on state and local levels to the states' Referendum High Committee. (07/10)

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

136. On 20 September 2005, GoSS President Salva Kiir issued a decree appointing the **Transitional Southern Sudan Legislative Assembly (SSLA)**. The Assembly is composed of 161 members (110 from SPLM, 25 from NCP, 26 from other Southern political parties (seven from Union of Sudan African Parties (USAP), three from Sudanese African National Union (SANU), four from United Democratic Salvation Front (UDSF), four from Southern Sudan Democratic Forum (SSDF), four from United Democratic Front (UDF), four from USAP2 (splinter of USAP)). A list of the current chairs of the specialised standing committees of the SSLA can be found in [Annex 14](#). (8/07)
137. The **1<sup>st</sup> session of the SSLA** opened on 26 September 2005. It elected James Wani Igga (SPLM) as Speaker and Tor Deng (NCP) as Deputy Speaker. After the adoption of the Interim Constitution of Southern Sudan, the SSLA reconstituted itself into the Southern Sudan Legislative Assembly.
138. The **2<sup>nd</sup> session of the SSLA** took place between September and December 2006. Four bills were passed into law in the session: the **Code of Evidence**; the **Interpretation of Law and General Provisions Act**; the **Public Premises Eviction Act**; and the **Investigation of Commissions Act**. (12/06).
139. On 25 April 2008, GoSS President through Presidential Decrees replaced 8 members of United Democratic Forum Party in the following State Assemblies: South Sudan (4), Western Bahr el Ghazal (2), Western Equatoria(2). (04/08)

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140. The Speaker of the SSLA announced that the following bills had been passed into law: the **Code of Civil Procedure Bill**, the **Southern Sudan Research Council Bill**, the **Personal Income Tax Provisional Order Bill**, the **Appropriations Bill**, the **Judiciary Bill**, the **Judicial Service Council Bill** and the **Kush Institution Bill**.(06/08)
141. On 23 July 2008, the SSLA passed two bills: the **Penal Code** and the **Code of Criminal Procedure**.(07/08)
142. The SSLA resumed sittings in mid-January 2009. On 14 and 26 January 2009, it passed the **Sudan People's Liberation Army (SPLA) Bill** and the **Land Bill**, respectively. In addition, the Assembly on 27 January 2009 passed the **2009 GoSS budget**, amounting to SDG 3,606,312,239 (US\$1.8 billion). (01/09)
143. On 23 March 2009, the SSLA passed the GoSS **Anti-Corruption Commission Bill**. The enabling legislation gives the Commission created earlier the right to investigate corruption cases and refer them for prosecution.
144. On 9 April 2009, the SSLA passed the **Local Government Act 2009**. It provides for the establishment of local governments in Southern Sudan, their powers, functions and duties, and composition. (04/09)
145. On 31 July 2009, the GoSS Council of Ministers passed the **Right to Information Bill**, the **Public Service Broadcasting Bill**, and the **Independent Media Authority Bill**. (08/09)
146. On 3 October 2009, the **Southern Sudan Police Bill** was passed in the Southern Sudan Legislative Assembly.
147. The newly-elected Speaker of the Northern Bahr El Ghazal State Assembly, Majang Ngor Kuany (SPLM), was sworn in on 20 October 2009 following the dismissal of his predecessor on allegations of mismanagement by a motion passed by 34 Members of the Assembly out of 48. (10/09)
148. On 3 February 2010, the Southern Sudan Legislative Assembly passed the third and final reading of the GOSS budget for 2010 fiscal year. The budget of 4.5 billion Sudanese pounds (approximately \$2.25 billion) allocates 1.1 billion Sudanese pounds to the SPLA. The Assembly also passed the Emoluments and Privileges of Constitutional Post Holders and Members of Legislative Assemblies Bill 2010. (02/10)
149. On 17 May 2010, the NEC released results of elections for the Southern Sudan Legislative Assembly (SSLA). The SPLM obtained a total of 159 seats, comprising 92 Geographical Constituency, 25 Party List, and 42 Women's List seats, equating to 93.52% of available seats. Independent candidates won 7 seats, all Geographical Constituency, while the SPLM-DC won 3 seats, 2 Geographical Constituency and 1 Women's List, with the NCP obtaining 1 Geographical Constituency seat. (05/10)
150. On 16 March, the Southern Sudan Legislative Assembly (SSLA) in Juba finally passed the South Sudan's 2011 Fiscal Year Budget in its fourth reading following discussions and a month delay. The total amount of the Budget, which will cover the period from 1 January 2011 to 21 December 2011 is approximately 5.7 billion Sudanese pounds [5,767,110,495 SDG] i.e. approximately US\$ 2.1 billion. (03/11)

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

151. The judges of the High Court and of the Court of Appeal of Southern Sudan were sworn in on 24 June 2006 and deployed by a decision of the President of the Supreme Court of Southern Sudan on 12 July 2006. (6/06)

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

#### **E) Commissions**

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

### **1.3**

### **THE STATE LEVEL**

#### **A) States' Constitutions**

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

#### **B) States' Executives**

158. On 27 August 2005, the President appointed **Governors for 14 Northern States**: Khartoum, Sennar, Red Sea, North Darfur, North Kordofan, Kassala, Gedaref, Gezira, Blue Nile, White Nile, West Darfur and South Darfur. The Governor of Southern Kordofan was appointed at a later date and took up his post on 20 October 2005. (07/08).
159. On 22 October 2005, the President of GoSS appointed **Governors for the ten Southern States**. (07/08)
160. The President of GoSS removed the Governor of Upper Nile State, Dak Duop Bichiok, from his post effective 18 February 2008 and appointed Gatluak Deng Garang (NCP) as his replacement.

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161. On 14 November 2009, the GoSS President appointed William Othwon Awer as the new Governor of Upper Nile State (UNS) through a decree. (11/09)
162. On 22 January 2010, the President of the Republic sworn in Acting Governors of seven Northern States: Kassala, River Nile, White Nile, Northern Kordofan, Southern Kordofan, Gedaref, and Northern State in connection with the 2010 elections. (01/10)
163. Elections for Governors (Walilis) of 15 Northern States and 10 Southern States were held in April 2010. An up-to-date list of the Governors of the Northern States can be found in [Annex 15](#) (05/10)

## 1.4

## HUMAN RIGHTS

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

### A) National Human Rights Commission (NHRC)

168. On 21 April 2009, the National Assembly passed the National Human Rights Commission Act following inclusion of some amendments. (04/09)
169. The appointment of Commissioners to serve on the National Human Rights Commission in Khartoum has still not taken place. The National Human Rights Commission Act provides that the Presidency will appoint commissioners following consultations at the Presidency. Civil society groups in October 2009 held a press conference and submitted a list of 15 potential candidates to the Presidency for consideration. (10/09)
170. The Independent Expert on the Situation of Human Rights in Sudan, Mohamed Othman Chande, concluded his three-week visit to the country with a press conference in Khartoum on

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11 February. He noted positive developments, including the Fourth Human Rights Forum of 2 February, but also areas for improvement, including the pending appointment of Human Rights Commissioners, the National Security Law and institutional weakness in Southern Sudan. (02/10)

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

171. In October 2006, GoSS President Salva Kiir issued a decree appointing the five members of the Southern Sudan Human Rights Commission (SSHRC). On 3 February 2009, the Southern Sudan Legislative Assembly passed the enabling legislation for the Commission. The Bill - which provides for the Commission's independence and adequate powers to carry out its current monitoring, investigation, advisory and promotional work - is largely in line with the Paris Principles (the international standards on National Human Rights Institutions).(02/09)
172. In February 2010, UNMIS Human Rights provided communication material to the Southern Sudanese Human Rights Commission, as part of its ongoing assistance to national human rights protection mechanisms. (02/10)
173. The Southern Sudan Human Rights Commission has established eight out of the ten state offices in Southern Sudan (Jonglei, Unity, Upper Nile, Western Bahr el Ghazal, Warrap, Eastern Equatoria, Western Equatoria and Central Equatoria). Upon the request of the Commission, UNMIS Human Rights continues to work with the SSHRC in building its capacities through provision of technical and logistical support and advisory services.(03/10)
174. During the month of September, the GoSS President appointed, Lawrence Gubanda, as Chairperson for the Southern Sudan Human Rights Commission (SSHRC). He is a former GoSS Secretary of State for State Affairs. (09/10)

**2. Wealth-Sharing Agreement**

**2.1**

**LAND OWNERSHIP AND NATURAL RESOURCES**

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

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

176. On 20 April 2009, the National Assembly adopted the National Land Commission Bill. (4/09).
177. The National Land Commission, as envisaged in the CPA, remains to be constituted. (03/10)

**B. Southern Sudan Land Commission (SSLCC)**

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

**2.2 OIL REVENUES (INCLUDING THE NATIONAL PETROLEUM COMMISSION {NPC})**

179. The CPA establishes guiding principles for the management and development of the petroleum

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sector and sharing of revenues from the oil sector. It provides for the establishment of a National Petroleum Commission to formulate policies and guidelines on development of the oil sector, and monitor their implementation to ensure policies work in the best interests of the people of Sudan.

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

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

**B) Sharing of Oil Revenues**

183. The CPA and the INC provide for equitable sharing of oil revenue among oil producing states. Under the terms of the agreement, at least 2% of net oil revenue is allocated to the state or region in which oil is produced. Remaining revenues from oil produced in the South are divided equally between GNU and GoSS, while those from oil produced in the North accrue exclusively to the GNU. Transfers of oil revenue to the Southern Sudan and States level have taken place since 2005.
184. On 6 August 2008, in a meeting with the Assessment and Evaluation Commission (AEC) Wealth-Sharing Group, members of the Joint (GNU/GoSS) Committee for Monitoring, Calculating and Sharing of Oil Revenue provided an update on the current state of transfers to GoSS and oil producing states. The Committee informed that the cumulative total arrears due to GoSS from 2005, 2006 and 2007 now stands at US\$55.86 million. However, there are no arrears due to GoSS for the first half of 2008, and the total amount received by GoSS so far exceeded US\$1 billion. GoSS representative raised the issue of the Oil Revenue Stabilization Account (ORSA), where the differences (surplus) between the budgeted and actual oil revenues are kept and which is currently held in the Central Bank of Sudan. Since the banking system in the North is governed by Sharia law which forbids interest payments, GoSS would like the ORSA funds to be split between the GNU and GoSS so that it may collect interests (08/08)
185. According to a report on Sudan Oil Sector for the year 2008 released by the GoSS Ministry of Finance and Economic Planning, Sudan's total oil revenue for 2008 was \$6,566.04 million, of which the GNU share was \$3,677.74 million. In a separate report, the Ministry of Finance & National Economy indicated that the total oil revenue for GoSS for 2008 was \$2,888.20 million. According to the same report, by end of December 2008, oil revenue arrears in favour of GoSS stood at \$265.66 million.(02/09)
186. According to a half-yearly report by the Petroleum Unit of the GoSS Ministry of Finance and Economic Planning, Sudan's total oil revenues for the period January-June 2009 were \$787.01 million. It reports further that the shares of the GNU and GoSS stood at \$422.15 million and \$364.86 million, respectively. Meanwhile, the GNU paid back to GoSS approximately \$52 million that it had deducted unilaterally as GoSS contribution to national elections. (08/09)
187. According to the Ministry of Finance and National Economy, an amount of approximately \$666.14 million had been transferred to GoSS between July and October 2009. The Petroleum Unit of the GoSS Ministry of Finance and Economic Planning confirmed that these transfers

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included a withdrawal of \$254.36 million from the Oil Revenue Stabilization Account and an initial direct expenditure deduction of \$19.81 million. (01/10)

188. According to a GoSS Ministry of Finance and Economic Planning report, Sudan's total oil revenue in 2009 from oil resources in the Southern Sudan was \$2,566.16 million, of which GoSS share was \$1,067.7 million. (02/10).
189. According to a report of the Petroleum Unit of the GoSS Ministry of Finance and Economic Planning, the national government has transferred approximately \$669.92 million to the GoSS in the first quarter of 2010 as its share of oil revenue. (06/10)
190. According to both the national government Ministry of Finance and National Economy and the Government of Southern Sudan Ministry of Finance and Economic Planning, the total oil revenue of the Sudan in 2010 was \$ 4,423 million, of which the Government of Southern Sudan share was \$1,802 million. Taking account of the settlement of arrears and expenses, the total transferred from Khartoum to the Government of Southern Sudan was \$1,553 million. According to the national government Ministry of Finance and National Economy, the total oil revenue share of the oil producing states in 2010 was \$89.27 million, of which \$26.86 million was Unity State, \$45.79 million Upper Nile State, and \$16.62 million Southern Kordofan State respectively. The total oil revenue share of the Abyei Area in 2010 amounted to \$4.3 million. (03/11)

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

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

## **2.3**

### **NON-OIL REVENUE**

193. The CPA provides for the sharing of non-oil revenue from federal sources in the South, including customs and immigration, airport taxes, etc.
194. According to the Ministry of Finance and National Economy, the Government of Southern Sudan collected a total of 34.2 million Sudanese pounds in 2008 in Southern Sudan in the form of taxes. After an adjustment of 8 per cent administrative charges, the balance has been divided equally between the national and Southern Sudan governments. (03/09)
195. According to the national government Ministry of Finance and National Economy, a total of approximately \$18.86 million non-oil revenue was collected in Southern Sudan in 2009. (06/10)
196. According to the national government Ministry of Finance and National Economy, a total of 45.9 million Sudanese pounds (approximately \$16.5 million) non-oil revenue was collected in 2010. (03/11)

## **2.4**

### **BUDGET AND FISCAL DECENTRALIZATION**

197. In the CPA, the Parties agreed on general principles related to the fiscal process including transparency, decentralization and a commitment to reduce regional inequities. The CPA also sets out which taxes may be collected by different levels of government, and further specifies that all nationally collected revenues are to go into a National Revenue Fund to be

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transparently allocated, while states and the Government of Southern Sudan shall retain and dispose of income collected under their own taxing powers. The CPA also provides that each level of government shall be liable for its own borrowing.

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

198. The Fiscal and Financial Allocation and Monitoring Commission (FFAMC) was established by presidential decree on 15 November 2005. A task force led by the Joint National Transition Team worked on developing legislation and the FFAMC's terms of reference. The FFAMC initially got off to a slow start, raising concerns over delays in transfers of national revenues to states, in particular to the Three Areas. The FFAMC established a Technical Secretariat and a Panel of Experts in May 2006. (05/06)
199. On 28 June 2010, the National Assembly approved the appointment of Izzeldeen Ibrahim, Alhadi Abdelsamad, Abdelhameed Altijani, Awatif Yousif Mohammed, and Abdelmoniem Mahmood as members of the Panel of Experts of the Fiscal and Financial Allocation and Monitoring Commission (FFAMC). (06/10)

## 2.6 NATIONAL AND SOUTHERN SUDAN AUDIT CHAMBERS

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

## 2.7 JOINT NATIONAL TRANSITION TEAM (JNTT)

203. The **Joint National Transition Team** (JNTT) was established in Nairobi on 9 March 2005. Originally foreseen as having an important role in resource mobilization and implementation of the findings of the Joint Assessment Mission (JAM), the NCP and SPLM agreed in June 2005 that the JNTT should cover the CPA's power-sharing as well as wealth-sharing provisions. Following the formation of the GNU and GoSS, and the appointment of several **JNTT** members to new positions, there was some doubt as to the composition and role of the body. Though the JNTT chaired initial meetings of the MDTF Interim Oversight Committees, further to the formation of the GNU and GoSS, the role was later taken over by the respective Ministries of Finance. The JNTT played an important role in preparations for and during the Sudan Consortium meeting on 9 and 10 March 2006 in Paris. (9/06)

## 2.8 BANKING AND CURRENCY

### A) Banking

204. In June 2005, the JNTT reported that the **Bank of Sudan** had been restructured to accommodate a **dual (Islamic and conventional) banking system**, as per the provisions of the wealth-sharing agreement. On 18 July 2005, the GoSS and the Central Bank of Sudan

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signed a Memorandum of Understanding, and the Bank of Sudan opened its Juba branch on 19 July 2005. (7/06)

205. The **Central Bank of Sudan Act** was adopted by the National Assembly in October 2005 and signed into law in November 2005.

#### ***B) Currency***

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

### **2.9**

### **RECONSTRUCTION AND DEVELOPMENT FUNDS (INCLUDING MDTFs)**

#### ***A) Multi-Donor Trust Funds (MDTfs)***

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

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

### **3.1**

### **ABYEI**

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

211. The **Abyei Boundaries Commission** (ABC) was mandated to define and demarcate the area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905, referred to as 'the Abyei

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area'. The ABC submitted its final report to the Presidency on 14 July 2005. However the Presidency failed to agree on adoption of the report.

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

#### **B) Administrative Structures**

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

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

218. **Implementation of the Abyei Roadmap:** On 8 August 2008, the Presidency appointed Arop Mayak Mony Tock (SPLM) and Rahama Abdelrahman al-Nour (NCP) as Chief Administrator and Deputy Administrator, respectively, of the interim Abyei Area Administration. They were sworn in on 31 August. (08/08)
219. On 6 October 2008, two Presidential decrees were issued appointing remaining members of the Abyei Executive and Area Councils according to the Abyei Roadmap Agreement. Five heads of administration have been named; however, assignments as heads of specific departments are yet to be confirmed. (10/08).
220. In accordance with the provisions of the Abyei Roadmap, the redeployment of SAF and SPLA from the Roadmap Area was completed on 8 March 2009. The Sector VI AJMC accepted the redeployment completed on 13 March 2009; the CJMC at its 92nd meeting held on 24 March expressed its appreciation to Sector VI for the effort of the implementation of the Roadmap. (03/09)
221. JIU have deployed to Balom and Bajadiid in order to provide security along the Misseriya migration route. The Joint Integrated Police Unit (JIPU) comprising 334 (179 from the South and 155 from the North) has been deployed and is policing Abyei town, Agok and Abathok. (04/09)
222. Further to the Abyei Protocol and Abyei Roadmap Agreement, implementation of the Abyei Area Administration took effect on 11 November 2008 with the swearing in of five Executive Council Members. The Secretaries are to head five departments which are Administration, Governance and Human Resources; Finance and Economic Planning; Agriculture, Animal and Natural Resources; Social Services and Cultural Affairs; and Public Utilities and Infrastructure. They would report directly to the Chief Administrator. Policing will be managed separately by Office of the Chief Administrator under a 'Security Commission.'(11/08)
223. In May 2009, the Presidency provided funds of SDG five million for the Abyei Area Administration to facilitate payment of salaries and overhead costs. In addition, some funds were approved for the restructuring of the Abyei Area Administration of over 1200 posts within the administrative structure. (05/09)
224. The 4th session of the Abyei Area Legislative Council (AALC) opened in Abyei on 20 October 2009. At the opening session, Abyei Area Chief Administrator Arop Moyak Monytoc expressed appreciation on the ongoing collaboration between the Executive and the Legislature and enumerated challenges faced by the Abyei Administration, including on the restructuring of the traditional administration, the problems faced by the Abyei Border Demarcation Committee, the absence of courts and the Judiciary and the need to ensure peace and security during the upcoming migration season. (10/09)
225. In a presidential decree effective 30 December 2009, Deng Arop Koul replaced Arop Moyak Monytoc as Abyei Area Chief Administrator. (01/10)

### **C) Security Arrangements**

226. **Movement restrictions:** In March 2006, SAF notified UNMIS that a number of towns in the north of UNMIS Sector VI - including Al Fula, Muglad and Meiram – were to be excluded from monitoring and verification, restricting the area of operation of UNMOs to about 30% of the

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Sector. In September 2006, SPLA representatives informed the CJMC and the CPC that it would also be imposing restrictions on the movement of UNMIS monitors south of Abyei. In February 2007, further restrictions were imposed on UNMIS reducing the movement of UNMOS to the Abyei area - no more than 15km<sup>2</sup>.

227. Since the implementation of the Abyei Roadmap, UNMOS and TCCs have enjoyed freedom of movement within the Abyei Administrative Area.(08/08)
228. In December 2008, a high-ranking Joint Monitoring Team and the Chief Administrator for Abyei, the Sector Commander, the UNMO Coordinator, AJMC members and UNMOS monitored the withdrawal of SPLA and SSPS from Agok. The MP Platoon from 13 (SPLA) Brigade consisted of 2 officers and 37 soldiers with 37 x AK-47 rifles. The Police Service detachment included 12 police officers and 29 men; the Prison Service detachment consisted of 4 officers and 58 men; the Fire Service detachment included 5 officers and 27 men; while the Wildlife Services detachment consisted of 7 officers and 37 men. The JMT, including representatives from the SAF, SPLA and UNMIS verified the above troop numbers and weapons. Ten SSPS policemen will remain in Agok until the JIPU arrive to take over policing of the town. The withdrawal of forces from Diffra is expected to be announced soon. (12/08)
229. On 21 December 2009, JIPU has deployed in AGOK consequent to the redeployment of SSPS from the area. (01/09)
230. On 18 January 2009, a special patrol consisting of the Sector Commander, JIU Commander, UNMO Coordinator, JIU cell and the AJMC National Monitors from SAF / SPLA monitored the withdrawal of SAF soldiers from the Diffra oil field area. It has reported that 21 soldiers redeployed to HQ 31 BDE and ten soldiers remained behind to guard storage containers that could not be lifted on that day. Heavy lifting equipment will be required to move the large SAF accommodation container. It is anticipated this will occur in near future. (01/09)
231. Nine months after the signing of the Abyei Roadmap, SAF redeployed its last ten soldiers with two storage containers from Diffra on 8 March, and SPLA a Logistic Base from Agok on 2 March 2009. (03/09)

#### **D) Reconciliation Process**

232. Several confidence-building initiatives have been organized by UNMIS between the Dinka Ngok and the Misseriya around the issue of migration, including workshops and a peace conference. For example, in July 2007, the UN sponsored an agreement between the Misseriya and Dinka Ngok to coordinate the annual migration movement of Misseriya nomads in Abyei through a joint Leaders' Committee. (7/07)
233. In November 2007, with the onset of the migration season, Sector VI facilitated an initial meeting between Dinka Ngok and Misseriya leaders on this year's migration. Reconciliation on nomad migration routes were agreed upon by both sides and have been adopted into resolutions to be implemented. (11/07)
234. UNMIS Civil Affairs in Bor, Jonglei State and the Regional Office continued to facilitate and support the works of the Murle-Lou Nuer Joint Cease-Fire Committee in preparations for the Murle-Lou Nuer Peace and Reconciliation Conference scheduled for 11 September 2009 in Bor. (08/09)
235. In November 2009, UNMIS Civil Affairs in Abyei, in collaboration with UNDP, organized a conflict resolution workshop for the Payam and Boma Administrators in Abyei to help reactivate the local-level Conflict Mitigation Committees at the Payam and Boma levels. More than 20 Administrators and Boma Chiefs participated in the workshop. The Committees are expected to help facilitate a peaceful migration season by meeting with nomads and their

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leadership in their respective areas. The participants were trained on basic conflict resolution skills. (11/09)

236. On 1 December 2010, President Salva Kiir of the Government of Southern Sudan issued two presidential decrees to reinstate Maj. Gen. Dau Aturjong to the SPLA, effective 1 December 2010, and to establish a high level committee to hold talks with Lt. Gen. George Athor, an SPLA commander who rebelled after unsuccessfully standing for election for the post of the Governor of Jonglei State. (12/10)
237. On 13 January 2011, traditional leaders of the Dinka Ngok and the Misseriya, with the facilitation of UNMIS and key government leaders, reached agreement on a number of arrangements that aim at ensuring their peaceful co-existence, including the establishment of mechanisms to facilitate the movement of the Misseriya pastoralists and their herds throughout the Abyei area; payments and compensation for persons killed and livestock lost in various security incidents in 2010; and the safe passage for IDPs returning to Southern Sudan and Abyei particularly through South Kordofan State.
238. On 17 January 2011 at a high level security meeting in Kadugli, the parties discussed issues relating to security arrangements in Abyei and the protection of returnees who transit through Southern Kordofan State to the South and Abyei. This so called 'Kadugli Agreement of 17 January' includes the removal of the Joint Integrated Police Units (JIPUs) from migration routes and the deployment of two Joint Integrated Unit (JIU) battalions, facilitated by UNMIS; the formation of a technical committee to resolve police issues in Abyei; freedom of movement for returnees; freedom of movement and grazing for nomads to Abyei and the southern states. (01/11)
239. On 4 March 2011, the parties agreed on the modalities relating to the implementation of the Kadugli agreements of 13 and 17 January. The signed agreement includes, *inter alia*: the full and immediate implementation of the Kadugli agreements; the establishment of a mechanism (Standing Committee) to implement the Kadugli agreements; the full and effective deployment of the JIUs to the designated locations in Abyei; the immediate withdrawal of all other forces out of the Abyei Area; the UN to facilitate the implementation of the Kadugli agreements; and the UN to have unhindered access to all areas of the Abyei Area.
240. On 8 March 2011, the Abyei Standing Committee, a vehicle for the implementation of the Kadugli agreements, was established. On 9 March, its first meeting was held in Khartoum.
241. On 26 March, the President of the Republic of Sudan, Omer Hassan Al-Bashir and the President of the Government of Southern Sudan, Salva Kiir, reached agreement on Abyei Security Arrangements. According to the agreement, the only forces that should remain in the Abyei Area to ensure security will be the JIUs and JIPUs. All other forces should withdraw outside the Abyei Area, as defined by the Permanent Court of Arbitration award. The deployment of the JIUs and JIPUs to agreed locations will be supported by UNMIS. The monitoring and verification of the withdrawal of all the other forces will be done jointly by both parties and UNMIS. (03/11)
242. On 13 April, the Abyei Standing Committee agreed to form a Joint Technical Committee in order to monitor and verify the withdrawal of all unauthorised security forces from the Abyei Area in accordance with the Kadugli agreements of 13 and 17 January and the Abyei agreement of 4 March. (04/11)

### 3.2

### SOUTHERN KORDOFAN

#### A) Geographic Boundaries

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243. On 16 August 2005, President Al-Bashir issued a decree declaring the **Boundaries of Southern Kordofan State** to be the previous boundaries of Southern Kordofan Province as defined in the 1974 Act of the division of provinces. Some parts of Western Kordofan were thus merged into Southern Kordofan. Some parts of the boundaries of Southern Kordofan remain unclear pending the resolution of the boundaries of Abyei and the final demarcation of the 1956 North-South Border.
244. Redeployment of SAF and SPLA neared completion at the end of July 2008. A formal handover in the area of security from SPLA to the new JIU took place in Manyang on 28 July. By the end of the month, the JIU had deployed to Abyei town and started its patrols. JIU stations are to be established in Manyang, Balom/Diffra, Todach and Agok. UXOs left behind by SAF and SPLA are currently being disposed of.
245. The **Legislative Council of Southern Kordofan** was formed on 12 December 2005 and convened on 22 December 2005 with 54 members (30 NCP and 24 SPLM), seven of whom were women. Ibrahim Balandia (NCP) was appointed Chairman.
246. The formation of the Southern Kordofan government was plagued by delays in 2006, mainly due to failure to adopt the state constitution. The resulting partial paralysis of the executive prevented the appointment of ministers and the proper functioning of the legislature. A caretaker government was eventually set up on 7 March 2006.
247. The work of the legislature remained blocked over a disagreement on whether its chairmanship should be rotated between the parties on a regular basis. On 11 November, the Presidency took the decision to leave the chairmanship of the Legislative Council with the NCP, the deputy position with the SPLM, and create a new position of 'Leader' of the Council, to be filled by the SPLM. On 21 November 2006, the Legislative Council accepted the final draft of the **state constitution**. On 19 December 2006, the constitution was formally adopted in Kadugli in the presence of Vice President Taha. The Council met in full session for the first time on 13 March 2007 and is now a functioning body.
248. The second session of the Southern Kordofan Legislative Council since the ratification of the state constitution took place in Al Fula, the state's second town, in April 2007. This fulfilled the CPA requirement of alternating legislative sessions between Kadugli and Al Fula. The Legislative Council created ten permanent committees, the members of which were announced at the session. (4/07)
249. On 1 July 2007, President Al-Bashir sworn in Omer Suleiman Adam (NCP) as the new **Governor of Southern Kordofan State**, replacing Ismail Khamis Jallab (SPLM). The new Deputy Governor, Daniel Kodi (SPLM) was appointed on 17 July 2007, replacing Eissa Bashari (NCP). The rotation of Governors should have taken place in April 2007, but was postponed by mutual consent.
250. At the end of December 2007 and beginning of January 2008, the Governor appointed the state cabinet (five ministers from SPLM, including Deputy Governor, and five from NCP as well as government advisors and locality commissioners. ([Annex 17](#)).
251. On 26 July 2007, an Assessment and Evaluation Commission for Southern Kordofan State was created by a presidential decree, just after the end of the second year of the Interim period deadline stipulated by the CPA (07/07). On 12 February 2008, President Al Bashir appointed El Dirdeiri Mohamed Ahmed and Neron Philips as co-chairs of the Commission. (02/08)
252. In May 2009, the President of the Republic appointed Ahmed Haroun as the Governor of Southern Kordofan State. (05/09)
253. In November 2009, the Southern Kordofan State Governor issued a special decree forming a

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

254. On 25-29 April 2010 an orientation training for the 415 newly integrated civil servants (from areas previously controlled by SPLM) was held Kadugli. Earlier in March, the Technical Committee formed to oversee the integration released two final lists of staffs (793+213) to be integrated into State Ministries of Education and Health, respectively. (04/10)
  255. On 15 June 2010, in Southern Kordofan, the re-run of the population census kicked off across the state. (06/10)
  256. On 25 October, the Presidency released the census results for Southern Kordofan State, with the state's population at 2,508,268. (10/10)
  257. On 21 November, in Southern Kordofan State, the State Governor restructured the Preparatory Committee for Popular Consultation (PC) by decree. The new structure is co-chaired by the Governor (NCP) and the Deputy Governor (SPLM), with the State Assembly Speaker and the Deputy Speaker as deputies. The Committee includes representatives from all other political parties in SKS and 26 other actors (CSOs, state and local officials, tribal leaders, etc.) as members. The committee will mobilize and coordinate the joint efforts of the state, the national government and partners, for the success of the PC process in SKS, and carry out civic education and awareness activities. (11/10)
  258. In South Kordofan State, a Preparatory Committee chaired by the Governor was formed to facilitate the popular consultation process. A popular Consultation Parliamentary Commission (PCPC) will need to be elected by the Parliament following the elections scheduled for May 2011 in order to begin the process officially. (01/11)
  259. NEC published the Final Voters' register on 10 March 2011. Six hundred forty two thousand and five hundred fifty five (642,555) voters, out of the approximately 1,172, 406 eligible voters determined by the June 2010 Census in Southern Kordofan State, registered.
  260. On 17 March, a 7-day nomination period (11-17 March) for parties/candidates to file their candidacies for the May 2011 Southern Kordofan State elections, ended successfully. The candidates will contend for the complete slate of 55 posts [gubernatorial (one post), geographical representation (32 posts), women's list (14 posts), and party-list (8 posts)]. The nominations period officially catalogued five candidates for the governorship, 245 for geographical representations, 64 for party-list and 133 for women's lists, according to the Acting Chairperson of the State Elections High Committee (SEHC). Following the withdrawal of two candidates from the governorship, three candidates will contend for the post: Mohamed Ahmed Haroun (NCP/incumbent Governor), Abdel Aziz Al-Hilu (SPLM/incumbent Deputy Governor) and Telefon Kuku (independent). During the reporting period, a total of 14 political parties submitted their nominations for the geographical representations, while for the party and women's lists, nine and seven political parties registered respectively. (03/11)
261. On 4 and 7 April, the NCP and the SPLM launched their electoral campaigns respectively, and continued their campaigns throughout the month. (04/11)

#### **B) Security Arrangements**

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

### **C) Returns**

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

## **3.1**

## **BLUE NILE STATE (BNS)**

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

269. The Blue Nile State Government was formed on 5 December 2005, comprising eight ministers including five locality commissioners. In November 2007, the number of localities increased to

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six by the establishment of Al-Tadamon Locality. The state legislative body was also instituted. Seats were allocated according to the formula stipulated in the CPA (NCP 55% / SPLM 45%). The state cabinet was sworn in on 7 December 2005. Certain groups, mainly from the Ingesna and Arab tribes in the western part of Blue Nile State, protested the Government's lack of inclusiveness.

270. On 1 July 2007, President Al-Bashir issued a decree appointing Malik Aggar (SPLM) as Governor of Blue Nile State, replacing Abdulrahman Mohamed Abumedian (NCP). The rotation should have taken place in February 2007: Aggar's predecessor had been appointed in August 2005 and the CPA stipulates that control of the governorships of Blue Nile State should have switched between the NCP and the SPLM after the initial appointee had served 18 months. Ahmed Kremano (NCP) was appointed Deputy Governor in place of Zayed Issa Zayed (SPLM). Both Aggar and Kremano were sworn in at a ceremony on 3 July. (7/07)
271. On 26 July, an Assessment and Evaluation Commission for Blue Nile States was created by presidential decree (7/07). On 12 February 2008, President Al Bashir appointed Abdel Rahim Mohamed Ali and Eisa Zayed as co-chairs of the Commission (02/08).
272. On 21 April 2008, the head of the Blue Nile Assessment and Evaluation Commission, Abdel Rahim Osman, informed local media that the Commission has completed a tour round the State to assess NCP-SPLM efforts to implement the CPA in Blue Nile State. He confirmed consensus among the two parties on the importance to implement the agreement and said that emerging political or executive differences did not impact the implementation process. (04/08)
273. On 24 September 2009, a reshuffle of NCP ministers in the government of BNS took place. Three ministers lost their portfolio while three were given cabinet post. The newly-appointed ministers are Omda Obaid Mohamed Suliaman Abushotal (Culture, Youth & Sports); Fidail Abdelrahman Ogail (Local Government); and Al Agib Abbas Zarroug (Education). In addition, three advisors were also appointed. (09/09)
274. A delegation of the Three Areas Working Group of the Assessment and Evaluation Commission (AEC) visited Ed-Damazin and Kurmuk in Blue Nile State on 14-15 October 2009 to assess the status of CPA implementation in the State. The delegation composed of international community representatives (US, UK, Norway, Netherlands, Kenya, IGAD, EU, and AU) and the two CPA partners. (10/09)
275. In April 2010, Malik Aggar was elected as the Governor of the Blue Nile State. Members of the State Legislature were also elected in the same month. (05/10)
276. On 18 September, in Blue Nile State (BNS), the Popular Consultation Parliamentary Commission (PCPC) was established with the passage of the Popular Consultation Act by the State Assembly. The Commission is led by MP Sirag Hassan Attaelmanan (NCP) as the Commission Chairperson and Musa Kenji (SPLM) as the Secretary. It has 21 members (13 NCP and 8 SPLM) as stated in the Act. (09/10)
277. On 20 October, the PCPC launched a civic education campaign on popular consultations in Ed-Damazin. This state-wide awareness programme is funded by the USAID and implemented by civil society organizations. The campaign is scheduled to end on 20 November, followed by the consultation process in 87 centres (three in each geographical constituency) across the state. (10/10)
278. On 14 January 2011, the PCPC started public hearings in 116 centers in six localities of Blue Nile State. (01/11)

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- 279. On 9 April, the data entry process of the popular consultation public hearings began at the PCPC Data Entry Centre in Ed-Damazin, and was completed on 27 April. The data analysis of the public hearings is planned to start in early May.
- 280. On 15 April, the PCPC conducted one-day public hearings in the four centres, namely, Umdarfa, Alman, Menza and Mancheleng in Roseires Locality following the cancellation of public hearings in the eight centres in January. Approximately, 2,000 people attended the hearings. (04/11)

#### ***B, Security Arrangements***

- 281. Joint Integrated Units have been established in Sector V (Damazin). However both parties continue to be slow in filling their respective quota of troops and in deployment to all eight agreed locations, complaining of logistical problems. As of September 2009, the 8 JIUs locations are now occupied by SAF and SPLA. But still to be filled with the agreed quota in all locations: Um-darfa, Menza, Wadal Mahe. Dindiro, Ulu, Gissan, Kurmuk and Taliya.
- 282. On 10 August 2009, an official ceremony marking the end of demobilization operations in Blue Nile State was held in Ed-Damazin. A total of 5443 ex-combatants drawn from SAF, SPLA and PDF were demobilized. (09/09)

### ***4. Security Arrangements***

#### **4.1**

#### **CEASEFIRE POLITICAL COMMISSION (CPC)**

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

#### ***Recent CPC Meetings***

- 286. The Ceasefire Political Commission held its 29th regular meeting on 31 March 2010 in

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Khartoum. The CPC secretariat informed the meeting of its contacts with the National Elections Commission, the Border Demarcation Committee and the DDR Commission in order to enhance their mutual coordination on security related issues during the election. (03/10)

287. On 30 June 2010, the 31st meeting of the Ceasefire Political Commission (CPC) was held in Khartoum. The meeting discussed, among other issues, steps to expedite the interface between the Joint Defence Board (JDB) and the Ceasefire mechanisms to ensure security and stability during the upcoming period. (06/10)

288. The 35<sup>th</sup> CPC meeting has been postponed. (04/11)

#### 4.2

#### CEASEFIRE JOINT MILITARY COMMITTEE (CJMC)

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

##### A. Recent CJMC Meetings

291. On 11-12 April, the 139th CJMC meeting was held in Khartoum. A number of issues were raised and discussed: the status of the verification of the number of SPLA in Blue Nile and Southern Kordofan States; the dissolution of the JIUs; Abyei incident of 12 February; the status of the investigation over the alleged bombing by SAF aircraft on SPLA positions at Firka (Western Bahr el Ghazal State); and the security situation in Abyei. On 26 and 27 April, the 140th CJMC meeting was held in Khartoum. With regard to the Abyei incident of 12 February, this CJMC requested the CPC to approach the JDB to take disciplinary action against the JIU soldiers for violating instructions and to ensure that in the future JIU soldiers abide by the rules to prevent re-occurrence of such incident. The next 141st CJMC meeting is planned to be held on 9-10 May in Juba. (04/11)

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

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

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#### 4.3

#### AREA JOINT MILITARY COMMITTEE (AJMC)

295. The **Area Joint Military Committees** (AJMC), which coordinate all the ceasefire related monitoring and verification activities in the Sectors, were to be formed by 24 June 2005. However, due to the non-availability of the members nominated by the parties and the Sector HQs (in some cases), their formation was delayed. The first AJMC was held in the Nuba Mountains Area on 20 September 2005.

#### 4.4

#### JOINT MILITARY TEAMS (JMTS)

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

#### 4.5

#### REDEPLOYMENT OF FORCES

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

#### 4.6

#### THE JOINT DEFENCE BOARD (JDB)

301. According to the CPA, the **Joint Defence Board** is responsible for co-ordination between the SAF and SPLA and for the command of the JIUs. The JDB is tasked with agreeing how to address any external and internal threats, and for organizing confidence-building measures between the Parties' armed forces. The Board is to be composed of the Chiefs of Staff of the two Armed Forces, their deputies and four senior officers, and is to operate by consensus. The Commanders of the JIUs are *ex officio* members of the JDB. The JDB is to be supported by a Technical Secretariat of eight senior officers.
302. The JDB was formed by presidential decree on 30 December 2005 and held its first meeting on 2-3 January 2006. It is jointly chaired by First Lieutenant-General Abbas Arabi Abdallah (SAF)

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and First Lieutenant General Oyai Deng Ajak (SPLA). The JDB has continued to meet regularly, approximately every other month.

303. The Parties agreed in July to task the Joint Defence Board with finding a solution to the dispute between SAF and the SPLA over the continued presence of approximately 3600 SAF troops in oil producing areas south of the 1-1-1956 Line after the 9 July redeployment deadline. SAF had argued that it needed to keep troops in these key areas to maintain security in the absence of fully formed JIUs. (7/07)
304. In the third week of February 2010, in compliance with a JDB order, Maj. Gen. Yahya (SAF) handed over his responsibilities as Deputy JIU Commander to Major General Taj Al-Deen Al-Zein (SAF). (02/10)

#### 4.7.

#### JOINT INTEGRATED UNITS (JIUS)

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

##### A) Assembly of JIUs

306. In 2006, the Parties made considerable progress in the nomination of forces to serve in the JIUs. However overall the deployment of JIUs, which was to have been completed by 9 October 2006, is significantly behind schedule. The Parties, especially the SPLA, have blamed logistical challenges. While some JIUs are co-located, in other areas nominated personnel are gathered at assembly areas some way from the final deployment location.
307. New Standard Operational Procedures (SOP) on JIU re-verification was promulgated on 8 July 2008. 81<sup>st</sup> CJMC on 18 August 2008 decided to freeze JIU re-verification till 18 September 2008 to allow understanding of the new SOP.
308. The 85<sup>th</sup> CJMC on 25 November 2008 decided further to freeze the JIU figure till 20 January 2009 to allow sufficient time for completion of JIU re-verification. During the freezing of JIU figure, the verified strength was 33,583 (84.7%) of CPA authorized strength 39,639.
309. The properly-conducted re-verification of JIUs could not be completed until the end of May 2009 due to the postponement in verification of weapons and the lack of nominal rolls of JIU soldiers. As stated at the 96th CJMC (19 May 2009), the verified deployment figure stands at 32,723 (82.55%). Consolidated JIU figures are not expected until June 2009. (05/09)
310. There was no change to the status of JIU deployment in August 2009, which still stands at 82.6%. JIU commanders attended the 103rd CJMC meeting to discuss JIU issues and security aspects. The 103rd CJMC decided that JIU command to conduct an internal review of the forces figures until 15 October 2009. Therefore, monitoring of the JIU is frozen up to 15 October 2009. UNMIS will conduct M&V of all JIUs from 16 Oct – 15 Nov 2009. This will be considered the last and final verification of JIU strength. CJMC and JIU command will have a follow-up meeting in December 2009 in Juba. CJMC and JIU command decided that the Parties should look for funds for deployment of JIUs & National Monitors to Diffra and Agok (Sector VI – Abyei) which has been a pending issue for some time. (08/09)

##### B) Dissolution of JIUs

311. The JIU dissolution process had officially been completed by 9 April. However, the movement of SAF

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JIU troops from the South to the North was still underway. One hundred SPLA JIUs in Khartoum was agreed by the parties to stay until 9 July 2011. The dissolution of the JIUs in Southern Kordofan and Blue Nile States still need to be resolved. (04/11)

JIU Deployment December 2009 - The status of the JIU has not changed since April 2009											
Sector	Party	CPA Auth Strength	Stated at AJMC			Verified			Total % CPA Auth	Total % Stated	Last CUMC 06 Apr (CPA Auth)
			Proper	Former OAG	Proper	Former OAG	Total				
I	SPLA	4,500	4,433		3,403		3,403	75.62%	76.76%	75.62%	
	SAF	4,500	4,068		2,956		2,956	65.68%	72.66%	65.68%	
II	SPLA	3,500	3,317		2,991		2,991	85.46%	90.17%	85.46%	
	SAF	3,500	3,302		2,684		2,684	76.69 %	81.28%	76.69%	
III	SPLA	4,000	3,596		3,549		3,549	88.73%	98.69%	88.73%	
	SAF	4,000	3,975	983	4,021		4,021	100.52%	101.15%	100.53%	
IV	SPLA	3,000	3,198		2,582		2,582	86.06%	80.74%	86.06%	
	SAF	3,000	3,163		2,771		2,771	92.36%	87.60%	92.36%	
V	SPLA	3,000	2,525		1,750		1,750	58.33%	69.31%	61.36%	
	SAF	3,000	3,084		2,417		2,417	81.00%	78.37%	87.76%	
VI	SPLA	320	320		307		307	95.93%	95.93%	98.75%	
	SAF	319	308		292		292	91.53%	94.80%	94.98%	
Khartoum	SPLA	1,500	1,500		1,500		1,500	100%	100%	100%	
	SAF	1,500	1,500		1,500		1,500	100%	100%	100%	
TOTAL	SPLA	19,820	18,889		16,082		16,082	81.33%	85.34%	81.64%	
	SAF	19,819	19,400	983	16,641		16,641	83.99%	85.75%	85.09%	
<b>SUMMARY</b>		<b>JIUs</b>	<b>39,639</b>	<b>38,289</b>	<b>983</b>	<b>32,723</b>	<b>32,723</b>	<b>82.55%</b>	<b>85.46%</b>	<b>83.36%</b>	

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

- 312. The CPA requires that no Other Armed Groups aligned to either party should be allowed to operate outside the formal structure of the two forces during the Interim Period. Other Armed Groups are required either to be integrated into the organized forces of one of the Parties (army, police, prisons or wildlife service), or disarmed, demobilized and reintegrated into civilian life.
- 313. The **Other Armed Groups Collaborative Committee** (OAGCC) designed to oversee this process was formally established in March 2005. The SPLA finally nominated its members to the OAGCC on 24 July 2006.
- 314. On 8 January 2006, the SPLA signed the **Juba Declaration on Unity and Integration of SPLA and SSDF** with Paulino Matip, the leader of the Southern Sudan Defence Force (SSDF) umbrella organization comprising the majority of formerly SAF-aligned OAGs. A diagram illustrating OAG-SSDF alignment after the Juba Declaration can be found in [Annex 20](#). (2/06)
- 315. In preparation for the 9 July 2007 deadline for redeployment, SAF declared in May 2007 that there were no more SAF-aligned OAGs in South Sudan. (5/07).
- 316. Conflicts between SPLA and a number of rebel militia groups (RMG), including forces loyal to Lt. Gen. George Athor (former SPLA), Captain Olonyi (Shilluk militia) and David Yau Yau (Murle militia) had resumed since the self-determination referendum for the people of South Sudan. The integration of former SAF elements from the South and insurgents into SPLA received mixed results. The process of integrating the forces belonging to Maj. Gen. Gabriel Tanginye (former SAF), Lt. Col. Ayok Ogat (Shilluk militia) and Col. Gatluak Gai (former SPLA) did not overall progress. The integration of the forces of Col. Matthew Pul Jang (former SAF) did not proceed. (04/11)

#### 4.9 UNMIS DEPLOYMENT

- 317. As at 30 April 2011, a total of 9,753 (out of 9,990) military personnel were deployed, of which UNMOs were 488 (out of 525), including 14 women officers, Staff Officers 194 (out of 203), including 9 women officers, and TCC 9,071 (out of 9,262), including 166 women officers. (04/11).

#### 4.10 UNMIS POLICE DEPLOYMENT

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318. As at 31 March 2011, UNMIS deployed 676 of 715 authorised police advisers, including 121 women officers, in 24 team sites throughout the Mission area. (03/11)
319. UN Police have supported both GNU Police and the Southern Sudan Police Service (SSPS) with capacity building and standards. In Khartoum, UN Police have conducted training courses in a number of areas including traffic management, cyber crime, riot control, airport security and SWAT and VIP Protection. In Southern Sudan, UN Police have provided support for the registration of SSPS personnel, development of the legal framework for the work of the SSPS, monitoring and follow up on reports of human rights violations. UN Police are involved in community policing work in the Three Areas and in IDP camps around Khartoum.
320. UNPOL conducted 2,331 patrols in the Mission area - (South 1,056; North 1,275). These include 386 joint patrols with the local police (South 317; North 69) and 1,945 independent patrols (South 739; North 1,206).
321. UNPOL conducted 1,166 capacity building activities (South 905; North 261) for 4,980 local police officers (South 3,776; North 1,204) on topics relating to human rights, gender-based issues, criminal investigations, crime scene and a range of general police operational and legal issues.
322. UNPOL conducted 1,070 cell checks (South 950; North 120).
323. UNPOL concluded 24 courses for 697 local police officers, including 74 women (South 443 including 58 women; North 254 including 16 women) on subjects relating to election security, airport security, community policing, narcotics awareness, traffic management, crime investigation, human rights, rule of law, police function and records maintenance and basic computer skills. (04/11)

#### **4.11 DISARMAMENT, DEMOBILIZATION AND REINTEGRATION (DDR)**

324. On 18 February 2006, President Al-Bashir issued a presidential decree to form the **National DDR Coordination Council** (NDDRCC), chaired by Minister of Presidency Maj. Gen. Bakri Hassan Salih. (Text of decree can be found in [Annex 21](#).) It comprises Federal and State Ministers, Chief of Staff of the Armed Forces, Chief of Staff of the SPLA, General Commissioner for DDR for the Northern States, General Commissioner for DDR for the Southern States and other members to be appointed by the Presidency. The NDDRCC met for the first time on 20 December 2006. (12/06)
325. On 15 February 2006, President Al-Bashir issued a presidential decree establishing the **Northern Sudan DDR Commission** (NSDDRC) with its budget. (Text of decree can be found in [Annex 22](#)). The Commissioner-General of NSDDRC was formally appointed in December 2006. (1/07)
326. On 3 May 2006, GoSS President Kiir issued a presidential decree appointing the Chairperson and Deputy Chairperson for the **Southern Sudan DDR Commission** (SSDDRC). The Interim DDR Programme (IDDRP) was endorsed by GoSS in January 2006 and the GNU in May 2006.
327. Throughout May 2007, SAF conducted **unilateral disarmament** of its aligned former OAG members in Upper Nile, Western Bahr El Ghazal and across Eastern Equatoria. UNMOS observed the procedure and reported that a total of 975 former combatants were disarmed and given a one-off payment, according to rank, by SAF officials. The unilateral disarmament process did not involve the Northern and Southern Sudan DDR institutions. (5/07)
328. In line with the Presidential Decree on administrative arrangements for DDR in Three Areas (July 2008), North and South DDR Commissions agreed on the structure of offices for all the three areas. As a first step, a Joint DDR Office was established at Ed Damazin for the State of Blue Nile, which was inaugurated on 22 October. This joint office will take lead on the

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operationalisation of the pilot DDR activities in the State of Blue Nile. (10/08)

329. Momentum is steadily building in the demobilisation exercise underway in Blue Nile State. As at February 24, a total of 263 candidates, including 37 women, had effectively gone through the process, receiving a reinsertion package that includes cash, non-food items and a food ration to last three months. About 5,000 combatants from both the SAF and SPLA are on roll for demobilisation in Blue Nile State alone, over a period of one year. A similar operation is scheduled to start in Julud and Kadugli (South Kordofan State), in March, 2009. (02/09)
  330. As of 31 May 2010, a total of 1308 DDR ex-combatants and members of Special Needs Groups were demobilized in the only functioning demobilization site in Rumbek. Of those demobilized, 471 were female participants. Over all, the total number demobilized under the Sudan DDR Programme so far stands at 23,345 candidates in CPA areas. Meanwhile, the Joint DDR Commission in South Kordofan is in the final stages of preparations to launch a third demobilization site in the locality of Kauda. About 4,700 SPLA combatants are to be demobilized in the new centre. (05/10)
  331. Reintegration of ex-combatants and Special Needs Groups has continued in the Transitional Areas and Southern Sudan with the delivery of reintegration packages and training modules. To date, a total of 1589 demobilized DDR participants have received reintegration counseling. Meanwhile, the FAO and NMAID (a local NGO) were contracted to provide training and some start-up assets for about 730 demobilized combatants in South Kordofan, who opted for a civilian livelihood in agriculture. (05/10)
- 
332. During the reporting period, a total of 2,699 DDR ex-combatants and members of the Special Needs Groups were demobilised in three simultaneous demobilisation operations (Khartoum, Wau, and Kadugli) including 810 female and 124 disabled participants.
  333. On 18 April, demobilisation operations in Wau (Northern Bahr-el-Ghazal) were finalised and resulted in the demobilisation of a total of 2,813 DDR participants and members of the Special Needs Groups demobilised. Out of the total expected caseload of 3,600 DDR participants, 787 women were not qualified for the DDR process. A joint verification team including the SSDDRC, UNMIS and external consultants conducted a verification exercise in accordance with the Women Associated with Armed Forces and Groups eligibility criteria.
  334. In April, a total of 212 Children Associated with Armed Forces and Groups were demobilised in Northern and Southern Sudan, 190 in Kurmuk (Blue Nile State) and 22 in Bentiu (Unity State).
  335. As at 28 April, 47,247 DDR participants (25,720 for SAF and 21,527 for SPLA) had been demobilised in the CPA areas. In Northern Sudan, a total of 34,722 DDR participants including 5,774 female and 3,242 disabled participants went through the demobilisation process. In Southern Sudan, a total of 12,525 DDR participants including 6,305 female and 601 disabled participants had been demobilised.
  336. As at mid-April, 30,165 ex-combatants had been counselled on reintegration opportunities in Northern and Southern Sudan. Of these, 19,595 were registered with UNDP's implementing partners for receipt of reintegration support, 13,748 completed the training component of the programme and 10,320 received reintegration packages. (04/11)

#### 4.12

#### DE-MINING

337. Based on the provisions of the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, the Parties have declared and reported the types and numbers of stockpiled anti-personnel (AP) mines in the Article 7 Transparency Report of the Convention of 30 April 2005, listing a total of 9,485 AP mines under the control of the SAF and 5,000 AP mines under the control of the SPLA. Details

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of the technical characteristics and photos of the stockpiled AP mines were also provided. Of the 9,485 AP mines listed for the SAF, 4,488 were destroyed on 30 April 2007.

338. On 31 March 2008 in Juba, the destruction of the second and final batch of 6078 stockpiled anti-personnel (AP) mines took place. This event completes the destruction of the known and declared stockpiles of AP mines in Sudan. The GOSS and SPLA have decided not to retain any AP mines for training purposes and accordingly destroyed all known stockpiles of mines. The UN Mine Action Office assigned the Bangladeshi Military Demining Company to assist the SPLA engineers in the stacking and preparing of the mines for demolition, to prepare the site and provide medical back up and communications. (03/08)
339. In December 2008, the Swedish Rescue Services Agency (SRSA) completed their Explosive Ordnance Disposal tasks in Abyei. The Cambodian Military De-mining Company on the other has been disposing of a 50 tonne stockpile found in the Joint Integrated Units compound in Malakal. (12/08)
340. In Equatoria, the Juba-Lobanok road was opened and dangerous areas around Lobanok were cleared in support of returnees settling in the Lobanok area. In Southern Kordofan, the verification and clearance of the Kauda-Talodi road was completed. In Blue Nile States, the verification and clearance of the road from El Roseries-El Gery-Takamol-Mughla-Menze in Geissan locality was completed. These activities facilitate the safe movement of UN convoys and other humanitarian traffic, thus promoting socioeconomic development of villages attached to the routes. (02/09)
341. Following recent fighting in Malakal town, UN Mine Action Office (UNMAO) tasked the Cambodian Military Demining Company (CMDC) to conduct the survey and clearance of the Malakal airport, where they found and destroyed a total of 13 unexploded ordnance (UXO) and 20 kg of small arms ammunitions. The team also conducted a survey of Malakal town, locating and destroying a total of 28 UXO and 9 Anti-Personnel. Emergency mine risk education was also provided in Malakal in order to prevent any accidents or injuries from explosive remnants of war. The Southern Sudan Demining Commission was instrumental in providing support to the operations conducted by the CMDC and UNMAO. (03/09)
342. In support of the CPA and in view of the priorities identified in the Multi Year Work Plan, over 750,000 square meters of land were released through survey and clearance in Northern Region during the month of January 2010. This land allows for resettlement of the displaced population and potential growth in the area. (01/10)
343. During February 2010, demining operations continued to facilitate the resettlement of displaced populations, increase access to water and promote agricultural activities throughout the Sudan. A total of 21,986,948 square meters of land was released through survey and clearance in the Blue Nile and South Kordofan States. Additionally, 2,012 Unexploded Explosive Ordnances (UXO), 32 Anti – personnel mines and 5 Anti – Tank mines were destroyed. Verification/clearance was completed on the Brembeta – Dalam – Abri route in Southern Kordofan State. Demining operations continued in Gudule River, an area that has been designated as an area for the resettlement of 5,000 IDPs, as well as in Likiberi junction and Jabeline. Clearance in likeberi Junction and Jabeline will facilitate access to land to be used for housing and agriculture as well as open access to a water pump located in the area. Route verification and assessments were also conducted of the Bakua – Rumrol, Riang- Wagnong, Kassangor - Boma and Akobo- pochalla routes, thus increasing freedom of movement in the areas. (02/10)
344. In May 2010, in the South of Sudan, over 583,428 sqm of land was released; 316 anti-personnel landmines (AP); 2 anti-tank landmines (AT); 28,613 small arms ammunitions (SAA) and 3,442 UXOs were destroyed. Highlights of demining operations are as follows: The Bangladeshi Military Demining Platoon (BMDP) explosive ordnance disposal (EOD) teams

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completed several EOD spot tasks in and around the Juba area. An NPA team resurveyed Yei Town at the behest of Yei County authorities to determine the exact location of a DA in the area, thus facilitating construction of a ring road around the area. In Western Bahr el Ghazal, a G4S OM EOD team conducted a General Mine Action Assessment (GMAA) and EOD in Kubjiena, Dangachak and Koba Dmaakonyi, opening up access to a water point for villagers in the area. The Kenyan High Risk Demining Company completed EOD in JIU storage facilities in Wau while a SIMAS EOD team completed clearance in Gemmaiza and Bor, opening the area of resettlement of IDPs and for further development of infrastructure. A G4S OM GMAA team conducted an EOD spot task of a 100kg bomb that was located in a Belgian military graveyard in West Rejaf. The people of West Rejaf will now have safer access to the land surrounding the graveyard. Also in May, in the North of Sudan, a total of 340,900 sqm of land was released through survey and clearance in the South of Kordofan and Blue Nile States. 118 anti personnel landmines (AP), 11 anti tank landmines (AT) and 565 UXOs were destroyed. (05/10)

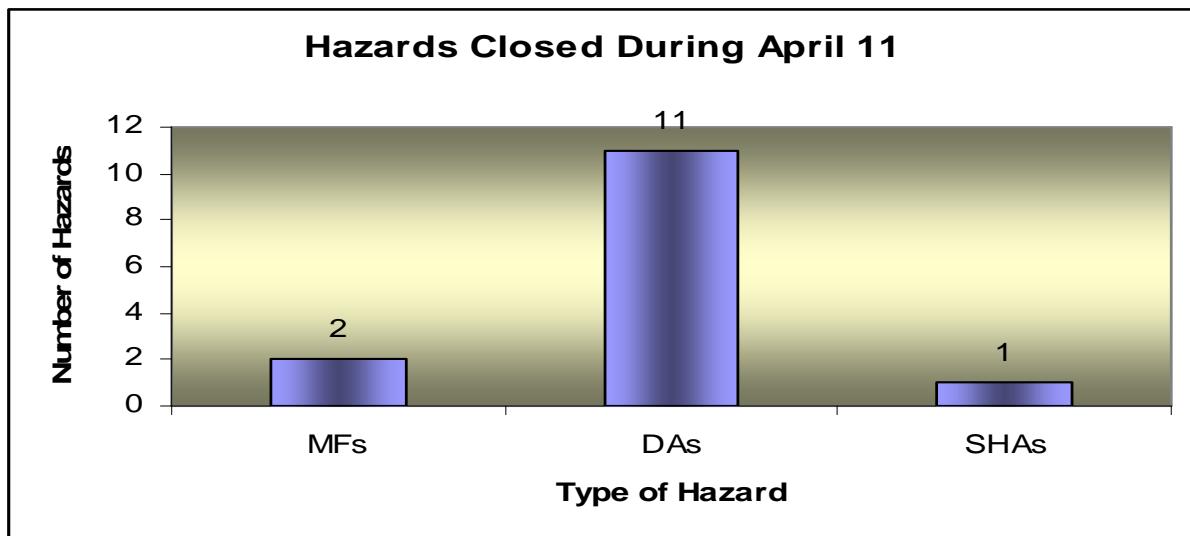
345. As the 2010 – 2011 demining season commenced as of 1 October, United Nations Mine Action Office's (UNMAO) implementing partners have resumed demining operations.
346. In Southern Sudan, over 461,429 sqm including 27 hazardous areas were released to local communities during the reporting period. A total of 88 anti-personnel (AP) landmines, 35 anti-tank (AT) landmines, 42,530 small arms ammunitions (SAA) and 3,916 unexploded ordnances (UXO) were also destroyed.
347. In the Central, Eastern and Western Equatoria, MECHEM (contractor) completed verification and clearance of a 1 km stretch of the Juba-Moli Route. G4S OM (contractor) Explosive Ordnance (EOD) teams continued to conduct clearance along the Juba to Nadapal route in which several AT mines and UXOs were destroyed. A Mine Action Group Mine Action Team completed clearance of dangerous areas in Kapoeta in which 83 x No4 (a type of anti-personnel mine) AP mines and various UXOs were located and destroyed during the course of this task. A Sudan Integrated Mine Action Service EOD team completed clearance of the WFP compound in Bor.
348. Demining operations also continued in Northern Bahr el Ghazal and Warrap State. In Northern Bahr el Ghazal, the Kenyan High Risk Demining Company (KHRDC) completed clearance of a JIU storage area in Aweil and of an area around the Gongrial Hospital in Warrap State.
349. In Upper Nile State, Cambodian Military Demining Platoon (CMDP) teams continued to receive training in various aspects of demining including battle area clearance (BAC) and general survey techniques. Inclement weather conditions continued to hamper demining operations in the Malakal area. Therefore, of the two Mine Tech International (MTI) demining teams, only one was able to commence ground preparation activities.
350. In the North of Sudan, all demining teams in Blue Nile and South Kordofan States started new demining season operations gradually. Operations in Blue Nile state have been affected by rains.
351. In South Kordofan State, the Egyptian Demining Platoons continued demining operations in Um Durain. Their EOD team completed four EOD spot locations in different areas in the state. Land release operations started in Katcha, Kalandi, Wali and Alreika by RONCO and MTI. The work has been affected in Alreika by a thunderstorm which destroyed the MTI camp. The movements of Danish Church Aid teams to their tasked areas in South Kordofan State have been restricted for security related reasons.
352. In Blue Nile State, General Mine Action Assessment was completed by the Development Initiative (TDI) in Geissan, Kurmuk and Tornasi and continued in Malkan and Asmare. Land release operations have been started in Wadaka and Malkan by RONCO. The Pakistani Demining Platoons continued operational training in Kurmuk. (10/10)

353. Southern Sudan: Minetech International (MTI)'s line of disengagement (LoD) teams continued clearance of Nagadier in Upper Nile State. Clearance of the area will allow an NGO to implement a farming project. The Cambodian Military Demining Platoon (CMDP) teams conducted general mine action assessment (GMAA) in Melut and Malakal in Upper Nile State. The CMDP also destroyed all previously collected munitions from a site in Malakal.

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354. In Jonglei, Mechem Group 4 continued to conduct a route survey and verification of the Boma – Pochalla – Akobo route. Group 4 also conducted route verification from Bor to Langbar en route to Ayod. Once in Ayod, the team began a technical survey of the area in order to obtain the original route alignment from Ayod to Pagil. A G4S OM (the name of an implementing partner in the South) explosive ordnance disposal (EoD) team worked jointly with a Mine Action Support Team (MAST) in Bor.
355. In Greater Equatoria, G4S OM MAST worked throughout the Magwi area and in Kajo Keji county. G4S Integrated Mine Clearance (IMC) teams continued clearance in the Aswa River area. Completion of this task will facilitate the widening of the road in the area. G4S GMAA teams completed clearance of the perimeter fence of the Juba international airport, allowing for its expansion and for the construction of a proper perimeter fence. An MTI IMC team continued to work throughout Yei and Terekeka counties, while Mines Advisory Group, Norwegian Peoples Aid and Danish Demining Group teams conducted a survey and clearance throughout Morobo, Lainya and Juba counties. The Bangladesh Military Demining Platoon continued to conduct clearance of a minefield in Mafao. Once cleared, this land will be returned to the Ministry of Animal Resources and Fisheries for further development.
356. In Northern and Western Bahr el Ghazal, G4S OM EoD teams continued to conduct GMAA and EoD clearance of numerous dangerous areas throughout the region including Wau, Aroyo, Deim Zubeir, Rumbek, Raja, Nyikdik and Arianth. An EoD team also completed clearance in Firka, opening land for agricultural activities. The Kenyan High Risk Demining Platoon completed battle area clearance of a dangerous area in Wau, destroying six mortars and one rocket propelled grenade and one sub-munition.
357. Northern Sudan: more than eight villages (Katcha, Kalandi, Wali, Kaltla, Um Durain, Dabakaya, Al Genei and Tabania) had clearance assets deployed near their communal land in Southern Kordofan State. The teams worked on seven mine fields, four suspected hazardous areas and seven dangerous areas. During the clearance activities, 18 anti-personnel mines and 12 unexploded ordnances (UXO) were found and destroyed. More than 110,000 people will benefit from the released lands and may now use it for social and economic activities such as animal grazing and farming.
358. In Blue Nile State, the clearance assets have worked around the villages of Kurmuk, Wadaka, Gerawid, Abus Shiendi, Wad Daikajuk, Abu Nazir, Bakowry, Baw and Geissan where the teams worked on three mine fields, one suspected hazardous area and four dangerous areas. More than 48,500 people in these areas will be able to safely continue their everyday activities. The teams cleared and closed one suspected hazardous area, four dangerous areas and two mine fields. The operations resulted in 149 anti-personnel mines, one anti-tank mine and 54 UXOs found and destroyed in the process. (04/11)

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#### **National Mine Action Authority**

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

#### **4.13**

#### **RELEASE OF POWS/DETAINEES**

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

#### **5.**

#### **PROPAGATION AND DISSEMINATION OF CPA**

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365. In September 2009, UNMIS Public Information Office (PIO) organised a press conference in Juba. It focused on the voter's registration process for the 2010 national elections, the humanitarian situation, the escalating LRA attacks, and the tribal clashes in the region. In observance of the International Peace Day, PIO also organised a students' event Khartoum. The Sudanese youth were linked through video conference with the UN Headquarters in NY and other missions and exchanged views on disarmament and peace. The monthly "In Sudan" magazine was published in English and Arabic and disseminated countrywide. The theme of this month's edition was education and the CPA. The new UNMIS website was launched in the Arabic language too (<http://unmis.unmissions.org>) and it is being updated with UNMIS and CPA related documents and reports in both English and Arabic. (09/09)
366. During the month of July 2010, UNMIS Public Information Office (PIO) continued to produce news stories, photos and videos and posted them on the UNMIS website in support of the implementation of the CPA (<http://unmis.unmissions.org> and the Mission's Youtube site (<http://www.youtube.com/unmistv>).
367. PIO organised a two-day round-table for senior editors on the role of the media in the lead-up to the referendum with a view to setting the space and framework of coverage. The roundtable brought together about 30 editors from leading media houses in North and South Sudan. PIO also produced the monthly "In Sudan" magazine in Arabic and English covering CPA-related issues. The magazine is distributed countrywide to UNMIS sectors, UN agencies, partners and government authorities. (07/10)

## 5.1

## MEDIA AND PUBLIC INFORMATION

368. UN-sponsored Radio Miraya continued to support CPA implementation through daily broadcasts, audience response shows, debates and programmes. Miraya has still not been assigned an FM frequency to operate in the North, where it can be heard only through short-wave transmissions six hours a day. Miraya, however, has 15 relay stations in Juba, Malakal, Wau, Rumbek, Maridi, Torit, Yambio, Bor, Yei, and other locations in Southern Sudan. The Miraya website ([www.mirayafm.org](http://www.mirayafm.org)) also provides live audio streaming of all broadcasts, scripted news bulletins and audio access to a selection of other programmes. (07/10)

Glossary of Acronym

**GLOSSARY OF ACRONYMS**

<b>A</b>	
ABC	Abyei Boundaries Commission
ACHR	Advisory Council for Human Rights
AEC	Assessment and Evaluation Commission
AJMC	Area Joint Military Committee
<b>C</b>	
CBS	Central Bureau of Statistics
CJMC	Ceasefire Joint Military Committee
CPA	Comprehensive Peace Agreement
CPC	Cease-fire Political Commission
CPT	Commission Preparatory Team(s)
<b>D</b>	
DDR	Disarmament, Demobilization and Reintegration
DPA	Darfur Peace Agreement
<b>E</b>	
ESPA	East Sudan Peace Agreement
<b>F</b>	
FFAMC	Fiscal and Financial Allocation and Monitoring Commission
<b>G</b>	
GNU	Government of National Unity
GoSS	Government of Southern Sudan
<b>H</b>	
(N)HRC	(National) Human Rights Commission
<b>I</b>	
ICSS	Interim Constitution of Southern Sudan
ICRC	International Committee of the Red Cross
IDP(s)	Internally Displaced Person (People)
IMAT	International Military Advisory Team
INC	Interim National Constitution
IOC	Interim Oversight Committee
IOM	International Organization for Migration
IPP	Initial Project Proposal(s)
<b>J</b>	
JAM	Joint Assessment Mission
JDB	Joint Defence Board
JIU	Joint Integrated Unit(s)
JMC	Joint Media Committee
JMT	Joint Military Team
JNTT	Joint National Transitional Team(s)
JPC	Joint Political Committee (NCP/SPLM)
<b>M</b>	
(N)MDTFs	(National) Multi Donor Trust Funds
MTC	Military Technical Committee
<b>N</b>	
NCP	National Congress Party
NCRC	National Constitutional Review Commission
<b>NCSC</b>	
NCSC	National Civil Service Commission
<b>NDA</b>	
NDA	National Democratic Alliance
<b>NNDRCC</b>	
NNDRCC	National Disarmament, Demobilization and Reintegration Coordination Council
<b>NSDDR</b>	
NSDDR	Northern Sudan Disarmament, Demobilization and Reintegration Commission
<b>NGO</b>	
NGO	Non-Governmental Organization
<b>NGO Act</b>	
NGO Act	Organization of Voluntary and Humanitarian Work Act 2006
<b>(N)HRC</b>	
(N)HRC	(National) Human Rights Commission
<b>NJSC</b>	
NJSC	National Judicial Service Commission
<b>NLC</b>	
NLC	National Land Commission
<b>NMAA</b>	
NMAA	National Mine Action Authority
<b>(N)MDTFs</b>	
(N)MDTFs	(National) Multi Donor Trust Funds
<b>NMPACT</b>	
NMPACT	Nuba Mountains Programme for Advancing Conflict Transformation
<b>NPC</b>	
NPC	National Petroleum Commission
<b>NSC</b>	
NSC	National Security Council
<b>NS DDRC</b>	
NS DDRC	Northern Sudan Disarmament, demobilization, and Reintegration Commission
<b>NSS</b>	
NSS	National Security Service
<b>O</b>	
OAG(s)	Other Armed Group(s)
<b>OAG CC</b>	
OAG CC	Other Armed Groups' Collaborative Committee
<b>OCHA</b>	
OCHA	Office for the Coordination of Humanitarian Affairs
<b>P</b>	
PCC	Population Census Council
<b>PIO</b>	
PIO	UNMIS Public Information Office
<b>Q</b>	
QIPs	Quick Impact Projects
<b>R</b>	
RRR	Return, Reintegration and Recovery
<b>S</b>	
SAF	Sudanese Armed Forces
SANU	Sudanese African National Union
SOFA	Status of Forces Agreement
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
<b>SRSG</b>	
SRSG	Special Representative of the Secretary-General
<b>SSCSE</b>	
SSCSE	Southern Sudan Centre for Statistics and Evaluation
<b>SSCDC</b>	
SSCDC	Southern Sudan Constitution Drafting Committee
<b>SSDF</b>	
SSDF	Southern Sudan Defence Force

## Glossary of Acronym

<b>SSDDRC</b>	Southern Sudan DDR Commission	<b>UDF</b>	United Democratic Front
<b>SSDF</b>	Southern Sudan Democratic Forum (less common)	<b>UDSF</b>	United Democratic Salvation Front
<b>SSLA</b>	Southern Sudan Legislative Assembly	<b>UNDP</b>	United Nations Development Programme
	<b>T</b>	<b>UNMIS</b>	United Nations Mission in Sudan
<b>TSSLA</b>	Transitional Southern Sudan Legislative Assembly	<b>USAP</b>	Union of Sudan African Parties
	<b>U</b>	<b>USAP2</b>	Splinter of USAP