

IMPLEMENTATION OF THE COMPREHENSIVE PEACE AGREEMENT

SUMMARY

No progress has been made on the formation of the Constitutional Review Commission which is delaying the formation of a new Government. The absence of the SPLM is a factor in this but also in implementation of the CPA across the board. The SPLM were expected to have arrived in Khartoum by 26 February but as of yet there is no sign of them.

The Government have suggested holding a workshop to decide on the structure and mandate of the various commissions resulting from the CPA. The UK is considering facilitating this.

The UN mandate is still under discussion in the Security Council. Further delays in New York risks a situation in which the Parties will be implementing parts of the Security arrangements in the absence of a monitoring mission.

CURRENT EVENTS

POWER SHARING

1. National Constitutional Review Commission (NCRC)

The GoS and SPLM have completed preparatory work in a bilateral format. Ratification of the CPA by the National Assembly on 1 February) should have acted as the trigger to establish the NCRC. The NCRC will have 60 seats in accordance with the power sharing formula. The GoS have indicated their intention to broaden representation to allow fuller participation of opposition parties and national figures. There is some consideration to allow each seat to be supplemented by two additional alternates to allow broader participation. The GoS reportedly have a list of participants ready but have not yet made it public. The SPLM reportedly have some concerns about the location of the NCRC.

US providing constitutional support to the SPLM. The UK has identified resource people acceptable to the SPLM and GoS. The Max Planck Institute has completed its draft Constitutions (Heidleberg Draft) however the GoS have rejected the Institute as a provider of technical assistance.

2. Establishment of Joint National Transition Team (JNTT)

The GoS are seeing the JAM as a key part of the establishment of the Joint National Transition Team. The Core Co-Ordination Group for the is meeting on 8 March in Nairobi in preparation for the donor conference. At present it appears that both parties will attend separately instead of the JNTT. On the GoS side the First Vice-President is the official head but the acting head is Minister of the Presidency Yahya Babiker Hussein. The rest of the GoS team is Taj el-Sir Mahjoub (Minister for Labour) and the Permanent Under Secretaries at the Ministries of Foreign Affairs, International Co-operation, Finance and Humanitarian Affairs. The SPLM have not yet identified their team members.

3. Lifting State of Emergency in Cease-Fire zone

The State of Emergency has not been lifted in any areas despite commitments made by the First Vice-President that the GoS intended to do so on signing of the CPA. The GoS have said that the State of Emergency will be lifted on the agreement of an interim constitution.

4. Identification of the Security Organs - National Security Act and Establishment of National Security Council and Service

No information currently available on plans to create a new National Security Act and a National Security Council.

5. Representation of Sudanese People in Khartoum Law Enforcement

The police maintain that the force in Khartoum is representational with recruits accepted from across the country. Southerners and Darfurians make up the majority of Non-Commissioned Officers (NCOs) however the majority of officers are from the Northern States. Following the signing positive discrimination towards Southerners and Darfurians will be applied at the Police college (Rabat university) with a lower entrance mark being accepted.

6. Determination of North/South Border 1/1/56

During the Negotiation of the CPA historic maps were produced with the 1956 boundary marked. In the longer term this needs to be transferred to contemporary mapping and a timetable drawn up for the transfer of some territories from South Darfur to Bahr alGhazal.

WEALTH SHARING

7. Compensation of victims of oil contracts

No action yet. Probably this cannot start before the establishment of JNTT and in all likelihood this will follow the establishment of the GOSS.

8. Establish National Reconstruction and Development Fund

No action has been communicated to donors. National Ministry of Finance is responsible

9. Establish National Revenue Fund

No action has been communicated to donors. National Ministry of Finance and JNTT are responsible

10. Establish Two Multi Donor Trust Funds (MDTF)

The Parties have agreed on the World Bank format for MDTFs. The World Bank and key donors met in Brussels on 9 February to set out the details. The SPLM are reported to have raised some objections to the format (level of donor control and National Auditing Officer) however the World Bank has indicated that

the model is fixed. The UN are hoping to establish clear links between the MDTFs and the National Reconstruction and Development Fund.

11. Agree 2005 Benchmark oil price

Likely to take place as part of the quarterly IMF review.

12. SPLM to assess existing oil contacts

No action yet. However, the SPLM has requested the Government of Norway to make available technical assistants as provided for in the CPA.

13. Consultation on Management of Natural Resources

No action yet. Probably will come after the establishment of the JNTT or the GNU. However, the SPLM has asked the Government of Norway to provide technical assistance with regard to resource assessment and management of the petroleum sector.

14. Assessment of Circulating currencies and Committee to design new currency

At a currency workshop in Nairobi 17-21 February the parties agreed to the Sudanese Pound as the new currency. A design has also been accepted. The cost of adopting the new currency is estimated to be \$80 million.

SECURITY

15. Submission of details and locations of all forces

Both parties are reported to have provided details of their locations to the VMT.

16. Disengagement and Separation of Forces

No action

17. Cessation of Hostilities

There have been reported clashes between Southern armed groups both internally and with the SPLM in the Upper Nile, Malakal and Akobo. The clashes further highlight the need for South-South dialogue.

18. Establishment of demining mechanism

UNMAS has arranged a meeting between the two parties in Nairobi on 8 March

19. Announcement and dissemination of cease-fire

The SPLM conducted a tour of their territory following the signing on 9 January explaining the effect of the CPA. The GoS has also begun to conduct a tour explaining the CPA. The JMC has circulated a short text in the Nuba focussing on the impact of the CPA in that area.

In the North details of the peace agreements have appeared in the press and the GoS is preparing to circulate copies of the CPA. Copies of the Agreement are available for purchase in markets. The UK will be providing 2000 Arabic copies to the media, political parties, and civil society organisations in the North. The Netherlands and others have supported circulation of the peace agreement in the South.

20. Establishment of Joint Media Committee

No Action

21. Establishment of Collaborative Committee

No Action

22. Establishment of Incorporation and Reintegration Adhoc Committees

No progress made. The broader issue of South-South dialogue will have significant impact on the work of the Committee and they are unlikely to be able to work outside of that dialogue. The GoS has said that a workshop will be held for Other Armed Groups (OAGs) in early March.

23. Release of POWs

The ICRC has confirmed to SUNA that they visited 750 prisoners in the hands of the SPLM/A. The GoS are believed not to have any prisoners. The role of the ICRC's is to co-ordinate and facilitate between the two sides and work as a neutral mediator to make them take the responsibility of releasing the prisoners in their hands. The GoS has signed a Memorandum of Understanding with the ICRC however the SPLM are still reviewing the Memorandum setting out the roles and responsibilities of the parties.

24. Establishment of Joint Defence Board

No Action

25. Establishment of Cease-Fire Political Commission

No Action

26. Establishment of National DDR Committee and Two Sub-National Committees

The National Committee due to be established on 8 February has not been formed. Embryonic forms of the two sub committees are operating. It is worth noting that there is a contradiction in the texts which in addition to the 8 February deadline states that the Committee will be formed by the Presidency (itself not established until the conclusion of a interim national constitution).

THREE AREAS

27. Establish Abyei Boundaries Commission

IGAD had taken the lead in establishing the Commission and has already invited the US and UK for its nominations and funding. The UK has nominated Douglas Johnson to the Commission. The US will be nominating its candidate imminently.

28. Deployment of International monitors (Abyei)

No action - pending the UN mandate.

29. Establishment of State Legislatures

No Action

FORTHCOMING EVENTS

POWER SHARING

- 30. Establishing Presidency
- 31. South Sudan Constitutional Drafting Committee

The SPLM is reported by the media to have already circulated a draft constitution for the GoSS. The Southern Civil Society forum has prepared its own draft which will be delivered to the SPLM this week.

- 32. Formation of Assessment and Evaluation Commission
- 33. Staffing and Formation of National Assembly
- 34. Establish Council of Ministers
- 35. Establish South Sudan Assembly
- 36. Appoint Southern Presidency and Justices
- 37. Establish Council of Ministers of GOSS
- 38. Establish National Judicial Service Commission
- 39. Enact and Establish Constitutional Courts
- 40. Enact Human Rights Act and Establish National HR Commission

The Ministry of Justice and SPLM have both indicated a willingness to receive technical assistance on the formation of the HR Commission and in implementing their HR commitments under the CPA. The UK is pursuing in consultation with interested partners and OHCHR.

- 41. Establish Commission to protect the rights of non-Muslims in Khartoum
- 42. Establish South Sudan Legislature
- 43. Establish Population Census Council

The Central Bureau of Statistics has started the technical mapping of the states and training people in the North and South. This will take one year using their existing staff. The CBS then proposes to hire 40,000 field staff for the next stage. UNFRP have hired a Chief Technical Advisor who will train both parties until the end of the census. UNFPA has submitted a \$27 million proposal as part of the 2005 UN Workplan.

WEALTH

- 44. Appoint Board of Directors at Central Bank and Restructure central bank

The Governor of the central Bank has said that the plans for restructuring are on target for the 16 April deadline.

- 45. Establish system to monitor oil revenue and Oil Revenue Stabilisation Account (ORSA)

Southern Petroleum Commission has been established to approve/grant drilling rights/licences, etc but not clear that this will be responsible for monitoring oil revenue.

SECURITY

46. Deployment of JIUs
47. Establish Cease-Fire Joint Military Committee
48. Deployment of UN Monitoring Mission

The UN has begun initial recce work of site locations for the UN mission. The UN will be ready to deploy at 25% strength in Juba, Malakal and Kassala at Mandate + 60 and at 25% in all other locations at Mandate + 90.

49. Establishment of AJMc and JMTs
50. Redeployment of SAF and SPLM

THREE AREAS

51. Appoint Abyei Area Council
52. Appoint Chief Administrator and Governors
53. Establish Independent Commission to assess and evaluate implementation
54. Preparation of State Constitutions
55. Establishment of State courts
56. Appointment of State Council and Ministers
57. Establishment of Local Councils

Implementation Arrangements (Combined - Power, Wealth and Security)

January	February	March	April	May	June	July
<p>Signing of CPA</p> <p>Identification of Security organs of the two parties and their assets</p> <p>Representation of Sudanese people in Khartoum law enforcement</p> <p>Cease-fire enters into force</p> <p>Submission of details and locations of all forces</p> <p>Lifting of state of emergency in cease-fire zone</p> <p>Compensation to victims of oil contracts</p> <p>Establish Joint National Transition Team</p> <p>Establish National Reconstruction and Development Fund</p> <p>Establish 2 multi-donor trust funds (pre-donor conference)</p> <p>Transfer 2% share to producing states, 50% share to GOSS</p> <p>Agree 2005 benchmark price (before IMF quarterly review)</p> <p>SPI/M to access existing oil contracts</p> <p>Management of natural resources consultation</p>	<p>8</p> <p>Release of POWs</p> <p>Establishment of Joint Defence Board</p> <p>Establishment of Cease-fire Political Commission</p> <p>Disengagement and separation of forces (phase one)</p> <p>Establishment of National DDR Co-ordination Council and Two Sub-National Commissions</p> <p>Joint Committee to design national currency</p> <p>Assess circulating currencies (and introduce new currency)</p> <p>Establish system to calculate and monitor net oil revenue</p>	<p>6</p> <p>Prepared Constitutional Text</p>	<p>3</p> <p>Form Council of States</p> <p>Establish South Sudan Assembly (Elected Speaker, Dep Spker and SSA officers)</p>	<p>1</p> <p>Establish Southern State Legislatures</p> <p>Appoint Southern Presidency and Justices</p> <p>Establish Judiciary of South Sudan</p> <p>Establish Council of Ministers of GoSS</p>	<p>10</p> <p>Beginning of Interim Period</p>	
		<p>10</p> <p>Deployment of JIUs in Khartoum and Juba</p> <p>Reveal production sharing formula between GoS and oil concessions</p> <p>Establish mechanism to monitor Oil Revenue Stabilisation Account (ORSA)</p> <p>Establish system to monitor daily oil production</p>	<p>16</p> <p>Appoint Board of Directors at Central Bank</p>	<p>15</p> <p>AJMC's and JMT's operational Mandate of current monitoring teams end and UN verification and monitoring starts</p> <p>Redeployment of SAF and SPI/A</p> <p>Establishment of JIUs co-location and training</p> <p>Concentration of forces in assembly areas</p>		
		<p>16</p> <p>Establish Cease-Fire joint Military Commission</p> <p>Mobilisation of international observers and funds</p> <p>Deployment of UN monitoring mission</p>	<p>24</p> <p>Determine Compatibility of South Sudan Constitution with INC (Adopt Constitution/ Appoint State Governors)</p>	<p>16</p> <p>Restructure CBOS</p> <p>Establish Bank of South Sudan</p>		
		<p>27</p> <p>Adoption of Interim National Constitution (INC)</p> <p>Establish National Judicial Service Commission</p> <p>Enact Human Rights Act (and Establish HR Commission)</p> <p>Determination of 1956 Borders</p> <p>Establish South Sudan Constitutional Drafting Committee SSCDC</p> <p>Establish Presidency</p> <p>Appoint Vice-President of GOSS</p> <p>Representation of Southerners in Administration of Khartoum, Establish Population Census Council.</p> <p>Establish Commission to protect rights of non-Muslims in Khartoum</p> <p>Establish Assessment and Evaluation Commission</p> <p>Enact National Security Act (Establish National Security Council and a new National Security Service)</p>	<p>30</p> <p>Establishment of AJMC's and JMT's</p>			
		<p>31</p> <p>Cease-Fire Joint Military Commission operational</p>				

NB: M day for security arrangements assumed to be 14 February