

# **The Implementation Modalities of the Protocol on Power Sharing, dated 26<sup>th</sup> May, 2004**

**Naivasha, Kenya 31<sup>st</sup> December 2004**

## The Implementation Modalities of the Machakos and Power Sharing Protocols

December 31<sup>st</sup>, 2004

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
<b>Machakos Protocol:</b>							
1. Self determination Referendum for people of South Sudan							2.5 M.P 2.10.1.5
(a) Enactment of Referendum Act	Beginning of the third year of Interim Period.	National Legislature	GONU	N/A	Seat of National Legislature	Routine Legislative procedure	
(b) Establishment of Referendum Commission	Soon after enactment of Referendum Act	The Presidency	GONU and International Community	GONU, GOSS,	Khartoum	To be established by the Presidency in accordance with the CPA and the referendum Act.	

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
(c) Registration of voters	Starts at the beginning of the sixth year of the Interim Period and ends 3 months before the voting.	Referendum Commission	GONU, GOSS and International community	N.A	Southern Sudan and any other locations to be determined by the Referendum Commission	Presentation of proof of eligibility upon registration in accordance with the Referendum Act	
(d) Enlightenment campaign on the Referendum	After the establishment of the Referendum Commission	Referendum Commission	GONU, GOSS and international community	N/A	S. Sudan and wherever relevant	Mass media, meetings, public rallies, conferences, seminars, workshops etc.	
(e) Voting	Six months before the end of the Interim Period	Referendum Commission	GONU, GOSS and International Community.	N/A	Southern Sudan and any other locations to be determined by the Referendum Commission in accordance with the provisions of the Referendum Act	One-person one vote.	

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2. Plan for 5 Rs (Repatriation, Resettlement, Reintegration Rehabilitation and Reconstruction)	In progress (JAM)	CCG/ JAM	International Community (JNTT)	The Parties to Comprehensive Peace Agreement (CPA)	Khartoum, seat of GOSS and any other location agreed to by the parties.	According to JNTT procedures	1.9 Machakos Protocol (MP)
3. Establishment of Assessment and Evaluation Commission (AEC)	During the Pre-interim Period after the adoption of Interim National Constitution (INC) and establishment of the Institution of the Presidency.	The Presidency	International Community and GONU	By the parties to the Agreement according provisions of Machakos protocol 2.4.1	Khartoum.	Through consultation by the parties to the Agreement.	2.4, and 2.4.1 MP

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
4. Improvement of institutions and arrangements created under the Agreement to making the unity of Sudan attractive to the people of Southern Sudan.	After adoption of the INC and establishment of the AEC	The Parties to the CPA and the AEC	GONU, the Parties and International Community	N/A	All over Sudan	To be determined by the Parties and the AEC.	2.4.2
5. Guarantees to safeguard agreement against Unilateral revocation or abrogation.	Upon signature of the CPA and up to the end of Interim Period	The Parties, IGAD and the International Community	N/A	N/A	N/A	Built-in Regional and International guarantees (AEC, and UN Peace Support Mission of the Ceasefire Agreement). The parties urge the international community to take necessary measures in support of the Peace Agreement and its full implementation.	2.6 MP

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
<b>Power Sharing: Part I</b>							
6. Enactment of Political Parties Act	Upon adoption of the Interim National Constitution (INC)	National Legislature	GONU	N/A	Khartoum	Whenever new legislation, such as this, is required under this Agreement, any existent law(s) dealing with the subject matter with respect to which the new legislation is being sought, shall be given due consideration.  Such legislation shall be effected in accordance with routine legislature procedure	1.4.6 Power Sharing (PS)
7. National reconciliation and healing process (NRHP).	After adoption of the INC	Presidency	GONU	N/A	All over Sudan	Media, educational institutions, conferences and campaigns involving political parties, civil society organizations, religious and tribal leaders, etc	1.7 PS

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
<p>8. National Population Census (NPC)</p> <p>a) Establishment of the population Census Council</p>	<p>After the establishment of the institution of the Presidency</p>	<p>The Presidency</p>	<p>The Government of National Unity</p>	<p>Representative of the following:</p> <ul style="list-style-type: none"> <li>a) GONU</li> <li>b) GOSS</li> <li>c) The Council of States</li> <li>d) The States, and</li> <li>e) The Head of the Central Bureau of Statistics</li> </ul>	<p>Khartoum</p>	<p>The Population Census Council shall:</p> <ul style="list-style-type: none"> <li>a) Plan for the upcoming population census</li> <li>b) Set standards and criteria for the Central Bureau for Statistics</li> <li>c) Follow-up on the preparations leading upto the population census and oversee the actual census operation</li> <li>d) Report to the presidency regarding the Population Census</li> </ul>	<p>1.8.1 and 1.8.2</p>

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
b) Conduct of the Census	Second year of the Interim Period	Central Bureau of Statistics and the GOSS Centre for statistics and evaluation	GONU	N/A	All over the Sudan	Population Census to be conducted in cooperation with UNFPA	
9. General Elections. a)Enactment of National Electoral Law	Within Six month from the start of the Interim Period	National Legislature (NL)	GONU	N/A	Khartoum	Column 7 of Item 6 in this Matrix applies.	1.8.3
b)Establishment of the National Electoral Commission	Within one month after the adoption of the law.	Presidency	All levels of government	From 7 to 9 competent, impartial and representative national figures to be selected by the Presidency (non-partisan).	Khartoum	According to law	1.8.3



<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
c) General Elections comprising elections for the State Governors, National Assembly, the Legislature of southern Sudan, and State Legislatures all over Sudan.	Refer to (d) below	National Electoral Commission with all levels of government plus international Community (IC).	GONU	N/A	All over Sudan	According to law	2.3.7
d) Presidential elections and elections for the post of President of the government of southern Sudan (GOSS)	To be held concurrently with the General elections referred to above, not later than the end of the fourth year of the Interim Period	National Electoral Commission		N/A	All over Sudan	According to the law	

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
10. Review of the feasibility of the dates set for census and elections	For the census six months before the end of the first two years into the Interim Period; for elections six months before the end of the third year of the Interim Period	Parties to the Agreement	N/A	N/A	Khartoum		1.8.4
<b>PART II:</b>							
11. The Council of States.	i) Establishment Within 2 weeks after enactment of the INC	Presidency	GONU	2 Representatives from each state + 2 representatives from Abyei Area as observers	The National Capital	Consultation by the Presidency and in the case of Southern Sudan by the President of GOSS after consultations with states institutions. Presidential Order.	2.2.3.2

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
	ii) Appointment of members of the Council of States within two weeks from enactment of the INC.  iii) Convening of Council of States within two weeks of the enactment of the INC.  iv) staffing of Council of States during the Pre-interim Period	Presidency  Presidency  The Council of States	N/A  N/A  GONU	50 Representatives from the States and 2 representatives from Abyei Area.  N/A  As determined by the Council of States	N/A  N/A  Seat of GONU	In accordance with the INC.  The inaugural session shall be organized by the Secretariat of the National Assembly	

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
12. Establishment and convening of National Assembly	Within two weeks after the adoption of INC	The Presidency	GONU	450 members to be allocated according to the ratio 70%/30% North/South, 52% NCP (49% Northerner+ 3% Southerner); 28% SPLM (21% Southerner+ 7% Northerner); 14% Northern Political Forces; 6% Southern Political Forces As determined by the National Assembly	Omdurman	Selection of other political forces to be agreed upon by the parties to the CPA.  For convening by Presidential order	2.2.5
	iii) Staffing of the National Assembly seven days after enactment of the INC	The National Assembly	GONU			In accordance with the provisions of section 2.6.2 of the PS protocol	

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
<p>13. Determination of the scope of legislative competency of the National Assembly and the Council of States respectively</p>	<p>In the course of the work of the Parties 14 member Joint Constitutional Task Team charged with preparation of a draft Constitutional text for presentation to the (ncrc)</p>	<p>The Parties</p>	<p>N/A</p>	<p>N/A</p>	<p>Venue of the Joint Constitutional Task Team's work</p>	<p>Joint Constitutional Task Team to:</p> <p>(a) Decide types of Legislation to be exclusively enacted by the National Assembly and those that require joint action with the Council of States or alternatively, agree the establishment of a mechanism to resolve the issue.</p> <p>(b) Work out a mechanism to harmonize Bills being jointly considered by both Houses of the National Legislature prior to enactment of such Bills into Law and to generally coordinate the work of both Houses.</p>	

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
14. Election of Speakers, Deputy speakers and other officers of the National Legislature.	Upon the convening of the first session in both Chambers.	Both chambers	N/A	N/A	N/A	By elections	2.2.12
15. Establishment of the Institution of the Presidency	Upon adoption and signature of the INC.	The President of the Republic	GONU	The President, the First Vice President and the Vice President	Khartoum	According to the INC and the CPA.	2.3.2
16. Defining the functions of the two Vice Presidents.	Implementation modalities	Parties to the CPA	N/A	N/A	N/A	As per attached Appendix A	2.3.3
17. Specification of appointments made by the President with the consent of the 1 <sup>st</sup> Vice President	During the implementation modalities process	The parties to the process	N/A	N/A	N/A	As per attached Appendix B	2.3.6.3

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
18. Establishment of Council of Ministers ( prior to elections)	Within 30 days after the Adoption of INC.	The President of the Republic	GONU	30 Ministers and 34 State Ministers the numbers are Subject to review	Khartoum	In consultation with the First Vice President	2.3.12
19. The status of the Ministries of Defence, Guidance and Endowment, and Federal Governance	N/A	N/A	N/A	N/A	N/A	<p>(a) The Jurisdiction of the Ministry of Defence shall not extend to the SPLA</p> <p>(b) The military chain of authority and command common to both Parties to the CPA shall strictly consist of:</p> <p>(i) The Presidency</p> <p>(ii) The Joint Defence Board (JDB)</p> <p>(ii) Command of the Joint Integrated Units (JIU's)</p> <p>(c) The jurisdiction of the Ministry of Guidance and Endowment and the Ministry of Federal Governance shall not extend to the Southern States.</p>	

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
						(d) Matters that fall within the scope of jurisdiction of the Ministries of Federal Governance and Guidance and Endowment shall be in conformity with the provisions of the Protocols on the resolution of the Conflict in Southern Kordofan and Blue Nile States and the Protocol on the resolution of the Conflict in Abyei Area	
20. Matters in respect of which the President shall take decisions with the consent of the First Vice President according to the Protocols and Agreements	N/A	The President and the First Vice President	N/A	N/A	Khartoum	As per attached Appendix C	



<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
21. Representative ness of the administration of the National Capital.	After establishment of the institution of the Presidency	The Presidency in consultation with the Governor of Khartoum State	GONU and the Government of Khartoum State	To be worked out by the Presidency in consultation with the Government of Khartoum State	Khartoum	Consultations by the parties to the CPA.	2.4.2
22. Representation of the people of Sudan in the law enforcement agencies in the National Capital and provision for their adequate training.	During the Pre-Interim Period	The Presidency and the Government of Khartoum State	GONU and Khartoum State	As shall be worked out by the Presidency and the Government of Khartoum State	Khartoum	As shall be worked out by the Presidency and the Government of Khartoum State	2.4.4
23. Appointment of a special commission to ensure that the rights of non-Muslims are protected in the National Capital	Upon the establishment of the institution of the Presidency	The Presidency	GONU	Size to be determined by the Presidency	Khartoum	By consultations and to be appointed by the Presidency In accordance with the INC and CPA	2.4.6

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
24. Establishment of mechanisms of guarantees of the rights of non-Muslims in the National Capital	After the enactment of the INC	Chief Justice and the National Minister of Justice and any other Institutions charged with the implementation of mechanisms and guarantees	GONU	N/A	Khartoum	In accordance with the provisions of the INC and CPA	2.4.7
25. Clustering of National Ministries.	Implementation modalities	The Parties	N/A	<ul style="list-style-type: none"> <li>▪ Sovereignty cluster;</li> <li>▪ Economic cluster;</li> <li>Services cluster;</li> </ul>		Clusters as per Appendix D	2.5.3

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
26. Allocation of seats of the National Executive	Within 30 days after the adoption of INC	The presidency	N/A	To be allocated in each cluster according to the ratio 70%/30% North/South, 52% NCP (49% Northerner+ 3% Southerner); 28% SPLM (21% Southerner+ 7% Northerner); 14% Northern Political Forces; 6% Southern Political Forces.	N/A	By consultation with the parties to the Agreement and with other political forces.	2.5.5
27. Information Campaign in all languages to popularize the Peace Agreement and foster national unity, reconciliation and mutual understanding.	From the beginning of the Pre-interim till the end of the Interim Period.	Parties and all levels of government	Parties and all levels of government	The parties and the GONU	All over the Sudan	Media, seminars, conferences, workshops leaflets, political public rallies , meetings, etc	2.5.9

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
28. Establishment of the National Civil Service Commission (NCSC)							2.6.1.5 and 2.6.2
a) Enactment of the National Civil Service Commission Act	After adoption of the INC within the Pre-interim Period.	National Legislature	GONU	N/A	Khartoum	Routine legislative procedures	
b) Establishment of the NCSC	After the enactment of the NCSC Act	Presidency	GONU	To be determined by the Presidency in accordance with the provision of the Act.	Khartoum	Consultations	
29. Mechanism for operationalization of affirmative action	After establishment of the NCSC	NCSC	GONU	N/A	N/A	Applies to people of Southern Sudan, Nuba Mountains, Southern Blue Nile, Abyei and any other least developed areas in Sudan and any disadvantaged group.	2.6.1.5

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
30. Enactment of the National Security Act.	After the enactment of the INC	The National Legislature	GONU	N/A	Seat of National Legislature	Column 7 of item 6 in the Matrix applies	2.7.1.1.
31. Establishment of the National Security Council (NSC).	During the Pre-interim Period and After the enactment of the NS Act	The Presidency	GONU	To be determined by the law.	Khartoum	Consultations	
32. Establishment of the National Security Service (NSS)	During Pre-interim Period after adoption of NS Act	The Presidency	GONU	According to the law	Khartoum	Establishment of the National Security Organs in accordance with the provisions of the INC and the law	2.7.2.1

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
33. Establishment of Security Committees at the GOSS and the States level.	Upon adoption of the NS Act	The President of the GOSS and the Governors of the States	GOSS and the States	There shall be State Security Committee to be chaired by the Governor of the State. The Committee shall include, among others, the Military Commander of the area, his Deputy, the Director of the State Police and Director of the State National Security Branch.	GOSS level and States level	In accordance with the provision of the NS Act	2.7.2.5
34. Identification of the security organs of the two Parties and their assets.	During Pre-interim Period Before the establishment of the NSS	The Parties to the CPA	N/A	N/A	N/A	Consultations	2.7.2.8

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
35. Development and promotion of national languages  a. Enactment of a founding law  b. Establishment of a council for development and promotion of national languages	After the enactment of the INC  After the enactment of the law	GONU  The President	GONU  GONU	N/A  According to the law	Seat of National Legislature  Khartoum	Routine Legislative Procedures  consultations	2.8.1
36. Human Rights commission  a. Enactment of the HRC Act	After the enactment of the INC.	The National Legislature	GONU	N/A	Khartoum.	Column 7 of item 6 in this Matrix applies.	2.10.1.2

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
b. Establishment of Human Rights Commission (HRC)	After the enactment of the HRC Act	The Presidency	GONU	To be agreed by the parties to the Agreement from competent figures (15 members).	Khartoum	Consultation in accordance with the INC and the law	
37. The Constitutional Court Act							
a. Enactment of the Constitutional Court Act	After enactment of the INC	The National Legislature	N/A	N/A	Khartoum	Column 7 of item 6 in this Matrix applies.	
b. establishment of the Constitutional Court	After the adoption of the INC within the Pre-interim Period.	The Presidency upon recommendation of the National Judicial Service Commission	GONU	9 competent non-partisan figures	Khartoum.	Consultations	2.11.2.1



Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
<p>38. The National Judicial Service Commission</p> <p>a. Enactment of the NJSC Act</p> <p>b. Establishment of the National Judicial Service Commission (NJSC)</p>	<p>After the enactment of INC</p> <p>After the adoption of the INC within the Pre-Interim Period and enactment of NJSC Act</p>	<p>The National Legislature</p> <p>The Presidency</p>	<p>N/A</p> <p>GONU</p>	<p>N/A</p> <p>To be chaired by the Chief Justice and composed as follows:</p> <ul style="list-style-type: none"> <li>* Representative of Academia, the Dean Faculty of Law U of K;</li> <li>* Three deputies of the Chief Justice.</li> <li>* President of the Southern Sudan Supreme Court;</li> <li>* 2 representatives from National Sudanese Bar Association one from North and one from the South;</li> <li>* The Chairperson of the legal committee in the two Chambers;</li> <li>* The National Minister of Justice;</li> <li>* The National Minister of Finance;</li> <li>* The one in charge of legal affairs in GOSS;</li> <li>* The Chairman of legal Committee in southern Sudan Assembly.</li> </ul>	<p>Khartoum</p> <p>Khartoum</p>	<p>Column 7 of Item 6 in this Matrix applies.</p> <p>Consultations between the Parties in accordance with the INC and the law.</p>	<p>2.11.4.5</p>

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
39. Southern Sudan representation in Constitutional Court, National Supreme Court and other national courts in the Capital.	For the Constitutional Court as mentioned above in the establishment of the Constitutional Court the rest throughout the Interim Period of the Agreement.	Presidency according to recommendation by NJSC	N/A	N/A	Khartoum	Consultation	2.11.4.6 (iii)
40. Submission and approval of the CPA to the National Assembly (NA) and National Liberation Council (NLC)	Within two weeks from the date of signature of the CPA	IGAD, NA and NLC	Parties to the CPA	N/A	Seat of NA and seat of the NLC	Submission by IGAD Secretariat for peace in Sudan	2.12.4.1
41. Establishment and composition of the National	Within two weeks from	The parties to the CPA	N/A	60 members allocated according to the Power Sharing Protocol (PSP)	N/A	Consultation between the parties to the CPA.	2.12.4.2 and 2.12.4.3

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
Constitutional Review Commission (NCRC).	the date of signature.			formula for the NA (each party must include civil society).		Decisions shall be taken by consensus, but whenever this is not possible a decision shall be passed by two-thirds majority	
42. Preparation of the Constitutional Text by NCRC.	Within six weeks from the date of receipt of the text of the CPA	The NCRC	NCP, SPLM, other political forces, IGAD, and International Community	N/A	To be determined by the Parties	A technical committee of 7 from each party to the CPA to prepare a joint draft to be presented to NCRC.	2.12.5
43. Adoption of the Constitutional Text as INC.	Within two weeks from the date of receipt from NCRC	NA and SPLM NLC	N/A	N/A	Khartoum and Seat of NLC	Draft text will be presented by NCRC to NA and NLC for adoption	2.12.7
44. Preparation of other legal instruments as stipulated in 2.10 of PSP.	After the adoption of the INC within the Pre-interim Period.	NCRC	Parties to NCRC	N/A	N/A	To be drafted by NCRC.	2.12.9
45. Organization of an inclusive Constitutional Review Process (CRP)	During the Interim Period	NCRC	GONU	N/A	All over Sudan	Public rallies, workshops, seminars, meetings, media programs, etc	2.12.10

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
<b>PART III</b>							
46. Determination of North/ South border of 1/1/1956	Pre-interim period after the adoption of the INC	Presidency	GONU	Membership of the technical committee to be determined by the Presidency.	Seat of GONU and GOSS	The Presidency shall establish a Technical Ad hoc border Committee to demarcate precisely the 1/1/1956 North/ South borderline. This committee shall seek technical assistance from relevant expertise: both national and international.	3.1
47. a) Establishment of an inclusive Southern Sudan Constitutional Drafting Committee (SSCDC).	After enactment of the INC.	President of GOSS	N/A	40 members to be allocated according to the PSP formula for the Southern Sudan Assembly as per article 3.5.1 of the PSP	Seat of GOSS	Allocation to Southern Political Forces shall be agreed upon through consultations between SPLM and such Forces  Decisions shall be taken by consensus, but whenever this is not possible a decision shall be passed by two-thirds majority	3.2

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
b) Drafting and adoption of the text.	Within three weeks for drafting from the establishment of the SSCDC and within one week for adoption from the convening of TASS.	SSCDC and TASS	International Community for the SPLM	N/A	Seat of GOSS	A technical Committee to be appointed by the GOSS to draft Southern Sudan Constitution for presentation to SSCDC.	2.12.12
c) Determination of Compatibility of SSC with the INC	Within two weeks from the receipt of the SSC	National Ministry of Justice	GONU	N/A	Khartoum	<p>Presentation, discussion and adoption of the draft text.</p> <p>TASS shall submit the SSC to the National Ministry of Justice within one week. After declaration of compatibility the President of GOSS shall sign the SSC.</p>	

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
48. Establishment of the First Southern Sudan Assembly (SSA).	Within two weeks from the adoption of the INC	The President of GOSS	GOSS	170 members to be allocated according to the PSP formula for the Southern Sudan Assembly.	Seat of GOSS	Broad Consultations between the parties to the CPA and other political forces (including Identification of other political forces.)	3.5.1
49. Election of the Speaker, Deputy Speaker and officers of TASS.	Upon the establishment of TASS	TASS	GOSS	N/A	Seat of GOSS	Consultations	3.5.6
50. Appointment of the Vice President of GOSS	After swearing in of the First Vice President and President of GOS	President of GOSS	N/A	N/A	Seat of GOSS	Consultation within SPLM.	3.5.4
51. Establishment of the Council of Ministers of Government of Southern Sudan.	Within one week of signing Southern Sudan Constitution (SSC).	President of GOSS	GOSS	To be determined through consultations	Seat of GOSS	Consultations	3.6.1, 3.6.3 and 3.6.4, 3.6.4.3

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
52. Establishment of Judiciary of Southern Sudan	Within one week from the adoption of SSC.	President of GOSS	GOSS	N/A	Seat of GOSS	In accordance with the SSC, CPA and INC	3.7.1
53. Appointment of the President and Justices of Southern Sudan Supreme Court, Courts of Appeal and Judges of other Courts.	Within one week from the adoption of SSC	President of GOSS	N/A	To be determined by law.	N/A	Consultations	3.7.2, 3.7.5
<b>PART IV</b>							
54. Appointment of state Governors	Upon adoption of the INC and in case of Southern Sudan upon adoption of SSC	The President of the Republic in consultation with the First Vice President. And in case of Southern Sudan the President of GOSS in	N/A	N/A	N/A	According to the INC, CPA and in the case of Southern Sudan according to SSC	

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
		consultation with Vice President of GOSS					
55. Establishment of state legislatures	Within one week after appointment of the Governors.	State Governors	States	<p>(a) Northern States: Except for Southern Kordofan State and Blue Nile States, between 30 and 48 members depending on consultations between the President of the Republic and the governors of those states.</p> <p>(b) Southern States: Between 30 to 48 members depending on consultations between the President of GOSS and Governors of those States.</p>	State capitals	<p>Allocation according to the PSP formula as per article 4.4.2</p> <p>Allocation according to the PSP formula as per 4.4.2 and allocation for political forces in Southern Sudan, other than the NCP, shall be agreed upon through consultations between the SPLM and such forces.</p>	4.4.2



Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
				<p>(c) Southern Kordofan State: 54 members representing the NCP and SPLM as agreed in the text on the Implementation Modalities of the Two Areas.</p> <p>d) Blue Nile State: Between 30 and 48 members depending on consultations between the Presidency and the Governor of Blue Nile State</p>		<p>Allocation of seats in the State Legislature as per the percentages agreed in article 11.1.1 of the "Protocol On The Resolution Of Conflict In southern Kordofan/Nuba Mountains And Blue Nile States"</p> <p>Allocation of seats in the State Legislature as per the percentages agreed in article 11.1.1 of the "Protocol On The Resolution Of Conflict in Southern Kordofan/Nuba Mountains And Blue Nile States".</p>	

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
56. Establishment of Abyei Area Council	Within one week after the appointment of the Chief Administrator	The Presidency	Abyei Area Administration	20 members to constitute Abyei Area Council as agreed in article 4.1 of the "Protocol On The Resolution Of Abyei Conflict"		Members of Abyei Area Council to be appointed by the Presidency	
57. Mechanism for selection of 20% of other political forces in the Northern and Southern States	Before the establishment of the state Assemblies.	NCP in the North and SPLM in the Southern Sudan	N/A	<u>N/A</u>	N/A	Broad Consultations between the parties to the CPA and other political forces (including identification of other political forces.)	4.4.2.2 (iii)
58. a) Drafting and adoption of the State constitutions	Within three weeks from the establishment of the state legislature in Northern states and in case of states of Southern Sudan the	State legislature	States	N/A	seat of state governments	According to INC in case of Northern States and in case of states in Southern Sudan according to INC and SSC.  Model state constitution to be drafted by NCRC in accordance with the provisions of INC in case	4.4.4

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Location</b>	<b>Procedures, Process and criteria</b>	<b>Reference in the Agreement</b>
b) Determination of the Compatibility of the State constitutions with INC, and in case of states in Southern Sudan according to INC and SSC.	adoption shall be within 4 weeks after signing of SSC.  Within two weeks from the receipt of the State constitution.	National Ministry of Justice	N/A	N/A	Khartoum	of Northern States and in case of states in Southern Sudan according to INC and SSC.  Issuing certificate of compatibility.	
59. Establishment of state Council of Ministers	Within one week after signing the constitution of the State	State Governors	1. States 2. Prior to the establishment of the GOSS and state governments according to their respective constitutions, the institutions of the Southern	Except for Southern Kordofan State, Between 5 to 8 ministries, one of whom shall be appointed a deputy governor; the numbers are Subject to review. In the case of Southern Kordofan State, the State	Seat of state governments	According to the state constitutions	4.5.1 4.5.3

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
			Sudan shall be financed from the transfers allocated to the South in Pre-interim period as WS agreement	Council of Ministers shall consist of 11 members including the State Governor and his/her deputy			

## **Appendix A**

### **(i) FUNCTIONS OF THE FIRST VICE PRESIDENT**

1. Acts in the absence of the President
2. Member of the Council of Ministers
3. Member of the National Security Council
4. Member of the Presidential Council in the Pre-election Period and Chairman of the Council in the Post Election Period in the event of the post of President falling vacant

### **(ii) FUNCTIONS OF THE VICE PRESIDENT**

1. Acts in the absence of the President and the First Vice President
2. Member of the Council of Ministers
3. Member of the Presidential Council and Commander-in-Chief of SAF in case of a vacancy in the post of the President in the Pre and Post Election Periods
4. Member of the National Security Council
5. Any other functions and duties that may be assigned to him by the President taking into account the hierarchy of the Presidency.

## **Appendix B 1:**

### **Appointments that the President is required to make with the consent of the 1<sup>st</sup> VP**

1. Establishment of a Special Commission to ensure that the rights of non Muslims are protected in the National Capital (2.4.6 of the PSP).
2. Establishment of impartial and representative National Electoral Commission (2.10.1.1. of PSP).
3. Establishment of Human Rights Commission (2.10.1.2 of PSP).
4. Establishment of the National Judicial Service Commission (2.10.1.3 of PSP).
5. Establishment of a National Civil Service Commission (2.6.2 and 2.10.1.4 of PSP).
6. Establishment of Ad-Hoc Commission to monitor and ensure accuracy, legitimacy and transparency of the Referendum (2.10.1.5 of PSP and 2.5 of MP).
7. Establishment of Fiscal and Financial Allocation and Monitoring Commission (2.10.1.6 of PSP).
8. Appointment of the President of the Constitutional Court (2.11.3.2 (i) of PSP).
9. Appointment of Judges other than Justices of the Constitutional Court ((2.11.4.4 of PSP).
10. Appointment of Justices of the Constitutional Court ((2.11.4.6 (i) of PSP).
11. Appointment of Justices of the National Supreme Court (2.11.4.6 (ii) of PSP).
12. Establishment and appointment of the National Constitutional Review Commission (2.12.4 of PSP and 3.1.2 of MP).
13. Establishment of the Joint Defence Board (5.1 of SAP).

14. Appointment of Chairperson of the National Land Commission (2.6.10 of WSP).
15. Establishment of the National Petroleum Commission (3.2 of WSP).
16. Establishment and appointment of the Chairperson of FFAMC (8.4 of WSP).
17. Establishment of and appointment to the National Audit Chambers (12.2 of WSP).
18. Appointment of the Governor of CBOS and his/her two Deputies (14.7 of WSP).
19. Appointment of the Board Directors of the CBOS responsible and accountable to the Presidency (14.8 of WSP).
20. Establishment of an independent Commission to assess and evaluate the implementation of the Peace Agreement in the States of Southern Kordofan and Blue Nile (3.4 of SK and BNP).
21. Appointment of Abyei Areas Executive Council (1.2.2 and 2.2 of AP).
22. Appointment of Abyei Area Chief Administrator and his/her Deputy (2.4 of AP).
23. Appointment of the members of Abyei Area Council (4.2 of AP).
24. Establishment of Abyei Boundaries Commission (5.1 of AP).
25. Establishment of Abyei Referendum Commission (8.1 of AP).
26. Establishment of any other Commission or as may be agreed upon by the Parties (2.10.1.7 of PSP).

27. Establishment of an independent assessment and evaluation Commission (2.4 of MP).
28. Any other appointments that may be agreed by the Parties.

**B 2:**

The following appointments shall be made through consultations within the Presidency.

1. Appointment of the Governors of the States of SK and BN.
2. Appointment of Constitutional Post holders in the Government of National Unity (Ministers and State Ministers).

**Appendix C 1:**

**Matters in respect of which the President shall take decisions with the consent of the 1<sup>st</sup> VP according to the Protocols and Agreements**

1. Declaration and termination of state of emergency (2.3.6.1 of PSP).
2. Declaration of War (2.3.6.2 of PSP).
3. Summoning, adjourning or proroguing of the National Legislature (2.3.6.4 of PSP).
4. Determination of SAF troop levels in SK and BN States during the Interim Period (10.1 of SK and BNP).



## **C – 2**

Matters to be decided upon by the Presidency:

1. Determination of the Executive, Legislative and Financial powers and competencies of Abyei Area (2.6 of AP).
2. Application to the Judiciary for establishment of Courts for Abyei Area as deemed appropriate (2.7 of AP).
3. Approval of Abyei Area Special Account (3.5 of AP).
4. Putting the Special Administrative status of Abyei Area into effect (5.3 of AP).
5. Determination of representation of Citizens of Abyei Area in an appropriate State in Bahr El Ghazal and in Southern Kordofan State (6.2 of AP).
6. Approval of the budget of the National Land Commission (2.6.12 WSA).

## Appendix D:

### CLUSTERS OF NATIONAL MINISTRIES

	<b>MINISTRIES OF SOVEREIGNTY</b>	<b>MINISTRIES OF THE ECONOMIC SECTOR</b>	<b>MINISTRIES OF THE SERVICES SECTOR</b>
1.	Ministry of Presidency	Ministry of Finance and National Economy	Ministry of Health
2.	Ministry of Council of Ministers HQs	Ministry of Energy and Mining	Ministry of Humanitarian Affairs
3.	Ministry of Foreign Affairs	Ministry of Irrigation and Water Resources	Ministry of Labour, Public Service and Human Resources Development
4.	Ministry of Interior	Ministry of Agriculture and Forestry	Ministry of Environment and Urban Development (Physical Planning)
5.	Ministry of Justice	Ministry of Industry	Ministry of Education
6.	Ministry of Information and Telecommunications	Ministry of External Commerce	Ministry of Higher Education
7.	Ministry of Parliamentary Affairs	Ministry of Investment	Ministry of Culture, Youth and Sports
8.	Defence	Ministry of wildlife Conservation and Tourism	Ministry of Science and Technology
9.	Federal Governance	Ministry of Animal Resources and Fisheries	Ministry of Social Welfare, Gender and Child Affairs
10.		Ministry of Transportation, Roads and Bridges	Guidance and Endowment
11.		Ministry of International Co-operation	

# **The Implementation Modalities of the Framework Agreement on Wealth Sharing, dated 7<sup>th</sup> January, 2004**

Naivasha, Kenya, 31<sup>st</sup> December, 2004

## The Implementation Modalities of the Wealth Sharing Agreement

**31<sup>st</sup> December/2004**

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition and Location</b>	<b>Procedures, Process or Criteria</b>	<b>Clause in the Agreement</b>
<b>A. Land Ownership</b>						
1. Institute a process to develop and amend the relevant laws to incorporate customary laws and practices.	During the Pre-interim Period after establishment of land commissions at all levels.	<ul style="list-style-type: none"> <li>• Land Commissions</li> <li>• Executive Bodies at all levels</li> <li>• Legislature at all levels</li> </ul>	<ul style="list-style-type: none"> <li>• NG</li> <li>• GOSS</li> <li>• States</li> <li>• International Community</li> </ul>	Location: Seats of land commissions, legislative and executive bodies	<ul style="list-style-type: none"> <li>• Land commissions to initiate the process and make recommendations to appropriate executive levels (NG, GOSS and States).</li> <li>• Ministry of Justice (NG, GOSS) to facilitate and support the process</li> <li>• Executive Bodies at all levels to approve and propose necessary bills to appropriate legislative bodies (NG, GOSS and States) to promulgate amended laws within their respective powers.</li> </ul>	2.5
2. Establish National Land Commission	After approval of Interim National Constitution	<ul style="list-style-type: none"> <li>• National Government and Presidency</li> </ul>	<ul style="list-style-type: none"> <li>• National Government</li> <li>• Donors and International community</li> </ul>	<ul style="list-style-type: none"> <li>• By the relevant legislation as per sub-section 2.6.10 of WSA.</li> <li>• Location: Khartoum</li> </ul>	<ul style="list-style-type: none"> <li>• The process to be initiated by the Presidency with facilitation and support from Ministry of Justice</li> <li>• National Land Commission Act</li> </ul>	2.6

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition and Location</b>	<b>Procedures, Process or Criteria</b>	<b>Clause in the Agreement</b>
3. Establish Southern Sudan Land Commission	After establishment of GOSS	<ul style="list-style-type: none"> <li>• President of GOSS</li> </ul>	<ul style="list-style-type: none"> <li>• GOSS</li> <li>• Donors and International Community</li> </ul>	<ul style="list-style-type: none"> <li>• By legislature of Southern Sudan as per sub-section 2.7.10 of WSA.</li> <li>• Location: The Seat of GOSS</li> </ul>	<ul style="list-style-type: none"> <li>• Members recommended by GOSS and States</li> <li>• IGAD, IPF and World Bank/UNDP</li> <li>• Chaired by GOSS appointee</li> <li>• Decision by consensus</li> </ul>	2.7
<b>B. Oil Resources</b>						
1. Consultation and participation of communities in the management of natural resources	Pre-Interim Period	<ul style="list-style-type: none"> <li>• GOS</li> <li>• GOSS</li> <li>• States</li> <li>• NPC</li> </ul>	<ul style="list-style-type: none"> <li>• NG</li> <li>• GOSS</li> </ul>	<ul style="list-style-type: none"> <li>• Joint Technical committee of equal members from GONU, GOSS and producing States</li> </ul>	<ul style="list-style-type: none"> <li>• Create awareness on basic rights and process of participation and consultation as per the CPA.</li> </ul>	3.1.2, 3.1.5, 3.1.6, 3.1.7

2. Establish National Petroleum Commission (NPC)	Two weeks after the adoption of the Interim National Constitution and consequent formation of GONU and GOSS.	<ul style="list-style-type: none"> <li>• Presidency</li> </ul>	<ul style="list-style-type: none"> <li>• National Government</li> </ul>	<ul style="list-style-type: none"> <li>• As provided in sub-section 3.3 of WSA</li> <li>• Location: Khartoum</li> </ul>	<ul style="list-style-type: none"> <li>• To review current relevant legislation in oil sector so as to bring it in line and to comply with the CPA</li> </ul>	3.2
<b>C. Existing Oil Contracts</b>						
1. SPLM appoint a technical team, to have access to existing oil contracts	D Day + 30 Days	<ul style="list-style-type: none"> <li>• SPLM</li> <li>• Ministry of Energy and Mining</li> </ul>	<ul style="list-style-type: none"> <li>• SPLM</li> <li>• International community</li> </ul>	<ul style="list-style-type: none"> <li>• Technical Team of 6 members to be appointed by the SPLM</li> <li>• Technical Experts</li> <li>• Location: The Seat of SPLM and contracts to be accessed in Khartoum</li> </ul>	<ul style="list-style-type: none"> <li>• Decision by consensus</li> <li>• Reporting to GOSS within D Day +60 Days</li> <li>• Develop its internal regulations and procedures</li> <li>• Chaired by SPLM appointee</li> <li>• Sign confidentiality agreement as pre-condition as provided in sub-section 4.1 of WSA.</li> </ul>	4.1

2. Assess contracts with social and environmental problems	During Pre-interim period and after the recommendation of the Technical Team as provided in sub-section 4.1 of WSA.	<ul style="list-style-type: none"> <li>Joint Technical committee (GOSS and National Government) to be appointed by National Petroleum Commission (NPC)</li> </ul>	<ul style="list-style-type: none"> <li>National Government</li> </ul>	<ul style="list-style-type: none"> <li>Technical committee of equal members (National Government, GOSS and affected States)</li> <li>Location: Khartoum</li> </ul>	<ul style="list-style-type: none"> <li>The committee to set its own rules and regulation.</li> <li>Co-chaired by GONU and GOSS</li> <li>May seek technical assistance</li> <li>Decision by consensus</li> <li>Reporting to the NPC after its formation in D Day + 9 Months with actions taken within 60 days after the report.</li> </ul>	4.3
3. Remedy of persons whose rights have been violated by oil contracts	Upon signing the CPA	<ul style="list-style-type: none"> <li>Affected persons</li> </ul>			<ul style="list-style-type: none"> <li>Legal process as provided in sub-section 4.5 of WSA.</li> </ul>	4.5
<b>D. Sharing of Oil Revenue</b>						
1. Define "net revenue from oil".	During Implementation Modalities	<ul style="list-style-type: none"> <li>The GOS and SPLM Delegation to the implementation Modalities on WSA</li> </ul>		<ul style="list-style-type: none"> <li>The GOS and SPLM Delegation to the implementation Modalities on WSA.</li> </ul>	<ul style="list-style-type: none"> <li>Agreed Text on the definition and calculation of the net oil revenue attached as an appendix to the Implementation Modalities of WSA.</li> </ul>	5.3

2. Establish a system to monitor daily production of oil in all Sudan	Upon signing of CPA and within 60 Days	<ul style="list-style-type: none"> <li>GOS</li> <li>SPLM</li> </ul>	<ul style="list-style-type: none"> <li>GOS</li> <li>International community</li> </ul>	<ul style="list-style-type: none"> <li>Joint Technical Committee composed of equal members from GOS and SPLM.</li> </ul>	<ul style="list-style-type: none"> <li>The committee to review the existing monitoring system with a view of improving it and make necessary recommendations to NPC.</li> </ul>	5.3
3. Reveal to the SPLM production sharing formula between GOS and oil concessions	Upon signing of CPA and within 60 Days	<ul style="list-style-type: none"> <li>GOS</li> </ul>		<ul style="list-style-type: none"> <li>GOS</li> </ul>	<ul style="list-style-type: none"> <li>GOS will reveal this information to the SPLM Technical Team after signing confidentiality agreement</li> </ul>	5.3
4.a Agree on a mechanism to monitor Oil Revenue Stabilization Account (ORSA).	Upon signing of CPA and within 60 Days	<ul style="list-style-type: none"> <li>Joint Technical Committee</li> </ul>		<ul style="list-style-type: none"> <li>Equal members from GOS and SPLM/GOSS</li> </ul>	<ul style="list-style-type: none"> <li>To determine implementation of the mechanism to monitor ORSA</li> <li>Agree on coverage period of accumulated amount.</li> <li>Agree on method of having access and withdrawal by National Government and GOSS to the ORSA.</li> <li>Negotiations</li> <li>Building consensus</li> </ul>	5.4
4.b Agree on the benchmark price for 2005.	Upon signing of CPA and within the IMF quarterly review	<ul style="list-style-type: none"> <li>Joint Technical Team from GOS and SPLM</li> </ul>		<ul style="list-style-type: none"> <li>Equal Members from GOS and SPLM.</li> </ul>	<ul style="list-style-type: none"> <li>Co-chaired</li> <li>Building Consensus</li> <li>Approach and discuss with the IMF the agreed benchmark price through the GONU.</li> </ul>	



4.c Agree on the annual benchmark price.	Annually within the budget process	<ul style="list-style-type: none"> <li>• NG</li> <li>• GOSS</li> <li>• CBOS</li> </ul>		<ul style="list-style-type: none"> <li>• National Ministry of Finance</li> <li>• GOSS Ministry of Finance</li> <li>• CBOS</li> </ul>	<ul style="list-style-type: none"> <li>• GOSS to fully participate in the determination of the benchmark price.</li> <li>• NG and GOSS to build a consensus on a benchmark price before discussion with the IMF.</li> <li>• Benchmark to be determined within the national macroeconomic framework.</li> <li>• After building consensus on the benchmark price with GOSS, NG with representation of GOSS to negotiate with IMF the final benchmark price.</li> </ul>	
5. Establish a system to calculate and monitor net oil revenue.	Upon signing of CPA and within 30 Days	<ul style="list-style-type: none"> <li>• GOS</li> <li>• SPLM</li> </ul>	<ul style="list-style-type: none"> <li>• GOS</li> <li>• International community</li> </ul>	<ul style="list-style-type: none"> <li>• Joint Technical Committee composed of equal members from GOS and SPLM.</li> </ul>	<ul style="list-style-type: none"> <li>• The committee to review the existing monitoring system with a view of improving it and make necessary recommendations to NPC.</li> </ul>	5.3
6. Transfer of (2%) of producing State share of net oil revenue.	D Day	<ul style="list-style-type: none"> <li>• National Ministry of Finance for Oil Producing States in the North</li> </ul>	-	-	<ul style="list-style-type: none"> <li>• Transfer to start after establishing governments of the States.</li> </ul>	5.5

		<ul style="list-style-type: none"> <li>Ministry of Finance of GOSS for Southern Sudan Oil Producing States</li> </ul>			<ul style="list-style-type: none"> <li>Money to be transferred monthly according to actual receipt of revenue.</li> <li>MOF (NG and GOSS) will transfer to States through their designated accounts.</li> <li>Ministries of Finance of Producing States in the South shall open accounts in the BOSS in which MOF of GOSS shall transfer 2% of oil revenue.</li> </ul>	
7. Transfer of the GOSS share of 50% of net oil revenue.	D Day	<ul style="list-style-type: none"> <li>Oil Revenue Allocation Committee composed of representatives of: MOF (NG, SPLM/GOSS), NPC, CBOS, BOSS and relevant States.</li> </ul>	<ul style="list-style-type: none"> <li>NPC</li> </ul>	Location: National MOF, Khartoum	<ul style="list-style-type: none"> <li>The Committee to calculate the actual share of each Party in accordance with CPA and to ensure the transfer of these shares.</li> <li>GOSS prepares its Foreign Exchange budget requirements within the overall approved budget of GOSS. This budget shall be incorporated in CBOS Foreign Exchange budget.</li> <li>Foreign Exchange of GOSS is considered part of the National Reserve. GOSS shall use its share of this</li> </ul>	5.6

					<p>National Reserve to meet its Foreign Exchange requirements. All domestic operations and transactions of GOSS shall be in the national currency and any other circulating currencies in Southern Sudan until a new currency is issued as per subsection 14.9 of WSA provided that GOSS foreign exchange transactions should only be conducted through BOSS.</p> <ul style="list-style-type: none"> <li>• CBOS shall authorize BOSS to open foreign correspondent account in a prime bank of the latter's choice in favour of GOSS. This authorization shall include instruction to the foreign correspondent to provide the CBOS with a copy of the statement of the weekly position of this account.</li> <li>• GOSS all foreign exchange resources shall be deposited in this foreign</li> </ul>	
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					<p>correspondent account as mentioned above.</p> <ul style="list-style-type: none"> <li>• BOSS shall manage this account on the basis of the best banking practices in favour of GOSS and disburse it in away to ensure macro-economic stability and national monetary policy objectives and requirements.</li> <li>• BOSS shall provide CBOS with relevant data as per sub-section 14.4 of Wealth Sharing Agreement.</li> </ul>	
8. Establish Future Generation Fund.	Upon reaching a ceiling of 2 million barrels a day production	<ul style="list-style-type: none"> <li>• Joint Technical Team (GOS and GOSS)</li> </ul>	<ul style="list-style-type: none"> <li>• National Government</li> <li>• GOSS</li> </ul>	<ul style="list-style-type: none"> <li>• Equal members from NG and GOSS</li> </ul>	<ul style="list-style-type: none"> <li>• Joint Team to be appointed by the Presidency</li> <li>• Decision by consensus</li> <li>• Establish internal regulations and procedures</li> <li>• Co-chairing between the GOSS and NG</li> <li>• Report regularly to Presidency.</li> </ul>	5.7

<b>E. Sharing of Non-oil Revenue</b>						
1. Collection of non-oil revenue by GOSS and states.	After establishment of GOSS and governments of States	<ul style="list-style-type: none"> <li>Ministry of Finance of GOSS</li> <li>Ministry of Finance of States</li> </ul>	<ul style="list-style-type: none"> <li>GOSS</li> <li>States</li> </ul>		<ul style="list-style-type: none"> <li>GOSS and States to start collecting revenue as spelled out in the WSA in sub-sections 6.2 and 6.3.</li> <li>Amending national taxation laws within 60 days after signing of CPA to conform to the WSA.</li> </ul>	6.2, 6.3
<b>F. Equalization &amp; Allocation of Nationally collected Revenues</b>						
1. Establishment of National Revenue Fund (NRF)	D Day +1	<ul style="list-style-type: none"> <li>National Ministry of Finance</li> </ul>	-	-	Account to be in CBOS administered by Ministry of Finance for all revenues collected by the NG including net oil revenue due to GONU.	7.1
2. Agree on mechanisms to transfer to GOSS 50% of national non-oil revenues collected in Southern Sudan.	After establishment of GOSS	<ul style="list-style-type: none"> <li>National Ministry of Finance</li> <li>Fiscal and Financial Allocation and Monitoring Commission (FFAMC)</li> </ul>	GONU	<ul style="list-style-type: none"> <li>As provided in sub-section 7.3 and 8.3 WSA.</li> </ul>	<ul style="list-style-type: none"> <li>The National Ministry of Finance will open an account in BOSS and instruct national bodies in charge of collecting national non-oil revenues, taking into consideration cost</li> </ul>	7.3

					<p>effectiveness, to collect national non-oil revenues in the South and to be deposited in the designated account, after deducting collection charges.</p> <ul style="list-style-type: none"> <li>• The National Ministry of finance shall instruct BOSS to transfer 50% of revenues deposited in the above account to Ministry of Finance of GOSS, and the remaining 50% to be transferred to the National Revenue fund.</li> <li>• Account of the national non-oil revenues collected in the South will be submitted to FFAMC on quarterly basis.</li> </ul>	
3. Review of allocation of 50% of national non-oil revenue collected in Southern Sudan to GOSS.	Mid-term Interim Period	<ul style="list-style-type: none"> <li>• Joint Technical Committee (National Ministry of Finance and Ministry of Finance of GOSS)</li> </ul>	<ul style="list-style-type: none"> <li>• National Government</li> </ul>	Equal Members (GOSS and GONU)	<ul style="list-style-type: none"> <li>• Disagreement to be resolved by FFAMC</li> <li>• FFAMC to initiate the process.</li> <li>• Co-Chair between GONU and GOSS</li> <li>• Decision by consensus</li> <li>• Set its own regulations and procedures</li> <li>• Report back to the FFAMC within one</li> </ul>	7.3

					<ul style="list-style-type: none"> <li>month after its establishment</li> <li>Seek relevant international assistance.</li> </ul>	
4. Agree on an approach to appeal for donor funds for the reconstruction of South Sudan.	Immediately before the signing of CPA	<ul style="list-style-type: none"> <li>Joint Assessment Mission (JAM) Core Coordinating Group (CCG)</li> </ul>	<ul style="list-style-type: none"> <li>National Government</li> <li>International community</li> </ul>	<ul style="list-style-type: none"> <li>JAM CCG</li> </ul>	<ul style="list-style-type: none"> <li>JAM Core Coordination Group to initiate appeal strategy programme</li> </ul>	7.4
<b>G. Fiscal and Financial Allocation and Monitoring Commission (FFAMC)</b>						
1. Establish FFAMC	Pre-interim Period after Constitution Review Commission (CRC) report approved as per sub-section 2.10.1.6 and 2.12.9 of Power Sharing Protocol	<ul style="list-style-type: none"> <li>National Government, GOSS and States</li> <li>Presidency to appoint the Chairperson</li> </ul>	<ul style="list-style-type: none"> <li>National Government</li> <li>International community</li> </ul>	<ul style="list-style-type: none"> <li>As provided in sub-section 8.3 of WSA</li> <li>Location: Khartoum</li> </ul>	<ul style="list-style-type: none"> <li>As provided in sub-section 8.4 and 8.5 of the Wealth Sharing Agreement</li> </ul>	8.1
2. Establish formulae for allocating resources to war affected areas	Pre-interim period after establishing FFAMC	<ul style="list-style-type: none"> <li>FFAMC</li> </ul>	<ul style="list-style-type: none"> <li>GONU</li> <li>International community</li> </ul>	FFAMC and may establish technical committee if necessary	<ul style="list-style-type: none"> <li>Formulae to be determined by FFAMC after receiving technical assistance report as per sub-section 8.10 of the Two Areas Protocol.</li> </ul>	8.2.3

<b>H. Division of Government Assets</b>						
1. Establish a joint technical committee to assess and allocate assets between various levels of government	After establishment of GONU and GOSS and when disputes arise	<ul style="list-style-type: none"> <li>Joint Technical Committees for each level of government</li> </ul>	-	As provided in sub-section 11.1 of WSA	<ul style="list-style-type: none"> <li>Assets to be divided according to the function of each level of government as in schedules of powers A,B and C</li> <li>In case of conflict joint technical committees will be formed from each party involved in the dispute and mutually agreed expert</li> <li>Committees should observe schedules A, B, C, D, E and F of powers</li> <li>Decision by consensus</li> <li>Set its own regulations and procedures</li> </ul>	11.1
<b>I. Accounting Standards</b>						
1. Establish National and Southern Sudan Audit Chambers	Immediately after establishment of GONU and GOSS	<ul style="list-style-type: none"> <li>Presidency</li> <li>National Assembly</li> <li>GOSS</li> </ul>	<ul style="list-style-type: none"> <li>National Government</li> <li>GOSS</li> </ul>	As provided in sub-section 12.2 of WSA	<ul style="list-style-type: none"> <li>As provided in sub-section 12.2 of WSA.</li> <li>Until establishment of audit chambers, status quo will continue.</li> </ul>	12.2



<b>K. Financing the transition</b>						
1. National government assists the SPLM/A in the establishment of the new transitional governments at GOSS and State levels	After signing of the CPA	<ul style="list-style-type: none"> <li>• National Government</li> <li>• Joint National Transition Team (JNTT)</li> </ul>	<ul style="list-style-type: none"> <li>• International community</li> </ul>		<ul style="list-style-type: none"> <li>• National Government will provide technical assistance to the extent possible.</li> <li>• SPLM prepares financial basic urgent needs for the Pre-Interim period.</li> <li>• The estimated amount of the urgent needs to be presented to the international community for funding.</li> </ul>	13.1
2. Establish a Joint National Transition Team (JNTT)	Upon signature of CPA	<ul style="list-style-type: none"> <li>• GOS (President of the Sudan)</li> <li>• SPLM Chairman</li> </ul>	<ul style="list-style-type: none"> <li>• GOS</li> <li>• International Community</li> </ul>	<ul style="list-style-type: none"> <li>• Equal members from GOS and SPLM</li> <li>• Location: To be agreed upon by the Parties</li> </ul>	<ul style="list-style-type: none"> <li>• JAM -CCG non-Sudanese members to be observers</li> <li>• Co-chaired by GOS and SPLM.</li> <li>• Free access to all places in Sudan for data collection</li> <li>• Reporting to the leadership of the two Parties</li> <li>• May seek relevant technical assistance</li> <li>• Decision by consensus</li> <li>• Set its own regulations and procedures</li> </ul>	13.2

<b>L. Banking &amp; Currency</b>						
1. Enact/modify legislations to set up a dual banking system	Immediately upon signing CPA and within 90 Days	<ul style="list-style-type: none"> <li>• National Legislature</li> </ul>	<ul style="list-style-type: none"> <li>• CBOS</li> </ul>	<ul style="list-style-type: none"> <li>• Technical team of equal numbers from National Government (CBOS) and GOSS.</li> </ul>	<ul style="list-style-type: none"> <li>• CBOS to initiate the process</li> <li>• Recommend amendments in all relevant laws to comply with the CPA.</li> <li>• Chair to be agreed upon by GONU (CBOS) and GOSS.</li> <li>• Technical team Appointed by the Presidency.</li> <li>• Decision by consensus</li> <li>• Set its own regulations and procedures.</li> </ul>	14.1
2. Appoint Board of Directors (BOD) of Central Bank of Sudan (CBOS)	Immediately within one week after ratification of CBOS Act	<ul style="list-style-type: none"> <li>• Presidency</li> </ul>	<ul style="list-style-type: none"> <li>• CBOS</li> </ul>	As provided in sub-section 14.8b of WSA.	<ul style="list-style-type: none"> <li>• According to provision 14.8 of the Wealth Sharing Agreement</li> <li>• Decisions on matters that may affect adversely the interest of either Party to WSA shall be by consensus</li> </ul>	14.8
3. Restructure CBOS	Within 30 days after appointment of BOD	<ul style="list-style-type: none"> <li>• CBOS BOD</li> </ul>	<ul style="list-style-type: none"> <li>• CBOS</li> </ul>	<ul style="list-style-type: none"> <li>• CBOS BOD</li> </ul>	<ul style="list-style-type: none"> <li>• Restructuring CBOS banking system, general administration and departments and their functions to comply with the CPA.</li> </ul>	14.3

4. Establish Bank of South Sudan (BOSS)	Within 30 days after appointment of BOD	<ul style="list-style-type: none"> <li>• CBOS BOD</li> </ul>	<ul style="list-style-type: none"> <li>• CBOS</li> <li>• International community</li> </ul>	<ul style="list-style-type: none"> <li>• Location: Seat of GOSS</li> </ul>	<ul style="list-style-type: none"> <li>• BOSS shall perform all activities stated in WSA to manage conventional banking in South Sudan.</li> <li>• BOSS shall manage these activities as a window of CBOS and in accordance with CBOS policies, rules and regulations as per WSA.</li> <li>• In performing these activities, the Deputy Governor of CBOS who is heading BOSS shall be accountable to the Governor of CBOS.</li> </ul>	14.2, 14.10
5.a Establish a joint committee to design national currency.	Immediately upon signing of CPA.	<ul style="list-style-type: none"> <li>• Joint Technical Committee from (GOS and SPLM)</li> </ul>	<ul style="list-style-type: none"> <li>• Donors</li> </ul>	<ul style="list-style-type: none"> <li>• Technical Team of equal members (GOS and SPLM)</li> </ul>	<ul style="list-style-type: none"> <li>• Co-chaired by GOS and SPLM</li> <li>• Decision by consensus</li> <li>• Reporting within 60 Days</li> </ul>	14.9
5.b. Assess circulating currencies in South Sudan	Within 30 days after signing the CPA.	<ul style="list-style-type: none"> <li>• Joint Technical Committee (GOS, SPLM )</li> </ul>	<ul style="list-style-type: none"> <li>• GOS</li> <li>• Donors</li> </ul>	<ul style="list-style-type: none"> <li>• Equal members (GOS, SPLM) and technical experts to be agreed upon</li> </ul>	<ul style="list-style-type: none"> <li>• Co-chaired by GOS and SPLM</li> <li>• Decision by consensus</li> <li>• Reporting within 60 Days to CBOS</li> </ul>	
5.c Issuing new currency	After designing and assessing currencies circulating in South Sudan.	<ul style="list-style-type: none"> <li>• CBOS</li> </ul>	<ul style="list-style-type: none"> <li>• International community</li> <li>• NG</li> </ul>	-	<ul style="list-style-type: none"> <li>• Printing will start within one month after designing, plating and engraving and will finish within 18 months.</li> </ul>	

					<ul style="list-style-type: none"> <li>• CBOS will create awareness about the new currency</li> <li>• CBOS and BOSS to agree on preparation and arrangement for replacement of the circulating currencies in South Sudan.</li> <li>• Priority will be given to meet currency demand and replacement of the circulating currencies in South Sudan.</li> </ul>	
<b>M. Borrowing</b>						
1. Enacting borrowing standards and requirements by CBOS	After amendment of CBOS Act to comply with the CAP and after establishment of GOSS and States.	<ul style="list-style-type: none"> <li>• CBOS BOD</li> </ul>	<ul style="list-style-type: none"> <li>• CBOS</li> </ul>	<ul style="list-style-type: none"> <li>• CBOS BOD and technical experts if needed</li> </ul>	<ul style="list-style-type: none"> <li>• To be determined by CBOS BOD</li> <li>• Reporting within 30 Days after the appointment of the CBOS BOD</li> </ul>	6.2.13,14.1, 14.15, 14.16
<b>N. Reconstruction &amp; Development Funds</b>						
1. Establish South Sudan Reconstruction and Development Fund	After establishment of GOSS	<ul style="list-style-type: none"> <li>• SPLM Economic Commission/ GOSS</li> </ul>	<ul style="list-style-type: none"> <li>• GOSS Revenues</li> <li>• Direct bilateral Grants</li> </ul>	<ul style="list-style-type: none"> <li>• Steering Committee appointed by President of GOSS and</li> </ul>	<ul style="list-style-type: none"> <li>• The procedures related to SSRDF shall be similar to the procedures provided in</li> </ul>	15.1

(SSRDF)			<ul style="list-style-type: none"> <li>Low Income Countries Under Stress (LICUS).</li> </ul>	<p>including Ministry of Finance of GOSS, South Sudan Audit Chamber, all Southern States, representative of donors, representative of national MOF and National Audit Chamber as provided in sub-section 15.3. of WSA.</p>	<p>activity D.7 of transfer of 50% of net oil revenues to GOSS.</p> <ul style="list-style-type: none"> <li>SPLM to establish a committee initiate the process of establishing SSRDF</li> </ul>	
2. Establish monitoring and evaluation system for accountability and transparency	Pre-interim Period	<ul style="list-style-type: none"> <li>GOSS</li> <li>Project Implementation Authority</li> </ul>	<ul style="list-style-type: none"> <li>LICUS</li> <li>International community and donors</li> </ul>	<ul style="list-style-type: none"> <li>Oversight committee appointed by the SPLM Chairman or President of GOSS</li> </ul>	<ul style="list-style-type: none"> <li>Oversight committee appointed by GOSS as per sub-section 15.3 of WSA to establish accountability and transparency monitoring and evaluation system</li> </ul>	15.2
3. Establish an oversight committee for SSRDF	Pre-interim Period and after the establishment of SSRDF	<ul style="list-style-type: none"> <li>GOSS</li> </ul>	<ul style="list-style-type: none"> <li>GOSS</li> <li>SSMDTF</li> <li>Donors</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Finance of (National (1), GOSS (2) and Southern</li> </ul>	<ul style="list-style-type: none"> <li>Chaired by Ministry of Finance of GOSS</li> </ul>	15.3

				<ul style="list-style-type: none"> <li>States (10))</li> <li>Southern Sudan Audit Chamber (1) and National Audit Chamber (1)</li> <li>International community (1)</li> </ul>	<ul style="list-style-type: none"> <li>Internal and decision making procedures to be established by the Committee after its establishment.</li> </ul>	
4. Establish National Reconstruction and Development Fund (NRDF)	Pre-interim Period	<ul style="list-style-type: none"> <li>Ministry of Finance</li> <li>JNTT</li> </ul>	<ul style="list-style-type: none"> <li>GOS</li> <li>Donors</li> <li>NMDTF</li> </ul>	<ul style="list-style-type: none"> <li>Technical steering committee composed of Ministry of Finance (National and GOSS), Ministry of International Corporation, Audit Chambers (National and GOSS), representatives of war-affected States and least developed States in the</li> </ul>	<ul style="list-style-type: none"> <li>Annual resource envelope to be determined within the budget.</li> <li>Priority projects can be submitted to NMDTF.</li> <li>Chaired by National Ministry of Finance</li> <li>Allocation as spelled in 8.6 and 8.7 of the Two Areas Protocol.</li> <li>May seek technical assistance</li> </ul>	15.4

				North, one representative of international community if agreed upon by the technical steering committee	when necessary	
5. Establishment of two multi-donor trust funds (MDTFs) – one for Southern Sudan and other national.	Pre-Interim Period before the donors conference	<ul style="list-style-type: none"> <li>National MDTF (National Government and World Bank)</li> <li>South Sudan MDTF (SPLM/GOSS and World Bank)</li> </ul>	<ul style="list-style-type: none"> <li>International community</li> </ul>	<u>National MDTF:</u> <ul style="list-style-type: none"> <li>Management consists of: <ol style="list-style-type: none"> <li>MDTF Donors Group for coordination, consultation and mobilization</li> <li>Oversight Committee (NG and Donors), and observer from GOSS/SPLM</li> <li>Technical Secretariat (WB Administrator, NG designated body)</li> </ol> </li> <li>Programme</li> </ul>	<ul style="list-style-type: none"> <li>Governance including fiduciary to be set by World Bank and National Government for NMDTF and SPLM/GOSS for SSMDTF in consultation with international community and stakeholders.</li> <li>NG to determine projects to be implemented by UN agencies, NGOs, local governments, communities, National Government agencies, private sector and others in the North.</li> <li>SPLM/GOSS to determine projects</li> </ul>	15.5

				<p>Implementation Agency : NG</p> <p><u>South Sudan MDTF:</u></p> <ul style="list-style-type: none"> <li>• Management consists of: <ol style="list-style-type: none"> <li>1. MDTF Donors Group.</li> <li>2. Oversight Committee (SPLM/GOSS, Donors) and observer from NG.</li> <li>3. Technical Secretariat (WB Administrator , SPLM/GOSS designated bodies)</li> </ol> </li> <li>• Programme Implementation Agency: SPLM/GOSS</li> </ul>	<p>to be implemented by UN agencies, NGOs, local governments, communities, SPLM/GOSS agencies, private sector and others in the South.</p> <ul style="list-style-type: none"> <li>• UN Agencies to be allowed to operate within their rules and regulations with special arrangement on external audit to be agreed between the World Bank and UN.</li> <li>• Earmarking will not be allowed but sectoral preference can be expressed.</li> <li>• Project Implementation Agency to assign and oversee project implementation by a variety of entities.</li> </ul>	
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<p>6. Set criteria for eligible financing from MDTFs.</p>	<p>Pre-Interim Period before the donors conference</p>	<ul style="list-style-type: none"> <li>• To be determined by MDTF systems.</li> </ul>	<ul style="list-style-type: none"> <li>• Donors</li> </ul>		<ul style="list-style-type: none"> <li>• To be determined by MDTF systems in accordance with the findings of the JAM.</li> <li>• Priorities will include:             <ol style="list-style-type: none"> <li>1. Programmes submitted to MDTFs are part of annual budget and determined by NG and SPLM/GOSS in consultation with MDTF Steering Committees respectively.</li> <li>2. Rehabilitation and reconstruction in war affected areas</li> <li>3. Rehabilitation and reconstruction in least developed areas</li> <li>4. Priorities of Poverty Eradication</li> </ol> </li> </ul>	<p>15.7</p>
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					<p>Strategy Concept Note.</p> <p>5. Capacity Building and decentralization</p> <p>.</p> <p>6. Peace Building and security (DDR, IDPS, ..etc).</p>	
7. Establishment of special accounts in a commercial bank in Southern Sudan for GOSS	Pre-interim Period	<ul style="list-style-type: none"> <li>Ministry of Finance of GOSS</li> </ul>	-	-	<ul style="list-style-type: none"> <li>As provided in sub-section 15.11 of WSA</li> </ul>	15.11

**Appendix**  
**Implementation Modalities of Wealth Sharing Agreement**  
**Definition and Calculation of Net Oil Revenue**

**1. General Definitions:**

**(a) Cost Oil:** It is a percentage from the daily production to cover the production cost (exploration, development and operating cost). Exploration and development costs are classified as capital cost amortized within four years. The operating cost is paid annually. If the cost oil is greater than the recoverable cost (actual cost) the difference (Excess Oil) will be added to the government share. If recoverable cost is greater than the cost oil then the difference shall be carried over for the next year. However the Division of Excess Oil between the Government and Contractors is subject to the variables of each agreement.

**(b) Profit Oil:** It is the remaining balance from the daily production after deducting the cost oil.

**(c) Government Share:** It is the percentage share of the government from the profit oil after deducting the contractor's share that is subject to contract agreements. It increases with the increase in production.

**(d) Government Entitlement:** It consists, at Intake Point, of (Government Share plus excess oil plus under lifting less over lifting). Part of the Government Entitlement is either used for local refineries or for export.

**(e) Intake Point:** is the injection point between the pipeline network operated by contractor under the Agreement and the transportation system operated by or under the control of the transporter.

**2. Calculation of Government Net Oil Revenue:**

Government Entitlement x Export price<sup>1</sup>

Less Tariff (transport/pipeline fee)

Less Management fee

***Equal Government net oil revenue***

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<sup>1</sup> Export shall be valued at the actual Free On Board (FOB) export price and oil delivered to the refineries shall be valued at the average FOB export price of the last calendar month.

### **3. Calculation of Oil Revenue Stabilization Fund:**

Government Net Oil Revenue from export  
Less Actual Export Quantities x benchmark price  
***Equal Total Oil Revenue Stabilization Fund***

### **4. Government Net Oil Revenue Available for Allocation:**

Government net oil revenue  
Less oil revenue stabilization fund  
***Equal Total government net oil revenue available for allocation***

### **5. Producing States Share of Net Oil Revenue:**

2% of the total government net oil revenue available for allocation as per WSA.

### **6. GOSS Share:**

50% of {percentage of the oil produced in the South from the total production multiply by net oil revenue available for allocation after deducting States share}

# **The Implementation Modalities of the Protocol on the Resolution of the Abyei Conflict, dated 26<sup>th</sup> May, 2004**

Naivasha, Kenya, 31<sup>st</sup> December, 2004

## Implementation Modalities on Abyei

31<sup>th</sup> December, 2004

Activities	Timing	Executing Body/Authority	Funding Sources	Composition	Procedures and Process	Reference in the Agreement
<b>A. Abyei special Administrative Status</b>						
1. According Abyei special administrative status	Upon signature of Comprehensive Peace Agreement	Presidency			As per agreement on Abyei	1.2, 2.1
2. Abyei residents becoming citizens of both Southern Kordofan and Bahr el Ghazal	Upon signature of CPA	As per agreement			As per agreement on Abyei	1.2.1
3. Representation of Abyei residents in the legislatures of Southern Kordofan and Bahr el Ghazal	When relevant legislature comes to effect	The Parties	Relevant State Legislature			1.2.2
4. Establishing Executive Council	As per agreement	Presidency	Presidency	As per agreement	Appointment/election	1.2.2
5. Establish mechanism to transfer shares of net oil revenue from Abyei Area	As per Wealth Sharing Agreement					1.2.3
6. Deployment of international monitors to ensure full implementation of this agreement	After this agreement comes into force	International Community	International Community	International Monitors	As per Agreement on Abyei	1.2.5

<b>Activities</b>	<b>Timing</b>	<b>Executing Body/Authority</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Procedures and Process</b>	<b>Reference in the Agreement</b>
<b>B. Administrative Structure</b>						
1. Mechanism for appointment of members of Abyei Council	As per Agreement on Abyei Area	Presidency	Presidency	Twenty (20) members Representative and Inclusive	Appointment and election	2.2
2. Appointment of Chief Administrator and his/her deputy	As per Agreement on Abyei Area	Presidency	Presidency		Appointment and election	2.4
3. Appointment of heads of departments	As per Agreement on Abyei Area	Presidency & Chief Administrator		Five (5) Representative and inclusive	Recommendation of Chief Administrator/Presidency appoints	2.4
4. Determining the executive, legislative and financial powers and competencies of Abyei Area	As per Agreement on Abyei Area	Presidency	Presidency		Recommendation by the Executive Council of Abyei/Presidency	2.6
5. Establishment of Courts for Abyei Area	As per Agreement on Abyei Area	National Judiciary	Abyei Area Administration (Executive)		Recommendation by the Executive Council of Abyei/Presidency applies/National Judiciary establishes	2.7
<b>C. Financial Resources</b>						
1. Sharing of net oil revenue from oil produced in Abyei Area	As per Wealth Sharing Agreement	As per Wealth Sharing Agreement	As per Wealth Sharing Agreement		As per Wealth Sharing Agreement	3.1

<b>Activities</b>	<b>Timing</b>	<b>Executing Body/Authority</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Procedures and Process</b>	<b>Reference in the Agreement</b>
2. Mechanism of transferring other non-oil financial resources to Abyei administration					As per Wealth Sharing Agreement	3.2
3. Allocation from National Government to cover cost of establishment of the new administration, its running cost and provision of services	Upon establishment of Abyei Administration	Presidency	Presidency		Be deposited into Abyei Area special Account	3.2.5
4. Establishment of Abyei Resettlement, Reconstruction and Development Fund	Upon establishment of Abyei Administration	Abyei Executive Council	Abyei Administrative Council	To be determined by Abyei Administrative Council	Appointment by the Executive Council	3.3
5. National Government appeals to international donor community to facilitate the return and resettlement of the residents of Abyei Area.	Upon signature of the CPA	National Government			Appeal by the National Government	3.4
6. Opening of Special Accounts for Abyei Administration	After the appointment of the Chief Administrator	Abyei Executive Council	Presidency		Abyei Executive proposes Special Account, Presidency approves.	3.5



<b>Activities</b>	<b>Timing</b>	<b>Executing Body/Authority</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Procedures and Process</b>	<b>Reference in the Agreement</b>
<b>D. Geographical Boundaries</b>						
1. Establishment of Abyei Boundaries Commission	Upon signature	The Two Parties	<ul style="list-style-type: none"> <li>• Presidency</li> <li>• International Community</li> </ul>	As per Parties' agreed text on 17/12/2004 (Abyei Annex) Attached. Article (1)	The Two Parties	5.1
2. Mechanism for selecting members of Abyei Boundaries Commission	As per the Parties' attached agreed text of 17/12/2004 (Abyei Annex). Article (2)	The Two Parties	<ul style="list-style-type: none"> <li>• Presidency</li> <li>• International Community</li> </ul>	As per attached agreement of 17/12/2004 Article (2)	As per the Parties' agreed text of 17/12/2004 (Abyei Annex)	5.2
3. Presentation of final report of boundaries on Abyei	Before the end of the pre-interim period	Abyei Boundary Commission			As per the Parties' agreed text of 17/12/2004 (Abyei Annex)	5.3
4. Putting the special administrative status of Abyei Area into immediate effect	By the beginning of the Interim Period. Article (6) and (7) of the Parties' agreed text of 17/12/2004 (Abyei Annex)				As per attached Parties' agreed text of 17/12/2004 (Abyei annex)	5.3

<b>Activities</b>	<b>Timing</b>	<b>Executing Body/Authority</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Procedures and Process</b>	<b>Reference in the Agreement</b>
<b>E. Residents</b>						
1. Setting criteria of residence in Abyei area	Prior to elections	Abyei Referendum Commission			To be worked by the referendum commission	6.1
2. Mechanism for representation of residents of Abyei Area in the two legislatures	Prior to elections	Presidency/National Electoral Commission			On appointment/Election	6.2
<b>F. Security Arrangements</b>						
1. Establishment of Abyei Area Security Committee	As soon as the executive is formed	Abyei Administration	Abyei Administration	As per Agreement		7.1
2. Formation and Deployment of Joint Battalion in Abyei Area (JIU Battalion)	As per Ceasefire Agreement	JDB	JDB	JIU	As per Ceasefire Agreement	7.2
3. Deployment of international monitors	As per Ceasefire Agreement	As per Ceasefire Agreement	As per Ceasefire Agreement	As per Ceasefire Agreement	As per Ceasefire Agreement	7.4
<b>G. Abyei Referendum Commission</b>						
1. Establishment of Abyei Referendum Commission	Simultaneously with the establishing the South Sudan Referendum Commission	Presidency	Presidency	To the determined by the Presidency	To be determined by the Presidency	8.1
2. Abyei Referendum	Simultaneously with the South Sudan Referendum	Abyei Referendum Commission	Presidency		To be determined by the Presidency	8.2

<b>Activities</b>	<b>Timing</b>	<b>Executing Body/Authority</b>	<b>Funding Sources</b>	<b>Composition</b>	<b>Procedures and Process</b>	<b>Reference in the Agreement</b>
<b>H. Reconciliation Process</b>						
1. Peace and reconciliation process in Abyei Area	Upon signature of the Comprehensive Peace Agreement	<ul style="list-style-type: none"> <li>- Presidency,</li> <li>- Abyei Area Council Administration</li> <li>/</li> <li>- Bahr El Ghazal W. Kordofan</li> <li>- Civil Society</li> </ul>	Presidency/Abyei Administration Commission/International/Community/Civil Society	All stakeholders	As to be determined by the Presidency	9

## **ABYEI ANNEX**

### **UNDERSTANDING ON ABYEI BOUNDARIES COMMISSION**

(The Final Text as adopted by the two Principals on 17<sup>th</sup> December, 2004)

1. Upon signature, and notwithstanding Article 5.1 of the Protocol on Abyei, there shall be established by the Parties Abyei Boundaries Commission (ABC) to define and demarcate the Area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905, referred to herein as Abyei Area.
2. Pursuant to Article 5.2 of the Protocol on Abyei, the ABC shall be composed as follows:-
  - 2.1 One representative from each Party;
  - 2.2 The Parties shall ask the US, UK and the IGAD to nominate five impartial experts knowledgeable in history, geography and any other relevant expertise. The ABC shall be chaired by one of those experts;
  - 2.3 Each Party shall nominate two from the present two administrations of Abyei Area;
  - 2.4 The GOS shall nominate two from the Messiriya;
  - 2.5 The SPLM/A shall nominate two from the neighbouring Dinka tribes to the South of Abyei Area.

3. The ABC shall listen to representatives of the people of Abyei Area and the neighbours, and shall also listen to presentations of the two Parties.
4. In determining their findings, the Experts in the Commission shall consult the British Archives and other relevant sources on Sudan wherever they may be available, with a view to arriving at a decision that shall be based on scientific analysis and research. The experts shall also determine the rules of procedure of the ABC.
5. The ABC shall present its final report to the Presidency before the end of the Pre-Interim Period. The report of the experts, arrived at as prescribed in the ABC rules of procedure, shall be final and binding on the Parties.
6. The Presidency shall establish the administration of Abyei Area simultaneously with the Government of South Sudan and the Governments of Southern Kordofan and Blue Nile States by the beginning of the Interim Period.
7. In case the ABC delays presentation of the final report beyond the time prescribed above, the Presidency shall take necessary action to put the Abyei Area special status into effect with Abyei town as its seat subject to any readjustment or confirmation by the ABC final report.
8. Meanwhile, the two Parties shall issue appropriate instructions to their respective administrations in Abyei Area to facilitate the return of the citizens of the Area. The JIUs and the UN monitors shall facilitate and provide necessary protection to the IPDs.

9. The Parties shall issue an appeal to the International Community to make funds available for the formation and proper functioning of the ABC.

**The Implementation Modalities for the Protocol on  
the Resolution of Conflict in Southern Kordofan and  
Blue Nile States, dated 26<sup>th</sup> May, 2004**

**Naivasha, Kenya  
31<sup>st</sup> December, 2004**

**The Implementation Modalities for the Protocol on the Resolution of Conflict in Southern Kordofan and  
Blue Nile States  
31<sup>st</sup> December, 2004**

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition and Location</b>	<b>Procedures, Process and Criteria</b>	<b>Reference in the Agreement</b>
<b>A. Preamble</b>						
Settling the name of Nuba Mountains/Southern Kordofan & issues of merger	During the current negotiations	SPLM and GOS Negotiating Teams			As per attached Southern Kordofan Annex of the two parties dated 21/12/2004.	
<b>B. Popular consultation</b>						
1. Subjecting the Comprehensive Agreement to the will of the people of the two areas	The beginning of the 4 <sup>th</sup> . Year of the signing of the Agreement.	Elected legislature of the two States		<ul style="list-style-type: none"> <li>• Members of the State Legislature</li> </ul>	<ul style="list-style-type: none"> <li>• Evaluation of the commissions reports, recommendations, consultations,</li> <li>• Debate, rectification within the framework of agreement engagement with the GONU.</li> </ul>	3.2



<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition and Location</b>	<b>Procedures, Process and Criteria</b>	<b>Reference in the Agreement</b>
2. Establishment of two Parliamentary Assessment and Evaluation Commissions	Immediately After the elected Legislative bodies come into force DD + 3 years	The legislature of the two States	<ul style="list-style-type: none"> <li>• Two States</li> <li>• International community</li> </ul>	As determined by state legislature provided that it will include the NCP and SPLM	As determined by the legislature of the two states which may include consultants	3.3
3. Establishment of Presidential Monitoring and Evaluation Commission	By the end of the second year of the Interim Period	The Presidency	<ul style="list-style-type: none"> <li>• GONU</li> <li>• International Community</li> </ul>	To be determined by the Presidency considering exclusivity and representativity	As shall be determined by Presidency	3.4
5. Rectifying the Peace Agreement	End of the 4 <sup>th</sup> Year of signing the Agreement.	The elected Legislatures of the two states + state Govt., National Govt.	GONU		Elected Legislature engage within GONU	3.6
6. Establishment of State Legislature	Within the Pre- Interim Period.	NCP and SPLM		As agreed Percentages	<ul style="list-style-type: none"> <li>• Each party selects its own members.</li> <li>• Presidency Confirms</li> </ul>	

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition and Location</b>	<b>Procedures, Process and Criteria</b>	<b>Reference in the Agreement</b>
7. Appointment of Governor and Deputy Governor	After the Institution of Presidency is formed	NCP and SPLM		One + One	Each party nominates and the Presidency appoints.	
8. Appointment of State Council of Ministers in Pre-Elections and Commissioners	After the appointment of the Governor	State Governor and State Legislation in Consultation with the Parties	State Executive	As per percentages agreed to and applicable to all levels of Executive and Legislature	<ul style="list-style-type: none"> <li>• Governor nominates,</li> <li>• Legislature confirms,</li> <li>• Governor appoints.</li> </ul>	
9. Appointment of State Council of Ministers and Commissioners	Immediately after the elections	The State Governor and the State Legislature	State		Governor appoints in accordance with the State Interim Constitution	5.2
10. Establishment of local councils pre-elections	After the appointment of Commissioners	Governor in Consultation with the Commissioner.	State	According the State Interim Constitution	As to be determined by the parties.	5.5
11. Elected Local Councils	After the elections	Electoral Commission		As per State Interim Constitution	As laid down by the Electoral Commission.	
12. Establishment of State Security Committee	Immediately after the State Government is in force	The State Executive	State	As provided in sub-section 5.6 + Deputy Governor	According to the Law.	5.6

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition and Location</b>	<b>Procedures, Process and Criteria</b>	<b>Reference in the Agreement</b>
13. State Police Service, prisons W/life, fire brigade be recruited	Within the first six months of the Interim Period	State Executive (Institutions concerned).	State		<ul style="list-style-type: none"> <li>• These Forces shall undergo reorganization/ training in accordance with the national standards.</li> <li>• Deployment</li> </ul>	5.9
<b>C. The State Legislature</b>						
1. Drafting, preparation and adoption of State Constitution	After the adoption of the Interim National Constitution and preparation of the state model constitution	<ul style="list-style-type: none"> <li>• State Legislature</li> <li>• Constitutional Review Commission</li> </ul>	State	<ul style="list-style-type: none"> <li>• As Shall be agreed to by the parties, inclusive and representative as shall be determined by the Legislature.</li> </ul>	State Constitution drafting Committee will:- <ul style="list-style-type: none"> <li>• Take Interim National Constitution,</li> <li>• State model constitution,</li> <li>• State values and customs.</li> <li>• Consultations with the population,</li> <li>• Ministry of Justice Confirms compatibility.</li> </ul>	6.2

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition and Location</b>	<b>Procedures, Process and Criteria</b>	<b>Reference in the Agreement</b>
2. New Legislation/laws	After the establishment of the State Legislature	State legislature and Governor	State Executive		According to State Interim Constitution and the Internal Regulations of the State Legislature	6.5
<b>D. The State Judiciary:</b>						
Establishment of State Courts	After the adoption of the State Interim Constitution	The State Judiciary.	<ul style="list-style-type: none"> <li>• GONU</li> <li>• State</li> </ul>	As shall be provided by States Constitution	The Interim State Constitution shall provide for establishment of state courts.	7.2
<b>E. State Share in National Wealth</b>						
1. Collection of taxes and revenue	Immediately after the new Government comes into force	State executive	State	As per composition of the State Finance	<ul style="list-style-type: none"> <li>• According to rules and regulation of the State Finance</li> <li>• Laws and by-laws initiated by the State Executive and issued by the State Legislature/Local Councils.</li> </ul>	8.2

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition and Location</b>	<b>Procedures, Process and Criteria</b>	<b>Reference in the Agreement</b>
2. Transfer of State's share of (2%) of net oil revenue oil producing States	As per Wealth Sharing	As Per Wealth Sharing	As Per Wealth Sharing	As per Wealth Sharing	As per wealth sharing Formula	8.3
3. State representation in FFAMC	As per Wealth Sharing	As per Wealth Sharing	As per Wealth Sharing	As per Wealth Sharing	As per wealth sharing formula	8.4
4. Transfer of State's share in NRDF	As per Wealth Sharing	As per Wealth Sharing	As per Wealth Sharing	As per Wealth Sharing	As provided in sub-sections 8.6 and 8.8 of this Agreement	8.7
5. Presidential additional allocation to State	After the formation of the State Government	The Presidency			To be deposited in the State Account	8.9
6. Establishment of Technical Committee for Division of government assets and disputes resolution	Whenever dispute arises	GONU and state concerned	<ul style="list-style-type: none"> <li>• State Government and</li> <li>• GONU</li> </ul>	<ul style="list-style-type: none"> <li>• One from each party</li> <li>• One Expert.</li> </ul>	As per Agreement	8.14
<b>F. State Land Commission</b>						
1. Establishment of State Land Commission	After the establishment of the state Government.	The state executive	State	To be determined by the State Executive in consultation with the National Land Commission.	To be developed by the State Executive in consultation with the National Land Commission.	9.3

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition and Location</b>	<b>Procedures, Process and Criteria</b>	<b>Reference in the Agreement</b>
2. Review existing land leases and contracts and examine the criteria	On complaints lodged	<ul style="list-style-type: none"> <li>• State Land Commission</li> <li>• State Executive</li> </ul>	State	As shall be determined by the State Executive	As per agreement	9.6
<b><u>G. Security Arrangements</u></b>						
SAF troops level in the two States	After the formation of the Institution of the Presidency	Presidency	GONU		As per Cease – Fire Agreement	10.1
<b><u>H. Pre-Election Arrangements</u></b>						
1. Representation of the state in National institutions	As per power sharing and wealth sharing.	Presidency			By appointment	11.2
2. Representation in national Legislative Assembly					As per power sharing	
3. Representation in Council of states					=	
5. R. Fiscal and Financial Allocation & Monitoring Commission					As per wealth sharing Modalities	

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition and Location</b>	<b>Procedures, Process and Criteria</b>	<b>Reference in the Agreement</b>
6. R. in Constitutional Review Process					As per Power Sharing	
7. R. in NRDF Steering Committee					As per wealth sharing modalities	
8. Order in which each party assumes the governorship in each state.	After the establishment of the Presidency	Presidency	State	<ul style="list-style-type: none"> <li>• Governor</li> <li>• Deputy Governor</li> </ul>	<ul style="list-style-type: none"> <li>• Parties Nominate.</li> <li>• Presidency appoints</li> </ul>	11.1.5
8.A. Southern Kordofan	After the establishment of the presidency	Presidency	State	First rotation SPLM assumes the office of the Governorship and the NCP assumes the office of the Deputy Governor	He/She shall assume the office for (18) month from the date of appointment	11.1.5
8.B. Blue Nile State	After the establishment of the presidency	Presidency	State	First rotation the NCP assumes the office of the Governorship and SPLM assumes the office of the Deputy Governor.	He/She shall assume the office for (18) month from the date of appointment.	11.1.5

## **SOUTHERN KORDOFAN ANNEX STATE OF SOUTHERN KORDOFAN**

### ***Final and approved Text of 21<sup>st</sup> December, 2004***

1. The name of the State shall be Southern Kordofan and its Capital shall be Kadugli.
2. The State Legislature shall compose of Fifty-Four (54) members, Thirty Six (36) from the previous Southern Kordofan component and Eighteen (18) from the previous Western Kordofan component including Abyei. However representation of the two components is subject to readjustment according to the population census and the decision of the National Electoral Commission as appropriate.
3. For the pre-election formation of the State Legislature, the GOS shall nominate Eighteen (18) members from the previous Southern Kordofan component and Twelve (12) members from the previous Western Kordofan component, whereas the SPLM/A shall nominate Eighteen (18) members from the previous southern Kordofan component and Six (6) members from the previous Western Kordofan component.
4. The State Cabinet shall be composed as follows:-
  - 4.1 The State shall have Eleven (11) cabinet members including the Governor and the Deputy Governor, Seven (7) cabinet members shall be from the Southern Kordofan component and Four (4) cabinet members shall be from the Western Kordofan component.
  - 4.2 For the pre-election formation of the State cabinet, the GOS shall nominate Six (6) cabinet members of whom Three (3) shall be from each component, whereas the SPLM/A shall nominate Five (5) cabinet members of whom Four (4) shall be from the previous Southern Kordofan component and One (1) shall be from the previous Western Kordofan component.



5. Regarding the representation of the State in the Council of States:-
  - 5.1 Each of the two components shall have one of the two representatives in the Council of States. However, this arrangement shall be subject to any agreed future changes.
  - 5.2 In the pre-election arrangement the GOS shall nominate the representative from the previous Western Kordofan component whereas the SPLM/A shall nominate the representative from the previous Southern Kordofan Component.
6. El-Fula shall have branches of all the State ministries and Institutions each headed by a Deputy Secretary General. The branch shall abide by the policies and directives of the concerned ministry and report to its Secretary General.
7. The previous Western Kordofan component (with all its localities) shall continue to enjoy all benefits of the current Western Kordofan Fund, which shall be sustained by the National Government.
8. The State share of the Oil Revenue shall be distributed as follows:-
  - 8.1 The Two Percent (2%) due of the oil revenue produced in any part of the State shall benefit the two components of the state equitably.
  - 8.2 The Two Percent (2%) forming the Messiriya share in Abyei oil shall benefit the previous Western Kordofan component
  - 8.3 The Two Percent (2%) forming the Western Kordofan share of Abyei Oil shall be equally divided between the two components of the state One Percent (1%) each.
9. Notwithstanding that Kadugli is the Capital and seat of the state legislature, the State legislature shall convene its sessions alternately in Kadugli and El-Fula.
10. Presidency declares the formation of Southern Kordofan State as per agreed borders of 1974.

**Annexure B**  
**List of Corrections in the Protocols and Agreements**

*31<sup>st</sup> December, 2004*

**1. General Provisions:**

- 1.1. Change the words "South Sudan" to "Southern Sudan" in all the Protocols and Agreements.
- 1.2. Insert the word "Interim" whenever there is a reference to National Constitution.
- 1.3. Change the words "State/Region" to "State" in all the Protocols and Agreements.
- 1.4. Change words "Southern Kordofan/Nuba Mountains" to "Southern Kordofan" in all the Protocols and Agreements.
- 1.5. Any reference to the Government of the Sudan (GOS) shall also make reference to the Government of the Republic of the Sudan in all the Protocols and Agreements.

**2. Protocol on Power Sharing Protocol, dated May 26<sup>th</sup>, 2004**

- 2.1. The sub-section 2.2.7.3. to be re-numbered as 2.2.8 and the subsequent sub-sections up to 2.2.13 to be re-numbered accordingly. Any relevant cross reference in the Agreement (if any) shall be renumbered accordingly.
- 2.2. The sub-section 2.5.6 that reads:  
  
*"he Government of National Unity shall be responsible for establishing recruitment systems and admission policies to national universities, national institutes, and other institutions of higher education based on fair competition, giving equal opportunity to all citizens"* in the second paragraph on page 26 to be renumbered as sub-section 2.5.7.

2.3. The sub-section 3.5.1 that reads:

*"Pending the elections, the First Southern Sudan Assembly shall be an inclusive, constituent legislature comprised of:-" shall read as follows:*

*Pending the elections, the First Southern Sudan Assembly shall be an inclusive, constituent legislature comprised as follows:-*

2.4. The sub-section 3.5.4 that reads:

*"The Southern Sudan Constitution shall make provision for the Assembly of Southern Sudan to be re-constituted through elections in accordance with the provisions herein related to the timing of general elections. The Constitution of the Southern Sudan shall also make provision for the election of the President and appointment of the Vice President of the Government of Southern Sudan. Such elections shall be in accordance with the provisions set forth by the National Electoral Commission specified in sub-paragraph 2.10.1.1 herein" shall read as follows:*

*The Constitution of Southern Sudan shall make provision for the Assembly of Southern Sudan to be re-constituted through elections in accordance with the provisions herein related to the timing of general elections. The Constitution of Southern Sudan shall also make provision for the election of the President and appointment of the Vice President of the Government of Southern Sudan. Such elections shall be in accordance with the provisions set forth by the National Electoral Commission specified in sub-paragraph 2.10.1.1 herein"*

2.5. The sub-section 3.5.5. that reads:

*"The Assembly of Southern Sudan may amend the Constitution of the Southern Sudan by a two-thirds majority vote of all members" shall read as follows:*

*"The Assembly of Southern Sudan may amend the Constitution of Southern Sudan by a two-thirds majority vote of all members"*

2.6. Add to the Legislature of Southern Sudan sub-section 3.5.7 that reads as follows:

*Any bill duly approved by the Legislature of Southern Sudan shall be signed into law by the President of Government of Southern Sudan within thirty (30) days, failing which it shall be deemed to have been so signed. Where the President of Government of Southern Sudan withholds his/her signature, he/she must present reasons for his/her refusal to so sign when re-introducing the bill to the Legislature of Southern Sudan within the 30-day period stated herein. The Bill shall become law if the Legislature of Southern Sudan again passes the bill by a two-thirds majority of all the members of the Legislature of Southern Sudan and the assent of the President of Government of Southern Sudan shall not be required.*

2.7. The sub-section 3.7.3.1. that reads:

*"Be the court of final judicial instance in respect of any litigation or prosecution under Southern State or Southern Sudan law, including statutory and customary law, save that any decisions arising under National Laws shall be subject to review and decision by the National Supreme Court"* shall now read as follows:

*"Be the court of final judicial instance in respect of any litigation or prosecution under Southern Sudan State or Southern Sudan law, including statutory and customary law, save that any decisions arising under National Laws shall be subject to review and decision by the National Supreme Court"*

2.8. The sub-section 3.7.3.4. that reads:

*"Be a court of review and cassation in respect of any criminal or civil matter arising out of or under Southern Sudan Laws"* shall read as follows:

*"Be a court of review and cassation in respect of any criminal or civil matter arising out of or under Southern Sudan Laws"*

2.9. The sub-section 3.7.3.7. that reads:

*"Have such other jurisdictions as determined by Southern Sudan Constitution, the Peace Agreement and the Law"* shall read as follows:

*"Have such other jurisdiction as determined by the Constitution of Southern Sudan, the Peace Agreement and the Law".*

2.10. The sub-section 4.5.4. that reads:

*"The Governor shall, together with the States' Council of Ministers appointed by him/her, exercise the executive powers of the state which shall be in respect of the functional areas listed in Schedules C and D, read together with Schedules E and F, and such other executive competencies as are conferred upon the State by the Interim National Constitution, the Southern Sudan Constitutions, the State Constitutions, and the Peace Agreement"* shall now read as follows:

*"The Governor shall, together with the States' Council of Ministers appointed by him/her, exercise the executive powers of the state which shall be in respect of the functional areas listed in Schedules C and D, read together with Schedules E and F, and such other executive competencies as are conferred upon the State by the Interim National Constitution, the Constitution of Southern Sudan, the State Constitution, and the Peace Agreement"*

2.11. Add to Schedule B "Powers of the Government of Southern Sudan" on page 57 additional power as number 23 and reads as follows:

*"23. The Judiciary of Southern Sudan and administration of justice at Southern Sudan level including maintenance and organization of Southern Sudan Courts, and subject to national norms and standards, civil and criminal procedure".*

2.12. Add to Schedule D "Concurrent Powers" on page 60 additional power as number 32 and shall read as follows:

*"32. The regulation of land tenure, usage and exercise of rights in land".*

### **3. Agreement on Wealth Sharing, dated 7<sup>th</sup> January, 2004**

3.1. The sub-section 1.7 that reads:

*"That, without prejudice to the provisions of paragraph 1.3 herein, Southern Sudan, and those areas in need of construction/reconstruction, shall be brought up to the same average level of socio-economic and public services standard as the Northern States. To achieve these*

*objectives will take time and effort to build up local institutional, human, and economic capacity. For this purpose, two special funds shall be established as provided herein” and shall read as follows:*

*“That, without prejudice to the provisions of paragraphs 1.3 and 1.4 herein, Southern Sudan, and those areas in need of construction/reconstruction, shall be brought up to the same average level of socio-economic and public services standard as the Northern States. To achieve these objectives will take time and effort to build up local institutional, human, and economic capacity. For this purpose, two special funds shall be established as provided herein”*

3.2. The sub-section 3.1. that reads:

*“The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the interim period shall include the following:” shall now read as follows:*

*“The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector shall include the following:”*

3.3. The sub-section 11.1. that reads:

*“There shall be a fair and equitable division of government assets. An asset shall in the first instance be allocated to the level of government responsible for the function in respect of which the asset is related (e.g. school buildings to the level of government responsible for education). In the event of a dispute, the Parties agree that such dispute shall be referred to a committee comprising a representative of each of the Parties involved in the dispute and mutually agreed expert” shall read as follows:*

*“There shall be a fair and equitable division of government assets. An asset shall in the first instance be allocated to the level of government responsible for the function in respect of which the asset is related (e.g. school buildings to the level of government responsible for education). In the event of a dispute, the Parties agree that such dispute shall be referred to a committee comprising a representative of each of the parties involved in the dispute and mutually agreed expert and its decision shall be final and binding”.*

3.4. The sub-section 15.5. that reads:

*"..... The Trust Funds shall be operational for the Pre-Interim Period, and shall thereafter be transformed into (i) one MDTF dedicated to the Southern Sudan Reconstruction and Development Fund (the "SRRDF")"* shall now read as follows:

*"..... The Trust Funds shall be operational for the Pre-Interim Period, and shall thereafter be transformed into (i) one MDTF dedicated to the Southern Sudan Reconstruction and Development Fund (the "SSRRDF")"*

#### **4. Machakos Protocol, dated 20<sup>th</sup> July 2002**

4.1. The Machakos Protocol shall be appropriately re-numbered without amendment to the text or to its meaning.

4.2. The sub-section 3.2 that reads:

*"National Government"* shall now read as follows:

*"National Legislation"*

4.3. The sub-section 3.2.1 that reads:

*"There shall be a National Government which shall exercise such functions and pass such laws as must necessarily be exercised by a sovereign state at national level. The National Government in all its laws shall take into account the religious and cultural diversity of the Sudanese people"* shall now read as follows:

*"There shall be a National Legislature which shall exercise such functions and pass such laws as must necessarily be exercised by a sovereign state at national level. The National Legislature in all its laws shall take into account the religious and cultural diversity of the Sudanese people"*

- 4.4. The sub-sections 5.2 and 5.2.1 and 5.2.2 are to be deleted as they are identical to sub-sections 2.4, 2.4.1 and 2.4.2 and do not need to be repeated.

**5. Protocol on the Resolution of the Conflict in Southern Kordofan and Blue Nile States, dated 26<sup>th</sup> May, 2004:**

- 5.1. The Footnote in the Preamble on page 2 shall be deleted as the name of the State has been agreed upon by the Parties to be "Southern Kordofan".

- 5.2. The sub-section 1.3. that reads:

*"Development of human resources and infrastructure shall be the main goal of the State. It shall be conducted to meet human needs in accordance with the best-known practices of sustainable development within a transparent and accountable framework"* shall now read as follows:

*"Development of human resources and infrastructure shall be the main goal of the government of State. It shall be conducted to meet human needs in accordance with the best-known practices of sustainable development within a transparent and accountable framework"*

- 5.3. The sub-section 3.3 that reads:

*"That the legislatures of the two States shall each establish a Parliamentary Assessment and Evaluation Commission to assess and evaluate the implementation of the agreement in each State. The two Commissions shall submit their reports to the legislatures of the two States by the fourth year of the signing of the comprehensive Peace Agreement"* shall now read as follows:

*"That the legislatures of the two States shall each establish a Parliamentary Assessment and Evaluation Commission to assess and evaluate the implementation of the agreement in each State. The two Commissions shall submit their reports to the legislatures of the two States by the end of fourth year of the signing of the comprehensive Peace Agreement"*



5.4. The sub-section 3.6 that reads:

*"Should any of the legislatures of the two States, after reviewing the Agreement, decide to rectify, within the framework of the Agreement, any shortcomings in the constitutional, political and administrative arrangements of the Agreement, then such legislature shall engage in negotiations with the National Government with the view of rectifying these shortcomings"* shall now read as follows:

*"Should either of the legislatures of the two States, after reviewing the Agreement, decide to rectify, within the framework of the Agreement, any shortcomings in the constitutional, political and administrative arrangements of the Agreement, then such legislature shall engage in negotiations with the National Government with the view of rectifying these shortcomings"*

5.5. The sub-section 5.6 that reads:

*"There shall be State Security Committee to be chaired by the Governor of the State. The Committee shall include, among others, the Military Commander of the area, his Deputy, the Director of the State Police and Director of the State National Security Branch"* shall read as follows:

*"There shall be a State Security Committee to be chaired by the Governor of the State. The Committee shall include, among others, the Military Commander of the area, his Deputy, the Director of the State Police and Director of the State National Security Branch"*

5.6. The sub-section 5.8 that reads:

*"The State Police Service shall adhere to the National standards and regulations as set forth by National Police Service"* shall read as follows:

*"The State Police Service shall adhere to the national standards and regulations as set forth by National Police Service"*

5.7. The sub-section 6.4 that reads:

*"The State Legislature shall legislate for the state within its legislative powers as stipulated in schedule (A) attached herewith"* shall now read as follows:

*"The State Legislature shall legislate for the state within its legislative powers as stipulated in schedule A read together with schedules B and C attached herewith"*

5.8. The sub-section 7.4 that reads:

*"The State legislations shall provide for guarantees for the independence and impartiality of the State judiciary and ensures that state judges shall not be subject to political or other interference"* shall read as follows:

*"The State legislation shall provide for guarantees for the independence and impartiality of the State judiciary and ensure that state judges shall not be subject to political or other interference"*

5.9. The sub-section 7.6 that reads:

*"The National Legislature shall determine the civil and criminal procedures to be followed in respect of litigation or prosecution under National laws in accordance with the Interim National Constitution"* shall read as follows:

*"Notwithstanding the provisions in sub-section 7.5, the National Legislature shall determine the civil and criminal procedures to be followed in respect of litigation or prosecution under National laws in accordance with the Interim National Constitution"*

5.10. The sub-section 8.3 that reads:

*"Oil producing state is entitled to two percent (2%) of the oil produced in that state, as specified in the Wealth Sharing Agreement"* shall read as follows:

*"An oil producing state is entitled to two percent (2%) of the net oil revenue produced in that state, as specified in the Wealth Sharing Agreement"*

5.11. The sub-section 8.4 that reads:

*"The state shall be represented in the Fiscal and Financial Allocation and Monitoring Commission, which shall ensure transparency and fairness in regard to allocation of the share due to the state from the Nationally collected revenues and ensure that allocations due to the state are not withheld"* shall be as follows:

*"The state shall be represented in the Fiscal and Financial Allocation and Monitoring Commission, which shall ensure transparency and fairness in regard to the allocation of the share due to the state from the Nationally collected revenues and ensure that allocations due to the state are not withheld"*

5.12. The sub-section 9.8 that reads:

*"In case of conflict between the findings and recommendations of the National Land Commission and the State Land Commission which cannot be resolved by agreement, the two Commissions shall reconcile their positions. Failure to reconcile, the matter shall be referred to the Constitutional Court for adjudication"* shall read as follows:

*"In case of conflict between the findings and recommendations of the National Land Commission and the State Land Commission which cannot be resolved by agreement, the two Commissions shall reconcile their positions. In the event of failure to reconcile, the matter shall be referred to the Constitutional Court for adjudication"*

- 5.13. Add to Schedule B "Concurrent Powers" on page 18 additional power as number 26 and shall read as follows:

*"26. The regulation of land tenure, usage and exercise of rights in land"*

- 5.14. Schedules A "The Exclusive Executive and Legislative Competencies of the Two States" and Schedule B "Concurrent Powers" shall be read without prejudice to Schedule A "National Powers" of the Power Sharing Agreement.

## **6. Protocol on the Resolution of The Abyei Conflict, dated 26<sup>th</sup> May, 2004**

- 6.1. The Title of the Protocol to be changed to:

*"Protocol between the Government of the Sudan and the Sudan People's Liberation Movement/Army on the Resolution of the Abyei Conflict"*

- 6.2. The sub-section 4.3.4. that reads:

*"If necessary, recommend to the Presidency the relief of the Chief Administrator or his/her Deputy"* shall read as follows:

*"If necessary, recommend to the Presidency the removal of the Chief Administrator or his/her Deputy"*

## **7. Framework Agreement on Security Arrangements, dated 25<sup>th</sup> September, 2003**

- 7.1. The sub-section 3.b. that reads:

*"Except for those deployed in the Joint/Integrated Units, the rest of the forces of SAF currently deployed in the south shall be redeployed North of the South/North border of 1/1/1956 under international monitoring and assistance within and up to two and one half years (2 ½) from the beginning of the pre-Interim Period"* shall now read as follows:

*"Except for those deployed in the Joint/Integrated Units, the rest of the forces of SAF currently deployed in the South shall be deployed North of the South/North border of 1/1/1956 under international monitoring and*

*assistance within and up to two and one half years (2 ½) from the beginning of the Pre-Interim Period”*

7.2. The sub-section 3.c. that reads:

*“Except for those deployed in the Joint/Integrated Units, the rest of SPLA forces currently deployed in Nuba Mountains and Southern Blue Nile shall be redeployed South of the South/North border of 1/1/1956 as soon as the Joint/Integrated Units are formed and deployed under international monitoring and assistance” shall now read as follows:*

*“Except for those deployed in the Joint/Integrated Units, the rest of SPLA forces currently deployed in Nuba Mountains and Southern Blue Nile shall be redeployed South of the South/North border of 1/1/1956 as soon as the Joint/Integrated Units are formed and deployed under international monitoring and assistance”*