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**PEACE AND SECURITY COUNCIL**

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**REPORT OF THE CHAIRPERSON OF THE COMMISSION**  
**ON THE IMPLEMENTATION OF THE COMPREHENSIVE PEACE**  
**AGREEMENT (CPA)**

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AGREEMENT (CPA)**

**I. Introduction**

1. At its 159<sup>th</sup> meeting held on 24 November 2008, Council reviewed the implementation process of the Comprehensive Peace Agreement (CPA), signed in Nairobi, Kenya, in January 2005, between the then Government of the Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A) and consequently decided to review, at least once every six months, the status of the implementation of the CPA.

2. On that occasion, Council also welcomed the progress achieved by the Sudanese parties in the implementation of the CPA since 2007, namely, the enactment of the National Electoral Law, the establishment of the National Electoral Commission (NEC), the conduct of the fifth National population census; the redeployment of forces, and the signing, on 8 June 2008, of the Agreement on the Abyei Road Map, and the steps that were subsequently taken by the parties to implement it. Council further noted with concern the delay in the implementation of crucial components of the CPA, such as, among others, the demarcation of the North-South border, the remaining legislations for the elections, the release of the census results, and the full redeployment of forces. In this respect, Council urged the parties to move swiftly towards the early and full implementation of these issues and encourages them to continue with their dialogue with a view to resolving them.

3. This report is thus presented as an update to Council following its decision of 24<sup>th</sup> November 2008 to continuously review progress within the framework of the implementation of the Comprehensive Peace Agreement (CPA). In this light, I wish to inform Council that in January 2009, the Sudanese people celebrated the fourth anniversary of the CPA in Malakal, Southern Sudan. These celebrations were attended by both the President of the Republic, Omar Hassan Al Bashir and the First Vice President of Sudan and President of Government of Southern Sudan (GoSS), Salva Kiir Mayardit who displayed a spirit of camaraderie in their demeanour which is a key leadership feature needed to sustain the momentum of the CPA implementation.

4. The implementation process of this agreement has now reached its crescendo, with the elections planned for April 2010 which would be followed by referendum planned for January 2011. The current report, thus presents the current status of the implementation of

the CPA and further outlines areas that still need the Sudanese parties attention as well as the international community including the African Union (AU).

## **II. Status of the implementation of the CPA**

5. Since its signing, the CPA has created a conducive environment for the functioning of the Government of National Unity (GoNU) and the GoSS. Both the Sudanese Interim National Assembly (INA) and the Southern Sudan Interim Legislative Assembly (ILA) continue to enact laws in the national and regional assemblies in accordance with the provisions of the CPA. As a result various national and regional institutions continue to function appropriately, thanks to the conducive atmosphere created by the CPA.

6. In support of the implementation process of the CPA, in June 2009, the government of the United States of America convened conference of witnesses and supporters of the CPA in Washington D.C. The aim of the conference was to renew the commitment of the witnesses and supporters to the CPA thus setting in motion the refocus of international attention and energy on the implementation of the peace agreement. This event gave an opportunity for the participants to recommit to CPA process and highlight the role of the international community in this endeavor.

7. The Conference also offered an opportunity to create a unified international approach to tackling the international community's commitments to the Sudanese CPA. The meeting was also able to obtain pledges of new action by participants to push forward CPA implementation – financially, politically, and otherwise. For their part, the Sudanese parties recommitted themselves to ensuring the timely implementation of the CPA, through, inter alia, the holding of the elections in 2010 and the referendum in 2011.

8. The US government has proposed to hold a series of such conferences at key intervals in the remaining CPA process, in Khartoum and Juba during the course of the year. Similarly, the IGAD countries have committed themselves to do the same in their region.

### **a) Power Sharing**

#### **National Assembly**

9. Consistent with the provisions of the CPA, on 13 April 2009, the INA reconvened for its 8<sup>th</sup> session in Khartoum. A number of important bills were tabled for consideration during

this session of the National Assembly. These included the Land Commission Bill, Referendum Bill, the National Security Law, the Press Bill 2009, the National Fund for Population and Rehabilitation Bill 2009, the Criminal Procedures Act Amendments 2009, the Civil Procedures Act Amendments of 2009, and the Press and Printed Materials Bill 2009. The Assembly also considered the Health Quarantine Bill 2008 and the Medicines and Arsenics Bill 2008. Amongst others, the INA adopted the Land Commission Bill and the National Human Rights Commission Bill in April 2009. Accordingly, the Chairmen of the Commissions are to be appointed by the President with the consent of the First Vice President.

10. On 24 June 2009, the INA went into recess with some outstanding draft bills such as the National Security Law and the Referendum Law which are still being deliberated on. Following the announcement of the recess, the Speaker of the INA, Ahmed Ibrahim Al-Tahir announced that there would be enough time, before the general elections, for INA to endorse remaining laws when it resumes in October 2009.

#### **GoSS Cabinet Reshuffles**

11. On 31 May 2009, the President of GoSS, Salva Kiir Mayardit, reshuffled the GoSS cabinet, and appointed a number of new Ministers. The newly appointed Ministers included, among others, Mr. David Deng Athorbei, who has been appointed Minister of Finance and Economic Planning and Mr. Oyai Deng Ajak, who has been assigned to the Ministry for Regional Cooperation of GOSS. Mr. Athorbei previously served as Minister of Transport and Roads, while Mr Ajak had previously served SPLA Chief of General Staff.

#### **Referendum Law**

12. According to the CPA, the Referendum Law was to be passed by the beginning of the third year of the CPA process. However, this law has not yet been passed by the INA. Both the NCP and SPLM have informed the Assessment and Evaluation Commission (AEC) that the Referendum Bill is now before the National Constitutional Review Commission (NCRC). This is an indication that progress is being made on the law. The Parties are also expected to pass other critical laws that would facilitate a smooth electoral process.

### **Preparations for General Elections**

13. It will be recalled that one of the key objectives of the CPA is to transform the Sudan into a democratic state through the holding of credible democratic elections, midway through the implementation of the agreement. In April 2009, the Sudan National Electoral Commission (NEC), which was formed in November 2008, announced the decision to hold the general elections in February 2010. According to the CPA, elections at all levels were due to be held before July 2009. Again in July, the NEC announced that the elections would now be held in April 2010 instead of February 2010. The decision to delay these elections was justified by the need for appropriate time needed to prepare for such an elaborate electoral process, as well as achieving some key outstanding issues related to the elections, such as election related legislation, border demarcation, etc.

14. In May 2009, NEC announced the timeframe for the electoral process. The process will commence in September 2009 with the declaration of the final register and acceptance of nominations and conclude with the announcement of final results in February 2010. The NEC also briefed the diplomatic community in June 2009 that the entire electoral process of the Sudan would cost the NEC One (1) Billion United States Dollars. Furthermore, I wish to inform Council that the GoNU, through the NEC, has invited all concerned and interested international institutions to come, at any stage, to observe the electoral process. An invitation has also been sent to the African Union (AU) Commission in this regard. The AU Commission intends to honour this invitation to ensure fairness and transparency in this process, while working within the National Electoral Act ratified by the Sudanese parties to the CPA.

15. It would be recalled that on 26 January 2009, the Political Parties Council met with 32 political parties registered under regulations that were in place prior to the signing of the CPA. The Chairman of the Council urged traditional parties such as the National Umma Party, the National Democratic Alliance, the Communist Party, the SPLM, to adjust their mandates and structures in line with the Political Parties Act of 2007. He further urged them to prepare the necessary documents for the registration of their respective parties. On 28 January, the Council also met with 86 unregistered parties, during which its Chairman declared that all unregistered parties will be given a period of 90 days, starting 5<sup>th</sup> February 2009, to also reconcile their documents in line with the Political Parties Act of 2007.

### **Formation of a New Political Party**

16. Meanwhile, on 6 June 2008, a former leading member of the SPLM, Dr. Lam Akol, who once served as Minister of Foreign Affairs in the GoNU, announced the formation of his new political party in Khartoum called the Sudan People's Liberation Movement - Democratic Change (SLPM-DC). Following his announcement he criticized current SPLM leadership and accused it of 'failing to implement the vision of the new Sudan in the South and fully implement the CPA'. In line with his party's program, he declared that his new party was committed to the agreement, and had already started the process of registration at the Political Parties Council.

### **Census Process**

17. The completion of the 5<sup>th</sup> Population Census of the Sudan in 2008 was a very critical constituent to the success of the CPA. The agreement states that representation of the North and the South at the national level shall be based on population ratio. In May 2009, the Sudanese Census results were finally published indicating that the overall population of the Sudan is 39, 154 490. 00. The population of the Northern Sudan is said to be 30, 894 000.00, while the Population of Southern Sudan is put at 8, 260 490.00. Meanwhile, the Sudanese 5<sup>th</sup> Population Census Council reported that the Census process was professionally conducted in the entire Sudan. Consequently, it had handed the results to the NEC to commence constituency demarcations in preparation for elections.

18. I wish to inform Council, that in May 2009, in his address to the Southern Sudan Kings, Chiefs and Traditional Leaders Conference, GoSS President Salva Kiir stated that "Because of serious concerns we raised about the way population census was carried out in Northern Sudan, we made it clear that such results are not to be used in the Power and Wealth sharing arrangements and to maintain the current population ratio between South and North as per provisions of CPA." He stated further that "In order to have confidence in the forthcoming general elections, it is advisable to de-link the contested results of population census from general elections and to use if necessary the old geographical constituencies." Consequently, in July 2009, the Southern Sudan Legislative Assembly rejected the 5<sup>th</sup> Population Census results.

19. The NCP has maintained the view that these results were credible and as such should be used for the electoral process as outlined in the Interim National Constitution of Sudan and the CPA. There are ongoing discussions on how best to address this impasse, particularly in light of the fact that the Sudanese general elections are fast approaching.

### **North South Border Demarcation**

20. Council will recall that the CPA mandated the Sudanese Presidency to establish a Technical Ad hoc border Committee to demarcate precisely the 1/1/1956 North/South borderline. The demarcation of the North-South border is yet to be completed. The Ad Hoc Border Committee has, so far, only been able to delineate 1/3 of North-South borderline, starting east from the border with Ethiopia. However, I wish to inform Council that in May 2009, the Sudanese Presidency instructed the Committee to complete the border delineation by September 2009 and the demarcation process by December 2009.

### **Assessment and Evaluation Commission (AEC)**

21. The Assessment and Evaluation Commission (AEC) continues to meet and discharge its functions as outlined in the CPA (The AU participates as an observer in the AEC). It has had visits to different parts of the Sudan through its working groups. On 3rd June, the Commission held its 44<sup>th</sup> plenary meeting in Juba, and paid a courtesy call on First Vice of the Republic and President of GOSS, Salva Kiir Mayardit. During its meeting, the AEC discussed recent CPA related developments, especially with regard to preparations for elections and issues under discussion in advance of them, pending legislation, border demarcation, the census outcome as well the progress on the settlement of the question of Abyei.

22. The 45<sup>th</sup> AEC plenary session of the AEC met in July 2009 and also discussed the preparations for elections as well as the Abyei issues once again. Several members and observers within the AEC expressed their wish to support the electoral process and requested the NEC to provide more clarity as what support should be given at what stage, especially through a budget. The AEC members further emphasized the need for the creation of an atmosphere that is conducive to hold a free and fair electoral process. In this regard, parties were urged to pass the outstanding legislation that is election related, such as the security act and the press act, as well as finalise other outstanding matters that could impact negatively on the electoral process, such as the border demarcation and the differences on the 2008 census results.

23. Meanwhile, on 4<sup>th</sup> August, during its 46<sup>th</sup> Meeting, the AEC discussions focused, amongst other issues, on the Tripartite talks involving the NCP, the SPLM and the US government, through Special Envoy Scott Gration. These talks have produced a document called 'Points of Agreement' which is intended to consistently draw the attention of the parties to the outstanding issues in the CPA, with the intention of urging them to speed up

the implementation process in view of time constraints. The meeting also discussed the working group visit to Abyei as discussed below. The UNMIS also gave a brief update on the preparations for the next general elections for the Sudan, highlighting the fact that plans were underway to carry out voter registration as well as voter education. The meeting also urged the Parties to resolve the Census impasses as it stands to negatively impact on the preparations for the elections. This was particularly in view of the fact that donors may be reluctant to provide financial support to the electoral process while it remains unclear how the elections will proceed without the Census results being accepted by both parties.

**b) Wealth Sharing**

24. One of the key protocols of the CPA relates to the sharing of wealth between the GoNU and the GoSS for purposes of national development. As such, the parties continue to share the oil revenues as outlined in the CPA. According to the Petroleum Unit in the Ministry of Finance & Economic Planning, the GoNU net oil revenue shares for the month of February and March were USD 35.77million and USD60.27 Million, respectively, while the GoSS shares for the same period were US\$30.84 million and US\$54.5 million, respectively. Meanwhile, both GoNU and GoSS Ministries of Finance indicated that by the end of May, all 2008 revenue arrears in favour of GoSS had been cleared.

25. At this juncture, I wish to inform Council that the ongoing international financial crisis has had negative impact on every nation's economy and the Sudan has not been an exception. This impact is even more evident in South Sudan as well as other war affected areas. The fall in oil prices has further undermined both the GoNU and the GoSS ability to deliver services and other government programs to the people.

**c) Security Developments**

26. Since my last report to Council, there have been a few, but significant breaches of security arrangements of the CPA implementation. However, most of these violations have been mainly through intra and inter tribal clashes in Southern Sudan. Confrontations were experienced in the areas of Upper Nile, Jonglei, and Central Equatoria states during the last few months.

27. On 24 February, clashes broke out between members Sudan People's Liberation Army (SPLA) and Sudan Armed Forces (SAF) within the Joint Integrated Units (JIUs) in Malakal, Upper Nile State. The fighting erupted following the return of Major General Gabriel Tang to the town on 23 February. His presence in the area increased tension due

to his involvement in the earlier Malakal clashes of November 2006. Approximately 57 people were killed during these clashes. Consequently the Ceasefire Joint Monitoring Committee (CJMC) held two emergency sessions on 23 and 26 February in Khartoum and Malakal, respectively, and agreed on a number of decisions to de-escalate the situation. The implementation of these decisions together with those of the GoNU-GoSS High level committee led by GoSS Vice President Machar which was sent to Malakal succeeded in stabilization of the security situation.

28. In April 2009, there were inter-tribal clashes in Jonglei state which consequently claimed several lives. Reports from Jonglei State indicated that there were renewed clashes between the Murle and the Lou Nuer tribes. These clashes also led to many people being displaced from their homes. Furthermore, on 2<sup>nd</sup> August 2009, more people were yet again reported to have been killed in clashes between Lou Nuer and Murle.

29. In May 2009, large numbers of civilians were reported to have fled inter-ethnic fighting in Nasir County, Upper Nile State. The fighting in Torkech village, in Jikmir Payam, involved the Lou-Nuer and Jikany-Nuer communities. According to the UN Office in Southern Sudan, 66 people died, including some who drowned as they fled across a river.

30. In June 2009, about forty people were killed in an armed attack by members of the Jikany tribe on a World Food Program (WFP) convoy. WFP said that the attack took place on the Sobat River on the way from Nasir to Akobo. A total number of 27 boats were attacked.

31. I also wish to report to Council that in his address to the Southern Sudan Kings, Chiefs and Traditional Leaders Conference held in Bentiu, Unity State, from 18 to 22 May 2009, First Vice President of the Sudan, and President of GOSS, Salva Kiir Mayardit acknowledged that Southern Sudan had always been plagued by inter tribal and intra tribal clashes in the past but they had never been so deadly. He informed the Conference that as part of the leadership of Southern Sudan, the primary responsibility for the security of the people was theirs. As such, he placed this issue in their hands to resolve and promised that the GoSS would give them the necessary tools.

32. The CPA provided that the formation of the JIUs should be completed no later than 21 months following the signing of the CPA. The JIUs are supposed to form the nucleus of the future Sudanese National Armed Forces, should the result of the referendum confirm the unity of the country. While the JIUs have been formed, their training and deployment has not yet been completed. Some of the security challenges that were witnessed in Abyei

in 2008, as well as in Malakal in February 2009 are reported to have originated from within the JIUs. A scenario which has cast the proposed core of the future Sudanese army in bad light.

33. Furthermore, the security situation in Southern Sudan exacerbated by the continued activities of the Lord's Resistance Army (LRA) in Uganda, Democratic Republic of Congo (DRC) and Sudan. The LRA continues to attack the people in areas such as the Western Equatoria State of Southern Sudan as well as abducting women and children. Furthermore, the resultant effect of the insecurity caused by the LRA in the neighboring Uganda and DRC has been the fleeing of people into Southern Sudan as refugees. Unfortunately the rise in refugee numbers continues to place a heavy burden on the limited resources at the disposal of the GoSS.

34. In July 2009, the Chief Mediator to the Uganda Peace Talks, and Vice President of the GoSS, Lt. Gen. Rick Machar Teny-Dhurgon submitted a document entitled 'Regrouping for Peace', urging all the stakeholders that the LRA peace process should resume. He opined that the current stalemate and the rising number of refugees in Southern Sudan continue to be a cause for distress. Furthermore, recent calls by stakeholders to explore options for peaceful re-engagement necessitate the resumption of the peace process.

35. The 100th Ceasefire Joint Monitoring Commission (CJMC) meeting was held on 14 July 2009 in Juba. The centenary anniversary was also attended by the Ceasefire Political Commission (CPC) Representatives. The SPLA accepted SAF figures of voluntarily demobilized soldiers, those transferred to JIUs as well as others that could no longer be unaccounted for. On its part, SAF accepted all verified SPLA soldiers without weapons, those integrated into national police and those undergoing DDR process. As a result, the parties managed to make progress on the north/south redeployment of forces, resulting in new and increased redeployment figures of 26.84% for SPLA and 100% for SAF. Meanwhile, the following (101) CJMC was held on 27 July 2009 in Khartoum. This meeting agreed to retain the security arrangements of the Abyei Area as are, until they are amended by the Presidency. Other outstanding security issues regarding the presence of non JIU forces in the Abyei Area were referred back to the Area Joint Monitoring Commission (AJMC);

36. Meanwhile, I wish to inform Council that in June 2009, SPLA Commander in Chief, Lt. General Salva Kiir Mayardit promoted Lt. General James Hoth as SPLA's new Chief of General Staff while at the same time relieving a number of his previous deputies. During

this appointment the Salva Kiir informed the newly appointed Chief of General Staff that despite many achievements, there were still many milestones facing the SPLA that need to be passed. He said that the prime areas of concern within the SPLA included lack of discipline, desertions and delays of salaries. This change of guard in the SPLA was the first of its kind since the signing of the CPA in January 2005. The SPLA Deputy Commander-in-Chief, Lt. General Paulino Matip Nhial was also promoted to the rank of full General.

### **III. The Three Areas**

#### **a) Abyei**

37. On 22 July 2009, a major milestone was achieved in the CPA implementation when the Permanent Court of Arbitration (PCA), in The Hague, made its final and binding ruling on the new borders of the region of Abyei. The decision was a welcome compromise that has been accepted by both the NCP and SPLM. The two Parties have pledged to respect the ruling and work out an appropriate plan for the demarcation of the boundary as soon as possible. As Council is aware, the Sudanese Parties had disputed the Abyei Boundary Commission (ABC) report presented in 2005. Consequently, the Parties had agreed on “The Road Map for Return of IDPs and Implementation of Abyei Protocol” in June 2008 to resolve their differences. Within the context of the Abyei Road Map, the parties had referred the matter to the Permanent Court of Arbitration (PCA), in The Hague.

38. On 23 July 2009, following the ruling of the PCA, I issued a statement commending the Government of the Sudan and the SPLM for having accepted to abide by and implement the ruling of the Permanent Court of Arbitration (PCA) on Abyei. I further commended the PCA for its ruling issued on 22nd July 2009, after the parties agreed to refer the matter to it. I indicated that the decision and the positive reaction of the parties constituted a very significant step forward in the efforts aimed at ensuring the successful implementation of the CPA. By accepting the ruling, the parties have further demonstrated their commitment to live up to their obligations under the CPA and to promote lasting peace and stability in their country. The peaceful resolution of Abyei augurs well for the resolution of the outstanding issues in the CPA. I further reiterated the AU's commitment to continue working with the parties towards the successful implementation of the CPA. This positive development is a clear demonstration that, with required political will and determination, the Sudanese stakeholders can peacefully resolve their differences, including those related to the crisis in Darfur.

39. I wish to inform Council that in August 2009, the AEC working group on the three areas visited Abyei area. This group, which included a representative of AU, was updated on the situation on the ground following the PCA decision. The AEC team met with the Abyei Chief Administrator and his deputy as well as the Abyei Area Legislative Assembly (AALA) and the Chiefs of the Nine Ngok Chiefdoms. In a synopsis, the groups met by the AEC expressed five major concerns. These concerns included lack of budget for developmental projects, lack of security, lack of a conducive environment for the return of IDPs, the pressing need to demarcate the Abyei border lines and the urgent need to popularize the PCA decision to avert any unwarranted interpretations of decision that could ignite tensions between the different tribes of Abyei. Originally, the team was scheduled to also visit the Messiryia Chiefs in Muglad, but this was not possible because of unforeseen impediments. However, the AEC was planning another visit at the time of writing this report, so as to get a balanced view of the situation on the ground.

### **Blue Nile**

40. On 13 November 2008, the Governor of Blue Nile State, Malik Aggar who was appointed in 2007, issued a decree appointing the new Government of the State. The government of Blue Nile State has continued to display exceptional working relations between the NCP and the SPLM. In this regard, the state has low level of insecurity. However, it faces a number of developmental challenges that needed to be resolved rather urgently. These challenges have been further compounded by the decision to expel some Non Governmental Organisations (NGOs) that were active in the acutely needed recovery and development programmes within the State. During its visit to the Blue Nile State in April 2009, the AEC opined that the State has the potential to become the model state in the CPA implementation process.

### **Southern Kordofan**

41. In May 2009, the Sudanese President appointed former State Minister of Humanitarian Affairs in the GoNU, Mr Ahmed Haroun, as Governor of Southern Kordofan State, while the SPLM appointed Abdel Aziz Heilu as the Deputy Governor. The newly appointed Governors have been working together to launch initiatives for reconciliation and tolerance in the State. The synergy between the two leaders has been applauded as it stands to benefit the people of Southern Kordofan. Since the Governor and his Deputy took up their positions, their administration has facilitated the visit of President Bashir, First Vice President Kiir as well as hosted a GoNU cabinet meeting in Southern Kordofan. During his visit in July 2009, the First Vice President held a number of public meetings in Kadugli,

Mejlad and Kauda where he informed the public that the SPLM is working towards the unity of Sudan.

#### **IV. The AU Ministerial Committee on Post Conflict Reconstruction Committee**

42. It would be recalled that in 2003, in Maputo, Mozambique, the AU instituted a Ministerial Committee on Post Conflict Reconstruction and Development (PCRD) on the Sudan, to assist the Sudan with its envisaged reconstruction efforts following extensive years of conflict. In its ongoing efforts to fulfil its mandate, the PCRD, at Senior Officials level, undertook an assessment mission to the Sudan, from 24 to 31 May 2009. The objective of this mission was to assess the activities of the PCRD since its formation as well as recommend how best the AU member states could assist the efforts of Sudan in post conflict reconstruction and development within the context of the CPA implementation.

43. The Mission met with the senior officials of the GoNU in Khartoum and the GoSS in Juba. The mission also had the opportunity of undertaking enlightening visits to a number of towns in southern Sudan. Following its successful visit, the Mission produced a report that was submitted to the Chair of the Committee, the South African Foreign Minister.

#### **V. Challenges to the CPA Implementation Process**

44. I also wish to inform Council that the CPA implementation process continues to witness some challenges and the Parties are working hard to overcome them. Indeed the issuance of an arrest warrant by the International Criminal Court (ICC) for President Omar Hassan Al Bashir has the potential to undermine the Parties efforts to successfully implement the CPA.

45. Furthermore, the parties need to speed up the process of resolving their differences with regard to the usage of the Census results, particularly since these results currently form the basis of the work that is being done by the NEC in preparing for the April 2010 elections. Furthermore, the parties should pass all the requisite legislation for the facilitation of a free and fair general election which is less than nine months ahead.

46. Moreover, as Council may be aware, the 2011 Referendum that will decide on the future of the country is only 18 months away. In this regard, there is an urgent need for the Parties to make certain that the Referendum law is passed as soon as possible, to make way for the referendum they pledged to have in February 2011.

47. The process of border demarcation between the north and the south has not been completed. It would also be most far-sighted for the parties to ensure that the Ad Hoc Border Committee completes its work as soon as possible before the elections and the referendum.

48. It is also critical that the GoNU and the GoSS, but particularly the latter, to ensure that the security of the people in the south is guaranteed. The ongoing inter-tribal and intra-tribal violence does not bode well for communities yearning for peace in the South.

## **VI. Observations and Recommendations**

49. I wish to emphasise to Council that the CPA implementation process has reached one of its decisive moments. In the interim, a number of critical issues need to be concluded to facilitate a free and fair election. The implementation process of the CPA will only be successful if the commitments made in Kenya, and of recent, in Washington D.C. are finally translated into action.

50. As Council is aware, recent events within the continent, as well abroad, have highlighted that holding elections without an appropriate political space for all political parties could have severe unintended consequences. In this regard, I wish to urge the GoNU and GoSS, as the preparations for elections get underway, to ensure that there exists an appropriate political space for all the political parties that will take part in the coming general elections. In this regard, I would also like to urge the NEC to undertake its responsibilities as diligently as possible. I wish to also urge the Sudanese Political Parties to respect the Sudanese Political Parties Act of 2007 and the Interim National Constitution of 2005, in their preparations for elections and during the elections period.

51. I wish to inform that the AU Commission is in the process of constituting and dispatching, as soon as possible, a pre-election assessment mission to meet with the Sudanese officials as well as other stakeholders so as to determine the preparedness Sudanese electoral framework as well as establish possible AU contributions to the general electoral process. This exercise would further enhance the AU's contribution towards transparency and confidence in the coming 2010 general elections. Such an undertaking will demonstrate the AU's continued commitment to supporting democratic transformation in the Sudan.

52. Indeed, organizing credible elections will not be enough to ensure the success of the transformation of the Sudan. There is urgent need for substantial progress in other areas

such as the DDR process and other authentic confidence building measures that would give impetus to the nascent relationship between the North and the South.

53. There is need to initiate the process of national reconciliation and healing in the Sudan. In this regard, it is only appropriate that no efforts are spared to help the Sudanese people to initiate a nation wide process towards that end, as it was envisaged within the CPA.

54. There is also enormous need for the international community to enhance its support to the implementation process as it did during the period leading to the signing of the CPA. For its part, the AU will continue providing the necessary support for the successful implementation of the CPA. In this regard, I wish to commend the Republic of South Africa and the other members of the Post-Conflict Reconstruction Committee for their commitment and sustained efforts towards assisting the Sudan and its people.

55. The Commission, which promotes a holistic approach to the solutions to the various problems and challenges affecting the Sudan, is aware that the outcomes of the 2010 general elections and 2011 referendum will be significantly impacted upon by the current efforts aimed address relations between the North and the South as well as those the conflict in Darfur. Those outcomes are likely to have a direct bearing on the prospects for lasting peace and stability in the Sudan and beyond. It is therefore important that the AU continues to be an active participant in all international efforts relating to the Sudan as well as a driving force in promoting activities aimed at creating conducive conditions for peace and reconciliation to prevail.

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