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PEACE AND SECURITY COUNCIL  
89<sup>th</sup> MEETING  
24 AUGUST 2007  
ADDIS ABABA, ETHIOPIA

PSC/PR/2(LXXXIX)  
Original: English

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

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**I. INTRODUCTION**

1. This report is intended to update Council on the implementation process of the Comprehensive Peace Agreement (CPA), which was 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). The CPA implementation process concluded its second year on 9 January 2007. As the implementation process is now in its third year, it is appropriate for the African Union, as one of the guarantors of the Agreement, to review the progress achieved thus far. This will afford Council the opportunity to consider how best to mobilize further support to assist the parties to realize the objectives of the CPA and thus fulfill the expectations of the Sudanese people.

2. The report also outlines the supportive role played by the African Union during the negotiations that produced the CPA and the role that it continues to play in its implementation. Furthermore, the report presents practical proposals to strengthen the role of the African Union, through the opening of a Liaison Office in Khartoum to support the implementation process of the CPA, including a regional office in Juba, as proposed by the African Union Ministerial Committee on the Post-Conflict Reconstruction of the Sudan.

**II. STATUS OF THE IMPLEMENTATION PROCESS OF THE CPA**

3. The CPA is intended as "a comprehensive solution that addresses the economic and social deterioration of the Sudan and replaces war not just with peace, but also with social, political and economic justice, which respects the fundamental human and political rights of all the Sudanese people". It further states that it was "designed and is to be implemented in such a manner that it makes the unity of the Sudan an attractive option, especially to the people of South Sudan during the envisaged referendum in 2011".

4. According to the implementation modalities agreed to by the signatories, the CPA is to be implemented in three phases. The first stage was the six months Pre-Interim Period, which commenced on 9 January 2005 and elapsed on 9 July 2005. This Period was aimed at ensuring that the necessary institutions and mechanisms provided for in the CPA were established, in order to facilitate the actual implementation of the Agreement. The second stage is the ongoing six-year Interim Period, whereby the institutions and mechanisms established during the Pre-Interim Period operate in accordance with the arrangements and principles set out in the CPA.

5. The third stage of the Agreement shall come at the end of the six-year Interim Period, with the holding of an internationally monitored referendum. It shall be organized jointly by the Government of National Unity (GoNU) and the Government of Southern Sudan (GoSS), for the people of South Sudan to either confirm the unity of the Sudan by voting to adopt the system of government established under the CPA, or to vote for secession.

6. The CPA further states that the parties to the Agreement shall refrain from any form of unilateral revocation or abrogation, an important aspect to which the parties remain committed.

**a) Power Sharing**

7. Over two years have passed since the CPA was signed. During that period, there has been a significant transformation of the governmental system of the Sudan. The objective is to put in place political structures of governance and promote the rule of law, in order to consolidate peace, reconciliation and development in the Sudan. To this end, the GoNU, the GoSS, and the States Governments have all been established on the basis of a formula agreed to in the Power Sharing Protocol of the CPA. The Interim National Constitution (INC) and the Interim Constitution of Southern Sudan (ICSS) have been adopted, and are the leading sources of law in the Sudan. The Interim National Assembly (INA), the Southern Sudan Legislative Assembly (SSLA) and the States Legislatures have also been established. All these institutions are an indication of the progress made thus far in the devolution of power in the Sudan, as had been agreed to by the parties to the CPA.

8. The legislative process in the Sudan is ongoing and is charged, among others, with transforming the laws that may have contributed to the conflict. The fourth session of the INA ended on 27 June 2007. Reports from the United Nations Mission in Sudan (UNMIS) indicate that seven draft bills were submitted to the National Assembly. These included the National Audit Bill, the Electronic Bill, the Electronic Crime Bill and the Auditing and Finance Procedures Bill, which were passed, while the Armed Forces Bill and the Government Purchase Bill were tabled, and shall be discussed during the next session of the Assembly, scheduled for October 2007. The National Police Bill has not been tabled in Parliament. It is expected that the National Elections Bill shall be tabled during the next session.

9. The CPA created the basis for the establishment of various national and regional commissions and committees that have also been set up to support the implementation of the CPA. These include, amongst others, the National Constitutional Review Commission (NCRC), the Assessment and Evaluation Commission (AEC), the National Population Census Council, the National Petroleum Commission (NPC), the Ceasefire Political Commission (CPC), the Fiscal and Financial Allocation and Monitoring Commission (FFAMC), the National Judicial Service Commission (NJSC), the Special Commission to ensure that the rights of non-Muslims are protected in the national capital, and the Technical *Ad-hoc* Border Committee.

10. The NCRC, as one of the most critical bodies relating to the revision of laws, was set up following the signing of the CPA, with the task to formulate the INC through an all-inclusive constitutional review process. The NCRC is composed of the National Congress Party (NCP), the SPLM, representatives of other political parties and civil society organizations. The INC is based on the CPA together with the 1998 Sudanese Constitution, and is the supreme law during the six-year Interim Period. Following the finalization of the INC, the NCRC was reconstituted on 7 January 2006 through a presidential decree, to continue with the process of constitutional review. It thus continues to participate in the review process of most Sudanese laws.

11. The AEC is a key component of the CPA, created to monitor the implementation of the Agreement and conduct a mid-term evaluation of the unity arrangements established under it. The AEC, chaired by Amb. Tom Vraalsen, was established in October 2005. It is composed of 13 members and 4 observers, who meet in plenary session once a month. The AEC has, to date, held over 22 plenary sessions and 7 special sessions. Regular meetings of the working groups are coordinated by the international members of the AEC. The power sharing working group is chaired by Italy, wealth sharing by the USA, security arrangements by the UK, while the three areas working group is chaired by the Netherlands. The African Union participates as an observer in the AEC meetings, based on a formal invitation by the Sudanese parties.

12. Because the war prevented the Sudanese Government from carrying out a credible national census, the CPA prescribed the establishment of the National Population Census Council to prepare for this exercise. The Council was established on 7 January 2006 by presidential decree, and convenes every three months. Meanwhile, a Technical Working Group is functioning and is holding regular meetings throughout the Sudan. A Monitoring and Observers' Committee (MOC) was established to monitor the undertaking of the census, in order to ensure the quality and credibility of the process. The MOC has held five meetings so far, and the African Union, together with other members of the international community, was invited to its last meeting held in June 2007.

13. It is worth noting that the CPA required that the 5<sup>th</sup> population census throughout the Sudan be conducted and completed by the end of the second year of the Interim Period, which meant 9 July 2007. However, the pilot project for a national census, which had been postponed twice, only took place from 15 to 30 April 2007 in all Sudanese States. The parties were unable to agree on the final forms to be used during the pilot census, and there was also lack of funding for the process. The form was eventually approved by the National Population Census Council and the Presidency.

14. At the end of July 2007, the census budget was estimated at \$109million, 68% of which was to be provided by the GoNU, while the Multi-Donor Trust Funds (MDTFs) was to provide 32%. Lack of funding continues to pose problems for this process as the GoNU has not met the pledged \$7.5million a month for the period between June and September 2007. As of 31 July, United Nations reports indicate that it had only paid \$3 million. As is also provided for in the CPA, the parties have now revised the date of the census to January 2008. One of the reasons advanced is that the rainy season will make most Southern Sudan States difficult for the enumerators to access.

15. The members of the Special Commission tasked with the responsibility to ensure that the rights of non-Muslims are protected in the national capital were appointed in February 2007 and has met twice. According to the CPA timelines, they were supposed to have been appointed "upon the establishment of the institution of the Presidency". Indeed, this is one of the key Commissions with regard to ensuring that unity is made attractive to those non-Muslim Southern Sudanese residing in Khartoum.

16. According to the CPA, the GoNU shall ensure that the National Civil Service, notably at the senior and middle-levels, is representative of the people of Sudan. To that end, the National Civil Service Act was enacted in January 2007. The National Civil Service

Commission Act, after revision by the NCRC, was also approved by the INA in January 2007. The Chairman and members of the Civil Service Commission were appointed by a presidential decree, on 26 July 2007. The CPA had provided that it be appointed after the INC and within the pre-Interim Period. After the first three (3) years of the Interim Period, the progress made as a result of the Civil Service policies will be assessed and new goals and targets set as necessary, taking into account the national census results.

17. The *ad hoc* North/South Technical Border Committee was established on 8 September 2005, and its members appointed on November 2005. Reports from the Committee indicate that it has now carried out a reconnaissance survey of its area of operation. However, its work could not be completed in South Darfur/Western Bahr Al Gazal border area and in Blue Nile/Upper Nile border area due to insecurity in those areas. The Committee undertook working visits to the United Kingdom and Egypt in July 2007 to consult relevant maps in order to accomplish its mandate. The Committee plans to produce its final report in February 2008, and issue its recommendations to the Presidency. The results of this Committee remain very critical as they shall facilitate the holding of the mid-term elections scheduled for 2009.

18. While the Political Parties Act was passed in January 2007, the equally important National Electoral Bill has not yet been passed. It has been reported that consultations on the draft law are continuing within the NCRC. Political Parties and civil society groups are also participating in the preparation of the draft law, with technical assistance from the international community. The NCRC will produce a comprehensive draft for the INA to consider and pass. Following the enactment of the Electoral Act, there shall be a National Electoral Commission established to carry out the necessary preparations for the mid-term elections. The establishment of this Commission remains critical, taking into account the fact that elections are scheduled for 2009 and require extensive preparations.

19. On 27 June 2006, while the Southern Sudan Legislative Assembly (SSLA) was on recess, 14 Southern Sudan Commissions were established through presidential decree, in order to facilitate GoSS development. These included the South Sudan Relief and Rehabilitation Commission, the De-Mining Authority, the Peace Commission, the Anti-corruption Commission, the Human Rights Commission, the Public Grievance Chamber, the Reconstruction and Development Fund, the Civil Service Commission, the Land Commission, the Fiscal and Financial Allocation and Monitoring Commission, the Centre for Census Statistics and Evaluation, the HIV/AIDS Commission, the Audit Chamber, and the Employees Justice Chamber.

**b) Wealth Sharing**

20. Amongst the guiding principles and provisions that informed the Wealth Sharing Protocol of the CPA was the understanding that the “wealth of Sudan shall be shared equitably so as to enable each level of government to discharge its legal and constitutional responsibilities and duties”. To that end, the implementation of the Wealth Sharing Protocol is making some progress to ensure that past imbalances are addressed and governments are able to meet people’s expectations.

21. The Joint National Transitional Team (JNTT) was established in Nairobi on 9 March 2005. Its original mandate was to focus on the mobilization of resources and the implementation of the outcomes of the Joint Assessment Mission (JAM). The JNTT played a major role in the preparations for the 2005 Oslo Donors Conference, the 2006 Sudan Consortium held in Paris, and the 2007 Consortium meetings held in both Khartoum and Juba. It is currently involved in the preparations for the next Sudan Consortium, which is slated for the end of 2007. The pledges from the Oslo Donors Conference are being utilized through the MDTFs that are managed by the World Bank. The Trust Funds were operational for the Pre-Interim Period, and were thereafter transformed into (i) one MDTF dedicated to the Southern Sudan Reconstruction and Development Fund (the "SSRDF"); and (ii) one MDTF dedicated to the National Reconstruction and Development Fund (the "NRDF").

22. The parties have consistently indicated that the Oslo pledges have not been honored as had been promised. This has slowed down the implementation of critical reconstruction projects, particularly in the war-affected areas. There has also been a request from the Sudanese authorities for the World Bank to relax its rules and procedures for disbursement of funds. The request was made in view of the fact that it takes a long time for these funds to reach the intended reconstruction projects. But there has also been lack of capacity on the part of the Sudanese stakeholders to utilize the pledged funds as required by the World Bank, particularly in the war-affected areas.

23. The FFAMC Chairman and its membership were appointed by presidential decree in November 2005. It is comprised of Ministers of Finance from the GoNU, the GoSS and the 25 States of Sudan. The FFAMC was established in order to ensure transparency and fairness both in terms of the allocation of nationally collected funds to the States/Regions and to the GoSS. The Commission only began its work in late May 2006, because of the late appointment of some State Ministers.

24. The FFAMC has thus far been able to endorse, after recommendations from a panel of experts, a draft bill for the FFAMC, a formula for the vertical distribution between the Federal Ministry of Finance and National Planning (MFNE) and the States, and also criteria for the horizontal distribution among States. The draft bill was not accepted by the Presidency, and presidential decree 35 was issued instead. Further discussions between the FFAMC and the MFNE resulted in an understanding that culminated in the enactment of the Resource and Revenues Act on the allocation of the 2007 resources, which was passed by the National Legislature and became effective for the period of 1 January to 31 December 2007.

25. The NPC was established on 30 October 2005 by presidential decree. One of the key functions of the NPC is to formulate public policies and guidelines in relation to the development and management of the petroleum sector. The Commission held its first meeting in November 2005. However, due to differences between the parties on the NPC's internal regulations and the mandate and composition of its Secretariat, the Commission did not meet in 2006. The Commission held its first full meeting in April 2007, chaired jointly by President Omar Hassan Al-Bashir and First Vice-President Salva Kiir. The Federal Minister of Finance and National Economy subsequently announced that the meeting unanimously approved the regulations of the Commission and its work program for 2007.

26. In order to achieve the principle of 'equitable distribution' of wealth, the GoNU has continued to transfer oil revenues to the GoSS and the States. However, there have been some disagreements over the amount of oil produced and the amounts of money transferred between the two major Governments and to the States. There has also been some disagreements on the boundaries delineating the oil producing areas. Furthermore, the State of Abyei has not been able to receive its share of oil revenue because there is no new administration, as had been envisaged in the CPA.

27. The CPA provides for the establishment of a National Land Commission and a Southern Sudan Land Commission (SSLC), which, without prejudice to the jurisdiction of the courts, may arbitrate between willing contending parties over land issues and make recommendations to the Government, for example, regarding land reform and recognition of customary rights.

28. On 27 – 28 February 2007, the NCRC held a high-level workshop on the Land Commission Act. This meeting was attended by the NCP, SPLM and other political parties from the North and Southern Sudan, as well as States' representatives and tribal and civil society leaders. Following this workshop, and based on its recommendations, a draft National Land Commission Bill was produced. In April 2007, it was reported that the NCRC sub-committee continued clarifying legal matters relating to the bill with the Attorney General, the Ministry of Justice and the Ministry of Agriculture, with the assistance of FAO. By April 2007, the workshops on the Southern Sudan Land Commission Bill were also ongoing in the different States of Southern Sudan.

29. In January 2007, the new national currency, the Sudanese Pound, was launched in Juba during the second anniversary celebrations of the CPA. The new currency is a symbol of progress towards the transformation in the Sudan. Its circulation commenced in Southern Sudan and spread throughout the whole country. From the end of August 2007, the old Dinar currency will no longer be accepted as legal tender.

30. The GoSS has also experienced problems relating to corruption. GoSS Finance Minister, Arthur Akuein Chol, has been dismissed on charges of financial embezzlement. The First Vice-President Salva Kiir has passed a number of decrees to fight corruption. He continues to maintain that there shall be zero tolerance for corruption in Southern Sudan.

**c) Security Arrangements**

31. Within the security arrangements of the CPA, the parties agreed that " national ownership of the peace process, political will, and continuous dialogue are indispensable elements for sustainable peace. They shall collaborate to observe and respect the ceasefire and resort to their own wisdom to contain and solve any problem that may arise". In this respect, the ceasefire agreement has generally been respected by the parties. No major violations have been reported thus far, apart from the clashes that occurred between the two parties in Malakal in November 2006, during which about 150 lives were lost. Together with the United Nations, the parties should be commended for quickly and successfully bringing the Malakal incident under control, through the Ceasefire Joint Monitoring Commission (CJMC).

32. As part of the CPA, the Sudanese parties agreed that the two forces, the Sudan Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA), shall remain separate during the Interim Period. They also agreed that both forces shall be considered and treated equally as Sudan's National Armed Forces during the Interim Period, taking into consideration matters relating to downsizing of the armies. In addition, the parties agreed to disengage, separate, encamp and redeploy. Apart from the component of the SAF that would form an element of the Joint Integrated Units (JIUs), the rest of the Force was to redeploy to the North by 9 July 2007, while the SPLA was to redeploy to the South by 9 January 2006. The JIUs were created in order to constitute a nucleus of a post-referendum army of the Sudan, should the results of the referendum confirm unity; otherwise, they would be dissolved and the component parts integrated into their respective forces.

33. It would be recalled that one of the most important bodies in the implementation of the Security Arrangements Protocol is the CPC. This Commission has been formed and is fully functional. It was created to supervise, monitor and oversee the implementation of the ceasefire arrangements in the CPA. The CJMC has also been formed. It oversees compliance of the parties with their obligations under the relevant provisions of the CPA, and also coordinates planning, monitoring and verification of the implementation of the CPA and reports to the CPC. The Area Joint Monitoring Committee (AJMC) has also been formed and continues to function. It monitors and verifies alleged violations, resolves disputes, and reports periodically and refers unresolved complaints to the CJMC.

34. In 2006, the SPLA completed its redeployment from eastern Sudan. However, it has been reported that the SPLA still retains some of its elements in Abeyi, Blue Nile and Southern Kordofan States. The redeployment of SAF from Southern Sudan has not been completed by 9 July 2007, as required by the CPA. The CJMC reported, in a press statement issued in July 2007 and signed by both parties, that the SAF had only redeployed 66.5 % of the original 46, 403 of its forces from Southern Sudan. The SPLA maintains that the SAF are retaining some forces in some of the oil producing States, where future JIUs are to be deployed. This matter needs to be given urgent attention by the parties, to ensure full compliance with the relevant provisions of the CPA.

35. The Joint Defense Board (JDB) and the Joint Technical Committee (JTC) have both been formed and continue to perform their duties as demonstrated by the finalization of the common military doctrine and the code of conduct for the JIUs. The JDB co-ordinates between the SAF and the SPLA and the command of the JIUs. The JIUs operational headquarters in Juba is functioning and has recently issued training directives to the JIUs divisions. However, the mobilisation and deployment of JIUs is behind schedule, and this may explain the retention of elements of both the SAF and the SPLA (who are not JIUs) in and around oil producing States.

36. The CPA required that, by January 2006, all the Other Armed Groups (OAGs) should align with either the SAF or the SPLA or undergo a process of Demobilization, Demilitarization and Reintegration (DDR). However, there are still OAGs that have not yet aligned with either of the two armies, even after the elapse of the specified deadline. The SAF has indicated that it has integrated all its OAGs, and thus any group active in Southern Sudan under the pretext that it is part of the SAF is an outlaw and should be dealt with accordingly. But the SPLA maintains that the SAF still has OAGs based in Southern Sudan.



The matter of the OAGs remains very critical and requires urgent and focused attention from the parties.

d) **The Three Areas**

***Abyei State***

37. In an effort to resolve the disputes relating to the one of the three contested areas in the Sudan, the Abyei Boundary Commission (ABC) was mandated to demarcate the area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1956, and referred to as the Abyei area. On July 2005, the ABC submitted its report to the Presidency of the Republic. However, the ABC report was not adopted by the Presidency. As the deadlock on the ABC report continued within the Presidency, the issue was referred to the NCP-SPLM Joint High Political Committee for further consideration. The parties agreed on four options towards resolving the issue, namely a) reach a political agreement, b) call on the experts to defend their recommendations, c) refer the matter to the Constitutional Court, and d) seek arbitration by third party.

38. On September 2006, the Political sub-Committee reported to the Joint High Political Committee further deadlock on the matter. The meetings to resolve the Abyei issue have been ongoing since May 2007. In spite of all these efforts, the parties have not yet reached agreement on the matter. The lack of an administrative body has hindered progress in terms of implementing the CPA in Abyei, and affected the provision of services in the State, as required in the CPA. In the absence of an administrative body, the United Nations has no counterparts with which to work in areas such as security and humanitarian assistance.

***Southern Kordofan State***

39. The CPA states that the boundaries of Southern Kordofan State shall be the same boundaries of the former Southern Kordofan Province before greater Kordofan was subdivided into two provinces. To that end, on 16 August 2005, President Al Bashir issued a decree declaring the boundaries of Southern Kordofan State to be the previous boundaries of Southern Kordofan Province as defined in the 1974 Act of Division of provinces. Consequently, parts of western Kordofan were merged into Southern Kordofan. However, some areas remain unclear pending the resolution of the status of the neighboring State of Abyei and the demarcation of the North/South border of 1956.

40. The Government of Southern Kordofan has been formed and continues to meet and rotate between Kadugli and Al Fula, as stipulated in the CPA. It should be noted that the sharing of power is done on the basis of 55% members being from NCP, and 45% from the SPLM.

***Blue Nile State***

41. With regard to the Blue Nile State, the CPA states that it shall be understood to be referring to the current Blue Nile State. In this light, the actual Blue Nile State was formed in December 2005, after the presidential decree establishing it was passed in August 2005. Significant progress has been made in the State regarding the implementation of the CPA, largely thanks to the cooperation between the parties.

42. The rotation of the governorship of the State between the NCP and the SPLM took place in July 2007, when Mr. Malik Agar left his post as GoNU's Minister of Investment to take up the governorship.

### III. AFRICAN UNION EFFORTS IN THE CPA IMPLEMENTATION PROCESS

43. The African Union continues to support the implementation process of the CPA in the Sudan in a number of ways. These range from mobilizing financial and material contributions towards the post-conflict reconstruction needs of the country to providing regular reports to the Executive Council and the Assembly of Heads of State and Government on the status of the CPA implementation process for them to be able to make informed decisions in their quests to provide further support to Sudan.

44. In anticipation of the signing of the CPA, the Executive Council, meeting in Maputo in July 2003, established the Committee on the Post-conflict Reconstruction of the Sudan, to follow-up on the requirements for post-conflict reconstruction in the country. The Committee, under the chairmanship of South Africa, comprises Algeria, Egypt, Ethiopia, Gabon, Kenya, Nigeria, Senegal and the Sudan. Subsequent to the establishment of the Committee, an exploratory fact-finding mission was dispatched to Khartoum and to the South, from 22 to 30 June 2004. The multidisciplinary team, led by Ambassador Baba Gana Kingibe, then Special Envoy at the Sudanese Peace Talks on the CPA, and consisting of relevant experts from the Commission and South Africa, held discussions with the GoS, civil society organizations, and political parties in Khartoum. The team also visited Yei, Yambio and Rumbek in the South, where it held similar consultations with local SPLM/A administrators and civil society organizations. The team's discussions focused on the immediate, medium and long-term reconstruction needs of the Sudan, as well as on the African Union's role in the delivery of post-conflict assistance to the country.

45. At its second session held in Addis Ababa on 3 July 2004, the Ministerial Committee considered the report of the fact-finding mission and adopted a number of recommendations. In particular, the Committee identified areas in which the African Union could provide support. These include, *inter alia*:

- a. the rehabilitation and reconstruction of critical infrastructure in the South and other war-affected areas;
- b. poverty reduction plans, including small scale farming, development of technical skills, and the provision of equipment and seeds;
- c. training of primary health care personnel to assist with child immunization and women's health issues;
- d. training of Sudanese development workers and provision of additional expertise from other Member States, to transform transit settlements into communities;
- e. support for coordinated militia and child soldier DDRR programmes;

- f. support for programmes on social protection for orphans, the elderly, the disabled, and the IDPs;
- g. support for de-mining programs;
- h. support for development and promotion of civil society organizations and their involvement in post-conflict reconstruction; and
- i. support for human capacity-building through the training of Sudanese in all sectors of the economy, as well as the release of such expertise from other Member States.

46. Subsequent to several years of negotiations, the Sudanese parties, with the assistance of the international community, finally signed the CPA in Nairobi, on 9 January 2005. The African Union, having participated in the peace talks and as the continental body charged with the overall responsibility of the continents' peace and security agenda, was called on to bear witness and also to be one of the guarantors of the CPA.

47. Council will recall that Ambassador Kingibe was appointed as my Special Representative in the Sudan and Head of the African Union Mission in the Sudan (AMIS), on 10 November 2004. At that time, he was also the African Union Special Envoy at the Sudanese Peace Talks. In this light, it was viewed as logical that he continues leading all the African Union efforts in the Sudan, following the conclusion of the CPA. The implications of such an arrangement were that he now had dual responsibility of following the CPA implementation process and overseeing AMIS.

48. Following the signing of the CPA, the Ministerial Committee convened a meeting on the margins of the 6<sup>th</sup> ordinary session of the Executive Council held in Abuja, Nigeria, in January 2005. During that meeting, the Committee agreed to convene its next meeting in Cape Town, South Africa, to elaborate a plan of action.

49. The Ministerial Committee met in Cape Town on 18 February 2005. The purpose of the meeting was to provide members of the Committee with a comprehensive understanding of the challenges of post-conflict reconstruction in the Sudan in the light of the CPA. At the end of the meeting, the Committee agreed that the mandate entrusted to it by the Maputo Summit decision was to promote and support post-conflict reconstruction in its political, humanitarian, socio-economic and development dimensions.

50. The following month, in March 2005, the Ministerial Committee visited the Sudan, traveling to both the North and the South. The aim of the mission was to give the Committee an opportunity to assess the situation on the ground. During the visit, the Committee met with both President Bashir and the late Chairman of the SPLM/A, Dr John Garang de Mabior, and held consultations on the post-conflict needs of the Sudan.

51. Subsequent to that visit to the Sudan, the Commission coordinated preparations for the Ministerial Committee's participation at the Oslo Donors Conference, which took place from 11 to 12 April 2005, and further assisted in articulating the African Union position on the implementation of the Sudan peace process that was presented in Oslo. This Conference was primarily aimed at mobilizing international financial support for the post-

conflict reconstruction efforts in the Sudan. Subsequently, African Union participated in the first Sudan Consortium meeting sponsored by the World Bank and the United Nations that took place from 9 to 10 March 2006 in Paris, France. From 19 to 21 March 2007, the African Union participated in the second Sudan Consortium that took place both in Khartoum and in Juba.

52. The Commission, together with the Government of South Africa, convened a meeting of experts on the post-conflict reconstruction in the Sudan, from 5 to 6 December 2005, in Addis Ababa. This meeting was convened in support of the African Union Ministerial Committee with the following objectives: to sensitise African Union Member States on the progress made in the implementation of the CPA and projects identified by the Joint Assessment Mission (JAM); to take stock of the support of various African Union Member States to Sudan, and consider how these African efforts can be better coordinated; and, finally, to make recommendations on the structure and agenda of the Ministerial Conference on Africa's contribution to the post-conflict reconstruction of the Sudan that was scheduled to take place in January 2006.

53. The Ministerial Committee visited the Sudan from 17 to 18 January 2006. The visit afforded the Committee an opportunity to meet the Minister of Foreign Affairs of the Sudan, the GoSS, the JNTT, UNMIS and the AEC. The Committee intended to get first hand information on the progress made in the implementation of the CPA. During its visit, the Committee was once again urged to open an office in Juba for purposes of following the CPA implementation process more closely and providing it with the necessary support.

54. The Ministerial Committee met in Addis Ababa, in May 2006. On that occasion, the members of the Committee agreed that they should meet more often to discuss the implementation of the CPA; they also agreed on the need to open an African Union Liaison Office in Juba, Southern Sudan.

55. The Ministerial Committee met on the margins of the Foreign Affairs Ministers' brainstorming session held in Durban from 7 to 11 May 2007. The meeting discussed the progress made in the CPA implementation process. The meeting was informed by the Chair that the GoNU and the GoSS had informed the South African authorities, while visiting Sudan in March 2007, that the outstanding issues in the implementation of the CPA were in the process of being resolved by the parties and that the GoNU would provide an update sometime in August 2007. The Committee decided to undertake a mission to Sudan in August 2007. The Committee also urged the African Union to open a Liaison Office in Juba, Southern Sudan.

56. On 6 December 2005, I received the First Vice-President of the Republic of the Sudan and President of the GoSS, Lt. General Salva Kiir, at the Commission. On that occasion, I congratulated the people of the Sudan for the successful signing of the CPA and the formation of the GoNU and the GoSS. I also congratulated Lt General Salva Kiir on his election as Chairman of SPLM/A, Vice-President of the Sudan, and President of Southern Sudan. I expressed the hope that the GoNU and the GoSS would work together with a spirit of camaraderie, to achieve the objectives of the CPA.

57. In the continuing exchange of information between the African Union and other stakeholders, a meeting was arranged between the Commissioner for Peace and Security and the Chairperson of the AEC, Ambassador Tom Vraalsen, in Addis Ababa, in November 2006. The two held productive discussions on the progress of the CPA implementation and exchanged views on how best to assist the process.

58. The Commission attended the second anniversary celebrations of the signing of the CPA, held in Juba on 9 January 2007, as part of its support to the implementation of the Agreement. African Union officials regularly visit Juba in Southern Sudan, to discuss the progress of the CPA implementation process.

59. Since 20 November 2005, the African Union participates in the AEC meetings as an observer. The CPA stipulates that the AEC could include any other organization that the parties may wish to invite to the process. The parties therefore requested the African Union to participate as an observer. The African Union is therefore involved in the process of monitoring the implementation of the CPA and will in future participate in the mid-term evaluation of the unity arrangements established under the CPA.

#### **IV. OPENING OF AN AFRICAN UNION LIAISON OFFICE IN THE SUDAN FOR THE IMPLEMENTATION OF THE CPA**

60. As noted above, prior to the appointment of Amb. Kingibe as Special Representative for Darfur, he had served as Special Envoy for the Sudan in relation to the situation in Southern Sudan. In that capacity, he represented the African Union in the negotiations, which culminated in the signing of the CPA.

61. Following his appointment as Special Representative for Darfur, he continued to combine both responsibilities. He was supported in his capacity as Special Envoy for the implementation of the CPA by one officer within AMIS, who has since continued to follow developments regarding the implementation of the Agreement, and to attend meetings of some of the various organs provided for by the CPA.

62. In the Joint Report submitted by the Secretary-General of the United Nations and myself on the African Union/United Nations Hybrid Operation, it was indicated that, since AMIS, which has thus far included the African Union activities relating to the CPA, is now being transformed into a Hybrid Operation, there should be a separate African Union Liaison Office in the Sudan following the implementation of the CPA. The African Union Liaison Office would provide interface with the United Nations Mission in the Sudan.

63. As part of this African Union Liaison Office to the Sudan, to be established in Khartoum, to follow the implementation of the CPA, consideration should be given to the recommendation made by the Ministerial Committee on the Post-Conflict Reconstruction of the Sudan for the African Union to open a regional office in Juba.

64. The Liaison Office could inherit some of the existing assets, including personnel of AMIS and equipment currently used by the Mission. This prospect should be explored by an assessment team to the Sudan which would make appropriate recommendations.

## V. OBSERVATIONS

65. As Council meets today, significant progress has been made in the implementation of the CPA in the past two years, as demonstrated, among others, by the setting up of a number of institutions provided for in the CPA. This progress has been achieved thanks to the determination of the parties to live up to their responsibilities as defined in the CPA.

66. It is commendable that the people of Southern Sudan and other war-affected areas have enjoyed calm for the past two years, as security is being brought to the region. This calm was once disturbed in Malakal. Be that as it may, that incident served as proof that the Sudanese people are fully capable of resolving their differences. Reports indicate that refugees and Internally Displaced Peoples (IDPs) continue to return to the Sudan, particularly the war-affected areas. Some of these people have even gone back to till their lands, a critical subsistence practice that was almost impossible before the signing of the CPA. In this light, the international community should be encouraged to fulfill the pledges made in Oslo in order ensure the successful implementation of the CPA.

67. While much has been achieved in putting in place the necessary structures with the capability to transform the social, political and economic lives of the Sudanese people, the CPA implementation process continues to also face serious challenges that need the full attention of both the GoNU and the GoSS. The ongoing discussions between the parties on the outstanding issues of the CPA, including Abyei, the oil revenue sharing, the OAGs, underline their commitment to the process. Furthermore, the coming processes of national census, mid-term elections, demarcation of the North/South border and, ultimately, the referendum would need continued commitment from the parties. The parties should be encouraged to maintain close working relationship in pursuit of the full implementation of the CPA.

68. On its part, the African Union will continue to support the efforts of the parties to realize the objectives of the CPA. In particular, the African Union will do its utmost to encourage the parties to remain committed to creating the necessary conditions for achieving the ultimate goal of peace and unity in the Sudan. The success of the CPA will definitely serve the cause of peace and unity not only in the Sudan but also in the region and the continent as a whole.

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# Report of the Chairperson of the Commission on the implementation Process of the Comprehensive Peace Agreement (CPA)

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