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HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION

Note verbale dated 27 June 2007 from the Permanent Mission of the Republic of the Sudan to the United Nations at Geneva addressed to the secretariat of the Human Rights Council

The Permanent Mission of the Republic of the Sudan to the United Nations Office and other International Organizations in Geneva presents its compliments to the secretariat of the Human Rights Council and has the honour to transmit herewith a progress report concerning the "Implementation of the Comprehensive Peace Agreement (CPA) in Sudan.

The Permanent Mission of the Republic of the Sudan while requesting the circulation of this report* as an official document of the sixth session of the Human Rights Council avails itself of this opportunity to renew to the secretariat of the Human Rights Council the assurances of its highest consideration.

* Reproduced in the annex as received, in the language of submission only.

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Progress report*

January 2007

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Implementation of the CPA: Progress report

Firstly: Implementation Progress (Updated to 15th March 2007)

1-Approval of the CPA:

Both the former National Assembly and. the Liberation Council of the SPLM approved the CPA in Jan 2005.

10- Interim National Constitution (INC):

- a- The two parties, in accordance with the CP A prepared a draft Interim National Constitution.*
- b- The National Constitution Review Commission (NCRC) was established on 30th April 2005. it accomplished its mandate by adopting the draft interim national constitution on June 18th 2005.*
- c- Seventeen parties and political institutions participated in the work of the National Constitutional Review Commission that prepared the draft constitution.*
- d- Both the former National Assembly and the liberation Council of the SP LM approved the interim National Constitution.*
- e- The President of the Republic signed the Interim National Constitution on the 9th of July 2005.*

11- Appointment of the two Vice Presidents:

On the 9th of July 2005 the President of the Republic issued a Presidential decree appointing the first Vice President and the Vice President. They both were sworn in on the same day.

12- Government of National Unity:

a- The Government of National Unity was appointed on the 20th of September 2005 and sworn in on the 22nd,

b- The Government of National Unity is composed of 14 parties and political Organizations.

13- The National Assembly:

a- The National Assembly is composed of 450 seats representing 17 parties and political organizations.

b- The Assembly held its inaugural session on the 31st of August 2005.

14- The Council of states:

a- The Council of States is composed of 50 members, two for each state in addition to two observers members representing Abye Area, are yet to be appointed.

b- The Council of States held its inaugural session on the 31st of August 2005.

15- Vice- President of the GOSS.

The First Vice President and President of the government of Southern Sudan (GOSS) appointed Dr. Rieck Machar as Vice- President of the GOSS.

16- The Provisional government for Southern Sudan:

Pending the adoption of the Southern Sudan constitution) the first Vice President and President of the GOSS appointed a caretaker government to run the region's affairs.

17- The Transitional Legislative Assembly for Southern Sudan:

- a- The First Vice President) President of the GOSS appointed the Transitional National Assembly for Southern Sudan.*
- b- The Assembly is composed of 170 members representing 8 parties..*

11- The Interim Constitution for Southern Sudan:

- a- A Committee of the SP LM prepared the draft southern Sudan Constitution. Some discussions around it were conducted with the NCP.*
- b- The Southern Sudan Assembly adopted the Southern Sudan Constitution.*
- c- The Ministry of Justice issued the certificate of compatibility with National constitution.*
- d- The First Vice President and President of the Government of Southern Sudan signed the Southern Sudan Constitution.*

11-Appointment of Governors in the North and South:

Governors for both Northern and Southern States were duly appointed.

12- Legislative Assemblies for States in the North and south:

Legislative Assemblies for the States in both North and South have been formed.

13- AfodelConsntunon:

The National Constitutional Review Commission prepared a model constitution to guide the states in promulgating their own constitutions.

14- State Constitutions:

c. North .

All Northern states have adopted their constitutions and their Governors have signed them.

d. South

1. All Legislative Assemblies in southern states

passed the draft of their constitutions which had been sent, through Government of Southern Sudan, to the National Ministry of Justice for compatibility certificate.

n. The National Ministry of Justice issued a compatibility certificate to the constitution of the state of Eastern Equatorial, where the other nine southern state constitutions were sent back to the states legislative assemblies to consider some observation regarding the compatibility of the Interim National Constitution and the Southern Sudan Constitution.

15- State Governments:

a. North

All states have formed their State Governments.

b. South

Pending the adoption of their constitutions caretaker Governments have already been appointed for southern states.

16- The Assessment and Evaluation Commission(AEC):

- a. On the 30th of Oct. 2005 a Presidential decree was issued establishing the AEC.*
- b. On the 1st of Nov. 2005 a Presidential decree was issued appointing the members of the Commission.*
- c. The Commission inaugurated its functions in the presence of the International Community representatives.*
- d. The Rules of Procedures of the Commission had been approved by the Presidency.*
- e. The Commission held seventeen meetings.*
- f. The Commission formed four (4) working groups for the protocols of the CPA which are meeting and reporting regularly to the AEC.*

17- The Committee to draw the 1956 borders between North and South Sudan:

- a. The Presidential Decree _ to establish the Committee was issued on 8th Sept. 2005.*
- b. On 20th Nov. a Presidential Decree appointing the Chairman and members of the Commission was issued.*
- c. The Committee held its first meeting on Thursday the 9th of March 2006. and continued to hold its regular meetings.*
- d. The Committee approved its budget and its rules of procedure had been approved by the Presidency.*
- e. The Committee set out a plan of action for the coming period and started it by tours to the Juba and the states.*
- f. For the purpose of data collection members of the Committee will pay visits to UK and Egypt. '*
- g. Technical equipments, determined by the Committee, have been imported.*

18- Joint National Transitional Team: (JNTT)

- a. The JNTT has been established to follow up the Donors assistance flow according to the pledges made in OSLO Conference to meet the needs estimated by the Joint Assessment Mission (JAM)..*
- b. After the formation of the GONU it was agreed to restructure the JNTT*
- c. On the 5th of Dec. 2005 a Presidential decree was issued appointing the JNTT and its executive Committee.*
- d. Prepared in collaboration with the World Bank and the international community for a consortium on Sudan to be held in Paris on the 9th of March 2006.*
- e. The JNTT held its regular meetings to follow-up the inflow and the use of the pledged donations and to prepare for the donors consortium meeting to convene in Khartoum and Juba on 20th of March 2007.*

19- Multi- Donor Trust Funds (MDTFs): *With the Participation of the two parties and the International Community two MDTFs have been established for the North and South Respectively.*

20- National Petroleum Commission (NPC):

- a. A presidential Decree was issued on 30th Oct. 2005 establishing the National Petroleum Commission.*
- b. On the 1st of Nov. 2005 a Presidential Decree named the members of the NPC.*
- c. The NPC held its first meeting on the 26th of Nov. 2005*

- d. The two Parties agreed on the mechanism of negotiating new oil contracts and the formation and duties of the secretariat.*
- e. The Rules of Procedures of the Commission have been signed by the co-chairs.*

21- *The Joint Committee for Monitoring and Calculation of the Oil Net Revenue:*

- a. Due consultations between the Ministry of Finance (MF) and GOSS were held.*
- b. Discussions were conducted on the issue and agreement on the price of the Petrol barrel was reached for the purpose a/the 2006 budget.*
- c. Pending the establishment of the Committee an ad-hoc joint technical committee looked into the production of oil and net revenue for the year 2005 and January 2006 and the shares of GOS, GOSS and producing states the report of the ad-hoc committee had been presented to the Presidency on the 4th of March 2006 by the minister of finance, state minister of finance, Southern Sudan minister of finance and the governor of the Central Bank.*
- d. The Presidential Decree to establish the Committee was issued on 25th of February 2006.*
- e. The committee issued its monthly reports on the share of the Government of Southern Sudan and the three producing states up to January 2007.*

22- *The Fiscal and Financial Allocation and Monitoring Commission (FFAMC):*

- a. The Presidential Decree establishing it was issued on 15 Nov. 2005.*

- b. The Presidential Decree appointing the Chairman and members of the Commission was issued on the 20th of Nov. 2005.*
- c. The convening of the Commission has been delayed because the appointment of some the finance state ministers have not been completed early enough and the chairman of the Commission was contributing to Abuja talks for a while.*
- d. The Commission held its first meeting and its Rules of procedures had been approval by the Presidency.*
- e. Experts have been appointed to assist the Commission.*
- f. The President issued a second decree to accommodate Darfur and East Agreements.*
- g. For 'the purpose of 2007 budget, the Commission sent to the Presidency its proposal on the vertical allocation between the Federal government and the Northern states.*

23- The Judicial Service Commission:

- a. Following the adoption by the National Assembly of the Judicial Service Commission Act on the 14th of Sept. 2005, the National Assembly and the Council of States joint committee decided that the act does not adversely affect the interests of the states, and the President of the Republic approved it on the 5th of Oct. 2005.*
- b. On the 6th of Dec.2005 the Presidential decree appointing the chairperson and members of the commission was issued.*
- c. In its 1st meeting the commission referred its nominations of the Constitutional Court to the Council of States. Then, the commission holds Regular meetings.*

24- The Constitutional Court:

- a. Following the adoption by the National Assembly of the Constitutional Court Act on the 19th of Sep. 2005, the National Assembly and the Council of States joint committee decided that the act does not adversely affect the interests of the states, and the President of the Republic approved it on the 9th of Nov. 2005.*
- b. In accordance with the recommendation of the Judicial Service Commission and approval of the Council of States the President issued on the 24th of Dec. 2005, a Republican Decree appointing the President and members of the Constitutional Court.*
- c. The President and members of the Constitutional Court were sworn in on and commenced their functions.*

25- Board of Directors of the Central Bank:

- a. Following the adoption by National Assembly of the Central Bank Act on the 25th of Sep. 2005, the National Assembly and the Council of States joint committee decided that the act does not adversely affect the interests of the states, and the President of the Republic approved it on the 15th of Oct. 2005*
- b. A Presidential decree appointing two deputy governors of the Central Bank was issued on Nov. 2005.*
- c. A Presidential Decree appointing the chairperson and members of the Board of Directors was issued on 20th Nov. 2005.*

- d. The Board held two meetings and presented a report to the Presidency on the establishing of a branch of the Central Bank in the South and issuance of the new currency.*

26- Issuance of the New Currency:

- a. Consultations started following the signing of the Peace Agreement within a joint committee of the Central Bank and SP LM before the formation of GOSs.*
- b. It was agreed to print a new Currency.*
- c. The design of the new currency and budget were agreed (it was presented as part of JAM).*
- d. It was agreed that the new currency should be called THE POUND and that each pound will be equivalent to one hundred Dinars of the existing currency.*
- e. As donors are largely behind fulfilling their commitments, it was agreed by the Presidency to finance it from the OSA on loan basis.*
- f. On the 9th of January 2007 the Central Bank introduced the new currency giving priority in the replacement process to the South.*
- g. The replacement process all over Sudan will continue up to 30th of September 2007 where the dinar will be declared no legal tender.*

27- The Ceasefire Political Commission (CPC):

- a. A Presidential Decree was issued establishing the commission which comprises of the two Parties and UN with observers from the IGAD and IGAD partner Forum (IPF).*
- b. Presidential decree was issued appointing its members.*
- c. The Commission held its first meeting on the 24th of February 2006.*

- d. The Commission issued its Rules of Procedures.*
- e. The Commission received regular reports on the work of the Ceasefire Joint Military Committee (CJMC) in ten regular meetings*
- f. The Commission supervises the work of the other armed groups collaborative committee.*

28- The Joint Defense Board (JDB):

- a. Following the adoption by National Assembly of the Joint Integrated Units Act on the 19th of Dec 2005, the National Assembly and the Council of States joint committee decided that the act does not adversely affect the interests of the states, and the President of the Republic approved it on 20th of Dec. 2005.*
- b. A presidential Decree was issued appointing the Chairperson and members of the Board.*
- c. The Council held its regular meetings.*
- d. The commander and Deputy Commander of the Joint Integrated Units had been appointed.*
- e. The Board appointed its technical committee.*
- f. The Board presented two progress reports to the Presidency*
- g. The Board approved the military doctrine and the joint training program for the JIUS.*

29- The Joint Integrated Units (JIUs):

- a. The troops of both Parties are now re-deployed according to the Cease-fire Agreement in most of their gathering locations including Khartoum and Juba as a prelude to the formation and merger of the Joint integrated Units after the adoption of the establishment Act has been issued.*
- b. The headquarters of SAF in both Juba and Waw has been shifted to the JIUs command.*

30- The Other Armed Groups Collaborative Committee(OAGCC):

- f. Established as an ad-hoc committee, by the two Parties, after signing the CPA and reconstituted by the CPC in 2006.*
- g. It includes an observer from UNIMVS .*
- h. Held six (6) meetings, recorded and observed with the UNIMUS the alignment of the (OAGs) with the forces of the two Parties and realignment and incorporation in the forces.*
- i. Continuing to tackle the issue of the remaining forces from some GAG.*
- j. Co-coordinating with the DDR Commission to organize the reintegration program.*

31- The National Security Service /National Security Act in accordance with the Interim National Constitution:

- a. Consultations are underway between the two parties. A number of meetings and workshops have been held on the issue.*
- b. Deputy Director of the intelligence and security bureau had been appointed from the SP LM*
- c. One hundred and seven (107) officers from SPLM were appointed by the President of the Republic in the Intelligence and security bureau.*

32- The National Council for De-mining:

- a. Two Presidential Decrees one establishing the Council and the other appointing its Chairperson and members were issued.*

- b. The Council held its first meeting on the 1st of March 2006.*
- c. The Council endorsed the framework of the national strategy of De-mining.*

33-National Council for DDR:

- a. Prior to the establishment of the National, North and South DDR commissions' ad-hoc committees had been formed and were functioning since the Pre-Interim period.*
- b. The Presidential Decree establishing the National DDR Council issued on the 15th of February 2006.*
- c. Northern and Southern Sudan commissions for DDR had been established*

34- National Population Census Council:

- d. Prior to its establishment, since the Pre-Interim period the census bureaus of GOS and GOSS met regularly inside and outside Sudan together with UNFP A to prepare the ground for the census.*
- e. A Presidential Decree establishing the council was issued on the 7th of Jan. 2006.*
- f. The Council held its first meeting on the 7th of March 2006.*
- g. The council approved the proposal of the organizational setup of the census including the formation of the National Technical Committee (NTC).*
- h. The second meeting of the Council is scheduled on the 19th July 2006.*
- i. Estimated budget for fifth National census will be 73 million USD. Out of this the government of national unity will contribute 40million USD*

and the rest will be contributed by the donors through the MTDF.

j. Enumeration will take place in November 2007.

35- The National Constitutional Review Commission (NCRC):

k. A Presidential Decree was issued on the 7th of January 2006 for the purpose of restructuring it according to the power sharing formula and in accordance with the Interim National Constitution.

l. A joint committee between the NCP and SPLM will jointly address the political parties 'on their participation in the Commission.

m. A Presidential Decree was issued on the 29th of April 2006 appointing the members and co-chairs of the NCRC.

n. The NCRC convened and passed four bills: the Political Parties Act, Civil Service Commission Act, the Human rights Commission Act and the council for development and promotion of national languages Act.

o. Underway are the bills of the land Commission and the Electoral law.

36- Representation in the Administration of the National Capital:

p. An agreement has been reached within the Presidency

q. The Governor of Khartoum State formed the state Govt. after the adoption of the state constitution according to the agreement reached.

37- *Special commission to ensure the rights of non-Muslims in the National Capital:*

- a. There is an agreement within the Presidency to establish the commission and consultations are underway for its formation.*
- b. Criteria of appointing members of the Commission approved by the Presidency.*
- c. The Presidential Decree establishing the Commission is issued.*
- d. The Presidential Decree appointing the chairman and the members of the Commission is issued.*
- e. The first meeting of the commission is expected to convene soon.*

38- *The National Civil Service Commission:*

- a. A Preparatory Team presented a first draft after consultations during which national and international experts participated.*
- b. A draft act has been presented to the presidency.*
- c. The National Assembly passed the bill received from the NCRC and the Council of Ministers.*
- d. The formation of the commission is underway by the Presidency.*

39- *Repatriation of the refugees:*

- a. Tri-partite agreements had been signed by GONU, UNHCR and neighboring countries to facilitate the repatriation of the Sudanese refugees.*
- b. Some preparations between the relevant government and authorities are underway to facilitate the resettlement of the displaced to the South and other war affected areas.*

Secondly:

Parts 0 the CPA under Im lementation - Unim lamented Yet):

7- Abyei Protocol: *The two parties recommended (4) options for the Presidency which. is going decide on the issue.*

1. The National Electoral Act.

2. The National Electoral Commission.

3. Information campaign:

A comprehensive and intensive efforts to activate the information campaign in all languages to popularize the CPA, foster the national unity, reconciliation and the mutual understanding (The parties at all levels of government).

4. Social healing process :

An effective political and financial support to the national reconciliation and social healing process (The parties at all levels of government).

Thirdly:

The political partnership between the NCP and the SPLM:

The two parties met on 27-29 May 2006 at the Friendship Hall with the intention of following up and reviewing the implementation of the CP A as well as strengthening and enhancing the political partnership between them.

The two parties were insured of the ongoing implementation process while recognizing the substantive and circumstantial reasons which led to the delay in

implementing some of its provisions. To this end the two parties jointly arrived at specific recommendations.

Concerning the political partnership, the two parties presented a joint paper on the concept of the partnership itself, its horizons, its dimensions and tools of implementation. They consequently agreed on a combined mechanism which will contribute even more to spur the implementation process and enhance the political partnership. These are:

- 1. Joint Annual Meetings for the Leadership Bureau of the NCP and the Political Bureau of the SPLM.*
- 2. Joint Leadership Coordinating Committee (JLCC) to meet quarterly.*

Follow-up political committee to meet monthly and may constitute technical and specialized subcommittees as needed.

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