

## List of Corrections in the Protocols and Agreements

signed at Naivasha, Kenya on 31st December, 2004

### 1. General Provisions

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

### 2. Protocol on Power Sharing Protocol, dated May 26th, 2004

2.1 The sub-section 2.2.7.3 to be re-numbered as 2.2.8 and the subsequent sub-sections up to 2.2.13 to be re-numbered accordingly. Any relevant cross reference in the Agreement (if any) shall be renumbered accordingly.

2.2 The sub-section 2.5.6 that reads:

*"The Government of National Unity shall be responsible for establishing recruitment systems and admission policies to national universities, national institutes, and other institutions of higher education based on fair competition, giving equal opportunity to all citizens"* in the second paragraph on page 26 to be renumbered as sub-section 2.5.7.

2.3 The sub-section 3.5.1 that reads:

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

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

2.4 The sub-section 3.5.4 that reads:

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

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

2.5 The sub-section 3.5.5 that reads:

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

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

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

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

2.7 The sub-section 3.7.3.1 that reads:

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

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

2.8 The sub-section 3.7.3.4 that reads:

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

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

2.9 The sub-section 3.7.3.7 that reads:

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

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

2.10 The sub-section 4.5.4 that reads:

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

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

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

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

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

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

### **3. Agreement on Wealth Sharing, dated 7th January, 2004**

3.1 The sub-section 1.7 that reads:

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

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

3.2 The sub-section 3.1 that reads:

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

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

3.3 The sub-section 11.1 that reads:

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

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

3.4 The sub-section 15.5 that reads:

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

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

#### **4. Machakos Protocol, dated 20th July, 2002**

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

4.2 The sub-section 3.2 that reads:

"National Government" shall now read as follows:

"National Legislation"

4.3 The sub-section 3.2.1 that reads:

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

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

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

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

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

5.2 The sub-section 1.3 that reads:

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

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

5.3 The sub-section 3.3 that reads:

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

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

5.4 The sub-section 3.6 that reads:

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

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

5.5 The sub-section 5.6 that reads:

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

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

5.6 The sub-section 5.8 that reads:

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

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

5.7 The sub-section 6.4 that reads:

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

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

5.8 The sub-section 7.4 that reads:

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

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

5.9 The sub-section 7.6 that reads:

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

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

5.10 The sub-section 8.3 that reads:

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

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

5.11 The sub-section 8.4 that reads:

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

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

5.12 The sub-section 9.8 that reads:

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

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

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

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

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

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

6.1 The Title of the Protocol to be changed to:

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

6.2 The sub-section 4.3.4 that reads:

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

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

## **7. Framework Agreement on Security Arrangements, dated 25th September, 2003**

7.1 The sub-section 3.b that reads:

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

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

7.2 The sub-section 3.c that reads:

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

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