

**THE IMPLEMENTATION MODALITIES OF THE
MACHAKOS AND POWER SHARING PROTOCOLS**

SIGNED AT NAIVASHA, KENYA ON 31ST DECEMBER, 2004

The Implementation Modalities of the Machakos and Power Sharing Protocols

December 31st, 2004

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
Machakos Protocol:							
1. Self determination Referendum for people of South Sudan							2.5 M.P 2.10.1.5
(a) Enactment of Referendum Act	Beginning of the third year of Interim Period.	National Legislature	GONU	N/A	Seat of National Legislature	Routine Legislative procedure	
(b) Establishment of Referendum Commission	Soon after enactment of Referendum Act	The Presidency	GONU and International Community	GONU, GOSS,	Khartoum	To be established by the Presidency in accordance with the CPA and the referendum Act.	
(c) Registration of voters	Starts at the beginning of the sixth year of the Interim Period and ends 3 months before the voting.	Referendum Commission	GONU, GOSS and International community	N.A	Southern Sudan and any other locations to be determined by the Referendum Commission	Presentation of proof of eligibility upon registration in accordance with the Referendum Act	
(d) Enlightenment campaign on the Referendum	After the establishment of the Referendum Commission	Referendum Commission	GONU, GOSS and international community	N/A	S. Sudan and wherever relevant	Mass media, meetings, public rallies, conferences, seminars, workshops etc.	

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
(e) Voting	Six months before the end of the Interim Period	Referendum Commission	GONU, GOSS and International Community.	N/A	Southern Sudan and any other locations to be determined by the Referendum Commission in accordance with the provisions of the Referendum Act	One-person one vote.	
2. Plan for 5 Rs (Repatriation, Resettlement, Reintegration Rehabilitation and Reconstruction)	In progress (JAM)	CCG/ JAM	International Community (JNTT)	The Parties to Comprehensive Peace Agreement (CPA)	Khartoum, seat of GOSS and any other location agreed to by the parties.	According to JNTT procedures	1.5.4 Machakos Protocol (MP)
3. Establishment of Assessment and Evaluation Commission (AEC)	During the Pre-interim Period after the adoption of Interim National Constitution (INC) and establishment of the Institution of the Presidency.	The Presidency	International Community and GONU	By the parties to the Agreement according provisions of Machakos protocol 2.4.1	Khartoum.	Through consultation by the parties to the Agreement.	2.4, and 2.4.1 MP
4. Improvement of institutions and arrangements created under the Agreement to making the unity of Sudan attractive to the people of Southern Sudan.	After adoption of the INC and establishment of the AEC	The Parties to the CPA and the AEC	GONU, the Parties and International Community	N/A	All over Sudan	To be determined by the Parties and the AEC.	2.4.2

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
5. Guarantees to safeguard CPA against Unilateral revocation or abrogation.	Upon signature of the CPA and up to the end of Interim Period	The Parties, IGAD and the International Community	N/A	N/A	N/A	Built-in Regional and International guarantees (AEC, and UN Peace Support Mission of the Ceasefire Agreement). The parties urge the international community to take necessary measures in support of the Peace Agreement and its full implementation.	2.6 MP

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

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
<p>8. National Population Census (NPC)</p> <p>a) Establishment of the population Census Council</p>	After the establishment of the institution of the Presidency	The Presidency	The Government of National Unity	<p>Representative of the following:</p> <p>a) GONU</p> <p>b) GOSS</p> <p>c) The Council of States</p> <p>d) The States, and</p> <p>e) The Head of the Central Bureau of Statistics</p>	Khartoum	<p>The Population Census Council shall:</p> <p>a) Plan for the upcoming population census</p> <p>b) Set standards and criteria for the Central Bureau for Statistics</p> <p>c) Follow-up on the preparations leading upto the population census and oversee the actual census operation</p> <p>d) Report to the presidency regarding the Population Census</p>	1.8.1 and 1.8.2
<p>b) Conduct of the Census</p>	Second year of the Interim Period	Central Bureau of Statistics and the GOSS Centre for statistics and evaluation	GONU	N/A	All over the Sudan	Population Census to be conducted in cooperation with UNFPA	
<p>9. General Elections.</p> <p>a)Enactment of National Electoral</p>	Within Six	National	GONU	N/A	Khartoum	Column 7 of Item 6 in this	1.8.3

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
Law	month from the start of the Interim Period	Legislature (NL)				Matrix applies.	
b) Establishment of the National Electoral Commission	Within one month after the adoption of the law.	Presidency	All levels of government	From 7 to 9 competent, impartial and representative national figures to be selected by the Presidency (non-partisan).	Khartoum	According to law	1.8.3
c) General Elections comprising elections for the State Governors, National Assembly, the Legislature of southern Sudan, and State Legislatures all over Sudan.	Refer to (d) below	National Electoral Commission with all levels of government plus international Community (IC).	GONU	N/A	All over Sudan	According to law	
d) Presidential elections and elections for the post of President of the government of southern Sudan (GOSS)	To be held concurrently with the General elections referred to above, not later than the end of the fourth year of	National Electoral Commission		N/A	All over Sudan	According to the law	2.3.7

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
	the Interim Period						
10. Review of the feasibility of the dates set for census and elections	For the census six months before the end of the first two years into the Interim Period; for elections six months before the end of the third year of the Interim Period	Parties to the Agreement	N/A	N/A	Khartoum		1.8.4
PART II:							
11. The Council of States.	i) Establishment Within 2 weeks after enactment of the INC	Presidency	GONU	2 Representatives from each state + 2 representatives from Abyei Area as observers	The National Capital	Consultation by the Presidency and in the case of Southern Sudan by the President of GOSS after consultations with states institutions.	2.2.3.2
	ii) Appointment of members of the Council of States within two weeks from enactment of the INC.	Presidency	N/A	50 Representatives from the States and 2 representatives from Abyei Area.	N/A	Presidential Order.	
	iii) Convening of Council of States	Presidency	N/A	N/A	N/A	In accordance with the INC.	

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
	INC						
13. Determination of the scope of legislative competency of the National Assembly and the Council of States respectively	In the course of the work of the Parties 14 member Joint Constitutional Task Team charged with preparation of a draft Constitutional text for presentation to the NCRC	The Parties	N/A	N/A	Venue of the Joint Constitutional Task Team's work	<p>Joint Constitutional Task Team to:</p> <p>(a) Decide types of Legislation to be exclusively enacted by the National Assembly and those that require joint action with the Council of States or alternatively, agree the establishment of a mechanism to resolve the issue.</p> <p>(b) Work out a mechanism to harmonize Bills being jointly considered by both Houses of the National Legislature prior to enactment of such Bills into Law and to generally coordinate the work of both Houses.</p>	
14. Election of Speakers, Deputy speakers and other officers of the National Legislature.	Upon the convening of the first session in both Chambers.	Both chambers	N/A	N/A	N/A	By elections	2.2.12
15. Establishment of the Institution of	Upon adoption and signature of	The President of the Republic	GONU	The President, the First Vice President and the	Khartoum	According to the INC and the CPA.	2.3.2

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
the Presidency	the INC.			Vice President			
16. Defining the functions of the two Vice Presidents.	Implementation modalities	Parties to the CPA	N/A	N/A	N/A	As per attached Appendix A	2.3.3
17. Specification of appointments made by the President with the consent of the 1 st Vice President	During the implementation modalities process	The parties to the process	N/A	N/A	N/A	As per attached Appendix B	2.3.6.3
18. Establishment of Council of Ministers (prior to elections)	Within 30 days after the Adoption of INC.	The President of the Republic	GONU	30 Ministers and 34 State Ministers the numbers are Subject to review	Khartoum	In consultation with the First Vice President	2.3.12
19. The status of the Ministries of Defence, Guidance and Endowment, and Federal Governance	N/A	N/A	N/A	N/A	N/A	(a) The Jurisdiction of the Ministry of Defence shall not extend to the SPLA (b) The military chain of authority and command common to both Parties to the CPA shall strictly consist of: (i) The Presidency (ii) The Joint Defence Board (JDB) (ii) Command of the Joint	

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
						<p>Integrated Units (JIU's)</p> <p>(c) The jurisdiction of the Ministry of Guidance and Endowment and the Ministry of Federal Governance shall not extend to the Southern States.</p> <p>(d) Matters that fall within the scope of jurisdiction of the Ministries of Federal Governance and Guidance and Endowment shall be in conformity with the provisions of the Protocols on the resolution of the Conflict in Southern Kordofan and Blue Nile States and the Protocol on the resolution of the Conflict in Abyei Area</p>	
20. Matters in respect of which the President shall take decisions with the consent of the First Vice President according to the Protocols and Agreements	N/A	The President and the First Vice President	N/A	N/A	Khartoum	As per attached Appendix C	
21. Representativeness of the administration of the National Capital.	After establishment of the institution of the Presidency	The Presidency in consultation with the Governor of Khartoum State	GONU and the Government of Khartoum State	To be worked out by the Presidency in consultation with the Government of	Khartoum	Consultations by the parties to the CPA.	2.4.2

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
				Khartoum State			
22. Representation of the people of Sudan in the law enforcement agencies in the National Capital and provision for their adequate training.	During the Pre-Interim Period	The Presidency and the Government of Khartoum State	GONU and Khartoum State	As shall be worked out by the Presidency and the Government of Khartoum State	Khartoum	As shall be worked out by the Presidency and the Government of Khartoum State	2.4.4
23. Appointment of a special commission to ensure that the rights of non-Muslims are protected in the National Capital	Upon the establishment of the institution of the Presidency	The Presidency	GONU	Size to be determined by the Presidency	Khartoum	By consultations and to be appointed by the Presidency In accordance with the INC and CPA	2.4.6
24. Establishment of mechanisms of guarantees of the rights of non-Muslims in the National Capital	After the enactment of the INC	Chief Justice and the National Minister of Justice and any other Institutions charged with the implementation	GONU	N/A	Khartoum	In accordance with the provisions of the INC and CPA	2.4.7

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
		of mechanisms and guarantees					
25. Clustering of National Ministries.	Implementation modalities	The Parties	N/A	<ul style="list-style-type: none"> ▪ Sovereignty cluster; ▪ Economic cluster; ▪ Services cluster; 		Clusters as per Appendix D	2.5.3
26. Allocation of seats of the National Executive	Within 30 days after the adoption of INC	The presidency	N/A	To be allocated in each cluster according to the ratio 70%/30% North/South, 52% NCP (49% Northerner+ 3% Southerner); 28% SPLM (21% Southerner+ 7% Northerner); 14% Northern Political Forces; 6% Southern Political Forces.	N/A	By consultation with the parties to the Agreement and with other political forces.	2.5.5
27. Information Campaign in all languages to popularize the Peace Agreement and foster national unity, reconciliation and mutual	From the beginning of the Pre-interim till the end of the Interim Period.	Parties and all levels of government	Parties and all levels of government	The parties and the GONU	All over the Sudan	Media, seminars, conferences, workshops leaflets, political public rallies , meetings, etc	2.5.9

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
understanding.							
28. Establishment of the National Civil Service Commission (NCSC)							2.6.1.5 and 2.6.2
a) Enactment of the National Civil Service Commission Act	After adoption of the INC within the Pre-interim Period.	National Legislature	GONU	N/A	Khartoum	Routine legislative procedures	
b) Establishment of the NCSC	After the enactment of the NCSC Act	Presidency	GONU	To be determined by the Presidency in accordance with the provision of the Act.	Khartoum	Consultations	
29. Mechanism for operationalization of affirmative action	After establishment of the NCSC	NCSC	GONU	N/A	N/A	Applies to people of Southern Sudan, Nuba Mountains, Southern Blue Nile, Abyei and any other least develop areas in Sudan and any disadvantaged group.	2.6.1.5
30. Enactment of the National Security Act.	After the enactment of the INC	The National Legislature	GONU	N/A	Seat of National Legislature	Column 7 of item 6 in the Matrix applies	2.7.1.1.

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
31. Establishment of the National Security Council (NSC).	During the Pre-interim Period and After the enactment of the NS Act	The Presidency	GONU	To be determined by the law.	Khartoum	Consultations	
32. Establishment of the National Security Service (NSS)	During Pre-interim Period after adoption of NS Act	The Presidency	GONU	According to the law	Khartoum	Establishment of the National Security Organs in accordance with the provisions of the INC and the law	2.7.2.1
33. Establishment of Security Committees at the GOSS and the States level.	Upon adoption of the NS Act	The President of the GOSS and the Governors of the States	GOSS and the States	There shall be State Security Committee to be chaired by the Governor of the State. The Committee shall include, among others, the Military Commander of the area, his Deputy, the Director of the State Police and Director of the State National Security Branch.	GOSS level and States level	In accordance with the provision of the NS Act	2.7.2.5
34. Identification of the security organs	During Pre-interim Period	The Parties to the CPA	N/A	N/A	N/A	Consultations	2.7.2.8

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
of the two Parties and their assets.	Before the establishment of the NSS						
35. Development and promotion of national languages							2.8.1
a. Enactment of a founding law	After the enactment of the INC	GONU	GONU	N/A	Seat of National Legislature	Routine Legislative Procedures	
b. Establishment of a council for development and promotion of national languages	After the enactment of the law	The President	GONU	According to the law	Khartoum	consultations	
36. Human Rights commission							
a. Enactment of the HRC Act	After the enactment of the INC.	The National Legislature	GONU	N/A	Khartoum.	Column 7 of item 6 in this Matrix applies.	2.10.1.2
b. Establishment of Human Rights Commission (HRC)	After the enactment of the HRC Act	The Presidency	GONU	To be agreed by the parties to the Agreement from competent figures (15 members).	Khartoum	Consultation in accordance with the INC and the law	

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
37. The Constitutional Court Act							
a. Enactment of the Constitutional Court Act	After enactment of the INC	The National Legislature	N/A	N/A	Khartoum	Column 7 of item 6 in this Matrix applies.	
b. establishment of the Constitutional Court	After the adoption of the INC within the Pre-interim Period.	The Presidency upon recommendation of the National Judicial Service Commission	GONU	9 competent non-partisan figures	Khartoum.	Consultations	2.11.2.1
38. The National Judicial Service Commission							
a. Enactment of the NJSC Act	After the enactment of INC	The National Legislature	N/A	N/A	Khartoum	Column 7 of Item 6 in this Matrix applies.	
b. Establishment of the National Judicial Service Commission (NJSC)	After the adoption of the INC within the Pre-Interim Period and enactment of NJSC Act	The Presidency	GONU	To be chaired by the Chief Justice and composed as follows: *Representative of Academia, the Dean Faculty of Law U of K; * Three deputies of the Chief Justice. * President of the Southern Sudan Supreme Court;	Khartoum	Consultations between the Parties in accordance with the INC and the law.	2.11.4.5

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
				<ul style="list-style-type: none"> * 2 representatives from National Sudanese Bar Association one from North and one from the South; * The Chairperson of the legal committee in the two Chambers; * The National Minister of Justice; * The National Minister of Finance; * The one in charge of legal affairs in GOSS; * The Chairman of legal Committee in southern Sudan Assembly. 			
39. Southern Sudan representation in Constitutional Court, National Supreme Court and other national courts in the Capital.	For the Constitutional Court as mentioned above in the establishment of the Constitutional Court the rest throughout the Interim Period of the Agreement.	Presidency according to recommendation by NJSC	N/A	N/A	Khartoum	Consultation	2.11.4.6 (iii)
40. Submission and	Within two weeks	IGAD, NA and	Parties to the	N/A	Seat of NA and seat	Submission by IGAD	2.12.4.1

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
approval of the CPA to the National Assembly (NA) and National Liberation Council (NLC)	from the date of signature of the CPA	NLC	CPA		of the NLC	Secretariat for peace in Sudan	
41. Establishment and composition of the National Constitutional Review Commission (NCRC).	Within two weeks from the date of signature.	The parties to the CPA	N/A	60 members allocated according to the Power Sharing Protocol (PSP) formula for the NA (each party must include civil society).	N/A	Consultation between the parties to the CPA. Decisions shall be taken by consensus, but whenever this is not possible a decision shall be passed by two-thirds majority	2.12.4.2 and 2.12.4.3
42. Preparation of the Constitutional Text by NCRC.	Within six weeks from the date of receipt of the text of the CPA	The NCRC	NCP, SPLM, other political forces, IGAD, and International Community	N/A	To be determined by the Parties	A technical committee of 7 from each party to the CPA to prepare a joint draft to be presented to NCRC.	2.12.5
43. Adoption of the Constitutional Text as INC.	Within two weeks from the date of receipt from NCRC	NA and SPLM NLC	N/A	N/A	Khartoum and Seat of NLC	Draft text will be presented by NCRC to NA and NLC for adoption	2.12.7
44. Preparation of other legal instruments as stipulated in 2.10	After the adoption of the INC within the Pre-interim	NCRC	Parties to NCRC	N/A	N/A	To be drafted by NCRC.	2.12.9

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
of PSP.	Period.						
45. Organization of an inclusive Constitutional Review Process (CRP)	During the Interim Period	NCRC	GONU	N/A	All over Sudan	Public rallies, workshops, seminars, meetings, media programs, etc	2.12.10
PART III							
46. Determination of North/ South border of 1/1/1956	Pre-interim period after the adoption of the INC	Presidency	GONU	Membership of the technical committee to be determined by the Presidency.	Seat of GONU and GOSS	The Presidency shall establish a Technical Ad hoc border Committee to demarcate precisely the 1/1/1956 North/ South borderline. This committee shall seek technical assistance from relevant expertise: both national and international.	3.1
47. a) Establishment of an inclusive Southern Sudan Constitutional Drafting Committee (SSCDC).	After enactment of the INC.	President of GOSS	N/A	40 members to be allocated according to the PSP formula for the Southern Sudan Assembly as per article 3.5.1 of the PSP	Seat of GOSS	Allocation to Southern Political Forces shall be agreed upon through consultations between SPLM and such Forces Decisions shall be taken by consensus, but whenever this is not possible a decision shall be passed by two-thirds majority	3.2
b) Drafting and adoption of the	Within three weeks for	SSCDC and TASS	International Community	N/A	Seat of GOSS	A technical Committee to be appointed by the GOSS to	

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
text. c) Determination of Compatibility of SSC with the INC	drafting from the establishment of the SSCDC and within one week for adoption from the convening of TASS. Within two weeks from the receipt of the SSC	National Ministry of Justice	for the SPLM GONU	N/A	Khartoum	draft Southern Sudan Constitution for presentation to SSCDC. Presentation, discussion and adoption of the draft text. TASS shall submit the SSC to the National Ministry of Justice within one week. After declaration of compatibility the President of GOSS shall sign the SSC.	2.12.12
48. Establishment of the First Southern Sudan Assembly (SSA).	Within two weeks from the adoption of the INC	The President of GOSS	GOSS	170 members to be allocated according to the PSP formula for the Southern Sudan Assembly.	Seat of GOSS	Broad Consultations between the parties to the CPA and other political forces (including Identification of other political forces.)	3.5.1
49. Election of the Speaker, Deputy Speaker and	Upon the establishment of TASS	TASS	GOSS	N/A	Seat of GOSS	Consultations	3.5.6

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
officers of TASS.							
50. Appointment of the Vice President of GOSS	After swearing in of the First Vice President and President of GOSS	President of GOSS	N/A	N/A	Seat of GOSS	Consultation within SPLM.	3.5.4
51. Establishment of the Council of Ministers of Government of Southern Sudan.	Within one week of signing Southern Sudan Constitution (SSC).	President of GOSS	GOSS	To be determined through consultations	Seat of GOSS	Consultations	3.6.1, 3.6.3 and 3.6.4, 3.6.4.3
52. Establishment of Judiciary of Southern Sudan	Within one week from the adoption of SSC.	President of GOSS	GOSS	N/A	Seat of GOSS	In accordance with the SSC, CPA and INC	3.7.1
53. Appointment of the President and Justices of Southern Sudan Supreme Court, Courts of Appeal and Judges of other Courts	Within one week from the adoption of SSC	President of GOSS	N/A	To be determined by law.	N/A	Consultations	3.7.2, 3.7.5
PART IV							
54. Appointment of state Governors	Upon adoption of the INC and in case of Southern Sudan upon adoption of SSC	The President of the Republic in consultation with the First Vice President. And in case of Southern Sudan the President of GOSS in	N/A	N/A	N/A	According to the INC, CPA and in the case of Southern Sudan according to SSC	

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
		consultation with Vice President of GOSS					
55. Establishment of state legislatures	Within one week after appointment of the Governors.	State Governors	States	<p>(a) Northern States: Except for Southern Kordofan State and Blue Nile States, between 30 and 48 members depending on consultations between the President of the Republic and the governors of those states.</p> <p>(b) Southern States: Between 30 to 48 members depending on consultations between the President of GOSS and Governors of those States.</p> <p>(c) Southern Kordofan State: 54 members representing the NCP and SPLM as agreed in the text on the Implementation Modalities of the Two Areas.</p> <p>d) Blue Nile State:</p>	State capitals	<p>Allocation according to the PSP formula as per article 4.4.2</p> <p>Allocation according to the PSP formula as per 4.4.2 and allocation for political forces in Southern Sudan, other than the NCP, shall be agreed upon through consultations between the SPLM and such forces.</p> <p>Allocation of seats in the State Legislature as per the percentages agreed in article 11.1.1 of the “Protocol On The Resolution Of Conflict In southern Kordofan/Nuba Mountains And Blue Nile States”</p> <p>Allocation of seats in the State Legislature as per the</p>	4.4.2

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
				Between 30 and 48 members depending on consultations between the Presidency and the Governor of Blue Nile State		percentages agreed in article 11.1.1 of the “Protocol On The Resolution Of Conflict in Southern Kordofan/Nuba Mountains And Blue Nile States”.	
56. Establishment of Abyei Area Council	Within one week after the appointment of the Chief Administrator	The Presidency	Abyei Area Administration	20 members to constitute Abyei Area Council as agreed in article 4.1 of the “Protocol On The Resolution Of Abyei Conflict		Members of Abyei Area Council to be appointed by the Presidency	
57. Mechanism for selection of 20% of other political forces in the Northern and Southern States	Before the establishment of the state Assemblies.	NCP in the North and SPLM in the Southern Sudan	N/A	<u>N/A</u>	N/A	Broad Consultations between the parties to the CPA and other political forces (including identification of other political forces.)	4.4.2.2 (iii)
58. a) Drafting and adoption of the State constitutions	Within three weeks from the establishment of the state legislature in Northern states and in case of states of Southern Sudan the adoption shall be within 4 weeks after signing of	State legislature	States	N/A	seat of state governments	According to INC in case of Northern States and in case of states in Southern Sudan according to INC and SSC. Model state constitution to be drafted by NCRC in accordance with the provisions of INC in case of Northern States and in case of states in Southern Sudan according to INC and SSC.	4.4.4

Activities	Timing	Executing Body	Funding Sources	Composition	Location	Procedures, Process and criteria	Reference in the Agreement
b) Determination of the Compatibility of the State constitutions with INC, and in case of states in Southern Sudan according to INC and SSC.	SSC. Within two weeks from the receipt of the State constitution.	National Ministry of Justice	N/A	N/A	Khartoum	Issuing certificate of compatibility.	
59. Establishment of state Council of Ministers	Within one week after signing the constitution of the State	State Governors	1. States 2. Prior to the establishment of the GOSS and state governments according to their respective constitutions, the institutions of the Southern Sudan shall be financed from the transfers allocated to the South in Pre-interim period as WS agreement	Except for Southern Kordofan State, Between 5 to 8 ministries, one of whom shall be appointed a deputy governor; the numbers are Subject to review. In the case of Southern Kordofan State, the State Council of Ministers shall consist of 11 members including the State Governor and his/her deputy	Seat of state governments	According to the state constitutions	4.5.1 4.5.3

Appendix A

(i) FUNCTIONS OF THE FIRST VICE PRESIDENT

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

(ii) FUNCTIONS OF THE VICE PRESIDENT

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

Appendix B 1:

Appointments that the President is required to make with the consent of the 1st VP

1. Establishment of a Special Commission to ensure that the rights of non Muslims are protected in the National Capital (2.4.6 of the PSP).
2. Establishment of impartial and representative National Electoral Commission (2.10.1.1. of PSP).
3. Establishment of Human Rights Commission (2.10.1.2 of PSP).
4. Establishment of the National Judicial Service Commission (2.10.1.3 of PSP).
5. Establishment of a National Civil Service Commission (2.6.2 and 2.10.1.4 of PSP).
6. Establishment of Ad-Hoc Commission to monitor and ensure accuracy, legitimacy and transparency of the Referendum (2.10.1.5 of PSP and 2.5 of MP).
7. Establishment of Fiscal and Financial Allocation and Monitoring Commission (2.10.1.6 of PSP).
8. Appointment of the President of the Constitutional Court (2.11.3.2 (i) of PSP).
9. Appointment of Judges other than Justices of the Constitutional Court ((2.11.4.4 of PSP).
10. Appointment of Justices of the Constitutional Court ((2.11.4.6 (i) of PSP).
11. Appointment of Justices of the National Supreme Court (2.11.4.6 (ii) of PSP).
12. Establishment and appointment of the National Constitutional Review Commission (2.12.4 of PSP and 3.1.2 of MP).
13. Establishment of the Joint Defence Board (5.1 of SAP).
14. Appointment of Chairperson of the National Land Commission (2.6.10 of WSP).
15. Establishment of the National Petroleum Commission (3.2 of WSP).
16. Establishment and appointment of the Chairperson of FFAMC (8.4 of WSP).

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

Appendix B 2:

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

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

Appendix C 1:

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

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

Appendix C 2:

Matters to be decided upon by the Presidency:

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

Appendix D:**CLUSTERS OF NATIONAL MINISTRIES**

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

