

Mention of *NATURAL RESOURCES IN CEASEFIRE & PEACE AGREEMENTS*

Despite the fact that natural resources (and their exploitation) factored in more than 40% of civil wars since the end of the Cold War, peace agreements rarely deal with the issue. The implications are dealt with elsewhere;¹ this briefing merely provides the relevant text of those few that do.

Agreements between the Republic of Indonesia (RI) – Aceh

Provisional Understanding between RI and the Leadership of the Free Aceh Movement (2001)

SOCIO-ECONOMIC DEVELOPMENT ...

- Measures to ensure **equitable distribution of revenue and resources**;
- Development of human resources (including, *e.g.*, encouragement of companies investing in Aceh to **employ local workers** and, where skills are not available locally, **train local workers, particularly for the oil and gas industry**); ...
- The **environmental effects of development, and, in particular, reforestation, forest reserves**, penalties for pollution, and strict regulation of the disposal of industrial waste.

SECURITY ARRANGEMENTS ...

- **Security arrangements** for vital projects, including, for example, **the Exxon-Mobil complex**.

Cessation of Hostilities Framework Agreement Between RI And the Free Aceh Movement (2003)

No mention of Natural Resources.

Memorandum of Understanding Between RI and the Free Aceh Movement

August 15 2005 (7 pages)

1.1.7 The institution of Wali Nanggroe with all its ceremonial attributes and entitlements will be established.

1.3.3 Aceh will have **jurisdiction over living natural resources** in the territorial sea surrounding Aceh.

1.3.4 Aceh is entitled to **retain seventy (70) per cent of the revenues** from all current and future hydrocarbon deposits and other natural resources in the territory of Aceh as well as in the territorial sea surrounding Aceh.

3.2.5 GoI will **allocate suitable farming land** as well as funds to the authorities of Aceh for the purpose of facilitating the reintegration to society of the former combatants and the compensation for political prisoners and affected civilians. The authorities of Aceh will use the land and funds as follows:

- a) **All former combatants** will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.
- b) **All pardoned political prisoners** will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.
- c) **All civilians who have suffered** a demonstrable loss due to the conflict will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.

¹ Blundell AG & Harwell EE. 2016. *How do Peace Agreements deal with Natural Resources*. Forest Trends. Washington DC. http://www.forest-trends.org/documents/files/doc_5068.pdf

Law of RI Number 11 of the Year 2006 Regarding Governing of Aceh

(96 pages)

Article 149. (1) Aceh Government and district/city Government is obliged to conduct integrated environment management by heeding the lay out, protecting biological natural resources, non biological natural resources, artificial resources, conservation of biological natural resources and their ecosystem, cultural preservation, and biological diversity by heeding the rights of indigenous community and as much as possible for the welfare of the citizens.

...

Article 150. (2) The Government, Aceh Government, district/city Government is not allowed to issue forest exploitation permit in the Leuser ecosystem

...

CHAPTER XXII: ECONOMY

Part Three: Management of Natural Resources Article 156.

- (1) Aceh Government and district/city Government manage natural resources in Aceh both inland and in Aceh territorial sea in accordance with their authorities.
- (2) The management as meant in clause (1) consists the planning, implementation, utilization and supervision over business activities which can be in the form of exploration, exploitation and cultivation.
- (3) Natural resources as meant in clause (1) covers mining sector which consist of the mining of mineral, charcoal, geothermal, forestry sector, agriculture, fishery and sea faring, which will be conducted by applying the principles of transparency and sustainable development.
- (4) In implementing the stipulation as meant in clause (1), clause (2) and clause (3), Aceh Government may:
 - a. Establish regional government owned enterprise; and
 - b. Conduct equity participation in the State Owned Enterprise;
- (5) Business activities as meant in clause (2) and clause (3) may be conducted by State Owned Enterprise, Region Owned Enterprise, Cooperatives, local, national and foreign private enterprise.
- (6) The implementation of the stipulation as meant in clause (4) and clause (5) is guided by the standard, norm and procedure regulated by the Government.
- (7) In conducting business activities as meant in clause (2) and clause (5), the conductor of such business activities involves local human resources and utilize other resources existing in Aceh.

Article 157.

explored and exploited land.

(1) Every businessman a

(2) Prior to conducting business activities, the businessmen are obliged to provide available reclamation and rehabilitation guarantee fund which amount will be calculated at the time of negotiating the exploration and exploitation working contract.

Article 158.

balanced health as the compensation for the exploitation of non renewable natural resources.

The Government and Aceh, district/city Govern

Article 159.

prepare community development fund.

(1) Every businessman

(2) The community development fund as meant in clause (1) is regulated based on an agreement between Aceh, district/city Governments and the businessmen which amount is at least 1% (one percent) of the total production price of the sale each year.

(3) The plan for the utilization of community development fund to finance the program which is collectively arranged by heeding of the necessity of the community around the business activities and the community in other area as well as involving the relevant businessmen are further regulated in Aceh Qanun.

(4) The financing of community development program with the community development fund as meant in clause (2) and clause (3) is self-managed by the relevant businessman.

Part Four: The Management of Oil and Gas Natural Resources Article 160.

(1) The Government and Aceh Government manages together oil and gas natural resources located inland and in the territorial sea of Aceh.

(2) For the management as meant in clause (1), the Government and Aceh Government may appoint or form an implementing agency which will be decided together.

- (3) Cooperation contract with other party to conduct exploration and exploitation in the framework of oil and gas management may be conducted if the entire content of the cooperation contract agreement is agreed by the Government and Aceh Government.
- (4) Prior to conducting discussion with the Government regarding the cooperation contract as meant in clause (3), Aceh Government must obtain approval from DPRA.
- (5) Further stipulation regarding the matters as meant in clause (1), clause (2), and clause (3) is regulated by Government Regulation.

Article 161. Cooperation agreement between the Government and other parties which exist at the time this law is promulgated may be extended after obtaining agreement between the Government and Aceh Government in accordance with the stipulation as meant in Article 160 clause (3).

Part Five: Fishery and Sea Faring Article 162.

- (1) Aceh Government and District/City Government are authorized to manage natural resources existed in Aceh territorial sea.
- (2) The authority to manage natural resources existed in the sea as meant in clause (1) consists of:
- a. conservation and management of natural resources in the sea;
 - b. The administrative regulation and licensing for the catching and/or breeding of fish;
 - c. The regulation of lay out for territorial sea, coastal area and small islands;
 - d. The legal enforcement towards the regulations issued over territorial sea under its authority;
 - e. The maintenance of indigenous law of the sea and assist sea safety; and
 - f. The participation in the maintenance of the sovereignty of the Unitary State of the Republic of Indonesia.
- (3) Aceh Government and district/city Government have the authority to issue fish catching permit and other sea resources manufacturing licenses in the sea around Aceh in accordance with their authorities.
- (4) The management of natural resources in the sea territory as meant in clause (1), clause (2) and clause (3) is conducted by heeding of the principles of sustainable development and preservation of environment.

...
Chapter XXIV FINANCE
Part II: Revenue Sources & Management

...
 Article 181. (1) b. Profit Sharing Fund will derive from hydrocarbon and other natural resources, i.e.:

- 1) Portion from forestry as much as 80% (eighty percent);
- 2) Portion from fishery as much as 80% (eighty percent);
- 3) Portion from general mining as much as 80% (eighty percent);
- 4) Portion from geothermal mining as much as 80% (eighty percent);
- 5) Portion from oil mining as much as 15% (fifteen percent); and
- 6) Portion of gas mining as much as 30% (thirty percent).

...
 (3) In addition to Profit Sharing Fund as meant in clause (1) letter b, Aceh Government receives additional oil and gas Profit Sharing Fund which is a portion of Aceh Government income, i.e.:

- a. Portion from oil mining as much as 55% (fifty five percent); and
- b. Portion from gas mining as much as 40% (forty percent).

Article 182. (1) Aceh Government is authorized to manage additional oil and gas Profit Sharing Fund as meant in Article 181 clause (3).

- (2) Fund as meant in clause (1) is revenue in APBA.
- (3) At least 30% (thirty percent) of the revenue as meant in clause (2) is allocated for financing education in Aceh.
- (4) At the most 70% (seventy percent) of the revenue as meant in clause (2) is allocated for financing development program mutually agreed between Aceh Government and district/city government.
- (5) Mutually agreed development program as meant in clause (3) and clause (4) is performed by Aceh Government.
- (6) Further stipulation regarding the procedure for fund allocation as meant in clause (3) and clause (4) is regulated in Aceh Qanun.
- (7) Aceh Government submits periodical report regarding the implementation of allocation and utilization over additional Profit Sharing Fund as meant in clause (1) to the Government.

...
 CHAPTER XXXIX: TRANSITIONAL PROVISIONS

...

Article 262. In the case there is a license for forest exploitation in Leuser Ecosystem Zone in the territory of Aceh Province which has been issued, is declared as still valid and will be reviewed again and/or adjusted by this Law at the latest 6 (six) months as of the promulgation of this Law.

...

ELUCIDATION OF
REGARDING

THE GOVERNING OF ACEH

LAW OF THE REPUBLIC OF INDONESIA NUMBER 11 OF 2006

...

Cooperation in the management of natural resources in Aceh follows by a transparent and accountable management of financial sources in the framework of planning, implementing and supervising...

DRAFT

The Comprehensive Peace Agreement between The Government of The Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army
December 2004 (257 pages)

Chapter I: Machakos Protocol : CHAPEAU

No mention

Chapter II: Power Sharing

PART V: SCHEDULES

SCHEDULE A: NATIONAL POWERS

Exclusive competencies (Legislative and Executive Powers) of the National Government.

15. National Lands and National natural resources;

SCHEDULE B: POWERS OF THE GOVERNMENT OF SOUTHERN SUDAN

The exclusive legislative and executive powers of the Government of Southern Sudan shall be:

19. Any matter relating to an item referred to in schedule D that cannot be dealt with effectively by a single State and requires GOSS legislation or intervention including, but not limited to the following:-

19.2. Natural resources and forestry;

SCHEDULE C: POWERS OF STATES

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out hereunder:-

8. State Land and State Natural Resources;

21. The development, conservation and management of State natural resources and State forestry resources;

Chapter III: Wealth Sharing

1.0 GUIDING PRINCIPLES IN RESPECT OF AN EQUITABLE SHARING OF COMMON WEALTH

1.10 That the best known practices in the sustainable utilization and control of natural resources shall be followed.

2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES

2.1 Without prejudice to the position of the Parties with respect to ownership of land and subterranean natural resources, including in Southern Sudan, this Agreement is not intended to address the ownership of those resources. The Parties agree to establish a process to resolve this issue.

2.2. The Parties agree that the regulation, management, and the process for the sharing of wealth from subterranean natural resources are addressed below.

2.3. The Parties record that the regulation of land tenure, usage and exercise of rights in land is to be a concurrent competency exercised at the appropriate levels of government.

2.4. Rights in land owned by the Government of Sudan shall be exercised through the appropriate or designated levels of Government.

2.5. The Parties agree that a process be instituted to progressively develop and amend the relevant laws to incorporate customary laws and practices, local heritage and international trends and practices.

2.6 Without prejudice to the jurisdiction of courts, there shall be established a National Land Commission that shall have the following functions:

2.6.1 Arbitrate between willing contending Parties on claims over land, and sort out such claims.

2.6.2 The party or group making claims in respect of land may make a claim against the relevant government and/or other Parties interested in the land.

2.6.3 The National Land Commission may at its discretion entertain such claims.

2.6.4 The Parties to the arbitration shall be bound by the decision of the National Land Commission on mutual consent and upon registration of the award in a court of law.

2.6.5 The National Land Commission shall apply the law applicable in the locality where the land is situated or such other law as the Parties to the arbitration agree, including principles of equity.

2.6.6 Accept references on request from the relevant government, or in the process of resolving claims, and make recommendations to the appropriate levels of government concerning:

2.6.6.1 Land reform policies;

2.6.6.2 Recognition of customary land rights and/or law.

2.6.7 Assess appropriate land compensation, which need not be limited

to monetary compensation, for applicants in the course of arbitration or in the course of a reference from a court.

2.6.8 Advise different levels of government on how to co-ordinate policies on national projects.

2.6.9 Study and record land use practices in areas where natural resource exploitation occurs.

2.6.10 The National Land Commission shall be representative and independent. The composition of the membership and terms of appointment of the National Land Commission shall be set by the legislation constituting it. The Chairperson of the National Land Commission shall be appointed by the Presidency.

2.6.11 The National Land Commission may conduct hearings and formulate its own rules of procedure.

2.6.12 The National Land Commission will have its budget approved by the Presidency and will be accountable to the Presidency for the due performance of its functions.

2.7 In accordance with this Agreement and without prejudice to the jurisdiction of courts, there shall be established a Southern Sudan Land Commission which shall have the following functions:

2.7.1 Arbitrate between willing contending Parties on claims over land, and sort out such claims.

2.7.2 The party or group making claims in respect of land may make a claim against the relevant government and/or other Parties interested in the land.

2.7.3 The Southern Sudan Land Commission may entertain such claims at its discretion.

2.7.4 The Parties to the arbitration shall be bound by the Southern Sudan Land Commission's decision on mutual consent and upon registration of the award in a court of law.

2.7.5 The Southern Sudan Land Commission shall apply the law applicable in the locality where the land is situated or such other law as the Parties to the arbitration agree, including principles of equity.

2.7.6 Accept references on request from the relevant government, or in the process of resolving claims, and make recommendations to the appropriate levels of government concerning:

2.7.6.1 Land reform policies;

2.7.6.2 Recognition of customary land rights and/or law.

2.7.7 Assess appropriate land compensation, which need not be limited to monetary compensation, for applicants in the course of arbitration or in the course of a reference from a court.

2.7.8 Advise different levels of government on how to co-ordinate policies on GOSS projects.

2.7.9 Study and record land use practices in areas where natural resource exploitation occurs.

2.7.10 The Southern Sudan Land Commission shall be representative and independent. The composition of the membership and terms of appointment of the Southern Sudan Land Commission shall be set by the legislation constituting it. The Chairperson of the Southern Sudan Land Commission shall be appointed by the President of the Government of Southern Sudan.

2.7.11 The Southern Sudan Land Commission may conduct hearings and formulate its own rules of procedure.

2.7.12 The Southern Sudan Land Commission shall have its budget approved by the Government of Southern Sudan and shall be accountable to the President of the Government of Southern Sudan for the due performance of its functions.

2.8 The National Land Commission and the Southern Sudan Land Commission shall co-operate and co-ordinate their activities so as to use their resources efficiently. Without limiting the matters of coordination, the National Land Commission and the Southern Sudan Land Commission may agree:

a) to exchange information and decisions of each Commission;

b) that certain functions of the National Land Commission, including collection of data and research, may be carried out through the Southern Sudan Land Commission;

c) on the way in which any conflict between the findings or recommendations of each Commission may be resolved.

2.9 In the case of conflict between the findings or recommendations of the National Land Commission and the Southern Sudan 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.

3.0 OIL RESOURCES

A. Guiding Principles for the management and development of the petroleum sector

3.1 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:

3.1.1 Sustainable utilization of oil as a non-renewable natural resource consistent with:

a) the national interest and the public good;

b) the interest of the affected states/regions;

c) the interests of the local population in affected areas;

d) national environmental policies, biodiversity conservation guidelines, and cultural heritage protection principles.

3.1.2 Empowerment of the appropriate levels of government to develop and manage, in consultation with the relevant communities, the various stages of oil production within the overall framework for the management of petroleum development during the Interim Period.

3.1.3 Give due attention to enabling policy environment for the flow of foreign direct investment by reducing risks associated with uncertainties regarding the outcome of the referendum on self-determination at the end of the Interim Period.

3.1.4 A stable macroeconomic environment that emphasizes stability of the petroleum sector.

3.1.5 Persons enjoying rights in land shall be consulted and their views shall duly be taken into account in respect of decisions to develop subterranean natural resources from the area in which they have rights, and shall share in the benefits of that development.

3.1.6 Persons enjoying rights in land are entitled to compensation on just terms arising from acquisition or development of land for the extraction of subterranean natural resources from the area in respect of which they have rights.

3.1.7 The communities in whose areas development of subterranean natural resources occurs have the right to participate, through their respective states/regions, in the negotiation of contracts for the development of those resources.

3.1.8 Regardless of the contention over the ownership of land and associated natural resources, the Parties agree on a framework for the regulation and management of petroleum development in Sudan during the Interim Period.

B. National Petroleum Commission (NPC)

3.2 The Parties agree that an independent National Petroleum Commission (NPC) shall be established during the Pre-Interim Period and its decisions shall be by consensus.

3.3 Taking into account the provisions elsewhere in this Agreement, the NPC shall be constituted as follows:

- a) The President of the Republic and President of the GOSS as Co-chairs and permanent members;
- b) Four (4) permanent members representing the National Government;
- c) Four (4) permanent members representing the GOSS; and
- d) Not more than three (3) representatives of an oil producing State/Region in which petroleum development is being considered, non-permanent members.

3.4 The NPC shall have the following functions:

3.4.1 Formulate public policies and guidelines in relation to the development and management of the petroleum sector consistent with paragraph 3.1.1.

3.4.2 Monitor and assess the implementation of those policies to ensure that they work in the best interests of the people of Sudan.

3.4.3 Develop strategies and programs for the petroleum sector.

3.4.4 Negotiate and approve all oil contracts for the exploration and development of oil in the Sudan, and ensure they are consistent with the NPC's principles, policies and guidelines.

3.4.5 Develop its internal regulations and procedures.

3.5 In performing the functions referred to in paragraph 3.4 above, the NPC shall take into account relevant considerations, including the following:

3.5.1 The extent to which the contract provides benefits to local communities affected by the development.

3.5.2 The extent to which the views of the state/region and the affected groups are incorporated in the proposed contracts.

3.5.3 If the NPC decides to approve the contract, persons holding rights in land who are aggrieved by the decision shall seek relief through arbitration or in a court of law.

3.5.4 If the non-permanent members of the NPC representing the oil producing State/Region collectively disagree with the decision of the NPC to approve the contract related to their State/Region, the National Minister of Petroleum shall not sign the contract and shall refer the matter to the Council of States/Regions. If the Council of States/Regions rejects the objection by two-thirds majority, the National Minister of Petroleum shall sign the contract. If the Council of States/Regions does not reject the objection by two-thirds majority within 24 sitting days of receiving it, the Council of States/Regions shall remit the objection within that period and by two-thirds majority to a mechanism established by the Council to arbitrate on the objection. The arbitration decision shall be made within six calendar months of referral to arbitration. The arbitration decision shall be binding.

3.5.5 If the NPC approves the contract the National Minister of Petroleum shall sign the contract on behalf of the Government of the Sudan.

3.5.6 In performing functions 3.4.1, 3.4.2, 3.4.3, and 3.4.5 of paragraph 3.4, the NPC shall include only its permanent members.

3.5.7 In performing function 3.4.4 of paragraph 3.4, the NPC shall include its permanent members and representatives of oil producing State/Region in which contracts for the exploration and development of the petroleum are being negotiated and considered for approval.

4.0 EXISTING OIL CONTRACTS

4.1 The SPLM shall appoint a limited number of representatives to have access to all existing oil contracts. The representatives shall have the right to engage technical experts. All those who have access to the contracts will sign confidentiality agreements.

4.2 Contracts shall not be subject to re-negotiation.

4.3 If contracts are deemed to have fundamental social and environmental problems the Government of Sudan will implement necessary remedial measures.

4.4 The Parties agree that “existing oil contracts” mean contracts signed before the date of signature of the comprehensive Peace Agreement.

4.5 Persons whose rights have been violated by oil contracts are entitled to compensation. On the establishment of these violations through due legal process the Parties to the oil contracts shall be liable to compensate the affected persons to the extent of the damage caused.

5.0 GUIDING PRINCIPLES FOR SHARING OIL REVENUE

5.1 The Parties agree that the basis for an agreed and definitive framework for the sharing of the wealth emanating from oil resources of Southern Sudan shall include the following:

5.1.1 The framework for sharing wealth from the extraction of natural resources should balance the needs for national development and reconstruction of Southern Sudan.

5.2 The Parties agree that a formula for sharing the revenue from oil resources shall be as set forth in this Agreement.

5.3 For the purposes of this Agreement ‘Net revenue from oil’ shall be the sum of the net revenue (i) from exports of government oil and (ii) from deliveries of government oil to the refineries. Exports shall be valued at the actual Free on Board (FOB) export prices less the charges to deliver the oil to any export destination including pipeline and management charges. Oil delivered to the refinery shall be valued at the average FOB export prices during the last calendar month in which there was an export sale less the charges that would have been incurred to deliver the oil to any export destination including pipeline and management charges.

5.4 An Oil Revenue Stabilization Account shall be established from government oil net revenue derived from actual export sales above an agreed benchmark price. The benchmark price will be established annually as part of the national budget reflecting changing economic circumstances.

5.5 The Parties agree that at least two percent (2%) of oil revenue shall be allocated to the oil producing states/regions in proportion to output produced in such states/regions.

5.6 After the payment to the Oil Revenue Stabilization Account and to the oil producing states/regions, fifty percent (50%) of net oil revenue derived from oil producing wells in Southern Sudan shall be allocated to the Government of Southern Sudan (GOSS) as of the beginning of the Pre-Interim Period and the remaining fifty percent (50%) to the National Government and States in Northern Sudan.

5.7 A Future Generation Fund shall be established once national oil production reaches two (2) million barrels per day. This production criterion may, as part of the National Government’s normal budget process, be reduced down to one (1) million barrels per day.

5.8 The Parties agree that all funds/special accounts referred to in this Agreement and future accounts shall be on-budget operations.

6 SHARING OF NON-OIL REVENUE

6.3 The states/regions shall be entitled to raise and collect the below-listed taxes and revenue from the below listed sources:

6.3.9 Agricultural Taxes;

7 EQUALIZATION AND ALLOCATION TO THE NATIONAL, SOUTHERN SUDAN AND STATE/REGIONAL LEVELS OF GOVERNMENT IN RESPECT OF REVENUE COLLECTED NATIONALLY

7.1. All revenues collected nationally for or by the National Government shall be pooled in a National Revenue Fund (NRF) administered by the National Treasury. Such Fund shall embrace all accounts and sub-funds into which monies due to the Government are collected, reported or deposited.

7.2 All the revenues and expenditures of the Government will be on-budget operations and made public.

7.3 Notwithstanding the provisions of paragraphs 5.6, 7.1 and 13.1, the National Government shall allocate fifty percent (50%) of the national non-oil revenue collected in Southern Sudan, as provided for herein under paragraph 6.1 above, to the GOSS to partially meet the development cost and other activities during the Interim Period. The Parties agree to review this arrangement, at mid-term of the Interim Period, with the view of the National Government allocating additional resources to the Government of Southern Sudan.

8. FISCAL AND FINANCIAL ALLOCATION AND MONITORING COMMISSION (FFAMC)

8.1 To ensure transparency and fairness both in regard to the allocation of nationally collected funds to the states/regions and the Government of Southern Sudan, a Fiscal and Financial Allocation and Monitoring Commission shall be established. This body shall be comprised of experts nominated by the various states/regions, the Government of Southern Sudan and the National Government. Decision making arrangements of the FFAMC shall be as agreed to by the Parties.

Chapter IV: **THE RESOLUTION OF ABYEI CONFLICT**

1.2 Interim Period:

Upon signing the peace agreement, Abyei will be accorded special administrative status, in which:

1.2.3 Net oil revenues from Abyei will be divided six ways during the Interim Period: the National Government (50 percent); the Government of Southern Sudan (42 percent); Bahr el Ghazal region (2 percent); Western Kordofan (2 percent); locally with the Ngok Dinka (2 percent); and locally with the Misseriya people (2 percent);

3.1 Without prejudice to the provisions of the Wealth Sharing Agreement, the net-oil revenue from the oil produced in Abyei Area shall be shared during the Interim Period as follows:

3.1.1 Fifty Percent (50%) to the National Government;

3.1.2 Forty Two Percent (42%) to the Government of Southern Sudan;

3.1.3 Two Percent (2%) to Bahr el Ghazal Region;

3.1.4 Two Percent (2%) to Western Kordofan;

3.1.5 Two Percent (2%) locally with the Ngok Dinka;

3.1.6 Two Percent (2%) locally with the Misseriya people.

Chapter V: **THE RESOLUTION OF CONFLICT IN SOUTHERN KORDOFAN/NUBA MOUNTAINS AND BLUE NILE STATES**

SCHEDULES:

8.3. Oil producing state is entitled to two percent (2%) of the oil produced in that state, as specified in the Wealth Sharing Agreement.

9. State Land Commission:

9.1. The regulation of the land tenure, usage and exercise of rights in land shall be a concurrent competency exercised by the National and State Governments.

9.2. Rights in land owned by the National Government within the State shall be exercised through the appropriate or designated level of government.

9.3. There shall be established a State Land Commission in the State of Southern Kordofan/Nuba Mountains and Blue Nile, respectively.

9.4. The State Land Commission shall be composed of persons from the State concerned.

9.5. The State Land Commission shall exercise all the powers of the National Land Commission at the State level.

9.6. The State Land Commission shall be competent to review existing land leases and contracts and examine the criteria for the present land allocations and recommend to the State authority the introduction of such necessary changes, including restitution of land rights or compensation.

9.7. The National Land Commission and the State Land Commission shall cooperate and coordinate their activities so as to use their resources efficiently. Without limiting the matters of coordination, the National Land Commission and the State Land Commission may agree as follows:-

9.7.1. To exchange information and decisions of each Commission;

9.7.2. That certain functions of the National Land Commission, including collection of data and research, may be carried out through the State Land Commission; and

9.7.3. On the way in which any conflict between the findings or recommendations of each Commission may be resolved.

9.8. 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.

Schedule (A)

The Exclusive Executive and Legislative Competencies of the Two States:-

21. The development, conservation and management of state natural resources and state forestry resources;

Schedule (D): State Revenue Sources

The state shall be entitled to raise and collect the taxes and revenues from the sources listed hereunder:-

6. Share of natural resource revenues;

Chapter VI: Agreement on Security Arrangements During the Interim Period

16.7.5. make clear that all members of armed forces shall not be involved in illicit activities that may affect the environment and natural resources.

20.14.6. Khartoum Independent Brigade:

There shall be one JIU's Brigade in Khartoum that shall be deployed with the Republican Guard in Soba. The VIP Protection Force is located according to the Presidential Unit, and Capital Security Force in Jebel Awlia'a.

20.14.7. The Parties agree that the JIUs shall protect the oilfields as provided in sub-section and the oil installations shall be demilitarized. In case of any threat to the oil installations, the JDB shall decide on the appropriate and necessary measures.

22.1 In order to facilitate the removal and withdrawal of the military and paramilitary forces from areas where they were previously located and in order to return societal order and harmony, in accordance with the law, in compliance with national and international acceptable standards and with accountability to the Courts and civil Administration, the police at the appropriate level during the ceasefire shall:

22.1.7. Preserve natural resources;

22.1.8. Combat illicit trafficking in narcotics, drugs and illegal trade in firearms and other organized and transboundary crimes² in the area;

22.1.10. Collect data and information on criminal matters that threaten implementation of the peace agreement in the area.

22.1.12. Combat corruption at all levels of government and civil society; and

The Implementation Modalities of the Machakos and Power Sharing Protocols

No mention

The Implementation Modalities of the Framework Agreement on Wealth Sharing

A. Land Ownership

1. Institute a process to develop and amend the relevant laws to incorporate customary laws and practices.

- Land commission to initiate the process and make recommendations to the appropriate executive levels
- Ministry of Justice to facilitate and support the process
- Executive Bodies at all levels to approve and propose necessary bills to appropriate legislative bodies to promulgate amended laws within their respective powers.

2. Establish National Land Commission

- The process to be initiated by the Presidency with facilitation and support from Ministry of Justice
- National Land Commission Act

3. Establish Southern Sudan Land Commission

² This would presumably include the trafficking of illegal wildlife including trees and related forest products.

B. Oil Resources

1. Consultation and participation of communities in the management of natural resources
 - Create awareness on basic rights and process of participation and consultation as per the CPA
2. Establish National Petroleum Commission (NPC)
 - To review relevant legislation in oil sector so as to bring it in line and to comply with the CPA

C. Existing Oil Contracts

1. SPLM appoint a technical team, to have access to existing oil contracts
 - Decision by consensus
 - Reporting to GOSS within D Day + 60 days
 - Develop its internal regulations and procedures
2. Assess contracts with social and environmental problems
 - The committee to set its own rules and regulation.
 - Reporting to the NPC after its formation in D Day + 9 Months with actions taken within 60 days after the report.
3. Remedy of persons whose rights have been violated by oil contracts
 - Legal process as provided by Section 4.5 of WSA

D. Sharing of Oil Revenue

2. Establish a system to monitor daily production of oil in all Sudan
3. Reveal to the SPLM production sharing formula between GOS and oil concessions
 - GOS will reveal this information to the SPLM Technical Team after signing confidentiality agreement
- 4a. Agree on a mechanism to monitor Oil Revenue Stabilization Account (ORSA).
- 4b. Agree on the benchmark price for 2005.
 - Approach and discuss with the IMF the agreed benchmark price through the GONU.
- 4c. Agree on the annual benchmark price.
 - After building consensus on the benchmark price with GOSS, NG with representation of GOSS to negotiate with IMF the final benchmark price.
5. Establish a system to calculate and monitor net oil revenue.
6. Transfer of (2%) of producing State share of net oil revenue.
 - Transfer to start after establishing governments of the States.
 - Money to be transferred monthly according to actual receipt of revenue.
 - MOF (NG and GOSS) will transfer to States through their designated accounts.
 - Ministries of Finance of Producing States in the South shall open accounts in the BOSS in which MOF of GOSS shall transfer 2% of oil revenue.
7. Transfer of the GOSS share of 50% of net oil revenue
 - GOSS prepares its Foreign Exchange budget requirements within the overall approved budget of GOSS. This budget shall be incorporated in CBOS Foreign Exchange budget.
 - Foreign Exchange of GOSS is considered part of the National Reserve. GOSS shall use its share of this National Reserve to meet its Foreign Exchange requirements. All domestic operations and transactions of GOSS shall be in the national currency and any other circulating currencies in Southern Sudan until a new currency is issued as per sub- section 14.9 of WSA provided that GOSS foreign exchange transactions should only be conducted through BOSS.
 - CBOS shall authorize BOSS to open foreign correspondent account in a prime bank of the latter's choice in favour of GOSS. This authorization shall include instruction to the foreign correspondent to provide the CBOS with a copy of the statement of the weekly position of this account.

- GOSS all foreign exchange resources shall be deposited in correspondent account as mentioned above.
- BOSS shall manage this account on the basis of the best banking practices in favour of GOSS and disburse it in away to ensure macro- economic stability and national monetary policy objectives and requirements.
- BOSS shall provide CBOS with relevant data as per sub- section 14.4 of Wealth Sharing Agreement.

8. Establish Future Generation Fund

Appendix: Implementation Modalities of Wealth Sharing Agreement Definition and Calculation of Net Oil Revenue

2. Calculation of Government Net Oil Revenue:

Government Entitlement x Export price¹ Less Tariff (transport/pipeline fee)

Less Management fee³

Equal Government net oil revenue

Addendum to the Memorandum of Understanding on Cessation of Hostilities Between the Government of Sudan (GOS) and the Sudan People's Liberation Movement/Army (SPLM/A)

4th February, 2003

No mention

Memorandum of Understanding on Cessation of Hostilities Between the Government of the Sudan and the Sudan People's Liberation Movement/Army

2002

No mention

³ The calculation of “management fee” is undefined in the agreement

Comprehensive Peace Accord Signed between the Nepal Government and the Communist Party of Nepal (Maoist)

22 November 2006 (13 pages)

3.7. To adopt a policy of implementing a scientific land reforms program by ending feudal land ownership.

3.8. To follow a policy of protecting and promoting national industries and resources.

3.10. To adopt policy of providing land and other economic protection to socially and economically backward classes including land less squatters, bonded laborers and pastoral farmers.

3.11. To adopt a policy of severely punishing people amassing limitless wealth through corruption while remaining in a government position.

5.1.8. Both sides express an understanding to create a record of government, public and private buildings, land and other properties and return them immediately.

5.2.5. Both sides agree to set up a High-level Truth and Reconciliation Commission through mutual agreement in order to investigate truth about people seriously violating human rights and involved in crimes against humanity⁴, and to create an environment of reconciliations in the society

7.1.3. Both sides express the commitment that impartial investigation and action would be carried according to law against people responsible creating obstructions to the exercise of the rights envisaged in the letter of agreement and ensure that impunity will not be tolerated. Apart from this, they also ensure the right of the victims of conflict and torture and the family of disappeared to obtain relief.

⁴ The mandate of the TRC does not explicitly refer to economic crimes (unlike, for example, Liberia's TRC and East Timor's XX).

Eastern Sudan Peace Agreement

June 19, 2005 (42 pages)

CHAPTER TWO PRINCIPLES FOR RESOLVING ECONOMIC, SOCIAL AND CULTURAL ISSUES

THE ECONOMIC, SOCIAL AND CULTURAL

The Parties agree on the following fundamental principles:

44. The wealth of Sudan shall be defined to include natural and human resources...

45. The overarching aims of economic development in Sudan shall be poverty eradication, guaranteeing equitable distribution of wealth, ensuring quality of life, dignity and good living conditions of all citizens.

47. The State shall develop policies and strategies to ensure social justice among all the people of Sudan.

50. The people of Sudan, including the people of Eastern Sudan, shall have the right to a clean and diverse environment. The State shall not pursue any policy or take or permit any action, which may adversely affect the existence of any species of animal or vegetative life, their natural or adopted habitat. Best known practices in efficient utilization of natural resources and environmental management shall be adopted.

57. The sharing and the allocation of the wealth of Sudan shall be based on the premise that all parts of Sudan are entitled to development and that war-affected areas should be beneficiaries of affirmative action.

58. The expenditure function should be assigned to that level of government whose jurisdiction most closely reflects the geographical area served by that function.

DEVELOPMENT OF LAND AND NATURAL RESOURCES ARTICLE 21

Land Usage and Ownership

64. The regulation of land tenure, usage, and exercise of rights in land is to be a concurrent competence at the appropriate level of government.

65. Rights in lands owned by the Government of Sudan shall be exercised through the appropriate or designated level of government.

66. All levels of government shall institute a process to progressively develop and amend the relevant laws to incorporate customary laws and practices, local heritage and international trends and practices.

67. Land management structures and institutions shall be developed and legally supported to promote sustainable development and protect the environment.

68. The GoS shall ensure that all citizens affected by the development of land and/or national resources are consulted. Persons whose property or livelihood is adversely affected by development of land and/or national resources have a right to adequate compensation.

69. All persons arbitrarily or unlawfully deprived of their rights to land shall have those rights restored to them.

Coastal Area and Marine Resources

70. All levels of government shall ensure the sustainable and integrated development of the nation's historically and economically significant coastal area and its rich fish and marine resources.

71. All levels of government shall ensure that the people of Eastern Sudan are provided opportunities in, and benefit from, the development of the nation's coastal area; and its fish and marine resources.

73. The administration of Sea Ports Corporation shall discharge its responsibilities to contribute to the development of Eastern Sudan and the improvement of the livelihood of the people.

ECONOMIC, SOCIAL AND CULTURAL POLICIES FOR RECONSTRUCTION AND DEVELOPMENT OF EASTERN SUDAN

ARTICLE 22 STRATEGIC OBJECTIVES

74. Sustained economic, social and cultural development is key to the undoing of the longstanding marginalization of Eastern Sudan.

75. The following shall be the fundamental objectives of development in Eastern Sudan: -

- (f) Rehabilitation and development of agriculture, industry, tourism, fisheries and other priority sectors;
- (h) Protecting and enhancing the fragile environment;

APPENDIX A TIMELINES OF IMPLEMENTATION

Land and Natural Resource Usage and Management

ACTIVITY	MODALITIES, PROCEDURES AND CRITERIA
13. Enact legislation on land natural resource planning and development.	Executive prepares legislation and presents to state legislature.
14. Develop and implement plans of land management	Governments and localities notify and consult with respective constituencies; Governments and localities identify land use information relevant to land use planning

DEMOCRATIC REPUBLIC OF THE CONGO (Goma Agreement)

PEACE AGREEMENT BETWEEN
(CNDP)
March 23, 2009 (23 pages)

THE GOVERNMENT A

Article 13: Economic Reforms

The Parties agree to the necessity for reliable and effective good governance mechanisms at all levels and in all fields, including the certification, exploitation, assessment and control of natural resources.

Annex: Implementation Plan

D+10: Establishment of the commission mandate to examine disputes relating to the misappropriation of property and opening of a register on misappropriated property and the commencement of work on the processing of cases/

D+60: Announcement of the first results of the review of claims relating to misappropriated property

DRAFT

CHAPTER I - HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

ARTICLE 1: PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

9. The GoS, in accordance with the provisions of Chapter III, shall promote the general welfare and economic growth in Darfur through provision of adequate basic needs, services and infrastructure, promotion of youth employment, empowerment of women, good governance, public services and allocation of appropriate resources, as well as equal access to natural resources including land for all communities in Darfur, with due respect to prevailing norms and traditions.

CHAPTER II — POWER SHARING AND ADMINISTRATIVE STATUS OF DARFUR

ARTICLE 10: THE ADMINISTRATIVE STATUS OF DARFUR REGIONAL AUTHORITY

ESTABLISHMENT

63. The DRA shall have the following primary competencies:

- Implementation of the provisions of this Agreement in collaboration with the GoS;
- Achieving reconciliation and the consolidation of security and social peace;
- Post conflict reconstruction and development, as well as the coordination of all engagements of international and regional partners including the Darfur Joint Assessment Mission (DJAM);
- Health issues, environmental protection and addressing the consequences of climate change;
- Planning, development and conservation of cattle routes and pastures;
- Creation of durable conditions necessary for voluntary return and resettlement of IDPs and refugees;
- Planning for land use and the exercise of the relevant rights;

CONCURRENT COMPETENCIES

64. The DRA shall have concurrent competencies in policy making and coordination on the following:

- i. Socio-economic development in the Region;
- ii. Health policies;
- iii. Financial and economic policies;
- xii. Electricity generation and water and waste management;
- xiii. Policies on land ownership, use and rights;
- xiv. Emergency relief and disaster prevention and management, and epidemics control;
- xv. Media, publications, mass media and radio stations;
- xvi. Management, protection and conservation of environment;
- xviii. Planning Darfur's natural resources.

CHAPTER III - WEALTH SHARING WEALTH SHARING

GENERAL PROVISIONS

99. The concept of Sudan's wealth shall be defined to include natural and human resources, historical and cultural heritage, financial assets including credit and public borrowing, international and domestic, and international aid and grants. It also includes means, institutions, policies and opportunities contributing to wealth generation and distribution as well as material resources, government revenues, institutions' profits and other resources.

100. Wealth constitutes a vital element whose generation and distribution are greatly influenced by government institutions, policies and programmes. Therefore, the fair participation of Darfur in decision-making concerning policies and institutions regulating the generation and distribution of wealth that affect its social and economic interests is fundamental and shall be promoted.

102. All Sudanese citizens shall have the following equal rights:

- i. Freedom from hunger;
- ii. Sustainable means of living;
- iii. Access to potable water;

103. An effective system for the distribution of wealth, based on transparency and accountability. Affirmative action shall be taken in economic policy to address past disadvantages resulting from long years of underdevelopment and harm caused by the conflict.

104. Wealth sharing and distribution shall be based on the premise that all parts of Sudan are entitled to fair and equitable development. Acknowledging that poverty is common in Sudan, in general, and Darfur, in particular, a nationwide strategy for poverty alleviation shall be adopted within the framework of the country's development policy to meet the Millennium Development Goals (MDGs).

120. Priority shall be given to policies directed to the development and upgrading of the agricultural sector, including livestock, with due respect to the nomadic culture and sustainable natural environment.

REVENUES BASES

147. The Federal Government may legislate to collect revenues or taxes from the following sources:

vi. Oil, mining and electricity revenues;

148. The DSG shall be entitled to raise and administer the following:

i. State land and property taxes and royalties;

v. The States' share of oil revenues and other natural resources produced in the Darfur States

vi. Darfur States projects, institutions and natural reserves;

viii. Agricultural taxes;

xiv. Livestock tax;

172. Competition over pasture and water between herders and farmers is a serious problem in Darfur which shall be addressed in a comprehensive way by:

i. Developing policies and projects to curb environmental degradation, raise the agricultural production and improve livestock production;

ii. Gradually shifting emphasis from quantity to quality in livestock production and animal husbandry;

iii. Developing a framework for equitable access by various users of land and water resources;

iv. Developing policies and projects aimed to establish agricultural, industrial and technological economy in the States;

v. Developing research capacities in these areas.

173. Neglect of the traditional rain-fed sector on which the Sudanese people in general, and the people of Darfur in particular depend, has led to increasing food imports, rural-urban migration and the spread of hunger and disputes. Therefore, policies and projects should be formulated and directed towards promoting traditional rain-fed agriculture, which shall be considered as a major national development priority to accelerate the attainment of the MDGs.

174. The following development projects, which have been neglected, shall be reviewed in order to assess their feasibility and, if found feasible, revived:

i. West Savannah Development Project;

ii. Jebel Marra Rural Development Project;

iii. Jebel Marra Thermal Energy Project;

iv. Habeela Agricultural Project;

v. Ghazalah Jawazat Research Station;

vi. Abu Hamra Agricultural Project;

vii. Saq Alnaam Agricultural Project;

viii. Urn Bayada Project;

ix. Wadi Hawar Water Valley Basin;

x. Combating Drought and Desertification Project;

xi. Popular Housing Project;

xii. Agricultural Research Projects;

xiii. Sugar Production Projects;

xiv. Alradoom, Wadi Hawar and other Wildlife Reserves;

xv. Urn Ajaja Project (Bahar Alarab Development Project);

xvi. Wadi Alatroon Development Project

175. All government levels shall exert maximum efforts to bring human development levels in Darfur up to national levels in the context of endeavours to accelerate the attainment of the MDGs.

DEVELOPMENT AND MANAGEMENT OF LANDS, HAWAKEER AND NATURAL RESOURCES

ARTICLE 33: GENERAL PRINCIPLES

182. Since the people of Darfur did not benefit from the 1925 Land Settlement and Registration Ordinance, priority shall be given to modifying the laws to include rights to land and its use (hawakeer) in conformity with customs, traditions and heritage on land ownership, traditional livestock routes and access opportunities to water sources.

183. Where lands leased under the investment laws and the lessees did not meet the conditions under which those lands were leased to them, the lands in question shall return to their status quo ante.

184. Without prejudice to the provisions of this Agreement, the appropriate or identified government level shall exercise the rights related to the lands owned by the GOS in Darfur.

185. All displaced persons and other persons arbitrarily or unlawfully deprived of their lawful possessions or rights to land shall have their possession and rights restored and shall be compensated adequately and promptly for the losses or damages sustained during the period of deprivation.

186. Mechanisms shall be established to ensure the sustainable management and use of lands and other natural resources. All citizens affected by land development and natural resources utilisation shall be consulted and their views taken into consideration. Individuals whose property or means of livelihood have been adversely affected because of the development and exploitation of natural resources shall be entitled to adequate and prompt compensation.

ARTICLE 34: LAND TRADITIONAL AND HISTORICAL RIGHTS

187. Land ownership regulation and use and exercise of land rights are concurrent powers which shall be exercised at the appropriate government level.

188. Tribal traditional land ownership rights (hawakeer), historical rights to land, traditional and customary livestock routes and access to water sources shall be recognised and protected. All relevant levels of Government shall initiate and complete a process to progressively amend relevant laws to incorporate customary laws, in accordance with international trends and practices. To protect the traditional heritage, the closed traditional and customary livestock routes shall be re-opened, whenever possible, or alternative routes shall be demarcated.

189. Land laws amended in accordance with paragraph 188 shall recognise and protect the historical, traditional and customary rights to land.

190. No individual or group of individuals shall be deprived of any traditional or historical rights to land or of the right to have access to water sources without consulting and compensating them in a prompt and adequate manner.

191. Without prejudice to the jurisdiction of the courts, the Darfur Land Commission (DLC) shall address land traditional and historical rights, review land management and use and natural resources development.

ARTICLE 35: LOCAL COMMUNITIES' LANDS

192. The Federal and State Governments may develop communities' lands in good-faith consultation with the participation of the local communities that have rights to those lands. The community shall be entitled to receive an equitable share of the revenue accruing from the development of those lands; alternatively the affected community shall be compensated in kind and/or in cash.

193. The Federal and State Governments may act on or develop any land belonging to the local communities provided that such an action or development is in conformity with the

Development Plan set in accordance with the Land Use Mapping Database established in accordance with Article 38.

ARTICLE 36: LAND ALLOTMENT

194. Individuals in the local communities may register their customarily owned land as their own. The registration shall be free, if possible, and, if not, shall be for a reduced fee and shall be coupled with facilitated procedures and campaigns for raising public awareness.

ARTICLE 37: LAND PLANNING ANH SUSTAINABLE DEVELOPMENT

195. Land planning and sustainable development shall be subject to the following:

- i. Recognition of traditional rights (including hawakeer) and historical rights to land to ensure the safe and sustainable basis to livelihood and development in Darfur;
- ii. Development of sustainable land system and resolution of disputes resulting from competition inland use;
- iii. Land planning in Darfur shall be based on the outcomes of the Land Use Mapping Database in terms of the following usage:
 - a) Housing;
 - b) Agriculture;
 - c) Grazing;
 - d) Mining;
 - e) Industrial development, including foreign investments;
 - f) Natural reserves;
 - g) Seasonal transhumance (routes , pastures etc..);
 - h) Forests reserves and afforestation.

ARTICLE 38: THE DARFUR LAND COMMISSION

196. The Darfur Land Commission shall be established. The DLC Council shall be composed of representatives of the Federal Government, the DRA, DSG, Native Administration and local experts. The membership shall reflect land use interests in Darfur. In making recommendations on land planning and development, the Council shall consult individuals whose rights are affected.

197. The DLC shall develop the Darfur States Land Use Mapping Database and shall submit it as a recommendation to the Darfur State Legislatures for their adoption and then to the DRA Council for final approval. This Database shall be reviewed every five years.

198. The DLC shall apply a system of planning for the use and development of land and natural resources that is aimed at the following:

- i. Sound management, development and protection of the natural resources, including agricultural lands, protected natural reserves, forests and minerals, waters, towns and villages with a view to promoting the local communities' social and economic welfare and the establishment and the preservation of a better environment;
- ii. Development and coordination of the organised economic exploitation of lands and natural resources;
- iii. Sustainable development;
- iv. Protection of cultural heritage;
- v. Protection, provision, and coordination of telecommunication, transport and other relevant services;
- vi. Allocation of land for public purposes;
- vii. Provision and coordination of social services and facilities;
- viii. Environmental protection, including the protection of flora and fauna, endangered species and natural reserves;
- ix. Reclamation of eroded land and development of programmes to combat desertification, including reforestation and afforestation;
- x. Enhancement of shared responsibility for environmental planning among various government levels in Darfur;
- xi. Creation of opportunities for public participation in environmental planning and assessment;
- xii. Creation of opportunities for consultation with all persons affected by land and natural

resources development plans;

xiii. Approval of adequate and prompt compensation for individuals whose means of livelihood or properties are adversely affected as a result of decisions related to land and natural resources development and planning.

199. Local communities or individuals whose current land use or means of livelihood are adversely affected as a result of the Land Use Mapping Database shall have the right to be promptly and adequately compensated.

200. The DLC shall:

- i. Be independent and impartial;
- ii. Develop its rules of procedure and submit them to the DRA for approval;
- iii. Have access to all land records;
- iv. Discharge its functions expeditiously;
- v. Make all appropriate arrangements to ensure full and effective participation by all affected individuals and local communities in its procedures;
- vi. Submit an annual report to the DRA and the Darfur State Governments on its activities in its annual budget;
- vii. Ensure that the membership, recruitment and conditions of service in the Commission, in accordance with law;
- viii. Take into consideration traditional and historical rights to land.

201. Without prejudice to the jurisdiction of courts, the DLC shall perform the following additional functions:

- i. Arbitration on land rights disputes;
- ii. Submission of recommendations to the appropriate government level on the recognition of traditional and historical rights to land;
- iii. Assessment of appropriate compensation in connection with the applications submitted to it. Such compensation may not necessarily be limited to financial compensation;
- iv. Advising the different levels of government on how to coordinate policies on projects of the Darfur State Governments affecting land or land rights, taking into consideration the Land Use Mapping Database;
- v. Establishment and maintenance of records on land use;
- vi. Undertaking research on land ownership and use;
- vii. Reviewing the current mechanisms for the regulation of land use and making recommendations to the competent authorities on necessary changes, including the restoration of land rights to their owners or payment of compensation to them.

202. While performing its arbitration functions, the DLC shall have the authority to receive applications and may, with the agreement of parties in dispute, apply customary and traditional laws or principles of justice and equity. The arbitration decision shall be binding upon the parties in dispute and it may be enforced by a competent court.

203. Without prejudice to the jurisdiction of the courts, parties to land disputes shall be encouraged to exhaust traditional methods of dispute settlement, including arbitration, before going to court.

204. The DLC shall respect the decisions made by institutions or entities authorised in Chapter IV of this Agreement to make decisions on lands owned by displaced persons, refugees and other conflict affected individuals.

205. The National Land Commission (NLC) and the DLC shall cooperate and coordinate their activities so as to use their resources effectively. Without placing restrictions on coordination issues, the NLC and the DLC shall agree on the following:

- i. Sharing information and decisions;
- ii. Delegating certain functions of the NLC, including data collection and research, to the DLC;
- iii. Removing any contradiction between the results and recommendations made by the two Commissions;

206. The DLC shall be a permanent member of the NLC.

207. In the event of a conflict between the results and recommendations of the NLC and those of the DLC, the two Commissions shall endeavour to reconcile their positions. Failing this, the issue shall be referred to the Constitutional Court for decision.

ARTICLE 39: MAJOR DEVELOPMENT PROJECTS

208. The DRA Council and the Darfur States Legislative Councils may, in exceptional circumstances, empower the DSG to enter into agreements to implement major development projects which may not be in conformity with any plan for land use or planning legislation. However, DSG may seek to obtain this mandate only if the proposed agreement contains detailed provisions explaining the following:

- i. A clear definition of the proposed project;
- ii. The procedures to be adopted, in accordance with the agreement, to protect the environment;
- iii. The steps to be taken to undertake consultations with all those communities and individuals whose interests are adversely affected by the proposed development project;
- iv. The benefits expected for local communities and the Darfur population;
- v. The compensation to be made to communities and individuals whose properties or means of livelihood are adversely affected by the agreement, with clarification of whether they have consented to the compensation specified.

The Land Use Mapping Database or the legislation on planning shall be amended accordingly.

ARTICLE 40: NATURAL RESOURCES

209. In planning for the management and development of natural resources, the DLC shall be committed to sustainable utilisation of such resources taking into account the following:

- i. The national interest and the public good;
- ii. The interest of the States and areas concerned;
- iii. The interests of the local populations in areas concerned;
- iv. The national and Darfur States environmental policies, biodiversity conservation guidelines and cultural heritage protection principles;
- v. Rights to land, including customary and traditional rights;
- vi. Internationally recognised standards and environmental friendly methods in mining and natural resources development.

210. Consultations shall be held with the land right holders and their views shall be taken into consideration when decisions are made in relation to the exploitation of subsoil resources in areas in which they have rights.

211. Individuals holding land rights shall be entitled to compensation on adequate and prompt basis in the event their land property is expropriated or exploited to develop natural resources.

212. The GoS shall enable the people of Darfur to be represented through their State Governments in all phases of decision making relating to the development and exploitation of natural resources in Darfur. This shall include the procedures for negotiating, concluding and managing contracts. The benefits to local communities affected by the development shall be taken into account.

ARTICLE 41: MANAGEMENT AND DEVELOPMENT OF THE PETROLEUM SECTOR

213. The management and development of the petroleum sector shall be based, inter alia, on the following:

- i. The optimal exploitation of oil as a non-renewable natural resource in accordance with:
 - a) The national interest and the public good;
 - b) The interest of the States concerned;
 - c) The interest of the population in the areas concerned;
 - d) The national and Darfur states environment policies, biodiversity conservation guidelines, cultural heritage protection principles, including the adoption and observation of international technical and safety standards.
- ii. Enabling the appropriate levels of government in Darfur, in cooperation with the relevant local communities, to participate in the development and management of oil at different stages;
- iii. Creating a conducive environment to attract foreign direct investment in Darfur;
- iv. Undertaking consultations with land rights holders in Darfur and taking into account their opinions when making investment decisions on oil resources in the relevant areas;
- v. Individuals holding land rights shall be entitled to compensation on an adequate and basis in the event their land property is expropriated or exploited to develop oil resource.

214. The State in which investment in the oil sector will take place shall be represented by three non-permanent members in the National Petroleum Commission in order to participate in the negotiation and the conclusion of the relevant contracts, and make sure that the provisions of those contracts are consistent with the principles, policies and directives of the Commission.

215. 2% of oil revenue shall be allocated to the oil-producing State. That State may negotiate a higher percentage.

ARTICLE 52: HOUSING, LAND AND PROPERTY RESTITUTION

260. IDPs and refugees have the right to have their houses, land and properties which they were unlawfully deprived of, restored to them. In the event that recovery of such property is not possible, they shall be entitled to compensation, in accordance with international principles.

261. This right applies to IDPs and refugees whether they choose to return to their place of origin or to resettle elsewhere.

262. The PCRC shall ensure that IDPs and refugees have their houses, land and property restored to them.

266. No person or group of persons shall be deprived of any traditional or historical right in respect to land or access to water without consent or prompt and adequate compensation.

302. Compensation/*Jabr Al-Darar* for loss of housing, land and property shall be addressed through the procedures set out in Article 53.

ARTICLE 58: TRUTH AND RECONCILIATION GENERAL PROVISIONS

305. In order to foster reconciliation, the Parties agree to address the following causes of the conflict:

- i. Environmental degradation and dispute over access to natural resources;
- ii. Tensions among local communities;
- iii. Weakness of the Native Administration;
- iv. Conflict over land, hawakeer and nomadic routes;

307. The Parties agree that there shall be a reconciliation process aimed at:

- viii. Encouraging respect for nomadic routes in order to stabilize relations and reduce tensions and farmers;

among herders

TRUTH AND RECONCILIATION COMMITTEE

316. The Truth and Reconciliation Committee shall assess the root causes of the conflict in Darfur, investigate violations, crimes and human rights abuses including violations of economic, social and cultural rights committed from February 2003, address issues of impunity and build a culture of confidence, peace and reconciliation.

ARTICLE 60: AMNESTY

330. The Parties agree that war crimes, crimes against humanity, crimes of genocide, crimes of sexual violence, and gross violations of human rights and humanitarian law⁵ shall not be included in the scope of application of the amnesty.

Draft implementation timetable

B. Wealth sharing

12. Adoption and implementation of integrated projects for the development, stability and settlement of nomads, raising the productivity of this sector and regulating the relationship between farmers and herders to ensure security, stability and development for all. D+90 days onwards

13. Developing policies and conducting necessary studies for putting an end to environmental degradation and preserving natural resources. D+90 days onwards

17. Promoting research and development, especially in the development of technology in the areas of agriculture, animal husbandry, small industries and handicrafts, mining, environment and energy, with a focus on renewable energies. D+90 days onwards

⁵ The war crime of pillage is not explicitly referenced here.

48. Gradual amendment of laws to include the rights to the land and their uses in accordance with the customs, traditions and legacies in the ownership of land, the livestock routes and access to water sources. And enabling the people to register the land customarily owned by them as their own lands. D+120 days onwards

49. Restoration of the lands — which were granted under the investment laws and whose owners breached the conditions under which they were granted — to the status quo ante. D+120 days onwards

50. Preparation of the plan of Darfur Land Use Mapping Database and its outcomes. D+180 days onwards

51. Adoption of recommendations and the plan of Darfur Land Use Mapping Database in the legislative bodies in Darfur States. D+2yrs

DRAFT

Outcome Documents from the Conclusion of the Kampala Dialogue between the
Government of the Democratic Republic of the Congo and the M23
2013 (24 pages)

Annex 1

**DECLARATION OF THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO AT THE
END OF THE KAMPALA TALKS
THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO**

8. National Reconciliation and Justice

8.1. The Government commits itself to establish a National Reconciliation Commission whose task shall be:
(iii) to settle or resolve interethnic conflicts, including land conflicts;

9. Governance and socio-economic reforms

In accordance with the Framework Agreement of 24 February 2013, the Government reaffirms its determination to pursue the implementation of structural and institutional reforms, including reforms of the security sector, public administration, public finance, the justice system, natural resources management and the implementation of decentralization, and to put into effect the conditions for local governance as laid down in the Constitution and by the laws in force, notably the provision allocating 40% of national revenue to the provinces.

DRAFT

Comprehensive Agreement on the Bangsamoro

2014 (5 pages)

No mention,

But refers to **2012 Framework Agreement on the Bangsamoro**
(15 pages)

IV. REVENUE GENERATION AND WEALTH SHARING

2. Consistent with the Bangsamoro Basic Law, the Bangsamoro will have the power to create its own sources of revenues and to levy taxes, fees, and charges, subject to limitations as may be mutually agreed upon by the Parties. This power shall include the power to determine tax bases and tax rates, guided by the principles of devolution of power, equalization, equity, accountability, administrative simplicity, harmonization, economic efficiency, and fiscal autonomy.

4. The Bangsamoro shall have a just and equitable share in the revenues generated through the exploration, development or utilization of natural resources obtaining in all the areas/territories, land or water, covered by and within the jurisdiction of the Bangsamoro, in accordance with the formula agreed upon by the Parties.

5. The Bangsamoro may create its own auditing body and procedures for accountability over revenues and other funds generated within or by the region from external sources. This shall be without prejudice to the power, authority and duty of the national Commission on Audit to examine, audit and settle all accounts pertaining to the revenues and the use of funds and property owned and held in trust by any government instrumentality, including GOCCs.

6. The details of revenue and wealth sharing arrangements between the Central Government and the Bangsamoro Government shall be agreed upon by the Parties. The Annex on Wealth Sharing shall form part of this Agreement.

7. There shall be an intergovernmental fiscal policy board composed of representatives of the Bangsamoro and the Central Government in order to address revenue imbalances and fluctuations in regional financial needs and revenue-raising capacity. The Board shall meet at least once in six (6) months to determine necessary fiscal policy adjustments, subject to the principles of intergovernmental relations mutually agreed upon by both Parties. Once full fiscal autonomy has been achieved by the Bangsamoro then it may no longer be necessary to have a representative from the Central Government to sit in the Board. Fiscal autonomy shall mean eneration and budgeting of the Bangsamoro's

8. The Parties agree that sustainable development is crucial in protecting and improving the quality of life of the Bangsamoro people. To this end, the Bangsamoro shall develop a comprehensive framework for sustainable development through the proper conservation, utilization and development of natural resources. For efficient coordination and assistance, the Bangsamoro legislative body shall create, by law, an intergovernmental body composed of representatives of the Bangsamoro and the Central Government, which shall ensure the harmonization of environmental and developmental plans, as well as formulate common environmental objectives.

VI BASIC RIGHTS

3. Indigenous peoples' rights shall be respected.

ANNEX ON REVENUE GENERATION & WEALTH SHARING

2013 (8 pages)

VII. Natural Resources

Government income derived from the exploration, development and utilization of all natural resources within the Bangsamoro shall be allocated as follows:

1. With respect to non-metallic minerals (sand, gravel, and quarry re-sources) within the Bangsamoro, such revenues shall pertain to the Bangsamoro and its local government units.
2. With respect to metallic minerals within the Bangsamoro, seventy-five percent (75%) of such revenues shall pertain to the Bangsamoro.
3. With respect to fossil fuels (petroleum, natural gas, and coal) and uranium, the same shall be shared equally between the Central and Bangsamoro governments. Both Parties shall endeavor to provide for a review mechanism in the Basic Law with regard to this sharing arrangement.

The shares of the Bangsamoro above shall include those for its constituent local government units, as shall be provided by law.

The Bangsamoro Sustainable Development Body referred to in the Framework Agreement (Part IV, Sec. 8) shall get funding support from the proceeds of the revenues collected from these sources.

ANNEX POWER SHARING

2013 (12 pages)

III. The Bangsamoro Government shall have exclusive powers that it exercises within its territorial jurisdiction, over the following matters:

1. Agriculture, livestock and food security;

27. Customary laws;

29. Ancestral domain and natural resources;

30. Protection of the rights of the indigenous peoples in the Bangsamoro in accordance with the United Nations Declaration on the Rights of Indigenous Peoples and taking into account, in addition to economic and geographical criteria, their individual and communal property rights, cultural integrity, customary beliefs, historical and community traditions;

31 Land management, land distribution, and agricultural land use reclassification — The classification of public lands into alienable and disposable lands shall be initiated and recommended by the Bangsamoro Government to the President for the timely implementation of Bangsamoro development plan and targets;

32. Cadastral land survey The Bangsamoro Government shall have the authority to conduct cadastral surveys, lot surveys, and isolated and special surveys in the Bangsamoro. The Bangsamoro Government shall furnish the results of these surveys to, and coordinate with, relevant Central Government agencies to effect inclusion into the national cadastral survey;

3.3. Expropriation and eminent domain;

34. Environment, parks, forest management, wildlife nature reserves and conservation — The Bangsamoro Government shall have the authority to protect and manage the environment. It shall have the power to declare nature reserves and aquatic parks, forests, and watershed reservations, and other protected areas in the Bangsamoro. The Bangsamoro Basic Law will provide for the process that will transfer the management of national reserves and aquatic parks, forests and watershed reservations and other protected areas already defined by and under the authority of the Central Government:

36. Inland waters;

37. Management, regulation and conservation of all fishery, marine and aquatic resources within the Bangsamoro territorial jurisdiction;

53. Water supplies and services, flood control and irrigation systems in the Bangsamoro — With regard to water supplies and services, flood control and irrigation systems that connect to or from facilities outside the Bangsamoro, there shall be cooperation and coordination between the Bangsamoro Government and the appropriate Central or local government bodies;

2. Mineral and Energy Resources

The Bangsamoro Government shall have authority and jurisdiction over the exploration, development and utilization of mines and mineral in its territory....The Bangsamoro Samoro Government and the Central Government shall jointly exercise the power to grant rights, privileges and concessions over the exploration, development and utilization of fossil fuels (petroleum, natural gas, and coal) and uranium in the Bangsamoro, giving preferential rights to qualified citizens who are bona fide inhabitants of the Bangsamoro. The modalities for the exercise of this power shall be provided in the Bangsamoro Basic Law. Implementing rules and regulations for the exercise of this power, including safeguards against potential unfair business practices, shall be jointly drawn up.