



**Land 2.1 – Land Regulation**

Protocol from CPA		Interim National Constitution	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution
<b>Wealth Sharing Agreement</b>	<p><b>2.0 OWNERSHIP OF LAND AND NATURAL RESOURCES</b></p> <p>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.</p> <p>2.2. The Parties agree that the regulation, management, and the process for the sharing of wealth from subterranean natural resources are addressed below.</p> <p>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.</p> <p>2.4. Rights in land owned by the Government of Sudan shall be exercised through the appropriate or designated levels of Government.</p> <p>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.</p>	<p><b>186. Land Regulation</b></p> <p>(1) The regulation of land tenure, usage and exercise of rights thereon shall be a concurrent competence, exercised at the appropriate level of government.</p> <p>(2) Rights in land owned by the Government of the Sudan shall be exercised through the appropriate or designated level of Government.</p> <p>(3) All levels of government shall institute a process to progressively develop and amend the relevant laws to incorporate customary laws, practices, local heritage and international trends and practices.</p>	<p><b>94. Regulation of Land</b></p> <p>1. The law shall regulate the possession and exploitation of land in the State and the exercise of rights thereon.</p> <p>2. The State shall undertake to exercise the rights possessed by the Government of Sudan under Article 186 (2) of the Interim National Constitution of 2005.</p> <p>3. The State shall initiate gradual procedures and measures to develop land laws that cover customary law practices, local heritage, and international trends and practices.</p>	<p><b>120. Regulation of Land</b></p> <p>1. The law shall regulate the possession and exploitation of land in the State and the exercise of rights thereon.</p> <p>2. The State Government shall undertake to exercise the rights possessed by the Government of Sudan under Article 186 (2) of the Interim National Constitution.</p> <p>3. The State shall initiate gradual procedures and measures to develop and amend land laws that cover customary law practices, local heritage, and international trends and practices.</p>



**Land 2.2 – Land Commissions**

CPA Protocol	Sudan Interim Constitution	CPA Protocol	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution
Wealth Sharing Agreement		Southern Kordofan/Blue Nile Protocol		
<p><b>National Land Commission</b></p> <p>2.6 Without prejudice to the jurisdiction of courts, there shall be established a National Land Commission that shall have the following functions:</p> <p>2.6.1 Arbitrate between willing contending Parties on claims over land, and sort out such claims.</p> <p>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.</p> <p>2.6.3 The National Land Commission may at its discretion entertain such claims.</p> <p>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.</p> <p>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.</p> <p>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:</p> <p>2.6.6.1 Land reform policies;</p> <p>2.6.6.2 Recognition of customary land rights and/or law.</p>	<p><b>187. National Land Commission</b></p> <p>(1) Without prejudice to the jurisdiction of the courts, there shall be established a National Land Commission that shall have the following functions:-</p> <p>(a) arbitrate between willing contending parties on claims over land, (b) entertain claims, at its discretion, in respect of land, be they against the relevant government or other parties interested in the land. The parties to the arbitration shall be bound by the decision of the Commission on the basis of mutual consent and upon registration of the award in a court of law,</p> <p>(c) enforce the law applicable to the locality where the land is situated or such other law as the parties to the arbitration agree, including principles of equity,</p> <p>(d) accept references on request from the relevant government or in the process of resolving claims, make recommendations to the appropriate level of government concerning land reform policies and recognition of customary rights or customary land law,</p> <p>(e) assess appropriate land compensation including but not</p>	<p><b>9. State Land Commission:</b></p> <p>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.</p> <p>9.2. Rights in land owned by the National Government within the State shall be exercised through the appropriate or designated level of government.</p> <p>9.3. There shall be established a State Land Commission in the State of Southern Kordofan/Nuba Mountains and Blue Nile, respectively.</p> <p>9.4. The State Land Commission shall be composed of persons from the State concerned.</p> <p>9.5. The State Land Commission shall exercise all the powers of the National Land Commission at the State level.</p> <p>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.</p>	<p><b>95. Land Commission</b></p> <p>1. A State Land Commission shall be established by law. It shall comprise persons with expertise and competence in the State. It shall exercise all the authorities of the National Land Commission at the State level.</p> <p>2. The State Land Commission shall review the use of land contracts and shall examine current criteria for the allocation of land. It shall</p>	<p><b>121. Land Commission</b></p> <p>1. A State Land Commission shall be established and formed by the State Council of Ministers. The commission shall have the following functions:</p> <p>a. Regulation of the possession of, use of, and exercise of rights on land in coordination with the National Land Commission.</p> <p>b. Exercise of rights on land owned by the National Government in the State through the appropriate level of government.</p> <p>c. Exercise of all rights of the National Land Commission at the State level.</p> <p>d. Formulation of terms for the leasing of state land, review of current land lease contracts, examination of land allocation criteria, and provision of recommendations to the state authorities regarding changes it deems necessary, including affirmation of the right to possess and be compensated for land.</p> <p>2. The State Land Commission shall cooperate with the National Land</p>



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<b>CPA Protocol</b>	<b>Sudan Interim Constitution</b>	<b>CPA Protocol</b>	<b>Blue Nile Interim Constitution</b>	<b>Southern Kordofan Interim Constitution</b>
<b>Wealth Sharing Agreement</b>		<b>Southern Kordofan/Blue Nile Protocol</b>		
<p>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.</p> <p>2.6.8 Advise different levels of government on how to co-ordinate policies on national projects.</p> <p>2.6.9 Study and record land use practices in areas where natural resource exploitation occurs.</p> <p>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.</p> <p>2.6.11 The National Land Commission may conduct hearings and formulate its own rules of procedure.</p> <p>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.</p>	<p>limited to monetary compensation, for applicants in the course of arbitration or in the course of a reference from a court,</p> <p>(f) advise different levels of government on how to coordinate policies on national projects affecting land or land rights,</p> <p>(g) study and record land use practices in areas where natural resource development occurs,</p> <p>(h) conduct hearings and formulate its own rules of procedure,</p> <p>(2) The National Land Commission shall be independent and representative of all levels of government.</p> <p>(3) Membership, appointment, terms and conditions of service of the National Land Commission shall be regulated by law. The Chairperson of the National Land Commission shall be appointed by the President of the Republic with the consent of the First Vice President.</p> <p>(4) The National Land Commission shall be accountable to the Presidency which shall approve the budget of the Commission.</p>	<p>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:-</p> <p>9.7.1. To exchange information and decisions of each Commission;</p> <p>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</p> <p>9.7.3. On the way in which any conflict between the findings or recommendations of each Commission may be resolved.</p> <p>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.</p>	<p>recommend changes that it deems essential to the State authorities, including affirmation of, or compensation for, land rights.</p> <p>3. The State Land Commission shall cooperate with the National Land Commission in coordinating their activities for the efficient use of their lands.</p> <p>4. The State Land Commission shall be responsible to the Governor.</p>	<p>Commission in coordinating their activities for the efficient use of their lands. The two commissions may agree to:</p> <p>a. Exchange of information and decisions issued by each commission.</p> <p>b. The State Land Commission’s undertaking of several, specific functions of the National Land Commission regarding data and research.</p> <p>c. The resolution of any dispute that may arise due to conflicting information or recommendations.</p> <p>3. Should the two the national and state commissions issue conflicting results and recommendations that cannot be reconciled by an agreement between them, the matter shall be referred to the Constitutional Court for a decision thereon.</p> <p>4. Prior to elections, the land commission shall comprise members in the following proportions: 55 percent National Congress and 45 percent Sudan People’s Liberation Movement.</p>



**Land Reform 2.3 – Oil Management**

		<b>Blue Nile Interim Constitution</b>	<b>Southern Kordofan Interim Constitution</b>
<p style="text-align: center;"><b>Protocol from CPA</b></p> <p><b>Wealth Sharing Agreement</b></p> <p><b>A. Guiding Principles for the management and development of the petroleum sector</b>            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;            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.</p>	<p><b>190. The Framework for Petroleum Management</b>            The basis for a definitive framework for the management and development of the petroleum sector shall include:-            (a) sustainable utilization of oil as a non-renewable natural resource consistent with:-            (i) the national interest and the public good,            (ii) the interest of the affected states,            (iii) the interest of the local population in affected areas,            (iv) national environmental policies, biodiversity conservation guidelines and cultural heritage protection principles,            (b) 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,            (c) 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,            (d) 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. They shall share in the benefits of that development,            (e) persons enjoying rights in land are entitled to equitable 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,            (f) the communities in whose areas development of subterranean natural resources occurs have the right to participate, through their respective states, in the negotiation of contracts for the development of those resources,            (g) regardless of the contention over the ownership of land and associated natural resources, there shall be a framework for the regulation and management of petroleum development in the Sudan during the Interim Period.</p>	<p>None</p>	<p>None</p>