

## C. Sudan

### 1. Background

A group from the Max Planck Institute has been supporting the peace process since 2002, as well as the transformation process following South Sudan's independence in 2011. The initiative came from Prof. Wolfrum, who simultaneously offered the expertise of the Max Planck Institute for Comparative Public Law and International Law to both the government of Sudan and the leadership of the Sudan's People Liberation Movement (SPLM).



*Train the Trainers Workshop in Khartoum*

## 2. Projects

### a. Constitutional advice

The background of this initiative was that, at the start of 2002, the peace negotiations between the national government (Government of Sudan, GoS) and the SPLM had stalled. These negotiations were initiated by the regional development organisation IGAD (Intergovernmental Authority on Development) and were aimed at ending the civil war which had lasted more than 20 years. In mid-2002, the talks were restarted and, following tough negotiations, resulted in six peace protocols, which are essential features of the peace agreement which was signed on 9 January 2005.

The neutral legal advice offered by the team from the Max Planck Institute in relation to constitutional questions facilitated bringing both parties together at the negotiation table and also aided them in formulating the political compromises that were settled upon in a constitutional text.

### **Discussion of key questions about a future Sudanese constitution with civil society**

In April 2002, Prof. Wolfrum initiated a dialogue with both parties of the civil war for the development of a draft framework for a future common constitution. This was done with support from Dr. Christoph Jaeger, the former UN coordinator and UNDP representative in Sudan. During the preparation of this proposal, the aspirations of civil society were ascertained through a series of workshops so that the draft document would not only reflect the interests of the parties of the civil war, but also those of the wider public.

This approach was implemented by holding eight workshops. Four of these were held in Khartoum and, in South Sudan, two were held in Rumbek and two in Yei. The main themes, amongst others, were “state and religion”, “self-determination and referendum” and the division of

resources. The information gained from this process formed an important part of the discussions held at the "Heidelberg Dialogue".

### **Heidelberg Dialogue: Creation of a draft constitution based on the Machakos Peace Protocol**

In November 2002, representatives of both parties of the civil war met in Heidelberg in order to work out an initial draft constitution for a peaceful Sudan. The dialogue was presided over by Prof. Wolfrum and recognised international experts. Although there was still no comprehensive peace agreement at this point in time there was, however, an initial partial agreement in the form of the Machakos Peace Protocol.

The delegation of the GoS (Government of Sudan) consisted of the former president of the Supreme Court of Sudan, the deputy chairperson of the Sudan Bar Association, an ambassador as well as the General Secretary of the Peace Commission, who is answerable to the President. The SPLM was represented by their deputy advocate-general, their designated representatives for legal questions and constitution development and by one further lawyer. The mediation team of international legal experts was led by Prof. Wolfrum who was accompanied by Prof. T. Mensah (Ghana), Prof. F. Morrison (USA), Senator Dr. Majali (Jordan), Prof. Rémy Granger (France), A. Aust (Great Britain), Prof. R. Kahn (India) and Ambassador J. Bucher (Switzerland).

During the dialogue with the two civil war parties in Heidelberg, integral elements of the Draft Legal and Constitutional Framework for the Interim Period were successfully developed. The text encompassed the legal basis for a federal Sudanese state for the interim period between the signing of a peace treaty and a referendum on the secession of the south from the north of the country.

The fragmented content of the Machakos Peace Protocol was put into more concrete terms, expanded upon and changed into the form of a constitution. The GoS delegation insisted that the gaps in the text be filled with content from the 1998 constitution which contained strongly Muslim

elements. The SPLM rejected this demand. Some difficulties arose from the broadly defined wording of the Machakos Peace Protocol. Many of the text's passages were intentionally formulated with "constructive ambiguity". This made it possible for both sides to read their own ideas for a future constitutional framework into the text. Representatives of the GoS wished that the previous structures of the constitution be retained as much as possible and that the existing constitution be adapted, if need be, in those areas where it was necessitated by the peace protocol. This contradicted the ideas of the SPLM, which wanted to create a completely new framework. A text was finally produced that was broadly accepted by both sides.

Subject areas discussed included the relationship between the state and religion, fundamental and human rights, the separation of powers, the status of South Sudan, national jurisdiction, equalisation payments, self-determination and the procedures for the adoption and amendment of the constitution. In relation to all these areas it was possible to produce a text which was, for the most part, consolidated. It was necessary, however, to leave other points to future peace negotiations.

Many formulations and results which were achieved at the Heidelberg Dialogue can also be found in the Naivasha Protocols, in particular in the Power Sharing Agreement.

### **Workshop on the different forms of decentralisation**

Through the Comprehensive Peace Agreement (CPA) which was reached in January 2005, Sudan attained an asymmetrical federal state structure. Nonetheless, the word "federal" was not used during the negotiations due to historical reasons. For this reason, substitute terms principally associated with decentralised states were used in the agreement text.

In February 2005, a workshop was held for the lawyers of the SPLM and a further workshop was held in April for the staff of the Ministry of Justice in order to inform the respective parties about the different forms of decentralisation and decentralised state structures while also clarifying the

distinctive characteristics of a federal system. This was done by taking an approach of comparative legal analysis.

### **Development of a draft constitution for South Sudan**

In accordance with the structure resulting from the CPA, the ten southern states of Sudan's total 25 states attained an additional level of government in the form of the Regional Government of South Sudan (Government of South Sudan, GoSS). Following the request of the SPLM, the Max Planck Institute developed an appropriate draft constitution.

The terms of reference of the peace treaty provided a solid framework which was expanded upon in Heidelberg. The rough draft was discussed in workshops with Sudanese lawyers and amended in accordance with further suggestions. The first workshop was held with lawyers of the SPLM in Heidelberg. In order to provide the draft with a broader foundation, additional workshops were held in Khartoum and Nairobi with South Sudanese lawyers who were not associated with the SPLM. The result was a draft constitution text which contained various options for specific regulations and which was the main basis for the constitutional negotiations in South Sudan. A large amount of the content of the text was also present in the Interim Constitution of South Sudan (ICSS) which was put forward in the South Sudanese parliament.

Prior to the final reading of the draft constitution by the South Sudanese constituent assembly in September 2005, the text was reviewed by experts from the team in order to verify its compatibility with the Interim National Constitution (INC). During this process, most of the proposals were adopted.

### **b. Legislative advice**

After the INC and the ICSS had come into force in 2005, the projects focused on supporting the Sudanese partners in the implementation of the

constitutional framework. Amongst other things, advice was given to Sudanese legislative institutions in relation to constitutional and international law in this context.

The Max Planck Institute team organised workshops on the formulation of laws for officials from both the Ministry of Justice (MoJ) and from the South Sudanese Ministry of Legal Affairs and Constitutional Development. (MoLACD). In these workshops, constitutional requirements were especially emphasised. Along with linguistic and technical aspects, the vertical division of powers and the distribution of competencies between the different levels of government in Sudan were central themes of this training. Two additional workshops for the SPLM working group focused on the functions and structures of the regional level of government and the drafting of a local government act.

Following the request of the Advocate-General of the MoJ, the constitutionality of the laws, which were adopted before and after the INC came into force, was also examined. Items commented on and discussed with the South Sudanese partners included the press and media act of 2005, the human rights commission bill of 2005, the political party law bill of 2006 as well as the electoral law bill.

### **c. Advising of Sudanese institutions**

The Max Planck Institute team advised Sudanese institutions on the implementation of the constitutional framework at their request.

### **Educational trip for members of the National Judicial Service Commission**

While on an educational trip, which was financed by the team and the UNDP, members of the National Judicial Service Commission visited numerous German institutions in order to learn about the structure of judicial administration in Germany. The members of the South Sudanese

delegation were intensively prepared in advance, with lectures at the Max Planck Institute for Comparative Public Law and International Law. These lectures dealt with the German legal and judicial system as well as with Germany's federal structure. The results of the comparative group discussions with the South Sudanese participants were summarised in a handbook on the legal system and judicial administration in Germany and Sudan.

#### **Workshop on the terms of reference of the INC for staff of the MoJ**

According to Article 226 (8) of the INC, the MoJ was charged with examining the compatibility of the ICSS and the constitutions of individual constituent states with the INC.

The MoJ requested the team to hold a group discussion on the subject matter scope of this mandate with the MoJ officials responsible for it. This led to intensive dialogue about the provisions of the INC, their legal consequences for the ICSS and for the constitutions of individual constituent states.

#### **d. Further training programme for Sudanese lawyers**

Sudanese lawyers from different governmental and state institutions and the judiciary play a fundamental role in the implementation of South Sudanese constitutional law. For this reason, the Max Planck Institute ran programmes to increase their capacities. The aim of these programmes was to familiarise the members of civil society with the contents of the interim constitution. Federal structure, the primacy of the constitution and the guarantees on human rights fixed in the constitution were and remain of central importance to the implementation of the Comprehensive Peace Agreement between North and South Sudan.

### **Research visits by representatives from the National Ministry of Justice**

In 2005, two visits to Heidelberg for research purposes were facilitated for staff of the MoJ. The research visits were overseen by the Max Planck Institute and were financed by the Max Planck Society. The Sudanese participants were supervised by Prof. Wolfrum and team members.

During his research visit, Shazali Mustafa Elhaj investigated the distribution of competencies in federal systems. His area of focus was the comparison of regulations for competing and other competencies in a federal context. On this basis, he analysed potential problems in the terms of reference of the INC and developed recommendations for improving cooperation between the different levels of government in order to avoid disputes. After his return to Sudan, it was possible for the MoJ to draw on his expertise in the area of competing competencies.

A research visit was also organised for Hamid Mohammed Elhassan El Sayed to the International Criminal Court. In accordance with the recommendation of the International Commission of Inquiry on Darfur, which was set up to investigate violations of international law and of human rights in the region, the UN Security Council brought the situation in Darfur before the ICC with the passing of resolution 1593 on the basis of Article 13(b) of the Statute of the ICC. The ICC is thus responsible for dealing with international crimes which were committed during the Darfur conflict since 1 July 2002, even though Sudan is not a signatory state of the Rome Statute.

The research programme focused on questions which are important for Sudan, the history of international criminal law (including ad hoc UN tribunals) and also the substantial and procedural law of the ICC. In addition to this, Mr. El Sayed dealt with cooperation provisions according to Part IX of the ICC Statute and the rights of suspects and defendants.

### **Further training programme on constitutional law for North and South Sudanese judges**

In December 2006, the Max Planck Institute organised a workshop on the influence of Sudanese constitutional law on the judicial system of ordinary courts in Sudan. The participants of the workshop were judges from the highest courts and courts of appeal of North and South Sudan. In the first stage of the workshop, emphasis was placed on the primacy of the constitution as well as the role of ordinary judges in maintaining the constitution. Human rights and how they influence the interpretation of ordinary laws were also discussed. The second part of the workshop dealt with the relevance of the right to a fair trial, which is guaranteed in the constitution, and considered it in relation to the pre-trial phase, the main trial phase and in relation to sentencing itself.

### **Further training programme on international and public law for judges and lawyers from South Sudan**

After the INC and ICSS came into force in 2005, there was a significant need for further training at all levels of the judiciary of South Sudan (JoSS) and the MoJSS in order to familiarise judges and ministry officials with the contents of the interim constitution and its consequences. This was particularly true in relation to the protection of human rights. The INC resulted in significant alterations to Sudan's judicial structure, particularly for South Sudan. For example, the Supreme Court of South Sudan was established. This court functions as South Sudan's highest court and as the country's constitutional court. It was not, however, responsible for the final interpretation of the INC.

Building upon the further training for judges in North and South Sudan which began in 2006, the Max Planck Institute organised a capacity-building programme. The programme, which was financed by the Dutch government, served to discuss and analyse the new South Sudanese constitutional order with both the JoSS and the GoSS as well as with the MoLACD in particular.

The human rights guaranteed in the constitution and the implications of the new constitution for the work of the judiciary branch in particular were discussed with high-ranking judges from the South Sudanese Supreme Court, from the Court of Appeals and from district courts as well as with public prosecutors and legal advisors from the MoLACD. In this context, the emphasis was placed on the relationship of the National Constitutional Court to the Supreme Court of South Sudan.

At the time of the ICC inquiry into Darfur (facilitated by UN Security Council Resolution 1593/2005), the indictment of two high-ranking members of government as well as the inquiry against the President of Sudan, the South Sudanese MoLACD requested a workshop with the Max Planck Institute in order to improve the South Sudanese judiciary's understanding of international criminal trial law. The Max Planck Institute, therefore, held a workshop on the ICC in which emphasis was placed on the situation in Darfur and the responsibility of the Sudanese government in respect to the extradition of persons possibly responsible.

Participants at the workshop included, amongst others, the Vice President of South Sudan Dr. Riek Machar, numerous cabinet ministers and state secretaries, judges from the South Sudanese Supreme Court, selected members of the South Sudanese parliament and the country's attorney general.

#### **Further training programme for Sudanese constitutional judges and South Sudanese Supreme Court judges**

In accordance with the INC, Sudan's highest court is the Constitutional Court of which six judges from North Sudan and three judges from South Sudan are members. The court's range of responsibilities is diverse and the duties with which it is charged are of special significance for securing peace in the country. The court is the final instance for interpretation of the constitution.

The Supreme Court of South Sudan is not only South Sudan's highest court of appeal, but also assumes the functions of a constitutional court of

first instance for issues related to the constitutions of individual constituent states and for the ICSS.

Because constructive cooperation between the two courts is necessary for the development of a constitutional jurisdiction in Sudan, a further training programme for constitutional judges and South Sudanese Supreme Court judges was implemented. The programme was financed by the European Union and the German Government.

The training programme for Sudanese constitutional judges consisted of two units. In the first unit, the different areas of responsibility along with the associated processes were clarified at a workshop which took place in Wad Madani in February 2006. The second unit focused on the content of potential constitutional disputes and took place in Heidelberg. In order to preserve the functionality of the Sudanese Constitutional Court, the workshop was divided into two groups, each with half of the judges. Both of the groups, which travelled to Heidelberg in July 2006 and January 2007 respectively, visited the German Federal Constitutional Court in Karlsruhe as part of the programme. The second trip was paid for by the Federal Foreign Office of Germany.

### **Workshops on Sudanese electoral rights**

In the run-up to the elections of April 2010, the Max Planck Institute organised five workshops dealing with Sudanese electoral rights. This was done with financial support from the UNDP. The workshops, which took place in Khartoum and Kassala in the north of the country and in Wau and Malakal in the south, were aimed at staff of the MoJ and the MoLACD.

The workshops served to familiarise participants with electoral rights and described legal approaches to solving potential problems. To this end, the workshops also dealt with constitutional law relevant to the elections as well as political party law and electoral law. In this context, the duties and authorities of the National Election Commission (NEC) as well as the roles of parties, the media and international election observers were discussed.

Punishable offences in relation to elections were also dealt with out of consideration for the public prosecutors who participated.

**Capacity-building programme in preparation for the independence referendum of South Sudan**

In January 2011, the people of South Sudan decided in favour of the establishment of an independent state in a referendum held under international monitoring. The secession proceeded peacefully and was undoubtedly facilitated by the newly created legal structures in Sudan. In order to avoid political destabilisation in both states, strengthening of the legal framework in both states was and still is of the utmost importance. Therefore, staff from the Africa Team discussed the legal foundations of the referendum with North and South Sudanese lawyers. In this capacity-building programme, the consequences in relation to constitutional law and international law were also discussed.

The Africa Team organised a series of workshops in both Khartoum and Juba for officials of the MoJ and the MoLACD. These workshops were financed by the Federal Foreign Office. On the basis of comparative law materials, the national and international legal consequences of the referendum were discussed along with its other possible effects. For obvious reasons these workshops had to be held with strict compliance to the principle of neutrality.

The Africa Team primarily discussed the constitutional and legislative terms of reference for the referendum with the participants at four workshops in Khartoum and three workshops in Juba. The responsibilities of the Southern Sudanese Referendum Commission and the judiciary as well as the monitoring of voting procedures were discussed in particular detail. The participants dealt with the referendum's legal consequences on an international level in addition to the legal framework on a national level. The shared use of natural resources, free movement of persons (including questions in relation to the rights of nomadic groups) and the rules of defining nationality were identified as potential areas of dispute.

In addition to this, the themes of international standards on the right to self-determination, the partition of states, political independence, territorial integrity, international recognition of new states, and the succession of states into treaties were addressed. The Africa Team explained these points and others in relation to the referendum on independence and past experiences in Czechoslovakia, Ethiopia/Eritrea, Singapore/Malaysia, the USSR, Yugoslavia and Canada.

### **Further training of lawyers and staff of the National Ministry of Justice**

The Africa Team of the Max Planck Institute has supported the further training of ministry officials of the MoJ and lawyers of the Sudanese Bar Union (SBU) since 2009. These activities were financed with funds from the Norwegian government in 2009 and 2010 and were organised in cooperation with the UNDP Sudan. A follow-up project for supporting the MoJ and the SBU started in 2011 and is being financed by the Federal Foreign Office of Germany. The project will be continued by the foundation and this continuation has already been discussed with the Sudanese minister for justice and the chairperson of the SBU.

It is planned that multiple workshops will be held over a period of 18 months in which different subject areas will be discussed with each subject area being dealt with at two consecutive workshops. This approach will make it possible for two different groups of participants of MoJ officials and of SBU lawyers to visit separate workshops which deal with the same theme.

The workshops will be organised and held by three instructors nominated by the MoJ and two instructors nominated by the SBU in cooperation with members of the Africa Team. In accordance with the requests of the Sudanese partner institutions, the workshops are to deal with questions of Sudanese constitutional law, comparative constitutional law, human rights, international law and humanitarian international law.

To this end, an introductory workshop will be organised for Sudanese instructors for each successive programme so as to familiarise them with

the didactic approach of the Max Planck Institute and to prepare them for the subsequent cooperation with the Africa Team. Following this, the Sudanese instructors will prepare the first workshops with support from members of the Africa Team. For this purpose, the instructors will prepare presentations independently and present them in front of a small group. The content of the subsequent workshops will be prepared by members of the Africa Team and the workshops themselves will be taught by team members and the Sudanese instructors together.

The emphasis of the workshops is constitutional law in general, the foundations of international law, fundamental and human rights on an international level and laws on the organisation of the Sudanese state. Matters discussed included, for example, questions about the relationship between Sharia and constitutionally guaranteed rights, questions about the meaning of restraints on fundamental rights and questions about the direct applicability of ratified international human rights treaties.

In addition to this, knowledge relating to questions on fair trials will be communicated with particular attention given to the individual rights of the defendant during different stages of a criminal procedure. Another point that will be emphasised is that of ensuring the independence of the judiciary in general and of judges in particular. Additionally, there will be an introduction to the systems of the United Nations and of other international organisations which could play an important role for the future of Sudan (e.g. the World Trade Organisation, the International Monetary Fund, The International Bank for Reconstruction and Development). The participants will be familiarised with international courts, tribunals and institutions of international arbitration. In view of the partition of the country, areas of international law were discussed which were of vital importance during the transitional period in Sudan. These areas included the emergence and recognition of new states, the succession of states to treaties, international humanitarian law and state responsibility. In addition to this, the participants deal with international environmental law, which is of great importance in view of the intensive production of oil in a society which is otherwise highly oriented towards

agriculture and has a large amount of nomadism. This is also the case because the long civil war has left serious environmental damage in its wake.

**e. The Heidelberg Darfur Dialogue**

The Darfur projects of the Max Planck Institute date back to 2006. Since this time, the Max Planck Institute has been supporting internal dialogue in Darfur's civil society in cooperation with local partners and with funds from the Federal Foreign Office and from the Max Planck Institute itself. This has been done so that representatives of civil society could make a contribution to a lasting and peaceful solution to the conflicts within Darfur and between Darfuris and the GoS. To this end, the Max Planck Institute in cooperation with the Institute for Peace Research at the University of Khartoum organised a total of three symposia with lawyers, academics and representatives of civil society. The conferences were headed by Prof. Wulfrum and Prof. Al-Tayeb Haj Ateya who were supported by a team of internationally experienced mediators. The team consisted of Dr. Kamal Hossain (Bangladesh), Prince Ra'ad bin Zeid (Jordan), Prof. T. Mensah (Ghana), Prof. T. Eitel (Germany), Prof. R. Khan (India) and Judge Tafsir Ndiaye (Senegal).

The event enabled the participants to discuss their views in relation to the future internal order of Darfur on neutral ground and to reach a consensus which could be discussed with the Sudanese government within the framework of the official peace process. The involvement of all of Darfur's ethnic, social and political groups broadened the legitimising basis of the conclusions reached in relation to a lasting and peaceful solution to the conflict.

The participants of the Heidelberg Darfur Dialogue continued their cooperation in Sudan on the basis of contacts established in Heidelberg and founded a Heidelberg committee. This committee has since expanded its network and has gained a considerable influence on groups in civil society which are dedicated to finding a solution to the conflict in Darfur.



*Searching for recommendations for a peaceful solution to conflicts in Darfur:  
The Heidelberg Darfur Dialogue*

At the third and final symposium, it was possible to complete the Heidelberg Darfur Dialogue Outcome Document which had resulted from the first two symposia. At the third Heidelberg symposium in February/March 2010, heretofore unclarified individual aspects of questions in relation to the legal and economic order in post-conflict situations and the division of exclusive powers and competing legislative competencies between the central government in Khartoum and Darfur were discussed. The resulting Heidelberg Darfur Dialogue Outcome Document is a comprehensive draft for a future peace treaty, which takes not only the complex background of the conflict into account but also incorporates the legal customs which exist in Darfur and additionally constitutes a draft constitution for the Darfur region. This means that for the first time there is a concept of how civil society can participate actively in the debate with the warring parties. The document was presented in a marginal capacity at the peace negotiations and it was also addressed by the General Secretary of the United Nations in a report to the Security Council. If both sides show the political will necessary, the document could become the first step towards a lasting peace agreement in the region.

The draft document encompasses criteria and guidelines for the division of powers and also contains guarantees on human rights. As well as this, it contains regulations for ensuring Darfur's involvement on all levels of Sudan's federal government, its involvement in Sudan's development and prosperity and also its involvement in the management of land and natural resources. Regulations which deal with legal procedures in relation to the Darfur conflict and the compensation for the conflict's victims are also included.

### **3. Further planning**

In regard to Darfur, the working group (now operating through the foundation) plans to continue fostering and supporting the peace process and civil society of the region. Following the signing of a peace treaty in Doha between the Sudanese government and Darfur's Liberation and Justice Movement (LJM), it is necessary to create the correct conditions for the treaty's implementation in the region. To this end, the working group is involved in talks with Sudanese institutions and the mission of the United Nations and the African Union in Darfur (the African Union/United Nations Hybrid Operation in Darfur, UNAMID). It is planned to provide support for lawyers locally by means of a capacity-building programme.

As a result of South Sudan's declaration of independence on 9 June 2011, the Republic of Sudan also faces the task of reacting to the new situation. The INC remains in force until a new constitution is adopted and in accordance with Article 226 (10) INC, those parts of the INC which are related to South Sudan automatically cease to be in force. Nevertheless, it should be expected in the near future that an amendment to the constitution or even the adoption of a new constitution will occur. The working group has already offered its support to the Sudanese partners in relation to this matter.

#### **4. Academic works and publications**

Numerous publications and research projects have resulted from the working group's Sudan projects.

##### **a. Handbooks and teaching materials**

The following publications and teaching materials are the result of the Sudan projects during the period covered by this report:

- *Max Planck Manual on Fair Trial Principles*. 2010.
- *Max Planck Manual on Fair Trial Standards in the Republic of Sudan*. Revised second edition 2009.
- *Max Planck Manual on Human Rights: Individual Constitutional Rights and Freedoms*. 2011.
- *Max Planck Manual on Sudanese Constitutional Law – Part I: Structure and Principles of the INC*. 2009.
- *Max Planck Manual on Sudanese Constitutional Law – Part II: Individual Constitutional Rights and Freedoms*. 2009.

##### **b. Publications**

###### **Essays**

Dr. Markus Böckenförde published the essay

- The Sudanese Interim Constitution of 2005: A Model to Establish Co-Existence between an Islamic and a Secular Legal Regime, in B. Krawietz/H. Reifeld (eds.), *Islam and the Rule of Law - Between Sharia and Secularization*, Berlin 2008.

Charles Majinge is responsible for the article

- The International Criminal Court and the Question of Alternative Justice System in Africa, in *Verfassung und Recht in Übersee* 42 (2) 2009.

### **The Heidelberg Darfur Outcome Document**

The outcome document, which resulted from the Heidelberg Darfur Dialogue, provides for the possibility of a transitional period in which Darfur would be an autonomous region with its own responsibilities and institutions. These would be established as an additional level of government to the government of Sudan. It is envisaged that the internal order will be based on the rule of law, principles of democracy and responsible governance. The outcome document also contains regulations for the strengthening of local government. In the document, it is specified that Darfur will be represented in the central government in Khartoum by either a second vice president or by an advisor to the president. In response to the past marginalisation of Darfur, Darfuris are to be included at all levels and branches of the government and civil service, including the military.

It is envisaged that involvement in economic affairs and use of state revenues will take place on a fair basis and make equitable social and economic development possible. The necessity for reconstruction, as well as regeneration and development of the social and physical infrastructure which was affected by the war is also to be taken into consideration. The document, therefore, provides for the establishment of the Darfur Reconstruction and Development Board, which is to be responsible for the administration of reconstruction funds and the administration of regional development projects. In addition to this, the document also contains detailed regulations in relation to the transfer of financial competencies as well as regulations on the allocation of revenue bases and on revenue transfers at different levels of government, in particular those between the GoS and Darfur.

In the outcome document, there is a comprehensive chapter regulating development, land management and the administration of natural resources with the aim of ensuring sustainable and equitable utilisation. It includes regulations on traditional and historical rights to land, on communal landownership, and on the appropriation of land for natural persons and legal entities, in particular for municipal authorities. The

Darfur Land Planning Commission is to deal with the development and administration of land. Furthermore, the outcome document presents strategies for facilitating the peaceful settlement of land disputes.

The document's regulations on legal processes for the Darfur conflict itself are based on the traditional values of Darfuri society as well as on the principles of justice, accountability and reconciliation which are established through their usage and are enshrined in national and international law. In order to make the processing of crimes committed in the context of the Darfur conflict possible, including crimes committed by high-ranking persons, the document identifies national and international institutions which are to be responsible for the adjudication of such crimes. The document also contains a chapter dealing with the question of compensation, both of individuals and groups who suffered during the Darfur conflict.

In May 2010, the Heidelberg Darfur Dialogue Outcome Document was presented in Berlin. At this event, the joint mediator of the African Union and the United Nations for Darfur, Djibril Yipènè Bassolé, delivered a message from the General Secretary of the United Nations in which the General Secretary expressed his support of the Max Planck initiative and his appreciation of the efforts of participants of the Heidelberg Darfur Dialogue.

### **c. Works for academic qualifications**

Katharina Diehl is dealing with the legal framework of the elections in Sudan in her thesis. As part of this research, she is also investigating the role of the elections in the implementation of the peace treaty of 2005 as well as their effects on the state structure of South Sudan following its independence.

During his work with the Sudan Team, the Sudanese academic Dr. Noha Ibrahim wrote a thesis under the guidance of Prof. Wolfrum entitled

“Constitutional Reform as a Means of Democratic Transformation in Sudan”.

