

IN THE MATTER OF AN ARBITRATION BEFORE A TRIBUNAL  
CONSTITUTED IN ACCORDANCE WITH ARTICLE 5 OF  
THE ARBITRATION AGREEMENT BETWEEN THE GOVERNMENT OF SUDAN  
AND THE SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY  
ON DELIMITING ABYEI AREA

-and-

THE PERMANENT COURT OF ARBITRATION OPTIONAL RULES  
FOR ARBITRATING DISPUTES BETWEEN TWO PARTIES  
OF WHICH ONLY ONE IS A STATE  
Peace Palace, The Hague

Thursday, 23rd April 2009

Before:

PROFESSOR PIERRE-MARIE DUPUY  
JUDGE AWN AL-KHASAWNEH  
PROFESSOR DR GERHARD HAFNER  
JUDGE STEPHEN M SCHWEBEL  
PROFESSOR W MICHAEL REISMAN

---

BETWEEN:

THE GOVERNMENT OF SUDAN  
and  
THE SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY

---

---

AMBASSADOR MOHAMED AHMED DIRDEIRY of Dirdeiry & Co,  
PROFESSOR JAMES CRAWFORD SC of Matrix Chambers,  
PROFESSOR ALAIN PELLET of University of Paris Ouest,  
MR RODMAN BUNDY and MS LORETTA MALINTOPPI of Eversheds LLP  
appeared on behalf of the Government of Sudan.

DR RIEK MACHAR TENY, GARY BORN, WENDY MILES, of Wilmer  
Cutler Pickering Hale & Dorr LLP, PAUL R WILLIAMS and  
VANESSA JIMÉNEZ of Public International Law & Policy Group  
appeared on behalf of the SPLM/A.

---

REGISTRY: JUDITH LEVINE, Registrar and legal  
counsel, ALOYSIUS LLAMZON, acting Registrar and legal  
counsel, PAUL-JEAN LE CANNU, legal counsel, appeared for  
the Permanent Court of Arbitration.

---

Transcript produced by Trevor McGowan

Tel: +33 (0)6 98 26 34 44

info@TMGreporting.com

<p>09:01 1 Thursday, 23rd April 2009 2 (9.00 am) 3 THE CHAIRMAN: Good morning. We are here today for the 4 conclusion of these hearings, and we start with the 5 observations of the Government. 6 I understand that Professor Pellet is the first 7 speaker. Please, Professor Pellet, you have the floor. 8 Closing submissions by PROFESSOR PELLET 9 PROFESSOR PELLET: Mr President, members of the Tribunal, 10 last Monday Professor Reisman asked a question which 11 I think takes us to the very heart of the debate on 12 excess of mandate. I read the question again: 13 "With respect to the standard that is to be applied 14 to the question posed in the first paragraph of 15 Article 2, is the standard with respect to the 16 substantive excess of mandate whether the ABC rendered 17 a plausible or reasonable interpretation or whether it 18 rendered a correction interpretation of its mandate?" 19 I replied straight off, and I do not retract my 20 spontaneous answer, which Mr Born was good enough to 21 approve in its principle, but it might call for a little 22 bit more explanation even if at this stage conciseness 23 is in order. 24 I would suggest that two distinctions must be made: 25 first, the distinction between the mandate of the ABC,</p> <p style="text-align: center;">Page 1</p>	<p>09:04 1 the most meticulous care and repeated in three different 2 instruments binding the ABC. 3 The Arbitration Agreement is your proper law as well 4 as the law of the parties. It cannot be the case that 5 you can comply with your own mandate by finding 6 something like: of course the experts erred somehow in 7 the interpretation for their mandate, but after all, 8 this is not as serious as that, let's be flexible. 9 No, the mandate was a condition for the whole peace 10 settlement. There cannot be any question that it could 11 be left erroneously interpreted. Its interpretation 12 must have been correct and I would certainly go as far 13 as saying that it might have been entirely, absolutely 14 correct. 15 This being said, first, in any case, even under 16 a plausible interpretation standard, which we think does 17 not apply, the experts' interpretation of their mandate 18 was not in any way tenable; and second, as long as you 19 are at stage one, that is of article 2(a), the way the 20 experts implemented their mandate, provided it was 21 correctly and rigorously interpreted, should in 22 principle not be the issue. It will become your own 23 mandate to correct the experts' mistakes, and at that 24 stage all the substantive mistakes, when you tackle the 25 task entrusted to the Tribunal in Article 2(c).</p> <p style="text-align: center;">Page 3</p>
<p>09:02 1 which mostly coincided with that of the ABC experts, and 2 the mandate of this Tribunal; and second, inside your 3 own mandate the distinction to be made between your 4 preliminary mandate under Article 2(a) of the 5 Arbitration Agreement and, once you have answered 6 positively to the question in that provision, your final 7 mandate which with some nuances corresponds to that of 8 the ABC. 9 I understand the question as being related to the 10 power of this Tribunal under Article 2(a), and this 11 being the case, my answer is straightforward: you are, 12 gentlemen, under a strict duty to ensure that the ABC 13 experts' mandate has been complied with in all and every 14 respect; probably what Professor Reisman had in mind 15 when he suggested that one of the branches of the 16 alternative was that the task of the Tribunal might be 17 to make sure that "the ABC ... rendered a correct 18 interpretation of its mandate". 19 This requirement results from the drafting of 20 Article 2(a) and from the circumstances surrounding the 21 adoption of this provision, which was extremely 22 carefully negotiated and drafted. This also results 23 from the express inclusion in Article 2(a) of 24 a reminder, an express reminder, of the ABC's mandate, 25 a mandate which too had been negotiated and drafted with</p> <p style="text-align: center;">Page 2</p>	<p>09:07 1 However, even this apparently straightforward 2 distinction must probably be qualified, since it is 3 worth asking a further question which extends beyond the 4 one asked by Professor Reisman, and which might have 5 been at the back of his mind as well. 6 There can be no discussion that the experts were 7 under a strict obligation to scrupulously respect their 8 mandate in all its dimensions; failing which the 9 Tribunal will have to determine that they exceeded their 10 mandate. 11 However, the question can be asked whether in 12 exceptional cases an error in the implementation of 13 their mandate, even correctly interpreted, amounts to 14 an excess of mandate and must be treated as such. 15 My submission is that it is so, and that if the 16 solution given by the experts to the issue put before 17 them was grossly and manifestly implausible and 18 erroneous, but only then, an excess of mandate should be 19 affirmed. 20 I note in passing that I have substituted the word 21 "erroneous" for the word "reasonable" used by 22 Professor Reisman, since it was not open to the experts, 23 nor to this Tribunal, to decide on the basis of 24 reasonableness as such. By doing so, the experts have 25 committed an excess of mandate, and it does not belong</p> <p style="text-align: center;">Page 4</p>

<p>09:09 1 to the Tribunal to appreciate whether it was a little 2 bit, moderately or gravely unreasonable. The simple 3 fact that the experts decided ex aequo et bono on the 4 basis of what they found reasonable is an excess of 5 mandate, and must be sanctioned as such. 6 Mr President, in his Monday's presentation Mr Born 7 stuck to one of the SPLM/A's mantras according to which 8 the unusual expression "excess of mandate" can only be 9 interpreted at face value: an excess would be something 10 in surplus. 11 Then he says it can only cover the Government's 12 ultra petita claim, that is the ABC experts' 13 pronouncement on the secondary respective rights of the 14 Ngok Dinka and the Messiriya -- at least they seem to 15 concede that this is the case -- and therefore the 16 excess of mandate is established under Article 2(a) of 17 the Arbitration Agreement, and this is enough to allow 18 the Tribunal to proceed to the delimitation phase of 19 Article 2(c). 20 This being said, with all due respect, such 21 a limitation to an ultra petita finding is -- and here 22 again I find it difficult not to use pejoratives, let me 23 use my favourite word -- frivolous. It is frivolous. 24 It cannot be reasonably sustained that the parties would 25 have asked you to annul the experts' decision if you</p> <p style="text-align: center;">Page 5</p>	<p>09:13 1 the famous book I had cited last Monday. Interestingly 2 it includes, among the grounds for annulment of 3 an arbitral award on the basis of an excess of 4 authority, not only extra or ultra petita decisions, but 5 also decisions infra petita, and those: 6 "... exceeding the scope of a concededly existent 7 and valid Arbitration Agreement." 8 An excess of mandate certainly is at least as broad 9 a notion as an excess of authority. 10 No doubt that, as he did for my quote from his book 11 relating to motivation, the learned author will invite 12 you to read more carefully the title of his book, which 13 is called International Commercial Arbitration. This is 14 free advertising. It is indeed a comprehensive and 15 impressive opus magnum. I hope you send me a copy! 16 I have followed this excellent piece of advice, and 17 precisely found that the reason given there holds true 18 as well -- or even more -- in our case: 19 "The underlying issue is whether the Arbitral 20 Tribunal exceeded (or failed to exercise) the authority 21 that the parties granted to it." 22 More precisely on motivation, I would very much 23 encourage you, members of the Tribunal, to read what 24 Mr Born has to say in favour of the: 25 "... nearly universal principle that international</p> <p style="text-align: center;">Page 7</p>
<p>09:11 1 find it to be ultra petita -- again, this is in its 2 principle an express admission by the other party -- but 3 to leave it as it stands if you consider that it does 4 not answer the question in all or in part; that is, if 5 the experts decided infra petita. 6 The clear purpose of the Abyei Protocol, and the 7 four agreed instruments which afterwards reiterated the 8 ABC's mandate, clearly was to put to an end the dispute 9 between the parties concerning the delimitation of the 10 Abyei Area, and to thus permit the final implementation 11 of the Comprehensive Peace Agreement. 12 To that end, as I have just said, and for the 13 reasons that I have recalled, the mandate ought to be 14 integrally and fully respected, and any departure from 15 it must be sanctioned by this Tribunal; within, of 16 course, the reasonable limits to be respected in any 17 litigation, including the principle of reasonableness -- 18 not in isolation, but of reasonableness infra legem -- 19 and the principle of proportionality. 20 But in the present case I am confident that this 21 Tribunal will not need a mountain of paper to appreciate 22 that what is reasonable is to decide that the experts 23 exceeded their mandate, and to draw the consequences 24 from this decision. 25 As Mr Born advised me, I have thoroughly looked at</p> <p style="text-align: center;">Page 6</p>	<p>09:15 1 arbitral awards must set forth the reasons for the 2 Tribunal decisions ..." 3 His plea is fully convincing and is clearly 4 applicable a fortiori in public law cases involving the 5 delimitation of a boundary. 6 Moreover, I note that the examples given the SPLM/A 7 in favour of its claim that arbitral awards do not 8 peremptorily need to be reasoned are mainly based on 9 commercial and investment law, and are very scarce 10 exceptions to the general rule. 11 Mr President, it might look rather strange that, at 12 the very end of the proceedings, one has to come back to 13 such an apparently evident point as the definition of 14 the ABC's mandate. But this is central, and I regret to 15 say that the parties' respective positions remain as 16 remote to each other as at the start of the procedure; 17 maybe even more remote after Mr Born's last two speeches 18 on this issue. 19 Let me try to put it as confusedly as he did, 20 a difficult task for a rather Cartesian mind. First 21 I quote him: 22 "(i) The substantive definition in Article 1.1.2 of 23 the Abyei Protocol is a question of the merits of the 24 parties' dispute. 25 "(ii) According to Article 5.1 of the</p> <p style="text-align: center;">Page 8</p>

<p>09:17 1 Abyei Protocol, the mandate of the experts 'is to define 2 and demarcate that substantively defined definition.' 3 I have doubt that you can demarcate a definition. 4 But besides this, up to now I can follow. (iii) I do 5 not follow at all: 6 "(iii) Therefore the experts, who necessarily 7 needed to interpret the definition in order to carry out 8 their mission, could not have exceeded their mandate in 9 doing so." 10 But why? This is most confused and, as far as I can 11 understand, extraordinary. 12 Substantively the mandate is defined in Article 5.1; 13 not 1.1.2; Article 5.1 of the Abyei Protocol; as well as 14 in the subsequent instrument. And it is defined as the 15 task: 16 "... to define and demarcate the area of the nine 17 Ngok Dinka chiefdoms transferred to Kordofan in 1905, 18 referred to herein as Abyei Area." 19 Where on earth could an excess of mandate be found, 20 if it is not in the definition of "the area of the nine 21 Ngok Dinka chiefdoms transferred to Kordofan in 1905"? 22 On this the experts erred, and the error they made in 23 interpreting -- in interpreting, not implementing; in 24 interpreting -- their mandate is erroneous. These 25 errors are excesses of mandate. It is of course not</p> <p style="text-align: center;">Page 9</p>	<p>09:21 1 This also means that although we object to any 2 contention that the standard of proof is exceptional, 3 an allegation which finds no ground in the Arbitration 4 Agreement, the excesses of mandate would in the 5 circumstances pass the most demanding standard. 6 Let me just recall the main ones in telegraphic 7 style. First, the violations of the Rules of Procedure, 8 the respect of which was a condition for the final and 9 binding nature of the report. 10 The Khartoum interviews were in evident violation of 11 the principles of contradiction and transparency, which 12 were particularly marked features of the special 13 character of the whole process that the SPLM/A are keen 14 to stress when it suits their case. I cannot see why 15 the date at which these meetings took place could be 16 an excuse for these grave breaches, nor can the fact 17 that they were held in Khartoum. This does not change 18 their very nature of secret meeting. 19 Even more important, the experts' short-circuiting 20 of Rule of Procedure No. 14, according to which: 21 "The Commission will endeavour to reach a decision 22 by consensus." 23 Given the decision of the experts not to make their 24 report public before its presentation to the presidency, 25 it is obvious that, whatever the SPLM/A's quibbles, this</p> <p style="text-align: center;">Page 11</p>
<p>09:19 1 because the experts themselves or the SPLM/A during the 2 ABC process made this same error that it makes it not 3 an error. 4 In the present case the mandate of the experts also 5 included express instructions: first, to arrive at their 6 report as prescribed in the ABC Rules of Procedure; 7 failing which, as expressly said in Article 5 of the 8 Abyei Annex, it shall not "be final and binding on the 9 parties". A material breach of such rules does 10 constitute an excess of mandate. 11 Second, it is also true not only of a violation of 12 the indisputable obligation to provide reasons, but also 13 of the obligation to motivate in the manner provided for 14 in Article 4 of the Abyei Annex and paragraph 3.4 of the 15 Terms of Reference, which I read again: 16 "In determining their findings, the experts in the 17 Commission shall consult the British archives and other 18 relevant sources on Sudan, wherever they may be 19 available, with a view to arriving at a decision that 20 shall [again] be based on scientific analysis and 21 research." 22 It is, Mr President, no longer time to develop long 23 arguments on the substance of the experts' excess of 24 mandate, and in fact I maintain that there is no need 25 for long development as these excesses are obvious.</p> <p style="text-align: center;">Page 10</p>	<p>09:23 1 made it clearly impossible for the Commission to reach 2 a consensus. 3 In spite of time's constraint, I wish to pause here 4 for two minutes. Judge Schwebel asked the parties 5 whether: 6 "If the experts had submitted their final report to 7 the Commission, it would in effect have given the 8 parties advance notice of the content of the final 9 report to be presented to the presidency. In those 10 circumstances, would so doing have risked the 11 possibility of a presentation to the president ever 12 taking place?" 13 Indeed, as Mr Bundy said, we can only speculate on 14 this point, since precisely the experts, by keeping 15 their report secret, did not give any chance to a full 16 consensus, contrary to their mandate. 17 This being said, as we have shown in our rejoinder 18 at pages 147-148, at the very end of the ABC process, 19 before its brutal interruption by the experts, it can 20 certainly not be excluded that the partisan members of 21 the ABC could have reached a consensus. 22 I wish to add a personal remark: I have been struck 23 by the fact that while the blue SPLM/A and the orange 24 GoS quietly sit on both sides of this bar, at each 25 interruption of the present hearings they leave this</p> <p style="text-align: center;">Page 12</p>

<p>09:25 1 hall of justice arm-in-arm and in all friendship. 2 I know that there has been a terrible civil war in 3 Sudan, but let me think and suggest that in view of the 4 state of mind of those present here, partisans as they 5 are by definition, a consensus was probably less utopian 6 than counsel for the SPLM/A now says, and a compromise 7 solution would have been reached in perfect compliance 8 with the mandate. Don't forget the experts only, not 9 the ABC, were instructed to base their decision on 10 scientific research and analysis of the available 11 archives. 12 Second ground of the excess of mandate: the 13 ultra petita decision made by the experts concerning the 14 grazing and other secondary rights of the Messiriya on 15 the one hand, of the Ngok Dinka on the other hand. 16 I have understood, Mr President, that Mr Born never 17 accepts that he could have conceded anything. However, 18 I cannot help thinking that on this point he did. 19 In any case, the fact is, as I have shown on 20 Saturday and Monday, that while extending the so-called 21 secondary rights of the Ngok Dinka far beyond the 22 boundary arbitrarily decided by them, the experts have 23 also attempted to limit the Messiriya's rights south of 24 parallel 10°10' latitude north, while at the same time 25 acknowledging that these rights traditionally extend</p> <p style="text-align: center;">Page 13</p>	<p>09:29 1 Jack built." 2 Now change it slightly and shorten it for the sake 3 of brevity: 4 "The dog that worried the cat that killed the rat 5 barks." 6 Cats do not bark, yet if you apply the pseudo-rule 7 of proximity, you should accept that they do. I don't. 8 In spite of my poor knowledge of the grammatical rules 9 of the English language, I have some doubts that "the 10 area transferred to Kordofan in 1905 of the nine Ngok 11 Dinka chiefdoms" sounds very good in the language of 12 Shakespeare. 13 Second, of course the purposive analysis insistently 14 proposed by Mr Born does not help his case. It is true 15 that, according to Article 8 of the Abyei Protocol, only 16 residents of the Abyei Area will be entitled to 17 participate in the Abyei referendum. But if the parties 18 had wished to place themselves at the personal level, 19 they would have asked the experts not to define 20 a boundary but to determine tribal allegiances. They 21 have not. 22 This is in line with Professor Hafner's question of 23 yesterday, and they would have spoken of "peoples", as 24 Mr Born, completely misleading, kept saying. They have 25 not either. The formula bears on an area. Indeed, the</p> <p style="text-align: center;">Page 15</p>
<p>09:27 1 further to the south. Both aspects of this decision are 2 equally in excess of the ABC's mandate and in obvious 3 contradiction with Article 1.1.3 of the Abyei Protocol. 4 Even more important, the experts have omitted to 5 decide on what is the very heart of their mandate, which 6 was -- I must quote it for the last time, Mr President, 7 even if I suppose you now know it by heart: 8 "... to define (i.e. delimit) and demarcate the area 9 of the nine Ngok Dinka chiefdoms transferred to Kordofan 10 in 1905." 11 There are a lot of reasons why, in spite of the 12 clarity that Dr Crystal and Mr Born attribute to the 13 English language, this means, and can only mean, that 14 the experts were supposed to determine the old 15 pre-existing boundary between the provinces of 16 Bahr el Ghazal and of Kordofan before the transfer of 17 the Ngok Dinka chiefdoms in 1905, and not -- and not -- 18 to invent retrospectively a limit exclusively based on 19 very indecisive rights of the Ngok Dinka. 20 I can only list the most important of these reasons. 21 First, I would certainly not even think of giving 22 a lesson of English language to Mr Born. But take his 23 English nursery rhythm: 24 "This is the dog that worried the cat that killed 25 the rat that ate the malt that lay in the house that</p> <p style="text-align: center;">Page 14</p>	<p>09:31 1 tribal transfer was realised by transferring a territory 2 from a province to the other in 1905. 3 Third, more importantly and more positively, this is 4 also confirmed by the fact that the transfer in question 5 was decided and operated by the colonial administration, 6 which was itself territorially based. 7 Fourth -- but neither least nor last -- the SPLM/A's 8 untenable interpretation of the mandate would imply that 9 the parts of the Ngok Dinka chiefdoms which were already 10 included in Kordofan before 1905 -- and both parties 11 agree that some were -- would have been transferred 12 anew, which is simply impossible. 13 By deciding to allocate territories along a line 14 defined by alleged respective rights of local tribes, 15 without any regard for the provincial pre-existing 16 boundaries, the ABC experts clearly exceeded their 17 mandate, Mr President, and worse: they exceeded it while 18 they themselves had clearly, formally, expressly 19 accepted that a boundary pre-existing the 1905 transfer 20 could be drawn on the basis of a scientific analysis of 21 the available archives: 22 "The Ragaba ez Zarga/Ngol, rather than the 23 River Kiir, which is now known as the Bahr el Arab, was 24 treated as the province boundary." 25 The ABC experts definitely agree neither with</p> <p style="text-align: center;">Page 16</p>

<p>09:33 1 Professor Daly nor with Mr Schofield, nor indeed with 2 counsel for SPLM/A for that matter. Again, this was 3 erroneous, but this was within their mandate, and on 4 this basis alone the Government could not have pleaded 5 an excess of mandate. 6 The experts should have been seen as having defined 7 the boundary of the area of the nine Ngok Dinka 8 chiefdoms transferred to Kordofan in 1905, and that on 9 the basis of their analysis of the documentation 10 available to them. But, as is well known to you, this 11 is not what they did. Completely abandoning -- without 12 giving any reason -- this line of reasoning, the experts 13 invented a kind of no man's land, or res nullius, as 14 James Crawford put it yesterday, which is clearly 15 incompatible with the very idea of a transfer. 16 Then the experts based themselves on factual 17 post-1905 findings, and on so-called "dominant and 18 secondary rights", which can find no basis whatsoever in 19 their governing instruments. 20 Applying a mysterious pseudo-legal principle of the 21 equitable division of shared secondary rights, 22 combined -- nobody can guess how -- with the principles 23 of equity, substantive justice and fairness, the experts 24 divided the goz -- a geographical notion entirely 25 unrelated with their mandate -- between the Ngok Dinka</p> <p style="text-align: center;">Page 17</p>	<p>09:36 1 paragraph (a), and the definition of the boundaries of 2 the area on the other hand, and this is paragraph (b). 3 But the experts' report is so clearly mistaken and 4 grossly misconceived, so abundantly unrelated to the 5 mandate of the ABC that, at the end of the day, both 6 exercises are difficult to completely distinguish from 7 each other. It goes without saying that, far from 8 neutralising each other, both aspects cross-fertilise 9 the answer which must be given to both questions. 10 This, Mr President, is a natural transition to the 11 follow-up of our presentation, which will focus on your 12 mandate. This will be done by Professor Crawford, if 13 you'd like to give him the floor. 14 Thank you very much. 15 THE CHAIRMAN: I thank you, Professor Pellet. But before 16 giving the floor to Professor Crawford I would like to 17 allow Professor Reisman to ask a question. 18 (9.38 am) 19 Questions from THE TRIBUNAL 20 PROFESSOR REISMAN: Professor Pellet, I thank you for your 21 preliminary remarks going back to the question that 22 I posed several days ago. I am concerned to 23 understand the Government's conception of the function 24 of this Tribunal, and I have a number of questions for 25 you so that I understand the position that the</p> <p style="text-align: center;">Page 19</p>
<p>09:34 1 and the Messiriya on the basis of what they deemed to be 2 reasonable and equitable. This was not a description of 3 a pre-existing limit but an allocation of territory. 4 You can call this ultra or infra petita, members of 5 the Tribunal; the fact is that the interpretation of 6 their mandate cannot find any kind of justification in 7 the agreements between the parties. The experts' report 8 is manifestly extra petita, and adds up excesses of 9 mandate to excesses of mandate. 10 Two last very short remarks, Mr President. 11 First, Mr Born refuses to concede anything, but he 12 is keen to declare that we concede a lot. It is true 13 that from time to time, as I explained on Saturday and 14 Monday, we have reformulated our claims, and even 15 slightly inflected them; seuls les imbéciles ne changent 16 pas d'avis, only fools never change their minds. But 17 I wish to make very clear that it cannot be inferred 18 from my omission of one argument or the other this 19 morning that we have conceded anything; our only 20 concession is to the time constraints. 21 Second, as I have said when starting this brief 22 recapitulation, there is something striking in the 23 present case. Indeed, Article 2 of the Arbitration 24 Agreement makes a clear-cut distinction between the 25 determination of an excess of mandate on the one hand,</p> <p style="text-align: center;">Page 18</p>	<p>09:38 1 Government is proposing to the Tribunal. 2 My first question: does the Government believe that 3 the ABC had a competence to determine its own 4 competence? 5 I'm sorry, I'm not holding my arm up in horror at 6 what you're saying; it's the sunlight that's very 7 troubling. 8 My second question may be adapted in the light of 9 your first answer. 10 PROFESSOR PELLET: I think that Professor Crawford will 11 come back to that as well. My view is that we say 12 that as long as there is no possibility for 13 interpretation, there is no competence. 14 The only competence they could have is to interpret 15 strictly the mandate, and we cannot deny that they have 16 a slight possibility of interpretation -- probably they 17 can try to explain that the cat barks, or things like 18 that -- but it must really be related and strictly 19 related to the mandate. 20 PROFESSOR REISMAN: I'm not sure I understand how that 21 fits into competence to determine competence. But in 22 the light of what you've said, and particularly your 23 remark that the question was -- I'm quoting you now -- 24 "whether the ABC complied in all and every fashion" 25 or -- again quoting you -- "entirely and absolutely</p> <p style="text-align: center;">Page 20</p>

<p>09:40 1 correct" as the standard that you invite the Tribunal 2 to apply, are we in effect sitting in this respect as 3 an instance of appeal? 4 Do you view us as sitting as an instance of appeal 5 if our function is to decide whether under the rubric of 6 excess of mandate ABC was "entirely absolutely correct" 7 in response to question 2(a)? 8 PROFESSOR PELLET: It seems to me clear that you are not 9 an instance of appeal as such, because the appeal can 10 only be on the solution decided by the ABC experts. 11 But I would think that the standard for appreciating 12 whether or not they have complied with their mandate 13 is the same standard as the one you would have to 14 apply on the appeal. 15 PROFESSOR REISMAN: Then, if I follow that -- I think 16 I understand the position that the Government is 17 espousing -- that means that when the Tribunal comes 18 to analyse in its deliberations the ABC report, we 19 really are not using the language of review of excess 20 of power, excès de pouvoir, of infra petita, of 21 ultra petita, but essentially we will be examining 22 whether or not the ABC was correct, was entirely 23 absolutely correct? 24 PROFESSOR PELLET: In interpretation of its mandate, my 25 answer is yes, sir.</p> <p style="text-align: center;">Page 21</p>	<p>09:43 1 You cannot -- I say this with respect -- read the 2 dossier of information about the position of the 3 Ngok Dinka in 1905 and believe that it bore any 4 relationship whatever to the ABC area. It is simply off 5 the planet. That being so, even if you take the tribal 6 interpretation of the formula, what you have is 7 an application of that which is flagrantly inconsistent 8 with the extent of the Government's concession in the 9 Abyei Protocol. 10 I won't say anything more than what I said yesterday 11 on the evidence of Mr Zakaria Atem, but I would invite 12 you to read in particular paragraph 21 of the witness 13 statement of Vice President Taha. What happened was 14 that the Danforth proposal was put forward, the SPLM/A 15 came back with one of what are a number -- we have about 16 four in the record -- of proposals to qualify the 17 formula by reference to later dates. 18 The sentence in this case read: 19 "It is the area referred to in the 1972 Addis Ababa 20 Agreement and which was administered from 1974 to 1978 21 under the President's Office during the currency of the 22 said agreement." 23 In fact what they were trying to do was to 24 recuperate the gains of the Ngok Dinka, the territorial 25 gains under the Condominium Administration to the north,</p> <p style="text-align: center;">Page 23</p>
<p>09:42 1 PROFESSOR REISMAN: Thank you. 2 THE CHAIRMAN: I thank you very much, and I give the floor 3 to Professor Crawford. 4 (9.42 am) 5 Closing submissions by MR CRAWFORD 6 PROFESSOR CRAWFORD: Thank you, Mr President, members of 7 the Tribunal. In the time remaining, I will deal with 8 the interpretation of the formula, then with 9 delimitation, and then make some final remarks. 10 The final remarks are intended to include some of 11 the issues that have just been discussed. In 12 consequence, because that is such and important 13 question, I'm going to be telegraphic if not machine-gun 14 in some of the other matters, and I apologise for that. 15 Dealing with the formula, the Abyei Protocol is 16 based on the uti possidetis line of 1956. The CPA 17 agrees to self-determination for the south on the basis 18 of the uti possidetis of 1956. 19 The Abyei Protocol is an exception to that, and it 20 has to be read as an exception. It was a concession by 21 the Government of an extra possibility of a referendum. 22 It was not a concession which took the form of a general 23 grant of power to the ABC experts, acting on their own, 24 to drive a Belgian-sized coach and horses through the 25 distinction between the north and the south.</p> <p style="text-align: center;">Page 22</p>	<p>09:44 1 into the definition of the Abyei Area. That was not 2 agreed. That was not agreed. The Danforth proposal was 3 put forward as a take-it-or-leave-it proposal, and this 4 alternative had to be withdrawn. 5 What Mr Zakaria said the other day -- we believe it 6 to be profoundly true -- is that the experts acted as if 7 that sentence had been added. 8 Consequential arguments -- I simply do not have time 9 to go further into the travaux, and I apologise for 10 that. 11 Consequential arguments. It is said by my 12 colleagues that only a reference to Sultan Rob was made 13 whereas the formula refers to nine Ngok Dinka chiefdoms. 14 First of all we say all nine chiefdoms were in the 15 south. They were north of the Bahr el Arab, we accept 16 that, as well as being south of the Bahr el Arab, but 17 they weren't far north of the Bahr el Arab and they were 18 nothing like Belgium-sized north of the Bahr el Arab. 19 In fact, the references to Sultan Rob of the time 20 refer to Sultan Rob and the people of which he was the 21 paramount chief, and that's associated with the specific 22 and limited territory. The sources of that are clear. 23 For example, Governor Lloyd in 1907: 24 "The southern boundary of the Homr tribes is between 25 the Bahr el Arab ..."</p> <p style="text-align: center;">Page 24</p>

<p>09:46 1 By which he was referring, let us say for the sake 2 of argument, to the Ragaba ez Zarga: 3 "... and the River Kiir between them, the latter 4 [the River Kiir] being occupied by the Dinkas under 5 Sultan Rob." 6 That was the understanding at the time. 7 Similarly the Gleichen handbook refers in relation 8 to the post-transfer boundary to Sultan Rob and 9 Dar Jange belonging to Kordofan. "Sultan Rob" is taken 10 as shorthand for the people of Sultan Rob. The 11 anthropologists hadn't got to the Dinka by that stage, 12 but that was the group they were talking about, and they 13 had considerably more information about them, including 14 about Sultan Rob's rheumatism, than Professor Daly would 15 allow. 16 I should explain the phrase "Dar Jange". 17 "Dar Jange" is spread across the map. My sense is that 18 it relates to earlier, rather imprecise maps, in 19 particular from the German explorers of the middle part 20 of the 19th century, where "Dar Jange" was a convenient 21 description: there be lions, there be Dinka. 22 It is not a specific reference to the Ngok, which is 23 why I interrupted my friend the other day when he 24 appeared to me to be saying that the word "Dar Jange" 25 was a reference to the Ngok. It's a reference to the</p> <p style="text-align: center;">Page 25</p>	<p>09:49 1 Ambassador Dirdeiry is reported as saying: 2 "What we are here for is to draw boundaries that 3 were drawn in 1905, that is saying 100 years ago. As 4 the chairman of this committee told you, before that 5 year the Ngok were in Bahr el Ghazal. In 1905 they were 6 transferred to Kordofan. There were boundaries in 1905 7 before that transfer took place. We want now to know 8 those boundaries." 9 Now, that may be right or wrong as an interpretation 10 of the formula, but it was the Government's 11 interpretation of the formula and there was never any 12 acquiescence in any other position. 13 I turn to delimitation. I'm not going to repeat 14 what Mr Bundy said yesterday on the territorial 15 interpretation. The rest of this presentation assumes, 16 without concession, that the tribal interpretation in 17 some version is correct. Nothing is repeated from what 18 Mr Bundy said, but nothing is conceded in the way 19 I handle this. 20 The first point to make: this is not a case based on 21 18th century tribal title. It is not the Falklands of 22 the Dinka lands. The SPLM/A oral history case has to go 23 back to 1905, and to stop there. It requires 24 a precisely calibrated historical memory, which I think 25 is frankly fantastic.</p> <p style="text-align: center;">Page 27</p>
<p>09:47 1 Dinka. 2 Looking at the 1904 map, the word "Dar Jange" there 3 includes the territory of what we know to have been 4 quite a number of Dinka groups at the turn of the 5 century: the Malwal Dinka, the Ruweng Dinka, the Twic 6 Dinka and also the Ngok Dinka. Whether the person who 7 put "Dar Jange" on that map knew of those people is 8 irrelevant. He certainly wasn't making 9 an anthropological statement about the nine chiefdoms. 10 As to the Ngok right to vote, on any view -- on any 11 view -- the Abyei Appendix distinguishes, unfortunately 12 for them, between some Ngok and others. As I've said, 13 you cannot believe that the Ngok were at Antila in 1905. 14 That conclusion is not available on the evidence. It 15 may have been true for Mr Tibbs in 1951, but that's 16 a completely different point. 17 If you give meaning to the phrase "in 1905", which 18 our colleagues agree you must, the consequence is that 19 there is a distinction between some Ngok and others, and 20 the only question is criterion to which that distinction 21 is to be drawn. 22 As to the alleged acquiescence of the Government in 23 the ABC's interpretation of the formula, that is another 24 example of spurious acquiescence. I refer to 25 paragraph 77 of the ABC report, where</p> <p style="text-align: center;">Page 26</p>	<p>09:50 1 There were clearly tribal movements across this vast 2 region of Africa in the 18th century; we've discussed 3 that in the pleadings. There is no evidence that the 4 ancient tribal extent -- such as it may have been on 5 certain versions of it -- of the Ngok to the north bore 6 any relationship to the position of 1905, and the oral 7 history does not prove that. 8 The second point: the distinction that Mr Born tried 9 to draw between a tribe and a boundary, this is not 10 a distinction the administrators had in mind. There was 11 no separate subsequent act of delimitation; there was 12 a single act which was treated as having a territorial 13 effect. 14 Thirdly, assuming for the sake of argument that the 15 tribal interpretation is right, it doesn't mean that the 16 tribe carries with it just any boundary, including 17 a boundary the size of Belgium. The formula necessarily 18 implies a distinction between tribal territory that 19 could conceivably have been said to have become a part 20 of Kordofan in 1905, and other rights or claims or 21 practises or itineraries of the Ngok to the north that 22 were not related to Kordofan after 1905. That 23 invalidates the experts' treatment of area 4 just in and 24 of itself. 25 In terms of the application of the tribal formula as</p> <p style="text-align: center;">Page 28</p>

<p>09:51 1 I've just explained it -- and it's a modulated 2 interpretation which is compelled, it seems to us, by 3 the language of the formula -- I'm somewhat impaired, in 4 that although Mr Born has spoken twice since my 5 presentation on the application of the tribal 6 interpretation, he hasn't bothered to reply to most of 7 what I've said. No doubt he will do it shortly. 8 On the onus of proof, the PCA Rules, Article 24(1), 9 are clear: each party bears the burden -- the same 10 burden -- of proving the facts and contentions on which 11 the claims are based. Whatever the position at the 12 excess stage, this is particularly true at the 13 demarcation stage, where each side is starting on 14 a position of equality. 15 Mr Born obviously doesn't accept that because he 16 doesn't accept what I said about the relationship 17 between Article 2(a) and Article 2(c). But the text of 18 it is perfectly clear: as soon as you determine that 19 there is an excess of mandate -- obviously there are 20 some limitations in the notion of excess of mandate, 21 which have been discussed and which you need to apply -- 22 but as soon as you have determined that there was 23 an excess of mandate, that is the end of the 24 Article 2(a) phase, Article 2(c) starts, and the 25 experts' boundary no longer has any status. That is</p> <p style="text-align: center;">Page 29</p>	<p>09:54 1 and doesn't establish an area the size of Belgium. 2 Secondly, just west of Koak is located a small 3 netted area with the word "cult". Assuming that it 4 means cultivation, whatever it says says nothing about 5 whether the Ngok were involved there. If that little 6 "cult" gives the Ngok 11,000 square kilometres, it's one 7 of the most profitable pieces of agricultural labour 8 that I have heard of. 9 The fact that the SPLM/A tried to derive something 10 from the Whittingham sketch shows how desperate they are 11 in the absence of actual documentation. 12 The Dupuis's sketch map of 1921, a map to which we 13 attach particular significance, the SPLM/A notes that 14 Dupuis has marked two dugdugs along the Umm Biero to the 15 north of Kual Arop's village, located at Abyei. There's 16 no particular problem with that; we accept that the word 17 "dugdug" is there and that it indicates a Dinka cattle 18 camp. 19 Incidentally, there are dugdugs far to the east 20 which Mr Born, in his search for dugdugs, highlighted. 21 They are quite plainly in the Rueng area. 22 Incidentally, we got the Dupuis map by chance two 23 days before the counter-memorial. Mr Born referred to 24 their getting a map by chance. I can tell you that in 25 the course of the pleadings schedule of this case,</p> <p style="text-align: center;">Page 31</p>
<p>09:53 1 what Article 2 plainly says. 2 I'm going to go -- probably this time at the speed 3 of light, rather than the speed of sound -- through the 4 SPLM/A's treatment of the documentary sources, based on 5 their PowerPoint presentation of yesterday. 6 First of all, Lloyd's map of 1908. At most the 7 notes on the page that were shown illustrate that the 8 Ngok live on and just north of the River Kiir. That is 9 not in dispute. It should be emphasised here that there 10 is not in the record, so far as we are aware, any 11 incorrect reference to the River Kiir. The colonial 12 administrators, whenever they mentioned the Kiir, got it 13 right. 14 Hallam's route report is said to focus on locating 15 dry-season water sources. Mr Born criticises our use of 16 that report because it displays Arab camps, not 17 settlements. Of course it mentions camps. Hallam was 18 travelling close to the Bahr el Arab, and it's not 19 suggested that the Homr had permanent settlements that 20 far south; that's not in issue. 21 Whittingham's sketch map: only two observations. 22 Located on the southern bank of the Ragaba ez Zarga one 23 can find a solitary dugdug. The word "dugdug" by 24 inference implies Dinka; it does not necessarily by 25 inference imply Ngok Dinka. That's pure speculation,</p> <p style="text-align: center;">Page 30</p>	<p>09:56 1 that's an experience that both sides have had. 2 In the time available we were available to identify 3 five Ngok Dinka sections immediately north of the 4 Bahr el Arab. In fact, a closer examination of the map 5 indicates seven. 6 The first point I would note is that it shows the 7 Mareig, which is of course another word for the Ngok, 8 close to the river. This in 1921. We're not talking of 9 an area that has just been taken over by the 10 Condominium. 11 Further east are the Ruweng Dinka, and you can see 12 that there is something which could be taken to be 13 an indication of a boundary. I'm not suggesting it is 14 a boundary, but something that could be taken to be 15 an indication of a boundary between Etai, which we know 16 to have been a Dinka settlement, and the Rueng. 17 But what you can see in that map, if you look at it 18 very carefully -- and we've highlighted them in green -- 19 are the sub-chiefdoms, which were mixed together to some 20 extent, and to some extent distinct, depending on the 21 season, clustered on the north bank of the Bahr el Arab. 22 They're highlighted: Bongo, Abyior, Torjok -- which 23 we understand to be another name for the Alei, I'm sure 24 I'll have a chorus of complaints if I'm wrong about 25 that -- the Manyweir, the Mareng, the Achak, the Diil.</p> <p style="text-align: center;">Page 32</p>

<p>09:57 1 The other two, if they were mountain patrol on the 2 10°35' line, must have felt mighty lonely. 3 There was then a huge leap from Dupuis to Howell, 4 with none of the intervening documents discussed by 5 my friend. Howell is 1951. He says that the Ngok 6 extends -- this is in 1951, contemporary with Cunnison 7 and Tibbs: 8 "... northwards along the main watercourses, of 9 which the largest is the Ragaba Umm Biero." 10 Even in 1951 Howell is talking about the Umm Biero. 11 There's nothing here that could possibly assist the 12 SPLM/A case. 13 Then there's the 1965 agreement. The 1965 and 1966 14 agreements recognise that the Ngok had permanent 15 settlements on the Ngol. By 1965 they did; that's the 16 point. It doesn't mean they had them in 1905. 17 Then there was some reference to Cunnison and Tibbs. 18 Cunnison I've dealt with. As for Mr Tibbs, I showed you 19 his sketch of Dar Messiriya, which bears no relationship 20 to the ABC area. It was, incidentally, nice to see 21 Mr Tibbs in court during the proceedings. 22 In conclusion, let me take you to two sketch maps 23 from the period around 1930, by which stage 24 Professor Daly's argument ab ignorantia can have no 25 application; by 1930, the Condominium Administration.</p> <p style="text-align: center;">Page 33</p>	<p>10:00 1 that, because it shows the Ngok in relation to the Homr, 2 but it also shows an extremely small area. 3 This was prepared after enquiry from the officials 4 of all three provinces. There is an accurate 5 description of the circumstances of its preparation and 6 therefore its provenance in the ABC experts's appendix. 7 It was prepared for the purposes of resolving tribal 8 grazing disputes by an official in Khartoum after 9 enquiry. It contains detailed and precise information. 10 The onus is on the SPLM/A to show that the winter 11 settlement activities of the Ngok were radically 12 different from the picture that can be seen here. They 13 have not discharged that onus. 14 The two accounts that we have near 1905 of the 15 winter practices of the Ngok indicate that they 16 clustered together during the rainy season. That's what 17 Wilkinson said before the transfer; that's what Willis 18 said after the transfer. 19 I turn to the SPLM/A case for area 4. 20 Paragraph 51 of the rejoinder lists a number of 21 items. Mr Born pointed out quite rightly that it 22 doesn't only list the community mapping report, though 23 it does make the assertion in relation to the community 24 mapping report that: 25 "A fair reading of the various items that are cited</p> <p style="text-align: center;">Page 35</p>
<p>09:59 1 This was the colonial service of the Sudan, the pride of 2 the British; it wasn't, as it were, formally British, it 3 was Condominium, but a separate colonial service in 4 which great pride was felt. This was the service of 5 MacMichael, this was the service of people like 6 MacMichael: real scholars who also spent time, years and 7 years, in the field. 8 What did they show at this period? 9 This is the 1927 tribal map. If you can see it, 10 you're better than I am. Let me just find it. 11 You can see "Humr" written right across the ABC 12 area. You can see "Mareig", which is of course the 13 Ngok, near Abyei, to the north of the Bahr el Arab. You 14 can see an early version of the straight-line boundary 15 to the south -- it was being straightened out at about 16 this time -- and you can see the Mareng Dinka further 17 east. 18 That's a depiction -- it's obviously a sketch and 19 not a detailed map -- but that's a depiction of what the 20 person who produced this map thought was the relative 21 tribal distributions in 1927. As a matter of science it 22 bears no relationship to what the ABC experts did. 23 Then let me take you back to the Civsec map. The 24 Civsec map was broadly consistent with these depictions. 25 Okay, it was a summer camp description, and I accept</p> <p style="text-align: center;">Page 34</p>	<p>10:02 1 shows that permanent Ngok Dinka villages were located 2 throughout the Bahr region, extending north to the goz 3 and latitude 10°35', both in 1905 and for decades 4 thereafter." 5 I simply invite you to look individually and 6 collectively at the evidence that's referred to in that 7 paragraph. The statement is plainly untrue. 8 In his conclusion, Professor Daly in his second 9 report said at page 19: 10 "... the critical importance of Wilkinson's report 11 for our purposes, when seen in the light of the Terms of 12 Reference of the ABC, is that Wilkinson found Ngok Dinka 13 in permanent occupation of sites along and to the north 14 (left) bank of the Ragaba ez Zarga." 15 Now, that statement is revealing in three ways. 16 First of all, when I asked Professor Daly whether he 17 could find in Wilkinson's report actual concrete 18 specific evidence of occupation on the Ragaba ez Zarga 19 in 1905 he said he could not, although he said he would 20 interpret the report in that way. 21 The second point is -- and this is a remarkable 22 slip -- when seen in the light of the Terms of Reference 23 of the ABC, it would be a remarkable reading of a route 24 report in 1902 that it should be seen in light of the 25 Terms of Reference of the ABC.</p> <p style="text-align: center;">Page 36</p>

<p>10:04 1 An expert is asked to talk about historical 2 documents and not talk about the Terms of Reference of 3 the ABC. He shouldn't have been concerned with the 4 Terms of Reference of the ABC. He is clearly reading 5 the document backwards. In that respect, as in other 6 respects, he faithfully complies with the SPLM/A case. 7 The third point -- and here I have to say I have 8 great respect for Professor Daly as a historian -- is 9 that he is not able to say that the evidence supports 10 the SPLM/A claim to area 4. 11 What he says is that the Ngok Dinka were "in 12 permanent occupation" -- he doesn't actually say "in 13 1905" in the words that I've quoted, but let's assume in 14 1905 -- of areas "on the north (left) bank of the 15 Ragaba ez Zarga". That's the best he can say, and it 16 doesn't establish -- it does not establish -- an SPLM/A 17 claim to area 4. 18 I hope the Tribunal will allow me now to be a little 19 less telegraphic. 20 MR BORN: If it helps you, Professor Crawford, we don't 21 have any objection to you going over a while. 22 PROFESSOR CRAWFORD: That's very kind of you, Mr Born. 23 MR BORN: Subject, of course, to the president's control. 24 PROFESSOR CRAWFORD: In that case I'll say something else. 25 Mr Born and I have crossed swords, but he has been</p> <p style="text-align: center;">Page 37</p>	<p>10:07 1 case has been pleaded to conduct the thorough ICJ-type 2 research in the Sudan Survey Department that we would 3 have like to have conducted, and we have had the same 4 experience of finding graphics by chance that the SPLM/A 5 had when it belatedly undertook its own research. 6 But we can't be sure that it's there. Whoever knows 7 anything about archives, and in particular -- if I say 8 so with respect -- Third World archives, will know that 9 things have gone missing; even in First World archives, 10 the best possibly preserved archives, that is the case. 11 If your cartographers accept Ambassador Dirdeiry's 12 invitation to visit the Survey Department, they will see 13 that the records of the department cannot be described 14 as well-organised. 15 But the sketch we did submit, Percival's sketch 16 covering the area from Wau to the River Kiir, is 17 a complete document. It's not a scrap, it's not a bit. 18 We did submit a bit of Wilkinson's sketch of 1902 19 because we thought it was the only relevant one. This 20 one is a whole one, and the other part of it may or may 21 not exist; we haven't got it. 22 Moreover, turning to the Whittingham sketch, once 23 the Whittingham sketch is correctly assembled it becomes 24 clear that in relation to his journeys, the two routes 25 are entirely separate.</p> <p style="text-align: center;">Page 39</p>
<p>10:05 1 a redoubtable opponent in this case. 2 Let me speak very briefly about the documents. In 3 the closing remarks I want to address only two points: 4 the question of access and the question of your function 5 faced with the difficult task that you have to perform. 6 On the question of access Mr Born has stated that 7 the Government did not disclose parts of maps, 8 especially Percival's 1904 route map and Whittingham's 9 1910 route map. 10 Now, it's true, and I put my hand up -- perhaps 11 I should put two hands up, in accordance with the Dinka 12 over the experts' area; I surrender -- we did not submit 13 the whole of Wilkinson's sketch with the 1902 route from 14 El Debekir to the Kiir River. We didn't have the bit in 15 the middle, we had some scraps. We had judged the 16 northern part of that map to be irrelevant and we didn't 17 give it to you. We gave to you when asked. We didn't 18 have the section in the middle which they found. I've 19 already analysed it and shown you it doesn't make 20 a difference. 21 As for the sketch of Percival's route from Kiir to 22 Wau, it was submitted in its entirety. It's likely that 23 other sketches including aspects of Percival's travels 24 are still in the Sudan Survey Department. 25 We have been unable in the timescale in which this</p> <p style="text-align: center;">Page 38</p>	<p>10:08 1 To conclude, taking into account the circumstances 2 in which this case has been pleaded, there is no 3 evidence against the Government of wilful nondisclosure. 4 That being so, the normal rule applies: that is, it was 5 for each party to prove its case by doing its own 6 research within the timescale laid down by the Tribunal, 7 which was by the counter-memorial, which we did and they 8 did not. 9 I should say that the Government provided a full 10 sketch map of Hallam's trek from Dawas to Rob's old 11 village. We have never had additional Hallam maps. 12 I turn now, in the second part of my closing 13 remarks, to your role in the context of the five areas 14 which I have distinguished the other day. 15 The question is -- and Mr Born has quite fairly put 16 this point repeatedly, some other points he repeated 17 himself less fairly, but we haven't yet provided him 18 with an answer -- what's the difference between the ABC 19 and you, in the context in which we are now in? 20 I am going to turn that question around and ask: 21 what was the condition on which the ABC's report, in the 22 context of a decision by the ABC experts after the 23 failure of consensus, would be binding on the 24 Government? 25 We are talking now about a decision on a territorial</p> <p style="text-align: center;">Page 40</p>

<p>10:10 1 matter associated with the principle of 2 self-determination and the consequence being made in 3 a form binding on the Government. As a matter of 4 general public law, as well as a matter of international 5 law, the position is clear. 6 The ABC was a sui generis body. Mr Born himself 7 declined to classify it as a court or tribunal. It is 8 not called a court or tribunal; it's called 9 a commission. 10 The word "commission" covers, if the distinguished 11 members of the Tribunal will forgive me, a multitude of 12 sins; from bodies which are indistinguishable from 13 courts, such as the Eritrea-Ethiopia Claims Tribunal, 14 which was clearly a court under another name, to bodies 15 which are performing other sorts of functions. But you 16 can't have it both ways. 17 If you want the ABC -- and I emphasise again: the 18 ABC; this is why we take this procedural point so 19 seriously -- to have the attributes of a court, 20 including competence-competence, it has to behave like 21 a court; it has to behave in a judicial manner. 22 You only have to look at what they did -- writing to 23 the United States Government to find out what Sudan had 24 agreed, and then not following the advice, and then not 25 telling us they had done it, and then sneaking their</p> <p style="text-align: center;">Page 41</p>	<p>10:13 1 ABC and the ABC experts. That is the difference between 2 you and the ABC, and that is the answer to Mr Born's 3 questions. 4 Mr President, members of the Tribunal, thank you for 5 your patience throughout this case. 6 THE CHAIRMAN: I thank you very much, Professor Crawford. 7 PROFESSOR CRAWFORD: I'm sorry, I should say -- in a fit 8 of enthusiasm I forgot the agent -- Mr Dirdeiry would 9 like to present our submissions. I do apologise to 10 him for that slight impropriety. He will not be very 11 long. 12 THE CHAIRMAN: Alright. Ambassador Dirdeiry, you have the 13 floor. 14 PROFESSOR CRAWFORD: And I am grateful to Mr Born for the 15 permission. 16 MR BORN: Our permission is just courtesy. Please take 17 all the time that you need. Thank you. 18 (10.14 am) 19 Closing submissions by AMBASSADOR DIRDEIRY 20 AMBASSADOR DIRDEIRY: Mr President, distinguished members 21 of the Tribunal, we have come to the end of the 22 Government of Sudan's pleadings in this case. I do 23 not intend to summarise the arguments that the 24 Government has presented to you in its written 25 pleadings and during the course of the past six days.</p> <p style="text-align: center;">Page 43</p>
<p>10:11 1 report in afterwards -- to see that they behaved in no 2 manner like a court. 3 Of course, they had the power to interpret the 4 mandate, but every body with decisional-making power, 5 irrespective of its classification, has that authority. 6 The crucial question is whether a body, including a body 7 of a sui generis character -- as usual, the words 8 "sui generis" cover a multitude of analyses -- is given 9 the authority to decide for itself on a jurisdictional 10 formula which involves a question of law. 11 In the system of international law which we have and 12 to which states are subject, in the system of general 13 principles of law which is postulated as the applicable 14 law of this Tribunal, the question is whether an entity 15 is given the authority, right or wrong, to determine the 16 scope of its own jurisdiction. 17 We say even if that might have been true in relation 18 to the ABC, it was certainly not true in relation to the 19 ABC experts, whose power was to engage in a scientific 20 exercise and, after an attempt to find a consensus, to 21 reach a decision on behalf of the Commission. 22 But you are different. You are a tribunal. You 23 have an applicable law. You have competence-competence, 24 and you have competence-competence not merely in 25 relation to yourself, but expressly in relation to the</p> <p style="text-align: center;">Page 42</p>	<p>10:14 1 I believe that we have shown why the Government's 2 strong belief that the ABC experts exceeded their 3 mandate is well founded. 4 I am also confident that we have we have provided 5 this Tribunal with the correct interpretation of the 6 formula that the two parties agreed to and have 7 demonstrated that the area of the nine Ngok Dinka 8 chiefdoms transferred to Kordofan in 1905 was based on 9 the factual record. 10 The outcome of this case is obviously of critical 11 importance to the entire country. We are confident that 12 your decision will be grounded on the facts and the law, 13 and will result in the settlement of the dispute that 14 currently divides the parties. 15 The Government of Sudan is extremely grateful to all 16 the members of this Tribunal for accepting to act as 17 arbitrators in this case, and we are conscious of the 18 burden placed on you both in terms of the importance of 19 the case and the tight time limits that exist. 20 On behalf of the Government of Sudan, I would like 21 also to express our sincere gratitude for all the 22 support afforded to both parties by the Permanent Court 23 of Arbitration and its staff, which has contributed 24 immeasurably to the smooth running of these proceedings. 25 May I also take the opportunity to express my thanks</p> <p style="text-align: center;">Page 44</p>

<p>10:16 1 to the court stenographer for his hard work and, via 2 this Tribunal and the CPA, my thanks to the 3 International Court of Justice for making the Great Hall 4 of Justice and other facilities available. 5 Finally, I would also like to express my 6 appreciation to our brethren who are here on behalf of 7 the SPLM/A, and indeed those on behalf of other parties 8 who are present as observers, for the courtesy and 9 efforts that have contributed to the positive atmosphere 10 within which these hearings have taken place. 11 It remains to me, as agent for the Government of 12 Sudan, to maintain and reaffirm our formal submissions 13 in this case which have been set out in our written 14 pleadings. Thank you very much. 15 THE CHAIRMAN: I thank you very much, Ambassador Dirdeiry. 16 We will resume our work at 10.45. 17 MR BORN: Thank you, Mr President. 18 (10.17 am) 19 (A short break) 20 (10.50 am) 21 THE CHAIRMAN: Mr Born. 22 Closing submissions by MR BORN 23 MR BORN: Thank you, Mr President. 24 Your decision in this arbitration will involve 25 issues of fundamental importance both to the Sudanese</p> <p style="text-align: center;">Page 45</p>	<p>10:52 1 Beyond that, the experts correctly defined the Abyei 2 Area. 3 Fairly read, a huge body of documentary, 4 environmental, cartographic and witness evidence 5 demonstrates beyond any fair doubt that the Ngok Dinka 6 have occupied the Bahr region for generations. 7 Even if this Tribunal were to reconsider the issues 8 decided by the five experts, their definition of the 9 Abyei Area and the Ngok Dinka's historic homeland was 10 correct in almost every respect. The only necessary or 11 appropriate adjustment would be to extend the northern 12 boundary of the Abyei Area to latitude 10°35' north. 13 The Government, over the past years, has raised 10, 14 11, 12, 13 or more different objections to the experts' 15 decision. Ultimately the aim of those objections is to 16 delay, to confuse and to complicate. At the end of the 17 day, all of those objections are baseless. They are 18 transparent efforts to re-litigate here in front of you 19 what the experts already decided, in violation of what 20 the parties agreed and what the rule of law says. 21 It is essential -- essential to the people of Sudan 22 and to the international community, the rule of law that 23 governs it -- that you not acquiesce in what the 24 Government has done, but that you instead uphold what 25 the experts did.</p> <p style="text-align: center;">Page 47</p>
<p>10:50 1 people and to the international community. Your 2 decision will concern the integrity of the rule of law 3 in contemporary life and the right of the Ngok Dinka 4 people to their ancestral homeland in the Abyei Area. 5 First this arbitration concerns vitally important 6 principles of res judicata and pacta sunt servanda. 7 The parties' dispute arises from a decision by five 8 pre-eminent experts in Sudanese and African history, 9 ethnography, law and geography; experts who were chosen 10 precisely in accordance with the parties' wishes. 11 The experts applied procedural rules which they had 12 tailored specifically to the parties and their dispute, 13 rules to which the parties expressly agreed. Then the 14 five experts rendered a unanimous and well-reasoned 15 report which defined and delimited the area of the nine 16 Ngok Dinka chiefdoms transferred to Kordofan in 1905. 17 Despite its promise that the report would be final 18 and binding, the Government refused to comply with the 19 experts' decision. That refusal contradicts both its 20 own solemn undertakings and the most basic principles of 21 pacta sunt servanda and res judicata. 22 It's essential to the integrity of the rule of law 23 that this Tribunal not acquiesce in the Government's 24 actions, but that it instead uphold the parties' 25 agreements, the experts' decision and the rule of law.</p> <p style="text-align: center;">Page 46</p>	<p>10:55 1 Let's begin back where we started, with the 2 Comprehensive Peace Agreement. It provided for 3 a negotiated resolution of 40 years of civil war. 4 Central -- and the parties on this -- to the agreement 5 was the status of the Abyei Area, the ancestral homeland 6 of the Ngok Dinka. The CPA established a remarkable and 7 remarkably constructive basis for resolving the parties' 8 disputes, including their dispute over Abyei. 9 In the heat of this litigation, this arbitration, 10 it's worth stopping for a moment, stopping and 11 reflecting on how remarkable and how constructive that 12 peace agreement was; on how two warring parties divided 13 by four decades of conflict, 2 million dead, 4.5 million 14 displaced, put down their arms and agreed peacefully to 15 resolve their dispute. 16 I can agree with counsel on the other side of the 17 table that how you've seen the two parties together, the 18 Ngok and the Messiriya in this room, testifies to how 19 remarkable that peace agreement was. It's something to 20 be honoured and respected. 21 Let's look again at the Abyei Protocol. We've seen 22 it many times before, but let's take one more look. We 23 can see Article 1.1.1 on the screen. It recited the 24 parties' agreement about the Abyei Area. It said: 25 "Abyei is a bridge between the north and the south,</p> <p style="text-align: center;">Page 48</p>

<p>10:56 1 linking the people of Sudan." 2 Let's think again about that language in light of 3 what we've learned over the past week. Let's reflect on 4 where the parties, the north and the south, would have 5 conceived their bridge. Was it in the Bahr and the goz, 6 where the Ngok and the Messiriya lived as brothers for 7 generations? Or was it in that narrow strip of swamp 8 land, just to the south of the Kiir, where the 9 evidentiary record has no reference to any Messiriya 10 ever having been seen? 11 Let's look at Article 1.1.3. Remember that it says: 12 "The Messiriya and other nomadic peoples retain 13 their traditional rights to graze cattle and move across 14 the territory of Abyei." 15 Think again where the Messiriya had their 16 traditional grazing rights, which the Ngok promised in 17 Article 1.1.3 to respect, and which here and now they 18 promise again always to respect. 19 Did the Messiriya graze south of the Kiir, in the 20 sudd and the tooc? Or was it like Professor Cunnison 21 and Zakaria Atem and everybody else told us: that they 22 grazed north of the Kiir, up by the Ngol, just south of 23 the goz? 24 Let's look again at Article 1.1.2 of the 25 Abyei Protocol. It set forth the parties' agreement,</p> <p style="text-align: center;">Page 49</p>	<p>11:00 1 Article 1.1.2. 2 You can see Article 5.1 there on the screen in front 3 of you, and how it refers to defining and demarcating 4 the area set forth in Article 1.1.2, and that's a point 5 I will come back to. 6 The Abyei Annex provided for the appointment of five 7 impartial experts to the Commission. The parties 8 recognised that the definition of the Abyei Area would 9 raise complicated historical, factual and other issues. 10 We've seen clearly the complexity of those issues in the 11 last days, historical, anthropological, environmental. 12 We've heard, albeit almost entirely from the SPLM/A, 13 from Professor John Allan, from Professor Daly, from 14 Mr Schofield, from Dr Poole. We also heard, again 15 almost entirely from this side of the room, about the 16 views of Professor Cunnison. 17 Those issues -- the anthropological, the 18 environmental, the historical -- are complex, they are 19 highly complex, and that was exactly the reason that the 20 parties agreed to the selection of five experts -- and 21 you can read it on the slide -- knowledgeable in 22 history, geography and any other relevant expertise. 23 As we also saw, the parties agreed, they 24 specifically designed an appointment mechanism for those 25 experts. Pursuant to Article 2 of the Abyei Annex, the</p> <p style="text-align: center;">Page 51</p>
<p>10:58 1 their substantive agreement on the Abyei Area. The 2 territory is defined as: 3 "... the area of the nine Ngok Dinka chiefdoms 4 transferred to Kordofan in 1905." 5 That provision was the substantive cornerstone of 6 the parties' agreement on Abyei. We have considered it 7 in detail, I'll come back to it, but it was the 8 substantive basis for the parties' agreement. 9 We also saw how the Abyei Protocol provided for 10 an Abyei referendum, a free democratic election to be 11 held in parallel with the Sudan referendum. Its 12 importance is vital. We've seen how the referendum 13 allowed the residents of the Abyei Area to vote on 14 whether the area would be in the south or in the north. 15 That referendum was designed specifically to ensure the 16 right of the Ngok Dinka people, the nine Ngok Dinka 17 chiefdoms, to self-determination in a free democratic 18 election. 19 The Government has not, in all its submissions, ever 20 challenged that basic purpose. Procedurally the 21 Abyei Protocol and Abyei Annex established the framework 22 for a remarkable dispute resolution provision. The 23 parties provided for an Abyei Boundaries Commission, 24 which was given the mandate for defining and demarcating 25 the Abyei Area, as it had been substantively defined in</p> <p style="text-align: center;">Page 50</p>	<p>11:01 1 United States and the United Kingdom were to appoint one 2 expert each, and the Inter-Governmental Authority for 3 Development, the IGAD, was to appoint the remaining 4 three. 5 The parties agreed for the IGAD to resolve any 6 disputes about the composition of the Tribunal, and 7 we've seen in the last days why the parties agreed to do 8 that: the IGAD had played a central role in the 9 negotiations of the CPA, it was trusted by both parties, 10 it was an African institution, it knew the two parties 11 and it knew their disputes. It was a considered choice 12 by the parties for the IGAD to select five experts; 13 a choice that demands respect and honour. 14 The IGAD proceeded with the appointment of the five 15 experts; it did so with the full cooperation of both 16 parties. No party voiced any objections, even 17 reservations, about the IGAD's choices, the 18 United States' choices, the United Kingdom's choices. 19 Once constituted, the experts had between them 150 years 20 of collective experience in Sudan, in Africa, in their 21 areas of expertise. 22 We've heard many harsh assessments of the experts in 23 the last days. It's useful to remember who they were. 24 You can see them in front of you on the slide. They 25 were distinguished African authorities on African</p> <p style="text-align: center;">Page 52</p>

<p>11:03 1 history, ethnography and African law. 2 The three African experts you can see, 3 Professor Kassahun Berhanu, Professor Godfrey Muriuki, 4 Professor Shadrack Gutto, were distinguished men. The 5 other two, Ambassador Petterson and Dr Johnson, were not 6 African, but they had devoted their life to Africa and 7 they were distinguished experts in their field. 8 At no point throughout the entire ABC proceedings 9 did any party object to or criticise any of those five 10 men, and that is because, taken together, they were 11 an extraordinarily impressive, distinguished, impartial 12 and honest group of men, and because their collective 13 expertises provided exactly what the parties wanted and 14 expected. 15 They weren't international arbitration lawyers. 16 They were just -- if I can put it that way -- "just" 17 scientists and historians and anthropologists, but they 18 were the men with the expertises; they were the men that 19 the parties chose and wanted to resolve their dispute. 20 That choice again demands and deserves our respect and 21 honour. 22 Once they were appointed, the experts went about 23 addressing the issues that the parties presented to 24 them. They did so with exceptional diligence, integrity 25 and skill.</p> <p style="text-align: center;">Page 53</p>	<p>11:06 1 submissions, including an additional presentation from 2 the Government. 3 Stepping back from that -- and I know we've looked 4 at this to some extent in the past, but it's useful in 5 the heat of this litigation to step back and look at 6 what those men did -- it was a remarkable fact-finding 7 process. It was conducted professionally, effectively, 8 efficiently and fairly. The experts who conducted that 9 process deserve our honour and our respect. 10 During the past week we also looked at how the 11 parties fully expected and wanted the experts to conduct 12 additional investigatory work, additional archival work, 13 additional investigations on their own, without the 14 involvement of either of the parties, and the experts 15 did that. It involved research at locations in England 16 and elsewhere in Africa: the Rhodes House library, the 17 Bodleian library, the Durham Sudan Archives. 18 We saw how the experts interviewed additional 19 witnesses both in England and in Sudan. They visited 20 Mr and Mrs Tibbs twice in England, and Professor Ian 21 Cunnison also in England. We've seen how important 22 those people's testimony was -- both sides put them in 23 as factual witnesses -- and we saw how 24 Professor Cunnison's work is so important, so important 25 in understanding the factual record.</p> <p style="text-align: center;">Page 55</p>
<p>11:05 1 Like Dr Poole, the experts travelled to the Abyei 2 Area and the surrounding regions. They spent six days 3 with the residents, the Ngok and the Messiriya. They 4 conducted public hearings around the Abyei Area, and in 5 total they heard 100 witnesses at the places you can see 6 on the screen: 47 Dinka and 57 Messiriya. 7 The experts included historians who were capable and 8 trained in evaluating the testimony and descriptions of 9 people. They did so in different ways than we as 10 lawyers might do, but those ways are entitled to no less 11 honour and respect. 12 We heard Professor Daly describe the value to 13 a historian of oral evidence. Remember the experts 14 heard 100 witnesses in open public meetings, with as 15 much time as they needed, with all the interpreters they 16 needed. Their assessment of that evidence demands our 17 respect and our honour. 18 The experts' work in the Abyei Area was onerous and 19 demanding. Despite truly daunting time constraints, 20 logistical challenges and security concerns, they 21 conducted every one of the site meetings, visits and 22 presentations, and other research that was contemplated. 23 Indeed, they did more than was originally foreseen. 24 Working with the parties, they went to additional 25 places, heard additional people, entertained additional</p> <p style="text-align: center;">Page 54</p>	<p>11:08 1 At the same time, and very properly, the experts 2 conducted additional interviews of witnesses in 3 Khartoum, as we've seen. The experts heard the parties 4 multiple times; frankly, as many times as the parties 5 wanted to be heard. There were no objections at any 6 time throughout those proceedings. 7 I have showed you this slide before, but because 8 it's somewhat similar to what we heard this morning from 9 Ambassador Dirdeiry, I would like to show it to you 10 again. I won't read it out, but the words where the 11 Government solemnly undertook to respect the ABC 12 decision were eloquent, they were an eloquent 13 commitment. They too deserved to be honoured and 14 respected. 15 The parties set an ambitious schedule for the 16 experts to complete their work and announce their 17 decision. Pursuant to the parties' request, their joint 18 request, the experts had barely three months to complete 19 their job. That was formidable; it would have taxed any 20 one of us. But they did it, they finished their work, 21 and they delivered the final ABC report on schedule. 22 It was a substantial document, 45 pages, unanimous; 23 no dissents, no concurrences. By any standard it was 24 a highly impressive work. It provided an expert 25 analysis of Sudanese history, ethnography and other</p> <p style="text-align: center;">Page 56</p>

<p>11:09 1 issues. It drew on the experts' complementary skills 2 and expertise and a wide range of archival, witness and 3 other evidence. 4 The Government has castigated that report in 5 multiple ways. It's been called "a scientific 6 shambles", "grossly misconceived", "bizarre" and "off 7 the planet". Those characterisations aren't fair. 8 When you look at the report, those characterisations 9 are based on distortions that either leave out footnote 10 references, leave out whole discussions in propositions, 11 twist the obvious meaning of what the experts meant. If 12 you step back and look fairly and objectively, outside 13 the heat of this litigation, at what the experts did, it 14 was an impressive work. It too demands our respect and 15 our honour. 16 The experts presented that report to the President 17 of Sudan on 14th July. That meeting was arranged by the 18 Government with the full cooperation of the ABC members. 19 No objections were made in the run-up to the meeting; no 20 objections were made when the ABC experts presented 21 their report; no objections were made after they had 22 presented their report. 23 The only time that the Government began to complain 24 about what the experts had decided was when they saw 25 what the substantive result was, and then the Government</p> <p style="text-align: center;">Page 57</p>	<p>11:13 1 the sort of decision that all developed and civilised 2 legal systems do and should enthusiastically uphold. 3 Failure to do that not only violates the most basic 4 principles of res judicata, but it jeopardises the rule 5 of law in future cases. If the law will not give effect 6 to adjudicated decisions like that in the future, what 7 reason will parties have to choose to resolve their 8 disputes through peaceful means? 9 With that background, let's turn briefly to the 10 Government's complaints. 11 As we know, it's given us a long and continually 12 changing list of complaints: 10, 11, 12, 13; we've been 13 told it doesn't really matter. We've seen how the 14 Government changes the rationale for its complaints on 15 almost every occasion, and we saw further changes in its 16 rationale this morning. However they put them, however 17 they explain them, the Government's claims are all 18 baseless. 19 First they're baseless because, save with one 20 exception, they're inadmissible. They don't involve 21 claims of an excess of mandate. They don't fall within 22 the parties' definition in Article 2(a). Even if they 23 did, substantively their claims are implausible, they're 24 untenable, they're not based in substance. 25 As we've seen, Article 2(a) of the Arbitration</p> <p style="text-align: center;">Page 59</p>
<p>11:11 1 said, "Let the experts sponge their report in water and 2 drink it". 3 The Government's refusal to honour the experts' 4 report is unsatisfactory. It brings dishonour on Sudan, 5 and it threatens the rule of law. 6 The parties' agreement to resolve the Abyei dispute 7 was extraordinarily constructive. It ended 40 years of 8 bitter conflict, 2 million dead, 4.5 million displaced. 9 The arrangements that ended that war are exactly the 10 type of agreement that every civilised legal system does 11 and should enthusiastically uphold. 12 Failure to honour those agreements not only violates 13 the most basic rules of pacta sunt servanda, but also 14 jeopardises the efficacy of those arrangements in the 15 future. If the law will not give effect to agreements 16 like that, parties won't enter into them. 17 Equally, the experts produced a carefully reasoned, 18 balanced and impressive decision under challenging 19 circumstances. We've seen how they conducted efficient, 20 thorough, impartial procedures, in which two warring 21 parties, in the middle of a conflict zone, worked 22 together to resolve their dispute. 23 The experts' decision, the ABC procedures, were 24 a striking example of how international dispute 25 resolution should work. The experts' report is exactly</p> <p style="text-align: center;">Page 58</p>	<p>11:15 1 Agreement provides what the issue is that this Tribunal 2 is to decide. It provides a single specifically defined 3 basis for this Tribunal's authority to disregard the 4 experts' report. As we discussed at length on Sunday 5 and Monday, virtually all of the Government's claims 6 fall outside the scope of Article 2(a) and are therefore 7 inadmissible. 8 Article 2(a) does not concern whether the experts 9 exceeded their mandate in the abstract. The parties 10 could have attached the usual list that one finds in the 11 New York Convention, or a general reference to nullity; 12 but they didn't. Instead, as you can see on the slide, 13 they defined an excess of mandate by reference -- using 14 the words "which is" -- to the language that was in the 15 Abyei Protocol. 16 The phrase "which is" provides the parties' 17 definition, and it refers to the experts' task of 18 defining and demarcating, the substantive definition of 19 the Abyei Area in Article 1.1.2. Article 2(a) refers by 20 its plain terms to a substantive excess of mandate 21 ultra petita. 22 Applying that definition, the Government's claims 23 that the experts violated purported mandatory criteria 24 do not constitute excesses of mandate under 25 Article 2(a).</p> <p style="text-align: center;">Page 60</p>

<p>11:16 1 None of these claims allege that the experts failed 2 to define or delimit the Abyei Area; none of them are 3 ultra petita claims. Indeed, none of these mandatory 4 criteria claims even allege that the experts violated 5 the procedural provisions of the ABC agreements. 6 Rather, as we've seen, all of those claims are based on 7 alleged principles of peremptory mandatory law external 8 to the parties' agreements. That is not the basis for 9 a claim of excess of mandate under Article 2(a). 10 Second, the Government's four procedural complaints 11 also fall outside the definition of an excess of 12 substantive mandate under Article 2(a). Again, although 13 titled differently, as they ultimately have evolved 14 those claims all rely on external mandatory principles, 15 so-called "universally applicable procedural rules" or 16 "peremptory procedural norms". 17 We've submitted that on the substance -- and we'll 18 come back and look at them -- that there are no such 19 norms. But even if there were, they would not fall 20 within the scope of an excess of mandate under 21 Article 2(a). 22 Finally, even when one gets to the Government's 23 purported substantive mandate claims, three of them are 24 in fact nothing of the sort. The claims that the 25 experts refused to answer the question asked, that they</p> <p style="text-align: center;">Page 61</p>	<p>11:20 1 fact or law. Annulment is to be distinguished from 2 appeal." 3 As I said, I will come back to that in a moment. 4 Applied to the present case, the Government's three 5 excess of mandate claims do not fall within 6 Article 1.1.2; they instead involve what the Government 7 calls an error in the experts' reasoning on a point of 8 law. 9 I made this point before, and this is a lead-in to 10 what I promised you about responding to some comments 11 this morning: the Government's substantive mandate 12 claims can be tested -- the three claims about answering 13 the wrong question, failing to answer the right 14 question, ignoring the stipulated date -- by seeing how 15 those claims would apply to this Tribunal's own 16 decision. 17 Our colleagues on the other side of the table 18 acknowledge that this Tribunal's mandate is identical in 19 its wording, in its reference to the Abyei Area under 20 Article 2(c), to that of the ABC experts. Your mandate 21 under Article 2(c), were you to ever reach that issue, 22 is to define exactly the same area. 23 Critically, if the experts' misinterpretation of 24 that definition were an excess of mandate, then 25 inescapably, logically, inexorably, exactly the same</p> <p style="text-align: center;">Page 63</p>
<p>11:18 1 answered the wrong question, or that they ignored the 2 stipulated date of 1905, all of those rest 3 fundamentally, inexorably, inescapably on the 4 Government's interpretation of the substantive 5 definition of the Abyei Area in Article 1.1.2. 6 This Tribunal is not a court of appeal. This 7 Tribunal does not sit to review the substantive 8 decisions of the experts. Those three claims do not 9 fall within your authority: they are not substantive 10 excesses of mandate. 11 We've seen that the Government's definition 12 substantively of the Abyei Area is wrong, completely 13 wrong. But even if it were right, it would be 14 a substantive mistake which is not subject to this 15 Tribunal's review. 16 We've seen the authorities that establish this 17 point. We've seen the ILC commentary; it's currently on 18 the slide. We've seen the other authorities. Indeed, 19 the Government itself -- and I'm going to come back to 20 this because there were some comments today that 21 addressed the point -- said: 22 "This does not mean that an award can be annulled 23 simply because a party disagrees with the reasoning of 24 the Tribunal on a point of fact or law, even if the 25 Tribunal was in error in its reasoning on a point of</p> <p style="text-align: center;">Page 62</p>	<p>11:21 1 conclusion applies to you. 2 If the experts were wrong to look at the area of the 3 nine Ngok Dinka chiefdoms which were collectively 4 transferred to Kordofan in 1905 instead of looking at 5 a transferred area south of the Kiir, and if you were to 6 do the same thing, then you would be subject to 7 precisely the same challenge that the Government has 8 articulated. 9 Nothing we heard in any of the Government's 10 submissions before this morning denied that. On the 11 contrary, as I've showed you the language on previous 12 occasions, the Government embraced that with open arms. 13 You can see it on the slide. It would violate this 14 Arbitration Agreement, just like they say the experts 15 violated their mandate. 16 Professor Crawford didn't deny that this morning. 17 Instead he sought to draw a distinction between the 18 character of you on the one hand, as an adjudicative 19 body, and the character of the ABC experts on the other 20 hand, as, it appears now, a non-adjudicatory body. I'm 21 going to come on and address that specifically, but it's 22 a new argument, one we've never heard before, with very 23 good reason. 24 Let me say preliminarily, before I turn to look at 25 what the Government told you this morning, that the</p> <p style="text-align: center;">Page 64</p>

<p>11:23 1 Government's position on this issue is absurd. It 2 cannot be that if you err in adopting the supposedly 3 wrongful definition that the ABC experts did of the 4 Abyei Area in Article 1.1.2 that you too have exceeded 5 their mandate. That cannot be. 6 Were that to be the case then, if you were to follow 7 the Government's position, the SPLM/A would be in 8 exactly the shoes of the Government, the same from the 9 other perspective: that you had erred with regard to 10 your mandate. 11 Of course that's not either the SPLM/A's position or 12 any conceivably sensible view of the law. The 13 substantive interpretation of what "the area of the nine 14 Ngok Dinka chiefdoms transferred to Kordofan in 1905" 15 means, the interpretation of Article 1.1.2, is not 16 a question of jurisdiction; it's a question of 17 substance. 18 It's a question of interpreting what that part of 19 the parties' agreement meant. The mandate of the 20 experts, as with you, is then to define and delimit that 21 substantively defined area. 22 A mistake in interpreting Article 1.1.2 is the sort 23 of issue the Government has described as an appeal on 24 a matter of law or fact. That is not within your 25 mandate. That is not an excess of mandate.</p> <p style="text-align: center;">Page 65</p>	<p>11:26 1 "If the experts had delimited the Abyei Area's 2 boundary on the Ngol ..." 3 And we heard this from Professor Pellet: 4 "... again this was erroneous, but this was within 5 their mandate ... and on this basis alone the Government 6 could not have pleaded an excess of mandate." 7 So one thing we know that the Government said, or at 8 least says now, is: had the experts misunderstood where 9 the provincial boundary was, that would be a mistake of 10 substance, not a mistake that would constitute an excess 11 of mandate. 12 Let's look at what else the Government said. The 13 Government said: 14 "My view is that we say that [the mandate is] as 15 long as there is no possibility for interpretation, 16 there is no competence." 17 I don't entirely understand that, to be honest. Of 18 course there's possibility for interpretation. Look at 19 Article 1.1.2: you have to interpret it. 20 Professor Crawford admitted you have to interpret it, 21 and obviously the experts had the competence to do that. 22 But let's go on: 23 "The only competence they could have is to strictly 24 interpret the mandate, and we cannot deny that they have 25 a slight possibility of interpretation."</p> <p style="text-align: center;">Page 67</p>
<p>11:25 1 The thing that the excess of mandate focuses on is 2 whether what the experts did and what you would do would 3 be to define and delimit the thing referred to; define 4 and delimit. You have to do that, the experts had to do 5 that. If the experts didn't do that, they would have 6 exceeded their mandate. But they didn't do anything of 7 the sort and the Government hasn't suggested it. 8 There were some questions from the Tribunal that 9 it's worth talking about. The first question was: did 10 the experts have the competence-competence to decide the 11 question of their own competence? Of course. 12 Definitely. Without any doubt. Professor Crawford said 13 as much. Of course they had the power to interpret the 14 mandate. 15 The issue, of course, is: to what extent may this 16 Tribunal review what they did, how they interpreted the 17 scope of the Abyei Protocol? On this issue we will see 18 the Government has taken a huge array of varying 19 positions. The Government's case on this point is 20 fundamentally incoherent, while the SPLM/A's case has 21 been logical and consistent from the beginning. 22 Let's start by looking at some of the things that we 23 heard this morning. What we heard this morning was that 24 first -- and this was an important and interesting 25 concession:</p> <p style="text-align: center;">Page 66</p>	<p>11:27 1 The Government stands or slides on a slippery slope. 2 It makes no sense to say that you are to review de novo, 3 with no deference whatsoever, what the experts decided 4 about either the meaning of Article 1.1.2 or the meaning 5 of Article 5.1, which contained a reference to the same 6 language. Professor Pellet started down the path of 7 saying "no deference at all", and even then said: 8 "We cannot deny that they have a slight possibility 9 of interpretation." 10 His example, I confess, I don't understand. 11 Probably they can try to explain that the cat barks or 12 things like that, but it must really be related -- and 13 strictly related -- to the mandate. 14 With all respect, that won't do. Just making it up 15 on the fly isn't the way that you approach this. You 16 need to logically interpret what Article 1.1.2 and 17 Article 5.1 mean, which we will do. 18 Before we do that, let's take one more look at what 19 the Government said. The Government said -- as I've 20 just said, and for the reasons I have recalled: 21 "... the mandate ought to be integrally and fully 22 respected, and any departure from it must be sanctioned 23 by this Tribunal; within, of course, the reasonable 24 limits to be respected in any litigation, including the 25 principle of reasonableness -- not in isolation, but of</p> <p style="text-align: center;">Page 68</p>

<p>11:29 1 reasonableness <i>infra legem</i> -- and the principle of 2 proportionality." 3 Again, an <i>ad hoc</i> reference to some sort of deference 4 on your part to what the ABC experts decided. Again, 5 that doesn't make sense. One needs a logical, 6 consistent approach -- a Cartesian approach, one might 7 say -- to how to look at your deference to the ABC 8 experts' decision. 9 The way to do it we have set out consistently and 10 clearly in the past. The way to do it is to recognise 11 that the parties substantively, as a fundamental part of 12 their agreement, decided what the Abyei Area is defined 13 as. That is in Article 1.1.2. An interpretation of 14 that is a matter of substance. It's a matter as to 15 which the Government has said you are not a court of 16 appeal. 17 That language then gets used in Article 5.1. 18 Article 5.1 describes the mandate as defining and 19 demarcating that area. The deference that you owe to 20 the experts is high, extraordinarily high, with regard 21 to defining and delimiting. We will come on to that. 22 That is where they need to make a glaring, flagrant or 23 manifestly wrong decision. 24 With regard to their substantive interpretation of 25 Article 1.1.2, there is not a question of deference.</p> <p style="text-align: center;">Page 69</p>	<p>11:32 1 end of the day that is a substantive disagreement about 2 what Article 1.1.2 means. 3 That takes us then to the rather extraordinary 4 argument we heard this morning, which is: while this 5 Tribunal is an adjudicatory body, the ABC experts were 6 not. The reason that I say that that is extraordinary 7 is that the Government has never said it before. 8 Moving on through the slides, the Government has 9 instead, throughout this entire case -- throughout this 10 entire case -- described the ABC experts by reference to 11 an arbitral tribunal. You will recall the submissions 12 on this. They referred to the ABC Rules of Procedure as 13 the Arbitration Rules, on the most trivial level. They 14 analogised the ABC experts to an ICSID arbitral 15 tribunal; they analogised you to an ICSID annulment 16 panel. 17 We adopted a more nuanced position. Our position 18 was right, but the suggestion this morning that the ABC 19 experts were not adjudicatory is extraordinary and it is 20 wrong. 21 Our position was that while there are important 22 differences between the ABC experts and the ABC 23 proceedings and an ICSID or arbitral tribunal of some 24 sort, it remains adjudicatory. There are submissions 25 that address that in detail. There can be no question</p> <p style="text-align: center;">Page 71</p>
<p>11:30 1 That is a question for them substantively to decide. 2 That is a question as to which the Government says: you 3 are not a court of appeal, but rather this is annulment. 4 On that issue there is no review. And that is it, game, 5 set and match. 6 What would constitute an excess of mandate under 7 those grounds? We've talked about it, we've made 8 concessions with regard to the grazing rights argument. 9 We think substantively that's baseless. 10 There are other things that would equally constitute 11 an excess of mandate: had the ABC experts changed the 12 date for the referendum, had they changed the 13 governmental structure within the Abyei Area, had they 14 changed the allocation of oil revenues, had they tried 15 to divide natural resources in some other way, that 16 would not have been defining or demarcating the Abyei 17 Area; that would have been outside their mandate. 18 But that's not what they did. That's not what the 19 Government claims. Think a little bit about the 20 Government's claims. Here they say the experts ignored 21 the date 1905. That is a quintessential example of 22 a substantive disagreement, a quintessential example. 23 Ultimately the same thing is true of their arguments 24 about whether or not the reference was to the 25 transferred tribes or to the transferred area. At the</p> <p style="text-align: center;">Page 70</p>	<p>11:33 1 but that we are correct on that. 2 Therefore the Government's effort to evade the point 3 that we have made repeatedly -- being that if their 4 arguments about an excess of mandate substantively are 5 correct, they apply to you equally -- have not been met. 6 They have been addressed only by an effort to treat the 7 ABC experts as something other than an adjudicatory 8 body. That contradicts everything the Government has 9 said in this case; it contradicts the basic principles 10 of what an adjudicatory body is, which have never been 11 disputed. 12 With that I think I can move on, probably having 13 used much too much time, and address the substance of 14 the Government's claims, assuming that they were 15 admissible, and looking at whether there's any substance 16 to them. 17 I begin by just briefly reminding the Tribunal of 18 the well-settled principles, generally applicable 19 principles of law, that set the framework for its 20 enquiry. I won't repeat the authorities that confirm 21 the rules of presumptive finality and <i>res judicata</i> that 22 I've described previously. You can see some of the 23 authorities on the current slide. Nor will I repeat the 24 authorities that demonstrate the importance of that to 25 the rule of law.</p> <p style="text-align: center;">Page 72</p>

<p>11:35 1 It is, though, worth just recalling how the ICJ put 2 it in the application of the Genocide Convention case: 3 "Two purposes -- one general, the other specific -- 4 underlie the principle of res judicata, internationally 5 as nationally. First, the stability of legal relations 6 requires that litigation comes to an end ... 7 "Secondly, it is in the interest of each party that 8 an issue which has already been adjudicated in favour of 9 that party not be argued again ... Depriving a litigant 10 of the benefit of [an already obtained] judgment ... 11 must in general be seen as a breach of the principles 12 governing the legal settlement of disputes." 13 That goes back to the discussions that I began with 14 at the outset about the importance to the rule of law. 15 We saw how these principles apply with peculiar 16 importance in the context of boundary determinations. 17 Those principles of finality lie at the foundation of 18 the rule of law. Disregarding those principles would 19 contradict the most basic concepts of legal order, and 20 would reward parties that flouted negotiated dispute 21 resolution mechanisms and adjudicated boundary 22 determinations. 23 Those principles of res judicata and finality have 24 direct consequences for the Government's case. They 25 produce rules allocating and setting the standard of</p> <p style="text-align: center;">Page 73</p>	<p>11:38 1 glaring, a manifest extravagance on the merits, flagrant 2 or manifestly unjust. 3 Going back just for a moment to Professor Crawford's 4 comments about how the ABC experts were not really 5 an adjudicatory body, think about the Government's 6 multiple concessions about the elevated standard of 7 proof that it had to meet. They were on a slide that 8 you saw previously. Where do those come from? 9 Those come from the fact that the ABC experts made 10 an adjudicatory decision which is entitled to respect 11 under principles of presumptive finality, which in turn 12 give rise to those conceded and acknowledged standards 13 of proof. The Government's case falls apart. To use 14 their own analogy, the centre does not hold. 15 Third, looking at the procedural complaints that the 16 Government has raised, it is well settled in every legal 17 system that an adjudicatory body is entitled to the 18 broadest of procedural discretion, that a procedural 19 error needs to be demonstrated clearly and 20 unequivocally, that it has to have caused substantial 21 damage. Again the ICJ put it well; it's on the screen, 22 I won't repeat it. 23 The same principles apply to the Government's 24 mandatory criteria claims, and I won't go through that 25 again.</p> <p style="text-align: center;">Page 75</p>
<p>11:37 1 proof for all of the Government's claims. That is true 2 whatever the claim, whatever the Government's theory. 3 In fact, we don't need to rely on those standards of 4 proof to defend the ABC experts' decision. When you 5 look at it under any standard of proof, that decision -- 6 whether it's procedural, mandatory criteria or 7 substantive mandate -- was right, was proper. But it is 8 useful nonetheless to look at these principles because 9 they underscore the importance to the rule of law, to 10 the integrity of the legal system, of upholding the ABC 11 experts' decision. 12 I won't repeat the many authorities, the mountain of 13 paper that establishes these various rules. We've seen 14 that they require a party that seeks to set aside 15 an adjudicative decision to bear the burden -- the 16 exceptionally onerous burden -- of establishing one of 17 limited grounds for nullity. That allocation of the 18 burden of proof, the height of the standard is 19 universally acknowledged, it results from the 20 presumptive finality. 21 You can see how Judge Weeramantry put it -- he put 22 it very well -- on the current slide. 23 I also referred previously to the fact that 24 an excess of mandate will only be found where the 25 adjudicatory body has made a mistake that's enormous,</p> <p style="text-align: center;">Page 74</p>	<p>11:40 1 We've seen how the Government made -- and I didn't 2 hear much reference to it today, to be honest -- passing 3 reference to the fact that Article 2 of the Arbitration 4 Agreement had waived all these standards, had changed 5 the rules with regard to res judicata. That was 6 something we didn't hear this morning for good reason. 7 We saw how in Article 3 of the Arbitration Agreement 8 the applicable law clause plainly called for this 9 Tribunal to respect, as everyone must respect, the 10 principles of finality and res judicata, pacta sunt 11 servanda and the heightened standards of proof that I've 12 talked about. 13 The parties by agreeing to arbitrate didn't change 14 those or waive them; it simply had you apply them. 15 Those principles are applicable here, just as they would 16 be anywhere. It's again important to underscore the 17 vital importance to the rule of law, to the 18 international community, that we respect those 19 principles; respect them and honour them. 20 The Government's purported excess of mandate claims 21 are not contrary on the substance to just the law; they 22 are also contrary to the parties' agreements, which 23 again the Government promised to honour and respect. 24 As we've seen, the Government has complained about 25 the Khartoum interviews, the Millington emails, the</p> <p style="text-align: center;">Page 76</p>

<p>11:41 1 failure to provide a fully reasoned report, the failure 2 to follow Article 14, and similar sorts of procedural 3 complaints. None of those claims, the Government's 4 claims, can be reconciled with what the parties agreed. 5 We saw how the parties did not agree to an existing 6 set of arbitration rules, a formal set of institution 7 rules, but instead had the experts define what the rules 8 were. We saw how the experts were expected and wanted 9 to conduct an informal proceeding; not a casual one, not 10 a sloppy one, but an informal one, a different way than 11 we might do. 12 We saw how Article 4 of the Abyei Annex gave the 13 experts the power to determine the Rules of Procedure. 14 It was a grant in the broadest of terms to the experts' 15 of the power to set the procedures for the ABC 16 proceedings. 17 We saw how the parties granted the experts the 18 broadest investigatory power. That got lost this 19 morning, but it's worth going back to it. They were 20 expected to go to the British archives and to "other 21 relevant sources on Sudan, wherever they may be 22 available", with a view to arriving at a decision that 23 "shall be based on scientific analysis and research". 24 That's different from what an ICSID Tribunal or 25 an ICC Tribunal would do; it's still adjudicative, and</p> <p style="text-align: center;">Page 77</p>	<p>11:44 1 needs to take a much more nuanced view. One has to look 2 at what the parties agreed, what the parties wanted. 3 One has to look at the Rules of Procedure. 4 I'd like to recall for you just one more authority, 5 I promise the last in this case. You will remember the 6 Petroleum Development Corporation v Sheikh of Abu Dhabi 7 case. The parties agreed there on the choice of 8 Abu Dhabi law to govern their dispute. The arbitrator, 9 Lord Asquith, decided that Abu Dhabi law wasn't really 10 right for that dispute, and instead he substituted 11 English law. 12 That is no different from what the Government seeks 13 to do so in this case with regard to procedural issues. 14 The parties decided on a particular form of procedure; 15 that is what they wanted. Lord Asquith's decision is 16 viewed not with respect and honour today. He failed to 17 honour what the parties had agreed. This Tribunal, like 18 other tribunals around the world, should not make that 19 same mistake. 20 The Government's purported excess of mandate claims 21 also ignore what the parties did, their conduct during 22 the ABC proceedings. That conduct is impossible to 23 reconcile with the Government's claims. 24 The claim that the experts violated Article 14, that 25 they never called a final meeting and never sought to</p> <p style="text-align: center;">Page 79</p>
<p>11:43 1 it's what the parties wanted. 2 We saw how Article 7 of the ABC Rules of Procedure 3 confirmed that procedural authority on the part of the 4 experts, how the parties wanted the experts to conduct 5 independent investigatory work. They were given the 6 power to interview members of the public other than the 7 official delegations at the locations to be visited, to 8 figure out what people they should talk to, what 9 information they needed in the use of their expertise. 10 We saw how, in discussions between the parties and 11 the ABC experts, Ambassador Dirdeiry expressly addressed 12 the question of what Article 4 of the Abyei Annex meant. 13 I took you through this slide and I won't read it 14 again, but it's worth recalling that he described that 15 provision, he corrected himself when he said it referred 16 only to archival sources, he went out of his way to say 17 that it referred to the way in Africa -- that's how he 18 described it -- of collecting oral testimony. Again, 19 that observation demands our respect and our honour. 20 Articles 11 and 13 of the Rules of Procedure 21 confirmed the same broad authority. We have seen now 22 how the parties did not expect the experts to act like 23 ICSID arbitrators, and didn't want them to. The 24 Government's procedural complaints all, though, rest on 25 the assumption that they were no different. One in fact</p> <p style="text-align: center;">Page 78</p>	<p>11:46 1 reach consensus, can't be reconciled with the Rules of 2 Procedure, which is the only place the requirement 3 existed. 4 In addition, as we saw from the evidence -- I won't 5 be able to take you through it, I don't have the time -- 6 the experts tried on three separate occasions to reach 7 agreement. We also saw from Dr Johnson's statements at 8 the end of the parties' presentations that everybody 9 knew the experts were setting about to make their final 10 decision. We also saw from Ambassador Dirdeiry's 11 comments that he knew the experts were going to make 12 their final decision. 13 We saw how the experts went to Khartoum, with the 14 ten ABC Commission members, to the presidential palace; 15 we saw the emails that arranged for that meeting and 16 that referred to multiple conversations with 17 Ambassador Dirdeiry. There can be no question but that 18 the ten ABC [members] didn't go to the presidential 19 palace wondering why they were attending. They weren't 20 clueless. They knew exactly what they were doing, and 21 they behaved exactly in accordance with the parties' 22 agreements, just like the ABC experts. 23 The same thing is true about the Khartoum 24 interviews. When you look at the documentary record, 25 it's clear those interviews were discussed, whether it</p> <p style="text-align: center;">Page 80</p>

<p>11:47 1 was at the dinner table or otherwise, between the 2 experts and the parties. In any case, we also saw from 3 Ambassador Dirdeiry's description of what the Abyei 4 Annex Article 4 meant that that's exactly what the 5 parties expected the experts to be doing. 6 We saw from Dr Johnson's reference to his meetings 7 with the Tibbses and Professor Cunnison that that's what 8 the parties expected. There was no objection to those 9 interviews, and equally there was no distinction between 10 those interviews and the Khartoum interviews. 11 Likewise -- and I'll skip quickly over this -- the 12 Government's conduct before the ABC Commission, the 13 Government's conduct before the experts, contradicts 14 their claim that the experts incorrectly interpreted 15 Article 1.1.2. 16 We saw how the experts time and time again described 17 what their definition of Article 1.1.2 and what their 18 understanding of their mandate was more generally; you 19 can see it on the slide. 20 Never once was there an objection from the parties 21 to that. The Government didn't protest. Instead, what 22 the Government said -- and I'd like to quote a different 23 portion of the transcript that we haven't previously 24 looked at, and this is Ambassador Dirdeiry again -- was: 25 "After defining the area, if it includes the current</p> <p style="text-align: center;">Page 81</p>	<p>11:50 1 prove its audacious claims of universally applicable 2 principles of mandatory and peremptory law. That was 3 an audacious claim. It was its burden. It didn't 4 produce a mountain, it didn't produce a hill; it 5 produced my book, which doesn't support, much less 6 sustain, its case. 7 In sum, even if they were admissible which they are 8 not, none of the Government's claims has any substance. 9 Moving on, for all of those reasons it's plain that 10 the experts did not in fact exceed their mandate. As 11 a consequence, applying Article 2(b) of the Arbitration 12 Agreement, the Tribunal's task is clear: it simply must 13 make a declaration to that effect and issue an award for 14 full and immediate implementation of the ABC report. 15 That is it. That is a complete answer to the 16 Government's case. 17 Only if this Tribunal were to conclude that the 18 experts exceeded their mandate would it go on to 19 Article 2(c). If it does that, as I said yesterday, it 20 should define the Abyei Area as set forth in the 21 SPLM/A's submissions, and I won't repeat that right now; 22 you can see it on the screen. 23 The evidence regarding the area of the nine Ngok 24 Dinka chiefdoms transferred to Kordofan in 1905 dictates 25 a number of conclusions that I can only go through</p> <p style="text-align: center;">Page 83</p>
<p>11:49 1 Abyei ..." 2 That's important, because that's north of the 3 putative provincial boundary: 4 "... then the referendum will be conducted there. 5 And if it is not this one, it is the one south of 6 Bahr el Arab, as we have presented in our document as 7 a Government. Then the referendum and whatever other 8 provisions in the agreement will be conducted south of 9 the River Kiir." 10 I would suggest to you that that in a sense answers 11 Professor Reisman's question from this morning also. 12 Ambassador Dirdeiry was recognising, as anyone would 13 have to, that the ABC experts were going to need to 14 interpret Article 1.1.2 in the Abyei Protocol. He 15 realised that they might decide it for him or against 16 him -- that is inevitable in an adjudicatory process -- 17 and there weren't objections to what the experts said 18 with regard to their formulation of the mandate. 19 Finally, I will spend just a moment on the 20 Government's legal theory for its so-called mandatory 21 criteria claims. I mentioned this previously and I will 22 just touch on it briefly. 23 There's a mountain of paper behind me; we sadly had 24 to put it together to disprove the 11 or 12 or 13 25 governmental claims. It was the Government's burden to</p> <p style="text-align: center;">Page 82</p>	<p>11:52 1 briefly, but those conclusions provide unequivocal 2 confirmation of both the experts' decision and the 3 SPLM/A's claims regarding the Abyei Area. 4 First, the Government's claims -- and we've heard 5 them again in muted form this week -- that the Ngok were 6 located entirely or predominantly south of the 7 Kiir/Bahr el Arab in 1905 are absurd. Indeed, there is 8 virtually no evidence of more than a scattered handful 9 of villages south of the Kiir, if that. 10 Instead, all of the evidence -- apart from 11 Sultan Rob's old village which got visited once in 12 1902 -- shows the Ngok scattered throughout the Bahr. 13 Not surprisingly, both Gleichen in 1905, the compendium 14 on all that was known at the time, and the 1912 Kordofan 15 handbook, the most comprehensive description at the 16 time, put the Ngok's southern -- not northern, 17 southern -- boundary on the Kiir/Bahr el Arab. 18 Second, having put aside the ridiculous suggestion 19 that the Ngok were really beneath the Kiir, living 20 cheek-to-jowl in a tiny little territory that 21 Zakaria Atem said wasn't big enough to accommodate its 22 current owners, and living in the Twic Dinka territory, 23 having put that to one side, we can look at what the 24 evidence shows about the real area, the Bahr, to the 25 north of the Kiir.</p> <p style="text-align: center;">Page 84</p>

<p>11:54 1 What the evidence shows there is clear. It doesn't 2 help to just take snippets and soundbites, the way that 3 we heard. It doesn't help to say, "Oh look, the SPLM/A 4 has just produced one dugdug on the Ngol or one plot of 5 cultivation on this map". No, you have to take a step 6 back. 7 That is one of the reasons that they picked experts, 8 historical and anthropological experts: to be able to 9 look at all the evidence in the whole. When you do 10 that, and don't just pluck out one piece, what you see 11 is the evidence of Professor Cunnison and Mr Tibbs, who 12 described permanent Ngok Dinka villages scattered or 13 dotted, in Cunnison's words, throughout the Bahr, 14 throughout the black clay fertile region that was their 15 ancestral homeland. 16 We saw how Professor Cunnison, when the Government 17 proposed to settle the Messiriya in that land, in the 18 Bahr, said, "No, that's not right. Don't do that. 19 That's the Ngok Dinka's permanent homeland". He was the 20 Government's witness. They didn't bring him here, they 21 didn't try to video-link him. He was the Government's 22 witness, and what he said demonstrates where the Ngok 23 were. 24 We can look at the pre-1905 reports of Wilkinson, 25 Percival, Mahon. They're scattered, they're</p> <p style="text-align: center;">Page 85</p>	<p>11:57 1 That argument, which we thought had been dead and 2 buried long ago, is contradicted by both what the 3 experts found, is contradicted by what Cunnison said; 4 maybe that's why he's not here. He said that he took 5 all these patterns of the people and the places they 6 went to be the same now as they had been -- or more 7 accurately the same in the 1950s, when he lived with 8 them -- for generations, and that's what the other 9 historical experts in the record say. 10 All this evidence is particularly impressive given 11 the limitations of the documentary record. There's not 12 much to go on pre-1905, or even in the Condominium 13 period itself. But when you put it all together, it 14 demonstrates just what Cunnison and the other 15 authorities said. 16 Third, a point the Government didn't really address 17 this morning: the environmental evidence. It showed -- 18 and I show it to you again on the slide -- that the Bahr 19 region was uniquely adapted to the Ngok Dinka lifestyle, 20 and on the other hand how the Messiriya couldn't -- just 21 plain couldn't -- live there in the wet season. 22 That too is confirmed by Professor Cunnison. We 23 looked at what he said. We looked at what he said in 24 great detail, and the Government didn't. 25 The Government's case then, at the end of the day,</p> <p style="text-align: center;">Page 87</p>
<p>11:55 1 fragmentary, it's hard to tell exactly what they show 2 and what they don't show. But when you take the time 3 and don't try to nitpick them, the way the Government 4 tries to nitpick the experts' report, they add up piece 5 by piece by piece. One dugdug plus one village, plus 6 one set of cattle tracks, plus another dugdug, plus four 7 more dugdugs: it all adds up and it provides a picture 8 that's exactly consistent with what Professor Cunnison 9 said. 10 It's also what the Whittingham map [shows], which 11 the Government somehow didn't manage to find, although 12 they managed to find lots of other maps that they 13 thought supported their case. It showed that 14 cultivation patch and the dugdug way up north, beyond 15 where Professor Crawford would have you say the Ngok 16 were ever found. 17 You will remember the Harvard Development Study, 18 which described in the same way that Cunnison did Ngok 19 settlements all the way up to the sandy areas of the 20 goz. 21 We heard reference this morning to the 1965 and 1966 22 agreements in which the Messiriya said in terms that the 23 Ngok lived on the Ngol, and we heard a half-hearted 24 effort on the part of the Government to say 1965 isn't 25 the same as 1905.</p> <p style="text-align: center;">Page 86</p>	<p>11:58 1 comes down to an argument that this fertile rectangle, 2 wedged in between desert on a couple of sides and swamp 3 on another, wedged in between tribes on every side, was 4 empty. There were no Ngok there. It was where the 5 Messiriya came to empty lands to graze in the dry 6 season; nobody was there at any other time of the year. 7 We know that's wrong because everybody in the record 8 tells us -- and the Government acknowledged this 9 morning -- that the Ngok Dinka and the Messiriya were 10 brothers, they mingled together in the Bahr. Abyei was 11 a bridge between the two areas. The Messiriya came to 12 graze in the land of the Abyei Area. That, at the end 13 of the day, demonstrates that the Government's factual 14 case on this point just can't hold up. 15 The witness evidence is to the same effect, and 16 I don't have time to go through it, but you can look on 17 the map and see all the different places one by one. 18 It's a little bit like my description of the dugdugs: 19 you have to add it up piece by piece. But when you do, 20 it paints you a picture that just can't be ignored. 21 At the end of the day, you can't fix with scientific 22 precision exactly where the last Ngok dugdug started and 23 the first one ended, but you can tell that what the ABC 24 experts decided was essentially right. 25 I'm going to skip over the remaining parts of my</p> <p style="text-align: center;">Page 88</p>

<p>12:00 1 discussion because I know I'm pressing up on my time 2 limits. I'd just like to go and recall to you how 3 fundamentally contrary to the purposes of the 4 Abyei Protocol the Government's definition would be. 5 Remember in 2005 these parties sat down to define 6 the Abyei Area; they did it foremost in order to decide 7 where the Abyei referendum would be held, the area where 8 the nine Ngok Dinka chiefdoms and the Ngok Dinka people 9 would be able to exercise their right to 10 self-determination. 11 There's no basis for challenging, much less 12 rejecting, the experts' interpretation of the Abyei 13 Area. As the ABC report correctly concluded, the Abyei 14 Area was the historic area of the nine Ngok Dinka 15 chiefdoms that were collectively transferred to Kordofan 16 in 1905. It was not some artificially truncated slice 17 of that area. 18 The Government's interpretation would manufacture 19 a colonial boundary, one that never existed, that would 20 arbitrarily divide the Ngok Dinka and the nine Ngok 21 Dinka chiefdoms in two, in a way that was never intended 22 and that would serve no legitimate purpose. On the 23 contrary, it would work profound and irreparable harm; 24 irreparable harm on an innocent people who have suffered 25 far too long in silence.</p> <p style="text-align: center;">Page 89</p>	<p>12:03 1 party representatives from all of Sudan, many of whom 2 have a direct stake in the outcome of these proceedings, 3 has been particularly significant to us, and truly 4 fulfils the very purpose for which this Peace Palace was 5 built. Please accept the Tribunal's deep appreciation 6 for your presence today. 7 May I ask whether the agent of SPLM wants to take 8 the floor? 9 MR BORN: Thank you so much, Mr President. He would 10 indeed! 11 THE CHAIRMAN: Okay. I'm very sorry. 12 (12.05 pm) 13 Closing submissions by DR RIEK MACHAR 14 DR RIEK MACHAR: Thank you, Mr President, members of the 15 Tribunal, my fellow Sudanese, and counsel for both 16 sides. 17 I first would like to thank the members of the 18 Tribunal, who have paid exceedingly close interest to 19 every word spoken by the parties over the last five days 20 and today, and for their unfettered commitment to 21 preside over a fair hearing where both parties were 22 treated with equity and were fully heard. 23 The SPLM would also like to thank the Permanent 24 Court of Arbitration and its staff. You have received 25 us warmly, and we appreciate every step you have taken</p> <p style="text-align: center;">Page 91</p>
<p>12:02 1 We go back to where we started. The ABC proceedings 2 were a remarkable dispute resolution process where the 3 parties jointly designed and implemented 4 an exceptionally constructive means of resolving their 5 dispute over the Abyei Area. That process produced 6 an equally remarkable decision, unanimously rendered 7 after extensive fact-finding by five pre-eminent, 8 distinguished experts on African and Sudanese affairs, 9 including three African experts. The resulting ABC 10 report was well reasoned, and it demands our respect and 11 our honour. 12 The parties to the ABC proceedings repeatedly 13 affirmed -- you saw Ambassador Dirdeiry's promise -- 14 that the result would be final and binding and entitled 15 to immediate effect. The Government's refusal to honour 16 that promise brings dishonour on it. We should honour 17 and respect what the experts did, what the parties 18 agreed. 19 Thank you, Mr President. 20 THE CHAIRMAN: I thank you, Mr Born. 21 Ladies and gentlemen, we now come to the end of the 22 oral pleadings phase of this arbitration. On behalf of 23 my co-arbitrators I wish to thank every person who 24 participated in these proceedings, and the many others 25 watching live from all over the world. The presence of</p> <p style="text-align: center;">Page 90</p>	<p>12:05 1 to assist each of the parties so that we might feel 2 comfortable in this Great Hall of Justice, so far from 3 Sudan. Because of your efforts we have been able to 4 work effectively to present our respective cases. 5 Mr President, the SPLM wants to affirm to this 6 Tribunal its commitment to implement your decision, and 7 I want to underline this: its commitment to implement 8 your decision. The SPLM hopes that the Government will 9 also honour its commitment to implement your final 10 award. 11 The SPLM knows that with the evidence presented by 12 each party, we are confident that your decision will 13 promote peace and justice in Sudan as pillars for 14 democratic transformation in our country. 15 The SPLM also wants to assure the people of Sudan 16 that it remains committed to the rights of the Messiriya 17 and other nomads to continue their traditional grazing 18 in the Abyei Area. Those rights shall continue to be 19 honoured, no matter the outcome of this award. We are 20 committed to the development of the Abyei Area for all 21 of the people who depend on its lands and resources for 22 their livelihoods. 23 Finally, Mr President, the SPLM would like to thank 24 the members of the international community who have 25 dedicated resources directly to the PCA to complete this</p> <p style="text-align: center;">Page 92</p>

12:07 1 important task.  
 2 Last but not least, Mr President, the SPLM would  
 3 like to thank Her Majesty's Government and the people of  
 4 the Kingdom of the Netherlands for hosting us.  
 5 Mr President, thank you.  
 6 THE CHAIRMAN: I thank you very much, and let me join you  
 7 for thanks. In particular I would also like to thank  
 8 faithfully the Permanent Court of Arbitration and its  
 9 excellent team of legal counsel, starting with the  
 10 acting registrar, for their constant and diligent  
 11 help.  
 12 I also wish to thank counsel for both parties.  
 13 I spoke at the beginning of these hearings about the  
 14 herculean task you undertook in the preparation of your  
 15 written submissions, and your preparation for these oral  
 16 pleadings must have been equally exhausting. My  
 17 co-arbitrators and I have been most sincerely impressed  
 18 by the depth of your preparation and the clarity of your  
 19 presentations.  
 20 Your job is nearing an end, while the Tribunal's own  
 21 task of arriving at an award within 90 days now begins  
 22 in earnest. Be assured that we will carefully consider  
 23 all the arguments and evidence you have articulated so  
 24 well to us these last six days.  
 25 With that, pursuant to Article 8(9) of the

Page 93

INDEX	PAGE
Closing submissions by .....1 PROFESSOR PELLET	1
Questions from THE TRIBUNAL .....	19
Closing submissions by MR CRAWFORD .....	22
Closing submissions by AMBASSADOR .....43 DIRDEIRY	43
Closing submissions by MR BORN .....	45
Closing submissions by DR RIEK .....91 MACHAR	91

12:09 1 Arbitration Agreement, I formally declare the closure of  
 2 submissions and wish you all a safe trip home. Thank  
 3 you.  
 4 (12.10 pm)  
 5 (The hearing concluded)  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

Page 94

Page 94

<p><b>A</b></p> <p><b>ab</b> 33:24</p> <p><b>Ababa</b> 23:19</p> <p><b>abandoning</b> 17:11</p> <p><b>ABC</b> 1:16,25 2:1,8,12 2:17 3:2 5:12 10:2,6 12:18,21 13:9 16:16 16:25 19:5 20:3,24 21:6,10,18,22 22:23 23:4 26:25 33:20 34:11,22 35:6 36:12 36:23,25 37:3,4 40:18,22 41:6,17,18 42:18,19 43:1,1,2 44:2 53:8 56:11,21 57:18,20 58:23 61:5 63:20 64:19 65:3 69:4,7 70:11 71:5 71:10,12,14,18,22 71:22 72:7 74:4,10 75:4,9 77:15 78:2 78:11 79:22 80:14 80:18,22 81:12 82:13 83:14 88:23 89:13 90:1,9,12</p> <p><b>ABC's</b> 2:24 6:8 8:14 14:2 26:23 40:21</p> <p><b>able</b> 37:9 80:5 85:8 89:9 92:3</p> <p><b>about</b> 23:2,15 25:12 25:13,14 26:9 29:16 31:4 32:24 33:10 34:15 37:1,2 38:2 39:7 40:25 48:24 49:2 51:15 52:6,17 53:22 57:24 63:10 63:12 66:9 68:4 70:7,19,24 71:1 72:4 73:14 75:4,5,6 76:12,24 80:9,23 84:24 93:13</p> <p><b>absence</b> 31:11</p> <p><b>absolutely</b> 3:13 20:25 21:6,23</p> <p><b>abstract</b> 60:9</p> <p><b>absurd</b> 65:1 84:7</p> <p><b>Abu</b> 79:6,8,9</p> <p><b>abundantly</b> 19:4</p> <p><b>Abyei</b> 1:3 6:6,10 8:23 9:1,13,18 10:8,14 14:3 15:15,16,17 22:15,19 23:9 24:1 26:11 31:15 34:13 46:4 47:1,9,12 48:5 48:8,21,24,25 49:14 49:25 50:1,6,9,10 50:13,21,21,23,25 51:6,8,25 54:1,4,18 58:6 60:15,19 61:2 62:5,12 63:19 65:4 66:17 67:1 69:12 70:13,16 77:12 78:12 81:3 82:1,14 83:20 84:3 88:10,12 89:4,6,7,12,13 90:5 92:18,20</p> <p><b>Abyior</b> 32:22</p>	<p><b>accept</b> 15:7 24:15 29:15,16 31:16 34:25 39:11 91:5</p> <p><b>accepted</b> 16:19</p> <p><b>accepting</b> 44:16</p> <p><b>accepts</b> 13:17</p> <p><b>access</b> 38:4,6</p> <p><b>accommodate</b> 84:21</p> <p><b>accordance</b> 1:1 38:11 46:10 80:21</p> <p><b>according</b> 5:7 8:25 11:20 15:15</p> <p><b>account</b> 40:1</p> <p><b>accounts</b> 35:14</p> <p><b>accurate</b> 35:4</p> <p><b>accurately</b> 87:7</p> <p><b>Achak</b> 32:25</p> <p><b>acknowledge</b> 63:18</p> <p><b>acknowledged</b> 74:19 75:12 88:8</p> <p><b>acknowledging</b> 13:25</p> <p><b>acquiesce</b> 46:23 47:23</p> <p><b>acquiescence</b> 26:22,24 27:12</p> <p><b>across</b> 25:17 28:1 34:11 49:13</p> <p><b>act</b> 28:11,12 44:16 78:22</p> <p><b>acted</b> 24:6</p> <p><b>acting</b> 2:9 22:23 93:10</p> <p><b>actions</b> 46:24</p> <p><b>activities</b> 35:11</p> <p><b>actual</b> 31:11 36:17</p> <p><b>actually</b> 37:12 ad 69:3</p> <p><b>adapted</b> 20:8 87:19</p> <p><b>add</b> 12:22 86:4 88:19</p> <p><b>added</b> 24:7</p> <p><b>Addis</b> 23:19</p> <p><b>addition</b> 80:4</p> <p><b>additional</b> 40:11 54:24,25,25 55:1,12 55:12,13,18 56:2</p> <p><b>address</b> 38:3 64:21 71:25 72:13 87:16</p> <p><b>addressed</b> 62:21 72:6 78:11</p> <p><b>addressing</b> 53:23</p> <p><b>adds</b> 18:8 86:7</p> <p><b>adjudicated</b> 59:6 73:8 73:21</p> <p><b>adjudicative</b> 64:18 74:15 77:25</p> <p><b>adjudicatory</b> 71:5,19 71:24 72:7,10 74:25 75:5,10,17 82:16</p> <p><b>adjustment</b> 47:11</p> <p><b>administered</b> 23:20</p> <p><b>administration</b> 16:5 23:25 33:25</p> <p><b>administrators</b> 28:10 30:12</p> <p><b>admissible</b> 72:15 83:7</p> <p><b>admission</b> 6:2</p> <p><b>admitted</b> 67:20</p> <p><b>adopted</b> 71:17</p> <p><b>adopting</b> 65:2</p>	<p><b>adoption</b> 2:21</p> <p><b>advance</b> 12:8</p> <p><b>advertising</b> 7:14</p> <p><b>advice</b> 7:16 41:24</p> <p><b>advised</b> 6:25</p> <p><b>aequo</b> 5:3</p> <p><b>affairs</b> 90:8</p> <p><b>affirm</b> 92:5</p> <p><b>affirmed</b> 4:19 90:13</p> <p><b>afforded</b> 44:22</p> <p><b>Africa</b> 28:2 52:20 53:6 55:16 78:17</p> <p><b>African</b> 46:8 52:10,25 52:25 53:1,2,6 90:8 90:9</p> <p><b>after</b> 3:7 8:17 28:22 35:3,8,18 40:22 42:20 57:21 81:25 90:7</p> <p><b>afterwards</b> 6:7 42:1</p> <p><b>again</b> 1:12 5:22 6:1 10:15,20 17:2 20:25 41:17 48:21 49:2,15 49:18,24 51:14 53:20 56:10 61:12 67:4 69:3,4 73:9 75:21,25 76:16,23 78:14,18 81:16,24 84:5 87:18</p> <p><b>against</b> 40:3 82:15</p> <p><b>agent</b> 43:8 45:11 91:7</p> <p><b>ago</b> 19:22 27:3 87:2</p> <p><b>agree</b> 16:11,25 26:18 48:16 77:5</p> <p><b>agreed</b> 6:7 24:2,2 41:24 44:6 46:13 47:20 48:14 51:20 51:23 52:5,7 77:4 79:2,7,17 90:18</p> <p><b>agreeing</b> 76:13</p> <p><b>agreement</b> 1:2 2:5 3:3 5:17 6:11 7:7 11:4 18:24 23:20,22 33:13 48:2,4,12,19 48:24 49:25 50:1,6 50:8 58:6,10 60:1 64:14 65:19 69:12 76:4,7 80:7 82:8 83:12 94:1</p> <p><b>agreements</b> 18:7 33:14 46:25 58:12 58:15 61:5,8 76:22 80:22 86:22</p> <p><b>agrees</b> 22:17</p> <p><b>agricultural</b> 31:7</p> <p><b>AHMED</b> 2:2</p> <p><b>aim</b> 47:15</p> <p><b>ALAIN</b> 2:3</p> <p><b>albeit</b> 51:12</p> <p><b>Alei</b> 32:23</p> <p><b>Allan</b> 51:13</p> <p><b>allegation</b> 11:3</p> <p><b>allege</b> 61:1,4</p> <p><b>alleged</b> 16:14 26:22 61:7</p> <p><b>alliances</b> 15:20</p> <p><b>allocate</b> 16:13</p>	<p><b>allocating</b> 73:25</p> <p><b>allocation</b> 18:3 70:14 74:17</p> <p><b>allow</b> 5:17 19:17 25:15 37:18</p> <p><b>allowed</b> 50:13</p> <p><b>almost</b> 47:10 51:12,15 59:15</p> <p><b>alone</b> 17:4 67:5</p> <p><b>along</b> 16:13 31:14 33:8 36:13</p> <p><b>ALOYSIUS</b> 2:9</p> <p><b>already</b> 16:9 38:19 47:19 73:8,10</p> <p><b>Alright</b> 43:12</p> <p><b>alternative</b> 2:16 24:4</p> <p><b>although</b> 11:1 29:4 36:19 61:12 86:11 always 49:18</p> <p><b>AL-KHASAWNEH</b> 1:11</p> <p><b>Ambassador</b> 2:2 27:1 39:11 43:12,19,20 45:15 53:5 56:9 78:11 80:10,17 81:3 81:24 82:12 90:13 95:6</p> <p><b>ambitious</b> 56:15</p> <p><b>among</b> 7:2</p> <p><b>amounts</b> 4:13</p> <p><b>analysed</b> 71:14,15</p> <p><b>analogy</b> 75:14</p> <p><b>analyse</b> 21:18</p> <p><b>analysed</b> 38:19</p> <p><b>analyses</b> 42:8</p> <p><b>analysis</b> 10:20 13:10 15:13 16:20 17:9 56:25 77:23</p> <p><b>ancestral</b> 46:4 48:5 85:15</p> <p><b>ancient</b> 28:4</p> <p><b>anew</b> 16:12</p> <p><b>Annex</b> 10:8,14 50:21 51:6,25 77:12 78:12 81:4</p> <p><b>announce</b> 56:16</p> <p><b>annul</b> 5:25</p> <p><b>annulled</b> 62:22</p> <p><b>annulment</b> 7:2 63:1 70:3 71:15</p> <p><b>another</b> 26:23 32:7,23 41:14 86:6 88:3</p> <p><b>answer</b> 1:20 2:11 6:4 19:9 20:9 21:25 40:18 43:2 61:25 63:13 83:15</p> <p><b>answered</b> 2:5 62:1</p> <p><b>answering</b> 63:12</p> <p><b>answers</b> 82:10</p> <p><b>anthropological</b> 26:9 51:11,17 85:8</p> <p><b>anthropologists</b> 25:11 53:17</p> <p><b>Antila</b> 26:13</p> <p><b>anyone</b> 82:12</p> <p><b>anything</b> 13:17 18:11 18:19 23:10 39:7</p>	<p>66:6</p> <p><b>anywhere</b> 76:16</p> <p><b>apart</b> 75:13 84:10</p> <p><b>apologise</b> 22:14 24:9 43:9</p> <p><b>apparently</b> 4:1 8:13</p> <p><b>appeal</b> 21:3,4,9,9,14 62:6 63:2 65:23 69:16 70:3</p> <p><b>appeared</b> 2:4,7,9 25:24</p> <p><b>appears</b> 64:20</p> <p><b>appendix</b> 26:11 35:6</p> <p><b>applicable</b> 8:4 42:13 42:23 61:15 72:18 76:8,15 83:1</p> <p><b>application</b> 23:7 28:25 29:5 33:25 73:2</p> <p><b>applied</b> 1:13 46:11 63:4</p> <p><b>applies</b> 40:4 64:1</p> <p><b>apply</b> 3:17 15:6 21:2 21:14 29:21 63:15 72:5 73:15 75:23 76:14</p> <p><b>applying</b> 17:20 60:22 83:11</p> <p><b>appoint</b> 52:1,3</p> <p><b>appointed</b> 53:22</p> <p><b>appointment</b> 51:6,24 52:14</p> <p><b>appreciate</b> 5:1 6:21 91:25</p> <p><b>appreciating</b> 21:11</p> <p><b>appreciation</b> 45:6 91:5</p> <p><b>approach</b> 68:15 69:6 69:6</p> <p><b>appropriate</b> 47:11</p> <p><b>approve</b> 1:21</p> <p><b>April</b> 1:7 1:1</p> <p><b>Arab</b> 16:23 24:15,16 24:17,18,25 30:16 30:18 32:4,21 34:13 82:6 84:7,17</p> <p><b>arbitral</b> 7:3,19 8:1,7 71:11,14,23</p> <p><b>arbitrarily</b> 13:22 89:20</p> <p><b>arbitrate</b> 76:13</p> <p><b>ARBITRATING</b> 1:4</p> <p><b>arbitration</b> 1:1,2,4 2:10 2:5 3:3 5:17 7:7,13 11:3 18:23 44:23 45:24 46:5 48:9 53:15 59:25 64:14 71:13 76:3,7 77:6 83:11 90:22 91:24 93:8 94:1</p> <p><b>arbitrator</b> 79:8</p> <p><b>arbitrators</b> 44:17 78:23</p> <p><b>archival</b> 55:12 57:2 78:16</p> <p><b>archives</b> 10:17 13:11 16:21 39:7,8,9,10 55:17 77:20</p>	<p><b>area</b> 1:3 6:10 9:16,18 9:20 14:8 15:10,16 15:25 17:7 19:2 23:4,19 24:1 28:23 31:1,3,21 32:9 33:20 34:12 35:2,19 37:10,17 38:12 39:16 44:7 46:4,15 47:2,9,12 48:5,24 50:1,3,13,14,25 51:4,8 54:2,4,18 60:19 61:2 62:5,12 63:19,22 64:2,5 65:4,13,21 69:12,19 70:13,17,25 81:25 83:20,23 84:3,24 88:12 89:6,7,13,14 89:14,17 90:5 92:18 92:20</p> <p><b>areas</b> 37:14 40:13 52:21 86:19 88:11</p> <p><b>Area's</b> 67:1</p> <p><b>argued</b> 73:9</p> <p><b>argument</b> 18:18 25:2 28:14 33:24 64:22 70:8 71:4 87:1 88:1</p> <p><b>arguments</b> 10:23 24:8 24:11 43:23 70:23 72:4 93:23</p> <p><b>arises</b> 46:7</p> <p><b>arm</b> 20:5</p> <p><b>arms</b> 48:14 64:12</p> <p><b>arm-in-arm</b> 13:1</p> <p><b>Arop's</b> 31:15</p> <p><b>around</b> 33:23 40:20 54:4 79:18</p> <p><b>arranged</b> 57:17 80:15</p> <p><b>arrangements</b> 58:9,14</p> <p><b>array</b> 66:18</p> <p><b>arrive</b> 10:5</p> <p><b>arriving</b> 10:19 77:22 93:21</p> <p><b>article</b> 1:1 1:15 2:4,10 2:20,23 3:19,25 5:16,19 8:22,25 9:12,13 10:7,14 14:3 15:15 18:23 29:8,17,17,24,24 30:1 48:23 49:11,17 49:24 51:1,2,4,25 59:22,25 60:6,8,19 60:19,25 61:9,12,21 62:5 63:6,20,21 65:4,15,22 67:19 68:4,5,16,17 69:13 69:17,18,25 71:2 76:3,7 77:2,12 78:2 78:12 79:24 81:4,15 81:17 82:14 83:11 83:19 93:25</p> <p><b>Articles</b> 78:20</p> <p><b>articulated</b> 64:8 93:23</p> <p><b>artificially</b> 89:16</p> <p><b>aside</b> 74:14 84:18</p> <p><b>asked</b> 1:10 4:4,11 5:25 12:4 15:19 36:16 37:1 38:17 61:25</p>
---	--	--	--	--	--

<p><b>asking</b> 4:3  <b>aspects</b> 14:1 19:8 38:23  <b>Asquith</b> 79:9  <b>Asquith's</b> 79:15  <b>assembled</b> 39:23  <b>assertion</b> 35:23  <b>assessment</b> 54:16  <b>assessments</b> 52:22  <b>assist</b> 33:11 92:1  <b>associated</b> 24:21 41:1  <b>assume</b> 37:13  <b>assumes</b> 27:15  <b>assuming</b> 28:14 31:3 72:14  <b>assumption</b> 78:25  <b>assure</b> 92:15  <b>assured</b> 93:22  <b>ate</b> 14:25  <b>Atem</b> 23:11 49:21 84:21  <b>atmosphere</b> 45:9  <b>attach</b> 31:13  <b>attached</b> 60:10  <b>attempt</b> 42:20  <b>attempted</b> 13:23  <b>attending</b> 80:19  <b>attribute</b> 14:12  <b>attributes</b> 41:19  <b>audacious</b> 83:1,3  <b>author</b> 7:11  <b>authorities</b> 52:25 62:16,18 72:20,23 72:24 74:12 87:15  <b>authority</b> 7:4,9,20 42:5,9,15 52:2 60:3 62:9 78:3,21 79:4  <b>available</b> 10:19 13:10 16:21 17:10 26:14 32:2,2 45:4 77:22  <b>award</b> 7:3 62:22 83:13 92:10,19 93:21  <b>awards</b> 8:1,7  <b>aware</b> 30:10  <b>AWN</b> 1:11</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>b</b> 19:2  <b>back</b> 4:5 8:12 19:21 20:11 23:15 27:23 34:23 48:1 50:7 51:5 55:3,5 57:12 61:18 62:19 63:3 73:13 75:3 77:19 85:6 90:1  <b>background</b> 59:9  <b>backwards</b> 37:5  <b>Bahr</b> 14:16 16:23 24:15,16,17,18,25 27:5 30:18 32:4,21 34:13 36:2 47:6 49:5 82:6 84:12,24 85:13,18 87:18 88:10  <b>balanced</b> 58:18  <b>bank</b> 30:22 32:21 36:14 37:14</p>	<p><b>bar</b> 12:24  <b>barely</b> 56:18  <b>barks</b> 15:5 20:17 68:11  <b>base</b> 13:9  <b>based</b> 8:8 10:20 14:18 16:6 17:16 22:16 27:20 29:11 30:4 44:8 57:9 59:24 61:6 77:23  <b>baseless</b> 47:17 59:18 59:19 70:9  <b>basic</b> 46:20 50:20 58:13 59:3 72:9 73:19  <b>basis</b> 4:23 5:4 7:3 16:20 17:4,9,18 18:1 22:17 48:7 50:8 60:3 61:8 67:5 89:11  <b>bear</b> 74:15  <b>bears</b> 15:25 29:9 33:19 34:22  <b>become</b> 3:22 28:19  <b>becomes</b> 39:23  <b>before</b> 1:1,10 4:16 11:24 12:19 14:16 16:10 19:15 27:4,7 31:23 35:17 48:22 56:7 63:9 64:10,22 64:24 68:18 71:7 81:12,13  <b>began</b> 57:23 73:13  <b>begin</b> 48:1 72:17  <b>beginning</b> 66:21 93:13  <b>begins</b> 93:21  <b>behalf</b> 2:4,7 42:21 44:20 45:6,7 90:22  <b>behave</b> 41:20,21  <b>behaved</b> 42:1 80:21  <b>behind</b> 82:23  <b>being</b> 2:9,11 3:15 5:20 12:17 23:5 24:16 25:4 34:15 40:4 41:2 72:3  <b>belatedly</b> 39:5  <b>Belgian-sized</b> 22:24  <b>Belgium</b> 28:17 31:1  <b>Belgium-sized</b> 24:18  <b>belief</b> 44:2  <b>believe</b> 20:2 23:3 24:5 26:13 44:1  <b>belong</b> 4:25  <b>belonging</b> 25:9  <b>beneath</b> 84:19  <b>benefit</b> 73:10  <b>Berhanu</b> 53:3  <b>besides</b> 9:4  <b>best</b> 37:15 39:10  <b>better</b> 34:10  <b>between</b> 1:2,4,15 1:25 2:3 6:9 14:15 17:25 18:7,24 22:25 24:24 25:3 26:12,19 28:9 28:18 29:17 32:15 40:18 43:1 48:25</p>	<p>52:19 64:17 71:22 78:10 81:1,9 88:2,3 88:11  <b>beyond</b> 4:3 13:21 47:1 47:5 86:14  <b>Biero</b> 31:14 33:9,10  <b>big</b> 84:21  <b>binding</b> 3:2 10:8 11:9 40:23 41:3 46:18 90:14  <b>bit</b> 1:22 5:2 38:14 39:17,18 70:19 88:18  <b>bitter</b> 58:8  <b>bizarre</b> 57:6  <b>black</b> 85:14  <b>blue</b> 12:23  <b>bodies</b> 41:12,14  <b>Bodleian</b> 55:17  <b>body</b> 41:6 42:4,6,6 47:3 64:19,20 71:5 72:8,10 74:25 75:5 75:17  <b>Bongo</b> 32:22  <b>bono</b> 5:3  <b>book</b> 7:1,10,12 83:5  <b>bore</b> 23:3 28:5  <b>Born</b> 2:5 1:20 5:6 6:25 7:24 13:16 14:12,22 15:14,24 18:11 28:8 29:4,15 30:15 31:20 31:23 35:21 37:20 37:22,23,25 38:6 40:15 41:6 43:14,16 45:17,21,22,23 90:20 91:9 95:8  <b>Born's</b> 8:17 43:2  <b>both</b> 12:24 14:1 16:10 19:5,8,9 32:1 36:3 41:16 44:18,22 45:25 46:19 52:9,15 55:19,22 84:2,13 87:2 91:15,21 93:12  <b>bothered</b> 29:6  <b>boundaries</b> 16:16 19:1 27:2,6,8 50:23  <b>boundary</b> 8:5 13:22 14:15 15:20 16:19 16:24 17:7 24:24 25:8 28:9,16,17 29:25 32:13,14,15 34:14 47:12 67:2,9 73:16,21 82:3 84:17 89:19  <b>branches</b> 2:15  <b>breach</b> 10:9 73:11  <b>breaches</b> 11:16  <b>break</b> 45:19  <b>brethren</b> 45:6  <b>brevity</b> 15:3  <b>bridge</b> 48:25 49:5 88:11  <b>brief</b> 18:21  <b>briefly</b> 38:2 59:9 72:17 82:22 84:1  <b>bring</b> 85:20  <b>brings</b> 58:4 90:16</p>	<p><b>British</b> 10:17 34:2,2 77:20  <b>broad</b> 7:8 78:21  <b>broadest</b> 75:18 77:14 77:18  <b>broadly</b> 34:24  <b>brothers</b> 49:6 88:10  <b>brutal</b> 12:19  <b>built</b> 15:1 91:5  <b>Bundy</b> 2:3 12:13 27:14,18  <b>burden</b> 29:9,10 44:18 74:15,16,18 82:25 83:3  <b>buried</b> 87:2</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>calibrated</b> 27:24  <b>call</b> 1:21 18:4  <b>called</b> 7:13 41:8,8 57:5 76:8 79:25  <b>calls</b> 63:7  <b>came</b> 23:15 88:5,11  <b>camp</b> 31:18 34:25  <b>camps</b> 30:16,17  <b>CANNU</b> 2:9  <b>capable</b> 54:7  <b>care</b> 3:1  <b>carefully</b> 2:22 7:12 32:18 58:17 93:22  <b>carries</b> 28:16  <b>carry</b> 9:7  <b>Cartesian</b> 8:20 69:6  <b>cartographers</b> 39:11  <b>cartographic</b> 47:4  <b>case</b> 2:11 3:4,15 5:15 6:20 7:18 10:4 11:14 13:19 15:14 18:23 23:18 27:20 27:22 31:25 33:12 35:19 37:6,24 38:1 39:1,10 40:2,5 43:5 43:22 44:10,17,19 45:13 63:4 65:6 66:19,20 71:9,10 72:9 73:2,24 75:13 79:5,7,13 81:2 83:6 83:16 86:13 87:25 88:14  <b>cases</b> 4:12 8:4 59:5 92:4  <b>castigated</b> 57:4  <b>casual</b> 77:9  <b>cat</b> 14:24 15:4 20:17 68:11  <b>Cats</b> 15:6  <b>cattle</b> 31:17 49:13 86:6  <b>caused</b> 75:20  <b>central</b> 8:14 48:4 52:8  <b>centre</b> 75:14  <b>century</b> 25:20 26:5 27:21 28:2  <b>certain</b> 28:5  <b>certainly</b> 3:12 7:8 12:20 14:21 26:8 42:18</p>	<p><b>chairman</b> 1:3 19:15 22:2 27:4 43:6,12 45:15,21 90:20 91:11 93:6  <b>challenge</b> 64:7  <b>challenged</b> 50:20  <b>challenges</b> 54:20  <b>challenging</b> 58:18 89:11  <b>Chambers</b> 2:2  <b>chance</b> 12:15 31:22,24 39:4  <b>change</b> 11:17 15:2 18:16 76:13  <b>changed</b> 70:11,12,14 76:4  <b>changent</b> 18:15  <b>changes</b> 59:14,15  <b>changing</b> 59:12  <b>character</b> 11:13 42:7 64:18,19  <b>characterisations</b> 57:7 57:8  <b>cheek-to-jowl</b> 84:20  <b>chief</b> 24:21  <b>chiefdoms</b> 9:17,21 14:9,17 15:11 16:9 17:8 24:13,14 26:9 44:8 46:16 50:3,17 64:3 65:14 83:24 89:8,15,21  <b>choice</b> 52:11,13 53:20 79:7  <b>choices</b> 52:17,18,18  <b>choose</b> 59:7  <b>chorus</b> 32:24  <b>chose</b> 53:19  <b>chosen</b> 46:9  <b>circumstances</b> 2:20 11:5 12:10 35:5 40:1 58:19  <b>cited</b> 7:1 35:25  <b>civil</b> 13:2 48:3  <b>civilised</b> 58:10 59:1  <b>Civsec</b> 34:23,24  <b>claim</b> 5:12 8:7 37:10 37:17 61:9 74:2 79:24 81:14 83:3  <b>claims</b> 18:14 28:20 29:11 41:13 59:17 59:21,23 60:5,22 61:1,3,4,6,14,23,24 62:8 63:5,12,12,15 70:19,20 72:14 74:1 75:24 76:20 77:3,4 79:20,23 82:21,25 83:1,8 84:3,4  <b>clarity</b> 14:12 93:18  <b>classification</b> 42:5  <b>classify</b> 41:7  <b>clause</b> 76:8  <b>clay</b> 85:14  <b>clear</b> 6:6 18:17 21:8 24:22 29:9,18 39:24 41:5 80:25 83:12 85:1  <b>clearly</b> 6:8 8:3 12:1</p>	<p>16:16,18 17:14 19:3 28:1 37:4 41:14 51:10 69:10 75:19  <b>clear-cut</b> 18:24  <b>close</b> 30:18 32:8 91:18  <b>closer</b> 32:4  <b>closing</b> 1:8 22:5 38:3 40:12 43:19 45:22 91:13 95:3,5,6,8,9  <b>closure</b> 94:1  <b>clueless</b> 80:20  <b>clustered</b> 32:21 35:16  <b>Co</b> 2:2  <b>coach</b> 22:24  <b>coincided</b> 2:1  <b>colleagues</b> 24:12 26:18 63:17  <b>collecting</b> 78:18  <b>collective</b> 52:20 53:12  <b>collectively</b> 36:6 64:3 89:15  <b>colonial</b> 16:5 30:11 34:1,3 89:19  <b>combined</b> 17:22  <b>come</b> 8:12 20:11 43:21 50:7 51:5 61:18 62:19 63:3 64:21 69:21 75:8,9 90:21  <b>comes</b> 21:17 73:6 88:1  <b>comfortable</b> 92:2  <b>commentary</b> 62:17  <b>comments</b> 62:20 63:10 75:4 80:11  <b>commercial</b> 7:13 8:9  <b>commission</b> 10:17 11:21 12:1,7 41:9 41:10 42:21 50:23 51:7 80:14 81:12  <b>commitment</b> 56:13 91:20 92:6,7,9  <b>committed</b> 4:25 92:16 92:20  <b>committee</b> 27:4  <b>community</b> 35:22,23 46:1 47:22 76:18 92:24  <b>compelled</b> 29:2  <b>compendium</b> 84:13  <b>competence</b> 20:3,4,13 20:14,21,21 66:11 67:16,21,23  <b>competence-compet...</b> 41:20 42:23,24 66:10  <b>complain</b> 57:23  <b>complained</b> 76:24  <b>complaints</b> 32:24 59:10,12,14 61:10 75:15 77:3 78:24  <b>complementary</b> 57:1  <b>complete</b> 39:17 56:16 56:18 83:15 92:25  <b>completely</b> 15:24 17:11 19:6 26:16 62:12  <b>complex</b> 51:18,19  <b>complexity</b> 51:10</p>
--	--	--	--	--	--

<p><b>compliance</b> 13:7  <b>complicate</b> 47:16  <b>complicated</b> 51:9  <b>complied</b> 2:13 20:24 21:12  <b>complies</b> 37:6  <b>comply</b> 3:5 46:18  <b>composition</b> 52:6  <b>comprehensive</b> 6:11 7:14 48:2 84:15  <b>compromise</b> 13:6  <b>concede</b> 5:15 18:11,12  <b>conceded</b> 13:17 18:19 27:18 75:12  <b>concededly</b> 7:6  <b>conceivably</b> 28:19 65:12  <b>conceived</b> 49:5  <b>conception</b> 19:23  <b>concepts</b> 73:19  <b>concern</b> 46:2 60:8  <b>concerned</b> 19:22 37:3  <b>concerning</b> 6:9 13:13  <b>concerns</b> 46:5 54:20  <b>concession</b> 18:20 22:20,22 23:8 27:16 66:25  <b>concessions</b> 70:8 75:6  <b>conciseness</b> 1:22  <b>conclude</b> 40:1 83:17  <b>concluded</b> 89:13 94:5  <b>conclusion</b> 1:4 26:14 33:22 36:8 64:1  <b>conclusions</b> 83:25 84:1  <b>concrete</b> 36:17  <b>concurrences</b> 56:23  <b>condition</b> 3:9 11:8 40:21  <b>Condominium</b> 23:25 32:10 33:25 34:3 87:12  <b>conduct</b> 39:1 55:11 77:9 78:4 79:21,22 81:12,13  <b>conducted</b> 39:3 54:4 54:21 55:7,8 56:2 58:19 82:4,8  <b>confess</b> 68:10  <b>confident</b> 6:20 44:4,11 92:12  <b>confirm</b> 72:20  <b>confirmation</b> 84:2  <b>confirmed</b> 16:4 78:3 78:21 87:22  <b>conflict</b> 48:13 58:8,21  <b>confuse</b> 47:16  <b>confused</b> 9:10  <b>confusedly</b> 8:19  <b>conscious</b> 44:17  <b>consensus</b> 11:22 12:2 12:16,21 13:5 40:23 42:20 80:1  <b>consequence</b> 22:12 26:18 41:2 83:11  <b>consequences</b> 6:23 73:24</p>	<p><b>Consequential</b> 24:8 24:11  <b>consider</b> 6:3 93:22  <b>considerably</b> 25:13  <b>considered</b> 50:6 52:11  <b>consistent</b> 34:24 66:21 69:6 86:8  <b>consistently</b> 69:9  <b>constant</b> 93:10  <b>constitute</b> 10:10 60:24 67:10 70:6,10  <b>constituted</b> 1:1 52:19  <b>constraint</b> 12:3  <b>constraints</b> 18:20 54:19  <b>constructive</b> 48:7,11 58:7 90:4  <b>consult</b> 10:17  <b>contained</b> 68:5  <b>contains</b> 35:9  <b>contemplated</b> 54:22  <b>contemporary</b> 33:6 46:3  <b>content</b> 12:8  <b>contention</b> 11:2  <b>contentions</b> 29:10  <b>context</b> 40:13,19,22 73:16  <b>continually</b> 59:11  <b>continue</b> 92:17,18  <b>contradict</b> 73:19  <b>contradicted</b> 87:2,3  <b>contradiction</b> 11:11 14:3  <b>contradicts</b> 46:19 72:8 72:9 81:13  <b>contrary</b> 12:16 64:11 76:21,22 89:3,23  <b>contributed</b> 44:23 45:9  <b>control</b> 37:23  <b>convention</b> 25:20  <b>Convention</b> 60:11 73:2  <b>conversations</b> 80:16  <b>convincing</b> 8:3  <b>cooperation</b> 52:15 57:18  <b>copy</b> 7:15  <b>cornerstone</b> 50:5  <b>Corporation</b> 79:6  <b>correct</b> 2:17 3:12,14 3:23 21:1,6,22,23 27:17 44:5 47:10 72:1,5  <b>corrected</b> 78:15  <b>correction</b> 1:18  <b>correctly</b> 3:21 4:13 39:23 47:1 89:13  <b>corresponds</b> 2:7  <b>counsel</b> 2:9,9,9 13:6 17:2 48:16 91:15 93:9,12  <b>counter-memorial</b> 31:23 40:7  <b>country</b> 44:11 92:14  <b>couple</b> 88:2</p>	<p><b>course</b> 3:6 6:16 9:25 15:13 30:17 31:25 32:7 34:12 37:23 42:3 43:25 65:11 66:11,13,15 67:18 68:23  <b>court</b> 1:4 2:10 33:21 41:7,8,14,19,21 42:2 44:22 45:1,3 62:6 69:15 70:3 91:24 93:8  <b>courtesy</b> 43:16 45:8  <b>courts</b> 41:13  <b>cover</b> 5:11 42:8  <b>covering</b> 39:16  <b>covers</b> 41:10  <b>co-arbitrators</b> 90:23 93:17  <b>CPA</b> 22:16 45:2 48:6 52:9  <b>Crawford</b> 2:2 17:14 19:12,16 20:10 22:3 22:5,6 37:20,22,24 43:6,7,14 64:16 66:12 67:20 86:15 95:5  <b>Crawford's</b> 75:3  <b>criteria</b> 60:23 61:4 74:6 75:24 82:21  <b>criterion</b> 26:20  <b>critical</b> 36:10 44:10  <b>Critically</b> 63:23  <b>criticise</b> 53:9  <b>criticises</b> 30:15  <b>crossed</b> 37:25  <b>cross-fertilise</b> 19:8  <b>crucial</b> 42:6  <b>Crystal</b> 14:12  <b>cult</b> 31:3,6  <b>cultivation</b> 31:4 85:5 86:14  <b>Cunnison</b> 33:6,17,18 49:20 51:16 55:21 81:7 85:11,16 86:8 86:18 87:3,14,22  <b>Cunnison's</b> 55:24 85:13  <b>currency</b> 23:21  <b>current</b> 72:23 74:22 81:25 84:22  <b>currently</b> 44:14 62:17  <b>Cutler</b> 2:6</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p><b>Daly</b> 17:1 25:14 36:8 36:16 37:8 51:13 54:12  <b>Daly's</b> 33:24  <b>damage</b> 75:21  <b>Danforth</b> 23:14 24:2  <b>Dar</b> 25:9,16,17,20,24 26:2,7 33:19  <b>date</b> 11:15 62:2 63:14 70:12,21  <b>dates</b> 23:17  <b>daunting</b> 54:19  <b>Dawas</b> 40:10</p>	<p><b>day</b> 19:5 24:5 25:23 40:14 47:17 71:1 87:25 88:13,21  <b>days</b> 19:22 31:23 43:25 51:11 52:7,23 54:2 91:19 93:21,24  <b>de</b> 21:20 68:2  <b>dead</b> 48:13 58:8 87:1  <b>deal</b> 22:7  <b>Dealing</b> 22:15  <b>dealt</b> 33:18  <b>debate</b> 1:11  <b>Debekir</b> 38:14  <b>decades</b> 36:3 48:13  <b>decide</b> 4:23 6:22 14:5 21:5 42:9 60:2 66:10 70:1 82:15 89:6  <b>decided</b> 5:3 6:5 13:22 16:5 21:10 47:8,19 57:24 68:3 69:4,12 79:9,14 88:24  <b>deciding</b> 16:13  <b>decision</b> 5:25 6:24 10:19 11:21,23 13:9 13:13 14:1 40:22,25 42:21 44:12 45:24 46:2,7,19,25 47:15 56:12,17 58:18,23 59:1 63:16 69:8,23 74:4,5,11,15 75:10 77:22 79:15 80:10 80:12 84:2 90:6 92:6,8,12  <b>decisional-making</b> 42:4  <b>decisions</b> 7:4,5 8:2 59:6 62:8  <b>declaration</b> 83:13  <b>declare</b> 18:12 94:1  <b>declined</b> 41:7  <b>dedicated</b> 92:25  <b>deemed</b> 18:1  <b>deep</b> 91:5  <b>defend</b> 74:4  <b>deference</b> 68:3,7 69:3 69:7,19,25  <b>define</b> 9:1,16 14:8 15:19 61:2 63:22 65:20 66:3,3 77:7 83:20 89:5  <b>defined</b> 9:2,12,14 16:14 17:6 46:15 47:1 50:2,25 60:2 60:13 65:21 69:12  <b>defining</b> 50:24 51:3 60:18 69:18,21 70:16 81:25  <b>definitely</b> 16:25 66:12  <b>definition</b> 8:13,22 9:2 9:3,7,20 13:5 19:1 24:1 47:8 51:8 59:22 60:17,18,22 61:11 62:5,11 63:24 65:3 81:17 89:4  <b>delay</b> 47:16  <b>delegations</b> 78:7</p>	<p><b>deliberations</b> 21:18  <b>delimit</b> 14:8 61:2 65:20 66:3,4  <b>delimitation</b> 5:18 6:9 8:5 22:9 27:13 28:11  <b>delimited</b> 46:15 67:1  <b>delimiting</b> 1:3 69:21  <b>delivered</b> 56:21  <b>demanding</b> 11:5 54:19  <b>demands</b> 52:13 53:20 54:16 57:14 78:19 90:10  <b>demarcate</b> 9:2,3,16 14:8  <b>demarcating</b> 50:24 51:3 60:18 69:19 70:16  <b>demarcation</b> 29:13  <b>democratic</b> 50:10,17 92:14  <b>demonstrate</b> 72:24  <b>demonstrated</b> 44:7 75:19  <b>demonstrates</b> 47:5 85:22 87:14 88:13  <b>denied</b> 64:10  <b>deny</b> 20:15 64:16 67:24 68:8  <b>department</b> 38:24 39:2,12,13  <b>departure</b> 6:14 68:22  <b>depend</b> 92:21  <b>depending</b> 32:20  <b>depiction</b> 34:18,19  <b>depictions</b> 34:24  <b>Depriving</b> 73:9  <b>depth</b> 93:18  <b>derive</b> 31:9  <b>describe</b> 54:12  <b>described</b> 39:13 65:23 71:10 72:22 78:14 78:18 81:16 85:12 86:18  <b>describes</b> 69:18  <b>description</b> 18:2 25:21 34:25 35:5 81:3 84:15 88:18  <b>descriptions</b> 54:8  <b>desert</b> 88:2  <b>deserve</b> 55:9  <b>deserved</b> 56:13  <b>deserves</b> 53:20  <b>designed</b> 50:15 51:24 90:3  <b>desperate</b> 31:10  <b>Despite</b> 46:17 54:19  <b>detail</b> 50:7 71:25 87:24  <b>detailed</b> 34:19 35:9  <b>determination</b> 18:25  <b>determinations</b> 73:16 73:22  <b>determine</b> 4:9 14:14 15:20 20:3,21 29:18 42:15 77:13  <b>determined</b> 29:22</p>	<p><b>determining</b> 10:16  <b>develop</b> 10:22  <b>development</b> 59:1  <b>developed</b> 10:25 52:3 79:6 86:17 92:20  <b>devoted</b> 53:6  <b>Dhabi</b> 79:6,8,9  <b>dictates</b> 83:24  <b>difference</b> 38:20 40:18 43:1  <b>differences</b> 71:22  <b>different</b> 3:1 26:16 35:12 42:22 47:14 54:9 77:10,24 78:25 79:12 81:22 88:17  <b>differently</b> 61:13  <b>difficult</b> 5:22 8:20 19:6 38:5  <b>Diil</b> 32:25  <b>diligence</b> 53:24  <b>diligent</b> 93:10  <b>dimensions</b> 4:8  <b>Dinka</b> 5:14 9:17,21 13:15,21 14:9,17,19 15:11 16:9 17:7,25 23:3,24 24:13 25:11 25:21 26:1,4,5,5,6,6 27:22 30:24,25 31:17 32:3,11,16 34:16 36:1,12 37:11 38:11 44:7 46:3,16 47:5 48:6 50:3,16 50:16 54:6 64:3 65:14 83:24 84:22 85:12 87:19 88:9 89:8,8,14,20,21  <b>Dinkas</b> 25:4  <b>Dinka's</b> 47:9 85:19  <b>dinner</b> 81:1  <b>Dirdeiry</b> 2:2,2 27:1 43:8,12,19,20 45:15 56:9 78:11 80:17 81:24 82:12 95:7  <b>Dirdeiry's</b> 39:11 80:10 81:3 90:13  <b>direct</b> 73:24 91:2  <b>directly</b> 92:25  <b>disagreement</b> 70:22 71:1  <b>disagrees</b> 62:23  <b>discharged</b> 35:13  <b>disclose</b> 38:7  <b>discretion</b> 75:18  <b>discussed</b> 22:11 28:2 29:21 33:4 60:4 80:25  <b>discussion</b> 4:6 89:1  <b>discussions</b> 57:10 73:13 78:10  <b>dishonour</b> 58:4 90:16  <b>displaced</b> 48:14 58:8  <b>displays</b> 30:16  <b>disprove</b> 82:24  <b>dispute</b> 6:8 8:24 30:9 44:13 46:7,12 48:8 48:15 50:22 53:19</p>
---	---	--	---	--	---

58:6,22,24 73:20 79:8,10 90:2,5 <b>disputed</b> 72:11 <b>disputes</b> 1:4 35:8 48:8 52:6,11 59:8 73:12 <b>disregard</b> 60:3 <b>Disregarding</b> 73:18 <b>dissents</b> 56:23 <b>distinct</b> 32:20 <b>distinction</b> 1:25 2:3 4:2 18:24 22:25 26:19,20 28:8,10,18 64:17 81:9 <b>distinctions</b> 1:24 <b>distinguish</b> 19:6 <b>distinguished</b> 40:14 41:10 43:20 52:25 53:4,7,11 63:1 90:8 <b>distinguishes</b> 26:11 <b>distortions</b> 57:9 <b>distributions</b> 34:21 <b>divide</b> 70:15 89:20 <b>divided</b> 17:24 48:12 <b>divides</b> 44:14 <b>division</b> 17:21 <b>document</b> 37:5 39:17 56:22 82:6 <b>documentary</b> 30:4 47:3 80:24 87:11 <b>documentation</b> 17:9 31:11 <b>documents</b> 33:4 37:2 38:2 <b>dog</b> 14:24 15:4 <b>doing</b> 4:24 9:9 12:10 40:5 80:20 81:5 <b>dominant</b> 17:17 <b>done</b> 19:12 41:25 47:24 <b>Dorr</b> 2:6 <b>dossier</b> 23:2 <b>dotted</b> 85:13 <b>doubt</b> 7:10 9:3 29:7 47:5 66:12 <b>doubts</b> 15:9 <b>down</b> 40:6 48:14 68:6 88:1 89:5 <b>Dr</b> 1:12 2:5 14:12 51:14 53:5 54:1 80:7 81:6 91:13,14 95:9 <b>drafted</b> 2:22,25 <b>drafting</b> 2:19 <b>draw</b> 6:23 27:2 28:9 64:17 <b>drawn</b> 16:20 26:21 27:3 <b>drew</b> 57:1 <b>drink</b> 58:2 <b>drive</b> 22:24 <b>dry</b> 88:5 <b>dry-season</b> 30:15 <b>due</b> 5:20 <b>dugdug</b> 30:23,23 31:17 85:4 86:5,6 86:14 88:22 <b>dugdugs</b> 31:14,19,20	86:7 88:18 <b>Dupuis</b> 31:14,22 33:3 <b>Dupuis's</b> 31:12 <b>DUPUY</b> 1:11 <b>Durham</b> 55:17 <b>during</b> 10:1 23:21 33:21 35:16 43:25 55:10 79:21 <b>duty</b> 2:12 <b>d'avis</b> 18:16 <hr/> <b>E</b> <b>each</b> 8:16 12:24 19:7,8 29:9,13 40:5 52:2 73:7 92:1,12 <b>earlier</b> 25:18 <b>early</b> 34:14 <b>earnest</b> 93:22 <b>earth</b> 9:19 <b>east</b> 31:19 32:11 34:17 <b>effect</b> 12:7 21:2 28:13 58:15 59:5 83:13 88:15 90:15 <b>effectively</b> 55:7 92:4 <b>efficacy</b> 58:14 <b>efficient</b> 58:19 <b>efficiently</b> 55:8 <b>effort</b> 72:2,6 86:24 <b>efforts</b> 45:9 47:18 92:3 <b>either</b> 15:25 55:14 57:9 65:11 68:4 <b>el</b> 14:16 16:23 24:15 24:16,17,18,25 27:5 30:18 32:4,21 34:13 38:14 82:6 84:7,17 <b>election</b> 50:10,18 <b>elevated</b> 75:6 <b>eloquent</b> 56:12,12 <b>elsewhere</b> 55:16 <b>emails</b> 76:25 80:15 <b>embraced</b> 64:12 <b>emphasise</b> 41:17 <b>emphasised</b> 30:9 <b>empty</b> 88:4,5 <b>encourage</b> 7:23 <b>end</b> 6:8,12 8:12 12:18 19:5 29:23 43:21 47:16 71:1 73:6 80:8 87:25 88:12,21 90:21 93:20 <b>endeavour</b> 11:21 <b>ended</b> 58:7,9 88:23 <b>engage</b> 42:19 <b>England</b> 55:15,19,20 55:21 <b>English</b> 14:13,22,23 15:9 79:11 <b>enormous</b> 74:25 <b>enough</b> 1:20 5:17 84:21 <b>enquiry</b> 35:3,9 72:20 <b>ensure</b> 2:12 50:15 <b>enter</b> 58:16 <b>entertained</b> 54:25 <b>enthusiasm</b> 43:8 <b>enthusiastically</b> 58:11	59:2 <b>entire</b> 44:11 53:8 71:9 71:10 <b>entirely</b> 3:13 17:24 20:25 21:6,22 39:25 51:12,15 67:17 84:6 <b>entirety</b> 38:22 <b>entitled</b> 15:16 54:10 75:10,17 90:14 <b>entity</b> 42:14 <b>entrusted</b> 3:25 <b>environmental</b> 47:4 51:11,18 87:17 <b>equality</b> 29:14 <b>equally</b> 14:2 58:17 70:10 72:5 81:9 90:6 93:16 <b>equitable</b> 17:21 18:2 <b>equity</b> 17:23 91:22 <b>Eritrea-Ethiopia</b> 41:13 <b>err</b> 65:2 <b>erred</b> 3:6 9:22 65:9 <b>erroneous</b> 4:18,21 9:24 17:3 67:4 <b>erroneously</b> 3:11 <b>error</b> 4:12 9:22 10:2,3 62:25 63:7 75:19 <b>errors</b> 9:25 <b>especially</b> 38:8 <b>espousing</b> 21:17 <b>essential</b> 46:22 47:21 47:21 <b>essentially</b> 21:21 88:24 <b>establish</b> 31:1 37:16 37:16 62:16 <b>established</b> 5:16 48:6 50:21 <b>establishes</b> 74:13 <b>establishing</b> 74:16 <b>et</b> 5:3 <b>Etai</b> 32:15 <b>ethnography</b> 46:9 53:1 56:25 <b>evade</b> 72:2 <b>evaluating</b> 54:8 <b>even</b> 1:22 3:15 4:1,13 7:18 8:17 11:19 14:4,7,21 18:14 23:5 33:10 39:9 42:17 47:7 52:16 59:22 61:4,19,22 62:13,24 68:7 83:7 87:12 <b>ever</b> 12:11 49:10 50:19 63:21 86:16 <b>Eversheds</b> 2:3 <b>every</b> 2:13 20:24 42:4 47:10 54:21 58:10 59:15 75:16 88:3 90:23 91:19,25 <b>everybody</b> 49:21 80:8 88:7 <b>everyone</b> 76:9 <b>everything</b> 72:8 <b>evidence</b> 23:11 26:14	28:3 36:6,18 37:9 40:3 47:4 54:13,16 57:3 80:4 83:23 84:8,10,24 85:1,9 85:11 87:10,17 88:15 92:11 93:23 <b>evident</b> 8:13 11:10 <b>evidentiary</b> 49:9 <b>evolved</b> 61:13 <b>ex</b> 5:3 <b>exactly</b> 51:19 53:13 58:9,25 63:22,25 65:8 80:20,21 81:4 86:1,8 88:22 <b>examination</b> 32:4 <b>examining</b> 21:21 <b>example</b> 24:23 26:24 58:24 68:10 70:21 70:22 <b>examples</b> 8:6 <b>exceeded</b> 83:10 <b>exceeded</b> 4:9 6:23 7:20 9:8 16:16,17 44:2 60:9 65:4 66:6 83:18 <b>exceeding</b> 7:6 <b>exceedingly</b> 91:18 <b>excellent</b> 7:16 93:9 <b>exception</b> 22:19,20 59:20 <b>exceptional</b> 4:12 11:2 53:24 <b>exceptionally</b> 74:16 90:4 <b>exceptions</b> 8:10 <b>excess</b> 1:12,16 4:14,18 4:25 5:4,8,9,16 7:3 7:8,9 9:19 10:10,23 13:12 14:2 17:5 18:25 21:6,19 29:12 29:19,20,23 59:21 60:13,20 61:9,11,20 63:5,24 65:25 66:1 67:6,10 70:6,11 72:4 74:24 76:20 79:20 <b>excesses</b> 9:25 10:25 11:4 18:8,9 60:24 62:10 <b>excluded</b> 12:20 <b>exclusively</b> 14:18 <b>excuse</b> 11:16 <b>excèss</b> 21:20 <b>exercise</b> 7:20 42:20 89:9 <b>exercises</b> 19:6 <b>exhausting</b> 93:16 <b>exist</b> 39:21 44:19 <b>existed</b> 80:3 89:19 <b>existent</b> 7:6 <b>existing</b> 77:5 <b>expect</b> 78:22 <b>expected</b> 53:14 55:11 77:8,20 81:5,8 <b>experience</b> 32:1 39:4 52:20 <b>expert</b> 37:1 52:2 56:24	<b>expertise</b> 51:22 52:21 57:2 78:9 <b>expertises</b> 53:13,18 <b>experts</b> 2:1,13 3:6,17 3:20,23 4:6,16,22 4:24 5:3,12,25 6:5 6:22 9:1,6,22 10:1,4 10:16,23 11:19,23 12:6,14,19 13:8,13 13:22 14:4,14 15:19 16:16,25 17:6,12,16 17:23 18:7 19:3 21:10 22:23 24:6 28:23 29:25 34:22 38:12 40:22 42:19 43:1 44:2 46:8,9,11 46:14,19,25 47:1,8 47:14,19,25 51:7,20 51:25 52:12,15,19 52:22 53:2,7,22 54:1,7,13,18 55:8 55:11,14,18 56:1,3 56:16,18 57:1,11,13 57:16,20,24 58:1,3 58:17,23,25 60:4,8 60:17,23 61:1,4,25 62:8 63:7,20,23 64:2,14,19 65:3,20 66:2,4,5,10 67:1,8 67:21 68:3 69:4,8 69:20 70:11,20 71:5 71:10,14,19,22 72:7 74:4,11 75:4,9 77:7 77:8,13,14,17 78:4 78:4,11 72:79:24 80:6,9,11,13,22 81:2,5,13,14,16 82:13,17 83:10,18 84:2 85:7,8 86:4 87:3,9 88:24 89:12 90:8,9,17 <b>experts's</b> 35:6 <b>explain</b> 20:17 25:16 59:17 68:11 <b>explained</b> 18:13 29:1 <b>explanation</b> 1:22 <b>explorers</b> 25:19 <b>express</b> 2:23,24 6:2 10:5 44:21,25 45:5 <b>expression</b> 5:8 <b>expressly</b> 10:7 16:18 42:25 46:13 78:11 <b>extend</b> 13:25 47:11 <b>extending</b> 13:20 36:2 <b>extends</b> 4:3 33:6 <b>extensive</b> 90:7 <b>extent</b> 23:8 28:4 32:20 32:20 55:4 66:15 <b>external</b> 61:7,14 <b>extra</b> 7:4 18:8 22:21 <b>extraordinarily</b> 53:11 58:7 69:20 <b>extraordinary</b> 9:11 71:3,6,19 <b>extravagance</b> 75:1 <b>extremely</b> 2:21 35:2 44:15	<b>ez</b> 16:22 25:2 30:22 36:14,18 37:15 <hr/> <b>F</b> <b>face</b> 5:9 <b>facéd</b> 38:5 <b>facilities</b> 45:4 <b>fact</b> 5:3 10:24 11:16 12:23 13:19 16:4 18:5 23:23 24:19 31:9 32:4 61:24 62:24 63:1 65:24 74:3,23 75:9 76:3 78:25 83:10 <b>facts</b> 29:10 44:12 <b>factual</b> 17:16 44:9 51:9 55:23,25 88:13 <b>fact-finding</b> 55:6 90:7 <b>failed</b> 7:20 61:1 79:16 <b>failing</b> 4:8 10:7 63:13 <b>failure</b> 40:23 58:12 59:3 77:1,1 <b>fair</b> 35:25 47:5 57:7 91:21 <b>fairly</b> 40:15,17 47:3 55:8 57:12 <b>fairness</b> 17:23 <b>faithfully</b> 37:6 93:8 <b>Falklands</b> 27:21 <b>fall</b> 59:21 60:6 61:11 61:19 62:9 63:5 <b>falls</b> 75:13 <b>famous</b> 7:1 <b>fantastic</b> 27:25 <b>far</b> 3:12 9:10 13:21 19:7 24:17 30:10,20 31:19 89:25 92:2 <b>fashion</b> 20:24 <b>favour</b> 7:24 8:7 73:8 <b>favourite</b> 5:23 <b>features</b> 11:12 <b>feel</b> 92:1 <b>fellow</b> 91:15 <b>felt</b> 33:2 34:4 <b>fertile</b> 85:14 88:1 <b>field</b> 34:7 53:7 <b>figure</b> 78:8 <b>final</b> 2:6 6:10 10:8 11:8 12:6,8 22:9,10 46:17 56:21 79:25 80:9,12 90:14 92:9 <b>finality</b> 72:21 73:17 73:23 74:20 75:11 76:10 <b>Finally</b> 45:5 61:22 82:19 92:23 <b>find</b> 5:22 6:1 17:18 18:6 30:23 34:10 36:17 41:23 42:20 86:11,12 <b>finding</b> 3:5 5:21 39:4 <b>findings</b> 10:16 17:17 <b>finds</b> 11:3 60:10 <b>finished</b> 56:20 <b>first</b> 1:6,14,25 3:15 8:20 10:5 11:7 14:21 18:11 20:2,9
---	--	--	---	--	--

<p>24:14 27:20 30:6 32:6 36:16 39:9 46:5 59:19 66:9,24 73:5 84:4 88:23 91:17 <b>fit</b> 43:7 <b>fits</b> 20:21 <b>five</b> 32:3 40:13 46:7 46:14 47:8 51:6,20 52:12,14 53:9 90:7 91:19 <b>fix</b> 88:21 <b>flagrant</b> 69:22 75:1 <b>flagrantly</b> 23:7 <b>flexible</b> 3:8 <b>floor</b> 1:7 19:13,16 22:2 43:13 91:8 <b>flouted</b> 73:20 <b>fly</b> 68:15 <b>focus</b> 19:11 30:14 <b>focuses</b> 66:1 <b>follow</b> 9:4,5 21:15 65:6 77:2 <b>followed</b> 7:16 <b>following</b> 41:24 <b>follow-up</b> 19:11 <b>fools</b> 18:16 <b>footnote</b> 57:9 <b>foremost</b> 89:6 <b>foreseen</b> 54:23 <b>forget</b> 13:8 <b>forgive</b> 41:11 <b>forgot</b> 43:8 <b>form</b> 22:22 41:3 79:14 84:5 <b>formal</b> 45:12 77:6 <b>formally</b> 16:18 34:2 94:1 <b>formidable</b> 56:19 <b>formula</b> 15:25 22:8,15 23:6,17 24:13 26:23 27:10,11 28:17,25 29:3 42:10 44:6 <b>formulation</b> 82:18 <b>forth</b> 8:1 49:25 51:4 83:20 <b>fortiori</b> 8:4 <b>forward</b> 23:14 24:3 <b>found</b> 5:4 7:17 9:19 36:12 38:18 74:24 86:16 87:3 <b>foundation</b> 73:17 <b>founded</b> 44:3 <b>four</b> 6:7 23:16 48:13 61:10 86:6 <b>Fourth</b> 16:7 <b>fragmentary</b> 86:1 <b>framework</b> 50:21 72:19 <b>frankly</b> 27:25 56:4 <b>free</b> 7:14 50:10,17 <b>friend</b> 25:23 33:5 <b>friendship</b> 13:1 <b>frivolous</b> 5:23,23 <b>from</b> 2:19,20,23 6:14 6:24 7:10 16:2 18:13,18 19:6,7,19</p>	<p>23:20 25:19 27:17 31:10 33:3,23 35:3 35:12 38:13,21 39:16 40:10 41:12 41:12 46:7 51:12,13 51:13,13,14,15 55:1 55:3 56:8 63:1 65:8 66:8,21 67:3 68:22 74:19 75:8,9 77:24 79:12 80:4,7,10 81:2,6,20 82:11 84:10 90:25 91:1 92:2 95:4 <b>front</b> 47:18 51:2 52:24 <b>fulfils</b> 91:4 <b>full</b> 12:15 40:9 52:15 57:18 83:14 <b>fully</b> 6:14 8:3 55:11 68:21 77:1 91:22 <b>function</b> 19:23 21:5 38:4 <b>functions</b> 41:15 <b>fundamental</b> 45:25 69:11 <b>fundamentally</b> 62:3 66:20 89:3 <b>further</b> 4:3 14:1 24:9 32:11 34:16 59:15 <b>future</b> 58:15 59:5,6</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p><b>gains</b> 23:24,25 <b>game</b> 70:4 <b>GARY</b> 2:5 <b>gave</b> 38:17 77:12 <b>general</b> 8:10 22:22 41:4 42:12 60:11 73:3,11 <b>generally</b> 72:18 81:18 <b>generations</b> 47:6 49:7 87:8 <b>generis</b> 41:6 42:7,8 <b>Genocide</b> 73:2 <b>geophemen</b> 2:12 90:21 <b>geographical</b> 17:24 <b>geography</b> 46:9 51:22 <b>GERHARD</b> 1:12 <b>German</b> 25:19 <b>gets</b> 61:22 69:17 <b>getting</b> 31:24 <b>Ghazal</b> 14:16 27:5 <b>give</b> 12:15 19:13 22:2 26:17 38:17 58:15 59:5 75:12 <b>given</b> 4:16 7:17 8:6 11:23 12:7 19:9 42:8,15 50:24 59:11 78:5 87:10 <b>gives</b> 31:6 <b>giving</b> 14:21 17:12 19:16 <b>glaring</b> 69:22 75:1 <b>Gleichen</b> 25:7 84:13 <b>go</b> 3:12 24:9 27:22 30:2 67:22 75:24 77:20 80:18 83:18 83:25 87:12 88:16</p>	<p>89:2 90:1 <b>Godfrey</b> 53:3 <b>goes</b> 19:7 73:13 <b>going</b> 19:21 22:13 27:13 30:2 37:21 40:20 62:19 64:21 75:3 77:19 80:11 82:13 88:25 <b>gone</b> 39:9 <b>good</b> 1:3,20 15:11 64:23 76:6 <b>GoS</b> 12:24 <b>govern</b> 79:8 <b>governing</b> 17:19 73:12 <b>Government</b> 1:2,16 2:4 1:5 17:4 20:1,2 21:16 22:21 26:22 38:7 40:3,9,24 41:3 41:23 43:22,24 44:15,20 45:11 46:18 47:13,24 50:19 55:2 56:11 57:4,18,23,25 59:14 62:19 63:6 64:7,12 64:25 65:8,23 66:7 66:18 67:5,7,12,13 68:1,19,19 69:15 70:2,19 71:7,8 72:8 75:16 76:1,23,24 79:12 81:21,22 82:7 85:16 86:3,11,24 87:16,24 88:8 92:8 93:3 <b>governmental</b> 70:13 82:25 <b>Government's</b> 5:11 19:23 23:8 27:10 44:1 46:23 58:3 59:10,17 60:5,22 61:10,22 62:4,11 63:4,11 64:9 65:1,7 66:19 70:20 72:2,14 73:24 74:1,2 75:5 75:13,23 76:20 77:3 78:24 79:20,23 81:12,13 82:20,25 83:8,16 84:4 85:20 85:21 87:25 88:13 89:4,18 90:15 <b>Governor</b> 24:23 <b>governs</b> 47:23 <b>goz</b> 17:24 36:2 49:5,23 86:20 <b>grammatical</b> 15:8 <b>grant</b> 22:23 77:14 <b>granted</b> 7:21 77:17 <b>graphics</b> 39:4 <b>grateful</b> 43:14 44:15 <b>gratitude</b> 44:21 <b>grave</b> 11:16 <b>gravely</b> 5:2 <b>graze</b> 49:13,19 88:5 88:12 <b>grazed</b> 49:22 <b>grazing</b> 13:14 35:8 49:16 70:8 92:17 <b>great</b> 34:4 37:8 45:3</p>	<p>87:24 92:2 <b>green</b> 32:18 <b>grossly</b> 4:17 19:4 57:6 <b>ground</b> 11:3 13:12 <b>grounded</b> 44:12 <b>grounds</b> 7:2 70:7 74:17 <b>group</b> 2:6 25:12 53:12 <b>groups</b> 26:4 <b>guess</b> 17:22 <b>Gutto</b> 53:4</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p><b>HAFNER</b> 1:12 <b>Hafner's</b> 15:22 <b>Hague</b> 1:6 <b>Hale</b> 2:6 <b>half-hearted</b> 86:23 <b>hall</b> 13:1 45:3 92:2 <b>Hallam</b> 30:17 40:11 <b>Hallam's</b> 30:14 40:10 <b>hand</b> 13:15,15 18:25 19:2 38:10 64:18,20 87:20 <b>handbook</b> 25:7 84:15 <b>handful</b> 84:8 <b>handle</b> 27:19 <b>hands</b> 38:11 <b>happened</b> 23:13 <b>hard</b> 45:1 86:1 <b>harm</b> 89:23,24 <b>harsh</b> 52:22 <b>Harvard</b> 86:17 <b>having</b> 17:6 28:12 49:10 72:12 84:18 84:23 <b>hear</b> 76:2,6 <b>heard</b> 31:8 51:12,14 52:22 54:5,12,14,25 56:3,5,8 64:9,22 66:23,23 67:3 71:4 84:4 85:3 86:21,23 91:22 <b>hearing</b> 91:21 94:5 <b>hearings</b> 1:4 12:25 45:10 54:4 93:13 <b>heart</b> 1:11 14:5,7 <b>heat</b> 48:9 55:5 57:13 <b>height</b> 74:18 <b>heightened</b> 76:11 <b>held</b> 11:17 50:11 89:7 <b>help</b> 13:18 15:14 85:2 85:3 93:11 <b>helps</b> 37:20 <b>Her</b> 93:3 <b>herculean</b> 93:14 <b>high</b> 69:20,20 <b>highlighted</b> 31:20 32:18,22 <b>highly</b> 51:19 56:24 <b>hill</b> 83:4 <b>him</b> 8:21 19:13 40:17 43:10 82:15,16 85:20,21 <b>himself</b> 40:17 41:6 78:15 <b>historian</b> 37:8 54:13</p>	<p><b>historians</b> 53:17 54:7 <b>historic</b> 47:9 89:14 <b>historical</b> 27:24 37:1 51:9,11,18 85:8 87:9 <b>history</b> 27:22 28:7 46:8 51:22 53:1 56:25 <b>hoc</b> 69:3 <b>hold</b> 75:14 88:14 <b>holding</b> 20:5 <b>holds</b> 7:17 <b>home</b> 94:2 <b>homeland</b> 46:4 47:9 48:5 85:15,19 <b>Homr</b> 24:24 30:19 35:1 <b>honest</b> 53:12 67:17 76:2 <b>honour</b> 52:13 53:21 54:11,17 55:9 57:15 58:3,12 76:19,23 78:19 79:16,17 90:11,15,16 92:9 <b>honoured</b> 48:20 56:13 92:19 <b>hope</b> 7:15 37:18 <b>hopes</b> 92:8 <b>horror</b> 20:5 <b>horses</b> 22:24 <b>hosting</b> 93:4 <b>house</b> 14:25 55:16 <b>Howell</b> 33:3,5,10 <b>huge</b> 33:3 47:3 66:18 <b>Humr</b> 34:11</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p><b>Ian</b> 55:20 <b>ICC</b> 77:25 <b>ICJ</b> 73:1 75:21 <b>ICJ-type</b> 39:1 <b>ICSID</b> 71:14,15,23 77:24 78:23 <b>idea</b> 17:15 <b>identical</b> 63:18 <b>identify</b> 32:2 <b>IGAD</b> 52:3,5,8,12,14 <b>IGAD's</b> 52:17 <b>ignorantia</b> 33:24 <b>ignore</b> 79:21 <b>ignored</b> 62:1 70:20 88:20 <b>ignoring</b> 63:14 <b>ii</b> 8:25 <b>iii</b> 9:4,6 <b>ILC</b> 62:17 <b>illustrate</b> 30:7 <b>imbéciles</b> 18:15 <b>immeasurably</b> 44:24 <b>immediate</b> 83:14 90:15 <b>immediately</b> 32:3 <b>impaired</b> 29:3 <b>impartial</b> 51:7 53:11 58:20 <b>implausible</b> 4:17 59:23</p>	<p><b>implement</b> 92:6,7,9 <b>implementation</b> 4:12 6:10 83:14 <b>implemented</b> 3:20 90:3 <b>implementing</b> 9:23 <b>implies</b> 28:18 30:24 <b>imply</b> 16:8 30:25 <b>importance</b> 36:10 44:11,18 45:25 50:12 72:24 73:14 73:16 74:9 76:17 <b>important</b> 11:19 14:4 14:20 22:12 46:5 55:21,24,24 66:24 71:21 76:16 82:2 93:1 <b>importantly</b> 16:3 <b>impossible</b> 12:1 16:12 79:22 <b>imprecise</b> 25:18 <b>impressed</b> 93:17 <b>impressive</b> 7:15 53:11 56:24 57:14 58:18 87:10 <b>impropriety</b> 43:10 <b>inadmissible</b> 59:20 60:7 <b>incidentally</b> 31:19,22 33:20 <b>include</b> 22:10 <b>included</b> 10:5 16:10 54:7 <b>includes</b> 7:2 26:3 81:25 <b>including</b> 6:17 25:13 28:16 38:23 41:20 42:6 48:8 55:1 68:24 90:9 <b>inclusion</b> 2:23 <b>incoherent</b> 66:20 <b>incompatible</b> 17:15 <b>inconsistent</b> 23:7 <b>incorrect</b> 30:11 <b>incorrectly</b> 81:14 <b>indecisive</b> 14:19 <b>indeed</b> 7:14 12:13 15:25 17:1 18:23 45:7 54:23 61:3 62:18 84:7 91:10 <b>independent</b> 78:5 <b>INDEX</b> 95:1 <b>indicate</b> 35:15 <b>indicates</b> 31:17 32:5 <b>indication</b> 32:13,15 <b>indisputable</b> 10:12 <b>indistinguishable</b> 41:12 <b>individually</b> 36:5 <b>inescapably</b> 62:3 63:25 <b>inevitable</b> 82:16 <b>inexorably</b> 62:3 63:25 <b>inference</b> 30:24,25 <b>inferred</b> 18:17 <b>inflected</b> 18:15 <b>informal</b> 77:9,10</p>
--	--	---	---	--	--

<p><b>information</b> 23:2 25:13 35:9 78:9 <b>info@TMGreportin...</b> 2:13 <b>infra</b> 6:5,18 7:5 18:4 21:20 69:1 <b>innocent</b> 89:24 <b>inside</b> 2:2 <b>insistently</b> 15:13 <b>instance</b> 21:3,4,9 <b>instead</b> 46:24 47:24 60:12 63:6 64:4,17 71:9 77:7 79:10 81:21 84:10 <b>institution</b> 52:10 77:6 <b>instructed</b> 13:9 <b>instructions</b> 10:5 <b>instrument</b> 9:14 <b>instruments</b> 3:2 6:7 17:19 <b>integrally</b> 6:14 68:21 <b>integrity</b> 46:2,22 53:24 74:10 <b>intend</b> 43:23 <b>intended</b> 22:10 89:21 <b>interest</b> 73:7 91:18 <b>interesting</b> 66:24 <b>Interestingly</b> 7:1 <b>international</b> 2:6 7:13 7:25 41:4 42:11 45:3 46:1 47:22 53:15 58:24 76:18 92:24 <b>internationally</b> 73:4 <b>interpret</b> 9:7 20:14 36:20 42:3 66:13 67:19,20,24 68:16 82:14 <b>interpretation</b> 1:17,18 2:18 3:7,11,16,17 16:8 18:5 20:13,16 21:24 22:8 23:6 26:23 27:9,11,15,16 28:15 29:2,6 44:5 62:4 65:13,15 67:15 67:18,25 68:9 69:13 69:24 89:12,18 <b>interpreted</b> 3:11,21 4:13 5:9 66:16 81:14 <b>interpreters</b> 54:15 <b>interpreting</b> 9:23,23 9:24 65:18,22 <b>interrupted</b> 25:23 <b>interruption</b> 12:19,25 <b>intervening</b> 33:4 <b>interview</b> 78:6 <b>interviewed</b> 55:18 <b>interviews</b> 11:10 56:2 76:25 80:24,25 81:9 81:10,10 <b>Inter-Governmental</b> 52:2 <b>invalidates</b> 28:23 <b>invent</b> 14:18 <b>invested</b> 17:13 <b>investigations</b> 55:13</p>	<p><b>investigatory</b> 55:12 77:18 78:5 <b>investment</b> 8:9 <b>invitation</b> 39:12 <b>invite</b> 7:11 21:1 23:11 36:5 <b>involve</b> 45:24 59:20 63:6 <b>involved</b> 31:5 55:15 <b>involvement</b> 55:14 <b>involves</b> 42:10 <b>involving</b> 8:4 <b>irrelevant</b> 26:8 38:16 <b>irreparable</b> 89:23,24 <b>irrespective</b> 42:5 <b>isolation</b> 6:18 68:25 <b>issue</b> 3:22 4:16 7:19 8:18 30:20 60:1 63:21 65:1,23 66:15 66:17 70:4 73:8 83:13 <b>issues</b> 22:11 45:25 47:7 51:9,10,17 53:23 57:1 79:13 <b>items</b> 35:21,25 <b>itineraries</b> 28:21 <b>i.e</b> 14:8</p> <hr/> <p style="text-align: center;"><b>J</b></p> <p><b>Jack</b> 15:1 <b>James</b> 2:2 17:14 <b>Jange</b> 25:9,16,17,20 25:24 26:2,7 <b>jeopardises</b> 58:14 59:4 <b>JIMÉNEZ</b> 2:6 <b>job</b> 56:19 93:20 <b>John</b> 51:13 <b>Johnson</b> 53:5 <b>Johnson's</b> 80:7 81:6 <b>join</b> 93:6 <b>joint</b> 56:17 <b>jointly</b> 90:3 <b>journeys</b> 39:24 <b>Judge</b> 1:11,12 12:4 74:21 <b>judged</b> 38:15 <b>judgment</b> 73:10 <b>judicata</b> 46:6,21 59:4 72:21 73:4,23 76:5 76:10 <b>judicial</b> 41:21 <b>JUDITH</b> 2:8 <b>July</b> 57:17 <b>jurisdiction</b> 42:16 65:16 <b>jurisdictional</b> 42:9 <b>just</b> 6:12 11:6 22:11 28:16,23 29:1 30:8 31:2 32:9 34:10 43:16 49:8,22 53:16 53:16 64:14 68:14 68:20 72:17 73:1 75:3 76:15,21 79:4 80:22 82:19,22 85:2 85:4,10 87:14,20 88:14,20 89:2</p>	<p><b>justice</b> 13:1 17:23 45:3,4 92:2,13 <b>justification</b> 18:6</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p><b>Kassahun</b> 53:3 <b>keen</b> 11:13 18:12 <b>keeping</b> 12:14 <b>kept</b> 15:24 <b>Khartoum</b> 11:10,17 35:8 56:3 76:25 80:13,23 81:10 <b>Kiir</b> 16:23 25:3,4 30:8 30:11,12 38:14,21 39:16 49:8,19,22 64:5 82:9 84:9,19 84:25 <b>Kiir/Bahr</b> 84:7,17 <b>killed</b> 14:24 15:4 <b>kilometres</b> 31:6 <b>kind</b> 17:13 18:6 37:22 <b>Kingdom</b> 52:1 93:4 <b>Kingdom's</b> 52:18 <b>knew</b> 26:7 52:10,11 80:9,11,20 <b>know</b> 13:2 14:7 26:3 27:7 32:15 39:8 55:3 59:11 67:7 88:7 89:1 <b>knowledge</b> 15:8 <b>knowledgeable</b> 51:21 <b>known</b> 16:23 17:10 84:14 <b>knows</b> 39:6 92:11 <b>Koak</b> 31:2 <b>Kordofan</b> 9:17,21 14:9,16 15:10 16:10 17:8 25:9 27:6 28:20,22 44:8 46:16 50:4 64:4 65:14 83:24 84:14 89:15 <b>Kual</b> 31:15</p> <hr/> <p style="text-align: center;"><b>L</b></p> <p><b>labour</b> 31:7 <b>Ladies</b> 90:21 <b>laid</b> 40:6 <b>land</b> 17:13 49:8 85:17 88:12 <b>lands</b> 27:22 88:5 92:21 <b>language</b> 14:13,22 15:9,11 21:19 29:3 49:2 60:14 64:11 68:6 69:17 <b>largest</b> 33:9 <b>last</b> 1:10 7:1 8:17 14:6 16:7 18:10 51:11 52:7,23 79:5 88:22 91:19 93:2,24 <b>later</b> 23:17 <b>latitude</b> 13:24 36:3 47:12 <b>latter</b> 25:3 <b>law</b> 2:6 3:3,4 8:4,9 41:4,5 42:10,11,13 42:14,23 44:12 46:2</p>	<p>46:9,22,25 47:20,22 53:1 58:5,15 59:5,5 61:7 62:24 63:1,8 65:12,24 72:19,25 73:14,18 74:9 76:8 76:17,21 79:8,9,11 83:2 <b>lawyers</b> 53:15 54:10 <b>lay</b> 14:25 <b>LE</b> 2:9 <b>lead-in</b> 63:9 <b>lead</b> 33:3 <b>learned</b> 7:11 49:3 <b>least</b> 5:14 7:8 16:7 67:8 93:2 <b>leave</b> 6:3 12:25 57:9 57:10 <b>left</b> 3:11 36:14 37:14 <b>legal</b> 2:8,9,9 58:10 59:2 73:5,12,19 74:10 75:16 82:20 93:9 <b>legem</b> 6:18 69:1 <b>legitimate</b> 89:22 <b>length</b> 60:4 <b>les</b> 18:15 <b>less</b> 13:5 37:19 40:17 54:10 83:5 89:11 <b>lesson</b> 14:22 <b>let</b> 5:22 8:19 11:6 13:3 25:1 33:22 34:10,23 38:2 58:1 64:24 93:6 <b>let's</b> 3:8 37:13 48:1,21 48:22 49:2,3,11,24 59:9 66:22 67:12,22 68:18 <b>level</b> 15:18 71:13 <b>LEVINE</b> 2:8 <b>LIBERATION</b> 1:2,18 <b>library</b> 55:16,17 <b>lie</b> 73:17 <b>life</b> 46:3 53:6 <b>lifestyle</b> 87:19 <b>light</b> 20:8,22 30:3 36:11,22,24 49:2 <b>like</b> 3:6 19:13,16 20:17 24:18 34:5 39:3 41:20 42:2 43:9 44:20 45:5 49:20 54:1 56:9 58:16 59:6 64:14 68:12 78:22 79:4,17 80:22 81:22 88:18 89:2 91:17,23 92:23 93:3,7 <b>likely</b> 38:22 <b>Likewise</b> 81:11 <b>limit</b> 13:23 14:18 18:3 <b>limitation</b> 5:21 <b>limitations</b> 29:20 87:11 <b>limited</b> 24:22 74:17 <b>limits</b> 6:16 44:19 68:24 89:2 <b>line</b> 15:22 16:13 17:12 22:16 33:2</p>	<p><b>linking</b> 49:1 <b>lions</b> 25:21 <b>list</b> 14:20 35:22 59:12 60:10 <b>lists</b> 35:20 <b>litigant</b> 73:9 <b>litigation</b> 6:17 48:9 55:5 57:13 68:24 73:6 <b>little</b> 1:21 5:1 31:5 37:18 70:19 84:20 88:18 <b>live</b> 30:8 87:21 90:25 <b>lived</b> 49:6 86:23 87:7 <b>livelihoods</b> 92:22 <b>living</b> 84:19,22 <b>LLAMZON</b> 2:9 <b>Lloyd</b> 24:23 <b>Lloyd's</b> 30:6 <b>LLP</b> 2:3,6 <b>local</b> 16:14 <b>located</b> 30:22 31:2,15 36:1 84:6 <b>locating</b> 30:14 <b>locations</b> 55:15 78:7 <b>logical</b> 66:21 69:5 <b>logically</b> 63:25 68:16 <b>logistical</b> 54:20 <b>lonely</b> 33:2 <b>long</b> 3:18 10:22,25 20:12 43:11 59:11 67:15 87:2 89:25 <b>longer</b> 10:22 29:25 <b>look</b> 8:11 32:17 36:5 41:22 48:21,22 49:11,24 55:5 57:8 57:12 61:18 64:2,24 67:12,18 68:18 69:7 74:5,8 79:1,3 80:24 84:23 85:3,9,24 88:16 <b>looked</b> 6:25 55:3,10 81:24 87:23,23 <b>looking</b> 26:2 64:4 66:22 72:15 75:15 <b>Lord</b> 79:9,15 <b>LORETTA</b> 2:3 <b>lost</b> 77:18 <b>lot</b> 14:11 18:12 <b>lots</b> 86:12</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p><b>M</b> 1:12 <b>MACHAR</b> 2:5 91:13 91:14 95:9 <b>machine-gun</b> 22:13 <b>MacMichael</b> 34:5,6 <b>made</b> 1:24 2:3 9:22 10:2 12:1 13:13 24:12 41:2 57:19,20 57:21 63:9 70:7 72:3 74:25 75:9 76:1 <b>magnum</b> 7:15 <b>Mahon</b> 85:25 <b>main</b> 11:6 33:8 <b>mainly</b> 8:8</p>	<p><b>maintain</b> 10:24 45:12 <b>Majesty's</b> 93:3 <b>make</b> 2:17 11:23 18:17 22:9 27:20 35:23 38:19 69:5,22 79:18 80:9,11 83:13 <b>makes</b> 10:2 18:24 68:2 <b>making</b> 26:8 45:3 68:14 <b>MALINTOPPI</b> 2:3 <b>malt</b> 14:25 <b>Malwal</b> 26:5 <b>manage</b> 86:11 <b>managed</b> 86:12 <b>mandate</b> 1:12,16,18 1:25 2:2,3,4,7,13,18 2:24,25 3:5,7,9,17 3:20,23 4:8,10,13 4:14,18,25 5:5,8,16 6:8,13,23 7:8 8:14 9:1,8,12,19,24,25 10:4,10,24 11:4 12:16 13:8,12 14:2 14:5 16:8,17 17:3,5 17:25 18:6,9,9,25 19:5,12 20:15,19 21:6,12,24 29:19,20 29:23 42:4 44:3 50:24 59:21 60:9,13 60:20,24 61:9,12,20 61:23 62:10 63:5,11 63:18,20,24 64:15 65:5,10,19,25,25 66:1,6,14 67:5,6,11 67:14,24 68:13,21 69:18 70:6,11,17 72:4 74:7,24 76:20 79:20 81:18 82:18 83:10,18 <b>mandatory</b> 60:23 61:3 61:7,14 74:6 75:24 82:20 83:2 <b>manifest</b> 75:1 <b>manifestly</b> 4:17 18:8 69:23 75:2 <b>manner</b> 10:13 41:21 42:2 <b>mantras</b> 5:7 <b>manufacture</b> 89:18 <b>many</b> 48:22 52:22 56:4 74:12 90:24 91:1 <b>Manyweir</b> 32:25 <b>man's</b> 17:13 <b>map</b> 25:17 26:2,7 30:6 30:21 31:12,12,22 31:24 32:4,17 34:9 34:19,20,23,24 38:8 38:9,16 40:10 85:5 86:10 88:17 <b>mapping</b> 35:22,24 <b>maps</b> 25:18 33:22 38:7 40:11 86:12 <b>Mareij</b> 32:7 34:12 <b>Mareng</b> 32:25 34:16 <b>marked</b> 11:12 31:14 <b>match</b> 70:5</p>
--	---	---	---	---	---

<p><b>material</b> 10:9  <b>Matrix</b> 2:2  <b>matter</b> 1:1 17:2 34:21                      41:1,3,4 59:13                      65:24 69:14,14                      92:19  <b>matters</b> 22:14  <b>may</b> 10:18 20:8 26:15                      27:9 28:4 39:20,20                      44:25 66:15 77:21                      91:7  <b>maybe</b> 8:17 87:4  <b>McGowan</b> 2:12  <b>mean</b> 14:13 28:15                      33:16 62:22 68:17  <b>meaning</b> 26:17 57:11                      68:4,4  <b>means</b> 11:1 14:13                      21:17 31:4 59:8                      65:15 71:2 90:4  <b>meant</b> 57:11 65:19                      78:12 81:4  <b>mechanism</b> 51:24  <b>mechanisms</b> 73:21  <b>meet</b> 75:7  <b>meeting</b> 11:18 57:17                      57:19 79:25 80:15  <b>meetings</b> 11:15 54:14                      54:21 81:6  <b>members</b> 1:9 7:23                      12:20 18:4 22:6                      41:11 43:4,20 44:16                      57:18 78:6 80:14,18                      91:14,17 92:24  <b>memory</b> 27:24  <b>men</b> 53:4,10,12,18,18                      55:6  <b>mentioned</b> 30:12                      82:21  <b>mentions</b> 30:17  <b>merely</b> 42:24  <b>merits</b> 8:23 75:1  <b>Messiriya</b> 5:14 13:14                      18:1 33:19 48:18                      49:6,9,12,15,19                      54:3,6 85:17 86:22                      87:20 88:5,9,11                      92:16  <b>Messiriya's</b> 13:23  <b>met</b> 72:5  <b>meticulous</b> 3:1  <b>MICHAEL</b> 1:13  <b>middle</b> 25:19 38:15,18                      58:21  <b>might</b> 1:21 2:16 3:13                      4:4 8:11 42:17                      54:10 69:6 77:11                      82:15 92:1  <b>mighty</b> 33:2  <b>MILES</b> 2:5  <b>Millington</b> 76:25  <b>million</b> 48:13,13 58:8                      58:8  <b>mind</b> 2:14 4:5 8:20                      13:4 28:10  <b>minds</b> 18:16  <b>mingled</b> 88:10</p>	<p><b>minutes</b> 12:4  <b>misconceived</b> 19:4                      57:6  <b>misinterpretation</b>                      63:23  <b>misleading</b> 15:24  <b>missing</b> 39:9  <b>mission</b> 9:8  <b>mistake</b> 62:14 65:22                      67:9,10 74:25 79:19  <b>mistaken</b> 19:3  <b>mistakes</b> 3:23,24  <b>misunderstood</b> 67:8  <b>mixed</b> 32:19  <b>moderately</b> 5:2  <b>modulated</b> 29:1  <b>MOHAMED</b> 2:2  <b>moment</b> 48:10 63:3                      75:3 82:19  <b>Monday</b> 1:10 7:1                      13:20 18:14 60:5  <b>Monday's</b> 5:6  <b>months</b> 56:18  <b>more</b> 1:22 7:12,18,22                      8:17 11:19 14:4                      16:3,3 23:10 25:13                      47:14 48:22 54:23                      68:18 71:17 79:1,4                      81:18 84:8 86:7                      87:6  <b>Moreover</b> 8:6 39:22  <b>morning</b> 1:3 18:19                      56:8 59:16 63:11                      64:10,16,25 66:23                      66:23 71:4,18 76:6                      77:19 82:11 86:21                      87:17 88:9  <b>most</b> 3:1 9:10 11:5                      14:20 29:6 30:6                      31:7 46:20 58:13                      59:3 71:13 73:19                      84:15 93:17  <b>mostly</b> 2:1  <b>motivate</b> 10:13  <b>motivation</b> 7:11,22  <b>mountain</b> 6:21 33:1                      74:12 82:23 83:4  <b>move</b> 49:13 72:12  <b>movements</b> 28:1  <b>MOVEMENT/AR...</b>                      1:2,18  <b>Moving</b> 71:8 83:9  <b>much</b> 7:22 19:14 22:2                      43:6 45:14,15 54:15                      66:13 72:13,13 76:2                      79:1 83:5 87:12                      89:11 91:9 93:6  <b>multiple</b> 56:4 57:5                      75:6 80:16  <b>multitude</b> 41:11 42:8  <b>Muriuki</b> 53:3  <b>must</b> 1:24 3:12 4:2,14                      5:5 6:15 8:1 14:6                      19:9 20:18 26:18                      33:2 68:12,22 73:11                      76:9 83:12 93:16  <b>muted</b> 84:5</p>	<p><b>mysterious</b> 17:20</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>name</b> 32:23 41:14  <b>narrow</b> 49:7  <b>nationally</b> 73:5  <b>natural</b> 19:10 70:15  <b>nature</b> 11:9,18  <b>ne</b> 18:15  <b>near</b> 34:13 35:14  <b>nearing</b> 93:20  <b>nearly</b> 7:25  <b>necessarily</b> 9:6 28:17                      30:24  <b>necessary</b> 47:10  <b>need</b> 6:21 8:8 10:24                      29:21 43:17 68:16                      69:22 74:3 82:13  <b>needed</b> 9:7 54:15,16                      78:9  <b>needs</b> 69:5 75:19 79:1  <b>negotiated</b> 2:22,25                      48:3 73:20  <b>negotiations</b> 52:9  <b>neither</b> 16:7,25  <b>Netherlands</b> 93:4  <b>netted</b> 31:3  <b>neutralising</b> 19:8  <b>never</b> 13:16 18:16                      27:11 40:11 64:22                      71:7 72:10 79:25,25                      81:20 89:19,21  <b>new</b> 60:11 64:22  <b>Ngok</b> 5:14 9:17,21                      13:15,21 14:9,17,19                      15:10 16:9 17:7,25                      23:3,24 24:13 25:22                      25:25 26:6,10,12,13                      26:19 27:5 28:5,21                      30:8,25 31:5,6 32:3                      32:7 33:5,14 34:13                      35:1,11,15 36:1,12                      37:11 44:7 46:3,16                      47:5,9 48:6,18 49:6                      49:16 50:3,16,16                      54:3 64:3 65:14                      83:23 84:5,12,19                      85:12,19,22 86:15                      86:18,23 87:19 88:4                      88:9,22 89:8,8,14                      89:20,20  <b>Ngok's</b> 84:16  <b>Ngol</b> 33:15 49:22 67:2                      85:4 86:23  <b>nice</b> 33:20  <b>nine</b> 9:16,20 14:9                      15:10 17:7 24:13,14                      26:9 44:7 46:15                      50:3,16 64:3 65:13                      83:23 89:8,14,20  <b>nitpick</b> 86:3,4  <b>nobody</b> 17:22 88:6  <b>nomadic</b> 49:12  <b>nomads</b> 92:17  <b>nondisclosure</b> 40:3  <b>none</b> 33:4 61:1,2,3                      77:3 83:8</p>	<p><b>nonetheless</b> 74:8  <b>non-adjudicatory</b>                      64:20  <b>normal</b> 40:4  <b>norms</b> 61:16,19  <b>north</b> 13:24 22:25                      23:25 24:15,17,18                      28:5,21 30:8 31:15                      32:3,21 34:13 36:2                      36:13 37:14 47:12                      48:25 49:4,22 50:14                      82:2 84:25 86:14  <b>northern</b> 38:16 47:11                      84:16  <b>northwards</b> 33:8  <b>note</b> 4:20 8:6 32:6  <b>notes</b> 30:7 31:13  <b>nothing</b> 24:18 27:17                      27:18 31:4 33:11                      61:24 64:9  <b>notice</b> 12:8  <b>notion</b> 7:9 17:24 29:20  <b>novo</b> 68:2  <b>nuanced</b> 71:17 79:1  <b>nuances</b> 2:7  <b>nullity</b> 60:11 74:17  <b>nullius</b> 17:13  <b>number</b> 19:24 23:15                      26:4 35:20 83:25  <b>nursery</b> 14:23</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>object</b> 11:1 53:9  <b>objection</b> 37:21 81:8                      81:20  <b>objections</b> 47:14,15                      47:17 52:16 56:5                      57:19,20,21 82:17  <b>objectively</b> 57:12  <b>obligation</b> 4:7 10:12                      10:13  <b>observation</b> 78:19  <b>observations</b> 1:5                      30:21  <b>observers</b> 45:8  <b>obtained</b> 73:10  <b>obvious</b> 10:25 11:25                      14:2 57:11  <b>obviously</b> 29:15,19                      34:18 44:10 67:21  <b>occasion</b> 59:15  <b>occasions</b> 64:12 80:6  <b>occupation</b> 36:13,18                      37:12  <b>occupied</b> 25:4 47:6  <b>off</b> 1:19 23:4 57:6  <b>Office</b> 23:21  <b>official</b> 35:8 78:7  <b>officials</b> 35:3  <b>Oh</b> 85:3  <b>oil</b> 70:14  <b>Okay</b> 34:25 91:11  <b>old</b> 14:14 40:10 84:11  <b>omission</b> 18:18  <b>omitted</b> 14:4  <b>once</b> 2:5 39:22 52:19                      53:22 81:20 84:11</p>	<p><b>one</b> 1:5 2:15 3:19 4:4                      5:7 8:12 13:15                      18:18,25 21:13                      23:15 30:22 31:6                      39:19,20,20 48:22                      52:1 54:21 56:20                      59:19 60:10 61:22                      64:18,22 67:7 68:18                      69:5,6 73:3 74:16                      77:9,10,10 78:25                      79:1,3,4 82:5,5                      84:23 85:4,4,7,10                      86:5,5,6 88:17,17                      88:23 89:19  <b>onerous</b> 54:18 74:16  <b>ones</b> 11:6  <b>only</b> 1:5 4:18 5:8,11                      7:4 10:11 12:13                      13:8 14:13,20 15:15                      18:16,19 20:14                      21:10 24:12 26:20                      30:21 35:22 38:3                      39:19 41:22 47:10                      57:23 58:12 59:3                      67:23 72:6 74:24                      78:16 80:2 83:17,25  <b>onus</b> 29:8 35:10,13  <b>open</b> 4:22 54:14 64:12  <b>operated</b> 16:5  <b>opponent</b> 38:1  <b>opportunity</b> 44:25  <b>OPTIONAL</b> 1:4  <b>opus</b> 7:15  <b>oral</b> 27:22 28:6 54:13                      78:18 90:22 93:15  <b>orange</b> 12:23  <b>order</b> 1:23 9:7 73:19                      89:6  <b>originally</b> 54:23  <b>other</b> 6:2 8:16 10:17                      13:14,15 16:2 18:18                      19:2,7,8 22:14 24:5                      25:23 27:12 28:20                      33:1 37:5 38:23                      39:20 40:14,16                      41:15 45:4,7 48:16                      49:12 51:9,22 53:5                      54:22 56:25 57:3                      62:18 63:17 64:19                      65:9 70:10,15 72:7                      73:3 77:20 78:6                      79:18 82:7 86:12                      87:8,14,20 88:6                      92:17  <b>others</b> 26:12,19 90:24  <b>otherwise</b> 81:1  <b>Ouest</b> 2:3  <b>ought</b> 6:13 68:21  <b>out</b> 9:7 34:15 35:21                      41:23 45:13 56:10                      57:9,10 69:9 78:8                      78:16 85:10  <b>outcome</b> 44:10 91:2                      92:19  <b>outset</b> 73:14  <b>outside</b> 57:12 60:6                      61:11 70:17</p>	<p><b>over</b> 32:9 37:21 38:12                      47:13 48:8 49:3                      81:11 88:25 90:5,25                      91:19,21  <b>owe</b> 69:19  <b>own</b> 2:3 3:5,22 20:3                      22:23 39:5 40:5                      42:16 46:20 55:13                      63:15 66:11 75:14                      93:20  <b>owners</b> 84:22</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>pacta</b> 46:6,21 58:13                      76:10  <b>page</b> 30:7 36:9 95:2  <b>pages</b> 12:18 56:22  <b>paid</b> 91:18  <b>paints</b> 88:20  <b>palace</b> 1:6 80:14,19                      91:4  <b>panel</b> 71:16  <b>paper</b> 6:21 74:13                      82:23  <b>paragraph</b> 1:14 10:14                      19:1,2 23:12 26:25                      35:20 36:7  <b>parallel</b> 13:24 50:11  <b>paramount</b> 24:21  <b>Paris</b> 2:3  <b>part</b> 6:4 25:19 28:19                      38:16 39:20 40:12                      65:18 69:4,11 78:3                      86:24  <b>participate</b> 15:17  <b>participated</b> 90:24  <b>particular</b> 23:12                      25:19 31:13,16 39:7                      79:14 93:7  <b>particularly</b> 11:12                      20:22 29:12 87:10                      91:3  <b>parties</b> 1:4 3:4 5:24                      6:9 7:21 8:15,24                      10:9 12:4,8 15:17                      16:10 18:7 44:6,14                      44:22 45:7 46:7,10                      46:12,13,24 47:20                      48:4,7,12,17,24                      49:4,25 50:6,8,23                      51:7,20,23 52:5,7,9                      52:10,12,16 53:13                      53:19,23 54:24                      55:11,14 56:3,4,15                      56:17 58:6,16,21                      59:7,22 60:9,16                      61:8 65:19 69:11                      73:20 76:13,22 77:4                      77:5,17 78:1,4,10                      78:22 79:2,2,7,14                      79:17,21 80:8,21                      81:2,5,8,20 89:5                      90:3,12,17 91:19,21                      92:1 93:12  <b>partisan</b> 12:20  <b>partisans</b> 13:4  <b>parts</b> 16:9 38:7 88:25</p>
---	---	--	--	--	---

<p><b>party</b> 6:2 29:9 40:5 52:16 53:9 62:23 73:7,9 74:14 91:1 92:12 <b>pas</b> 18:16 <b>pass</b> 11:5 <b>passing</b> 4:20 76:2 <b>past</b> 43:25 47:13 49:3 55:4,10 69:10 <b>patch</b> 86:14 <b>path</b> 68:6 <b>patience</b> 43:5 <b>patrol</b> 33:1 <b>patterns</b> 87:5 <b>PAUL</b> 2:6 <b>PAUL-JEAN</b> 2:9 <b>pause</b> 12:3 <b>PCA</b> 29:8 92:25 <b>peace</b> 1:6 3:9 6:11 48:2,12,19 91:4 92:13 <b>peaceful</b> 59:8 <b>peacefully</b> 48:14 <b>peculiar</b> 73:15 <b>pejoratives</b> 5:22 <b>Pellet</b> 2:3 1:6,7,8,9 19:15,20 20:10 21:8 21:24 67:3 68:6 95:3 <b>people</b> 24:20 25:10 26:7 34:5 46:1,4 47:21 49:1 50:16 54:9,25 78:8 87:5 89:8,24 92:15,21 93:3 <b>peoples</b> 15:23 49:12 <b>people's</b> 1:18 55:22 <b>PEOPLE'S</b> 1:2 <b>Percival</b> 85:25 <b>Percival's</b> 38:8,21,23 39:15 <b>peremptorily</b> 8:8 <b>peremptory</b> 61:7,16 83:2 <b>perfect</b> 13:7 <b>perfectly</b> 29:18 <b>perform</b> 38:5 <b>performing</b> 41:15 <b>perhaps</b> 38:10 <b>period</b> 33:23 34:8 87:13 <b>permanent</b> 1:4 2:10 30:19 33:14 36:1,13 37:12 44:22 85:12 85:19 91:23 93:8 <b>permission</b> 43:15,16 <b>permit</b> 6:10 <b>person</b> 26:6 34:20 90:23 <b>personal</b> 12:22 15:18 <b>perspective</b> 65:9 <b>petita</b> 5:12,21 6:1,5 7:4,5 13:13 18:4,8 21:20,21 60:21 61:3 <b>Petroleum</b> 79:6 <b>Petterson</b> 53:5 <b>phase</b> 5:18 29:24</p>	<p>90:22 <b>phrase</b> 25:16 26:17 60:16 <b>picked</b> 85:7 <b>Pickering</b> 2:6 <b>picture</b> 35:12 86:7 88:20 <b>piece</b> 7:16 85:10 86:4 86:5,5 88:19,19 <b>pieces</b> 31:7 <b>PIERRE-MARIE</b> 1:11 <b>pillars</b> 92:13 <b>place</b> 11:15 12:12 15:18 27:7 45:10 80:2 <b>placed</b> 44:18 <b>places</b> 54:5,25 87:5 88:17 <b>plain</b> 60:20 83:9 87:21 <b>plainly</b> 30:1 31:21 36:7 76:8 <b>planet</b> 23:5 57:7 <b>plausible</b> 1:17 3:16 <b>played</b> 52:8 <b>plea</b> 8:3 <b>pleaded</b> 17:4 39:1 40:2 67:6 <b>pleadings</b> 28:3 31:25 43:22,25 45:14 90:22 93:16 <b>Please</b> 1:7 43:16 91:5 <b>plot</b> 85:4 <b>pluck</b> 85:10 <b>plus</b> 86:5,5,6,6 <b>pm</b> 91:12 94:4 <b>point</b> 8:13 12:14 13:18 26:16 27:20 28:8 32:6 33:16 36:21 37:7 40:16 41:18 51:4 53:8 62:17,21 62:24,25 63:7,9 66:19 72:2 87:16 88:14 <b>pointed</b> 35:21 <b>points</b> 38:3 40:16 <b>Policy</b> 2:6 <b>Poole</b> 51:14 54:1 <b>poor</b> 15:8 <b>portion</b> 81:23 <b>posed</b> 1:14 19:22 <b>position</b> 19:25 21:16 23:2 27:12 28:6 29:11,14 41:5 65:1 65:7,11 71:17,17,21 <b>positions</b> 8:15 66:19 <b>positive</b> 45:9 <b>positively</b> 2:6 16:3 <b>possibility</b> 12:11 20:12,16 22:21 67:15,18,25 68:8 <b>possibly</b> 33:11 39:10 <b>possidetes</b> 22:16,18 <b>postulated</b> 42:13 <b>post-transfer</b> 25:8 <b>post-1905</b> 17:17 <b>pouvoir</b> 21:20</p>	<p><b>power</b> 2:10 21:20 22:23 42:3,4,19 66:13 77:13,15,18 78:6 <b>PowerPoint</b> 30:5 <b>practices</b> 35:15 <b>practises</b> 28:21 <b>precise</b> 35:9 <b>precisely</b> 7:17,22 12:14 27:24 46:10 64:7 <b>precision</b> 88:22 <b>predominantly</b> 84:6 <b>preliminarily</b> 64:24 <b>preliminary</b> 2:4 19:21 <b>preparation</b> 35:5 93:14,15,18 <b>prepared</b> 35:3,7 <b>prescribed</b> 10:6 <b>presence</b> 90:25 91:6 <b>present</b> 6:20 10:4 12:25 13:4 18:23 43:9 45:8 63:4 92:4 <b>presentation</b> 5:6 11:24 12:11 19:11 27:15 29:5 30:5 55:1 <b>presentations</b> 54:22 80:8 93:19 <b>presented</b> 12:9 43:24 53:23 57:16,20,22 82:6 92:11 <b>preserved</b> 39:10 <b>preside</b> 91:21 <b>presidency</b> 11:24 12:9 <b>president</b> 1:9 5:6 8:11 10:22 12:11 13:16 14:6 16:17 18:10 19:10 22:6 23:13 43:4,20 45:17,23 57:16 90:19 91:9,14 92:5,23 93:2,5 <b>presidential</b> 80:14,18 <b>president's</b> 23:21 37:23 <b>pressing</b> 89:1 <b>presumptive</b> 72:21 74:20 75:11 <b>previous</b> 64:11 <b>previously</b> 72:22 74:23 75:8 81:23 82:21 <b>pre-eminent</b> 46:8 90:7 <b>pre-existing</b> 14:15 16:15,19 18:3 <b>pre-1905</b> 85:24 87:12 <b>pride</b> 34:1,4 <b>principle</b> 1:21 3:22 6:2,17,19 7:25 17:20 41:1 68:25 69:1 73:4 <b>principles</b> 11:11 17:22 42:13 46:6,20 59:4 61:7,14 72:9,18,19 73:11,15,17,18,23 74:8 75:11,23 76:10 76:15,19 83:2</p>	<p><b>probably</b> 2:14 4:2 13:5 20:16 30:2 68:11 72:12 <b>problem</b> 31:16 <b>procedural</b> 41:18 46:11 61:5,10,15,16 74:6 75:15,18,18 77:2 78:3,24 79:13 <b>Procedurally</b> 50:20 <b>procedure</b> 8:16 10:6 11:7,20 71:12 77:13 78:2,20 79:3,14 80:2 <b>procedures</b> 58:20,23 77:15 <b>proceed</b> 5:18 <b>proceeded</b> 52:14 <b>proceeding</b> 77:9 <b>proceedings</b> 8:12 33:21 44:24 53:8 56:6 71:23 77:16 79:22 90:1,12,24 91:2 <b>process</b> 10:2 11:13 12:18 55:7,9 82:16 90:2,5 <b>produce</b> 73:25 83:4,4 <b>produced</b> 2:12 34:20 58:17 83:5 85:4 90:5 <b>professionally</b> 55:7 <b>Professor</b> 1:11,12,13 2:2,3 1:6,7,8,9,10 2:14 4:4,22 15:22 17:1 19:12,15,16,17 19:20,20 20:10,10 20:20 21:8,15,24 22:1,3,6 25:14 33:24 36:8,16 37:8 37:20,22,24 43:6,7 43:14 49:20 51:13 51:13,16 53:3,3,4 54:12 55:20,24 64:16 66:12 67:3,20 68:6 75:3 81:7 82:11 85:11,16 86:8 86:15 87:22 95:3 <b>profitable</b> 31:7 <b>profound</b> 89:23 <b>profoundly</b> 24:6 <b>promise</b> 46:17 49:18 79:5 90:13,16 <b>promised</b> 49:16 63:10 76:23 <b>promote</b> 92:13 <b>pronouncement</b> 5:13 <b>proof</b> 11:2 29:8 74:1,4 74:5,18 75:7,13 76:11 <b>proper</b> 3:3 74:7 <b>properly</b> 56:1 <b>propotionality</b> 6:19 69:2 <b>proposal</b> 23:14 24:2,3 <b>proposals</b> 23:16 <b>proposed</b> 15:14 85:17 <b>proposing</b> 20:1</p>	<p><b>propositions</b> 57:10 <b>protest</b> 81:21 <b>Protocol</b> 6:6 8:23 9:1 9:13 14:3 15:15 22:15,19 23:9 48:21 49:25 50:9,21 60:15 66:17 82:14 89:4 <b>prove</b> 28:7 40:5 83:1 <b>provenance</b> 35:6 <b>provide</b> 10:12 77:1 84:1 <b>provided</b> 3:20 10:13 40:9,17 44:4 48:2 50:9,23 51:6 53:13 56:24 <b>provides</b> 60:1,2,16 86:7 <b>province</b> 16:2,24 <b>provinces</b> 14:15 35:4 <b>provincial</b> 16:15 67:9 82:3 <b>proving</b> 29:10 <b>provision</b> 2:6,21 50:5 50:22 78:15 <b>provisions</b> 61:5 82:8 <b>proximity</b> 15:7 <b>pseudo-legal</b> 17:20 <b>pseudo-rule</b> 15:6 <b>public</b> 2:6 8:4 11:24 41:4 54:4,14 78:6 <b>pure</b> 30:25 <b>purported</b> 60:23 61:23 76:20 79:20 <b>purpose</b> 6:6 50:20 89:22 91:4 <b>purposes</b> 35:7 36:11 73:3 89:3 <b>purposive</b> 15:13 <b>pursuant</b> 51:25 56:17 93:25 <b>put</b> 4:16 6:8 8:19 17:14 23:14 24:3 26:7 38:10,11 40:15 48:14 53:16 55:22 59:16 73:1 74:21,21 75:21 82:24 84:16 84:18,23 87:13 <b>putative</b> 82:3</p>	<p><b>quietly</b> 12:24 <b>quintessential</b> 70:21 70:22 <b>quite</b> 26:4 31:21 35:21 40:15 <b>quote</b> 7:10 8:21 14:6 81:22 <b>quoted</b> 37:13 <b>quoting</b> 20:23,25</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>R</b> 2:6 <b>radically</b> 35:11 <b>Ragaba</b> 16:22 25:2 30:22 33:9 36:14,18 37:15 <b>rainy</b> 35:16 <b>raise</b> 51:9 <b>raised</b> 47:13 75:16 <b>range</b> 57:2 <b>rat</b> 14:25 15:4 <b>rather</b> 8:11,20 16:22 25:18 30:3 61:6 70:3 71:3 <b>rationale</b> 59:14,16 <b>reach</b> 11:21 12:1 42:21 63:21 80:1,6 <b>reached</b> 12:21 13:7 <b>read</b> 1:12 7:12,23 10:15 22:20 23:1,12 23:18 47:3 51:21 56:10 78:13 <b>reading</b> 35:25 36:23 37:4 <b>reaffirm</b> 45:12 <b>real</b> 34:6 84:24 <b>realised</b> 16:1 82:15 <b>really</b> 20:18 21:19 59:13 68:12 75:4 79:9 84:19 87:16 <b>reason</b> 7:17 17:12 51:19 59:7 64:23 71:6 76:6 <b>reasonable</b> 1:17 4:21 5:4 6:16,22 18:2 68:23 <b>reasonableness</b> 4:24 6:17,18 68:25 69:1 <b>reasonably</b> 5:24 <b>reasoned</b> 8:8 58:17 77:1 90:10 <b>reasoning</b> 17:12 62:23 62:25 63:7 <b>reasons</b> 6:13 8:1 10:12 14:11,20 68:20 83:9 85:7 <b>recall</b> 11:6 71:11 79:4 89:2 <b>recalled</b> 6:13 68:20 <b>recalling</b> 73:1 78:14 <b>recapitulation</b> 18:22 <b>received</b> 91:24 <b>recited</b> 48:23 <b>recognise</b> 33:14 69:10 <b>recognised</b> 51:8 <b>recognising</b> 82:12 <b>reconcile</b> 79:23</p>
--	---	--	--	---	--

<p><b>reconciled</b> 77:4 80:1  <b>reconsider</b> 47:7  <b>record</b> 23:16 30:10  44:9 49:9 55:25  80:24 87:9,11 88:7  <b>records</b> 39:13  <b>rectangle</b> 88:1  <b>recuperate</b> 23:24  <b>redoubtable</b> 38:1  <b>refer</b> 24:20 26:24  <b>reference</b> 10:15 23:17  24:12 25:22,25,25  30:11 33:17 36:12  36:22,25 37:2,4  49:9 60:11,13 63:19  68:5 69:3 70:24  71:10 76:2,3 81:6  86:21  <b>references</b> 24:19  57:10  <b>referendum</b> 15:17  22:21 50:10,11,12  50:15 70:12 82:4,7  89:7  <b>referred</b> 9:18 23:19  31:23 36:6 66:3  71:12 74:23 78:15  78:17 80:16  <b>referring</b> 25:1  <b>refers</b> 24:13 25:7 51:3  60:17,19  <b>reflect</b> 49:3  <b>reflecting</b> 48:11  <b>reformulated</b> 18:14  <b>refusal</b> 46:19 58:3  90:15  <b>refused</b> 46:18 61:25  <b>refuses</b> 18:11  <b>regard</b> 16:15 65:9  69:20,24 70:8 76:5  79:13 82:18  <b>regarding</b> 83:23 84:3  <b>region</b> 28:2 36:2 47:6  85:14 87:19  <b>regions</b> 54:2  <b>registrar</b> 2:8,9 93:10  <b>REGISTRY</b> 2:8  <b>regret</b> 8:14  <b>Reisman</b> 1:13 1:10  2:14 4:4,22 19:17  19:20 20:20 21:15  22:1  <b>Reisman's</b> 82:11  <b>reiterated</b> 6:7  <b>rejecting</b> 89:12  <b>rejoinder</b> 12:17 35:20  <b>related</b> 2:9 20:18,19  28:22 68:12,13  <b>relates</b> 25:18  <b>relating</b> 7:11  <b>relation</b> 25:7 35:1,23  39:24 42:17,18,25  42:25  <b>relations</b> 73:5  <b>relationship</b> 23:4 28:6  29:16 33:19 34:22  <b>relative</b> 34:20</p>	<p><b>relevant</b> 10:18 39:19  51:22 77:21  <b>rely</b> 61:14 74:3  <b>remain</b> 8:15  <b>remaining</b> 22:7 52:3  88:25  <b>remains</b> 45:11 71:24  92:16  <b>remark</b> 12:22 20:23  <b>remarkable</b> 36:21,23  48:6,11,19 50:22  55:6 90:2,6  <b>remarkably</b> 48:7  <b>remarks</b> 18:10 19:21  22:9,10 38:3 40:13  <b>remember</b> 49:11  52:23 54:13 79:5  86:17 89:5  <b>reminder</b> 2:24,24  <b>reminding</b> 72:17  <b>remote</b> 8:16,17  <b>rendered</b> 1:16,18 2:17  46:14 90:6  <b>repeat</b> 27:13 72:20,23  74:12 75:22 83:21  <b>repeated</b> 3:1 27:17  40:16  <b>repeatedly</b> 40:16 72:3  90:12  <b>replied</b> 1:19  <b>reply</b> 29:6  <b>report</b> 10:6 11:9,24  12:6,9,15 18:7 19:3  21:18 26:25 30:14  30:16 35:22,24 36:9  36:10,17,20,24  40:21 42:1 46:15,17  56:21 57:4,8,16,21  57:22 58:1,4,25  60:4 77:1 83:14  86:4 89:13 90:10  <b>reported</b> 27:1  <b>reports</b> 85:24  <b>representatives</b> 91:1  <b>request</b> 56:17,18  <b>require</b> 74:14  <b>requirement</b> 2:19  80:2  <b>requires</b> 27:23 73:6  <b>res</b> 17:13 46:6,21 59:4  72:21 73:4,23 76:5  76:10  <b>research</b> 10:21 13:10  39:2,5 40:6 54:22  55:15 77:23  <b>reservations</b> 52:17  <b>residents</b> 15:16 50:13  54:3  <b>resolution</b> 48:3 50:22  58:25 73:21 90:2  <b>resolve</b> 48:15 52:5  53:19 58:6,22 59:7  <b>resolving</b> 35:7 48:7  90:4  <b>resources</b> 70:15 92:21  92:25  <b>respect</b> 1:13,15 2:14</p>	<p>4:7 5:20 11:8 21:2  23:1 37:5,8 39:8  47:10 49:17,18  52:13 53:20 54:11  54:17 55:9 56:11  57:14 68:14 75:10  76:9,9,18,19,23  78:19 79:16 90:10  90:17  <b>respected</b> 6:14,16  48:20 56:14 68:22  68:24  <b>respective</b> 5:13 8:15  16:14 92:4  <b>respects</b> 37:6  <b>responding</b> 63:10  <b>response</b> 21:7  <b>rest</b> 27:15 62:2 78:24  <b>result</b> 44:13 57:25  90:14  <b>resulting</b> 90:9  <b>results</b> 2:19,22 74:19  <b>resume</b> 45:16  <b>retain</b> 49:12  <b>retract</b> 1:19  <b>retrospectively</b> 14:18  <b>revealing</b> 36:15  <b>revenues</b> 70:14  <b>review</b> 21:19 62:7,15  66:16 68:2 70:4  <b>reward</b> 73:20  <b>re-litigate</b> 47:18  <b>rheumatism</b> 25:14  <b>Rhodes</b> 55:16  <b>rhythm</b> 14:23  <b>ridiculous</b> 84:18  <b>RIEK</b> 2:5 91:13,14  95:9  <b>right</b> 26:10 27:9 28:15  30:13 34:11 42:15  46:3 50:16 62:13  63:13 71:18 74:7  79:10 83:21 85:18  88:24 89:9  <b>rightly</b> 35:21  <b>rights</b> 5:13 13:14,21  13:23,25 14:19  16:14 17:18,21  28:20 49:13,16 70:8  92:16,18  <b>rigorously</b> 3:21  <b>rise</b> 75:12  <b>risked</b> 12:10  <b>river</b> 16:23 25:3,4  30:8,11 32:8 38:14  39:16 82:9  <b>Rob</b> 24:12,19,20 25:5  25:8,9,10  <b>Rob's</b> 25:14 40:10  84:11  <b>RODMAN</b> 2:3  <b>role</b> 40:13 52:8  <b>room</b> 48:18 51:15  <b>route</b> 30:14 36:23  38:8,9,13,21  <b>routes</b> 39:24  <b>rubric</b> 21:5</p>	<p><b>Rueng</b> 31:21 32:16  <b>rule</b> 8:10 11:20 40:4  46:2,22,25 47:20,22  58:5 59:4 72:25  73:14,18 74:9 76:17  <b>rules</b> 1:4 10:6,9 11:7  15:8 29:8 46:11,13  58:13 61:15 71:12  71:13 72:21 73:25  74:13 76:5 77:6,7,7  77:13 78:2,20 79:3  80:1  <b>running</b> 44:24  <b>run-up</b> 57:19  <b>Ruweng</b> 26:5 32:11</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>sadly</b> 82:23  <b>safe</b> 94:2  <b>sake</b> 15:2 25:1 28:14  <b>same</b> 10:2 13:24 21:13  29:9 39:3 56:1  63:22,25 64:6,7  65:8 68:5 70:23  75:23 78:21 79:19  80:23 86:18,25 87:6  87:7 88:15  <b>sanctioned</b> 5:5 6:15  68:22  <b>sandy</b> 86:19  <b>sat</b> 89:5  <b>Saturday</b> 13:20 18:13  <b>save</b> 59:19  <b>saw</b> 50:9 51:23 55:18  55:23 57:24 59:15  73:15 75:8 76:7  77:5,8,12,17 78:2  78:10 80:4,7,10,13  80:15 81:2,6,16  85:16 90:13  <b>saying</b> 3:13 15:24 19:7  20:6 25:24 27:1,3  68:7  <b>says</b> 5:11 13:6 30:1  31:4,4 33:5 37:11  47:20 49:11 67:8  70:2  <b>SC</b> 2:2  <b>scarce</b> 8:9  <b>scattered</b> 84:8,12  85:12,25  <b>schedule</b> 31:25 56:15  56:21  <b>Schofield</b> 17:1 51:14  <b>scholars</b> 34:6  <b>Schwebel</b> 1:12 12:4  <b>science</b> 34:21  <b>scientific</b> 10:20 13:10  16:20 42:19 57:5  77:23 88:21  <b>scientists</b> 53:17  <b>scope</b> 7:6 42:16 60:6  61:20 66:17  <b>scrap</b> 39:17  <b>scraps</b> 38:15  <b>screen</b> 48:23 51:2 54:6  75:21 83:22</p>	<p><b>scrupulously</b> 4:7  <b>search</b> 31:20  <b>season</b> 32:21 35:16  87:21 88:6  <b>second</b> 2:2 3:18 10:11  13:12 15:13 18:21  20:8 28:8 36:8,21  40:12 61:10 84:18  <b>secondary</b> 5:13 13:14  13:21 17:18,21  <b>Secondly</b> 31:2 73:7  <b>secret</b> 11:18 12:15  <b>section</b> 38:18  <b>sections</b> 32:3  <b>security</b> 54:20  <b>see</b> 11:14 32:11,17  33:20 34:9,11,12,14  34:16 39:12 42:1  48:23 51:2 52:24  53:2 54:5 60:12  64:13 66:17 72:22  74:21 81:19 83:22  85:10 88:17  <b>seeing</b> 63:14  <b>seeks</b> 74:14 79:12  <b>seem</b> 5:14  <b>seems</b> 21:8 29:2  <b>seen</b> 17:6 35:12 36:11  36:22,24 48:17,21  49:10 50:12 51:10  52:7 55:21 56:3  58:19 59:13,25 61:6  62:11,16,17,18  73:11 74:13 76:1,24  78:21  <b>select</b> 52:12  <b>selection</b> 51:20  <b>self-determination</b>  22:17 41:2 50:17  89:10  <b>send</b> 7:15  <b>sense</b> 25:17 68:2 69:5  82:10  <b>sensible</b> 65:12  <b>sentence</b> 23:18 24:7  <b>separate</b> 28:11 34:3  39:25 80:6  <b>serious</b> 3:8  <b>seriously</b> 41:19  <b>servanda</b> 46:6,21  58:13 76:11  <b>serve</b> 89:22  <b>service</b> 34:1,3,4,5  <b>set</b> 8:1 45:13 49:25  51:4 56:15 69:9  70:5 72:19 74:14  77:6,6,15 83:20  86:6  <b>setting</b> 73:25 80:9  <b>settle</b> 85:17  <b>settled</b> 75:16  <b>settlement</b> 3:10 32:16  35:11 44:13 73:12  <b>settlements</b> 30:17,19  33:15 86:19  <b>seuls</b> 18:15  <b>seven</b> 32:5</p>	<p><b>several</b> 19:22  <b>Shaddrack</b> 53:4  <b>Shakespeare</b> 15:12  <b>shambles</b> 57:6  <b>shared</b> 17:21  <b>Sheikh</b> 79:6  <b>shoes</b> 65:8  <b>short</b> 18:10 45:19  <b>shorten</b> 15:2  <b>shorthand</b> 25:10  <b>shortly</b> 29:7  <b>short-circuiting</b> 11:19  <b>show</b> 34:8 35:10 56:9  86:1,2 87:18  <b>showed</b> 33:18 56:7  64:11 86:13 87:17  <b>shown</b> 12:17 13:19  30:7 38:19 44:1  <b>shows</b> 31:10 32:6 35:1  35:2 36:1 84:12,24  85:1 86:10  <b>side</b> 29:13 48:16 51:15  63:17 84:23 88:3  <b>sides</b> 12:24 32:1 55:22  88:2 91:16  <b>significance</b> 31:13  <b>significant</b> 91:3  <b>silence</b> 89:25  <b>similar</b> 56:8 77:2  <b>Similarly</b> 25:7  <b>simple</b> 5:2  <b>simply</b> 16:12 23:4  24:8 36:5 62:23  76:14 83:12  <b>since</b> 4:2,22 12:14  29:4  <b>sincere</b> 44:21  <b>sincerely</b> 93:17  <b>single</b> 28:12 60:2  <b>sins</b> 41:12  <b>sir</b> 21:25  <b>sit</b> 12:24 62:7  <b>site</b> 54:21  <b>sites</b> 36:13  <b>sitting</b> 21:2,4  <b>six</b> 43:25 54:2 93:24  <b>size</b> 28:17 31:1  <b>sketch</b> 30:21 31:10,12  33:19,22 34:18  38:13,21 39:15,15  39:18,22,23 40:10  <b>sketches</b> 38:23  <b>skill</b> 53:25  <b>skills</b> 57:1  <b>skip</b> 81:11 88:25  <b>slice</b> 89:16  <b>slide</b> 51:21 52:24 56:7  60:12 62:18 64:13  72:23 74:22 75:7  78:13 81:19 87:18  <b>slides</b> 68:1 71:8  <b>slight</b> 20:16 43:10  67:25 68:8  <b>slightly</b> 15:2 18:15  <b>slip</b> 36:22  <b>slippery</b> 68:1  <b>slope</b> 68:1</p>
---	--	--	---	--	---

<p><b>sloppy</b> 77:10  <b>small</b> 31:2 35:2  <b>smooth</b> 44:24  <b>sneaking</b> 41:25  <b>snippets</b> 85:2  <b>solemn</b> 46:20  <b>solemnly</b> 56:11  <b>solitary</b> 30:23  <b>solution</b> 4:16 13:7                  21:10  <b>some</b> 2:7 15:9 16:11                  22:9,10,14 26:12,19                  27:17 29:20 32:19                  32:20 33:17 38:15                  40:16 55:4 62:20                  63:10 66:8,22 69:3                  70:15 71:23 72:22                  89:16  <b>somehow</b> 3:6 86:11  <b>something</b> 3:6 5:9                  18:22 31:9 32:12,14                  37:24 48:19 72:7                  76:6  <b>somewhat</b> 29:3 56:8  <b>soon</b> 29:18,22  <b>sorry</b> 20:5 43:7 91:11  <b>sort</b> 59:1 61:24 65:22                  66:7 69:3 71:24  <b>sorts</b> 41:15 77:2  <b>sought</b> 64:17 79:25  <b>sound</b> 30:3  <b>soundbites</b> 85:2  <b>sounds</b> 15:11  <b>sources</b> 10:18 24:22                  30:4,15 77:21 78:16  <b>south</b> 13:23 14:1                  22:17,25 24:15,16                  30:20 34:15 48:25                  49:4,8,19,22 50:14                  64:5 82:5,8 84:6,9  <b>southern</b> 24:24 30:22                  84:16,17  <b>so-called</b> 13:20 17:17                  61:15 82:20  <b>speak</b> 38:2  <b>speaker</b> 1:7  <b>special</b> 11:12  <b>specific</b> 24:21 25:22                  36:18 73:3  <b>specifically</b> 46:12                  50:15 51:24 60:2                  64:21  <b>speculate</b> 12:13  <b>speculation</b> 30:25  <b>speeches</b> 8:17  <b>speed</b> 30:2,3  <b>spend</b> 82:19  <b>spent</b> 34:6 54:2  <b>spite</b> 12:3 14:11 15:8  <b>SPLM</b> 91:7,23 92:5,8                  92:11,15,23 93:2  <b>SPLM/A</b> 2:7 8:6 10:1                  11:13 12:23 13:6                  17:2 23:14 27:22                  31:9,13 33:12 35:10                  35:19 37:6,10,16                  39:4 45:7 51:12</p>	<p>65:7 85:3  <b>SPLM/A's</b> 5:7 11:25                  16:7 30:4 65:11                  66:20 83:21 84:3  <b>spoke</b> 93:13  <b>spoken</b> 15:23 29:4                  91:19  <b>sponge</b> 58:1  <b>spontaneous</b> 1:20  <b>spread</b> 25:17  <b>spurious</b> 26:24  <b>square</b> 31:6  <b>stability</b> 73:5  <b>staff</b> 44:23 91:24  <b>stage</b> 1:22 3:19,24                  25:11 29:12,13                  33:23  <b>stake</b> 91:2  <b>standard</b> 1:13,15 3:16                  11:2,5 21:1,11,13                  56:23 73:25 74:5,18                  75:6  <b>standards</b> 74:3 75:12                  76:4,11  <b>stands</b> 6:3 68:1  <b>start</b> 1:4 8:16 66:22  <b>started</b> 48:1 68:6                  88:22 90:1  <b>starting</b> 18:21 29:13                  93:9  <b>starts</b> 29:24  <b>state</b> 1:5 13:4  <b>stated</b> 38:6  <b>statement</b> 23:13 26:9                  36:7,15  <b>statements</b> 80:7  <b>states</b> 41:23 42:12                  52:1,18  <b>status</b> 29:25 48:5  <b>stenographer</b> 45:1  <b>step</b> 55:5 57:12 85:5                  91:25  <b>STEPHEN</b> 1:12  <b>Stepping</b> 55:3  <b>still</b> 38:24 77:25  <b>stipulated</b> 62:2 63:14  <b>stop</b> 27:23  <b>stopping</b> 48:10,10  <b>straight</b> 1:19  <b>straightened</b> 34:15  <b>straightforward</b> 2:11                  4:1  <b>straight-line</b> 34:14  <b>strange</b> 8:11  <b>stress</b> 11:14  <b>strict</b> 2:12 4:7  <b>strictly</b> 20:15,18 67:23                  68:13  <b>striking</b> 18:22 58:24  <b>strip</b> 49:7  <b>strong</b> 44:2  <b>struck</b> 12:22  <b>structure</b> 70:13  <b>stuck</b> 5:7  <b>Study</b> 86:17  <b>style</b> 11:7  <b>subject</b> 37:23 42:12</p>	<p>62:14 64:6  <b>submission</b> 4:15  <b>submissions</b> 1:8 22:5                  43:9,19 45:12,22                  50:19 55:1 64:10                  71:11,24 83:21                  91:13 93:15 94:2                  95:3,5,6,8,9  <b>submit</b> 38:12 39:15,18  <b>submitted</b> 12:6 38:22                  61:17  <b>subsequent</b> 9:14                  28:11  <b>substance</b> 10:23 59:24  <b>substantive</b> 1:16 3:24                  8:22 17:23 50:1,5,8                  57:25 60:18,20                  61:12,23 62:4,7,9                  62:14 63:11 65:13                  69:24 70:22 71:1                  74:7  <b>substantively</b> 9:2,12                  50:25 59:23 62:12                  65:21 69:11 70:1,9                  72:4  <b>substituted</b> 4:20 79:10  <b>sub-chiefdoms</b> 32:19  <b>Sudan</b> 1:2,2,16,18 2:4                  10:18 13:3 34:1                  38:24 39:2 41:23                  44:15,20 45:12                  47:21 49:1 50:11                  52:20 55:17,19                  57:17 58:4 77:21                  91:1 92:3,13,15  <b>Sudanese</b> 45:25 46:8                  56:25 90:8 91:15  <b>Sudan's</b> 43:22  <b>sudd</b> 49:20  <b>suffered</b> 89:24  <b>suggest</b> 1:24 13:3                  82:10  <b>suggested</b> 2:15 30:19                  66:7  <b>suggesting</b> 32:13  <b>suggestion</b> 71:18                  84:18  <b>sui</b> 41:6 42:7,8  <b>suits</b> 11:14  <b>Sultan</b> 24:12,19,20                  25:5,8,9,10,14                  84:11  <b>sum</b> 83:7  <b>summarise</b> 43:23  <b>summer</b> 34:25  <b>Sunday</b> 60:4  <b>sunlight</b> 20:6  <b>sunt</b> 46:6,21 58:13                  76:10  <b>support</b> 44:22 83:5  <b>supported</b> 86:13  <b>supports</b> 37:9</p>	<p><b>suppose</b> 14:7  <b>supposed</b> 14:14  <b>supposedly</b> 65:2  <b>sure</b> 2:17 20:20 32:23                  39:6  <b>surplus</b> 5:10  <b>surprisingly</b> 84:13  <b>surrender</b> 38:12  <b>surrounding</b> 2:20                  54:2  <b>Survey</b> 38:24 39:2,12  <b>sustain</b> 83:6  <b>sustained</b> 5:24  <b>swamp</b> 49:7 88:2  <b>swords</b> 37:25  <b>system</b> 42:11,12 58:10                  74:10 75:17  <b>systems</b> 59:2</p> <p style="text-align: center;"><b>T</b></p> <p><b>table</b> 48:17 63:17 81:1  <b>tackle</b> 3:24  <b>Taha</b> 23:13  <b>tailored</b> 46:12  <b>take</b> 14:22 23:5 33:22                  34:23 41:18 43:16                  44:25 48:22 68:18                  79:1 80:5 85:2,5                  86:2 91:7  <b>taken</b> 25:9 32:9,12,14                  45:10 53:10 66:18                  91:25  <b>takes</b> 1:11 71:3  <b>take-it-or-leave-it</b>                  24:3  <b>taking</b> 12:12 40:1  <b>talk</b> 37:1,2 78:8  <b>talked</b> 70:7 76:12  <b>talking</b> 25:12 32:8                  33:10 40:25 66:9  <b>task</b> 2:16 3:25 8:20                  9:15 38:5 60:17                  83:12 93:1,14,21  <b>taxed</b> 56:19  <b>team</b> 93:9  <b>Tel</b> 2:13  <b>telegraphic</b> 11:6 22:13                  37:19  <b>tell</b> 31:24 86:1 88:23  <b>telling</b> 41:25  <b>tells</b> 88:8  <b>ten</b> 80:14,18  <b>tenable</b> 3:18  <b>TENY</b> 2:5  <b>terms</b> 10:15 28:25                  36:11,22,25 37:2,4                  44:18 60:20 77:14                  86:22  <b>terrible</b> 13:2  <b>territorial</b> 23:24 27:14                  28:12 40:25  <b>territorially</b> 16:6  <b>territories</b> 16:13  <b>territory</b> 16:1 18:3                  24:22 26:3 28:18                  49:14 50:2 84:20,22  <b>tested</b> 63:12</p>	<p><b>testifies</b> 48:18  <b>testimony</b> 54:8 55:22                  78:18  <b>text</b> 29:17  <b>thank</b> 19:14,15,20                  22:1,2,6 43:4,6,17                  45:14,15,17,23                  90:19,20,23 91:9,14                  91:17,23 92:23 93:3                  93:5,6,7,12 94:2  <b>thanks</b> 44:25 45:2                  93:7  <b>their</b> 3:7,17,20 4:7,9                  4:13 6:23 9:8,8,24                  10:5,16 11:14,18,23                  12:6,15,16 13:9                  14:5 16:16 17:3,9                  17:19,25 18:6,16                  21:12 22:23 30:5                  31:24 41:25 44:2                  46:4,12 47:8 48:8                  48:14,15 49:5,13,15                  50:1 52:11,20 53:6                  53:7,12,19 54:16                  55:13 56:16,16,17                  56:19,20 57:21,22                  58:1,22 59:7,23                  60:9 64:15 65:5                  66:6,11 67:5 69:12                  69:24 70:17,23 72:3                  75:14 78:9 79:8,21                  80:9,12 81:14,17,17                  81:18 82:18 83:10                  83:18 85:14 86:13                  89:9 90:4 91:20                  92:17,22 93:10  <b>themselves</b> 10:1 15:18                  16:18 17:16  <b>theory</b> 74:2 82:20  <b>thing</b> 64:6 66:1,3 67:7                  70:23 80:23  <b>things</b> 20:17 39:9                  66:22 68:12 70:10  <b>think</b> 1:11 3:16 13:3                  14:21 20:10 21:11                  21:15 27:24 49:2,15                  70:9,19 72:12 75:5  <b>thinking</b> 13:18  <b>third</b> 16:3 37:7 39:8                  75:15 87:16  <b>Thirdly</b> 28:14  <b>thorough</b> 39:1 58:20  <b>thoroughly</b> 6:25  <b>though</b> 35:22 73:1                  78:24  <b>thought</b> 34:20 39:19                  86:13 87:1  <b>threatens</b> 58:5  <b>three</b> 3:1 35:4 36:15                  52:4 53:2 56:18                  61:23 62:8 63:4,12                  80:6 90:9  <b>through</b> 22:24 30:3                  59:8 71:8 75:24                  78:13 80:5 83:25                  88:16  <b>throughout</b> 36:2 43:5</p>	<p>53:8 56:6 71:9,9                  84:12 85:13,14  <b>Thursday</b> 1:7 1:1  <b>Tibbs</b> 26:15 33:7,17                  33:18,21 55:20                  85:11  <b>Tibbses</b> 81:7  <b>tight</b> 44:19  <b>time</b> 10:22 13:24 14:6                  18:13,13,20 22:7                  24:8,19 25:6 30:2                  32:2 34:6,16 43:17                  44:19 54:15,19 56:1                  56:6 57:23 72:13                  80:5 81:16,16 84:14                  84:16 86:2 88:6,16                  89:1  <b>times</b> 48:22 56:4,4  <b>timescale</b> 38:25 40:6  <b>time's</b> 12:3  <b>tiny</b> 84:20  <b>title</b> 7:12 27:21  <b>titled</b> 6:1,13  <b>today</b> 1:3 62:20 76:2                  79:16 91:6,20  <b>together</b> 32:19 35:16                  48:17 53:10 58:22                  82:24 87:13 88:10  <b>told</b> 27:4 49:21 59:13                  64:25  <b>tooc</b> 49:20  <b>Torjok</b> 32:22  <b>total</b> 54:5  <b>touch</b> 82:22  <b>tracks</b> 86:6  <b>traditional</b> 49:13,16                  92:17  <b>traditionally</b> 13:25  <b>trained</b> 54:8  <b>transcript</b> 2:12 81:23  <b>transfer</b> 14:16 16:1,4                  16:19 17:15 27:7                  35:17,18  <b>transferred</b> 9:17,21                  14:9 15:10 16:11                  17:8 27:6 44:8                  46:16 50:4 64:4,5                  65:14 70:25,25                  83:24 89:15  <b>transferring</b> 16:1  <b>transformation</b> 92:14  <b>transition</b> 19:10  <b>transparency</b> 11:11  <b>transparent</b> 47:18  <b>travaux</b> 24:9  <b>travelled</b> 54:1  <b>travelling</b> 30:18  <b>travels</b> 38:23  <b>treat</b> 72:6  <b>treated</b> 4:14 16:24                  28:12 91:22  <b>treatment</b> 28:23 30:4  <b>trek</b> 40:10  <b>Trevor</b> 2:12  <b>tribal</b> 15:20 16:1 23:5                  27:16,21 28:1,4,15                  28:18,25 29:5 34:9</p>
--	--	---	--	---	---

<p>34:21 35:7  <b>tribe</b> 28:9,16  <b>tribes</b> 16:14 24:24  70:25 88:3  <b>tribunal</b> 1:1 1:9 2:2,10  2:16 3:25 4:9,23 5:1  5:18 6:15,21 7:20  7:23 8:2 18:5 19:19  19:24 20:1 21:1,17  22:7 37:18 40:6  41:7,8,11,13 42:14  42:22 43:4,21 44:5  44:16 45:2 46:23  47:7 52:6 60:1 62:6  62:7,24,25 66:8,16  68:23 71:5,11,15,23  72:17 76:9 77:24,25  79:17 83:17 91:15  91:18 92:6 95:4  <b>tribunals</b> 79:18  <b>Tribunal's</b> 60:3 62:15  63:15,18 83:12 91:5  93:20  <b>tried</b> 28:8 31:9 70:14  80:6  <b>tries</b> 86:4  <b>trip</b> 94:2  <b>trivial</b> 71:13  <b>troubling</b> 20:7  <b>true</b> 7:17 10:11 15:14  18:12 24:6 26:15  29:12 38:10 42:17  42:18 70:23 74:1  80:23  <b>truly</b> 54:19 91:3  <b>truncated</b> 89:16  <b>trusted</b> 52:9  <b>try</b> 8:19 20:17 68:11  85:21 86:3  <b>trying</b> 23:23  <b>turn</b> 26:4 27:13 35:19  40:12,20 59:9 64:24  75:11  <b>turning</b> 39:22  <b>Twic</b> 26:5 84:22  <b>twice</b> 29:4 55:20  <b>twist</b> 57:11  <b>two</b> 1:4 1:24 8:17 12:4  18:10 30:21 31:14  31:22 33:1,22 35:14  38:3,11 39:24 44:6  48:12,17 52:10 53:5  58:20 73:3 88:11  89:21  <b>type</b> 58:10</p> <hr/> <p style="text-align: center;"><b>U</b></p> <p><b>ultimately</b> 47:15  61:13 70:23  <b>ultra</b> 5:12,21 6:1 7:4  13:13 18:4 21:21  60:21 61:3  <b>Umm</b> 31:14 33:9,10  <b>unable</b> 38:25  <b>unanimous</b> 46:14  56:22  <b>unanimously</b> 90:6</p>	<p><b>under</b> 2:4,10,12 3:15  4:7 5:16 21:5 23:21  23:25 25:4 41:14  58:18 60:24 61:9,12  61:20 63:19,21 70:6  74:5 75:11  <b>underlie</b> 73:4  <b>underline</b> 92:7  <b>underlying</b> 7:19  <b>underscore</b> 74:9 76:16  <b>understand</b> 1:6 2:9  9:11 19:23,25 20:20  21:16 32:23 67:17  68:10  <b>understanding</b> 25:6  55:25 81:18  <b>understood</b> 13:16  <b>undertakings</b> 46:20  <b>undertook</b> 39:5 56:11  93:14  <b>unequivocal</b> 84:1  <b>unequivocally</b> 75:20  <b>unfettered</b> 91:20  <b>unfortunately</b> 26:11  <b>uniquely</b> 87:19  <b>United</b> 41:23 52:1,1  52:18,18  <b>universal</b> 7:25  <b>universally</b> 61:15  74:19 83:1  <b>University</b> 2:3  <b>unjust</b> 75:2  <b>unreasonable</b> 5:2  <b>unrelated</b> 17:25 19:4  <b>unsatisfactory</b> 58:4  <b>untenable</b> 16:8 59:24  <b>untrue</b> 36:7  <b>unusual</b> 5:8  <b>uphold</b> 46:24 47:24  58:11 59:2  <b>upholding</b> 74:10  <b>use</b> 5:22,23 30:15  75:13 78:9  <b>used</b> 4:21 69:17 72:13  <b>useful</b> 52:23 55:4 74:8  <b>using</b> 21:19 60:13  <b>usual</b> 42:7 60:10  <b>uti</b> 22:16,18  <b>utopian</b> 13:5</p> <hr/> <p style="text-align: center;"><b>V</b></p> <p><b>v</b> 79:6  <b>valid</b> 7:7  <b>value</b> 5:9 54:12  <b>VANESSA</b> 2:6  <b>various</b> 35:25 74:13  <b>varying</b> 66:18  <b>vast</b> 28:1  <b>version</b> 27:17 34:14  <b>versions</b> 28:5  <b>very</b> 1:11 7:22 8:9,12  11:18 12:18 14:5,19  15:11 17:15 18:10  18:17 19:14 20:6  22:2 32:18 37:22  38:2 43:6,10 45:14  45:15 56:1 64:22</p>	<p>74:22 91:4,11 93:6  <b>via</b> 45:1  <b>Vice</b> 23:13  <b>video-link</b> 85:21  <b>view</b> 10:19 13:3 20:11  21:4 26:10,11 65:12  67:14 77:22 79:1  <b>viewed</b> 79:16  <b>views</b> 51:16  <b>village</b> 31:15 40:11  84:11 86:5  <b>villages</b> 36:1 84:9  85:12  <b>violate</b> 64:13  <b>violated</b> 60:23 61:4  64:15 79:24  <b>violates</b> 58:12 59:3  <b>violation</b> 10:11 11:10  47:19  <b>violations</b> 11:7  <b>virtually</b> 60:5 84:8  <b>visit</b> 39:12  <b>visited</b> 55:19 78:7  84:11  <b>visits</b> 54:21  <b>vital</b> 50:12 76:17  <b>vitality</b> 46:5  <b>voiced</b> 52:16  <b>vote</b> 26:10 50:13</p> <hr/> <p style="text-align: center;"><b>W</b></p> <p><b>W</b> 1:13  <b>waive</b> 76:14  <b>waived</b> 76:4  <b>want</b> 27:7 38:3 41:17  78:23 92:7  <b>wanted</b> 53:13,19  55:11 56:5 77:8  78:1,4 79:2,15  <b>wants</b> 91:7 92:5,15  <b>war</b> 13:2 48:3 58:9  <b>warmly</b> 91:25  <b>warring</b> 48:12 58:20  <b>wasn't</b> 26:8 34:2 79:9  84:21  <b>watching</b> 90:25  <b>water</b> 30:15 58:1  <b>watercourses</b> 33:8  <b>Wau</b> 38:22 39:16  <b>way</b> 3:18,19 27:18  36:20 53:16 68:15  69:9,10 70:15 77:10  78:16,17 85:2 86:3  86:14,18,19 89:21  <b>ways</b> 36:15 41:16 54:9  54:10 57:5  <b>wedged</b> 88:2,3  <b>week</b> 49:3 55:10 84:5  <b>Weeramantry</b> 74:21  <b>well</b> 3:3 4:5 7:18 9:13  17:10 20:11 24:16  41:4 44:3 74:22  75:16,21 90:10  93:24  <b>well-organised</b> 39:14  <b>well-reasoned</b> 46:14  <b>well-settled</b> 72:18</p>	<p><b>WENDY</b> 2:5  <b>went</b> 53:22 54:24  78:16 80:13 87:6  <b>were</b> 4:6 11:10,12,17  13:9 14:14 16:9,11  23:23 24:14,15,17  25:12 26:13 27:3,5  27:5,6 28:1,22 30:7  31:5 32:2,19 33:1  34:2 35:11 36:1  37:11 46:9 47:7  52:1,23,25 53:4,5,7  53:10,16,18,18,22  54:7 56:5,12,12  57:19,20,21 58:23  61:19 62:13,20  63:21,24 64:2,3,5  65:6,6 66:8 71:5,19  72:14 75:4,7 77:8,8  77:19 78:5,25 80:9  80:11,19,20,25  82:13 83:7,17 84:5  84:19 85:23 86:16  88:4,9 89:15 90:2  91:21,22  <b>weren't</b> 24:17 53:15  80:19 82:17  <b>west</b> 31:2  <b>wet</b> 87:21  <b>we'll</b> 61:17  <b>We're</b> 32:8  <b>we've</b> 28:2 32:18  48:21 49:3 50:12  51:10,12 52:7,22  55:3,21 56:3 58:19  59:12,13,25 61:6,17  62:11,16,17,18  64:22 70:7,7 74:13  76:1,24 84:4  <b>whatsoever</b> 17:18  68:3  <b>while</b> 12:23 13:20,24  16:17 37:21 66:20  71:4,21 93:20  <b>Whittingham</b> 31:10  39:22,23 86:10  <b>Whittingham's</b> 30:21  38:8  <b>whole</b> 3:9 11:13 38:13  39:20 57:10 85:9  <b>wide</b> 57:2  <b>wilful</b> 40:3  <b>Wilkinson</b> 35:17  36:12 85:24  <b>Wilkinson's</b> 36:10,17  38:13 39:18  <b>WILLIAMS</b> 2:6  <b>Willis</b> 35:17  <b>Wilmer</b> 2:5  <b>winter</b> 35:10,15  <b>wish</b> 12:3,22 18:17  90:23 93:12 94:2  <b>wished</b> 15:18  <b>wishes</b> 46:10  <b>withdrawn</b> 24:4  <b>witness</b> 23:12 47:4  57:2 85:20,22 88:15</p>	<p><b>witnesses</b> 54:5,14  55:19,23 56:2  <b>wondering</b> 80:19  <b>word</b> 4:20,21 5:23  25:24 26:2 30:23  31:3,16 32:7 41:10  91:19  <b>wording</b> 63:19  <b>words</b> 37:13 42:7  56:10 60:14 85:13  <b>work</b> 45:1,16 54:18  55:12,12,24 56:16  56:20,24 57:14  58:25 78:5 89:23  92:4  <b>worked</b> 58:21  <b>Working</b> 54:24  <b>world</b> 39:8,9 79:18  90:25  <b>worried</b> 14:24 15:4  <b>worse</b> 16:17  <b>worth</b> 4:3 48:10 66:9  73:1 77:19 78:14  <b>writing</b> 41:22  <b>written</b> 34:11 43:24  45:13 93:15  <b>wrong</b> 27:9 32:24  42:15 62:1,12,13  63:13 64:2 69:23  71:20 88:7  <b>wrongful</b> 65:3</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <p><b>year</b> 27:5 88:6  <b>years</b> 27:3 34:6,7  47:13 48:3 52:19  58:7  <b>yesterday</b> 15:23 17:14  23:10 27:14 30:5  83:19  <b>York</b> 60:11</p> <hr/> <p style="text-align: center;"><b>Z</b></p> <p><b>Zakaria</b> 23:11 24:5  49:21 84:21  <b>Zarga</b> 25:2 30:22  36:14,18 37:15  <b>Zarga/Ngol</b> 16:22  <b>zone</b> 58:21</p> <hr/> <p style="text-align: center;"><b>0</b></p> <p><b>0)6</b> 2:13</p> <hr/> <p style="text-align: center;"><b>1</b></p> <p><b>1</b> 95:3  <b>1.1.1</b> 48:23  <b>1.1.2</b> 8:22 9:13 49:24  51:1,4 60:19 62:5  63:6 65:4,15,22  67:19 68:4,16 69:13  69:25 71:2 81:15,17  82:14  <b>1.1.3</b> 14:3 49:11,17  <b>10</b> 47:13 59:12  <b>10.14</b> 43:18  <b>10.17</b> 45:18</p>	<p><b>10.45</b> 45:16  <b>10.50</b> 45:20  <b>100</b> 27:3 54:5,14  <b>10°35</b> 47:12  <b>10°10</b> 13:24  <b>10°35</b> 33:2 36:3  <b>11</b> 47:14 59:12 78:20  82:24  <b>11,000</b> 31:6  <b>12</b> 47:14 59:12 82:24  <b>12.05</b> 91:12  <b>12.10</b> 94:4  <b>13</b> 47:14 59:12 78:20  82:24  <b>14</b> 11:20 77:2 79:24  <b>14th</b> 57:17  <b>147-148</b> 12:18  <b>150</b> 52:19  <b>18th</b> 27:21 28:2  <b>19</b> 36:9 95:4  <b>19th</b> 25:20  <b>1902</b> 36:24 38:13  39:18 84:12  <b>1904</b> 26:2 38:8  <b>1905</b> 9:17,21 14:10,17  15:10 16:2,10,19  17:8 23:3 26:13,17  27:3,5,6,23 28:6,20  28:22 33:16 35:14  36:3,19 37:13,14  44:8 46:16 50:4  62:2 64:4 65:14  70:21 83:24 84:7,13  86:25 89:16  <b>1907</b> 24:23  <b>1908</b> 30:6  <b>1910</b> 38:9  <b>1912</b> 84:14  <b>1921</b> 31:12 32:8  <b>1927</b> 34:9,21  <b>1930</b> 33:23,25  <b>1950s</b> 87:7  <b>1951</b> 26:15 33:5,6,10  <b>1956</b> 22:16,18  <b>1965</b> 33:13,13,15  86:21,24  <b>1966</b> 33:13 86:21  <b>1972</b> 23:19  <b>1974</b> 23:20  <b>1978</b> 23:20</p> <hr/> <p style="text-align: center;"><b>2</b></p> <p><b>2</b> 1:15 18:23 30:1  48:13 51:25 58:8  76:3  <b>2(a)</b> 2:4,10,20,23 3:19  5:16 21:7 29:17,24  59:22,25 60:6,8,19  60:25 61:9,12,21  <b>2(b)</b> 83:11  <b>2(c)</b> 3:25 5:19 29:17  29:24 63:20,21  83:19  <b>2005</b> 89:5  <b>2009</b> 1:7 1:1  <b>21</b> 23:12  <b>22</b> 95:5</p>
--	--	--	---	--	--

<p><b>23rd</b> 1:7 1:1  <b>24(1)</b> 29:8  <b>26</b> 2:13</p> <hr/> <p><b>3</b></p> <p><b>3</b> 76:7  <b>3.4</b> 10:14  <b>33</b> 2:13  <b>34</b> 2:13</p> <hr/> <p><b>4</b></p> <p><b>4</b> 10:14 28:23 35:19  37:10,17 77:12  78:12 81:4  <b>4.5</b> 48:13 58:8  <b>40</b> 48:3 58:7  <b>43</b> 95:6  <b>44</b> 2:13  <b>45</b> 56:22 95:8  <b>47</b> 54:6</p> <hr/> <p><b>5</b></p> <p><b>5</b> 1:1 10:7  <b>5.1</b> 8:25 9:12,13 51:2  68:5,17 69:17,18  <b>51</b> 35:20  <b>57</b> 54:6</p> <hr/> <p><b>7</b></p> <p><b>7</b> 78:2  <b>77</b> 26:25</p> <hr/> <p><b>8</b></p> <p><b>8</b> 15:15  <b>8(9)</b> 93:25</p> <hr/> <p><b>9</b></p> <p><b>9.00</b> 1:2  <b>9.38</b> 19:18  <b>9.42</b> 22:4  <b>90</b> 93:21  <b>91</b> 95:9  <b>98</b> 2:13</p>					
--	--	--	--	--	--