

Country/entity South Sudan

Region Africa (excl MENA)

Agreement name 1st Review of the Marial Bai Agreement on Cattle Seasonal Movement, Wau State

Date 1 Nov 2019

Agreement status Multiparty signed/agreed

Interim arrangement Yes

Agreement/conflict level Intrastate/local conflict

Sudan Conflicts (1955 -)

Agreements relate to several distinct dyads, and also the negotiated independence of South Sudan, and subsequent internal conflict in South Sudan. Sudan-South Sudan. The long-standing conflict between the north and the south of the country dates back to colonial times, where the British introduced a so-called 'Southern Policy', severely hampering population movements between these big regions. Immediately after gaining independence in 1956, southern movements started to fight for independence; this fight became professionalised in 1983 with the foundation of the soon internationally supported Sudan People's Liberation Army (SPLA). When the Islamic Front government introduced strict sharia laws in the south after it took over power in 1988 the war intensified. A decade later, the military situation reached a stalemate, enabling internationally facilitated peace negotiations to begin in 1997. After more fighting, a final negotiation push began in 2002, leading to the signing of the Comprehensive Peace Agreement (CPA) in January 2005.

Sudan-South Sudan post referendum. South Sudan became independent in July 2011; since then, relations between the two countries are complicated and violent conflict led by the SPLM (North) in the Sudanese Nuba mountains region has since intensified.

Darfur. Other long-standing violent conflicts are in the east and the west of the country. In the east, the Beja Congress, established in 1957, is the spearhead of a currently 'peaceful' opposition movement. In the west, the violent conflict in Darfur intensified in the early 2000s and rapidly gained international attention, even resulting in genocide charges against leading figures of the Sudanese government. The situation on the ground is complex, with over a dozen organisations (most notably the Sudanese Liberation Movement and the Justice and Equality Movement) fighting the Sudanese government and allied groups like the Janjaweed – although all parties have switched sides on numerous occasions. Several mediation attempts have not been successful, due to the shaky commitment of the Sudanese central government and the distrust among the armed opposition.

South Sudan - internal

In December 2013, after president Salva Kiir accused opposition leader Riek Machar of attempting a coup, violent conflict broke out between government forces of the SPLM/A and anti-governmental groups. In addition, several other political militias as well as communal militias have joined the conflict. In 2015 the Agreement on the Resolution of the Conflict in South Sudan (ARCSS) was signed. Due to unsuccessful implementation the agreement was revitalized in 2018. In September 2019, Kiir and Machar agreed to establish a power-sharing government after struggles on forming a unity transitional government.

Close

Sudan Conflicts (1955 -)

Stage Implementation/renegotiation

Conflict nature Inter-group

Parties

- William Bak Uloro (Signatory) – Kangi County
- John Utho Achom (Witness) – Kangi County
- Elario Ucuir Uyu (Signatory) – Roc Roc Don County
- James Aguer Ken (Witness) – Roc Roc Don County
- Peter Akuar Auger (Signatory) – Udici County
- Bernarto Uyak Uchen (Witness) – Udici County
- Nyiyuo Awet Nyiyuo (Signatory) – Kujaena County
- Elario Den Aken (Witness) - Kujaena County
- Peter Monylet Deng (Signatory) – Wau Municipality County
- Daniel Masimno Juya (Witness) - Wau Municipality County
- Lual Aleu Mabuon (Signatory) – Marial Bai County
- Bol Majok Ngor Dut (Witness) - Marial Bai County
- William Kamilo Mboro (Signatory) – Bessillia County
- Raphael Daniel Mande (Witness) - Bessillia County
- Natale Augustino Zalan (Signatory) – Baggari County
- Elias Andrea Ujang (Witness) - Baggari County
- Gabriel Unango Uguen (Signatory) – Kpaile County
- Paul Kamilo Dufan (Witness) - Kpaile County
- Adhal Kot Kon (Signatory) – Alur County
- Uchalla Dhal Nyabang (Witness) - Alur County
- Athain Akuei Athain (Signatory) - Wau Bai County
- Mawein Wol Lony (Witness) - Wau Bai County
- Jamus Wol Achuil (Signatory) – Alel Thony
- Isarbino Amet Makuac (Witness) - Alel Thony
- Arou Kon Arou (Signatory) - Man Alor County
- Alphonsio Mawein Arou (Witness) - Man Alor County
- Aru Athian Aru (Signatory) - Tonj County
- Marko Mabior Ajiec (Witness) - Tonj County
- Ayii Agiu Kuot (Signatory) – Warra County
- Kieu Athian Manoi (Witness) - Warra County
- Mathuc Madut Mawein (Signatory) – Pagol County
- Marko Mabior Ajiec (Witness) - Pagol County
- Cikom Ayiei Cikom (Signatory) – Yar County
- Marko Mabior Ajiec (Witness) – Yar County
- Parum Malek Akuien (Signatory) - Thiet County
- Akot Mathiang Deng (Witness) - Thiet County
- Kur Malek Mathok (Signatory) – Jak County
- Marko Mabior Niec (Witness) – Jak County
- Mawein Mayol Mawein (Signatory) – Kirik County
- John Maker Lon (Witness) - Kirik County
- Abraham Nyok Madut (Signatory) - Kuac South County
- Chol Yuot Chol (Witness) - Kuac South County
- Deng Ajiek Agoth (Signatory) - Kuac North County
- David Ayok Akook (Witness) - Kuac North County
- James Kuc Baak (Signatory) - Aguok South County
- Joseph Manut Yel (Witness) - Aguok South County
- Wek Deng Ariech (Signatory) - Kuac West County
- Malueth Mayen Wol (Witness) - Kuac West County
- Madut Teng Agany (Signatory) - Buoyar County
- Madut Adup Majok (Witness) - Buoyar County

Third parties Sam Muhumure, UNMISS, Head of Field Office, Wau
Orasio Opiyo, PRWG, Coordinator
Ariech Deng Ariech, TOCH Representative
Thiep Mayuot Deng, NRC Representative
John Lupo Ucin, Malteser Int. Representative

Description In this agreement, representatives of various farming and cattle-breeding communities, engage in a planned review of the previous agreement on managing seasonal cattle movements. The disputes over land and transhumance routes were the source of violence, and this agreement aims to prevent disputes from becoming violent by organising a Dispute Resolution Committee, a Monitoring Committee, and an Interstate Coordinating Committee on Cattle Seasonal Movement. The agreement also sets procedures and compensation for any damage caused to farmers or cattle owners.

Agreement document [SS_191101_Review Marial Bai Agreement.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups

Children/youth Groups→Children/youth→Other
Page 6:
RESOLUTION 9

Determination of damage

At the beginning of the cattle seasonal movement every Boma or Payam will form a committee consisting of (1) Chief, (1) Majokwuot, (1) Woman, (1) Farmer, (1) Ministry of Agriculture, (1) Veterinary Officer, (1) youth representative, (1) police and (1) administrator. This committee will meet immediately when damages are reported.

The committee is responsible to:

1. Identify the culprit(s)
2. Determine the amount of damage and to
3. Collect the compensation from the Majokwuot or the farmer

In case the decision is not in accordance with the resolutions of this agreement, an appeal can be made.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

**Racial/ethnic/
national group** No specific mention.

Religious groups No specific mention.

Indigenous people No specific mention.

Other groups No specific mention.

**Refugees/displaced
persons** No specific mention.

Social class No specific mention.

Gender

Women, girls and gender

Page 6:
RESOLUTION 9

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Men and boys

No specific mention.

LGBTI

No specific mention.

Family

No specific mention.

State definition

Nature of state (general)

No specific mention.

State configuration

No specific mention.

Self determination

No specific mention.

Referendum

No specific mention.

State symbols

No specific mention.

Independence/secession

No specific mention.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

**Cross-border
provision** No specific mention.

Governance

**Political
institutions (new or
reformed)** No specific mention.

Elections No specific mention.

**Electoral
commission** No specific mention.

**Political parties
reform** No specific mention.

Civil society No specific mention.

**Traditional/
religious leaders** No specific mention.

**Public
administration** No specific mention.

Constitution No specific mention.

Power sharing

**Political power
sharing** No specific mention.

**Territorial power
sharing** No specific mention.

**Economic power
sharing** No specific mention.

**Military power
sharing** No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Arrival time

1. All cattle movement in cultivation land in Wau State shall be in January every year and return from the farming areas to Gogrial and Tonj States, or other locations outside the farming areas, as the rainy season starts in April or May.
2. In the event that water and grass are not available before January, the concerned Chief in Gogrial or Tonj will negotiate early arrival with the chief of the concerned area in Wau State following the pre-cattle seasonal movement procedures as prescribed in resolution 4 of this agreement.
3. Cattle camps to arrive early in Wau State without a negotiated early arrival time will be told to go back home by the chiefs and the authorities in the three states.

RESOLUTION 3

Movement related to cattle auctions

When asked, traders must be able to show cattle movement permits from their counties of origin to prove that the movement of the cows is for auction. If they can prove that, they will be exempt from complying with resolution 2. All other resolutions apply to the movement related to cattle auctions.

RESOLUTION 4

Pre-cattle seasonal movement procedures and letter

All Majokwuot who plan to move with their cattle to Wau State must, before they move, obtain a letter of permission from the Boma Chief of the area of origin of the Majokwuot.

The permission letter shall contain at least the following information:

1. Name of the Majokwuot
2. Name of Boma/Payam of origin of the Majokwuot
3. Name of the Boma Chief/Paramount Chief
4. The intended destination in Wau State

Before moving with the cattle, the Majokwuot will always:

1. Visit the Boma Chief of their intended destination in Wau State who will organize a meeting with other community leaders
2. Present the letter of permission to the Boma Chief of the intended destination in Wau State
3. Agree with the Boma Chief (or the person designated by the Boma Chief in former Jur River County area) of the intended destination on seasonal settlement of the camp, far away from residential and cultivation areas

4. Upon agreement, the Majokwuot will go back and collect the cattle to return to the

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Determination of damage

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The committee is responsible to:

1. Identify the culprit(s)
2. Determine the amount of damage and to
3. Collect the compensation from the Majokwuot or the farmer

In case the decision is not in accordance with the resolutions of this agreement, an appeal can be made.

Dispute Resolution Committee (DRC)

Establishment

The Dispute Resolution Committee (DRC) consists of five chiefs of Wau State and four Majokwuot of Gogrial and Tonj States from the Counties involved in cattle seasonal movement.

The members are nominated and appointed for a period of 3 years by the Paramount Chiefs who inform the Executive Director of the County. The DRC reports to the Interstate Coordinating Committee on Cattle Seasonal Movement.

Functions of Dispute Resolution Committee

1. Ensure greater social support among people through helping them to solve their disputes in terms of the agreement.
2. Solving those social issues that cannot be resolved by laws of the Republic of South Sudan, for example when a person is shot or killed it is a crime that must be dealt with by the laws of South Sudan. Compensation under this agreement does not preclude prosecution in a formal court.
3. Ensure social justice take its course to prevent recurrence of the problems in cases where the local chief and or Majokwuot cannot solve the problem
4. Thorough assessment of those problems referred to the committee to find a solution satisfactory to both groups with reasonable time frame to avoid escalation of the problems

**Prisons and
detention**

No specific mention.

Interstate Coordinating Committee on Cattle Seasonal Movement

Cattle Seasonal Movement is a phenomenon with a long history in the region. Over time agreements were made but not written down. People respect these traditional agreements as part of their heritage and the agreements grow into traditional law. The contents of the current — written — agreements will also grow into traditional law. For this reason, the implementation of these written peace agreements should be citizen-driven to enable communities to accept and implement the resolutions of the agreement. The goal of the Interstate Coordinating Committee on Cattle Seasonal Movement, a citizen-driven committee, is to ensure public/citizen/community involvement and active participation in the implementation process.

Structure of the Interstate Coordinating Committee on Cattle Seasonal Movement

Four people representing Wau State Counties involved in the cattle seasonal movement
Four people representing Tonj State Counties involved in cattle seasonal movement
Four people representing Gogrial State Counties involved in cattle seasonal movement
The representation should include four county representatives (individual citizens not State and/or County Officials), two persons representing the Farmers (Wau State), two persons representing Majokwuot (Gogrial and Tonj), two persons representing Traditional Leaders and two persons representing cattle owners.

Members of the Interstate Coordinating Committee on Cattle Seasonal Movement do not receive any remuneration but are refunded through the 3 State institutions for direct expenses in fulfilling their tasks.

Members are nominated and appointed by the conference for a period of three (3) years; nonperforming members can be replaced by the Chairperson after consultations. Orientation and training of new members is the responsibility of the sitting Committee in collaboration with the Director-Generals of State Ministries of Local Government. The Chairperson of the

Interstate Coordinating Committee on Cattle Seasonal Movement reports every year or every two years to the Conference and minimally twice per year to the county councils through the DGs and Ministers of the Ministries of Local Government in the three states.

The following members of the Interstate Coordinating Committee on Cattle Seasonal Movement were nominated and appointed on 1 November 2019 for a period of three years until 1 November 2022.

Members

Member status

Position

1

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources Page 1:
RESOLUTION 1

Natural resources

All parties from the three states have agreed and recognized that agricultural and animal (livestock) resources are all national resources of the Republic of South Sudan and all must be protected and preserved.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights Land, property and environment→Land reform/rights→Land reform and management

Page 1:

RESOLUTION 1

Natural resources

All parties from the three states have agreed and recognized that agricultural and animal (livestock) resources are all national resources of the Republic of South Sudan and all must be protected and preserved.

Page 2:

RESOLUTION 2

Arrival time

1. All cattle movement in cultivation land in Wau State shall be in January every year and return from the farming areas to Gogrial and Tonj States, or other locations outside the farming areas, as the rainy season starts in April or May.
2. In the event that water and grass are not available before January, the concerned Chief in Gogrial or Tonj will negotiate early arrival with the chief of the concerned area in Wau State following the pre-cattle seasonal movement procedures as prescribed in resolution 4 of this agreement.
3. Cattle camps to arrive early in Wau State without a negotiated early arrival time will be told to go back home by the chiefs and the authorities in the three states.

Page 7:

RESOLUTION 11

Burning of grass

Bush burning is prohibited to avoid damaging the crops and the environment; anybody found burning grasses shall be brought before the law according to South Sudan Environmental Law.

Land, property and environment→Land reform/rights→Property return and restitution

Page 3:

RESOLUTION 5

'Local cows' in Wau State

Cattle that are owned by the citizens of Wau State are subject to the rules of cattle seasonal movement formulated in this and subsequent Conference Agreements.

Destruction of farms/farmland by cows of local owners as well as of military personnel should be reported to the chiefs of the area or military commanders who shall refer the matter to the designated local authority for further action.

Page 3-4:

RESOLUTION 6

Mature persons to look after animals and compensation for damage offarms

Cattle owners and chiefs shall ensure that cattle are looked after by mature men, not by boys. Failure to control the animals and resulting damage to crops or farms must be

Arrival time

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2. In the event that water and grass are not available before January, the concerned Chief in Gogrial or Tonj will negotiate early arrival with the chief of the concerned area in Wau State following the pre-cattle seasonal movement procedures as prescribed in resolution 4 of this agreement.
3. Cattle camps to arrive early in Wau State without a negotiated early arrival time will be told to go back home by the chiefs and the authorities in the three states.

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2. Name of Boma/Payam of origin of the Majokwuot
3. Name of the Boma Chief/Paramount Chief
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Before moving with the cattle, the Majokwuot will always:

1. Visit the Boma Chief of their intended destination in Wau State who will organize a meeting with other community leaders
2. Present the letter of permission to the Boma Chief of the intended destination in Wau State
3. Agree with the Boma Chief (or the person designated by the Boma Chief in former Jur River County area) of the intended destination on seasonal settlement of the camp, far away from residential and cultivation areas
4. Upon agreement, the Majokwuot will go back and collect the cattle to return to the area where he reached agreement with the Boma Chief and other community leaders
5. Majokwuot shall be received by Chief in the Boma on their arrival with the cattle camps for a welcome ceremony; before their departure in April or May, a farewell ceremony will be held

Cultural heritage No specific mention.

Environment Page 1:
RESOLUTION 1

Natural resources

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Page 7:
RESOLUTION 11

Burning of grass

Bush burning is prohibited to avoid damaging the crops and the environment; anybody found burning grasses shall be brought before the law according to South Sudan Environmental Law.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR Security sector→DDR→DDR programmes
Page 6, RESOLUTION 10

Carrying of guns

All the parties from the three states agreed that there must be comprehensive disarmament to be conducted in all the three states and this subject to the policies of the three state security committees.

Intelligence services No specific mention.

Parastatal/rebel and opposition group forces No specific mention.

Withdrawal of foreign forces No specific mention.

Corruption No specific mention.

Crime/organised crime Page 3, RESOLUTION 5

'Local cows' in Wau State

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Destruction of farms/farmland by cows of local owners as well as of military personnel should be reported to the chiefs of the area or military commanders who shall refer the matter to the designated local authority for further action.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation No specific mention.

Implementation

UN signatory Page 12:
Observers during the MBA Review Conference:
1 Sam Muhumure, UNMISS, Head of Field Office, Wau

Other international signatory Page 12:
Observers during the MBA Review Conference:

2 Orasio Opiyo, PRWG, Coordinator

3 Ariech Deng Ariech, TOCH Representative

4 Thiep Mayuot Deng, NRC Representative

5 John Lupo Ucin, Malteser Int., Representative

Referendum for agreement No specific mention.

**International
mission/force/
similar**

No specific mention.

**Enforcement
mechanism**

Page 9-10:
RESOLUTION 13

Monitoring Committee

Establishment

The Monitoring Committee (MC) consists of Deputy Executive Directors of Counties involved in the cattle seasonal movement and the members are nominated and appointed by the Director Generals of the states after consultations. The number of members of the MC shall not exceed nine. The MC reports to the Interstate Coordinating Committee on Cattle Seasonal Movement.

Functions of the Monitoring Committee

1. Disseminate and explain signed Conference Agreements to the communities and stakeholders
2. Monitor implementation of agreement and workshop decisions
3. Monitor challenges occurring during the cattle seasonal movement process
4. Follow-up on movement of cattle camps
5. Monitor cattle arrival and departure time
6. Report unresolved disputes to Dispute Resolution Committee
7. Meet to plan work activities
8. Ensure effective communication among members of the committee
9. Create awareness among cattle keepers and farmers for peaceful coexistence to avoid revenge
10. Ensure effective coordination between members of the committee
11. Communicate with community members before arriving at that specific community location

RESOLUTION 14

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Functions of Dispute Resolution Committee

