

Country/entity	South Sudan Sudan
Region	Africa (excl MENA)
Agreement name	The Implementation Modalities of the Protocol on the Resolution of the Abyei Conflict, dated 26th May, 2004
Date	31 Dec 2004
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Agreement/conflict level Intrastate/intrastate 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 Government/territory

Peace process	Sudanese (North-South) peace process
Parties	The Government of Sudan; Sudan People's Liberation Movement/Army
Third parties	-
Description	An agreement by the parties that provides tables of implementation modalities for Protocol between the Government of the Sudan and the Sudan People's Liberation Movement/Army on the Resolution of Abyei Conflict. The modalities entail provisions on the special administrative status of Abyei, the administrative structure, financial resources, geographical boundaries, residents, security arrangements, referendum commission, and a reconciliation process. Attached to the agreement is the Abyei Appendix, which provides further provisions on the Abyei Boundaries Commission. This agreement and the Protocol were both incorporated into the Comprehensive Peace Agreement.

Agreement document	SD 041231 Implementation Modalities for Protocol on Abyei.pdf (opens in new tab) Download PDF
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Groups

Children/youth	No specific mention.
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	<p>Groups→Refugees/displaced persons→Substantive Page 4, C. Financial Resources 5. National Government appeals to international donor community to facilitate the return and resettlement of the residents of Abyei Area. [Reference in the Agreement: 3.4]</p> <p>Page 9, Abyei Appendix - Understanding on Abyei Boundaries Commission 8. Meanwhile, the two Parties shall issue appropriate instructions to their respective administrations in Abyei Area to facilitate the return of the citizens of the Area. The JIUs and the UN monitors shall facilitate and provide necessary protection to the IDPs.</p>
Social class	No specific mention.

Gender

Women, girls and gender	No specific mention.
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	[Agreement sets out implementation modalities for Abyei's special administrative status and relationship to the national government as well to neighboring states, Western Kordofan and Bahr el Ghazal. At the end of the Interim Period, a referendum will be held by the residents of Abyei to determine whether their special administrative status continues or become part of Bahr el Ghazal]
Self determination	No specific mention.

Referendum	Page 6, E. Residents 1. Setting criteria of residence in Abyei area [To be worked by the referendum commission; Reference in the Agreement: 6.1]
	Page 6, G. Abyei Referendum Commission 1. Establishment of Abyei Referendum Commission [Reference in the Agreement: 8.1]
	Page 6, G. Abyei Referendum Commission 2. Abyei Referendum [Reference in the Agreement: 8.2]
State symbols	No specific mention.
Independence/ secession	No specific mention.
Accession/ unification	No specific mention.

Border delimitation Page 5, D. Geographical Boundaries

1. Establishment of Abyei Boundaries Commission
[Reference in the Agreement: 5.1]

Page 5, D. Geographical Boundaries

2. Mechanism for selecting members of Abyei Boundaries Commission
[Reference in the Agreement: 5.2]

Page 5, D. Geographical Boundaries

3. Presentation of final report of boundaries on Abyei
[Reference in the Agreement: 5.3]

Page 8, Abyei Appendix - Understanding on Abyei Boundaries Commission

1. Upon signature, and notwithstanding Article 5.1. of the Protocol on Abyei, there shall be established by the Parties Bayei Boundaries Commission (ABC) to define and demarcate the Are of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905, referred to herein as Abyei Area.

Page 8, Abyei Appendix - Understanding on Abyei Boundaries Commission

2. Pursuant to Article 5.2. of the Protocol on Abyei, the ABC shall be composed as follows:

- 2.1. One representative from each Party;
- 2.2. The Parties shall ask the US, UK and the IGAD to nominate five impartial experts knowledgeable in history, geography and any other relevant expertise. The ABC shall be chaired by one of those experts;
- 2.3. Each Party shall nominate two from the present two administrations of Abyei Area;
- 2.4. The GOS shall nominate two from the Messiriya;
- 2.5. The SPLM/A shall nominate two from the neighbouring Dinka tribes of the South of Abyei Area.

Page 8, Abyei Appendix - Understanding on Abyei Boundaries Commission

3. The ABC shall listen to representatives of the people of Abyei Area and the neighbors, and shall also listen to the presentations of the two Parties.

Page 8, Abyei Appendix - Understanding on Abyei Boundaries Commission

4. In determining their findings, the Experts in the Commission shall consult the British Archives, with a view to arriving at a decision that shall be based on scientific analysis and research. The experts shall also determine the rules of the procedure of the ABC.

Page 8, Abyei Appendix - Understanding on Abyei Boundaries Commission

5. The ABC shall present its final report to the Presidency before the end of the Pre-Interim Period. The report of the experts, arrived at as prescribed in the ABC rules of procedures, shall be final and bindings on the Parties.

Page 8, Abyei Appendix - Understanding on Abyei Boundaries Commission

6. The Presidency shall establish the administration of Abyei Area simultaneously with the Government of South Sudan and the Governments of Southern Kordofan and Blue Nile States by the beginning of the Interim Period.

Page 8, Abyei Appendix - Understanding on Abyei Boundaries Commission

7. In case the ABC delays presentation of the final report beyond the time prescribed above, the Presidency shall take necessary action to put the Abyei Area special status into effect with Abyei town and its seat of subject to any readjustment or confirmation by the ABC final report.

Cross-border provision

No specific mention.



Political institutions (new or reformed)	<p>Governance→Political institutions (new or reformed)→New political institutions (indefinite)</p> <p>A. establishes governance structures: exec. council, rep. In the legislatures of Southern Kordofan and Bahr el Ghazal; B. sets out the administrative structure of Abyei Area (abyei council, depts, courts); E. provides mechanism for representation of residents of Abyei Area in the two legislatures</p>
	<p>Page 2, A. Abyei Special Administrative Status</p> <p>1. According Abyei special administrative status</p> <p>[Reference in the Agreement: 1.2, 2.1]</p>
	<p>Page 2, A. Abyei Special Administrative Status</p> <p>3. Representation of Abyei residents in the legislatures of Southern Kordofan and Bahr el Ghazal</p> <p>[Reference in the Agreement: 1.2.2]</p>
	<p>Page 2, A. Abyei Special Administrative Status</p> <p>4. Establishing Executive Council</p> <p>[Reference in the Agreement: 1.2.2]</p>
	<p>Page 3, B. Administrative Structure</p> <p>1. Mechanism for appointment of members of Abyei Council</p> <p>[Reference in the Agreement: 2.2.]</p>
	<p>Page 3, B. Administrative Structure</p> <p>2. Appointment of Chief Administrator and his/her deputy</p> <p>[Reference in the Agreement: 2.4.]</p>
	<p>Page 3, B. Administrative Structure</p> <p>4. Determining the executive, legislative and financial powers and competencies of Abyei Area</p> <p>[Reference in the Agreement: 2.6.]</p>
	<p>Page 3, B. Administrative Structure</p> <p>5. Establishment of Courts for Abyei Area</p> <p>[Reference in the Agreement: 2.7.]</p>
	<p>Page 4, C. Financial Resources</p> <p>3. Allocation from National Government to cover cost of establishment of the new administration, its running cost and provision of services</p> <p>[Reference in the Agreement: 3.2.5]</p>
	<p>Page 5, D. Geographical Boundaries</p> <p>4. Putting the special administrative status of Abyei Area in immediate effect</p> <p>[Reference in the Agreement: 5.3]</p>
	<p>Page 6, G. Abyei Referendum Commission</p> <p>2. Abyei Referendum</p> <p>[Reference in the Agreement: 8.2]</p>

Elections	No specific mention.
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	Page 8, Abyei Appendix - Understanding on Abyei Boundaries Commission 3. The ABC shall listen to representatives of the people of Abyei Area and the neighbors, and shall also listen to the presentations of the two Parties.
Traditional/religious leaders	Page 8, Abyei Appendix - Understanding on Abyei Boundaries Commission 2. Pursuant to Article 5.2. of the Protocol on Abyei, the ABC shall be composed as follows: 2.1. One representative from each Party; 2.2. The Parties shall ask the US, UK and the IGAD to nominate five impartial experts knowledgeable in history, geography and any other relevant expertise. The ABC shall be chaired by one of those experts; 2.3. Each Party shall nominate two from the present two administrations of Abyei Area; 2.4. The GOS shall nominate two from the Messiriya; 2.5. The SPLM/A shall nominate two from the neighbouring Dinka tribes of the South of Abyei Area. Page 8, Abyei Appendix - Understanding on Abyei Boundaries Commission 3. The ABC shall listen to representatives of the people of Abyei Area and the neighbors, and shall also listen to the presentations of the two Parties.
Public administration	No specific mention.
Constitution	No specific mention.

Power sharing

Political power sharing

Power sharing→Political power sharing→General
Sub-state level

Summary: Implementation time lines and modalities are provided for representation of Abyei residents in the legislatures of Southern Kordofan and Bahr el Ghazal, in an agreement that concentrates on the special administrative status for Abyei, as a form of territorial power sharing.

Power sharing→Political power sharing→Proportionality in legislature
Sub-state level

Page 2, A. Abyei Special Administrative Status

3. Representation of Abyei residents in the legislatures of Southern Kordofan and Bahr el Ghazal

[Reference in the Agreement: 1.2.2]

Page 6, E. Residents

2. Mechanism for representation of residents of Abyei Area in the two legislature
[To be worked by the referendum commission; Reference in the Agreement: 6.2]

Power sharing→Political power sharing→Other
Sub-state level

Page 8, Abyei Appendix - Understanding on Abyei Boundaries Commission

2. Pursuant to Article 5.2. of the Protocol on Abyei, the ABC shall be composed as follows:

2.1. One representative from each Party;

2.2. The Parties shall ask the US, UK and the IGAD to nominate five impartial experts knowledgeable in history, geography and any other relevant expertise. The ABC shall be chaired by one of those experts;

2.3. Each Party shall nominate two from the present two administrations of Abyei Area;

2.4. The GOS shall nominate two from the Messiriya;

2.5. The SPLM/A shall nominate two from the neighbouring Dinka tribes of the South of Abyei Area.

Territorial power sharing

Power sharing→Territorial power sharing→Local/municipal government

Page 8, Abyei Appendix - Understanding on Abyei Boundaries Commission

6. The Presidency shall establish the administration of Abyei Area simultaneously with the Government of South Sudan and the Governments of Southern Kordofan and Blue Nile States by the beginning of the Interim Period.

Power sharing→Territorial power sharing→Autonomous regions

Page 2, A. Abyei Special Administrative Status

1. According Abyei special administrative status

[Reference in the Agreement: 1.2, 2.1]

Page 2, A. Abyei Special Administrative Status

2. Abyei residents becoming citizens of both Southern Kordofan and Bahr el Ghazal

[Reference in the Agreement: 1.2.1]

Page 2, A. Abyei Special Administrative Status

3. Representation of Abyei residents in the legislatures of Southern Kordofan and Bahr el Ghazal

[Reference in the Agreement: 1.2.2]

Page 2, A. Abyei Special Administrative Status

4. Establishing Executive Council

[Reference in the Agreement: 1.2.2]

Page 3, B. Administrative Structure

1. Mechanism for appointment of members of Abyei Council

[Reference in the Agreement: 2.2.]

Page 3, B. Administrative Structure

2. Appointment of Chief Administrator and his/her deputy

[Reference in the Agreement: 2.4.]

Page 3, B. Administrative Structure

4. Determining the executive, legislative and financial powers and competencies of Abyei Area

[Reference in the Agreement: 2.6.]

Page 5, D. Geographical Boundaries

1. Establishment of Abyei Boundaries Commission

[Reference in the Agreement: 5.1]

Page 5, D. Geographical Boundaries

2. Mechanism for selecting members of Abyei Boundaries Commission

[Reference in the Agreement: 5.2]

Page 5, D. Geographical Boundaries

3. Presentation of final report of boundaries on Abyei

[Reference in the Agreement: 5.3]

Page 5, D. Geographical Boundaries

4. Putting the special administrative status of Abyei Area in immediate effect

[Reference in the Agreement: 5.3]

Page 6, E. Residents

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1. Setting criteria of residence in Abyei area

[To be worked by the referendum commission; Reference in the Agreement: 6.11]

Economic power sharing	Power sharing→Economic power sharing→Sharing of resources Page 2, A. Abyei Special Administrative Status 5. Establish mechanism to transfer shares of net oil revenue from Abyei Area [Reference in the Agreement: 1.2.3]
	Page 3, C. Financial Resources 1. Sharing of net oil revenue from oil produced in Abyei Area [Reference in the Agreement: 3.1]
	Page 4, C. Financial Resources 2. Mechanism of transferring other non-oil financial resources to Abyei Administration [Reference in the Agreement: 3.2]
	Page 4, C. Financial Resources 3. Allocation from National Government to cover cost of establishment of the new administration, its running cost and provision of services [Reference in the Agreement: 3.2.5]
Military power sharing	Power sharing→Military power sharing→Merger of forces Page 6, F. Security Arrangements 2. Formation and Deployment of Joint Battalion in Abyei Area (JIU Battalion) [Reference in the Agreement: 7.4]
	Page 9, Abyei Appendix - Understanding on Abyei Boundaries Commission 8. Meanwhile, the two Parties shall issue appropriate instructions to their respective administrations in Abyei Area to facilitate the return of the citizens of the Area. The JIUs and the UN monitors shall facilitate and provide necessary protection to the IDPs. Power sharing→Military power sharing→Joint command structures
	Page 6, F. Security Arrangements 1. Establishment of Abyei Area Security Committee [Reference in the Agreement: 7.1]

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	Rights related issues→Citizenship→Citizen delimitation Page 2, A. Abyei Special Administrative Status 2. Abyei residents becoming citizens of both Southern Kordofan and Bahr el Ghazal [Reference in the Agreement: 1.2.1]
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
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.

Judiciary and courts Page 3, B. Administrative Structure
5. Establishment of Courts for Abyei Area
[Reference in the Agreement: 2.7.]

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources Page 2, A. Abyei Special Administrative Status
5. Establish mechanism to transfer shares of net oil revenue from Abyei Area
[Reference in the Agreement: 1.2.3]

Page 3, C. Financial Resources
1. Sharing of net oil revenue from oil produced in Abyei Area
[Reference in the Agreement: 3.1]

International funds Page 4, C. Financial Resources
5. National Government appeals to international donor community to facilitate the return and resettlement of the residents of Abyei Area.
[Reference in the Agreement: 3.4]

Page 9, Abyei Appendix - Understanding on Abyei Boundaries Commission
9. The Parties shall issue an appeal to the International Community to make funds available for the formation and proper functioning of the ABC.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

**Security
Guarantees** Page 6, F. Security Arrangements
1. Establishment of Abyei Area Security Committee
[Reference in the Agreement: 7.1]

Ceasefire No specific mention.

Police Page 6, F. Security Arrangements
1. Establishment of Abyei Area Security Committee
[Reference in the Agreement: 7.1]

Armed forces No specific mention.

DDR No specific mention.

**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** No specific mention.

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 Page 7, H. Reconciliation Process
1. Peace and Reconciliation in Abyei Area
[Reference in the Agreement: 9]

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar	<p>Page 9, Abyei Appendix - Understanding on Abyei Boundaries Commission</p> <p>8. Meanwhile, the two Parties shall issue appropriate instructions to their respective administrations in Abyei Area to facilitate the return of the citizens of the Area. The JIUs and the UN monitors shall facilitate and provide necessary protection to the IDPs.</p>
Enforcement mechanism	<p>Page 2, A. Abyei Special Administrative Status</p> <p>6. Deployment of international monitors to ensure full implementation of this Agreement [Reference in the Agreement: 1.2.5]</p> <p>Page 6, F. Security Arrangements</p> <p>3. Deployment of international monitors [Reference in the Agreement: 7.4]</p>
Related cases	No specific mention.
Source	Unmis.unmissions.org,. 2015. 'United Nations Missions In Sudan (UNMIS)'. http://unmis.unmissions.org/ .
