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Country/ entity	South Sudan Sudan Southern Kordofan - Blue Nile - Abyei
Region	Africa (excl MENA) Africa (excl MENA) Africa (excl MENA)
Agreement name	The Implementation Modalities for the Protocol on the Resolution of Conflict in Southern Kordofan and Blue Nile States, 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 -))
Stage	Implementation/renegotiation
Conflict nature	Government/territory
Peace process	Kordofan - Blue Nile - Abyei process
Parties	The Government of Sudan, Sudan People's Liberation Movement/Army
Third parties	-
Description	An agreement by the parties on implementation modalities for the Protocol on the Resolution of the Conflict in Southern Kordofan and Blue Nile State, of which both agreements are incorporated into the Comprehensive Peace Agreement. The implementation modalities provide a table setting out modalities for statehood and governance issues, state judiciary, state share in national wealth, state land commission, security arrangements, pre-election arrangements. An Annex sets out an agreement on the framework for governance of the State of Southern Kordofan.

Agreement document	SD 041231 Implementation Modalities for Protocol on Kordofan and Blue Nile States.pdf 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	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender	No specific mention.
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Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) A. provides for settling the name of Nuba Mountains/Southern Kordofan and issues of merger, and B. provides for subjecting the Comprehensive Peace Agmt to the will of the people of the two areas; Southern Kordofan Annex: provides that the name of the state shall be Southern Kordofan

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 Page 11, Southern Kordofan Appendix - State of Southern Kordofan 11. Presidency declares the formation of Southern Kordofan State as per agreed borders of 1974.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) Governance→Political institutions (new or reformed)→New political institutions (indefinite)
B.6 provides for establishing state legislature, 7. appointment of governor and deputy governor, and 8. appointment of state council of ministers in pre-elections and commissioners, 10. establishment of local councils; C. 1 provides for drafting, preparation and adoption of state constitution, D. establishment of state courts; H. governs pre-election arrangements for the representation of the state in national institutions, national legislative assembly, rep. In constitutional review process; Southern Kordofan Annex: governs power-sharing make-up of state legislature and cabinet, and 9. provides that the seat of govt will alternate between Kaduglia and El-Fula

Pages 2-4, B. Popular Consultation

2. Establishment of two Parliamentary Assessment and Evaluation Commissions

[Reference in the Agreement: 3.3.]

Pages 2-4, B. Popular Consultation

3. Establishment of Presidential Monitoring and Evaluation Commission

[Reference in the Agreement: 3.4.]

Pages 2-4, B. Popular Consultation

5. Rectifying the Peace Agreement

[Reference in the Agreement: 3.6.]

Pages 2-4, B. Popular Consultation

6. Establishment of Stage Legislature

[Reference in the Agreement: 4., 6.]

Pages 2-4, B. Popular Consultation

7. Appointment of Governor and Deputy Governor

[Reference in the Agreement: 4.2.1., 5.1., 5.3, 11.]

Pages 2-4, B. Popular Consultation

8. Appointment of State Council Ministers in Pre-Elections and Commissioners

[Reference in the Agreement: 4.2.2., 5.2., 5.3, 11.]

Pages 2-4, B. Popular Consultation

9. Appointment of State Council of Ministers and Commissioners

[Reference in the Agreement: 4.2.2., 5.2., 5.3, 5.5., 11.]

Pages 2-4, B. Popular Consultation

10. Establishment of local councils pre-elections

[Reference in the Agreement: 5.5]

Pages 2-4, B. Popular Consultation

11. Elected Local Councils

[Reference in the Agreement: 5.5]

Page 4-5, C. The State Legislature

1. Drafting, preparation and adoption of State Constitution

[Procedures and processes of consultation with the population; Reference in Agreement: 6.2.]

Elections No specific mention.

Electoral
commission No specific mention.

Political
parties
reform No specific mention.

Civil society Pages 2-4, B. Popular consultation
1. Subjecting the Comprehensive Agreement to the will of the people of the
two areas [Reference in the Agreement: 3.2]

Page 4-5, C. The State Legislature
1. Drafting, preparation and adoption of State Constitution
[Procedures and process entail consultation with the population, state values
and customs, and confirmation of compatibility from the Ministry of Justice;
Reference in Agreement: 6.2.]

Traditional/
religious
leaders No specific mention.

Public
administration No specific mention.

Constitution Governance→Constitution→Constitutional reform/making

Pages 2-4, B. Popular Consultation

5. Rectifying the Peace Agreement

[Reference in the Agreement: 3.6]

Page 4-5, C. The State Legislature

1. Drafting, preparation and adoption of State Constitution

[Procedures and process entail consultation with the population, model State Constitution based on Interim National Constitution, state values and customs, and confirmation of compatibility from the Ministry of Justice; Reference in Agreement: 6.2.]

Page 4-5, C. The State Legislature

2. New Legislation/laws

[Reference in Agreement: 6.5.]

Page 4-5, D. The State Judiciary:

Establishment of State Courts

[Interim State Constitution to provide for establishment of state courts; Reference in Agreement: 7.2.]

Page 8, H. Pre-Election Arrangements

6. Representation in Constitutional Review Process

[Reference in the Agreement: 11.2]

Power sharing

Political
power
sharing

Power sharing→Political power sharing→General
State level

Sub-state level

Summary, limited state level power sharing is provided for, see below.

Page 10, Southern Kordofan Appendix - State of Southern Kordofan

5. Regarding the representation of the State in the Council of States:

5.1. Each of the two components shall have one of the two representatives in the Council of States. However, this arrangement shall be subject to any agreed future changes.

5.2. In the pre-election arrangement the GOS shall nominate the representatives from the previous Western Kordofan component whereas the SPLM/A shall nominate the representative from the previous Southern Kordofan Component.

Summary: Sub-state level power sharing is provided for in the state of Southern Kordofan, which is established by the agreement, see below.

Power sharing→Political power sharing→Executive coalition

State level

Sub-state level

Page 10, Southern Kordofan Appendix - State of Southern Kordofan

4. The State Cabinet shall be composed as follows:

4.1. The State shall have Eleven (11) cabinet members including the Governor and the Deputy Governor, Seven (7) cabinet members shall be from the Southern Kordofan component and Four (4) cabinet members shall be from the Western Kordofan component.

4.2. For the pre-election formation of the State cabinet, the GOS shall nominate Six (6) cabinet members of whom Three (3) shall be from each component, whereas the SPLM/A shall nominate Five (5) cabinet members of whom Four (4) shall be from the previous Southern Kordofan component and One (1) shall be from the previous Western Kordofan component.

Power sharing→Political power sharing→Proportionality in legislature

State level

Sub-state level

Page 10, Southern Kordofan Appendix - State of Southern Kordofan

2. The State Legislature shall compose of Fifty-Four (54) members, Thirty Six (36) from the previous Southern Kordofan component and Eighteen (18) from the previous Western Kordofan component including Abyei. However representation of the two components is subject to readjustment according to the population census and the decision of the National Electoral Commission as appropriate.

Page 10, Southern Kordofan Appendix - State of Southern Kordofan

3. For the pre-election formation of the State Legislature, the GOS shall nominate Eighteen (18) members from the previous Southern Kordofan component and Twelve (12) members from the previous Western Kordofan component, whereas the SPLM/A shall nominate Eighteen (18) members from the previous southern Kordofan component and Six (6) members from the previous Western Kordofan component.

Territorial power sharing	<p>Power sharing→Territorial power sharing→Local/municipal government Pages 2-4, B. Popular Consultation 10. Establishment of local councils pre-elections [Reference in the Agreement: 5.5]</p> <p>Pages 2-4, B. Popular Consultation 11. Elected Local Councils [Reference in the Agreement: 5.5]</p> <p>Power sharing→Territorial power sharing→Autonomous regions Pages 2-4, B. Popular Consultation 6. Establishment of State Legislature [Reference in the Agreement: 4., 6.]</p> <p>Pages 2-4, B. Popular Consultation 7. Appointment of Governor and Deputy Governor [Reference in the Agreement: 4.2.1., 5.1., 5.3, 11.]</p> <p>Pages 2-4, B. Popular Consultation 8. Appointment of State Council Ministers in Pre-Elections and Commissioners [Reference in the Agreement: 4.2.2., 5.2., 5.3, 11.]</p> <p>Pages 2-4, B. Popular Consultation 9. Appointment of State Council of Ministers and Commissioners [Reference in the Agreement: 4.2.2., 5.2., 5.3, 5.5., 11.]</p> <p>Page 4-5, C. The State Legislature 1. Drafting, preparation and adoption of State Constitution [Procedures and process entail consultation with the population, model State Constitution based on Interim National Constitution, state values and customs, and confirmation of compatibility from the Ministry of Justice; Reference in Agreement: 6.2.]</p> <p>Page 4-5, C. The State Legislature 2. New Legislation/laws [Reference in Agreement: 6.5.]</p> <p>Page 5, D. The State Judiciary: Establishment of State Courts [Reference in Agreement: 7.2.]</p> <p>Page 8, H. Pre-Election Arrangements 1. Representation of the state in National institutions 2. Representation in national legislative assembly 3. Representation in Council of states 5. Representation Fiscal and Financial Allocation & Monitoring Commission 6. Representation in Constitutional Review Process [Reference in the Agreement: 11.2]</p> <p>Page 8, H. Pre-Election Arrangements 8. Order in which each party assumes the governorship in each state [Reference in the Agreement: 11.1.5.]</p> <p>Page 9, H. Pre-Election Arrangements</p>
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Economic power sharing	<p>Power sharing→Economic power sharing→Sharing of resources Page 6, E. State Share in National Wealth 1. Collection of taxes and revenue [Reference in the Agreement: 8.2.]</p> <p>Page 6, E. State Share in National Wealth 2. Transfer of State's share of (2%) of net oil revenue oil producing States [Reference in the Agreement: 8.3.]</p> <p>Page 6, E. State Share in National Wealth 3. State representation in FFAMC [Reference in the Agreement: 8.4.]</p> <p>Page 6, E. State Share in National Wealth 4. Transfer of State's share in NRDF [Reference in the Agreement: 8.5., 8.6, 8.7.]</p> <p>Page 6, E. State Share in National Wealth 5. Presidential additional allocation to State [Reference in the Agreement: 8.9.]</p> <p>Page 7, E. State Share in National Wealth 6. Establishment of Technical Committee for Division of government assets and disputes resolution [Reference in the Agreement: 8.14.]</p> <p>Page 8, H. Pre-Election Arrangements 5. Representation Fiscal and Financial Allocation & Monitoring Commission 7. Representation in NRDF Steering Committee [Reference in the Agreement: 11.2]</p> <p>Page 11, Southern Kordofan Appendix - State of Southern Kordofan 8. The previous Western Kordofan component (with all its localities) shall continue to enjoy all benefits of the current Western Kordofan Fund, which shall be sustained by the National Government.</p> <p>Page 11, Southern Kordofan Appendix - State of Southern Kordofan 9. The State share of the Oil Revenue shall be distributed as follows: 8.1. The Two Percent (2%) due of the oil revenue produced in any part of the State shall benefit the two components of the state equitably. 8.2. The Two Percent (2%) forming the MESSIRIYA share in Abyei oil shall benefit the previous Western Kordofan share of Abyei Oil shall be equally divided between the two components of the state One Percent (1%) each. 8.3 The Two Percent (2%) forming the Western Kordofan share of Abyei Oil shall be equally divided between the two components of the state One Percent (1%) each.</p>
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Military power sharing	No specific mention.
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Human rights and equality

Human rights/RoL general	No specific mention.
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Bill of rights/similar	No specific mention.
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Treaty incorporation	No specific mention.
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Civil and political rights	No specific mention.
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Socio-economic rights	No specific mention.
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Rights related issues

Citizenship	No specific mention.
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Democracy	No specific mention.
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Detention procedures	No specific mention.
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Media and communication	No specific mention.
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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 4-5, C. The State Legislature
1. Drafting, preparation and adoption of State Constitution
[Procedures and process entail consultation with the population, state values
and customs, and confirmation of compatibility from the Ministry of Justice;
Reference in Agreement: 6.2.]

Page 5, D. The State Judiciary:
Establishment of State Courts
[Reference in Agreement: 7.2.]

Prisons and detention Pages 2-4, B. Popular Consultation
13. State Police Service, Prisons, Wildlife, Fire Brigade be recruited
[Reference in the Agreement: 5.6]

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development
Page 6, E. State Share in National Wealth
4. Transfer of State's share in NRDF
[Reference in the Agreement: 8.5., 8.6, 8.7.]

Page 6, E. State Share in National Wealth
5. Presidential additional allocation to State
[Reference in the Agreement: 8.9.]

Page 8, H. Pre-Election Arrangements
7. Representation in NRDF Steering Committee
[Reference in the Agreement: 11.2]

National economic plan No specific mention.

Natural resources Page 6, E. State Share in National Wealth
2. Transfer of State's share of (2%) of net oil revenue oil producing States
[Reference in the Agreement: 8.3.]

International funds Pages 2-4, B. Popular Consultation
2. Establishment of two Parliamentary Assessment and Evaluation Commissions
[Funding Sources: International Community and the Two States; Reference in the Agreement: 3.3.]

Pages 2-4, B. Popular Consultation
3. Establishment of Presidential Monitoring and Evaluation Commission
[Funding Sources: International Community and the Two States; Reference in the Agreement: 3.4.]

Business No specific mention.

Taxation Socio-economic reconstruction→Taxation→Power to tax
Page 6, E. State Share in National Wealth
1. Collection of taxes and revenue
[Reference in the Agreement: 8.2.]

Banks No specific mention.

Land, property and environment

Land reform/
rights Land, property and environment→Land reform/rights→Land reform and management
Page 7, F. State Land Commission
1. Establishment of State Land Commission
[Reference in the Agreement: 9.3]

Page 7, F. State Land Commission
2. Review existing land leases and contracts and examine the criteria
[Reference in the Agreement: 9.6]

Pastoralist/
nomadism
rights No specific mention.

Cultural heritage Land, property and environment→Cultural heritage→Intangible
Page 4-5, C. The State Legislature
1. Drafting, preparation and adoption of State Constitution
[Procedures and process entail consultation with the population and state values and customs; Reference in Agreement: 6.2.]

Environment Pages 2-4, B. Popular Consultation
13. State Police Service, Prisons, Wildlife, Fire Brigade be recruited
[Reference in the Agreement: 5.6]

Water or
riparian
rights or
access No specific mention.

Security sector

Security Guarantees	Page 7, G. Security Arrangements SAF troops level in the two States [Reference in the Agreement: 10.1.]
Ceasefire	No specific mention.
Police	Pages 2-4, B. Popular Consultation 13. State Police Service, Prisons, Wildlife, Fire Brigade be recruited [Reference in the Agreement: 5.6]
Armed forces	Page 7, G. Security Arrangements SAF troops level in the two States [Reference in the Agreement: 10.1.]
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 No specific mention.

Implementation

UN
signatory No specific mention.

Other international signatory	No specific mention.
Referendum for agreement	No specific mention.
International mission/force/similar	No specific mention.
Enforcement mechanism	Pages 2-4, B. Popular Consultation 2. Establishment of two Parliamentary Assessment and Evaluation Commissions [Reference in the Agreement: 3.3.] Pages 2-4, B. Popular Consultation 3. Establishment of Presidential Monitoring and Evaluation Commission [Reference in the Agreement: 3.4.]
Related cases	No specific mention.
Source	United States Institute of Peace (2005) Peace Agreements: Sudan - Peace Agreements Digital Collection. Available at: https://www.usip.org/publications/2005/03/peace-agreements-sudan (Accessed 14 October 2020).
