

Peace Agreement Access Tool PA-X <https://pax.peaceagreements.org/>

Country/ entity	South Sudan Sudan
Region	Africa (excl MENA) 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 -))
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](#)  | [Download PDF](#)

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	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] 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.
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

Cross-
border
provision

No specific mention.

Governance

Political institutions (new or reformed) Governance→Political institutions (new or reformed)→New political institutions (indefinite)
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

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

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]

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, G. Abyei Referendum Commission
2. Abyei Referendum
[Reference in the Agreement: 8.2]

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]

Economic power sharing	<p>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]</p> <p>Page 3, C. Financial Resources 1. Sharing of net oil revenue from oil produced in Abyei Area [Reference in the Agreement: 3.1]</p> <p>Page 4, C. Financial Resources 2. Mechanism of transferring other non-oil financial resources to Abyei Administration [Reference in the Agreement: 3.2]</p> <p>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]</p>
Military power sharing	<p>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]</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> <p>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]</p>

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.

Implementation

UN
signatory No specific mention.

Other
international
signatory No specific mention.

Referendum
for
agreement No specific mention.

International
mission/
force/similar 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.

Enforcement
mechanism Page 2, A. Abyei Special Administrative Status
6. Deployment of international monitors to ensure full implementation of
this Agreement
[Reference in the Agreement: 1.2.5]

Page 6, F. Security Arrangements
3. Deployment of international monitors
[Reference in the Agreement: 7.4]

Related
cases No specific mention.

Source Unmis.unmissions.org., 2015. 'United Nations Missions In Sudan (UNMIS)'.
<http://unmis.unmissions.org/>.
