

Country/entity South Sudan
Sudan
Southern Kordofan - Blue Nile - Abyei

Region 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 -)

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	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 \(opens in new tab\)](#) | [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** No specific mention.

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) 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 process entail consultation with the population; Reference in Agreement: 6.2.]

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

Elections	No specific mention.
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	<p>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]</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, state values and customs, and confirmation of compatibility from the Ministry of Justice; Reference in Agreement: 6.2.]</p>
Traditional/religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	<p>Governance→Constitution→Constitutional reform/making Pages 2-4, B. Popular Consultation 5. Rectifying the Peace Agreement [Reference in the Agreement: 3.6]</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 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.]</p> <p>Page 8, H. Pre-Election Arrangements 6. Representation in Constitutional Review Process [Reference in the Agreement: 11.2]</p>

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

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]

Pages 2-4, B. Popular Consultation
11. Elected Local Councils
[Reference in the Agreement: 5.5]
Power sharing→Territorial power sharing→Autonomous regions
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.]

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

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]

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.]

Page 9, H. Pre-Election Arrangements
8.A. Southern Kordofan - First rotation SPLM assumes the office of the Governorship and the NCP assumes the office of the Deputy Governor
[Reference in the Agreement: 11.1.5.]

Economic power sharing

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.]

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.]

Page 6, E. State Share in National Wealth

3. State representation in FFAMC

[Reference in the Agreement: 8.4.]

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 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.]

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]

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.

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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.

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.

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).
