

THE IMPLEMENTATION MODALITIES OF THE PROTOCOL ON THE RESOLUTION OF THE ABYEI CONFLICT

SIGNED AT NAIVASHA, KENYA, 31ST DECEMBER, 2004

Implementation Modalities on the Protocol on the Resolution of the Abyei Conflict 31th December, 2004

Activities	Timing	Executing Body/Authority	Funding Sources	Composition	Procedures and Process	Reference in the Agreement
A. Abyei special Administrative Status						
1. According Abyei special administrative status	Upon signature of Comprehensive Peace Agreement	Presidency			As per agreement on Abyei	1.2, 2.1
2. Abyei residents becoming citizens of both Southern Kordofan and Bahr el Ghazal	Upon signature of CPA	As per Abyei Protocol			As per agreement on Abyei	1.2.1
3. Representation of Abyei residents in the legislatures of Southern Kordofan and	When relevant legislature comes to effect	The Parties	Relevant State Legislature			1.2.2

Activities	Timing	Executing Body/Authority	Funding Sources	Composition	Procedures and Process	Reference in the Agreement
Bahr el Ghazal						
4. Establishing Executive Council	As per Abyei Protocol	Presidency	Presidency	As per agreement	Appointment/election	1.2.2
5. Establish mechanism to transfer shares of net oil revenue from Abyei Area	As per Wealth Sharing Agreement					1.2.3
6. Deployment of international monitors to ensure full implementation of this Agreement	After this Agreement comes into force	International Community	International Community	International Monitors	As per Agreement on Abyei	1.2.5
B. Administrative Structure						
1. Mechanism for appointment of members of Abyei Council	As per Abyei Protocol	Presidency	Presidency	Twenty (20) members Representative and Inclusive	Appointment and election	2.2
2. Appointment of Chief Administrator and his/her deputy	As per Abyei Protocol	Presidency	Presidency		Appointment and election	2.4
3. Appointment of heads of departments	As per Abyei Protocol	Presidency & Chief Administrator		Five (5) Representative and inclusive	Recommendation of Chief Administrator/Presidency appoints	2.4
4. Determining the executive, legislative and financial powers and competencies of Abyei Area	As per Abyei Protocol	Presidency	Presidency		Recommendation by the Executive Council of Abyei/Presidency	2.6
5. Establishment of Courts for Abyei Area	As per Agreement on Abyei Area	National Judiciary	Abyei Area Administration		Recommendation by the Executive Council	2.7

Activities	Timing	Executing Body/Authority	Funding Sources	Composition	Procedures and Process	Reference in the Agreement
			(Executive)		of Abyei/Presidency applies/National Judiciary establishes	
C. Financial Resources						
1. Sharing of net oil revenue from oil produced in Abyei Area	As per Wealth Sharing Agreement	As per Wealth Sharing Agreement	As per Wealth Sharing Agreement		As per Wealth Sharing Agreement	3.1
2. Mechanism of transferring other non-oil financial resources to Abyei administration					As per Wealth Sharing Agreement	3.2
3. Allocation from National Government to cover cost of establishment of the new administration, its running cost and provision of services	Upon establishment of Abyei Administration	Presidency	Presidency		Be deposited into Abyei Area special Account	3.2.5
4. Establishment of Abyei Resettlement, Reconstruction and Development Fund	Upon establishment of Abyei Administration	Abyei Executive Council	Abyei Administrative Council	To be determined by Abyei Administrative Council	Appointment by the Executive Council	3.3
5. National Government appeals to international donor community to facilitate the return and resettlement of the residents of Abyei Area.	Upon signature of the CPA	National Government			Appeal by the National Government	3.4
6. Opening of Special Accounts for Abyei	After the appointment of the	Abyei Executive Council	Presidency		Abyei Executive proposes Special	3.5

Activities	Timing	Executing Body/Authority	Funding Sources	Composition	Procedures and Process	Reference in the Agreement
Administration	Chief Administrator				Account, Presidency approves.	
D. Geographical Boundaries						
1. Establishment of Abyei Boundaries Commission	Upon signature	The Two Parties	<ul style="list-style-type: none"> • Presidency • International Community 	As per Parties' agreed text on 17/12/2004 (Abyei Appendix) Attached. Article (1)	The Two Parties	5.1
2. Mechanism for selecting members of Abyei Boundaries Commission	As per the Parties' attached agreed text of 17/12/2004 (Abyei Appendix). Article (2)	The Two Parties	<ul style="list-style-type: none"> • Presidency • International Community 	As per attached agreement of 17/12/2004 Article (2)	As per the Parties' agreed text of 17/12/2004 (Abyei Appendix)	5.2
3. Presentation of final report of boundaries on Abyei	Before the end of the pre-interim period	Abyei Boundary Commission			As per the Parties' agreed text of 17/12/2004 (Abyei Appendix)	5.3
4. Putting the special administrative status of Abyei Area into immediate effect	By the beginning of the Interim Period. Article (6) and (7) of the Parties' agreed text of 17/12/2004 (Abyei Appendix)				As per attached Parties' agreed text of 17/12/2004 (Abyei Appendix)	5.3

Activities	Timing	Executing Body/Authority	Funding Sources	Composition	Procedures and Process	Reference in the Agreement
E. Residents						
1. Setting criteria of residence in Abyei area	Prior to elections	Abyei Referendum Commission			To be worked by the referendum commission	6.1
2. Mechanism for representation of residents of Abyei Area in the two legislatures	Prior to elections	Presidency/ National Electoral Commission			On appointment/Election	6.2
F. Security Arrangements						
1. Establishment of Abyei Area Security Committee	As soon as the executive is formed	Abyei Administration	Abyei Administration	As per Agreement		7.1
2. Formation and Deployment of Joint Battalion in Abyei Area (JIU Battalion)	As per Ceasefire Agreement	JDB	JDB	JIU	As per Ceasefire Agreement	7.2
3. Deployment of international monitors	As per Ceasefire Agreement	As per Ceasefire Agreement	As per Ceasefire Agreement	As per Ceasefire Agreement	As per Ceasefire Agreement	7.4
G. Abyei Referendum Commission						
1. Establishment of Abyei Referendum Commission	Simultaneously with the establishing the South Sudan Referendum Commission	Presidency	Presidency	To the determined by the Presidency	To be determined by the Presidency	8.1
2. Abyei Referendum	Simultaneously with the South Sudan Referendum	Abyei Referendum Commission	Presidency		To be determined by the Presidency	8.2

Activities	Timing	Executing Body/Authority	Funding Sources	Composition	Procedures and Process	Reference in the Agreement
H. Reconciliation Process						
1. Peace and reconciliation process in Abyei Area	Upon signature of the Comprehensive Peace Agreement	<ul style="list-style-type: none"> • Presidency, • Abyei Area Council Administration, • Bahr El Ghazal • W. Kordofan • Civil Society 	Presidency/Abyei Administration Commission/International/Community/Civil Society	All stakeholders	As to be determined by the Presidency	9

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 Abyei Boundaries Commission (ABC) to define and demarcate the Area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905, referred to herein as Abyei Area.
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 to the South of Abyei Area.
3. The ABC shall listen to representatives of the people of Abyei Area and the neighbours, and shall also listen to presentations of the two Parties.
4. In determining their findings, the Experts in the Commission shall consult the British Archives and other relevant sources on Sudan wherever they may be available, 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 procedure of the ABC.
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 procedure, shall be final and binding on the Parties.
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.
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 as its seat subject to any readjustment or confirmation by the ABC final report.
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

JlUs and the UN monitors shall facilitate and provide necessary protection to the IDPs.

9. The Parties shall issue an appeal to the International Community to make funds available for the formation and proper functioning of the ABC.