

**THE IMPLEMENTATION MODALITIES FOR THE  
PROTOCOL ON THE RESOLUTION OF  
CONFLICT IN SOUTHERN KORDOFAN AND  
BLUE NILE STATES**

*SIGNED AT NAIVASHA, KENYA, 31<sup>ST</sup> DECEMBER, 2004*

**The Implementation Modalities for the Protocol on the Resolution of Conflict in Southern Kordofan and Blue Nile States  
31<sup>st</sup> December, 2004**

<b>Activities</b>	<b>Timing</b>	<b>Executing Body</b>	<b>Funding Sources</b>	<b>Composition and Location</b>	<b>Procedures, Process and Criteria</b>	<b>Reference in the Agreement</b>
<b>A. Preamble</b>						
Settling the name of Nuba Mountains/Southern Kordofan & issues of merger	During the current negotiations	SPLM and GOS Negotiating Teams			As per attached Southern Kordofan Appendix of the two Parties dated 21/12/2004.	
<b>B. Popular consultation</b>						
1. Subjecting the Comprehensive Agreement to the will of the people of the two areas	The beginning of the 4 <sup>th</sup> . Year of the signing of the Agreement.	Elected legislature of the two States		<ul style="list-style-type: none"> <li>Members of the State Legislature</li> </ul>	<ul style="list-style-type: none"> <li>Evaluation of the commissions reports, recommendations, consultations,</li> <li>Debate, rectification within the framework of agreement engagement with the GONU.</li> </ul>	3.2
2. Establishment of two Parliamentary Assessment and Evaluation Commissions	Immediately After the elected Legislative bodies come into force DD + 3 years	The legislature of the two States	<ul style="list-style-type: none"> <li>Two States</li> <li>International community</li> </ul>	As determined by state legislature provided that it will include the NCP and SPLM	As determined by the legislature of the two states which may include consultants	3.3
3. Establishment of Presidential Monitoring and Evaluation	By the end of the second year of the	The Presidency	<ul style="list-style-type: none"> <li>GONU</li> <li>International</li> </ul>	To be determined by the Presidency considering	As shall be determined by Presidency	3.4

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Commission	Interim Period		Community	exclusivity and representativity		
5. Rectifying the Peace Agreement	End of the 4 <sup>th</sup> Year of signing the Agreement.	The elected Legislatures of the two states + state Govt., National Govt.	GONU		Elected Legislature engage within GONU	3.6
6. Establishment of State Legislature	Within the Pre- Interim Period.	NCP and SPLM		As agreed Percentages	<ul style="list-style-type: none"> <li>Each party selects its own members.</li> </ul> Presidency Confirms	
7. Appointment of Governor and Deputy Governor	After the Institution of Presidency is formed	NCP and SPLM		One + One	Each party nominates and the Presidency appoints.	
8. Appointment of State Council of Ministers in Pre-Elections and Commissioners	After the appointment of the Governor	State Governor and State Legislation in Consultation with the Parties	State Executive	As per percentages agreed to and applicable to all levels of Executive and Legislature	<ul style="list-style-type: none"> <li>Governor nominates,</li> <li>Legislature confirms,</li> <li>Governor appoints.</li> </ul>	
9. Appointment of State Council of Ministers and Commissioners	Immediately after the elections	The State Governor and the State Legislature	State		Governor appoints in accordance with the State Interim Constitution	5.2
10. Establishment of local councils pre-elections	After the appointment	Governor in Consultation	State	According the State Interim	As to be determined by the Parties.	5.5

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	of Commissioners	with the Commissioner.		Constitution		
11. Elected Local Councils	After the elections	Electoral Commission		As per State Interim Constitution	As laid down by the Electoral Commission.	
12. Establishment of State Security Committee	Immediately after the State Government is in force	The State Executive	State	As provided in sub-section 5.6 + Deputy Governor	According to the Law.	5.6
13. State Police Service, Prisons Wildlife, Fire Brigade be recruited	Within the first six months of the Interim Period	State Executive (Institutions concerned).	State		<ul style="list-style-type: none"> <li>• These Forces shall undergo reorganization/ training in accordance with the national standards.</li> <li>• Deployment</li> </ul>	5.9
<b>C. The State Legislature</b>						
1. Drafting, preparation and adoption of State Constitution	After the adoption of the Interim National Constitution and preparation of the state model constitution	<ul style="list-style-type: none"> <li>• State Legislature</li> <li>• Constitutional Review Commission</li> </ul>	State	<ul style="list-style-type: none"> <li>• As Shall be agreed to by the parties, inclusive and representative as shall be determined by the Legislature.</li> </ul>	State Constitution drafting Committee will:- <ul style="list-style-type: none"> <li>• Take Interim National Constitution,</li> <li>• State model constitution,</li> <li>• State values and customs.</li> <li>• Consultations</li> </ul>	6.2

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					with the population, <ul style="list-style-type: none"> <li>• Ministry of Justice Confirms compatibility.</li> </ul>	
2. New Legislation/laws	After the establishment of the State Legislature	State legislature and Governor	State Executive		According to State Interim Constitution and the Internal Regulations of the State Legislature	6.5
<b>D. The State Judiciary:</b>						
Establishment of State Courts	After the adoption of the State Interim Constitution	The State Judiciary.	<ul style="list-style-type: none"> <li>• GONU</li> <li>• State</li> </ul>	As shall be provided by States Constitution	The Interim State Constitution shall provide for establishment of state courts.	7.2
<b>E. State Share in National Wealth</b>						
1. Collection of taxes and revenue	Immediately after the new Government comes into force	State executive	State	As per composition of the State Finance	<ul style="list-style-type: none"> <li>• According to rules and regulation of the State Finance</li> <li>• Laws and by-laws initiated by the State Executive and issued by the State Legislature/Local Councils.</li> </ul>	8.2

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2. Transfer of State's share of (2%) of net oil revenue oil producing States	As per WSA	As Per WSA	As Per WSA	As per WSA	As per Formula provided in WSA	8.3
3. State representation in FFAMC	As per WSA	As per WSA	As per WSA	As per WSA	As per wealth sharing formula	8.4
4. Transfer of State's share in NRDF	As per WSA	As per WSA	As per WSA	As per WSA	As provided in subsections 8.6 and 8.8 of this Two States Protocol	8.7
5. Presidential additional allocation to State	After the formation of the State Government	The Presidency			To be deposited in the State Account	8.9
6. Establishment of Technical Committee for Division of government assets and disputes resolution	Whenever dispute arises	GONU and state concerned	<ul style="list-style-type: none"> <li>• State Government and</li> <li>• GONU</li> </ul>	<ul style="list-style-type: none"> <li>• One from each Party</li> <li>• One Expert.</li> </ul>	As per Two States Protocol	8.14
<b>F. State Land Commission</b>						
1. Establishment of State Land Commission	After the establishment of the state Government.	The state executive	State	To be determined by the State Executive in consultation with the National Land Commission.	To be developed by the State Executive in consultation with the National Land Commission.	9.3

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2. Review existing land leases and contracts and examine the criteria	On complaints lodged	<ul style="list-style-type: none"> <li>• State Land Commission</li> <li>• State Executive</li> </ul>	State	As shall be determined by the State Executive	As per Two States Protocol	9.6
<b><u>G. Security Arrangements</u></b>						
SAF troops level in the two States	After the formation of the Institution of the Presidency	Presidency	GONU		As per Permanent Ceasefire Agreement	10.1
<b><u>H. Pre-Election Arrangements</u></b>						
1. Representation of the state in National institutions	As per PSP and WSA.	Presidency			By appointment	11.2
2. Representation in national Legislative Assembly					As per Power Sharing Protocol	
3. Representation in Council of states					As per Power Sharing Protocol	
5. Representation Fiscal and Financial Allocation & Monitoring Commission					As per Wealth Sharing Implementation Modalities	
6. Representation in Constitutional Review Process					As per Power Sharing Protocol	

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7. Representation in NRDF Steering Committee					As per Wealth Sharing Implementation Modalities	
8. Order in which each party assumes the governorship in each state.	After the establishment of the Presidency	Presidency	State	<ul style="list-style-type: none"> <li>• Governor</li> <li>• Deputy Governor</li> </ul>	<ul style="list-style-type: none"> <li>• Parties Nominate.</li> <li>• Presidency appoints</li> </ul>	11.1.5
8.A. Southern Kordofan	After the establishment of the presidency	Presidency	State	First rotation SPLM assumes the office of the Governorship and the NCP assumes the office of the Deputy Governor	He/She shall assume the office for (18) month from the date of appointment	11.1.5
8.B. Blue Nile State	After the establishment of the presidency	Presidency	State	First rotation the NCP assumes the office of the Governorship and SPLM assumes the office of the Deputy Governor.	He/She shall assume the office for (18) month from the date of appointment.	11.1.5

## **SOUTHERN KORDOFAN APPENDIX**

### **STATE OF SOUTHERN KORDOFAN**

1. The name of the State shall be Southern Kordofan and its Capital shall be Kadugli.
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.
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.
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.
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 representative from the previous Western Kordofan component whereas the SPLM/A shall nominate the representative from the previous Southern Kordofan Component.
6. El-Fula shall have branches of all the State ministries and Institutions each headed by a Deputy Secretary General. The branch shall abide by the policies and directives of the concerned ministry and report to its Secretary General.

7. 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.
8. 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 component
  - 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.
9. Notwithstanding that Kadugli is the Capital and seat of the state legislature, the State legislature shall convene its sessions alternately in Kadugli and El-Fula.
10. Presidency declares the formation of Southern Kordofan State as per agreed borders of 1974.