

Chapter IV: The Resolution of the Abyei Conflict

signed at Naivasha, Kenya on 26th May, 2004

1. Principles of Agreement on Abyei

1.1 In General

1.1.1 Abyei is a bridge between the north and the south, linking the people of Sudan;

1.1.2 The territory is defined as the area of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905;

1.1.3 The Misseriya and other nomadic peoples retain their traditional rights to graze cattle and move across the territory of Abyei.

1.2 Interim Period

Upon signing the peace agreement, Abyei will be accorded special administrative status, in which:

1.2.1 Residents of Abyei will be citizens of both Western Kordofan and Bahr el Ghazal, with representation in the legislatures of both states;

1.2.2 Abyei will be administered by a local Executive Council, elected by the residents of Abyei. Pending the election of the Executive Council, its initial members will be appointed by the Presidency;

1.2.3 Net oil revenues from Abyei will be divided six ways during the Interim Period: the National Government Fifty percent (50 %); the Government of Southern Sudan Forty-Two percent (42%); Bahr el Ghazal region Two percent (2%); Western Kordofan Two percent (2 %); locally with the Ngok Dinka Two percent (2%); and locally with the Misseriya people Two percent (2%);

1.2.4 The National Government will provide Abyei with assistance to improve the lives of the peoples of Abyei, including urbanization and development projects;

1.2.5 International monitors will be deployed to Abyei to ensure full implementation of these agreements.

1.3 End of Interim Period

Simultaneously with the referendum for southern Sudan, the residents of Abyei will cast a separate ballot. The proposition voted on in the separate ballot will present the residents of Abyei with the following choices, irrespective of the results of the southern referendum:

a. That Abyei retain its special administrative status in the north;

b. That Abyei be part of Bahr el Ghazal.

1.4 The January 1, 1956 line between north and south will be inviolate, except as agreed above.

2. Administrative Structure

2.1 Upon signing the Peace Agreement, Abyei Area shall be accorded special administrative status under the institution of the Presidency.

2.2 Abyei area shall be administered by a local Executive Council, elected by the residents of Abyei. Pending the election of the Executive Council, its initial members shall be appointed by the Presidency.

2.3 The administration of the Abyei Area shall be representative and inclusive of all the residents of the area.

2.4 The Executive Council shall be composed of the Chief Administrator, his/her Deputy and not more than five heads of departments. Prior to elections, the Chief Administrator and his/her Deputy shall be appointed by the Presidency. The Chief Administrator shall make recommendations to the Presidency regarding the appointments of the heads of departments.

2.5 The Executive Council, in exercise of its executive powers, shall:

2.5.1 render necessary services;

2.5.2 supervise and promote security and stability in the area;

2.5.3 Propose development and urbanization projects for the area to both the Abyei Area Council and to the Presidency;

2.5.4 Present to the National Government proposals regarding the provision of assistance to improve the lives of the peoples of Abyei, including urbanization and development;

2.6 The Presidency, upon the recommendation of the Executive Council, shall determine the executive, legislative and financial powers and competencies of the special status of Abyei Area, having regard to this protocol, other protocols, agreements, and the Comprehensive Peace Agreement.

2.7 In view of the special status of Abyei Area, the Presidency shall apply to the Judiciary to establish courts for Abyei Area as deemed appropriate.

3. Financial Resources

3.1 Without prejudice to the provisions of the Wealth Sharing Agreement, the net-oil revenue from the oil produced in Abyei Area shall be shared during the Interim Period as follows:

3.1.1 Fifty Percent (50%) to the National Government;

3.1.2 Forty- Two Percent (42%) to the Government of Southern Sudan;

3.1.3 Two Percent (2%) to Bahr el Ghazal Region;

3.1.4 Two Percent (2%) to Western Kordofan;

3.1.5 Two Percent (2%) locally with the Ngok Dinka;

3.1.6 Two Percent (2%) locally with the Misseriya people.

3.2 In addition to the above financial resources, Abyei Area shall be entitled to:

3.2.1 The area share of the national revenue as per the Wealth Sharing Agreement;

3.2.2 The revenues raised in the Abyei Area from Income Tax and other taxes and levies;

3.2.3 The share of the Area in the National Reconstruction and Development Fund;

3.2.4 An equitable share of Southern Sudan Development and Reconstruction Fund;

3.2.5 Allocations from the National Government to cover the cost of establishment of the new administration, its running and provision of services;

3.2.6 Donations and grants.

3.3 There shall be established, under the Executive Council, Abyei Resettlement, Construction and Development Fund to handle relief, repatriation, resettlement, reintegration, rehabilitation and reconstruction programmes in the Area. The Fund may establish specialized agencies.

3.4 The National Government shall appeal to the international and donor community to facilitate the return and resettlement of the residents of Abyei Area.

3.5 The financial resources due to Abyei Area as provided in section 3 herein shall be deposited in special accounts, acceptable to the Presidency, from which the administration of the Area shall make withdrawals.

4. Public Participation

4.1 There shall be established Abyei Area Council comprised of not more than twenty members.

4.2 Prior to elections, the Presidency shall appoint the members of the Abyei Area Council.

4.3 The Abyei Area Council shall:

4.3.1 Issue local enactments within the powers of local government and on customary matters;

4.3.2 Approve the budget of the Area;

4.3.3 Adopt reconstruction, development and urbanization plans for the Area;

4.3.4 If necessary, recommend to the Presidency the relief of the Chief Administrator or his/her Deputy;

4.3.5 Participate in the promotion of reconciliation efforts in the Area.

5. Determination of Geographic Boundaries

5.1 There shall be established by the Presidency, 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.

5.2 The composition and timeframe of the Abyei Boundaries Commission (ABC) shall be determined by the Presidency. However, the Commission shall include, *inter alia*, experts, representatives of the local communities and the local administration. The Commission shall finish its work within the first two years of the Interim Period. The Abyei Boundaries Commission (ABC) shall present its final report to the Presidency as soon as it is ready. Upon presentation of the final report, the Presidency shall take necessary action to put the special administrative status of Abyei Area into immediate effect.

6. Residents of the Area

6.1 The residents of Abyei Area shall be:

(a) The Members of Ngok Dinka community and other Sudanese residing in the area;

(b) The criteria of residence shall be worked out by the Abyei Referendum Commission.

6.2 Residents of Abyei shall be citizens of both Western Kordofan and Bahr el Ghazal with representation in the legislatures of both States as determined by the National Electoral Commission. However, prior to elections, the Presidency shall determine such representation.

7. Security Arrangements

7.1 There shall be established Abyei Area Security Committee, chaired by the Chief Administrator, and shall comprise of the Deputy Chief Administrator, the Army Commander, the Police Chief, and the representative of the Security Organ.

7.2 Without prejudice to the Agreement on Security Arrangements, the two Parties shall, through the Interim Period form and deploy one joint battalion in the Area.

7.3 International monitors, as shall be agreed in the comprehensive Ceasefire Agreement shall also be deployed in the Area through the Interim Period.

7.4 International monitors shall be deployed to Abyei to ensure full implementation of these Agreements.

8. Abyei Referendum Commission

8.1 There shall be established by the Presidency an Abyei Referendum Commission to conduct Abyei referendum simultaneously with the referendum of Southern Sudan. The composition of the Commission shall be determined by the Presidency.

8.2 The residents of Abyei shall cast a separate ballot. The proposition voted on in the separate ballot shall present residents of Abyei with the following choices; irrespective of the results of the Southern referendum:

- a. That Abyei retain its special administrative status in the north;
- b. That Abyei be part of Bahr el Ghazal.

8.3 The January 1, 1956 line between north and south shall be inviolate, except as agreed above.

9. Reconciliation Process

Upon signing the Comprehensive Peace Agreement, the Presidency shall, as a matter of urgency, start peace and reconciliation process for Abyei that shall work for harmony and peaceful co-existence in the Area.