

Country/entity	Sudan Darfur
Region	Africa (excl MENA)
Agreement name	Protocol between the Government of Sudan, SLM/A and the JEM on the Improvement of the Humanitarian Situation in Darfur
Date	9 Nov 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	Darfur-Sudan peace process
Parties	Government of Sudan signed for by Magzoub el-Khalifa (as Head of Delegation); Justice and Equality Movement signed for by Ahmed Mohamed Tugod Lissan (as Gender Coordinator/Head of Delegation); The Sudan Liberation Movement/Army signed for by Minni Minawi (General Secretary)
Third parties	Ambassador Oluyemi Adenji, CON, Minister of Foreign Affairs for the Federal Republic of Nigeria and Chair of AU; Ambassador Allam-Mi Ahmad, as the Chadian Co-Mediation; Ambassador Sam B. Bok, as AU Commission;
Description	A short agreement providing for implementation of former agreements including the Humanitarian Ceasefire Agreement (08/04/2004), the Protocol on the Establishment of Humanitarian Assistance in Darfur, and the Agreement on the Modalities for the Establishment of the Ceasefire Commission (CFC) and the Deployment of Observers in Darfur (28/05/2004). Agreement reaffirms the right of access by humanitarian organisations and the right of return and non-militarization of refugees and refugee camps. Agreement ultimately incorporated in Darfur Agreement.

Agreement document [041109 Protocol on the Humanitarian Situation in Darfur.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups

Children/youth	Groups→Children/youth→Rhetorical Page 1, Untitled Preamble, Expressing our utmost concern at the current humanitarian crisis in Darfur and its consequences for the civilian population, especially women and children, resulting in widespread human suffering;
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	<p>Groups→Refugees/displaced persons→Rhetorical</p> <p>Page 3, 2. Protection of Civilians</p> <p>We commit ourselves to:</p> <p>...</p> <ul style="list-style-type: none"> - Ensure that the principle of voluntary return is fully respected and is not tampered with in any shape or form, consistent with general UN return principles; - Maintain the civilian character of Internally Displaced Persons (IDPs) and refugee camps; - Protect the rights of IDPs and refugees in their areas of origin in order to enable them to return, should they choose to do so; <p>...</p> <ul style="list-style-type: none"> - Ensure that all forces and individuals involved or reported to be involved in violations of the rights of IDPs, vulnerable groups and other civilians will be transparently investigated and held accountable to the appropriate authorities;
Social class	No specific mention.

Gender

Women, girls and gender	<p>Page 1, Untitled Preamble,</p> <p>Expressing our utmost concern at the current humanitarian crises in Darfur and its consequences for the civilian population, especially women and children, resulting in widespread human suffering;</p>
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	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 No specific mention.

**Cross-border
provision** No specific mention.

Governance

**Political
institutions (new or
reformed)** No specific mention.

Elections No specific mention.

**Electoral
commission** No specific mention.

**Political parties
reform** No specific mention.

Civil society Page 2,
Agree as follows:
1. Free Movement and Access
We commit ourselves to guarantee unimpeded and unrestricted access for humanitarian workers and assistance, to reach all needy people throughout Darfur, including:
...
- The authorization by the GoS, where deemed necessary by the UN, of cross-border humanitarian activities by international humanitarian agencies and organizations. In this respect, we commit ourselves to allow such assistance to proceed unimpeded;
- Allowing the UN and other humanitarian assistance organizations, including Non-Governmental Organizations (NGOs), to travel along routes proposed by the UN, without restrictions or escorts, in order to deliver assistance to areas controlled by any Party, and facilitate all activities undertaken to that end",

Page 3,
- Recognizing the right of the UN and other humanitarian assistance organizations, including NGOs, to administer and manage their operations, including the freedom to recruit and deploy their staff, without restrictions, interference or harassment by any Party;
- Assigning a full time dedicated Contact Point, within the framework of the Joint Humanitarian Facilitation and Monitoring Unit, referred to in paragraph 4 of the present Protocol, to work with the UN and other humanitarian assistance organizations to address issues related to free movement and access.

**Traditional/
religious leaders** No specific mention.

**Public
administration** No specific mention.

Constitution No specific mention.

Power sharing

**Political power
sharing** No specific mention.

**Territorial power
sharing** No specific mention.

**Economic power
sharing** No specific mention.

**Military power
sharing** No specific mention.

Human rights and equality

**Human rights/RoL
general** Page 1, Untitled Preamble,
Condemning all acts of violence and violations of human rights and international
humanitarian law;

Page 1, Untitled Preamble,
Stressing the need to restore and uphold the rule of law, including investigating all cases
of human rights violations and bringing to justice those responsible, in line with the AU's
expressed commitment to fight impunity;

Page 2, Untitled Preamble,
Aware of the need to adhere to the humanitarian principles embodied in the UN Charter
and other relevant international instruments, especially the principles of neutrality and
impartiality of humanitarian assistance and aid workers;

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 Page 2, Agree as follows:
1. Free Movement and Access
We commit ourselves to guarantee unimpeded and unrestricted access for humanitarian workers and assistance, to reach all needy people throughout Darfur, including:
- The removal of all restrictions and procedures that may hinder free movement and access by land and air without escort;
- The authorization by the GoS, where deemed necessary by the UN, of cross-border humanitarian activities by international humanitarian agencies and organizations. In this respect, we commit ourselves to allow such assistance to proceed unimpeded;
- Allowing the UN and other humanitarian assistance organizations, including Non-Governmental Organizations (NGOs), to travel along routes proposed by the UN, without restrictions or escorts, in order to deliver assistance to areas controlled by any Party, and facilitate all activities undertaken to that end",

Page 3,
- Recognizing the right of the UN and other humanitarian assistance organizations, including NGOs, to administer and manage their operations, including the freedom to recruit and deploy their staff, without restrictions, interference or harassment by any Party;
- Assigning a full time dedicated Contact Point, within the framework of the Joint Humanitarian Facilitation and Monitoring Unit, referred to in paragraph 4 of the present Protocol, to work with the UN and other humanitarian assistance organizations to address issues related to free movement and access.

Protection measures Rights related issues→Protection measures→Protection of civilians

Page 4, .2. Protection of Civilians

We commit ourselves to:

- Implement all commitments related to the protection of civilians in a manner consistent with the N'djamena and Addis Ababa Agreements. We request the AMIS to monitor the implementation of this commitment and to report thereon to the Joint Commission (JC), provided for in the N'djamena Agreement, on a regular basis.

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 No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction Socio-economic reconstruction→Development or socio-economic reconstruction→Humanitarian assistance
Page 2, Untitled Preamble,
Determined to do everything possible to halt the unfolding humanitarian crisis and to take the urgent steps required to create conditions conducive to a lasting and comprehensive solution to the conflict in Darfur;

Page 2, Untitled Preamble,
Recording our agreement to address humanitarian issues, security issues, political questions, as well as economic and social affairs, in the course of the Inter-Sudanese Peace Talks on the crisis in Darfur.

Page 3, 2. Protection of Civilians

We commit ourselves to:

- Respect the property and livelihoods of individuals and communities;

...

- Cooperate fully with the CFC and swiftly implement its recommendations;

National economic plan No specific mention.

Natural resources No specific mention.

International funds Page 2, Untitled Preamble,
Recognizing that the magnitude of the crisis in Darfur is such that it requires sustained assistance and engagement by the international community;

Page 4, 3. Role of the International Community

Mindful of the crucial role of the international community in support of our efforts, we:

- Appeal to the donors and the international community at large to extend full support to the UN and other humanitarian organizations in their endeavour to mitigate the humanitarian crisis in Darfur;

- Invite the international community to remain actively engaged in the efforts to alleviate the plight of the civilian population and promote a lasting solution to the current conflict;

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 2, Untitled Preamble,
Recording our agreement to address humanitarian issues, security issues, political questions, as well as economic and social affairs, in the course of the Inter-Sudanese Peace Talks on the crisis in Darfur.

Page 3, 2. Protection of Civilians

We commit ourselves to:

- Take all steps required to prevent all attacks, threats, intimidation and any other form of violence against civilians by any Party or group, including the Janjaweed and other militias;
- Respect the property and livelihoods of individuals and communities;

Page 4, .2. Protection of Civilians

We commit ourselves to:

- Implement all commitments related to the protection of civilians in a manner consistent with the N'djamena and Addis Ababa Agreements. We request the AMIS to monitor the implementation of this commitment and to report thereon to the Joint Commission (JC), provided for in the N'djamena Agreement, on a regular basis.

Ceasefire

Security sector→Ceasefire→Ceasefire provision

Page 1, Untitled Preamble,

Reiterating our commitment to the Humanitarian Ceasefire Agreement, signed in N'djamena, Chad, on 8 April 2004 [hereinafter the N'Djamena Agreement], including the appended Protocol on the Establishment of Humanitarian Assistance in Darfur, and the Agreement on the Modalities for the Establishment of the Ceasefire Commission (CFC) and the Deployment of Observers in Darfur, signed in Addis Ababa, Ethiopia, on 28 May 2004 [hereinafter the Addis Ababa Agreement];

Page 3, 2. Protection of Civilians

We commit ourselves to:

...

- Cooperate fully with the CFC and swiftly implement its recommendations; ...

Police

No specific mention.

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.

Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory Ambassador Oluyemi Adenji, CON, Minister of Foreign Affairs for the Federal Republic of Nigeria and Chair of AU; Ambassador Allam-Mi Ahmad, as the Chadian Co-Mediation; Ambassador Sam B. Bok, as AU Commission;

Referendum for agreement No specific mention.

International mission/force/similar

Page 2, Untitled Preamble,
Welcoming the leadership and the engagement of the AU, including through its Mission in Sudan (AMIS), to address the situation in Darfur and expressing our commitment to fully cooperate with the AU to achieve a lasting solution to the conflict;

Page 4, 2. Protection of Civilians

We commit ourselves to:

- Implement all commitments related to the protection of civilians in a manner consistent with the N'djamena and Addis Ababa Agreements. We request the AMIS to monitor the implementation of this commitment and to report thereon to the Joint Commission (JC), provided for in the N'djamena Agreement, on a regular basis.

Page 4, 3. Role of the International Community

Mindful of the crucial role of the international community in support of our efforts, we:

- Request the AU to urgently take the necessary steps to strengthen AMIS on the ground, with the requisite mandate, to ensure a more effective monitoring of the commitments we have made under the present Protocol and previous instruments, including the N'djamena and Addis Ababa Agreements, and those provisions of the Plan of Action for which AU's assistance has been requested. We undertake to extend full cooperation to the AU to that end;

...

- Welcome the deployment of UN human rights monitors and request the Office of the UN High Commissioner for Human Rights to expand the number of its human rights monitors in Darfur, to assist the parties in their efforts to protect the human rights of the civilian population. We also commit ourselves to cooperate, as appropriate, with relevant and competent human rights organizations.

Page 4-5, 4. Implementation Mechanism

Within the framework of Article 8 of the N'djamena Agreement and in order to ensure full compliance with the provisions of this Protocol and implement them in good faith, we:

- Agree to form a Joint Humanitarian Facilitation and Monitoring Unit, based in El Fasher, under the leadership of the AMIS, comprising the UN, the members of the Joint Commission and other representatives of the international community invited by the AU. The Joint Humanitarian Facilitation and Monitoring Unit will report monthly to the Joint Commission on the progress made and the difficulties encountered;

- Endeavor, through the Joint Humanitarian Facilitation and Monitoring Unit, to identify ways and means of rebuilding confidence and trust in Darfur and defusing tensions among communities;

- Request the AU, working closely with the UN, to develop the detailed terms of reference and modalities for the functioning of the Joint Humanitarian Facilitation and Monitoring Unit.

Enforcement mechanism

No specific mention.

Related cases

No specific mention.

Source

UN Peacemaker
<http://peacemaker.un.org/>
<http://peacemaker.un.org/sudan-protocol-humanitarian-darfur2004>

