

AGREEMENT BETWEEN THE GOVERNMENT OF SUDAN AND THE JUSTICE AND EQUALITY MOVEMENT-SUDAN ON THE BASIS OF THE DOHA DOCUMENT FOR PEACE IN DARFUR

Preamble

The Government of the Republic of Sudan and the Justice and Equality Movement – Sudan, (hereinafter referred to individually as “GOS” and “JEM”, respectively, and collectively as the Parties”), meeting in Doha, Qatar, under the auspices of His Royal Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar, and through the mediation of H.E. Ahmad bin Abdullah Al Mahmoud, Deputy Prime Minister and Minister of State for Cabinet Affairs, and H.E. Ms. Aichatou Souleymane Mindaoudou, African Union – United Nations Joint Chief Mediator *ad interim* for Darfur, as part of efforts towards finding a lasting, just and comprehensive solution to the conflict in Darfur;

Reiterating their commitment to the Interim National Constitution of Sudan and the principles enshrined therein;

Recalling the relevant paragraphs of Security Council resolutions 2003(2011), 2035(2012), 2063(2012) and 2091(2013) in which the Council invariably *welcomes* “the Doha Document for Peace in Darfur as an important step forward in the African Union (AU)-United Nations (UN) Darfur Peace Process”; *reiterates* its full support for efforts to reach a comprehensive and inclusive solution to the conflict in Darfur”; *demands* that all parties to the conflict, including in particular all the non-signatory armed groups engage immediately and without preconditions to make every efforts to reach a permanent ceasefire and comprehensive peace settlement on the basis of the Doha Document for Peace in Darfur (DDPD), in order to bring a stable and durable peace in the region”; *stresses* “the necessity articulated in the Doha Document for Peace in Darfur that all parties to the armed conflict in Darfur shall fully and unconditionally accept their obligations under international humanitarian law, international human rights law and relevant Security Council resolutions”; and *urges* (the DDPD parties) to deliver on the commitment made in the Doha Document for Peace in Darfur”;

Recalling further the relevant paragraphs of the African Union Peace and Security Council (PSC) Communiqués which *welcome* the DDPD “as a positive development that will greatly contribute to the promotion of peace and security in Darfur”; *call on* the “Parties to the DDPD to spare no efforts in expediting the implementation of the Agreement”; *express* serious concern at the continued refusal of the hold out groups to engage in the peace process, in spite of the efforts made by the Joint AU/UN Mediation; and *demand* that these Movements join the peace process without any

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further delay and adhere to the DDPD, which has been endorsed by the AU and the larger international community as available basis for achieving lasting peace and stability in Darfur";

Affirming their commitment to a durable settlement of the conflict on the basis of the DDPD and to the promotion and protection of human rights and fundamental freedoms;

Reaffirming their profound commitment to achieving peace, security and development in Darfur, and *Recognizing* that the conflict cannot be resolved militarily and that the only viable and sustainable solution is peaceful, comprehensive and inclusive political settlement;

Expressing their full conviction that this Agreement augurs well for the realization of the purposes and principles of the United Nations Charter and the African Union Constitutive Act related to the maintenance of peace and security, and *Acknowledging*, in this regard, the value and importance of the broad assistance and contribution of the African Union-United Nations Joint Mediation and international partners;

Welcoming the continuing support for the DDPD by the United Nations, the African Union, the League of Arab States, the Organisation of Islamic Cooperation , the European Union and the international community in general;

Further Welcoming the concrete support of the international community towards peace process and the protection of civilians, development and reconstruction, as well as economic recovery in Darfur, manifest in the work of the African Union United Nations Hybrid Operation in Darfur (UNAMID), the United Nations country team and other relevant agencies, as well as in the Darfur Joint Assessment Mission (DJAM) and the contributions made to the Muti-Donor Trust Fund through the International Donors' Conference for Darfur in Doha;

Reiterating the pressing need for the full and timely implementation of the DDPD;

Have agreed to the following:

Article 1: Adoption of the Doha Document for Peace in Darfur

1. The Parties hereby adopt the DDPD and all its annexes, which constitute an integral part thereof, namely the implementation modalities and timelines, and the Protocol on the Participation of the Justice and Equality Movement-Sudan at the Different Levels of Government and on the Integration of its Forces, as initialled by the Parties and the Mediation and which constitutes an integral part of this Agreement.

Dr. Suleiman

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2. The Parties undertake to faithfully deliver on the commitments they made in the DDPD and in this Agreement, to fully implement their provisions and to abide by the timelines thereof.

HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Article 2: Promotion and Protection of Human Rights and Fundamental Freedoms

3. The Parties shall protect human rights and fundamental freedoms of all citizens of Sudan including Darfur, and shall fulfil their obligations under international human rights law and international humanitarian law.
4. GOS shall, in accordance with relevant provisions of the DDPD, promote general welfare and economic growth in Darfur through the provision of basic services and infrastructure including water, education, health, electricity and roads as well as enhanced livelihoods.
5. Within one year after the signing of this Agreement, GOS shall, in collaboration with the Darfur Regional Authority (DRA), review the security situation in Darfur with a view to lifting the state of emergency if the situation warrants.
6. GOS shall review all laws and regulations and shall repeal those found to be in contravention with any provision of the National Constitution of Sudan.;
7. GOS shall take urgent steps to fully empower the National Human Rights Commission and to ensure that its composition and functioning are in accordance with the Paris Principles;

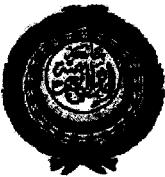
POWER SHARING

Article 3: General Principles and Criteria for Power Sharing

8. The Parties reaffirm their commitment to the general principles and criteria enumerated in the DDPD, upon which power sharing shall be based.

Article 4: The National Judiciary

9. The recommendations of the Panel of Experts made pursuant to paragraph 46 of Article 6 of the DDPD shall be urgently implemented by GOS in collaboration with the relevant bodies.



Article 5: The National Civil Service

10. The recommendations of the Panel of Experts made pursuant to paragraph 51 of Article 7 of the DDPD shall be urgently implemented by GOS in collaboration with the relevant bodies, including the DRA.
11. Affirmative action related to the training and recruitment of people from Darfur into the national civil service, as provided for in paragraph 54 (i-iv) of the DDPD shall be implemented after the signing of this Agreement according to the agreed implementation timelines.

Article 6: Armed Forces and Other Regular Forces

12. A follow-up committee composed of GOS and relevant bodies shall be established to ensure the timely implementation of the provisions contained in paragraphs 57 and 58 of the DDPD related to the representation of the people of Darfur in the Sudanese Armed Forces, military academies and other regular forces.

Article 7: Participation of JEM in Power, and in Constitutional and Electoral Processes

13. JEM shall, in accordance with the provisions of the Protocol on the Participation of the Justice and Equality Movement-Sudan at the Different Levels of Government and on the Integration of its Forces, referred to in Article 1, participate in all the tiers of Government at the national level, the Darfur States level and the locality level, as well as in both organs of the DRA.
14. JEM shall take all necessary measures to transform itself into a political party in accordance with the existing legal arrangements.
15. JEM shall participate, through adequate representation, in the forthcoming constitutional review process for the drafting of the Permanent Constitution of the Republic of Sudan.
16. GOS, in collaboration with DRA, shall, within the stipulated time in the DDPD, ensure that all provisions on affirmative action aimed at redressing



imbalance, and those related to adequate representation of the citizens of Darfur in the civil service, State institutions, are fully implemented.

Article 8: Assistance to Students in Need

17. By virtue of this Agreement, the Ministry of Higher Education shall instruct public universities to establish committees to consider exempting needy students, in particular those from Darfur states, from the payment of education fees. The DRA shall establish a follow-up mechanism in this regard.

Article 9: DRA Staff

18. After the end of the DRA's tenure, the staff thereof, except those on fixed contract appointments, shall be reabsorbed into the Federal and Darfur State Governments' services as appropriate.

WEALTH SHARING

Article 10: General Principles

The Parties reaffirm their commitments to the general principles enumerated in the DDPD upon which wealth sharing shall be based, and further agree on the following:

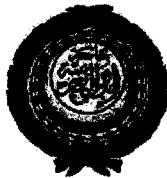
19. The economy shall be built to, among other objectives, ensure poverty mitigation and social justice, as well as address administrative imbalance that led to uneven infrastructural development and distribution of wealth in Darfur;
20. The national economic policy shall promote even development in all parts of Sudan, and shall give priority to sections of the country, including Darfur, that are most disadvantaged because of the conflict and historical injustice.
21. Special attention shall be paid to displaced people, refugees and all victims of the conflict including through the creation of a conducive environment enabling them to return voluntarily, in safety and dignity, to their places of origin or choice.
22. The development of human resources including equal opportunities to free education shall form part of the economic and social development policies.

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23. The people of Darfur shall benefit from the promotion and improvement of decent and dignified living conditions.

Article 11: Payments of Seed Money by GOS

24. GOS undertakes to pay the entire amount of the seed money for Darfur reconstruction and development as provided for in the DDPD during the period of implementation of the development plan approved by the International Donors' Conference for Darfur in Doha in accordance with DDPD timelines.

25. GOS and the DRA, in collaboration with international development partners shall assess the performance of the Darfur Reconstruction and Development Program after six years. In case Darfur states fail to achieve the average development rate in Sudan, GOS shall, in consultation with development partners, come up with a strategy to meet the remaining reconstruction and development needs. GOS shall, in this regard, allocate additional financial resources.

Article 12: Reconstruction and Development

26. The DRA shall carry out the review exercise of the development projects as enumerated in paragraph 174 of the DDPD, to assess their feasibility and revive them as appropriate. Other feasible development projects shall be added on the list for execution.

27. Further to paragraph 212 of the DDPD, the Parties shall ensure that the benefits to the local communities affected by the development and exploitation of natural resources, including the employment of local residents and the provision of social services, are incorporated in all contracts to be concluded with investors and development partners in Darfur.

28. Without prejudice to the national privatization policy, GOS shall give priority to the establishment of heavy and manufacturing industries in Darfur, and shall, in this regard, encourage and promote private sector investment.

29. GOS shall comprehensively execute the Western Ingaz Highway project within a period not exceeding two years after the signing of this Agreement.

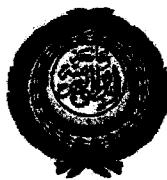
30. Darfur States shall be connected to the national electricity network within a period not exceeding three years after the signing of this Agreement.

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Article 13: Darfur Herders and Nomads Development Council

31. By virtue of this Agreement, a Darfur Herders and Nomads Development Council (DHNDC) shall be established under the DRA, with the strategic objective of creating an enabling environment to promote the activities of herders and nomads in order to contribute to economic growth, peaceful coexistence and stability in Darfur. The Council shall undertake the following functions:
- i. Coordinate with the competent authorities to open nomadic routes in Darfur States.
 - ii. Improve production environment and promote animal exports.
 - iii. Address the specific needs of nomad women and empower them including through nomadic education
 - iv. Disseminate the culture of peace and peaceful coexistence between herders and farmers.
 - v. Promote the provision of basic services for herders and nomads in Darfur.
 - vi. Promote the concept of modern herding in Darfur.

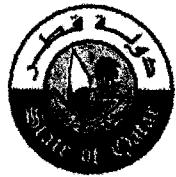
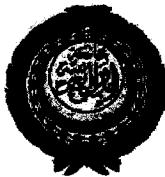
32. GOS shall source an initial payment of US \$20,000,000 (twenty million US dollars) in funding to the Council. Another sum of US \$30,000,000 (thirty million dollars US dollars) shall be sourced by GOS within a period not exceeding one year after the first instalment.

Article 14: The Micro- Finance System

33. The Parties agree to expeditiously establish a micro-finance system in Darfur, as provided for in the DDPD, and to develop it into a viable financing institution.
34. Without prejudice to their rightful entitlements from the DDR process, a minimum of 5% of the established institution's financing portfolio in Darfur shall be allocated to the demobilized combatants of all the signatory movements, including JEM.
35. Without prejudice to paragraph 136 of the DDPD, GOS and the DRA shall mandate the institution to develop its internal regulations and procedures.
36. The small producers referred to in paragraph 131 of Article 19 of the DDPD, shall include returning IDPs, refugees and all the victims of the conflict.

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37. GOS shall, through the Central Bank, encourage commercial banks to allocate part of their financing portfolio to micro financing. Priority shall be given to applicants from Darfur States, in particular the IDPs, returnees, victims of the conflict and former combatants.
38. Priority in providing micro-financing shall be given to grass-roots productive and service associations and those with urgent needs, according to the regulations and procedures specified by the established micro-finance institution.
39. The productive associations, especially agricultural and animal production associations and the grassroots productive and service associations, may be transformed into micro-finance institutions subject to fulfilling the Central Bank requirements.

Article 15: Social Welfare Fund

40. The Parties agree to establish a Social Welfare Fund under the DRA with the following objectives:
 - i. Address social problems of the people in need and all victims of the conflict including families of those who lost their lives in it.
 - ii. Initiate and implement social programs and projects.
 - iii. Assist women, orphans, and people with special needs.
41. GOS shall source for a funding of not less than US \$50,000,000 (fifty million US dollars) for the Social Welfare Fund to carry out its activities.

COMPENSATION AND RETURN OF INTERNALLY DISPLACED PERSONS AND REFUGEES

Article 16: General Principle

42. The Parties reaffirm their commitment to the general principles enumerated in the DDPD, which shall guide the achievement of durable solutions for the IDPs and refugees, as well as all other victims of the conflict.

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Article 17: Compensation and Durable solution

43. The Parties shall expeditiously take measures to commence the payment of compensation to returning IDPs, refugees as well as all other victims of the conflict, in accordance with relevant paragraphs of Articles 43, 52 and 57 of the DDPD.
44. GOS and the DRA shall, upon the signing of this Agreement, empower the VRRC to enable it to start implementing its mandate as stipulated in the DDPD. GOS shall, in this regard, immediately allocate funds for the VRRC to commence payment of the lump sum of \$250.00 to returning families as part of the return package provided for in the DDPD.
45. GOS shall assist in erecting fixed shelters in the return villages for IDPs and refugees and shall also mobilize necessary support from the international community, as well as development and other organizations to this effect.
46. Returning refugees shall be exempt from customs duties, tariffs, and any other such levies on their personal effects, in accordance with International Law;

Article 18: Personal Documentation

47. GOS shall issue, free of charge, personal documents to returning IDPs, refugees and all victims of the conflict who may have lost them.

Article 19: Family Reunification

48. In coordinating and cooperating with humanitarian organisations engaged in family tracing and assisting in family reunification, the VRRC may establish such committees as it deems necessary to ensure smooth reunion processes.

JUSTICE AND RECONCILIATION

Article 20: General Principles

49. The Parties reaffirm their commitment to the general principles enumerated in the DDPD, upon which justice and reconciliation shall be based.

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Article 21: National Judicial System

50. Without prejudice to Article 60 and further to paragraph 295 of the DDPD, GOS shall immediately lift immunities enjoyed by persons by virtue of their official status or functions when requested by the national justice institutions.
51. No special/extraordinary courts other than the Special Court for Darfur provided for in Article 59 of the DDPD shall be established because of the conflict in Darfur. Any such existing court shall be closed.

Article 22: Native Administration

52. The Native Administration shall be strengthened through training and capacity building to enable it to effectively and efficiently perform its social and reconciliatory role in an impartial manner.
53. Leaders of the Native Administration shall be selected strictly in accordance with established tribal custom and tradition.

Article 23: The Special Court for Darfur

54. GOS shall assign and empower a special unit to provide adequate protection to the Special Court for Darfur.
55. The observer role of the AU and UN experts for the Special Court shall also cover the functioning of the Office of the Prosecutor for Darfur.

Article 24: Amnesty

56. Without prejudice to paragraph 330 of Article 60 of the DDPD, GOS shall, upon the signing of this Agreement, issue general amnesty for JEM combatants and members, in accordance with the Constitution and national law.
57. GOS, in consultation with JEM, shall establish a committee to review, in accordance with national law, the situation of military personnel, civilians, prisoners of war, and those sentenced who are members of JEM, with a view to releasing them.

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PERMANENT CEASEFIRE AND FINAL SECURITY ARRANGEMENTS

Article 25: General Principles

58. The Parties reaffirm their commitment to the Ceasefire Agreement signed in Doha on 10 February 2013, and to the general principles enumerated under Article 62 of the DDPD, upon which the Permanent Ceasefire and the Final Security Arrangements shall be based.

Article 26: Provision of Non Military Logistic Support to JEM Combatants

59. The Parties stress the necessity for the provision of Non Military Logistic Support (NMLS) to JEM combatants. In this regard, GOS undertakes to provide such support, covering the period from the signing of this Agreement to the conduct of the verification of JEM forces locations and strength. This initial support shall be provided through an arrangement agreed upon by the Parties. After the conduct of the verification, NMLS shall be provided on the basis of paragraphs 393 and 394 of the DDPD.

60. The Parties shall be adequately represented in the Joint Logistics Coordination Committee (JLCC) as provided for in paragraph 410 Article 69 of the DDPD.

Article 27: Establishment of the Joint Coordination Mechanism (JCM)

61. The Parties stress the necessity to establish, without further delay, the Joint Coordination Mechanism (JCM) as provided for in paragraph 403 Article 67 of the DDPD and shall, in this regard, agree on its composition.

Article 28: Disarmament of Armed Militia Groups

62. The Parties reiterate the critical necessity for the disarmament of armed militia as a key element of the Final Security Arrangements and that the process shall expeditiously take place as provided for in paragraph 399 Article 76 of the DDPD.

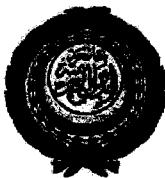
Article 29: Reform of Some Military Institutions

63. The Parties reiterate the importance of reforming and restructuring some military institutions in accordance with paragraphs 463 and 464 Article 74 of the DDPD, and agree that the process shall be expedited.

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Article 30: The Disarmament, Demobilisation and Reintegration Commission (DDRC)

64. JEM shall be adequately represented in the Disarmament, Demobilisation and Reintegration Commission (DDRC) in Darfur, taking into account the exigencies of the prevailing situation.

Article 31: The Darfur Security Arrangements Implementation Commission (DSAIC)

65. JEM shall be represented in the Darfur Security Arrangements Implementation Commission (DSAIC) as well as in its subsidiary body, the Integration Technical Committee (ITC) which designs, plans, implements, manages and monitors the integration programs for former combatants.

Article 32: Rights of JEM

66. GOS, upon completion of the implementation of all the phases of the Final Security Arrangements, shall pay adequate compensation to JEM for its weaponry and equipment except personal weapons as determined by a joint committee to be established by the Parties.

67. Families of fallen combatants, as well as disabled and sick combatants from JEM shall, in addition to benefits from the DDR programs, draw special benefits from the Micro Finance Institution and the Social Welfare Fund as provided for in Articles 14 and 15 of this Agreement. Sick former combatants shall be entitled to medical treatment.

Final Provision

68. This Agreement shall immediately enter into force upon its signature and can only be amended upon mutual agreement by both Parties.

69. This Agreement is an integral part of the DDPD and shall, therefore, have constitutional status in accordance with paragraph 487 thereof.

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Done in Doha, Qatar, this 25th Jumada al'awal 1434 Hijri, being the 6th day of April 2013 AD, in the Arabic and English languages, both texts being equally authentic. In case of discrepancies between the versions, the Arabic version shall prevail.

For the
Government of the Sudan

Dr. Amin Hassan Omar
Minister of State in the Presidency

For the
Justice and Equality Movement-Sudan

Mr. Mohammad Bashar Ahmad
President

Witnessed by

For the State of Qatar

H.E. Ahmad bin Abdallah Al Mahmoud
Deputy Prime Minister and Minister of State
for Cabinet Affairs

For the AU-UN Mediation

H.E. Aïchatou S. Mindaoudou
Deputy Joint Special Representative (Political)

MOHAMED IBN CHAMBAIS
JOINT SPECIAL REPRESENTATIVE