

AFRICAN UNION

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## PROTOCOL

**BETWEEN THE GOVERNMENT OF THE SUDAN (GoS), THE SUDAN LIBERATION MOVEMENT/ARMY (SLM/A) AND THE JUSTICE AND EQUALITY MOVEMENT (JEM) ON THE IMPROVEMENT OF THE HUMANITARIAN SITUATION IN DARFUR**

**PROTOCOL BETWEEN THE GOVERNMENT OF THE SUDAN (GoS), THE  
SUDAN LIBERATION MOVEMENT/ARMY (SLM/A) AND THE JUSTICE  
AND EQUALITY MOVEMENT (JEM) ON THE IMPROVEMENT OF THE  
HUMANITARIAN SITUATION IN DARFUR**

**Preamble**

- **We**, the Government of the Sudan (hereinafter the GoS), on the one hand, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) [hereinafter the SLM/A - JEM], on the other, and all the three parties referred to as the Parties, meeting in Abuja, Nigeria, under the auspices of the African Union (AU), as part of the efforts to find a lasting solution to the conflict in Darfur;
- **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;
- **Condemning** all acts of violence and violations of human rights and international humanitarian law;
- **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];
- **Recalling** the spirit and letter of Resolution 1556 (2004) adopted by the UN Security Council, on 30 July 2004, as well as AU Decisions relevant to the humanitarian issues;
- **Upholding** the noble traditions and values of the Sudanese people, including the principle of solidarity to assist and save the weak and vulnerable during times of difficulty;
- **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;

- **Recognizing** that the magnitude of the crisis in Darfur is such that it requires sustained assistance and engagement by the international community;
- **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;
- **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;
- **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;
- **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.

**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;

- 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.

## **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;
- 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 to return to their areas of origin;
- 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;
- Cooperate fully with the CFC and swiftly implement its recommendations;
- 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;



- 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.

### **3. Role of the International Community**

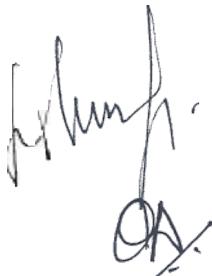
Mindful of the crucial role of the international community in support of our efforts, we:

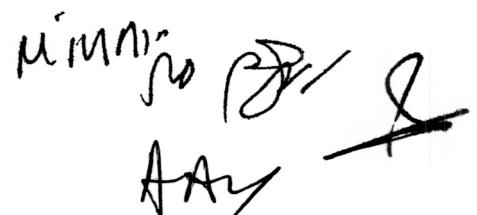
- Request the AU to urgently take the necessary steps to strengthen AMIS on the ground, with the requisite mandate, to ensure a more effective monitoring of the commitments we have made under the present Protocol and previous instruments, including the N'djamena and Addis Ababa Agreements, and those 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;
- 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;
- Welcome the deployment of UN human rights monitors and request the Office of the UN High Commission 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.

### **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



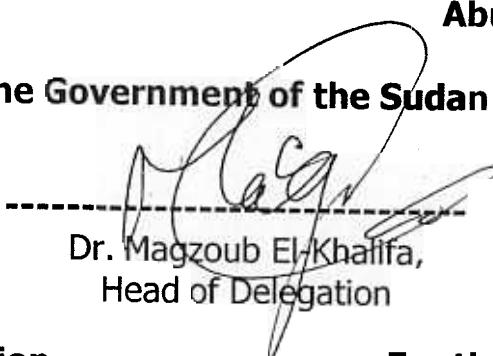


international community invited by the AU. The Joint Humanitarian Facilitation and Monitoring Unit will report monthly to the Joint Commission on the progress made and the difficulties encountered;

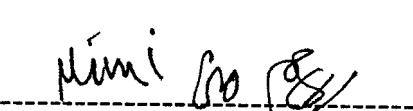
- Endeavour, through the Joint Humanitarian Facilitation and Monitoring Unit, to identify ways and means of rebuilding confidence and trust in Darfur and defusing tensions among communities;
- Request the AU, working closely with the UN, to develop the detailed terms of reference and modalities for the functioning of the Joint Humanitarian Facilitation and Monitoring Unit.

**Abuja, 9 November 2004**

**For the Government of the Sudan**

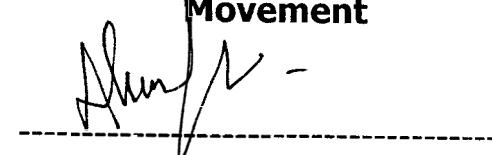
  
Dr. Magzoub El-Khalifa,  
Head of Delegation

**For the Sudan Liberation  
Movement/Army**

  
Minni Arkou Minawi,

Secretary-General

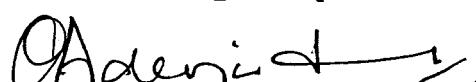
**For the Justice and Equality  
Movement**

  
Ahmed Mohamed Tugod Lissan

General Coordinator,  
Head of delegation

**Witnessed by:**

**The Federal Republic of Nigeria (Chair of the AU)**

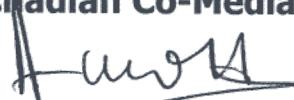
  
Amb. Oluyemi Adeniji, CON

Minister of Foreign Affairs

**The AU Commission**

  
Amb. Sam B. Ibok

**The Chadian Co-Mediation**

  
Amb. Allam-Mi Ahmad