

HUMANITARIAN CEASE FIRE AGREEMENT ON THE CONFLICT IN DARFUR

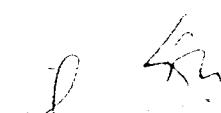
Under the auspices of His Excellency Idriss Deby, President of the Republic of Chad, Head of State, assisted by the Chairperson of the Commission of the African Union, and in the presence of International Observers and Facilitators, The Government of the Republic of Sudan, the Sudan Liberation Movement/Army and the Sudan Justice and Equality Movement; hereinafter, known as the Parties, have agreed on the following:

Political Preamble

Convinced of the necessity of the establishment in Darfur of a democratic political culture to guarantee to the populations of the region their political, economic and social rights;

Convinced that only a global, just and durable solution negotiated peacefully can resolve the problems in Darfur;

Convinced that a mechanism for a political solution should be envisaged as soon as possible;

1. The parties undertake to join their efforts in order to establish a global and definite peace in Darfur.
 2. The parties agree to meet under the auspices of the Tchadian mediator in a period not exceeding two weeks, to negotiate a definitive settlement of the conflict and to discuss solutions to the problems of Darfur, with a view to finding a definite and global settlement in the framework of a conference between all the representatives of Darfur, especially in relation to its socio-economic development.
 3. The parties undertake to create a conducive environment for negotiations and to cease all hostile media campaigns.
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Humanitarian Questions

- Agreeing on the fact that any peaceful and durable settlement of the problem of Darfur can be achieved only through frank and sincere dialogue,
- Determined to give up the use of force as means of settling the problem of Darfur,

Article 1 : The parties decide on the cessation of hostilities between them and specifically proclaim a cease-fire for a period of 45 days automatically renewable except if opposed by one of the parties. The ceasefire will be effective on land, and air, to allow on one hand, a fast and unrestricted humanitarian access to the needy populations of Darfur and on the other hand, to arrive at a just and durable solution to the problem in Darfur;

Article 2 : The cessation of hostilities between all the forces of the parties will be effective 72 hours after the signing of this Agreement.

During the cease-fire, each party shall:

- Refrain from any recruitment operations;
- refrain from any military action, and any reconnaissance operations
- disengage and refrain from any deployment, movement or action which could extend the territory under its control or which could lead to a resumption of hostilities;
- Stop laying landmines; mark and sign post any danger areas and mine fields;
- Refrain from supplying or acquiring arms and ammunitions;
- Refrain from any act of violence or any other abuse on civilian populations;
- Stop any act of sabotage;
- Stop any restriction on the movement of goods and people;
- Stop any form of hostile act, including hostile propaganda;
- Ensure humanitarian access;
- Refrain from any military activity which, from the opinion of the cease-fire Commission or the Joint Commission, could endanger the cease-fire;

Article 3 : The parties shall establish a Cease-fire Commission composed of 2 high ranking officers from the Parties, the Tchadian mediation and the international community in accordance with the sovereignty of the Sudan.

Article 4 : The mandate of the cease fire Commission shall consist of:

- planning, verifying and ensuring the implementation of the rules and provisions of the cease fire

- defining the routes for the movement of forces in order to reduce the risks of incidents; The administrative movements shall be notified to the Cease-Fire commission.
- assist with demining operations;
- receiving, verifying, analyzing, and judging complaints related to the possible violations of the cease fire;
- developing adequate measures to guard against such incidents in the future violations
- the parties shall provide the head of the Ceasefire Commission, or his designated representative, immediately upon request information required for the implementation of this Agreement on the understanding that the information will be held confidentially.
- the parties shall give Ceasefire Commission and its personnel unrestricted access throughout Darfur;
- Determine clearly, the sites occupied by the combatants of the armed opposition and verify the neutralization of the armed militias.

The Cease Fire Commission shall report to a Joint Commission composed of the parties, the Tchadian mediation and the international community.

Article 5 : The parties have decided to free all the prisoners of war and all other persons detained because of the armed conflict in Darfur;

Article 6 : The parties shall ensure that all armed groups under their control comply with this Agreement. The Sudanese Government shall commit itself to neutralize the armed militias.

Article 7 : The parties have agreed to meet as soon as possible under the auspices of the Tchadian mediation and the international community to discuss pending points, notably about setting up the Joint Commission and the Cease fire Commission mentioned in article 3 and 4 of the present agreement;

Article 8 : The parties undertake to facilitate the delivery of humanitarian assistance and the creation of conditions favorable to supplying emergency relief to the displaced persons and other civilian victims of war and this, wherever they are in the DARFUR region, in accordance with the appendix attached to the present Agreement;

Article 9: In case of non respect of the clauses of this Agreement by one of the Parties, the other party will refer such a case to the Cease Fire Commission and if necessary the Joint Commission;

Article 10: This Agreement can be amended by agreement of the parties with the consent of the Cease Fire Commission. The parties may agree to renew this Agreement for an additional 45 days not later than 21 days before the expiry of the Agreement. Any Party may notify the Cease-Fire Commission of its intention for renewal and if the parties agree, this Agreement shall be extended for an additional two months period;

Article 11 : This Agreement shall take effect as from its date of signature. It is drafted in Arabic, in French and in English, all three texts being equally authentic.

Done at N'djamena, this 8th Day of April, 2004.

For the Sudan Liberation Movement/Army
(SLM/A)

For the Government of the Sudan
(GOS)

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ACHERIF AHMAD OUMAR BADOUR
Minister for Investment

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MINI ARKOU MINAWI
Secretary General

For the Sudanese Justice and Equality Movement
(SJEM)

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NASRADINE HUSSEIN DIFFALLAH
President

For the Tchadian Mediation

.....
NAGOUM YAMASSOUM
Minister of State, Ministry of Foreign Affairs
and African Integration

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MAHAMAT SALEH HAMID
Deputy Secretary General

For the African Union

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SAM B. IBOK
Representative of the Chairperson of the Commission

B.Z.Y 2.04

PROTOCOL ON ESTABLISHING A HUMANITARIAN ASSISTANCE IN DARFUR

The Government of the Republic of Sudan, the Sudanese Liberation Movement and the Movement for justice and Equality, hereinafter known as the parties, have agreed as follows.

Principles

The concept and execution of the humanitarian assistance in Darfur will be conform to the international principles with a view to guarantee that it will be credible, transparent, and inclusive and notably : the 1949 Geneva Convention and its two 1977 Additional Protocols, the 1948 Universal Declaration on Human Rights, the 1966 International Convention on Civil and Public Rights, the 1951 Geneva Convention on Refugees, the Rector Principles on Internal Displacement (Deng Principle) and the provisions of General Assembly Resolution 46/182.

Article 1: Humanity Principle

Human sufferings will be taken into account wherever they are found; rights of all vulnerable persons will be respected and protected. The rights to receive humanitarian assistance and protection, and to provide it, is fundamental.

Article 2 : Impartiality Principle

Humanitarian assistance is provided regardless of ethnic origin, gender, nationality opinions, race or religion.

Assistance to victims will be guided only by urgent distress cases.

Article 3: Neutrality Principle

Humanitarian assistance will be provided by humanitarian agencies without taking sides on political, religious agencies without taking sides on political, religion or ideological basis. All the parties admit the neutrality of assistance and protection.

Article 4: Dignity principle

The right of any person to live in security and dignity will be affirmed and protected.

Article 5: Transparency Principle

The humanitarian agencies will work on a transparent and apolitical basis. Information will be openly shared. There will be in particular a regular flow of information from the humanitarian agencies to the authorities concerned, and vice- versa. The humanitarian agencies will make the humanitarian assistance, their personnel and materials clearly identifiable by the parties, who will respect the emblems.

Article 6 : Accountability Principle

The humanitarian agencies are accountable to the beneficiaries, the authorities concerned and to those who provide resources. The UN Humanitarian Coordinator will represent the humanitarian community to the Government

SPECIFIC PROVISIONS

The operational criteria for setting up humanitarian assistance programmes to be observed and respected by the humanitarian agencies include :

Article 7: Unrestricted Access

The parties guarantee the freedom of movement to the personnel participating in assistance activities, including evaluation of needs, humanitarian assistance distribution and follow-up, that will help to reach people in need of humanitarian assistance without delay. The Government of the Republic of Sudan will, particularly, facilitate trips of the humanitarian personnel to, from and within Darfur.

Article 8: Security

The parties affirm that they will fulfil their obligation to provide a security environment favourable to set up humanitarian assistance and protect national and international humanitarian personnel, as well as the equipment and material belonging to the humanitarian agencies.

Article 9: protection

The parties will take the necessary protection measures to ensure that the beneficiaries of humanitarian assistance be not deprived of the assistance they receive nor be subject to attacks.

Article 10 : Return of the displaced and refugees.

The parties will facilitate the return of the refugees and the displaced to their origin communities on a voluntary basis and under security and dignity conditions. They will put in place adequate protection measures and their property will be restored or their losses compensated.

The parties undertake to respect the above principles and provisions, and will work in cooperation with the humanitarian assistance agencies to facilitate the establishment of humanitarian assistance in Darfur.