

DARFUR PEACE AGREEMENT

PREAMBLE

WHEREAS the Government of Sudan (“GOS”), the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (“JEM”) (hereinafter referred to as “the Parties”), having met in Abuja, Nigeria as part of our longstanding efforts to find a lasting solution to the conflict in Darfur;

MINDFUL of our previous Agreements on this subject;

CONDEMNING all acts of violence against civilians and violations of human rights, and stressing our full and unconditional acceptance of our obligations under International Humanitarian Law, international human rights law, and relevant UN Security Council Resolutions;

EMPHASIZING our mutual commitment to African Union Decisions and UN Security Council Resolutions concerning the need to reach a political solution in order to bring the conflict in Darfur to an end;

CONVINCED of the urgent need for a comprehensive Darfur Peace Agreement (DPA) that will finally bring peace and security to the people of Darfur;

AFFIRMING the sovereignty, unity, and territorial integrity of the Sudan;

BELIEVING that this DPA is a sound basis for resolving our conflict;

RESOLVED that signature of this DPA shall be a significant step towards a just, peaceful and lasting political solution to the conflict in Darfur;

NOW THEREFORE, WE AGREE, upon signing this Agreement:

- (1) To fully and effectively implement this DPA that covers Power Sharing; Wealth Sharing; Comprehensive Ceasefire and Final Security Arrangements as well as the Darfur-Darfur Dialogue and Consultation.
- (2) That the following documents shall form part of the DPA (as Annexures), and shall from this point forward be implemented by the Parties in accordance with the provisions in the Chapters of this DPA:
 - (a) Agreement on Humanitarian Ceasefire on the Conflict in Darfur, of the 8th day of April, 2004 (Annexure 1).
 - (b) Protocol on the Establishment of Humanitarian Assistance of the 8th day of April, 2004, N'Djamena, Chad (Annexure 2).

- (c) Agreement with Sudanese Parties on the Modalities for the Establishment of the Ceasefire Commission and the Deployment of Observers in Darfur, of the 28th day of May, 2004 (Annexure 3).
- (d) 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, of the 9th day of November, 2004 (Annexure 4).
- (e) Protocol between the Government of the Sudan (GOS), the Sudan Liberation Movement/Army(SLM/A) and the Justice and Equality Movement(JEM) on the Enhancement of the Security Situation in Darfur in accordance with the N'Djamena Agreement (Annexure 5).
- (f) Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur, of the 5th day of July, 2005 (Annexure 6).

3. That references to “this Agreement” in the Chapters herein shall refer to the DPA.

CHAPTER ONE: POWER SHARING

FUNDAMENTAL PRINCIPLES

ARTICLE 1

GENERAL PRINCIPLES FOR POWER SHARING

1. The Republic of the Sudan is an independent, sovereign State; sovereignty is vested in the people and shall be exercised by the State in accordance with the provisions of the National Constitution into which this Agreement shall be incorporated.
2. Citizenship shall be the basis for civil and political rights and obligations.
3. Religions, beliefs, traditions and customs are the source of moral strength and inspiration for the Sudanese people.
4. A peaceful devolution of power through democratic means is a guarantor of stability and unity of the country.
5. Separation of the legislative, executive and judicial powers shall consolidate good governance, accountability, transparency and commitment to the welfare of the people.
6. The rule of law shall prevail and the independence of the judiciary shall be guaranteed.
7. The Parties reiterate their commitment to respect, protect and promote human rights and fundamental freedoms.
8. Power sharing is vital for national unity. The peaceful transfer of power on the basis of free and fair elections shall be the foundation for democratic governance in the Sudan.
9. A federal system of government, with an effective devolution of powers and a clear distribution of responsibilities between the centre and other levels of government, including local administration, is essential to ensure fair and equitable participation by the citizens of the Sudan in general and those of Darfur in particular.
10. Elections at all levels of government in the Sudan shall be based on free and direct voting, observed by neutral/international observers, with a view to ensuring fair participation of all the Sudanese people. Elections shall be held for the Presidency, and the legislature at all levels of government.

11. The national civil service, the national armed forces, the Police and Intelligence Services shall reflect at all levels a fair and equitable representation of all citizens, including those from Darfur.

12. Without prejudice to the provisions of the CPA relating to the North-South border and any international Agreements in force between the Republic of the Sudan and neighbouring countries, the northern boundaries of Darfur shall return to the positions as of 1 January 1956. A technical ad hoc committee shall be established to carry out demarcation accordingly.

13. The Constitutional Court shall have the competence to decide any disputes between levels or organs of government in respect of their areas of exclusive, concurrent, or residual competence.

14. The cultural and social diversity of the Sudanese people is the foundation of national cohesion and therefore shall be promoted and developed.

15. The Parties recognize that women are under-represented in government institutions and decision-making structures and that there is need for special measures to ensure women's equal and effective participation in decision-making at all levels.

ARTICLE 2

CRITERIA AND GUIDELINES FOR POWER SHARING

The following constitute the criteria and guidelines for power sharing:

16. To ensure the inclusion of Darfurians at all levels of governance in all institutions of the State, through fair power sharing criteria.

17. Relevant precedents and population size, where appropriate, shall be used in determining the representation of Darfurians at all levels.

18. To ensure that Darfurians participate fully and meaningfully in preparing a level playing field for the elections, which shall have long-term consequences for the whole of Sudan; representation for Darfurians shall be spread across the board in the political sphere. With regard to the civil service, the judiciary, the armed forces, the police, the intelligence services and all other organs of the state, the principle of inclusion shall be respected while taking into account the requirements concerning qualifications and competence.

19. Affirmative action shall be taken in favour of Darfurians in order to enhance inclusivity in public services. For the long term, special educational, training and public service employment opportunities shall continue to be provided to enable Darfurians to participate fully on an equal basis in contributing to the welfare of the nation.

20. In order to empower all sections of the population of Darfur and bring government closer to them there is a need, immediately upon the conclusion of the Comprehensive Peace Agreement for Darfur, to integrate Darfurians into the management of the political, economic, cultural and social affairs of Darfur. In this context, it shall be necessary to initiate programmes that shall help remedy the adverse effects of the conflict as well as its larger consequences.

21. The criteria and modalities for the exercise of power or the sharing of power after the elections shall be determined by the result of the elections and in accordance with the provisions of the Constitution.

22. In implementing this Agreement, the parties shall be guided by the principles of good faith, transparency and accountability.

ARTICLE 3

HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

23. Citizenship shall be the basis for civil and political rights and obligations.

24. The Parties reiterate their commitment to respect and promote human rights and fundamental freedoms as detailed below and in international human rights covenants ratified by the Government of the Sudan.

25. Every person is entitled to freedom, safety and security. No person shall be subjected to arrest, detention, deprivation or restriction of her/ his liberty, except in accordance with measures prescribed by the law and, in particular, in accordance with measures prescribed by criminal procedure law or judicial orders.

- (a) An accused person is presumed to be innocent until proven guilty according to the law.
- (b) Every person who is arrested shall be informed, at the time of arrest, of the reasons for the arrest and shall be immediately informed of the charges held against her/him. An accused person has the right to defend herself/himself in person or through a lawyer of her/his own choice. Legal aid shall be assigned to her/him by the state where she/he is unable to defend herself/himself in serious offences.
- (c) An accused person is entitled to a fair trial within a reasonable time as stipulated by the law. The law shall regulate trial in absentia.
- (d) In all civil and criminal proceedings, every person shall be entitled to a fair and public hearing by an ordinary competent court of law in accordance with procedures prescribed by the law.

- (e) No accused person shall be charged with any act or omission, which did not constitute an offence at the time of its alleged commission.
- (f) No person shall be denied the right to resort to justice. The right to litigation shall be guaranteed for all persons.

26. Every human being has a right to life, dignity and the integrity of her/his person. No person shall be arbitrarily deprived of her/his life.

27. All persons are equal before the law and are entitled, without discrimination as to race, colour, gender, language, religious creed, political or other opinion, to the equal protection of the Constitution and the law.

28. (a) Women and men shall enjoy all civil and political rights enshrined in the International Covenant on Civil and Political Rights, as well as all economic, social and cultural rights in the International Covenant ratified by the Government of the Sudan.

(b) Family is the basis of society and shall be protected by the law. Men and women shall enjoy the right to marry and found a family, in accordance with their respective family laws.

(c) The State shall combat harmful customs and traditions, which undermine the dignity and the status of women.

(d) The State shall provide maternity, child care and medical care for pregnant women, children in need, persons with special needs and the elderly, in line with regional and international instruments ratified by the Government of the Sudan.

(e) The State shall protect the rights of the child, as provided in the regional and international conventions ratified by the Government of the Sudan.

(f) The State shall provide access to education without discrimination as to religion, race, ethnicity, gender or disability, as well as access to free primary health care and free and compulsory primary education.

29. No person shall be subjected to torture or undergo cruel, inhumane or degrading treatment or unlawful punishment.

30. Slavery and slave trade in every form is prohibited. No person shall be required to perform forced or compulsory labour except as a penalty upon a conviction by a competent court of law.

31. (a) The death penalty shall not be imposed except as retribution or punishment for extremely serious offences in accordance with the law.

- (b) The death penalty shall not be imposed on a person under the age of eighteen or a person who has attained the age of seventy except in cases of retribution or hudud.
 - (c) The death penalty shall not be executed upon pregnant or lactating women except after two years of lactation.
32. Every citizen who has attained the age specified by law shall have the right, without discrimination or restriction, to vote at any election and run for any public office based on universal adult suffrage in secret ballot, as shall be stipulated by law.
33. The privacy of all persons shall be respected and no person shall be subject to coercive or unlawful invasion of her/his privacy, family life, home or correspondence except in accordance with law.
34. Every person shall have the right to acquire or own property as regulated by law. No private property may be expropriated except by law in the public interest and in consideration for prompt and fair compensation. No private property shall be confiscated except by order of a court of law.
35. Every person shall have the right to freedom of movement and full liberty to choose her/his residence except as regulated by law. Every citizen shall have the right to leave the country as shall be regulated by law and shall have the right to return.
36. Every person shall have equal right to work and trade within the regulations prescribed by law.
37. Every person shall have the right to the freedom of religious belief and worship.
38. Every person shall have an unrestricted right to freedom of expression, reception and dissemination of information and publication as determined by law. The State shall guarantee the freedom of press and other media in a competitive environment as shall be regulated by law. All media shall abide by professional ethics, shall refrain from inciting religious, ethnic, racial or cultural hatred and shall not agitate for violence or war.
39. (a) The right to peaceful assembly shall be guaranteed. Every person shall have the right to freedom of association with others, including the right to form or join political parties, associations and trade or professional unions for the protection of her/his interests.
- (b) Formation and registration of political parties, associations and trade unions shall be regulated by law.
 - (c) Every association shall have the right to register and to function as a

political party in accordance with the law and in particular if :

- (1) its membership is open to all Sudanese irrespective of religion, ethnic origin, gender or place of birth,
 - (2) it has a programme that does not contradict the provisions of the Constitution into which this Agreement shall be incorporated,
 - (3) it has disclosed transparent sources of funding.
- (d) There shall be an independent and impartial office of the Registrar to supervise the registration and performance of political parties. The legal rights and freedoms of the political parties shall be respected by all authorities. The Constitutional Court shall protect these rights and freedoms.

40. Ethnic and cultural communities shall have the right to practise their beliefs, use their languages and develop their cultures within their customs.

41. The State shall recognize and protect the intellectual property rights of each citizen deriving from her/his scientific, literary or artistic production.

42. There shall be no derogation of the above rights and freedoms except as provided for in the Constitution into which this Agreement shall be incorporated. The Human Rights Commission provided for in the INC, which shall enjoy full independence, shall monitor the application of the rights and freedoms provided for herein.

43. All existing laws shall be revised in accordance with the provisions of the Constitution into which this Agreement shall be incorporated.

44. The State shall take the necessary legislative measures to protect and to promote the natural resources of the country and to combat environmental degradation.

FEDERAL SYSTEM AND ALL LEVELS OF GOVERNANCE AND THEIR COMPETENCIES

ARTICLE 4

THE FEDERAL SYSTEM OF GOVERNMENT

45. The Republic of the Sudan has a federal system of government in which power shall be effectively devolved. Pending a final decision on the status of Darfur, in accordance with this Agreement, responsibilities shall be distributed between the national and other levels of government in accordance with the provisions of the INC.

ARTICLE 5

THE NATIONAL LEVEL OF GOVERNMENT

46. The institutions at the national level shall consist of:

the National Executive,

the National Legislature,

the National Judicial organs, and

such other institutions and commissions as may be specified in the Constitution.

The powers and functions of these institutions and their relationship with each other shall be as set out in the INC.

ARTICLE 6

THE STATE LEVEL OF GOVERNMENT

47. There shall be legislative, executive and judicial organs at state level, which shall function in accordance with the Constitution and the relevant state constitution.

48. The state shall promote and empower local government. Organization of the local government and elections to its respective institutions shall be conducted in accordance with the relevant state constitution.

Administration of Darfur

49. Immediately following the signing of this Agreement, the Government of National Unity shall establish a Transitional Darfur Regional Authority (TDRA).

50. The TDRA, in which the SLM/A and the JEM shall be effectively represented, shall serve as the principal instrument for the implementation of the Comprehensive Peace Agreement and for enhancing coordination and cooperation among the three States of Darfur. The TDRA shall be a symbol of reconciliation and unity of the peoples of Darfur and their efforts to build a future based on peace and good neighborliness.

COMPOSITION AND FINANCING OF THE TRANSITIONAL DARFUR REGIONAL AUTHORITY (TDRA)

51. The TDRA shall consist of the following:

The Senior Assistant to the President, the Governors of the three Darfur States, Heads of the Darfur Rehabilitation and Resettlement Commission, Darfur Reconstruction and Development Fund, Darfur Land Commission, Darfur Security Commission, Darfur Peace and Reconciliation Council, and others that may be agreed by the Parties. Meetings shall be presided over by the Senior Assistant to the President, and in his/her absence, the Governors of the three Darfur States shall preside over the meetings in rotation.

52. The TDRA shall establish its own Rules of Procedure, engage such staff as it deems necessary to carry out its work and establish a budget to carry out its work. The Government of the Sudan (GoS) shall provide an adequate budget to finance the activities of the TDRA and may establish a special fund to accommodate international donor funds for the programmes of the TDRA.

COMPETENCIES OF THE TRANSITIONAL DARFUR REGIONAL AUTHORITY (TDRA)

53. The TDRA shall exercise the following functions:

- 53.1 Undertake primary responsibility for coordinating the implementation and follow-up of this Agreement. Such responsibility shall include, in particular, facilitating the return of refugees and internally displaced persons, coordinating the restoration of security, and promoting peace and reconciliation throughout Darfur;
- 53.2 Review and recommend legislative and executive measures that would promote coordination and cooperation among the States of Darfur;
- 53.3 Facilitate communication, cooperation and coordination among the governments of the States of Darfur;
- 53.4 Facilitate coordination of the reconstruction, rehabilitation and sustainable development efforts in Darfur;

53.5 Facilitate liaison and interaction between the GOS and Darfur, within the context of national unity and the Constitution and without prejudice to the need for direct relationship between each State and the GOS regarding administrative and financial matters; and

53.6 Other functions as may be agreed by the Parties represented in the TDRA to promote the objectives of this Agreement.

54. The TDRA shall exercise the above functions without prejudice to the constitutional powers and functions of the three States of Darfur.

THE PERMANENT STATUS OF DARFUR

55. The permanent status of Darfur shall be determined through a Referendum held simultaneously in the three States of Darfur.

56. The Referendum on the Status of Darfur shall be held not later than twelve months after the elections in Darfur, which shall be held simultaneously with the national elections as specified in the INC, and in any case not later than July 2010.

57. In the Referendum, the following options shall be presented:

57.1 The creation of a Darfur Region composed of the three States.

57.2 Retention the status quo of three States with no Region.

58. The National Elections Commission (NEC) shall organize and supervise the referendum on the status of Darfur. The National Elections Law shall specify the rules and procedure governing the Referendum. The Referendum shall be internationally monitored.

59. If a majority of votes cast by all Darfurians in the Referendum determines that a Region of Darfur should be formed, the TDRA shall form a Constitutional Commission to determine the competencies of the Regional Government of Darfur. The Commission shall present for adoption its proposed Constitution to the Assemblies of the three States of Darfur sitting in joint session within three months of the Referendum. The President of the Republic of the Sudan shall then take steps to implement the Constitution as adopted by the Assemblies.

60. In the event of a majority of votes against the proposal to establish a Region, the structure of three States in Darfur shall be retained and the TDRA shall be dissolved and each of the elected governments of the three States of Darfur shall assume any remaining functions of the TDRA, in their respective states.

BORDER OF DARFUR

61. Without prejudice to the provisions of the CPA relating to the North-South

border and any international agreements in force between the Republic of the Sudan and neighbouring countries, the northern boundaries of Darfur shall return to the positions as at 1 January 1956. A technical ad hoc team shall be established to carry out demarcation accordingly.

ARTICLE 7

LOCAL GOVERNMENT

62. The local level of government is essential to fulfil the commitment to vest sovereignty in the people, bring power to the grassroots and ensure the effective participation of the citizens, promote development as close to the population as possible, and make the management of public affairs more cost effective.

63. Native administration shall have regard, where appropriate, to established, historical and community traditions, customs and practices, provided that where these are contrary to the provisions of the National or State Constitution or law, the latter shall prevail.

EFFECTIVE PARTICIPATION IN ALL INSTITUTIONS AT THE FEDERAL LEVEL AND AT ALL OTHER LEVELS OF GOVERNANCE

ARTICLE 8

THE NATIONAL EXECUTIVE

The Presidency

64. In making appointments to determine the composition of the Presidency during the period after elections, appropriate consideration shall be given to ensuring representation for areas of northern Sudan, including Darfur, that have not historically enjoyed such representation.

65. Upon signature of this Agreement, the President shall appoint a Senior Assistant to the President from a list of nominees provided by the SLM/A and the JEM. The Senior Assistant shall be the fourth ranking member in the Presidency.

66. The Senior Assistant shall have significant competencies that will enable him/her to influence national policies. To this end, he/she shall be a member of, inter alia, the National Council of Ministers, the National Security Council and the National Planning Council and shall participate in their deliberations and decision-making. In addition, the Senior Assistant shall:

- 66.1 Chair meetings of the TDRA whenever he/she is in Darfur. In the absence of the Special Assistant, it shall be chaired by one of the Governors in rotation ;

- 66.2 Serve as the focal point and Principal Advisor to the President on the implementation of the Comprehensive Peace Agreement for Darfur;
 - 66.3 Have primary responsibility for assisting the President on all matters pertaining to Darfur;
 - 66.4 Coordinate the formulation and implementation of plans, policies and programmes concerning Darfur, including rehabilitation, reconstruction and development of Darfur, as well as facilitate the return of refugees and internally displaced persons.
67. In addition to the Senior Assistant, the President shall also appoint from among Darfurians one Advisor to the President.
68. Following the national elections, the elected Governors of the three States of Darfur shall present a joint list of three nominees as candidates for the post of Senior Assistant to the President and Chairperson of the TDRA. The President shall appoint from among the candidates presented.

Darfur's Representation in the Executive Branch of the GoS

69. Pending elections, and with a view to reflecting the need for unity and inclusiveness the GoS shall ensure effective representation for Darfurians, including for the SLM/A and the JEM, as follows:
- 69.1 The three posts of Cabinet Minister and three posts of State Minister currently held by Darfurians shall continue to be held by Darfurians;
 - 69.2 One additional post of Cabinet Minister and two additional posts of State Ministers shall be allocated to nominees of the SLM/A and the JEM.
 - 69.3 The chairmanship of one of the Parliamentary Committees of the National Assembly, shall be allocated to a nominee of the Movements.
 - 69.4 Special effort shall be made to ensure that women are represented in these nominations.
70. In making further appointments provided for in the INC, or in this Agreement, the President shall take appropriate steps to ensure the fair representation of Darfurians including an equitable share for women.

ARTICLE 9

THE NATIONAL LEGISLATURE

The National Assembly

71. Pending elections, and with a view to reflecting the need for unity and inclusiveness the Government of National Unity shall ensure effective representation for Darfur in the National Assembly, including the SLM/A and the JEM. In this regard, not less than a total of 12 seats shall be allocated to nominees of the SLM/A and the JEM. It is highly recommended that some of the nominees be women.

The Council of States

72. Darfur States representatives in the Council of States shall be eminent persons without direct party political affiliation. The Parties agree on the need for wide consultation among Darfurians on the subject of Darfur States' representation in the Council of States, and that this shall be the subject of consultation in the Darfur-Darfur Dialogue and Consultation.

ARTICLE 10

THE NATIONAL JUDICIAL ORGANS

73. Darfurians shall be adequately represented in the Constitutional Court, the National Supreme Court and other National Courts, as well as in the National Judicial Service Commission, by competent and qualified lawyers.

ARTICLE 11

THE NATIONAL CIVIL SERVICE

74. The Parties agree that the National Civil Service, notably at the senior and middle levels, shall be representative of the people of the Sudan.

75. The Parties further agree to establish a National Civil Service Commission through which, among things, the imbalances in the National Civil Service shall be redressed. In order to create a sense of national unity and belonging, Darfurians shall be fairly represented in the National Civil Service Commission.

76. For the long term, following the signing of this Agreement, a Panel of Experts shall be established under the National Civil Service Commission to determine the level of representation of Darfurians in the National Civil Service across all tiers. Competent and qualified Darfurians nominated by the Movements, should be appointed to serve on the Panel.

76.1 The Panel shall identify any areas of imbalance that have undermined

the representation of Darfurians in the National Civil Service and make practical and action-oriented recommendations towards addressing such imbalances and discrepancies in the service.

- 76.2 To determine the issue of imbalances and recommend appropriate measures to ensure fair representation for Darfurians in the service, the Panel shall be guided in its work by the following:
 - 76.2.1 Population size based on the 1993 Census;
 - 76.2.2 Affirmative action on recruitment, training and promotion, including measures to promote gender balance;
 - 76.2.3 Precedents in the Comprehensive Peace Agreement.
 - 76.3 The Panel shall complete its work and submit its Report no later than one year after the signing of this Agreement, following which the GoS shall take remedial action within a period of three months from the time the Panel submits its report.
77. In the short term, while awaiting the outcome of the determination by the Panel, the GoS shall ensure that the following tasks are carried out:
- 77.1 Establish and achieve interim targets for Darfurian participation especially at the middle and upper levels of the National Civil Service, including but not limited to Under-Secretaries, Ambassadors, Board Members and Chairpersons of Parastatals, to address the concerns that Darfurians are under-represented at some levels. These targets, which shall be reviewed after the submission of the Report of the Panel of Experts, shall be based on the same criteria as in paragraph 13.2. Taking into account the need for the Movements to be represented within the civil service, some of these positions should be reserved exclusively for nominees of the SLM/A and JEM.
 - 77.2 Reserve certain posts in the Civil Service exclusively for qualified women, particularly those from the less developed areas such as Darfur.
 - 77.3 Formulate policies and take affirmative action on training and recruitment into the National Civil Service of Darfurians who qualify, taking into account the criteria elaborated in paragraph 13.2 above, with the objective of ensuring equitable representation in the National Service and to redress past imbalances.
 - 77.4 Review, after the first three years, the progress made in implementing the formulated policies and setting new goals and targets as may be deemed necessary after taking into account the result of the Census.

78. Special measures shall be taken to ensure the participation of women in the civil service.

ARTICLE 12

ARMED FORCES, LAW ENFORCEMENT AGENCIES AND NATIONAL SECURITY

79. The Sudan Armed Forces (SAF) shall be regular, professional and non-partisan and Darfurians shall be fairly represented at all levels therein, including in senior command positions.

80. Qualified combatants from the SLM/A and the JEM shall be integrated into the Sudanese armed forces, law enforcement agencies and security services. The details of this integration shall be agreed upon by the Parties in the Protocol on Security Arrangements section of this Agreement.

81. The GoS shall take appropriate measures to rectify any imbalances that may exist in the representation of Darfurians at senior levels of the Sudan Armed Forces in general and in the intake into the Military Academies in particular.

82. The Police, Customs, Immigration and Border Guards, the Prisons and Wildlife Services shall be open to all Sudanese including in particular Darfurians and nominees of the SLM/A and JEM, to reflect the diversity of the Sudanese society.

83. The National Security Service shall be representative of the people of the Sudan. Darfurians shall be fairly represented at all levels therein.

ARTICLE 13

OTHER NATIONAL INSTITUTIONS AND COMMISSIONS

84. Darfurians, including the SLM/A and the JEM, shall be adequately represented in all other Commissions and national institutions provided for in the Constitution, the law and this Agreement, taking into account the requirements of qualifications and competence, including in particular the National Constitutional Review Commission, National Elections Commission, Population Census Council and the Technical Ad hoc Border Committee to demarcate precisely the 1/1/1956 North/South borderline.

ARTICLE 14

EDUCATIONAL INSTITUTIONS

85. Darfurians shall be fairly represented in the Management and Governing Councils of Public Universities and other Institutions of Higher Learning in the National Capital and in Darfur, taking into account the requirements of qualifications and competence.

86. The Parties agree on the need to address as a matter of priority the problems associated with the declining quality of education and lack of admission opportunities for Darfurians at the Primary, Intermediary, Secondary and University levels. Affirmative action shall be taken to promote the educational interests of the disadvantaged groups within Darfur through among others:

86.1 Flexibility in application of the eligibility criteria for admissions into Universities and other Institutions of Higher Learning in the Sudan; and

86.2 Exemption from the payment of school fees for all new students at all levels from Darfur, for a period of five years.

87. In drawing up and implementing its national plans for investment in educational institutions and provision of grants, scholarships and training, the GoS shall give priority to redressing imbalances in access to primary, secondary and tertiary education in Darfur, with the aim of bringing Darfur to parity in national levels of educational enrolment and achievement at all levels.

88. Subject to compliance with admission requirements, not less than 15% of the annual intake of public universities and other institutions of higher learning in the National Capital, and not less than 50% in the case of such universities and institutions located in Darfur, shall be reserved for students from Darfur for a minimum period of ten years. Nothing herein is intended to limit other programmes designed to benefit Darfurian students.

ARTICLE 15

THE NATIONAL CAPITAL

89. The National Capital, Khartoum, shall reflect in its Administration the unity and diversity of the Sudan. Pending elections, the SLM/A and the JEM shall be fairly represented in the Administration of the National Capital. Pending State Elections, one Ministerial position in the Executive of the Khartoum State Government shall be filled by a nominee of the SLM/A and the JEM.

90. Law enforcement agencies of the National Capital shall be representative of the population of the Sudan and shall be adequately trained and made sensitive to the cultural, religious and social diversity of the Sudan.

ARTICLE 16

PRE-ELECTION POWER SHARING WITHIN DARFUR

91. Elections shall be held in accordance with the provisions of the INC. As part of pre-election arrangements, the Parties agree on the following:

Executive

92. The Governor of one of the three States of Darfur, as well as Deputy Governors of the other two States of Darfur shall be nominees of the SLM/A and the JEM.

93. Two Ministerial positions and one senior Advisor in each of the three States of Darfur shall be allocated to nominees of the SLM/A and the JEM.

Legislature

94. Pending State elections, seats in the legislature of each of the three Darfur States shall be increased to 65. Of these, 18 seats in each state legislature shall be allocated to the nominees of the SLM/A and the JEM.

95. The Deputy Speakers of the Darfur States' Legislative Assemblies shall be nominees of the SLM/A and JEM.

96. Elections for the State legislature shall be held in accordance with the provisions of the INC. Thereafter, the number of seats shall be as determined by the State Constitutions.

CHAPTER TWO: WEALTH SHARING

ARTICLE 17

CONCEPTS AND GENERAL PRINCIPLES FOR WEALTH SHARING

Principles for wealth sharing

97. The Parties agree that the guiding principles and provisions below shall be the basis for the comprehensive text on Wealth Sharing.

98. The wealth of the Sudan shall be defined broadly to include natural resources, human resources, historical and cultural assets and financial assets, including credit and public borrowing and international assistance and grants.

99. Wealth is dynamic and the generation and distribution of wealth are critically affected by government policies, programs and institutions. Hence, the definition of wealth extends to the means, institutions, policies and opportunities that affect the creation and distribution of wealth in addition to the physical resources and government revenues. A key dimension of wealth is fair participation in decision-making that affects the generation of wealth and allocation of resources.

100. Human resources shall be a means and objectives of our economic and social development policies.

101. All Sudanese citizens have equal rights to:

- Freedom from hunger;
- Sustainable livelihoods;
- Safe drinking water;
- Access to quality education;
- Access to health services and other social services;
- Adequate access to public utilities and infrastructure;
- Equitable development and employment opportunities;
- Free access to markets;
- Security of property;
- Promotion & protection of cultural heritage;
- Restitution of property for those affected by conflict; and
- Judicial review of administrative actions that affect livelihoods.

102. The wealth of the Sudan shall be shared equitably to enable each level of government to discharge its legal and constitutional responsibilities and duties to the people of the Sudan. The national government shall make transfers to the appropriate level of government in Darfur, as per the agreement to be reached by the Parties.

103. Recognizing the cumulative effects of underdevelopment and prolonged deprivation of Darfur, compounded by the destructive effects of war, and in order to address this matter, the parties agree to establish an effective, transparent and accountable system for the distribution of wealth. Effective and prompt measures have to be taken to remedy the situation through affirmative action in economic policy.

104. The sharing and allocation of wealth shall be based on the premise that all parts of the Sudan are entitled to equitable development. Acknowledging that poverty is widespread in Darfur and in the Sudan generally, a nationwide poverty eradication strategy shall be adopted to constitute a framework for the country's development policy, which has as its aim meeting the Millennium Development Goals (MDGs).

105. Rehabilitation and reconstruction of Darfur is a priority; to that end, steps shall be taken to compensate the people of Darfur and address grievances for lives lost, assets destroyed or stolen, and suffering caused.

106. Darfur has urgent and serious needs for rehabilitation, reconstruction and development of social and physical infrastructure affected by the conflict, especially with regard to IDPs, refugees and war-affected persons and to perform basic government functions, and build up civil administration.

107. The parties agree to conduct a comprehensive assessment of the needs referred to above as a matter of top priority through the establishment of a Joint Assessment Mission (JAM) for Darfur. The modalities and timing of the establishment of such a mission will be worked out as soon as possible and, in any event, as a matter of priority after consultations with all stakeholders. Given that the financial resources and expertise required for such an exercise are beyond the capacity of the Sudan, the Parties urgently appeal to the international community to fully participate in this initiative and to assist in providing the requisite resources and expertise and to contribute to meet the needs identified in this process.

108. The parties agree that Darfur as a whole, and in particular those areas in need of construction/reconstruction, shall be brought up to the level that will allow them to reach the Millennium Development Goals (MDGs) rapidly. A program for development of basic infrastructure shall be formulated to integrate Darfur with the rest of the economy.

109. This agreement shall provide for the establishment of a special fund for reconstruction and development of Darfur.

110. The parties agree that national economic and social policies, plans and programs shall:

110.1 Ensure that the quality of life, dignity and living conditions of all citizens is promoted without discrimination on grounds of gender,

- race, religion, political affiliation, ethnicity, language or geographic location.
- 110.2 Ensure participation of citizens, through the respective levels of government and non-governmental institutions, in the development and implementation of economic and social policies for the creation and distribution of wealth, and in decisions about resource management and development; and
- 110.3 Provide for fair representation in all government institutions that create and distribute wealth.
111. National economic and social policies shall have as their objectives:
- 111.1 The creation and equitable distribution of wealth throughout the Sudan, consistent with maintenance of macroeconomic stability and sustainable growth;
- 111.2 To ensure that taxes are levied equitably and used for the benefit of all;
- 111.3 The decentralization of decision-making on development, service delivery and governance;
- 111.4 The provision of safe, secure and open access to markets, goods and services;
- 111.5 The recognition of social and cultural diversity;
- 111.6 The promotion of social welfare and stability;
- 111.7 The need to address environmental degradation;
- 111.8 The implementation of principles of sustainable development; and
- 111.9 The creation of an environment conducive to foreign investment.
112. The first priority of implementing the peace agreement is to address the needs of the war-affected areas, with special attention to displaced and war-affected persons to provide the basic services and security needed to enable them to return to their livelihoods in safety and dignity. This agreement sets out principles for the restitution of property and assistance for full reintegration to their former livelihoods, including rights to land, and compensation for losses and/or damages sustained as a result of the conflict.
113. The women of Darfur are involved in all areas of activity and constitute the bulk of the labour force, especially in the agricultural and animal resource sectors. In addition, women are heads of households particularly among refugees, the internally displaced persons and migrants. Women's situation in all this has been worsened by the war, which has had a particularly deleterious impact on women and children, especially in relation to their means of livelihood. There is need, therefore, for a special focus on the specific situation of women and for providing concrete measures to address their concerns, as well as ensuring their equal and effective participation in committees, commissions and bodies established pursuant to this agreement.
114. Recognition of traditional rights (including "hawakeer") and historical rights in land is essential to establish a secure and sustainable basis for livelihoods and

development in Darfur. This agreement sets out the mechanisms for recognising and protecting those rights.

115. The parties agree to establish a mechanism to introduce processes for ensuring the sustainable use and control of land and natural resources, and to ensure that all citizens affected by development of land and/or natural resources are consulted and their views taken into account in carrying out that development. Persons whose property or livelihoods are adversely affected by development of land and/or natural resources have a right to adequate compensation.

116. Land management structures and institutions shall be developed and legally supported to promote sustainable development, and address issues of environmental degradation.

Fiscal Federalism and Intergovernmental Relations

Assignment of Fiscal Responsibilities

117. The parties affirm that the assignment of expenditure and revenue responsibilities between the national and sub-national levels of government will be done according to the following principles:

- 117.1 An expenditure function should be assigned to that level of government whose jurisdiction most closely reflects the geographical area (state /region) served by that function. The delivery of a particular service (expenditure assignment) may be carried out exclusively by a given level of government, or concurrently by two or more levels.
- 117.2 The sub-national governments (states/regions) will endeavor to pay for the services delivered to people living in a given geographic (states/region) with revenues raised in that (states/region) (revenue assignment).

118. Sub-national levels of government (states/region) shall have the right to determine, without national interference, the structure of the revenue base and the level of the charge or tax rate applied to that base consistent with paragraph 6 herein.

Assignment of Revenue Bases

119. All revenues collected nationally for or by the National Government including those generated by any government ministry, department, or share of the national government in profits from corporation, company or any other entity, through commercial activity or otherwise, shall be pooled in a National Revenue Account (NRA) administered by the National Treasury. This fund shall embrace all accounts and sub-accounts into which monies due to the National Government are collected, recorded or deposited.

120. All revenues (tax and non-tax) and expenditures at all levels of government shall be on budget and made public.

121. The GoS may legislate to raise revenue or collect taxes from the following sources:

- 121.1 National personal income tax;
- 121.2 Corporate or business profit tax;
- 121.3 Customs duties and import taxes;
- 121.4 Seaports and Airports Revenue;
- 121.5 Service charges;
- 121.6 Oil revenues;
- 121.7 National government enterprises and projects;
- 121.8 Value Added Tax or general sales tax or other retail taxes on goods and services;
- 121.9 Excise duties;
- 121.10 loans including borrowing from the Central Bank of the Sudan and the public;
- 121.11 Grants and foreign financial assistance;
- 121.12 Other taxes to be legislated by the National Legislature.

122. The states of Darfur shall be entitled to and/or to raise and administer:

- 122.1 Land and property taxes and royalties;
- 122.2 Service charges for sub-national services;
- 122.3 License fees;
- 122.4 Sub-national state personal income tax;
- 122.5 Levies on tourism;
- 122.6 Sub-national states' share in revenues from oil and other natural resources produced in Darfur states;
- 122.7 Sub-national state government projects & nature parks;
- 122.8 Stamp duties;
- 122.9 Agricultural taxes;
- 122.10 Excise taxes;
- 122.11 Loans and borrowing both domestic and foreign in accordance with their creditworthiness and consistent with the national macro-economic policy framework;
- 122.12 Grants in aid and foreign aid grants.
- 122.13 Allocation from NRA mentioned in Para 3 above.
- 122.14 All allocations for Darfur Reconstruction and Development Fund to be established consistent with the general principles agreed upon.
- 122.15 Any other taxes or fees legislated from time to time, within their/its jurisdictions.

123. Darfur states may enter within their/its jurisdictions, into agreements to enhance revenue mobilization and administration.

Framework for Intergovernmental Transfers

124. To accomplish the task of fiscal equalization, the Fiscal and Financial Allocation and Monitoring Commission shall ensure that the interests and views of Darfur will be represented on a basis commensurate with the other sub-national governments of the Sudan. The FFAMC shall be structured in order to ensure: appropriate utilization and sharing of financial resources both vertically and horizontally; transparency and fairness in allocation of funds to states of Darfur and other states; and to monitor and ensure that equalization grants from the national government are promptly transferred to the states of Darfur and other states. The FFAMC shall report to the National Legislature.

125. To enable the FFAMC to perform its functions, the President shall appoint an independent Panel of Experts recommended by the FFAMC, to be approved by the National Legislature. The Panel shall comprise highly qualified economists and other relevant experts from academic, government, and other institutions, and from the private sector. The Panel shall propose formulae for vertical allocation of resources between the National Government and the states, and criteria for horizontal allocation between States. The Panel's proposal/report shall also include weights attached to those criteria. The Terms of Reference for the Panel shall be prepared by the FFAMC.

126. The Panel shall submit its report to the President through the FFAMC within six months of its appointment. The President shall then table the report before the National Legislature for approval within one month of its submission. If the report is approved, the FFAMC will be bound to implement the formulae and criteria for resource allocation contained therein.

127. The parties agree that the FFAMC shall be independent and shall have the capacity to perform its work in an effective manner. To be able to carry out its work with continuity and autonomy, the head of the FFAMC shall be appointed for a specific term, during which he/she cannot be removed without due cause. To do its work effectively the FFAMC shall have a technical secretariat that is adequately staffed with highly competent professionals. The FFAMC shall take its decisions by consensus.

128. The GoS shall take all necessary steps to ensure that the FFAMC becomes operational in the 2006 fiscal year and submits its recommendations on the formula for the vertical and horizontal allocations, to the Presidency and the National Legislature in time for inclusion in the 2007 national budget. To this effect, the Panel of Experts shall be appointed immediately following the signing of the Darfur Peace Agreement. In the event that the FFAMC report is not prepared, or not approved by the National Legislature, in 2006, the FFAMC shall propose a formula based on preliminary indicators worked out by the Panel of Experts to enable the national government make an allocation from the National Revenue Account (NRA) to states/region, other than those of Southern Sudan. The Northern States may collectively negotiate for a higher vertical allocation from the national government.

The FFAMC shall also determine the formula for horizontal allocation among the states to be included in the budget that the Presidency submits to the Legislature for the 2007 fiscal year.

129. Transfers from the GoS shall be necessary to address the expenditure needs of the states of Darfur. The Parties agree that financial equalization procedures shall be adopted as set by the FFAMC. Such procedures or measures may:

- 129.1 Not diminish the discretion local authorities may exercise within their own sphere of responsibility;
- 129.2 Supplement all the forms of transfers such as project and conditional grants;
- 129.3 Ensure that the quality of life, dignity and living conditions of all people are promoted without discrimination.

130. The FFAMC shall institute a transparent, formula-based process whereby the transfers to states of Darfur, and other sub-national governments of the Sudan shall be made in a predictable and timely manner, with the guarantee that the national government may not withhold the transfer of funds to Darfur states or any other sub-national government of the Sudan.

131. Darfur states may initiate proceedings in the Constitutional Court should the national government withhold monies due to them/it.

132. The parties agree that a system of specific purpose grants shall be developed to achieve the Millennium Development Goals (MDGs), poverty eradication goals and gender development.

Specific Fiscal Entitlements of Darfur

133. Within the context of the federal system, the appropriate level of government in Darfur, as per the agreement to be reached by the parties, shall be entitled to:

- 133.1 Transfers from the nationally collected revenues in accordance with the criteria above;
- 133.2 Raise and collect revenues as set out above;
- 133.3 Appropriate representation in the FFAMC;
- 133.4 Resources from the National Reconstruction and Development Fund;
- 133.5 Allocation of resources from the Multi Donor Trust Fund;
- 133.6 Timely and full transfer of the agreed allocations from the National Revenue Account (NRA).

External Sources of Finance

134. Darfur states shall have access to borrowing from national and international capital markets as long as borrowing is consistent with the macro-economic policy framework and the sub-national government is deemed creditworthy. Without prejudice to the independence of the Central Bank of Sudan and to the extent that

the national government and/or the Central Bank of Sudan are issuing sovereign guarantees for loans to states, potential loans to Darfur and other war affected and least developed areas will be given priority to receive such guarantees.

135. Darfur states government shall report to the national government the amount of all external finance and grants received.

Capacity Enhancement

136. The national government shall assist Darfur to develop and implement, starting right after the peace agreement, an advanced and comprehensive program for capacity building with respect to public finance and intergovernmental relations, including expenditure management to ensure accountability.

Monitoring and Accountability

137. Darfur states shall cooperate with the national government to report fully and completely, on a periodic basis (quarterly, semi-annually and annually), the amount of all their/its expenditures and revenues (tax and non-tax fees and charges). All such expenditures and revenues shall be on budget and the format of this reporting shall be determined according to transparent national government standards. It is recognized that such complete and standard reporting shall assist the determination of national transfers from the national government.

138. The institutions responsible for monitoring the implementation of this agreement are:

- 138.1 The Presidency;
- 138.2 National Legislative Bodies;
- 138.3 The FFAMC;
- 138.4 The National Audit Chamber;
- 138.5 Sub-national Legislatures;
- 138.6 The Supreme Constitutional Court.

ARTICLE 18

ECONOMIC POLICY FOR RECONSTRUCTION, INVESTMENT AND DEVELOPMENT

Macro-economic Policies

139. Economic policy is one of the key functions of government. Hence, the central objective of economic policy is the pursuit of full employment through sound policies that focus on the stability of price and employment levels and promote sustainable pro-poor economic growth. Such policies constitute a national macro-economic policy framework within which economic policies at sub-national levels are formulated and executed.

140. The national macroeconomic policy framework, therefore, provides an important vehicle for the combating of poverty and sense of marginalization in the Sudan during the post-conflict period.

141. National macro-economic policies shall be formulated to ensure that the quality of life, living conditions and dignity of all the citizens in the Sudan are promoted without discrimination on grounds of geographical location, race, ethnicity, religion, language, political affiliation or gender.

142. Fiscal and monetary policies, especially the banking system, shall be reviewed to meet the requirements of sustained growth and equitable development as well as to increase access to international capital market.

143. The parties call upon the Central Bank of the Sudan to introduce innovative finance methods and instruments that will expedite development efforts in Darfur states and other disadvantaged regions in the Sudan.

144. Recognizing that the private sector (national and foreign) plays a crucial role in development, national economic policies should be formulated to create a conducive environment for its effective participation in the development of post conflict Darfur states.

145. Research and development (R&D) and especially technological development shall be encouraged and promoted.

146. The agricultural sector, including livestock, has a special significance in the economy and the lives of all Sudanese citizens particularly the people of Darfur states. Accordingly, policies directed to its development shall be prioritized and emphasized.

147. Efforts shall be made to lay a solid base for industrial development with a special emphasis on agro-industry.

148. National economic policies shall also be directed to encourage exports from the Sudan to regional and international markets.

Darfur Development Policies

149. The parties agree that national development policy shall be based on the premise that all parts of the Sudan are entitled to equitable development and that such policies shall give special priority to the most disadvantaged (states) including Darfur states.

150. Within this framework, Darfur states shall pursue their/its short and medium term objectives of rehabilitation, reconstruction, construction and development while taking care of urgent needs and laying the basis for longer term development. Special attention shall be given to programs and projects that enable Darfur states to

speed up the transition from relief to development.

151. Key strategic objectives of Darfur states post conflict economic recovery and development, within the above overall national economic policy framework consist of:

- 151.1 Reinvigoration of the economy of Darfur states to enable it to integrate into the national Economy and to promote interregional trade;
- 151.2 Rehabilitation of basic social services such as education, health and water;
- 151.3 Achievement of sustainable economic growth, equitable development, social stability and considerable improvement in access to social services;
- 151.4 Eradication of poverty and enhancement of economic empowerment and awareness.
- 151.5 Creation of adequate employment opportunities;
- 151.6 Development of individual and institutional capabilities for good governance with emphasis on accountability and transparency;
- 151.7 Development of physical infrastructure that will improve Darfur's access states to its main markets as well as to the rest of the Sudan and neighbouring countries;
- 151.8 Building of technical and analytical capabilities in the key areas of economic management and financial management and procurement;
- 151.9 Encouraging the production of alternative energy sources and addressing causes of environmental degradation.

152. The parties recognize that Darfur states, being historically deprived and having severely suffered from destruction caused by the war, is therefore in serious need to:

- 152.1 Restore peace, security, and social stability.
- 152.2 Carry out government functions more effectively.
- 152.3 Strengthen civil administration.
- 152.4 Rehabilitate, reconstruct and construct physical, institutional and social infrastructures in post-conflict Darfur.

152. Competition for pasture and water by nomadic herders and settled agricultural producers is an important problem. The problem shall be addressed in a comprehensive way, by developing policies to reverse environmental degradation and the decline in agricultural yields, gradually shifting the emphasis of herders from quantity to quality, developing a framework for equitable access by various users of land and water resources, as well as developing research capacities in these areas.

153. The parties agree to make every effort to bring Darfur states up to the national average level of human development in the shortest possible time with a view to attaining the Millennium Development Goals (MDGs).

Reconstruction, Investment and Development

154. The parties recognize that Darfur states will need a rapid transition from war to peace, which would in turn create an enabling environment for accelerated transition from humanitarian relief assistance to economic recovery and development.

155. To sustain this transition and to achieve the above-mentioned objectives, Darfur states is in need of resources well beyond what it can possibly raise from its local economy in the foreseeable future. Therefore, it shall be aided in its efforts through substantial, reliable and timely transfers from the National Revenue Account/ Fund, other national sources as well as from foreign aid.

156. The parties agree that, in addition to the share of Darfur in the FFAMC transfers from the National Revenue Account, the national government shall allocate an amount equivalent to US \$ 300,000,000 (Three Hundred Million) as seed money for the DRDF in 2006. The National Government is further committed to allocating to the DRDF:

- 156.1 An amount of not less than US \$ 200,000,000 (Two hundred Million) per annum for 2007 and 2008 which shall be adjusted on the basis of the JAM outcome;
- 156.2 Its share of the JAM commitments as determined at the post-JAM donor pledging conference for the period fixed by the JAM and adjusted accordingly;
- 156.3 The amount necessary to complete the Darfur development projects determined in the JAM if these are incomplete at the end of the JAM period, until the end of 2015 within the overall objective of achieving the MDGs.

Darfur Reconstruction and Development Fund (DRDF)

157. The parties agree that a special fund for the rehabilitation, reconstruction, construction and development of Darfur states to be known as “Darfur Reconstruction and Development Fund” (DRDF) shall be established.

- 157.1 The DRDF shall solicit, raise and collect funds from domestic and international donors and disburse such funds for the resettlement, rehabilitation and reintegration of internally and externally displaced persons and to address past development imbalances especially infrastructure.
- 157.2 The DRDF shall be professionally managed and transparently administered. To ensure accountability, transparency, equity and fairness in the utilization of the funds, DRDF shall develop an effective system of monitoring and evaluation.
- 157.3 The DRDF shall manage its resources and expenditures and shall be entitled to raise additional funds by way of donations from foreign countries, regional and international organizations and/or

- other bodies for the purpose of reconstruction, construction and development of Darfur states.
- 157.4 The DRDF shall develop special funding mechanisms to address the specific needs of women. These mechanisms shall cover, but not limited to, creation of investment opportunities, enhancement of productive capacities, provision of credit, production inputs and capacity building for women.
- 157.5 The governance structure of the DRDF shall include representative of the national government, Darfur (states/region) and donors. The modalities of this structure shall be worked out under the implementation mechanisms and guarantees.

Joint Assessment Mission (JAM) for Darfur states

158. The Parties agree to initiate as soon as possible a Joint Assessment Mission (JAM) to identify and quantify the needs of post-conflict economic recovery, development and poverty eradication program for Darfur states. These needs will be presented to the donors at a donors' conference to be convened three months after the signature of Darfur Peace Agreement (DPA). In this regard, the parties call upon the World Bank (IBRD), the United Nations and the African Development Bank (ADB) to lead the JAM exercise, in collaboration with the Islamic Development Bank (IDB), the African Union (AU), the League of Arab States (LAS), the Arab Funds, the European Union (EU), the USA and all other interested countries and parties.

ARTICLE 19

DEVELOPMENT AND MANAGEMENT OF LAND AND NATURAL RESOURCES

Traditional and historical rights in land

159. The regulation of the land tenure, usage and exercise of rights in land shall be a concurrent competency exercised at the appropriate level of government.

160. Rights in land owned by the GoS within Darfur shall be exercised through the appropriate or designated level of government.

161. Tribal land ownership rights (hawakeer), historical rights to land, traditional or customary livestock routes, and access to water, shall be recognised and protected. All levels of government shall institute a process to progressively develop and amend the relevant laws to incorporate customary laws, practices, international trends and practices and protect cultural heritage.

162. All displaced persons and other persons arbitrarily or unlawfully deprived of rights to land shall have those rights restored to them. No person or group of persons shall be deprived of any traditional or historical right in respect of land or access to water without consultation and compensation on just terms.

163. The Parties agree that the land referred to in this agreement is that land of Darfur as agreed in clause/section XX of the Protocol on Power Sharing.

Natural Resources

164. The Parties agree that states in which oil or mineral resources are produced shall have the right to negotiate and to be granted the negotiated share of revenue generated there from.

Law Reform

165. The laws as amended in accordance with paragraph 3 above shall make provision for the recognition and protection of traditional or customary rights to land.

Land Commission

166. Without prejudice to the jurisdiction of courts, there shall be established a (state/regional) Land Commission to address issues related to traditional and historical rights to land, and review land use management and natural resource development processes.

167. The state Land Commission shall:

- 167.1 Be independent and impartial;
- 167.2 Have membership that reflects land use interests in the geographical area in respect of which the state Land Commission exercises jurisdiction;
- 167.3 Determine its own procedures;
- 167.4 Have access to all pertinent land records;
- 167.5 Carry out its functions in a timely manner;
- 167.6 Take all reasonable measures to ensure full and effective participation in its procedures;
- 167.7 Report annually to the respective level of government on its operations and the expenditure of its annual budget.
- 167.8 Membership, appointment, terms and conditions of service of the State Land Commission shall be regulated by law.

168. The state Land Commission shall have the following functions:

- 168.1 Arbitrating disputes between the willing contending parties over rights to land;
- 168.2 Making recommendations to the appropriate level of government concerning land reform policies and land use or recognition of traditional or historical rights in land;
- 168.3 Determining applications for review of decisions concerning land use planning and consents for the development of land in accordance with legislation enacted pursuant to this agreement;

- 168.4 Establishing and maintaining records of existing and historical land use;
- 168.5 Conducting research on land tenure and land usage in the geographical area in which jurisdiction is exercised;
- 168.6 Recommending measures for improving the system for planning and development of land and other natural resources to the appropriate level of governance;
- 168.7 Reviewing existing land instruments and recommending to the relevant authority the introduction of such necessary changes as may be required including restitution of land rights or compensation.

169. In carrying out its arbitration function, the state Land Commission shall have discretion to entertain applications, and with the consent of the contending parties, may apply traditional and customary law and/or principles of justice and equity. The outcome of the arbitration shall be binding on the contending parties and may be enforced in a court of competent jurisdiction.

170. The states Land Commission shall be bound by decisions made by any body or authority given jurisdiction by the appropriate level of government or specifically constituted under this agreement to make determinations concerning land of displaced or other war-affected persons.

171. The National Land Commission and the State Land Commission established by this agreement shall cooperate and coordinate their activities so as to use their resources efficiently. Without limiting the matters of coordination, the National Land Commission and the State Land Commission may agree:

- 171.1 To exchange information and decisions of each Commission;
- 171.2 That certain functions of the National Land Commission, including collection of data and research, may be carried out through the (state/regional) Land Commission;
- 171.3 On the way in which any conflict between the findings or recommendations of each Commission may be resolved.

172. In case of conflict between the findings and recommendations of the National Land Commission and the State Land Commission, which cannot be resolved by agreement, the Commissions shall reconcile their positions. The matter shall be referred to the Constitutional Court for adjudication if the positions cannot be reconciled.

Planning and development of land and natural resources

173. With the intent of establishing transparent and accountable processes for determining the use of land and development of natural resources in Darfur, the competent authorities shall establish a system for regulating land use planning and the development of natural resources that shall apply to land in Darfur, including land owned by the GoS, for development and other national projects.

174. The system of land and natural resource planning and development established pursuant to this Agreement shall have as its objectives:

- 174.1 The proper management, development and conservation of natural resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages, for the purpose of promoting the social and economic welfare of the community and a better environment;
- 174.2 The promotion and coordination of the orderly and economic use and development of land and natural resources;
- 174.3 Ecologically sustainable development;
- 174.4 The protection of cultural heritage;
- 174.5 The protection, provision and coordination of communication and utility services;
- 174.6 The provision of land for public purposes;
- 174.7 The provision and coordination of community services and facilities;
- 174.8 The protection of the environment, including the protection and conservation of native animals and plants, threatened species, and ecological communities;
- 174.9 The rehabilitation of degraded land and revegetation programs;
- 174.10 The promotion of shared responsibility for environmental planning between the different levels of government in Darfur;
- 174.11 The provision for public involvement and participation in environmental planning and assessment;
- 174.12 The provision for consultation of all persons affected by proposed development of land and natural resources;
- 174.13 The provision for adequate compensation for persons whose livelihoods or property are affected by development decisions in respect of land and natural resources.

175. Sub-national governments in Darfur shall develop and implement plans of management for land within their respective jurisdictions consistent with the objectives set out in paragraph 16 above. Localities shall consult with affected persons and take into consideration the objectives in paragraph 16 and any applicable traditional or customary law in making decision about development within their jurisdictions.

Land Use and Natural Resource Planning

176. The sub-national governments of Darfur shall enact legislation setting out the objectives in paragraph 112. The Planning Legislation shall:

- 176.1 Establish a Planning Authority with the function of regulating the development and implementation of land use management plans;
- 176.2 Specify the minimum procedural requirements governments must adhere to in developing and promulgating land use management plans, including specific provision for consultation of persons affected by proposed plans;

- 176.3 Specify the minimum content of land use management plans, including requirements to state the aims, objectives, policies and strategies by which the plan is designed to carry out the objective;
- 176.4 Provide for the control of development on land in Darfur by specifying the types of development which may not be carried out, or which may be carried out only with permission;
- 176.5 Provide for the establishment of a public register of all land use management plans.

Review and Administrative Action and Accountability

177. The Planning Legislation shall provide for :

- 177.1 Review by the State Land Commission of the legal validity of land use management plans made pursuant to its provisions;
- 177.2 Review by the State Land Commission of the merits and legal validity of decisions in respect of the development of land or natural resources.
- 177.3 The Planning Authority shall report annually to the appropriate level of government on the implementation of the legislation.

Major Development Projects

178. In exceptional circumstances the state legislature in Darfur may authorise the state government to enter into agreements for major development, which may be inconsistent with any land use management plan or planning legislation. The government may seek authorisation only if the agreement contains detailed provisions setting out:

- 178.1 The measures that will be adopted under the agreement for protection of the environment;
- 178.2 The steps taken to consult with all persons whose interests are affected by the proposed development;
- 178.3 The benefits that will accrue to local communities and the people of Darfur as a result of entering into the agreement;
- 178.4 The level of compensation that will be paid to persons whose property or livelihoods will be adversely affected by the agreement, and a statement of whether or not that compensation has been agreed to by the persons so affected.

ARTICLE 20

URGENT PROGRAMS FOR INTERNALLY DISPLACED PERSONS (IDPS), REFUGEES AND OTHER WAR-AFFECTED PERSONS AND COMPENSATION FOR WAR-AFFECTED PERSONS

Principles

179. Displaced and war-affected persons will enjoy the same human rights and fundamental freedoms as any citizen under the law of the Sudan. In particular, the relevant authorities have a responsibility to ensure that such persons enjoy freedom of movement and of choice of residence, including the right to return and to re-establish themselves at their places of origin or habitual residence.

180. The treatment of displaced and war-affected persons in and from Darfur will conform to international humanitarian law, human rights law and guiding principles, as set out in the Declaration of Principles.

181. In all cases, the return of displaced persons to places or regions of origin must be voluntary. In this regard, the displaced should have access to objectively reliable information about conditions in their places of origin. Relevant authorities with the assistance of the AU and the international community shall assure proper protection and dignified treatment of displaced persons during the process of voluntary return and reintegration or voluntary resettlement at another place of their choice.

182. The parties agree that the provision of security is necessary for displaced persons to return. To restart their livelihoods and commence effective reintegration, they will need potable water, food and shelter materials, as well as agricultural inputs for both crops and livestock such as seeds, seedlings, veterinary services, tools, and essential equipment including machinery for the making of building blocks, as well as micro credit schemes. Recovery will have to include the rehabilitation and/or creation of adequate educational and health facilities.

183. The National Government is committed to contributing resources to meet urgent needs for the return and resettlement of IDPs and refugees.

184. DRRC, seeking support from the relevant authorities and with the assistance of the AU and the international community, shall see to it that these and other basic rights and needs of returnees are met.

Protection

185. The parties shall establish a Darfur Rehabilitation and Resettlement Commission (DRRC) to implement strategies for conduct surveys and assessments of, monitor and report on the situation of the displaced and war-affected persons to the appropriate level of government. Strategies, surveys, assessments and information should be shared with the international community.

186. DRRC shall consult with IDPs and returnees as well as all other stakeholders.

187. DRRC shall, in accordance with its regulations, grant the United Nations, NGOs and other humanitarian agencies access to displaced and war-affected persons, whether they are in urban, rural or camp settings, in accordance with international humanitarian law. Disputes over humanitarian access shall be referred to the relevant National government authorities.

188. The parties to this agreement, with the assistance of the AU and the international community, pledge to provide protection and physical security of the displaced and war-affected persons in all areas of Darfur. The relevant authorities shall make all necessary efforts to respond to violations of human rights, redress the impact of such violations and take all necessary measures to ensure justice in a timely and effective manner.

189. The relevant authorities, with the assistance of the AU and the international community, shall protect the returning displaced persons from all forms of harassment, coercion, informal 'taxation' or confiscation of belongings. In such protection efforts, special attention to the protection of displaced women from all forms of harassment, exploitation and gender-based violence, is essential.

190. DRRC shall provide basic food, shelter and access to potable water while displaced persons are en route to areas of return. The DRRC shall make special efforts to ensure the full participation of women in the planning and distribution of these basic facilities.

191. Strategies created under paragraph 14 shall include reconciliation and peace-building activities, such as local reconciliation meetings to settle local conflicts and the use of traditional dispute resolution mechanisms.

192. DRRC, in collaboration with the relevant authorities shall assist in the rehabilitation and reintegration of orphans and other people of special needs.

193. Upon the request of the DRRC, the relevant authorities shall establish mobile courts and other mechanisms, whenever deemed necessary to ensure prompt access to justice.

Documentation

194. DRRC, in collaboration with the relevant authorities, shall take steps to facilitate the registration of all displaced persons, whether they are in urban, rural or camp settings and shall issue to displaced persons all documents necessary for the exercise of their legal rights, such as passports, personal identification documents, birth certificates, marriage certificates and all necessary documents of title. In particular, DRRC shall facilitate the issuance of new documents or the replacement of documents lost during displacement, without the imposition of unreasonable conditions, costs or delays. When necessary, traditional administration or community leadership shall be used for proof of identity.

195. Displaced women and men have equal rights to obtain all necessary documents. Women and girls shall also have documentation issued in their own names. Special efforts shall be made to provide documents to orphans.

Family unity

196. The National Government and the relevant authorities in Darfur pledge to protect the integrity of the family and community and the right to family life. Special efforts shall be made to reunify unaccompanied minors with their families or communities of origin. DRRC shall facilitate inquiries made by family members and co-operate with the work of humanitarian organisations engaged in assisting family reunification.

Restitution

197. Displaced persons have the right to restitution of their property, whether they choose to return to their places of origin or not, or to be compensated adequately for the loss of their property, in accordance with international principles.

198. DRRC and the relevant authorities shall establish restitution procedures, which must be simple, accessible, transparent and enforceable. All aspects of the restitution claims process, including appeals procedures, shall be just, timely, accessible, free of charge, and age and gender sensitive. The procedures shall contain positive measures to ensure that women are able to participate on a fully equal basis in the process.

199. Compensation in place of restitution should only be given where it is factually established, in accordance with the procedures in this agreement, that restitution is impossible.

200. DRRC shall establish independent and impartial committees called hereafter "Property Claims Committees" (PCCs) in both rural and urban areas to deal with all property disputes that shall arise from the return process. Such disputes shall be resolved locally and rapidly. Mediation and traditional dispute resolution mechanisms shall also be used, consistently with human rights principles, and without prejudice to the jurisdiction of the courts. The property claims committees shall:

- 200.1 Resolve disputes over rights to land caused by the displacement of the original inhabitants or users of the land. In case of failure, the issue shall be referred to the relevant authorities;
- 200.2 Be independent and impartial;
- 200.3 Have members representative of the geographical area in respect of which the commission exercises jurisdiction;
- 200.4 Determine their own procedures guided by the DRRC.
- 200.5 Have access to all pertinent land & other records;
- 200.6 Be able to summon witnesses;
- 200.7 Carry out its functions in a timely manner;

- 200.8 Take all reasonable measures to ensure full and effective participation in its procedures;
- 200.9 Hold hearings in public and publish its decisions;
- 200.10 Report quarterly to DRRC established above on its operations and the expenditure of its annual budget;
- 200.11 Co-ordinate their work with the relevant Land Commissions established by this Agreement;
- 200.12 Make recommendations to the relevant authorities for the implementation of its decisions;

201. Membership, appointment, terms and conditions of service of the Property Claims Committees (PCCs) shall be regulated by law.

Compensation

202. The Parties agree that the victims of the armed conflict in Darfur have an inalienable right to have their grievances addressed in a comprehensive manner and to receive compensation. Restitution and compensation for damages and losses shall necessitate massive mobilization of resources.

203. The Parties agree on the establishment of an independent and impartial Compensation Commission to deal, without prejudice to the jurisdiction of courts, with claims for compensation by people of Darfur who have suffered harm, including physical or mental injury, emotional suffering or human and economic losses, in connection with the conflict.

204. The Commission shall be established by Presidential decree and shall continue to operate until the final disposition of all claims for compensation.

205. The membership of the Commission shall comprise persons nominated by the Parties and persons representative of affected communities, leaders of Native Administration. Special measures shall be taken to ensure the effective representation of women in the membership of the Commission. The Commission may engage experts and may act in accordance with their recommendations.

206. The Commission shall set its own rules of procedure based on international principles and practices, national law, and customary law and practices and it may establish local branches as well as specialized chambers. The Commission shall ensure that its work is conducted in a transparent manner, and that it is easily accessible to people claiming restitution or other compensation.

207. The Commission shall do everything necessary to co-ordinate its work with the Property Claims Committees. The Commission shall refer property disputes that arise from the return process to the Property Claims Committees established under this Agreement. In the case of conflict between the Property Claims Committees and the Compensation Commission that cannot be reconciled through consultation between them, the Darfur Rehabilitation and Resettlement Commission (DRRC) shall resolve the conflict. The Commission shall also coordinate its activities with the

DRRC.

208. The Commission shall work out principles for appropriate restitution or other compensation. In doing so, the Commission shall take into account, among other considerations:

- 208.1 International principles and practices, national law and customary law and practices;
- 208.2 The principle of providing fair and just restitution for loss or damage suffered;
- 208.3 The principle that if restitution is impossible, other compensation shall be provided;
- 208.4 The needs of vulnerable groups such as women and children;
- 208.5 The principle that persons should not be compensated twice for the same loss;
- 208.6 The principle that the award of restitution or other compensation under this Article is distinct from the issue of punishment under criminal law;
- 208.7 The capacity of the perpetrator or perpetrators to pay monetary compensation.

209. The Commission shall have powers including, but not limited to, the following:

- 209.1 To make binding awards for restitution or other compensation within its competence;
- 209.2 To resolve claims informally, or by applying traditional or customary laws and practices;
- 209.3 To make an order apportioning liability to make restitution or pay compensation between persons who in the Commission's opinion share the responsibility for compensable loss or damage;
- 209.4 To determine the time within which any award of monetary compensation shall be paid.

210. Awards of compensation made by the Commission may include the following:

- 210.1 Restitution of stolen, lost or destroyed objects;
- 210.2 Monetary compensation;
- 210.3 Provision of inputs (crops, livestock, veterinary medicines, agricultural tools, etc.);
- 210.4 Rehabilitation including medical and psychological care;
- 210.5 Legal assistance and social services;
- 210.6 Acknowledgment and acceptance of responsibility;
- 210.7 Guarantees of non-repetition;
- 210.8 Traditional forms of compensation.

211. The Commission must not entertain any claim for compensation made to it more than ten (10) years after the date of this agreement.

212. The law establishing the Compensation Commission shall make provision for:

212.1 Mechanisms for review, on matters of law, of the determinations of the Commission;

212.2 Mechanisms for enforcement of the Commission's determinations of awards of monetary compensation, restitution, or payment of other forms of compensation.

213. The Parties agree that, within three months after the signing of the Peace Agreement, a Compensation Fund on which the Commission may draw to make interim awards of monetary compensation without proceeding to a full hearing of the claim shall be established.

214. Any such payment awarded by the Commission must be made within 60 days after the award is made. Any amount already paid to the claimant from the Compensation Fund shall be deducted from the award of monetary compensation made by the Commission after a full hearing of the claim.

215. The Commission shall determine the modalities of its operation (for compensation), taking into account, among others, traditional dispute settlement mechanisms.

216. The Government shall support the Compensation Fund by making contributions into it. The Commission shall also raise funds from the private sector and any other sources.

ARTICLE 21

GENERAL PROVISIONS

217. The Parties agree to establish upon the signature of this Protocol, the Darfur Relief and Rehabilitation Commission (DRRC) in this regard the Parties call upon the international community to provide technical, material and financial support to enable the DRRC to operational as soon as possible.

218. The Parties call upon the international community to also provide seed money to the DRDF in order to initiate quick start impact programs, capacity building in the key areas of economic governance, and relief-related institutional and physical infrastructures.

CHAPTER THREE: COMPREHENSIVE CEASEFIRE AND FINAL SECURITY ARRANGEMENTS

ARTICLE 22

GENERAL PRINCIPLES

219. Cognizant of the debilitating effects of armed conflict, and appreciating the need for a Comprehensive Ceasefire in Darfur, the Parties hereby;

- Reaffirm their commitment to implement all Agreements and Protocols signed. In particular, the April 2004 N'Djamena Agreement, the May 2004 Addis Ababa Agreement, the November 2004 Abuja Protocol on the Enhancement of the Security Situation in Darfur, as well as the July 2005 Declaration of Principles (DoP).
- Affirm that lasting peace in Darfur shall be achieved and consolidated through, among others, a comprehensive Ceasefire Agreement and final Security Arrangements that address the root causes and different aspects of the armed conflict.
- Undertake to refrain from acts such as mobilization, recruitment or initiatives that are likely to jeopardize the peace process including offensive military actions, movements, deployment of forces and engaging in hostile propaganda campaigns as a reaffirmation of commitment to create and maintain a conducive atmosphere.
- Guarantee the free movement of people, goods and services in Darfur.
- Refrain from any act that may jeopardize the humanitarian operations in Darfur and re-state commitment to create appropriate security conditions for the unimpeded flow of humanitarian assistance and goods, guarantee security in the camps hosting IDPs and the creation of conducive atmosphere for their voluntary return and refugees to their areas of origin.
- Undertake measures to neutralize and disarm the Janjaweed/armed militias in line with UN resolutions 1556 and 1564, the AU Summit Resolutions, the N'djamena Agreement and the November 2004 Abuja Protocol, such that security in Darfur is assured.
- Undertake confidence and trust building measures including the release of detainees as a result of the conflict in Darfur, other than those persons convicted through the due process of law upon signing the Comprehensive Peace Agreement.
- Ensure strong Sudanese Armed Forces such that it is professional, inclusive, and an institution that is capable of maintaining the sovereignty and territorial integrity of the Nation.

- Establish a mechanism whereby law enforcement is effective and the internal security of Darfur is assured.
- Design a process that allows all political forces and civil society organizations to play an effective role in achieving a comprehensive peace.
- Put in place proper mechanisms for the demobilization, rehabilitation and social reintegration of former combatants returning to civilian life.
- Undertake that all the troops and forces under their command at all levels ensure observance, implementation and protection of the present Agreement.

ARTICLE 23

INTRODUCTION

Purpose of this Agreement

220. The purpose of this Agreement is to enhance the Humanitarian Ceasefire Agreement and other Agreements signed by the Parties and to lay the foundation for final security arrangements and a lasting peace in Darfur.

221. The Agreements signed by the Parties are the 2004 N'djamena Agreement on Humanitarian Ceasefire on the Conflict in Darfur; the 2004 Addis Ababa Agreement with the Sudanese Parties on the Modalities for the Establishment of the Ceasefire Commission and the Deployment of Observers in Darfur; the 2004 Abuja Protocol Between the Government of Sudan, the Sudan Liberation Movement/Army and the Justice and Equality Movement on the Improvement of the Humanitarian Situation in Darfur; and the 2004 Abuja Protocol Between the Government of Sudan, the Sudan Liberation Movement/Army and the Justice and Equality Movement on the Enhancement of the Security Situation in Darfur in Accordance with the N'djamena Agreement, hereinafter called "the existing ceasefire agreements".

Aims of this Agreement

222. The aims of this Agreement are as follows:

- a. To ensure that a ceasefire prevails in Darfur.
- b. To ensure that civilians are not subjected to violence, intimidation, threats and forced displacement.
- c. To ensure that women and children are not subjected to gender-based violence.

- d. To ensure that humanitarian assistance is provided safely to internally displaced persons (IDPs) and other civilians in need.
- e. To help create the environment that would enable IDPs and refugees to return voluntarily and safely to their places of origin.
- f. To ensure that the Parties co-operate with AMIS and the other ceasefire monitoring and verification bodies.

Scope of this Agreement

223. This Agreement covers the following main topics:

- a. Introduction (Chapter 1)
- b. Prohibited Activities (Chapter 2)
- c. Strengthening the Ceasefire Monitoring and Verification Mechanisms (Chapter 3)
- d. Protecting IDPs and Humanitarian Supply Routes (Chapter 4)
- e. Disengagement, Redeployment and Limited Arms Control (Chapter 5)
- f. Non-Military Logistic Supplies to the Movements (Chapter 6)

Status of this Agreement

224. This Agreement is intended to strengthen the existing ceasefire Agreements. It does not replace these Agreements, which remain valid. The Parties are obliged to honour their commitments and obligations under this Agreement.

225. Where there is any contradiction or inconsistency between this Agreement and the existing ceasefire Agreements, this Agreement shall take precedence and shall prevail.

226. Nothing in this Agreement infringes on the ability of the GoS to protect the territorial integrity or sovereignty of Sudan from external aggression.

227. This Agreement shall take effect 72 hours after it has been signed by the Parties.

Interpretation of Agreements and Resolution of Disputes

228. Where there is any dispute among the Parties over the interpretation of this Agreement or any of the existing ceasefire agreements, the Parties shall endeavour to resolve the dispute by consensus in the Joint Commission.

229. If the Parties are unable to resolve the dispute through consensus, the Chairperson of the Joint Commission shall consult with the international members of the Joint Commission and issue a final ruling. The Parties shall be bound by the ruling.

Promotion of this Agreement

230. The Parties shall promote awareness and understanding of this Agreement, and adherence to its provisions, among their commanders, members and allied forces.

231. AMIS shall design and, in conjunction with the Parties, run awareness programmes in Darfur to ensure that local communities and the Parties' commanders, members and allied forces understand the mandate of AMIS, the ceasefire obligations of the Parties and the activities that constitute violations of the ceasefire. The programmes shall include the use of meetings and print and electronic media in local languages.

ARTICLE 24

PROHIBITED ACTIVITIES

232. In the light of the existing ceasefire Agreements, the Parties shall scrupulously refrain from the following activities:

- a. All attacks against the members and locations of another Party, including acts of sabotage, hostage-taking, detention, laying of mines and seizure of property and materiel belonging to another Party.
- b. All attacks, harassment, abduction, intimidation and injury to civilians, including IDPs, humanitarian workers and other non-combatants, and any seizure of their equipment and property.
- c. Any actions that impede or delay the provision of humanitarian assistance or protection to civilians.
- d. Any restrictions on the safe, free and unimpeded movement of humanitarian agencies.
- e. All acts and forms of gender-based violence.
- f. Any restrictions on the free movement of people and goods.
- g. All attacks on AMIS personnel and installations and seizure of its equipment.

- h. All activities that obstruct the efforts of AMIS and amount to a failure to co-operate with AMIS, including the prohibition of AMIS patrols and flights over any locations, even in the event that curfews and no go zones are imposed in emergency situations.
- i. Any attempt by a Party to disguise its equipment, personnel or activities as those of AMIS, United Nations Agencies, the International Committee of the Red Cross/Crescent or any other similar organisation.
- j. All offensive military flights in and over Darfur.
- k. Any attempt to redeploy military forces and equipment or occupation of any positions out of their respective deployment positions or deploy additional military forces into Darfur by the GoS without the consent of the Ceasefire Commission.
- l. Any recruitment into the military forces of a Party in Darfur.
- m. Any recruitment or use of boys and girls under age 18 years by Parties.
- n. All hostile propaganda and incitement to military action.

233. The Parties shall also refrain from all activities that are prohibited elsewhere in this Agreement and in the existing ceasefire agreements.

234. The Parties shall refrain from all activities that AMIS, the Ceasefire Commission and the Joint Commission determine to be violations of the ceasefire based upon this Agreement and existing ceasefire agreements.

ARTICLE 25

STRENGTHENING THE CEASEFIRE MONITORING AND VERIFICATION MECHANISMS

General Provisions

235. The Parties:

- a. Recognise the importance of AMIS, the Ceasefire Commission, the Joint Commission and the Joint Humanitarian Facilitation and Monitoring Unit (JHF MU) for maintaining the ceasefire, building confidence and resolving disputes among the Parties.
- b. Reaffirm their commitment to co-operating with the ceasefire monitoring and verification mechanisms.

- c. Support efforts to strengthen the capabilities and operation of the mechanisms.
- d. Support the provision of training to members of the mechanisms, including the members who are delegates of the Parties, in order to enhance their participation in the mechanisms.
- e. Support the participation of a greater number of women in the mechanisms.
- f. Call urgently on the AU to improve co-ordination between AMIS, the Ceasefire Commission, the Joint Commission and the JHFMU.
- g. Call urgently for these mechanisms to develop a quicker, more efficient and more decisive process of investigating complaints, issuing reports and making decisions on violations of the ceasefire.

AMIS

236. The Parties request the AU and its international partners to ensure that AMIS has the appropriate force levels and resources, including land and air capabilities, to fulfil its mandate.

237. The GoS, in co-operation with the AU and its international partners, shall ensure that landing facilities in Darfur are maintained and extended for the purpose of AMIS strategic air transport.

238. The manpower and technical capabilities of AMIS Civilian Police shall be strengthened to enable it to perform its functions.

239. AMIS shall increase the number of its military observers, particularly from the Parties, and shall also increase its military observer sites, so that it is better able to cover the territory of Darfur, reach remote areas and investigate all complaints promptly.

240. AMIS Civilian Police shall be deployed in IDP camps and areas of civilian habitation controlled by the Movements and shall develop a deployment plan in coordination with the Movements Police Liaison Officers.

241. AMIS shall increase the number of its local language translators, with special attention to female translators, in order to enhance its capacity to gather information related to the conflict and law enforcement and interact with local communities.

242. AMIS shall adopt a policy of zero tolerance in relation to gender-based violence and abuse of women and children.

243. AMIS Civilian Police shall be permitted to visit persons detained in relation to the armed conflict in Darfur in prison and detention centres without hindrance.

244. The Parties shall allow AMIS unimpeded freedom of movement in all areas and at all times of the day and night in Darfur.

245. AMIS shall communicate to the Parties' representatives in the Ceasefire Commission and commanders in the field that any Party that denies AMIS access to any area under its control is in violation of the ceasefire.

Ceasefire Commission

246. The Ceasefire Commission shall be chaired by the AMIS Force Commander. The Deputy Commander shall be the first Vice Chair of the CFC. The European Union representative shall be the second Vice Chair of the CFC. The Parties shall give the Force Commander the necessary support to enable him/her to perform this function.

247. The AMIS Deputy Force Commander shall be a member of the Ceasefire Commission. In the absence of the AMIS Force Commander, the Deputy Force Commander shall deputise for him/her as the Chairperson of the Commission. The AMIS Civilian Police Commissioner shall be a member of the Ceasefire Commission.

248. The AMIS Force Commander shall establish Ceasefire Sub-Commissions in each AMIS military sector in Darfur in order to ensure a quicker cycle of investigation and reporting. The Ceasefire Sub-Commissions shall be chaired by the AMIS Sector Commanders.

249. The Parties shall give the requisite authority to their representatives in the Ceasefire Commission to make all necessary decisions.

250. Representatives of the European Union, the United States of America and the United Nations shall serve as Observers.

251. The Chairperson of the Ceasefire Commission shall submit weekly reports to the Joint Commission.

252. The Chairperson of the Ceasefire Commission shall properly establish the Commission's Secretariat, equip it and staff it with suitably qualified persons, after informing the GoS in accordance with the Status of Mission Agreement.

253. When the Parties are unable to reach consensus on a matter before the Ceasefire Commission, the Chairperson shall refer the matter to the Joint Commission. The Parties shall be obliged to adhere to the ruling of the Joint Commission.

254. The Chairperson of the Ceasefire Commission shall issue regular press statements on violations of the ceasefire, following investigations of the incidents,

and shall post these statements on the websites of the AU and AMIS and give copies to the Parties.

Joint Commission

255. Until such time as conditions are conducive to hold its meetings in El Fasher, the Joint Commission shall hold its meetings at the AU headquarters in Addis Ababa. The Joint Commission shall be chaired by the Special Representative of the Chairperson of the African Union Commission.

256. The Joint Commission shall meet on a monthly basis; it shall issue a report after each meeting; and its members shall receive the agenda and documentation at least seven days before each meeting. The Joint Commission shall call emergency meetings when these are needed.

257. The Joint Commission shall take decisive action in relation to ceasefire violations. Such action shall include one or more of the following:

- a. Publicising the violation and the name of the Party that committed the violation.
- b. Recommending that individuals who violate the ceasefire be prosecuted through appropriate national disciplinary procedures, including court martial or criminal trial procedures or through international procedures, as appropriate.
- c. Recommending appropriate internationally accepted actions in appropriate instances concerning cases of grave violations.
- d. Making further recommendations on punitive action to the AU for its consideration.

258. The Parties shall implement the Joint Commission's recommendations on disciplinary measures relating to the ceasefire violations.

259. The Joint Commission shall submit all its reports to the AU for consideration and further action as appropriate.

260. The Parties shall distribute to their members and constituencies the reports of the Joint Commission.

261. The Joint Commission shall endeavour to make decisions by consensus. Where consensus cannot be reached, the Commission shall issue a report with each party's views.

262. In addition, where the Joint Commission is unable to reach consensus, the Chairperson of the Commission shall consult with the International Members in accordance with the established rules and procedures and issue a ruling on the

matter if he/she deems this to be necessary in the vital interests of maintaining the ceasefire. The Parties shall be obliged to adhere to the ruling.

263. The Chairperson shall issue regular public statements on ceasefire violations and progress towards implementing this Agreement and shall post these statements on the websites of the AU and AMIS and give copies to the Parties.

Joint Humanitarian Facilitation and Monitoring Unit

264. Without duplicating or impeding existing international coordination and assistance efforts, in the manner stipulated in the 2004 Abuja Protocol on the Improvement of the Humanitarian Situation in Darfur, AMIS shall establish the JHFMU in El Fashir and finalise its terms of reference and modalities.

265. The JHFMU shall comprise AMIS, the UN, the Parties' representatives and other representatives of the international community as may be invited by the AU.

266. The Head of AMIS or his/her Deputy shall be the Convenor of the Unit. The Convenor shall call regular meetings; determine, in consultation with the Parties, the agenda of the meetings; and issue invitations to the members of the Unit to attend the meetings.

267. The roles and responsibilities of the Unit shall include the following:

- a. To monitor humanitarian assistance and welfare conditions.
- b. To observe safety and respect for human rights in relation to IDPs, other civilians and humanitarian supplies.
- c. To submit monthly reports to the Joint Commission, through the Ceasefire Commission, on progress made and difficulties encountered.
- d. To make recommendations as appropriate to the Joint Commission, the Ceasefire Commission, AMIS, Camp Managers and Humanitarian Coordinators of the IDP camps, humanitarian organisations and the Parties.
- e. To provide support to existing international and national humanitarian coordination mechanisms for assistance in IDP camps and the United Nations (including in consultation with representatives of IDPs)
- f. To provide support to the AMIS Force Commander as requested by him/her.
- g. To support the UN and all humanitarian organisations working in Darfur.
- h. To support the UN High Commissioner for Refugees in facilitating the voluntary and safe return of refugees to their places of origin.

- i. To facilitate relevant humanitarian organizations as requested by them in facilitating the voluntary and safe return of IDPs to their places of origin.
- j. To support efforts by relevant organisations to solve the problems of child soldiers, children who have disappeared, children who have been detained, and other children in Darfur.
- k. To identify ways of defusing tensions among communities and building confidence and trust in Darfur.

268. The Unit shall review its functions and terms of reference 90 days after its establishment.

ARTICLE 26

PROTECTING IDPS AND HUMANITARIAN SUPPLY ROUTES

General Commitments

269. Consistent with the existing ceasefire Agreements, the Parties reaffirm the following commitments:

- a. To respect the rights of IDPs.
- b. To refrain from activities that undermine the safety, security and welfare of IDPs.
- c. To refrain from activities that undermine or jeopardise humanitarian operations in Darfur.
- d. To create a conducive, non-intimidating environment for the voluntary return of IDPs and refugees to their places of origin.
- e. To provide special protection for women, children, the vulnerable and disabled persons.
- f. To abide by the Protocol of April 8, 2004 on the Establishment of Humanitarian Assistance in Darfur and the Abuja Protocol of November 9, 2004 on the Improvement of the Humanitarian Situation in Darfur.

Demilitarised Zones around IDP Camps

270. In consultation with the Parties, the Chairperson of the Ceasefire Commission shall establish Demilitarised Zones around IDP camps in Darfur, bearing in mind the

Secure Areas determined in the August 2004 Plan of Action signed by the GoS and United Nations.

271. A Demilitarised Zone shall be an area in which the following rules apply:

- a. There shall be no forces of any Party and no other armed groups or militia, except with the permission and escort of AMIS.
- b. There shall be no carrying of weapons by any person who is not a member of AMIS except with the permission and escort of AMIS.
- c. In areas of GoS control, policing shall be conducted by GoS Police and monitored by AMIS. In areas in which this agreement recognizes the Movements' control, policing shall be conducted by the Movements' Police Liaison Officers and monitored by AMIS.

272. The perimeter of a Demilitarised Zone shall not include any urban area, approaches to an airport or urban security plan locations. In GoS-controlled areas, these perimeters shall be specified on maps agreed by AMIS and GoS. Where this Agreement recognizes the Movements' control these perimeters shall be specified on maps agreed by AMIS and the Movements.

273. No Party or other persons shall deviate from these rules mentioned in Article 3 except with the written permission of the Chairperson of the Ceasefire Commission or his/her delegate and only to the extent provided for in that permission. A Party or other persons that has a valid reason for obtaining such permission may apply for it in writing.

274. The Ceasefire Commission shall have the following responsibilities in relation to the Demilitarised Zones surrounding IDP camps:

- a. The Chairperson of the Commission shall determine the boundaries of the Demilitarised Zones and shall consult, the AMIS Police Commissioner, the GoS, the Movements, and when necessary the existing international and national humanitarian coordination mechanisms for assistance in IDP camps and the United Nations (including in consultation with representatives of IDPs).
- b. The Chairperson of the Commission shall, in consultation with the members, determine whether any redeployment of the forces of any Party is required in the light of the boundary determinations. He/she shall also determine the procedures for any required redeployment and the timeframe for such redeployment.
- c. The Ceasefire Commission shall regard any violation of the rules of the Demilitarised Zones as a ceasefire violation.

275. AMIS shall have the following responsibilities in relation to Demilitarised Zones surrounding IDP camps:

- a. The AMIS Force Commander, in coordination with the AMIS Civilian Police Commissioner, the GoS Police, in the GoS areas of control and the Movements' Police Liaison Officers, in areas where this Agreement recognizes the Movements' control, shall develop a plan for patrolling and monitoring the Demilitarised Zones around IDP camps and shall oversee the implementation of the plan.
- b. Demilitarised Zones falling within areas of control of GoS shall be patrolled by units comprising AMIS Military Observers, AMIS Civilian Police, AMIS Force Protection, and GoS Police. Executive policing functions shall be carried out by GoS Police under the monitoring of AMIS.
- c. Demilitarised Zones falling within areas where this Agreement recognizes the Movements' control shall be patrolled by units comprising AMIS Military Observers, AMIS Civilian Police, AMIS Force Protection, and Movements' Police Liaison Officers.

276. The Parties shall have the following responsibilities in relation to the Demilitarised Zones:

- a. The Parties shall abide by the rules of the Demilitarised Zones.
- b. The Parties shall ensure that their commanders are familiar with the boundaries and rules of the Demilitarised Zones.
- c. The GoS Police shall exercise powers of executive policing in Demilitarised Zones in areas of GoS control. These powers shall be exercised under AMIS monitoring in accordance with the provisions of this Chapter.
- d. In areas in which this Agreement recognises Movements' control, Policing functions shall be carried out by the Movements Police Liaison Officers under the monitoring of AMIS.

Internal Security of the IDP Camps

277. Security in IDP camps shall be monitored by AMIS Civilian Police.

278. AMIS Civilian Police and the GoS Police shall draw up security arrangements in each camp in GoS-controlled areas in coordination with the existing international and national humanitarian coordination mechanisms for assistance in IDP camps and the United Nations (including in consultation with representatives of IDPs). In IDP camps in areas in which this Agreement recognises the Movements' control,

AMIS Civilian Police in coordination with the movements' Police Liaison Officers shall draw up similar plans based on the same principles.

279. In IDP camps in GoS controlled areas, AMIS Civilian Police, in coordination with GoS Police shall draw up a plan for establishing, training and building the capacity of community police. The plan shall be based on the principles that community police are selected by the IDP community itself, work in close cooperation with the community leaders, are granted authority by the GoS Police, and shall refer cases to the investigative or judicial authorities under monitoring by AMIS. In areas in which this Agreement recognises the Movements' control, AMIS Civilian Police in coordination with the Movement Police Liaison Officers shall draw up similar plans based on the same principles above.

280. AMIS Civilian Police, in coordination with the Parties, shall train community police in IDP camps to enable them to effectively perform policing functions in the camps as the basis for a community police force for those IDPs on their return to their home areas.

281. The AMIS Civilian Police in each camp shall submit regular reports to the Joint Commission via the Ceasefire Commission. The reports shall cover the level of security in the camp and a summary of the cases registered and investigated under the monitoring of AMIS civilian police.

Protection of Women and Children

282. The Parties shall release all child soldiers into the care of UNICEF or the International Committee of the Red Cross. UNICEF, UNHCR and the ICRC shall be called upon to assist in the identification, removal, family unification and reintegration of children associated with armed forces and groups.

283. The Parties, in coordination with the AMIS Civilian Police, the existing international and national humanitarian coordination mechanisms for assistance in IDP camps and the United Nations (including in consultation with representatives of IDPs) shall ensure that women and children in the camp are protected from all forms of violence.

284. In areas of GoS control, the GoS Police shall investigate all crimes, including those committed against women and children, and ensure the prosecution of the perpetrators and the protection of the victims. They shall give the AMIS Civilian Police unimpeded access and information to monitor these activities.

285. AMIS Civilian Police together with GoS Police and Movements' Police Liaison Officers in their respective areas of control, shall establish separate police counters for the reporting of crimes committed against women, and women police personnel should staff these counters.

286. A significant number of GoS Police, Movements' Police Liaison Officers and AMIS Civilian Police officers shall be women; they shall have specialist gender units

to work with women and children; and all their investigations and monitoring shall include at least one woman.

Review by the Joint Humanitarian Facilitation and Monitoring Unit

287. One hundred days after the signing of this Agreement, the JHFMU shall evaluate the effectiveness of the security measures presented in the previous sections on IDP camps and protection of women and children.

288. In conducting this review, the JHFMU shall assess conditions in the camps and consult the relevant humanitarian agencies with a view to overcoming obstacles to the provision of humanitarian assistance and essential services.

Demilitarisation of Selected Humanitarian Supply Routes

289. The Parties shall not obstruct the free movement of humanitarian vehicles, personnel or goods within Darfur.

290. In consultation with the Parties, the Chairperson of the Ceasefire Commission shall establish Demilitarised Zones along selected humanitarian supply routes in Darfur. A humanitarian supply route shall be selected for demilitarised status based on the criterion that it runs through, or adjacent to, the areas of control/Redeployment Zones of different Parties. The security of a humanitarian supply route that falls exclusively within the area of control/Redeployment Zone of one Party shall be the responsibility of that party.

291. The selected demilitarised humanitarian supply routes shall be indicated clearly on maps agreed by the Parties.

292. The rules governing Demilitarised Zones specified in Paragraphs 3, 7 and 8 of this Chapter shall apply.

293. If requested by humanitarian organisations, the AMIS Force Commander may provide military escort to humanitarian vehicles on demilitarised humanitarian supply routes.

294. The Chairperson of the Ceasefire Commission may establish additional demilitarised humanitarian supply routes as and when he/she deems necessary, in consultation with the Parties.

Nomadic Migration Routes

295. The Parties shall not impede the freedom of peaceful movement of people, goods and services in Darfur, or interfere in any way with the ability of the people of Darfur to pursue any peaceful, traditional form of livelihood.

296. AMIS, in coordination with the Parties, shall urgently develop a plan for the regulation of nomadic migration along historic migration routes. This plan shall fully

address security so as to ensure the safety of nomadic migration for the people of Darfur, including traditional nomads, and shall include detailed maps showing such routes.

297. AMIS, in coordination with the Parties, shall monitor the implementation of the plan referred to in paragraph 28 and on the basis of such monitoring take any additional steps necessary to ensure the safety of nomadic migration for the people of Darfur, including traditional nomads.

ARTICLE 27

DISENGAGEMENT, REDEPLOYMENT AND LIMITED ARMS CONTROL

General Provisions

298. The Parties understand that this ceasefire, to be credible, requires appropriate processes of military disengagement, redeployment of forces and limited arms control.

299. In order to achieve a credible ceasefire, which shall enhance security and build confidence, these processes shall take place in incremental steps; in a reciprocal fashion; with appropriate security guarantees; through agreements reached in the Ceasefire Commission; and with verification by AMIS.

300. The Chairperson of the Ceasefire Commission shall be responsible for planning, co-ordination, management and supervision of the processes. He/she shall oversee the implementation of decisions and agreements.

301. The processes will occur in the following sequence:

- a. Preparation for disengagement and redeployment including verification.
- b. Phase 1: Disengagement.
- c. Phase 2: Redeployment.
- d. Phase 3: Limited Arms Control.

302. The Parties shall inform their commanders of all aspects of the plans and rules related to these phases and shall ensure compliance with the rules.

303. The Parties shall inform the Chairperson of the Ceasefire Commission of the exact locations of their forces and shall indicate these clearly on maps. These locations shall be subject to verification by AMIS. This information shall not be disclosed to the Parties.

304. The Parties shall be bound by the Master Map as determined by the African Union Mediation and agreed by the Parties.

305. The Chairperson of the Ceasefire Commission shall provide the Parties with adjusted maps of the Parties' respective areas of control, Demilitarized Zones, Demilitarised Humanitarian Supply Routes and Redeployment Zones.

306. The Parties shall be bound by the main rules for movement of troops, arms, munitions and supplies in accordance with the following matrix:

- a. For the movement of armed soldiers, rotation and relief of units, and withdrawal of units from the area, a notification shall be given 72 hours in advance to AMIS and shall be approved by AMIS.
- b. For the movement of Class V and Class VII (munitions and weapons systems) to, within and from the area a notification shall be given 72 hours in advance to AMIS and shall be approved by AMIS.
- c. For ordinary supplies to and from the area, Class I (food and water), Class II (equipment and medical), Class III (fuel, oil and lubricants) and Class IV (construction materials) only notification to AMIS 72 hours in advance is necessary.

307. Any breach of the rules relating to the disengagement, redeployment and limited arms control processes presented in this Chapter shall be a violation of the ceasefire.

308. Concentration and deployment of forces and utilisation of access routes for the purposes of border protection in Darfur shall be unhindered, subject to notification to and monitoring by AMIS.

Timeframe

309. The phases shall be undertaken according to the following deadlines:

- a. Preparations including verification shall commence one week after the signing of this Agreement and shall be completed within 30 days.
- b. Phase 1 on disengagement shall commence immediately after the completion of the preparations and shall be concluded within 45 days.
- c. Phase 2 on redeployment shall commence immediately after the completion of Phase 1 and shall be concluded within 45 days.
- d. Phase 3 on limited arms control shall commence immediately after the completion of Phase 2 and shall be concluded within 30 days.

310. AMIS shall be responsible for verifying completion of the phases.

311. The Chairperson of the Ceasefire Commission, in consultation with the Parties, may modify the commencement dates and the deadlines where he/she considers this to be necessary. This may include accelerating the implementation the phases in any specific sector and implementing the phases continuously where this can be achieved.

312. The Chairperson of the Ceasefire Commission shall attach deadlines to the various activities that must be undertaken in each of the phases.

Preparation for Disengagement and Redeployment

Decision-making and communication

313. In preparing for disengagement and redeployment, the Ceasefire Commission shall endeavour to make decisions and resolve disputes by consensus.

314. Where the Parties are unable to reach consensus, the Chairperson of the Ceasefire Commission shall raise the dispute to the Joint Commission to make a decision in the best interests of disengagement and the security of civilians in Darfur. The Parties shall be bound by these decisions.

315. The Chairperson of the Ceasefire Commission shall ensure that all decisions and agreements relating to Demilitarised Zones, Buffer Zones and the Parties' respective areas of control and Redeployment Zones are demarcated clearly on maps with precise GPS co-ordinates. He/she shall ensure that the Parties have the same maps with the same demarcations.

316. The Ceasefire Commission shall record its decisions in annexures that it shall attach to this Agreement.

317. The AMIS Force Commander shall establish a communications system and procedures for effective and reliable communication between AMIS and the Parties.

Verification

318. AMIS shall verify the information provided by the Parties as disclosed to the AU Mediation and the Ceasefire Commission concerning the locations of their forces. The exact position of each unit shall be verified. This information shall be confidential throughout the preparatory and disengagement phases, with access within the Ceasefire Commission restricted to the Chairperson of the Ceasefire Commission.

Plans

319. The AMIS Force Commander shall form an Implementation Team consisting of AMIS, representatives of the Parties, and international partners as appropriate. The Team shall visit all positions (with the appropriate Party member only) occupied by GoS forces of a battalion size or larger, and all command posts of the Movements, in order to provide information to GoS officers and Movements' commanders, and plan for the implementation of this Agreement.

320. The Parties shall submit to the Ceasefire Commission a list of the other armed groups and militia that are aligned to them and subject to their influence and shall indicate the location of these groups and the measures taken to control and/or neutralise the undisciplined militia.

321. The GoS shall present a redeployment plan to the Ceasefire Commission for all phases of the implementation of the Ceasefire.

322. The GoS shall present to the Ceasefire Commission a comprehensive plan for neutralising and disarming the Janjaweed/armed militia specifying actions to be taken during all phases of the Ceasefire. This plan shall be presented before the beginning of Phase I (i.e., within 37 days after the signature of this Agreement) and implemented within the timeframes specified in this Agreement.

323. The Ceasefire Commission shall draw up maps that indicate the exact positions of Buffer Zones, Demilitarised Zones and respective areas of control and Redeployment Zones for the various phases of the implementation of the ceasefire.

324. In consultation with the UN and the Parties, the AMIS Force Commander shall develop a plan for demining during disengagement and redeployment.

Policing

325. The GoS, in coordination with AMIS shall develop a plan for policing of GoS-controlled areas of Darfur. The AMIS Civilian Police Commissioner in coordination with the Movements Police Liaison Officers shall develop a plan for the policing of the areas in which this Agreement recognizes the Movements' control. AMIS in coordination with the GoS Police and Movements' Police Liaison Officers shall develop a plan for the policing of Buffer Zones and Demilitarized Zones. These plans shall be monitored by AMIS.

326. The plans shall include the following:

- a. Policing strategies considering the social, economic, and political factors in Darfur.
- b. Arrangements for providing police service to the community during the implementation phase of this agreement.

- c. Strategies to deal with the problem of violence against women and children.
- d. The roles of the GoS Police, Movement Police Liaison Officers, AMIS Civilian Police, AMIS Force Protection, community police and other bodies in relation to these strategies.
- e. A strategy for dealing with armed bandits and outlaws.
- f. The functions to be taken by community police in IDP camps.
- g. The roles of traditional leaders and local authorities.

327. In the following Zones, executive policing shall be conducted in the following manner:

- a. In Demilitarised Zones in areas of GoS control, GoS Police shall exercise powers of executive policing, under AMIS monitoring. Movement Police Liaison Officers shall perform policing functions in Demilitarised zones in areas in which this Agreement recognizes the Movements' control.
- b. Buffer Zones that separate the GoS and the Movements, GoS Police shall exercise powers of executive policing in coordination with the Movements' Police Liaison Officers and in accordance with the agreed plan, under AMIS monitoring. There shall be joint patrols of GoS and Movements' Police Liaison Officers under the monitoring of AMIS Civilian Police.
- c. Demilitarised Zones in areas in which this Agreement recognizes the Movements' control, and Buffer Zones that separate the forces of different Movements, AMIS Civilian Police shall mount patrols in coordination with the Movements' Police Liaison Officers.

Phase 1: Disengagement

Summary of Main Steps

328. The process of disengagement shall encompass the following main steps:
- a. The movement and activities of the Parties' forces shall be limited to the Parties' respective areas of control.
 - b. As described in Chapter 4 of this Agreement, the Chairperson of the Ceasefire Commission shall establish Demilitarised Zones around the IDP camps and along selected humanitarian supply routes.

- c. In consultation with the Parties, the Chairperson of the Ceasefire Commission shall establish Buffer Zones in the areas of most severe conflict.
- d. AMIS shall monitor and patrol the Buffer Zones.
- e. The Parties shall ensure that the armed groups and militia in their respective areas of control comply with the ceasefire.

329. These steps are described more fully below.

Limitation to Respective Areas of Control

330. In the interests of disengagement, confidence-building and enhanced security, the Parties shall limit their forces and military activities to their respective areas of control.

331. Within their respective areas of control, the Parties shall establish a command post with responsibility for command and control over the forces in that area. The command post shall have the necessary communication and liaison capabilities.

332. During the preparations for disengagement and redeployment, the Chairperson of the Ceasefire Commission, in consultation with the Parties, shall determine the boundaries of the Parties' respective areas of control. The boundaries shall be indicated clearly on maps.

Establishment of Buffer Zones

333. In the interests of disengagement, confidence-building and enhanced security, the Chairperson of the Ceasefire Commission, in consultation with the Parties, shall establish Buffer Zones in the areas of most intense conflict. The boundaries of the Buffer Zones shall be indicated clearly on maps.

334. A Buffer Zone shall be an area in which the following rules apply:

- a. There shall be no forces of any Party and no other armed groups and militia.
- b. There shall be no military activities conducted by any Party or any armed group or militia.
- c. There shall be no carrying of weapons by any person who is not a member of AMIS, except in accordance with the provisions for policing contained in this Agreement.
- d. AMIS shall monitor GoS Police policing activities, except in Buffer Zones specifically established to separate the forces of different Movements, in

which case policing shall be performed by the Movements' Police Liaison Officers and monitored by AMIS Civilian Police.

Responsibilities of AMIS

335. AMIS shall monitor the Parties' compliance with the rules of disengagement and the rules of the Buffer Zones.

336. The AMIS Force Commander shall develop a plan for patrolling and monitoring the Buffer Zones and shall oversee the implementation of the plan.

337. The Buffer Zones shall be patrolled and monitored by Joint Monitoring Teams comprising AMIS Military Observers and Party Monitors.

338. The GoS Police in coordination with the AMIS Civilian Police and Movements' Police Liaison Officers shall develop the plan for policing in the Buffer Zones and AMIS police shall monitor the implementation of the plan.

Compliance with the Ceasefire by Other Armed Groups and Militia That Are Not Parties to This Agreement

339. Within their respective areas of control, the Parties shall endeavour through non-military means to ensure compliance with the ceasefire by other armed groups and militia that are not parties to this Agreement, including negotiations, mediation and traditional forms of conflict resolution; enlisting the support of traditional leaders and local authorities; and arms control methods, including registration of arms, storing of arms and restrictions on carrying arms.

340. The Parties shall submit monthly reports on their endeavours to the Ceasefire Commission. They shall indicate which armed groups and militias have agreed to comply with the ceasefire and which have refused to comply with the ceasefire.

341. In consultation with the Parties, the Chairperson of the Ceasefire Commission shall determine the most appropriate strategies for dealing with the armed groups and militia that do not comply with the ceasefire and present this plan to the Joint Commission for approval and submission to the AU Peace and Security Council for its decision.

342. In addition to the non-military means described above, these strategies shall include interdicting supplies of arms and ammunition; the creation of additional buffer zones; concentrated deployment of AMIS personnel; strengthening the capabilities of AMIS; forcible disarmament; and robust protection by AMIS of civilians, humanitarian organisations and humanitarian supply routes.

Actions with Respect to Janjaweed/armed Militia

343. The GoS shall neutralise the threat posed by the Janjaweed and armed militia in areas of GoS control. This shall include confining them and controlling their

movement within strictly limited locations. Details of these activities shall be provided to AMIS.

344. In coordination with AMIS and the Ceasefire Commission, the GoS shall take the necessary robust action against Janjaweed/armed militia according to the approved plan.

345. AMIS shall verify the neutralisation of these Janjaweed/armed militia and undisciplined militia in conformity with the agreed plan.

Foreign Combatants in Darfur

346. The GoS shall fulfil its responsibility to ensure that any foreign combatants present on Sudanese territory respect this Ceasefire Agreement at all times when they are present in Darfur.

347. The Parties take note of the provisions of the Tripoli Agreement of 8 February 2006 and especially Article 4, which provides that the GoS should ban the presence and stay of rebel elements from the Republic of Chad on the Territory of Sudan.

348. AMIS shall investigate any reports of violations of the ceasefire by foreign combatants. The Tripoli Mechanism shall be notified of these investigations.

349. In conformity with the decision of the African Union Peace and Security Council, AMIS shall support the Task Force established to implement the Tripoli Agreement.

Phase 2: Redeployment

Summary of Main Activities

350. The process of redeployment shall encompass the following main activities:

- a. In consultation with the Parties, the Chairperson of the Ceasefire Commission shall establish Buffer Zones and Redeployment Zones.
- b. The Parties shall redeploy their forces and weapons away from the Buffer Zones and into their respective Redeployment Zones.
- c. AMIS shall monitor and patrol the Buffer Zones.
- d. Persons detained in relation to the armed conflict in Darfur and child soldiers shall be released.
- e. Control of the Janjaweed/armed militia and undisciplined militia shall continue, and disarmament of the Janjaweed/armed militia shall begin.
- f. Restoration of basic services shall begin.

351. These activities are described further below.

Redeployment Zones and Buffer Zones

352. The Redeployment Zones and Buffer Zones shall be indicated clearly on maps agreed by the Parties.

353. In consultation with the Parties, the Chairperson of the Ceasefire Commission shall exactly determine and subsequently may adjust the boundaries of the Parties' respective Redeployment Zones.

354. In consultation with the Parties, the Chairperson of the Ceasefire Commission shall establish Buffer Zones between the Parties' Redeployment Zones. The rules of the Buffer Zones are described in Chapter 5 above.

355. The GoS shall withdraw its forces to battalion-size positions, except for strategic/key installations/infrastructure and specified urban security perimeters. The Movements shall withdraw any positions that fall outside their Redeployment Zones.

356. The Parties shall redeploy their forces and weapons away from the Buffer Zones and into their respective Redeployment Zones.

357. The GoS shall ensure that in any area in which the Movements are required to redeploy, the Janjaweed/armed militia are fully neutralised, which shall be verified by AMIS.

358. A Redeployment Zone shall be defined as a geographic area in which a Party limits its forces and weaponry for a temporary period pending the completion of all phases of the final security arrangements. A Redeployment Zone may not be entered by another Party without prior permission, and is subject to the following rules:

- a. No Party may deploy its forces and weaponry outside its Redeployment Zone without the written permission of the AMIS Force Commander or his/her delegate.
- b. No armed or uniformed individual from one Party may enter the Redeployment Zone of another Party without the express consent of that Party and the AMIS Force Commander. The Force Commander may insist that such entry be accompanied by an AMIS escort.

359. The GoS shall redeploy its artillery, armoured personnel carriers, anti-tank weapons and mortars to Brigade Headquarters. AMIS shall monitor these sites. The SLM/A and JEM shall withdraw their artillery, anti-tank weapons and mortars to their respective sector Command Headquarters. AMIS shall monitor these sites.

360. GoS has undertaken to disarm the Janjaweed/armed militia in accordance with this Agreement. In the case where GoS is required to move the equipment referenced above in paragraph 62 for these purposes, it shall provide prior notification to AMIS.

361. Within their respective Redeployment Zones, the Parties shall establish a command post with responsibility for command and control over the forces in that Zone. The command post shall have the necessary communication and liaison capabilities.

Determination of the Boundaries of the Zones

362. When determining the exact boundaries of the Redeployment Zones and the Buffer Zones, or adjusting those boundaries, the Chairperson of the Ceasefire Commission and the Parties shall take account of the following:

- a. The placement of major human settlements, humanitarian supply routes, historic nomadic migration routes the placement of IDP camps and Demilitarised Zones, and other humanitarian considerations.
- b. The necessity for the Redeployment Zones of different Parties to be separated by Buffer Zones of adequate distance.
- c. The necessity to minimise any security risks posed by redeployment.
- d. The necessity to build the Parties' confidence in redeployment.

363. The boundaries of the Redeployment Zones and the Buffer Zones shall be fixed clearly on maps.

AMIS

364. AMIS shall verify the Parties' compliance with the agreements and decisions relating to redeployment.

365. AMIS shall monitor the Parties' compliance with the rules of the Redeployment Zones and the Buffer Zones.

366. The AMIS Force Commander shall develop a plan for patrolling and monitoring the Buffer Zones and shall oversee the implementation of the plan.

367. The Buffer Zones shall be patrolled and monitored by Joint Monitoring Teams comprising AMIS Military Observers and Party Monitors.

Regulation of Border Activities

368. Mindful of the obligations of the Government of Sudan and its neighbouring States to respect all relevant provisions of international law, including especially the

prohibition on allowing the national territory to be used for launching military attacks against another State, and the prohibition on the passage of arms across the international border, the sovereign right of the GoS to control its national borders is affirmed. This right shall be exercised in a manner consistent with the obligations in this Agreement. Actions taken by GoS to protect its international borders shall require prior notification to AMIS.

Release of Detainees

369. The Parties shall unconditionally release all persons detained in relation to the armed conflict in Darfur, other than persons convicted through the due process of law as stipulated in paragraph 6 of UN Security Council Resolution 1556 of 2004.

370. The Ceasefire Commission shall facilitate the release of all persons detained in relation to the armed conflict in Darfur shall request the assistance of the International Committee of the Red Cross.

Disarmament of Janjaweed/armed Militia

371. The GoS shall ensure that Janjaweed/armed militia in areas of GoS control shall not be active in areas of civilian habitation and IDP camps or move into the areas in which this Agreement recognizes the Movements' control to disrupt the their redeployment.

372. The GoS shall implement the relevant stages of its plan for neutralising, controlling and disarming the Janjaweed/armed militia in its areas of control. Its operations shall be conducted in coordination with AMIS and with prior notification to the Ceasefire Commission. This stage of the plan may include:

- a. Enforcement operations in selected localities with the intent of apprehending and disarming.
- b. Confiscation of heavy and long-range weapons systems, crew-operated weapons and motor vehicles.
- c. Prosecutions and punitive actions against criminal elements.
- d. Any other such actions as are contained in the plan and agreed by the Ceasefire Commission.

373. AMIS shall verify the above measures.

Restoration of Essential Services

374. GoS shall restore personnel and funding of governmental services in areas in which they have been interrupted due to the conflict, including education, health, water, veterinary services, agricultural extension, forestry, road maintenance and posts and telecommunications, with special attention to the specific needs of

women. This shall be consistent with the provisions of the Protocol on Wealth-Sharing. The Movements shall cooperate in the restoration of such services.

Phase 3: Limited Arms Control

375. Following the Parties' redeployment into their respective Redeployment Zones, and the implementation of the relevant stages of the plan for neutralisation and disarmament of the Janjaweed/outlaw militia and neutralisation and control of undisciplined militia, the Parties shall hold their long-range weapons systems, heavy artillery, crew-assisted weapons and related ammunition in designated secure locations subject to inspection by AMIS at the unit level. GoS Brigade and Division Headquarters shall be visited. The Movements' main headquarters and sector headquarters shall be visited.

376. In consultation with the Parties, the Chairperson of the Ceasefire Commission shall oversee this arms control process; identify precisely the weapons and ammunition that have to be held subject to the inspection of AMIS; designate the locations and determine the requirements and procedures for holding and inspection/visiting.

377. In consultation with the Parties, the Chairperson of the Ceasefire Commission shall select assembly areas for the Movements' forces and shall begin preparations for assembly of the Movements' combatants, as specified in detail in the Final Status Security Arrangements Agreement.

Verification by AMIS

378. In all the phases of preparation, disengagement, redeployment and limited arms control, AMIS shall be responsible for verifying compliance by the Parties with the agreements and decisions of the Ceasefire Commission and the decisions of the Chairperson of the Commission.

379. AMIS shall present verification reports to the Ceasefire Commission on a regular basis and shall immediately alert the Commission to any breach of the rules and any violation of the ceasefire.

380. AMIS shall monitor the obligations of the GoS to refrain from any offensive military flight in or over Darfur. For this purpose SOMA is applicable, governing access to all airports and related facilities in Darfur.

381. The Parties shall be committed not to use AMIS insignia and flags. The Ceasefire Commission shall regard any breach of obligations in this regard as an extremely serious violation of the ceasefire.

ARTICLE 28

NON-MILITARY LOGISTIC SUPPORT TO THE MOVEMENTS

382. When the forces of the Movements have redeployed, the Movements may request non-military logistical support and communications equipment for their forces. Such requests shall be considered by the Ceasefire Commission.

383. At the request of the Joint Commission, the AU shall solicit and garner support from the international donors and organisations for non-military logistic supplies, communications equipment and funding for such supplies for the forces of the Movements.

384. The Movements shall qualify to request non-military logistic support when they have undertaken the following activities to the satisfaction of the AMIS Force Commander:

- a. Redeployed their forces and weapons.
- b. Held their long-range weapons systems, heavy artillery, crew-assisted weapons and related ammunition to designated secure locations subject to the inspection of AMIS.
- c. Registered with AMIS their combatants and determined the number, age and gender of the combatants requiring support.

385. The AMIS Force Commander may suspend supplies to any zone or area where a faction or Movement committed a reported and verified ceasefire violation. The matter shall immediately be referred to the Ceasefire Commission for resolution.

386. AMIS shall establish a Logistics Co-ordination Committee (LCC) that will be responsible for supervising and co-ordinating logistic support to the Movements' forces. The LCC shall report to the Ceasefire Commission.

387. The terms of reference of the LCC shall include the following:

- a. Gather and collate data on the logistic and communications requirements of the Movements' forces.
- b. Receive and store logistic supplies from international donors.
- c. Place orders for logistic supplies in appropriate quantity and quality with the AMIS Chief Administrative Officer, who shall be responsible for procurement.
- d. Distribute logistic supplies to the Movements' forces through distribution points or centres in the Redeployment Zone.

- e. Determine the rules and procedures that govern the provision of non-military logistic supplies and communications equipment to the Movements' forces.

388. The LCC shall comprise the DFC (Chairperson), Chief Joint Logistic Operation Centre, Chief Administrative Officer, Representative of Parties, the donors and the UN.

389. The Parties shall co-operate with the LCC, AMIS and any other body agreed by the Parties that is involved in the provision of logistic support to the Movements.

390. The LCC shall determine and verify the Movements' logistic requirements in relation to the following:

- a. Rations.
- b. Water.
- c. Shelter.
- d. Medical supplies.
- e. Clothing.

391. In order to facilitate the delivery of logistic support, the LCC shall establish distribution points and centres in the Movements' Redeployment Zone.

392. The Parties shall ensure that the logistic supply routes established by the LCC are free of hostilities. The LCC shall give the Parties due notice of the movement of supplies.

393. AMIS shall provide an escort for supply convoys moving from depots to distribution points and centres.

ARTICLE 30

FINAL SECURITY AGREEMENTS FOR DARFUR

Purpose

394. This Section provides for integration (in Chapter 9 herein); disarmament, demobilization (in Chapter 10 herein), and social and economic reintegration (in Chapter 11 herein); and the reform of selected national security institutions (in Chapter 12 herein).

Integration of Former Combatants into National Security Institutions

Darfur Security Arrangements Implementation Commission

394. The Government of Sudan (GOS) shall immediately establish a Darfur Security Arrangements Implementation Commission (DSAIC), which shall be a subsidiary body of the Transitional Darfur Regional Authority (TDRA) and coordinate the implementation of this Section.

395. The DSAIC shall establish such subsidiary bodies as it deems necessary to fulfill its functions for security forces integration; former combatant disarmament and demobilization; and social and economic reintegration of former combatants.

396. DSAIC members shall include the Governors of the three Darfur States, a representative of the Chief of Staff of the SAF, a representative of the National Council for DDR Coordination, three representatives nominated by the Movements, representatives of the AMIS and the Chairperson of the Security Advisory Team referred to below and other persons required to implement integration. The Presidency shall appoint the chairperson of the DSAIC.

397. Any subsidiary bodies established by the DSAIC shall include representatives from the groups that make up the membership of the DSAIC.

398. Women shall be fairly represented on the DSAIC and any subsidiary bodies it establishes. These bodies shall develop mechanisms to ensure that their work incorporates appropriate input from women on issues of special concern to women and children.

Security Advisory Team

399. In order to build confidence and guarantee fairness, the GOS, in coordination with the Parties, shall establish a Security Advisory Team (SAT) staffed by technical experts from a country or countries acceptable to the Parties, or from an international or regional organization, to support, supervise and monitor the integration of former combatants and the restructuring of selected security institutions.

400. The GOS shall provide adequate financial and logistical support to the SAT and may seek to mobilize international community to assist in providing such support.

401. The SAT shall be led by a General Officer to support and advise the DSAIC in its designing, planning, implementing, managing, monitoring, and verifying of the integration of former combatants into selected security institutions. The SAT shall conduct its activities in consultation with AMIS and others as appropriate.

402. The SAT shall be available to help DSAIC mediate any disputes among the Parties regarding the integration of former combatants.

Principles for Integration of Former Combatants into Security Institutions

403. The DSAIC or subsidiary body established by the DSAIC shall design, plan, implement, manage, monitor and verify the integration of former combatants. It shall develop Integration of Former Combatants Plan (ICP) within sixty days of its establishment.

404. The integration process shall be designed and undertaken in a manner that contributes to the professionalism, inclusiveness, and capabilities of Sudan's security institutions, without discrimination on the basis of gender. The integration process will be completed within eighteen months covering conventional training, but not post basic or upgrade training.

405. The GOS shall make positions available to former combatants on the basis of a rank structure, and senior positions shall be included as appropriate. Special attention shall be paid to the integration of female former combatants.

406. The GOS shall arrange for or provide former combatants with support and training, including accelerated training where necessary, to ensure that they meet the requirements of their rank, functions and potential promotion.

407. The GOS may request the African Union, its member states, and international partners to offer training in their training institutions to former combatants, including senior officers, non-commissioned officers, soldiers and other specific security force training as appropriate for their functional expertise.

408. Following their integration, former combatants shall be posted to units serving in Darfur for at least five years immediately following their integration.

409. Newly integrated former combatants shall not be released from government service as a result of any reductions of force levels coincident to security sector reform or other downsizing requirements during their first five years of service.

410. Former combatants who have previously served as Police officers shall be given preferential treatment for returning to the Police force at their former rank.

411. Former combatants and non-combatants under the age of 18 will not be accepted into any of the Sudanese national security institutions.

The Integrated Former Combatant Plan (ICP)

412. The Parties agree that the ICP shall provide for integration, subject to reasonable and fair eligibility criteria relating to age and fitness for service:

- a. A minimum of X number of former combatants from the Movements' forces shall be integrated into the Sudanese Armed Forces (SAF).
- b. Priority shall be given to the re-absorption of former combatants who previously served in the SAF and who left service or were dismissed as a result of the conflict in Darfur.
- c. A minimum of an additional X number of former combatants from the Movements shall be integrated into other security institutions of Sudan, particularly the Border Guards and the Popular Defence Forces (PDF). In exceptional circumstances, X number of formed units may be integrated in to such security institutions.

413. In addition to the numbers above, a minimum of X number of former combatants and non-combatant members of the Movements shall be integrated into the Sudanese Police Force.

414. The ICP shall specify that appropriate security forces shall provide integration plans, guidance and timelines. Integration plans provided by the specified security forces shall require review and approval by the DSAIC.

415. If formed units are integrated into the security institutions referred to above, the ICP shall include implementation guidance and timelines for the restructuring of formed units into conventional units and deployment to GOS garrisons.

416. The ICP shall take into account the special needs of female former combatants.

Assembly, Disarmament, and Demobilization of Former Combatants

General Provisions

417. Assembly of the Movements' forces shall begin immediately after the completion of Phase 3 of the Enhanced Ceasefire Agreement, subject to AMIS's verification of the disarmament of the Janjaweed/armed militia. Assembly shall be completed in 60 days after the completion of Phase 3.

418. The Assembly of the Movements' forces for disarmament and demobilization shall be conducted in parallel with the initiation of programs for reform of selected security institutions.

419. During Phase 3 of the Enhanced Ceasefire Agreement, AMIS, in consultation with the Parties, shall develop a plan for Assembly sites to include:

- a. The size, number and locations of Movement Assembly sites.
- b. Desired characteristics of the Assembly sites, taking into account the specific needs of female former combatants.
- c. Logistical support of the Assembly sites.

420. The GOS shall provide adequate funding and non-military logistics to support Assembly of former combatants, and may seek to mobilize appropriate international organizations in order to help secure financial, technical, logistical and other support for the Assembly, Disarmament, and Demobilization processes.

421. Former combatants' relocation to final Assembly sites, and the Assembly sites themselves, shall be monitored by AMIS. The Parties agree to provide AMIS with unhindered access to all Assembly sites.

422. Movements shall be responsible for the administration, discipline and internal security of former combatants in the Assembly sites.

423. Prior to completion of disarmament, individual former combatants shall not travel outside the Assembly sites with weapons. Travel outside of Assembly sites by former combatant units shall require at least 72 hours advance notice to AMIS and approval by AMIS.

Disarmament and Demobilization

424. The DSAIC or other subsidiary body established by DSAIC shall develop a plan that specifies the timing, sequencing and processes of disarmament and demobilization of former combatants.

425. The Movements shall conduct disarmament and demobilization with the assistance of AMIS and other international partners.

426. The Parties shall ensure that while former combatants are Assembled, disarmament and demobilization shall take place in accordance with the following:

- a. Awareness orientation, sensitization and training of commanders and their forces on DDR, the peace process and their respective roles and responsibility.
- b. The Parties agree to the eligibility criteria for the disarmament process annexed to this Agreement for those combatants that will not be integrated.

- c. Pending their destruction, storage of weapons shall be in containers at designated locations under dual lock, with the Movements in control of one key and AMIS in control of the other key.
- d. Registration, screening and categorization of Movement Forces shall be conducted prior to demobilization.
- e. Demobilization and reinsertion of disabled combatants shall commence immediately.

427. The demobilization process shall start after the disarmament process and be linked to integration and social and economic reintegration. The process shall be executed in the Movements' Assembly sites and shall be conducted under the control of AMIS.

428. The demobilization shall include former combatants, including female former combatants.

429. The GOS shall fully complete the downsizing it began in August of 2004 of the PDF and Border Guard units that were inducted into service in response to the conflict in Darfur and shall disarm and demobilize the members of the downsized units. The GOS shall disclose its Status of Forces as of August 2004 to the CFC as a benchmark for its monitoring.

430. The Parties agree that former combatants under the age of 18 shall not be moved to Assembly sites but shall instead be disarmed and demobilized separately and that child disarmament and demobilization shall commence immediately after signature of this Agreement.

Social and Economic Reintegration of Former Combatants

General Provisions

431. With the assistance of international partners, the GOS shall ensure that all former combatants who wish to return to civilian life or do not meet the eligibility criteria for entry into the SAF and selected security institutions are properly supported through social and economic reintegration programs.

432. The GOS shall ensure that all demobilized members of the SAF and demobilized members of the reformed security institutions who are from Darfur are also properly supported through social and economic reintegration programs.

433. Fairness, transparency, equity and consistency shall be ensured in determining the eligibility of former combatants targeted for assistance.

434. Former combatants shall be treated equitably irrespective of their previous Movements' affiliations. They shall also be empowered by provision of training and information to voluntarily choose their path to reintegration. The reintegration

process shall be community based and benefit both returnees and local communities.

435. Reintegration efforts shall be designed to be sustainable over the long-term and include follow-up monitoring and continuing support measures as needed.

436. The reintegration program shall encourage the participation of the communities and civil society organizations with the view to strengthening their capacity to play their role in improving and sustaining the social and economic reintegration of former combatants.

437. The GOS shall provide adequate financial and logistical support to reintegrate former combatants and may seek to mobilize such support from the international community.

438. There shall be special resources mobilized and set aside to address the special reintegration needs of women, and these special resources shall be administered separately by a mechanism capable of effectively performing this function.

Institutions and Planning for Reintegration

439. The DSAIC or a subsidiary body established by the DSAIC shall develop a Reintegration Plan, which is closely linked to the plans for disarmament and demobilization of former combatants.

440. The Reintegration Plan shall address:

- a. Objectives of the reintegration program as a component of the national strategic plan for reconciliation, reconstruction and development.
- b. Program framework, mechanisms, timelines, and technical support for the reintegration processes.
- c. The reintegration special needs specified below.

441. DSAIC or a subsidiary body established by it shall coordinate its efforts with the Darfur Rehabilitation and Reconstruction Fund and may seek support from international donors.

Reintegration Special Needs

442. The Reintegration Plan shall develop specific programs for former combatants under the age of 18; female former combatants; and disabled former combatants.

443. Specific programs shall be developed to address the particular reintegration needs of children, especially orphans of combatants.

444. UNICEF and other child protection organizations shall be called upon to support and assist in the identification, removal, family reunification and reintegration of children associated with armed forces and armed groups.

445. Specific programs shall be developed to address the particular reintegration needs of women, especially widows of former combatants.

Reform of Selected Security Institutions

General Provisions

446. Reform shall include, but not be limited to, the following security institutions, particularly those that have expanded or changed composition or mandate during the conflict in Darfur:

- a. The Popular Defense Forces;
- b. The Border Guards;
- c. The State (GOS) Police and its subsidiary departments including but not exclusive of:
- d. The Popular Police;
- e. The Nomadic Police.

447. Reform of selected security institutions shall be in accordance with the following:

- a. Their size, capability and mandate shall be commensurate with the tasks to be performed by them and shall give special consideration to the needs of Darfur.
- b. They shall be administered on the basis of impartiality and professionalism.
- c. Their membership shall be based on merit and fitness without regard to ethnicity or political leanings, with fair representation from all groups.
- d. They shall be subject to civil oversight and legal accountability.
- e. They shall include women in all ranks and shall have specific sections to address the particular needs of women and children with respect to personal security and law enforcement.
- f. Their members shall perform their duties in a manner designed to gain the confidence of all the communities that they serve and the people of Darfur.

Institutions and Planning for Reform

448. With a view to reducing lawlessness and strengthening the rule of law in Darfur, DSAIC shall review and make recommendations to the TDRA for each security institution.

449. The GOS, in coordination with the Movements, shall implement those recommendations approved by the TDRA.

Police Capacity Building

450. The GOS Police Force for the three states of Darfur shall be professional, impartial and representative of the communities of Darfur and operate in accordance with accepted (international) standards.

451. Within 60 days of the signature of this Agreement, the DSAIC shall initiate a comprehensive review of policing in Darfur, with the aim of making specific recommendations to the TDRA to improve the effectiveness and professionalism of the police, in particular their ability to respond to, take into account, and address the special needs of women.

452. The comprehensive review shall address police organizational structures, management, command and control, selection, recruitment, training, professional development, human rights issues, accountability and the relationship between police and communities. Recommendations from this review shall be submitted to the TDRA and State Governments for action.

Control of Civilian and Community Arms

453. As part of their commitment to a lasting and stable peace in Darfur, the Parties shall advance and continue long term efforts in the area of control of civilian and community arms. This shall be included as an item for consideration as part of the Darfur-Darfur Dialogue.

ARTICLE 31

Sequencing and Timelines

Sequencing and Timeline Guidelines

454. The correct sequencing of activities is essential to ensure mutual confidence building between the Parties.

455. Darfur communities have an important role in the integration and shall be consulted extensively.

456. The detailed plans developed by the DSAIC will provide the final sequencing

and timelines to accomplish the programs outlined in this Agreement.

457. Phases and Timelines :

- a. Phase IV (begins immediately upon completion of Phase III and is completed within two months)
- b. Complete disarmament of the Janjaweed/armed militia.
- c. Assembly of the Movements' forces at the conclusion of the CFA Phase III.
- d. Phase V (begins immediately upon completion of Phase IV and is completed within 16 months)
- e. Integration of former combatants into SAF and GOS security institutions.
- f. Reform of selected Darfur security institutions including the downsizing and reintegration of former members.
- g. Initial recruitment and training of reformed GOS police forces to improve effectiveness and professionalism.
- h. Initiation of disarmament, demobilization, and social and economic reintegration.
- i. Phase VI (begins immediately upon completion of Phase V and is completed within 12 months)
- j. Completion of social and economic reintegration of former combatants.
- k. Completion of processes of reform of selected security institutions.

CHAPTER FOUR: DARFUR-DARFUR DIALOGUE AND CONSULTATION

Definition

458. The Darfur-Darfur Dialogue and Consultation (DDDC) is a conference in which representatives of all Darfurian stakeholders can meet to discuss the challenges of restoring peace to their land, overcoming the divisions between communities, and resolving the existing problems to build a common future.

General Principles

459. Reflecting on the fact that a just and durable solution to the conflict in Darfur requires communal reconciliation above and beyond what is possible at the Inter-Sudanese Talks on the Darfur Conflict, convened in Abuja, and the resulting DPA, the DDDC provides a mechanism to connect the DPA to social and political issues in Darfur so that social mechanisms traditionally established to resolve conflicts can play their role in creating and sustaining social peace. The DDDC is an opportunity for the Movements to present their political agenda to the people of Darfur and thereby make an investment in peaceful political processes. Furthermore, the DDDC broadens the insufficient representation of Darfurians in Abuja, providing an opportunity for other parties to become part of the DPA.

460. The DDDC shall be organized pursuant to the Declaration of Principles of 5 July 2005. The DoP reads: "Agreements reached by the Parties shall be presented to the people of Darfur to secure their support through Darfur–Darfur dialogue and consultation."

461. The DDDC shall serve as a mechanism for mobilizing support for the Darfur Peace Agreement (DPA) and implementing it, by :

- a. Publicizing the Agreement and not to reopen it for further negotiation;
- b. Deepening the Agreement by addressing challenges of local peace and reconciliation issues;
- c. Discussing and building consensus on the main outstanding issues concerning the citizens of Darfur regarding the causes of conflict, insecurity, restoration of social fabric and a common future for all;
- d. Providing a forum for the Parties to jointly address their responsibilities in implementing their commitments to the Abuja Peace Agreement; and
- e. Bringing other stakeholders into the Darfur peace process with special consideration for active and visible participation by women and the youth.

462. The DDDC shall seek to mobilize support for the DPA and to secure mechanisms for implementing it among the people of Darfur through providing ownership of the peace agreement.

463. The DDDC shall lay the foundation for ongoing democratic participation/representation for the people of Darfur.

464. The Parties underscore that the DDDC is an integral part of the Abuja peace process. The Parties shall accord the DDDC due respect by ensuring its autonomy; they shall resist from using it as a means for pursuing short term political gains for political expediency. The Parties shall ensure that the DDDC is organized in a manner that preserves its integrity.

465. The DDDC shall serve as a consultative mechanism. Its decision-making powers shall be limited to specific areas laid down in the DPA. It shall consult and advise on a range of other issues not addressed in the DPA, seeking consensus among stakeholders.

466. The DDDC shall seek to be truly representative of all Darfurians irrespective of their political affiliation and thereby enjoy moral and political authority.

467. The Parties agree that women shall be effectively represented in all bodies and committees established in relation to the DDDC.

Mandate

468. The mandate of the DDDC is derived from the Declaration of Principles of 5 July 2005. It is also in conformity with the spirit of the Comprehensive Peace Agreement of 9 January 2005.

469. The DDDC is an advisory and facilitation mechanism.

470. The DDDC shall make recommendations and observations to the Darfur and national authorities, including community leaders.

471. The DDDC shall be convened under the auspices of the AU.

Preparatory Committee

472. Within 30 days of the signature of this Agreement, the African Union, in consultation with the Parties, shall establish a Preparatory Committee for the DDDC.

473. The Preparatory Committee shall not exceed 25 members. It shall consist of representatives of GoS, the SLM/A and the JEM, and representatives of civil society organizations and tribal leaders, and representatives of the African Union, the UN, European Union and the League of Arab States. The Preparatory Committee shall be chaired by the representative of the African Union.

474. The Preparatory Committee shall conduct an extensive consultation among a wide range of Darfurian stakeholders in appropriate phases. The process will facilitate the drawing up of a broad agenda. The Preparatory Committee shall make a recommendation for a Chairperson of the DDDC, who shall be appointed in consultation with the Parties, who shall be a prominent African personality.

Roles of the Parties

475. The Parties shall each nominate members of the Preparatory Committee, who shall play a role in the formulation of the agenda and have a role in selecting Chairs, Committee of Experts and the Secretariat. The Parties are obliged to strive for fair representation of women in their nominations.

476. The Parties shall nominate delegates to the DDDC, both as observers and participants as appropriate. Fair representation of women and youth is mandatory.

477. All parties have an important role in making sure that the DDDC has integrity and is not manipulated. They are obligated to cooperate and make the DDDC authentic.

Terms of Reference

478. The DDDC shall focus upon two areas, namely (1) political and (2) socio-economic and traditional. The DDDC shall have an organizing theme, "Building Peace and Reconciliation in Darfur."

Political Function

479. The first function of the DDDC shall be to popularize the DPA and obtain support for it from all stakeholders in Darfur. This shall include discussing, understanding and disseminating the various component parts of the DPA.

480. In addition, specific articles within the DPA may provide the DDDC with the authority to consider or take action, when necessary, on particular issues. Such actions include:

- a. Acting as a mechanism of last resort to break the deadlock on specific issues;
- b. Establishing local mechanisms for conflict prevention and promotion of reconciliation.

481. The DDDC shall provide an early opportunity in which the Parties can present their vision to the people of Darfur in an open forum.

482. The DDDC may advise how best to implement specific elements within the DPA.

Social and Traditional Function

483. Community representatives shall be invited to take responsibility for inter-tribal reconciliation and community harmony in rebuilding society damaged by war.

484. Issues to be addressed by the DDDC shall include, inter alia:

- a. Measures for popularizing and implementing the DPA;
- b. Inter-communal and inter-tribal reconciliation;
- c. Safe return of refugees and IDPs;
- d. Land, water and natural resources, locations and regulation of nomadic migration routes;
- e. Human security and socio-economic issues
- f. Small arms control and the interim regulation of community defence groups pending final disarmament;
- g. Ensuring that political differences are addressed through civil political processes and not through violence;
- h. The status and powers of Native Administration;
- i. Measures to preserve the multi-ethnic character of Darfur;
- j. Measures to address the special issues of women.

485. In the event that these issues cannot be concluded in the time available, the DDDC may recommend that the Darfur State Assemblies (or Committees thereof) consider them, or that they are handled by peace and reconciliation entities to be established.

486. The DDDC shall seek to achieve consensus on all issues.

Committee of Experts

487. The Chairperson of the Preparatory Committee, in consultation with the Parties and international partners, shall establish a Committee of experts for the DDDC.

488. The members of the Committee of Experts shall consist principally of Sudanese experts and will also include as appropriate international experts. Special attention will be made to include conflict resolution and gender experts.

489. The Committee of Experts shall meet to contribute proposals for all aspects of the DDDC to the Preparatory Committee, and to the DDDC when it is in session.

Venue, Logistics and Funding

490. The Preparatory Committee shall, in consultation with the Parties, decide on the location for the DDDC and the preparatory consultations within Darfur.

491. Logistical support to the DDDC shall be organized on a tripartite basis between the GoS, the African Union and international partners including the UN.

492. Security for the DDDC shall be provided by the GoS in cooperation with AMIS.

493. The GoS shall contribute part of the cost of the DDDC. The Darfurian community shall be invited to contribute additional funds. The AU and its Member States as well as International partners shall be invited to contribute. Funds shall be held in a special trust fund established for the purpose.

Representation

494. Representation at the DDDC shall be decided by the Preparatory Committee according to the following guidelines.

495. The DDDC shall consist of approximately **XX** delegates in addition to observers.

496. **XX** delegates shall be selected on the basis of community and tribal representation. All tribes in Darfur shall be represented. This representation shall include recognized tribal leaders, representatives chosen by all localities including refugees and internally displaced persons. Special mechanisms shall be established to ensure that small tribes and non-Darfurians resident in Darfur are represented.

497. **XX** delegates shall be selected to represent other stakeholders, including political parties, civil society organizations, religious leaders, business leaders, members of the diaspora, trade unions and professionals.

498. Adequate and effective representation of women and youth shall be ensured.

499. Observers shall be drawn from other parts of Sudan, AU Mediation and Facilitators, League of Arab States and Organisation of the Islamic Conference, CENSAD, IGAD, UN and international community.

Chairpersons

500. For the political function of the DDDC, the Chairperson shall be a prominent African personality selected by the African Union, in consultation with the Parties.

501. For the social and traditional function of the DDDC, the Chairperson may designate a team of elders who shall serve as co-chairpersons on a rotating basis.

Secretariat

502. On the recommendation of the Preparatory Committee, the AU, the UN and other international partners, as appropriate, shall set up a Secretariat consisting of a group of technical experts and resource persons. The Secretariat shall initially serve the Preparatory Committee and Committee of Experts. During the DDDC itself, the Secretariat shall serve the Chairs.

503. International partners shall be invited to cooperate in supporting the Secretariat.

- a. The Secretariat shall ask experts to prepare guidelines for the issues to be discussed.
- b. The AU shall take responsibility for providing a briefing on the DPA and related issues.
- c. The AU in conjunction with the Chairpersons will develop the agenda for discussion of these issues including identifying lead speakers.

504. The Secretariat shall have a communication strategy to ensure that information about the DDDC is widely disseminated and available within Darfur, other parts of Sudan, and internationally.

Outcomes

505. The outcome of the DDDC shall be referred to the relevant Darfur and national authorities.

506. The DDDC shall establish the Peace and Reconciliation Council as standing mechanism for peace and reconciliation in Darfur in accordance with the provisions of the DPA.

CHAPTER FIVE: GENERAL PROVISIONS

507. The Parties jointly appeal to the entire international community, including in particular the organizations and States involved in the negotiation of this Agreement, to affirm their full support for the Agreement, to participate fully in the activities described in the Agreement in the manner contemplated, and to help provide the resources and expertise necessary for the complete and successful implementation of the Agreement.

508. This Agreement shall be incorporated into the INC. For that purpose, the National Constitutional Review Commission shall, as a matter of priority, prepare a text in the constitutionally appropriate form for adoption in accordance with the procedures specified in the INC.

509. The Parties agree to settle any disagreement or dispute arising under this Agreement by peaceful means. The Parties further agree that in the event of a dispute concerning the interpretation or application of this Agreement, they shall refer the matter to the AU Commission.

510. This Agreement shall enter into force upon its signature by the Parties. Accordingly, the Parties shall take immediate steps to implement their obligations hereunder, including appropriate steps to give legal effect to the arrangements agreed herein. The Parties commit themselves to ensure that all of the institutions, bodies, commissions, committees and other entities under their control, including their members, shall observe the terms of this Agreement.

511. The Chairperson of the AU Commission shall register this Agreement with the Secretary General of the United Nations.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have signed this Agreement., in the presence of the witnesses hereunder.

DONE AT ABUJA, NIGERIA, this day of, 2006 in three original texts in the Arabic, English, and French languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE SUDAN (GOS)

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**FOR THE SUDAN LIBERATION
MOVEMENT/ARMY (SLM/A)**

**FOR THE SUDAN LIBERATION
MOVEMENT/ARMY (SLM/A)**

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FOR THE JUSTICE AND EQUALITY MOVEMENT (JEM)

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WITNESSED BY

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