

Country/entity	South Sudan
Region	Africa (excl MENA)
Agreement name	Agreement on the Implementation of Principles Governing the Protection and Provision of Humanitarian Assistance to War Affected Civilian Populations
Date	15 Dec 1999
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Agreement/conflict level Intrastate/intrastate conflict

Sudan Conflicts (1955 -)

Agreements relate to several distinct dyads, and also the negotiated independence of South Sudan, and subsequent internal conflict in South Sudan. Sudan-South Sudan. The long-standing conflict between the north and the south of the country dates back to colonial times, where the British introduced a so-called 'Southern Policy', severely hampering population movements between these big regions. Immediately after gaining independence in 1956, southern movements started to fight for independence; this fight became professionalised in 1983 with the foundation of the soon internationally supported Sudan People's Liberation Army (SPLA). When the Islamic Front government introduced strict sharia laws in the south after it took over power in 1988 the war intensified. A decade later, the military situation reached a stalemate, enabling internationally facilitated peace negotiations to begin in 1997. After more fighting, a final negotiation push began in 2002, leading to the signing of the Comprehensive Peace Agreement (CPA) in January 2005.

Sudan-South Sudan post referendum. South Sudan became independent in July 2011; since then, relations between the two countries are complicated and violent conflict led by the SPLM (North) in the Sudanese Nuba mountains region has since intensified.

Darfur. Other long-standing violent conflicts are in the east and the west of the country. In the east, the Beja Congress, established in 1957, is the spearhead of a currently 'peaceful' opposition movement. In the west, the violent conflict in Darfur intensified in the early 2000s and rapidly gained international attention, even resulting in genocide charges against leading figures of the Sudanese government. The situation on the ground is complex, with over a dozen organisations (most notably the Sudanese Liberation Movement and the Justice and Equality Movement) fighting the Sudanese government and allied groups like the Janjaweed – although all parties have switched sides on numerous occasions. Several mediation attempts have not been successful, due to the shaky commitment of the Sudanese central government and the distrust among the armed opposition.

South Sudan - internal

In December 2013, after president Salva Kiir accused opposition leader Riek Machar of attempting a coup, violent conflict broke out between government forces of the SPLM/A and anti-governmental groups. In addition, several other political militias as well as communal militias have joined the conflict. In 2015 the Agreement on the Resolution of the Conflict in South Sudan (ARCSS) was signed. Due to unsuccessful implementation the agreement was revitalized in 2018. In September 2019, Kiir and Machar agreed to establish a power-sharing government after struggles on forming a unity transitional government.

Close

Sudan Conflicts (1955 -)

Stage Framework/substantive - partial

Conflict nature Inter-group

Peace process	North - South Sudan secession process
Parties	James Mabor Gatkuoth Minister for Humanitarian Affairs Southern States Coordination Council For the Government of the Republic of the Sudan
Third parties	Elijah Malok Aleng Executive Director of the SRRA and Senior Advisor to the Chairman on Political and Economic Affairs For the Sudan Peoples' Liberation Movement Ross Mountain United Nations Assistant Emergency Relief Coordinator For the United Nations
Description	This agreement sets out the principles and modalities the conflict parties agree to in order to facilitate the provision of humanitarian assistance.

Agreement document [SD_991215_Agreement on Principles of Humanitarian Assistance.pdf \(opens in new tab\)](#)
| [Download PDF](#)

Groups

Children/youth	Groups→Children/youth→Substantive Page 3 3. Beneficiaries have the right to receive protection ... • The Convention on the Rights of the Child, 1989
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	Groups→Racial/ethnic/national group→Substantive Page 3 3. Beneficiaries have the right to receive protection ... • The International Convention on the Elimination of All Forms of Racial Discrimination, 1965
Religious groups	No specific mention.
Indigenous people	No specific mention.

Other groups No specific mention.

Refugees/displaced persons No specific mention.

Social class No specific mention.

Gender

Women, girls and gender Page 3
3. Beneficiaries have the right to receive protection
...
• The Convention on the Elimination of All Forms of Discrimination against Women, 1979

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society

Page 1, 1. War-affected civilian populations have the right to receive humanitarian assistance

The Parties to the Conflict agree that all humanitarian agencies accredited by the UN for humanitarian work in the Sudan shall have free and unimpeded access to all war-affected populations in need of assistance and to all war-affected populations for the purposes of assessing whether or not they are in need of humanitarian assistance. The United Nations will decide on all routes and modalities for all assessments and deliveries of humanitarian assistance in consultation with the Parties to the Conflict. The United Nations will advise the Parties to the Conflict of all intended assessments and deliveries of humanitarian assistance, and the Parties to the Conflict agree to inform the United Nations of any possible security risks to humanitarian personnel in accordance with the Rome Security Protocol. The Parties to the Conflict agree that the United Nations has the right to decide on all security issues relating to its personnel, and to NGO personnel for whom it is providing security coverage, and the Parties to the Conflict will to the best of their abilities facilitate access for all humanitarian agencies accredited by the UN for humanitarian work in the Sudan. The Parties to the Conflict shall be absolved of any responsibility connected to any decisions taken by the United Nations without consultations with the Parties to the Conflict.

Page 2, 2. War-affected civilian populations have the right to retain all humanitarian assistance for which they are targeted

The Parties to this Agreement guarantee that all humanitarian assistance is to be distributed only to targeted civilian beneficiaries among the war-affected populations. The Parties to the Conflict guarantee that all humanitarian assistance targeted and intended for beneficiaries in areas under their respective control will be delivered to those beneficiaries only and will not be taxed, diverted or in any other way removed from the intended recipient or given to any other persons or groups. In the event of allegations of diversions, misappropriations or any other form of misuse of humanitarian assistance, the relevant Party to the Conflict, together with the United Nations, will immediately investigate and document the alleged misappropriation, and the relevant Party to the Conflict will take immediate corrective action. The United Nations agrees to work in close collaboration with the Parties to the Conflict and non-governmental organizations to ensure adherence to the highest standards of humanitarian principles at all times.

Page 3, 4. Humanitarian action must respect and promote the human dignity of beneficiaries

The Parties to this Agreement will ensure that all humanitarian assistance will be provided in a manner that will enhance and promote the human dignity of targeted civilian beneficiaries. Beneficiaries have the right to utilize humanitarian assistance as they determine is in their best interests and as they deem fit, so long as no humanitarian assistance is used in a

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

**Public
administration** No specific mention.

Constitution No specific mention.

Power sharing

**Political power
sharing** No specific mention.

**Territorial power
sharing** No specific mention.

**Economic power
sharing** No specific mention.

**Military power
sharing** No specific mention.

Human rights and equality

**Human rights/RoL
general** Summary: See multiple references to international treaties, which include references to international law more generally.

Bill of rights/similar No specific mention.

**Treaty
incorporation**

Page 1, Preamble

Recognizing the importance of strict adherence by the Parties to the Conflict and the United Nations to the highest standards of conduct and international humanitarian principles and those agreed upon in the 1992 and 1994 tripartite agreements of the Inter-governmental Authority on Drought and Development (IGADD) sub-committees, as well as previous agreements under OLS

Recognizing internationally accepted standards and regulations pertaining to the security and safety of humanitarian aid personnel and property, and the Rome Security Protocol; and

Recognizing the rights of civilian populations in armed conflicts as embodied in International Humanitarian Law, Customary Humanitarian Law and International Human Rights Law

Page 2, 2. War-affected civilian populations have the right to retain all humanitarian assistance for which they are targeted

The United Nations agrees to work in close collaboration with the Parties to the Conflict and non-governmental organizations to ensure adherence to the highest standards of humanitarian principles at all times.

Page 2, 3. Beneficiaries have the right to receive protection

The Parties to the Conflict agree and guarantee the right of beneficiaries to protection, including physical protection from the effects of armed conflict as accorded by International Humanitarian Law, including the Geneva Conventions. The Parties to the Conflict agree and guarantee the right of beneficiaries to full legal protection under International Human Rights Law. This provision applies to the SPLM even though it is not a formal signatory to the various treaties and conventions that constitute International Human Rights Law.

...

The Government of Sudan is responsible for protecting and promoting the legal rights and entitlements of the civilian population in Sudan, pursuant to its various international treaty and convention obligations and the National Law of Sudan...

Pages 2-3

3. Beneficiaries have the right to receive protection

...

As a movement, the SPLM is not legally responsible for protecting and promoting the legal rights and entitlements of the civilian populations in areas under its control pursuant to international treaties and conventions. However, the SPLM and the other Parties to this Agreement recognize that the SPLM is legally bound by customary human rights law and has a moral and ethical obligation to protect and promote the rights of the civilian population living in areas under its control. The body of international customary human rights law is embodied in a number of instruments, which include, but is not limited to:

- The Universal Declaration of Human Rights, 1949
- The International Convention on the Elimination of All Forms of Racial Discrimination, 1965

• The International Covenant on Economic, Social and Cultural Rights, 1966

Civil and political rights Human rights and equality→Civil and political rights→Life
Page 3, 5. Beneficiaries have the right to protection from forcible relocation from their legal or recognized place of residence
... Communities will only be relocated to suitable sites with basic services and proper accommodation in place prior to relocation. Communities will only be relocated in a manner that preserves the right to life, dignity, liberty and security.
Human rights and equality→Civil and political rights→Liberty and security of person
Page 3, 5. Beneficiaries have the right to protection from forcible relocation from their legal or recognized place of residence
... Communities will only be relocated to suitable sites with basic services and proper accommodation in place prior to relocation. Communities will only be relocated in a manner that preserves the right to life, dignity, liberty and security.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access

Page 1, 1. War-affected civilian populations have the right to receive humanitarian assistance

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Page 2, 2. War-affected civilian populations have the right to retain all humanitarian assistance for which they are targeted

The Parties to this Agreement guarantee that all humanitarian assistance is to be distributed only to targeted civilian beneficiaries among the war-affected populations. The Parties to the Conflict guarantee that all humanitarian assistance targeted and intended for beneficiaries in areas under their respective control will be delivered to those beneficiaries only and will not be taxed, diverted or in any other way removed from the intended recipient or given to any other persons or groups. In the event of allegations of diversions, misappropriations or any other form of misuse of humanitarian assistance, the relevant Party to the Conflict, together with the United Nations, will immediately investigate and document the alleged misappropriation, and the relevant Party to the Conflict will take immediate corrective action. The United Nations agrees to work in close collaboration with the Parties to the Conflict and non-governmental organizations to ensure adherence to the highest standards of humanitarian principles at all times.

Protection measures

Rights related issues→Protection measures→Other
Page 2, 3. Beneficiaries have the right to receive protection
The Parties to the Conflict agree and guarantee the right of beneficiaries to protection, including physical protection from the effects of armed conflict as accorded by International Humanitarian Law, including the Geneva Conventions. The Parties to the Conflict agree and guarantee the right of beneficiaries to full legal protection under International Human Rights Law. This provision applies to the SPLM even though it is not a formal signatory to the various treaties and conventions that constitute International Human Rights Law.

Page 2
3. Beneficiaries have the right to receive protection
The Government of Sudan and the SPLM are responsible for the actions of their respective armed forces for the physical protection and safety from the effects of the war, of the civilian populations.

The Government of Sudan is responsible for protecting and promoting the legal rights and entitlements of the civilian population in Sudan, pursuant to its various international treaty and convention obligations and the National Law of Sudan.

Other

No specific mention.

Rights institutions

NHRI

No specific mention.

Regional or international human rights institutions

No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation Socio-economic reconstruction→Taxation→Other
Pages 3-4, 6. Monitoring and Evaluation
The Parties to the Conflict agree that the United Nations has the right to ensure, through accepted transparent monitoring and evaluation policies and practices, that all humanitarian assistance reaches targeted beneficiaries only. In circumstances where, due to factors such as... taxation or diversion... the Parties to the Conflict agree that these supplies can no longer be defined as humanitarian assistance.

Banks No specific mention.

Land, property and environment

Land reform/rights Land, property and environment→Land reform/rights→Land reform and management
Page 3, 5. Beneficiaries have the right to protection from forcible relocation from their legal or recognized place of residence
The Parties to the Conflict agree and guarantee that no beneficiary will be forcibly relocated from his or her legal or recognized place of residence. The Parties to the Conflict agree and guarantee that all beneficiaries will have the right to provision of secure land title, where a legal land title system is in operation

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment Pages 3-4, 6. Monitoring and Evaluation
The Parties to the Conflict agree that the United Nations has the right to ensure, through accepted transparent monitoring and evaluation policies and practices, that all humanitarian assistance reaches targeted beneficiaries only. In circumstances where, due to factors such as... food and other relief supplies are not reaching targeted beneficiaries, the Parties to the Conflict agree that these supplies can no longer be defined as humanitarian assistance.

**Water or riparian
rights or access** No specific mention.

Security sector

**Security
Guarantees** Page 2, 3. Beneficiaries have the right to receive protection
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Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR No specific mention.

**Intelligence
services** No specific mention.

Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory

Page 4,

Ross Mountain
United Nations Assistant Emergency Relief Coordinator
For the United Nations

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar

Summary: Reference is made throughout this agreement of different roles to be played by UN.

Selected sections include:

Page 2, 1. War-affected civilian populations have the right to receive humanitarian assistance

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The Parties to this Agreement will work towards standardized methods and modalities for determining target beneficiary population figures which the United Nations will be able to use in all areas of operation. Where war-affected civilians are in need of assistance and are not receiving assistance due to underestimation of the target beneficiary population, the relevant Party shall immediately inform the United Nations, whereupon that Party and the United Nations will take urgent corrective action.

Enforcement mechanism

Pages 3-4, 6. Monitoring and Evaluation

The Parties to the Conflict agree that the United Nations has the right to ensure, through accepted transparent monitoring and evaluation policies and practices, that all humanitarian assistance reaches targeted beneficiaries only. In circumstances where, due to factors such as, but not limited to, theft, looting, taxation or diversion, food and other relief supplies are not reaching targeted beneficiaries, the Parties to the Conflict agree that these supplies can no longer be defined as humanitarian assistance. The Parties to the Conflict agree that, following all due process to and reasonable attempts to rectify the situation, the United Nations has the right to suspend the provision of such supplies until such time as the United Nations agrees that adequate corrective measures have been taken in accordance with Article 2 of this Agreement.

Page 4, 7. Implementation of this Agreement

The present Agreement will enter into effect upon signature by the duly authorized representatives of the parties, the Government of the Republic of the Sudan, the Sudan Peoples' Liberation Movement and the United Nations. The United Nations agrees to meet with the Parties to the Conflict on a regular basis to review written submissions from either Party or OLS concerning the implementation of this Agreement. This Agreement may be amended or otherwise modified only by the written agreement of all three parties to the Agreement. Should two of the parties to this Agreement request the convening of a session of the Technical Committee on Humanitarian Assistance (TCHA), the Chair of the TCHA will convene such a meeting within a reasonable period of time, which will not be more than two months. If the Chair of the TCHA considers that there is a need for the TCHA to meet on an emergency basis, the TCHA will be convened.

Related cases

No specific mention.

Source

http://theirwords.org/media/transfer/doc/sd_splm_spla_1999_41-71cb60ebfa700507147102d91afe553b.pdf