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|---------------------------------|---|
| 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 -)) |
| 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 SRRRA 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](#)  | [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

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

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|----------------------------|---|
| Civil and political rights | <p>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.</p> <p>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.</p> |
| 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

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.

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 | <p>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.</p> |
| Banks | No specific mention. |

Land, property and environment

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|---|---|
| Land reform/ rights | <p>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</p> |
| Pastoralist/ nomadism rights | No specific mention. |
| Cultural heritage | No specific mention. |
| Environment | <p>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.</p> |
| Water or riparian rights or access | No specific mention. |

Security sector

| | |
|---|--|
| Security Guarantees | 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. |
| 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

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.

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.

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