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<b>Country/ entity</b>	South Sudan
<b>Region</b>	Africa (excl MENA)
<b>Agreement name</b>	Agreement on the Implementation of Principles Governing the Protection and Provision of Humanitarian Assistance to War Affected Civilian Populations
<b>Date</b>	15 Dec 1999
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes
<b>Agreement/ conflict level</b>	Intrastate/intrastate conflict ( Sudan Conflicts (1955 - ) )
<b>Stage</b>	Framework/substantive - partial
<b>Conflict nature</b>	Inter-group
<b>Peace process</b>	North - South Sudan secession process
<b>Parties</b>	James Mabor Gatkuoth Minister for Humanitarian Affairs Southern States Coordination Council For the Government of the Republic of the Sudan
<b>Third parties</b>	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 Coordiantor For the United Nations
<b>Description</b>	This agreement sets out the principles and modalities the conflict parties agree to in order to facilitate the provision of humanitarian assistance.

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**Agreement document** [SD\\_991215\\_Agreement on Principles of HUMANITARIAN ASSISTANCE.pdf](#)  | [Download PDF](#)

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## 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.

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## 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.

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## 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.

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## **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.

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## **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.

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## **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

Civil and political rights	<p>Human rights and equality→Civil and political rights→Life</p> <p>Page 3, 5. Beneficiaries have the right to protection from forcible relocation from their legal or recognized place of residence</p> <p>... 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</p> <p>Page 3, 5. Beneficiaries have the right to protection from forcible relocation from their legal or recognized place of residence</p> <p>... 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.

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## 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.

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## **Rights institutions**

NHRI      No specific mention.

Regional or international human rights institutions      No specific mention.

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## **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.

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## **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.

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### **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.

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## 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.

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## **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.

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**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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