

Country/entity	Sudan Darfur
Region	Africa (excl MENA)
Agreement name	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
Date	9 Nov 2004
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 Renewal

Conflict nature Government/territory

Peace process	Darfur-Sudan peace process
Parties	For the Sudan Liberation Movement/Army: Minni Arkou Minawi, Secretary-General; For the Government of the Sudan: Dr. Magzoub El-Khalifa, Head of Delegation; For the Justice and Equality Movement: Ahmed Mohamed Tugod Lissan General Coordinator, Head of delegation
Third parties	Witnessed by: The Federal Republic of Nigeria (Chair of the AU): Amb. Oluyemi Adeniji, CON Minister of Foreign Affairs; The AU Commission: Amb. Sam B. Ibok; The Chadian Co-Mediation: Amb. Allam-Mi Ahmad.
Description	Agreement ultimately incorporated in Darfur Agreement.

Agreement document	SD_041109_Protocol between the GoS, SLMA, and JEM on Security Situation in Darfur.pdf (opens in new tab) Download PDF
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Groups

Children/youth	Groups→Children/youth→Substantive Page 4, Article 8 The Parties shall refrain from recruiting children as soldiers or combatants, consistent with the African Charter on the Rights and Welfare of Children, the Convention on the Right of the Child (CRC) and the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	Groups→Refugees/displaced persons→Rhetorical Page 2, PREAMBLE 4. Cognizant of the need to restore confidence in Darfur, as part of the efforts to facilitate the voluntary return of the refugees and internally displaced persons (IDPs), alleviate the plight of the civilian population and create conditions for a lasting and comprehensive settlement of the conflict in Darfur;
Social class	No specific mention.

Gender

Women, girls and gender	No specific mention.
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 Page 2, PREAMBLE
6. Reaffirming our commitment to the sovereignty, unity, territorial integrity and independence of the Sudan;

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 4, 4. In compliance with the Article 5 of the N'djamena Agreement, the Parties commit themselves to:
-request the International Committee of the Red Cross (ICRC) to assist in this exercise in accordance with the Geneva Conventions; in this respect, further request CFC/AMIS to extend its full cooperation to the ICRC, in conformity with the latter's mandate as a neutral intermediary;

**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** Page 2, PREAMBLE
3. Condemning all acts of violence against civilians and violations of human rights and international humanitarian law;

Page 4,
4. In compliance with the Article 5 of the N'djamena Agreement, the Parties commit themselves to:
-release immediately and unconditionally all persons detained in relation to the hostilities in Darfur. This stipulation shall not apply to those convicted through the due process of law under para. 6 of resolution 1556 (2004);

Bill of rights/similar No specific mention.

**Treaty
incorporation** Page 2, PREAMBLE
3. Condemning all acts of violence against civilians and violations of human rights and international humanitarian law;

Page 4, 4. In compliance with the Article 5 of the N'djamena Agreement, the Parties commit themselves to:
-request the International Committee of the Red Cross (ICRC) to assist in this exercise [prisoner release] in accordance with the Geneva Conventions; in this respect, further request CFC/AMIS to extend its full cooperation to the ICRC, in conformity with the latter's mandate as a neutral intermediary;

Civil and political rights Human rights and equality→Civil and political rights→Humane treatment in detention
Page 4, 4. In compliance with the Article 5 of the N'djamena Agreement, the Parties commit themselves to: abstain, in conformity with the N'djamena Agreement, from detaining or abducting persons.

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 No specific mention.

Protection measures No specific mention.

Other Page 4, 4. In compliance with the Article 5 of the N'djamena Agreement, the Parties commit themselves to: abstain, in conformity with the N'djamena Agreement, from detaining or abducting persons.

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 Socio-economic reconstruction→Development or socio-economic reconstruction→Humanitarian assistance
Page 3, PREAMBLE
10. Recording our agreement to address humanitarian issues, security issues, political questions, as well as economic and social affairs, in the course of the Inter-Sudanese Peace Talks on the crisis in Darfur;

National economic plan No specific mention.

Natural resources No specific mention.

International funds Page 3, PREAMBLE
8. Recognizing that the magnitude of the crisis in Darfur is such that it requires sustained assistance and engagement by the international community and, in this regard, expressing our appreciation for its efforts to alleviate the humanitarian plight and promote lasting peace and security in Darfur;

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

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

Cultural heritage No specific mention.

Environment No specific mention.

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

Security sector

**Security
Guarantees**

Page 3, PREAMBLE

10. Recording our agreement to address humanitarian issues, security issues, political questions, as well as economic and social affairs, in the course of the Inter-Sudanese Peace Talks on the crisis in Darfur;

Ceasefire

Security sector→Ceasefire→Ceasefire provision

Page 2, PREAMBLE

5. Reiterating our commitment to the N'djamena Agreement, including the appended Protocol on the Establishment of Humanitarian Assistance in Darfur, the Agreement on the Modalities for the Establishment of the Ceasefire Commission (CFC) and the Deployment of Observers in Darfur, signed in Addis Ababa, Ethiopia, on 28 May 2004 [hereinafter the Addis Ababa Agreement] and the Protocol on the improvement of the Humanitarian situation in Darfur, signed in Abuja on 9 November 2004;

Page 3, 1. The Parties agree to strictly abide by the provisions of the N'djamena and Addis Ababa Agreements. In this respect, the Parties recommit themselves to ensure an effective ceasefire on land and air, in particular:

- refraining from all hostilities and military actions, any reconnaissance operations, deployment, movement, or any other action aimed at extending territories under their respective control, and any military activity which, in the view of CFC/ AMIS, undermines the ceasefire;
- notifying all administrative movements to the CFC/AMIS.

Page 3, 2. The Parties agree to enhance and facilitate the implementation of the N'djamena Agreement, through, inter alia, the following:

- submitting to the Chairman of the CFC/ AMIS, or his designated representative, all information needed to enable it to carry out its mandate and tasks as agreed upon under the N'djamena and Addis Ababa Agreements. Such information shall be held confidentially;

Page 4, 2. The Parties agree to enhance and facilitate the implementation of the N'djamena Agreement, through, inter alia, the following:

...

- cooperating fully with the CFC/AMIS, to enable it develop, as soon as possible, a plan with a view to ensuring that no exchange of fire takes place and facilitating the effective monitoring of the ceasefire;

Page 4, 2. The Parties agree to enhance and facilitate the implementation of the N'djamena Agreement, through, inter alia, the following:

...

- providing CFC/AMIS with the required information to enable it determine clearly the sites occupied by the forces on the ground;

Page 4, 2. The Parties agree to enhance and facilitate the implementation of the N'djamena Agreement, through, inter alia, the following:

...

- extending unreserved cooperation to AMIS to enable it discharge its mandate and operational tasks as spelt out in the communique adopted by the 18th meeting of the PSC held on 20 October 2004;

Page 4, 2. The Parties agree to enhance and facilitate the implementation of the N'djamena Agreement, through, inter alia, the following:

...

- refraining from conducting hostile military flights in and over the Darfur region.

Page 4, 3. The Parties call upon the CFC/AMIS to accelerate the enforcement and full implementation of the N'djamena Agreement.

Police	No specific mention.
Armed forces	No specific mention.
DDR	<p>Security sector→DDR→Demilitarisation provisions Page 4, 5. In accordance with the N'djamena Agreement, relevant AU decisions and UN Security Council resolutions 1556 and 1564, the GoS undertakes to: -expeditiously implement its stated commitment to neutralize and disarm the Janjaweed/armed militias, bearing in mind the relevant UN Security Council resolutions. Such a process shall be supervised and verified by the CFC/ AMIS. For this purpose, the GoS shall provide all relevant information to the CFC/AMIS;</p>
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	<p>Page 4, 5. In accordance with the N'djamena Agreement, relevant AU decisions and UN Security Council resolutions 1556 and 1564, the GoS undertakes to: expeditiously implement its stated commitment to neutralize and disarm the Janjaweed/armed militias, bearing in mind the relevant UN Security Council resolutions. Such a process shall be supervised and verified by the CFC/ AMIS. For this purpose, the GoS shall provide all relevant information to the CFC/AMIS;</p> <p>Page 5, 5. In accordance with the N'djamena Agreement, relevant AU decisions and UN Security Council resolutions 1556 and 1564, the GoS undertakes to: -identify and declare those militias over whom it has influence, and provide CFC/AMIS with all relevant details. The GoS shall ensure that these militias will refrain from all attacks, harassment, or intimidation.</p>
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	Page 4, 4. In compliance with the Article 5 of the N'djamena Agreement, the Parties commit themselves to: -release immediately and unconditionally all persons detained in relation to the hostilities in Darfur. This stipulation shall not apply to those convicted through the due process of law under para. 6 of resolution 1556 (2004);
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory	No specific mention.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.

International mission/force/similar

Page 2, PREAMBLE

5. Reiterating our commitment to the N'djamena Agreement, including the appended Protocol on the Establishment of Humanitarian Assistance in Darfur, the Agreement on the Modalities for the Establishment of the Ceasefire Commission (CFC) and the Deployment of Observers in Darfur, signed in Addis Ababa, Ethiopia, on 28 May 2004 [hereinafter the Addis Ababa Agreement] and the Protocol on the improvement of the Humanitarian situation in Darfur, signed in Abuja on 9 November 2004;

Page 3, PREAMBLE

9. Welcoming the leadership and the engagement of the African Union, including its decision to strengthen its Mission in the Sudan (CFC/AMIS), to provide more effective support to the efforts aimed at restoring peace and security in Darfur, and expressing our commitment to fully cooperate with the AU to that end;

Page 3, 2. The Parties agree to enhance and facilitate the implementation of the N'djamena Agreement, through, inter alia, the following:

-submitting to the Chairman of the CFC/AMIS, or his designated representative, all information needed to enable it to carry out its mandate and tasks as agreed upon under the N'djamena and Addis Ababa Agreements. Such information shall be held confidentially;

Page 4, 2. The Parties agree to enhance and facilitate the implementation of the N'djamena Agreement, through, inter alia, the following:

...

-cooperating fully with the CFC/AMIS, to enable it develop, as soon as possible, a plan with a view to ensuring that no exchange of fire takes place and facilitating the effective monitoring of the ceasefire;

Page 4, 2. The Parties agree to enhance and facilitate the implementation of the N'djamena Agreement, through, inter alia, the following:

...

-extending unreserved cooperation to AMIS to enable it discharge its mandate and operational tasks as spelt out in the communique adopted by the 18th meeting of the PSC held on 20 October 2004;

Page 4, 3. The Parties call upon the CFC/AMIS to accelerate the enforcement and full implementation of the N'djamena Agreement.

Enforcement mechanism

No specific mention.

Related cases

No specific mention.

Source

UN Peacemaker
<http://peacemaker.un.org/>
<http://peacemaker.un.org/sudan-protocol-security-darfur2004>