

**Peace Agreement Access Tool PA-X <https://pax.peaceagreements.org/>**

|                                 |  |
|---------------------------------|--|
| Country/<br>entity              | Sudan<br>Darfur  |
| Region                          | Africa (excl MENA)<br>Africa (excl MENA)   |
| Agreement<br>name               | Protocol between the Government of Sudan, SLM/A and the JEM on the<br>Improvement of the Humanitarian Situation in Darfur  |
| Date                            | 9 Nov 2004   |
| Agreement<br>status             | Multiparty signed/agreed   |
| Interim<br>arrangement          | Yes  |
| Agreement/<br>conflict<br>level | Intrastate/intrastate conflict ( Sudan Conflicts (1955 - ) )   |
| Stage                           | Implementation/renegotiation   |
| Conflict<br>nature              | Government/territory   |
| Peace<br>process                | Darfur-Sudan peace process   |
| Parties                         | Government of Sudan signed for by Magzoub el-Khalifa (as Head of<br>Delegation); Justice and Equality Movement signed for by Ahmed Mohmed<br>Tugod Lissan (as Gender Coordinator/Head of Delegation); The Sudan<br>Liberation Movement/Army signed for by Minni Minawi (General Secretary)   |
| Third<br>parties                | Ambassador Oluyemi Adenji, CON, Minister of Foreign Affairs for the Federal<br>Republic of Nigeria and Chair of AU; Ambassador Allam-Mi Ahmad, as the<br>Chadian Co-Mediation; Ambassador Sam B. Bok, as AU Commission;  |
| Description                     | A short agreement providing for implementation of former agreements<br>including the Humanitarian Ceasefire Agreement (08/04/2004), the Protocol<br>on the Establishment of Humanitarian Assistance in Darfur, and the<br>Agreement on the Modalities for the Establishment of the Ceasefire<br>Commission (CFC) and the Deployment of Observers in Darfur (28/05/2004).<br>Agreement reaffirms the right of access by humanitarian organisations and<br>the right of return and non-militarization of refugees and refugee camps.<br>Agreement ultimately incorporated in Darfur Agreement. |

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Agreement  
document

[041109 Protocol on the Humanitarian Situation in Darfur.pdf](#)  | [Download PDF](#)

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## Groups

|   |  |
|---|--|
| Children/<br>youth                      | Groups→Children/youth→Rhetorical<br>Page 1, Untitled Preamble,<br>Expressing our utmost concern at the current humanitarian crisis in Darfur<br>and its consequences for the civilian population, especially women and<br>children, resulting in widespread human suffering; |
| Disabled<br>persons                     | No specific mention.   |
| Elderly/age                             | No specific mention.   |
| Migrant<br>workers                      | No specific mention.   |
| Racial/<br>ethnic/<br>national<br>group | No specific mention.   |
| Religious<br>groups                     | No specific mention.   |
| Indigenous<br>people                    | No specific mention.   |
| Other<br>groups                         | No specific mention.   |

|                                   |   |
|-----------------------------------|---|
| Refugees/<br>displaced<br>persons | <p>Groups→Refugees/displaced persons→Rhetorical<br/>Page 3, 2. Protection of Civilians<br/>We commit ourselves to:</p> <p>...</p> <ul style="list-style-type: none"> <li>- Ensure that the principle of voluntary return is fully respected and is not tampered with in any shape or form, consistent with general UN return principles;</li> <li>- Maintain the civilian character of Internally Displaced Persons (IDPs) and refugee camps;</li> <li>- Protect the rights of IDPs and refugees in their areas of origin in order to enable them to return, should they choose to do so;</li> </ul> <p>...</p> <ul style="list-style-type: none"> <li>- Ensure that all forces and individuals involved or reported to be involved in violations of the rights of IDPs, vulnerable groups and other civilians will be transparently investigated and held accountable to the appropriate authorities;</li> </ul> |
|-----------------------------------|---|

|              |                      |
|--------------|----------------------|
| Social class | No specific mention. |
|--------------|----------------------|

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## Gender

|                               |  |
|-------------------------------|--|
| Women,<br>girls and<br>gender | <p>Page 1, Untitled Preamble,<br/>Expressing our utmost concern at the current humanitarian crises in Darfur and its consequences for the civilian population, especially women and children, resulting in widespread human suffering;</p> |
|-------------------------------|--|

|                 |                      |
|-----------------|----------------------|
| Men and<br>boys | No specific mention. |
|-----------------|----------------------|

|       |                      |
|-------|----------------------|
| LGBTI | No specific mention. |
|-------|----------------------|

|        |                      |
|--------|----------------------|
| Family | No specific mention. |
|--------|----------------------|

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## State definition

|                                 |                      |
|---------------------------------|----------------------|
| Nature of<br>state<br>(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 2,

Agree as follows:

1. Free Movement and Access

We commit ourselves to guarantee unimpeded and unrestricted access for humanitarian workers and assistance, to reach all needy people throughout Darfur, including:

...

- The authorization by the GoS, where deemed necessary by the UN, of cross-border humanitarian activities by international humanitarian agencies and organizations. In this respect, we commit ourselves to allow such assistance to proceed unimpeded;

- Allowing the UN and other humanitarian assistance organizations, including Non-Governmental Organizations (NGOs), to travel along routes proposed by the UN, without restrictions or escorts, in order to deliver assistance to areas controlled by any Party, and facilitate all activities undertaken to that end",

Page 3,

- Recognizing the right of the UN and other humanitarian assistance organizations, including NGOs, to administer and manage their operations, including the freedom to recruit and deploy their staff, without restrictions, interference or harassment by any Party;

- Assigning a full time dedicated Contact Point, within the framework of the Joint Humanitarian Facilitation and Monitoring Unit, referred to in paragraph 4 of the present Protocol, to work with the UN and other humanitarian assistance organizations to address issues related to free movement and access.

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 Page 1, Untitled Preamble, Condemning all acts of violence and violations of human rights and international humanitarian law;

Page 1, Untitled Preamble, Stressing the need to restore and uphold the rule of law, including investigating all cases of human rights violations and bringing to justice those responsible, in line with the AU's expressed commitment to fight impunity;

Page 2, Untitled Preamble, Aware of the need to adhere to the humanitarian principles embodied in the UN Charter and other relevant international instruments, especially the principles of neutrality and impartiality of humanitarian assistance and aid workers;

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

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 2, Agree as follows:  
1. Free Movement and Access  
We commit ourselves to guarantee unimpeded and unrestricted access for humanitarian workers and assistance, to reach all needy people throughout Darfur, including:  
- The removal of all restrictions and procedures that may hinder free movement and access by land and air without escort;  
- The authorization by the GoS, where deemed necessary by the UN, of cross-border humanitarian activities by international humanitarian agencies and organizations. In this respect, we commit ourselves to allow such assistance to proceed unimpeded;  
- Allowing the UN and other humanitarian assistance organizations, including Non-Governmental Organizations (NGOs), to travel along routes proposed by the UN, without restrictions or escorts, in order to deliver assistance to areas controlled by any Party, and facilitate all activities undertaken to that end",  
  
Page 3,  
- Recognizing the right of the UN and other humanitarian assistance organizations, including NGOs, to administer and manage their operations, including the freedom to recruit and deploy their staff, without restrictions, interference or harassment by any Party;  
- Assigning a full time dedicated Contact Point, within the framework of the Joint Humanitarian Facilitation and Monitoring Unit, referred to in paragraph 4 of the present Protocol, to work with the UN and other humanitarian assistance organizations to address issues related to free movement and access.

|                     |   |
|---------------------|---|
| Protection measures | Rights related issues→Protection measures→Protection of civilians<br>Page 4, .2. Protection of Civilians<br>We commit ourselves to:<br>- Implement all commitments related to the protection of civilians in a manner consistent with the N'djamena and Addis Ababa Agreements. We request the AMIS to monitor the implementation of this commitment and to report thereon to the Joint Commission (JC), provided for in the N'djamena Agreement, on a regular basis. |
| 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 Socio-economic reconstruction→Development or socio-economic reconstruction→Humanitarian assistance  
Page 2, Untitled Preamble,  
Determined to do everything possible to halt the unfolding humanitarian crisis and to take the urgent steps required to create conditions conducive to a lasting and comprehensive solution to the conflict in Darfur;

Page 2, Untitled Preamble,  
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.

Page 3, 2. Protection of Civilians  
We commit ourselves to:  
- Respect the property and livelihoods of individuals and communities;  
...  
- Cooperate fully with the CFC and swiftly implement its recommendations;

National economic plan No specific mention.

Natural resources No specific mention.

International funds Page 2, Untitled Preamble,  
Recognizing that the magnitude of the crisis in Darfur is such that it requires sustained assistance and engagement by the international community;

Page 4, 3. Role of the International Community  
Mindful of the crucial role of the international community in support of our efforts, we:  
- Appeal to the donors and the international community at large to extend full support to the UN and other humanitarian organizations in their endeavour to mitigate the humanitarian crisis in Darfur;  
- Invite the international community to remain actively engaged in the efforts to alleviate the plight of the civilian population and promote a lasting solution to the current conflict;

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

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## **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.

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## Security sector

|                     |   |
|---------------------|---|
| Security Guarantees | <p>Page 2, Untitled Preamble,<br/>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.</p> <p>Page 3, 2. Protection of Civilians<br/>We commit ourselves to:<br/>- Take all steps required to prevent all attacks, threats, intimidation and any other form of violence against civilians by any Party or group, including the Janjaweed and other militias;<br/>- Respect the property and livelihoods of individuals and communities;</p> <p>Page 4, .2. Protection of Civilians<br/>We commit ourselves to:<br/>- Implement all commitments related to the protection of civilians in a manner consistent with the N'djamena and Addis Ababa Agreements. We request the AMIS to monitor the implementation of this commitment and to report thereon to the Joint Commission (JC), provided for in the N'djamena Agreement, on a regular basis.</p> |
| Ceasefire           | <p>Security sector→Ceasefire→Ceasefire provision<br/>Page 1, Untitled Preamble,<br/>Reiterating our commitment to the Humanitarian Ceasefire Agreement, signed in N'djamena, Chad, on 8 April 2004 [hereinafter the N'Djamena Agreement], including the appended Protocol on the Establishment of Humanitarian Assistance in Darfur, and 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];</p> <p>Page 3, 2. Protection of Civilians<br/>We commit ourselves to:<br/>...<br/>- Cooperate fully with the CFC and swiftly implement its recommendations;<br/>...</p>  |
| 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 No specific mention.

Other international signatory Ambassador Oluyemi Adenji, CON, Minister of Foreign Affairs for the Federal Republic of Nigeria and Chair of AU; Ambassador Allam-Mi Ahmad, as the Chadian Co-Mediation; Ambassador Sam B. Bok, as AU Commission;

Referendum for agreement No specific mention.

International mission/  
force/similar Page 2, Untitled Preamble,  
Welcoming the leadership and the engagement of the AU, including through its Mission in Sudan (AMIS), to address the situation in Darfur and expressing our commitment to fully cooperate with the AU to achieve a lasting solution to the conflict;

Page 4, 2. Protection of Civilians

We commit ourselves to:

- Implement all commitments related to the protection of civilians in a manner consistent with the N'djamena and Addis Ababa Agreements. We request the AMIS to monitor the implementation of this commitment and to report thereon to the Joint Commission (JC), provided for in the N'djamena Agreement, on a regular basis.

Page 4, 3. Role of the International Community

Mindful of the crucial role of the international community in support of our efforts, we:

- Request the AU to urgently take the necessary steps to strengthen AMIS on the ground, with the requisite mandate, to ensure a more effective monitoring of the commitments we have made under the present Protocol and previous instruments, including the N'djamena and Addis Ababa Agreements, and those provisions of the Plan of Action for which AU's assistance has been requested. We undertake to extend full cooperation to the AU to that end;

...

- Welcome the deployment of UN human rights monitors and request the Office of the UN High Commission for Human Rights to expand the number of its human rights monitors in Darfur, to assist the parties in their efforts to protect the human rights of the civilian population. We also commit ourselves to cooperate, as appropriate, with relevant and competent human rights organizations.

Page 4-5, 4. Implementation Mechanism

Within the framework of Article 8 of the N'djamena Agreement and in order to ensure full compliance with the provisions of this Protocol and implement them in good faith, we:

- Agree to form a Joint Humanitarian Facilitation and Monitoring Unit, based in El Fasher, under the leadership of the AMIS, comprising the UN, the members of the Joint Commission and other representatives of the international community invited by the AU. The Joint Humanitarian Facilitation and Monitoring Unit will report monthly to the Joint Commission on the progress made and the difficulties encountered;

- Endeavor, through the Joint Humanitarian Facilitation and Monitoring Unit, to identify ways and means of rebuilding confidence and trust in Darfur and defusing tensions among communities;

- Request the AU, working closely with the UN, to develop the detailed terms of reference and modalities for the functioning of the Joint Humanitarian Facilitation and Monitoring Unit.

Enforcement mechanism No specific mention.

Related cases No specific mention.

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

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