

Country/entity	South Sudan Sudan
Region	Africa (excl MENA)
Agreement name	Agreement between the Government of the Republic of Sudan and the Sudan People's Liberation Movement to Protect Non-Combatant Civilians and Civilian Facilities from Military Attack
Date	31 Mar 2002
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 Government/territory

Peace process	Sudanese (North-South) peace process
Parties	For the Government of the Republic of Sudan; For the Sudan People's Liberation Movement
Third parties	-
Description	An agreement between the Parties that establishes a Verification Mission, funded by international stakeholders, to monitor the compliance of the parties with the 1949 Geneva Conventions, specifically Article 3 concerning the protection of civilian populations and objects during military operations. The Agreement includes the basic undertakings and the organization of the Mission, as well as an acknowledgement by the Parties that the Mission is not permanent and the most effective method of protection for civilians is to negotiate a comprehensive cease-fire and peace agreement.

Agreement document	SD_020331_Agmt with Peoples Liberation Movement to Protect Civilians.pdf (opens in new tab) Download PDF
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Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

**Racial/ethnic/
national group** No specific mention.

Religious groups Groups→Religious groups→Substantive
Page 1, Article 1 Basic Undertakings
1. ... b) to refrain from targeting or intentionally attacking civilian objects or facilities,
such as schools, hospitals, religious premises, health and food distribution centers, or
relief operations, or objects or facilities indispensable to the survival of the civilian
population and of a civilian nature;

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** 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 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 No specific mention.

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] Human rights are included via international treaty incorporation.

Bill of rights/similar No specific mention.

**Treaty
incorporation**

Page 1, Article 1 - Basic Undertakings

1. The Government of the Republic of Sudan (GOS) and the Sudan People's Liberation Movement (SPLM) (hereafter referred to as the "Parties") reconfirm their obligations under international law, including common Article 3 of the 1949 Geneva Conventions, to take constant care to protect the civilian population, civilians and civilian objects against the dangers arising from military operations. In this context, the Parties specifically commit themselves: [...]

Page 1, Article 1 - Basic Undertakings

1. In this context, the Parties specifically commit themselves:

a) to refrain from targeting or intentionally attacking non-combatant civilians;

Page 1, Article 1 - Basic Undertakings

1. In this context, the Parties specifically commit themselves:

b) to refrain from targeting or intentionally attacking civilian objects or facilities, such as schools, hospitals, religious premises, health and food distribution centers, or relief operations, or objects or facilities indispensable to the survival of the civilian population and of a civilian nature;

Page 1, Article 1 - Basic Undertakings

1. In this context, the Parties specifically commit themselves:

c) to refrain from endangering the safety of civilians by intentionally using them as "human shields" or by using civilian facilities such as hospitals or schools to shield otherwise lawful military targets; and

Page 1, Article 1 - Basic Undertakings

1. In this context, the Parties specifically commit themselves:

d) to take all precautions feasible to avoid incidental loss of civilian life, injury to civilians, and danger to civilian objects. Military operations include, but are not limited to, air attacks, artillery attacks, ground attacks, ambushes and intentional military activity or other uses of force that could result in the killing or injury of persons or damage or destruction of property.

Page 1, Article 1 - Basic Undertakings

2. In order to lessen the suffering of non-combatant civilians, the Parties shall:

a) Issue or re-issue orders to all their military units (including associated militias) to conduct their operations consistent with their obligations and commitments described in paragraph 1.

Page 2, Article 1 - Basic Undertakings

2. In order to lessen the suffering of non-combatant civilians, the Parties shall:

b) Agree to the establishment of a Verification Mission to investigate, evaluate and report on alleged incidents involving serious violations of their obligations or commitments described in paragraph 1.

Page 2, Article 2 - Organization of Verification Mission

1. Mandate:

a) The Verification Mission will investigate, evaluate and report on alleged incidents involving serious violations of the obligations or commitments described in paragraph 1 of Article 1. Serious violations that merit investigation include, but are not limited to, "grave breaches" as defined in the 1949 Geneva Conventions.

Page 2, Article 2 - Organization of Verification Mission

1. Mandate:

b) The Verification Mission will not be a permanent organization. It is agreed that the

Civil and political rights No specific mention.

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 3, 3. Investigations:
b) In conducting an investigation, if the Chief of the relevant office considers it appropriate, the Verification Mission will conduct an on-the-ground visit to the site of the alleged incident. The Parties shall assist and facilitate these visits, grant unhindered flight access, and ensure that there is no obstacle to these visits taking place as soon as possible after the report of the alleged incident has been received. The Mission investigators will contact both Parties to provide the opportunity for each to explain its understanding of what happened. In order to preserve the integrity of the investigation, the Parties will not be part of the on-site investigative team.

Protection measures No specific mention.

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 Page 2, Article 2 - Organization of Verification Mission

1. Mandate:

b) The Verification Mission will not be a permanent organization. It is agreed that the most effective way to protect non-combatant civilians from attack is to bring the conflict to a close through the organization of a comprehensive cease-fire and a negotiated peace agreement. The Parties and the Funding Partners (referred to in paragraph 5 below) will meet approximately one year after the signing of this Agreement to review the operation of the Verification Mission and its continued funding, or earlier if warranted in the context of efforts to institute a comprehensive cease-fire and achieve a negotiated agreement to end the conflict.

Page 3, Article 2 - Organization of Verification Mission

2. Organization:

e) Mission personnel will be selected by the United States and the Funding Partners with the agreement of the Parties, which will not be unreasonably withheld.

Page 3, Article 2 - Organization of Verification Mission

5. Funding: A group of countries (Funding Partners) concerned about Sudan and committed to reducing war-related violence against non-combatant civilians have indicated their intention to initiate the funding for the work of the Verification Mission. The United States is taking the lead in bringing this group together. It is expected that Funding Partners will also be prepared to provide operational assistance in Sudan to facilitate and support the work of the Verification Mission and that they can participate in on-site Mission investigations.

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 1, Article 1 Basic Undertakings

1. ... a) to refrain from targeting or intentionally attacking non-combatant civilians;

Page 1, Article 1 Basic Undertakings

1. ... b) to refrain from targeting or intentionally attacking civilian objects or facilities, such as schools, hospitals, religious premises, health and food distribution centers, or relief operations, or objects or facilities indispensable to the survival of the civilian population and of a civilian nature;

Page 1, Article 1 Basic Undertakings

1. ... c) to refrain from endangering the safety of civilians by intentionally using them as “human shields” or by using civilian facilities such as hospitals or schools to shield otherwise lawful military targets; and

Page 1, Article 1 Basic Undertakings

1. ... d) to take all precautions feasible to avoid incidental loss of civilian life, injury to civilians, and danger to civilian objects.

Page 2, Article 1 Basic Undertakings

2. In order to lessen the suffering of non-combatant civilians, the Parties shall:

... b) Agree to the establishment of a Verification Mission to investigate, evaluate and report on alleged incidents involving serious violations of their obligations or commitments described in paragraph 1.

Ceasefire

Security sector→Ceasefire→Ceasefire provision

Page 2, Article 2, Organization of Verification Mission

... 1. Mandate:

... b) The Verification Mission will not be a permanent organization. It is agreed that the most effective way to protect non-combatant civilians from attack is to bring the conflict to a close through the organization of a comprehensive cease-fire and a negotiated peace agreement. The Parties and the Funding Partners (referred to in paragraph 5 below) will meet approximately one year after the signing of this Agreement to review the operation of the Verification Mission and its continued funding, or earlier if warranted in the context of efforts to institute a comprehensive cease-fire and achieve a negotiated agreement to end the conflict.

Police

No specific mention.

Armed forces

No specific mention.

DDR

No specific mention.

Intelligence services

No specific mention.

Parastatal/rebel and opposition group forces	Page 1, Article 1 Basic Undertakings 2. In order to lessen the suffering of non-combatant civilians, the Parties shall: a) Issue or re-issue orders to all their military units (including associated militias) to conduct their operations consistent with their obligations and commitments described in paragraph 1.
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 No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar

Page 2, Article 1 - Basic Undertakings

2. In order to lessen the suffering of non-combatant civilians, the Parties shall:

b) Agree to the establishment of a Verification Mission to investigate, evaluate and report on alleged incidents involving serious violations of their obligations or commitments described in paragraph 1.

Page 2, Article 2 - Organization of Verification Mission

The Parties agree that the Verification Mission should be established and carry out its mission in accordance with the following provisions, and they shall provide full cooperation with the Mission and take all appropriate measures to ensure the safety of its personnel and facilitate its operation:

Page 2, Article 2 - Organization of Verification Mission

1. Mandate:

a) The Verification Mission will investigate, evaluate and report on alleged incidents involving serious violations of the obligations or commitments described in paragraph 1 of Article 1. Serious violations that merit investigation include, but are not limited to, "grave breaches" as defined in the 1949 Geneva Conventions.

Page 2, Article 2 - Organization of Verification Mission

1. Mandate:

b) The Verification Mission will not be a permanent organization. It is agreed that the most effective way to protect non-combatant civilians from attack is to bring the conflict to a close through the organization of a comprehensive cease-fire and a negotiated peace agreement. The Parties and the Funding Partners (referred to in paragraph 5 below) will meet approximately one year after the signing of this Agreement to review the operation of the Verification Mission and its continued funding, or earlier if warranted in the context of efforts to institute a comprehensive cease-fire and achieve a negotiated agreement to end the conflict.

Page 2, Article 2 - Organization of Verification Mission

2. Organization:

a) The Verification Mission will be headquartered in Khartoum. The Khartoum Office will be headed by a senior person of proven international stature with experience in field operations and the investigation of military incidents or the violations of laws and customs of war. The Chief of the Khartoum Office will be the overall coordinator for the Verification Mission in Sudan. He will be assisted by an international staff of approximately 8-10 professional people with experience in field operations, logistical support and incident investigation.

Page 3, Article 2 - Organization of Verification Mission

2. Organization:

e) Mission personnel will be selected by the United States and the Funding Partners with the agreement of the Parties, which will not be unreasonably withheld.

Page 3, Article 2 - Organization of Verification Mission

3. Investigations:

a) Under the overall leadership of the Chief of the Khartoum Office, both the Chief of the Khartoum Office and the Chief of the Rumbek Office are empowered to decide when an alleged incident in their area of operation (to be defined by the Mission) warrants investigation. The Parties may submit reports of alleged incidents for investigation, but the final decision will be made by the Chief of the relevant office. Each Chief will decide the most effective means to investigate alleged incidents, relying either solely on Mission resources or engaging Ambassadors or other international representatives for particularly serious incidents.

Enforcement mechanism [Summary] See International mission

Related cases No specific mention.

Source UN Peacemaker; http://peacemaker.un.org/sites/peacemaker.un.org/files/SD_020331_Agreement%20to%20Protect%20Non-Combatant%20Civilians%20from%20Military%20Attack.pdf
