

# Justice & Equality Movement Sudan (JEM)



[www.sudanjem.com](http://www.sudanjem.com)  
[sudanjem01@sudanjem.com](mailto:sudanjem01@sudanjem.com)

## **Achieving Peace in Darfur**

June 8, 2011

With the conclusion of the All Darfur Stakeholders Conference, the current phase of the Doha Peace Process is coming to an end. As a result of the efforts of many in the international community, and the unparalleled support and generosity of the host State of Qatar, the Doha Peace Process has achieved a great deal. We are now closer to our common goal of an inclusive and comprehensive agreement that will settle the conflict in Sudan.

Seeking to build upon this progress, the Justice and Equality Movement Sudan has taken the initiative to prepare a revised draft of the Joint Chief Mediator's April 27, 2011 *Draft Darfur Peace Document*. This revised draft reflects what we believe is necessary to address the root causes of the conflict, and achieve peace throughout Sudan. It is our sincere hope that this revised draft will be read and analyzed by all parties, stakeholders, and observers of the conflict in Sudan.

An improved document is only one important step on our journey to peace. At this critical juncture, more than ever, the movements need to identify and build upon our common interests and objectives. We must present a united front in our negotiations with the Government of Sudan. We must demonstrate that, although separate, we speak with one strong and powerful voice. Recognizing this need, we intend this revised draft to serve as the basis for ongoing discussions with our colleagues in the other movements, as well as future peace negotiations with the Government of Sudan.

The movements, alone, however, cannot bring peace to Sudan. We must work together with other stakeholders who reflect the views of our society and the marginalized people of Sudan. The voices of our brothers and sisters in the IDP and Refugee camps must be heard, and we all must engage genuinely with representatives of civil society, political parties, and the diaspora. Without their inclusion and support, peace cannot be achieved.

Peace also depends on the genuine engagement of our adversaries in the Government of Sudan. We ask that they evaluate thoroughly this revised draft, clause by clause. We welcome their

comments. We further ask that they consider the revised draft in good faith; great flexibility and innovation by all parties, as well as a sincere desire to resolve our differences, are needed if we are to bridge the gaps between us, and achieve peace in Sudan.

Finally, the continued support of the international community is essential to ending our struggle. We ask that they raise their expectations for peace in Darfur; that they insist upon a comprehensive agreement negotiated by all parties that is consistent with international standards of human rights and fundamental freedoms, and that builds upon relevant international precedent and best practices. The international community should hold all parties to the conflict accountable for their actions, and engage us all on substantive issues, rather than political distractions and diversions. In this way, the international community may contribute positively to achieving a durable and just peace for Sudan.

With the intention of moving the parties to the conflict closer to reaching a comprehensive, inclusive and sustainable agreement, JEM hereby presents this revised draft to all stakeholders in peace in Sudan.

\* \* \*

**Ahmed Mohamed Togod Lissan**  
**Chief Negotiator**  
**Justice and Equality Movement Sudan**  
**Doha, Qatar**  
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**DRAFT DARFUR PEACE DOCUMENT  
(DDPD)**

**JEM REVISED DRAFT**  
**INSERTIONS**  
**DELETIONS**

**TABLE OF CONTENTS**

**List of Abbreviations**

**Definitions**

**Preamble**

**Chapter I- Human Rights and Fundamental Freedoms**

**Chapter II- Power-Sharing and the Status of Darfur**

**Chapter III- Wealth Sharing**

**Chapter IV- Return of Internally Displaced Persons and Refugees**

**Chapter XX- Compensation for War-Affected Persons**

**Chapter V- Justice and Reconciliation**

**Chapter VI- Permanent Ceasefire and Final Security Arrangements**

**Chapter VII- International Dialogue and Consultation and  
Implementation Modalities**

**Final Provisions**

**LIST OF ABBREVIATIONS**

AFR - Annual Financial Report  
AOR - Area of Responsibility  
AU - African Union  
~~Ceasefire Agreement~~  
CFC - Ceasefire Commission  
CJDF - Compensation/Jabr Al Darar Fund  
CPA - The Comprehensive Peace Agreement  
CPC - Community Policing Centre  
CTSG - Ceasefire Team Site Group  
DDR - Disarmament, Demobilisation, and Reintegration  
[DCDC - Darfur Constitutional Drafting Committee](#)  
DFC - Deputy Force Commander  
[DIITC – Darfur Implementation and Integration Commission](#)  
DJAM - Darfur Joint Assessment Mission  
DLC - Darfur Land Commission  
DMZ - Demilitarised Zone  
~~DoC DPA – Declarations of Commitment to the DPA~~  
~~DPA – Darfur Peace Agreement~~  
[DRJC - Darfur Regional Judicial Commission](#)  
[DTG - Darfur Transitional Government](#)  
DRC - Darfur Referendum Commission  
[DTGMC - Darfur Revenue Allocation and Monitoring Commission](#)  
DRDF - Darfur Reconstruction and Development Fund  
EU - European Union  
FC - Force Commander  
FFAMC - Fiscal and Financial Allocation and Monitoring Commission  
GoS - Government of Sudan  
~~IBRD – International Bank for Reconstruction and Development~~  
IFC - Implementation Follow-up Commission  
ICRC - International Committee of the Red Cross  
IDPs - Internally Displaced Persons  
INC - Interim National Constitution  
ITC - Integration Technical Committee  
JC - Joint Commission  
JCC - Joint Coordination Centre  
JLCC - Joint Logistics Coordination Committee  
LCC - Logistics Coordination Committee  
[LRC – Law Review Commission](#)  
MDGs - Millennium Development Goals  
MFS - Micro Finance System  
NCRC - National Constitutional Review Commission  
~~NCSC - National Civil Service~~  
NCSC - National Civil Service Commission  
NGO - Non-Governmental Organisation

NJSC - National Judicial Service Commission  
NRF - National Revenue Fund  
PC - Police Commissioner  
PCRC - Property Claims and Restitution Committee  
RCC - Reparation and Compensation Commission  
RoE -Rules of Engagement  
SAF- Sudan Armed Forces  
[SCC - Sudan Constitutional Commission](#)  
SOMA - Status of Mission Agreement  
SSCFC - Sector Sub-Ceasefire Commission  
Sub-CFCs - Sub-Ceasefire Commissions  
TRC - Truth and Reconciliation Committee  
TJRC - Truth, Justice and Reconciliation Commission  
TSGs - Team Site Groups  
UN - United Nations  
UNAMID - African Union United Nations Hybrid Operation in Darfur  
UNHCR - United Nations High Commissioner for Refugees  
UNICEF - United Nations International Children’s Educational Fund  
UNPOL - United Nations Police  
UNSCR - United Nations Security Council Resolution  
USA - United States of America  
VRC - Voluntary Return Committee  
VRRC - Voluntary Return and Resettlement Commission

## **DEFINITIONS**

“**Affirmative Action**” means a specific programme, implemented through legislation, agency regulation, constitutional provision, or other legally enforceable means, that provide advantages to members of groups that have faced past discrimination or have not otherwise been represented according to the principle of proportionality in selection for political appointment, civil service, employment, education, or other opportunities, and that have the effect of remedying such discrimination or lack of representation according to the principle of proportionality. "Affirmative action" does not signify a general principle but an affirmative undertaking or obligation

“**Area of Control**” means a defined area over which one of the Parties exercises control and in which no other Party may undertake activity.

“**Armed Militia**” means forces, whether or not associated or affiliated with any Party, and includes any armed group engaging in or which has engaged in hostile activity.

“**Assembly**” means the process of the relocation of the Movements’ former Combatants into selected sites for purposes of their Disarmament and integration into selected security institutions.

“**Assembly Areas**” or “**Cantonment Sites**” are used interchangeably to mean locations where Combatants go through the Disarmament and Demobilisation process.

“**Buffer Zone**” means a defined area established in accordance with this Agreement controlled by UNAMID from which disputing or belligerent forces have been excluded.

“**Combatants**” means those who have engaged in armed struggle on behalf of the undersigned Movements’.

“**Community Police**” means volunteer personnel who undertake patrolling activities under the supervision of UNPOL to assist in maintaining public peace and tranquillity, and “community policing” and “community police volunteers” shall be construed accordingly.

“**The Conflict**” means the armed struggle beginning in February 2003, between the Government of Sudan and its affiliated militias and those fighting on behalf of the people of Darfur and Kordofan. The Conflict as defined herein shall be deemed ceased upon the completion of phase three of the Ceasefire Agreement.

“**Crew-Assisted Weapons**” means those weapons that cannot be served by a single operator and require supplementary operators and technical means, both in launching position and/or the terminal trajectory position. Often these types of weapons are mounted on vehicles, ships and aircraft.

“**Demilitarised Zone**” means a defined area in accordance with this Agreement within which the Parties undertake no military operations and from which they remove military assets.

**“Demobilisation”** means the process by which the Parties begin to disband their military structure and former Combatants begin the process of transformation into civilian life.

**“Development”** means the provision of physical infrastructure, transportation, or other enabling capacity of a physical nature to the population of a particular geographic area in order to meet the needs expressed by that population either directly or through its designated representatives. "Development" does not mean the provision of undesignated funds or assets to government or private agencies; nor does it mean physical infrastructure, transportation, or other enabling capacity of a physical nature provided without the consultation of that population either directly or through its designated representatives.

**“Disarmament”** means the collection, control and disposal of small arms, light and heavy weapons and includes de-mining.

**“Disengagement”** is a general term for a process that ~~would~~ results in the geographical separation of opposing forces.

**“Hawakeer”** means traditional or tribal land ownership rights deemed in effect by the people living in a particular area, acknowledging but in no way limited by those traditional rights institutionalised in the 1925 settlement and registration laws.

**“Internally Displaced Persons” (IDPs)** means persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border.

**“Movements”** means all the armed groups involved in the conflict other than State armed forces and associated militia; for the purpose of this Agreement, the “Movements” refers to those that are signatories to this Agreement.

**“Natural Resources”** means all naturally occurring materials and energy sources from which economic value can be derived through extraction, processing, consumption, or other exploitation.

**“Principle of Proportionality”** means representation based on the specified group’s percentage of the population. Initially, for purposes of this Agreement, Darfurians are recognised as representing 28 percent of the population of the Republic of Sudan, as reflected in the 2003 census. Upon the secession of Southern Sudan on July 9, 2011, Darfurians are recognised as representing 40 percent of the population of the Republic of Sudan, as reflected in the 2003 census. This number shall be adjusted in the event of any and all future censuses that are deemed fair, accurate, and inclusive, by international monitors.



**“Reconciliation”** means a process which assists the victims of prolonged violence and grave violations of fundamental rights to overcome the grief, anger, hatred and loss of trust in order to rebuild confidence among communities and restore social peace.

**“Redeployment”** means the transfer of a unit, an individual or supplies deployed to one area to another location within the area, or to an interior part of the zone for the purpose of further employment or demobilisation for Reintegration and/or out processing.

**“Reform of selected security institutions”** means the process of transforming specific security institutions to improve their capacity, effectiveness and professionalism and to strengthen the rule of law in accordance with accepted international standards.

**“Refugee”** means a person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his/her former habitual residence as a result of such events is unable or, owing to such fear, is unwilling to return to it. **“Refugee”** is also applied to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his/her country of origin or nationality, is compelled to leave his/her place of habitual residence in order to seek refuge in another place outside his/her country of origin or nationality.

**“Region”** and **“Regional”** means an area defined by this Agreement as one of the six (6) administrative regions of Sudan. These Regions are: Darfur, Kordofan, East Sudan, North Sudan, Central Sudan, and Khartoum.

**“Reintegration”** refers to the means process and assistance measures by which former combatants acquire civilian status and are assisted in order to increase the potential for their economic and social absorption into civil society. “Reintegration” also refers to the assistance measures and process by which IDPs and returning refugees are able to regain the physical, social, legal and material security needed to maintain life, livelihood and dignity and to resume a normal life either following their return to their place of origin, local integration or resettlement. ~~means assistance measures provided to former combatants in order to increase the potential for their economic and social absorption into civil society.~~

**“Returnee”** means a displaced person who voluntarily returns to his/her/her habitual residence before displacement with the intention to re-establish himself/herself there.

**“Rules of Engagement” (RoE)** means directives issued by a competent military authority that define the circumstances and limitations under which forces will initiate and/or continue use of force against other forces encountered.

**“Transitional Period”** means the four-year period, starting the day of the coming into force of this Agreement, and ending on the four year anniversary of that day.

**“Status of Mission Agreement” (SOMA)** means the agreement between UNAMID and the Government of Sudan defining the legal position of the visiting military force deployed in Sudan.

**“War-affected person”** ~~or “victims of war”~~ or **“persons affected by war”** means a person or groups of persons ~~who have suffered persecution during the conflict in Darfur as well as those~~ whose life and livelihood, **well-being or rights** have been adversely affected as a result of the conflict.

**PREAMBLE**

The undersigned Movements representing the people of Darfur and the Government of Sudan, hereinafter referred to as “the Parties” collectively or a "Party" individually;

**Reaffirming** the sovereignty, unity and territorial integrity of the Republic of Sudan;

**Reiterating** their commitment to the Interim National Constitution (INC) of the Republic of Sudan of 2005, to the full implementation of the Comprehensive Peace Agreement of January 2005, and to the African Union Decisions and United Nations Security Council Resolutions (UNSCRs) concerning the need to reach a political solution in order to bring the conflict in Darfur to an end;

**Recalling** the previous agreements on the conflict in Darfur, in particular the Humanitarian Ceasefire Agreement on the Conflict in Darfur & Protocol on the Establishment of Humanitarian Assistance in Darfur of 8 April, 2004, N’Djamena, Chad; the Agreement with the Sudanese Parties on the Modalities for the Establishment of the Ceasefire Commission and the Deployment of Observers in Darfur of 28 May 2004, Addis Ababa, Ethiopia; the Protocol between the Government of Sudan, The Sudan Liberation Movement / Army and the Justice and Equality Movement on the Improvement of the Humanitarian Situation in Darfur of 9 November, 2004, Abuja, Nigeria; the Protocol between the Government of Sudan, The Sudan Liberation Movement / Army and the Justice and Equality Movement on the Enhancement of the Security Situation in Darfur in accordance with the N’Djamena Agreement of 9 November, 2004, Abuja, Nigeria; the Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur of 5 July, 2005, Abuja, Nigeria; the Darfur Peace Agreement (DPA) of 5 May, 2006, Abuja, Nigeria; the Goodwill Agreement between the Government of Sudan and the Justice and Equality Movement, 17 February 2009, Doha, Qatar; the Framework Agreement between the Government of Sudan and the Justice and Equality Movement, 23 February 2010, Doha, Qatar; the Framework Agreement between the Government of Sudan and the Liberation and Justice Movement, 18 March 2010, Doha, Qatar; the Ceasefire Agreement between the Government of Sudan and the Liberation and Justice Movement, 18 March 2010, Doha, Qatar;

**Recognising** that the cultural and ethnic diversity of the Sudanese people is the foundation of national cohesion and shall therefore be promoted and developed;

**Welcoming** the generous initiative of [his](#) Highness the Emir of the State of Qatar to create a Darfur Development Bank to assist development and reconstruction efforts in Darfur;

**Stressing** the necessity to promote and protect human rights, justice, accountability and reconciliation in Sudan, and in particular in Darfur;

**Condemning** all acts of violence against civilians and the violations of human rights, in particular violence against women and children; and stressing the imperative to refrain from such acts of violence and violations of human rights and international humanitarian law;

**Recognising** that creating conditions for durable peace in Darfur, the implementation of this Agreement, national reconciliation, social cohesion and reconstruction require the promotion and protection of human rights, respect for the principle of equality of all **Sudanese people** and for the rule of law;

**Stressing** the necessity that all Parties to the armed conflict in Darfur shall fully and unconditionally accept their obligations under international humanitarian law, international human rights law, and relevant UNSCRs;

**Committed** to addressing human rights violations committed during the Darfur conflict;

**Taking into account** the outcomes of the first and the second Darfur civil society forums, held in Doha in November 2009 and July 2010 respectively;

**Recognising that** the Darfur conflict cannot be resolved militarily and a durable solution can only be obtained through an inclusive political process,

Have agreed to the following:

## **CHAPTER I - HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS**

### **ARTICLE 1: PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS**

0. The Parties agree to fully engage with the United Nations system, the African Union, international and regional organisations, and civil society as trusted partners in the promotion and protection of human rights.
1. The Parties recognise the importance of promoting and protecting human rights and fundamental freedoms of all people of ~~Darfur~~ Sudan and acknowledge their responsibility to do so. The Government of Sudan, the ~~Darfur~~ Regional Government of Darfur ~~Darfur Regional Authority~~ and the Governments of the States of Darfur shall guarantee the effective enjoyment of all rights and freedoms enshrined in Part Two of Sudan's INC and international human rights instruments to which Sudan is a party.
2. ~~All~~ The Parties shall fulfil their obligations under international human rights law, international humanitarian law, and customary international law. The Parties shall further ensure a conducive environment for the effective exercise of civil and political rights as well as the full and equal enjoyment of economic, social and cultural rights.
3. The Parties shall ensure that all persons in Sudan enjoy and are able to fully exercise all of the rights and freedoms provided for in this Agreement, in the INC of Sudan and international and regional human rights instruments, ~~to which Sudan is a party~~ without discrimination on any grounds including, but not limited to, age, sex, race, colour, language, religion, political or other opinion, national or social origin, or social status. Women, children and men shall be guaranteed the equal enjoyment of all rights enshrined in international human rights and humanitarian law instruments ~~to which Sudan is a Party~~.
4. ~~Citizenship shall be the basis for equal rights and obligations for all Sudanese.~~ All Sudanese people shall be guaranteed civil and political rights and obligations without any discrimination as to the citizenship, ethnicity, tribe, religion, gender, political affiliation or origin of persons. This does not preclude any law, programme or activity that has as its objective the amelioration of conditions of individuals or groups that have been disadvantaged because of their race, ethnicity, gender, colour, regional or national origin.
- 4a. In particular, the Government of Sudan shall guarantee:
  - i. The security and safety of ~~everyone~~ all men, women, and children shall be guaranteed in Sudan ~~Darfur~~ on the basis of in conformity with the rule of law, equality and non-discrimination. The Parties shall respect the right to life and security of persons, personal dignity and integrity, and shall ensure that no person is arbitrarily deprived of his/her life, tortured or ill-treated.

- ii. ~~The Government of Sudan shall guarantee t~~The right to fair and public trial and access to justice in regular court, administrative and criminal proceedings on the basis of equality before the courts and tribunals, as well as the right to resort to justice in all civil, administrative and criminal proceedings. All Sudanese people shall be on the basis of equality before the courts and tribunals, and shall have equal and effective access to those courts. All Sudanese men, women, and children shall also have ~~The Government of Sudan agrees to immediately pass new legislation which This guarantee includes~~ the right to be informed at the time of arrest of the reasons for the arrest, the right to be immediately informed of the charges, the right to defence and the right to legal assistance, the right to be presumed innocent until proven guilty by a competent court, the right not to be compelled to testify against his/her will and the right against double jeopardy. ~~Legal measures shall be taken to ensure that n~~No one shall be charged with any act or omission, which did not constitute an offence at the time of its alleged commission, except as provided for in this Agreement. Grave breaches of the law of armed conflict, international humanitarian law, and international human rights law may be charged regardless of the Sudanese laws in force at the time of commission, as these crimes are internationally recognised. ~~People shall have equal and effective access to justice throughout Darfur.~~
  - iii. Freedom of opinion, freedom of conscience and religion, freedom of expression, freedom to peaceful assembly, freedom of association, the equal right to form and register political parties, the equal right to vote and participate in public affairs, and the right to form and participate in civil society organisations, private sectors and trade unions.
  - iv. Freedom of the press and other media in conformance with international human rights standards as enshrined in the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights.
  - v. Promotion of the general welfare of, and economic growth in, Sudan through the provision of adequate basic needs, services and infrastructure (food, water, schools, hospitals, child care centres, social security and provisions for the rehabilitation of victims of war), promotion of youth and women employment, empowerment of women, good governance, allocation of appropriate resources in accordance with the terms of this Agreement, and equal access to natural resources, including land for all communities throughout Sudan.
- 4b. The above provisions shall be self-executing, and considered valid and effective immediately upon the coming into force of this Agreement. Further, the aforementioned rights shall be incorporated into the INC and any future constitution of Sudan in accordance with the terms of Article [x] of this Agreement.
- 4c. The Government of Sudan shall lift the State of Emergency in Darfur, immediately.

- 4d. The Sudan Human Rights Commission to be provided for by this Agreement shall be responsible for ensuring that the aforementioned rights are meaningfully enforced. In furtherance of this objective, the Sudan Human Rights Commission shall have the ability to refer cases of violations to the appropriate judicial mechanism for resolution. Such a referral shall be public and the recipient of the referral shall publicise the result of its adjudication of the matter.
7. ~~The Government of Sudan shall take the necessary legal and administrative measures to provide the right to freedom of opinion, freedom of conscience and religion, freedom of expression, freedom to peaceful assembly and association, and the right to form and register political Parties, the right to vote and the right to participate in public affairs, the right to form and participate in civil society organisations, private sectors and trade unions. The Government of Sudan shall guarantee the freedom of the press and other media. with due respect to the rights afforded to all Sudanese, international human rights standards as enshrined in the International Covenant on Civil and Political Rights, Universal Declaration of Human Rights and African Charter on Human and Peoples' Rights.~~
8. ~~All Parties shall refrain from threatening people for their opinion or preventing them from exercising their freedom of expression, association and peaceful assembly in Darfur.~~
- 8a. The Parties shall ensure that all Sudanese men, women, and children are protected from intimidation, arbitrary arrest and/or detention, ill treatment and torture.
9. ~~The Government of Sudan and Darfur Parties shall promote the general welfare and economic growth in Darfur through provision of adequate basic needs, services and infrastructure (food, water, schools, hospitals, child care centres, social security and provisions for the rehabilitation of victims of war), promotion of youth employment, empowerment of women, good governance, public services and allocation of appropriate resources, as well as equal access to natural resources including land for all communities in Darfur,~~
10. The Parties agree to ~~foster the participation of~~ involve the people of Darfur in planning, designing and implementation of early recovery, reconstruction and rehabilitation programmes in Darfur.
- 10a. The displacement of persons within or outside the territory of Sudan should not preclude the full exercise of their civil and political rights subject to relevant national and international laws.
11. The needs of women, children and other vulnerable groups shall be given due attention in the Darfur early recovery, reconstruction and rehabilitation policies and programmes.
12. ~~The Parties urge the international community to enhance the implementation of economic, social and cultural rights through sustainable early recovery, reconstruction and rehabilitation programmes throughout Darfur.~~

13. ~~The Government of Sudan shall ensure the effective functioning of the newly created National Human Rights Commission in compliance with the Paris principles; and facilitate, within three months from the coming into force of this Agreement, the establishment by the latter, of decentralised, independent, autonomous and resourced states Human Rights Committees for Darfur.~~
14. ~~The National Human Rights Commission and the States Human Rights Committees shall monitor the implementation of this Agreement and the situation of human rights as well as protect and promote human rights in Darfur. The fight against all forms of discrimination and the protection and implementation of economic and social and cultural rights shall be given due attention by both the Commission and the Committees which shall regularly report on progress made towards the effective implementation of the principle of equality between states and peoples in Sudan.~~
15. ~~The Parties shall cooperate with the Human Rights Committees for Darfur in the implementation of their mandate. The Committees shall have access to all relevant documents and information pertaining to human rights including physical access to all detention centres throughout Darfur.~~

#### **ARTICLE XX: WOMEN'S RIGHTS**

- 15a. To address the under-representation of women in government institutions and decision-making structures, special measures shall be taken and implemented, according to this Agreement, to ensure women's effective participation in decision-making at all levels of government throughout the Republic of Sudan, and in Darfur in particular.
- 15b. The Government of Sudan shall immediately ratify the U.N. Convention on the Elimination of Discrimination Against Women (CEDAW).
- 15c. In order to address the under-representation and marginalisation of women in the social and political institutions in Sudan, generally, and Darfur in particular, affirmative action programmes shall be instituted through mechanisms described in Chapter II (Power Sharing) of this Agreement. A quota of [35]% for women's participation in the Government of Sudan (the Executive, the National Legislature, and the Judiciary), in the National Civil Service, and in the Regular Forces and other security agencies shall be established through legislation. These quotas shall be established at all levels, and strict scrutiny shall be paid to the fulfilment of quotas at the middle and senior decision-making and leadership levels.
- 15d. The following shall be established and administered as specified elsewhere in this Agreement:
  - i. The Ministry for the Status of Women in Darfur, under the Regional Government of Darfur; and
  - ii. The Fund for Women, administered by the DRDF, to support the implementation of mechanisms for the development of the status of women and the creation of required conditions for the fulfilment of civic, economic, social and political rights of women



through funding for women’s education, training, affirmative action, entrepreneurship, enterprise, agricultural, and social welfare efforts.

- 15e. Throughout this Agreement, the words “people,” “individuals,” “communities,” “groups,” “council,” “committees,” “participants,” “stakeholders,” “representatives,” “beneficiaries,” and any similar collective reference shall be assumed to include the phrase “inclusive of women,” unless stated otherwise.

**ARTICLE XX: SUDAN HUMAN RIGHTS COMMISSION**

- 15f. The Government of Sudan shall fully establish the Sudan Human Rights Commission (SHRC) created by Article 142 of the Interim Constitution of the Republic of Sudan within thirty (30) days from the coming into force of this Agreement. In addition, the Parties shall facilitate the establishment by the SHRC of independent, autonomous and fully financed human rights committees for each of the Darfur states and each of the other states of Sudan.

- 15g. The SHRC shall consist of one chair nominated by the joint approval of the Parties, [1] representative of the Regions, and [3] representatives of the Government of Sudan. All representatives shall be of high moral standing, experience and with the integrity to function in their position, and shall be appointed by the authorised entity within [90 days] of the coming into force of this Agreement. Failure to make such an appointment within the specified timeframe shall not limit the formation or functioning of the SHRC, which shall proceed with its activities, so long as [5 of the required 9 members have been appointed].

- 15h. The SHRC shall have a broad mandate to:

- x. Promote respect for human rights and a culture of human rights;
- x. Promote the protection, development and attainment of human rights;
- x. Monitor and assess the observance of human rights in Sudan;
- x. Refer all violations of human rights to the appropriate mechanism; and
- x. Take other action to ensure respect for human rights, where necessary.

- 15i. The SHRC shall have the following responsibilities:

- x. Promote and ensure the harmonisation of national legislation, regulations and practices with international human rights instruments, and ensure their effective implementation, which includes, but is not limited to, promoting and furthering the ratification of all relevant human rights instruments to which Sudan is not yet a party and recommending national legislation that aims to further the respect, promotion, and guarantee of human rights throughout Sudan;
- x. Contribute to the reports that nations are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to treaty obligations;
- x. Cooperate with the United Nations and all organisations in the United Nations system, and the regional institutions that are competent in the areas of the protection and promotion of human rights;

- x. Advise all relevant institutions created in this Agreement on furthering the implementation, promotion, and guarantee of human rights throughout Sudan;
  - x. Assist in the formulation of programmes for the teaching of, and research into, human rights and take part in their execution in schools, universities and professional circles; and
  - x. Publicise human rights and efforts to combat all forms of discrimination, by increasing public awareness, especially through public consultation and education, and by making use of all organs of the press.
- 15j. The SHRC shall, while inquiring into complaints or reports within its jurisdiction, have the same powers as a court may have under the prevailing laws of Sudan in respect to the following matters:
- x. Requiring any person to appear before the SHRC;
  - x. Summoning witnesses and examining them;
  - x. Ordering the production of any document;
  - x. Requesting any document or copy thereof from any government or public office or the court;
  - x. Examining evidence;
  - x. Carrying on or causing to be done an on-the-spot inspection, ordering the production of any physical evidence;
  - x. Institute legal action in its name, or in the name and on behalf of a person or persons whose human rights have been violated; and
  - x. Any other matter that may be deemed necessary by the SHRC to effectively implement its mandate and ensure the protection of the people of Sudan from human rights violations.
- 15k. The SHRC shall have the authority to hire additional staff or establish specialised committees, as it deems necessary.
- 15l. The Government of Sudan shall finance all of the activities of the SHRC directly from the National Budget of Sudan.
- 15m. The fight against all forms of discrimination and the protection of economic, social and cultural rights shall be given due attention by both the SHRC and the states' human rights committees, which shall regularly report the effective implementation of the principle of equality between states and peoples in Sudan.
16. To support the work of the SHRC and the states' human rights committees, the Parties may seek technical or material assistance ~~may be sought~~ from the United Nations Office of the High Commissioner for Human Rights, the African Commission on Human and Peoples' Rights and other international and regional organizations. These organizations are hereby mandated to seek consultation with the Sudan Human Rights Commission and to promote the furtherance of its activities.

17. The Parties shall cooperate with the African Union-United Nations Hybrid Operation in Darfur (UNAMID), regarding the implementation of its ~~human rights and rule of law mandates, and will immediately grant UNAMID unimpeded access to all detention facilities and other areas as required by the Mission.~~
- 17a. The Parties shall fully cooperate with the SHRC and the states' human rights committees in the implementation of their mandates. The Parties agree to ensure that the SHRC and the states' human rights committees shall have access to all relevant documents and information pertaining to human rights and physical access to all detention centres throughout Sudan, including Darfur.
18. Human rights and civil society organisations in Darfur shall be encouraged to contribute to the promotion and protection of human rights through regular monitoring, early warning, advocacy and capacity-building programmes. The SHRC and the states' human rights committees shall consult regularly with these organisations and include them in decision making where appropriate.
- 18a. The Government of Sudan and the DRG shall immediately extend open invitations to all mandate-holders of the United Nations Human Rights Council and African Commission of Human and Peoples' Rights to undertake field visits in Darfur to assess progress on human rights protection and promotion.

**ARTICLE XX: LAW REVIEW COMMISSION**

- 18b. The Government of Sudan shall establish a Law Review Commission (LRC) within ninety (90) days of the coming into force of this Agreement. For the purpose of ensuring the implementation of the guarantees set forth in this Agreement, the LRC shall undertake a comprehensive review of all laws and administrative or other decrees with a material impact on the protection and promotion of human rights in Sudan, including, but not limited to:
- a. The Sudan Penal and Criminal Codes and Codes of Criminal and Civil Procedure;
  - b. The National Intelligence Act of 1999, as amended in 2007;
  - c. The Armed Forces law of 2007;
  - d. The Police Act of [xx];
  - e. Any law or decree providing immunity from prosecution to state officials;
  - f. Norms and practices governing states of emergency and derogation from human rights norms; and
- 18c. The [xx] shall review the organization, mandates, oversight, hiring, training and supervision procedures and practices of the Police, Armed Forces, National Security Service, the National Ministry of Justice, the National Judiciary and the Constitutional Court.
- 18d. The purpose of each review shall be to identify norms and practices not in conformity with international human rights and humanitarian law, this Agreement, and, in the case of agencies and institutions, international best practices.

- 18e. The LRC shall publish the findings of the reviews and provide a detailed set of recommendations for bringing the legal norms and institutional practices into compliance with international standards and best practices within six (6) months of its establishment. The Government of Sudan shall implement the LRC’s legal reform recommendations within six (6) months and its institutional reforms within (18) eighteen months of the date of publication of the report.
- 18e. The LRC shall be composed of [15] commissioners appointed by the President upon nomination according to the following formula:
- x. The President of Sudan shall nominate [x] members;
  - x. The undersigned Movements shall nominate [x] members;
  - x. The known political parties shall nominate [x] members
  - x. The Constitutional Court shall nominate one member;
  - x. The National Judiciary shall nominate [x] members;
  - x. The National Ministry of Justice shall nominate one member;
  - x. The National Human Rights Commission shall nominate one member; and
  - x. Civil Society Organizations shall nominate [x] members.
- 18f. The nominees shall be individuals of high moral and intellectual standing with an extensive professional background in law and broad expertise in law and international human rights. The Government of Sudan shall provide the financial resources and technical assistance necessary to ensure that the LRC fully carries out its mandate in an effective and timely manner.

**CHAPTER II – POWER SHARING AND THE ADMINISTRATIVE STATUS OF DARFUR**

**ARTICLE 2: GENERAL PRINCIPLES OF POWER SHARING**

19. Sudan is an independent, sovereign, federal republic in which sovereignty is vested in the people. The People of Sudan shall exercise their powers through all levels of government – local, state, regional, and national.
- 19a. The regional layer of governance with its own competences and institutions as established in this Agreement shall be recognised as a constitutional principle that applies to Darfur and equally to the five other Regions of Sudan (Kordofan, North, East, Central and Khartoum). In view of its particular recent history, additional, specific provisions for Darfur are established in this Agreement.
- 19b. The legal relations of the states of Sudan with the central government shall be mediated through the institutions of the Regions to which they belong.
- 19c. West Kordofan State shall be restored as the third state within the Kordofan Region.
- 19d. Subject to Article [53] of this Agreement, Darfur shall still enjoy the status and powers as a Region as provided for in this Agreement, regardless of the status of the other Regions. The incorporation of the status and powers of the Region into the INC and any subsequent constitution for the Republic of Sudan is a mandatory requirement and shall occur without delay.
- 19e. ~~The INC of Sudan as may~~ shall be amended to implement the unaltered provisions of this Agreement within six (6) months of the coming into force of this Agreement. All provisions of this Agreement shall also be incorporated into any future Constitution of Sudan, unless the Parties agree otherwise.
- 19f. A Transitional Period is necessary to encourage the expedient and efficient implementation of the terms of this Agreement. This period shall begin on the day this Agreement comes into force, and shall expire on the four-year anniversary of that day.
20. Religion, beliefs, traditions and customs are sources of moral strength and inspiration for the Sudanese people. The cultural and ethnic diversity of the Sudanese people is the foundation of national cohesion and shall therefore be promoted, developed and managed ~~according to national criteria that~~ in a way that reflects both the national unity and the diversity of the Sudanese people. ~~The Sudanese people share a common heritage and aspirations and accordingly agree to work together.~~
21. Power sharing is vital for the country's unity, security and stability. An element of power sharing is the devolution of public authority, as foreseen in the INC, and implemented through this Agreement in relation to the Regions. Such devolution in accordance with the cardinal principles of democratic practices is a guarantor of stability and shall be the

~~foundation for democratic governance. The peaceful devolution as well as the transfer of executive and legislative powers by democratic means, through free and fair elections, as a guarantor of stability shall be the foundation for democratic governance in Sudan.~~

22. Elections at all levels of government **throughout** Sudan shall be based on free and direct voting, observed by national and international observers.
23. The separation of the legislative, executive and judicial powers at all levels of the ~~federation~~ **Republic of Sudan is necessary to shall consolidate promote and protect** good governance, accountability, transparency and commitment to the security and welfare of the people **of Sudan.**
24. The rule of law shall prevail and the independence of the judiciary shall be guaranteed.
25. ~~The Constitutional Court shall have the competence to settle any disputes between levels or organs of government regarding their areas of exclusive, concurrent, or residual competence.~~ **The Constitutional Court, as reformed by this Agreement, shall have the exclusive competence to settle disputes between levels or organs of government, including the Regional institutions, regarding their areas of exclusive, concurrent, or residual competence in all cases.**
26. ~~Peoplehip shall be the basis for civil and political rights and obligations without any discrimination as to the ethnicity, tribe, religion, gender, or origin of persons. This does not preclude any law, programme or activity that has as its objective the amelioration of conditions of individuals or groups that have been disadvantaged because of their race, ethnicity, and colour, Regional or national origin.~~
27. ~~The displacement of People within or outside the territory of Sudan should not preclude the full exercise of their civil and political rights subject to relevant national and international laws.~~
28. There shall be a federal system of government, with an effective **and clearly established** devolution of **competencies**, powers and ~~a clear distribution of responsibilities~~ to ensure **self-government in Darfur and other Regions as established in the INC and in this Agreement at the local, state, and regional level.** ~~of Sudan in general, and those of Darfur in particular.~~
29. The national civil service, public bodies, the armed forces, the police and the intelligence services shall reflect, at all levels, a ~~fair and~~ equitable representation of all **people**, including the people of Darfur. **The equitable representation of the people of Darfur shall be based on the principle of proportionality, as defined in this Agreement**
30. ~~Without prejudice to the provisions of the Comprehensive Peace Agreement (CPA) relating to the North-South border and any international agreements in force between the Republic of Sudan and neighbouring countries, the northern boundaries of Darfur shall return to their positions of 1 January 1956.~~

31. ~~The participation of the people of Darfur shall be ensured at all levels of government and in all state institutions, by means of fair power sharing criteria.~~
32. ~~The State shall ensure the provision of continuing opportunities of general education, training and employment in public service to promote full and equal participation of the people of Darfur in their contribution to the nation's welfare.~~
33. ~~All Movements that sign this Agreement shall take necessary measures to transform themselves into political Parties according to the established legal arrangements.~~
34. ~~Without prejudice to paragraph 33 above, the Movements shall participate at different levels of government according to this Agreement.~~
35. ~~To address the under representation of women in government institutions and decision-making structures, special measures shall be taken and implemented, according to this Agreement, in order to ensure women's equal and effective participation in decision-making at all levels of government throughout the Republic of Sudan, and in Darfur in particular.~~

## **POWER SHARING AT NATIONAL LEVEL**

### **ARTICLE 3: CRITERIA FOR POWER SHARING**

36. Power sharing in Sudan, and in Darfur in particular, shall ~~respect~~ **be based on** the principle of proportionality. **The national civil service, public bodies, the armed forces, the police, the intelligence services, and all similar public national institutions shall reflect, at all levels, a fair and the proportionate representation of the people of Sudan.**
- 36a. **The Parties agree that Darfur's share of public representation in Sudan's national institutions shall be based on the principle of proportionality, and that the current percentage of Darfur's participation based on this principle shall be proportionally adjusted after the next census has been certified and recognised by agreed upon international observers.**

### **ARTICLE XX: AFFIRMATIVE ACTION**

37. **To foster reconciliation, remedy in part the history of discrimination against the people of Darfur, and provide for the immediate integration of Darfurians into all spheres of public life, Affirmative action shall be taken in favour of the people of Darfur to enhance inclusivity in public employment and public services. For the long term, At least [10%] of the funds set aside by the Government of Sudan for development in Darfur shall be allocated by the Regional Government of Darfur for special educational training and public employment opportunities.**
38. ~~The representation of the people of Darfur at the national level shall reflect the proportion of the Darfur population after the separation of South Sudan.~~

**ARTICLE 4: THE NATIONAL EXECUTIVE**

39. Darfur shall be represented in the National Executive according to the ~~criteria~~ **principle** of proportionality.
40. ~~Political appointments in the Presidency and the Council of Ministers shall respect the principle of equitable geographical representation and diversity. These appointments include the posts of Vice-President, Assistants to the President, Presidential Advisors and Ministers.~~

**THE NATIONAL EXECUTIVE IN THE TRANSITIONAL PERIOD**

- 40a. **During the Transitional Period, the Institution of the Presidency of the Republic of Sudan shall consist of one President, one First Vice President from Darfur, and five (5) additional Regional Vice Presidents from each of the other Regions of Sudan: Kordofan, Blue Nile, East Sudan, Central Sudan, and North Sudan.**

**The President in the Transitional Period**

- 40b. **During the Transitional Period, the current President of Sudan shall remain in place, unless the Office of the President falls vacant as provided for in Article 59 of the INC.**
41. ~~Without prejudice to the special status of the First Vice President, The INC and any future Constitution for Sudan shall be amended to enable the President to appoint a number of provide a First Vice Presidents, in a manner that realises political inclusion and representation of all Sudanese including from Darfur. A The First Vice-President shall have the following responsibilities:~~
- ~~i. — Member of the National Council of Ministers;~~
  - ~~ii. — Member of the National Security Council;~~
  - ~~iii. — Member of the Presidential Council~~
  - ~~iv. — Act as President in the absence of the President and First Vice President in accordance with the order of precedence among Vice Presidents as shall be determined by the President~~
  - ~~v. — Any other function or duty that may be assigned to him/her by the President taking into account **his/her** primary responsibility.~~

**First Vice President in the Transitional Period**

- 41a. **During the Transitional Period, there shall be established within the Institution of the Presidency a First Vice-President from Darfur. The First Vice-President shall have the following responsibilities:**
- i. Member of the National Council of Ministers;**
  - ii. Member of the National Security Council;**
  - iii. Member of the Presidential Council;**



- iv. Act as President and Commander in Chief of the armed forces in the absence of the President, or if the post of President falls vacant;
- v. Any other function or duty that may be assigned to him/her by the President, taking into account his/her primary responsibilities.

41b. The approval of the First Vice-President from Darfur shall be required for any executive decisions that affect Darfur or the implementation of this Agreement.

41c. The undersigned Movements shall jointly nominate the First Vice-President from Darfur.

#### **Regional Vice Presidents in the Transitional Period**

41d. The President of the Republic of Sudan shall appoint one Regional Vice President from each of the five Regions of Sudan other than Darfur to serve during the Transitional Period: Kordofan, Blue Nile, Central Sudan, East Sudan, and North Sudan.

41e. The Regional Vice Presidents shall have equal powers and responsibilities, which include:

- i. Member of the Council of Ministers;
- ii. Member of the National Security Council;
- iii. Act as President and Commander in Chief of the armed forces in the absence of the President and First Vice President, or if the posts of President and of Vice President have fallen vacant; and
- iv. Any other function or duty transferred by the President.

#### **THE PERMANENT PRESIDENCY**

41f. At the end of the Transitional Period, the INC or Permanent Constitution of the Republic of Sudan shall provide for an institution of the Presidency, consisting of a President of the Republic and six (6) Vice Presidents representing each of the six Regions.

41g. The President of the Republic shall be elected directly by the people of Sudan, for a term of 4 years. No person may serve more than two terms as President.

41h. The people of each Region shall elect a Vice President, to serve for a term of [4] years.

41i. Each Vice President shall have the following roles:

- i. Member of the National Council of Ministers;
- ii. Member of the National Security Council;
- iii. Member of the Presidential Council;
- iv. Act as President in the absence of the President, in the order of precedence to be determined by the future constitution of Sudan;
- v. Any other function or duty that may be assigned to him/her by the President, taking into account his/her primary responsibility.

- 41j. The Vice Presidents shall have equal powers and responsibilities, and shall be subordinate to the President of the Republic of Sudan.

**ASSISTANTS AND ADVISORS TO THE PRESIDENT**

- 41k. Within [3] months of the coming into force of this Agreement, the President of the Republic shall appoint assistants and advisors to the Presidency, ~~–Assistants and Advisors to the President shall be appointed~~ from Darfur and other Regions, according to the principle of proportionality.
- 41l. During the Transitional Period, the assistants and advisors from Darfur shall be nominated by the undersigned Movements, and appointed by the President.
42. ~~A Senior Assistant to the President shall be appointed from Darfur.~~

**THE NATIONAL FEDERAL COUNCIL OF MINISTERS**

44. The Regions, including in particular Darfur, shall be represented in the Federal Council of Ministers as follows:
- i. Darfur shall permanently have eight (8) posts of senior Cabinet Ministers and twelve (12) posts of Ministers of State. Should the number of senior Cabinet Ministers and/or Ministers of State change, the number of posts for Darfur shall be adjusted proportionally. Kordofan shall permanently have five (5) senior Cabinet Ministers and eight (8) State Ministers. This shall be without prejudice to the provisions of the CPA and the popular consultation and negotiation process for Southern Kordofan foreseen there.
  - ii. During the Transitional Period, the undersigned Movements shall nominate 5 senior Cabinet Ministers and 7 Ministers of State from Darfur and 3 Cabinet Ministers and 5 State Ministers from Kordofan. This shall be without prejudice to the provisions of the CPA and the public consultation and negotiation process for Southern Kordofan foreseen there.
  - iii. The President shall appoint the senior Cabinet Ministers and senior Ministers of State that have been nominated by the Movements. If the President fails to appoint a senior Cabinet Minister or Minister of State according to the nomination received from the Movements, they shall make a fresh nomination, which must then be accepted by the President.
  - iv. At least one senior Cabinet Minister and two Ministers of State nominated by Darfur according to (ii) above shall serve in the “Sovereign Ministries”, the “Economic Ministries” and the “Service Ministries” respectively, according to [Schedule A] attached to this Agreement.

- 44a. No federal ministry shall be eliminated or otherwise altered during the Transitional Period without the express approval of the Parties.
- 44b. During the Transitional Period, all Ministers from Darfur shall be nominated through a procedure that the undersigned Movements, or the political parties that succeed them, deem appropriate.

**ARTICLE 5: THE NATIONAL LEGISLATURE**

- 45. Darfur shall be represented in the National Legislature in accordance with the principle of proportionality. The undersigned Movements, in consultation with the known political parties, shall select the initial representatives from the Darfur Region. These representatives will remain in place until such time as elections of Darfurian candidates are held for their replacement.
- 45a. The Regions, including in particular Darfur, shall be proportionately represented among the speakers and deputy speakers of the National Assembly and Council of States. The same shall apply to the offices of Chairs and Deputy Chairs of committees in both houses. During the Transitional Period, at least half of the Darfur appointments shall be made from the representatives appointed according to Article [x.x] of this Agreement.
- 45b. Any 30 representatives shall have the right to request statements in accordance with Articles 103-105 of the INC and to table bills, which shall not be considered private members bills.
- 45c. Decisions or legislation specifically affecting Darfur shall be referred to the Council of States, as is established in Article 95 (5) (b-d) of the INC. During the Transitional Period, decisions or legislation concerning the implementation of this Agreement shall only be taken with the concurrent votes of at least 30 representatives appointed according to Article [x.x] of this Agreement. Thereafter, decisions that would diminish the status, competences or powers of the Regional Government of Darfur or the rights and responsibilities established in this Agreement can only be taken according to the procedures of Article 224 of the INC. This requirement shall be retained in the event of the transformation of the INC into the Permanent Constitution of the Republic of Sudan, as shall the status, competences, powers, rights and responsibilities of the Regional Government of Darfur and the people of Darfur established in this Agreement.
- 45d. All undersigned Movements shall be entitled to transform themselves into political parties upon the coming into force of this Agreement and making a declaration to that effect. Upon declaration of transformation into a political party, the respective Movement shall be deemed to have fulfilled all registration and other administrative requirements for political party registration. As political parties, they shall conduct themselves in accordance with the principles of transparency, democracy and respect for the rule of law. The parties established in this way shall not be discriminated against or subject to restrictions directed specifically against them by the Government of Sudan.

**ARTICLE 6: THE NATIONAL JUDICIARY**

46. ~~The National Judiciary is an important arm of governance. It is vital to maintain its neutrality, and competence,~~
47. ~~The National Judiciary shall be representative of the people of Sudan including Darfur. The various Regions of the Republic of Sudan shall~~ ~~The people of Darfur shall~~ be represented in the Judicial Service Commission (JSC) according to the principle of proportionality. The JSC shall guarantee the proportional representation of the ~~people of Darfur~~ Regions in the judicial institutions, including the National Supreme Court, the Constitutional Court and the Court of Appeal.

**THE JUDICIAL SERVICE COMMISSION IN THE TRANSITIONAL PERIOD**

- 47a. The President of the Republic of Sudan shall immediately reconstitute the National Judicial Service Commission (NJSC) to be composed of the following:
- i. Chairperson nominated by mutual agreement of the Parties;
  - ii. The Chief Justice of the Sudan Constitutional Court, Co-Chairperson;
  - iii. One representative nominated by the undersigned Movements, Co-Chairperson;
  - iv. The National Minister of Justice, Member;
  - v. Chairperson of the Legal Committee, at the National Assembly, Member;
  - vi. Chairperson of the Legal Committee, at the Council of States, Member;
  - vii. [Three] (3) representatives in possession of the necessary experience and competence appointed by the Sudan Bar Association, one of them shall be from Darfur, Members; and
  - viii. [Eight] (8) representatives in possession of the necessary experience and competence appointed by [the undersigned Movements], Members.
- 47b. Notwithstanding the responsibilities enumerated in [Article X] of this Agreement, the National Judicial Service Commission shall have the immediate responsibility to identify any imbalance in the representation of the people of the Regions, including Darfur, and make appropriate recommendations on how the imbalance in the institutions of the judiciary should be redressed. The goal of the National Judicial Service Commission in the Transitional Period shall be to guarantee the proportional representation of the people of Darfur in the National Judicial Institutions, including the National Supreme Court, the Constitutional Court and the Court of Appeal within twelve [12] months of its establishment.
- 47c. The Government of Sudan shall immediately provide [\$xxUSD] in seed money for the initial activities of the National Judicial Service Commission during the Transitional Period. Thereafter, the Government of Sudan shall provide [\$xxUSD] per annum, due on the anniversary date of the coming into force of this Agreement, for the activities of the NJSC.

**THE PERMANENT NATIONAL JUDICIAL SERVICES COMMISSION**

- 47d. The Judicial Service Commission shall be composed of the following:

- i. The Chief Justice, Chairperson;
- ii. Presidents of the Supreme Courts/High Courts in the six Regions, Vice Chairpersons;
- iii. The National Minister for Justice, Member;
- iv. Chairperson of the Legal Committee, at the National Assembly, Member;
- v. Chairperson of the Legal Committee, at the Council of States, Member;
- vi. [Three] (3) representatives in possession of the necessary experience and competence appointed by the Sudan Bar Association, Members; and
- vii. [Six] (6) representatives designated by the National Assembly from among its members, representing each of the six Regions, Members.

47e. In fulfilling its mandate, the Judicial Service Commission shall exercise the following responsibilities:

- i. Regulate relations among judiciaries at the National and Regional levels;
- ii. Approve the general policy of the National Judiciary;
- iii. Approve the budget of the National Judiciary;
- iv. Recommend to the President of the Republic of Sudan the appointment of the Chief Justice and Deputy Justices of the Constitutional Court;
- v. Recommend the promotion of justices and judges in accordance with the law;
- vi. Approve the recommendation of the Chief Justice to remove justices and judges in accordance with the law; and
- vii. Identify imbalances in the representation of the people of Sudan and make appropriate recommendations on how the imbalance of the institutions of the judiciary should be redressed.

47f. The Judicial Service Commission shall hold a regular meeting every four months and may hold emergent meetings at the discretion of the Chairperson, Vice Chairperson, or one-third of its members.

47g. Decisions of the Judicial Service Commission shall be made by majority vote. Where a majority cannot be reached, the Chairperson shall have the deciding vote.

47h. A quorum shall exist when a majority of members of the Judicial Service Commission are present. The Commission shall be required to make reasonable notice to all members of any meeting where decisions are to be made. A quorum shall not exist, regardless of the number of members present, if all members were not notified for the meeting and were not given reasonable time and opportunity to participate.

47i. In such cases that the Chairperson may be absent from the meetings of the Judicial Service Commission, the Vice Chairpersons shall assume the chairpersonship.

47j. The Judicial Service Commission shall have an independent budget, approved by the decision of the President of the Republic of Sudan upon recommendation of the Judicial Service Commission.

- 47k. Requirements and limitations for the membership, appointment and tenure of members of the National Judiciary shall in no way exclude, directly or indirectly, any competent Sudanese or Darfurian from serving as a member of the National Judiciary, particularly with regard to the individual's Regional origin, race, ethnicity, tribe, gender, religion, political affiliation, first language, or any other distinguishing characteristic.

**ARTICLE 7: THE NATIONAL CIVIL SERVICE AND OTHER PUBLIC BODIES**

48. The National Civil Service (NCSC) shall be representative of all the people of Sudan and its Regions at all levels, including the senior and middle levels. Without prejudice to achieving overall proportionality, representation of Darfur and Kordofan shall include at least the posts enumerated in Schedule B attached to this Agreement.
- 48a. A programme of affirmative action shall be implemented to rectify identified imbalances and under-representation of the people of the Regions.

**THE NATIONAL CIVIL SERVICE COMMISSION IN THE TRANSITIONAL PERIOD**

49. ~~The National Civil Service (NCSC) shall be representative of all the people of Sudan at the senior and middle levels.~~
50. ~~Darfur shall be represented in the National civil service and other public bodies according to the principles of affirmative action, proportionality, affirmative action and past precedents, in order to rectify identified imbalances and under-representation of the people of Darfur.~~
51. ~~The national Civil Service (NCSC) shall be representative of all the people of Sudan at the senior and middle levels.~~
52. A National Civil Service Commission (NCSC), with proportionate representation from the Regions ~~Darfur~~, shall be reformed within [90] days of the coming into force of this Agreement and tasked to redress imbalances in the civil service and other public bodies by implementing an affirmative action programme, overseen by the Presidency, as outlined in Article [x] of this Agreement.
53. Within [90] days of the coming into force of this Agreement, a Panel of Experts selected jointly by the Parties and led jointly by one Darfuri and one Government expert, ~~with substantial representation from Darfur, including at the more senior levels,~~ shall be established under the NCSC to determine the ~~level of representation of the people of Darfur in the NCSC at all levels.~~ precise number of positions in each level of the NCSC that shall be filled by Darfurians. The IFC shall consult with the International Labour Organisation on the selection of the Panel of Experts, who shall additionally consult with the ILO on the development and finalisation of its report.
54. The Panel of Experts shall ~~make identify any imbalances that have undermined the representation of the people of Darfur in the NCSC, and shall make practical and action-oriented recommendations to address such imbalances and discrepancies in the NCSC, shall~~

advise the Darfur Transitional Government of its recommendations, including recommending appropriate measures to ensure fair representation for the people of Darfur in the service. The Panel ~~and is to~~ shall be guided in its work by the affirmative action programmes established under the guidelines of Article [x.x] of this Agreement and the principle of proportionality. ~~following~~— The Panel of Experts shall receive their compensation and funding at intervals, determined by the Panel’s progress with making recommendations.

- ~~i. — Population size based on the 2008 or subsequent census;~~
- ii. ~~Affirmative action in recruitment, training and promotion, including measures to promote gender balance.~~

55. The Panel of Experts shall complete its work and submit its report to the NCSC no later than [six months] after ~~the signing this Agreement~~ its establishment, following which the ~~Government of Sudan~~ NCSC, in coordination with the appropriate Ministries, shall take remedial action within a period of [six months] of the date of the report.

56. Pending the ~~outcome~~ delivery of the Panel of Experts report, the Government of Sudan shall ensure that the following tasks are carried out:

- i. ~~Establish and achieve~~ Transitional targets for the participation of the people of the ~~Regions~~ Darfur, especially at middle and upper levels of the ~~in the national civil service~~ NCSC including, but not limited to ~~in positions as~~ [Under-Secretaries, Ambassadors, managers of Government institutions and public companies, and members of commissions] ~~and other senior posts of responsibility~~. These targets shall be reviewed after the submission of the report of ~~by~~ the Panel of Experts, ~~and may be included in their final recommendations if appropriate and shall take into consideration the representation of qualified candidates from the Movements in the NCSC;~~
- ii. Reserve ~~certain~~ at least 35% of the posts in the national civil service NCSC exclusively for qualified women, particularly those from less developed areas, including ~~within~~ Darfur, and implement recommendations to be provided by the Panel of Experts on establishing affirmative action programmes to be formulated by the NCSC, according to Article [x] of this Agreement, for the education and training of women in order to increase the percentage of women represented in the NCSC;
- ~~iii. — Formulate policies and execute affirmative action on training and recruitment into the NCSC of qualified people from Darfur, taking into account the agreed upon criteria, with the objective of ensuring equitable representation in the NCSC, as well as to redress any imbalances;~~
- iv. Conduct a review of the ~~formulated policies~~ actions taken by the NCSC, the relevant Ministries and the Regional Government of Darfur, three (3) years into their implementation, and setting such new goals and targets as may be deemed necessary, and promptly publish their findings; and

v. Amend the laws of Sudan as necessary to ensure the implementation of the terms of this Agreement.

57. ~~Parties agree that all persons terminated arbitrarily and unjustly from the NCSC shall be reinstated. Such persons shall not lose their seniority and shall receive their accrued entitlements. The NCSC shall receive complaints, determine their merits and demerits and recommend as appropriate.~~

**~~ARTICLE 8: REPRESENTATION OF MOVEMENTS IN LEVELS OF GOVERNANCE~~**

58. ~~Parties agree that Movements signatory to this Agreement shall be represented at all levels of governance, on the basis of an additional protocol, signed with each Movement and which shall be an integral part of this Agreement.~~

**ARTICLE 9: THE ARMED REGULAR FORCES AND OTHER SECURITY SERVICES.**

59. ~~The Sudan Armed Forces (SAF) shall be regular, professional and non-partisan. The people of Darfur shall be fairly represented at all levels therein. The Government of Sudan shall take appropriate measures, in accordance with the agreed criteria, to rectify any imbalances that may exist in the representation of the people of the Regions, including Darfur, at senior levels of the regular forces, including the Sudan Armed Forces, the police, and the national intelligence services, and in the intake into the military academies. Part of the effort to rectify these imbalances will be accomplished through the provisions of the permanent security arrangement, contained in Chapter VI of this Agreement.~~

60. The [National Civil Service Commission] shall oversee an affirmative action programme based on the principle of Article [x] of this Agreement to ensure that the number of members of the Police, Customs, Immigration and Border Guards, the Prisons and Wildlife Services and [all other security agencies] shall be open to inside a given Region who are from that Region, shall increase until that number is greater than the number of members serving inside the Region who are not from the Region. This representation shall also reflect the ethnic composition of each Region, and shall ensure no one ethnic group is dominant over the others.

60a. The Government of Sudan shall immediately undertake to reform the Border Guards and Intelligence Services. Specifically, all former members of the government-sanctioned militias shall be expressly forbidden from serving as Border Guards or members of any state, Regional, or national security or intelligence agency without the prior approval of the DTG or the Regional Government of Darfur.

60b. Policing and other special public services shall be organised at the state, and where applicable, the Regional level, reflecting the population balance of the locality. In relation to the national Police, Customs, Immigration and other special services enumerated in Schedule C, the targets provided for in that schedule shall be achieved within two (2) years.



**ARTICLE 10: THE ADMINISTRATIVE STATUS REGION OF DARFUR**

**RECOGNITION OF THE REGION OF DARFUR**

60c. The Region of Darfur shall be immediately recognised by all Parties. The Region of Darfur shall be constituted by the historical borders of the Region in 1922.

**THE REGIONAL GOVERNMENT OF DARFUR**

60d. The Region of Darfur shall be governed by the Regional Government of Darfur (RGD), which shall be democratically elected by the people of Darfur.

60e. The institutions of the Regional Government of Darfur shall consist of:

- i. The Executive of Darfur,
- ii. The Legislature of Darfur,
- iii. The Judiciary of Darfur, and
- iv. Such other institutions and commissions as may be specified in a future Constitution for Darfur.

60f. The Regional Government of Darfur shall have fiscal, legislative, and administrative control over the states within Darfur as provided by the Constitution of the Region of Darfur, and, during the Transitional Period, as defined by this Agreement.

60g. Powers held by the Regional Government of Darfur as enumerated in this Agreement and the Constitution of the Region of Darfur shall be devolved from the Permanent Constitution of the Republic of Sudan.

60h. The Regional Government of Darfur shall exercise principal authority in relation to the areas of competence provided for in this Agreement. It shall establish Regional policies and plans, and implement them through the organs of the Region where such competence is provided by this Agreement.

60i. The Regional Government of Darfur shall cooperate with the Government of Sudan in relation to areas where the government of Sudan exercises competences, to ensure the effective implementation of those competencies in the Region.

60j. A particular focus of activity for the Regional Government of Darfur shall be to support the implementation of this Agreement, and to promote stability, peace and security, reconciliation and healing, and socio-economic development and growth within the Region.

**Regional Executive**

60k. The executive functions of the Regional Government of Darfur shall be exercised by the Regional Executive.

- 60l. The Regional Executive shall consist of:
- i. Governor
  - ii. Vice Governor
  - iii. The Governors of the Darfur states;
  - iv. A Council of Ministers consisting of: Ministers for Finance and Economic Planning; Culture, Information and Tourism; Agriculture and Livestock; Reconstruction, Development and Infrastructure; Environment and Natural Resources Development; Social Affairs, including Women, Maternity and Childcare; Health; Youth and Sports; Education, Technology and Capacity Building; Security and Policing; the Devolved Judiciary.
  - v. The Chairs of the Voluntary Return and Resettlement Commission; the Justice, Truth and Reconciliation Commission; the Darfur Reconstruction and Development Fund; the Land Commission; and the Darfur Security Arrangements Implementation Commission, so long as they exist.
- 60m. Both the Governor of Darfur and Vice Governor of Darfur shall be democratically elected by the people of Darfur in direct, secret ballot.
- 60n. The tenure of office of the Governor of Darfur shall be four years commencing from the date of assumption of office; he/she may be re-elected for one additional term only. Should the post of the Governor of the Region of Darfur fall vacant, pending the elections within sixty days, and swearing in of the Governor elect, the functions of the Governor shall be assumed by the Vice Governor
- 60o. The Council of Ministers shall be appointed by the Governor of the Region of Darfur and upon approval by the Darfur Regional Assembly. The Council of Ministers shall be established with due regard to the need for inclusiveness and shall represent all parts of the population of Darfur, including women and ethnic minorities.
- 60p. The Governor and the Vice Governor of the Region of Darfur shall be members of the Council of Ministers. The Governor shall be the Chairperson of the Council of Ministers.
- 60q. The Council of Ministers shall be accountable to the Governor and to the Darfur Regional Assembly in the performance of its functions and may be removed by the Governor or by a motion supported by a two-thirds (2/3) majority of all members of the Darfur Regional Assembly.

### **Regional Legislature**

- 60r. The Legislative functions of the Regional Government of Darfur shall be exercised by the Darfur Regional Assembly.
- 60s. The Darfur Regional Assembly shall be constituted upon the completion of internationally verified elections, and shall replace the DTG Legislative Council, as provided for below.

- 60t. The Darfur Regional Assembly may establish specialised committees, reflecting the overall composition of the Assembly as is established in this paragraph.
- 60u. The Darfur Regional Assembly shall have the following functions:
- i. Legislating within the areas of competence of the Region of Darfur;
  - ii. Approving the Budget of the Region of Darfur and ensuring accountability in relation to public spending;
  - iii. Considering strategic plans for the development of Darfur, including the implementation of the provisions of this agreement;
  - iv. Establishing its own rules of procedure, and specialised Commissions;
  - v. Establishing accountability for the Regional Government of Darfur;
  - vi. Maintaining oversight of the agreements and major transactions between the Government of the Region of Darfur and other Regions or external parties.]

### **Regional Judiciary**

- 60v. Without prejudice to final appeal to national courts, Darfur shall have competence to establish a devolved layer of the judiciary, consisting of higher courts in administrative, criminal, commercial and civil matters to which appeal can be made from state courts. Appointments to the Regional courts shall be made by the Darfur Regional Judicial Commission (DRJC), in accordance with the standards set forth by the National Judicial Service Commission, and approved by the Darfur Regional Assembly. The courts shall conduct proceedings in accordance with Regional and national standards and international human rights.
- 60w. The Darfur Regional Judicial Commission shall be composed of the following:
- i. Chairperson nominated by mutual agreement of the undersigned Movements,
  - ii. Chairperson of the Legal Committee, at the Darfur Regional Assembly, Vice-Chairperson;
  - iii. The Darfur Chief Justice, Vice-Chairperson;
  - iv. The Darfur Minister of the Devolved Judiciary, Member;
  - v. [Three] (3) representatives in possession of the necessary experience and competence appointed by the Darfur Bar Association, Members; and
  - vi. [Eight] (8) representatives in possession of the necessary experience and competence appointed by [the Darfur Regional Assembly, Members.
- 60x. The Darfur Regional Judicial Commission shall have the immediate responsibility to establish the Regional Judicial Institutions, including the courts of appeal and high courts, , and to provide for appointments, terms and conditions of service and dismissal of Justices and Judges appointed in the Region of Darfur.
- 60y. The DRJC shall permanently exercise the following responsibilities:
- i. Regulate relations among judiciaries at the Regional, State, and local levels;

- ii. Approve the general policy of the Darfur Regional Judiciary;
  - iii. Recommend to the Darfur Regional Executive the appointment of the Darfur Chief Justice and Deputy Justices of the Darfur Regional Court;
  - v. Recommend the promotion of justices and judges in accordance with the law;
  - vi. Approve the recommendation of the Darfur Chief Justice to remove justices and judges in accordance with the law; and
  - vii. Identify imbalances in the representation of the people of Sudan and make appropriate recommendations on how the imbalance of the institutions of the judiciary should be redressed.
- 60z. The Darfur Regional Judicial Commission shall hold a regular meeting every [four months] and may hold emergent meetings at the discretion of the Chairperson, Vice Chairperson, or [one-third] of its members.
- 60aa. Decisions of the Judicial Service Commission shall be made by majority vote. Where a majority cannot be reached, the Chairperson shall have the deciding vote.
- 60bb. A quorum shall exist when a majority of members of the Darfur Regional Judicial Commission are present. The Commission shall be required to make reasonable notice to all members of any meeting where decisions are to be made. A quorum shall not exist, regardless of the number of members present, if all members were not notified for the meeting and were not given reasonable time and opportunity to participate.
- 60cc. In such cases that the Chairperson may be absent from the meeting, the Vice Chairpersons shall assume the chairpersonship.
- 60dd. Requirements and limitations for the membership, appointment and tenure of members of the Darfur Judiciary shall in no way exclude, directly or indirectly, any competent person from serving as a member, particularly with regard to the individual's Regional origin, race, ethnicity, tribe, gender, religion, political affiliation, first language, or any other distinguishing characteristic.
- 60ee. The Judiciary of the Region of Darfur shall be independent of the executive and legislative branches of government.
- 60ff. Justices and Judges of the Region of Darfur are independent and shall perform their functions without interference, administer justice, and apply the law without fear or favour.
- 60gg. The Darfur Regional Assembly shall approve and provide the budget of the DRJC.

#### **Competencies of the Regional Government of Darfur**

- 60hh. The Region of Darfur, acting through the Regional Government of Darfur shall enjoy exclusive competence in relation to the following areas:

- i. Implementation of the provisions of this Agreement in cooperation with the institutions and mechanisms provided for in this Agreement;
- ii. Exercising the powers devolved to it in this Agreement;
- iii. Reconciliation and consolidation of security and social peace;
- iv. Post-conflict reconstruction and development, as well as the coordination of all engagements of international and regional partners including the Darfur Joint Assessment Mission (DJAM);
- v. Regional humanitarian assistance and disaster relief;
- vi. Creation of durable conditions necessary for voluntary return of IDPs and Refugees
- vii. Developing of strategic plans for the economic development of the Region as a whole, including transport and communication links, arrangements conducive to attracting Regional investments, including the issuing of licences, and planning for land use and the exercise of relevant rights;
- viii. Designing, conducting and recording a Regional census and the collection and evaluation of statistical and other information on a Regional basis as is necessary for planning;
- ix. Creation and adoption of the Regional constitution of the Region of Darfur, and the creation of new States in the Region of Darfur;
- x. Regional irrigation and electricity projects, and integration of state-based infrastructure;
- xi. Exercising authority relating to the management of natural resources of the Region, and administration of provisions on wealth sharing, as provided in this agreement.
- xii. Reconciling different forms of land use, including industry, agriculture and pastoralist or nomadic practices;
- xiii. Encouraging tourism for the Region and maintaining Regional standards in that respect;
- xiv. Regional environmental conservation and wildlife management;
- xv. Maintaining the Regional cultural and historic heritage and its development and pursuing Regional cultural policies through the museums, theatres and other cultural institutions that may be established at Regional level, as well as encouraging and promoting local and tribal cultures and languages;
- xvii. Coordinating and supervising the implementation of Regional policies carried out through the states and provision of a common Regional legislative framework towards that end, including policing, prisons, environmental management, provision of public services and welfare, etc;
- xviii. Taxation at the Regional level;
- xix. Issuing of licenses for land use that may fall within Regional competences, and the development of common practices in relation to licences for hunting, fishing, fire arms, etc.
- xx. Developing an integrated Regional health system and welfare services for the Region; and devising and implementing Regional policies relating to health issues such as HIV/AIDS;
- xxi. Provision of a legislative Regional framework for the advancement of women, and their protection;
- xxii. Devising and implementing Regional programmes addressing population growth and reproductive health;

- xxiii. Reform and promote the educational system in Darfur, with particular attention to ensuring that all Darfurian children have access to a quality education based on common standards of educational achievement throughout the Region;
- xxiv. Encourage sports, including reconciliation through sports, and establish a Regional infrastructure towards that end.
- xxv. Borrowing funds from both national and external institutions in the context of Regional and national economic policy;
- xxvi. Administration of the devolved Regional judiciary and promotion and protection of human rights on a Regional basis;
- xxvii. Ensuring standards of good governance throughout the Region, in particular the fight against corruption, and ensuring high standards of performance of the civil service throughout the Region;
- xxviii. Hiring and managing staff in support of the Regional government and other institutions, providing for their payment, welfare, social security, and pensions, etc.
- xxix. Encouraging and managing cross-border links, cooperation and Regional cross-border trade;
- xxx. Promoting a Regional system of local and traditional governance;
- xxxi. Regional policies on the control of arms and other weapons in Darfur;
- xxxii. Arranging for the Darfur Constitutional Commission and the Referendum Commission.
- xxxiii. Management of Regional airports and other key elements of the Regional infrastructure;
- xxxiv. Concluding international agreements relating to areas of its competence and concerning primarily the Region of Darfur;
- xxxv. Any other tasks that may be transferred to Darfur in accordance with this Agreement, or any other area that is, by its nature, principally a Regional concern and that can be best addressed through the institutions of the Region.

60ii. The Region of Darfur shall enjoy concurrent competences in relation to:

- i. Socio-economic development in the Region;
- ii. Policing, prisons, and wildlife management;
- iii. Health policies, social services and pensions;
- iv. Financial and economic policies;
- v. Urban development, town planning and housing planning;
- vi. Census, electoral registration;
- vii. Development of trade and industry;
- viii. Relief and humanitarian affairs;
- ix. Initiation and negotiation, in coordination with the National Government, of international agreements on education, culture, sports, humanitarian affairs, loans and grants, trade, investment, technical assistance with foreign governments and NGOs;
- x. Gender policy, including women advancement, motherhood and child care;
- xi. Food and drugs quality control, consumer safety and protection
- xii. Education faculties and professional and scientific research institutes;
- xiv. Electricity generation and water and waste management;
- xv. Policies on land ownership, use and rights;

- xvi. Emergency relief and disaster prevention and management, and epidemics control;
- xvii. Media, publications, mass media and radio stations,
- xviii. Management, protection and conservation of environment;
- xix. Sports, culture and youth development;
- xx. Archives, registers of births, death and marriages;
- xxi. Any other area where concurrent competence is transferred to the Region of Darfur with this Agreement or that is, by its nature, of concern both to the Region and the states in Darfur.

## **ARTICLE XX: THE DARFUR TRANSITIONAL GOVERNMENT**

### **ESTABLISHMENT OF THE DARFUR TRANSITIONAL GOVERNMENT (DTG)**

61. ~~The Government shall establish a~~ A Darfur Transitional Government (DTG)~~Darfur Regional Authority (DTG)~~ shall be deemed established immediately upon the ~~following~~ the coming into force of this Agreement to serve as the governing authority for the Regional Government of Darfur until such time as internationally verified elections are held constituting the Executive and Legislative branches of the Regional Government of Darfur.
- 61a. The DTG shall ~~serve as the principal instrument for the implementation of this Agreement in collaboration with the Federal Government and the support of the international partners. It will also play a central role in enhancing coordination of all post conflict reconstruction and development projects and activities in Darfur, and be responsible for cooperation and coordination among the three States of Darfur. The activities of the shall primarily aim to promote:~~
- i. Peace and security;
  - ii. Socio-economic development, stability and growth;
  - iii. Reconciliation and healing.
  - iv. Building capacity for the Regional Government of Darfur to function fully and assume control over the Region.
  - v. The reconstruction and rehabilitation of Darfur
  - vi. the prompt return of IDPs and Refugees to places of their choosing.
- 61b. The DTG shall be entrusted with the day-to-day conduct of the affairs of Darfur until such time as the Executive and Legislative institutions of the Regional Government of Darfur are fully constituted, and shall have the right to issue decrees for the peace, order, and good governance of Darfur.
- 61c. The DTG shall have the competencies of the Regional Government of Darfur, as provided for in this Agreement.
62. The DTG shall establish its own rules of procedure, engage such staff it deems necessary to carry out its work and establish a budget for that purpose. ~~The prerogatives of the new Authority shall not contradict or affect the exclusive powers of the states in Darfur and the Government of Sudan.~~ However, the DTG shall have oversight responsibility over all matters

related to its areas of primary jurisdiction and competence. The ~~DTG~~ shall supervise the conduct of a referendum to decide the administrative status of Darfur whether to keep the current States system or to adopt a Regional Government for Darfur.

63. Without prejudice to the exclusive competences of the Darfur States as provided for in the Constitution, ~~The DTG shall~~ work in close coordination with the Implementation Follow-up Commission (IFC), the Ceasefire Commission (CFC), UNAMID, and all other relevant bodies created or tasked with implementation of provisions of this Agreement to oversee the implementation of all the provisions of this Agreement.
64. A Darfur Regional security committee shall be established in conformity with the national and state pattern, and its competences shall be defined.

### **Competencies of the ~~DRA~~**

65. The ~~DTG~~ will ~~shall~~ have the following competence:
- i. ~~Assist in the~~ Implementation of the provisions of this Agreement in collaboration with the Government;
  - ii. ~~Take measures to achieve~~ ing reconciliation and the consolidation of security and social peace;
  - iii. ~~Assist in Ppost~~ conflict reconstruction and developments, by coordinating the ~~as the~~ ation all engagements of ~~all~~ international and Regional partners including the Darfur Joint Assessment Mission (DJAM)
  - iv. ~~Health issues, environmental protection and addressing the consequences of climate change;~~
  - v. ~~Planning, development and conservation of cattle routes and pastures;~~
  - vi. ~~creation of durable conditions necessary for voluntary return and resettlement of IDPs and Refugees;~~
  - vii. ~~Planning for land use and the exercise of the relevant rights;~~
  - viii. ~~Education and Cultural Development;~~
  - ix. ~~Planning and Statistics;~~
  - x. ~~Enhance~~ ing cooperation and facilitating communication and coordination among the Darfur states' governments;
  - xi. ~~Borrowing money from both national and external institutions in the context of the national macroeconomic policy as approved and guaranteed by the Bank of Sudan;~~
  - xii. ~~Protection and promotion of human rights;~~
  - xiii. ~~Enhancing transparency and good governance;~~
  - xiv. ~~Build Capacity~~ building for the Regional Government of Darfur;
  - xv. ~~Regional tourism;~~
  - xvi. ~~Reviewing and recommending the legislative and executive measures towards enhancing inter-state coordination;~~
  - xvii. ~~Policies for Control of small arms and weapons in Darfur;~~
  - xviii. ~~Any other tasks the Parties represented in the may agree on.~~

### **Concurrent Competencies**



66. ~~The DTG shall have concurrent competencies in policy making and coordination on the following:~~
- ~~i. Socio-economic development in the Region;~~
  - ~~ii. Health policies;~~
  - ~~iii. Financial and economic policies;~~
  - ~~iv. Urban development and housing planning;~~
  - ~~v. development of trade and industry;~~
  - ~~vi. Relief and humanitarian affairs;~~
  - ~~vii. Initiation and negotiation, upon the approval of the Government of Sudan, of international agreements on education, culture, sports, humanitarian affairs, loans and grants, trade, investment, technical assistance with foreign governments and NGOs;~~
  - ~~viii. Women advancement, motherhood and child care;~~
  - ~~ix. Food and drugs quality control, consumer safety and protection~~
  - ~~x. Education faculties and professional and scientific research institutes;~~
  - ~~xi. Gender policy;~~
  - ~~xii. Electricity generation and water and waste management;~~
  - ~~xiii. Policies on land ownership, use and rights;~~
  - ~~xiv. Emergency relief and disaster prevention and management, and epidemics control;~~
  - ~~xv. Media, publications, mass media and radio stations;~~
  - ~~xvi. Management, protection and conservation of environment;~~
  - ~~xvii. Sports, culture and youth development;~~
  - ~~xviii. Development of Darfur's natural resources~~

### **Structure and Composition of the Darfur Transitional Government**

67. The Darfur Transitional Government shall be composed of two (2) main organs: the DTG Executive Council ~~Organ~~ and the DTG Legislative Council. As provided for below, both of these organs shall exercise the authority of the Regional Government of Darfur, until such time as internationally verified elections are held for their replacements.

#### **The DTG Executive Council ~~Organ~~**

- 67a. The DTG Executive Council shall have the same composition as the RGD Executive, outlined above.
- 67b. Immediately upon the coming into force of this Agreement, the undersigned Movements shall appoint the Governor and Vice-Governor. These appointees shall maintain their posts until such time as internationally verified elections are held for their replacements, but no longer than four years of the coming into force of this Agreement. If no such elections are held within that time period, upon the four-year anniversary of the coming into force of this Agreement, the undersigned Movements shall jointly appoint a second Governor and Vice-Governor. The previous Governor and Vice Governor shall be eligible for reappointment. This process shall be repeated every four years until such time as internationally verified elections for these positions are held.

- 67c. The DTG Executive Council shall have the authority to pass regulations, issue decrees, and take all other actions necessary to fulfil the mandate of the RGD.
- 67d. The DTG Executive Council shall establish the rules and operating procedures for the DTG, and shall ensure that the DTG effectively builds capacity for the Regional Government of Darfur.
- 67e. The DTG Executive Council shall have the authority to hire additional staff and form specialised committees, as it deems necessary.
68. ~~The DTG Executive Organ shall be presided over by an Executive Chairperson appointed from the Movements by the President of the Republic of the Sudan. The Chairperson is assisted by a deputy also appointed from the Movements by the President of the Republic of the Sudan~~
69. ~~The DTG Executive Organ shall consist of the following:~~
- ~~i. The Executive Chairperson~~
  - ~~ii. Deputy Executive Chairperson~~
  - ~~iii. The Governor of the State of North Darfur Member/Alternate Deputy Chair~~
  - ~~iv. The Governor of the State of South Darfur Member/Alternate Deputy Chair~~
  - ~~v. The Governor of the State of West Darfur Member/Alternate Deputy Chair~~
  - ~~vi. One Assistant to the Chairperson in charge of Regional affairs Member~~
  - ~~vii. Minister/Secretary of Finance and Economic Planning Member~~
  - ~~viii. Minister/Secretary of Culture, Information and Tourism Member~~
  - ~~ix. Minister/Secretary of Agriculture and Livestock Member~~
  - ~~x. Minister/Secretary of Reconstruction, Development and Infrastructure Member~~
  - ~~xi. Minister/Secretary of Environment and Natural Resources Development Member~~
  - ~~xii. Minister/Secretary for DTG Council Affairs Member~~
  - ~~xiii. Minister/Secretary of Social Affairs, Maternity and Childhood Care Member~~
  - ~~xiv. Minister/Secretary of Health Affairs Member~~
  - ~~xv. Minister/Secretary of Youth and Sports Member~~
  - ~~xvi. Minister/Secretary of Technology Development and Capacity Building Member~~
  - ~~xvii. Chairperson, Voluntary Return and Resettlement Commission Member~~
  - ~~xviii. Chairperson, Justice, Truth and Reconciliation Commission Member~~
  - ~~xix. Chairperson, Darfur Reconstruction and Development Fund Member~~
  - ~~xx. Chairperson, Land Commission Member~~
  - ~~xxi. Chairperson, Darfur Security Arrangements Implementation Commission Member~~
70. ~~The Local Ministers/Members of the DTG Executive Organ shall be appointed by the President of the Republic of the Sudan, upon nomination by the Executive Chairperson. The Local Ministers shall have the status of State Ministers.~~

### **The DTG Legislative Council**

- 70a. The DTG Legislative Council, made up of ~~66~~ 68 members, shall consist of the following:

- i. Chairperson;
- ii. Vice Chairperson;
- iii. 33 Representatives of ~~armed~~ **the undersigned** Movements;
- iv. 33 Representatives of the States Councils.

71. The **DTG Legislative Council** ~~may~~ **shall have the authority to hire additional staff or** establish specialised committees as **it** deems necessary.

~~72. The DRA Council may establish specialised committees as deemed necessary.~~

72a. The Chairperson and Vice-Chairperson shall be selected jointly by a majority of the representatives of the Movements and State Councils.

72b. The DTG Legislative Council shall be constituted within 6 months of the coming into force of this Agreement. All members of the DTG Legislative Council shall maintain their posts until such time as internationally verified elections are held for their replacements, but no longer than four years of the coming into force of this Agreement. If no such elections are held within that time period, by the four-year anniversary of the coming into force of this Agreement, the Movements and State Councils shall appoint members to a second session of the DTG Legislative Council. Members previously appointed to the DTG Legislative Council are eligible for reappointment. This process shall be repeated every four years until such time as internationally verified elections for these positions are held.

#### **~~The Competencies of the DTG Legislative Council~~**

~~73. The DTG Legislative Council shall have supervisory, monitoring and regulatory competencies. The Council shall examine laws and recommend legislative measures that would promote coordination and cooperation among the States of Darfur. Specifically, the competencies of the Council shall include:~~

- ~~i. Examining laws of the DTG;~~
- ~~ii. Controlling and e~~ **Evaluating the performance of the DTG;**
- ~~iii. Approving the budget of the DTG;~~
- ~~iv. Ensuring proper spending and accountability by the DTG;~~
- ~~v. Adopting joint policies within the competencies of the Darfur Regional Authority and in particular, over all trans boundary issues between/among the States of Darfur;~~
- ~~vi. Establishing a Committee for the preparation of a Constitution of the Darfur Region in the event of a majority vote by the people of Darfur for the creation of one Region.~~

~~74. The shall exercise its functions without prejudice to the constitutional powers and functions of the Governments of the States of Darfur. In the event that the of the deems that any action being undertaken by a State Government undermines the implementation of Agreement, the matter shall be referred to the DTG for decision without prejudice to the right of any of the to resort to the Constitutional Court for final settlement of the dispute in accordance with the following:~~

- ~~i. The National Constitution;~~
- ~~ii. The provisions of this Agreement;~~
- ~~iii. The need for enhancing security, stability, the people’s welfare and the protection of human rights and fundamental freedoms~~

**FUNDING**

- 75. ~~The GoS shall finance all the activities of the Funds for capital expenditure shall be sourced from the Darfur Reconstruction and Development Fund (DRDF), while the over head costs aspect of the DTG budget shall be funded directly from the National budget of Sudan after its adoption by the National Legislature.~~
- 75a. The Government of Sudan shall provide [\$xxUSD] immediately upon the coming into force of this Agreement, as seed money for the operation of the DTG. The Government of Sudan shall provide an additional [\$xxUSD] per annum, on the anniversary of the coming into force of this Agreement, for so long as the DTG exists, to fund the activities of the DTG.
- 75b. The DTG may raise additional funds from revenue collection in the Region, loans, and international donor support.

**Termination of the Darfur Transitional Government**

- 75c. As provided for above, upon the completion of internationally verified elections for the Regional Government of Darfur’s Governor and Vice Governor and Legislative bodies, the Darfur Transitional Government shall be deemed expired, and all competencies and authorities vested to it shall be deemed fully transferred to the Regional Government of Darfur. The operative date for the expiration of the DTG shall be the inauguration day of the Darfur Regional Assembly.

**The Drafting of a Constitution for the Region of Darfur**

- 75d. Pursuant to its authority under this Agreement, the DTG Executive Council shall appoint a Darfur Constitutional Drafting Committee (DCDC) to draft a Constitution for the Region of Darfur.
- 75e. The DCDC shall consist of one Chair, [x] representatives from each of the undersigned Movements, and [x] representatives from civil society groups within Darfur nominated jointly by the Parties to this Agreement, [x] representatives from the States Councils, and [x] representatives from recognised political parties in Darfur.
  - x. The Chair of the Commission shall be appointed by the Governor of the DTG.
  - x. The Commission shall make decisions by a simple majority vote.
- 75f. The DCDC shall appoint a panel of at least [5] experts in constitutional law. These experts shall advise the DCDC on constitutional issues and provide a technical review of any constitutional draft produced by the DCDC.

- x. Appointment of a member of the panel of experts requires the approval of a majority of the DCDC members.
- 75g. The DCDC may also create, and appoint members to, any sub-commission, technical sub-committee, or advisory council to aid in the execution of its duties.
- x. Appointment of any member to any commission, committee, or council requires the approval of majority of the DCDC members.
- 75h. The Constitution for the Region of Darfur shall provide for the establishment of a Regional Executive, Legislature and Judiciary, and shall further define the relationship between these three (3) branches of Regional government and the state governments in Darfur, in accordance with all the provisions of this Agreement.
- 75i. The DCDC shall provide a draft text of the Constitution for the Region of Darfur within [18] months of the coming into force of this Agreement.
- x. The Draft Constitution shall be ratified through a popular referendum within the Region of Darfur. The referendum shall be considered valid if at least [60%] of registered voters within the Region participate.
  - x. A simple majority of voters in a valid referendum shall be required to approve the Draft Constitution.
- 75j. The Constitution shall provide for the holding of Regional elections within [6 months] of ratification to fill all elected positions within the Regional Government of Darfur.

#### **The Permanent status of Darfur**

76. ~~The permanent status of Darfur shall be determined in due course, within the context of a national programme aimed at strengthening state institutions, promoting national unity and the devolution of more powers and resources to lower levels of governance throughout the country, for speedy socio-economic development at the grassroots. In the event that this does not lead to a consensus, the permanent status of Darfur shall be determined through a referendum.~~
77. ~~The referendum shall be held simultaneously in the three states of Darfur, not later than twelve months before the general elections. The following options for the political administration of Darfur shall be presented:~~
- ~~i. — The creation of a Darfur Region composed of the states of Darfur;~~
  - ~~ii. — Retention of the status quo of states system. In either case, the character of Darfur, as defined by cultural and historical traditions and ties shall be respected;~~

78. ~~The Darfur Referendum Commission (DRC) shall organise and supervise the Referendum on the status of Darfur. The National Elections Law shall specify the rules and the procedures governing the referendum. The referendum shall be internationally monitored.~~
79. ~~If a majority of votes cast by all the people of Darfur in the referendum determines that a Region of Darfur should be created, the DTG shall form a Constitutional Committee to determine the competencies of the Regional Government of Darfur. The Committee shall present the proposed Constitution to the DTG for adoption within three months of the referendum. The proposed Constitution shall be submitted to the National Legislature for adoption and the President of the Republic of Sudan shall take steps to promulgate into law the Constitution.~~

### **Representation in the Capital Regional of Khartoum**

- 79a. Khartoum, as the national capital Region shall reflect the unity and diversity of Sudan. The diversity of its population, and the diversity of the Sudan, shall also be reflected in its institutions of governance. This shall include adequate representation of the people of Darfur. For a period of four years from the coming into force of this Agreement, the undersigned Movements shall nominate four ministers of the Regional government of Khartoum. In case any nomination is refused, a further nomination shall be made by the undersigned Movements which must then be accepted.

### **Powers of the States**

- 79b. The states of Darfur shall maintain their competencies and responsibilities, except where modified by the terms of this Agreement.
- 79c. During the Transitional Period, the undersigned Movements shall jointly appoint two (2) of the three (3) Governors of the States of Darfur, and the Government of Sudan shall appoint one of the three Governors. If the Governor of a particular State has been appointed by the Government of Sudan, the Deputy Governor of that State shall be jointly appointed by the Movements, and if the Governor of a particular State has been jointly appointed by the Movements, the Deputy Governor of that State shall be appointed by the Government of Sudan.

## **ARTICLE 11: THE BORDERS OF DARFUR**

80. ~~Except as may be provided by the provisions of the Comprehensive Peace Agreement (CPA) relating to the North-South border and any international agreements presently in force between the Republic of Sudan and neighbouring countries, the boundaries of Darfur shall return to their historical positions as of 1922.~~
- 80a. Agreements currently in force which will control the determination of borders are the following:

- i. The provisions of the Comprehensive Peace Agreement (CPA) relating to the North-South border
- ii. [x]
- iii. [x]

81. A map indicating these boundaries of the Region shall be produced by the Joint Technical Committee and reviewed by the Parties to this Agreement, who shall show by their signature that they have seen and approved of this single official boundary map.

- i. The Joint Technical Committee shall complete the demarcation exercise within ~~six months~~ one [1] year after the coming into force of this Agreement.

**~~ARTICLE 12: REPRESENTATION IN DARFUR: STATE GOVERNORS & STATE LEGISLATORS~~**

~~82. The Parties agree that Movements will be represented at all levels of Darfur State Governments.~~

**Governors**

~~83. Considering that the Governors (*Walis*) of the three States are elected, the status quo shall be maintained until the next elections. However, in the event that additional states are created, the Movements shall nominate candidates for the approval of the President of Sudan as Acting Governors (*Wallis*) to run the new States in the Transitional until special elections are held to allow the Movements and all political Parties to compete for the posts of Governors in the newly created States~~

**ARTICLE 13: LOCAL GOVERNMENT**

~~84. The Parties agree that local government is essential to fulfilling their commitment to vest sovereignty in the people, bring power to the grassroots and to ensure the effective participation of the people in governance, promote development and The Regional Government of Darfur, when constituted, shall have the authority to devolve powers and competencies to Local Governments within the Region of Darfur.~~

84a. The DTG shall establish a Darfur Local Government Commission (DLGC) composed of ten (10) Darfurians within six months of the coming into force of this Agreement, to review the current status of local governments in Darfur taking note of institutional, economic, and security needs and to make recommendations for reinstating or establishing local government institutions. The Commission shall make recommendations to the DTG within nine [9] months of the coming into force of this Agreement. The DTG shall coordinate with the DCDC to ensure that these recommendations are reflected in the Draft Constitution for the Region of Darfur.

84b. Local governments within Darfur shall have the following powers:

- i. Establishing a local budget and collecting and allocating local tax revenue
  - ii. Maintaining and developing basic infrastructure, including local roads, sewage systems, and water delivery systems
  - iii. Coordinating the provision of basic services to the community, including police and fire-fighting forces, primary-level education and healthcare services
  - iv. Designing and implementing community level development projects
  - v. Soliciting the view of the local community through regular public meetings
  - vi. Representing the needs and views of the local community to the state, Regional or national government
- 84c. The DCDC shall ensure that these powers are preserved and incorporated into the Draft Constitution for the Region of Darfur.
85. ~~Native administration shall have regard, where appropriate, to established historical and community traditions, customs and practices that have played a vital role in the community~~
86. ~~Local Government and traditional forms of administration have been adversely affected by the conflict in Darfur. In this regard, Parties agree that local governments shall be empowered to deal with the consequences of the conflict, including environmental degradation and the growing rate of urbanisation.~~
87. ~~Appropriate measures shall be taken to assist various groups such as youth and women through capacity building and affirmative action.~~
88. ~~Parties agree that women Movements shall be adequately represented at the local level of governance with proportionate representation of women.~~

#### **ARTICLE 14: UNIVERSITIES AND STATE RUN HIGHER EDUCATION INSTITUTIONS**

89. Fifteen (15%) percent of admissible seats in national universities **outside of Darfur** shall be allocated ~~for~~ **to** students from Darfur pursuant to the requirements of **achievement and competence** ~~competition for 5 years~~.
90. The people of Darfur shall be represented in the management of national universities and higher education institutes based on the competence and scientific qualifications specified by the [Ministry of Higher Education and Scientific Research].
91. **At least fifty (50%)** percent of admissible seats in national universities in Darfur shall be allocated ~~for the~~ **to candidates from** ~~people of~~ Darfur pursuant to the admission committee requirements. Meanwhile a mechanism or committee shall be constituted to examine the conditions of those affected by war, **who shall** ~~to~~ be exempted from university fees for **15** years;



92. All students who are ~~children~~ <sup>offspring</sup> of IDPs and Refugees from Darfur ~~States~~ duly admitted ~~by the admission committee~~ to national universities shall be exempted from educational fees for fifteen (15) years after the coming into force of this Agreement.
93. Admission and Reintegration into the school system of children of school age of the displaced and Refugees shall be a high priority and entry requirements shall be eased to achieve this aim. Similarly, application to institutions of higher education of the displaced or Refugees from Darfur shall be conducted with due regard to their special circumstances. Due regards shall be placed on the proportionate representation of girls and women in all layers of the educational system and affirmative action shall be taken where necessary in order to achieve this aim.

**ARTICLE 15: CONSTITUTIONAL AMENDMENTS**

- 93a. The Government of Sudan shall establish by law and adequately and properly fund a Sudan Constitutional Commission (SCC) within three months of the coming into force of this Agreement. The SCC shall make immediate changes to the Interim National Constitution (INC) based upon this Agreement, and shall further draft a Permanent Constitution of the Republic of Sudan. This permanent constitution shall reflect all terms of this Agreement, and shall be adopted into law by the Republic of Sudan no later than eighteen [18] months after the coming into force of this Agreement.
- 93b. It is expressly agreed by all Parties that the incorporation of this Agreement into Sudanese law through amendments to the INC and the drafting and ratification of a permanent constitution reflecting the provisions of this Agreement are conditions subsequent to this Agreement. Should either of these two (2) conditions not be fulfilled according to the timelines established in Article 15 and the implementation annexes, the Parties shall convene immediately with the Implementation Follow-up Commission (IFC) to reach a solution to this issue.
94. ~~The Movements signatories of this Agreement shall be adequately represented in the National Constitutional Review Commission (NCRC) for the~~ <sup>Drafting</sup> ~~of a permanent constitution of the Republic of the Sudan.~~
- 94a. The SCC shall consist of seventy-five (75) members, including ten (10) members from each of the six (6) Regions of Sudan, and fifteen (15) members appointed by [the IFC].
- i. Members of the SCC from each of the six (6) Regions of Sudan shall be selected by the leadership of the Regional Governments within three months of the coming into force of this agreement.
  - ii. The SCC shall, before commencement of its work, elect a Chairperson from among its members by a simple majority vote, and shall make its own rules of procedure.
  - iii. A final draft of the Constitution shall be adopted by a two-thirds (2/3) majority of the members of the SCC, after which the SCC shall publicise and widely distribute the draft constitution and to encourage public debate on its provisions.

- iv. The final draft of the Constitution shall be presented to the people of Sudan for approval by popular referendum inclusive of all Sudanese. If at least seventy-five [75%] percent of votes submitted are in favour of the draft and the referendum is independently verified to be free and fair, the National Legislature of Sudan shall ratify the Constitution. If the referendum does not result in ratification, the members of the SCC shall consult with their constituents to determine the necessary changes and seek two-thirds majority approval in the SCC before re-submitting the Constitution for popular referendum.
  - v. The SCC shall carry out its responsibility in part by encouraging debate on the constitution through regular general public meetings in all parts of Sudan and through the media, and receiving proposals from the people of Sudan as it writes the constitution.
- 94b. The Commission shall ensure that the initial amendments to the INC are adopted and enter into effect under Sudanese law within six [6] months of the coming into force of this Agreement.
- 94c. The Commission shall also proceed diligently to draft the Permanent Constitution of the Republic of Sudan that shall be adopted and go into effect under Sudanese law within eighteen [18] months of the coming into force of this Agreement.
- 94d. The SCC shall appoint a panel of at least [x] experts in constitutional law. These experts shall advise the SCC on constitutional issues and provide a technical review of any constitutional Draft produced by the SCC.
- x. Appointment of a member of the panel of experts requires the approval of a majority of the SCC members.
- 94e. The SCC may also create, and appoint members to, any commission, technical committee, or advisory council to aid in the execution of its duties.
- x. Appointment of any member to any commission, committee, or council requires the approval of majority of the SCC members.
- 94f. The SCC shall ensure that the constitutional review process provides for political inclusiveness and public participation with particular focus on the inclusion of Internally Displaced Persons and Refugees.
- x. The SCC shall publicise a plan for political inclusiveness as part of a general public awareness campaign to educate the population of Sudan about the constitution drafting process and to encourage public participation in the constitutional process.
- 94g. The SCC shall present a complete draft of the initial amended INC and a new Permanent Constitution of the Republic of Sudan for ratification to the National Legislature of Sudan.

- x. It is understood that once both houses of the National Legislature have ratified the Commission’s draft amendments of the INC, the draft shall replace the current INC and the new INC shall remain in effect until the new Permanent Constitution of the Republic of Sudan is adopted and goes into effect.
- 94h. The Government of Sudan shall ensure that the terms of this Agreement are included in the Permanent Constitution of the Republic of Sudan, and all future Constitutions for the Republic of Sudan.

## CHAPTER III – WEALTH SHARING

### ARTICLE 16: PRINCIPLES FOR WEALTH SHARING

The Parties recognise the need for the following:

95. An economy that, among other objectives, ensures poverty mitigation, social justice, **and the equitable distribution of wealth and resources in a manner that ensures balanced and adequate standards of living levels for all the people of Sudan.**
96. ~~The need for federal government, fiscal federalism and the equitable share of Sudan's wealth, to enable each level of government to discharge its legal and constitutional responsibilities and duties to the people of Sudan. The Government of Sudan shall make necessary financial transfers for the benefit of Darfur~~**the people of all states to achieve the MDGs, in accordance with the processes and criteria established in this Agreement.**
97. All parts of Sudan have the right to just and balanced development with the recognition of **the urgent need to close disparities in development and** for the reconstruction of areas of ~~Darfur~~ affected by armed conflict, ~~and~~ giving special attention to **Internally Displaced Persons and Refugees** ~~displaced people by the creation of an environment that enables them to return voluntarily to their places of origin, or other places of choice, as set out in Chapter IV of this Agreement.~~
98. Adoption and implementation of integrated development projects for the settlement of Nomads, boosting the productivity of this sector, and organisation of the relationships between farmers and herders so as to ensure security, stability and development for all.
99. ~~The concept of Sudan's wealth shall be defined to include natural and human resources, historical and cultural heritage~~ **and** financial assets including credit and public borrowing (international and domestic) ~~and international aid and grants.~~ It also includes means, institutions, policies and opportunities contributing to wealth generation and distribution as well as material resources, government revenues, **profits of government** institutions' profits and other resources.
100. ~~The generation and distribution of wealth of Sudan constitutes a vital element whose generation and distribution are greatly influenced by government institutions, policies and programmes. Therefore, the fair~~ **effective** participation of Darfur **and all other Regions of Sudan** in decision-making, **based on the principle of proportionality,** ~~concerning policies and institutions regulating the generation and distribution of wealth that affect its social and economic interests~~ is fundamental and shall be promoted **by, among other initiatives, extending public credit to small producers and rain-fed agriculture.**
101. ~~Human resources development shall constitute a means and objective for economic and social development policies. These policies shall be drawn and implemented to develop the educational system and to secure access by the population of Darfur, without discrimination on the basis of race or gender, to equal opportunities to education and training within the~~

~~Region and the country. Special efforts shall be exerted to eliminate illiteracy among women.~~

102. ~~All Sudanese people shall have the following equal rights:~~
- ~~i. Safety from hunger;~~
  - ~~ii. Sustainable means of living;~~
  - ~~iii. Access to potable water;~~
  - ~~iv. Access to quality education;~~
  - ~~v. Access to health and other social services;~~
  - ~~vi. Adequate access to public utilities and infrastructures;~~
  - ~~vii. Equal access to development and job opportunities;~~
  - ~~viii. Free access to markets;~~
  - ~~ix. Protection of property;~~
  - ~~x. Promotion and protection of cultural heritage~~
  - ~~xi. Restitution and/or compensation for property lost to those affected by the conflict;~~
  - ~~xii. Review of administrative measures which affect livelihood.~~
103. An effective system for the distribution of wealth, based on transparency and accountability ~~is necessary, and the Government of Sudan shall take~~ ~~A~~affirmative action ~~shall be taken~~ in economic policy to address past disadvantages resulting from ~~the historical marginalisation and long years of underdevelopment of the people of the Regions~~ ~~harm caused by the conflict.~~
104. ~~Wealth sharing and distribution shall be based on the premise that a~~All parts of Sudan are entitled to fair and equitable development. Acknowledging that poverty is common in Sudan, in general, and ~~in~~ Darfur, in particular, a nation-wide strategy for poverty ~~eradication~~alleviation shall be adopted within the framework of the country's development policy to meet the Millennium Development Goals.
105. Darfur is in urgent and dire need for rehabilitation, reconstruction and development of physical and social infrastructures damaged as a result of the conflict and for the performance of basic governmental ~~al~~ functions and building up ~~of~~ civil administration. There should be a comprehensive assessment of such needs as a top priority requiring urgent implementation.
106. ~~The rehabilitation and reconstruction of Darfur are considered a priority. For this purpose, measures shall be taken to pay compensations to the population of Darfur, address grievances resulting from losses in lives and destruction, seizure or theft of properties as well as~~ ~~from~~ subsequent suffering.
107. ~~The development of economic and social infrastructures Darfur with the rest of the country.~~
108. Given that the financial resources and the expertise needed to ~~achieve the objectives set forth in this Agreement undertake such a process~~ are beyond Sudan's ability, ~~the~~ Parties should ~~may~~ augment the obligations for which the Government of Sudan is responsible according to this Agreement by seeking support from the international community; to fully

participate in this initiative, assist in the provision of the necessary finance and expertise, and contribute to meeting the needs identified for this purpose.

109. ~~The Regions of Sudan, including~~ Darfur ~~as a whole and in particular those areas in~~ **greatest need of construction or reconstruction shall be brought up to the level that will allow them to** ~~must~~ rapidly reach the Millennium Development Goals (MDGs). A programme ~~for development of basic infrastructure shall be formulated~~ **as soon as possible to accomplish this goal.** ~~to integrate Darfur with the rest of the economy.~~
110. ~~There is need to establish a special fund for reconstruction and development of Darfur under this Agreement.~~

#### **ARTICLE 17: POLICIES OF WEALTH SHARING**

111. ~~The ultimate goal of the national economic policy shall be to reach full employment through, *inter alia*, sound policies based on promotion of price stability, raising employment levels, promotion of sustainable economic development and eradication of poverty. Accordingly, National, social and economic policies, programmes and plans shall aim at ensuring that:~~
- i. Decent and dignified living conditions for all **people of Sudan, particularly in the war-affected areas of Darfur**, are promoted and improved without discrimination on grounds of race, colour, ethnicity, tribal, Regional or local affiliation, gender, religion, language or political and other opinions;
  - ii. **The people of the Regions** participate, through the different levels of government, and non-governmental organisations in the formulation and implementation of social policies required to create and distribute wealth, and in decision-making on revenue management and development;
  - iii. **The Republic of Sudan shall guarantee** Equitable and just representation based on the principle of proportionality in all **Government of Sudan** institutions involved in wealth creation and distribution ~~is guaranteed~~, **especially for those in war affected Regions, in a manner consistent with the terms of this Agreement.**
112. National economic and social policies shall aim at realising the following objectives:
- i. ~~Creation and equitable distribution of wealth in all parts of Sudan consistent with the maintenance of macro-economic stability and sustainable development;~~
  - ii. Ensuring an equitable tax collection **from the private sector, not disproportionately from the poor**, and usage for the benefit of the **entire population of Sudan, including Darfur**;
  - iii. ~~Decentralisation~~ **Devolution** of decision-making process on development issues, service delivery and governance;
  - iv. Provision of safe, secure and open access to markets, goods and services with a view to:
    - a. Securing a conducive environment for foreign investment;
    - b. Acknowledging social and cultural diversity;
    - c. Promoting social care and stability;
    - d. Addressing environmental deterioration;

e. Implementing sustainable development principles.

113. ~~National and Regional~~ Economic policies shall be formulated so as to create a conducive and transparent environment for the participation of the domestic and foreign private sectors in the development of Sudan in general and Darfur in particular. ~~National and Regional legislation shall be reviewed and amended, as appropriate, to attract investments.~~
114. ~~National and Regional~~ Economic policies shall be geared towards promoting export from Darfur ~~and other marginalised Regions~~ to national and international ~~financial~~ markets.
115. Financial and monetary policies, especially the banking system, shall be reviewed to meet the needs of sustainable growth and balanced development; and to increase the access opportunities to international financial markets. ~~The assistance and expertise of public international banking and finance institutions shall be requested by the Government of Sudan to help formulate monetary and financial policies that are consistent with international best practices and norms.~~
116. The Bank of Sudan ~~is committed to drawing~~ shall create policies and innovative financial methods to encourage financial institutions, commercial banks and specialised government banks (Agricultural Bank, Bank of Nileen for Industrial Development and others) ~~to expand their activities to provide loans and capital to encourage the development of the Regions of Sudan to counteract their historical economic marginalisation .~~
117. ~~Human resources development shall constitute a means and objective for economic and social development policies.~~ Policies shall be drawn and implemented to develop the educational system and secure access by the population of Darfur, without discrimination on the basis of race ~~or~~, gender, ~~tribal affiliation, or any other means of discrimination inconsistent with the ICCPR,~~ to equal opportunities to education and training within the ~~States Region~~ of Darfur and the ~~other Regions of the country.~~ Special efforts shall be exerted to eliminate illiteracy among women.
118. Ensuring the promotion and fostering of research and development, especially promotion of technology in the fields of agriculture, animal husbandry, small industries, handicrafts, mining, environment and energy with emphasis on renewable energies, ~~is critical to economic development in Sudan.~~
119. Policies shall be adopted ~~by the Government of Sudan and the governments of the Regions and states,~~ to ensure the effective protection and rehabilitation of the environment, in particular with regards to the restoration of forests. ~~This will involve the adoption of sustainable development and environmental best practices.~~
120. ~~Policies shall be adopted by the Republic of Sudan and implemented through legislation to ensure~~ the development and upgrading of the agricultural sector, including livestock, with due respect to the nomadic culture and sustainable natural environment. ~~The Regional Government of Darfur shall be solely responsible for ensuring that economic policies~~

regarding economic development in Darfur's agricultural sector do not endanger the livelihood of nomadic cultures.

121. ~~The topmost priority in the implementation of this Agreement shall be~~ Policies shall be adopted by the Government of Sudan and implemented through legislation to address the needs of the areas affected by the conflict with special attention to the Internally Displaced Persons, and other war affected persons, to provide basic services and security needed to enable them return to their place of origin in safety and dignity. The chapters on Compensation, Return of IDPS and Refugees in this Agreement set out principles and processes for restitution of property and assistance for the full integration of the returnees into their communities, including restoring their rights to land property and compensating them for the damages and losses caused by the war.
122. Special focus shall be put on the Darfur women who are involved in all areas of activity and constitute the bulk of the labour force, especially in the agricultural and animal resource sectors, in addition to being heads of households particularly among Refugees and Internally Displaced Persons ~~and migrants~~ and to the fact that Women's situation in all these areas has been worsened by the war, which has had a particularly deleterious impact on them and children, ~~mainly on their means of livelihood~~. Concrete measures shall be taken to address their economic concerns by making available balanced education, and introducing appropriate technology, as well as to ensure their equal and effective participation in all programmes for economic development, rehabilitation and reconstruction as well as in the commissions, committees and bodies established pursuant to this Agreement.
123. ~~It is highly important to recognise~~ Traditional and customary rights, including "hawakeer" and land historical rights, shall be respected on a sound and sustainable basis to secure means of living and development in Darfur. This Agreement aims to establish the mechanisms needed for the recognition and protection of such rights, with due regard to ensuring respect of international and regional human rights standards.
124. The Parties agree to ~~A mechanism shall be set up~~ establish a mechanism within the Regional Government of Darfur to define the processes of ensuring the utilisation and monitoring of lands and other natural resources in a sustainable manner. The said mechanism shall ~~ensure consultation~~ protect the rights of all people affected by land development or natural resources utilisation, and take their views into consideration ~~when~~ before any such development process is implemented. Persons whose properties have been damaged or whose lives have been affected as a result of land or natural resources development, arbitrary deprivation of property, or illegal land seizure shall be entitled to full and effective compensation.
  - x. The function of ensuring the utilisation and monitoring of lands and other natural resources in a sustainable manner in Darfur will initially be performed by the Darfur Land Commission.
125. The land management structures and institutions shall be developed by the Parties and legally supported by implementing legislation to promote sustainable development and address



environmental degradation issues ~~according to the Land Use Map Plan, taking into account historical experiences in this respect.~~

126. Darfur is geographically remote from the centre, lacks infrastructures including roads, railways, bridges and dams, and therefore requires effective development and investment, which shall be facilitated by reforms, legal exemptions and incentives **including, but not limited to**, the following:
- i. Full exemption of customs duties and other fees for importing materials for construction and development in Darfur;
  - ~~ii. The Government of Sudan shall bear custom duties as well as other duties and fees payable on materials imported for national development projects in Darfur and projects funded by the Federal Government or by way of loans;~~
  - ii. The Investment Promotion Law shall be amended to provide for more incentive ~~privileges~~ for investment by foreign and local companies in the Darfur **Region States**, such as granting these companies exemption from **national** taxes on business profits.

**ARTICLE 18: GENERAL PROVISIONS FOR RECONSTRUCTION AND DEVELOPMENT OF DARFUR**

127. The reconstruction and development efforts in Darfur shall be ~~backed~~ **supported** through substantial, guaranteed and regular monetary transfers by the Fiscal and Financial Allocation and Monitoring Commission (FFAMC) as **provided** ~~detailed~~ hereafter as well as through other national **and regional** resources and foreign aid.
128. ~~Darfur is in need of an~~ During the Transitional Period, ~~to move quickly from war to peace, therefore,~~ **legislation and programmes shall be implemented on the national and regional level to reconstruct and develop the economy of the Region.** ~~from humanitarian assistance phase to reconstruction, economic recovery and development phase.~~
129. **During this** Transitional Period, and in order to realise the above-mentioned objectives, Darfur needs resources, which are considerably beyond its ability to mobilise at the local economic level in the short term. Therefore, it shall be assisted in its efforts through secure and regular financial transfers ~~by~~ **from** the National Revenue Fund and other national resources in addition to foreign aid. **Development assistance will be coordinated through the mechanisms of the Darfur Reconstruction and Development Fund.**
- 129a. No development projects shall be undertaken in Darfur without (1) the authorisation of the Regional Government of Darfur and (2) the consent of all populations affected by development projects as expressed by their designated representatives; nor shall development projects commence without full and effective prior efforts to inform both the RGD and the affected populations of any potential consequences of the processes involved in such projects and the consequences of the completed projects.
- 129b. No contract or other agreement relating to any development project undertaken by any entity, foreign or domestic, within Darfur shall preclude any individual harmed in any way by such development project, either during the process of its realisation or after, from seeking legal or

economic redress for such harm. Any contract or other agreement containing such a clause or otherwise construed to have such effect shall be considered void with regard to the effect of this provision. This shall not preclude an entity involved in a development project from indemnifying itself or otherwise transferring liability to a third party.

**ARTICLE 19: MICRO-FINANCE SYSTEM**

130. A micro-finance system (MFS) shall be established in Darfur to provide the required funding for the ~~income-generating~~ activities ~~that will generate income for the people of Darfur that are envisaged to grow~~, through small loans accessible to individuals and groups without the collateral requirements applicable in the traditional banking system.
131. The ~~MFS management of this system established by virtue of this Agreement~~ shall ~~offer financing unsecured or secured by~~ ~~create a number of~~ untraditional collaterals, to ~~provide easy access the people offer~~ the ~~targeted population of Darfur~~, such as small producers, individual entrepreneurs, women, self-employed individuals, and others in need of financial assistance, including Internally Displaced Persons, Refugees or others returning to Darfur. ~~particularly returnees receiving such financing.~~
132. The MFS will provide beneficiaries of micro-financing ~~shall receive~~ the required training to build their productive capacity ~~through government financing in the areas of~~ ~~including training in~~ administration and ~~enhancement of~~ technical skills in their ~~beneficiary's respective fields through sessions in~~ group dynamics, project identification, basic business management, credit management and functional literacy classes.
133. The MFS shall give particular importance to women's income generating activities.
134. Within [6] months following the coming into force of this Agreement, the Government of Sudan will incorporate the MFS with a charter and by-laws consistent with the provisions of this Agreement and as approved by the DTG. Upon its incorporation ~~the Government of Sudan Federal Government shall~~ shall be obligated to contribute an amount of US\$ ~~40250,000,000 (US dollars one two hundred and fifty million)~~ in cash to ~~representing~~ the capital of the MFS. These funds will be paid in three (3) equal instalments – one-third (1/3) when the MFS is established and one-third (1/3) on the second and third anniversaries of the coming into force of this Agreement. The payment of these funds will be guaranteed by irrevocable letters of guarantee from the Central Bank of Sudan.
135. The Parties shall encourage banks working in micro-financing to give priority to Darfur.
136. The Parties shall draw up the statute and rules of procedures of the MFS, ~~the provisions of which in a manner that shall~~ guarantees its transparency as well as its independence as a separate entity, with the participation of specialists in the field of micro-financing. The statute of the MFS will provide that it will be governed by a Board of Directors named by the RGD and composed of [one] member of the Government of Sudan, [one] member nominated by the Darfur Transitional Government, and [six] members chosen by the RGD who shall be independent of any governmental entity or political party in Sudan. These independent

members shall be selected from among persons with experience and competence in financing and economic and social development. The Board of Directors will elect its Chairperson from its members and elect the executive officers of the MFS. The Board of Directors shall be responsible for the oversight and control of the MFS in accordance with best practices and report to the RGD at least quarterly on the business and affairs of the MFS.

137. The MFS may receive support from organisations specialised in the field of micro-financing and others without conditionalities.

#### **ARTICLE 20: SOCIAL SERVICES**

138. In addition to the transfers from the FFAMC, the Federal Government shall contribute to the DTG an amount of US \$ ~~225~~300,000,000 (US dollars ~~two hundred twenty five~~three hundred million) payable within a period of three years following the coming into force of this Agreement, in three equal instalments, to support social services activities in Darfur. The payment of these funds will be guaranteed by irrevocable letters of guarantee from the Central Bank of Sudan, and will be transferred directly to the Darfur Revenue Fund. The DTG shall guarantee that the funds will be spent on social services. The Government of Sudan shall pay the amount as follows:

- i. An amount of [US \$100,000,000] (US dollars) within six months following the coming into force of this Agreement;
- ii. An amount of [US \$100,000,000] (US dollars) on or before the second anniversary following the coming into force of this Agreement; and
- iii. An amount of [US \$100,000,000] (US dollars) on or before the third anniversary following the coming into force of this Agreement.

#### **ARTICLE XX: NATIONAL RECONSTRUCTION AND DEVELOPMENT FUND (NRDF)**

- 138a. A member of the DTG/Regional Government of Darfur shall be a member of the NRDF Steering Committee.
- 138b. The Presidency of Sudan shall review the functioning and composition of the NRDF and shall reform the institution, as necessary, to ensure its fair and balanced representation of the interests of all Sudan's Regions.

#### **ARTICLE 21: THE DARFUR RECONSTRUCTION AND DEVELOPMENT FUND (DRDF)**

139. By virtue of this Agreement, within six [6] months of the coming into force of this Agreement, a multi-donor Trust Fund shall be established, known as the ~~in which~~ the Darfur Reconstruction and Development Fund (DRDF) shall be integrated, and it shall carry the same name, after addressing the imbalances and making the necessary reforms in the structure and functions of the existing DRDF. The DRDF shall be a new mechanism, distinct from, and unrelated to, any prior DRDF or other similar mechanisms. The DRDF shall remain in existence for 15 years, unless its mandate is extended by the Regional Government

of Darfur. All funds remaining in the DRDF upon its expiration shall be transferred to the Darfur Revenue Fund.

- 139a. The DRDF shall raise and collect funds from domestic and international donors for the reconstruction and rehabilitation of the infrastructure of Darfur and to address past imbalances in Regional development and infrastructure. The DRDF shall disburse funds to the Darfur Development Commission for development and reconstruction related projects.
- 139b. Individual issue-specific funds may be established as sub-funds of the DRDF, and may allocate general funds to specific issues based on individual donors commitments and needs.
140. ~~The DRDF Fund shall operate under the supervision of a committee~~ shall be managed and controlled by a Board of Directors, which shall be composed of ~~representatives from the Federal Government, the Governments of the Darfur States, the signatories of this Agreement and donors.~~ [3] members nominated by the Government of Sudan, [3] members nominated by the Darfur Transitional Government, [6] members nominated by other countries who are signatories to this Agreement or who are donors to the DRDF.
- 140a. The day-to-day operations of the Fund will be managed by an Executive Director nominated by the Movements and endorsed by the Board of Supervisors. The Executive Director will be appointed for a term of [4] years and may serve no more than [2] terms. The Executive Director may only be removed prior to the expiration of his/her appointment through a two-thirds (2/3) majority vote of the Board of Supervisors.
- 140b. The governing rules and oversight of the DRDF shall be adopted by the Board of Supervisors and will be in accordance with international best practices. A monitoring and evaluation system shall be established to ensure accountability, transparency, efficiency, equity, and fairness in the making of grants. The DRDF will prepare and publish an annual audited report to ensure transparent accounting and reporting and to prevent corruption.
141. ~~The operational procedures of the Fund shall be determined by the Darfur Joint Assessment Mission~~
142. ~~The functions of the Fund include, but not limited to, the following tasks:~~
- ~~i. Financing return and resettlement;~~
  - ~~ii. Redress development imbalances, especially in the fields of infrastructures and realization of the Millennium Development Goals;~~
  - ~~iii. Establishing financing mechanisms to meet the special needs of and ensure equal access of women, children and orphans in particular. Such mechanisms shall include, but not limited to, the provision of loans, investment opportunities, strengthening of productive capacities, production inputs and capacity building for women's benefit.~~

#### **SEED MONEY FOR DRDF**

143. In addition to the share of Darfur in the transfers made by the Fiscal and Financial Allocation and Monitoring Commission, ~~as provided below~~ the Government of Sudan shall pay to the DRDF ~~allocate~~ US \$ ~~2,000,000,000~~ 3,500,000,000 (US dollars ~~two~~ ~~three~~ billion five hundred million) from the National Revenue Fund. An amount of US \$ ~~2500,000,000~~ (US dollars ~~two~~ ~~five~~ hundred million) of the aforementioned amount shall be paid to the DRDF ~~deposited~~ immediately after the coming into force of this Agreement as seed money ~~in~~for the Darfur Reconstruction and Development Fund. The payment of these funds will be guaranteed by irrevocable letters of guarantee from the Central Bank of Sudan. The Government of Sudan shall pay the balance as follows:

- i. An amount of US \$ ~~3700,000,000~~ (US dollars ~~three~~ ~~seven~~ hundred million) by the first anniversary following the coming into force ~~in the year following the coming into force of this Agreement;~~
- ii. An amount of US \$ ~~3700,000,000~~ (US dollars ~~three~~ ~~seven~~ hundred million) by the second anniversary following the coming into force ~~in the third years~~ of this Agreement;
- iii. An amount of US \$ ~~3600,000,000~~ (US dollars ~~three~~ ~~six~~ hundred million) by the third anniversary following the coming into force ~~in the fourth years~~ of this Agreement;
- iv. An amount of US \$ ~~4500,000,000~~ (US dollars ~~four~~ ~~five~~ hundred million) by the fourth anniversary following the coming into force ~~in the fourth years~~ of this Agreement;
- v. An amount of US \$ 500,000,000 (US dollars five hundred million) by the fifth anniversary following the coming into force ~~in the fourth years~~ of this Agreement.

143a. The RGD and the Government of Sudan shall seek additional money for the DRDF from the Qatari Government and the international community in order to initiate quick-start impact programmes, capacity building programmes in the key areas of economic governance, and relief-related institutional and physical infrastructure projects.

## **FISCAL FEDERALISM AND INTERGOVERNMENTAL RELATIONS**

### **ARTICLE 22: IDENTIFYING FINANCIAL RESPONSIBILITIES AT THE NATIONAL AND STATES LEVELS**

144. National revenues shall be allocated to the Federal, ~~Regional, state and local Government and state Governments in~~ conformance with the principle of proportionality ~~proportion to their constitutional responsibilities in order to ensure the effectiveness of federal governance,~~ Notwithstanding the prior sentence, due regard shall be given to the specific need of Darfur for a greater share of the national wealth due to past neglect and the recent damaging conflict.

144a. The Fiscal and Financial Allocation and Monitoring Commission (FFAMC) and the Darfur Regional Allocation and Monitoring Commission (DRAMC) established in this Agreement shall ensure accountability, transparency, efficiency, equity, and fairness in the transfer of funds from the Government of Sudan to the DTG and Regional Government of Darfur.

145. Projects with specific figures shall be implemented in ~~the fields of~~ infrastructure, basic services, agricultural, industrial and touristic development for the reconstruction of Darfur.
146. ~~Responsibilities concerning expenditures and revenues shall be distributed at the national, Regional and state levels of governance in accordance with the following principles:~~
- i. ~~Assignment of expenditure function to the level of government whose jurisdiction closely reflects the geographical area served by that function;~~
  - ii. ~~The delivery of a particular service (expenditure assignment) may be carried out exclusively by a given level of government, or concurrently by two or more levels;~~
  - iii. ~~To the extent feasible, Regional and State governments shall endeavour to pay for the services delivered to people living in a given **their respective** geographical area from revenues raised in the said area;~~
  - iv. ~~Regional and State governments shall have the right to identify the revenue base structure, tariffs level or tax rate collected without intervention by the **Government of Sudan**.~~

## **ARTICLE 23: ASSIGNMENT OF REVENUES RULES AND BASES**

### **REVENUES RULES**

147. All revenues collected at the national level or by the Government of Sudan, including revenues of all Ministries, revenues from the extraction or sale of gold, oil, **and other natural resources**, ~~Administrations~~ and the Government's share of the profits of any institution or company or any other entity, whether resulting from commercial, investment or other activity, shall be paid into the account of the National Revenue Fund (NRF) administered by the Ministry of Finance. This fund **will include and control** ~~covers~~ all accounts, including sub accounts into which any moneys due to the **Government of Sudan** are collected, recorded and deposited.
- 147a. All revenues generated pursuant to the authority of the Regional Government of Darfur, the DTG, or any subdivision or state of Darfur, are to be retained by Darfur and collected, recorded, and deposited in a newly established Darfur Revenue Fund (DRF), constituted to mirror the function of the NRF, but as an independently functioning and mandated entity.
148. At the end of each fiscal year, all levels of ~~governance~~ **ment** and their ~~subsidiaries~~ **subdivisions** shall make public through legislative bodies, a comprehensive **audited** report using generally accepted chart of accounts detailing all tax and non-tax revenues as well as all expenditures (annual financial report). ~~†To ensure transparency and accountability by the legislature, any and all legal violations or misappropriation of funds found in any budget shall be referred to the National Judiciary by the Auditor General.~~

### **REVENUES BASES**

149. **As provided in Article 193 of the Interim National Constitution (INC)**, the Federal Government of Sudan may legislate to collect revenues or taxes from the following sources:

- i. National personal income tax;
  - ii. Corporate or business profits tax;
  - iii. Customs duties and imports taxes;
  - iv. Seaports and airports revenues;
  - v. Service charges;
  - vi. Oil, mining and electricity revenues;
  - vii. National Government institutions, commercial activities and projects revenues;
  - viii. Value added tax and or general sales taxes, or on whole/retail sales and other retail taxes on goods and services;
  - ix. Excise duties;
  - x. Loans, including borrowing from the Central Bank of Sudan and from the public;
  - xi. Grants and foreign financial aid;
  - xii. Any other taxes set by the National Legislature.
150. The Regional Government of Darfur State Governments shall be entitled to collect and manage revenues or taxes from the following sources raise and administer the following:
- i. Land and property taxes and royalties;
  - ii. Service charges for state services;
  - iii. License fees;
  - iv. The Region of Darfur's States' personal income tax;
  - v. The States' Region's share of oil revenues and other natural resources produced in the Darfur States;
  - vi. Darfur States projects, commercial activities, institutions and natural reserves;
  - vii. Stamp duties;
  - viii. Agricultural taxes;
  - ix. Levies on Tourism taxes;
  - x. Foreign Grants-in-aid and foreign aid;
  - xi. Excise taxes;
  - xii. Other Regional taxes enacted by the Regional Government of Darfur State legislations;
  - xiii. Local and foreign loans and borrowing in accordance with the creditworthiness in the framework of a macroeconomic national policy and approved and guaranteed by the Central Bank;
  - xiv. Livestock tax;
  - xv. Subsidies provided by the State Government of Sudan and the foreign financial aids;
  - xvi. Allocations from the National Revenue Fund;
  - xvii. Revenues from border trade charges or levies in taxes accordance with national legislation. to the Federal Legislation.
  - xviii. Any other tax as may be determined by law.
- 150a. Within 6 months following the coming into force of this Agreement, the Government of Sudan shall adopt legislation and take any other necessary action to grant the Regional Government of Darfur the right to collect and/or receive revenue as provided in this Agreement.

151. The Government of Sudan will take no action in the Region of Darfur that interferes with the collection or receipt of revenue from the sources set forth in Article [x] of this Agreement. ~~The Darfur States shall conclude agreements to enhance resources mobilisation and management within their jurisdiction and powers.~~

**ARTICLE 24: ZAKAT CHAMBER**

152. ~~All Zakat money collected in Darfur shall be spent within Darfur.~~
- 152a. The Central Zakat Authority shall transfer all funds collected at the national level to the states' Zakat authorities, in proportion to the percentage of each states' population below the poverty line in the given year, as determined by the Census Bureau, and verified by international experts. The Darfur States Zakat Authorities shall target these funds toward people below the poverty line, including the provision of services to IDPs and Refugees, with particular focus on providing for the building of wells, the provision of medical services, public education, and other social programmes.
- 152b. In addition to any funds provided to the Darfur States' Zakat Authorities under paragraph [xx] above, all money collected through Zakat in Darfur shall be spent within Darfur for the Transitional Period.
153. ~~The Central Zakat Chamber, under Article 38(A) of the 2001 Zakat Law implement programmes and projects in favour of poor families, particularly displaced persons and Refugees, in various services, such as digging wells, providing medical devices and equipment, education and other productive projects in line with the poverty level in Darfur.~~

**ARTICLE 25: INTERGOVERNMENTAL MONETARY TRANSFERS**

**FISCAL AND FINANCIAL ALLOCATION AND MONITORING COMMISSION (FFAMC)**

- 153a. The Fiscal and Financial Allocation and Monitoring Commission (FFAMC), established by article 198 of the Interim National Constitution, shall be re-constituted to reflect the terms of this Agreement. The FFAMC shall have the responsibility of monitoring the activities of all federal government agencies and entities to ensure that all government revenues are deposited into the National Revenue Fund.
- 153b. The new organisational structure of the FFAMC, and all other provisions contained in this article and otherwise relating to the FFAMC in this Agreement, shall be established through implementing legislation within [6] months of the coming into force of this Agreement. According to the new FFAMC law, the Chairperson of the FFAMC will be appointed by the President with approval from the Council of States and can only be removed from office during his/her term of appointment for good cause, and any removal must be approved by the Council of States. The Chairperson must be independent, credible, trustworthy and professionally sound.



- 153b1. Upon the establishment of a regional government in each of the six (6) Regions, that Regional government shall be permitted to notify the FFAMC that transfers previously made to the states of that Region are to be re-directed to the Regional government.
- 153b2. All revenue transfers from the Government of Sudan to the Regional Government of Darfur, its sub entities, or the Darfur states, required by the terms of this Agreement shall be automatically withdrawn from the NRF and deposited in the DRF on a regularly scheduled and timely basis, unless otherwise provided in this Agreement. The FFAMC shall provide the public with a summary of the status of all revenue transfers required by this Agreement at the end of each fiscal quarter. The quarterly summaries shall be published and distributed, at a minimum, to the finance ministries or equivalent budget managing bodies of all Regional, state, and local governments.
- 153c. The FFAMC leadership shall include the National Minister of Finance, the National Auditor General, and the Governor of the Bank of Sudan, the Regional Ministers of Finance and the finance minister from each of Sudan’s states.
- i. The Chair of the Commission shall be nominated by the President of the Republic of Sudan.
  - ii. A quorum of the Commission shall require the presence of a majority members or more. The Commission shall make decisions by majority vote of those present.
  - iii. The Commission shall make public all formula and data used to calculate fund allocations. This information shall be included in the Commission’s quarterly reports to the Presidency, as required by article 198 (6) of the INC, and quarterly and annual reports shall also be distributed to the National Legislature, the regional governments, and the government of each state within Sudan.
- 153d. The Sudan Anti-Corruption Agency (SACA) shall have broad powers to investigate findings, reports, or allegations of corruption, throughout Sudan, and shall pay particular attention to the transfers between the levels of Government to ensure they are made without the influence of corruption. The SACA shall, at its discretion, but no less than every [twelve] months, review the FFAMC’s financial records, asset declarations, and procurement policies.
- 153e. The FFAMC shall be organised as follows:
- i. Monitoring: audit and accounting functions related to ensuring all national public revenues are deposited in the NRF and that appropriate payments are made in a timely fashion to the Regions/states;
  - ii. Public Finance: develop formulas for the vertical and horizontal distribution of national public revenue; analyse the impact of these distribution formulas; and determine whether disparities are sufficiently accounted for and if not, adjust the formulas as necessary;
  - iii. Data Management: collect and manage FFAMC data and as develop software to facilitate staff access to, analysis of and reporting the data;
  - iv. External Relations: manage the relationships with other stakeholders; and;

- v. Support Staff: manage the staff responsible for the logistical and other functions of the FFAMC.
- 153f. The FFAMC shall constitute and appoint a panel of experts that will be commissioned to advise the FFAMC on the share of national revenues in the NRF to be allocated to the Regions / states to address issues of vertical and horizontal imbalances and to determine the criteria of the transfers from the National Fund to the Regions/states.
- i. The members of the FFAMC shall nominate five experts to the panel. Each expert shall be approved by a majority of the FFAMC members. The experts shall be representative of the population of Sudan. Foreign experts may also be appointed if desired. Each expert shall serve a non-renewable term of four years and shall be removable with a 65 percent majority vote of the FFAMC members.
  - ii. The panel of experts shall present their initial recommendations in a report to the members of the FFAMC within [x] months of the coming into force of this Agreement. Subsequent reports will be issued annually.
  - iii. The FFAMC shall approve the panel's recommendations by a simple majority vote.
  - iv. If the panel's report is approved, the FFAMC will be bound to implement the formulas for resource allocation contained therein.
- 153g. Initially, a minimum of [50] percent of the National Revenue Fund will be allocated to the Regions/states to address issues of vertical and horizontal imbalances, with future adjustments tied to scientific studies by the panel of experts and future devolution of powers and responsibilities to the Regions/states.
- 153h. In addition, new legislation regarding the FFAMC shall include provisions for:
- i. Budget allocations to the FFAMC from the National Revenue Fund (NRF).
  - ii. A clause of entitlement, allowing the FFAMC the right to a budget allocation annually.
  - iii. A clause of quantum, allowing the FFAMC the right to a specified sum from the NRF for its running expenses.
  - iv. In order to support the monitoring responsibility of the FFAMC to ensure that all government revenues are deposited in the National Revenue Fund, a clause allowing the FFAMC access as a right to any information held by any government department, company, organisation and any other government entity that may be needed for the work of the FFAMC. This information will be provided without question and free of charge.
  - v. Intervention techniques to be employed by the FFAMC in the course of its duties, including:
    - a. The appointment of special audits to be conducted by either the Auditor General or professional audit firms;
    - b. The appointment of special formal enquires;
    - c. The appointment of forensic audits to be conducted by either the Auditor General or private audit firms; and
    - d. Approaching the courts as necessary and appropriate.

**DARFUR REVENUE ALLOCATION AND MONITORING COMMISSION (DRAMC)**

- 153i. A Darfur Revenue Allocation and Monitoring Commission (DRAMC) shall be established by law within [x] months of the coming into force of this Agreement.
- 153j. The DRAMC shall consist of one Chair, the Minister of Finance of Darfur, and the Ministers of Finance for each state, and a representative of each local government.
- i. The Chair shall be appointed by the DTG and endorsed by the Regional Legislative Council.
  - ii. A quorum of the DRAMC shall be constituted with the presence of a simple majority of its members. The DRAMC shall make decisions by majority vote.
  - iii. The DRAMC shall make quarterly reports to the RGD. These reports shall include detailed information on all formulae and data used by the DRAMC as well as the amounts of transfers, and shall be made public.
  - iv. The Darfur Anti-Corruption Agency (DACA) shall have broad powers to investigate findings, reports, or allegations of corruption, throughout the Region, and shall pay particular attention to the transfers between the levels of Government to ensure they are made without the influence of corruption. The DACA shall, at its discretion, but no less than every [twelve] months, review the DRAMC's financial records, asset declarations, and procurement policies.
- 153k. The DRAMC shall have the following responsibilities:
- i. To establish formulae for the allocation of revenue from the Regional Government of Darfur to the state and local governments;
  - ii. To make financial transfers from the Darfur Revenue Fund to state and local revenue funds according to these formulae;
  - iii. To monitor financial transfers made by the FFAMC from the National Revenue Fund to the Darfur Revenue Fund;
  - iv. To submit reports to the Government of Sudan and the RGD on all allocations of revenue, all transfers from the DRF and by the FFAMC from the NRF to the DRF, including stating the regular amounts received through external finance and assistance.
- 153l. The DRAMC shall appoint a panel of experts to propose formulas for vertical allocation of resources between the Regional Government of Darfur and the states, and for horizontal allocation of resources between the states of Darfur.
- i. The panel shall be three (3) persons appointed by the DRAMC members, with a goal of ensuring the highest level of competency and integrity.
  - ii. The panel of experts shall present their recommendations in a report to the DRAMC within [x] months of the coming into force of this Agreement. Subsequent reports shall be issued annually.
  - iii. The DRAMC shall approve the panel's recommendations by a simple majority vote.

- iv. If the panel's report is approved, the DRAMC will be bound to implement the formulas for resource allocation contained therein.
- 153m. If the FFAMC fails to make timely and complete revenue transfers to the Darfur Revenue Fund, the RGD shall initiate proceedings in the Constitutional Court.
154. ~~A Fiscal and Financial Allocation and Monitoring Commission (FFAMC) shall be established by law. Also, a team of experts shall be appointed by law and commissioned to determine the criteria of the transfers from the National Fund to the States of Darfur. A representative of the DTF shall be member of the FFAMC.~~
155. ~~To accomplish financial equalisation, the FFAMC shall ensure that the interests and views of Darfur States are reflected, taking into account the interests of other Regions and States governments in Sudan. The Commission shall be structured to ensure the following:~~
- ~~i. — Optimal use and sharing of resources vertically and horizontally;~~
  - ~~ii. — Transparency and justice in the allocation of funds to the States of Darfur, and from the States to localities and administrative units;~~
  - ~~iii. — Monitoring and verification of the Government of Sudan's swift transfer of equalisation grants. The Commission shall submit reports to the Legislature.~~
156. ~~The Shares shall be directly transferred from the National Revenue Fund in accordance with the norms and bases defined at the State level with proportionate participation of all the Parties including the Movements in the technical committees, using the following criteria:~~
- ~~i. — Population according to the 2008 census;~~
  - ~~ii. — Underdevelopment rate (Health, Education, Infrastructures);~~
  - ~~iii. — Effort exerted by the State in collecting revenues;~~
  - ~~iv. — Impact of war;~~
  - ~~v. — Geographical size.~~
157. ~~A team of experts shall specify the weight of each criterion in the form of a percentage to serve as basis for calculating the share of each and every State.~~
158. ~~The FFAMC shall implement a transparent process whereby the timely payment of transfers to Darfur States is monitored while ensuring that the Federal Government does not retain Darfur States' funds or those of any other sub-government.~~
159. ~~The Darfur States may file a suit with the Constitutional Court, in the event that the Government of Sudan retains funds allocated to Darfur or does not allocate the funds set for them.~~
160. ~~The Darfur States governments shall submit reports to the Government of Sudan stating the regular amounts received within external finance and assistance.~~

**ARTICLE 26: FISCAL ENTITLEMENTS OF ~~DARFUR~~ THE REGIONS**

161. Within the context of the federal system, ~~the Regions of Darfur and its subordinate~~ States shall be entitled to, ~~but not limited to the following:~~
- i. Transfers of revenues collected at the national level in accordance with ~~Articles [x-x] of this Agreement relating to the FFAMC. the agreed criteria;~~
  - ii. Identifying sources for revenues and their collection in accordance with ~~Article [xx] of this Agreement, which relates to assignment of revenues;~~
  - iii. Revenues of the National Fund for Reconstruction and Development; and
  - iv. ~~Grants from~~ of the Multi Donor Trust Fund ~~discussed below.~~
162. ~~A system for g~~Grants of specific purposes shall be established, ~~with a view to realising for the achievement of~~ the Millennium Development Goals, ~~eradicating~~ ~~alleviating~~ poverty and realising gender equality ~~in Darfur.~~
- 162a. The Parties agree that the long term rehabilitation and reconstruction of Darfur will require significant financial resources, and that in light of the protracted conflict in the Region, Darfur has a specific need for a greater share of the national wealth of Sudan.
- 162b. In addition to the transfers provided for above, Darfur shall be entitled to an annual transfer of at least [5]% of the National Revenue Fund, for a minimum of [5] years following the coming into force of this Agreement.

**ARTICLE 27: EXTERNAL SOURCES OF FINANCING**

163. The Darfur Transitional Government and Regional Government of Darfur may act as independent entities in obtaining loans from national and international financial markets. ~~upon approval and~~ The DTG and RGD may use the guarantee of the Central Bank of Sudan in its loan agreements.
164. The ~~Region of Darfur and all of its subordinate~~ States shall ~~report to the Government of Sudan on all the amounts received within the framework of external financing and aid~~ include all amounts received from external borrowing and aid in the required Annual Budget report.

**ARTICLE 28: CAPACITY BUILDING**

165. Upon the coming into force of this Agreement, the Government of Sudan, through fair and equitable transfers to all civil society organisations, shall work with actors from the Darfur civil society organisations and other domestic and international organisations, to assist Darfur to work out and implement an advanced and comprehensive capacity building programme in the fields of public finance, relationships between government levels including the management of expenditures based on the values of transparency and accountability.

**ARTICLE 29: MONITORING AND ACCOUNTABILITY**

166. The DTG initially, and the Ministry of Finance of the Regional Government of Darfur when practicable, ~~Darfur States~~ shall prepare an annual budget based on ~~the Government Finance Statistics framework of the IMF~~ ~~Federal Government's financial statistics~~, which is submitted to the ~~State Legislature~~ ~~in of the Regional Government of Darfur~~ for approval or amendments. No modification or addition of any new allocation shall be made without the approval of the ~~Darfur Regional Assembly~~ ~~Darfur Legislature~~. Comprehensive interim reports shall also be prepared on the total revenues and expenditures. The method of preparing such reports shall be set in accordance with the criteria of transparency and accountability ~~at the national level~~, on the basis of the financial laws and the guidelines ~~by of the Auditor General~~ ~~National Review Office~~; and comprehensive reports should be prepared ~~and~~ in compliance with international standards.
167. Institutions in charge of monitoring the revenue distribution process include the following:
- i. The Fiscal and Financial Allocation and Monitoring Commission;
  - ii. ~~The Darfur Revenue Allocation and Monitoring Commission;~~
  - iii. ~~The National General Audit Office of the Auditor General / The State Regional General Audit Office;~~
  - iv. ~~The DTG initially, and the Regional Government of Darfur when practicable~~
  - v. The Darfur States Legislatures.

**ARTICLE 30: DEVELOPMENT POLICIES FOR DARFUR**

168. ~~National Development~~ policy ~~throughout Sudan~~ shall be based on the right of all parts of Sudan to ~~fair distribution~~ and giving special priority to the more deprived and affected parts of the country.
- 168a. To address the issue of competition for pasture and water between nomadic herders and farmers, the Regional Government of Darfur shall develop a comprehensive policy on the development of safe migration routes, the voluntary settlement of nomadic herders, and organisation and subsidisation of the relationship between farmers and nomadic herders so as to encourage strong economic relationships and maximise security, stability, and development for all Darfurians.
169. ~~Within this framework, Darfur shall aim at realising short term and medium term objectives in the fields of rehabilitation, reconstruction, construction and development taking into consideration urgent needs and the need to work out the basis for long term development. Special attention shall be given to programmes and projects which will enable Darfur to speed up the transition from relief to development.~~
170. A Darfur Reconstruction and Development Commission (DRDC) shall be established by virtue of this Agreement as soon as possible to implement the ~~The main~~ objectives of economic recovery and development in Darfur in the post conflict era, ~~which are based on~~

the Millennium Development Goals and guided by the needs set forth in provisions [XX] and [XX], and shall include but are not limited to the following:

- i. Reconstruction and development;
- ii. ~~Reinvigoration of Darfur's economy to enable it to integrate into the national economy and promote trade between the States, and neighbouring countries;~~
- iii. Rehabilitation of basic social services such as education, health and water supplies **in order to achieve the MDGs in the next five years;**
- iv. ~~Realisation of sustainable economic growth, fair development, social stability, improvement of access to social services;~~
- v. Combating poverty and raising economic capacity and awareness;
- vi. Creation of adequate employment opportunities;
- vii. Development of individual and institutional capacities in good governance with emphasis on accountability and transparency;
- viii. Development of physical infrastructure to improve access for the Darfur population to principal markets in Darfur, the rest of Sudan and in neighbouring countries and commitment to the implementation of the Western ~~Rescue~~**Salvation** Road with all **feeder roads**~~branches~~ within two (2) years in accordance with international **standards and specifications and measurements;**
- ix. ~~Establishment of a stable and transparent legal framework to encourage private, local, national and foreign investments;~~
- x. Development of technical and analytical capacities in major fields such as economic management, financial management and ~~purchases~~**procurement practices;**
- xi. Investment in education and scientific research to improve and develop human resources;
- xii. **Promotion of the production and development of alternative energy sources and reversal of environmental degradation and declining agricultural yields. Such policies include, but are not limited to, gradually shifting the emphasis of herders from quantity to quality, developing a framework for equitable access by various users of land and water resources, as well as developing research capacities in these areas.**

171. ~~The Parties recognise that Darfur, being historically deprived and having severely suffered from destruction caused by the war, is in dire need to:~~

- i. ~~Restore peace, security, and social stability;~~
- ii. ~~Carry out government functions more effectively;~~
- iii. ~~Strengthen the civil administration;~~
- iv. ~~Rehabilitate, reconstruct and construct physical, institutional and social infrastructures in post-conflict Darfur;~~
- v. ~~Implement a comprehensive structural reform of universities and institutions in Darfur to enable them to undertake their mission;~~
- vi. ~~Establish universities and national and foreign scientific and technical colleges to transform Darfur into a developed society in terms of technology, industry, agriculture and trade.~~

172. ~~Competition over pasture and water by nomadic herders and sedentary farmers is a serious problem in Darfur which shall be addressed in a comprehensive way by:~~
- ~~i. Developing policies and projects to curb environmental degradation, decline of agricultural crops productivity and improve livestock production;~~
  - ~~ii. Gradual shift of emphasis in nomadic herding, from quantity to quality in livestock production and animal husbandry;~~
  - ~~iii. Developing a framework for equitable access by various users of land and water resources;~~
  - ~~iv. Developing policies and projects aimed to establish strengthen agricultural, industrial and technological knowledge-based economy in the Region and States;~~
  - ~~v. Developing research capacities in these areas.~~
173. Negligence of the traditional rain-fed sector on which depend the Sudanese people, in general, and people of Darfur in particular, has led to increasing food imports, migration from the countryside to cities and the spread of famines and disputes. Therefore, policies and projects should be formulated and directed towards the traditional rain-fed agriculture which shall be considered a major priority national development project to attain the Millennium Development Goals.
174. ~~To the extent that they can be shown to be viable projects that benefit the people of Darfur and are consistent with the priorities set by the Darfur Reconstruction and Development Fund described below, the DRDC shall also be mandated to revive and supervise the following development projects:~~
- ~~i. West Savana Development Project;~~
  - ~~ii. Jabel Marrah Agricultural Project;~~
  - ~~iii. Jabel Marrah Thermal Energy Project;~~
  - ~~iv. Habeele Agricultural Project;~~
  - ~~v. Algalalah Jawazet Research Station;~~
  - ~~vi. Abu Hamra Agricultural Project;~~
  - ~~vii. Saq Alnaam Agricultural Project;~~
  - ~~viii. Umm Bayadha Project;~~
  - ~~ix. Wadi Hawar Water Valley Basis;~~
  - ~~x. Reduction of Drought and Deforestation Effects Project;~~
  - ~~xi. Popular Housing Project;~~
  - ~~xii. Agricultural research projects;~~
  - ~~xiii. Sugar production projects;~~
  - ~~xiv. Alradoom, Wadi Hawar and other reserves;~~
  - ~~xv. Um Agaga Project (Bahar Alaarab Development Project).~~
- 174a. ~~To the extent any of the projects are ultimately revitalised, they are to be revived using existing funds, and shall not limit or reduce the government of Sudan's other commitments under this Agreement. To the extent any of these projects are revived, they are to be revived immediately, with federal government permissions secured, where necessary, as soon as possible after the coming into force of this Agreement.~~



175. All government levels shall exert utmost possible efforts to bring human development in Darfur to national level in the context of endeavour to attain the Millennium Development Goals, in the shortest time possible.

**ARTICLE 31: RECONSTRUCTION, FOREIGN INVESTMENT AND DEVELOPMENT**

176. ~~Darfur needs fast transformation from war to peace to allow for creation of an environment conducive to move from the phase of humanitarian assistance to the phase of economic recovery and development.~~
177. ~~To support this transformation, the people of Darfur need resources that are far beyond the revenues they can mobilise internally. Therefore, Darfur needs assistance in these efforts through secure and regular financial transfers from the National Revenue Fund, as well as foreign aids.~~
178. ~~In addition to Darfur's share of the transfers by the FFAMC, the Government of Sudan shall be committed to use the following sources:~~
- ~~i. Darfur's share in reconstruction and development funds;~~
  - ~~ii. Darfur's share in funds related to the Government's commitment to the Darfur Joint Assessment Mission (DJAM). The Government's share shall be determined by the DJAM on the basis of the outcomes of the donors' conference to be convened following the completion of the Mission.~~

**FREEDOM TO INVEST**

- 178a. Foreign persons shall be subject to the same investment laws to which domestic persons are subject. Notwithstanding the above, to encourage the development of Sudanese expertise, capital, and human resources, a foreign person may own no more than 49 percent of a company in [x] sectors.

**TRANSFERS**

- 178b. The Government of Sudan shall permit the transfer abroad of the external funds invested in a project, together with the profits and revenues, in the same currencies brought in, or in any other transferable currency.

**TREATMENT**

**National Treatment**

- 178c. The Government of Sudan shall guarantee that foreign investors, shall have the right to treatment no less than favourable than it accords, in like circumstances, to Sudanese investors

**Most-favoured Nation Treatment**

- 178d. The Government of Sudan will not treat a foreign investor from one nation differently than a foreign investor from a different nation simply because the foreign investors are from different nation.

**Expropriation**

- 178e. Foreign investments shall not be subject to any act of nationalization, expropriation, requisition, or measures that have similar effects, except when the expropriation is for a public purpose, on a non-discriminatory basis, affords the investor fair and equitable treatment in accordance with due process of law and includes fair and equitable compensation for the investor's loss.

**Bilateral Investment Treaties**

- 178f. The Government of Sudan hereby agrees to establish an initiative designed to encourage the development and implementation of Bilateral Investment Treaties with foreign nations.
- 178g. Notwithstanding the provisions of this Agreement related to affirmative action for the marginalized Regions, the Government of Sudan hereby agrees that all investment related agreements signed by the Government of Sudan will endeavour to favour all Regions equally, to the best extent possible, while taking into account unique capacities of specific Regions and their respective comparative advantages.
- 178h. The Government of Sudan hereby agrees to work towards ratification and implementation of the protocols of the International Centre for the Settlement of Investment Disputes and the UN Commission on International Trade Model Law.
- 178i. The Government of Sudan hereby agrees to ratify and implement the New York Convention for the Enforcement of International Arbitral Awards.
- 178j. The Government of Sudan shall modify, as necessary, any domestic investment law currently in force to ensure its compliance with above standards for foreign investment. Additionally, all future domestic investment laws and investment agreements shall reflect these standards.

**ARTICLE 32: DARFUR JOINT ASSESSMENT MISSION (DJAM)**

179. The Darfur Joint Assessment Mission shall be established within [90] days of the coming into force of this Agreement to identify and assess the needs for humanitarian and development assistance, the return or resettlement and Reintegration of IDPs and Refugees; reconstruction of damaged shelter, property (public and private) and infrastructure, economic recovery, and poverty eradication in the aftermath of the conflict in Darfur and estimate the capacity of the states/Region of Darfur to meet these needs.
- 179a. The DJAM will complete its initial report within [six] months of the coming into force of this Agreement.

- 179b. ~~Such needs~~The findings of the DJAM shall be presented at a donors conference, sponsored by the State of Qatar, to be convened within three [3] months after the ~~coming into force of this Agreement~~ completion of the DJAM report. The purpose of the donor's conference will be to solicit pledges from the international community to address the needs identified by the DJAM. These funds will be placed in [the DRDF established in Article [21] of this Agreement] to be used to address the backlogs, disparities and developmental requirements of Darfur. These funds will be in addition to any funds obligated to the Government of Sudan by this Agreement.
- 179c. The DJAM shall work alongside the staff of the Darfur Development Commission and other Darfur reconstruction institutions and shall include representatives from international development and aid organizations and domestic and international NGOs.
180. ~~The Parties call upon the International Bank for Reconstruction and Development, The Darfur Development Bank, the United Nations, and the African Development Bank to lead the Joint Assessment Mission's activities, in cooperation with the Islamic Development Bank, the African Union, the League of Arab States, the Organisation of the Islamic Conference, Arab Funds, the European Union, the USA, the State of Qatar, and other interested countries, Regional and international economic organisations.~~The Parties shall invite the following institutions to play a leading role in the direction of the Darfur Joint Assessment Mission's activities: the International Bank for Reconstruction and Development, the United Nations Development Programme, and the African Development Bank. These institutions would work in cooperation with other participating institutions, such as the Islamic Development Bank, the African Union, the Organisation of the Islamic Conference, the Arab League, the Arab Funds, the European Union, the United States of America, and the State of Qatar. All participating institutions should be committed to participating in the Donors Conference established above in paragraph [x].
181. ~~Since the financial resources and expertise required to undertake such an operation are beyond Sudan's ability, The Parties call on the international community to urgently and fully participate in this initiative the Joint Assessment Mission and assist in the provision of necessary resources and expertise and partake in meeting the needs set for this purpose.~~ The Government of Sudan shall provide, immediately upon the coming into force of this Agreement, funding in the amount of USD \$[3] million as initial seed money for the functioning of the DJAM. Any additional funds required by the DJAM shall be solicited from the international institutions invited to participate in the direction of the DJAM, as provided for above.
182. The Parties to this Agreement shall be represented through the supervisory and technical committees of the DJAM.
183. Darfur development needs are to be assessed and addressed within five years to reach the millennium indices of development in social areas and infrastructures, and the budget required for the implementation of this programme determined.

184. Funds needed to complete the development projects identified by the DJAM shall be provided drawn from the DRDF. ~~In the event that these projects are not completed by the end of the Mission's mandate, they will be continued up to 2015 as part of the comprehensive efforts aimed at attaining the Millennium Development Goals.~~

**ARTICLE 33: GENERAL PRINCIPLES FOR DEVELOPMENT AND MANAGEMENT OF LANDS, *HAWAKEER* AND NATURAL RESOURCES**

185. ~~The boundaries of the land referred to in this section shall be those of Darfur mentioned in paragraph 80 of the power sharing chapter of this Agreement.~~
186. Since people of Darfur did not benefit from, or participate in the process related to, the 1925 Law on traditional and historical lands (*hawakeer*) settlement and registration, priority shall be given to ~~modifying~~ amending the laws to include the rights to land and its use in conformity with customs, traditions and heritage on land ownership, traditional livestock routes and access opportunities to water sources.
187. The lands granted under the investment laws, and for which the beneficiaries did not meet the conditions under which these lands were granted to them, shall return to their *status quo ante*.
188. The appropriate or identified government level shall exercise the rights related to the lands owned by the Federal Government in Darfur, without prejudice to the provisions of this Agreement.
- ~~189. All and other persons arbitrarily or unlawfully deprived of their possession or rights to land shall have their possession and rights restored and shall be fully and effectively compensated for the losses or damages accrued during the period of deprivation.~~
190. Mechanisms shall be established to ensure the sustainable management and use of lands and other natural resources. All people affected with land development and natural resources utilisation shall be consulted and their views taken into consideration. Individuals whose property or means of living have been negatively affected because of the development and exploitation of natural resources shall be entitled to full and effective compensation.

**ARTICLE 34: TRADITIONAL AND HISTORICAL LAND RIGHTS**

191. Land ownership regulation and use, and exercise of land rights are joint powers, which shall be exercised at the appropriate government level.
192. Tribal traditional land ownership rights (*hawakeer*), historical rights to land, traditional and customary livestock routes and access to water sources shall be recognised and protected. All government levels shall start a gradual development process and amend relevant laws to incorporate customary laws, traditional international trends and practices with due regard to ensuring conformity to international and regional human rights standards. To protect the cultural heritage, the closed traditional and customary livestock routes shall be re-opened or alternative routes shall be demarcated.

- 192a. The [DTG and/or the Regional Government of Darfur], in conjunction with the Government of Sudan, shall establish trans-boundary rights and right of way passages for nomadic herders to reduce the potential for disputes with agricultural farmers.
193. ~~Land laws amended in accordance with paragraph 192 above shall recognise and protect the historical, traditional or customary rights to land.~~ Traditional land tenure mechanisms in Darfur shall be considered consistent with the provisions of the Interim National Constitution, so long as the traditional mechanisms are not in contravention of international humanitarian law. To the extent that they conflict with the traditional *hawakeer* land tenure system, Sudanese laws shall be amended or repealed as they are applicable to Darfur.
- 193a. Any law and/or practice that allows the Government of Sudan to appropriate abandoned and/or unregistered land, including land not registered before a certain date, shall not apply in Darfur.
194. No individual or group of individuals shall be deprived of any land traditional or historical rights or of the right to have access to water sources without consulting them or fully and effectively compensating them **and providing a safe and adequate alternative source of water.**
195. Emphasis shall be laid on the **prompt** establishment of the Darfur Land Commission without prejudice to the country's judicial courts so as to address land traditional and historical rights, review land management and use and natural resources development, provided that the undersigned Movements take part in such Commission.

#### **ARTICLE 35: LOCAL COMMUNITIES' LANDS**

196. The Government of Sudan may only develop communities' lands through good-faith consultations with and the participation of the local communities that own such land or have rights thereto. The community shall be entitled to receive an equitable share of the revenue accrued from the development of this land; alternatively the affected community shall be compensated in kind and/or in cash.
197. The Government may act on or develop any land belonging to the local communities **in Darfur** provided that such an action or development has the consent of the **DTG** or the **RGD** and is in conformity with the Development Plan set in accordance with the Land Use Mapping Plan **and is approved by the community.**

#### **ARTICLE 36: LAND ALLOTMENT**

198. In accordance with paragraph 197 above, individuals in the local communities may register their customarily owned land as their own lands. The registration shall be free and shall be coupled with facilitated procedures and campaigns for raising public awareness.

**ARTICLE 37: LAND PLANNING AND SUSTAINABLE DEVELOPMENT**

199. Land planning and sustainable development [efforts of the Darfur Land Commission \(DLC\) established in Article \[38\] below](#) shall be subject to the following:
- i. Recognition of traditional rights (including *hawakeer*) and historical rights to land to ensure the safe and sustainable basis to livelihood and development in Darfur;
  - ii. Development of sustainable land system and resolution of disputes resulting from competition in land use;
  - iii. Linking of all lands in Darfur on the basis of the outcomes and planning of the Land Use Map, for the following purposes:
    - a. Housing;
    - b. Agriculture;
    - c. Grazing;
    - d. Mining;
    - e. Industrial development, including foreign investments;
    - f. Natural reserves [and other wildlife protections](#);
    - g. Seasonal transhumance (routes, pastures etc...);
    - h. Forests reserves and afforestation.
200. The Darfur Land Commission shall develop a Darfur ~~States~~ [Regional](#) Land Use Map and its outcomes and projections referred to in the paragraph 201 below and shall submit the plan as a recommendation to the [DTG/ Regional Government of Darfur](#) for approval. This plan shall be reviewed every five years.

**ARTICLE 38: DARFUR LAND COMMISSION**

- 200a. ~~Within [3] months following the coming into force of this Agreement, the DTG shall established a Darfur Land Commission (DLC) whose mandate will include, but shall not be limited to, settling land tenure disputes and making recommendations to the appropriate level of government concerning land reform policies and recognition of customary rights or customary land law. The Darfur Land Commission shall also address issues related to traditional and historical rights to land, registration of land, and land tenure. The DLC shall coordinate its efforts, as necessary, with the Property Claims and Restitution Commission.~~
201. ~~The Darfur Land Commission shall be established by law. The Darfur Land Commission Council shall be composed of representatives of the Darfur Regional State Government, historical leaders of the civil administration, local experts and a representative of the Government of Sudan the Federal Government. In making recommendations on land planning and development, the Council shall consult individuals whose rights may have been affected.~~
202. On the basis of the recommendations submitted by the Darfur Land Commission, the [Darfur Regional Assembly DTG Council](#) shall approve ~~the recommended~~ [Darfur Regional Land Use Map Plan](#).

203. Without prejudice to the courts' jurisdiction and its terms of reference, the Darfur Land Commission shall be empowered to consider land traditional and historical rights, registration and allocation.
204. The Darfur Land Commission shall **provide** ~~have~~ a system for planning the development of land and natural resources aimed at the following:
- i. Sound management and protection of natural resources, including agricultural lands, protected natural areas, forests and minerals, waters, towns and villages with a view to promoting the local communities' social and economic welfare and the establishment and the preservation of a better environment;
  - ii. Coordination of the organised economic exploitation of lands and natural resources;
  - iii. Ecologically sustainable development;
  - iv. Protection of cultural heritage;
  - v. ~~Protection, provision, and coordination of communication services and goods-related services;~~
  - vi. Provision of lands for public purposes;
  - vii. ~~Coordination of social service facilities;~~
  - viii. Environmental protection, including the protection and preservation of animals, local plants, endangered species and environmental reserves;
  - ix. Reclamation of land exposed to erosion, development of anti-desertification and re-forestation programmes;
  - x. Promotion of joint responsibility related to environmental planning among various government levels in Darfur;
  - xi. Creation of opportunities for public participation in environmental planning and assessment;
  - xii. Creation of opportunities for consultation with all persons affected by land and natural resources development plans;
  - xiii. Approval of full and effective compensation for individuals whose livelihood or properties have been negatively affected as a result of decisions related to land and natural resources development and planning.
205. Local communities or individuals whose current land use or means of living **may be** ~~have been~~ negatively affected as a result of the Land Use Map Plan shall have the right to be fully and effectively compensated.
- 205a. **The Darfur Land Commission shall submit all requests for funding to the DTG/RGD, which shall in turn verify DLC requests and provide funding.**
206. The Darfur Land Commission shall:
- i. Be independent and impartial;
  - ii. Reflect land use interests in Darfur in its membership;
  - iii. Adopt its rules of procedures;
  - iv. Have access to all land records;
  - v. Discharge its functions as speedily as required;

- vi. Make all appropriate arrangements to ensure full and effective participation by all affected individuals and local communities in its procedures;
- vii. Submit an annual report to the Darfur State Governments and the Darfur Transitional Government, the Regional Government of Darfur on its activities and expenditure in its annual budget;
- viii. Ensure that the membership, appointment and conditions of service at the Commission are organised by law;
- ix. Take into consideration traditional and historical rights to land.
- x. **Ensure that its decisions and practices respect all relevant international and Regional human rights standards.**

207. The Darfur Land Commission shall perform the following functions:

- i. Arbitration on land rights disputes;
- ii. Submission of recommendations to the appropriate government level on the recognition of traditional and historical rights to land;
- iii. Assessment of full and effective land compensation in connection with the applications submitted to it. Such compensation may not be necessarily limited to financial compensation within the framework of arbitration or referral to courts, **but shall nevertheless be considered [concurrent with/complementary to/in addition to] compensation provided by the Darfur Victims Compensation Commission (DVCC);**
- iv. Advising the different levels of government on how to coordinate policies on the **Regional Government of Darfur and the Darfur State Governments** projects affecting land or land rights, taking into consideration the Land Use Map Plan;
- v. Establishment and maintenance of records on historical and current land use;
- vi. Conducting research on land ownership and use in the geographical area under its jurisdiction;
- vii. Reviewing the current land use related mechanism and making recommendations to the competent authorities on the changes to be made, including the restoration of land rights to their owners or payment of compensation to them.

208. While performing its arbitration functions, the Darfur Land Commission shall have the authority to receive applications and may, with the agreement of **parties** in dispute, apply customary and traditional laws or principles of justice and equity. The arbitration decision shall be binding upon the **Parties** in dispute and it may be enforced by a competent court.

209. After the exhaustion of dispute resolution mechanisms of civil administration and arbitration, **the only courts have the jurisdiction to adjudicate all settle land-related cases, Courts shall adjudicate the disputes on the right to land and assess the fair, immediate and equitable compensation, which may not necessarily be limited to financial compensation., including disputes between contenders over rights to land and the assessing and granting of monetary or other compensation or relief.**

210. The Darfur Land Commission shall uphold the decisions made by any institution or entity authorised in accordance with this Agreement to make decisions on lands owned by Internally Displaced Persons, Refugees and other war-affected individuals.



211. The National Land Commission and the Darfur Land Commission shall cooperate and coordinate their activities to use their resources effectively. Without placing restrictions on coordination issues, the National Land Commission and the Darfur Land Commission shall agree on the following:
- i. Sharing their information and decisions;
  - ii. Delegating certain functions of the National Land Commission including data collection and research, to the Darfur Land Commission;
  - iii. Finding ways to remove any contradiction between the results and recommendations made by the two (2) Commissions;
  - iv. The Darfur Land Commission shall be a permanent member of the National Land Commission.
212. In the event of a contradiction between the results and recommendations of the National Land Commission and those of the Darfur Land Commission, and if no settlement is reached, the two (2) Commissions shall reconcile their positions. In case such reconciliation is not achievable, ~~the matter shall be referred to the Constitutional Court for judgment.~~ **the matter shall be referred to the Constitutional Court for adjudication.** ~~issue shall be referred to the Constitutional Court for judgment.~~

#### **ARTICLE 39: MAJOR DEVELOPMENT PROJECTS**

213. The Darfur State ~~Legislatures~~ **and Regional governments** may ~~empower the Darfur State Governments to~~ enter into agreements to implement major development projects which may not be in conformity with any plan for land use or a planning legislation, **if the respective government provides a detailed plan**. ~~However, Darfur State Governments may seek to obtain this mandate only if the proposed agreement contains detailed provisions explaining the following:~~
- i. A clear definition of the proposed project;
  - ii. The procedures to be adopted, in accordance with the agreement, to protect the environment;
  - iii. The steps to be taken to consult with all those individuals whose interests may be affected by the proposed development project;
  - iv. The advantages expected for local communities and Darfur population;
  - v. The level of compensation to be paid to the individuals whose properties or livelihood may be negatively affected by the agreement, with clarification of whether they have consented to the compensation specified.
  - vii. **If it is so determined that displacement cannot be avoided, the following guarantees shall be complied with:**
    - a. **A specific decision shall be taken by the Regional State authorities empowered by law to order such measures;**
    - b. **Adequate measures shall be taken to guarantee to those displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;**
    - c. **The free and informed consent of those to be displaced shall be sought;**

- d. The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation;.
  - e. Law enforcement measures, where required shall be carried out by competent legal authorities; and
  - f. The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.
214. The Republic of Sudan and the Region of Darfur are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands. The land use management plan or the legislation on planning shall be amended accordingly.

**ARTICLE 40: NATURAL RESOURCES**

- 214a. The provisions within this Article referring to Natural Resources are controlling in all instances involving any Natural Resource except where a provision elsewhere in this Agreement refers to a specific type of resource, such as petroleum, in which case the provision referring to the more specific type of Natural Resource is controlling.

**Ownership of Land and Natural Resources**

- 214b. The Parties agree that all public lands and the natural resources situated or arising in the Regions, including resources situated on, above, and below such lands, and all royalties resulting from the natural resources of the Regions, belong to the people of those Regions, and all sums currently due or payable for such lands and their natural resources shall belong to the people of those Regions.
- 214c. The Regional Government of Darfur shall have exclusive authority to make laws related to exploration for and development, conservation and management of natural resources.
- 214d. The Regional Government of Darfur shall be entitled to participation in all future negotiations and decision-making processes involving non-Darfurian entities regarding the exploration and production of natural resources within its boundaries.
- 214e. The Government of Sudan shall participate in the decision processes regarding the exploration and production of natural resources within the Region of Darfur upon the invitation of the Regional Government of Darfur.
- 214f. The Regional Government of Darfur shall adopt the best-known practices in the sustainable utilisation and management of natural resources, which may include, but shall not be limited to, the principles of the African Convention on the Conservation of Nature and Natural Resources.
- 214g. A Darfur Natural Resources Commission (DNRC) shall be established to develop transparent and accountable processes for natural resource use in Darfur, taking into consideration factors including, but not be limited to, the following:

- i. National interest;
  - ii. Public good;
  - iii. Interests of the local population where resources are extracted;
  - iv. National environmental policies;
  - v. Biodiversity conservation guidelines;
  - v. Rights to land, including customary and traditional rights to land;
  - vi. Internationally recognised standards and environmental friendly methods in mining and natural resources development.
  - vi. Cultural heritage protection principles of UNESCO.
- 214h. The Regional Government of Darfur shall have exclusive authority to allocate wealth derived from Darfur's natural resources, in a manner consistent with the terms of this Agreement.
- 214i. Use of revenues generated from natural resources in Darfur shall be based on the regional interest, public good, environmental protection, and the interests of the local populations.
215. While carrying out natural resource management and development activities, both the DNRC and the Darfur ~~States~~ Land Commission shall be committed to the sustainable utilisation of such resources, considering such guidelines as follow:
- i. National and public interests;
  - ii. Interest of the **Regions**, States, and affected areas;
  - iii. Interest of the local community in the affected areas;
  - iv. National policies, **and the Region of Darfur's** ~~States~~ environmental policies, basis for the preservation of biodiversity and principles of cultural heritage protection;
  - v. Rights to land, including customary and traditional rights to land;
  - vi. Internationally recognised standards and environmental friendly methods in mining and natural resources development.
  - vii. Internationally and regionally recognised standards for the protection of persons from arbitrary displacement due to development projects.
216. The DNRC ~~Darfur Land Commission~~ shall consult the land rights holders and take their views into consideration when decisions are made in relation to the management of rights for the exploitation of subsoil resources ~~in areas on which they have rights~~. They shall be entitled to a share of the revenues of such investment **and other** full and effective **compensation**.
217. **All feasible alternatives must be explored in order to avoid displacement. Where no alternatives exist, all measures shall be taken to minimise displacement and its adverse effects, including ensuring compliance with all relevant international and regional standards.** Individuals holding land rights shall be entitled to full and effective compensation in case their land property is confiscated or exploited to extract natural resources.
218. The communities in whose areas natural resources are being exploited shall be entitled to participate, through ~~the States~~ **designated representatives**, in negotiations on the conclusion of resources development contracts.

- ~~219. The Federal Government shall enable Darfur to be represented through their governments in all phases of oil exploration and mining operations in Darfur, including the procedures for negotiating, contracting, and all operations conducted on the land, as well as to ensure the States participation at all levels of decision making, planning and implementation processes.~~
220. The communities in whose land the development of natural resources is initiated in the subsoil shall take part, through their States ~~designated representatives~~, in contract negotiations on the exploitation of these resources. The extent of both the harmful effect and the benefits to local communities affected by the investment resulting from the petroleum contracts shall be taken into account.
- ~~221. The State, in which the investment of oil will occur, shall be represented by three non-permanent members in the Commission of Petroleum in order to participate in the negotiation and the conclusion of the contracts of the petroleum exploration and exploitation in the relevant State, and make sure that they are compatible with the principles, policies and directives of the Commission.~~
- ~~222. [2] of the net oil revenue produced in any of the states the Region of Darfur shall be allocated to the Region. the oil-producing state. These States may negotiate a higher percentage.~~

#### **ARTICLE 41: MANAGEMENT AND DEVELOPMENT OF PETROLEUM SECTOR**

- ~~223. The management and development of the petroleum sector shall be based but not limited to the following:~~
- ~~i. The optimal exploitation of oil as a non-renewable natural resource in accordance with:
    - ~~a. National interest and public welfare;~~
    - ~~b. Interest of the affected States of Darfur;~~
    - ~~c. Interest of the population of Darfur in the affected areas;~~
    - ~~d. National policies for the environment, the bases of biodiversity preservation and the principles of protection of cultural heritage through realising and adopting the level of the international specifications in all technical aspects and safety and the preservation of the environment during the exploration of oil and mining in Darfur;~~~~
  - ~~ii. Enabling the appropriate levels of government in Darfur, in cooperation with the relevant local communities, to participate in the development and management of oil at different stages within the overall framework of managing petroleum development;~~
  - ~~iii. Creating a conducive environment for foreign direct investment flow to Darfur;~~

- ~~iv. Consulting with the land rights holders in Darfur and taking into account their opinions when making investment decisions on subsoil resources in the areas on which they have rights, and from whose investment they shall benefit;~~
- ~~v. Fair compensation for those who enjoy property rights in the lands that are seized or invested for the extraction of natural resources from the subsoil for the areas on which they have rights. This shall include contribution to providing the basic services and the development of countryside in those areas.~~

223a. The Parties agree that the fair and effective distribution and management of petroleum, natural gas, and other fossil fuel resources in Sudan, and the Darfur Region in particular, is critical to the development of a sustainable economy and the future of Sudan and the Darfur Region.

223b The Parties agree that the basis for the framework for the sharing of the wealth emanating from petroleum, natural gas, and other fossil fuel resources of Sudan shall be geared toward the needs for development and the reconstruction of the marginalised and war affected Regions of Sudan. Further, this basis shall include:

- xx. The sustainable utilisation of oil, natural gas, and other fossil fuels as a non-renewable resource consistent with the interest of the affected states/Region; the interest of the local population in the affected area; and environmental best practices, including biodiversity conservation guidelines and cultural heritage protection principals.
- xx. A stable macroeconomic environment that emphasises stability of the fossil fuel sectors.
- xx. Persons enjoying rights in land shall be consulted and their views shall be duly taken into account in respect of decisions to develop subterranean natural resources from the area in which they have rights, and shall share in the benefits of that development, including in the form of compensation, as provided for in paragraph [217] above.
- xx. The communities in whose areas development of subterranean natural resources occurs have the right to participate, through their respective states/Regions, in the negotiation of contracts for the development of those resources.

223c The Parties agree that a formula for sharing the revenue from petroleum, natural gas, and all other fossil fuel resources shall be as set forth in this Agreement.

223d. The Parties agree that all distribution mechanisms described in this Agreement shall be conducted openly and in the public eye, in a manner consistent with Generally Accepted Accounting Procedures, fully transparent, and with international oversight. Such international oversight shall take the form of an observatory commission of international experts, to be appointed by the National Petroleum Commission.

### **Darfurian Representation at the National Level**

- 223e. The Regions shall have proportional representation in the National Petroleum Commission. During the transitional period, the undersigned movements shall appoint 50 percent of those who represent the Region of Darfur.
- 223f. The parties agree that Darfurians shall receive proportional representation in all decisions related to the calculation of national petroleum, natural gas, and other fossil fuel revenue.

### **Darfur Regional Ministry of Petroleum**

- 223g. The Darfur Regional Ministry of Petroleum shall be responsible for:
- x. Verifying the locations and current operations within existing petroleum and other fossil fuel concession areas within the borders of Darfur, and approving the creation of new petroleum and other fossil fuel concession areas, and controlling the distribution of rights within all concession areas within Darfur, in coordination with the Sub-commission on Darfur Petroleum under the National Petroleum Commission.
  - x. In coordination with field developers, reviewing and certifying all Field Development Plans (FDP) for the Darfur Region. The Ministry shall review all FDPs to ensure they are based on an extensive study and building models to predict the future life of the field; are developed to encourage the sustainability of the field; and are technically sound and drafted in a manner consistent with international best practices.
  - x. Promulgating rules and regulations related to:
    - x. Type of Development (Horizontal, Vertical, etc.);
    - x. Field Depletion;
    - x. Health and Safety Practices;
    - x. Environmental sustainability and best practices, including clean up, the treatment of drilling fluids, treatment of contaminated produced water, leakages and spills; and facility maintenance;
    - x. Exploration and drilling activities compliance with international best practices; and
    - x. Gas flaring

### **Petroleum Revenue Distribution**

- 223j. All Regions that produce petroleum shall receive 5% of petroleum revenue from the output produced in such Regions, as provided for in article 192(5) of the INC
- 223k. After the payment to petroleum producing States/Regions, and after taxes collected by the Central and Regional governments, 30% of net revenue from petroleum producing fields in a

Region shall be allocated to the Government of that Region, and the remaining 70% to the National Government.

- 223m. All royalties, land rentals, bonuses and local/Regional taxes shall be paid directly to the Darfur Ministry of Natural Resources.
- 223n. All payments to and from the Regional Government of Darfur shall be in [USD].
- 223o. For the purposes of this Agreement, “net revenue from petroleum” shall be the sum of the net revenue (i) from exports of government petroleum; and (ii) from deliveries of government petroleum to the refineries. Exports shall be valued at the actual Free on Board (FOB) export price, less the charges to deliver the petroleum to any export destination, including pipeline and management expenses. Petroleum delivered to the refinery shall be valued at the average FOB export prices during the last calendar month in which there was an export sale, less the charges that would have been incurred to deliver the petroleum to any export destination, including pipeline and management charges.

#### **Retroactive Compensation for Failure to Pay Past Revenues**

- 223p. The Government of Sudan shall retroactively pay the Darfur states the 2% (at minimum) of Regional petroleum revenue that they are currently owed, pursuant to INC article 192(5).
- 223q. This payment shall be based on the production history in Darfur, dating back to the start of production of the fields in Darfur, and the amount shall be verified by the Darfur Regional Ministry of Petroleum.
- 223r. The Parties shall establish a framework for these payments, with no less than [25]% of the total owed being paid within the first 6 months of this Agreement.

#### **Sub-Commission on Darfur Petroleum**

- 223s. The Parties shall establish a Sub-commission on Darfur Petroleum. The sub commission shall be subsidiary to the National Petroleum Commission, and shall be responsible for the following activities:
- xx. Immediately demarcate clearly the petroleum concessions blocks as they currently appear in the Darfur Region and communicate this information to the Darfur Regional Ministry of Petroleum.
  - xx. Determine the actual percentage of each concession/block that falls within the Darfur Region and communicate this information to the Darfur Regional Ministry of Petroleum.
  - xx. Work with the National Petroleum Commission to evaluate the current location of all petroleum facilities and pipelines, in and around the Darfur Region, and then ensure that all facilities are located and operate based on best commercial practices and the requirements dictated by the Darfur Regional Ministry of Petroleum.

- xx. Develop and maintain accurate and reliable maps and assessments, of all hydrocarbon reservoirs, including their lateral extents and thicknesses, of the fields in and around Darfur.

### **Production Sharing Agreements (PSA)**

- 223t. All existing PSAs relating to Darfur shall be renegotiated to bring their terms into conformity with the above requirements and standards, and to recognise the terms of this Agreement.
- 223u. Where renegotiation is not possible due to the terms of the exiting PSA, that PSA shall be deemed to expire at the earliest possible time, consistent with its terms. Upon such expiration, any renewal, extension, or any other modification of that PSA shall also incorporate the necessary provisions to bring the PSA into conformity with the above requirements and standards, and to recognise the terms of this agreement.
- 223v. All future PSAs relating to Darfur, defined as any PSA signed after the coming into force of this Agreement, shall be negotiated by the Darfur Regional Ministry of Petroleum or other competent Darfuri authorities, and shall be drafted in conformity with the above requirements and standards, and shall otherwise reflect the terms of this Agreement.
- 223w. All PSAs shall include provisions promoting the building of infrastructure and capacity in Darfur. In particular, these provisions shall include, but are not limited to:
  - x. Requirements related to the building and maintenance of local infrastructure, including schools, roads, water wells, health clinics, and other community needs.
  - x. The establishment of programmes at Adult Schools, Formal Schools, and the provision of scholarships,
  - x. Training of locals and government employees in commercial best practices.
  - x. Immediate hiring of local employees for non-skilled labour and a phased-in increase in local employees, replacing foreign workers in skilled labour and management positions.
- 223x. Persons whose rights have been violated by existing and future PSAs relating to Darfur shall be entitled to full and effective compensation. On the establishment of these violations through due legal process, the parties to the petroleum contracts shall be liable to compensate the affected persons to the extent of damage caused. The Government of Darfur shall not be considered a party to the petroleum contract for purposes of this provision, for any contracts that existed prior to the coming into force of this Agreement.

### **South Sudan Secession**

- 223y. In the event of Southern secession, the current rules, regulations, and agreements that involve shared fields and blocks shall be rewritten to reflect the modified boundaries and status of the Region of Darfur and the Republic of Sudan.



223z. Further, the National Petroleum Commission will continue to exist as provided in the INC, and the seats currently held by South Sudan shall be removed and all voting and quorum requirements appropriately adjusted.

223aa. The Parties agree that the Regional Governments shall be entitled to proportional representation in any decision making process related to the demarcation and distribution of petroleum in Sudan.

**ARTICLE XX: WATER MANAGEMENT AND CONTROL**

223bb. The DTG initially and the Regional Government of Darfur, once it is formed, shall have overall responsibility for Darfur's water resources, and their use, which may include, but is not limited to, the equitable allocation of sufficient and safe water to all people for a healthy and productive life.

223cc. Darfur's water resources subject to this Agreement shall include all surface and subsurface water sources, including but not limited to rivers, lakes, streams, wadis, aquifers, and sources subject to riparian water rights.

223dd. The RGD will establish a Darfur Water Control Board. The [executive board] of the [Darfur Water Control Board] shall include members nominated by the RGD.

223ee. Water resources shall immediately and equitably be distributed to Darfur.

223ff. The international community shall assist Darfur in establishing sustainable and equitable forms of water distribution.

223gg. No person or group of persons shall be deprived of any traditional or historical right in respect to access to water without consultation and compensation on just terms.

223hh. The [Darfur Water Control Board] shall comprehensively address the growing competition for pasture land and water in Darfur between nomadic herders and farmers in any water allocation plan or decision.

**CHAPTER IV – ~~COMPENSATION, RETURN OF INTERNALLY DISPLACED PERSONS AND REFUGEES~~**

**ARTICLE 42: ~~GENERAL PRINCIPLES FOR COMPENSATION AND THE RETURN OF INTERNALLY DISPLACED PERSONS AND REFUGEES~~**

~~Durable solutions for Internally Displaced Persons and Refugees shall be based on the following principles:~~

224. The Parties reaffirm their ~~commitment to the~~ obligations concerning Refugees and Internally Displaced Persons set forth in ~~all relevant previous agreements including~~ the Framework Agreements between the Government of Sudan and the Justice and Equality Movement, 23 February 2010, and the Framework Agreement between the Government of Sudan and the Liberation and Justice Movement, 18 March 2010. ~~Specifically, the Parties reaffirm the right of Refugees and Internally Displaced Persons to return voluntarily to their homes of origin, resettle, or integrate into the local community, or resettle elsewhere, all of which should be pursued voluntarily. and The Parties also reaffirm their responsibilities of the Parties to create the conducive conditions for a conducive environment to enable ing voluntary return and to assist this return in accordance with a clear cut strategy. these processes, including regarding safety and security, the exercise of property rights, livelihoods, and access to services, a clear cut strategy, and support for humanitarian aid.~~
- 224a. The Parties agree to act in accordance with their international obligations and to be committed by, and bound to, the following international instruments. These instruments shall be considered an integral part of this agreement and fully enforceable.
- x. Convention Relating to the Status of Refugees;<sup>1</sup>
  - x. The Guiding Principles on Internal Displacement;<sup>2</sup>
  - x. United Nations High Commission on Human Rights’ Resolution 2002/30 on the Right of Return of Refugees and Internally Displaced Persons;<sup>3</sup>
  - x. The United Nations High Commissioner for Refugees’ Guidelines on the Protection of Refugees from Violence;<sup>4</sup>
  - x. United Nations High Commissioner for Refugees’ Guidelines on Refugee Children (1994);

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<sup>1</sup> Convention Relating to the Status of Refugees, G.A. Res. 429(V), U.N. GAOR (1951), 189 U.N.T.S. 150. (The Convention is supplemented by the 1967 Protocol that expands the geographical and temporal scope of the Convention.)

<sup>2</sup> *Guiding Principles* (1998), United Nations Office for the Coordination of Humanitarian Affairs.

<sup>3</sup> *The Right of Return of Refugees and Internally Displaced Persons* (2002), U.N. HCHR, Res. 2002/30.

<sup>4</sup> *Sexual Violence against Refugees: Guidelines on Prevention and Response* (1995), UNHCR, available at [http://www.rhrc.org/resources/gbv/gl\\_sgbv03.html](http://www.rhrc.org/resources/gbv/gl_sgbv03.html).

- x. United Nations High Commissioner for Refugees' Guidelines on the Protection of Refugee Women (1991); and
- x. United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (The Pinheiro Principles).

- ~~225. The respect, protection and fulfilment of the rights of Internally Displaced Persons, Refugees and all victims of war in accordance with international human rights law, international humanitarian law, and international Refugee law.~~
226. **The Parties reaffirm that** Internally displaced persons **and** returning Refugees ~~and all victims of war~~ shall enjoy, **in full equality and** the same rights and freedoms under national law and international **law** as do **all** other persons in Sudan.
227. **The Parties shall fully address the protection and assistance requirements of** ~~The protection and assistance of Internally Displaced Persons and Refugees and all victims of war~~ with specific **vulnerabilities needs**, including separated and unaccompanied children, female heads of households, expectant mothers, mothers with young children, the elderly, and persons with disabilities.
228. **The Parties shall take all necessary** ~~The adoption by the Parties of measures to ensure that Internally Displaced Persons and Refugees and all other victims of war live in conditions of safety and dignity, and in full respect for their rights, in all phases of displacement, including prevention of all forms of forced displacement, protection and assistance during displacement and during voluntary return, local integration or resettlement.~~
- 228a. **The Parties agree that nomadic routes shall be open and secure, in particular during the returns of Internally Displaced Persons and Refugees to their homes of origin, and agree to review the changes of such routes and find alternatives if necessary.**
229. **The Parties shall** ~~The commitment of the Parties to~~ establish mechanisms to promote, enable and facilitate the active participation of Internally Displaced Persons, returning Refugees, victims of war and civil society in the planning and implementation of strategies, policies and programmes related to addressing the humanitarian and human rights impact of the conflict and to the return process. In particular, **the Parties shall ensure**ing the participation of women, youth and diverse communities of Internally Displaced Persons and Refugees.
230. **The Parties recognise and commit to full cooperation with** ~~Recognition of the leading humanitarian role of UNHCR, as the lead international agency for~~ **in-coordinating among all agencies assisting with protection, shelter, and camp management in situations of internal displacement and protection, and assistance and solutions for the return and reintegration of Refugees.**
231. **The Parties shall fully comply with** ~~Fulfilment by the Parties of their obligations under the Principles and Charter of the United Nations, and the Constitutive Act of the African Union, the Community of Sahel-Saharan States, and the other international and Regional~~

organisations relevant to peaceful dispute resolution, to prevent and avoid conditions that force persons to be displaced. The Parties shall, as well, provide assistance to Internally Displaced Persons and all victims of war. The Parties agree to abide by the Guiding Principles on Internal Displacement adopted by the United Nations Summit outcome of 2005.

**ARTICLE 43: ~~SAFETY AND SECURITY~~ IDP AND REFUGEE RETURN**

- 231a. Internally Displaced Persons and Refugees have the right to make an informed and voluntary return to their places of origin or choose to integrate into their local community or resettle elsewhere. The Parties are obligated to ensure the suitable conditions for voluntary return, integration or resettlement.
- 231b. The Government of Sudan is obligated to accept the return of Refugees who have left Sudanese territory, including those who have been accorded temporary protection by third countries.
- 231c. Internally Displaced Persons, Refugees and those affected by war shall have right to enjoy the same human rights and fundamental freedoms that are enjoyed by any citizen of Sudan under international and national law, including the right to move freely and reside anywhere in Sudanese territory.
- 231d. Internally Displaced Persons and Refugees may not be subject to forced return or resettlement.
- 231e. The Parties shall pay special attention to protecting displaced women from all forms of harassment, exploitation, and gender-based violence.
- 231f. Internally Displaced Persons who have resettled in another part of Sudan shall not be discriminated against as a result of their displacement. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.
- 231g. The Parties agree that the United Nations High Commissioner for Refugees (“UNHCR”) will undertake the lead humanitarian role in promoting the voluntary return of Refugees and Internally Displaced Persons. The UNHCR, as entrusted by the Secretary-General of the United Nations, will assume the role of coordinating among all agencies assisting with the repatriation and relief of Refugees and Displaced Persons.

**Creation of Suitable Conditions for Return**

- 231h. The Parties agree to create the political, economic, and social conditions conducive to the voluntary return and harmonious reintegration of Refugees and Internally Displaced Persons, without preference for any particular group.

- 231i. The Parties shall work with the international community to provide all possible assistance to Refugees and Internally Displaced Persons to enable the families and individuals returning to re-establish their lives and livelihoods in local communities. This assistance shall include but shall not be limited to short term repatriation funding, ensuring the continuity of humanitarian aid throughout return and resettlement, the rebuilding of damaged infrastructure and the building of new roads and infrastructure in rural areas, the rehabilitation of local farm land, and education and job training programmes.
232. The Government of Sudan, in coordination with UNAMID shall ensure the ~~Parties commit to provide~~ security of, and protection for all Internally Displaced Persons and Refugees, including from all forms of physical ~~assault~~ ~~attack~~, all forms of sexual violence, exploitation, abduction, child recruitment, child labour, arbitrary detention, ~~harassment~~, informal “taxation”, ~~charging ransoms~~, and illegal confiscation of property and to address the impact of such violations by taking the necessary steps to ensure effective and timely justice with the support of UNAMID.
- 235a. The Parties agree to the following non-exhaustive list of conditions necessary for the suitable return, local integration, or resettlement of Internally Displaced Persons and Refugees:
- i. The security and safety of Internally Displaced Persons and Refugees, without risk of harassment, intimidation, persecution, or discrimination, both during and after their voluntary return, local integration or resettlement;
  - ii. The right to freedom of movement and choice of residence;
  - iii. Demining of the Internally Displaced Persons’ and Refugees’ return areas, and of access routes to markets, schools and health services;
  - iv. The restitution of property to Internally Displaced Persons and Refugees;
  - v. Shelters in the return villages for IDPs and Refugees and repair of or compensation for the damaged properties. The Government of Sudan agrees that all new homes built for IDPs and refugees, whether by the Government of Sudan, local authorities or IDPs and refugees themselves, shall be of modern, durable design with solid walls, interior floors and roof;
  - vi. Long-term, sustainable access to food, potable water and health care;
  - vii. Rehabilitation and construction of basic facilities in areas of return, including housing, roads, schools, health clinics and hospitals, and water and electricity facilities;
  - ix. Rehabilitation of damaged agricultural land;
  - x. The availability of education and training including livelihoods training;
  - xi. Access to livelihoods, including employment;
  - xii. Equal access by Internally Displaced Persons and Refugees to public services and to participate fully in public affairs;
  - xiii. Psychosocial support to Internally Displaced Persons and Refugees.
- 263e. The Government of Sudan shall ensure the rebuilding and repair of permanent housing and other property of internally displaced persons and refugees who plan to return or resettle.
- 235b. In order to provide for the security in areas of return, the Parties shall establish joint security teams comprising an equal number of representatives from each of the Parties, UNAMID,

UNHCR and the VRRC to evaluate security conditions in each area targeted for returns, local reintegration or resettlement. The joint security teams shall meet with the relevant IDPs and refugees and with residents and local authorities for each return area. The joint security teams shall make recommendations for a security policy for each return area to the VRRC and the relevant IDPs and refugees. The Parties agree to support and implement the security policy agreed by the VRRC and the relevant IDPs and refugees prior to the return, local integration or resettlement.

### **Security in the Internally Displaced Persons Camps**

233. The Parties agree that UNAMID, in consultation with the Government of Sudan, the other Parties, and camp residents, shall ~~respect, and maintain~~ have responsibility for providing security inside and around all camps. No military, police, or civilian representatives of the Government of Sudan or local administrations shall enter any such camp without the prior approval and accompaniment of UNAMID. The Parties shall respect and maintain, ~~fund and provide personnel for~~ the civilian and humanitarian character of ~~the~~ IDP camps ~~sheltering Internally Displaced Persons IDPs~~, including by protecting and ensuring adequate needs for comfort, health, and survival, as well as by allowing the Internally Displaced Persons to govern themselves.
- 233a. The VRRC shall establish, within three (3) months of the coming into force of this Agreement and with the assistance of the international community, a security plan for the protection of Internally Displaced Persons and Refugees.
234. The Parties shall undertake all measures necessary with the assistance of UNAMID to ensure security in IDP camps. **This shall include but is not limited to measures to ensure that:**
- i. Security forces are not themselves a threat to the safety of the camp residents;
  - ii. Security personnel include people within the community such that the people in the camp have confidence in the security forces;
  - iii. Security personnel are accountable such that charges can be brought, and fair punishment met, for a violation of their powers.
  - iv. Security personnel provide special protection for vulnerable groups such as women, both inside and around the camp, as well as during transportation; and
  - v. Camp leaders and UNAMID forces will participate in the selection, training, and supervision of security personnel to ensure the fair and equal protection of all camp members;
- ~~235. The Parties shall ensure that aid supplied by the United Nations, African Union, and other international and national organisations is allowed, assisted, supported, and protected in reaching Internally Displaced Persons, Refugees, victims of war, and other persons identified as aid recipients, pursuant to international standards and agreements.~~

### **RESETTLEMENT ASSISTANCE**

- 235b Each Internally Displaced Persons and Refugee – man, woman and child – undertaking a return, local integration or resettlement shall be entitled to receive a return package consisting of (i) the sum of US\$ 400 prior to departure to provide for immediate needs; (ii) potable water, food and shelter materials; (iii) agricultural inputs for both crops and livestock such as seeds and seedlings; (iv) veterinary services if needed; and (v) tools and other essential equipment. The returns package shall be provided to Internally Displaced Persons and Refugees by the VRRC.
- 235c. To implement the provisions of this Chapter, the Government of Sudan is committed to contributing, as soon as possible, resources to meet the urgent protection and assistance needs of Internally Displaced Persons and Refugees. For this purpose, the Government of Sudan will pay, within [60] days following the execution of this Agreement, funds from the national budget for the return and resettlement of IDPs and Refugees from Darfur, an amount of US\$100,000,000 (one hundred million US dollars) as an immediate contribution to the Fund.
- 235c. Recognising the contributions to peace, security and social development of those IDPs and refugees who had been dismissed by the Government of Sudan or forced to flee from their posts as teachers, nurses, midwives and medical hygienists, and continued working in those roles in the IDP camps from 2003 to 2011, the Government of Sudan agrees to compensate each such individual in an amount equal to the normal and customary monthly salary for each position as established by Sudanese civil service regulations times the number of months worked in the IDP camps. The Government of Sudan also agrees to reinstate all such individuals to their respective posts upon return or resettlement.

**ARTICLE 44: HUMANITARIAN ASSISTANCE**

236. The Government of Sudan shall extend urgent aid to IDPs, including food, shelter, education, medical care, and other medical and health services, together with the other necessary humanitarian and social services.
- i. Internally displaced persons and other communities in need of humanitarian assistance and livelihood support, shall have access to immediate humanitarian assistance from the Government of Sudan, including, but not limited to, access to potable water, medical care, adequate sanitation, education, and shelter.
  - ii. The Government of Sudan shall provide this aid on an impartial basis and without discrimination.
  - iii. The international humanitarian organisations shall be responsible for distributing the aid to the Internally Displaced Persons without interference from the Government of Sudan.
- 236a. The Parties shall not block or hinder the prompt delivery of all such assistance provided by the United Nations, African Union and other international and national organisations.
237. Internally displaced persons and Refugees shall be provided with humanitarian assistance and livelihood before and after their return, and the Refugees upon return.

238. Such assistance also will be provided to local and host communities who are in need of humanitarian assistance and livelihood support.
- ~~239. The Parties shall enable and facilitate access by the specialised agencies of the United Nations and the national, Regional and international humanitarian organisations without hindrance and impediment to IDPs, including their camps, as per the arrangements to be agreed upon with the Government of Sudan.~~
240. The Parties shall secure and protect humanitarian aid routes and the security of humanitarian staff.
- ~~241. The Government of Sudan shall facilitate the procedures necessary to provide humanitarian organisations with access to Internally Displaced Persons and other civilian population in need of humanitarian aid, pursuant to the agreements signed with those organisations.~~
- 241a. The Parties shall provide humanitarian organisations, both international and national, unhindered access to Internally Displaced Persons and returning Refugees to ensure the effective provision of assistance.
- 241b. Humanitarian organisations shall register with the UNHCR, which shall coordinate with UNAMID. Any law requiring humanitarian organisations to register with the Government of Sudan shall be deemed void.
- 241c. In areas under their control, the Parties shall work with the International Committee of the Red Cross (ICRC) to establish administrative bodies to monitor and facilitate delivery of humanitarian assistance to all those in need.
- 241d. These administrative bodies shall work with UNHCR, UNAMID and the Ceasefire Commission to ensure the opening of humanitarian routes, and the security of personnel, goods, and project areas of humanitarian agencies as well as the safety of the beneficiaries.

**~~ARTICLE 45: PERSONAL DOCUMENTATION~~**

242. The Government of Sudan shall ~~provide~~ **provide** issue all the documents necessary for the returning Internally Displaced Persons and Refugees ~~with all documents to enjoy their rights—~~ including passports, birth certificates, and titles to property. The Government of Sudan shall issue any such document within thirty (30) days after receiving a request to do so from the Voluntary Return and Resettlement Commission (VRRRC). All documents will be issued free of charge. The Parties shall agree on the formation of a mechanism to ~~cooperate with the relevant authorities to expedite~~ **expedite** issuance of these said documents. ~~The identities of the IDPs and Refugees shall be established by the VRRRC, and the Parties shall cooperate fully with the VRRRC in this process. The Parties shall, as well, cooperate with the traditional and native administrations, leaders of local communities and camps to authenticate the identities of the returnees.~~ **The identities of the IDPs and Refugees shall be established by the VRRRC, and the Parties shall cooperate fully with the VRRRC in this process. The Parties shall, as well, cooperate with the traditional and native administrations, leaders of local communities and camps to authenticate the identities of the returnees.**



243. ~~The Government of Sudan shall facilitate issuance of new document or alternative documents in lieu of documents lost or destroyed in the course of displacement.~~
244. Men, ~~and~~ women ~~as well as~~ **and** children have equal rights to obtain all necessary identity documents and ~~have the right~~ to have such documents issued in their own names. Special efforts will be taken to expedite the provision of such documents to orphans as well as to separated and unaccompanied children.

**ARTICLE 46: FAMILY REUNIFICATION**

245. The Government **of Sudan and its regional, state and local administrations** ~~and relevant authorities in Darfur~~ shall take all necessary measures **to ensure that** ~~so that the families which are~~ separated by displacement are reunited as quickly as possible. Special efforts will be taken to expedite the reunification of unaccompanied and separated children with their families. **The VRRC shall receive and coordinate** ~~The Parties shall facilitate~~ inquiries **made by** ~~from~~ family members. **The Parties shall full** ~~and will~~ cooperate with humanitarian organisations engaged in family tracing and ~~assisting~~ family reunification. The Parties underscore their commitment to fight child abduction **and trafficking** ~~overseas~~, and shall work to prevent and disclose any irregular practices.

**ARTICLE 47: FREEDOM OF MOVEMENT**

246. The Parties shall guarantee the freedom of movement and choice of residence of Internally Displaced Persons and returning Refugees, including their right to move freely in and out of camps, and their right to return voluntarily to their place of origin **or other location of their choosing**.
247. The Parties commit to respect and ensure the right of IDPs and Refugees to seek safety **throughout** ~~in another part of~~ Sudan and to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

**ARTICLE 48: FREEDOM OF MOVEMENT**

248. ~~All Internally Displaced Persons and Refugees have the right to return voluntarily, and in safety and dignity, to their homes of origin or places of habitual residence or to a place of their choice.~~ The Parties shall not interfere with Internally Displaced Persons' and Refugees' choice of destination, nor shall they compel them to remain in, return to, or move to situations of serious danger or insecurity, or to areas lacking in basic services necessary to resume a normal life.
249. ~~The Government of Sudan shall accept and facilitate the return of Internally Displaced Persons and of Refugees to their homes of origin or places of habitual residence.~~
250. The Parties shall take all necessary steps to prevent activities which would hinder or impede the voluntary return, in safety and dignity, of Internally Displaced Persons and Refugees.

251. ~~Internally displaced persons and Refugees have the right to be protected against forcible return or resettlement to any place where their life, safety, liberty and/or health would be at risk~~
252. ~~In order to make a fully voluntary choice~~, internally displaced persons and Refugees shall have access to objective information about the conditions in the areas of return or resettlement. ~~The provision of this information shall be coordinated by the VRRC in direct consultation with the IDPs and refugees, and shall include, whenever feasible, visits by representatives of the IDPs to the return, reintegration or resettlement sites.~~ The Parties, with the assistance of competent local and international actors, shall facilitate the timely flow of accurate information about the conditions in areas of return or resettlement. ~~in order for Refugees and Internally Displaced Persons to be able to make an informed and voluntary decision about return.~~
253. ~~The Parties shall respect the principle of family unity in the voluntary return process.~~
254. The Parties ~~agree that~~ shall ~~make special efforts to ensure the participation of Internally Displaced Persons and Refugees, including women and youth,~~ **shall fully participate** in the planning and management of their return or resettlement and reintegration **in coordination with the VRRC and the UNHCR.**

**~~ARTICLE 49: CREATION OF CONDITIONS SUITABLE FOR RETURN~~**

255. ~~The Government of Sudan shall assist through providing funding, training, other necessary resources, to establish, as soon as possible the security~~ The Government of Sudan shall establish, as soon as possible, the security, political, economic and social conditions, and shall provide the means, to enable Internally Displaced Persons and Refugees to exercise their right to return, voluntarily, in safety and dignity, to their homes of origin or places of habitual residence, to resettle, or to continue living in their chosen location of resettlement.
256. ~~The Parties shall facilitate the creation and maintenance of conditions required for the voluntary return, in safety and dignity, and for the durable and harmonious Reintegration of Refugees and Internally Displaced Persons.~~
257. ~~The Parties agree that the necessary conditions suitable for return,~~ are the following:
- i. ~~The security and safety of Internally Displaced Persons and Refugees, without risk of harassment, intimidation, persecution, or discrimination, during their voluntary return or resettlement and after their return or resettlement;~~
  - ii. ~~The right to freedom of movement and choice of residence, including the right to return to their homes of origin or habitual residence,~~ **local integration**, or to resettlement therein;
  - iii. ~~Demining of the areas in which are located Internally Displaced Persons' and Refugees' homes and lands, and of access routes to markets, schools and health services;~~
  - iv. ~~The restitution of property to Internally Displaced Persons and Refugees;~~
  - v. ~~Contribution in erecting fixed shelters in the return villages for IDPs and Refugees and repair of or compensation for the damaged properties.~~

- vi. ~~A access to food, potable water and health care, including through the provision of humanitarian assistance until **Internally Displaced Persons** IDPs and Refugees can resume normal life;~~
- vii. ~~The provision of the sum of **US\$ 250.00** (US dollars two hundred and fifty) per family shall be included in the return package to support Internally Displaced Persons and Refugees' immediate needs upon return. This shall enable them to begin to restart their livelihood and commence effective reintegration. The package shall also include convenient access to potable water, food and shelter materials, as well as agricultural inputs for both crops and livestock such as seeds, seedlings, veterinary services, tools and essential equipment.~~
- viii. ~~Rehabilitation and construction of basic facilities in areas of return;~~
- ix. ~~Rehabilitation of damaged agricultural land;~~
- x. ~~Provision of education and training including livelihoods training;~~
- xi. ~~Access to livelihoods, including employment;~~
- xii. ~~Equal access by Internally Displaced Persons and Refugees to public services and to participate fully in public affairs;~~
- xiii. ~~Psychosocial support to Internally Displaced Persons and Refugees.~~

~~258. The Parties shall ensure that the appropriate conditions are in place before promoting and supporting return.~~

259. ~~The Parties shall facilitate the voluntary return of Internally Displaced Persons and Refugees in a peaceful, orderly and phased manner, in accordance with a clear strategy.~~

#### **VOLUNTARY RETURN AND RESETTLEMENT COMMISSION**

260. A **Voluntary Return and Resettlement Commission (VRRC)** shall be established **within 30 days of the coming into force of this Agreement, and shall be adopted into law by the National Assembly.** ~~law as matter of priority, within 45 days of the coming into force of coming into force of this Agreement.~~

- i. ~~A Voluntary Return Committee (VRC);~~
- ii. ~~A Property Claims and Restitution Committee (PCRC);~~
- iii. ~~A Compensation/ Jabr Al-Darar Fund (CJDF).~~

260a. **The VRCC shall be composed of nine (9) members, four of whom shall be nominated by the Government of Sudan and five by the undersigned Parties. The nominations by the Government of Sudan and the undersigned Movements shall each include at least one IDP or refugee and one woman. The commissioners shall be individuals of high moral integrity with a broad understanding of international human rights and humanitarian law and practice. The VRCC shall have a secretariat composed of national and international experts in accordance with the principles governing the composition and modalities of the VRC and the PCRC set forth below.**

260b. **The VRRC shall make all decisions through a majority vote.**

~~261. The Compensation/Jabr Al Darar aspect of the activities of the VRRC will be funded from the Compensation/Jabr Al Darar Fund (CJDF).~~

**KEY FUNCTIONS OF THE VRRC**

- 260c. The VRRC shall work with UNAMID, the UNHCR and other international aid organisations to assure proper protection and dignified treatment of IDPS and Refugees during the process of return and reintegration or resettlement.
- 260d. When formulating strategies and policies for Displaced Persons, the VRRC shall consult important stakeholders, including IDP and refugee camp residents and returnees.
- 260e. The VRRC shall work with traditional community leaders to establish proof of identity when necessary.
- 260f. The VRRC shall pay close attention to the special needs of displaced women, displaced children, and all other similarly vulnerable groups.
- 260g. The VRRC shall facilitate the reunion of unaccompanied minors with their parents.
- 260h. The VRRC shall create and administer a public awareness campaign to ensure that all Internally Displaced Persons and Refugees are fully informed of the reintegration and resettlement process, and their rights within it.
- 260i. The VRRC shall emphasise that return to a place or region of origin is always voluntary, and shall provide objective and reliable information about conditions of their places of origin to all Displaced Persons.
- 260j. The VRRC shall refer returnees with property restitution claims to the Property Restitution Commission, provided for below.
- 260k. The VRRC shall conduct regular evaluations of the situation of Internally Displaced Persons and Refugees, and provide quarterly reports to the Government of Sudan, UNAMID, and all relevant governing bodies.
- 260l. The VRRC, in consultation with UNHCR shall conduct a comprehensive needs assessment that shall include the following topics: human security; Food Security; Education; Health; Water; Capacity Building; Justice; and human rights.
- 262. In addition to the above, the VRRC shall undertake the following tasks and functions/responsibilities:
  - i. Conduct statistical surveys of IDPs and Refugees for the purpose of planning for voluntary return;
  - ii. Conduct, in collaboration with the United Nations High Commissioner for Refugees (UNHCR), a comprehensive needs assessment in areas of potential return, which shall include addressing the following issues: safety, food security, damage to homes

- and land, potable water, sanitation, education, access to health services and infrastructure, [as set forth in paragraph \[xx\] above](#);
- iii. Assess whether the conditions required for sustainable return are in place, to recommend specific measures to be implemented to ensure the creation of these conditions, and to verify the fulfilment of these conditions, [as set forth in paragraph \[xx\] above](#);
  - iv. Develop and adopt a Voluntary Return Plan, within 3 months of the [coming into force](#) ~~of coming into force~~ of this Agreement, with the assistance of the UNHCR and competent local bodies and in consultation with Internally Displaced Persons, Refugees and local communities;
  - v. Implement the Voluntary Return Plan in close cooperation with the international community, in particular UNHCR, countries hosting Refugees and competent local bodies;
  - vi. Monitor and report on an ongoing basis on the maintenance of the necessary conditions for sustainable return and Reintegration, and on the conditions of Internally Displaced Persons and Refugees upon return, [as set forth in paragraph \[xx\] above](#);
  - vii. Plan, organise and assist the voluntary return of Internally Displaced Persons and Refugees, in accordance with the Voluntary Return Plan, and to assist in their Reintegration.

~~263. Provisions regarding the structure, composition and modalities of the Voluntary Return and Resettlement Commission are annexed to this Agreement. These provisions shall be completed by the enabling law.~~

263a. [The Government of Sudan, the Regional Government of Darfur, and local leaders shall provide the VRRC with any and all information and documents necessary for the VRRC to evaluate the conditions of places of potential Internally Displaced Persons return or resettlement.](#)

263b. [The Government of Sudan shall supply the VRRC with adequate funds to carry out its mandate under this Agreement, including the procurement of appropriate facilities, and the hiring professionally competent staff. The government of Sudan shall immediately pay to the deposit into an account exclusively for the VRRC an amount of \[US\\$ 5,000,000 \(five million U.S. dollars\)\] for the establishment and start-up operations of the VRRC.](#)

## **CHAPTER XX: REPARATIONS FOR WAR-AFFECTED PERSONS**

263c. The Parties acknowledge that war-affected persons, including IDPs and refugees, are entitled to full reparation for any losses suffered during and as a result of the Conflict. Such reparations including housing, land and property restitution, and compensation for harms suffered.

### **ARTICLE 50: HOUSING, LAND AND PROPERTY RESTITUTION**

263c. War-affected persons, including IDPs and refugees have the right to have restored to them any housing, land and property of which they were unlawfully deprived or, when recovery of such property is not possible, to obtain compensation, in accordance with international principles. This right applies to IDPs and refugees whether they choose to return to their place of origin or to settle elsewhere.

263d. The Parties agree to establish housing, land and property restitution claims procedures, which are simple, accessible, transparent and enforceable. All aspects of the restitution claims process, including appeals procedures, shall be just, timely, accessible and free of charge. The procedures shall include specific measures to ensure that women and orphaned children are able to participate on a fully equal basis in the restitution process.

263e. The Parties shall not recognise as valid any illegal property transaction, including any transfer that was made under duress or any transfer made without free and informed consent as follows.

- i. Transfer under duress occurs where the individual concerned is unable to resist transaction demands due to threat of harm or other form of coercion, and would not have transacted but for the constraint applied. The duress must be directly connected with the property transaction.
- ii. Transfer without free and informed consent occurs where the individual concerned does not have adequate reasoning faculties and/or is not in possession of all relevant facts at the time consent is given.

### **PROPERTY CLAIMS AND RESTITUTION COMMISSION (PCRC)**

263.e The Parties shall establish a Property Claims and Restitution Commission (PCRC) to hear and mediate property restitution claims from individuals and communities of Darfur who have suffered loss of property resulting from the Darfur conflict.

263f. The Government of Sudan shall establish the PCRC, by law, within 2 months of the coming into force of this Agreement. The PCRC shall have its headquarters in the capital of the Darfur Region and will have offices at other locations as it deems appropriate.

### **Composition**

- 263i. The PCRC shall be composed of [eleven] members. The Government of Sudan shall appoint [three] members, and the DTG shall appoint three [3] members. The UN shall appoint the remaining five members and shall designate one such member as the Chairman.
- 263j. The decisions of the PCRC and its subsidiary local claims committees shall be taken by a majority of its members.

**Procedures**

- 263k. The PCRC shall conduct its work in accordance with the provisions set out in this Agreement and in compliance with relevant international principles.
- 263l. The PCRC will receive and decide on any claims for the restitution of housing, land and property in Darfur, where the property has not voluntarily been sold or otherwise voluntarily transferred since January 1, 2003, and where the claimant does not now enjoy unencumbered possession of that property. Claims for just compensation in lieu of return of property shall be referred to the Compensation Commission.
- 263n. Upon receipt of a claim for restitution of housing, land or property, the PCRC shall determine the lawful owner of the property with respect to which the claim is made.
- 263o. The PCRC shall establish, as needed, local claims committees comprised of local traditional and community leaders, including representatives of displaced persons and women. The local claims committees shall investigate conflict-related local property restitution claims and report to the PCRC.
- 263p. In determining the lawful owner of any property:
- x. The PCRC shall not recognise as valid any illegal property transaction, including any transfer that was made under duress, or otherwise without the free and informed consent of the owner, or without the owner's knowledge;
  - x. The PCRC staff or a duly designated international or non-governmental organisation shall have access to any and all property records, and to any and all property for the purposes of inspection, evaluation and assessment related to a claim;
  - x. All forms of credible evidence shall be admitted, including documents, testimony by traditional local leaders, and testimony by other witnesses to prove entitlement to restitution or compensation;
  - x. The PCRC shall honour, observe and enforce tribal and land ownership rights (hawakeer), historical rights to land, traditional or customary livestock and grazing routes, and access to water and take all action necessary to ensure the protection of these rights;

- x. Mediation and traditional dispute resolution mechanisms shall also be used, provided these are consistent with human rights principles, without prejudice to the jurisdiction of the courts.
- 263q. Any person claiming the restitution of property who is found by the PCRC to be the lawful owner of that property shall be awarded its restitution. If restitution of the property proves impossible, the PCRC shall refer the matter to the Compensation Commission, which shall accept the valuation of the property by the PCRC and ensure that the claimant receives just compensation.
- 263r. Decisions of the PCRC shall be final, and shall not be subject to appeal in the Land Claims Court.
- 263s. The PCRC shall register property in the name of the rightful owner. Women and orphaned children shall be issued property deeds and title in their own names. Any title, deed, mortgage, or other legal instrument created or awarded by the PCRC shall be recognised as lawful, binding and enforceable throughout Sudan.
- 263u. Failure of any Party or individual to cooperate with the Commission shall not prevent the Commission from making its decision.
- 263v. The PCRC shall create and administer a public awareness campaign to ensure that all individuals who may have property restitution claims arising out the Conflict are informed of their right to make such a claim. Special measures shall be taken to ensure that this public awareness campaign reaches internally displaced persons and refugees, including women and orphaned children, in a clear and timely manner, in a language and format they understand, and addressing obstacles in the case of illiteracy.
- 263w. All aspects of the restitution claims process, including appeals procedures, shall be just, timely, accessible and free of charge. The procedures shall include specific measures to ensure that women and orphaned children are able to participate on a fully equal basis in the restitution process.
- ~~264. The PCRC shall ensure that all Darfurians IDPs and Refugees have restored to them their housing, land and property.~~
- ~~265. DPs and Refugees have the right to have restored to them any housing, land and property of which they were unlawfully deprived or, when recovery of such property is not possible, to obtain full and effective compensation, in accordance with international principles.~~
- ~~266. This right applies to IDPs and Refugees whether they choose to return to their place of origin or to settle elsewhere.~~
- ~~267. The Parties shall not recognise as valid any illegal property transaction, including any transfer that was made under duress and any transfer made without free and informed consent.~~



~~268. The Government of Sudan shall be responsible for ensuring property restitution to the lawful owner. The Government will remove and relocate secondary occupants of the property of Internally Displaced Persons and Refugees in a timely and dignified manner prior to the return of Internally Displaced Persons and Refugees, through a process monitored by UNHCR.~~

### **Secondary Occupants**

- 268a. The Government of Sudan, in cooperation with UNAMID and other relevant international and regional organisations, and subject to monitoring by UNHCR, shall peacefully remove and relocate secondary occupants of the property of Internally Displaced Persons and Refugees, in a timely and dignified manner, not more than 45 days prior to the return of Internally Displaced Persons and Refugees.
- i. If any due compensation is required by law or necessary to ensure peaceful removal of secondary occupants, full and effective compensation shall be determined by the PCRC and provided by the Government of Sudan.
  - ii. The Parties shall ensure that the human rights of secondary occupants are respected.
  - iii. The removal of Secondary Occupants shall be completed within 30 days of the issuance of an award by the PCRC.
- ~~269. No person or group of persons shall be deprived of any traditional or historical right in respect to land or access to water without consent or compensation on just terms.~~
- ~~270. The Parties agree to establish housing, land and property restitution claims procedures, which must be simple, accessible, transparent and enforceable. All aspects of the restitution claims process, including appeals procedures, shall be just, timely, accessible and free of charge. The procedures shall include specific measures to ensure that women and orphaned children are able to participate on a fully equal basis in the restitution process.~~
- ~~271. All disputes related to land and property or disputes arising from the return process and which require local and rapid settlement shall be resolved. Meanwhile, traditional mechanisms shall be invoked to settle disputes, provided same are consistent with the international principles of human rights and without prejudice to the courts' jurisdiction.~~
- ~~272. Internally displaced persons and Refugees have the right to be fairly compensated for any housing, land and property that cannot be restored to them, in accordance with international principles.~~
- ~~273. All above mentioned mechanisms will ensure the active participation of representatives of Internally Displaced Persons, Refugees, and civil society.~~
- 273a. The provisions for the return, restitution and Reintegration of Internally Displaced Persons and Refugees in this Chapter do not disqualify them for pursuing claims for compensation for other harms and losses as set out in this Agreement.

Article XX: Compensation for Harms Suffered as a Result of the **CONFLICT**

- 273b. The Parties agree that many people have suffered harms as a result of the Conflict, and as such are entitled to receive reparations to acknowledge victim's suffering, repair losses, and restore the dignity, security and stability of victims and their communities.
- 273c. Every victim who has been persecuted or suffered economic, physical and/or psychological harm, and/or the loss of family members, as a result of the conflict is entitled to full and effective compensation.
- 273d. The Government of Sudan shall be responsible for providing the funding for full and timely payment of all compensation claims.
- 273e. The compensation provided to victims for harms suffered shall be independent of any other assistance provided by the terms of this Agreement as a result of their status as an IDP or Refugee or their member in a tribe, village, town or other group entitled to collective benefits from reconstruction and development funding.

**DARFUR VICTIMS COMPENSATION COMMISSION AND COMPENSATION FUND**

- 273f. A Darfur Victims Compensation Commission (DVCC) and a DVCC Compensation Fund shall be established to manage the process of providing compensation to victims.
- 273g. The DVCC shall be established by law within [x] months of the coming into force of this Agreement.
- 273h. The DVCC shall have its headquarters in the capital of the Region of Darfur and may have offices at other locations as it deems appropriate.

**Composition of the DVCC**

- 273i. The DVCC shall be composed of nine members, both women and men;
- x. The Government of Sudan shall appoint three representatives, both women and men;
  - x. The [DTG] shall appoint three representatives, both women and men;
  - x. At least two of such six members of the DVCC shall be victims and representatives of affected communities;
  - x. The [UN Secretary-General or another international organization agreed to by the Parties] shall appoint the remaining three members, both women and men, and shall designate one such international member as the Chairperson;
- 273j. A Sub-DVCC shall be established to address the compensation of women and another Sub-DVCC shall be established to address the compensation of children, in recognition of women and children's special status in international law and in recognition that women and children

have suffered disproportionately during the conflict, including rape of women and girls and other forms of violence and recruitment of children.

### **Mandate and Responsibilities of the DVCC**

273k. The DVCC shall have as its main responsibilities:

- x. To receive, review, decide and pay claims for compensation submitted by victims of the Conflict;
- x. To establish policies, rules and procedures governing all matters related to its mandate after full consultations with civil society including women's organizations, and, in particular, victims, through public meetings held throughout Darfur. All such policies, rules and procedures shall be consistent with international standards and made public;
- x. To establish procedures to make urgent interim awards for victims in need of immediate assistance without the requirement of a full hearing and review of the claim. Any interim award shall be deducted from the final claim award;
- x. To develop a compensation schedule for awarding compensation payments based upon the principles that financial awards should be made in proportion to the harm and loss suffered and that women, men and children have equal individual rights to claim compensation;
- x. To establish and maintain an outreach program to notify all victims of the mandate and procedures of the DVCC and to assist victims in filing claims;

### **Accessibility of Compensation Procedures**

273l. The DVCC procedures shall be simple, accessible, transparent, enforceable, timely, free of charge, and age and gender-sensitive.

273m. The DVCC shall undertake its activities in a manner that ensures that women and children are able to participate on a fully equal basis in the compensation claims process.

273n. Where appropriate, the DVCC may appoint an advocate or representatives to act on behalf of a claimant. Such an appointment may be particularly appropriate when the claimant is under eighteen (18) years of age or suffers mental disability.

273o. The decisions of the DVCC shall be a public record.

273p. The DVCC's decisions and awards shall be final, binding, and recognised as lawful throughout Sudan.

### **Darfur Victims Compensation Fund**

273q. A DVCC Compensation Fund shall be established through which the Compensation DVCC disburses compensation award payments to individual victims.

- 273r. The DVCC Compensation Fund shall be established within thirty [30] days of the coming into force of this Agreement as a trust account held and monitored by the [World Bank or other international entity].
- 273s. The Government of Sudan shall be obligated to deposit an amount equal to US\$750,000,000 (seven hundred and fifty million US dollars) into the DVCC Compensation Fund within 60 days of the coming into force of this Agreement.
- 273t. The United Nations and the African Union shall establish as soon as possible a joint expert assessment team that will provide an estimate of the total potential compensation claims within [90] days of the coming into force of this Agreement. In addition to the initial seed money deposited by the Government of Sudan pursuant to the above paragraph, the Government of Sudan shall deposit additional funds, if necessary to ensure that the DVCC Compensation Fund contains at least [50%] of the UN-AU assessment estimated total of all compensation claims within 90 days of the coming into force of this Agreement. The Government of Sudan shall ensure that [100%] of the estimated claims are present in the DVCC within [180 days] of the coming into force of this Agreement. The Government of Sudan shall thereafter deposit into the Compensation Fund within [x days] of the beginning of each fiscal year the amount requested by the DVCC based on its annual budget. There shall be no ceiling on the Government's financial obligation.
- 273u. There shall be no limit on the time frame for payments from the Compensation Fund.
- 273v. Regular auditing shall be undertaken to ensure the proper use and distribution of funds allocated to compensate victims, in accordance with the DVCC's established procedures and international principles, including fair principles of gender and age equality.

#### **DVCC Secretariat**

- 273w. The DVCC shall have adequate funds, appropriate facilities and appropriately-qualified national and international staff to assist it in carrying out its functions.
- 273x. Staff competencies must include experience and expertise in: international principles of compensation, human rights, sexual and gender-based violence, child protection, psychological trauma, and in financial, and legal matters;
- 273y. At least [33%] of the staff across all key organizational levels must be women;
- 273z. A Victims Assistance Unit shall be established within the DVCC, which shall include offices for child protection, offices for women's protection, shall be appropriately staffed and shall be trained in special investigation, victim interviewing and confidentiality procedures;
- 273aa. The expenses of the DVCC shall be covered by the DVCC Compensation Fund;
- 273bb. The DVCC may receive assistance from international and nongovernmental organizations, in their areas of special expertise falling within the mandate of the DVCC.

- 273cc. The DVCC shall cooperate and coordinate with other operational mechanisms established by this Agreement, in particular with the Voluntary Return and Resettlement Commission, the Property Claims and Restitution Commission and with the Truth and Reconciliation Commission.
- 273dd. Any claims received for housing, land and property restitution shall be referred by the DVCC to the PCRC within [14] days.
- 273ee. All possible measures shall be taken to safeguard the independence and impartiality of the Compensation DVCC and to avoid its work being politically manipulated.

**ARTICLE 51: FUNDING**

- ~~274. The initial amount of the Compensation/Jabr al Darar Funds for the settlement of compensation for any loss and/or damage suffered by IDPs, Refugees and any other victims of the conflict in Darfur shall be US\$ 750,000,000 (US dollars three hundred million), out of which the Government of Sudan undertakes to pay US\$ 200,000,000 (US dollars two hundred million), and the balance of US\$ 100,000,000 (US dollars one hundred million) will be sourced from donors.~~
- ~~275. The Government of Sudan shall allocate funds from the national budget to support the voluntary return and Reintegration of IDPs and Refugees until the return process has been completed.~~
- ~~276. The Parties commit to promoting the mobilisation of international resources to contribute to the above mentioned funds.~~
- ~~277. Recognising that peace process in general and collective and family compensations in particular, require mobilisation of huge resources and the fact that mobilisation of local resources alone cannot meet all requirements, funding such plan requires the participation and support of the international community, peace partners and beneficiaries of peace. These resources are to be maintained in the Compensation and Jabr Al Darar Fund:~~
- ~~i. Sums that the Government of Sudan has undertaken to allocate;~~
  - ~~ii. Participation of Sudanese people through their institutions such as the chamber of commerce and charitable organisations;~~
  - ~~iii. Contributions by the Islamic, Arab and African countries and their Funds;~~
  - ~~iv. Contributions by UN, EU and other international organisations.~~

## **CHAPTER V – JUSTICE AND RECONCILIATION**

### **ARTICLE 52: GENERAL PRINCIPLES FOR JUSTICE AND RECONCILIATION**

Justice and reconciliation shall be based on the following principles:

278. ~~The respect of~~ **Respect for** international human rights law and international humanitarian law.
279. Justice and reconciliation are integral and interlinked elements for lasting peace in Darfur and are essential for upholding the rule of law.
280. **Recognition of the need for the** adoption of transitional justice mechanisms for remedies and for the legal accountability of perpetrators of acts of violence related to the ~~armed Conflict in Darfur.~~
281. ~~Reconstructing and repairing social relationships and reviving the values peaceful co-existence, respect for existing customs, social cooperation and solidarity in Darfur; and raising the level of the social cooperation and solidarity, which characterised the Darfur society shall be the bases for reconciliation.~~
282. The right of victims to have access to **effective** justice and redress mechanisms, in particular the right to an adequate, effective and prompt remedy and/or reparations for violations of international human rights law and of international humanitarian law.
- 282a. **The right of victims to have access to educational mechanisms necessary for them to properly understand the panoply of rights they have as victims of domestic violations, human rights violations, or other violations of customary international law.**
283. Justice and other redress mechanisms, including transitional justice mechanisms, shall be independent and impartial, and shall be consistent with international norms and standards.
284. The **unconditional** condemnation of atrocities, abuses and violations of human rights and international humanitarian law committed in Darfur during the conflict, and the imperative to take all necessary steps to prevent the repetition of such violations.
285. Ensuring that all perpetrators of violations of human rights and international humanitarian law are held accountable **pursuant to the jurisdiction of domestic courts or in the International Criminal Court.**
286. ~~The appropriate recording~~ **Recording** and documentation of all crimes and forms of violations, **and effective document management mechanisms to facilitate the retrieval of information.**
287. ~~The recognition~~ **Recognition** of the specific situation and concerns of women, children and youth and the important role of women and youth in the prevention and resolution of conflicts, in transitional justice processes and in peace-building, and the imperative of their

equal participation, and full involvement in all efforts for the maintenance of international peace and security, including justice and reconciliation.

288. Children implicated in the conflict, who may have been involved in the commission of crimes under international law, if any, shall be considered primarily as victims and shall be treated in accordance with the Convention on the Rights of the Child, Protocol II to the Geneva Convention, the African Charter on Rights and Welfare of the Child, the Beijing Rules and related international juvenile justice and fair trial standards; **and in conjunction with UNICEF, the Government of Sudan and the Movements shall work to rehabilitate and reintegrate child soldiers into society.**
289. ~~The recognition of the role that independent and impartial indigenous mechanisms can play in complementing processes of justice and reconciliation and the importance to make full use of their potential while maintaining international human rights standards.~~ **Recognition of the importance of local and indigenous methods of truth-telling, justice, reconciliation, and cultural healing in complementing formal processes of justice and reconciliation, and the inclusion of these mechanisms in the justice process following the settlement of the conflict.**
290. The importance to continue to undertake legal and institutional reforms to strengthen the rule of law, and to establish relevant mechanisms thereto in accordance with the international standards.
291. ~~The importance of~~ **Following the example of other** African and international experiences and best practices regarding the principles of accountability, reconciliation, ~~and seeking the truth and justice, and historical memorialisation in~~ **about response to** what occurred in Darfur; ~~the, and use of the mechanisms of justice, compensation~~ **compensations and reconciliation mechanisms** for the settlement of the conflict.
292. The vetting of public services to identify and remove individuals who perpetrated abuses and violations of human rights and international humanitarian law to curb impunity, build confidence, and strengthen the rule of law in Darfur.
293. Provision of security and full protection to all **people**.
294. Justice, accountability, recognition of wrong doings, forgiveness, and commitment of non-repetition.
295. Encouraging **the** exchange of amicable visits between ~~the~~ leaders of the reconciled tribes.
296. **Urging tribes, in coordination with local authorities, to voluntarily** ~~Collection of~~ **collect all** weapons **possessed by members of the tribes.** ~~in possession of tribal groups by the tribes themselves in coordination with local authorities.~~
297. Promoting **open** dialogue as an appropriate ~~channel to achieve~~ **means of achieving lasting** reconciliation among the tribes **in Darfur** ~~and to consolidate the reconciliation mechanisms recognised in Darfur.~~

**International Criminal Court**

- 297a. The Parties acknowledge Sudan’s status as a signatory party to the Rome Statute and reaffirm the commitment to the International Criminal Court, and additionally acknowledge the Parties’ legal obligations arising under Security Council Resolution 1593.
- 297b. The Parties reaffirm their commitment to the International Criminal Court and ensure that the National Legislature will ratify the Rome Statute and pass national implementation legislation.
- 297c. Pursuant to Security Council Resolution 1593 (2005), the ICC shall have subject matter jurisdiction over grave crimes committed in Darfur since July 1, 2002.
- 297d. Crimes under the jurisdiction of the ICC shall consist only of those listed under Article 5 of the Rome Statute, namely, the crime of genocide, crimes against humanity, and war crimes.
- 297e. The Parties shall provide ICC prosecutors and investigators with access to victims, witnesses, and investigation sites, and shall allow ICC personnel to freely travel throughout Sudan’s roads, waterways, and airspace at all times.
- 297f. The Parties shall not interfere with the investigations and trials conducted by the ICC and shall ensure the protection and safety of all prosecutors, victims, and witnesses.
- 297g. The Government of Sudan shall permit and facilitate the extradition of those summoned and accused in ICC investigations.
- 297h. The ICC shall have original jurisdiction over the prosecution of war crimes that occurred during the conflict in Darfur. The ICC may refer, at its discretion, cases to the Special Court for Darfur.
- 297i. The ICC shall refer all cases outside of its’ personal or subject matter jurisdiction to other competent justice mechanisms in Sudan, including but not limited to hybrid courts, domestic courts, truth and reconciliation commissions, and traditional justice mechanisms.

**ARTICLE 53: THE NATIONAL JUDICIAL SYSTEM**

298. The Parties agree that the jurisdiction of the Sudanese national courts shall ~~have jurisdiction be limited to over the~~ crimes, committed in Darfur from February 2003, ~~that fall outside of the jurisdiction of the Special Court for Darfur, the Truth and Reconciliation Commission, and the ICC. in addition to continuing broad reforms with a view to reinforcing their capacity, professionalism and independence and to ensure equal justice for all.~~
- 298a. The domestic courts within the national judicial system of Sudan shall refer all cases outside of their jurisdiction to other competent justice mechanisms, including, but not limited to, the ICC, the Special Court for Darfur, traditional justice mechanisms, and the Truth and Reconciliation Commission.



- 298b. The national judicial system shall only have the power to review those cases originating within the national judicial system.

#### **JUDICIAL REFORM**

299. ~~The Government of Sudan undertakes to facilitate access to justice by the following necessary and important steps:~~ The Government of Sudan commits to undertake broad reforms of the national judicial system in order to facilitate access to justice by taking the following necessary and important steps:
- i. Increasing the number of courts and judicial personnel, including judges and prosecutors, in and from Darfur to ensure proportional representation of Darfurians in the judicial process;
  - x. Initiating affirmative action programmes in accordance with paragraph [20] this Agreement to ensure that Darfurians are appointed as regional and national judges, prosecutors and other official and administrative members of the judiciary in numbers equivalent to those established in this Agreement;
  - x. Allocating the necessary resources to adequately train new judicial personnel in international criminal law;
  - ii. Strengthening and utilising the system of mobile courts;
  - iii. Allocating adequate resources required for the effective delivery of justice; including providing necessary land and air transport throughout Darfur for ~~prosecution~~ all officials and staff. To this end the Government may seek assistance from the United Nations and peace partners;
  - iv. Ensuring that the Ministry of Justice enforce and support Prosecution's duties in conducting necessary investigations and taking the necessary procedures thereof;
  - v. Ensuring the protection of judicial personnel, victims and witnesses;
  - x. Guaranteeing the rights to due process and a fair trial
  - x. Establishing new laws as necessary to prohibit and punish gender-related crimes and all forms of violence against women.
- 299a. The Parties shall establish a Judicial Reform Committee composed of lawyers, judges, and civil society, which shall request the assistance of the United Nations, the African Union, and relevant international organisations to provide technical support and appropriate resources for the effective reform of the judiciary. The Judicial Reform Committee shall consist of [x] Darfurians and [x] experts from other Regions of Sudan, and at least [one-third] of its members shall be women. [Ninety days] following the coming into force of this Agreement, the Judicial Reform Committee shall provide a report recommending judicial reform measures according to the outline set forth in the preceding paragraph, and the means for the eventual implementation of these judicial reforms through legislation and/or Constitutional amendment.
- 299b. The Government of Sudan agrees to reform its Constitution and legal codes to bring both into conformity with international human rights and humanitarian law, to specify jurisdiction over

international crimes as defined in the Rome Statute, and to bar amnesty or immunities for those accused of crimes, unless otherwise stipulated in this Agreement.

- 299c. Reforms to the national judicial system shall accord, at a minimum, with the International Covenant on Civil and Political Rights and the United Nations Basic Principles on the Independence of the Judiciary, as well as the African Charter on Human and Peoples' Rights (also known as the Banjul Charter).
300. ~~The above mentioned steps and procedures shall guarantee the rights to of due process and a fair trial and ensure conclusive settlement of cases processed by and referred to courts and mechanisms of transitional justice, and eliminating any existing or potential barrier obstructing people of Darfur from exercising their right to litigation, justice and remedy.~~
301. ~~The Government of Sudan undertakes to provide technical assistance and support to enhance coordination between courts and commissions or special committees pertaining to blood money or compensation, and other reconciliation means with a view to creating the required cohesion, thereby elevating the level of competence, and avoiding inconsistencies and overlaps.~~
302. ~~The Parties agree to reinforce the role of the civil society in Darfur in fostering justice, peace and reconciliation freely and independently. Civil society shall have seek support from national, Regional and international organisations according to established procedures.~~
303. ~~The Parties call upon the international community to provide technical support and appropriate resources for the effective functioning of the judicial and justice systems.~~

**ARTICLE 54: COMPENSATION/JABR AL DARAR**

304. ~~All victims including IDPs and Refugees, who suffered from economic losses, or any other damage, including loss of life, physical injury, mental injury and emotional suffering, because of the war in Darfur, have the right to adequate and prompt compensation/Jabr al Darar according to international experiences and practices in similar situations. Compensation/Jabr al Darar shall have priority over other considerations.~~
305. ~~The Government of Sudan shall pay compensation/Jabr al Darar to all victims of the conflict in Darfur, according to the results of the investigation carried out by the relevant mechanisms agreed upon, from the compensation/ Jabr Al-Darar Fund.~~
306. ~~Compensation / Jabr al Darar shall be paid in one instalment whenever possible. Otherwise, it shall be paid in two instalments provided that the whole period for the settlement of such compensation/Jabr al Darar, does not exceed two years from the date of assessment of the damage.~~

**ARTICLE 55: TRUTH AND RECONCILIATION**

**GENERAL PROVISIONS**

- 306a. The Parties agree that the overarching purpose of this Agreement is to promote reconciliation among the peoples of Darfur by addressing the root causes of the conflict, promoting measures to alleviate these causes, and supporting mechanisms and processes that will facilitate forgiveness and the reestablishment of social harmony.
- ~~307. The Government shall designate a national day for peace and non-violence in Darfur upon the coming into force of this Agreement.~~
308. ~~In order to foster reconciliation,~~ The Parties agree ~~that~~ to address the root causes of the conflict in Darfur, ~~including~~ **namely, the marginalisation of the Darfurian people by the Government of Sudan.**
- ~~i. Environmental degradation and dispute over access to natural resources;~~
  - ~~ii. Tensions among local communities;~~
  - ~~iii. Weakness of the Native Administration;~~
  - ~~iv. Conflict over land, *Hawakeer* and the Nomadic routes;~~
  - ~~v. Proliferation of weapons;~~
  - ~~vi. The Regional dimension of the conflict.~~
- .
309. The Parties agree that the reconciliation process should aim at:
- i. Ensuring and providing appropriate conditions for social and peaceful reconciliation;
  - ii. Rebuilding and strengthening relationships between the components of the society as well as **promoting** ~~raising the level of~~ coexistence, cooperation and social solidarity in Darfur;
  - iii. Eradicating tribal and regional polarisation and preventing the tribes from fighting out of tribal motivations;
  - iv. Establishing a culture of peace in accordance with the values and the ~~traditional~~ cultural heritage;
  - v. Formal and informal apologies, individually and collectively, to the victims of war.
310. Without prejudice to the prerogatives and mandate of the Truth and Reconciliation Committee established pursuant to the provisions of this Agreement, the following mechanisms shall be established:
- i. The *Ajaweed* Councils which **shall** consist of native leaderships;
  - ii. The Native Administration.
311. The Government of Sudan **shall provide all necessary** support for these mechanisms, **including financing, and shall work with UNAMID to ensure proper security for these mechanisms.** ~~undertakes to support these mechanisms which shall complement the work of the Truth and Reconciliation Committee.~~

312. The *Ajaweed* Institution shall be rehabilitated and reconciliation conferences shall be organised with a view to restoring confidence and strengthening good relationship among the communities, as well as giving incentives to those who contribute to realising security and stability and work to resolve inter-disputes.
313. The structures and mechanisms related to reconciliation which are established by this Agreement shall work to achieve the following:
- i. Strengthening the Native Administration system **by providing it with appropriate and adequate** ~~through the universities and training institutions and the legal, judicial and administrative authorities~~ **powers, and the necessary training to effectively exercise those powers,** ~~in order to enhance their~~ **its** capacity to efficiently carry out ~~their~~ **its** duties;
  - ii. Consolidating reconciliation **and** promoting the concept of peaceful coexistence ~~and respecting the prevailing norms;~~
  - iii. Respecting the acknowledged customary migration routes in order to stabilise relations among nomads and farmers;
  - iv. Denouncing violence and exclusion and adopting dialogue as a means to achieving social peace;
  - v. Adoption of justice, reconciliation and forgiveness as principles leading to peace;
  - vi. Promoting the culture of peace through the tribal dignitaries, religious scholars, civil society organisations, the media and various educational systems;
  - vii. Putting an end to the residence of illegal migrants and their occupation of villages, towns, farms and orchards in Darfur.

#### **~~TRUTH, JUSTICE~~ AND RECONCILIATION COMMISSION (TRC)**

314. ~~Without prejudice of the jurisdiction of the Sudanese national courts, a~~ **An independent Truth, Justice and Reconciliation Commission shall be established by law, as a matter of priority within [45] days of the signing this Agreement. The TJRC shall be composed of the following two Committees:**
- ~~i. The Justice Committee and;~~
  - ~~ii. The Truth and Reconciliation Committee.~~

#### **Justice Committee**

315. ~~The Justice Committee shall be responsible for receiving, examining and assessing the claims, and determining the nature of compensation/Jabr al Darar as well as the amount to be paid to the victims as appropriate. The victims shall be given a period of ten years for filing claims, starting from the initial date fixed for submission of individual claims.~~
316. ~~The membership of the Committee shall include members nominated by the signatories Parties of this Agreement.~~

317. ~~The Justice Committee shall adopt its rules of procedures and modus operandi. These procedures shall be simple and accessible.~~
318. ~~Technical and administrative committees shall assist the Justice Committee in determining the nature and the extent of the individual damages and losses. These committees shall be composed of, among others, specialised physicians, lawyers, representatives of the native administration, the elders of the camps, representatives of the victims and other relevant experts. These committees shall work in close collaboration with the local administration. The Government of Sudan undertakes to bear the expenses of their work.~~

**~~Truth and Reconciliation Committee~~ Commission**

319. The Truth and Reconciliation ~~Committee~~ Commission (TRC) shall assess the root causes of the conflict in Darfur, investigate violations, crimes and human rights abuses including violations of economic, social and cultural rights committed from February 2003, address issues of impunity and build a culture of confidence, peace and reconciliation. The TRC shall undertake a comprehensive analysis to determine the causes, nature, and extent of the Conflict, including the extent of international humanitarian law and human rights law violations and the motives of the perpetrators. In identifying the persons, authorities, institutions, and organisations responsible for human rights violations during the Conflict, the TRC will determine whether such violations were the result of deliberate planning by the State or State actors, political organisations, liberation movements, or other groups or individuals.
- 319a. The TRC shall continue in operation until such time as the Government of Sudan and the Regional Government of Darfur agree that it is no longer needed. Under no circumstances shall the TRC be disestablished less than eight (8) years after the date of its first day of operation.
- 319b. The TRC shall have its headquarters in the capital of the Region of Darfur, and shall have offices in every community that was affected by the conflict in Darfur.
320. ~~The TRC shall be composed of other eminent personalities, representatives of the ethnic and cultural diversity of Sudan, with due respect for gender balance. It shall adopt its rules of procedures. The membership of the TRC shall include members nominated by the signatories Parties of this Agreement.~~ The TRC shall consist of ten members. The Movements, collectively, and the Government of Sudan shall each appoint two (2) members each after a national consultation process in which all sectors of Darfur society are provided the opportunity to recommend candidates. The remaining six [6] members shall be appointed by the United Nations and the African Union. Each party shall appoint at least one woman.
- 320a. Members of the TRC shall not hold any public office, nor be officers of any political party, and shall be prohibited from participating in political activity of any kind while serving on the TRC.

- 320b. The individuals appointed to the TRC shall be persons of high moral integrity, and regarded as impartial by the Darfur population. The international members shall have extensive experience in human rights, transitional justice and/or truth commissions.
321. The TRC shall provide an opportunity for the victims and perpetrators of human rights violations as well as other people to share their experiences, establish a common understanding of the past, facilitate genuine healing within and among communities and promote reconciliation and prevention of atrocities in the future. The TRC shall receive statements from victims, witnesses, communities, interest groups, persons directly or indirectly involved in events, or any other group or individual; undertake investigations and research; hold hearings; and engage in activities it determines appropriate to advance national or community reconciliation.
- 321a. The TRC shall be given powers of investigation, including the powers to call persons to speak with the TRC, to gather relevant evidence, to interview witnesses, and to undertake any other measures or inquiries it deems useful to the performance of its mandate.
- 321a1. Evidence collected by the TRC shall be stored in an agreed-upon location with appropriate safety measures to protect confidentiality of victims and witnesses. Collected evidence may be shared with other tribunals.
- 321a2. In the interest of preventing further psychological or emotional harm to victims, and to encourage witnesses to come forward, the TRC will ensure that victims and witnesses receive professional support from a trained counsellor or mental health professional. Special procedures will be developed to protect child witnesses and victims.
- 321b. The TRC shall not have the authority to grant amnesty of any kind.
- 321c. The TRC may offer confidentiality to persons upon request, to protect individual privacy or security, or for other reasons. The TRC shall determine whether its hearings shall be held in public or in private.
- 321d. The TRC shall refer all cases outside of its jurisdiction to other competent justice mechanisms, including, but not limited to, the ICC, the Special Court of Darfur, the national judicial system of Sudan, and traditional justice mechanisms.
- 321d1. Those accused who are found guilty before the TRC will have the opportunity to seek judicial review by an appellate chamber within the TRC. The national judiciary shall not review cases originating within the TRC.
- 321e. The Parties agree to investigate and prosecute those persons who have unlawfully recruited children into armed forces or armed groups, or used them to participate actively in hostilities.
- 321f. The Parties agree to investigate and prosecute those persons who have committed acts of sexual violence against women of all ages.

- 321g. Special attention shall be paid to victims of mental trauma and sexual violence. Experts on mental health, psychosocial rehabilitation, and on women's issues should be included on the TRC staff, and the commissioners and staff should receive special training on working with individuals suffering from mental trauma and women who have been the victims of sexual violence.
322. The TRC shall recommend measures towards comprehensive and lasting peace in Darfur and shall submit its findings and recommendations to the President and the National Assembly of Sudan on an annual basis. ~~It shall submit its final report to the President and the National Assembly of Sudan upon the completion of its mandate.~~ The TRC shall be authorised to recommend legal, political, or administrative measures based on the results of its investigations. Such recommendations may include, but shall not be limited to, measures to prevent the repetition of such acts, initiatives to promote national and community reconciliation, and institutional or other reforms. The report shall remove all confidential personally identifiable information, and be public and made available throughout Sudan.
323. The Parties ~~shall agree to~~ request the assistance of the international community in providing the necessary financial and technical support for the work of the TRC. The Government of Sudan shall ensure that the TRC receives adequate funds, appropriate facilities and appropriately-qualified national and international staff to assist in carrying out its functions. A minimum of [USD 10 million] shall be set aside for the initial operation of the TRC.
- 323a. The Parties shall ensure that the TRC, its members, staff, affiliates, property, assets, and facilities, are free from interference and intimidation, and permitted to function independently.
324. The TRC shall adopt its rules of procedures and modus operandi. These procedures shall be simple and accessible. The TRC shall establish and publicise its rules of procedure, which shall be informed by best practices gathered through collaboration with international organisations and experts in international law. These rules of procedure shall be codified in the TRC's implementing legislation.
- 324a. The TRC shall cooperate and coordinate with other operational mechanisms established by this Agreement.

#### **ARTICLE 56: SPECIAL COURT FOR DARFUR**

325. The Parties agree to establish, through the passage of national legislation within [x months] of the coming into force of this Agreement, a Special Court for Darfur consisting of [x] Sudanese judges appointed by the DTG, [x] Sudanese judges appointed by the Government of Sudan, and [x] international judges, as well as a chief prosecutor appointed by the [AU/UN]. ~~A~~ The Special Court for Darfur shall ~~be established and shall~~ have effective jurisdiction over gross violations of human rights and serious violations of international humanitarian law committed in Darfur from February 2003. The Special Court for Darfur shall have its headquarters in the capital of the Region of Darfur.

326. A team of specialised experts from ~~the United Nations~~ UNAMID shall observe the Court's proceedings to ensure the proper conduct of these proceedings in accordance with justice and equity rules enshrined in international law.
327. ~~The Special Court shall apply the Sudanese criminal law, international criminal law and international humanitarian and human rights laws.~~ The Special Court for Darfur shall apply both substantive domestic Sudanese law and substantive international criminal law, which shall be incorporated into domestic Sudanese law through the passage of domestic war crimes and crimes against humanity, legislation. The Special Court for Darfur shall also apply a combination of procedural domestic and international law, as defined by the Court's implementing legislation.
- 327a. All laws relating to war crimes and crimes against humanity, incorporated into Sudanese national laws, shall have retroactive effect to February 1, 2003.
328. ~~The Government of Sudan and the Movements shall take all necessary measures to guarantee the protection and assistance of victims and witnesses, and ensure their full access to and participation in the justice process. Parties commit to abstain from any act that might discourage witnesses from testifying freely and without fear.~~ The Parties agree to establish a fund to support the operations of the special court throughout its existence, including support for victims and witnesses during investigations and trials. The Government of Sudan shall provide [x] amount of initial financing to the Special Court for Darfur within [90] days of the coming into force of this Agreement.
- 328a. Without prejudice to the jurisdiction of the ICC, the Special Court shall have subject matter jurisdiction for the crimes of genocide, crimes against humanity, war crimes, and other grave violations of international human rights law and international humanitarian law.
- 328b. A list of specific crimes against humanity agreed upon by the Parties shall include, but shall not be limited to: enslavement; forcible transport of population; severe deprivation of physical liberty; torture; rape, sexual slavery, forced prostitution, enforced sterilisation, and forced pregnancy; mass killings; persecution of identifiable groups on a collective basis; and enforced disappearance of persons.
- 328c. The Special Court of Darfur shall have personal jurisdiction only over those persons bearing the greatest responsibility for these crimes, including persons accused of having planned, organised, instigated or supervised these crimes, or having acted in a position of actual or legal authority when perpetrating these crimes.
- 328d. The prosecutor will lead the investigations and prosecution of crimes over which the Court has jurisdiction.
- 328e. The prosecutor shall function independently and shall not seek nor accept instruction either from the Government of Sudan or any other source.



- 328f. The selection of judges shall be free from discrimination on the grounds of race, national origin, birth, status, gender, or religion. Judges shall include both males and females, with females represented equitably.
- 328g. Judges appointed by the [AU/ UN] shall possess the qualifications for judicial appointment in their respective countries, and have experience in international or criminal law, particularly international humanitarian and human rights law.
- 328h. Implementation legislation for the Special Court for Darfur shall include a review mechanism that allows the ICC to oversee the work of the Court, in order to ensure the Court's impartiality, independence and effectiveness.
- 328i. The Special Court for Darfur shall refer all cases outside of its personal or subject matter jurisdiction to other competent justice mechanisms in Sudan, including but not limited to national courts, the TRC, and traditional justice mechanisms.
- 329. The Government of Sudan with the support of the international community shall establish a fund for legal aid and other related activities of the Court during the investigations and trials.

#### **TRADITIONAL JUSTICE MECHANISMS**

- 329a. Traditional justice mechanisms in Darfur shall be empowered to penalise individuals who committed offenses related to the Conflict in the perpetuation of localised intra-tribal and inter-tribal conflicts.
- 329b. The subject matter jurisdiction of traditional justice mechanisms shall include all offenses related to the Conflict that fall outside the jurisdiction of the ICC, the Special Court for Darfur, the national judiciary of Sudan, and the Truth and Reconciliation Commission.
- 329c. Crimes that are referred to the traditional justice mechanisms will be categorised to help determine the penalties faced by each accused:
  - x. Category One crimes shall include serious crimes typically under the jurisdiction of an international, special, or domestic criminal tribunal.
  - x. Category Two crimes shall include serious crimes not typically under the jurisdiction of an international, special, or domestic criminal tribunal.
  - x. Category Three crimes shall include property crimes and other less serious crimes for which a perpetrator may avoid prosecution through agreement with the victims.
- 329d. Traditional justice mechanisms will establish diverse and appropriate penalties that reflect the gravity of the offenses and promote reconciliation, restitution, and compensation for the victims.
- 329e. As a forgiveness measure, the accused will have the ability to plea bargain in exchange for the possibility of a reduced sentence from a traditional justice mechanism. Such a plea bargain may include public written or oral apologies.

- 329f. In the interest of witness protection, severe penalties will be imposed upon those who threaten or do violence to any witnesses in traditional proceedings.
- 329g. Unpaid community service will be promoted as a favoured penalty, particularly for those who make public apologies.
- 329h. A committee/office shall be established to monitor the fulfilment of community service obligations.
- 329i. Traditional justice mechanisms shall not have jurisdiction over cases where either the Government of Sudan or any militia group is a party to the case.
- 329j. Traditional justice mechanisms shall refer all cases outside of their jurisdiction to other competent justice mechanisms, including, but not limited to, the ICC, the Special Court for Darfur, the national judiciary of Sudan, and the Truth and Reconciliation Commission.
- 329k. Traditional justice mechanisms shall exercise traditional competencies thus shall employ both customary substantive laws and customary procedural rules.
- 329l. The balance between respecting the due process rights of the accused and providing timely justice to victims will be a constant consideration at all stages of proceedings within the traditional justice mechanisms.
- 329m. Professional counsel shall be available to all accused. Defence counsel shall be provided free of charge to the defendant, with all necessary resources to effectively counter cases brought by the traditional justice mechanisms.
- 329n. Local and Regional leaders and tribal elders shall oversee the functions of traditional justice mechanisms
- 329o. Judges and members of coordinating committee shall be persons of high integrity.
- 329p. The Parties shall consult local and Regional leaders and tribal elders on whether to implement legislation to formalise traditional justice mechanisms in the national justice system of Sudan

**ARTICLE 57: AMNESTY**

330. In order to create conducive environment for peace and reconciliation, the Parties agree to grant a general amnesty in accordance with the Sudanese Constitution and Laws, to the civil and military members of the Movements as well as to prisoners of war and those sentenced from all sides, including for participation in hostilities, acts of rebellion, and crimes against the state.

331. The Parties agree that war crimes, crimes against humanity, crimes of genocide, crimes of sexual violence, [use of soldiers under the age of 18](#), and gross violations of human rights and humanitarian law shall not be included in the scope of application of the amnesty.

**ARTICLE 58: VETTING OF PUBLIC SERVICES**

332. In order to create conducive conditions for confidence building and reconciliation, the Government of Sudan undertakes to establish independent, impartial, resourced and effective vetting mechanism within 3 months of the coming into force of this Agreement. [Vetting mechanisms shall involve the participation of international organisations with expertise on the provision of social services, and shall be developed in coordination with the Regional Government of Darfur.](#)

**ARTICLE XX: MEMORIALISATION**

- 332a. [The parties agree to establish a memorial honouring the victims of the conflict in Darfur. The memorialisation project will help provide closure for those who experienced the conflict, and education for those who did not.](#)
- 332b. [A memorial for Darfur may take many forms, including but not limited to an annual public ceremony, a museum, a documentation centre, or a monument.](#)
- 332c. [A memorial for Darfur shall be designed to promote reconciliation, and to demonstrate the commitment of the people of Darfur and the Government of Sudan to protecting human rights and to preventing the recurrence of violence.](#)
- 332d. [A memorial will also be used as a place to engage in civic affairs and education programmes related to the conflict and its aftermath.](#)
- 332e. [The parties agree to engage in popular consultations and dialogue with all levels of Darfuri society to identify collective goals for the memorialisation project.](#)
- 332f. [Consultations may take many forms including meetings, feasibility studies and needs assessments. Consultations shall focus particularly on the view of individuals most affected by the conflict.](#)
- 332g. [The parties agree to establish an assessment mechanism to evaluate whether the memorialisation project is accomplishing its goals and objectives.](#)

**CHAPTER VI: PERMANENT CEASEFIRE AND FINAL SECURITY ARRANGEMENTS**

**Article 59: GENERAL PRINCIPLES FOR PERMANENT CEASEFIRE AND FINAL SECURITY ARRANGEMENTS**

The provisions of Permanent Ceasefire and the Final Security Arrangements shall be based on the following general principles:

333. The [conflict of Sudan in Darfur](#) ~~Darfur~~ conflict cannot be resolved militarily and a durable solution can only be obtained through an inclusive political process;
334. [All the people of Sudan](#) ~~Civilians in Darfur~~ have a right to protection, including provision of specific measures for vulnerable groups such as women, ~~and~~ children, [IDPS and Refugees](#), taking into account women and children's special status in international law and in recognition that women and children have suffered disproportionately during the conflict;
335. [The Parties shall](#) ~~The importance of facilitating~~ the mandate of UNAMID, including for the protection of civilians, ~~as outlined in UNSCR 1935 (2010);~~ [and all foreign and domestic providers of humanitarian aid, as outlined in United Nations Security Council Resolution 1935 \(2010\) and in paragraphs 53-55 of the Letter dated 5 June 2007 from the U.N. Secretary-General to the President of the U.N. Security Council \(U.N. Doc. S/2007/307/Rev.1\);](#)
336. [The Parties shall](#) ~~The imperative to~~ refrain from all acts of violence against [the people of Sudan](#) ~~civilians~~, in particular vulnerable groups such as women and children, and from violations of human rights and international humanitarian law;
337. The need to address the urgent humanitarian crisis faced by the people of Darfur, including the guarantee of unrestricted humanitarian access to all areas;
338. Realising and supporting permanent peace in [Sudan](#) ~~Darfur~~ through, among other things, a comprehensive agreement and final security arrangements that deal with the root causes ~~and the different aspects~~ of the armed conflict.
339. Guaranteeing free movement for individuals, goods and services [throughout Sudan](#) ~~in Darfur~~.
340. The necessity to have a strong professional and inclusive National Sudanese Armed Forces and other security institutions, capable of defending and maintaining the sovereignty and territorial integrity of the country.
- 340a. [The Parties recognise that UNAMID is deployed with a mandate to monitor, observe the compliance with and verify the implementation of all ceasefire agreements signed or to be signed in Darfur pursuant to the United Nations Security Council Resolution 1769 \(2007\) and the Agreement between the United Nations, the African Union and the Government of Sudan concerning the Status of the African Union-United Nations Hybrid Operation in](#)

Darfur (Status of Forces Agreement), dated 9 February 2008. The Parties will ensure that deviation from this Agreement will be reported promptly to UNAMID observers.

**PERMANENT CEASEFIRE**

**ARTICLE 60: PROHIBITED ACTIVITIES AND POSITIVE UNDERTAKINGS**

- 340b. The scope of this Agreement includes all activities of the Parties, either on land or in the air, in and over Darfur and Kordofan, and where applicable, Sudan as a whole.
- 340c. The Parties agree to refrain from all offensive operations of any type against each other for the duration of this Agreement.
- 340d. An offensive operation is any threatening, aggressive, hostile or violent action of a Party and includes, but is not limited to
- x. Projecting forces or fire forward of a Party's own lines and toward the opposing Party or its civilians;
  - x. All military aircraft activity over the opposing Party's territory;
  - x. Any operation that results in the increased presence of troops in the opposing Party's territory;
  - x. Acts of violence or any other abuse on civilian populations;
  - x. Harassment or intimidation of the opposing Party's military or civilians, including harassment through unwarranted arrest and other abuses of police or judicial powers;
  - x. Recognizance, espionage, or clandestine surveillance in the opposing Party's territory; and
  - x. Any deployment, movement, or action which could extend the territory under either Party's control or which could lead to a resumption of hostilities.
- 340e. Offensive operations do not include administrative movements of a Party's troops within their own territory or other actions expressly permitted by this Agreement.
341. In addition to the above, ~~In accordance with this Agreement,~~ the Parties further agree to immediately cease and refrain from any:
- i. Acts of hostility, violence or intimidation against the civilian population in ~~Sudan Darfur and~~ IDPs;
  - ii. Activity that jeopardises the letter ~~and~~ or spirit of this Agreement;
  - iii. Offensive, provocative or retaliatory actions, including hostile propaganda and the unauthorised redeployment and movement of forces, against ~~the another Party or any Party signatory to the Darfur Peace Agreement (DPA), signed on 5 May 2006 in Abuja, Nigeria, or against the signatories to the Declaration of Commitment to the DPA, signed thereafter;~~ to this Agreement.
  - iv. ~~Military~~ recruitment or any other military activity within or in the proximity of [5] miles of IDPs or Refugees camps;

- v. Acts of intimidation, hostility, violence or attacks against UNAMID personnel, installations or equipment, members of local or international humanitarian agencies including UN agencies, international organisations and non-governmental organisations, their personnel, installations, ~~or~~ equipment, **or other assets**, and members of the media;
- vi. Actions that may impede or delay the provision of humanitarian assistance or protection to civilians and restrict free movement of people;
- vii. Restrictions on the safe, free and unimpeded movement of humanitarian agencies;
- viii. Use or laying of land mines;
- ix. Acts and forms of gender-based violence and sexual exploitation;
- x. Recruitment and use of boys and girls under age 18 by armed forces and armed groups in hostilities, in accordance with Sudan's obligations ~~under the~~ **as a signatory bound by the** Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
- xi. Other activities that could endanger or undermine the Parties' commitment to a complete and durable cessation of hostilities, including those activities that would be determined to be a violation of the ceasefire based on this Agreement; Hostile propaganda against ~~the another Party or any armed group which is signatory to the~~ **the another Party** ~~Darfur Peace Agreement~~;
- xii. Attempt by any party to disguise its equipment, personnel or activities as those of UNAMID, the UN Agencies, the AU, the International Committee of the Red Cross/Red Crescent or any other similar organisation.
- xiii. **Offensive military flights in and over Darfur.**

342. The Parties further undertake to ensure:

- ~~i. The free movement of people and goods;~~
- ii. Unimpeded access of humanitarian assistance to the population in need and the protection of humanitarian workers and their operations in areas under their control;
- iii. Full cooperation with UNAMID personnel to prevent and combat criminal acts, protect human rights and promote confidence among the Parties so they may ~~engage in free movement to~~ implement their respective mandates;
- iv. That the terms of this Agreement are communicated, through the Parties' chain of command, to all elements of their armed forces, **the civilian population including women and children associated with them**, and armed groups under their control or influence with the intent to ensure full compliance;
- v. The disarmament and disbandment of armed militias in due time **in accordance with the provisions of this Agreement** and as a prerequisite for the implementation of comprehensive arms control measures to ensure security throughout Darfur;
- vi. That this ~~Ceasefire~~ Agreement is not threatened by any foreign Combatants present on Sudanese territory;
- vii. That **the people of IDPs and other civilians in Darfur and Kordofan** shall not be subject to harassment or arbitrary detention by the Government security organisations ~~or and~~ the armed Movements; noting that such activities may be treated as violations of the Ceasefire;

- x. That [the Parties/the Ceasefire Commission], with the assistance and supervision of UNICEF, shall create Action Plans to guide the release of all children (boys and girls) under the age of 18, if any, recruited by armed forces or armed groups, and that any such children will be released unconditionally.
- ~~viii. That all children, boys and girls, recruited by armed forces or armed groups are released unconditionally through the development of Action Plans;~~
- ix. That all children, boys and girls, who are accused of crimes against international law after being unlawfully recruited by armed forces or armed groups are considered primarily as victims of violations against international law and not as alleged perpetrators.
- x. That women forcibly recruited as sex slaves, other forms of forced labour or otherwise denigrated by association with armed forces or armed groups, shall be granted special attention under Disarmament, Demobilisation and Reintegration mechanisms.
- x. That the state of emergency in Darfur will be lifted immediately upon the coming into force of the Agreement.
- x. That the people of Sudan are kept informed of the process of the incremental implementation of the ceasefire provisions through print, television, radio, and electronic media where available.

#### **VIOLATIONS OF THE CEASEFIRE**

- 342a. The Parties agree that the following constitute violations and a breach of this Agreement. This list is not an exclusive list, and the CFC may report and respond to other alleged or suspected violations not enumerated below.
- i. The undertaking of any action enumerated in paragraph [340] above.
  - ii. A demonstrable failure to ensure the provisions of paragraph [341] above.
  - iii. The use of weapons of any kind other than in defence or for training purposes, including the use of: automatic and semi-automatic rifles, pistols, machine guns and any other small arms weapon systems; heavy machine guns and any other heavy weapon systems; grenades and rocket-propelled grenade weapon systems; artillery, rockets, missiles, mortars and any other indirect fire weapon systems; all types of mine, explosive devices and improvised booby traps; and air defence weapon systems of any nature;
  - iv. Any military aircraft activity by a Party over the opposing Party's territory;
  - v. The construction and/or substantial improvement of defensive fortifications, beyond regular maintenance;
  - vi. Reconnaissance, espionage, or any clandestine surveillance of any nature inside the opposing Party's territory.
- 342b. The Joint Commission shall determine the appropriate repercussions for violations of this Agreement on a case-by-case basis. Such repercussions may include, but are not limited to:
- x. In the event of an offensive operation, seizure by UNAMID of weapons, ammunition, vehicles or other tangibles related to the operation.

- x. In the event of an illegal movement of troops, the return of those troops to their place of origin.
- x. In the event of hostile propaganda or abuse of power, the exposure of such violation and publication of admonishment.

**RELEASE OF HOSTAGES AND EXCHANGE OF PRISONERS OF WAR**

- 342c. Upon the coming into force of this Agreement, the Parties shall provide the International Committee of the Red Cross (ICRC) with all relevant information regarding prisoners of war and persons detained or taken hostage as a result of the Conflict. ICRC shall treat this information as confidential, not sharing it with any other Party, or with other organisations, unless obligated to do so under this Agreement.
- 342d. The Parties shall release all such prisoners, detainees and hostages and permit them to relocate to a place of security of their choosing.
- 342e. The Parties shall allow unhindered access to ICRC for the purpose of arranging the release of prisoners of war and other persons detained as a result of the Conflict as well as the recovery of the dead and the treatment of the wounded.
- 342f. The Parties shall accord assistance to ICRC's representatives to enable them to visit prisoners and detainees to ascertain their condition and status immediately upon the coming into force of this Agreement.
- 342g. The ICRC will develop mechanisms for verifying progress and reporting violations of this provision to the Joint Commission for enforcement.

**HUMANITARIAN ASSISTANCE**

- 342h. In a manner consistent with the other terms of this Agreement, the Parties agree to allow neutral humanitarian assistance organisations the ability and access to provide and maintain humanitarian assistance to protect Internally Displaced Persons, Refugees, victims, and other persons affected by the Conflict.
- 342i. Humanitarian assistance organisations shall be independent of the Parties and shall not undertake actions that constitute offensive operations, as defined under this Agreement.
- 342j. Where possible, the Parties shall facilitate humanitarian assistance by opening up humanitarian corridors and creating conditions conducive to the successful completion of their work.
- 342k. Humanitarian assistance organisations shall not be required to register with either Party, and any laws imposing any obligations or requirements to the contrary shall be suspended with regard to the Darfur Region.



**ARTICLE 61: CEASEFIRE COMMISSION (CFC)**

343. The Ceasefire Commission, hereafter referred to as “the CFC”, and the Joint Commission, hereafter referred to as “the **Joint Commission**”, shall be established **within 30 days of the coming into force of this Agreement**, as Ceasefire monitoring and verification mechanisms.
344. Cognisant of the important role of women in the peace process ~~in Darfur~~, **women shall be represented with a minimum 35% in the CFC.** ~~adequate and effective representation of women~~ **Women’s effective representation** shall be guaranteed by the **Parties** at all levels of the ceasefire mechanisms.
345. The Parties shall guarantee UNAMID unimpeded freedom of movement in all areas and at all times in Darfur.
346. The CFC shall comprise of the under listed components:
- i. The CFC headquartered in El Fasher;
  - ii. ~~The CFC Secretariat headquartered in El Fasher;~~
  - iii. Sector Sub-Ceasefire Commission (SSCFC);
  - iv. The Ceasefire Team Site Group (CTSG).
347. The CFC has the overall responsibility for the monitoring and implementation of the Ceasefire Agreement, and shall endeavour to make decisions ~~by consensus~~ **by majority vote**. Where ~~consensus~~ **majority** cannot be reached, the CFC shall commit the issue for arbitration by the Joint Commission. The Parties are responsible for implementing the Ceasefire Agreement and shall be obliged to adhere to the recommendations of the **Joint Commission**.

**FUNCTIONS OF THE CFC**

348. The functions of the CFC shall be to:
- i. Monitor compliance of the Parties to their obligations under the **Ceasefire Agreement** and the conduct of the respective armed forces;
  - ii. Coordinate planning, monitoring and verification of the implementation of the **Ceasefire Agreement**;
  - iii. Define the routes for all movement of forces in order to reduce risks of incidents; and approve all such movements, **having received a movement notice which must be requested by the Parties with at least 72 hours notice prior to the movement**;
  - iv. Support de-mining operations;
  - v. **Generate** ~~Produce~~ the master map showing disposition of the Parties, and Demilitarised Humanitarian Routes and Zones around IDP camps and hosting communities;
  - xx. **Ensure that the Master Map is kept confidential and the locations of forces are available to only the CFC, and not disclosed to the Parties;**

- vi. Receive, verify, analyze and resolve complaints related to possible violations of the ceasefire [agreement](#);
- vii. Issue violation reports [to the Commission](#) if any party undertakes any prohibited activities, as stipulated in the [Ceasefire Agreement](#);
- viii. Assist in the dissemination of information about the [Ceasefire Agreement](#);
- ix. Serve as a channel of communication between the Parties;
- x. Support the Disarmament, Demobilisation and Reintegration (DDR) of the ~~ex-former~~ Combatants as ~~and when agreed by the Parties~~ [provided for in this Agreement](#).
- x. [Provide additional support and monitoring and take necessary action in order to carry out its obligations in accordance with this Agreement](#);
- x. [Recommend or enforce consequences and sanctions for violations of the terms of the Ceasefire](#);
- x. [Find appropriate solutions in the event of difficulty in Disengagement](#);
- x. [Monitor the storage of arms and artillery, as provided for in this Agreement](#);
- x. [Undertake mine clearance throughout the Region](#);
- x. [Delegate responsibilities to the Sector Ceasefire sub-Commissions](#).

#### **COMPOSITION OF THE CFC**

349. The CFC shall be constituted as follows:

- i. Force Commander - [Chairperson](#)
- ii. Three (3) members from each Party - [Members](#)
- iii. One Representative of the State of Qatar - [Member](#)

350. The [Chairperson](#) shall, as required, co-opt representatives of other components/ sections of UNAMID ~~i.e. Police, HLO, PAD, Legal office~~ as members without voting right.

351. The Parties would decide on the number and composition of observers at a later date. Observers are an important facet for the implementation of the [Ceasefire Agreement](#) as they facilitate and advise the CFC and the Parties. They may include but are not limited to international/regional organisations and individual countries. Observers may attend open sessions and meetings of the CFC and Sub-CFCs. If deemed appropriate and agreed upon by the Parties, observers will be briefed on closed sessions/meetings. [These decisions will be made within \[XX\] weeks of the coming into force of this Agreement](#).

#### **[Chairperson](#)**

352. The Force Commander shall chair all meetings of the CFC and in [his/her](#) absence the Deputy Force Commander shall perform the duties.

#### **~~DUTIES OF CFC MEMBERS~~**

353. The duties and responsibilities of the [Chairperson](#) shall include

- i. Preside over all CFC meetings;

- ii. Define the CFC programme of activities;
- iii. Ensure implementation of the decisions and recommendations of both CFC and the Joint Commission;
- iv. Order independent or supplementary investigations at CFC level whenever appropriate;
- v. Ensure the submission of weekly reports to the Joint Commission;
- vi. Ensure that appropriate measures are undertaken for CFC members to respect the local laws and regulations, refrain from any action or activity incompatible with the impartial and international nature of their duties.
- vii. Determine violations of the disciplinary code ~~Code of Conduct~~ and create appropriate consequences and sanctions for misconduct. Enumerated violations shall include gender-based violence.
- x. Guarantee the independence and impartiality of the members of the CFC and guarantee their security, freedom of movement, and safety.

#### **MEETINGS**

354. CFC meetings shall be convened by the **Chairperson** or at the request of the Parties. The meetings shall be held in UNAMID Headquarters, El Fasher or in any other venue as shall be decided by the **Chairperson**. The meetings shall be conducted under the following guidelines:
- i. The agenda for the meeting shall be adopted at the beginning of the session;
  - ii. The CFC deliberations and decisions are reached ~~by consensus~~ **by majority vote**, but if the ~~Parties~~ **members** are unable to reach an agreement on a matter before the CFC, the **Chairperson** shall refer the matter to the Joint Commission for resolution. The Parties shall be obliged to adhere to the ruling of the Joint Commission;
  - iii. At every session, minutes of meetings shall be signed by the secretary and authenticated by the **Chairperson** and brought to the next meeting for confirmation as a true record of the proceedings and shall be binding upon the Parties;
  - iv. Sub committees may be constituted for specific tasks whenever necessary and shall present their reports before the CFC for adoption/rejection;
  - v. Observers may make comments at the request of the **Chairperson**.

#### **CODE OF CONDUCT**

355. CFC members and observers will be expected at all times to adhere to the code of conduct which includes the following:
- ii. Dialogue, using appropriate and polite language should serve as the guiding principle during deliberations;
  - iii. Any issues that Members wish to raise should be addressed to the **Chairperson**;
  - iv. Personal attacks or animosity shall not be accepted from any members **and observers**;
  - v. Punctuality shall be observed by all members **and observers**;
  - vi. No member of the CFC shall brief the press or issue statement on behalf of the CFC without prior authorisation by the **Chairperson**;

- vii. Deliberations of the CFC are confidential and are shared only on a need to know basis;
- xx. CFC deliberations shall be confidential, unless a party makes a reasonable request for information that the Party has reason to need, as determined by the Chairperson.
- viii. Avoid actions that may discredit any Party;
- ix. Place interests of the people of Darfur and other resident civilians, including women and children, ahead of personal and party considerations;
- x. Understand the CFC mandate and act within it.

#### **CEASEFIRE COMMISSION RESOURCES AND SECRETARIAT**

- 356. The Chairperson shall exercise control over the CFC and the subordinate level Sector Ceasefire Sub Commissions (SSCFC) as defined in this Agreement. The Sector Commanders and Chief of Staff of the CFC Secretariat shall be directly answerable to the Chairperson on the management of CFC resources put under their control.
- 357. The Sector Commanders shall exercise control of the SSCFCs and Ceasefire-TSGs within their Areas of Responsibility (AORs) and remain answerable to the Chairperson. The SSCFC reports on violations shall be forwarded to the Chairperson through the CFC Secretariat.

#### **SECTOR CEASEFIRE SUB-COMMISSION**

- 357a. The number and location of the sectors shall be defined by the Chairperson based on the needs and resources of the CFC.
- 358. For each sector, the Chairperson of the CFC, shall establish and maintain SSCFC inclusive of women to ensure an effective investigation and reporting cycle. The sectors shall establish a Secretariat to be headed by the chief sub-CFC modelled on the CFC Secretariat. Team site groups comprising various elements at sub-unit/ unit levels, inclusive of women, shall be established as the primary sources of reporting and investigating incidents/violations to the Ceasefire Agreement. The number of team groups shall be determined based on the amount of hostile actions in the sector.

#### **Functions of SSCFC**

- 359. The main functions of the SSCFC are to:
  - i. Oversee compliance of the Parties to their obligations within the Sector Area of Responsibility (AOR) as per the Ceasefire Agreement;
  - ii. Supervise, verify, investigate and report matters of disagreements and alleged violations between the Parties, in accordance with the Ceasefire Agreement;
  - iii. Implement CFC policy and directives;
  - iv. Report periodically and refer unresolved complaints to the CFC at FHQ with a full explanation as to the matter in dispute;

- v. Assume responsibility for investigations of violations as stipulated in the [Ceasefire Agreement](#);
  - vi. Assign tasks/missions to TSGs.
360. When ~~consensus~~ [majority](#) cannot be reached on a particular issue, it shall be forwarded to the CFC for resolution.

### **Composition of SSCFC**

361. The SSCFC shall comprise the following members:
- i. Sector Commander - [Chairperson](#)
  - ii. Two (2) representatives from each party - [Members](#)
  - iii. [Chief of Staff SSCFC](#) - [Secretary](#)
  - iv. Co-opted members from relevant UNAMID components who shall have no voting rights.

### **Reports of SSCFC**

362. SSCFCs shall forward their reports covering ceasefire/cessation of hostilities violations as clearly reaffirmed in the [Ceasefire Agreement](#) or by any other agreement in force to [the CFC Secretariat headquarters](#) by 1600 hrs daily. As a minimum, the report is to cover:
- i. Nature/Type of violation;
  - ii. When and where it occurred;
  - iii. Party/Parties involved;
  - iv. Confirmed or unconfirmed;
  - v. UNAMID actions;
  - vi. Any other relevant facts/information.

### **CEASEFIRE TEAM SITE GROUPS**

363. Ceasefire Team Site Groups (CTSGs) provide SSCFC with situational awareness and serve as the first level of conflict resolution within the [CFC Mission](#). In recognition of the role that women must play in the peace and security process, women shall be [equitably](#) included in all CTSGs.
364. The CTSGs are responsible for overseeing the compliance of the Parties to the ceasefire as enshrined in the [Ceasefire Agreement](#) within their areas of responsibility. This will be achieved through monitoring, patrolling, visiting, inspecting, [liaisoning](#), investigating, [verification](#) and reporting as directed and supervised by the SSCFC.
- 364a. [CTSGs will write reports on a regular basis for the SSCFC to review and remain aware of the situation in the communities.](#)

### **Composition of Ceasefire Team Site Groups**

365. The CTSGs at sub-unit level Area of Responsibility (AOR) shall be composed of:
- i. Military Observer Team Leader - Chairperson
  - ii. Two (2) Representatives from each Party - Members

**ARTICLE 62: JOINT COMMISSION**

366. The Joint Special Representative (JSR) of UNAMID, shall chair the Joint Commission and in his/her absence, the Deputy JSR shall perform the duties. The Joint Commission shall be composed of the following:

- i. JSR - Chairperson
- ii. State of Qatar - Member
- iii. Three (3) Representatives from each Partiesy - Members
- iv. League of Arab States (LAS) - Member
- v. European Union - Member
- vi. UNAMID Political Affairs - Secretary
- i. Canada - Member
- ii. China - Member
- iii. Norway - Member
- iv. France - Member
- v. The United Kingdom - Member
- vi. USA - Member
- vii. The Netherlands - Member
- viii. Germany - Member

- ~~367. The following countries shall enjoy observer status and may be called upon by the Chair to address the Commission as required:~~

- ~~i. Canada~~
- ~~ii. China~~
- ~~iii. Norway~~

**FUNCTIONS/TERMS OF REFERENCE**

368. The Joint Commission shall be established to resolve disputes among Parties referred to it by the CFC, and for ensuring the effective implementation of the provisions of the Final Security Arrangements.
369. The Joint Commission shall perform the following functions:
- i. Follow-up the implementation of the ~~is Ceasefire Agreement signed in Doha by the Parties;~~

- ii. Be responsible for the interpretation of provisions in the **Ceasefire Agreement**, when necessary. In case of gross violations, the Commission shall notify the UN Security Council and AU Peace and Security Council;
- iii. Arbitrate irregularities and violations, and accept and decide upon complaints filed by the Parties and which cannot be suitably addressed by the CFC. All attempts will be made to investigate fully and resolve contentious issues collaboratively and by consensus at the lowest level;
- iv. In accordance with the United Nations Security Council resolution 1325 (2000), the Commission shall ensure that all forms of violence that specifically affect women and children are heard and redressed in a gender sensitive and competent manner;
- v. **Draw attention to any act of evolution or development that would delay the implementation of this Doha Agreement or compromise it, and to take measures to avoid repetition;**
- vi. Issue appropriate penalties, ~~and~~ make further recommendations on punitive action, **and take action to enforce penalties;** and
- vii. Any additional functions that the **Joint** Commission may deem appropriate within the spirit of this Agreement.

#### **MEETINGS**

370. The **Joint** Commission shall hold its meetings at the UNAMID headquarters in El Fasher or by exception in any other ~~country~~ **location** agreed by the **Joint** Commission. ~~The UNAMID Joint Special Representative shall chair the Commission.~~
371. The **Joint** Commission shall meet on a monthly basis with advance notice to all members and shall issue a report after each meeting. The members shall be notified of the agenda and documentation at least seven days before each meeting. The **Chairperson** ~~Commission shall~~ **may** call emergency meetings, and forego this preliminary notification requirement, when deemed necessary. The Parties may request the **Joint** Commission to convene an emergency meeting ~~when deemed necessary.~~
372. The Parties shall abide by and implement the **Joint** Commission's recommendations on disciplinary measures relating to ceasefire violations. **The Joint Commission has the power to issue penalties for noncompliance with disciplinary measures.**
373. The Parties shall circulate to their members and constituencies, the reports of the **Joint** Commission.
374. The **Joint** Commission shall issue regular public statements on progress towards implementing this Agreement.
375. The **Joint** Commission shall make its decisions based on ~~consensus~~ **majority vote**. Where ~~consensus~~ **majority vote** cannot be reached by the Parties, the **Chairperson** shall, ~~in consultation with the international members/observers of the Commission~~ make a decision in the best interest of maintaining the ceasefire and the Parties shall abide by the decision.

FINAL SECURITY ARRANGEMENTS

ARTICLE 63: DISENGAGEMENT, REDEPLOYMENT, STATUS OF FORCES AND ~~LIMITED~~ ARMS CONTROL

GENERAL PROVISIONS

376. The Parties understand that ceasefire requires appropriate processes of military disengagement, redeployment of forces and limited arms control.
377. The ceasefire shall take place in incremental steps and on a reciprocal basis, with appropriate security guarantees and through agreements reached in the Ceasefire Commission (CFC) and with verification by UNAMID.
378. The CFC shall be responsible for planning, co-ordination, management and supervision of the processes. The CFC shall oversee the implementation of decisions and agreements.
379. The processes shall occur in the following sequence:
- i. Preparation for Disengagement and Redeployment including verification;
  - ii. Phase 1: Disengagement;
  - iii. Phase 2: Redeployment;
  - iv. Phase 3: ~~Arms Control~~ Status of Forces and Arms.
380. The Parties shall inform their field commanders of all the components of the plans and the rules relating to these phases and shall ensure compliance with these rules.
- 380a. Civilian populations will be kept informed of the process of the incremental implementation of the ceasefire provisions through print, television, radio, and electronic media where available.
381. The Parties shall inform the Chairperson of the ~~Ceasefire Commission~~ CFC of the exact locations of their forces and these shall be indicated clearly on maps ~~to be attached as an annex to this Agreement~~. These locations shall be subject to verification by UNAMID and will be indicated in a Master Map.
- x. The CFC shall ensure that the Master Map is kept confidential and the locations of forces are available only to the CFC, and not disclosed to the Parties;
  - x. The areas where a Party's forces are located, along with a reasonable perimeter taking into consideration troop movements, terrain, and other factors, shall be deemed an area under that Party's control.
382. The Parties shall be bound by the Master Map as ~~determined~~ verified in the first instance by UNAMID and agreed by the Parties. The Map may be modified thereafter by the Chairperson of the ~~Ceasefire Commission~~ CFC in consultation with the Parties.



383. The **Chairperson** of the CFC shall provide the Parties with adjusted maps of the ~~movement camps~~, Demilitarised Zones, Demilitarised Humanitarian Supply Routes and Redeployment Zones. **The Chairperson will not provide the Parties with the adjusted maps until both Parties have submitted all relevant information to the CFC.**
384. The Parties shall be bound by the main rules for movement of troops, arms, provisions and supplies in accordance with the following:
- i. A notification shall be given, 72 hours in advance, to UNAMID ~~and shall be approved by UNAMID~~ for the movement of armed soldiers during the first phase (Disengagement) and the second phase (Redeployment);
  - ii. A notification shall be given, 72 hours in advance, to UNAMID ~~and shall be approved by UNAMID~~ for the movement of Class V and Class VII **weapons** (ammunition and weapons systems) to, ~~within~~ and from the area(s) **outside of a Party's control**, during the first phase (Disengagement) and the second phase (Redeployment); **the movement of such weapons inside a Party's own area of control shall not require notification;**
  - iii. For ordinary supplies ~~to and from the area~~, Class I (food and water), Class II (equipment and medical supplies), Class III (fuel, oil and lubricants) and Class IV (construction materials) ~~only~~ notification to UNAMID ~~72~~ **24** hours in advance is necessary.
385. Any breach of the rules relating to the Disengagement, Redeployment, **status of forces** and ~~limited arms control processes presented in this Chapter~~ is a violation of ~~theis~~ **ceasefire Agreement.**
386. ~~Concentration and deployment of forces by the Government of Sudan and utilisation of access routes for the purposes of border protection in Darfur shall not be subject to any restriction. However, in the event that the deployment entails entry into an area controlled by a Movement's forces, Government shall notify the Party concerned and the CFC. The Government of Sudan shall not deploy forces into any area controlled by a Movement's forces. The Parties shall not move any forces for the purpose of border or access route protection, if such a movement leads into the areas of control of the other party, unless approved by the other Party.~~
387. Concentration and deployment of forces by the Movements and utilisation of access routes for the purpose of protecting this Agreement against any hostile activities shall be subject to approval by the CFC and notification to, and monitoring by UNAMID. Government forces may not enter any demilitarised zone, buffer zone or assembly area without the written permission of UNAMID. **Government movement into these areas without permission will constitute a violation of the Ceasefire Agreement.**

## **ARTICLE 64: PREPARATION FOR DISENGAGEMENT AND REDEPLOYMENT**

### **DECISION-MAKING AND COMMUNICATION**

388. In preparation for Disengagement and Redeployment, the ~~Ceasefire Commission~~ CFC shall endeavour to make decisions and resolve disputes by ~~consensus~~ majority vote.
389. Where the Parties are unable to reach ~~consensus~~ majority, the Chairperson of the ~~Ceasefire Commission~~ CFC shall refer the dispute to the Joint Commission for its decision. The Parties shall be bound by decisions taken by the Joint Commission.
390. The Chairperson of the CFC shall ensure that all decisions and agreements relating to the location and boundaries of Demilitarised Zones, and the Buffer Zones and ~~Redeployment the Zones~~, are demarcated clearly on maps with precise GPS co-ordinates. The Chairperson shall ensure that the Parties have the same maps with the same demarcations.
391. The Chairperson of CFC shall establish, in coordination with the Parties Government, a system for an effective and secure communications procedure between the CFC and the Parties.

#### **VERIFICATION**

- ~~392. For the purposes of implementing the overall final security arrangements, UNAMID shall verify information submitted by the Parties; including the exact locations and equipment thereof, number and types of weapons, strength of their forces including the presence of any children among their ranks and other information that UNAMID or CFC may request. This information shall be confidential throughout the preparatory and disengagement phases, with access within the Ceasefire Commission CFC restricted to the Chairperson of the CFC until the beginning of the integration and Demobilisation~~
- ~~393. The verification process of the Movements' forces and their areas of control shall be limited to units no smaller than company level, normally 150 soldiers or sub-units with equivalent capability. Uninterrupted duration of control by such unit/sub-unit is a condition for the area to qualify as being under the control of the Movements.~~

#### **PLANS**

##### **Phase One: Disengagement**

394. The process of Disengagement shall include the following steps:
- i. Movements and activities of the Parties shall be confined to the areas under the control of the Parties allocated for the Parties;
  - ii. In consultation with the Parties, the Chairperson of CFC shall establish demilitarised zones around IDPs camp sites and host communities and along selected humanitarian supply routes;
  - iii. After consultation with the Parties, the Chairperson of CFC shall establish buffer zones in between forces of the Parties and areas experiencing intense conflicts, where necessary;

- iv. The Parties shall verify that the armed groups and militias in their own zones are committed to the ceasefire;
- v. No Party shall undertake ~~any~~ offensive or otherwise hostile military activities or establish any new armed group or militia.

### **Presence of Foreign Combatants in Darfur**

- 395. The presence of foreign-armed combatants in Darfur is a serious challenge to peace and security and constitutes a potential threat to this Agreement. The Government of Sudan, with the oversight of the Parties and international groups, including the CFC and UNAMID, shall take appropriate measures to control, disarm, neutralize and repatriate these groups.
- 396. The Parties note the action being taken in collaboration with neighbouring countries to control the presence of foreign combatants in Darfur and agree to support the initiative, where doing so is consistent with the terms of this Agreement.

### **Phase Two**

#### **Redeployment**

- 397. The process of Redeployment involves the following activities:
  - i. The ~~Chairperson~~ of the CFC in consultation with the Parties shall establish buffer zones and areas for the redeployment of forces.
  - ii. The Parties shall redeploy their forces and their weapons away from the buffer zones and within the Redeployment areas of their own forces.
  - iii. UNAMID shall monitor the buffer zones and conduct patrols therein.
  - iv. ~~The restoration of provision of basic services and access to basic services for civilians.~~
- 397a. Redeployment should be confined to areas outside the maximum range of [long-distance] weapons.
- 397b. The CFC in consultation with the Parties shall determine the borders of the demilitarised zones;

#### **Disarmament of Affiliate Armed Militia Groups**

- 398. All affiliate armed militia groups shall be disarmed and disbanded as a prerequisite for the implementation of comprehensive arms control measures, to ensure security throughout Darfur. The Government of Sudan, shall be responsible for the Disarmament of the armed militia. In this regard, the Government of Sudan shall present a comprehensive plan to the CFC for the disarmament and disbandment of armed militia, and for combating illegally armed persons, bandits and other outlaw groups both foreign and local operating in Darfur. The plan shall include measures to be taken to complete the exercise by the end of Phase

**Two.** The plan shall also include measures for the rehabilitation and socio-economic reintegration of members of these disbanded groups.

399. This plan shall be presented to the **Chairperson** of the CFC for review and approval before the commencement of the Phase 1, and implemented according to the timetable of the plan.
400. The CFC shall monitor and verify the disarmament and disbandment of the militia groups, and the combating of illegally armed persons, bandits and other outlaw groups, in accordance with the agreed plan.

**Phase Three:**

**Status of Forces and Arms ~~Limited Arms Control~~**

401. ~~Following the redeployment of the Parties' forces into their respective Redeployment Zones and before assembly of movements' forces the following limited arms control measures shall take place:~~ **The undersigned Movements shall maintain their forces inside their respective areas of control, as determined by this Agreement, and retain their weapons, equipment, and supplies, under their own leadership, for a period not less than three (3) years, after the coming into force of this Agreement.**
- ~~i. Movements shall store their long range and crew assisted weapons, artillery and relevant munitions in secure locations designated by UNAMID. UNAMID shall carry out inspection at the unit level. Movements' combatants shall retain personal weapons until the commencement of integration into Sudan Armed Forces and Police Forces;~~
  - x. Locations chosen for arms storage must be at least [x] miles from areas and routes frequented by women and children, especially routes routinely used for the transport of water, firewood, and other supplies.**
  - ~~iii. The process for holding and inspection of weapons shall be approved by the Parties and the CFC. The **Chairperson** of the ~~Ceasefire Commission~~ **CFC** shall oversee this arms control process and determine the requirements and procedures for holding and inspection.~~
- 401a. At their own discretion, but no later than the three (3) year anniversary of the coming into force of this Agreement, the undersigned Movements shall approach UNAMID to turn over their weapons and military assets. UNAMID shall pay the fair value of the weapons and military assets collected from the undersigned Movements. Any such weapons or military assets acquired by UNAMID by virtue of this process shall be immediately destroyed. The CFC shall observe and verify any such transactions, as well as the transfer and destruction of the weapons and assets. UNAMID's mandate shall be expanded, as necessary, to make it competent to undertake this initiative. ~~In consultation with the Parties, UNAMID shall prepare the sites for temporary storage of long range and crew assisted weapons, artillery and related munitions and monitor the storage of weapons and munitions that have to be held subject to the inspection of UNAMID;~~

**~~JOINT COORDINATION MECHANISM (JCM)~~**

~~402. For the purposes of confidence building and maintaining security in Darfur, the Parties shall establish a Joint Coordination Mechanism (JCM), after the verification of the Movements' forces. The JCM shall remain in force till the commencement of integration process, and shall function under the strict guidance of the CFC.~~

~~403. The JCM shall perform the following functions:~~

- ~~i. The coordination of efforts and steps in addressing any potential threat to the implementation of the this Agreement;~~
- ~~ii. The facilitation of the exchange of intelligence and other relevant information;~~
- ~~iii. The supervision of the organisation of the Movements' forces; and the maintenance of their security in the assembly area;~~
- ~~iv. The facilitation of the distribution of non-military logistical support as agreed upon by the Parties and in collaboration with the JLCC;~~
- ~~v. The facilitation of the dissemination of the terms of this Agreement to field commanders and forces under their command and the sequence of the phases of its implementation;~~
- ~~vi. Any other tasks as shall be agreed upon.~~

## **ARTICLE 65: DEMILITARISED ZONES AND BUFFER ZONES**

### **~~GENERAL COMMITMENTS~~**

~~404. the Parties reaffirm their commitment to:~~

- ~~i. Respect the rights of civilians including the IDPs and Refugees;~~
- ~~ii. Refrain from activities that would undermine the safety, welfare and security of IDPs;~~
- ~~iii. Refrain from activities that would undermine or endanger humanitarian operations in Darfur;~~
- ~~iv. Create an enabling environment for the safe voluntary and sustainable return of IDPs and Refugees to their places of origin;~~
- ~~v. Provide special protection for women, boys and girls, disabled persons, boys and girls associated with armed forces and armed groups and other persons with special needs.~~

### **DEMILITARISED ZONES**

~~405. The demilitarised zones shall be an areas subject to the following rules:~~

- ~~i. There shall be no forces in these zones of any Party, or any other armed group or militias under the control of any of the Parties, except by written permission of, or escorted by, UNAMID the CFC;~~
- ~~ii. There shall be no carrying of weapons by any persons by any Party to this Agreement, or affiliated armed militias or forces, except with the permission of or escorted by UNAMID;~~

- iii. The perimeter of a Demilitarised Zone shall not include any urban area ~~or approaches to an airport or urban security plan locations that are the full responsibility of the Government of Sudan~~. Existing IDP camp sites should not be affected by the demarcation until voluntary return is achieved;
  - ~~iv. The Chairperson of the CFC shall determine the borders of the demilitarised zones following consultation with the Parties;~~
  - ~~v. The Chairperson of the CFC in consultation with the members of the CFC shall decide whether the redeployment process of the forces related to any Party is a necessary measure;~~
  - vi. The Chairperson of the CFC shall, in consultation with the members of the CFC decide the measures connected to any required redeployment in addition to the timetable pertaining to this redeployment;
  - vii. The CFC shall consider any violation pertaining to the demilitarised zones as ceasefire violations and recommend appropriate repercussions to the Joint Commission.
406. UNAMID shall have the following responsibilities in relation to Demilitarised zones surrounding IDP camp sites and hosting communities and humanitarian supply routes:
- i. UNAMID and the Government of Sudan Police, ~~in areas where the CFC recognises the Government of Sudan's control, the Government areas of control~~ and [the Movements' Liaison Officers], in areas where the CFC verifies and recognises the Movements' control, shall develop a plan for patrolling and monitoring the Demilitarised Zones around IDP camps and shall oversee the implementation of the plan;
  - ii. Demilitarised Zones falling within areas ~~where the CFC recognises the Government of Sudan's control of control of Government of Sudan~~ shall be patrolled by units of UNAMID, and Government of Sudan Police. Executive policing functions shall be carried out by Government of Sudan Police under the monitoring of UNAMID;
  - iii. Demilitarised Zones falling within areas where the CFC verifies and recognises the Movements' control shall be patrolled by units comprising UNAMID and ~~Movements' Liaison Officers~~. ~~the undersigned Movements' representatives~~. Executive policing functions shall be carried out by the undersigned Movements' Liaison Officers under the monitoring of UNAMID.

#### **BUFFER ZONES**

407. CFC shall develop a plan for patrolling and monitoring the Buffer Zones and shall oversee its implementation.
- 407a. The plan shall be ready within [X days/weeks] after the coming into force of this Agreement. The Parties shall implement the plan, with monitoring and oversight by UNAMID.

#### **ARTICLE 66: NON-MILITARY LOGISTICAL SUPPORT TO THE MOVEMENTS**

408. Recognising that the undersigned Movements' forces require basic supplies and logistical support, these Movements' forces may request non-military logistical support and the Government of Sudan shall be obligated to provide such support. ~~and~~ The undersigned Movements' may also ask international partners to assist in this regard.
409. A Joint Logistics Coordination Committee (JLCC) shall be established by UNAMID and be composed of the Parties, UNAMID and representatives of the donors that may provide such assistance. The modalities of the support shall be determined by the Committee.
410. The ~~terms of reference~~ responsibilities of the JLCC shall include the following:
- i. Gather and collate data on the logistical requirements of the Movements' forces in terms of food, water, shelter, clothing and medical supplies/treatment and transportation needs as determined by the JLCC;
  - ii. Receive and store logistical supplies from international donors;
  - iii. Place orders for logistical supplies in appropriate quantity and quality with the UNAMID Director of Mission Support, who shall be responsible for procurement;
  - iv. Distribute logistical supplies to the Movements' forces through distribution points or centres in the Redeployment Zones;
  - v. Determine the rules and procedures that govern the provision of non-military logistical supplies to the Movements' forces.
411. The following conditions shall be fulfilled for such support to be provided:
- i. The number and location of Combatants including the presence of women and children (boys and girls) among the ranks, if any, is given to the UNAMID Force Commander and verified accordingly; any such information shall be held confidential and not shared with the other Party.
  - ii. Accessible locations for sizeable number of Combatants are identified and agreed upon.

411a. Separate assembly locations for women and children shall be identified

**ARTICLE 67: RESPONSIBILITY FOR SECURITY IN AREAS UNDER THE CONTROL OF THE GOVERNMENT OF SUDAN AND THE MOVEMENTS RESPECTIVELY**

412. The Parties agree to refrain from acts that might jeopardise the humanitarian operations in Darfur and restate commitment to create appropriate security conditions for the unimpeded flow of humanitarian assistance and goods, guarantee security in IDP camps and the creation of an atmosphere conducive for the safe, voluntary and sustained return of IDPs and Refugees, in a manner consistent with the terms of this Agreement ~~to their areas of origin.~~
413. The Parties' forces shall refrain from activities that would undermine the safety, welfare and security of IDPs and returning Refugees.

**ARTICLE 68: CIVILIAN WEAPONS CONTROL**

414. Owing to the widespread presence of small arms in the hands of civilians in Darfur, the Parties, with the support of UNDP and UNAMID, shall develop a strategy and plans for the implementation of voluntary civilian arms control programme. **The strategy shall include the establishment of local early warning committees that include the active involvement of women**
415. The Government of Sudan shall mobilise resources for the civilian arms control programmes. The Government of Sudan may seek assistance from international organisations.

**ARTICLE 69: DISARMAMENT, DEMOBILISATION AND REINTEGRATION, AND INTEGRATION OF FORMER COMBATANTS INTO THE SUDANESE ARMED FORCES AND POLICES FORCES**

**GENERAL PROVISIONS**

- 415a. **The Parties agree to implement, with the assistance of the international community, DDR and Integration processes to further ensure security and stability in the Republic of Sudan and to provide short and long term assistance, training, and employment for former Combatants.**
- 415b. **The Parties agree that the DDR and Integration processes shall be subject to the conditions, requirements and timeframe of the provisions of this Agreement.**
416. The DDR and Integration processes shall take place within ~~the agreed~~ **upon assembly** areas, ~~after phase III,~~ with only those former Combatants that have been verified as part of the Movements' forces by the Movements and the **CFC**. UNAMID, in consultation with the Movements **and the DTG**, shall develop a plan for the **assembly areas designated for DDR and Integration** to include:
- i. The size, number and locations of the ~~Movements assembly~~ areas;
  - ii. Desired characteristics of the **assembly** areas, taking into account the specific needs of female **and child** former Combatants;
  - iii. Accessibility to provide logistics support.
417. The Movements shall be responsible for the administration, discipline and internal security of former Combatants in the assembly areas.
418. Long range, artillery, crew served weapons and relevant munitions shall not be moved into the ~~assembly~~ **assembly areas designated for DDR and Integration.**
419. The CFC and UNAMID shall provide logistics support ~~shall be provided~~ for the establishment of the ~~assembly~~ **assembly areas designated for DDR and Integration** and during the processes of disarmament and Demobilisation, and integration.
420. On the completion of verification and registration processes and establishment of assembly areas, the Movements' Combatants that have been verified and registered shall move into the



assembly areas designated for DDR and Integration with only small arms. UNAMID shall support and monitor the process. The CFC has the final authority in decisions related to verification.

421. The Government of Sudan, in close cooperation with the Darfur DDR Commission and the international community ~~undertakes to~~ shall provide former Combatants who wish to return to civilian life or do not meet the eligibility criteria for entry into Sudan Armed Forces, security forces, and Police Forces with social and economic Reintegration opportunities. The Government of Sudan shall be obligated to finance such social and economic Reintegration.
422. Fairness, transparency and equity shall be ensured in determining the eligibility of former combatants targeted for assistance.
423. Former Combatants shall be treated equally irrespective of their previous movements' affiliation. They shall also be empowered by provision of training and information to voluntarily choose their path to Reintegration. The Reintegration process shall be community based and benefit both returnees and local communities.
424. Reintegration programme shall be designed to be sustainable over the long-term and include follow-up monitoring and continuing support measures as needed.
425. The Reintegration programme shall encourage the participation of the communities and civil society organisations and women's groups with the view to strengthening their capacity to play their role in improving and sustaining the social and economic Reintegration of former combatants.
426. The Government of Sudan with the support of the JLCC and the international community shall provide financial and logistical support for the DDR Reintegration programme and ~~may seek to mobilise support from the international community~~ may seek additional support from the Government of Sudan.
427. The Government of Sudan shall ensure that specific resources shall be mobilised and set aside to address the special reintegration needs of women.

#### **DISARMAMENT AND DEMOBILISATION**

428. ~~Parties agree that the North Sudan Disarmament, Demobilisation and Reintegration (DDR) Commission shall be structured to reflect new realities. The Commission shall be expanded to include representatives from the Movements that sign this Agreement.~~
- 428a. The Parties agree that, by virtue of this Agreement, there is established a Darfur Demobilisation, Disarmament, and Reintegration (DDR) Commission. The broad mandate of the Darfur DDR Commission shall be to design, implement, manage, and oversee the DDR process in Darfur, and where necessary and by agreement of the Parties, the DDR process in Kordofan as well.

- 428b. The Darfur DDR Commission shall consist of one chair nominated by the joint approval of the Parties to this Agreement, [5] representatives of the DTG, [5] representatives of the Government of Sudan, and [10] representatives from [UNAMID/international community]. All representatives shall be appointed within [90 days] of the coming into force of this Agreement. The DDR Commission shall commence its work as soon as a majority of the members are appointed.
- 428c. Decisions of the Darfur DDR Commission shall be made by majority vote. A quorum shall exist when a majority of members of the Commission are present. The Commission shall be required to make reasonable notice to all members of any meeting where decisions are to be made. A quorum shall not exist, regardless of the number of members present, if all members were not notified for the meeting and were not given reasonable time and opportunity to participate.
429. The Darfur DDR Commission in coordination with the CFC shall participate in the verification of the members of the Movements' forces within [X] days of the start of the DDR process, to be conducted concurrently by UNAMID in all the areas. [The CFC] has the final authority in decisions related to verification.
430. The Darfur DDR Commission, with the assistance of the DTG, UNAMID, and any other relevant organisations, shall develop plans including the timing and sequencing of phases of ~~disarmament and~~ demobilisation and reintegration of former Combatants.
431. The Parties shall assemble their former combatants during the DDR process in the areas specified by the Darfur DDR Commission. However, care shall be taken for disarmament and Demobilisation to be done in accordance with the following:
- i. Awareness and sensitisation of the leadership and their forces on disarmament, demobilisation, reintegration and the peace process as well as their roles and responsibilities;
  - ii. The Parties shall decide on the criteria of eligibility for the process of disarming the Combatants who are not integrated;
  - iii. The Parties shall ensure that the duration of the release process of all children recruited, *if any*, is as brief as possible and not dependent on any release or demobilisation of adults. The safety and dignity of the child and his/her need for confidentiality must be primary considerations. Children should be rapidly separated from adult fighters and handed over to an appropriate, mandated and independent civilian process;
  - iv. The Parties shall not transfer former Combatants who are below the age of 18, *if any*, to the ~~assembly~~ areas utilised for DDR and integration. Rather, they shall be released and demobilised separately. They shall be released and demobilised before the coming into force of this Agreement, *if any*;
  - v. The Parties shall begin, as a matter of priority, the process of demobilisation and reintegration of special needs groups, which includes disabled ~~ex-~~ former Combatants and women. *Women and children shall be assembled separately from men.*

**ARTICLE 70: SOCIAL AND ECONOMIC REINTEGRATION OF ~~EX-~~ FORMER COMBATANTS INTO CIVILIAN SOCIETY**

432. Disarmed and demobilised ~~ex-~~ former Combatants, who are covered in the DDR process, shall be socially and economically reintegrated into the civilian society. ~~The Government of Sudan~~ ~~The Darfur Government in close cooperation with the Darfur DDR Commission and the international community~~ shall mobilise its own resources as well as seek assistance from ~~the international community~~ and assume the responsibility to reintegrate ~~ex-~~ former Combatants into civilian life through proper social and economic Reintegration programmes. The Government of Sudan shall be obligated to provide financial support for the social and economic Reintegration of former Combatants.
433. ~~The program for the disarmament, demobilization and reintegration of former combatants shall also contain a community-based approach, including community violence reduction measures, in accordance with local conditions, in order to further the goal of disarmament, demobilization and reintegration.~~
434. Principles of fairness, ~~and~~ transparency, and equality ~~and integrity~~ shall be followed in the social and economic Reintegration of ~~ex-~~ Former Combatants. Moreover, Former Combatants shall be treated equally irrespective of the **Movements with which they** ~~are~~ formerly associated ~~and~~ ~~with any of the Movements~~.
435. ~~The process of reintegration shall be community based so that both the returnees and the local communities will benefit from it.~~
436. It is imperative that social and economic Reintegration of ~~ex-~~ former Combatants assures the participation of local communities and civil society organisations, including women's groups, towards enabling them to play their role in the sustainability of the social and economic Reintegration of boys and girls associated with armed forces and armed groups and other vulnerable conflict affected children.
437. **The Darfur DDR Commission shall ensure that** Reintegration programmes ~~must be~~ **are** inclusive ~~to support~~ of boys and girls who have left armed forces or armed Movements through formal and informal processes, **if any**, as well as other vulnerable conflict affected children in need of protection, such as girl mothers. **UNICEF shall advise, oversee, and participate in this process to ensure that the Reintegration of any children meets international standards and considers the special needs of former child soldiers.**
438. Priority shall be to address the social and economic Reintegration of Special Needs Groups such as women Combatants and women associated with armed groups, boys and girls associated with armed forces and armed Movements and other vulnerable conflict affected children, disabled Combatants and the elderly, **if any**.
439. Efforts shall be made to realise the long term sustainability of Reintegration through community-based approach. These efforts are to include follow-up action, monitoring

measures and on-going support, as required. The Darfur DDR Commission shall follow-up, monitor progress, and provide support for the long term.

**ARTICLE 71: INTEGRATION OF FORMER COMBATANTS INTO THE SUDAN ARMED FORCES, NATIONAL INTELLIGENCE SERVICES, AND POLICE FORCES**

**INTEGRATION PRINCIPLES**

440. The Government of Sudan shall ensure that, upon the start of Phase Three, all of the Movements' forces, including both men and women, who are interested in integration are ~~who are eligible for integration shall be~~ integrated into the Sudan Armed Forces, the National Intelligence Services, and The Police Forces.
- 440a. The Government is obligated to integrate the undersigned Movement's forces, as follows:
- x. 20,000 fighters to be integrated into the National Armed Forces
  - x. 7,000 fighters to be integrated into the National and State Police
  - x. 5,000 fighters to be integrated into the National Intelligence Services
441. The Government of Sudan and the DTG in coordination with UNAMID shall provide equal support and training for both male and female former Combatants, including accelerated training, which ~~are~~ is necessary to ensure fulfilment of the eligibility criteria for integration into the Sudan Armed Forces, the National Security Forces, and the Police Forces, capacity enhancement and promotion to higher ranks.
442. The Government of Sudan in consultation with the undersigned Movements ~~may~~ shall ask UNAMID, the donors and the international partners to create opportunities for training and professionalization within its training institutions in favour of former combatants, including officers, non-commissioned officers, soldiers and the police to enhance their professional expertise.
443. Former Combatants from the undersigned Movements integrated into the Sudan Armed Forces, National Intelligence Services, and Police Forces shall be excluded from any downsizing process of the Sudan Armed Forces and Police Forces during the first 6 years of service, except for those that have violated the regulations and code of conduct of these institutions.
444. Former Combatants, male and female, who do not wish to join the Sudanese Armed Forces, National Intelligence Services, and Police Forces but expressed the desire to join the civil service, shall be referred to a joint committee, formed by the Parties, to evaluate the individuals and the conditions necessary for their Reintegration. ~~the National Civil Service Commission (NCSC) as decided by the Darfur DDR Commission for assessment and placement.~~
445. The Government of Sudan shall ~~act towards having a~~ place [a number/X%] of the Movements' former Combatants, both male and female, ~~occupy~~ in posts in the Office of the

Chief of Staff, divisional general commands at the level of the higher commandment of the SAF, brigade commands, the Ministry of Defence, the Ministry of Interior, the headquarters of the higher police command in the capital, in Darfur States, and in other parts of Sudan, ~~provided they meet the requirements for these posts.~~ **If there are not [a number/X%] of the Movements' former Combatants who meet the requirements for these posts, the Government of Sudan shall place the most closely qualified former combatants in the posts. Where posts remain vacant, the Government of Sudan shall relax the eligibility requirements and procedures, so as to ensure the integration of all former Combatants.**

**~~DARFUR SECURITY ARRANGEMENTS IMPLEMENTATION AND INTEGRATION TECHNICAL COMMISSION (DSAIC)~~**(DIITC)****

446. **A Without prejudice to the mandate of the CFC, a Darfur Security Arrangements Implementation and Integration Technical Commission ~~(DSAIC)~~ (DIITC) shall be established by the Regional Government of Darfur. As a subsidiary body of the DTG, the ~~DSAIC~~ DIITC shall coordinate the implementation of security arrangement provisions of this Agreement and design, plan, implement, manage, and monitor the integration programme of former Combatants** ~~coordinate the implementation of the security arrangements provisions of this Agreement.~~ **The DIITC shall be established within [45] days of the coming into force of this Agreement.**
447. ~~The Commission shall establish an Integration Technical Committee (ITC) to design, plan, implement, manage, and monitor the integration programme of former combatants.~~
448. ~~The membership of the ~~DIITC~~ shall consist of UNAMID, representatives of the Parties and technical experts from a country or countries acceptable to the Parties.~~
449. ~~DSAIC~~ **DIITC** members shall include **an equal number of representatives from the Parties, the representatives of the Governors of the three Darfur States, a representative of the Chief of Staff of the SAF, a representative of the National Council for DDR Coordination, representatives of the Movements and representatives of UNAMID, technical experts from a country or countries approved by the Parties, and other persons required to implement integration, approved by the Parties.** ~~The Chairperson of the ~~DSAIC~~ DIITC shall be appointed by the DTG, in consultation with the Parties. by a Presidential Decree in consultation with the~~ **Chairperson** ~~of the DTG.~~
450. All subsidiary bodies established by the ~~DSAIC~~ **DIITC** shall include representatives from the groups that make up the membership of the ~~DSAIC~~ **DIITC**.
451. Women shall be ~~fairly~~ represented on the ~~DSAIC~~ **DIITC** and the **any** subsidiary bodies it establishes. These bodies shall develop mechanisms to ensure that their work incorporates appropriate input from women on issues of special concern to women and children.

**INTEGRATION PLAN**

452. Integration programme shall be phased **consistent with international best practices** as would

be defined by the [Darfur Implementation and](#) Integration Technical Committee.

453. ~~The Parties agree that the number of male and female former combatants to be integrated in the Sudan Armed Forces, Police Forces and the selected civil services will be determined on the basis of the verified number of Movements' forces.~~
454. [The Integration Plan for the Sudanese Armed Forces, the National Police, and the National Intelligence Services, shall be according to technical criteria as approved by the undersigned Movements, and all eligibility procedures shall be relaxed to enable the prompt integration of these forces, according to the following:](#) ~~The integration of Movements' forces into the Sudanese Armed Forces and Police Forces shall include a vetting process agreed upon by the Parties and monitored by the DIITC, and shall be guided by the following criteria:~~
- i. Sudanese nationality;
  - ii. Age (shall not be less than 18 or has attained retirement age);
  - iii. Medical and Mental fitness ~~subject to ITC determination;~~ [Any determinations of mental and physical capability for purposes of determining eligibility shall be determined by the military leadership of the Movements.](#)
  - iv. Combats experience;
  - ~~v. No previous criminal conviction;~~
  - vi. Voluntary consent of the individual.
  - x. [Credit shall be given with regard to service tenure, for time spent in the Movements forces, with regard to promotion, retirement eligibility, and other benefits influenced by service tenure.](#)
  - x. [Field experience during the period of the conflict shall be acknowledged and due credit given.](#)
- 454a. [The above eligibility criteria shall be reasonable, and shall take into account the historical underdevelopment and marginalisation of the people of Darfur, and its impact on their access to educational and professional development.](#)
- 455.
- 455a. [All Movement officers shall be integrated into the Government forces at a rank equivalent to their highest rank achieved within the Movement. Any limitations on such integration shall be relaxed. Criteria guiding integration of officers shall include, in addition to the above the following:](#)
- ~~i. Academic qualification: (a minimum of secondary~~ [primary](#) ~~school certificate. DITC could shall make exceptions particularly with regard to field commanders and women);~~
  - ~~ii. Combats experience;~~
  - ~~iii. Age: (shall not be less than 18 or has attained retirement age);~~
  - ~~iv. Not to have been dismissed due to incompetence.~~
456. The former Combatants who have been integrated shall be subjected to military training in

accordance with the requirements of each unit, taking into consideration the special need of those individuals. Accelerated training may be given to assist former Combatants, especially women, to meet such requirements.

- 456a. The integration programmes discussed above shall occur, regardless of whether there are vacancies in the receiving organs. The lack of a vacancy within an organisation, shall not be grounds for denying the integration of a former combatant, under the terms of this Agreement. The Government of Sudan shall restructure the receiving organisations as necessary to accommodate the Reintegration programmes of this Agreement.
- ~~457. The number of officers agreed upon for integration will be proportional to the total number of non-commissioned officers and soldiers in accordance with the organisational structure of the Sudan Armed Forces and Police Forces.~~
458. Officers and non-commissioned officers who are entering for the first time will be subjected to a period of training based on the curriculum of courses in the various military and police forces.
459. The criteria of the Movements for determining ranks, shall be the basis for determining the appropriate rank of integration for former combatants. The following criteria shall guide the process of determining ranks:
- i. Time in service
  - ii. Performance history, including disciplinary history
  - iii. Age;
  - iv. Qualifications and combat experience;
  - ~~v. Academic qualifications;~~
  - ~~vi. Former military and police officers dismissed because of the conflict in Darfur shall be returned to their former ranks in the first instance and thereafter given the ranks of their course mates after passing the required competency based tests;~~
  - vii. Any other applicable criteria agreed upon by the Parties;
  - viii. Gender: In light of the fact that women may have had unequal educational and military experience opportunities, especially in more senior positions, and in keeping with the spirit of this Agreement for the establishment of an inclusive and representative military, special consideration shall be given when assigning rank to women with military experience.
460. The Government of Sudan shall provide standardised training to those ~~ex-~~ former Combatants ~~above age 18~~ selected for integration into the Sudan Armed Forces, National Security Forces, and Police Forces.
- 460a. The Government of Sudan shall guarantee that at least one third of the members of the Movements that are integrated into the Sudan Armed Forces, National Security Forces, and the Police Forces are deployed within Darfur.

- 460b. The DIITC, in conjunction with the Parties, shall attempt to maximise the number of women recruited and integrated into the Sudan Armed Forces and the Police Forces through affirmative action protocols, including, but not limited to, quotas, modified competency and education requirements, accelerated integration programmes for women, and modified experience requirements. The Parties shall provide education and training to provide women with the skills and expertise necessary for integration.
- 460c. As a matter of policy, female and male officers shall have equal pay, benefits, pensions or other remuneration methods.
- 460d. The Government of Sudan shall establish by law a new Code of Discipline for the Sudan Armed Forces and the Police Forces that prohibits and provides punitive measures for sexual discrimination, sexual harassment, and sexual exploitation and abuse. There will be no impunity for such conduct. It must be clearly communicated that supervisors and managers are responsible for maintaining a harassment-free workplace and that they will be held accountable for stopping and appropriately reporting human rights abuses, including violence against women and girls. The Code of conduct will also state that acts of retaliation against members who report such abuse occurring shall be considered as additional acts of misconduct, and investigated and disciplined accordingly.
- 460e. Equipment and logistics should meet the needs of all officers, specifically sanitation facilities, living quarters, specialised uniforms and other materials for female officers.

#### **REFORM OF ~~SOME~~ MILITARY INSTITUTIONS**

461. The Parties recognise the necessity of reform and development of military, police and intelligence institutions in ~~Darfur~~ Sudan in order to improve their capacity, effectiveness and professionalism and to strengthen the rule of law in accordance with accepted standards.
- 461a. Parties recognise that equity and diversity within the security sector creates more representative and non-discriminatory defence, police and judicial services, and increases the operational efficiency of the security sector at large. As such, Parties commit to promoting ethnic and social balances and equal opportunity policies in the security sector.
- 461b. The Parties acknowledge the importance of integrating women into defence forces and security institutions. In this regard, the Parties agree that women must be actively recruited into security structures and well represented in decision-making bodies. A minimum of 35 per cent of positions, including higher-level positions, will be reserved for women. This quota can be staggered 50% per annum for 5 years until target is reached.
- 461c. The Government of Sudan shall reform the following security apparatus:
- x. The Police Forces
  - x. Sudan Armed Forces
  - x. Intelligence Services



- 461d. The reform shall include, but shall not be limited to:
- x. Establishing transparent protocols with neighbouring countries to track criminals.
  - x. Enforcing controls over the vehicles used by security apparatus, including by implementing decrees already issued by the minister of defence.
  - x. Transparently identifying and registering all security apparatus assets, institutions, facilities, vehicles, and munitions supplies, within Sudan.
  - x. Providing UNAMID with the authority to maintain this registry and, in the event an unregistered stockpile of munitions is found, the mandate to seize and destroy the stockpile.
  - x. Removing all irregular checkpoints in the Darfur Region and replace them with official forces, as consistent with this Agreement.
  - x. Increasing the number of women within all sectors of security institutions and at all levels to ensure fair representation of women throughout the security sector.
  - x. Providing training to all members of these security organisations on international standards of humanitarian law, human rights law, and gender equality, and gender-based violence prevention.
  - x. Recruitment processes shall be reformed to include screening the prior history of all incoming personnel with regard to human rights abuses and violence against women, and persons with such histories are to be excluded from service.
  - x. Recruitment and promotion processes shall be reformed to ensure transparency, and to ensure no discrimination based on ethnicity, Regional, religious or political affiliation.
  - x. Reform of the regular forces to ensure they are reflective of the diversity of the population of Sudan.
462. The Government shall submit a plan, including timelines, for the reform, development and restructuring of the identified military and intelligence institutions to the Darfur ~~Security Arrangements~~ Implementation and Integration Commission (~~DSAIC~~) (DIITC) to monitor its implementation. The Government shall source funding and experts to support this exercise from within and outside Sudan. With regard to funding, the Government's plan shall separately address budget items related to both the training and the expansion or modification of facilities and supply chains required for the integration of women into the security sector.
- 462a. The Government of Sudan shall dissolve and prohibit any future operation of any paramilitary or other non-official military institutions. This includes, but is not limited to the following forces:
- x. Popular Defence Forces
  - x. Popular Police Forces
  - x. Border Guards
  - x. Any other militias under the control of the Government of Sudan.

#### **TIMEFRAME AND SEQUENCING OF ACTIVITIES**

463. The phases shall be undertaken according to the following timelines:

- i. Phase 1 on Disengagement shall commence immediately after the completion of the preparations and shall be concluded within ~~45~~ ninety (90) days.
- ii. Phase 2 on Redeployment shall commence immediately after the completion of Phase 1 and shall be concluded within ~~45~~ one hundred and eighty (180) days.
- iii. Phase 3 on status of forces and ~~limited arms control~~ shall commence immediately after the completion of Phase 2 and shall be concluded according to the agreed time provided for in this Agreement ~~within 30 days~~.
- iv. The ~~initial integration~~, Disarmament, Demobilisation and Reintegration of [X]% of former Combatants shall commence immediately upon the [establishment of the Darfur DDR Commission.] ~~after the completion of Phase 3~~. This initial phase of DDR shall be limited to Special Needs Groups such as women Combatants and women associated with armed groups, boys and girls associated with armed forces and armed Movements, if any, and other vulnerable conflict affected children, disabled Combatants and the elderly. This initial phase will also include members of Movements' forces who voluntarily decide to proceed with the DDR process during this initial phase.

464. ~~With the consent of the Parties, In consultation with the Parties,~~ the Chairperson of the CFC may amend this schedule if so required for security, logistical or other reasons.

#### **OTHER PROVISIONS**

#### **ARTICLE 72: SETTLEMENT OF DISPUTES**

465. Any disagreement and dispute arising over the interpretation of the final security provisions or any of the existing ceasefire agreements shall be referred to the Joint Commission, which shall decide by ~~consensus~~ majority vote.
466. Where ~~consensus~~ majority vote cannot be reached by the Parties, the Chairperson of the Joint Commission shall, in consultation with the international members/observers of the Joint Commission, make a decision in the best interest of maintaining the ceasefire, and the Parties shall abide by the decision.
- 466a. If a Party fails to abide by the decision, it may be sanctioned by the Chairperson of the Joint Commission.

**CHAPTER VII: INTERNAL DIALOGUE AND CONSULTATION AND IMPLEMENTATION MODALITIES**

**ARTICLE 73: DARFUR INTERNAL DIALOGUE AND CONSULTATION (DIDC)**

467. The Parties fully recognise the important role that the Darfur stakeholders, including in particular the civil society have played in the Doha peace process.
468. The Parties agree that the outcomes of the various consultations and discussions held in and outside Darfur/Sudan, including the Doha Forums I and II on issues related to the root causes and consequences of the conflict have enriched ~~the negotiations that led to the coming into force of this Agreement~~ efforts to reach a sustainable and comprehensive peace agreement, and that similar consultations and discussions with the various other stakeholders throughout Sudan are necessary.
- 468a. The Parties recall the *UN Secretary General’s Report on the Darfur Political Process*, dated April 15, 2011, which noted the need for “a forum to...enhance popular support for the outcome of the negotiations” and to “better enable the people of Darfur to participate in their implementation,” of this Agreement. The Parties further recall the Secretary General’s comment that that such a process “must take place in an environment that guarantees its credibility and ensures the civil and political rights of participants so that they can exercise their views without fear of retribution; freedom of speech and assembly to permit open consultations; freedom of movement of participants and UNAMID; and proportional participation of Darfurians.” These conditions include “freedom from harassment, arbitrary arrest and intimidation and freedom from interference by the Government or armed movements.”
- 468b. Having recalled this report by the UN Secretary General, the Parties commit to creating the conditions necessary to conduct a process aimed at enhancing the popular support for this Agreement throughout Sudan. In so doing, the Parties agree to work with the United Nations, UNAMID, and the African Union, as well as any other interested international and domestic stakeholders to design and implement such a process.
- ~~469. The Parties stress the necessity for the continuation of the dialogue and consultation within Darfur, in order to consolidate peace and promote reconciliation and healing.~~
- ~~470. The Parties therefore agree to hold a Darfur Internal Dialogue and Consultation (DIDC) in accordance with the provisions of this Agreement.~~

**~~TERMS OF REFERENCE~~**

- ~~471. Primarily, the DIDC will, through popular consultation and dialogue seek to consolidate peace in Darfur, promote confidence building and encourage reconciliation as well as unity amongst the people of Darfur and Sudan in general. Specifically, the DIDC will aim at:~~
- ~~i. Widening ownership for this Agreement and building support for its implementation;~~

- ii. ~~Addressing issues related to civic responsibilities, democratic values and practice as well as peace building;~~
- iii. ~~Enhancing time tested traditional practices regarding settlement of dispute, local conflict resolution, land ownership, pastures, transhumance, water and natural resources etc.;~~
- iv. ~~Promoting inter-tribal and inter-communal peace, reconciliation and harmonious coexistence;~~
- v. ~~Enhancing the status of native administration including restoring its authority and building its capacity;~~
- vi. ~~Raising awareness and building support for all measures taken regarding civilian arms control, the promotion of women, youth development, the safe return of IDPs and Refugees and their Reintegration into the society, property restitution and compensation, as provided for in this Agreement; and~~
- vii. ~~Bringing about a social and political rejuvenation in Darfur and helping the people to come to terms with their immediate past, rewrite their history, and forge ahead.~~

#### ~~THE DARFUR INTERNAL DIALOGUE AND CONSULTATION MECHANISM~~

472. ~~The Parties agree to establish, with UNAMID assistance, the Darfur Internal Dialogue and Consultations Mechanism, within three (3) months of the coming into force of the Agreement. The Mechanism shall be composed of a **Chairperson** and twenty (20) members, including representatives of the Parties to this Agreement, tribal and religious leaders, civil society organisations, women and youth groups. Members of the Mechanism shall select a prominent Sudanese to serve as **Chairperson**.~~
473. ~~The Mechanism shall agree on the number and composition of experts and resource persons including from outside Sudan, who will assist them to design, plan and conduct the DIDC. The Mechanism shall develop and adopt its own rules of procedure, and agree on the composition and number of delegates for each State, using the criteria of proportionality.~~
474. ~~The **Chairperson** of the Mechanism shall preside over all the sessions of the dialogue and consultation which shall start within thirty (30) days of the inauguration of the Mechanism.~~

#### ~~LOGISTICAL SUPPORT AND FUNDING~~

475. ~~UNAMID shall provide logistical support for the work of the Mechanism and the conduct of the DIDC, within its capabilities. It is the responsibility of the signatory Parties to this Agreement to ensure the establishment of an enabling environment in order to guarantee full participations of all stakeholders and the successful conduct of the DIDC. UNAMID will also assist in developing a communication strategy to ensure that information about the DIDC and the actual process is widely disseminated within and outside Darfur and Sudan, and also properly documented and archived.~~
476. ~~The Government shall contribute thirty three (30%) percent of the total estimated budget of the DIDC. International donors will be invited to contribute the balance. Funds shall be held in a special trust fund established for purposes of the DIDC.~~

**~~VENUE, TIMELINES AND OBSERVERS~~**

~~477. The DIDC process will be sequentially held in all the States in Darfur, within a period of three (3) months beginning from the date of the first session. All dialogue and consultation sessions will be open and attended by international observers.~~

**~~OUTCOMES OF THE DIDC~~**

~~477. As an advisory body and a vehicle for social and political transformation, the DIDC process is expected to make immediate impact in mending the social fabric, casting individual and collective mindset and shaping the future of the people of Darfur. The outcomes of the DIDC, which shall be in form of best practices and lessons learned, shall be formally submitted to the, the State Governments, and the Federal Government, and kept in libraries and institutions of learning as a reference document.~~

**ARTICLE 74: IMPLEMENTATION FOLLOW-UP COMMISSION (IFC)**

479. An Implementation Follow-Up Commission (IFC) ~~is established in accordance with the provisions of this Agreement~~ **is deemed established by the coming into force of this Agreement** to:

- i. Monitor, and assess the implementation of ~~the~~ this Agreement;
- ii. **Support** ~~ensure~~ the provision of technical support to bodies established by ~~the present this~~ Agreement; and
- iii. ~~Ensure that the Agreement is implemented in accordance with the agreed timelines in the Annex.~~

**COMPOSITION OF THE IFC**

480. The IFC is composed of the following:

- |       |   |   |                    |
|-------|---|---|--------------------|
| i.    | Representative of the State of Qatar                                      | - | <b>Chairperson</b> |
| ii.   | Two (2) Representatives each of the signatories Parties to this Agreement | - | Members            |
| iii.  | Representative of the African Union                                       | - | Member             |
| iv.   | Representative of the United Nations                                      | - | Member             |
| x.    | <b>Representative of the European Union</b>                               | - | <b>Member</b>      |
| v.    | The Joint Special Reps and head of UNAMID                                 | - | Member             |
| vi.   | Representative of the League of Arab States                               | - | Member             |
| vii.  | Representative of the CEN-SAD   | - | Member             |
| viii. | Representative of the Organisation of Islamic Conference                  | - | Member             |
| ix.   | Representative of the People Republic of China                            | - | Member             |
| x.    | Representative of the France  | - | Member             |
| xi.   | Representative of The Russian Federation                                  | - | Member             |
| xii.  | Representative of The United Kingdom                                      | - | Member             |

- xiii. Representative of the United States of America - Member
- xiv. Representative of Burkina Faso - Member
- xv. Representative of Japan - Member
- xvi. Representative of Canada - Member
- xvii. Representative of the Republic of Chad - Member
- xviii. Representative of the Arab Republic of Egypt - Member

481. The inaugural meeting of the IFC shall be convened by the State of Qatar as the **Chairperson in [location], no more than [2] months after the coming into force of this Agreement. The Chairperson**

#### **FUNCTIONS AND POWERS OF THE IFC**

482. The IFC shall perform the following functions:

- i. Monitor, **and document and follow-up** the implementation of this Agreement on an on-going basis;
- ii. ~~Be responsible for the interpretation of the provisions of this Agreement~~ **Resolve any disputes as requested by the Parties regarding the interpretation of this Agreement. Any such resolution provided by the IFC shall be binding on the Parties.**
- iii. ~~Maintain close contact with the Parties to promote full compliance with all provisions of this Agreement and facilitate the Parties efforts towards this end;~~
- iv. ~~Plan and oversee the provision of technical assistance and support for post conflict activities, as well as for the establishment and functioning of bodies provided for in the Agreement including, but not limited to, the provision of capacity building, training as well as provision of resources, experts and advisors;~~

482a. **Actively engage international organisations, including, but not limited to, the United Nation’s Refugee Agency (UNHCR), United Nation’s Children’s Fund (UNICEF), and the International Committee of the Red Cross (ICRC), to participate in implementation strategies related to their areas of expertise.**

- i. ~~Assess and evaluate progress made in the implementation process and advise the Parties of any development that could bring delay and take appropriate measures in this regard;~~
- ii. ~~Ensure that the required political and material support is mobilised towards the full implementation of this Agreement.~~

482b. **Undertake any additional functions that the IFC or the Parties may deem appropriate and which is not in contradiction with the letter and spirit of the Agreement.**

482c. **The IFC may appoint implementation liaisons, as desired, to monitor progress and adherence to obligations by the mechanisms and institutions of this Agreement.**

#### **MEETINGS OF THE IFC**

483. The IFC shall meet on a ~~monthly~~ **quarterly** basis and issue a report after each meeting. The IFC shall convene emergency meetings whenever deemed necessary. Any of the Parties may request the Chair of the IFC to convene an emergency meeting.
484. ~~UNAMID~~ **The Government of Qatar** shall establish **and fund** a **Secretariat** to support the functions and activities of the IFC.

## **FINAL PROVISIONS**

### **EFFECT ON EXISTING ADMINISTRATIVE MECHANISMS**

484a. All laws and administrative mechanisms existing prior to this Agreement remain in effect unless explicitly repealed herein, or until affirmatively changed by any transitional or permanent mechanisms provided for in this Agreement.

### **NOTICES**

484b. Notices permitted or required under this Agreement shall be in writing and shall be deemed received upon personal delivery, or upon [seven (7)] days following delivery to an overnight courier (provided a receipt for delivery is obtained) or [seven (7)] days following mailing by certified mail, postage prepaid, return receipt requested, to the addresses designated by the Parties in Schedule D.

484c. Any address or name specified in Schedule D may be changed by any Party by a notice given to all Parties in accordance with this paragraph. The inability to deliver because of a change of address of which no notice was given in accordance with this paragraph or rejection or other refusal to accept any notice shall be deemed to be the receipt of this notice as of the date of such inability to deliver or rejection or refusal to accept.

### **DEFINITIONS**

484c1. The definitions of terms set forth in the preamble to this Agreement are hereby incorporated in this Agreement by reference.

### **ENTIRE AGREEMENT**

484d. This Agreement, including all annexes and schedules hereto (which are hereby incorporated herein and shall be a part hereof), sets forth and constitutes the entire agreement and understanding of the Parties with respect to the matters set forth herein or therein. It supersedes all prior discussions, negotiations, drafts or agreements of the Parties. The terms and provisions of this Agreement may not be modified, varied or changed except by a written instrument, signed by legal representative of all the Parties to this Agreement still existing at the time of the written modification.

### **NO WAIVER**

484e. Except where time limitations are specifically provided, no failure or delay by any Party in the exercise of any right under this Agreement will operate as a waiver thereof, nor will any single or partial exercise of any right preclude an additional or further exercise thereof or the exercise of any other right. To be effective, each waiver of any right under this Agreement must be in writing and signed by the Party waiving its right, and such waiver may be made subject to any conditions specified therein. Each amendment to this Agreement must be in writing and signed by all Parties still existing at the time of the amendment.



**COUNTERPARTS**

484f. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall be one and the same instrument.

**LANGUAGES**

484g. This Agreement has been drafted and signed in both Arabic and English each of which shall have equal weight. In the event of a conflict between the Arabic and English versions, such conflict shall be resolved so as to give maximum effect to the provisions of this Agreement.

**COOPERATION**

484h. All Parties to this Agreement shall reasonably cooperate with the others to cause the provisions of this Agreement to be applied.

484i. Each of the Parties will cooperate with the other Parties and execute and deliver to the other Parties such other instruments and documents and take such other action as may be reasonably requested from time to time by any other Party as necessary to carry out, evidence and confirm the intended purposes of this Agreement.

**BINDING ON SUCCESSORS, ETC**

484j. This Agreement shall be binding upon and inure to the benefit of the Parties, and their respective “affiliates”, representatives, agents, agencies, instrumentalities, employees, servants, executives, administrators, successors and assigns. For the purposes hereof, the term “affiliate” shall mean an individual or entity controlling, controlled by or under common control with another individual or entity.

**TERMINATION**

484k. This Agreement may be terminated in full only through the following mechanisms:

- i. Through the clearly expressed mutual desire of every Party to terminate the Agreement
- ii. As a result of a finding by [the IFC / the United Nations / the UN-AU Joint Special representative / an appointed international representative] of serious material breach of one or more obligations undertaken by any Party, including any unexplained failure to accomplish any obligation within an agreed deadline.

484l. This Agreement shall be considered immediately terminated with respect to any individual Party that clearly and unequivocally expresses that the Party has withdrawn from the Agreement. Parties that withdraw individually from this Agreement shall be released from all obligations and shall receive no future benefits [or protections] relating to this agreement.

**DURATION AND RENEWAL**

484m. This Agreement shall remain in effect until [four years] from the date of the last signature, and shall automatically renew every [four] years unless all Parties clearly express a mutual desire not to renew the Agreement.

**FURTHER ASSURANCES:**

485. The Parties commit themselves to fully and effectively implement all the provisions of this Agreement and its relevant protocols and annexes, and calls upon the international community, to firmly support it, and to help provide the resources and expertise for its complete and successful implementation.

486. The Parties further commit themselves to ensure that all the institutions, bodies, commissions, committees and other entities under their control, including their members, shall observe the terms of this Agreement.

487. The Parties agree that ~~the unaltered terms of this is~~ Agreement shall be incorporated into the Interim National Constitution (INC) and into any future constitution for Sudan through the process established in Article 15 of this Agreement. ~~For this purpose, the National Constitutional Review Commission shall, as a matter of priority, prepare a text in the constitutionally appropriate form for adoption in accordance with the procedures specified in the INC.~~

**DISPUTE RESOLUTION**

488. The Parties agree to ~~promptly resolve~~ settle, in good faith, any disagreements and disputes arising from the implementation of or relating to this Agreement by peaceful means through direct negotiations. ~~In case the Parties fail to agree, the issue should be referred to the IFC for resolution.~~ When no other dispute resolution mechanism has been provided for elsewhere in this Agreement, the Parties shall resolve a dispute arising out of or relating to this Agreement by prompt negotiations between persons which shall be designated by all Parties concerned. Any dispute not so resolved within [forty-five (45)] days after formal notice of the dispute by any party to the others shall be referred to formal mediation as provided for in the following paragraph.

488a. If any dispute has not been resolved as provided for in the immediately preceding paragraph [484b] above, by written notice to all Parties to this Agreement, any Party to this Agreement may seek mediation of any dispute with another Party hereto and any Party shall have the right to participate in such mediation. The Parties may choose a mediator. In the event the Parties do not agree on the choice of a mediator within [thirty (30)] days of such notice of mediation, such mediator shall be promptly named by the Secretary General of the United Nations or his designated special representative. The costs of any such mediation shall be borne as directed by the mediator. The mediator shall hold hearings and direct the filing of evidence and briefs by the Parties and shall endeavour to bring the Parties to resolve the dispute. Should such a resolution not be agreed by the Parties participating in the mediation

within [six (6)] months following such notice of mediation, the mediator shall as soon as practicable render a written decision in the matter as an arbitrator which decision shall be binding on all Parties to this Agreement.

489. This Agreement shall enter into force upon its signature by the Government of Sudan and any one or more of the undersigned Movements, and shall remain open for the signature of all Darfur Movements ~~that would like to do so at a later stage.~~ for [thirty] days after the date of entry into force. This Agreement shall be equally binding upon every signatory Party, regardless of whether the Party signs at the time of entry into force or during the [thirty] day period following the entry into force.
490. In witness whereof the duly authorised representatives of the Parties have signed this Agreement, in the presence of the witnesses hereunder.
491. Done in Doha, State of Qatar, this .....of ..... in two (2) original texts in the Arabic and English languages, each text being equally authentic. In case of discrepancies between the versions, the Arabic version shall prevail.

**Signatures**

\_\_\_\_\_  
Chief Negotiator, Government of the  
Republic of Sudan

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman, Liberty and Justice Movement

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman, Justice and Equality Movement

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman, Sudan Liberation Movement

\_\_\_\_\_  
Date

\_\_\_\_\_  
UN/AU Joint Special Representative,  
Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief of Mediation, State of Qatar,  
Witness

\_\_\_\_\_  
Date

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[Placeholder]

---

Date

---

[Placeholder]

---

Date

**DRAFT IMPLEMENTATION TIMETABLE**

For the purposes of implementation timetables, “D” is the day on which this Agreement comes into force.

**A. Power Sharing**

Serial No	Activity	Body(ies)/ Party(ies) Responsible	Timeline	Composition	Funding Source(s)	Procedures
	Repeal the National Security Act and lift the state of emergency	GoS/Presidency	D-day			By Presidential Decree
	Establishment and recognition of the Region of Darfur	GoS/Presidency	D-day			By Presidential Decree
	Establishment of Darfur Transitional Government (DTG)	Movements	D-day	DTG Executive Council and DTG Legislative Council.	GoS – seed money & additional sums per annum	Through the coming into force of this Agreement; Movements appoint Governor and Vice Governor
	Reconstitute National Judicial Service Commission	Presidency	D-day	per Article [6], provision. [47b]	GoS - seed money & additional sums per annum	Presidential decree
	Establishment and appointment of First Vice President	Presidency	D + 30 days			By Presidential Decree; jointly nominated by Movements
2.	Establishment and appointment of Regional Vice Presidents	Presidency	D + 30 days			By Presidential Decree; nominated by Regions
	Nomination and appointment of 5 Darfurians as senior Cabinet Ministers and 7 Darfurians as Ministers of State	Presidency	D + 30 days			By Presidential Decree; jointly nominated by Movements

	Nomination and appointment of 3 senior Cabinet Ministers and 5 Ministers of State from Kordofan	Presidency	D + 30 days			By Presidential Decree; jointly nominated by Movements
10.	Representation of Movement(s) into national armed forces.	GOS	D + 40 days & onwards			
	Darfur Constitutional Drafting Committee (DCDC) appointed	DTG Executive Council	D+90 days	Chair, [x] representatives from each of Movement, [x] representatives from Darfur civil society, [x] DTG representatives		Chair appointed by Governor of DTG
1.	Appointments of Darfurians in the Presidency (Advisors to the President)	Presidency	D + 90 days			By Presidential Decree
	Achieve at least 28% representation of Darfurians in National Assembly	National Assembly	D+90 days			Selected by the Movements
	Movements register as political parties	Movements	D+90 days			
3.	Establishment of the Panel of Experts for the Judicial Service Commission	Judicial Service Commission	D + 90 days			
6.	Representation of Movement(s) in State Executive		D + 90 days		States budget	
7.	Representation of Movement(s) in State Legislature		D + 90 days		States budget	1
4.	Establishment of the Panel of Experts for the National Civil Service Commission	National Civil Service Commission	D + 90 days	Substantial representation from Darfur	GoS	

				including at senior level.		
9.	Presidential decree on affirmative action with regard to Higher Education	GoS	D + 90 days			
	Sudan Constitutional Commission established	GoS	D + 90 days	75 members, including 10 members from each of the six Regions of Sudan, and 15 members appointed by [UNAMID]	GoS	
	Appointment of DCDC Panel of Experts	DCDC	D+ 120 days	At least 5 experts		
	Appointment of constitutional panel of experts	SCC	D + 120 days	At least [x] experts in constitutional law		Appointment through majority approval of SCC members
	DTG Legislative Council constituted	Movements / DTG	D +180 days	68 members		
	Adopt and enter into effect initial amendments to the INC	SCC	D + 180 days			
	Establishment of Darfur Local Government Commission (DLGC)	DTG	D + 180 days	6 Darfurians	Regional budget	
8.	Representation of Movement(s) in the Darfur Local Government (Localities)	GoS and Movement(s)	D + 180 days		GoS	
	Draft Constitution for Darfur submitted for popular referendum	DCDC & DTG	D +18 months			
	Submission of NCSC Panel of Experts (PoE) Report	NCSC PoE	NCSC PoE establishment			

			+180 days			
	Completion of implementation of NCSC Panel of Experts recommendations	NCSC	Submission of NCSC PoE Report + 180 days			In coordination with appropriate Ministries
	Implement Affirmative Action programme for Police, Customs, Immigration and Border Guards, the Prisons and Wildlife Services	[NCSC / To be determined]	D+[x]			Set targets for proportional representation to be achieved within 2 years.
5.	Completion of the demarcation of the borders of Darfur.	GoS	D + 1 year			JTC already exists Follow up the demarcation process
	Permanent Constitution of the Republic of Sudan adopted into law	SCC & GoS	D+18 months			Through popular referendum
	Transition of power from Darfur Transitional Government to Regional Government of Darfur	DTG & RGD	Upon election of RGD			
	Disestablishment of DTG	DTG & RGD	D + 4 years			If no RGD elected within 4 years, DTG re-appointed for an additional four years

**B. Wealth Sharing**

Serial No.	Activity	Body(ies)/ Party(ies) Responsible	Timeline	Composition	Funding Source(s)	Procedures
29.	Transfer of \$US 500.000.000 (two hundred million US dollars) to DRDF (Seed money).	Ministry of Finance and National Economy	D - day	The Central Government	GoS & International Donors	Payment guaranteed by irrevocable letters of guarantee from Central Bank of Sudan
	Establishment of the Darfur Development Commission	DTG	As soon as possible			



	(DDC)		after D			
	Appoint member of the DTG as member of the NRDF Steering Committee	Presidency & NRDF	D + 30 days			
17.	a) Full exemption of customs duties and other fees for importing materials for construction and development in Darfur; b) The Government of Sudan shall bear custom duties as well as other duties and fees payable on materials imported for national development projects in Darfur and projects funded by the Federal Government or by way of loans	GoS	D + 30 days & onwards	The Central Government		Directives from the Ministry of Finance and National Economy to the Sudanese customs
21.	The establishment of the Darfur Joint Assessment Mission (DJAM), definition of its objectives and the preparation for launching its work	GoS / Movement	D + 30 days		GoS[, African Union, and United Nations]	Creation of the Core Coordinating group, definition of its functions and the Secretariat of the mission-based work and the provision of work assistance in both Khartoum and Darfur
44.	Directives spend the Zakat money collected in Darfur inside Darfur	The Central Zakat Chamber	D + 30 days			Communication circulated from the Central Zakat Chamber to all Zakat offices in Darfur
45.	The Zakat Chamber shall provide the maximum possible necessary funding and	The Central Zakat Chamber	D + 30 days & onwards			Directives to the Central Zakat Chamber

	implement the projects in favour of poor families, particularly returnees IDPs and Refugees					
46.	Formulating policies and projects directed towards the traditional rain-fed agriculture which is considered a major priority national development project to attain the MDGs	GoS / States/Region Governments in Darfur	D + 30 days & onwards			
48.	Working out and implementing an advanced and comprehensive capacity building programme in the fields of public finance, relationships between government levels including the accountability-based expenditures management	GoS / states/Region's governments	D + 30 days & onwards	The Central Government		The GoS shall conclude contracts with specialised bodies from inside and outside Sudan to formulate the programme and elaborate its execution within the time frame specified.
49.	Conducting a comprehensive structural reform of universities in Darfur in terms of infrastructure and completion of its institutions to be enabled to undertake their mission.	GoS	D + 30 days & onwards	The Central Government		Financing the required reform under a plan presented by the Ministry of Higher Education and Scientific Research (in collaboration with the universities concerned in Darfur.)
53.	Gradual amendment of laws to include the rights to the land and their uses in accordance with the customs, traditions and legacies in the ownership of land, the customary tracks of cattle and access to water sources. And enabling the people to register	GoS /The States/Region's Governments/The Legislatures	D + 30 days & onwards			The States Governments shall prepare Drafts for the amendment of the laws to be passed by the Legislative Council or the Legislatures

	the land customarily owned by them as their own lands.					
54.	Restoration of the lands - which were granted under the investment laws and whose owners breached the conditions under which they were granted - to the status those lands had had before the ratification	The States/ Regions’ Governments/The Legislatures	D + 30 days & onwards			
	Appointment of four (4) additional permanent members to the National Petroleum Commission by the Movements	Movements, National Petroleum Commission	D + 30 days			Appointees shall be nominated by the Movements
51.	Establishment of Darfur Land Commission (DLC)	DTG	D + 90 days		Representatives of the Darfur <b>Regional State</b> Government, historical Leaders of the civil administration, local experts and a <b>representative of the Government of Sudan.</b>	Issuance of a presidential law for the establishment of the commission council
11.	Adoption and implementation of integrated projects for the development, stability and settlement of nomads, raising the productivity of this sector and regulating the relationship between farmers and herders to ensure security, stability and development for all.	GoS	D + 90 days & onwards		The Federal Government/ Donors	Identifying specific projects and conducting economic studies to be applied
12.	Developing policies and	GoS /States	D + 90		The Federal	

	conducting necessary studies for putting an end to environmental degradation and preserving natural resources	/Region's Governments	days & onwards		Government/ States /Region's Governments	
13.	Developing policies to enable the female element as a working force in Darfur and build their productive capacities especially the returnees among them.	States Governments	D + 90 days & onwards		States/Region's Governments	
14.	Developing and enforcing policies to encourage exports from Darfur to national and international markets, and to encourage the specialised commercial and governmental banks to expand their activities in Darfur	GoS /States/Region's Governments	D + 90 days & onwards			
15.	Developing and implementing policies that lead to the development of the educational system, provide education and training for Darfurians and the elimination of illiteracy among women.	GoS /States/ Region's/ Governments	D + 90 days & onwards		The Federal Government/ States/Region's Governments/ donors	
16.	Encouraging and promoting research and development, especially in the development of technology in the areas of agriculture, animal husbandry, small industries and handicrafts, mining, environment and energy, with a focus on renewable energies.	GoS /States/Region's Governments	D + 90 days & onwards		The Federal Government/ States/Region's Governments/ donors	Ministry of Higher Education and Scientific Research, Ministry of Science and Technology and Scientific Research Institutions.

	Establishment of Darfur Revenue Allocation and Monitoring Commission (DRAMC)	DTG & Movements	D + 90 days	1 Chair; Minister of Finance of Darfur; and 15 Commissioners		Chair appointed by DTG
23.	Preparation of the Joint Assessment Mission report with view to assessing the needs of Darfur	DJAM	D + 90 days	The World Bank/UN/ADB	The commissions established to implement the actions of the Joint Assessment Mission provided that they include the Parties signatories of the Agreement	The Secretariat shall prepare the final report of the work of the Joint Assessment mission to and submit it to the central coordinating group including development projects, the fight against poverty, economic recovery and their cost, and including the consent of the Government of Sudan to bear part of the total cost
	Establish trans-boundary rights and right of way passages for nomadic herders	DTG & GoS	D + 90 days			Implementing legislation
	Appointment of DRAMC Panel of Experts	DTG and Darfur's 3 State governments	D + 120 days	4 experts		1 expert appointed by DTG; 1 expert appointed by each of the 3 States in Darfur
	Review functioning and composition of NRDF and reform it to ensure fair and balanced representation of all Sudan's Regions	Presidency	D+180 days		GoS	
18.	Amendments in the Investment Promotion Law to provide greater incentives to make the	GoS /the National Council	D + 180 days			The introduction of necessary amendments to the investment promotion

	investment more attractive to foreign and domestic firms in the <b>Region</b> of Darfur					law
	Re-constitute the Fiscal and Financial Allocation and Monitoring Commission (FFAMC) established by article 198 of the Interim National Constitution	GoS	D + 180 days	1 Chair, 3 representatives from GoS, 3 representatives from the DTG, and the finance minister from each State/Region		Established through implementing legislation; Chairman appointed by President subject to approval of Vice Presidents
	Presentation of DRAMC Panel of Experts report	DRAMC Panel of Experts	D + 180 days			FFAMC will approve recommendations by majority vote and implement recommended formulas for resource allocation
24.	Holding the donors' conference	The World Bank/UN/ADB	D + 180 days	The World Bank/UN/ADB	The donors	Inviting the IDB, AU, LAS, Arab funds, EU, US,, Arab and Islamic countries and all countries wishing to contribute to the development of Darfur.
25.	The establishment of the multi-donor <b>Darfur Reconstruction and Development Fund</b>	GoS and Movements	D + 180 days	Board of Supervisors: [3] nominated by GoS, [3] nominated by DTG, [6] nominated by other undersigned nations or DRDF donor nations; Executive Director nominated by Movements and endorsed by Board		

35.	Establishment of the Micro Finance System in Darfur	the Central Bank of Sudan & DTG	D + 180 days	Board of Directors named by DTG: [one] member of GoS, [one] member nominated by the DTGF, and [six] members chosen by the DTG who shall be independent of any governmental entity or political party in Sudan.	GoS	MFS will be incorporated with a charter and by-laws consistent with the provisions of this Agreement and as approved by the DTG
36.	Appointment of specialists to develop the regulation of the institution to ensure its independence	the Central Bank of Sudan, in consultation with GoS and Darfur States/Region	D + 180 days		The Parties with the participation of specialists in the field of micro lending	
37.	Deposit of USD 100,000.000 to the micro finance system in Darfur	Ministry of Finance and National Economy	D + 180 days	The Central Government		Guaranteed by irrevocable letters of guarantee from the Central Bank of Sudan; all equity shares in the MFS held by DTG and transferred to RGD
40.	Providing necessary training to the beneficiaries to build their managerial capacities and improve their technical skills in their respective fields	The States / Region Governments	D + 180 onwards	The Central Government		
	Grant the DTG and Regional Government of Darfur the right to collect and/or receive revenue	GoS and DTG	D + 180 days			Adopt legislation and take any other necessary action
55.	Develop Darfur Regional Land	DLC	D + 180		GoS	

	Use Map		days			
	Establish Darfur Natural Resources Commission (DNRC)	DTG	D + 180 days			
	Retroactive payment to Darfur of 2% of Regional petroleum revenue due since the start of petroleum production in Darfur pursuant to INC article 192(5)	GoS	D + 180 days		GoS	Parties shall establish a framework for these payments, with no less than <del>125</del> 25% of the total owed being paid within the first 6 months of this Agreement
	Establish the Sub-commission on Darfur Petroleum under the National Petroleum Commission	GoS & Movements	D + 90 days			
	Establish Darfur Water Control Board	DTG	D + 180 days	Executive Board members nominated by the DTG		
56.	Passing recommendations and the plan of Darfur Regional Land Use Map to the DTG for approval	The Legislatures in Darfur States	D + 180 & every 5 years		GoS	
	Establishment of FFAMC Panel of Experts	FFAMC, National Legislature	D + 210 days	5 experts		Experts nominated by FFAMC and approved by [65]% of legislature
	Presentation of FFAMC Panel of Experts report to FFAMC & implementation of recommendations	FFAMC Panel of Experts	D + 270 days			FFAMC will approve recommendations by majority vote and implement recommended formulas for resource allocation
	Transfer of 10% of National Revenue Fund to Darfur	GoS	D + 1y, D + 2 ys, D + 3 ys,		GoS	



			D + 4 ys, D + 5 ys			
30.	Transfer of \$US 700.000.000 (three hundred million US dollars) to DRDF (Seed money)	Ministry of Finance and National Economy	D + 1 y	The Central Government	GoS & International Donors	Payment guaranteed by irrevocable letters of guarantee from Central Bank of Sudan
31.	Transfer of \$US 700.000.000 (three hundred million US dollars) to DRDF(Seed money)	Ministry of Finance and National Economy	D + 2 ys	The Central Government	GoS & International Donors	Payment guaranteed by irrevocable letters of guarantee from Central Bank of Sudan
32.	Transfer of \$US 600.000.000 (three hundred million US dollars) to DRDF(Seed money)	Ministry of Finance and National Economy	D + 3 ys + 60	The Central Government	GoS & International Donors	Payment guaranteed by irrevocable letters of guarantee from Central Bank of Sudan
33.	Transfer of \$US 500.000.000 (four hundred million US dollars) to DRDF(Seed money)	Ministry of Finance and National Economy	D + 4 ys	The Central Government	GoS & International Donors	Payment guaranteed by irrevocable letters of guarantee from Central Bank of Sudan
34.	Transfer of \$US500.000.000 (five hundred million US dollars) to DRDF(Seed money)	Ministry of Finance and National Economy	D + 5 ys	The Central Government	GoS & International Donors	Payment guaranteed by irrevocable letters of guarantee from Central Bank of Sudan
	Draw up the statute and rules of procedures of the MFS	GoS & Movements	As soon as possible			
38.	Deposit of USD 75.000.000 to the micro finance system in Darfur	Ministry of Finance and National Economy	D + 180 days + 1 yr	The Central Government		Guaranteed by irrevocable letters of guarantee from the Central Bank of Sudan; all equity shares in the MFS held by DTG and transferred to RGD
39.	Deposit of USD 75.000.000 to the micro finance system in Darfur	Ministry of Finance and National	D + 180 days + 2 yrs	The Central Government		Guaranteed by irrevocable letters of guarantee from the Central Bank of

		Economy				Sudan; all equity shares in the MFS held by DTG and transferred to RGD
41.	Payment of USD 75.000.000 to Darfur Revenue Fund for Darfur social services	Ministry of Finance and National Economy	D + 1 year			Guaranteed by irrevocable letters of guarantee from the Central Bank of Sudan; transferred directly to the Darfur Revenue Fund; DTG shall guarantee that funds will used only for social services.
42.	Payment of USD 75.000.000 to Darfur Revenue Fund for Darfur social services	Ministry of Finance and National Economy	D + 2 years			Guaranteed by irrevocable letters of guarantee from the Central Bank of Sudan; transferred directly to the Darfur Revenue Fund; DTG shall guarantee that funds will used only for social services.
43.	Payment of USD 75.000.000 to Darfur Revenue Fund for Darfur social services	Ministry of Finance and National Economy	D + 3 years			Guaranteed by irrevocable letters of guarantee from the Central Bank of Sudan; transferred directly to the Darfur Revenue Fund; DTG shall guarantee that funds will used only for social services.
47.	Conducting a feasibility study to all the projects mentioned in paragraph 186, in order to	Federal Ministry of Agriculture / the States/Region	D + 1 y	The Central Government (The Federal Ministry of		Composing a team of professional experts to conduct the studies

	enforce the ones proven to be feasible	Governments		Finance)		necessary.
	Establish the Fund for Women	GoS 7 Movements	Upon the establishment of the DRDF		DRDF	Administered as part of the DRDF

**C. Compensation and Return IDPs/Refugees Return and Reintegration**

Serial No	Activity	Body(ies) Responsible	Timeline	Composition	Funding Source(s)	Procedures
58.	Issuance of identification documents to IDPs and returning Refugees.	GoS	D –day and onwards		Compensation/ <i>Jabr Al-Darar</i> Fund	Based on the survey and needs assessment outcome.
	Pay to the DTG US\$ 10.000.000 (ten million U.S. dollars) for establishment and operations of VRRC	GoS	D-day		GoS	
57.	Establishment of the Voluntary Return and Resettlement Commission (VRRC) and its two (2) committees: Committee on Voluntary Return (VRC); and Committee on Property Claims and Restitution (PCRC) as well as the Compensation/ <i>Jabr Al darar Fund</i>	DTG	D +45 days	VRRC Board of Supervisors: 1 Chairperson, 4 members at large	GoS	VRRC Board of Supervisors shall be nominated and appointed by the DTG, subject to the approval of the Government of Sudan. VRRC shall appoint the members to its various subcommittees.
60.	Conduct statistical surveys of Refugees and Internally Displaced Persons for the purpose of planning for voluntary return.	VRRC	Immediately after the establishment of the VRRC		GoS	
61.	Conduct a comprehensive needs	VRRC	Immediately	GoS /VRRC,	GOS/Donors	

	assessment in areas of potential return, to address the issues of basic services		after the establishment of the VRRC	in consultation with UNHCR		
	Pay to DTG US\$ 100.000.000 (one hundred million U.S. dollars) for IDP/refuges compensation	GoS	D + 60 days		GoS & Donors	
	Establish security plan for the protection of Internally Displaced Persons and Refugees	GoS & Movements	D + 90 days			
	Establish mechanism responsible for determining where compensation fund will be held, determining under what conditions it will disbursed, reporting on whether disbursed legitimately, and designating UN-appointed auditing operation	Movements and GoS	D + 90 days			With assistance of international community
59.	Demine the areas of return and ensure IDPs and Refugees access to their home lands and routes to basic and access to public services	GoS/UNAMID in collaboration with relevant organisations	D + 1 y	VRRC, UNAMID, UNICEF, UNHCR, Mine Action, and GoS	GoS/ Donors (UNAMID)	
	Pay to DTG at least US\$ 100.000.000 (one hundred million U.S. dollars) for IDP/refuges compensation	GoS	between D + 1 y and D + 2 y		GoS & Donors	
	Pay to DTG the remainder of US\$ 300.000.000 (three hundred million U.S. dollars) total owed for IDP/refuges compensation	GoS	between D + 2 y and D + 3 y		GoS & Donors	

**D. Justice and Reconciliation**

Serial No	Activity	Body(ies) Responsible	Timeline	Composition	Funding Source(s)	Procedures
	Allocation of US\$ 50.000.000 (fifty million US dollars) for initial operations of Truth and Reconciliation Commission (TRC)	GoS	D-day		GoS	
	Ratify the Rome Statute of the International Criminal Court	GoS/National Assembly	As soon as possible			
	Establish the Judicial Reform Committee (JRC)	GoS and Movements	D + 14 days	lawyers, judges, and civil society; [x] Darfurians and [x] experts from other areas of Sudan; at least [one-third] women	GoS	
	Establishment of DVCC Fund	GoS	D + 30 days	[World Bank or other international entity]	GoS	Trust fund maintained by [World Bank or other international entity]
	Establishment of DVCC joint expert assessment team	United Nations, African Union	D + 30 days	United Nations, African Union, and [World Bank or other international entity]	GoS	To provide an estimate of the total potential compensation claims
64.	Submission of the list of PoWs and other prisoners to the Government of Sudan	Parties GoS	D + 30 days <del>D + 45 days</del>			<del>Legal and administrative measures to be taken for the proclamation of amnesty in accordance</del>

	Proclamation of amnesty					with Sudanese and International law
67.	Declaring a national day for peace and non-violence in Darfur	GoS	D + 30 days			
66.	Establishment of the Truth and Reconciliation Commission (TRC) by law	Parties	D + 45 days	10 members	GoS	2 members appointed by Parties after a national consultation process; 3 members appointed by the UN and AU; each Party shall appoint at least one woman
	Deposit amount equal to [50%] of the UN-AU assessment estimated total of all compensation claims into the Compensation Fund	GoS	D + 60 days		GoS	
	Completion and submission of Judicial Reform Committee Report	JRC	D + 90 days			
	Establishment of Darfur Victims Compensation Commission (DVCC) and DVCC Fund	GoS and Movements	D + 90 days	9 members: 3 appointed by GoS; 3 appointed by DTG; 3 appointed by [UN Secretary-General or another international organisation agreed to by the Parties]	GoS	At least two (2) of the six (6) members shall be victims and representatives of affected communities; GoS and DTG must appoint both men and women
65.	Establishment of Technical and Administrative Committees for assessing and determining	Parties	D +90 days onwards		GoS	

	compensation/ <i>Jabr Al Darar</i>					
63.	Provision of adequate resources for prosecution work in Darfur	GoS	Continuous		National budget/ donors	
	Establish Sudan Human Rights Commission	GoS	D+90 days	Chair - nominated by joint approval of Parties, [3] representatives of DTG, [3] representatives of the GoS, and [x] representatives from [UNAMID/inter national community]	GoS	
	Establish fund to support operations of Special Court for Darfur	GoS & Movements	D + 90 days		GoS	Funds may be withdrawn for this purpose from the fund set aside for development in Darfur
	Establish Special Court for Darfur	Movements and GoS	D + 90 days	[x] Sudanese judges appointed by the DTG; [x] international judges; chief prosecutor appointed by the [AU/UN]	GoS	Headquarters in the capital of the Region of Darfur
	Deposit remaining amount of the UN-AU assessment estimated total of all compensation claims into the	GoS	D + [180] days		GoS	

	<b>Compensation Fund</b>					
62.	Establishing additional courts and deploying additional judicial personnel in and from Darfur by at least 50%	GoS	D + 180 days		Government of Sudan	
	Initiate affirmative action programmes to ensure Darfurians are appointed as Regional and national judges, prosecutors and other official and administrative members of the judiciary	GoS and Movements	D + 180 days		GoS	
	Complete of TRC investigation of the conflict and submission of final report to the President of Sudan, the Nationals Assembly of Sudan, and the Regional Government of Darfur	TRC	Establishment of TRC + 3 y			Report shall be public in all local languages and made available throughout Sudan

**E. Permanent Ceasefire and Final Security Arrangement**

Serial No	Activity	Body(ies) Responsible	Timeline	Composition	Funding Source(s)	Procedures
68.	Parties to submit to the Mediation their forces dispositions, lists of all armed groups aligned to them	All Parties	D Day			Required for the development of maps
69.	Parties to provide mine field locations to the Mediation	All Parties	D Day			Required for planning purpose
70.	Establishment of CFC at FHQ	UNAMID	D Day	UNAMID FC-Chairperson; 3 members from each party; State of	UNAMID/International partners	



				Qatar,		
73.	Release of detainees and child soldiers	All Parties/UNICEF	D-Day			To begin handing over detainees to ICRC
78.	Submission of a comprehensive plan for disarmament of affiliate armed militias	GoS	D-day			
79.	Production of Master Map indicating Areas of Control, Buffer, Demilitarised and Redeployment Zones	CFC	D-Day			Details to be marked on the Master Map
74.	Establishment of Joint Logistics Coordination committee (JLCC)	UNAMID	D + 5 days	UNAMID/Parties /Donors		
	Development of patrol plan for monitoring the Demilitarised Zones	UNAMID, GoS, CFC, Darfur Protection Corps	D + 7 days			
80.	Development of patrol plan for monitoring the Buffer Zones	CFC	D +7 days			
	Designation of locations for weapon storage and establishment of physical security plan for weapons storage locations	CFC	D + 7 days			
82.	PHASE 1: Disengagement; Parties withdraw forces out of demilitarisation/buffer zones into areas of control	Parties / CFC	D+7 to D + 52			
	Establishment of Joint	Movements and	D + 7 days			Shall remain in force till the

	Coordination Mechanism (JCM)	GoS				commencement of integration process
72.	Establishment of Joint Commission	Mediation	D+7 days	JSR/ State of Qatar/ Reps of Parties/ LAS/ EU/ UNAMID Political affairs	UNAMID/ International Partners	
	Designation of number and location of Sectors and establishment of Sector Sub-Ceasefire Commissions (SSCFC)	CFC	D + 7 days to D + 14 days	Each SSCFC: 1 Sector Commander; 2 representatives from Movements; 2 representatives from GoS; 1 Secretary; UAMID representatives		
71.	Verification of Parties forces positions and strength	CFC/ UNAMID	D + 7 days to D + 37 days			Party locations are to be held confidentially by Chairperson CFC
84.	Movements submit their logistics requirement to JLCC through UNAMID/CFC	Parties	D + 10 days			
77.	Parties provide redeployment Plans for all phases of the Ceasefire to CFC	Parties	D + 14 days	UNAMID/ Parties		
	Establishment of Ceasefire Site Team Groups (CSTG)	SSCFCs	D + 14 days to D + 30 days	1 Military Observer Team Leader; 2 representatives from the Movements; 2 representatives from the GoS		
86.	Establishment of Logistics Distribution Points	JLCC	D + 15 days			

76.	Establishment/Restructuring of Darfur Implementation and Integration Technical Commission (DIITC)	Parties	D + 30 days	Parties	GOS	
81.	Physical demarcation of Respective Areas of Control, Buffer, Demilitarised Zones and UNAMID troops deployment	UNAMID in collaboration with Parties	D + 37 days			
85.	Establishment of Integration Technical Committee	DSAIC	D + 37 days			
88.	Distribution of non-military logistical support (NMLS) to Movements	JLCC	D + 30 Days		GOS/ International Partners	
	Development of strategy and plans for the implementation of voluntary civilian arms control programme & provision of resources for such programme	GoS & Movements	D + 30		GoS	
87.	PHASE 2: Redeployment of Forces	Parties	Completion of Phase 1 (Disengagement) + 45 days			
83.	Establishment and structuring of DDR Commission	Parties	D + 90 days	1 chair nominated by the joint approval of the Parties, [5] representatives of the DTG, [5] representatives		

				of the GoS, and [10] representatives from [UNAMID/international community]		
89.	Formulation and Submission of DDR Plans to DIITC	Darfur DDR Commission, DTG, UNAMID, UNICEF	D + 90 days			
90.	Formulation and submission of Integration of Former Combatant Plan	ITC	D + 90 days			
91.	Selection of Assembly Areas of Movement's Forces	CFC	D + 130 days to D + 159 days			
92.	Assembly of Movement Forces and storage of heavy weapons in selected assembly areas/sites	UNAMID	D + 160 days to D + 219 days			
	Formation of Darfur Protection Corps (DPC)	Movements	D + 180 days			
	Promulgation of new Code of Discipline for Sudan Armed Forces	GoS	D + 180 days			
	Verification of Movements' forces for start of DDR process	CFC and Darfur DDR Commission	D + 219 days	CFC / UNAMID / Darfur DDR Commission		
93.	Integration of Former Combatants into SAF and Police Forces	ITC/GOS	D + 220 days to D + 350 days		GoS	
	Provision of Education and Training to members	Darfur DDR Commission,	D + 220 days			

	of DPC	UNAMID				
94.	Formulation of plan for Reform of Some military Institutions and submission of plan to DIITC	GoS	D+ 200 days			
95.	Disarmament, Demobilisation, and social/economic reintegration of the Former Combatants	DDR Commission	D + 220 days			
96.	Civilian Arms Control	GOS/UNDP/UN AMID	D + 220 days			
	PHASE 3: Arms Control	GoS and Movements	Ratification of Permanent Constitution of the Republic of Sudan + 30 days			

**F. Implementation and Follow-up**

Serial No	Activity	Body(ies) Responsible	Timeline	Composition	Funding Source(s)	Procedures
	Establishment of Implementation Follow-up Commission	UNAMID / Movements / GoS	D + 30 days	2 representatives from each Party and representative from other states and international organisations	GoS & State of Qatar	
	Payment of operational funds to IFC in the amount of US\$ [x]	GoS and State of Qatar	D + 30 days		GoS and State of	

					Qatar	
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**Note:**

1. UNAMID shall conduct verification at the end of every phase to monitor the compliance of the **Parties** with the agreements and decisions of the Ceasefire Commission, as well as the decisions of the Chairperson of the Commission.
2. UNAMID shall present verification reports to the Ceasefire Commission on a regular basis and shall immediately alert the Commission of any breach of the rules and any violation of the ceasefire.
3. In consultation with the UN and the **Parties**, the UNAMID Force Commander shall develop a plan for Demining during disengagement and redeployment.
4. This annex is an integral part of the Agreement.

**SCHEDULE A: NATIONAL EXECUTIVE MINISTRIES**

**MINISTRIES OF SOVEREIGNTY**

Ministry of Presidency  
Ministry of Council of Ministers HQs  
Ministry of Foreign Affairs  
Ministry of Interior  
Ministry of Justice  
Ministry of Information and Telecommunications  
Ministry of Parliamentary Affairs  
Ministry of Defence  
Ministry of Federal Governance

**MINISTRIES OF THE ECONOMIC SECTOR**

Ministry of Finance and National Economy  
Ministry of Energy and Mining  
Ministry of Irrigation and Water Resources  
Ministry of Agriculture and Forestry  
Ministry of Industry  
Ministry of External Commerce  
Ministry of Investment  
Ministry of wildlife Conservation and Tourism  
Ministry of Animal Resources and Fisheries  
Ministry of Transportation, Roads and Bridges  
Ministry of International Co-operation

**MINISTRIES OF THE SERVICES SECTOR**

Ministry of Health  
Ministry of Humanitarian Affairs  
Ministry of Labour, Public Service and Human Resources Development  
Ministry of Environment and Urban Development (Physical Planning)  
Ministry of Education  
Ministry of Higher Education  
Ministry of Culture, Youth and Sports  
Ministry of Science and Technology  
Ministry of Social Welfare, Gender and Child Affairs  
Ministry of Guidance and Endowment

**SCHEDULE B: NATIONAL CIVIL SERVICE POSTS TO BE FILLED BY CIVIL  
SERVANTS FROM DARFUR AND KORDOFAN**

[To be filled in later]



**SCHEDULE C: TARGETS FOR PROPORTIONAL REPRESENTATION IN THE  
NATIONAL POLICE, CUSTOMS, IMMIGRATION, AND OTHER SPECIAL  
SERVICES**

[To be filled in later]

The Sudan Police Force  
Division I  
Etc..

Customs Agency

Immigration Agency

**SCHEDULE D: ADDRESSES OF THE PARTIES FOR DELIVERY OF  
CORRESPONDENCE RELATING TO THIS AGREEMENT**

Government of Sudan

Liberation and Justice Movement

Justice and Equality Movement

Sudan Liberation Movement