

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SUDAN

AND THE SUDAN PEOPLE'S LIBERATION MOVEMENT

TO PROTECT NON-COMBATANT CIVILIANS

AND CIVILIAN FACILITIES

FROM MILITARY ATTACK

Article 1

Basic Undertakings

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

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

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

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

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

Military operations include, but are not limited to, air attacks, artillery attacks, ground attacks, ambushes and intentional military activity or other uses of force that could result in the killing or injury of persons or damage or destruction of property.

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

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

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

Article 2

Organization of Verification Mission

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

1. Mandate:

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

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

c) The Verification Mission will be established in Khartoum and Rumbek no later than two months after the signing of this Agreement.

2. Organization:

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

b) A field office will also be established in Rumbek, staffed with a Rumbek Office Chief and approximately 4-6 professionals with expertise and experience similar to that of the Khartoum Office staff.

c) The Khartoum and Rumbek Offices will have at their disposal all necessary operational and logistical support, including communications, land transport and immediate and continuous access to air assets.

d) The Mission and its personnel will be accorded privileges and immunities appropriate to their mission.

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

3. Investigations:

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

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

4. Evaluation and Reporting:

a) After an investigation has been completed and an evaluation has been prepared, the Chief of the Khartoum Office (as overall Mission Coordinator) will issue an incident report. The report will include both an analysis of the incident and, if a serious violation has taken place, recommended steps for the Parties to take to avoid similar incidents in the future.

b) The Chief of the Khartoum Office will provide the incident report to the Government and to the SPLM for comment. After the set period for comment (one week) has passed, the Mission will provide the final report including the comments or explanation of the Parties to the Government, the SPLM, and the Funding Partners. The report will also be made public.

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

Article 3

Final Clauses

This Agreement shall be effective upon signature by the Parties. It shall remain in effect for one year and may be extended by agreement of the Parties.

For the Government of
the Republic of Sudan

For the Sudan People's
Liberation Movement