

**Draft Framework Agreement
Between
The Government of the Sudan and the Sudan People's
Liberation Movement – North (SPLM-N)**

In response to the AUHIP Draft dated 18th February 2014

Preamble:

In reference to the subsequent resolutions of the African Union (AU) and the UN Security Council Resolution (2046) stipulating that the two parties to the conflict, the Government of the Republic of the Sudan (GOS) and the Sudan People's Liberation Movement –North (SPLM-N), shall address the humanitarian situation in the two areas and to reach political settlement on the basis of the Addis Ababa Framework Agreement signed by the two parties on June 28th, 2011.

The parties hereby recognize and reaffirm their commitment to resolve immediately the humanitarian crisis and to entirely implement the Framework Agreement, in accordance with the following Road Map.

Formation of three committees:

1. Committee for Humanitarian Arrangements.
2. Committee for the Political Arrangements.
3. Committee for Security Arrangements.

Firstly: the Committee for Humanitarian Arrangements

In the spirit of UN Security Council Resolution 2046 asking the two parties to the conflict to address the humanitarian crisis in the two areas and the subsequent resolutions of the Africa Union that call for the two parties to implement a humanitarian plan that will respond effectively to the humanitarian crisis on the basis of international humanitarian law. The SPLM-N suggested that the two parties to the conflict should sit together and work out a humanitarian cessation

of hostilities that would address the humanitarian crisis. Meanwhile the Sudan government prefers that each party should sign a separate memorandum of understanding to address the humanitarian crisis. Indeed, the SPLM-N signed two bilateral documents on the 18th of February 2012 and the 4th of August 2012, and both of them failed to address the humanitarian crisis. As of now, a new opportunity arises as the two parties to the conflict express their readiness to work out a humanitarian cessation of hostilities. Based on the willingness of the two parties, the SPLM-N, is proposing the following principles governing the protection and provision of humanitarian assistance to war affected civilian population in the two areas, which includes, among other things, working out a credible humanitarian cessation of hostilities:

1. War-affected civilian populations have the right to receive humanitarian assistance;
2. Allow opening of humanitarian corridors immediately, by land and air, in order to provide humanitarian assistance through the most efficient and cost-effective means that respond to the needy civilians;
3. Agree on unconditional opening of humanitarian corridors for the delivery of humanitarian assistance;
4. Humanitarian aid shall be delivered through the United Nations humanitarian agencies and without any restrictions or preconditions;
5. Establishment of a mechanism for the protection of civilians and stopping of all forms of hostilities that threatens lives, livelihoods and movement of the needy civilians;
6. Formation of a regional and/ or international mechanism from relevant institutions to monitor cessation of hostilities between the parties and the delivery of the humanitarian assistance;
7. The agreement on resolving the humanitarian crisis shall be extended to address humanitarian crisis in Darfur, North Kordofan and other parts of Sudan in order to put an end to all Sudan's wars, taking into considerations particularities of each region;

8. Formation of an Independent International Commission of enquiry to investigate allegations of human rights violations, war crimes and crimes against humanity, and to bring the perpetrators from each party to justice;
9. The Cessation of Hostilities shall cover the present boundary of Blue Nile state and boundaries of Southern Kordofan state as of June 2011 (including Jebel El-Daier and Hijerat);
10. The cessation of hostilities shall be time-bound to be renewed by mutual consent of the parties;
11. Beneficiaries have the right to receive protection;
12. War-affected civilian populations have the right to retain all humanitarian assistance for which they are targeted;
13. Humanitarian action must respect and promote the human dignity of the beneficiaries;
14. Beneficiaries have the right to protection from forcible relocation from their legal or recognized place of residence;
15. The Parties to the Conflict agree that the United Nations has the right to ensure, through accepted transparent monitoring and evaluation policies and practices that all humanitarian assistance reaches targeted beneficiaries only;
16. The Parties agree on a monitoring and verification mechanism compatible with international standards in order to ensure that all humanitarian assistance reaches directly to the intended beneficiaries;

Secondly: The Political Committee:

Reference to provisions of the Framework Agreement of 28th June 2011, particularly part I, the first and second paragraphs and principles (a) to (i) of paragraph 5 (a) to (g) and paragraph 6 (a) to (d), taking into account all of the above, inter alia, the parties agree on the following principles:

1. The GOS shall immediately remove the unconstitutional ban of the SPLM-N and recognize it as a legal political party to qualify as a partner in this peace process as stipulated in article 2 of the June 28th, 2011 Framework

Agreement which reads: “The parties affirms the right of SPLM-N to continue as a legal party in the Sudan”.

2. The SPLM-N proposes that the AUHIP, the Joint AU-UN Special Representative for Darfur, Head of UNAMID and Joint Chief Mediator, the Representative of the Chair of IGAD, the Ethiopian Prime Minister, and the Representative of the Secretary General of the United Nations to Sudan and South Sudan to facilitate a Sudanese-led national constitutional process for the Sudanese stakeholders.
3. The SPLM-N also suggests that a preliminary meeting be held in the Ethiopian capital, Addis Ababa, between the Sudanese stakeholders with facilitation by the same body mentioned above in order for the Sudanese stakeholders to agree on procedural issues, the venue and the confidence building measures necessary to convene a national constitutional process.
4. The national constitutional process will require a humanitarian cessation of hostilities in all war zones to create a conducive atmosphere.
5. A national constitutional conference to be convened, under the facilitation of the above-mentioned body, with the participation of all political forces and civil society organizations, and with presence of international observers. The national constitutional conference is to answer the historical question that Sudanese actors failed to address since the Independence: How to Govern Sudan?) before moving to the question of Who to Govern?
6. Addressing the particular concerns of the Two Areas; such as equal citizenship, governance, borders, land, allocation of resources, wealth and power sharing at the central level, languages, cultural and religious diversity, and identity, in addition to problems that was engendered after the eruption of war such as refugees and internal displacement. The model of addressing the particular concerns of the Two Areas should be expanded to address issues of particular concerns in the other war affected regions of Sudan.
7. Allocation of individual and collective compensations for civilians affected by conflicts.

8. Identifying confidence- building measures that shall allow all Sudanese stakeholders to freely participate in the constitutional process, and in democratic environment.
9. As part of the confidence- building measures, there should be cancelation of all laws that restrict and violate basic freedoms, releasing of political and war prisoners, and commitment to the Bill of Rights of the 2005 Interim National Constitution.
10. Formation of a transitional government with participation of all stakeholders' part of the constitutional process. The transitional government shall undertake all its functions, including holding the Constitutional Conference.
11. Agree on a Truth and Reconciliation process as part of the transitional arrangements.
12. Agree that the transitional arrangements to last for two (2) years, and to be formed around identified timeframe. The transitional arrangements are to begin with addressing the humanitarian situation in the Sudan, and it shall conclude with holding free, fair and democratic elections, with participation of international observatory missions.
13. Commit to establishment of an Independent International Commission of enquiry to investigate allegations of human rights violations, war crimes and crimes against humanity in order to hold the perpetrators from either party to account.

Thirdly: The Committee on Security Arrangements:

Reference to provisions of the Framework Agreement of 28th June 2011, paragraph 8 and 9 (a) and (f), and paragraph 10, 11, 12 and 13, taking into account all the above provisions, the parties agree on a transitional as well as permanent security arrangements.

Upon signing of this Draft Framework Agreement by the two parties, the committees shall immediately begin their tasks.