

Agreement With the Sudanese Parties on the Modalities for the Establishment of the Ceasefire Commission and the Deployment of Observers in the Darfur

African Union
May 28, 2004
Addis Ababa

I. TERMS OF REFERENCE

The Humanitarian Ceasefire Agreement on the conflict in the Darfur, signed in N'Djamena on 8 April 2004, provides, in its articles 3 and 4, for a Ceasefire Monitoring Committee, which shall report to a Joint Commission consisting of the Parties, the Chadian mediation and the international community. To implement the above provisions, the African Union is proposing that the Parties agrees on the followings:

1. Joint Commission

A. The Joint Commission shall operate on the basis of consensus and consist of two senior members each, from the Parties, the Chadian mediation, the African Union (AU), the US and the EU. The Chairman of the Joint Commission shall be selected by the AU from an African Union Member State. Other International Representatives from the UN and major contributors shall be invited to attend the meetings of the Joint commission as observers.

B. The Joint Commission shall comprise political leaders who should be mandated to take decisions and to deal with matters brought before it by CFC. The Joint Commission (JC) shall be located initially in N'Djamena, moving to Khartoum at a time to be agreed upon by the parties.

2. Ceasefire Commission

The CFC shall report to a Joint Commission consisting of the Parties, the Chadian Mediation and the international community in accordance with the sovereignty of Sudan.

II. COMPOSITION

1. The Ceasefire Commission (CFC) shall be composed as follows:

- a. Chairman, to be appointed by the AU, from an African Union Member State;
- b. Deputy Chairman (European Union);
- c. Chadian Mediation;
- d. Government of Sudan
- e. JEM
- f. SLM/A

2. The size of the CFC may be adjusted with the agreement of the Parties as necessary to carry out the objectives of the Agreement.

3. Other International Representatives from the UN, the EU and USA shall be invited to participate as observers.

4. The operational arm of the Ceasefire Commission shall be the African Union Monitoring Mission, composed of Observers from the Parties, the Chadian mediation, African Union Member States and other representatives of the International Community.

5. To ensure command and control, all Observers shall be answerable to the Chief Military Observer (CMO) to be designated by the AU, who, in turn, shall be answerable to the CFC. Additionally, and in order to ensure unity and discipline of command, all Observers participating in the monitoring, investigation and verification exercise, as well as members of the CFC, shall be funded through the budget of the CFC. No parallel reporting to other authority shall be allowed in the execution of responsibilities.

6. The Military Observers (MILOBS) may be lightly armed. The AU Monitoring Mission shall be deployed on the basis of the commitment of the Government of The Sudan, the JEM and the SLM/A to ensure the protection and the safety of the Observers. However, in the event that the Parties are unable to provide effective protection, the Chairmen of the Joint Commission (JC) and the Ceasefire Commission (CFC) shall request for the deployment of the protection element as envisaged in the decision of the AU Peace and Security Council of 25th May 2004. The Protection element shall be drawn from AU Member States and shall number between 100 and 300.

III. MANDATE

i. The mandate of the CFC shall consist of:

- Planning, verifying and ensuring the implementation of the rules and provisions of the ceasefire;
- Defining the routes for the movement of forces in order to reduce the risks of incidents; the administrative movements shall be notified to the CFC;
- Requesting appropriate assistance with demining operations;
- Receiving, verifying, analyzing and judging complaints related to possible violations of the ceasefire;
- Developing adequate measures to guard against such incidents in the future;
- Determining clearly the sites occupied by the combatants of the armed opposition and verifying the neutralization of the armed militias.

ii. The CFC Headquarters shall be responsible for coordinating investigations, verifications, monitoring and

reporting compliance in accordance with the Darfur Cease-fire Agreement and Implementation Modalities. The priority for the CFC is to investigate and report on violations of this Agreement

iii. The CFC Headquarters shall be located in El-Fisher (Darfur). Sectors sites shall be established at other locations, including, but not limited, to Nyala, El Geneina, Kabkabiyah, Tine, and Abeche. A liaison Office will be established in Khartoum.

Each Sector will be composed of two (2) Teams for verification and investigation comprising the Parties, the African Union, the Chadian Mediation and other members of the international community (see the deployment Plan). iv. The CFC support staff shall be part of the Headquarters and shall be organized as follows:

- Operations Team: Coordinates all activities of the CFC in Darfur. Maintains communications links with the Parties and the International community.

- Transportation/Logistics Team: Coordinates transportation, communications, supply and logistics requirements for the CFC.

- Information Team: Coordinates the dissemination of information to support and promote the Cease-fire Agreement among the people in Darfur, including information regarding activities of the CFC, freedom of movement, civic action, and others.

- Medical Support Team: Provides necessary health and medical care and advice to the CFC.

- Government of Sudan Team: Conducts liaison with the GoS.

- SLM Team: Conducts liaison with the SLM/A.

- JEM Team: Conducts liaison with the JEM.

IV. MODALITIES FOR MONITORING AND VERIFICATION

a. Under the orders of the Chairman, members of the CFC can be deployed anywhere in Darfur to monitor and report on compliance with the provisions of the Cease-fire Agreement and when necessary investigate any alleged violations of the Agreement. When deployed, the CFC shall organize itself as a team. The team leader will be designated by the Chairman/Deputy Chairman.

b. The CFC will investigate all credible reports of violations of the Ceasefire Agreement. The CFC may conduct its inspections and investigations by road or by air.

c. Each of the Parties and the international community shall provide two liaison officers per sector, to be available to participate in investigations at any time. The non-provision of liaison personnel by the Parties to investigate shall be considered as a violation of the Agreement.

d. Following an investigation, the CFC shall endeavor to reach its decisions by consensus. In the event that any of the parties disagrees with the final decision of the CFC, that Party will seek redress from the Joint Commission (JC).

e. The CFC shall seek to advance the process through confidence building visits in the region. The CFC will maintain regular liaison with the parties as well as UN Agencies, the ICRC and NGOs. The CFC will also visit IDP sites and other areas.

f. The parties shall provide the Chairman of the CFC, or his designated Representative, immediately upon request, information required for the implementation of the Darfur Ceasefire Agreement on the understanding that the information shall be held confidential by the Chairman.

g. The Parties shall give the CFC and its personnel unrestricted freedom of movement and access throughout Darfur. The Sector Commander shall inform all members of the Observer team of all their future movements. It will be the responsibility of Liaison Officers to inform their respective Commanders of such movements.

h. A Status of Mission Agreement (SOMA) will be signed with the Government of The Sudan.

Addis Ababa, 28 May 2004

For the Sudan Liberation Movement/Army: Mini Arkou Minawi, Secretary General

For the Government of Sudan: H.E. Osman Elsaïd, Ambassador of the Republic of The Sudan in Ethiopia

For the Justice and Equality Movement: Ahmed Mohamed Tugod Lissan

For the Chadian Mediation: H.E. Maïtine Djoumbé, Ambassador of the Republic of Chad to Ethiopia

For the African Union: H.E. Saïd Djinnit, Commissioner for Peace and Security

PLAN FOR THE ESTABLISHMENT OF A CEASEFIRE COMMISSION AND THE DEPLOYMENT OF OBSERVERS IN DARFUR

I. MISSION

1. To establish a Ceasefire Commission (CFC) and implement the mandate as per the Humanitarian Ceasefire Agreement signed on 8 April 2004 in N'Djamena, Chad.

II. EXECUTION 2. General Outline.

The mission will be conducted in four phases as follows:

Phase 1. Establish a Liaison Office in Khartoum and an Advance team office in El-Fashir;

Phase 2. Establish CFC HQ, Logistic Base and Sector HQ at El Fashir with rapid expansion to other sectors at:

Sector 1 - El Fashir

Sector 2 - Nyala

Sector 3 - Al Geneina

Sector 4 - Kabkabayah

Sector 5 - Tine (see Phase 3)

Sector 6 - Abeche (Chad)

Phase 3. Conduct Monitoring operations as mandated in the Ceasefire Agreement ; Expand operation to establish Sector HQ at Tine;

Phase 4. Redeployment. (To be decided)

III. COMPOSITION AND TASKS

A. LIAISON OFFICE - KHARTOUM

3. A Liaison office will be required in Khartoum to undertake a number of administrative and logistic functions. In addition, it will provide an interface with the political level and a point of contact for the UN, IOs and NGOs and local contractors. It will provide a node for contracted logistic support and a transit facility for incoming/outgoing mission personnel. The Office will require the following staff:

- a. Political Officer (Head of the Office) 01
- b. Administrative Officer 01
- c. Finance Officer 01
- d. Procurement Officer 01
- e. Clerical Staff (who are bilingual, Arabic and English) 04
- f. Security guard 04

B. CFC HQ

4. The CFC HQ located at Al Fashir is to have four elements:

- a. CFC
- b. Monitoring Component;
- c. Support Component;
- d. Mission Protection;

In addition to the HQ elements, Sector 1 will be co-located at Al Fashir.

CFC

5. The CFC HQ shall be composed as follows:

Chairman (appointed by the AU) 01

Deputy Chairman (EU) 01

African Union 02

Chadian Mediation 02

GoS 02 JEM 02

SLM/A 02

Members from UN or US may be incorporated as observers on request by anyone of the Parties or International Community.

Support Staff (International)

Chief Administrative Officer (CAO) 01

Humanitarian Affairs Officer 01

Public Information Officer (PIO) 01

Personnel Officer 01

Administrative Officer 01

Procurement Officer 01

Transport/Mov Con Officer 01

Supply Officer 01

Finance Officer 03

Medical Officer 01

Bilingual - Arabic and English - Secretary 01

Support Staff (Local)

Interpreters (Arabic and English) 02

Drivers/ Messengers 04

Office Cleaners 02

Procurement assistant 01

Support Staff 05 MONITORING COMPONENT/CMO OFFICE

6. The Military Component is comprised as follows:

Operations Chief Military Observer (CMO) 01

Ops Staff 03

Mission Information Officer 02

Comms/IT Officer 01

Comms/IT Technicians 04

VSAT Technician 02

Engineer Officer 01

Ops Clerk 02

C. SECTORS

7. There are to be Sector HQs located as follows:

Sector 1 - Al Fashir

Sector 2 - Nyala

Sector 3 - Al Geneina

Sector 4 - Kabkabiyah

Sector 5 - Tine

Sector 6 - Abeche (Chad)

8. Each Sector shall be composed as follows:

a) Sector HQ

Sector Commander (African Union) 01

2nd IC/OPS (African Union) 02 Chadian Mediation 01

US or EU Representatives 01

Interpreter/Translator 02

Communication Technicians 02

Support Staff: - Camp Manager 01* (subject to catering and cleaning contract)

- Vehicle Mechanic 01

- Supply assistant 01

- Electrician/Generator Technician 01 b) Teams

Two teams in each sector and each team will be composed as follows:

Team Leader + one (African Union) 02

EU or US Representative 01

GoS 01

SLM/A 01

JEM 01

Chadian Mediation 01

Interpreter 01

9. It is assumed also that the two teams will be located in the Sector Headquarters and will each be assigned, areas of responsibility within the Sector. However, teams may be subsequently relocated to other locations, as may be required by the operational requirements.

10. The purpose of the advance Party is to establish operational bases at designated locations and to facilitate the arrival of the monitoring component.

D. MISSION PROTECTION

11. The Mission Protection requirement is as shown in the table below:

Location	Unit	Strength	Total
CFC HQ	1 Coy	120	120
Sector HQ	1 x Platoon x 5	30	150
			Total 270

E. OTHERS

12. Medical: Epidemiological risk is judged to be high. It will be necessary to ensure that appropriate medical personnel and facilities are provided at all locations sufficient to meet the needs of local, AU and international mission members. A robust AEROCASEVAC/MEDEVAC plan must be developed prior to deployment.

13. Liaison: The Humanitarian Affairs Office (HAO) is to provide the focal point for links to all the NGOs. The aim is to develop a two-way information flow in order to ensure that monitoring teams are deployed to best effect and to allow them to gather information that will benefit the work of NGOs as well as the Mission itself.

14. Freedom of Movement: It is absolutely essential that the GoS and the Armed Groups guarantee freedom of movement, by air and land, (to include movement of aircraft) without conditions and unhindered by travel permits for the members of the Mission.

CALENDAR FOR THE IMPLEMENTATION OF THE MODALITIES

Establish Minimum Operating Capability Date to be achieved

Advance Party arrives in Khartoum and establishes rear HQ/Transit Facility D-10 Deploy HQ CFC and

Sector 6 HQ at Abeche D to D+7 Deploy Sector HQs to Nyala, Al Geneina, Kebkebyah D to D+21 Deploy

Sector HQ at Tine D to D + 42

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