



Summary of Humanitarian and Development Provisions of the Juba Peace Agreement

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Summary

This briefing paper provides a summary of the specific provisions in the Juba Peace Agreement (JPA) which are directly relevant for humanitarian assistance, development and the delivery of basic services. The paper does not seek to provide in depth analysis of the Agreement and its implications, but rather to ensure that the provisions are easily accessible and to equip aid actors with a basic sense of how the JPA and its implementation may impact on aid in Sudan including, for example, a number of new mechanisms and commitments that stand to directly affect humanitarian and development actors. Further and ongoing engagement to understand key issues and inform conflict sensitivity is strongly recommended. The Conflict Sensitivity Facility (CSF) will continue to provide support and publish up to date research and information via its Knowledge Hub.

Introduction

The Government of Sudan signed the Juba Peace Agreement (JPA) with the Sudanese Revolutionary Front (SRF) and the Sudan Liberation Army/Movement of Minni Minnawi (SLA/M-MM) on 3rd October 2020. The rebel signatories of the Agreement are a diverse alliance which include some of the historic armed groups – e.g., the Justice and Equality Movement (JEM) and the SPLM-N of Malik Agar (SPLM-N Agar) – but also much smaller and unarmed actors. The JPA embodies the armed groups' longstanding goal of addressing the exploitation and marginalisation of the country's peripheries by the central state, which has historically been dominated by ethnic groups from central Sudan.

Although the JPA has commitments and implications at a national level, the Agreement is made up of, and was negotiated as, five separate geographic Tracks: Darfur; the Two Areas (which includes Western Kordofan); the East; the North; and the Centre. Reflecting the different military, political and historical importance of the rebel signatories, the Tracks vary significantly in their level of ambition, detail, and political importance. The JPA is therefore fundamentally asymmetric, with greatest significance and impact for Darfur, followed by the Two Areas, then the East, and finally the North and Centre.

With its ambitious goals the JPA could transform the structure of the Sudanese state and address many of the causes and the impact of decades of conflict, including the humanitarian consequences of conflict and the marginalisation and underdevelopment of Sudan's peripheries. However, the Agreement faces several significant challenges:

- The largest armed groups which control territory in Sudan – the SPLM-N of Chairman Abdelaziz al-Hilu (SPLM-N al-Hilu) in the Two Areas and the SLA/M of Chairman Abdul Wahid al-Nur (SLA/M al-Nur) in Darfur – are not part of the Agreement.
- The JPA negotiations lacked inclusivity and public transparency meaning that some groups, notably segments of the Fur, Masalit and "Arab" communities in Darfur and the Beja in the East, do not feel ownership of the Agreement or openly reject it.
- Continued lack of inclusivity of women and youth.
- To date the JPA has received limited international support and funding. It is therefore unclear if Sudan will receive the international funds that would be required to implement the JPA's wide and expensive array of commitments.
- As seen in many of Sudan's previous peace agreements (there is much literature to be found on lessons from the CPA) the JPA is likely to be beset by many practical challenges during



implementation, which will be exacerbated by the divisions and rivalries between the military, civilian and SRF/SLM-MM partners of the new Government tasked with turning the Agreement into reality.

Overall, critics of the Agreement express fears that the JPA could itself become a driver of violence whether in the short-term as powerful actors seek to wield it for their own ends, or over the long-term if political and security considerations undermine efforts for genuine state transformation. To date, implementation of the Agreement has been extremely slow: many of its original milestones have been missed and communities have yet to feel the tangible impact of the Agreement on the ground.

Despite these daunting challenges, the Agreement's supporters believe that it is a positive step forward and that even the partial implementation of the key humanitarian and socio-economic commitments of the JPA could have a huge impact on the poorest and most vulnerable communities in Sudan. Implementation of the Agreement, which brings into national and local government a new set of political actors, envisions a variety of new implementation and coordination mechanisms, and creates new funding demands and priorities, could have far reaching implications for the work of humanitarian and development actors.

Humanitarian assistance and displaced persons

The JPA aims to address the consequences of decades of armed conflict in Sudan and therefore contains a large number of provisions dedicated to the delivery of humanitarian assistance and support for a process of return for Internally Displaced Persons (IDPs) and refugees. The Agreement recognises international humanitarian principles and international humanitarian law, as well as international standards and best practice, including for example UN General Assembly Resolution 46/182 on strengthening humanitarian assistance. The JPA also commits to the “*full respect*” of IDP and refugee rights recognised under international law and in the international instruments ratified by the Transitional Government of Sudan (TGoS). The document therefore provides a strong legal and normative framework for humanitarian assistance to which the signatories are accountable.

In addition to a normative framework the text contains a vision and mechanisms for the implementation of humanitarian assistance in conflict-affected areas and the process of IDP and refugee return. The Parties commit to “*immediate, full and unimpeded*” access to populations in need and the delivery of aid crossline and cross-border in both Darfur and the Two Areas. To operationalise this the Darfur Track stipulates that the Humanitarian Committee and Ceasefire Commission established by the Agreement will coordinate to ensure “*safe, immediate and unhindered access*” to populations in need. The Track also commits to establishing “*administrative bodies to monitor and facilitate delivery of humanitarian aid to IDPs*”, which will work alongside a “*UN third party*”, the Ceasefire Committee and the Joint Humanitarian Committee. The Two Areas Track creates Joint Humanitarian Committees in Khartoum, Kadugli and El-Damazin, which will be Chaired by representatives of the GoSS, to coordinate, facilitate and monitor the delivery of humanitarian assistance and the resettlement of IDPs, including the “*formula*” for crossline and border access. The JPA also commits the Parties to “*ensure security of beneficiaries and humanitarian workers*” and to exempt “*aid organisations*” from taxation and protect their assets.

The Darfur Track contains significant detail on the rights of IDPs and refugees and the process of return. The Agreement enshrines the right of IDPs and refugees to voluntarily return to their areas of origin or to resettle in a location of their choice and commits to evacuating “*illegal occupants*” from contested areas in Darfur. The document stresses that displaced people must enjoy the same fundamental rights as all Sudanese citizens and that specific provisions must be made to address the



rights and needs of vulnerable groups with special needs, such as children, female headed households and the elderly. To implement the returns, process the Agreement establishes IDP and Refugee Commissions for Darfur and each of the Two Areas to oversee, administer and facilitate the process, including the management of plans and programmes for assistance and to monitor the human rights situation in areas of return. The Darfur Track mandates the IDP and Refugees Commission to develop a “*comprehensive resettlement and repatriation strategy*” and to coordinate international financial, technical and material assistance to this.

Furthermore, the JPA commits to providing “*suitable conditions for return*” for IDPs and refugees, including political, economic, social and security conditions. The JPA therefore has commitments to support the full spectrum of the returns process, including provision of long-term basic services and infrastructure, such as shelter, health, education, access to water and livelihoods in areas of return, both in Darfur and the Two Areas. This also includes the establishment of a joint Security Keeping Force for Darfur, made up of the formal security services and the armed groups, to provide protection of civilian in the light of UNAMID’s withdrawal, and in particular security for IDPs and refugees, and creating an appropriate environment for delivery of humanitarian assistance.

Lastly, the Darfur Track also includes detailed provisions on the right of victims of the conflict, especially IDPs and refugee, to seek compensation and reparations for land, housing and property damaged or lost during the conflict, in accordance with international practice. The document envisions the creation of local committees to assess and make recommendations on IDP and refugee claims to land and compensation, which will work with other mechanisms established under the Agreement such as the Darfur Land and Hawakeer Commission and the Compensation and Reparations Fund. The right to compensation for IDPs and refugees is also included in the Two Areas Track but is given less prominence and does not have a specific mechanism to oversee this.

Development and basic services

In addition to tackling the humanitarian consequence of the conflict, the JPA aims to address decades of underdevelopment and marginalisation in the conflict-affected peripheries. The Agreement therefore contains a range of provisions for reforms at the national level and for greater political and fiscal devolution to improve the delivery of basic services and increase development at the regional/state level.

Distribution of national resources, devolved powers and fiscal decentralisation

At the core of the JPA is a commitment to “*equitable sharing of wealth*” at the national level and to “*positive discrimination*” for the conflict and least developed areas to address regional imbalances in economic and infrastructure development and the provision of basic services. At a national level the JPA establishes a National Revenue Fund and a National Commission of Resources and Financial Revenue Sharing and Allocation in order to distribute national resources “*fairly*” between regions and to address fiscal and developmental “*imbalances*”.

In addition, the JPA introduces a high degree of political and fiscal devolution for Darfur and the Two Areas which will allow the region/state level authorities greater decision-making powers and access to resources to manage economic and infrastructure development as well as the provision of basic resources. For example, the Darfur and Two Areas Tracks grant the regions/states the power to enact local legislation, plan and manage the provision of services, draft budgets, oversee urban and rural planning, manage land use and infrastructure development and to manage a range of socio-economic areas.



Darfur and the Two Areas are also granted the power to raise and manage a variety of local revenue generating sources. Greater access to revenue from both national and local sources, together with greater autonomy for region/state governments to determine how these are spent, could have a significant impact on the level and patterns of development in these areas. There are also various provisions across the different Tracks that aim to improve both agriculture and manufacturing sectors in the peripheries to provide greater benefit for these areas and local communities, including reviewing existing contracts private companies in different sectors and of the benefits and impact of large-scale projects, such as the Roseiries Dam, for local communities. The Northern Track places a large emphasis on commitments to reviewing the construction and impact of various large-scale projects, e.g., the Dal, Kajbar and al-Shereyk dams and compensation and assistance to communities affected by the Merowe Dam.

These new powers go hand in hand with the JPA's power-sharing formula for Darfur, the Two Areas and the East, in which the non-government signatories are guaranteed 40%, 30% and 30% of local governance positions respectively, including the Head of the Darfur Region, two Governorships in Darfur, the Governorship of Blue Nile and one governorship in the East.

Natural resource management and land reform

A key part of the JPA's commitment to fiscal devolution is greater control by region/state authorities of local natural resources and land use. For example, in the Darfur Track 40% of revenue from "*mining and petroleum*" industries will be retained by the region/state authorities and 3% will be reserved for local communities. In the Two Areas Track the region/state authorities will retain 40% of income from the revenue of local "*natural resources... tax revenue... and taxes levied*" for the next 10 years. Under the Eastern Track this is 30% of revenue from "*mineral and oil resources extracted*" locally. In addition, the JPA recognises region/state authorities as "*partners*" in managing natural resources and grants them a role in the review of existing contracts for mining and other natural resource exploitation enterprises as well as a say in the award of new contracts.

Crucially, the Agreement also extends the mandate of region/state authorities over land use, ownership and management both through their new devolved powers and through specific provisions and mechanisms. For example, the Darfur Track recognises traditional and historic community land ownership rights (the hawakeer) and commits to amending existing laws to protect these. The Track also commits to reviewing and revoking the registration of all land expropriated or forcibly taken since 1989 and to the restitution of these lands to both individuals and communities, including, if necessary, the evacuation¹ of those illegally residing on these lands since 2002 and issuing new land deeds.

To undertake this process of land redistribution and reform, the Track creates a Darfur Land and Hawakeer Commission and a Special Court to adjudicate decisions on land. Local committees with community participation will be established to review and present cases to the Commission and Court. These mechanisms are entitled to receive international support and be funded through the Darfur Peace and Development Fund. Although a less complex structure is created, the Two Areas Track also includes a commitment to a review land ownership and use, to the restitution of or compensation for land forcibly taken from individuals and communities, and to the creation of Land Commissions in both of the Two Areas, with "*effective participation by local communities*" to function under the National Commission. Despite less robust and comprehensive commitments to land reform, the Eastern Track also includes the establishment of a regional Land Commission.

¹ Note that "evacuation" and "illegal" are the terms used in the text of the Agreement.



The Agreement contains provisions to both review and address the environmental impact of existing policies and development projects (related to extractive industries and dams) and to develop more environmentally friendly policies and laws for the future. There is no overall mechanism focused on environmental issues, although the Land Commissions are mandated to address some related issues.

Reconstruction and rehabilitation: Basic services, livelihoods and infrastructure

The JPA contains a wide range of commitments to improve economic development and delivery of basic services (such as healthcare, education and access to water), although these are more vague in the Eastern, Northern and Central Tracks than for Darfur and the Two Areas. Similarly, the Agreement aims to create a series of specific mechanisms mandated to deliver these commitments in Darfur and Two Areas which do not exist to the same extent in the other Tracks.

Nevertheless, wide ranging commitments to improve the delivery of basic services in the conflict-affected and “*least developed*” areas are found in all the Tracks and the National Issues paper. For example, particular emphasis is given to education. This includes commitments to free and mandatory pre-primary and primary education, with special attention to addressing disparities between regions and the gap in access to education for girls. There are also a series of commitments to educational reform, such as a review of the admission criteria for higher education and quotas for students from conflict and least developed areas. For example, the Agreement guarantees for 15% of places in some higher education specialisms in national institutions for people from Darfur and 50% of places in universities in Darfur. Furthermore, Darfuris are to be exempt from tuition fees for higher education in Darfuri universities and in scientific specialism in other Sudanese universities, as well as receiving other benefits to access higher education. The Darfur Track also commits to the creation of a high-level plan to improve all levels of education in Darfur.

Other, although often less detailed provisions include commitments to improve delivery of primary healthcare in rural areas, improving infrastructure to increase access to water and to increase investment in agricultural schemes. Improving basic services and economic development features heavily in the Eastern Track. The Agreement also includes some national socio-economic provisions such as the establishment of a national Commission for the Development of Nomad and Herders Sector, with branches for Darfur and the Two Areas, and the development of a 10-year strategy including establishing migration routes, developing water sources, improving veterinary services and supporting markets inside and outside Sudan. In a similar approach, the JPA establishes a National Committee to Address the Issues of Housing and Services for the Kanabi Communities to provide the TGoS with recommendations on how to address the needs and rights of workers associated with large agricultural schemes.

To support and fund all these developmental goals the JPA creates national and regional mechanisms and includes a series of funding commitments. The JPA envisions a national Rehabilitation and Reconstruction Fund, with Reconstruction and Development Commissions and Funds for both Darfur and the Two Areas, and a review and restructuring of the existing East Sudan Fund (including approving a new law for the Fund). These commissions would evaluate and manage existing projects and develop plans and direct funds towards a range of areas such as education, healthcare, access to water, livelihoods and infrastructure development. However, the same mechanisms do not exist across all the Tracks. For example, the Darfur Track establishes a Darfur Peace Support and Sustainable Development Fund, as well as Darfur Development Bank, which will be eligible to directly receive international funding. In addition, the JPA commits the TGoS to provide USD 750,000,000 annually for



10 years to the Darfur Peace Support and Sustainable Development Fund, with USD 100,000,000² to be made available within a month of signing the Agreement. The Track also envisions the creation of a Darfur Development Bank. The JPA also commits to providing USD 348,000 from the national budget to the Eastern Reconstruction Fund.

The actual cost of the goals of the JPA are however not clear and the Agreement envisions additional international support for its implementation. The Darfur Track therefore proposes a joint committee of the Parties to “*update*” existing studies in order to identify the development needs, priorities and costs for Darfur. Similarly, the Two Areas Track contains a commitment to undertaking a Joint Assessment Mission (JAM)³ to assess humanitarian needs in areas under the Parties’ control, the development of a plan for humanitarian assistance and the hosting of a conference on this. The JPA also includes a commitment to hold an economic conference to review the development needs of Eastern Sudan and an international donors’ conference to mobilize support for the overall implementation of the Agreement.

Disarmament, Demobilisation and Reintegration

Both the Darfur and Two Areas Tracks have a range of provisions in order to establish comprehensive Disarmament, Demobilisation and Reintegration (DDR) processes for the armed group signatories. This includes the economic and social integration of demobilised combatants into local communities and helping these secure “*a permanent stable income*”. The JPA proposes restructuring the existing national DDR Commission and the DDR Commissions for Darfur and both of the Two Areas with the participation of representatives of the armed groups. The Commissions will undertake a “*comprehensive needs assessment*” alongside UN bodies and other international “*stakeholders and donors*”, which would include provisions for groups with special needs such as women and children associated with the armed groups.

Conclusion and implementation to date

The JPA includes a set of detailed implementation matrices with ambitious deadlines for the majority of its provisions. However, already many of these have not been met. In fact, to date very few of the JPA’s provisions have been implemented and only a handful of the highest-level mechanisms have been created. The Agreement therefore has not yet translated into a tangible impact for communities in the conflict and least developed areas.

Almost one year on from the JPA’s signing the focus on implementation has been the appointment of the SRF/SLM-MM signatories to positions within the TGoS, in particular the Sovereign Council, the Cabinet and, most recently, the Head of the Darfur Region and the Governors for North Darfur, West Darfur and Blue Nile. Due to ongoing opposition from a broad section of the Beja community implementation of the Eastern Track has been entirely frozen. This means that whilst the national High-Level Committee and the High-Level Committees for most of the Tracks have met, the secondary level of mechanisms for actual implementation have not yet been formed. Although the Peace Commission, which is mandated to oversee the implementation of the Agreement, now has a new draft law, this crucial body does not have the internal regulations, structure, or capacity to direct and drive the formation of other mechanisms and the implementation of key provisions. Similarly, the mechanisms for the Darfur security arrangements and the Monitoring and Evaluation Mechanism for the overall implementation of the Agreement have yet to be stood up. Therefore, none of the Agreement’s provisions and mechanisms needed to fulfil the above commitments on the delivery of humanitarian, development and basic services have been implemented. The exception is the Joint

² See pages 25 (Darfur) and 136 (East) of the Agreement

³ The Agreement states that this would be conducted by the JHCs



Humanitarian Committees created as part of the Two Areas Track whilst the negotiations were still ongoing. However, the Committees have not undertaken the key tasks delegated to them in the Agreement, for example the conduct of a Joint Assessment Mission, and have been downscaled. They have therefore not resulted in a sustained increase or improvement in the delivery of humanitarian assistance to areas under the control of the SPLM-N Agar.

The potential for the JPA to therefore help address the humanitarian consequences of conflict and improve development and basic services delivery in the conflict and least developed areas remains to be seen. Implementation of the Agreement will no doubt face numerous political and practical challenges, including resistance from communities opposed to the JPA and a lack of funding. However, with the highest-level appointments of the SRF/SLM-MM into the TGoS now complete, including at the state level, there may be an increase in pressure for the rest of the Agreement's provisions to begin to be implemented, including those with the greatest impact on local communities. Humanitarian and development actors therefore still have a window of opportunity to prepare for how the Agreement's new political actors, mechanisms, promises and funding priorities will affect their interventions and the context and communities they work in.

The Juba Peace Agreement is available on the [Peace Agreements Database](#) (PA-X) of the University of Edinburgh. Filter this database to get to specific sections of a particular agreement i.e., gender, land etc.