

Agreement between the Government of Sudan and the National Democratic Alliance

Cairo, 16th June 2005

Whereas the GoS and the NDA (the Parties to the Agreement) have held a series of rounds of negotiation in Jeddah and Cairo culminating in the Cairo Meeting held from 14-16th June 2005 under the auspices of the Government of Egypt;

Acknowledging the decision by the two parties that the point of reference between them in these talks is the Framework Agreement signed between them in Jeddah, Saudi Arabia on the 4th December 2003 and the Comprehensive Peace Agreement signed in Nairobi between the GoS and the SPLM/A in January 9th, 2005,

Reaffirming commitments of the GoS and the NDA to realize a transformation to democracy and to the consolidation of a comprehensive peace in all parts of the country and to curb all forms of dangers that constitute a threat to national security and threatens the country's stability and unity,

Recognizing the fact that peace, democracy, development, unity and stability are the common aspirations of all the people of Sudan,

The Two Parties do hereby announce that they have entered an agreement and confirm their determination to safeguard the same until a comprehensive peace and a transition to a strong democracy is realized.

The Two Parties further confirm their determination to continue to resolve the root causes of the crisis in Sudan which have brought and still continue to bring hardship and suffering and hinder her aspirations towards development and the realization of social justice.

The Two Parties hereby agree on the following:

1. General Principles

- 1.1. The political system in the Sudan shall be based on a pluralist democratic basis, peaceful, democratic transition of power, guarantee for freedom, respect for human rights and the creation of a conducive climate for political practice and the correction of the trend in political, economic and social life as to guarantee stability.
- 1.2. That citizenship shall be the basis for fundamental rights and public obligations, establishment of the right to citizenship that guarantees equality between citizens and respect for their beliefs and traditions and non-discrimination between citizens on the basis of religion, belief, race, gender, culture or any other reason.
- 1.3. Commitment to respect for human rights and fundamental freedoms as stipulated in international conventions and charters with articles governing this commitment enshrined in the Interim Constitution

- 1.4. The Two Parties acknowledge that the woman in Sudan play a basic role in the realization of peace, democracy and development in the country and confirm her participation at all levels of decision-making.
- 1.5. Recognition of the role of the labor unions in the realization of peace, development and democracy and confirmation of the independence of these unions and freedom of its activities based on a democratic law.
- 1.6. That the Sudan be governed during the Interim Period on the basis of a decentralized (federal) presidential system in compliance with the provisions of the peace agreement that realizes participation in power and equitable distribution of wealth, and to empower the people of the different regions to run the affairs of their regions through the consolidation of the institutions of the federal system in the Sudan, entrench democracy and expand decentralization through granting more powers to the states coupled with more resources and a just distribution of the same on an efficient, scientific and studied basis and through bias to the development of the relatively backward regions in order to assist them to reach relatively advanced levels.
- 1.7. Commitment to the establishment of good governance, accountability, and transparency and the entrenchment of development and the rule of law at all levels of governance.
- 1.8. The Two Parties commit themselves to take all necessary measures to realize unity and make it an attractive option.
- 1.9. All parties agree on a program for a national consensus to govern the Interim Period and are committed to the implementation of a broad-based government and to all the interim institutions. All the different parties shall be guided by this in their political activities in implementation of the agreement and realization of unity.
- 1.10. Realization of a national reconciliation based on alleviation of grievances and payment of compensation.
- 1.11. The Two Parties shall work to support the efforts for peace exerted in the Abuja forum in Nigeria under the auspices of the African Union to resolve the conflict in Darfur and confirm their support for the resolutions that may come up to put an end to bloodshed in the region and in realization of the legitimate aspirations of the people of the region.
- 1.12. The Parties subscribe to the need to lobby all political forces in the Sudan for the realization of a national consensus over the peace agreements, the consolidation of national unity in accordance to mechanisms to be agreed upon.
- 1.13. The Two Parties agree on the freedom of political work in the country and the return of the factions of the NDA to the country and on commitment to the renunciation of violence, support for national dialogue and that the (political) organizations operate according to the laws to be agreed upon.

2. Democratic Transition

- 2.1. Lifting of the state of emergency proclaimed that was dictated by the necessities of war and the different conflicts in compliance to the peace agreement.
- 2.2. Amendment of all prevailing laws through repeal of provisions that violate the freedom of association, of expression, of the press and all other fundamental freedoms in order to guarantee compliance to the provisions of the peace agreement and relevant international conventions.
- 2.3. The formation of a Commission for Human Rights in accordance with a law that guarantees its independence and nationalism and that specifies its powers and mechanism of operation in compliance to international standards and that these be enshrined in the Interim Constitution.
- 2.4. Regulate political activity in the country through a law initiated by the political forces.
- 2.5. Correction of the trend in political activities in the Sudan requires giving example and leadership in exercising political activity.
- 2.6. Political parties are institutions open to the public based on their respective programs and statutes whereby they practice democracy within as to allow for democratic change in their respective leadership and put to the fore the high interests of the country

3. Elections:

- 3.1. The Two Parties agree to issue a democratic electoral law with the participation of all political forces.
- 3.2. The Two Parties agree to form an Electoral Commission whose resolutions, procedures and statutes will be subject to monitoring from the independent judiciary.
- 3.3. The Two Parties agree to hold legislative elections at all levels after the population census is carried out and that will be before the end of the first four years of the Interim Period, and presidential elections at the end of the first four years as stipulated in the peace agreement.

4. Constitutional Issues:

- 4.1. The Two Parties agree to the representation of the NDA with all its functions and the other political forces and civil society organizations in the National Constitution Review Commission and grant all parties the chance to present their expertise, documents and proposals.
- 4.2. The Two Parties agree that the Interim Constitution stipulate that the state shall be subject to the Constitution and the rule of law.
- 4.3. The Two Parties agree that the Interim Constitution provide for the following principles:
 - 4.3.1. The system of government in the Sudan is a pluralistic democracy based on guarantee for freedom, human rights, the independence of the judiciary, rule of law and separation of powers in compliance to the principles and regulations stipulated in the relevant international charters and conventions on human rights.

- 4.3.2. All principles and relevant human rights standards cited in the international charters and conventions on human rights shall be considered inseparable parts of the Constitution of the Sudan and any law on human rights and fundamental freedom will only serve to regulate, not curb these rights
- 4.3.3. The law shall guarantee total equality between citizens in establishment of the rights of the citizen, respect for belief and traditions and non-discrimination on the basis of religion, belief, race, gender, culture or any other reason.
- 4.3.4. The Constitution shall provide for multi-religion, respect for belief, efforts to realize peaceful co-existence and interaction, equality, tolerance between religions and beliefs, and allow for the peaceful propagation of religion and outlaw coercion or any act or measure that may incite religions conflict, hatred or racism in the Sudan.
- 4.3.5. The Constitution shall guarantee the independence and impartiality of the judiciary and all that leads to the achievement of such a goal in compliance to the deep-rooted Sudanese legal jurisprudence and legacy
- 4.3.6. The Constitution shall provide for the independence of judges and put in place all measures to guarantee the realization of such an independence including measures to isolate them.
- 4.4. The Two Parties confirm the impartiality and independence of judges and support the provisions relative to the Judiciary and relevant arrangements as stipulated in the peace agreement.
- 4.5. Guarantee the legal trade and lawyers total independence and support their role in safeguarding the rule of law and consolidating management of justice in the country in accordance to new laws that guarantee such freedoms.

5. Decentralized Government

- 5.1. The Two Parties agree that the federal system of governance is the most appropriate system for governing the Sudan. it enables the people of Sudan to rule themselves and run their own affairs. The parties shall work to support the federal system in compliance to the schedules annexed in the Protocol on Wealth Sharing in confirmation of participation and in a bid to expand development and support the powers of the states.
- 5.2. The Two Parties agree to generalize to all states in the Sudan the model of the peace agreement on federal government as stipulated in the protocols on Power and Wealth Sharing.
- 5.3. The Two Parties agree to form a national committee to evaluate the experiences in the decentralized system of government.

6. Joint work to preserve voluntary unity of the country

- 6.1. The Two Parties confirm their commitments to voluntary unity of the country based on democracy and free will and to respect for diversity and that the Sudan is a country of diverse races, religions, cultures and languages and that its unity is based on citizenship rights and on equality in

rights and obligations based on the standards set forth in the constitution and in international charters on human rights.

- 6.2. The Two Parties agree with all the political forces to draft a national program of governance for the Interim Period that will facilitate implementation of the articles of this agreement in a way as to realize political stability and guarantee the country's unity. The Two Parties also commit themselves that the Interim Government plan and institute the necessary measures to guide the right to self determination with the view to support the unity option.
- 6.3. The Two Parties agree to form a committee of the various political forces and civil society organizations to prepare programs and methods through which to consolidate the option of unity of the country and the people

7. Nationalism for the civil services

- 7.1. The Two Parties subscribe to the provisions of Article 2-6 of the Protocol on Power Sharing signed between the GoS and the SPLM concerning public service and that is in a bid to consolidate the independence and impartiality of the public service and in confirmation of its active role.
- 7.2. The Two Parties agree to form a national committee to study and review the Civil Service laws, its structures, councils and specialized organs with the aim of improving them and galvanize them in a way to guarantee nationalism, impartiality, efficiency, competitiveness and independence.

8. Nationalism of the Armed and other regular forces

- 8.1. The Two Parties confirm that a peaceful solution and comprehensive resolving of the problems obligate, as per the Jeddah Framework Agreement and the Comprehensive Peace Agreement confirmation of nationalism and professionalism of the armed forces and the other regular forces and the security organs and that they should not be biased on political grounds.
- 8.2. The Two Parties agree that the security organs be a national, professional, non-partisan body that represents all people of the Sudan – professional in composition and function – and advises the state on issues pertaining to national security and specifies that law.

9. Alleviation of grievances and compensation:

- 9.1. The Two Parties confirm that alleviation of grievances and compensation represent important elements for the realization of national reconciliation and confirm the need to resolve issues in such a way as to assist in the realization of stability and entrench national unity.
- 9.2. The Two Parties agree to form a National Committee for Grievances and Compensation through agreement. They also agree to specify the duties, functions, scope, operational aids and timetable for the launch of this committee. The committee shall meet to study grievances presented from individuals, institutions or parties and resolve them in a manner as to guarantee an alleviation of grievances and compensation resulting from any

excesses against human right or any other adverse physical or moral practices.

9.3. The Two Parties agree to form a specialized committee to look into the conditions of the retrenched civil servants or those relieved on the basis of political reasons from all institutions of the state without exception.

9.4. The Two Parties agree to form a national commission charged with resolving issues pertaining to IDPs and refugees as per the peace agreement.

10. Resolving of the issue of all factions of the NDA in compliance to the references of negotiations.

10.1. The Two Parties agree that resolving of the issues pertaining to the NDA come within the framework of freedom of political work in the country and the return to the country of the factions of the NDA and the commitment of the Two Parties to renounce violence and support national dialogue and the practices of the organizations in compliance to the laws to be agreed upon.

10.2. The Two Parties agree to form a joint committee between them for the return of all property and vehicles of the factions of the NDA and of individuals subjected to any decisions or affected by any administrative measures, and to resolve the issue through return to the owner or compensation.

10.3. The Two Parties agree to form a joint committee to settle the issue of the armed groups in the factions of the NDA. This committee shall start with setting principles and the foundations for such an operation immediately after the signing of this agreement and shall complete all its task before the end of the Pre-Interim Period as stated in the peace agreement (see annex).

11. Economic Issues

11.1. Acknowledge that economic stability, equitable development and social justice form the key foundations for political stability and a comprehensive and lasting peace in the Sudan.

11.2. Adoption of a strategy to eliminate poverty through acknowledgement of its dimensions and causes and tighten its strategic interventions to curb it and resolve its root causes and to funnel policies and a considerable portion of resources in favor of poor sectors of the community as a guarantee to continue economic reform.

11.3. Continue in the program of economic reform through sectoral strategies aimed at focusing on rural development and modernization of the traditional agricultural sector in both the plant and animal parts to strike a complement between agricultural and animal production in agriculture, traditional rainforests and large agricultural schemes and to galvanize the stalled capacities in the industrial and social services sectors to realize a development balance that will form the basic plaster to conflicts through combating poverty; confirmation to a loan system characterized by justice, participation in risk and focus on productive investment.

11.4. Adoption of complementing grassroots national planning with the regional and local planning based on true participation of the grassroots as a basic

tool for the realization of equitable development and justice between the regions and within each region. This means development through participation as noted by the UNDP and that require a high level of respect for fundamental human rights be it political, social or economic.

- 11.5. Bolster development and production through practical scientific plans and dependency on support for self-renaissance and development of the local resource base and adherence to the role of the state to meet the most necessary service requirements especially in the health and education domains with a priority given to health and potable water; and to a comprehensive, compulsory and free basic education.
- 11.6. To adopt the necessary measures to mobilize the actual and potential economic surplus through reforms in the traditional sector, review of the tax component, review of work relations between projects of the new sectors, adoption of flexible and practical investment standards in the services sector that meets the basic needs of the citizen.
- 11.7. Cautious and serious evaluation of the effects of globalization through identifying the points of strength and weakness of the Sudanese economy if integrated into the international economy. This should be done through detailed studies of the effects of globalization on all sectors and a review of the measures taken for privatization.
- 11.8. Acknowledgement of the dire need for a comprehensive study of the infrastructures of road, bridges, railway lines, river transport utilities, sea ports, organizing of irrigation, power-generation plants that require major repairs or revamping in order to comply to the developmental aspirations expected. Strategic priorities must be mapped to develop new utilities to infrastructure.
- 11.9. Confirmation to pay heed to the regions affected by war and rehabilitating these areas through a rehabilitation fund in compliance to what has been adopted in the peace agreement with a preservation of the balance in the other region in order that no structural problems may occur that may lead to refueling of conflict.
- 11.10. Creation of a strong base for the development of the human element, bolster capabilities to meet the requirements for development and efficiency through earmarking considerable resources for rehabilitation, training and supporting existing human resource development centers with a review of the systems of selection and criteria for occupational hierarchy and performance assessment.
- 11.11. Confirmation of the role of the state in planning, directing, monitoring and finding a studied balance between market mechanisms and the role of the state in major national projects with the aim of restoring developmental balance and cutting out harmful competition of the private sector and setting plans and programs with the state institutions to encourage through incentives Sudanese cadres outside the country to return.
- 11.12. Equally distribute the burden of tax and funnel monetary policies to serve the economy. Avail appropriate funding according to priorities to serve economic growth and maintain stability. Such funding shall be available and just. The banking structure shall be reviewed with the aim of

strengthening the banks and ensure their adherence to the directives of the central bank, increase its resources and prepare them for competition; lobby foreign resources for the service of development in the country avail funding for the expected economic boom, expand the base for administrative participation and strive to develop the specialized banks in development, industry, funding of small-scale entrepreneurs and small projects.

- 11.13. The state budget is the mechanism through whose framework resources are specified, development, preserved and utilized according to priority to realize equal distribution between the regions, sectors and citizens, regulation of general expenditure, guiding such expenditure and a just distribution of the same and confirmation of the powers of the Ministry of Finance over public funds and non-spending of such funds outside the budget, shunning from illegal levies or avoiding revenue.
- 11.14. Adoption of the principles of transparency and openness, responsibility and administrative and financial monitoring and accountability.
- 11.15. Establishment of a nation-wide agreed mechanism which citizens aggrieved by the state can resort to.
- 11.16. Confirmation of the active participation of all parties in the planning, implementation and monitoring mechanisms of economic policies on a national basis to guarantee arrival at an agreed-upon goal.

12. Mechanisms for Implementation of the Agreement

The Two Parties agree to form a joint committee between them made up of five members from each side to supervise the implementation of this agreement in accordance to a timetable to be agreed upon.