



# Security Council

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## Review of the situation in Darfur and benchmarks to assess the measures on Darfur

### Report of the Secretary-General

#### I. Introduction

1. In paragraph 5 of its resolution [2562 \(2021\)](#), the Security Council requested the Secretary-General to conduct a review of the situation in Darfur by 31 July 2021 and to provide recommendations for clear and well-identified key benchmarks that could serve in guiding the Council to review the measures on Darfur.

2. Pursuant to that request, an assessment team from the Secretariat visited the Sudan (Khartoum; Nyala, South Darfur; and El Fasher, North Darfur) from 12 to 26 June 2021. During the visit, the assessment team undertook consultations with the transitional Government of the Sudan and other signatories of the Juba Agreement for Peace in the Sudan, political parties, representatives of three camps for internally displaced persons,<sup>1</sup> civil society, including women's and youth groups, and members of the diplomatic community in the Sudan, as well as staff of the United Nations Integrated Transition Assistance Mission in the Sudan and members of the United Nations country team. In addition, in order to better appreciate the regional dimensions of the situation in Darfur, the assessment team consulted the Panel of Experts on the Central African Republic, the Panel of Experts on Libya, the Panel of Experts on South Sudan and the Panel of Experts on the Sudan. Upon its return to New York, the assessment team consulted members of the Security Council Committee established pursuant to resolution [1591 \(2005\)](#) concerning the Sudan and representatives of States in the region.<sup>2</sup>

#### II. Context

3. The overall situation in Darfur has improved since July 2004, when the Security Council first adopted measures to address the deteriorating security situation in the region. The change was largely brought on by the democratic revolution of December 2018 and other positive developments, such as the political agreement on establishing the structures and institutions of the transitional period between the Transitional Military Council and the Declaration of Freedom and Change Forces signed on

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<sup>1</sup> Kass and Kalma camps in South Darfur and Abu Shouk camp in North Darfur.

<sup>2</sup> Of the States and organizations in the region invited for consultations, Egypt and Eritrea attended in addition to the Sudan.



17 July 2019; the Constitutional Declaration of 17 August 2019 signed by the Forces for Freedom and Change alliance and the Transitional Military Council; the national action plan for the protection of civilians of 21 May 2020; and the Juba Peace Agreement, signed on 3 October 2020.

4. The Juba Peace Agreement, which comprises a national framework and separate tracks to address specific issues of concern to each region in the Sudan, represents the best opportunity for the country to achieve a comprehensive and sustainable peace for all its citizens. The Darfur Agreement between the Transitional Government of the Sudan and Darfur Parties to Peace<sup>3</sup> includes protocols on power-sharing; wealth-sharing; justice, accountability and reconciliation; internally displaced persons and refugees; development of the nomads and herders sector in the Darfur region; land and *hawakeer*;<sup>4</sup> a permanent ceasefire; and final security arrangements. Implementation of the protocols has the potential to comprehensively address the underlying causes of conflict in Darfur.

5. Since the onset of the democratic transition in the Sudan, the transitional Government has implemented some ambitious political reforms, which have also had a positive impact on Darfur. They include a Cabinet reshuffle, the expansion of the ruling Sovereign Council of the Sudan in February 2021 to include the armed group signatories of the Agreement, and the appointment of Minni Minawi as the Governor of the Darfur region on 29 April 2021 and of two of the five Darfur state governors (walis) on 14 June 2021. The recent adoption of legislation establishing the Peace Commission, the Anti-Corruption Commission and the Transitional Justice Commission is also an important step.

### III. Threats to stability in Darfur

#### A. Views of the transitional Government

6. Representatives of the national and state authorities in Darfur stressed to the assessment team that the security situation in Darfur had changed dramatically since the Security Council had first imposed sanctions measures in response to the situation in Darfur. They noted that the democratic transition at the national level had ushered in a new era in the history of the Sudan and transformed the security situation in Darfur. Darfuri armed groups had become partners in the Sovereign Council and the Council of Ministers, were represented as state governors in Darfur and would also be represented in the Transitional Legislative Council. The door for negotiations remained open to those still outside the peace process. Government forces provided security in the region, while the signatories of the Juba Peace Agreement worked towards the deployment of the security-keeping force in the Darfur region. They further noted that security forces of the transitional Government were ensuring that there was no flow of arms and armed groups from neighbouring countries into Darfur, including through its cooperation in the joint Central African Republic-Chad-Sudan tripartite border force.

7. Moreover, the transitional Government asserts that it is fulfilling its responsibility to protect civilians in accordance with its national action plan for the protection of civilians, which was shared with the Security Council (S/2020/429, annex). In terms of humanitarian access, the transitional Government pointed to its 2019 decision to provide unhindered access to all parts of the Sudan for humanitarian actors. In addition, pursuant to an agreement signed on 26 September 2019 with the

<sup>3</sup> A coalition of armed opposition groups under the Sudanese Revolutionary Front and the Sudan Liberation Army faction led by Minni Minawi.

<sup>4</sup> *Hawakeer* refers to lands traditionally used by a particular tribal community.

Office of the United Nations High Commissioner for Human Rights (OHCHR), OHCHR had established an office in Khartoum and three subregional offices, one of which was in El Fasher.<sup>5</sup> In that regard, the transitional Government did not see the need for the Panel of Experts to undertake any monitoring of the humanitarian and human rights situation in Darfur, but it felt that the Panel could play a helpful advisory support role in monitoring weapons collections. In the view of the representatives, the support of the international community, specifically financial support, was needed for the implementation of the Juba Peace Agreement.

## **B. Implementation of the Juba Peace Agreement**

8. The commitment of the transitional Government to the Juba Peace Agreement is broadly recognized, but there are concerns that implementation of the Agreement has been slow. The dire economic situation in the country remains the foremost focus of attention for the transitional Government, but progress in implementing the key provisions of the Agreement is critical to stability in Darfur. Many of the mechanisms and commissions called for in the Agreement have not yet been formed. The authorities of the Governor of Darfur vis-à-vis the state-level governors have not been clarified, nor have the administrative structures of the region and states been defined, which impedes the implementation of the details agreed upon by the signatories. Armed group signatories of the Agreement have criticized the inaction of the transitional Government in implementing the security arrangements, while the Sudan Liberation Army-Abdul Wahid faction (SLA-AW) remains outside the Agreement, with considerable support in some camps for internally displaced persons. At the same time, there is serious concern that actors associated with the previous regime are seeking to undermine the transitional Government and the nascent peace process.

9. The slow pace of implementing the Juba Peace Agreement means that many of the underlying sources<sup>6</sup> of insecurity and instability in Darfur have yet to be addressed. Land, water, climate and environmental issues remain important underlying conflict drivers that have been addressed in the Agreement but have yet to be tackled. These issues affect relations between tribal communities; nomads, herders and farmers along migratory corridors; and internally displaced persons and refugees seeking to return to their lands. The Darfur conflict has resulted in a breakdown of law and order and governance structures, which have yet to be fully restored. Atrocities and human rights violations committed during the conflict also generated unfulfilled demands for accountability and reconciliation.<sup>7</sup> These factors, combined with repeated failures to fully implement prior peace agreements, have generated considerable distrust between the Darfuri population and government authorities.

## **C. Security situation in Darfur**

10. In terms of security, while a semblance of stability has been restored to the region and access for humanitarian actors has improved, the current security situation

<sup>5</sup> On 1 January 2021, OHCHR was integrated into the United Nations Integrated Transition Assistance Mission in the Sudan. OHCHR is currently implementing two mandates in the Sudan: one under Security Council resolution [2524 \(2020\)](#) and the other under the Host Country Agreement signed between OHCHR and the Sudan in September 2019.

<sup>6</sup> For a reference on the underlying causes of the conflict in Darfur, see the October 2009 report of the African Union High-level Panel on Darfur, led by the former President of South Africa, Thabo Mbeki.

<sup>7</sup> Consultations with internally displaced persons and members of civil society reflected a strong desire to see individuals with outstanding arrest warrants handed over to the International Criminal Court.

in parts of Darfur remains of concern. The withdrawal of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) was largely assessed to have left a security and programmatic vacuum, which has yet to be filled by the transitional Government or state-level authorities.<sup>8</sup> Although the conflict dynamics are no longer predominantly characterized by fighting between the various armed group signatories and state security forces, insecurity persists. Of primary concern are the increasing frequency of intercommunal violence;<sup>9</sup> clashes among nomads, herders and farmers; clashes between SLA-AW and security forces in Jebel Marra in West Darfur;<sup>10</sup> clashes between factions within SLA-AW; the presence of armed groups from other countries that are using Darfur as a rear base of operations; the actions of armed individuals and militias, some associated with the previous regime; criminality; and the widespread availability of small arms and light weapons.

11. As a result of these sources of insecurity, civilians are still experiencing violent attacks, harassment and intimidation by armed groups and some state security entities. Sexual and gender-based violence, including conflict-related sexual violence, remains a major concern. In 2020, there were 105 documented cases of conflict-related sexual violence affecting 65 women, 39 girls and 1 boy. Incidents were attributed to elements of SLA-AW and armed nomads, with the Sudanese Armed Forces and the Rapid Support Forces also being implicated.<sup>11</sup> In terms of the impact of insecurity on children, the United Nations verified that, in 2020, there were 292 grave violations against 274 children (143 boys, 131 girls),<sup>12</sup> including recruitment of children by signatories and non-signatories of the Juba Peace Agreement. In the rural areas, as well as with internally displaced populations, a lack of security prevents the cultivation of land during the current rainy season and the harvesting of crops between November and February. Internally displaced persons (mainly women) who return to their land to cultivate it risk attacks by those who illegally occupy the land.

12. This insecurity has also had an impact on the drawdown of UNAMID. Since January 2021, 11 of the 14 UNAMID team sites, which have been handed over to civilian authorities, have been looted. Since June 2021, various forces of the signatory armed groups have been deployed outside the perimeter fence of the UNAMID logistics base in El Fasher. On a number of occasions, these armed groups interfered with the freedom of movement of UNAMID personnel and infringed on their security, and may have been positioning themselves to take over the assets of the camp upon the departure of UNAMID. In early July 2021, a joint security force was formed, through the coordination of the Sudanese Armed Forces, to provide ongoing security around the liquidation operation at El Fasher. As at 23 July, UNAMID reported that there had yet to be an improvement in command and control of the joint security force, but there had been a reduction in the presence of armed groups in the vicinity of the UNAMID logistics base.

<sup>8</sup> This is especially the case in places where government forces do not yet have full access, particularly in the Jebel Marra and surrounding areas (such as the Kalma camp) that are under the influence of SLA-AW. See [S/2020/1115](#), para. 22, for further information.

<sup>9</sup> Intercommunal conflict has increased in frequency and scale over the past year, in particular in West, North and South Darfur. According to the International Organization for Migration, between January and July 2021, over 261,000 individuals (compared with 58,000 in 2020) have been displaced in Darfur, of whom 181,000 remain displaced to date. Of the 261,000 displaced individuals, 99.8 per cent were displaced as a result of conflict.

<sup>10</sup> In the Jebel Marra, clashes between SLA-AW and forces of the Sudanese Armed Forces and the Rapid Support Forces have led to tens of thousands of people being displaced. There have also been violent confrontations between subfactions of SLA-AW, which remains fragmented owing to the subfactions' divergent positions on the peace process.

<sup>11</sup> See the report on conflict-related sexual violence ([S/2021/312](#)).

<sup>12</sup> See the report on children and armed conflict ([A/75/873-S/2021/437](#)); see also [S/2021/199](#), para. 28.

13. The regional dimension of the security situation relating to Darfur also remains of considerable concern. While in Khartoum, the assessment team organized a round-table discussion with the relevant Panels of Experts. These Panels stressed the security challenges posed by the porous borders between the Darfur region in the Sudan with Libya, the Central African Republic, Chad and South Sudan. They stressed the continued flow of arms and armed groups to and from Darfur and countries of the region, which threatened the security and stability of Darfur, as well as those countries. The Panel of Experts on the Central African Republic has shared with the Security Council information relating to the flow of fighters<sup>13</sup> and weapons<sup>14</sup> from Darfur to the Central African Republic, as well as the trafficking of natural resources<sup>15</sup> from the Central African Republic to Darfur. The tripartite cooperation among the Central African Republic, Chad and the Sudan was acknowledged as helpful in managing the situation in the border areas and as a good example of regional cooperation that could be built upon.<sup>16</sup>

14. The Panel of Experts on Libya has documented instances of Darfuri armed groups moving from Libya to the Sudan<sup>17</sup> and the presence of the Rapid Support Forces in Libya,<sup>18</sup> as well as the recruitment of Sudanese combatants to fight in Libya,<sup>19</sup> including by Haftar-affiliated forces.<sup>20</sup> It is estimated that approximately 4,000 to 5,000 Darfuri combatants and their equipment remain in Libya; their return and reintegration could be a destabilizing factor for Darfur if not managed carefully. Since January, in accordance with the Juba Peace Agreement, significant numbers of forces of the signatory armed groups have returned to the Sudan. However, delays in implementing the security arrangements have resulted in growing discontent among these combatants, who do not receive salaries or logistical support until the integration process starts. If this situation continues, further fragmentation within the armed movements is possible, and there is a risk that some combatants will return to Libya.

15. The Panel of Experts on the Sudan noted that some armed group signatories of the Juba Peace Agreement, in anticipation of the integration of forces foreseen in the Agreement, continue to recruit fighters as they prepare to return to Darfur. For example, the Justice and Equality Movement has a small force in the Raja area of Western Bahr el-Ghazal State and is recruiting new fighters and repairing its vehicles in order to prepare for its return to Darfur. The Panel also assessed that, after the signing of the Agreement, the Sudan Liberation Army-Minni Minawi and the Gathering of the Sudan Liberation Forces set up small military camps, near Yida in the Unity State of South Sudan, to recruit new fighters among the Darfuri diaspora, including veterans who had returned to civilian life. According to their information, some of these newly recruited Sudan Liberation Army-Minni Minawi forces reached Darfur in early April with 27 vehicles.

16. Recent developments in Chad also have the potential to affect dynamics in Darfur. The late President, Idriss Déby Itno, who was from the Zaghawa ethnic group, was a guarantor of the Juba Peace Agreement and wielded considerable influence over some Darfuri armed groups. The impact on the Darfur peace process of his absence from the political scene remains unclear. Nonetheless, it is likely that the

<sup>13</sup> S/2021/87, paras. 37–41 and annexes 3.7–3.10; S/2020/662, para. 38 and annex 3.5; S/2019/930, paras. 65–66 and 68; and S/2021/87, paras. 30–31 and annexes 3.1–3.6.

<sup>14</sup> S/2021/87, paras. 32–36; and S/2019/930, paras. 72–78.

<sup>15</sup> S/2021/87, paras. 30–31 and annex 3.4.

<sup>16</sup> Ibid., paras. 43–46.

<sup>17</sup> S/2021/229, para. 19 and annex 9, paras. 5–11.

<sup>18</sup> S/2019/914, paras. 24–25; and S/2021/229, para. 20.

<sup>19</sup> S/2021/229, para. 22 and annex 10.

<sup>20</sup> Ibid., annex 9, para. 4.

rapprochement between Chad and the Sudan, initially agreed under a non-aggression pact with the former regime, will continue.

#### **D. National action plan for the protection of civilians**

17. In anticipation of the withdrawal of UNAMID, the transitional Government submitted a national action plan for the protection of civilians (S/2020/429, annex) to the Security Council<sup>21</sup> and has thus far provided three periodic progress reports to the Council (see S/2020/901, S/2021/107 and S/2021/263). In the briefing to the assessment team by the national coordinating mechanism for the Committee established pursuant to resolution 1591 (2005) concerning the Sudan, the coordinator of the mechanism noted that the national-level committee for the implementation of the national action plan was chaired by the Minister of Cabinet Affairs, under the overall supervision of the Minister of the Interior, and was composed of all relevant line ministries. The team was also informed that a decree had been issued for the establishment of committees for the implementation of the action plan at the state level. A framework of cooperation had been signed with the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, and national standard operating procedures for preventing and responding to gender-based violence had been developed. The first law against gender-based violence is being prepared. In addition, among other steps taken, 50 gender desks (10 in each Darfur state) have been established in police stations, while 200 women (from the Abu Shouk camp) were being trained as police officers.

18. The assessment team was able to meet with the protection of civilians committees in both El Fasher and Nyala. In Nyala, the police component of the South Darfur protection of civilians committee briefed the team and shared that the security situation was stable and that a joint force composed of the Sudanese Armed Forces, the Rapid Support Forces, the police and the General Intelligence Service had been established.<sup>22</sup> The team was informed that this joint force of 1,103 members with around 104 vehicles was protecting former UNAMID team sites and civilians in the area, as well as securing the 10 camps for internally displaced persons in South Darfur. This joint force was also patrolling at night. The committee is aware of the presence of forces belonging to the armed group signatories in the towns, which are not part of this joint force.

19. Working closely with the South Darfur Humanitarian Aid Commissioner, the police are aiming to secure the voluntary return to 229 villages in 21 localities of an estimated 29,000 refugees in the Central African Republic and South Sudan. The police have established a police post in the camps for internally displaced persons, and the South Darfur protection of civilians committee had just launched a community policing initiative in the camps, which sought to recruit police officers, including women, from among members of the camps. The police component was tracking

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<sup>21</sup> The plan addresses the issues of displaced persons and refugees; the rule of law and human rights; disarmament, demobilization and reintegration; combating violence against women and children; humanitarian action; strengthening conflict avoidance and resolution mechanisms; issues involving nomads and herders; reconstruction, development and basic services; and water and sanitation.

<sup>22</sup> In the special report of the Chairperson of the African Union Commission and the Secretary-General of the United Nations on UNAMID and a follow-on presence, the Security Council was informed of an announcement by the transitional Government to deploy 12,000 security personnel from the Sudanese Armed Forces, the Rapid Support Forces and the Sudanese police forces to Darfur. This was subsequently revised to 6,000 personnel. By 26 August 2020, an undisclosed number of joint forces in 80 armed vehicles (10 belonging to the Sudanese Armed Forces, 50 to the Rapid Support Forces and 20 to the reserve police) arrived in North Darfur to protect farming areas in the localities of Kabkabiyah, Saraf Umrah and Sereif (S/2020/1115, para. 21).

intercommunal, as well as tribal, violence and deployed forces to affected areas as needed. According to the committee, the biggest challenge to their efforts to maintain security was the lack of logistical and transport capabilities, especially vehicles for the police. A representative of the United Nations country team in Nyala confirmed that it had a good working relationship with the police component of the committee, which has been proactive and responsive in dealing with security incidents. The assessment team observed soldiers in various uniforms patrolling the streets of Nyala in vehicles mounted with heavy-calibre machine guns, as well as a number of police officers in various parts of the city. The security situation appeared to be calm, and there appeared to be fewer security incidents in South Darfur.

20. In El Fasher, the team was able to meet with a broader configuration of ministerial agencies that constitute the North Darfur protection of civilians committee operating under the leadership of the Director General of the Ministry of Social Welfare in North Darfur. The committee has conducted more than six coordination meetings since its establishment in 2021 and has undertaken joint assessments to eight localities in North Darfur to address sources of conflict. As in South Darfur, the committee stressed that the security situation was stable; there had been no major security incidents in the past six months. The committee stated that relations between farmers and herders were improving.<sup>23</sup> The committee acknowledged that intercommunal violence, tribal conflict and a lack of trust in Government were sources of insecurity but that the national action plan brought together the relevant actors to address the challenges. The team was also informed that the committee had already identified sites for the arrival of the security-keeping force.

21. The head of the voluntary return and resettlement commission noted that internally displaced persons and refugees had started to return to North Darfur in August 2020, even prior to the establishment of the North Darfur protection of civilians committee. The committee had a plan, but lacked the resources, to address the 136,276 returnees from the internally displaced camps and 6,300 refugee returnees from Chad through the Office of the United Nations High Commissioner for Refugees and 18,000 refugee returnees directly from Chad refugee camps. As a result, returnees were facing poor services to meet their basic needs, which also placed a strain on the host communities. In other protection initiatives, the committee shared information on the series of capacity-building training for troops and relevant partners on the protection of internally displaced persons, as well as training on rule of law issues. It had established investigation units within the police, as well as recruited and trained 350 women police officers, and opened two offices for women and child protection.

22. In addition to the first-hand observations in North and South Darfur, the team benefited from feedback from members of the United Nations country team, who also shared their positive experience of working with the East Darfur protection of civilians committee.

23. There may be a need to better communicate the work programme and accomplishments of these committees, as several groups of interlocutors at the state level were not aware of the establishment of these committees or of their relative impact on improving the lives of the population.

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<sup>23</sup> This assessment was confirmed by the Chief Justice of North Darfur, who had recently travelled to all localities in North Darfur and noted that there was a degree of access to justice by the population. The State Attorney General shared with the team that there were prosecutors offices in 11 of the 18 localities. The Head of the North Darfur Human Rights Commission noted that the improved security situation was also accompanied by improved political rights and freedom of the press.

## E. Weapons collection programme

24. In general, the team was unable to receive comprehensive information, documents or statistics relating to weapons collection at the federal or state levels.<sup>24</sup> The national coordinating mechanism for the Committee made specific mention of two previous phases of weapons collection conducted by the Government, while a third phase is under way. The previous Government had established a High Committee for the Collection of Weapons in April 2016, and launched in 2017, by Presidential Decree No. 419 of 2017, the process for the collection of weapons from the civilian population and the militias.<sup>25</sup> By March 2018, the former Government of the Sudan had collected over 107,000 weapons nationwide, including 67,000 from Darfur, and another 200,000 from militias previously affiliated with the former Government or Popular Defense Forces. The number of weapons collected was assessed to be relatively small compared with estimates of illicit weapons in Darfur, which range between 700,000 and 1.7 million.<sup>26</sup>

25. As previously reported (S/2020/1115, para. 17), to some extent, the arms collection campaign carried out by the Government in 2017 and 2018 improved the security situation in urban areas and led to the voluntary return of internally displaced persons. However, the return or resettlement was not sustained, as many returnees only visited farms for crop cultivation and harvesting, rather than staying on a permanent basis.

26. Moreover, the weapons collection process was largely carried out by the Rapid Support Forces. Feedback received from civil society actors and the internally displaced population suggests that there remains a high degree of mistrust in having the Rapid Support Forces collect weapons, given their history in the Darfur conflict. It may be necessary to distinguish a new weapons collection programme from the 2017 initiative.

27. The disarmament, demobilization and reintegration aspect of the national action plan for the protection of civilians outlines the regulations for weapons possession in accordance with the Weapons and Ammunitions Act, and in the first and second periodic report the Security Council was informed that a joint force had been established to collect weapons and unregistered vehicles. The Juba Peace Agreement also contains commitments of the signatories in dealing with weapons collection and management within the context of the ceasefire arrangements, disarmament, demobilization and reintegration, and security sector reform. While the ceasefire among the signatories of the Juba Peace Agreement appears to be holding, there does not appear to have been significant progress on implementing the weapons collection programme as outlined in the national action plan and the Agreement.

## IV. Recommendations for benchmarks

28. The present section outlines four key benchmarks for the Security Council to assess the measures on Darfur. These benchmarks may contribute to the implementation of the Juba Peace Agreement, the national action plan for the

<sup>24</sup> Information, however, was received on case-specific collection of weapons. For example, the Acting Governor of North Darfur mentioned that in one area the Rapid Support Forces had collected 86 motorcycles and weapons in the market in one day. In a meeting with the protection of civilians committee, the representatives of the Rapid Support Forces spoke of collecting 137 pieces of weaponry in one locality.

<sup>25</sup> See paragraph 4 of the previous report on this subject (S/2017/747, annex).

<sup>26</sup> See the September 2020 preliminary study of the United Nations Institute for Disarmament Research on transitional weapons and ammunition management in the Sudan, with a focus on Darfur, South Kordofan and Blue Nile.

protection of civilians, the weapons collection programme and compliance with the sanctions measures. Given the interlinkages between the Agreement on National Issues and the implementation of the various protocols in the Darfur Agreement, attention is also paid to key political reform provisions at the national level. The benchmarks and related targets set out below should be reviewed to assess progress against them, as appropriate.

### **Benchmark 1: progress on political and economic governance issues**

29. A benchmark related to progress in the implementation of political and economic governance issues, notably in the formation of transitional institutions and processes at the national and regional levels, is proposed. These targets and their related indicators allow the transitional Government to make meaningful progress towards addressing the exclusion of the Darfur region and its people, including women, in the political and economic life of the region and country. Such progress is needed to build trust among the Darfuri people in the commitment of the transitional Government and the regional authorities to implementing the Juba Peace Agreement.

30. The first target for the achievement of this benchmark is to broaden and deepen the legitimacy of the transitional Government currently composed of the Sovereign Council and the Council of Ministers, to enhance the representation of the people of Darfur in the national administration and to begin the process of dealing with the economic drivers of conflict in Darfur. This target could be measured by the following:

(a) Establishment of the Transitional Legislative Council, with at least 40 per cent representation of women in accordance with the Constitutional Declaration. This 40 per cent quota should include women representatives from Darfur;

(b) Establishment by law of the National Commission of Resources and Financial Revenue Sharing and Allocation (with fair representation from the Darfur region and chaired by an independent individual appointed by the Prime Minister), the Darfur Reconstruction and Development Commission and the Darfur Peace Support and Sustainable Development Fund;<sup>27</sup>

(c) Establishment of the Darfur Lands and Hawakeer Commission, and start of hearing and mediation of claims of property restitution filed by individuals and communities that lost their lands because of the conflict in Darfur. A first step to be accomplished is to review and revoke the registration of lands which are proven to have been expropriated or forcibly taken after June 1989;

(d) Establishment and operationalization of the National Commission for Herders, Nomads and Farmers. Operationalization of the Commission should include the transfer of all assets of mechanisms working on this sector to the Commission; making the working procedures of the Commission public; developing the Commission's organizational structure; developing a strategy to address the elements outlined in chapter 6, paragraph 8, of the protocol; and providing the first year's budget of the Commission from the Darfur Peace Support and Sustainable Development Fund;

<sup>27</sup> The parties have agreed to allocate 40 per cent of the nation's net revenue from mineral and petroleum resources located in Darfur to the region for a period of 10 years. In addition, the Darfur region shall allocate 3 per cent of the revenue from natural resources for the local population in areas from which these resources are extracted. The Government of the Sudan also committed to pay \$750 million annually for a period of 10 years to the Darfur Peace Support and Sustainable Development Fund to fund the implementation of the Peace Agreement in Darfur, including providing an initial \$100 million within a month of signing the Agreement.

(e) Establishment of the Internally Displaced Persons and Refugees Commission and, as a first step to develop the comprehensive resettlement and repatriation strategy, taking into account the views and intentions of internally displaced persons and refugees.

31. The second target relates to enhancing the representation and participation of Darfuri women in the institutions and processes outlined in the Agreement. This target could be measured by the enhancement of the representation of Darfuri men and women in the national civil service, the judiciary and the office of the prosecutor by 20 per cent as outlined in articles 26, 27 and 28 of the Darfur Agreement.

32. The third target relates to the establishment of relevant mechanisms to monitor and evaluate the implementation of the Agreement, especially as it relates to the Darfur component of the Agreement. Operationalizing these mechanisms can promote a better understanding among the Darfuri population of the transitional Government's implementation plan and help to mobilize further international support. This target may be measured by the following:

(a) Operationalization of an independent, capable and credible Mechanism for Monitoring and Evaluating the Peace Agreement, in consultation with the relevant stakeholders. In that regard, the first step would be for the transitional Government to secure the agreement of its international partners on terms of reference for the Mechanism, which should include information on the composition of the Mechanism (including its Chair), its working methods and its secretariat;

(b) Strengthening of the capacity of the Peace Commission, which is currently composed of a single commissioner and which has been tasked with implementing the comprehensive peace agreement;

(c) Establishment of a "fund to care for the affairs of martyrs and the wounded in Darfur",<sup>28</sup> as well as the Compensation and Reparations Fund in Darfur (to be funded by the Darfur Peace Support and Sustainable Development Fund), with at least 40 per cent representation of women in the structure of the Fund.

## **Benchmark 2: progress on transitional security arrangements in Darfur**

33. The second proposed benchmark focuses on the security arrangement provisions of the Juba Peace Agreement agreed by the parties,<sup>29</sup> which seeks to address the root causes of conflict in Darfur. Progress on the transitional security arrangements<sup>30</sup> outlined in the Agreement can meaningfully contribute to the maintenance of the current ceasefire; enhance the perception of and actual security of civilians in the states

<sup>28</sup> Name of the fund as specified in chapter 8, article 26.12, of the Darfur Agreement.

<sup>29</sup> The parties to the security arrangements protocol in the Darfur track are the transitional Government of the Sudan and the armed struggle movements: the Sudan People's Liberation Movement/Army; the Justice and Equality Movement; the Gathering of the Sudan Liberation Forces; the Sudan Liberation Movement-Transitional Council; and the Sudanese Alliance. The military establishment in the Sudan is composed of the Sudanese Armed Forces and the Rapid Support Forces; the unified Sudanese police forces; and the General Intelligence Service.

<sup>30</sup> The Agreement provides for four phases of security arrangements: phase one: continuation of the cessation of hostilities for humanitarian purposes, leading to a permanent ceasefire agreement; phase two: implementation of the permanent ceasefire agreement and other comprehensive security arrangements and implementation of the programme of integration in the military establishment institution and other security services; phase three: implementation of the disarmament, demobilization and reintegration programme; and phase four: implementation of the reform, development and modernization plan for the military establishment institution and security services (security sector).

of Darfur, including through the deployment of the security-keeping force; start the process of integration of the forces of the signatories of the Agreement into the military establishment and security services; and effectively manage those who would not be integrated through a disarmament, demobilization and reintegration programme. Achievement of these provisions may also directly address concerns relating to the security situation in Darfur that necessitated the imposition of the arms embargo and provide opportunities for its adjustment or lifting. These steps can further enhance public trust in security and rule of law institutions, provided that those steps are taken with the participation of affected communities and in line with international human rights standards.

34. A first target related to this benchmark is the establishment and operationalization of the strategic-level mechanisms<sup>31</sup> and processes provided for in the Juba Peace Agreement to oversee the implementation and management of issues concerning security arrangements. Realization of this target would facilitate the management of the permanent ceasefire, the disarmament, demobilization and reintegration and the integration of forces processes. This target may be measured by the following:

(a) Operationalization of the Joint High Council<sup>32</sup> and the Joint High Military Committee for Security Arrangements<sup>33</sup> and ensuring their effective and transparent functioning;

(b) Development and approval of the general plan for the reform, development and modernization of the military establishment and security services and monitoring of the implementation, as called for in the Agreement.

35. The second target is the finalization of the permanent ceasefire agreement as called for in the Agreement. This target may be measured by the following:

(a) Replacement of the Cessation of Hostilities Agreement of 21 October 2019 with a permanent ceasefire agreement as provided in the Agreement;

(b) Establishment of the Ceasefire Committee, for which Decree No. 245 on the formation of the Committee was issued, with headquarters in El Fasher and sectors in all the Darfur states/region;

(c) Definition of assembly areas and concentration points of the forces of the armed movement signatories; definition of the demilitarized zones around these assembly areas and concentration points; commencement of the verification, classification, monitoring and inventory of their weapons through the Ceasefire Committee; handover of certain categories of weapons; and handover of their list of forces to the Ceasefire Committee as provided in the Agreement;

(d) Submission of a comprehensive plan by the transitional Government to the Ceasefire Committee to disarm other forces or groups (including foreign groups) active in Darfur in accordance with chapter 8, article 24, of the Darfur Agreement.

<sup>31</sup> Decrees have been passed formally establishing the Joint High Military Committee (Decree No. 243) and the Permanent Ceasefire Committee (Decree No. 245) and its sectoral committees (Decree No. 244).

<sup>32</sup> Chaired by the Commander-in-Chief of the Armed Forces, with the membership of the Commander of the Rapid Support Forces, the Minister of Defence, the Minister of the Interior, the Chief of Staff, the Director General of the Police, the Director General of the General Intelligence Service, the head of the Military Intelligence Authority and heads of the armed struggle movements for supervision, monitoring and evaluation.

<sup>33</sup> Composed of a senior military commander from each party; five senior officers from each party; one legal adviser; the Disarmament, Demobilization and Reintegration Commissioner; the Humanitarian Affairs Commissioner; a representative of the mediation's country; a representative of Chad; a representative of the African Union; and a representative of the United Nations.

36. The third target is the deployment and effective functioning of the security-keeping force as foreseen in the Agreement. The timely deployment of the force may reinforce the implementation of the permanent ceasefire and address existing sources of tensions and insecurities such as intercommunal clashes. It could lay the basis for the future process of integrating the forces of the armed movements. This target may be measured by the following:

(a) Deployment and operationalization of the security-keeping force to all five states of Darfur;<sup>34</sup>

(b) Provision of an initial report to the Security Council on the deployment of the force. The initial report should include information on the numbers and composition of the force to be deployed in each state; predeployment training, including in international humanitarian and human rights law; deployment schedule; command and control of the force at the state and regional levels; concept of operations; and weapons and ammunition management of the force to be deployed to the states;

(c) Provision of subsequent six-monthly progress updates to the Security Council on the deployment and operations of the force, as well as steps taken to address any misconduct by force personnel;

(d) Establishment of a communications strategy at the state and regional levels, together with the respective protection of civilians committees, to explain the deployment and roles of the force. The strategy should include information on the mechanisms available to the public to report any abuse and misconduct by the force.

37. The fourth target is the completion of the disarmament, demobilization and reintegration programme process, as agreed to by parties to the Agreement. This target can usefully build on the structure and experience of the existing Disarmament, Demobilization and Reintegration Commission in the Sudan, and progress towards its achievement may be measured by the following:

(a) Restructuring of the Disarmament, Demobilization and Reintegration High Council and the National Disarmament, Demobilization and Reintegration Commission, with representation of parties to the Agreement, and establishment of the Darfur Regional Disarmament, Demobilization and Reintegration Commission;<sup>35</sup>

(b) Completion of a comprehensive assessment of needs and challenges related to disarmament, demobilization and reintegration in Darfur, including but not limited to the reintegration of forces of the armed movement signatories and coordination with the Disarmament, Demobilization and Reintegration High Council;<sup>36</sup>

(c) Immediate and unconditional dismissal and release of all combatant children, as well as groups with special needs and women former combatants, to the Joint Disarmament, Demobilization and Reintegration Committee for reintegration;

(d) Establishment and implementation of a disarmament, demobilization and reintegration programme, with adequate funding, for the former combatants of the

<sup>34</sup> The transitional Government should enhance the role of the civilian police, including women, in this security-keeping force and may also consider the inclusion of a small civilian component to the force, which could be drawn from the entities represented in the state-level protection of civilians committees. The civilian police and/or civilian component could be a helpful interface between the force and the communities where the force is deployed.

<sup>35</sup> See para. 41 (a) on the need for the rationalization of certain activities within the national action plan and the Juba Peace Agreement.

<sup>36</sup> To facilitate the effective reintegration of former combatants at the community level, the transitional Government may also wish to consider the importance of community-level violence reduction initiatives.

signatory armed groups willing to return to civilian life, or those who do not meet the criteria to join security institutions. As a first step, it would be important to establish an appropriate and realistic eligibility criteria policy for the disarmament, demobilization and reintegration programme.

38. The fifth target relates to completing the integration of the signatory armed movements into the military establishment and security services according to the criteria established in the Agreement. This target may be measured by the following:

(a) Establishment of the Technical Integration Committee to plan, implement, manage and monitor the integration process of former combatants of the armed movements;

(b) Establishment of the Joint Police Technical Committee and the Joint Intelligence Technical Committee to undertake the task of integrating the members of the armed movements into the police and the General Intelligence Service, respectively, in accordance with the agreed criteria;

(c) Appointment of a number of senior officers from the armed movements in the general command, the ground forces, the police and the General Intelligence Service based on the size of the integrated forces;

(d) Development of plans and policies for managing the forces for the entirety of the agreed period during which the integrated forces remain in Darfur.

### **Benchmark 3: progress on the national action plan for the protection of civilians**

39. The third proposed benchmark focuses on the strengthening of the civilian-led implementation of the national action plan for the protection of civilians, which could be a strong complement to the above-mentioned benchmark on security arrangements. Realization of this benchmark and its indicators could enhance the civilian aspect of security through the protection of civilians committees, weapons collection, the delivery of humanitarian assistance and the rule of law and access to justice.

40. The first target for this benchmark is to ensure the full functionality of the institutional and reporting framework for the execution of the national action plan in Darfur. This target may be measured by the following:

(a) Implementation of the existing decree to have the Unit for Combating Violence against Women and Children report directly to the Council of Ministers. This will ensure that it is able to independently report on progress regarding protection issues, in particular relating to the conduct of the security forces and armed movements;

(b) Establishment and operationalization of the interministerial protection of civilians committees in all five states in Darfur under civilian leadership, with the active participation of all relevant line ministries, in particular entities working on the protection of women and children;

(c) Development and dissemination of state-specific action plans to implement the national action plan, which would facilitate support from the international community;

(d) Systematic inclusion of the Chairs of the state-level protection of civilians committees into the security committee chaired by the governors (walis) to ensure a comprehensive approach to improving security in the states;

(e) Regular six-monthly progress reports to the Security Council on the implementation of the national action plan, which should reflect the progress, challenges and support needs of each of the Darfuri states.<sup>37</sup>

41. The second target for this benchmark is to ensure progress on key programmatic dimensions of the national action plan. Indicators to measure progress include:

(a) Review and rationalization of the national action plan against the Juba Peace Agreement, including the need to establish new committees or commissions to implement similar objectives (such as disarmament, demobilization and reintegration, and issues relating to nomads and herders);

(b) Review and update, as required, of Presidential Decree No. 417 of July 2017 and the related weapons collection programme, taking into account the new political and security context in Darfur after the signing of the Juba Peace Agreement;

(c) Implementation of the framework of cooperation with the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, with attention to accountability, prevention measures and the provision of comprehensive services to survivors;

(d) Development and signature of a new national prevention plan to prevent all six grave violations against children in the Sudan, including in Darfur;<sup>38</sup>

(e) Provision of the required police escorts to the relevant United Nations agencies, funds and programmes delivering humanitarian assistance in areas of need. This will also require United Nations actors to harmonize their requests to minimize the strain on limited police escort capacities.

#### **Benchmark 4: progress on transitional justice and accountability**

42. A final benchmark is proposed on the achievement of transitional justice and accountability in Darfur. This is in line with the commitments made by the parties to the Juba Peace Agreement, which recognize the importance of reconciliation in addressing the root causes of conflict in Darfur, including the marginalization of the people of Darfur, and build on the new era of cooperation between the International Criminal Court and the transitional Government. Realization of this benchmark will not only provide remedies for victims and a sense of accountability for crimes committed in Darfur during the conflict but may also contribute to the promotion of peaceful coexistence, cooperation and social solidarity among the various peoples in Darfur.

43. The target for this benchmark is the operationalization of the agreed transitional justice mechanisms contained in the Juba Peace Agreement to provide accountability for crimes and violations committed and to promote reconciliation. This target can be measured by the following:

(a) Ensuring broad dissemination of the law on the Transitional Justice Commission to all relevant stakeholders, including victims, women, youth, communities and civil society;

<sup>37</sup> This is important, as the security situation across Darfur varies by state. For example, in 2020, half of the 40 incidents of intercommunal violence recorded in Darfur were in West Darfur alone.

<sup>38</sup> The Government's 2016 action plan was completed in 2018. The six grave violations are killing and maiming of children; recruitment or use of children as soldiers; sexual violence against children; abduction of children; attacks against schools or hospitals; and denial of humanitarian access for children.

(b) Establishment and operationalization of the Truth and Reconciliation Committee, in which women should also be represented, to identify and assess the root causes of conflict in Darfur and to address violations, crimes and human rights abuses, including violations of economic, social, environmental and cultural rights committed since June 1989, among other tasks;

(c) Establishment and operationalization of a Special Court for Darfur Crimes, including the appointment of an independent prosecutor to prosecute genocide, crimes against humanity, war crimes and gross violations of international human rights and humanitarian law since 2002.

## V. Conclusion

44. The democratic revolution of 2018 in the Sudan has ushered in an important new chapter in the country's history. The transitional Government has taken many difficult but important decisions to address the considerable challenges confronting the country, in order to meet the aspirations of the Sudanese people, including in Darfur. In that regard, the context in which the Security Council imposed and maintained the sanctions regime has changed. It is therefore timely that the Council is considering possible benchmarks to review the sanctions regime against the Sudan established pursuant to its resolution [1591 \(2005\)](#), including lifting the arms embargo.<sup>39</sup>

45. The proposed benchmarks in the present report benefited from consultations with a broad range of Sudanese interlocutors, as well as their regional and international partners. Largely anchored in the commitments made in the national action plan for the protection of civilians and the Juba Peace Agreement, their implementation can further improve the political, security, humanitarian and human rights situation in Darfur. I recommend that the Security Council consider and adopt the benchmarks, as well as request a progress update from the Secretariat on their implementation within six months of their adoption and prior to the renewal of the sanctions regime, which is due to take place on or around 12 February 2022. An early review of the progress achieved against Council-established benchmarks provides the transitional Government the opportunity to demonstrate that the sanctions, in particular the arms embargo, on the Darfur region may be adjusted or are no longer needed.

46. The transitional Government has expressed a strong commitment to implementing the national action plan, as well as the Juba Peace Agreement, but it will require the support of the international community and the cooperation of neighbouring States to do so. The benchmarks set out above also articulate the priority actions required by the transitional Government to implement the plan and the Agreement, so that its partners may be better able to support the transitional Government's plans and programmes in Darfur. I encourage the international partners of the Sudan to coordinate their collective and bilateral support to ensure programmatic coherence and efficiency. I note that the transitional Government is continuing its efforts to engage with the non-signatories of the Juba Peace Agreement. I reiterate my call to Abdul Wahid al-Nur to engage in peace negotiations and contribute to the building of peace, security and development in Darfur and the rest of the country.

47. Given the transformed political context in the Sudan, it is appropriate that the transitional Government engages proactively and directly with the Security Council

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<sup>39</sup> See also [S/2019/816](#), para. 49, in which the Security Council was called upon to consider reviewing the sanctions regime, including lifting the arms embargo.

Committee established pursuant to resolution [1591 \(2005\)](#) concerning the Sudan. Building on the well-received submission of the national action plan for the protection of civilians and its periodic updates to the Security Council, closer and regular engagement between the transitional Government and the Committee can enhance mutual understanding regarding the situation in Darfur. Regular briefings to the Committee by representatives of the transitional Government could be of mutual benefit.<sup>40</sup> Given the stigma often associated with sanctions, I encourage the Council and its Committee to intensify their communications strategy to make clear that the sanctions regime is not targeted towards the transitional Government but remains in place to support government efforts to fully restore peace and stability in Darfur.

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<sup>40</sup> Possible briefers from the transitional Government include the coordinator of the national coordinating mechanism for the Committee established pursuant to resolution [1591 \(2005\)](#) concerning the Sudan and the Director General of the Unit for Combating Violence against Women and Children.