

The Security Council,

*Recalling* its resolutions 1547 (2004) of 11 June 2004, 1556 (2004) of 30 July 2004, 1564 (2004) of 18 September 2004, and 1574 (2004) of 19 November 2004 and statements of its President concerning Sudan,

*Reaffirming* its commitment to the sovereignty, unity, independence and territorial integrity of Sudan, and recalling the importance of the principles of good neighbourliness, non-interference and regional cooperation,

*Welcoming* the signing of the Comprehensive Peace Agreement between the Government of Sudan (GOS) and the Sudan People's Liberation Movement/Army (SPLM/A) in Nairobi, Kenya on 9 January 2005,

*Recalling* the commitments made by the parties in the 8 April N'djamena Ceasefire Agreement and the 9 November 2004 Abuja Humanitarian and Security Protocols between the Government of Sudan, the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM), and recalling the commitments made in the Joint Communique of 3 July 2004 between the Government of Sudan and the Secretary General,

*Expressing* its determination to help the people of Sudan to promote national reconciliation, lasting peace and stability, and to build a prosperous and united Sudan in which human rights are respected, the protection of all citizens is assured, and development and the rule of law are promoted.

*[Noting* the statements of Vice-President Ali Osman Taha of the Government of Sudan and Chairman Garang of the SPLM/A at the meeting of the Council on 8 February 2005, and the strong will and determination they expressed to find a peaceful resolution of the conflict in Darfur,]

*Recognizing* that the parties to the Comprehensive Peace Agreement must build on the Agreement to bring peace and stability to the entire country, and *calling* on all Sudanese parties, particularly those involved in the Comprehensive Peace Agreement, to take immediate steps to achieve a peaceful settlement to the conflict in Darfur and to take all necessary action to prevent further violations of human rights and international humanitarian law and to put an end to impunity, including in the Darfur region,

*Expressing* its utmost concern over the dire consequences of the prolonged conflict for the civilian population in the Darfur region as well as throughout Sudan, in particular the increase in the number of deaths, refugees and internally displaced persons,

*Considering* that the voluntary and sustainable return of refugees and internally displaced persons will be a critical factor for the consolidation of the peace process,

*Expressing* also its deep concern for the security of humanitarian workers and their access to populations in need, including refugees, internally displaced persons and other war-affected populations,

*Deploring* the continued violations of the N'djamena Ceasefire Agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004 in Darfur and the deterioration of the security situation and negative impact this has had on humanitarian assistance efforts,

*Strongly condemning* all violations of human rights and international humanitarian law in the Darfur region, in particular the continuation of attacks directed against civilians, and *expressing* its determination to ensure that those responsible for all such violations are identified and brought to justice without delay,

*Recalling* the demands, in resolutions 1556 (2004), 1564 (2004), and 1574 (2004), that all parties to the conflict in Darfur refrain from any violence against civilians and cooperate fully with the African Union Mission in Darfur,

*Welcoming* the 16 February 2005 N'djamena Summit on Darfur and the continued commitment of the African Union to play a key role in facilitating a resolution to the conflict in Darfur in all respects, and the announcement by the Government of Sudan on 16 February 2005 that it would take immediate steps, including withdrawal of its forces from Labado, Qarifa, and Marla in Darfur, and the withdrawal of its bomber aircraft from Darfur,

*Asking* the parties to expeditiously resume the Abuja talks without preconditions in order to conclude a peaceful settlement,

*Commending* the efforts of the African Union, in particular its Chairman, acknowledging the progress made by the African Union in the deployment of a protection force, police, and military observers, and calling on all member states to contribute generously and immediately to the African Union Mission in Darfur,

*Commending* also the efforts of the Inter-Governmental Authority for Development (IGAD), in particular the Government of Kenya as Chair of the Sub-Committee on Sudan,

*Reaffirming* its resolutions 1325 (2000) on women, peace, and security, 1379 (2001) and 1460 (2003) on children in armed conflicts, as well as resolutions 1265 (1999) and 1296 (2000) on the protection of civilians in armed conflicts and resolution 1502 (2003) on the protection of humanitarian and UN personnel,

*Welcoming* the efforts by the United Nations to sensitize United Nations personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its established operations,

*Expressing* grave concern at the allegations of sexual exploitation and misconduct by United Nations personnel in United Nations established operations, and welcoming the Secretary-General's 9 February 2005 letter to the Council in this regard, affirming there will be a zero-tolerance policy of sexual exploitation and abuse of any kind in all UN peacekeeping missions,

*Recognizing* that international support for implementation of the Comprehensive Peace Agreement is critically important to its success, emphasizing that progress towards resolution of the conflict in Darfur would create conditions conducive for delivery of such assistance, and alarmed that the violence in Darfur nonetheless continues,

*Taking note* of the Secretary General's reports of 31 January 2005 (S/2005/57), 4 February 2005 (S/2005/68), and 4 March 2005 (S/2005/140),

*Taking note* of the report of 25 January 2005 of the international Commission of Inquiry on Darfur,

*Taking note* of the request of the parties to the Comprehensive Peace Agreement for the establishment of a peace support mission,

*Expressing* appreciation for the important contributions of the Standby High Readiness Brigade (SHIRBRIG) toward the planning, preparation, and initial deployment of a peacekeeping operation, as well as the preparatory work by the United Nations Advance Mission in Sudan,

*Determining* that the situation in Sudan continues to constitute a threat to international peace and security,

1. *Decides* to establish the United Nations Mission in Sudan (UNMIS) for an initial period of 6 months and further decides that UNMIS in Darfur will consist of up to 10,000 military personnel, up to 715 civilian police personnel, and an appropriate civilian component;
2. *Requests* that UNMIS closely and continuously liaise and coordinate at all levels with the African Union Mission in Sudan (AMIS) with a view towards expeditiously reinforcing the effort to foster peace in Darfur, especially with regard to the Abuja peace process and the African Union Mission in Sudan, and provides logistical and technical assistance;
3. *Requests* the Secretary General, through his Special Representative for Sudan, to coordinate all the activities of the United Nations system in Sudan, to mobilize resources and support from the international community for both immediate assistance and the long-term economic development of Sudan, and to facilitate coordination with other international actors, in particular the African Union and IGAD, of activities in support of the transitional process established by the

Comprehensive Peace Agreement, and to provide good offices and political support for the efforts to resolve all ongoing conflicts in Sudan;

4. *Decides* that the mandate of UNMIS shall be the following:

- (a) to support implementation of the Comprehensive Peace Agreement by performing the following tasks in order to guarantee the security of UN personnel:
  - (i) to monitor and verify the implementation of the Ceasefire Agreement and to investigate violations;
  - (ii) to liaise with bilateral donors on the formation of Joint Integrated Units;
  - (iii) to observe and monitor movement of armed groups and redeployment of forces in the areas of UNMIS deployment in accordance with the Ceasefire Agreement;
  - (iv) to assist in the establishment of the disarmament, demobilization, and reintegration program as called for in the Comprehensive Peace Agreement, with particular attention to the special needs of women and child combatants, and its implementation through voluntary disarmament and weapons collection and destruction;
  - (v) to assist the parties to the Comprehensive Peace Agreement in promoting understanding of the peace process and the role of UNMIS by means of an effective public information campaign, targeted at all sectors of society, in coordination with the African Union, and in addressing the need for a national inclusive approach, including the role of women, towards reconciliation and peace-building;
  - (vi) to assist the parties to the Comprehensive Peace Agreement, in coordination with bilateral and multilateral assistance programs, to develop a police training and evaluation program which is consistent with democratic policing principles;
  - (vii) to assist the parties to the Comprehensive Peace Agreement in promoting the rule of law, including an independent judiciary, and the protection of human rights of all people of Sudan through a comprehensive and coordinated strategy with the aim of combating impunity and contributing to long-term peace and stability and to assist the parties to the Comprehensive Peace Agreement to develop and consolidate the national legal framework;

(viii) to ensure an adequate human rights presence, capacity, and expertise within UNMIS to carry out human rights promotion, protection, and monitoring activities,

(ix) to provide guidance and technical assistance to the parties to the Comprehensive Peace Agreement, in cooperation with other international actors, to support the preparations for and conduct of elections and referenda provided by the Comprehensive Peace Agreement;

(b) to facilitate and coordinate, within its capabilities and in its areas of deployment the voluntary return of refugees and internally displaced persons, and humanitarian assistance, inter alia, by helping to establish the necessary security conditions;

(c) to assist the parties to the Comprehensive Peace Agreement in cooperation with other international partners in the mine action sector by providing humanitarian demining assistance, technical advice, and coordination;

(d) to contribute towards international efforts to protect and promote human rights in Sudan, as well as to co-ordinate international efforts towards the protection of civilians, with particular attention to vulnerable groups including internally displaced persons, returning refugees, and women and children, within UNMIS's capabilities and to continue to cooperate with efforts to ensure those responsible for serious violations of human rights and international humanitarian law are brought to justice, while working in close cooperation with other United Nations agencies, related organizations, and non-governmental organizations;

5. *Requests* the Secretary General to report to the Council within 30 days on options for how UNMIS can reinforce the effort to foster peace in Darfur through appropriate assistance to AMIS, including logistical support and technical assistance, and to identify ways in liaison with the AU to utilize UNMIS's resources, particularly logistical and operations support elements, as well as reserve capacity towards this end;

6. *Calls upon* all concerned parties to cooperate fully in the deployment and operations of UNMIS, in particular by guaranteeing the safety, security and freedom of movement of United Nations personnel as well as associated personnel throughout the territory of Sudan, and further calls upon Member States to ensure the free, unhindered and expeditious movement to Sudan of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles and spare parts, which are for the exclusive and official use of UNMIS;

7. *Calls upon* all relevant parties to ensure, in accordance with international law, the full, safe and unhindered access of relief personnel to all those in need and delivery of humanitarian assistance, in particular to internally displaced persons and refugees;
8. *Requests* that the Secretary General transfer all functions performed by the special political mission in Sudan (UNAMIS) to UNMIS, together with staff and logistics of the office as appropriate, on the date when UNMIS is established, and to ensure a seamless transition between the United Nations and existing monitoring missions, namely the Verification Monitoring Team, the Joint Monitoring Commission, and the Civilian Protection Monitoring Team;
9. *Requests* the Secretary General to keep the Council regularly informed of the progress in implementing the Comprehensive Peace Agreement, respect for the ceasefire, and the implementation of the mandate of UNMIS, including a review of the troop level, taking into account progress made on the ground and the tasks remaining to be accomplished and to report to the Council in this regard every three months;
10. *Urges* the Joint Assessment Mission of the United Nations, the World Bank, and the parties, in association with other bilateral and multilateral donors, to continue their efforts to prepare for the rapid delivery of an assistance package for the reconstruction and economic development of Sudan, including official development assistance, possible debt relief and trade access, to be implemented once implementation of the Comprehensive Peace Agreement begins, and welcomes the initiative of the Government of Norway to convene an international donors' conference for the reconstruction and economic development of Sudan, and urges the international community accordingly to donate generously, bearing in mind the needs of internally displaced persons and refugees;
11. *Requests* the Secretary General to take the necessary measures to achieve actual compliance in UNMIS with the United Nations zero-tolerance policy on sexual exploitation and abuse, including the development of strategies and appropriate mechanisms to prevent, identify and respond to all forms of misconduct, including sexual exploitation and abuse, and the enhancement of training for personnel to prevent misconduct and ensure full compliance with the UN's code of conduct, *requests* the Secretary-General to take all necessary action in accordance with the Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) and to keep the Council informed, and *urges* troop-contributing countries to take appropriate preventive action including the conduct of pre-deployment awareness training, and to take disciplinary action and other action, including criminal prosecution, to ensure full accountability in cases of such conduct involving their personnel;
12. *Reaffirms* the importance of appropriate expertise on issues relating to gender in peacekeeping operations and post-conflict peace-building in accordance with resolution 1325 (2000), *recalls* the urgent need to address violence against women

and girls as a tool of warfare, and *requests* UNMIS as well as the Sudanese parties to actively address these issues;

13. *Acting* under Chapter VII of the Charter of the United Nations,

- (a) *decides* that UNMIS should take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities, to protect United Nations personnel, facilities, installations, and equipment, ensure the security and freedom of movement of UN personnel, humanitarian workers, joint assessment mechanism and assessment and evaluation commission personnel, and provide adequate protection to civilians,
- (b) *requests* that the Secretary General and the Government of Sudan, following appropriate consultation with the Sudan People's Liberation Movement, conclude a status-of-forces agreement within 30 days of adoption of the resolution, taking into consideration General Assembly resolution 58/82 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel, and notes that pending the conclusion of such an agreement, the model status-of-forces agreement dated 9 October 1990 (A/45/594) shall apply provisionally;
- (c) *requests* that the Secretary General increase significantly and immediately the size and strengthening of support to the AU in order to provide all necessary support to AU troops and ensure that civilians and others are adequately protected;

14. *Deplores* strongly that the Government of the Sudan and rebel forces and all other armed groups in Darfur have failed to comply fully with their commitments and the demands of the Council referred to in resolutions 1556 (2004), 1564 (2004), and 1574 (2004), *condemns* strongly the continued violations of the 8 April 2004 N'djamena Ceasefire Agreement and the 9 November 2004 Abuja Protocols, including air strikes by the Government of Sudan in December 2004 and January 2005 and rebel attacks on Darfur villages in January 2005, and the failure of the Government of the Sudan to disarm Janjaweed militias and apprehend and bring to justice Janjaweed leaders and their associates who have carried out human rights and international humanitarian law violations and other atrocities, and *demand*s strongly that all parties take immediate steps to fulfill all their commitments to respect the N'djamena Ceasefire Agreement and the Abuja Protocols including the notification of force positions, to facilitate humanitarian assistance, and to cooperate fully with the African Union Mission;

15. *Condemns* strongly acts of violence perpetrated against civilians in Darfur, including violations of international humanitarian law and human rights, in particular sexual violence against women and girls and *urges* all parties to take all necessary steps to prevent further violations;

16. *Urges* the parties to the Comprehensive Peace Agreement to play an active and constructive role in support of the Abuja talks and take immediate steps to support a peaceful settlement to the conflict in Darfur, and requests the Secretary General to appoint a mediator to ensure compliance with the Agreement;
17. *Acting* under Chapter VII of the Charter of the United Nations, and in light of the failure of all parties to the conflict in Darfur to fulfill their commitments, *decides*
- (a) to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (herein “the Committee”), to undertake the following tasks:
    - i. to monitor implementation of the measures referred to in subparagraphs (d)-(f) of this paragraph and paragraphs 7 and 8 of resolution 1556 (2004), and paragraph [21] below;
    - ii. to designate those individuals subject to the measures imposed by subparagraphs (d) and (e) of this paragraph and to consider appropriate requests for exemptions;
    - iii. to report at least every 90 days to the Security Council on its work;
    - iv. to provide approval in advance to the Government of Sudan for the movement of military equipment and supplies into the Darfur region in accordance with paragraph 20 below in cases that the Committee determines to be appropriate;
    - v. to assess reports from the Panel of Experts established under subparagraph (b) of this paragraph, and Members States, in particular those in the region, on specific steps they are taking to implement the measures imposed by subparagraphs (d) and (e);
    - vi. to encourage a dialogue between the Committee and Member States, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures.
  - (b) To establish, within one month from the date of adoption of this resolution, in consultation with the Committee, a Panel of Experts comprised of four members and based in Addis Ababa, Ethiopia, to travel regularly to El-Fasher, Sudan and other locations in Darfur, Sudan, and to operate under the direction of the Committee for a period of six months to undertake the following tasks:

- i. to assist the Committee in monitoring implementation of the measures in subparagraphs (d) and (e), paragraphs 7 and 8 of resolution 1556 (2004), and paragraph 20 of this resolution, and to make recommendations on actions the Council may want to consider;
  - ii. to provide a mid-term briefing to the Committee on its work, an interim report to the Council no later than 90 days after adoption of this resolution, and a final report to the Council through the Committee with its findings and recommendations;
  - iii. to establish such guidelines as may be necessary to facilitate the implementation of the measures imposed by subparagraphs (d) -(f);
  - iv. to coordinate its activities as appropriate with ongoing operations of the African Union in Sudan.
- (c) that those individuals identified by the Commission of Inquiry and as designated by the Committee, based on information provided by Member States, the Secretary General, the High Commissioner for Human Rights or the Panel of Experts established under subparagraph (b) of this paragraph above, who in the past, present or future impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004) or paragraph 21 of this resolution, or are responsible for offensive military overflights described in paragraph 20 of this resolution, shall be subject to the measures identified in subparagraphs (d) and (e) below;
- (d) that all States shall take all necessary measures to prevent entry into or transit through their territories of all persons as designated by the Committee pursuant to subparagraph (c) above, provided that nothing in this paragraph shall obligate a State to refuse entry into its territory to its own nationals;
- (e) that all States shall freeze the funds, financial assets and economic resources that are on their territories on the date of adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons designated by the Committee pursuant to subparagraph (c) above, or that are held by entities owned or controlled, directly or indirectly, by such persons or by persons acting on their behalf or at their direction, and decides further that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities;

- (f) that all States, with the assistance of NATO and any other appropriate organizations or States, shall implement a no-fly zone throughout the territory of Darfur with the aim of preventing hostile air attacks against civilians, international monitors or troops, or humanitarian or human rights organizations;
  - (g) Requests the Secretary General, in consultation with the Committee, to appoint, within 30 days of adoption of this resolution, the members of the Panel of Experts referred to in subparagraph (b) above;
18. *Decides* that the measures referred to in subparagraphs 17 (d)-(f) shall enter into force 30 days from the date of adoption of this resolution;
19. *Expresses* its readiness to consider the modification or termination of the measures under paragraph 17 on the recommendation of the Committee or at the end of a period of 12 months from the date of adoption of this resolution, unless the Security Council determines before then that the parties to the conflict in Darfur have complied with all the commitments and demands referred to in paragraph 14 above and paragraph 20 below;
20. [*Welcomes* the withdrawal by the Government of Sudan of bomber flights and *demands* that the Government of Sudan, in accordance with its commitments under the 8 April 2004 N’ djamena Ceasefire Agreement and the 9 November 2004 Abuja Security Protocol, immediately cease conducting military flights in and over the Darfur region, and *invites* the African Union Ceasefire Commission to share pertinent information as appropriate in this regard with the Secretary General, the Committee, and the Panel of Experts established under paragraph 17 (b);]
21. *Reaffirms* the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004) and, acting under Chapter VII of the Charter of the United Nations, decides that these measures shall immediately upon adoption of this resolution, also apply to all belligerents in the states of North Darfur, South Darfur and West Darfur; *notes* that these measures shall not apply to the supplies and related technical training and assistance listed in paragraph 9 of resolution 1556 (2004); *decides* that these measures shall not apply with respect to assistance/supplies to UNMIS/AMIS provided in support of implementation of the Comprehensive Peace Agreement; *further decides* that these measures shall not apply to movements of military equipment, personnel and supplies into the Darfur region that are approved in advance by the Committee established under paragraph 17 (b) upon a request by the Government of Sudan; and *invites* the African Union Ceasefire Commission to share pertinent information as appropriate in this regard with the Secretary General, the Committee, and the Panel of Experts established under paragraph 16 (a).
22. *Underscores* the immediate need to rapidly increase the number of human rights monitors in Darfur, and urges the Secretary General and the High Commissioner of

Human Rights to undertake to accelerate the deployment of human rights monitors to Darfur and augment their numbers with an appropriate level of security and also to move forward with the formation of civilian monitoring protection teams, *calls on* the AU and other appropriate bodies to allow the embedding of UN human rights monitors in their verification flights and missions, and expects that the Secretary General will report on progress on the formation of these teams in his reports to the Security Council as outlined in paragraph 9;

23. *Declares* its determination that perpetrators of the crimes and atrocities identified by the International Commission of Inquiry or other appropriate judicial authority must be brought to justice through internationally accepted means and that the climate of impunity in Sudan shall end;

24. *Decides*, acting under Chapter VII of the Charter of the United Nations, to refer the crimes committed in Darfur to the International Criminal Court, [and *further decides* that the investigation of crimes within the Court's jurisdiction be limited solely to the most serious crimes committed by Sudanese nationals or nationals of neighboring states];\*

OR

25. [*Agrees* that the Security Council will take measures within its authority to ensure that U.S. nationals will not be subject to prosecution before the ICC for crimes committed in Sudan during the period covering the Court's jurisdiction if alleged crimes committed by U.S. nationals are investigated genuinely and if warranted prosecuted by U.S. authorities.]\*

26. *Requests* that the Secretary General continue to report on a monthly basis on the situation in Darfur;

27. *Decides* to remain seized of the matter.

\* This text is not intended to in any way imply that the Security Council can legitimately place restrictions on a referral to the Court, it is merely to provide language which is not wholly objectionable should the SC be asked by a state to attempt to limit jurisdiction of the Court.