

***INTERNATIONAL WORKSHOP ON SMALL ARMS  
TRAFFICKING IN THE BORDER REGIONS OF SUDAN,  
UGANDA AND KENYA***

**ILLICIT FIREARMS PROLIFERATION AND  
THE IMPLICATIONS FOR SECURITY AND PEACE IN THE  
SUDAN, KENYA AND UGANDA BORDER REGION.**

**Report of the research carried on the Sudan side of the  
common borders submitted by Larjour Consultancy**

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## 1 A BRIEF HISTORICAL ANALYSIS OF SMALL ARMS PROLIFERATION IN SOUTH SUDAN.

Illicit firearms acquisition and trade is an old practice in the Sudan particularly in the areas bordering Ethiopia, Kenya, Congo (Zaire) and Uganda. The flow of firearms into south Sudan has always been attributed to either the civil wars (1955 – 1972) or to the cattle rustling practised by the pastoral communities in east bank Equatoria. However, most of the weapons, small and large, that are being carried today with impunity by unauthorised persons in south Sudan and its bordering areas are linked to the current war.

The eruption of war in 1983 and the formation of the Sudan People's Liberation Movement and Sudan People's Liberation Army (SPLM/SPLA) came against a background of an international order marked by ideological and super power rivalry in the Horn of Africa. The emergence of the SPLM/SPLA with its socialist sloganeering quickly made it a beneficiary of the political and ideological competition in the region. It gained acceptability to the Ethiopian Dergue regime.

It is no wonder that tens of thousands of recruits that swarmed its ranks and file were armed with ease as a result of the military assistance from the socialist block countries including Libya. That marked the beginning of large-scale influx of small arms and light weapons mainly AKM, PKM, RPD, RP 46, RPG, ZU 23, ZU 37, anti-personnel land mines and UXO into south Sudan in addition to G 3, Ramington and others used by the Sudanese Armed forces and the police.

The laws of the Sudan permitted only licensed use of firearms. It rarely licensed automatic weapons to civilians. Only members of the armed forces were allowed to carry and use automatic weapons. The SPLA Penal and Disciplinary Laws (1984) clearly stipulated that *only* SPLA officers and men could carry arms. Any other persons, especially the civilians did so with special permission. It is doubtful whether this provision was observed to the letter. Each contingent of the SPLA moving into the war zone from its training centres carried a number of rifles, mainly SK or other non-automatic rifles, which were exchanges for food or delivered as gifts to the chiefs and other traditional leaders with whom the SPLA established working relations.

Upper Nile was the first area the SPLA set foot after its formation in 1983. It then had the monopoly of carrying firearms. However, the break with Anya-Nya II in 1984 and the internecine fighting that ensued in the eastern parts caused a disruption of this order in the area. It was then that the Nuer civil population started to acquire and possess automatic weapons, which they now used to ambush SPLA detachments passing through their area in order to acquire more weapons. The civil population only accepted AKM rifles and ammunition instead of money in exchange for food or other SPLA requirements<sup>1</sup>.

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<sup>1</sup> 'Yew Nyuon Bany' or literally Nyuon Bany's money is what the Gajaak and Gajok preferred to money whenever SPLA detachment passing through asked for food. They obliged out of necessity to this exchange although they knew the intention was attack them with their own weapons.

Nimeri's government on the other hand, also generously provided weapons to the newly constituted quasi-military formation christened '*friendly forces*' to fight the SPLA or to devastate those areas [Shilluk and Ngok] presumed sympathetic to the SPLA. Following the capture of Boma in 1984, the government started to create and arm the Murle militia against the SPLA under the command of Ismael Kony<sup>2</sup>.

The SPLA first arrived in Equatoria in December 1984. Their mission, however, was for recruitment. A full SPLA force came in 1985, but that force was routed out of eastern Equatoria because of their uneasy relationship with the civil population in the area. Kapoeta district was liberated in December 1987, but the whole of Eastern Equatoria fully came under SPLA administration in 1989 with the liberation of Torit District. The government army withdrawal from east bank Equatoria was disorderly consequently lots of weapons fell into the hands of the civilians in the area.

However, most of the small arms and light weapons floating today in east bank Equatoria came later as injections from the government to the Toposa, the Mundari and other ethnic groups who because of the contradiction that emerged between them and the SPLA administration moved *en masse* to Juba, where they were armed against the SPLA. It is said that the Toposa alone received about fifty thousand pieces of AKM rifles. Between 1992 and 1996, the political, military and humanitarian situation in east bank Equatoria became more complex due to presence of different armed groups in the area. That led to the massive transfer to undisciplined actors of firearms of different calibre. The government army and its militias, the LRA, and even the SPLA planted thousands of anti-personnel landmines to the effect that undetermined numbers of unexploded landmines pose serious threat to humans and livestock in the east bank Equatoria.

In brief, the following factors may be counted as the causes of the proliferation of small arms and light weapons: -

- The split within the SPLA following the failed Nasir and the southward movement of the Nasir forces ostensibly to dislodge the SPLA and gain access to the international borders of Kenya and Uganda. The defection from the SPLA of Cdr. William Nyuon Bany in September 1992 to the Nasir faction led to heavy fighting in east Equatoria, large-scale desertion into the villages of SPLA forces hailing from the area. This led to large numbers of arms falling into the hands of the civil population as each faction tried to win their loyalty and co-operation.
- The government of Sudan deliberate policy to form and arm tribal militia groups: the Murle, the Mundari, the Toposa, and the Didinga led to existence of large cache of firearms in hands of civil population groups without sufficient rules and guidelines for their use.

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<sup>2</sup> When Pibor was captured in 1987, the Murle militia who surrendered to the SPLA turned in over three thousand pieces of Egyptian manufactured AKM rifles.

- The SPLA between 1993 and 1994 laid off (pensioned) from its ranks several hundred officers and men, mainly from Bor. Depending on rank, each SPLA officer was given a number of automatic and semi-automatic rifles, mainly G3, AKM or Remington rifles. They were permitted to sell the weapons to the civil population, mainly to the Toposa, Didinga and Boya. This became the easy way for a SPLA commander in east Equatoria to ward off any of his subordinate who came looking for financial assistance. It was easier to give a rifle or ammunition in assistance than cash.

The method of disposing the firearms was simple. Due to demand of weapons by the civil population, they were ready to exchange an AKM or G3 rifle for a number of bulls or heifers. These were then sold to livestock traders who in turn transported these to livestock markets in Kenya or Uganda. This was how the commercialisation and hence criminalisation (abuse) of SPLA gun assistance programme started.

- The presence of the Uganda rebel group, the Lord's Resistance Army (LRA), added another dimension to the firearm proliferation in east bank Equatoria. The NIF government armed the LRA and indeed used its elements to fight the SPLA as they moved on their way into northern Uganda. The LRA lost firearms either in battle or deliberately exchanged them for food in the arms markets. In this manner small arms and light weapons and ammunitions fell into the hands of unauthorised actors [local civil vigilantes, internally displaced persons] and therefore entered into the arms trafficking cycle(s).
- The internecine fighting between the SPLA and the Nasir forces in east bank Equatoria, the indiscipline among the forces and the unprecedented human right abuses against the civil population prompted a rebellion and formation of the Equatoria Defence Force (EDF) under the command of Captain Martin Kenyi allied to the NIF forces in Torit. The EDF fought both the SPLA and the Nasir forces and operated in collaboration with the LRA. The Lafon events in March 1995 eased the tension between the SPLA and Nasir forces<sup>3</sup>.
- In December 1998, Captain Peter Lorot rebelled and defected to the NIF government in Kapoeta, which was enthusiastic to arm and organise around Peter Lorot some of his Didinga tribesmen who followed him into a militia force that is now operating against the SPLA in Chukudum and Nagishot areas.
- The NIF government army in Kapoeta encourages young men from the Toposa, Didinga, Boya and even Karimojong (Uganda) to come and get trained into militia units after which they go back with AKM and G 3 rifles.

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<sup>3</sup> The Lafon incident was precipitated by the forces of William Nyuon uneasy with his open collaboration with the NIF regime. This eventually led to the ending of the conflict re-unification of the two factions of the SPLA in east bank Equatoria.

In Kapoeta town there is a certain captain Musa Lonyia. He is Ugandan (a Karimojong) who attended the Sudan Military College in Khartoum. He initially trained the Toposa militia of Chief Louis Lokipapa, Paul Lango and Kamal el Hag against the SPLA. He now travels to Dodoth and is engaged in arms trafficking and training of Karimojong youth as part of the NIF destabilisation programme.

## **2. THE PRESENT WAR IN SOUTH SUDAN-MAIN SOURCE OF ARMS.**

The war in south Sudan between the central government in Khartoum and the Sudan People's Liberation Army/Movement (SPLA/M) has entered its eighteenth year. All efforts to arrive at a negotiated settlement have not been successful. The IGAD Initiative on the Sudanese conflict and the IGAD Peace Talks has stalemated after almost ten rounds of peace talks and in spite of the Declaration of Principles [DoPs] 1994, which have been widely acclaimed as the appropriate basis for peaceful resolution of the conflict.

The war has been destructive and caused humanitarian disruption of an unprecedented proportion. It is estimated that in south Sudan over two million lives have been lost to war and war related causes. About five million people have been displaced internally and tens of thousands live as refugees in the neighbouring countries of DR Congo, Uganda, Kenya and Ethiopia. Many more south Sudanese are to be found in the Diaspora throughout the world.

Furthermore, the long-running civil war destroyed the little physical, social, economic and administrative infrastructure that existed in the former Southern Region in 1983. It has also destroyed the moral and traditional value system, which knitted together the society with dire consequence for social order and stability in many parts of south Sudan. The traditional authority has been completely eroded in many parts. The SPLM instruments of governance are either very weak or non-existent. This is partly due to overemphasis on militarism and militarisation. The SPLM and its liberation agenda remained shallow in the consciousness of the people.

By 1990, large parts of south Sudan had come under the administration of the SPLM/SPLA. The whole of east bank Equatoria came under the control of the SPLM/SPLA with the capture of Kapoeta (1987), Torit and Nimuli (1989). However, the split within the ranks and file of the SPLA in 1991 and the fighting that ensued turned east bank Equatoria into a battle-field between the SPLA and the splinter groups on the one hand and between the SPLA and the local militia groups on the other hand. This

weakened the SPLA's grip of east bank Equatoria enabling the NIF army to recapture Kapoeta and Torit towns in 1992.

The internecine fighting in Upper Nile and east bank Equatoria also resulted in the displacement of the civil population and massive desertions within the SPLA. Large numbers of Dinka (Bor) were displaced and settled in eastern Equatoria. Contradictions between these internally displaced people (IDPs) supported by the SPLA on the one hand and the local civil population of the Acholi and Madi on the other hand led to their displacement into Uganda leaving large tracts of empty land, which the LRA and other criminal elements traversed with impunity. Moreover these contradictions pushed some Acholi and Madi to join the LRA or formed separate armed bands that collaborated with the LRA against the SPLA.

The political and military situation in east bank Equatoria is far from stable. The SPLM/A has not succeeded to build a system of governance [military or civil] and hence indiscipline and insecurity is widespread. Soldiers desert at will sometimes stealing weapons from their stores or from their colleagues. LRA and militia groups roam the area. The Government of Sudan injects weapons into the area as part of its destabilisation programme. There is easy acquisition and merchandisation of military hardware by the SPLA deserters, local people or illicit arms dealers from Sudan, Uganda and Kenya. This has resulted in uncontrolled circulation of large quantities of small arms and light weapons [AKM, PKM, RPD, G3, RPG, UXO Landmines, etc.] in eastern Equatoria. It is estimated that there are a quarter of million small arms and light weapons excluding the UXO and antipersonnel landmines in east bank Equatoria.

Firearms of different calibre are acquired, possessed or traded (exchanged) with impunity in the border areas of south Sudan. The transactions take place either at known arms markets inside the Sudan [see map 1] or across the international borders where they enter into cattle-rustling triggered conflict prone areas of Karamoja [Uganda] and Turkana [Kenya] or in the rising crimes of armed robbery and car-jacking in the cities and urban centres in East Africa. Studies have established that there is a strong link between the cattle rustling and conflicts in the pastoral communities in East Africa and the flow of illicit arms from the war theatre in south Sudan, Great Lakes Region, Somalia and Ethiopia.

Inside south Sudan, particularly among the pastoral and agro-pastoral communities, the erosion of the traditional value systems and the authorities that enforced them as a result of war, the lack of sufficient rules for the use of these firearms and their easy availability to unauthorised or undisciplined actors accompanied by extensive abuse of human rights: rape of women and girls, murder, indiscriminate killing of women, children and the elderly, hitherto unknown in local war traditions and customs, and cattle rustling have wrought havoc to the lives of the people. The automatic weapons replaced the traditional weapons: spears, sticks, knives, etc., in the mediation of individual or communal disputes leading to vengeance, counter vengeance and the escalation of these conflicts.

The result is a growing concern about the proliferation of these illicit arms and light weapons and the need to curb their demand and supply.

2.a. *THIS STUDY: ITS PURPOSE AND SCOPE.*

The proliferation and illicit trafficking of small arms and light weapons has become a matter of international and regional concern. A strong link has been established to exist between illicit trafficking in small arms and light weapons in the region and cattle rustling and conflict escalation in northern Uganda, northern Kenya and East bank Equatoria in Sudan<sup>4</sup>. As a result, regional and international legal and diplomatic instruments for addressing the problem are now being put in place<sup>5</sup> and one single important concern that takes central stage has been expressed as follows:

*“ ...Encourage regional co-operation for law enforcement and other relevant international agencies/bodies so as to combat cross-border crime, enhance human security, and foster understanding among border communities...”*

The issue of cross border crimes had wider political implications along the Sudan – DR Congo borders. The collapse of the Mobutu regime in Zaire and the split within the regional alliance that brought about his demise left a political vacuum, which the NIF government exploited in order to recapture the areas in western Equatoria under the administration of the SPLM/A. The NIF government used the presence of Sudanese refugees in northern DR Congo to infiltrate saboteurs into western Equatoria to undermine the SPLM administration leading eventually to the recapture of the region.

To nip the NIF's efforts in the bud, the SPLA undertook an operation in 1998 that witnessed the return back into the country all Sudanese refugees residing in northern Congo. The SPLM administration in Equatoria took an initiative to resolve once and for all the menace posed by the illicit arms trafficking and criminal activities in the border areas. The SPLM Regional Secretary for Equatoria proposed a conference entitled *“Conflict Management and Control of cross-Border Small Arms Trade”*, to involve the local administrations and military personnel in the border areas of Sudan, DR Congo, Uganda and Kenya. In his submission, Cdr. Samuel Abu-John Kabashi clearly spelt out the problem as follows: -

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<sup>4</sup> See IGAD CEWARN report 2001 by Peter Adwok & Peter Otim.

<sup>5</sup> The Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes region and the Horn of Africa, March 2000; Co-ordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in Great Lakes region and the Horn of Africa, November 2000 and, Implementation Plan of the Co-ordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa. November 2000.

*“[The] SPLM/SPLA is deeply concerned that the spill-over effects of its deserters and sale of small arms by them is destabilising northern Uganda and north-eastern Congo...In fact it has been established that sale of arms by SPLA deserters to the Karimojong tribesmen in Uganda has led to cattle rustling and raids among the Karamojong as well as the neighbouring Teso tribes. This in turn has caused displacement and seriously undermined the development objectives of the Uganda government to the extent that the Uganda Minister for Northern Uganda Hon. Omwony Ojwok has appealed to the SPLA authorities to take decisive action to end the sale of small arms by deserters/bandits across the common borders...”<sup>6</sup>*

In response to the growing insecurity in Karamoja [Uganda] and the adjoining areas the Uganda Government in 2000 ordered the disarmament of the Karimojong. This was viewed difficult, if not impossible, by observers of the situation. The insecurity in Karamoja and the illicit arms trafficking therein is linked closely to the war in south Sudan and hence disarmament could only be envisaged in the context of a regional effort to curb the proliferation of illicit arms trafficking.

Coming within its African Programme and building on the proposal submitted by Cdr. Samuel Abu-John, Pax Christi Netherlands proposed that international workshop be convened to address the issue of proliferation of small arms and light weapons in the border areas of Sudan, Kenya and Uganda. This international workshop that would involve state and non-state actors and stakeholders in the sub-region was to be preceeded by field research in the border areas of the three countries affecting by the problems of small arms.

It was decided that the field research be undertaken by Security Research and Information Centre (SRIC) in Kenya, Action for Development of Local Initiatives (ADOL) in Uganda and Larjour Consultancy in Sudan. The results of this research will be the subject of the workshop.

In this connection, Larjour Consultancy initially submitted a project proposal for participatory researching the illicit arms trafficking on the Sudan side of the common borders. The initial proposal was designed to be participatory involving the Horn of Africa Centre Democracy and Development (HACDAD), South Sudan Law Society (SSLS), and the Centre for Advocacy and Documentation (CDA) alongside Larjour Consultancy in the field research. However, the limited amount of financial resources provided the Royal Netherlands Embassy in Nairobi dictated that Larjour Consultancy alone could undertake the assignment.

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<sup>6</sup> Cdr. Samuel Abu-John Kabashi, SPLM Regional Secretary (Governor) for Equatoria Region, 17<sup>th</sup>. October 2001.



The fieldwork was conducted in Kapoeta, Budi, Torit and Magwei counties. One principal researcher, three assistants and a number of informants were involved at different stages of the research work since January 2001.

*2.b. LIMITATION AND CONSTRAINTS OF THE STUDY.*

Illicit arms' trafficking by its nature is a dangerous enterprise. The idea of collecting information about the movement of illicit arms and the perpetrators is even a more dangerous enterprise. As a result it is sometimes illusive if not impossible to gain access to honest and true information. The fieldwork had the following serious limitation and constraints: -

- There are known arms markets in east bank Equatoria but neither the local authorities nor the SPLA command in the area would voluntarily divulge information about these markets, the numbers of arms involved and the perpetrators. This means that the information gained was through people who did not want to be quoted casting doubt on the credibility of the information;
- The arms are moved in small numbers and that makes difficult their tractability for a casual visitor. This means that much of the information had to be gathered from the people, some of who may have also been involved in arms trafficking, and this colours the data they voluntarily confessed. The illicit arms traders fear reprisal from their colleagues in the trade that they not willing to give information;
- It is so difficult to treat the illicit arms trafficking in quantitative terms. The nature of transactions does not permit the gathering of credible statistics. This is a serious limitation;
- Most of the communities in the area are heavy armed as a mater of necessity dictated by their lifestyle and the harsh physical environment. Therefore, in their frame of mind, there is no distinction between legal and illicit acquisition of firearms;
- Some of the perpetrators in the illicit small arms trafficking are senior officials in the SPLA and its administration. And as such didn't have interest in the research. Indeed in most incidences they have been hostile to information collection notwithstanding its importance;
- Those who co-operated with the researchers and gave information did it on condition of anonymity and for obvious reasons. This was a serious limitation because sometimes it is difficult to verify the information given; and
- The time frame was short and the financial resource availed was not enough for such an undertaking given the fact that most of the information required checking and counter checking to gain a reasonable level of credibility.

## 2.c. THE MAGNITUDE OF THE PROBLEM

The danger(s) posed by the proliferation of illicit trafficking of small arms and light weapons and the easy manner they fall into the hands of unauthorised and undisciplined actors (individuals or communities) in the sub-region can't be overemphasised. It is manifested in an increased general insecurity affecting people lives and their property; the escalation of conflicts in and between communities particularly those linked to the criminalisation and commercialisation of the cultural and traditional practice of livestock theft and rustling; the general economic pauperisation of the rural and pastoral communities; the dearth of social services and opportunities for alternative livelihood for the youth – which is both a cause and an effect of illicit trafficking in small arms and light weapons in the sub-region.

This problem associated with trafficking in small arms and light weapons in the region is exacerbated and, the issue rendered difficult to control by a multiplicity of factors and motivations, which easily affects their demand and supply curves. There is a growing regional consensus for curbing the demand for the small arms and light weapons in the sub-region. The Nairobi Declaration March 2000 on the problem of the proliferation of illicit arms and light weapons in the Great Lakes Region and the Horn of Africa has become an important instrument upon which is being constructed other regional protocols. Nevertheless, the problem persists and the further away from the regional capitals where these protocols are constructed, the more elusive become the problem. The study reveals the problem of control lies, *inter alia*, with the following factors: -

### 2.c.1. Political and military factors.

The general breakdown of law and order in the Great Lakes Region and the Horn of Africa<sup>7</sup> is an important factor in the proliferation of the illicit trafficking of small arms and light weapons in the sub-region. It has been established that both the GoS and the SPLA are sources of small arms and light weapons that litter south Sudan.

The SPLA does not have the capacity to supply weapons to individuals or groups that pursue different agenda. It does not manufacture and indeed it acquires its stocks through the beneficence of its friends and sympathisers. Nevertheless, the SPLM/A inability to create a good governance system inadvertently led to emergence of corrupt individuals at all levels within its ranks. Most of the illicit small arms and light weapons attributed to the SPLA have been traced to some of its senior officer, who with impunity steal from SPLA stores. With a simple system of transparency and accountability it would have been easy to trace and punish the perpetrators.

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<sup>7</sup> The collapse of state in Somalia (1991), the demise of the Mengistu regime in Ethiopia (1991), the war in DR Congo and the collapse of the regional alliance against Mobutu Sese Seko (1998), the war in south Sudan and the split within the ranks of the SPLA (1991) all impacted negatively to law and order in the region.

The GoS, on the other hand and, in pursuit of a political and military strategy mindlessly distributes weapons as a means of destabilising the areas under the control of the SPLA or the neighbouring countries. This triggered emergence of local strong men who have a vested interest in the continuation of a situation of no peace and low intensity war. They have commercialised and criminalised the supplies of small arms exploiting the general situation of lawlessness and insecurity in the area.

The GoS political objective is to defeat the SPLM/A and to return to its sovereignty the areas on the international borders with neighbouring countries now under the control of the SPLA. In order to achieve this it uses unethical methods of weakening the SPLA power bases by fitting ethnic groups against each other by generously supplying arms. This makes it difficult control at the regional level because the recognised government acts against some of the agreements it signs. On the other hand the SPLA is considered a non-state actor hence is not represented at the regional and international levels to put its cases regarding its role in the proliferation of illicit trafficking in small arms and light weapons in the region.

The presence of the Lord's Resistance Army in south Sudan with GoS military and political support is another dimension that makes difficult to ensure security and control the movement of small arms and light weapons in the Sudan-Uganda border area. This feeds into the general situation of insecurity in the area, sometimes inviting the intervention of the Uganda People's Defence Forces (UPDF) in joint combat operations with the SPLA against the LRA in the area.

*2.c.2. The ecological disaster and underdevelopment as factors in the illicit trafficking of small arms and light weapons.*

The sub-region lying in the Kenya – Sudan – Uganda borders has suffered criminal neglect and marginalisation, which dates back to colonial days and that, has resulted in endemic social and economic underdevelopment. The ecological disaster triggered by erratic precipitation in the area results in the shrinking natural resource base of water and pastures. This in return triggers large-scale movements of communities in search of water and pastures. The cut-throat competition over these diminishing resources that ensues provokes conflicts among these agro-pastoralists in the area. Survival of the individuals and the communities in the sub-region has become the main pre-occupation of the pastoralists.

Therefore, the acquisition of firearms is viewed in the light of survival of the individual or the community. This survival instinct among the pastoralists translates into maintaining a certain minimum level of herds in the household. Once this survival level is depressed as a result of epizootic or rustling, the able-bodied males are called upon to replenish it through raiding. This makes firearms an important survival kit for the pastoralist and agro-pastoralist in the area.

### 2.c.3. The local traditional/cultural/social factors in illicit arm trafficking.

Livestock theft and counter theft is ubiquitous among the east bank Equatoria agro-pastoral communities and they share this traditions with their counterparts in Uganda and Kenya. While the competition over water and pastures could touch off conflicts, livestock theft and organised rustling has become the main reason for arming and hence the high demand for small arms and light weapons in the sub-region.

The introduction of firearms into the cultural/traditional practice has transformed its nature and motivations leading to its commercialisation and consequently criminalisation. Due to its linkage to the market forces involving widespread use of firearms, cattle rustling at the local level is now driven by global forces and networks for illicit transfers of arms at the regional and international level. In this manner the local or regional networks of illicit arms trafficking have evolved through which transfers are made. The networks consist of highly placed local actors [politicians, businessmen, etc.]. This links up with the international arms cartels and criminal networks which in turn renders impossible local solutions to the proliferation of the illicit arms trafficking.

The weakness of local governance institutions, the abject poverty, massive corruption in the government apparatus mandated to deal with these issues and the erosion of the traditional value system and the authority that enforced these values, all have rendered intractable the problem of arms trafficking in the sub-region.

Another important tradition, which feeds into the general issues of firearms and illicit trafficking, is high bride price in form of cattle. These high bride prices among the pastoralists in the sub-region could trigger, as well as it is an important factor in, the illicit arms trafficking. A youth who has reached marriage age and has no cattle *must* acquire it through rustling from the neighbouring communities. In which case the gun becomes not only a need for carrying out the rustling, but also an expression of manhood and source of pride for the youth. The following statements can prove this fact: -

*“...[Here], the buying and settling of guns is an accepted way of life. Men travel hundreds of miles to look for the latest weaponry...”*  
[Karimojong Chief, David Lobolangit]<sup>8</sup>

*“...[The] first time I got a gun my blood was hot. I did not sleep... when I heard the bullet, I felt I am a man...”* a Turkana Youth in one of the meetings arranged by OAU/IBAR.

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<sup>8</sup> Pastoralist Harmonisation Initiative – Second International Meeting, Mbale, Uganda, May 2001.

The demand among the people of the sub-region for firearms - sometimes a very sharp curb, which underpins the illicit arms trafficking, is pushed by survival instincts as well as by aesthetics. The pride in possession of a firearm, whether or not for rustling or other criminal activities, renders control more complex. The rural youths are drawn into the illicit business by the hope of creating a name, or by the lack of alternative source of livelihood and occupation in the villages. Therefore, they find very attractive such opportunities like of GoS programme of militia formation, because through it they can now acquire a rifle.

#### *2.c.4. Economic accumulation and the instrumentalisation of disorder.*

The instrumentalisation of disorder or what is popularly known as '*fishing in turbulent waters*' for economic accumulation is a strong force pushing the illicit arms trafficking on the Sudanese side of the common borders. The study has revealed that most of SPLA officers and men involved in illicit arms trade do so for social and economic reasons.

The dearth of social services e.g. education, health, etc., in the liberated areas pushed some SPLA officers, particularly those who control humanitarian and military resources, into the habit of keeping their families in the comfort of cities and urban centres in East Africa ostensibly to send children to schools. The study revealed that those capable of ferrying assortment of small arms whatsoever are either senior officers, or receive protection from their superiors against being prosecuted, or gets cover up from the SPLA intelligence system. The picture reveals existence of arms trafficking networks, essentially ethnic based patron-client network, made up of the senior officer, the intelligence officer and the signalist in certain locations. This combination allows the culprits impunity. This is because if one in the network is discovered or burns fingers the system is brought into operation to defeat the course of justice.

The Kenyan Police in Kapenguria apprehended a group of SPLA soldiers in 1996. They belonged to one of the networks referred to above and were caught red-handed trying to sell AKM rifles. The patron, a senior SPLA officer mobilise financial resources to secure the freedom of his immediate relative leaving the other to toil and suffer in jail the full force of Kenyan Laws. Inside the SPLA administered territories these would have gone Scot-free.

The involvement in illicit arms trafficking is, therefore, driven by the necessity to raise financial resources to maintain homes in Lodwar, Kapenguria, Eldoret, Nairobi, etc, and since many of them occupy senior positions in the SPLM/A system this practice amounts to instrumentalisation of disorder in order to facilitate economic accumulation, which itself defeats the efforts to control this illegal trade, whether in the Sudan or in the neighbouring countries.

#### *2.D. SOURCE (S) OF SMALL ARMS AND LIGHT WEAPONS IN SOUTH SUDAN.*

None of the parties to the Sudanese conflict, namely the SPLA and the GoS, possesses major weapon manufacturing plants. The GoS, however, assembles G3 automatic rifles

and manufactures its ammunitions in a factory in Khartoum on license from Germany, while the SPLA depends on the beneficence of its friends and sympathisers. The most of the weapons used in the prosecution of the war by both sides are imported into the country. Until recently, the Sudan government received on annual basis consignment from Germany, Britain, former Yugoslavia, former Soviet Union, Egypt and Iraq.

The right of GoS to arm, and it has done so since independence, for defence against external aggression and internal dissent can't be questioned as long as that conforms to recognised international standards. It is weird that GoS, notwithstanding its commitment to international conventions and protocols, benevolently distributes enormous quantities of weapons to undisciplined actors, and quietly pushes the proliferation of illicit arms trafficking. The GoS, therefore, should be counted as the legitimate source of illicit small arms and light weapons floating in the sub-region. It perpetuates this proliferation on the basis of sovereignty and in abdication of its international, regional and national obligations. As a state actor, the onus of immense responsibility for the proliferation of illicit arms falls on the shoulders of the Sudan government.

The SPLA, on the other hand, is a non-state actor and hence not liable for international protocols and conventions. Nevertheless, it shares enormous responsibility by virtue of the huge territory and the population under its control. As a secondary or tertiary source of illicit small arms, this role can be easily diminished by concerted regional efforts to sever links with primary sources and international criminal cartels.

### 3. THE ILLICIT ARMS MARKETS AND TRANSFER ROUTES IN THE SUDAN.

The complete and total breakdown of law and order in south Sudan made it possible to run illegal trade with impunity. Map 2 illustrates the movement of arms in and out of Eastern Equatoria. Table 1 below also amplifies the movement of these arms in terms of their origin and distinction in Uganda and Kenya.

Table 1  
Illicit arms transfer routes

County	Origin (Perpetrators)	Destination
Magwe	Nimule (Acholi) Pugee (Madi)	Bibia (Uganda) Padibe “
Torit	Agoro (Acholi + SPLA deserters <sup>9</sup> ) Loguru (Lotuho + Dinka ) Maluma ( “ ) Tseretenya (Logir) Lofus (Langi + SPLA deserters) Ikotos (Dongatona) Bira	Madupe - Uganda “ - Uganda “ - Uganda “ - Uganda Namakora (Karamoja) Lokua Karingak
Budi (Chukudum)	Tutobi (Boya + SPLA deserters) Laura (Didinga + SPLA deserters) Lotukei (SPLA deserters + Didinga)	Kaabong – Karamoja Kalabe (Uganda) Kaabong (Uganda) Lokichoggio (Kenya)
Kapoeta	Namoronyang (Toposa) Napotpot (Toposa) Nadapal (SPLA deserters + Displaced) Narus (Toposa, displaced +deserters)	Naita (Ethiopia) Piree (Uganda) Lokichoggio (Kenya) Naita (Ethiopia, Kenya)

The movement of small arms and light weapons is control by the market forces i.e. the cost of the firearms determines the volume of trade in the area. However, political logic also controls the volume of trade. The Toposa and Turkana are arch-rivals or enemies and therefore, will not trade in arms (implements of war and cattle raiding). This explains the movement of arms to Naita (Ethiopia) instead of Lokichoggio, which is closer to Nadapal or Namuronyang

The illicit arms transactions take place openly in established markets. Although there were efforts by the SPLA, sometimes in joint operations with the UPDF to curb the trade in arms and indeed some markets (Agoro and Lofus) were at one point were destroyed,

<sup>9</sup> Sometimes it is doubtful whether these are genuine deserters or serving SPLA officers belonging to the networks referred to above and hence are on duty to perform this illicit trafficking in arms.

only that they sprang to life again. The study established that the following markets centres are operational.

Table 2  
**Illicit Arms Markets in eastern Equatoria**

Market	County	Perpetrators and source
Agoro	Magwe	Acholi & Madi arms dealers – [LRA, GoS <sup>10</sup> , SPLA <sup>11</sup> ] Dinka (Bor) [SPLA]
Loguru	Torit	SPLA deserters [Dinka Bor] – SPLA Lango arms dealers - SPLA
Lofus	Torit	SPLA deserters [from different nationalities of east bank & Dinka Bor] – SPLA Logir arms dealers – SPLA Dongatona -SPLA
Laura	Budi	SPLA deserters [Dinka Bor] SPLA Didinga arms dealers Turkana arms dealers
Napotpot	Kapoeta	Toposa arms dealers – GoS/Kapoeta SPLA deserters – SPLA Didinga arms dealers – GoS/Kapoeta
Namuronyang	Kapoeta	Toposa - GoS/Kapoeta Nyangatom

### *3.a. WHO RUN THE MARKETS AND WHAT IS THE MEDIUM OF EXCHANGE*

The markets arose out of people's necessity to exchange their goods essentially agricultural products when the security situation in the towns became unbearable. They started as centres for the exchange of relief food and non-food items, which were distributed by the humanitarian agencies. There were no regulations as to what commodities could be bought, sold or bartered and slowly, the people started exchanging in these markets anything they had including the firearms.

The introduction of firearms into the markets started in 1993/94 in the wake of SPLA's programme of assisting its members with firearms. Before that it was capital offence selling one's rifle and SPLA carried out many summary executions in the past on those who lost or sold rifles. This triggered the present abuse and criminalisation perpetuated even by some senior officers.

<sup>10</sup> The arms are deliberately supplied by the army officers in Torit garrison with the objective of exchanging for bulls (food), etc.

<sup>11</sup> The arms are stolen either from individual SPLA personnel or issued by patrons from the SPLA stores.



At least six markets have been identified in east bank Equatoria in which firearms and all sorts of goods are exchanged. They are under no authority, whether SPLA, GoS or even the traditional authority in the area. Nevertheless, the markets operate on rules, regulations and norms set by no authority but seem understood and accepted by those who come there either to buy their wares. It is known that they are insecurity one could lose life easily yet people venture into them. The law of reciprocal vulnerability operates effectively to prevent recklessness. One of the respondents described Agoro markets as follows:

“...You can buy and sell anything in Agoro. Regarding firearms you can obtain even the latest model of any rifle. AKM is very cheap now with one bull or even less than a bull you can get one Klashinkov. However, the danger in this market is that you don’t talk or ask anybody...even if you know a person don’t talk to him... you could get killed. If you need something you just put down its price and pick it and leave. The Karimojong come to get guns... they come with bulls, kassese<sup>12</sup>, clothes, etc. They need the gun for cattle rustling...”

The markets are therefore islands of lawlessness in, which criminal elements operate with impunity and fight back any attempts to close the markets. In Laura and Namuronyang markets GoS militias are active and use the markets for collecting gold dust and nuggets for the commanding officer in Kapoeta. It is worth mentioning that the Toposa and Didinga have privileged access to gold found in the riverbeds in their territory. The SPLA officers sent into the markets firearms and relief items e.g. clothes, cooking utensils, etc., which they exchanged also with gold dust and nuggets.

The market forces control the flow of illicit arms. However, the market laws of demand and supply may be disabled by several factors, chief among them the GoS political/ideological war strategy is to create general destabilisation though the militias groups operating out of Kapoeta [Toposa, Didinga] and Torit [LRA, Acholi & Madi militia – EDF], that make available large quantities of arms over and above the carrying capacity or purchasing power of the local inhabitants. The result has been the pushing down of prices, which triggers the search for alternative markets far afield in Uganda, Kenya, and Ethiopia.

### **3.b. WHO ARE THE BENEFICIARIES OF THE ILLICIT TRADE IN FIREARMS IN SOUTH SUDAN?**

The beneficiaries of this trade are individuals whether they are SPLA officers, GoS army officer<sup>13</sup> in the garrison towns, their militia strongmen, the arms dealers and the local youths at the personal level. This motivation here could be counted as personal and

<sup>12</sup> Strong alcoholic brew brought in from western Uganda.

<sup>13</sup> There were reports of army officer selling rifles and ammunitions, especially those they capture in battle to the civil population as a means of augmenting their wages.

driven by the immediate need to accumulate wealth in the form of ‘cattle’, ‘financial resources’ and/or precious metals (gold).

Although, the illicit trade in arms operates occur at personal levels, there are proofs that these individual have organised networks for their individual protection as mentioned above.

“...The commanding officer in Kapoeta requests the militia leaders to bring young men for combat training against the SPLA. He also instructs that each bring up to twenty grams of gold dust or nuggets panned in the riverbeds. The militia leader goes to his village and gathers all those young men and brings them to Kapoeta. The commanding officer gets the gold and appropriate for himself, distributes AKM to the youths and reports back to Khartoum about the number of militia he has trained...”

However, at another level the Government of Sudan’s strategy of fomenting discord among the civil population by arming one against other communities is well served by this lawlessness. It perpetuates the situation of lawlessness to absolve itself of responsibility as a state actor for protecting the lives and property of its citizens over whom its claims sovereignty. The objective is twofold:

- Political and Military defeat of the SPLA – the NIF government has exploited the contradictions between the SPLA and a number of ethnic communities in east bank Equatoria. It organised these communities e.g. Toposa, Didinga, Mundari, Acholi and Madi, in order to fight the SPLA. At the same time it exploited the inter-ethnic conflicts as a means to create confusion and lack of instability in the area unfavourable to the SPLA, particularly after the split in 1991.

“...[while] the fighting of the Toposa was mainly directed against other ethnic groups, the availability of automatic weapons among the Lotuho led to an escalation of the armed inter-village conflicts. The village is the basic unit of the Lotuho political system... This small-scale warfare generalised and escalated when the Lotuho divided their allegiance between the two factions into which the SPLA split in 1991...”<sup>14</sup>

- Destabilisation of the neighbouring states, particularly Uganda<sup>15</sup> - This is something driven by the NIF regime’s political/ideology linked to the long-term Pan-Arabist strategy of arabisation and islamisation of the people of south Sudan. The Pan-Arab ideologues, thinkers and political leaders falsely believe that Black

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<sup>14</sup> P.A. Nyaba (1996) “war, Children, Traditional Values and International Humanitarian Principles in South Sudan.” Report of Graça Michel’s Study on the Conditions of Children in Situations of Conflict undertaken by Larjour Consultancy and the South Sudan Law Society (unpublished) pp. 29

<sup>15</sup> This is linked to the strategy of arabisation and islamisation of Africa initially articulated by Dr. Turabi. The NIF support for the West Nile Bank Front, the Allied Democratic Front is closely related to their support for LRA and not evidently in reciprocal for NRM’s support for SPLA.

Africans have no culture of their own. They further believe that a cultural vacuum exists in Black Africa, which was filled by western culture of religion (Christianity) and language (English, French, Spanish and or Portuguese), and this must be replaced with Arab and Islamic culture. Therefore, whether it is the present NIF regime or that of other sectarian northern political parties (Umma or DUP) the main objective of the northern political elite is the defeat of the African people in south Sudan as a springboard on the journey of arabisation and islamisation of Black Africa south of Sahara.

In one of his political sermons Sadiq el Mahdi articulated the ideas as bluntly as follows: -

“...Islam should influence the whole of Africa but there is a conspiracy in east Africa. Here the people believe they are Negroes, different from Arabs and must project their own personality and follow their own way. This underlies the affairs of south Sudan at present... the south is a stepboard for Arab entry and Islamic influence into the heart of Africa...”

The present NIF regime at the helm of Arab power in Khartoum, therefore, is implementing a long drawn out strategy that gives dividends to Arabs. They are the main beneficiary of the situation of general lawlessness in east bank Equatoria, and that they instigate in the neighbouring countries by its promotion of the proliferation of illicit trade in small arms and light weapons.

#### **4. NATIONAL AND REGIONAL IMPLICATIONS OF ILLICIT ARMS TRAFFICKING.**

The long-running war in south Sudan, the conflict in the DR Congo, the collapse of state in Somalia and the demise of the Mengistu regime in Ethiopia (1991) several other factors resulted in general lawlessness, enabling the sudden and uncontrolled movement of large quantities of automatic and semi-automatic firearms into the border areas between Ethiopia, Kenya, Sudan and Uganda. The civil population acquired automatic or semi-automatic rifles replacing their traditional weapons: spears, sticks, knives, bows and arrows, etc., directly either from both the GoS or indirectly from the SPLA.

The introduction of firearms and their use without sufficient provisions for how, where and who to use them is responsible for the breakdown in law and order in general, and peace and stability in and between agro-pastoral communities in the sub-region. In east bank Equatoria, this is manifested in the following: -

- Humanitarian disruption in which communities have no access to social services in health, education, and general decline in agricultural production to the extent that most of the communities in east bank Equatoria were reduced to dependence on relief and humanitarian assistance provided by NGOs;

- Erosion of traditional value system leading to disruption of transmission lines of these traditional values from one generation to another. The result was lost of moral and ethical bounds and traditional responsibilities, mutual respect for rights of individuals and community values. For the first time certain norms have been broken e.g. traditionally, women and children are spared in situation of conflict and war. The worst that could happen to them is capture, abduction and integration into the victor's ethnic community. Now with the culture of the gun all these traditional norms and respect for human life have disappeared. There are reported cases of conflict between the Toposa, Didinga, Dodoth, Lotuho and Turkana in which the belligerents used excessive violence. It was reported that even pregnant women, mothers and children are butchered<sup>16</sup>;
- Substituting firearms for traditional weapon system inadvertently led to militarisation and brutalisation of society. The arbitrary and indiscriminate use [automatic weapons don't discriminate between women, children and the elderly] result in large numbers of casualties. This in turn generates bitterness and the urge to vengeance and counter vengeance leading to escalation of communal conflicts;
- Access to firearms by unauthorised and undisciplined actors heightens inter-community tensions and conflicts. This is particularly true of the conflicts among the pastoral and agro-pastoral communities triggered by cattle rustling and raid. These have become frequent and violent with huge costs in human life and property.
- The acquisition of firearms by the Toposa and Didinga militias as part of the GoS's strategy to counter the SPLA in east bank Equatoria has fuelled conflagration in the border area. The impact of this has been felt in Kenya and Uganda, where it has been revealed that the weapons supplied by the government to these militia groups have found their way into the region's illicit firearms markets through bridal exchange, etc. These then feed into the general situations of insecurity, armed robbery, car jacking and other criminal activities in the cities and urban centres in East Africa<sup>17</sup>.

The existence of large quantities of illicit firearms in the sub-region and inability to control them due to internal difficulties no doubt pose serious threat the security and stability in the sub-region with a high potential for raising tensions in the inter-state relations. The problem therefore merits attention at all levels whether state, civil society or community.

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<sup>16</sup> Nyaba, P. A (1996) The Graça Michel study.

<sup>17</sup> Nyaba, P. A. & Peter Otim "Cross-Border Pastoralists Conflicts: A case study of the Kenya – Sudan – Uganda border sub-region". Towards an IGAD Conflict Early-Warning and Response Mechanism (CEWARN) Addis Ababa, Ethiopia, August 30<sup>th</sup> – 31<sup>st</sup>, 2001.

## **5. STRATEGIES TOWARDS CURBING THE DEMAND FOR SMALL ARMS – A DISCUSSION.**

The destruction and collapse of Sudanese state institutions in south Sudan, and the failure of the SPLM/A to institute a system of governance, underpins the general lawlessness in general and in eastern Equatoria in particular. The people strive to acquire firearms in order to defend their communities and property. This is essentially because the dominant political system has failed to provide security. East Equatoria like adjoining areas of Uganda and Kenya has suffered economic neglect since the colonial days and political marginalisation since independence.

The movement of small arms and light weapons in eastern Equatoria, and between it and the neighbouring Karamoja and Turkana could be easily attributed to factors of economic and social underdevelopment and lack of good governance in the area. The lack of social services coupled with the shrinking natural resources base [water and pastures] and the sharp competition triggered has pushed the people in the area, who already were on the fringes of the state, into taking law into their own hands as a survival [for the individual or community] instinct. The absence of state institutions and instruments for law and order exacerbated the situation leading to criminalisation of small arms and light weapons in and across the international borders.

The rising tide of crime related to the proliferation of illicit arms trafficking, which are linked to the international criminal cartels, has raised regional awareness, concerns and demands to curb this menace. Regional instruments are being constructed and statements have been made as to curbing the small arms proliferation in the region. The Uganda government ordered the disarmament of the Karimojong and the closing of porous borders. Fingers have been repeatedly pointed at the political and military situation in south Sudan as the main culprit. The SPLM Regional Secretary for Equatoria Region has openly admitted the complicity of SPLA [deserters and others] in the arms race in the border region with Uganda. Nevertheless, there is still movement of arms from the GoS garrisons into the hands of unauthorised or undisciplined actors in the area causing havoc to the life and property.

Combating and curbing the movement of, or demand for small arms in the present contexts of civil strife in Sudan and Uganda is extremely tricky if not an impossible task due to the existing open ends processes. The governing NIF regime in the Sudan has a vested interest in the general lawlessness in the area. It promotes these conflicts by supplying weapons hence fitting communities against each other.

However, apart from the NIF regime's unbridled support for inter-community conflicts that serves its political agenda, curbing the proliferation of small arms and light weapons in the border areas must take into consideration and address the following factors: -

*The Political causes underlying the conflicts* – addressing the fundamental rights of the people of south Sudan. The political objectives of the people of south Sudan is the exercise of their inalienable right to self-determination and establishment of a free,

separate and sovereign state. This will address the present war between the people of south Sudan under the leadership of SPLM/A and the Arab dominated northern political elite now under the leadership of the National Islamic Front (NIF). The resolution of this conflict under the auspices of IGAD mediation must be preceded by the resolution of the south-south conflicts of which the political/military situation in eastern Equatoria forms an integral part. A south-south peace and reconciliation will create conditions conducive to harmony and stability for which there will be no demand for arms.

Factors of good governance – good governance and the emergence of an informed citizenry is central to peace and stability. The underlying cause of the inter-community conflicts in the SPLM administered areas is the apparent weakness of institutions of good governance. The civil authority is equally weak and lacks the necessary human and economic resources for building the institutions of effective civil authority. The traditional authority that existed before the war has sufficiently been eroded by the culture of the gun that has pervades all aspects of social life. The solution to this lies in the restoration and empowerment of the traditional authority. The SPLM must make efforts to build institutions and instruments of government in the areas under its control.

Factors of social and economic neglect and marginalisation – general poverty, economic neglect and political marginalisation are factors in the proliferation of illicit arms trafficking. The agro-pastoralists in the sub-region have remained in the fringes of the state initially by deliberate colonial policy but through criminal neglect by the national political elite who inherited the state. This is now manifested in the dearth or complete absence of social services in the area. The social and economic position of the people therefore must be addressed as priority. This will definitely assist in curbing the demand for weapons and their misuse.

In the context of the regional effort to improve law enforcement and operational capacity to tackle the proliferation of small arms and light weapons in the Great Lakes Region and the Horn of Africa, there are several levels of action notwithstanding the difficulties that arise when state and non-state actors have to act in unison. Thus, at the state level and because of diplomatic procedures things are easily said than done. The weakest link in the regional effort to curb the proliferation of illicit arms lies in south Sudan. The recognised government does not control the international borders with Kenya and Uganda.

The SPLM/A, which has firm control of this area. It has at times taken drastic actions either *in solo* or in collaboration with UPDF to control the movement of illicit arms. However, and in spite of these efforts the SPLM/A is still considered a non-state actor and therefore is not invited to participate in regional and international platforms e.g. the Nairobi Secretariat or in the Police Chiefs Conference in the region where the problems linked to small arms and light weapons are discussed and important decisions regarding remedies are taken. This creates a gap in the process of curbing the movement of small arms. Being an important actor, the SPLM/SPLA be engaged both at its strategic and local levels for the remedy of illicit arms flow in and out of the territories under its administration.

A recent IGAD case study on pastoralist conflicts early warning and response mechanism made recommendations to the effect that the movement of small arms and light weapons in the region, which is an important factor in the conflicts among the agro-pastoralists, that an integrated cross-border grassroots approach be undertaken. This recommendation if implemented will have far reaching impact on the situation. Apart from empowerment of the local administrative structures in the respective countries, this will lead to increased co-operation in either exchange of information about the arms movements and the persons involved or in joint actions leading to arrests, control, tracing, return of stolen livestock and punishment of the perpetrators.

The grassroots solution to these problems is the most appropriate particularly if state and non-state actions are integrated and permitted across the international borders. It is easy and faster, e.g., for the SPLM County Secretary or Payam Administrator of Kapoeta to relate directly with his counterpart in Lokichoggio when it comes to tackling the issue of settling cases of cattle rustling and murders between the Toposa and Turkana instead of waiting for action from Nairobi and Khartoum.<sup>18</sup> Indeed the OAU/IBAR Pastoralists Harmonisation Initiative managed to create grassroots peace and harmony between the Toposa and Turkana.

The important question that remains is whether or not the recognised government of the Sudan [theoretically has sovereignty over areas that have been under the control of the SPLM/A in the last fifteen years] with tolerate the *de facto* recognition of the role played by SPLM/A in the international and regional efforts to curb the proliferation of the illicit arms trafficking. It depends entirely on the governments in the Horn of Africa and the Great Lakes Region whether or not to stick to sterile diplomatic niceties that could stifle a co-ordinated international effort to curb the movement of illicit arms by constructive engagement of the SPLM/A in order to commit it certain minimum international standards without infringing on their diplomatic relations with the GoS. The SPLA recently signed up in Geneva to the international protocol outlawing the use of landmines.

This is a precedence that could be used in the case of curbing the proliferation of the illicit arms trafficking in the border areas between Kenya, Sudan and Uganda. The SPLM/A could for instance be given an observer status at the Nairobi Secretariat to enlist its co-operation in the control of small arms. The regional governments on the other hand would assist the SPLM/A to act responsibly and create instruments of government in the areas under its control. This underpinned the initiative referred to above of the SPLM Regional Secretary for Equatoria and the proposal for a regional conference for the control of small arms.

Serious and genuine steps to control the proliferation of illicit arms trafficking must of necessity involve waiving of certain diplomatic formalities when it comes to dealing with the so-called '*non-state*' actors like the SPLM/A. By all accounts, the SPLM/A acts responsibly more than the NIF regime. It ratified and observes the Geneva Convention

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<sup>18</sup> The yearly administrative meetings between the two countries have ceased since 1983 when the war erupted and when the SPLA gained control of the border areas.

and Protocols on the conduct of war and treatment of non-combatants and prisoners of war. The SPLA has co-operated with the International Committee of the Red Cross (ICRC) in the issue of prisoners of war (POWs) and has taken rare steps of releasing them even before the cessation of hostilities. The NIF regime does not take prisoners of war nor does it treat the SPLA combatants wounded in action. Its Airforce bombs with impunity civilian targets in the SPLM/A administered territories: schools, hospitals, relief centres, etc.

## **6. SUMMARY, CONCLUSION AND RECOMMENDATIONS**

The proliferation of illicit arms trafficking has local, regional and international dimensions and linkages. The local and regional dimensions are directly related to the social, economic and political processes and through global processes of trade and commerce these link up with international networks and criminal cartels to exploit the situation of general lawlessness, insecurity, ignorance and political upheavals in the region.

The presence, and movements of large quantities of weapons in the Kenyan, Sudan and Ugandan border areas have been attributed primarily to the long running civil war in south Sudan, the conflict in the DR Congo and further afield to the collapse of state in Somalia and the conflicts in Ethiopia. The harsh environment, lifestyle of the local communities that prioritises survival and their propensity to arms are important factors in this proliferation, and the use with impunity, and difficulty to control the movement and illicit trade of small arms in the sub-region.

The weakness of state structures and instruments of governance in the area, corruption in the law enforcement agencies and the negative role of politicians exacerbates the situation. Economic neglect, dating back to colonial times and political marginalisation have contributed to pushing the communities to the fringes of the state. The social services are thin if not non-existent. Natural factors of ecological degradation, erratic climatic and precipitation patterns resulting in draughts and shrinking water and pasture resources triggered competition and conflicts leading to arms race in the sub-region and the proliferation of illicit small arms and light weapons.

There is growing international, regional and local awareness about the danger posed by the proliferation of small arms. Rising crimes in cities and urban centres, conflicts among the agro-pastoral communities particularly those linked to mutual cattle rustling and raids [Toposa, Didinga, Boya, Lotuho, Logir and Dongatona] in Sudan, [Karimojong, Dodoth, Jie] in Uganda and [Turkana, Pokot] in Kenya, have been attributed to presence of large quantities of illicit arms in the region. These conflicts impact on the inter-state relations.

Regional and bilateral co-operation in arms control efforts is imperative and of paramount importance to combat rising crimes linked to the proliferation of illicit arms. The weakest link in all this international and regional effort lies in south Sudan, where the recognised government does not control the international boundaries and the SPLM/A



is considered a non-state actor and therefore not invited to participate in the international and regional forums that discuss the issues of small arms. Therefore, it may be necessary at a certain to waive diplomatic formalities to enable non-state actors like the SPLA or the warlords in Somalia in order to address this issue regionally.

The study recommends that the following be addressed either prior to or simultaneously with the issues of the proliferation of illicit arms.

The resolution of the political causes of war in south Sudan in the context of the aspiration and wishes of the people to exercise their inalienable right to self-determination. This must be preceded by peace and reconciliation among the communities in south Sudan through the on-going New Sudan Council of Churches (NSCC) people to people peace and reconciliation process;

Increased regional and local cross-border grassroots co-operation and joint actions against the illicit arm traffickers. This should include co-operation between the administrative officers on both sides of the border. The armed forces and the police to be called upon to act on credible information about the movement of illicit arms. The joint operations like that which was undertaken by UPDF and SPLA against arms markets in Loguru and Agoro should be stepped up to paralyse these markets;

Sustainable control of illicit arms should entail creating social and economic opportunities and alternative methods of tapping the energy of the youths who because of poverty and lack of hope become prone to illicit trade in arms or criminal activities associated with small arms e.g. cattle rustling, way-laying and car-jacking.

Strengthening the law enforcement agencies, the judiciary, the police, the traditional authority, who are directly linked to the people at the grassroots. The Church and civil society organisation to participate actively in mobilising resources for productive activities in the communities.

In conclusion, the issue of proliferation of illicit arms and the trafficking in them should not be treated in isolation of social, economic and political factors. It is imperative that the regional efforts to curb the demand for small should entail local and grassroots efforts and allow without hindrance the interaction between the people across the international borders.