

# Security Threats to CPA Implementation in Sudan

A joint publication of Africa Peace Forum and Project Ploughshares



# Security Threats to CPA Implementation in Sudan

A joint publication of Africa Peace Forum and Project Ploughshares



## About this Publication

These three commissioned papers were prepared for, and presented at, a May 2007 workshop in Juba, held in support of the *Building Capacity for Sustainable Peace in Sudan* project, a joint project of Project Ploughshares and Africa Peace Forum. The workshop brought together key stakeholders, including civil society representatives and government officials, to discuss emerging issues related to implementation of the Comprehensive Peace Agreement. This project is funded by the Canadian International Development Agency.

## Africa Peace Forum

Africa Peace Forum (APFO) is a non-governmental organization based in Nairobi, Kenya, which carries out research and analysis on peacebuilding, conflict resolution, and security issues in the Horn of Africa and Great Lakes region. APFO engages civil society and the political community in ongoing and joint exploration of new approaches to security arrangements in the region. APFO is a founding member of the International Action Network on Small Arms (IANSA).

Africa Peace Forum  
PO Box 76621  
Nairobi 00508, Kenya  
254-2-3874092/3871141/3871099 Fax 254-2-561357  
apfo@amaniafrika.org  
<http://www.amaniafrika.org>

## Project Ploughshares

Project Ploughshares is an ecumenical agency of the Canadian Council of Churches established to work with churches and related organizations, as well as governments and non-governmental organizations, in Canada and internationally, to identify, develop, and advance approaches that build peace and prevent war. Project Ploughshares is affiliated with the Institute of Peace and Conflict Studies, Conrad Grebel University College, University of Waterloo, and is a founding member of the International Action Network on Small Arms (IANSA).

Project Ploughshares  
57 Erb Street West  
Waterloo, Ontario N2L 6C2 Canada  
519-888-6541 Fax: 519-888-0018  
plough@ploughshares.ca  
[www.ploughshares.ca](http://www.ploughshares.ca)

The views presented in these papers do not necessarily reflect the policies of CIDA, Africa Peace Forum, or of Project Ploughshares and its sponsoring churches.

First printed November 2007

ISBN 978-1-895722-60-4

## Table of Contents

Preface **5**

Disarmament, Demobilization, and Reintegration in South Sudan: Achievements, Challenges, and Opportunities in Context **7**

*Xanthe Scharff*

Small Arms Legislation and Control Mechanisms in Sudan **35**

*Dan Alila*

Armed Groups, DDR, and the CPA in Sudan: Possibilities for Durable Peace **55**

*Khalid Ahmed*

Acronyms and Abbreviations **76**

About the Authors **78**



## Preface

Although Sudan continues to work towards elections in 2009, observers fear the return of internal war. Although progress is being made in implementing the CPA, several security issues remain unresolved, including inadequate small arms legislation and enforcement, the demobilization of militias, the lack of a well-trained police force in the south, and the inadequate capacity of such institutions as the courts and parliament. Many communities exist in security vacuums, with no trained police, redeployment of soldiers to other areas, and threatening armed militias.

In May 2007 in Juba, Southern Sudan, Africa Peace Forum and Project Ploughshares held a workshop that addressed security issues in post-CPA Sudan. The three papers commissioned for this workshop address some of the underlying issues and competing views that remain after the signing of the formal peace agreement. Xanthe Scharff's paper was on DDR in Southern Sudan, while Dr. Dan Alila wrote on small arms legislation in Sudan, and Khalid Ahmed prepared a paper on other armed groups (OAGs), DDR, and the CPA.

Before the workshop, the papers were reviewed by academics from the University of Nairobi. The reviews were returned to the respective researchers for amendment in preparation for the workshop. Following the workshop, each author integrated feedback and perspectives from the discussion, thereby enriching the final product.

The topics of the three papers are closely interconnected and, together, create a clearer security picture in Sudan. For example, the DDR process is intended to transform ex-combatants from both the north and the south into productive civilians. As stated in the peace agreement, Sudan's DDR process at the time the papers were written was focused on women, children, and the disabled who had been associated with the other armed groups. DDR is also intended to disband the OAGs that are not integrated into either the SPLA or SAF. However, the OAGs remain potential spoilers, as they were excluded from the peace process and have little incentive to demobilize.

Project Ploughshares and Africa Peace Forum continue to produce policy-relevant research on the CPA to help the emerging governments and civil society of north and south Sudan to build conditions conducive to sustainable peace. Research and dialogue help to build bridges between civil society and political leadership, as well as between communities engaged in peacebuilding.

The work that Ploughshares and APFO are engaged in through 2007 complements ongoing initiatives by political, economic, and humanitarian actors to ensure continuing progress.

For past workshop reports and research publications related to the Sudan peace process, see <http://www.ploughshares.ca/build/Sudan.htm>.





## **Disarmament, Demobilization, and Reintegration in South Sudan: Achievements, Challenges, and Opportunities in Context<sup>1</sup>**

By Xanthe Scharff

### *Executive Summary*

The approach to disarmament, demobilization and reintegration (DDR) in Sudan is necessarily unique, given the complex nature of the Comprehensive Peace Agreement signed in 2005. Unlike many other DDR programs, where a guerilla army is integrated into a national army that is then downsized, the peace agreement recognizes the Sudan People's Liberation Army (SPLA) in Southern Sudan as a formal army. The Government of Sudan (GOS) and the Government of Southern Sudan (GOSS) are bound in a Government of National Unity (GONU), although the Government of Southern Sudan has considerable autonomy. This condition holds until a referendum in 2011 when the Southern Sudanese can vote for, or against, the secession of Southern Sudan.

Because of the recognition of the SPLA as a formal army and because the parties to the peace in Sudan anticipate a possible return to hostilities in 2011, the potential for the success of the DDR program in a traditional sense is limited. Most DDR programs aim to contribute to a lasting peace by reducing the number of belligerents through reintegration and by assisting the government in the reallocation of funds from military to non-military uses. In Sudan, however, there is no guarantee that the GOS or the GOSS will be willing to significantly reduce the size of their fighting forces, and it is not clear if the international community will exert itself in order to hold the GOS and the GOSS to the commitment in the Comprehensive Peace Agreement to force reduction. Furthermore, any reduction in the size of the SPLA will not free up significant funding for other purposes, as most SPLA-associated individuals were not receiving a salary.

Both the Sudan Armed Forces (SAF) in the north and the Sudan People's Liberation Army in the south continue to face a security dilemma predicated on both immediate and perceived future threats. From the point of view of the GOS, the SAF are fighting an ongoing war in Darfur and against hostilities from rebel groups in the east. The SPLA in the south continues to feel aggressed by unaligned Other Armed Groups (OAGs) in the south that are associated with the SAF. These factors contribute to ambivalence and a lack of political will by the GOS and the GOSS to implement full-scale DDR, which is compounded by limited national capacity for implementation, especially in the south.

Conflicting national objectives may explain the perceived lack of political will for DDR, which has been described as the most important obstacle to the potential success of the program. The Government of National Unity and the Government of Southern Sudan have failed to set timetables or goals for the national commissions and have not been able to adequately address the issue of unaligned OAGs, despite the obvious threat that these groups pose to the DDR program and to the peace. The GOSS has rotated staff out of the



DDR commission in the south after they received critical training from the UN on DDR, and has not yet appointed the political members of the commissions, other than the Chair and Vice Chair.

Given the unique context in Sudan, DDR should be evaluated with an understanding of the particular challenges that implementers face. This article examines the rationale behind DDR program design, highlighting key accomplishments, and explaining challenges so that implementation issues can be considered in context. Through this analysis, the author hopes to shed light on the realistic goals of DDR in Sudan, and to raise issues for further consideration as the full-scale DDR program is rolled out. A key issue that arises from this analysis is the need for the clear definition and communication of the objectives of the DDR program, given an inherent tension between the international community's obligation to bring the commitments expressed in the CPA to fruition, and the principle of national ownership in a country that appears to be ambivalent about the DDR process.

The full-scale DDR program has not yet been rolled out, but the Interim DDR Program (IDDRP) has been in place since December of 2005. This program, aimed to prepare the ground for the DDR program to be implemented in 2007, has limited but important goals. The IDDRP aims to: build capacity for DDR implementation; provide DDR for Special Needs Groups (SNGs—women associated with armed forces and groups, disabled soldiers, and children associated with armed forces and groups); and promote community security through a Community Security Support (CSS) framework. The IDDRP has the potential to contribute to peace and economic recovery through activities targeted at “nonessential” members of the armies and through the CSS mechanism, which addresses security issues at the community level to prepare the ground for reintegration and to address root causes of conflict.

The extent to which the DDR program in Sudan is in line with the traditional goals of DDR will depend on the demographics of the group of people that are reintegrated. The UN has not yet verified who the GOS and the GOSS will put forward for DDR in the full-scale program, for which preparations have been made in 2007. If the SAF and SPLA reintegrate mainly “nonessential” elements of their armies, then DDR will contribute to the consolidation of the armies and reform that will leave the armies more efficient. In this case, the main potential for DDR to contribute to peace and economic recovery will be limited through the economic reintegration, and the corresponding demilitarization, of nonessential groups and OAGs through micro-grants and associated training. This activity may help to stimulate some local economies through the injection of cash to individuals, and has the potential to improve conditions for peace significantly through the reintegration of OAGs. If implemented strategically in a planned and participatory manner, the CSS component has the potential to play an important role both in addressing the many threats to community security in Sudan that could not be addressed by traditional DDR, and in supporting peaceful civilian disarmament.

Key challenges confront various aspects of the IDDRP and the future DDR program, and should continue to be examined with the larger context in Sudan and the realistic goals of the DDR program in mind. National and international actors have taken measures to address challenges such as reintegration into the dilapidated infrastructure and economy of the south; the need for multiagency coordination; the difficulty of reintegrating girls and

providing incentives for children to remain in communities; and the challenges of coordinating CSS support, especially for civilian disarmament activities. This article explores these and other challenges, and raises related issues for further consideration by the national and international communities.

## *Introduction*

This article examines the DDR program in Sudan and its potential to contribute to long-term peace and security in Southern Sudan. The following discussion focuses on Southern Sudan and covers the Interim DDR Program currently underway and the planned full DDR program. The first section of this article serves as a reference for any reader unfamiliar with the IDDRP in Sudan, and relates achievements and salient characteristics of the program to best practices drawn from international experience and the Integrated DDR Standards. The second section of the article aims to shed light on the unique challenges faced by program implementers in Sudan by applying an analytical framework adapted from Joanna Spears (2002). Finally, the author raises further considerations, with the aim of generating constructive discussion about how DDR can be implemented to promote a lasting peace between North and Southern Sudan.

This paper was written based on desk review and interviews with UN staff, the Southern Sudan DDR Commission (SDDRC), and other members of the international community; and on the author's experience while working with the UN DDR Unit in Khartoum and Southern Sudan from June through August 2006. This paper represents the views of the author, not the official position of any of the interviewed persons or organizations.<sup>2</sup>

## *The Sudan DDR Program in Relation to Best Practices*

In preparation for the implementation of the full DDR program, the UN and both parties to the CPA are engaged in interim, preparatory activities. An Interim DDR Program was signed by both the North and Southern Sudan authorities in December 2005, and is currently being implemented with the objectives of building capacity for DDR implementation, preparing the ground for the full DDR program through the development of standard operating procedures, providing DDR for Special Needs Groups (women associated with armed forces and groups, disabled soldiers, and children associated with armed forces and groups); and promoting community security and improving conditions for DDR through a Community Security Support framework. Relevant best practices and approaches to DDR in Sudan and each of the components of the IDDRP are elaborated below.<sup>3</sup>

## *The Integrated DDR Standards*

The Integrated DDR Standards (IDDRS) were developed by the 15 UN departments, agencies, funds, and programs that form the Inter-Agency Working Group on DDR.<sup>4</sup> IDDRS, which is the most comprehensive guide to DDR best practices, is used here as a framework for understanding policy and program decisions in Sudan. This section, while not a comprehensive review of best practices or of IDDRS policies and their implications, will provide the reader with contextual information to understand some of the rationale behind policy and programmatic design driving DDR in Sudan.

## *Approaches to DDR*

*Integrated unit.* The UN set up the DDR unit in Sudan as an integrated unit to improve coordination between agencies and to allow the United Nations to stand behind one central DDR program. The Chief of the UN DDR Unit is from the UN Department of Peacekeeping Operations (DPKO); the Program Director is a United Nations Development Program (UNDP) staff member; and the United Nations Children's Fund (UNICEF) is responsible for the Child DDR program. The DDR Unit reports to the Deputy Special Representative to the Secretary-General for Humanitarian Affairs and Development; this arrangement is designed to anchor the DDR program in sustainability and to promote linkages with long-term efforts (UNMIS 2007). While there have been tensions and challenges associated with this integrated approach to DDR, which was piloted in the UN missions in Sudan and in Haiti, this approach is endorsed by the IDDRS, given that DDR necessarily draws on a number of actors and agencies to promote national operations.<sup>5</sup>

*National ownership.* UN support to the Sudan DDR program follows the principle of national ownership and is guided by UN Security Council Resolution 1590 (2005), which states that it is the mandate of the UN “to *assist* in the establishment of the Disarmament, Demobilization and Reintegration program as called for in the CPA.” The national institutions responsible for the implementation of the Sudan DDR program are the Northern Sudan Disarmament, Demobilization and Reintegration Commission (NDDRC) and the Southern Sudan Disarmament, Demobilization and Reintegration Commission (SDDRC). The commissions are mandated to design, implement, and manage the DDR process in the North and Southern subnational levels respectively. The National DDR Coordination Council (NDDRCC) has the prime responsibility of policy formulation, oversight, review, coordination, and evaluation of the progress of the NDDRC and the SDDRC. These commissions and the council were established by presidential decrees in 2006.<sup>6</sup>

In accordance with IDDRS best practices, the UN has worked with the civilian leadership of the DDR process, the SPLA, the SAF, and other stakeholders to promote involvement in the preparation of a nationally implemented DDR program.<sup>7</sup> The challenges of supporting national ownership despite competing national objectives regarding DDR are discussed in the following sections.

## *IDDRP activities*

*Capacity building.* Building national capacity for DDR implementation is a core activity for the UN DDR Unit, which furthers this goal through technical assistance and training. The UN also works with the commissions to establish sustainable programming and DDR policy. Specifically, the UN DDR Unit has been supporting the SDDRC and the NDDRC in the development of standard operating procedures, monitoring and evaluation frameworks, information systems, and referral networks that will function as the cornerstones of the DDR program. After helping to set up both the NDDRC and the SDDRC, the UN also provided support to establish five regional offices in the north and two in the south (UNDDR Resource Centre 2006b). Throughout the various stages of programming, the UN

works to identify implementing partners and to involve communities in research and in programming where possible.

UN efforts to build national capacity are in accordance with the best practices outlined in the IDDRS, which underscore the importance of building national capacity. Technical assistance, training, and financial support; finding and encouraging implementing partners such as NGOs and community-based organizations (CBOs); and employing and encouraging the participation of communities and local authorities continue to be important as the UN seeks to support national ownership.

*Mainstreaming HIV/AIDS and gender.* The UN DDR and the national commissions have worked to mainstream consideration of HIV/AIDS and gender-related issues in all streams of programming. Focal Points from the UN DDR Unit provide technical expertise in Khartoum and in Juba to the commissions' Gender/HIV/AIDS Focal Points. Initiatives to promote the mainstreaming of these issues in the south include trainings for the SDDRC, SPLA peer educators, and women's CBOs on gender, HIV/AIDS awareness, and sexual and gender-based violence; an assessment to understand the needs of women associated with armed forces and groups (WAAFG) in Southern Sudan; and DDR packages specifically targeted at WAAFG. As stated by the IDDRS, DDR practitioners should encourage and support gender mainstreaming and should recognize and address sexual and gender-based violence, HIV/AIDS, and the role of women in and associated with fighting groups.

*Technical dialogue and coordination.* Dialogue between the north and the south on a variety of cross-boundary issues is essential for developing and implementing the IDDRP and the DDR program. During the interim period prior to implementation of the full-scale DDR program, the commissions have held monthly coordination meetings to find solutions to complex questions. These meetings have yielded important results regarding child DDR and cross-boundary reunification. Through this program, UNICEF and NGOs have supported the family tracing and reunification of 223 North Sudanese children from the SPLA.

The UN DDR Unit facilitated the development of the National DDR Strategy Framework, which is now with the NDDRCC for review and approval. This will be the basis for DDR across the CPA areas. A Manual of Procedures for disarmament and demobilization has been elaborated, and a manual for reintegration is being developed.<sup>8</sup>

Technical Coordination Committees (TCC) for the north and south concentrate on developing guidelines for DDR implementation and monitoring. The following groups are represented in the Southern Sudan TCC: the SDDRC, SPLA, and UN DDR Unit, as well as the UNMIS Joint Military Coordinating Office, Military Operations, Civilian Police, and UNMIS Force Protection. The TCC will share responsibilities for DDR among all institutions and will liaise with the SDDRC prior to escalating cross-boundary issues to the National Coordinating Council for DDR.

The concept of the TCC is a best practice that was developed by stakeholders to the DDR process in Sierra Leone, in which representatives from the donor community, UN agencies, international and national NGOs, and the National Commission for Resettlement, Rehabilitation and Reconstruction met regularly to develop procedures for the DDR

program (Kai-Kai 2004). The TCCs in Sudan do not have NGO representation, although they do provide an opportunity to integrate UN agencies and national and international actors as the full-scale DDR program is rolled out.

*SPLA preregistration.* To identify the candidates for DDR, the SPLA has undertaken a preregistration exercise for all members of the SPLA, including women associated with the SPLA. The UN DDR unit provided training for SPLA enumerators and logistical support for the preregistration exercise. As noted by the IDDRS, DDR programs must adapt to the local environment. In the case of Southern Sudan, preregistration is a prerequisite to DDR and a part of the greater effort for Security Sector Reform. The soldiers in the SPLA were not on a payroll at the time that the IDDRP was signed. Therefore, if DDR was offered before a payroll was instituted; an extraordinary number of soldiers would want to enter the DDR program to receive benefits. In order to pre-empt an unmanageable pool of candidates for reintegration, preregistration provides the opportunity for the SPLA to formalize their records, institute a payroll, and then decide who to demobilize based on defined criteria. Preregistration is also a prerequisite to negotiations regarding force reduction, which requires knowledge about the size and strength of the SPLA.<sup>9</sup>

*Reintegration opportunities mapping.* To prepare for reintegration, the SDDRC worked with the Southern Sudan Centre for Census, Statistics and Evaluation (SSCCSE) and external consultants hired by UN DDR to develop an opportunities mapping system. The consultants designed research tools, trained research and implementation teams, piloted the system in Juba and Rumbek, and installed a database with findings from the pilot socio-economic profiling for microprojects. Representatives from the GOSS, the Ministry of Labor, Public Service and Human Resource Development, the Ministry of Commerce, the SPLA Registration Unit, the Ministry of Gender and Social Welfare, and vocational training centres in Juba all attended training sessions. The mapping exercise aimed to identify sustainable economic reintegration opportunities, existing technical and training services, and other social reintegration support services. This activity built the capacity of national actors and provided a database of the findings for use during reintegration.

IDDRS states the importance of implementing a systemic mapping process that examines economic opportunities. As in the case of the process in Sudan, mapping exercises should take into account the needs of different groups (i.e., women, men, disabled ex-combatants). In Southern Sudan, where the economy has suffered from decades of war, this process is of particular importance, especially given the nature of the reintegration program, which is based on microgrants for small business activities.

*Reintegration of special needs groups.* UN Security Council Resolution 1590 calls for DDR in Sudan to be implemented “with particular attention to the special needs of women and child combatants.” The IDDRP provides for attention to and reintegration of WAAFG and children associated with armed forces and groups (CAAFG), and also provides for the reintegration of mentally and physically disabled soldiers (GONU & GOSS 2005, p. 6). The child DDR process in Sudan refers to the definition of child soldier found in the Cape Town annotated principles, which includes “any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers and anyone accompanying such groups, other than family members. The definition includes girls recruited for sexual purposes and for forced

marriage. It does not, therefore, only refer to a child who is carrying or has carried arms” (UNICEF 1997).

In line with the timeframe stipulated by the CPA and with international best practices, child demobilization has proceeded in advance of the removal of other groups, and should be completed prior to formal force reduction. The commissions implement child DDR with the financial support of UNICEF and the technical assistance of UNICEF Child DDR Focal Points. The SDDRC has maintained its regional presence in six locations in Southern Sudan with Regional Child DDR Officers and Deputy Regional Child DDR Officers in each of these locations. The SDDRC has coverage in the Transitional Areas with three teams in South Blue Nile and the Nuba Mountains (covering Abyei). As of August of 2006, 894 children had been officially demobilized from the SPLA. A further 342 children had been registered by the SDDRC, pending family tracing and reunification. Twenty-one NGOs have been involved in implementing 24 reintegration projects for children (UNMIS 2007, DDR Achievements). The commissions demobilized the first 21 child soldiers within the ranks of OAGs aligned with the SAF in July 2006.<sup>10</sup>

During preregistration, the SDDRC and the SPLA are using criteria to identify WAAFG for reintegration. The criteria were developed through extensive consultation and during an assessment of the conditions and needs of this group, which also gave insight into related security and vulnerability issues. Reintegration of WAAFG will occur once preregistration is completed and results are recorded.

The commissions, with support from UN DDR and an external consultant, are elaborating standard operating procedures for the reintegration of psychologically and physically disabled ex-combatants. An assessment was conducted on mentally and physically disabled soldiers, in order to understand the prevalence and the needs of this group. After widespread consultation, participating parties agreed on the diseases, psychiatric disorders, and mobility disabilities that should be recognized in the IDDRP medical component. Some health care providers have been identified in the south through a screening and capacity assessment.

The IDDRS underscores the importance of health services that have the capacity to detect and treat severe, acute, and chronic mental disorders through medical screening on first contact. Through consultations with local health providers in Lakes and Central Equatoria states, the consultant to the SDDRC and UNDDRU developed a two-phase process for screening DDR candidates. Specific programs in the south provide support to communities, such as the Southern Sudan Psychosocial Program (SSPP), which operates in six states to help prevent suicide among disabled soldiers and WAAFG. All DDR candidates will receive a medical screening and, if necessary, a referral for further treatment. Disabled ex-combatants will receive a reintegration packet based on their medical screening that is tailored to address their social and economic needs.<sup>11</sup>

*Community Security Support (CSS).* In the post-conflict security vacuum, conflicts that would not qualify for DDR regarding property, natural resources, and non-aligned armed combatants could make effective reintegration impossible. The traditional DDR program cannot demobilize all of the fighters in Sudan or deal with the vast number of weapons as the cost would be tremendous and prohibitive. Therefore, the CSS aims to contain threats at the community level and to prepare communities for reintegration by identifying and

building key social, economic, and health-related community services that may be needed by returning ex-combatants.

To identify and target interventions for CSS support, the commissions are implementing Threat Mapping, a tool to systematize the collection of information about community security. Through this process, authorities, traditional leaders, and communities provide information about potential security threats, including information related to natural resources, nomadic corridors, and ethnic conflict. The collected information is mapped and then state governments and the SDDRC evaluate and prioritize threats for intervention. Potential implementing partners for programs to target threats submit proposals to the Project Approval Committee, composed of representatives from the relevant DDR commission, the UN, and donor organizations. Threat Maps and subsequent conflict analysis have been carried out in Southern Kordofan, Blue Nile, and Unity States. Maps for Abyei and Khartoum are under preparation, and maps for other states are being planned. Actors are finding that maps are helpful on a variety of levels for security and recovery planning, and these maps may now develop into a wider area of activity for strategic planning.

Community security projects in Southern Sudan have been implemented to support small arms control initiatives and civilian disarmament, and UN Operations have implemented a project to provide explosive ordnance disposal capacity to priority communities. Other projects could include initiatives to strengthen conflict resolution mechanisms, improve the capacity of the police, and generate economic opportunities. PACT, an International NGO with a long history in Southern Sudan, has been selected as the implementer of CSS projects for Lakes, Jonglei, and Warrap states, although disarmament and policing programs will be handled by the UN. CSS programming has also begun in Southern Kordofan. In addition to building capacity at the state level to implement Threat Mapping and to prioritize and address threats, the CSS will build capacity to develop, fund, and implement Community Security Action Plans for prioritized target communities.<sup>12</sup>

### *Challenges Examined within an Analytic Framework*

Like all peace implementers, DDR programmers are tasked with the mandate to adapt to and operate in a highly complex environment. The peace in Sudan and the DDR program face a myriad of challenges, including the nature of the conflict, the parties' commitment to the peace, and the role of national stakeholders and international forces. By attempting to understand the challenges that the DDR program in Sudan confronts, we can gain perspective on the implementing environment, and on proposed ways forward.

To understand challenges to DDR implementation, this section applies a framework elaborated by Joanna Spears<sup>13</sup> in her chapter in *Ending Civil Wars: The Implementation of Peace Agreements*, which is the culmination of an effort to evaluate peace implementation and to search for opportunities to link short-term tasks to longer-term peacebuilding. Spears's framework, which was developed for comparative analysis of DDR programs, has been adapted to bring explanatory power to the noted challenges in Sudan.

### *Nature of the peace agreement*

The terms and nature of the peace agreement will have an important impact on the potential success of implementation. The Comprehensive Peace Agreement has unique ramifications with regard to DDR in Sudan. Unlike many other DDR programs, in which a guerilla army is integrated into a national army that is then downsized, the peace agreement recognizes the Sudan People's Liberation Army in Southern Sudan as a formal army. The Government of Sudan and the Government of Southern Sudan are bound in a Government of National Unity, although the Government of Southern Sudan has considerable autonomy. This condition holds until a referendum in 2011 when the Southern Sudanese can vote for, or against, the secession of Southern Sudan.

Because of the recognition of the SPLA as a formal army and because the parties to the peace in Sudan anticipate a possible return to hostilities in 2011, the potential for the success of the DDR program in a traditional sense is limited. Most DDR programs aim to contribute to a lasting peace by reducing the number of belligerents through reintegration and by assisting the government in the reallocation of funds from military to non-military uses. In Sudan, however, there is no guarantee that the GOS or the GOSS will be willing to significantly reduce the size of their fighting forces, and it is not clear if the international community will exert itself to hold the GOS and the GOSS to the commitment in the Comprehensive Peace Agreement to force reduction. Furthermore, any reduction in the size of the SPLA will not free up significant funding for other purposes, as most SPLA-associated individuals were not, until recently, receiving a salary.

### *Specificity in the peace accord*

The degree of detail in any peace accord necessarily has an impact on the ability of the implementer to conduct DDR. When the peace accord does not specify important aspects of the DDR program, such as timetables, approximate numbers of combatants to be demobilized, or demobilization sites, the onus will be on the implementers to negotiate specific arrangements. On the other hand, if timetables and other details are written into the accord, expectations could lead to frustration among stakeholders and donors.

In Sudan, uncertainty — at the time of the peace accord and now — made an impact on the degree of specificity that the international community could bring the parties to state in the peace accord. The level of detail that negotiators could write into the peace agreement regarding SSR and DDR was limited. Because conflict was ongoing, neither party would fully disclose the strength of their forces.<sup>14</sup> With the future uncertain for the two armies, DDR was not seen as a priority. In such an environment, the parties were neither willing nor able to consider the details of the future DDR process or to commit to hard deadlines for progress on DDR.

The international community pushed for the inclusion of some guiding agreements on DDR and for a point person on the issue, and some commentators considered it an accomplishment that DDR was included in the CPA in any form.<sup>15</sup> In the agreement on Permanent Ceasefire and Security Implementation Modalities of the CPA (2004), the parties agree that DDR of ex-combatants is crucial to peacebuilding. However, targets in the CPA



for DDR are broadly timed. For instance, parties commit themselves to a credible DDR process that will begin for nonessential elements of their forces during the Pre-Interim Period, which is defined as the six-month period following the signing of the agreement on 9 January 2005 (D-Day). The negotiations on proportionate downsizing will commence somewhere between six and 42 months after D-Day. DDR is said to continue in the subsequent phases of the agreement leading to the referendum in 2011. Despite the generality of the provisions in the CPA, implementers comment that it is as specific as possible, given the uncertainties at the time between the two parties.<sup>16</sup>

Although the lack of specificity in the CPA may make it difficult for the international community to hold national actors accountable, it is not clear that setting more deadlines would have improved the prospects for a successful DDR program. The few targets that were built into the CPA have gone unmet. The target for establishing the National Council for DDR Coordination and the two DDR commissions was 30 days from D-Day. The Council was established by decree in February of 2006, approximately one year after the deadline, and the DDR commissions were similarly behind schedule. There has been some progress on DDR of nonessentials in the north, but in Southern Sudan this activity has been stalled by the need to preregister and account for SPLA combatants and associated women. The six-month deadline for the DDR of all children has passed and children are still being demobilized from the SPLA and from OAGs in the north and in the south. DDR activities for non-SNGs have also been stalled by the Pre-Registration process for all SPLA, which is seen as a prerequisite for DDR (CPA 2004). With each passing unmet deadline an opportunity is lost to build confidence between the parties and to garner international support through compliance.

The same environment of uncertainty that existed at the time of the signing of the peace agreement persists today, and may explain the lack of commitment to timetables. The GOS and the GOSS have not imposed timetables on the DDR process subsequent to the CPA, which may be an indication of a somewhat undecided course for DDR in the eyes of the national leadership. Without concrete deadlines, it is difficult for the international community to evaluate the national commitment and the Sudanese have less opportunity to hold their governments accountable. Furthermore, without the urgency of deadlines and targets, it may be harder for the commissions to garner political support to move DDR forward.

### *Implementation environment*

In a number of ways, context or environment has an impact on DDR programs. Such key elements as the level of development and the competing priorities of the state, the international arena, prevailing norms regarding small arms and light weapons, and the impact of the conflict will affect the development of the DDR program and its implementation.

DDR does not appear to be the immediate priority of the GOSS or the GOS. The GOSS moved 80 per cent of the original critical staff from the SDDRC to Ministries and other official posts after the UN specifically trained them in DDR (Gebrehiwit, Morse & Ileri 2006), signaling that DDR takes a lower priority than other government activities. In the

south, the DDR commission has not been fully developed. Of the political staff, only the Chairman and Vice Chairman of the SDDRC have been appointed.<sup>17</sup>

Continued international pressure on the parties to maintain the terms of the peace agreement is a critical factor in the successful implementation of the agreement. International attention on Darfur may have an indirect impact on the DDR program in Sudan. Despite the ongoing need for international monitoring of the North-Southern Sudan peace agreement, in 2006 the CPA seemed to attract less attention due to the conflict in Darfur (Bah & Johnstone 2007). International pressure on the National Congress Party may have caused the party to harden its stance, which could affect relations with the international community engaged in CPA and DDR implementation. Early conversations about DDR with respect to Darfur may detract attention from DDR in relation to the CPA. As well, GoS involvement in the ongoing conflict in Darfur is likely to detract from their willingness to consider downsizing their armed forces.

The role of guns, which are pervasive throughout communities and fighting groups, has marked the development of the Interim DDR Program and constitutes a major challenge to DDR. The GOSS, not the UN, is responsible for civilian disarmament and Arms Reduction and Control (ARC). However, the UN recognizes the scope of weapons possession and the range of potential conflicts over land, water, returnees, and grazing rights. If exacerbated by arms proliferation, these potential conflicts could escalate and pose even greater security concerns.

The state of the infrastructure in Southern Sudan poses an obvious challenge to implementers. The lack of available and adequate office and living space for commission staff in the south has limited the speed with which the SDDRC can set up offices in sectors outside of Juba.<sup>18</sup> Poor infrastructure complicated the flow of logistical supplies during the Pre-Registration exercise and will continue to affect future DDR activities (Adekoya 2006a).

### *Parties to the agreement*

The nature of the parties and their representation in the peace agreement has an enormous impact on the potential for peace and successful DDR. If all parties are represented in the peace agreement, are satisfied with the peace agreement, and find it in their best interest to comply with the terms, it is more likely that the agreement and the DDR program will be successful. A failure to comply with the peace agreement will dramatically affect the potential for the DDR program to contribute to conditions for peace and economic recovery.

The delay in the implementation of both the security arrangements and the spirit of the CPA in several areas, including troop redeployment and cessation of hostilities, has a severe impact on the national commitment to DDR and confidence between the parties to the peace. While the SAF may be deploying from the south ahead of schedule, the widespread view persists that the national army has been leaving nonstrategic areas and strengthening positions in strategic areas, including the northern oil-producing areas. The National Congress Party has not accepted the Abyei Boundary Commission decision to place most of the contested territory within southern Sudan, and this issue continues to create major tension between the parties. In addition to this instance of perceived CPA noncompliance,

the perception exists that the SAF is encouraging security problems in the south through OAGs as a way to undermine movement toward secession. Southerners also remember that the referendum scheduled for 1997 under the Khartoum Peace Agreement was aborted due to insecurity (Young 2007).

While the GOS has been criticized for not complying with the CPA, the GOSS has been criticized for not participating sufficiently in inclusive political activities designed to keep the peace agreement on track (Bah & Johnstone 2007). The peace agreement meets only the direct interests of the SPLM/A and the Khartoum government, excluding small groups on the periphery of the conflict. This threatens the viability of the agreement (ICG 2005), as some militias have continued to use violence as a means to express their grievances. The UN has stressed the importance of inclusive processes in the south to prevent and mitigate conflict among these small groups and the SPLA (Bah & Johnstone 2007). Diplomatic and political solutions to issues such as the persistence of unaligned OAGs are critical to community security in the south.<sup>19</sup>

The lack of political will to comply with the terms and the spirit of the peace agreement has directly affected the DDR program by eroding the trust and willingness to cooperate between the two armies and their respective commissions. The mutual mistrust has spilled over into concerns about the UN as a neutral party, which may have an impact on the speed with which preparations for DDR, through registration, hiring of commission staff, and other activities, can progress. Mistrust of the UN and the drive for national sovereignty in both the north and the south may explain why the UN has not been invited to participate in the proceedings of the National Council for DDR Coordination, a potential oversight in terms of nurturing productive relations with the international community.

### *The implementers' capacity*

The capacity of international and national actors affects both the success of the DDR program and the potential for lasting peace. In a post-conflict environment, local capacity will be limited. International actors work with parties according to their mandate and strive for neutrality while facing the challenge of applying best practices to unique contexts.

The mandate of the UN DDR Unit, in keeping with the CPA, is to *support*, not implement, the DDR program. The bounds of this mandate are critical, and are respected by the UN as essential for supporting national ownership. However, the mandate restricts the UN to promote DDR progress through capacity building and technical and logistical assistance alone, despite the limited capacity of the SDDRC.

The vastly different levels of capacity and economic development of the parties to the agreement affect their ability to implement DDR and may cause mistrust between the parties. The war has taken less of a toll on the infrastructure and the citizens in the north, as much of the war was fought in transitional areas or on southern soil. North Sudan has traditionally had more financial wealth than Southern Sudan, and therefore faces fewer challenges arising from the lack of human and material resources. In addition, the SPLA had to start from scratch with Pre-Registration, through which they must account for their rank and file and then institute a payroll. The need for Pre-Registration has delayed DDR of

SNGs in Southern Sudan, causing frustration in the international community and preventing the SDDRC from being able to demonstrate progress commensurate to that of the NDDRC.

A UK DFID report (Gebrehiwit, Morse & Ileri 2006) notes that the capacity of the SDDRC as the “biggest constraint on more DDR implementation in the south.” Specifically, the report notes that staff rotations, stalled staff assignments, and a politicized management style weaken the Commission’s ability. In the case of Child DDR, it has been noted that the variable capacity of the Regional Child DDR Coordinators has been a challenge and, as a result, the SPLA has voiced concerns regarding demobilization. UNICEF is working to build capacity and develop a program with the SSDDRC to improve the link between demobilization and reintegration, and is currently working on a framework regarding the DDR of CAAFG. The UN DDR team is working on a capacity-building plan with specific responsibilities to address capacity constraints within the SSDDRC (Adekoya 2006b).

The capacity of the SDDRC is limited by legal status and unfilled positions. The Commissions were created by the President of the GOSS by legal decree, but only the Chairman and the Vice Chairman of the SDDRC have been appointed by the GOSS leadership. All other political posts in the Commission are vacant, although many technical positions have been filled. The National DDR Coordinating Council’s limited role has left a high-level decision-making void, which has constrained DDR progress by the north and the south (Gebrehiwit, Morse & Ileri 2006).

The integrated structure of the UN Mission in Sudan creates unique challenges and opportunities for the DDR program. The goal of this structure is to allow the UN to speak with one voice to the Sudanese, and to prevent pitfalls that have hurt DDR programs in the past, such as poor coordination between UN agencies. However, some challenges to the integrated system still need to be resolved. The DPKO and UNDP have different administrative procedures that have not been integrated, and so dual procedures for procurement, contracting and financial management may have caused inefficiencies (Bah & Johnstone 2007). The working cultures and programming objectives of the UNDP and DPKO are different, perhaps complicating program priorities.

Funding arrangements and donor relations affect the potential of the DDR program. Initially, DFID (Gebrehiwit, Morse & Ileri 2006), among other donors, decided not to fund the IDDRP, which it called ‘vague’, thus illustrating the difficulty of raising funds in the complex implementation environment in Sudan. Raising money within the UN has also presented challenges to the integrated DDR unit. Despite the conceptual and institutional move towards an integrated structure, funding in Sudan for disarmament and demobilization activities has thus far remained discrete from funding for reintegration activities. Money for disarmament and demobilization is allocated from the UN assessed budget, while funding for reintegration comes in the form of direct contributions from donors to UNDP and UNICEF. Attempts to fundraise for the IDDRP as a joint program, based on the notion that reintegration is inherently linked to and defined by the development of the disarmament and demobilization program, have not been successful. It has been noted that the different sources of funding for these activities created divisions within the integrated unit.<sup>20</sup>

### *Issues for Further Consideration*

In 2007 the commissions and the UN DDR unit will transition from the IDDRP to the DDR program. Programmatic and contextual factors in the implementation of the program are noted here for the purpose of enriching the discussion regarding DDR programming in Sudan, and highlighting issues that are critical to the success of the program.

#### *National ownership versus international commitment to the CPA*

In order for DDR to be fairly evaluated in Sudan, and for the international and national communities to be able to hold implementers accountable, the international community needs to address the tension between the principle of national ownership and the principles that the parties committed to in the CPA. As noted, the commitments in the CPA, which include negotiations on force reduction, may not be perceived by the parties to be in their best interest if they anticipate a return to hostilities. This caution could be contributing to ambivalence about DDR, manifested in unmet deadlines and a lack of political will. When criticized for the slow rate of DDR implementation, UN staff members have replied that their mandate is only to support national leadership and that the national will to implement DDR is clearly tied to factors outside the scope of DDR. According to this argument, certain factors affecting the speed of implementation are beyond the control of the UN DDR unit.<sup>21</sup>

On the other hand, the CPA was arbitrated by national and international actors, and both parties have signed the agreement. Arrangements for DDR were clearly laid out in the Agreement on Permanent Ceasefire and Security Implementation Modalities, yet the timelines have been neglected. Just as it is the duty of the international community to hold both parties to the peace agreement, it is the duty of the UN to ensure that the parties abide by the DDR arrangements in the CPA.

Lack of compliance has plagued the CPA process, including the DDR process, and creates a dilemma for UN staff that work with the SDDRC. How can the UN DDR staff work to ensure compliance with the DDR commitments in the CPA while maintaining the trust of the national commission that they are mandated to support? If the UN DDR unit is not responsible for enforcing compliance with the letter and the spirit of the CPA, what mechanisms are available to put pressure on the governments to comply with their commitments?

This conflict must be resolved for DDR to be fairly and accurately measured in Sudan, as it is tied to the definition of the objectives of the DDR program. If the UN is prepared to enforce compliance with the CPA, then the goals of the DDR program may be more traditional—including the reduction of the national armies. If the UN simply facilitates and mediates national will, then the objectives of the DDR program may be limited to DDR for nonessentials and OAGs and to activities that can be implemented through the Community Security Support framework, including civilian disarmament. For the sake of accountability and clarity for implementers and donors, these objectives should be candidly defined and communicated.

### *Other armed groups*

Non-aligned Other Armed Groups (OAGs) in Southern Sudan constitute a serious security risk, a hindrance to the DDR process, and an obstacle to CPA compliance.<sup>22</sup> OAGs are a key target for DDR, yet the GOSS and the GOS have not fully determined how to move forward with these groups. Some OAGs in the south refuse to align with the SPLA and refuse to move north to align with the SAF. The SPLA suspects that the SAF continues to fund these groups to aggravate existing tensions that threaten to undermine SPLA authority in the south (Young 2007).

By the March 2006 deadline for OAG alignment, 15,000 members of OAGs had been subsumed into the SPLA, but at least 30 groups that had been associated with the SAF during the war had not aligned with either the SAF or the SPLA (Bah & Johnstone 2007). These OAGs may be the most important groups to demobilize, given their propensity to create and refuel conflict and to hold the peace process hostage. Thus far, the failure to decide how and when OAGs will be disarmed is testing the commitment of the parties to DDR.<sup>23</sup>

Clashes in Malakal in November 2006 between the SPLA and an SAF-aligned OAG provide a vivid example of the OAG threat (Bah & Johnstone 2007). By the March 2006 deadline for troop redeployment, only 38 per cent of SAF personnel surrounding Malakal had redeployed north. This left a dangerous mix of SPLA, SAF, and OAGs in the Upper Nile area. Fighting broke out between SPLA and SAF forces following a series of clashes between the SPLA Joint/Integrated Unit (JIU) and elements of a former OAG militia led by a SAF Commander. Over 150 people were killed and the town sustained significant economic losses (UNMIS 2006). Such incidents make all armies unwilling to work cooperatively to reduce forces.

The OAG Collaborative Committee (OAGCC), which was established by the two parties to the CPA to address the issue of remaining OAGs, continues discussions with unaligned OAGs in Southern Sudan. The OAGCC also coordinates DDR for SPLA-aligned groups with the GOSS to mitigate the outbreak of insecurity during the DDR process. The parties have, however, fallen behind schedule on the incorporation of OAGs. The OAGCC met for only the second time in Juba in August 2006. Each party has provided the Ceasefire Joint Military Committee (CJMC) with a list of aligned OAGs, but information about these groups remains vague (Security Council Report 2007). The civilian disarmament campaign raises concern regarding OAGs, as the process may create some instability in important zones in the south where OAGs reside.<sup>24</sup>

### *Community Security Support*

The CSS was developed in recognition of the multitude of fighting forces and ongoing conflicts in Sudan, which will continue even with national efforts for DDR and arms control. As CSS will necessarily be limited to the highest risk areas, its implementation will pose formidable challenges.

Generally, CSS projects will be implemented to improve conditions for community reintegration and, even more importantly, increase community security by focusing on high risk issues. To become a strategic and proactive mechanism, the CSS must elaborate and clearly communicate the criteria to communities and local authorities. Some at-risk communities will necessarily be excluded from CSS programming, and so it is important that they do not perceive their exclusion as arbitrary. Defining and publicizing criteria for CSS will also help to dispel any misconception that the Community Security Support framework can be used as a panacea—a way to promote funding for initiatives that are sorely needed in communities, but are not necessarily pertinent from a security perspective.

The timing of CSS implementation is critical. Implementers may face some difficulty using the CSS to improve conditions for areas of return, especially if information about a DDR program enrollee's destination of return is collected at demobilization. There will be a short period of time for CSS programmers to analyze where ex-combatants will go and to implement programs to facilitate reintegration.

By its nature the CSS requires multiagency coordination, continuing implementation, and resources that are beyond the scope of DDR. While the Community Security Support component of the DDR program may be the most developed of the IDDRP components, it is not clear whether it will remain the focus of the DDR unit, given the large amount of coordination and funding that it will require (Gebrehiwiti, Morse & Ileri 2006). If the CSS is implemented by UNDP, it will be important to consider mechanisms for coordination between the CSS component of DDR and the traditional aspects of DDR. Discussions are ongoing about how to link the CSS to wider public safety and community development efforts. Linkages may be made with the broader programs for recovery/reconstruction and law enforcement, and with state and national policies and strategies (Adekoya 2006b).

*Threat Mapping.* Threat Mapping was developed as a transparent process that would allow for fair targeting of threats by the CSS.<sup>25</sup> Moving forward, it will be important that Threat Mapping is done in a consistent, participatory, and verifiable manner, and that efforts are made to inform state and local authorities, as well as communities, about the rationale for CSS targeting. Information collected for Threat Maps may quickly become dated, although periodic reviews are being planned. Routinely reviewing and updating maps, building local capacity for updating maps, and maintaining multiple information sources could help to keep maps current.

Maps are currently being elaborated at the local level and ratified at the state and national levels. Even with this approach, it will be an ongoing challenge to ensure that inputs to the maps represent the security concerns of communities and various community groups. Relationships with organizations like PACT, which has worked in southern Sudan for many years, can help to ensure that the information is infused with a community perspective, in addition to the authorities' perspectives. It will, however, be difficult to find partners with PACT's level of experience for all states in Sudan.

*Small arms reduction and control.* Given the large number of weapons in and around Sudan, and the many tensions throughout southern Sudan, arms reduction and control is an enormous and contentious task. Both the NDDRC and the SDDRC, in collaboration with the UN DDR Unit, are developing a Disarmament, Arms Reduction and Control (ARC)

strategy and plan to address the proliferation of small arms and light weapons among civilians. UN DDR is coordinating with organizations such as UNDP, PACT, and Saferworld to support the development of a national policy on ARC in consultation with the GOSS, the SPLA, and SDDRC. With respect to North Sudan, these activities will be carried out according to GOS law; and with respect to Southern Sudan, according to 'guiding principles' agreed upon by the GOSS (GONU & GOSS 2005). On cross-border issues, the GOSS has begun to participate in its official capacity in various national/regional conferences relating to security and arms control in the subregion (Adekoya 2006b). Linking these efforts to regional measures to limit the supply of weapons will be critical to improving security in Southern Sudan.<sup>26</sup>

*Civilian disarmament.* Civilian disarmament in Southern Sudan is a critical step toward security and has also proven to be a potential source of conflict. Civilian disarmament was not discussed in the CPA and the UN did not have a strategy for offering support for this activity. The UN, in reaction to violent outbursts in 2006, is now responding to GOSS requests for technical assistance and support for this process through the Community Security Support mechanism.

The SPLM/A has moved to carry out civilian disarmament swiftly, possibly to consolidate control in the face of perceived SAF challenges to security in the south (Young 2007). The GOSS has the right to disarm civilians, as the sovereign authority in the south, but has encountered resistance that led to both military and civilian casualties. An incident of forced disarmament in Jonglei highlights the danger of civilian disarmament in the context of Sudan's longstanding ethnic conflict and insecurity.

In 2006 attempted forced disarmament and the ensuing conflict alarmed national and international actors, and forced the GOSS and the UN into a reactive stance. Lou Nuer and other youth referred to as "the White Army" prepared to take their cattle on their traditional route through Jonglei in search of water and grazing grounds. Neighbours insisted that the pastoralists disarm, which led to meetings with the Jonglei state government, civil society, and the youth. The Lou Nuer youth refused to disarm, arguing that they needed their weapons to protect themselves from the neighbouring Murle people, and that the SPLA had to first, or simultaneously, disarm the Murle.

In January, in response to what they perceived as forced disarmament, the White Army launched a major attack on the SPLA. Civilians and members of both parties to the conflict were wounded and killed. In response, leaders organized a conference that aimed to convince the White Army to turn over their weapons peacefully to the SPLA; however, most of the youth remained determined to keep their weapons. The insurgent youth set up a camp, and may have received Military Intelligence support from the SAF during the following months. After some minor skirmishes, a full-scale confrontation took place on 18 May in which 113 White Army fighters and one SPLA soldier were killed. In response to the White Army retreat, the SPLM/A called a meeting of chiefs and local authorities to begin organizing disarmament. The chiefs mobilized the people and the disarmament for the next two months, until they concluded that the process had been 95 per cent effective (Young 2007).



This example showed that neither the GOSS nor the UN had an adequate plan for a civilian-led, civilian disarmament process. The UN DDR Unit's focus is on traditional disarmament, demobilization, and reintegration. Therefore, UN DDR had not devised a strategy outlining their role in civilian disarmament, and was forced into a reactive role. The GOSS has been criticized for what appears to be a military-led process, especially given the SDDRC's noted absence during the disarmament processes in Jonglei and Akobo (Young 2007).

In response to the outbreak of violence in Jonglei, the Lou Nuer leaders in Akobo called for peace talks and persuaded their community to accept peaceful disarmament by the GOSS and local authorities. The UN reacted quickly to provide coordinated support to this initiative, placing military observers and Force Protection in the area and supporting the disarmament process. Given the clear security risk in Akobo, Community Security Support funding was rapidly made available to support the voluntary disarmament process, although no threat map had been elaborated.<sup>27</sup>

The campaign in Akobo was implemented peacefully, unlike the confrontation with the White Army. A broad range of stakeholders and actors, including: the GOSS, the SPLA, the Southern Sudan Police, the SDDRC, UNDP, UN DDR, United Nations Police, UNMIS Force Protection, collaborated in the process in Akobo. Local police and civilians conducted disarmament; SPLA soldiers provided security; and local registrars practised procedures for registration and weapons collection (Adekoya 2006b). The campaign in Akobo ended on 30 July with a reported 1,300 weapons collected. Despite some more optimistic reports, some SPLA commanders felt that this was a small fraction of the total number of weapons in the area (Young 2007).

Having embarked on a complicated process that does not correspond to national borders, both the UN and the GoSS will face challenges to implementation, and need a sound and comprehensive strategy. Now that the activity has begun, there is an onus on the GOSS to expand the process to surrounding areas. Each civilian disarmament activity creates insecurity, as the newly disarmed community will fear neighbouring communities with which they have a history of conflict, if those communities have not yet been disarmed. The provision of adequate security for communities is a prerequisite for successful civilian disarmament. Each process will be different, subject to unique challenges related to the local power politics. While civilian disarmament is underway, the UN has worked to set up systems to support the SPLA so that they can provide security between communities. It is not yet clear if the SPLA and local police can viably provide a level of security that will encourage residents to lay down their arms.

Mediation and reconciliation assistance may prove an important contribution to the prevention of conflict during disarmament, as groups are more likely to voluntarily disarm if they feel that their security is guaranteed by the SPLA. Furthermore, the GoSS, SDDRC, and the UN should partner to ensure that disarmament is voluntary, rather than coerced, as may have been the case of the disarmament in Jonglei.<sup>28</sup>

The use of CSS funding and projects in coordination with civilian disarmament may be important to address the changed community security dynamics after disarmament. Specifically, as a part of a strategy for civilian disarmament, the CSS could consider activating peace and reconciliation initiatives to take place not only at the initiation of discussions

about disarmament, but also in the aftermath of disarmament. Another important intervention may be the provision of services for disarmed youth and adults who may feel abandoned by the process. The coordination of these activities will be important for the long-term success of the civilian disarmament exercise. The GOSS has encouraged other organizations to engage in recovery and development activities in areas that have been disarmed (IDDRP 2005).

### *DDR program implementation*

Because both the SPLA and the SAF have commenced restructuring activities and the identification of individuals for DDR, pressure for the development of the DDR program is building.<sup>29</sup> The DDR Phase I program is currently being developed and implementers are considering a number of policy and program debates that will be particularly important to the potential success of the program.

The criteria for DDR candidates will determine the number of people who enter the program, the amount of fundraising required, and the benefits available per person. While the SPLA is undertaking activities to prepare for restructuring, the SDDRC and the UN DDR unit must consider how to engage with the SPLA on this issue. Decisions need to be made regarding the nature of reintegration packages and how coordination with the police and other institutions will be managed to promote civilian opportunities for ex-combatants. Programmers are encouraged to pay special attention to the development of DDR packages for officers and politicized OAG leaders, as these individuals have different needs and can be a threat to the peace if not successfully reintegrated (Gebrehiwiti, Morse & Ileri 2006).

Many elements will need to be prepared to roll out DDR Phase I, including the procurement of reinsertion goods and information management systems. Most importantly, parties will need to agree on standard operating procedures for reintegration. Some debated issues will need to be discussed and decided upon, such as whether or not SPLA DDR candidates will be encamped prior to demobilization, and how to handle the issue of pensions for veterans (Gebrehiwiti, Morse & Ileri 2006).

*Social and economic reintegration.* In addition to logistical and administrative tasks, the implementation of, and preparation for, social and economic reintegration will be a great challenge in the dilapidated south. The DDR program is working to build the medical capacity in the south through local providers and international organizations.<sup>30</sup> Further consideration may need to be paid to the potential impact of urbanization, given that reintegration packages are based on grants for projects that will require some level of economic activity to be successful.

The reintegration mapping opportunities system has been set up, and a pilot assessment has been conducted in Juba and Rumbek, but this system needs to be extended to other areas. All areas will require annual data updates to keep up with changing market conditions. Service providers may require training, assistance with procurement of special materials, and development of full procedures in preparation for reintegration.<sup>31</sup>

Linkages between areas of high return and other economic recovery and development programs will be critical to the long-term success of the economic reintegration program. Measures to support successful reintegration, such as programs to boost the private sector and to provide security for entrepreneurs, require coordination with implementing partners or other agencies.<sup>32</sup> The Commissioner of the SDDRC<sup>33</sup> emphasized the need for long-term, sustainable measures, and stated his concern that sustainable economic livelihoods are not currently a real possibility for ex-combatants:

Usually when you demobilize the ex-combatants, they have to pass through a number of processes, including the provision of skilled training. That one can be done. But, when you provide these skills, where are the job opportunities for the skills? Are there job opportunities? I'm not saying that it cannot be resolved, but it needs huge intervention in order to provide a sustainable solution. If it isn't going to be sustainable, it will create insecurity.

*Staffing the SDDRC.* When DDR is rolled out, the SPLA, the SDDRC, and the UN agencies that are involved in the process will all have a larger workload. Therefore, all parties must have adequate, well-trained staff in place. Ultimately, the success of DDR will depend on the ability of the UNDDR unit and the SDDRC to quickly put staff into place to develop and maintain the reintegration program. Concerns about autonomy have caused both the UN and the SDDRC to experience conflict and delayed progress in staffing. Currently the SDDRC has only 14 staff members (Gebrehiwit, Morse & Ileri 2006). The SDDRC Commissioner<sup>34</sup> expressed the urgent need for more SDDRC staff, specifically at the state level, to be ready for DDR:

We still don't have the staff. You can not think of implementing the program without infrastructure. We don't have offices, and we don't have the manpower to implement the program. This is basic. The state is the most important.... We are stuck at the stage of implementation [of the IDDRP].... The UN cannot come physically to implement the program — that has been tried in so many programs but has failed.

To prepare and program DDR involves an increased workload that requires trusting institutional relations and an increased capacity. The UN DDR unit has made plans to work with the SSDDRC on planning activities, including a capacity assessment and to follow up to build capacity; it is hoped that through these activities, trust will also be built. The UN DDR unit has also made an effort to decentralize some of their operations from Khartoum so that there is staff support working directly with the SPLA in Juba.<sup>35</sup>

*Reintegration opportunities for girls.* As the SDDRC develops guidelines for reintegration and continues child demobilization, they are encouraged to make special provisions and to take extra measures for girls.<sup>36</sup> Continuing attention to the issue of girl soldiers is necessary in Sudan, given the challenges associated with trying to demobilize this group. Girls are likely to have been taken as wives, whether formally or informally. If they are not yet married, they may not be released for demobilization because a significant bride price can be claimed for them. If they are married, their husbands are likely to hold them back from demobilization. Helping girls to reintegrate into society will improve community security and prospects for peace both immediately and in the long term as these girls raise their own families.<sup>37</sup> Because

girls and boys occupy different social positions in Sudan, they require different targeting, protection, and reintegration mechanisms.

According to IDDRS, paying particular attention to girls' rights and ensuring their access to basic services can help to sustain a protective environment. Child DDR initiatives can be more effective if there are concurrent initiatives to ensure a government commitment to girls' rights and to introduce and enforce relevant legislation. Participatory discussion with girls about programs at all stages will help to ensure that programs meet girls' needs. Getting fighting forces to release girls may be very difficult, and so measures such as hiring and training women so that they know how to deal with girls and girl mothers, having male and female mediators on hand to work for the release of girls, and using a gendered communications campaign can all help to reach girls within the fighting forces.

*Multiagency coordination.* The UNDDR unit is under the organizational umbrella of the Deputy Special Representative to the Secretary-General for Humanitarian Affairs and Development, an arrangement meant to enable interagency coordination. As the DDR program is being developed and implemented, the UNDDR unit and the national counterparts will have to find mechanisms to engage with other agencies and ministries so that DDR is complemented by other longer-term recovery and economic development interventions. Similarly, coordination will be required to ensure that vulnerable groups that are excluded from DDR are addressed by other agencies or organizations. As national and international actors work together to further develop the DDR program, opportunities to involve NGOs, as in the TCCs and other planning bodies, should continue to be explored.

UNDDR was one of two pilot integrated DDR units, but DDR implementation may now be divided between UNDDR and the newly formed Security and Recovery Unit of the UNDP. The formation of this new unit may be in part a response to the challenges of the integrated DDR unit, where DPKO and UNDP staff are asked to collaborate despite sometimes conflicting approaches to DDR. If reintegration and Community Security Support activities are implemented by the UNDP unit, care must be taken to ensure that there is coordination between disarmament and demobilization implemented by DPKO and reintegration and CSS activities implemented by UNDP.

*Funding.* The UN has been forthcoming in funding disarmament and demobilization, allocating approximately \$48-million for these activities. However, a similar level of funding for reintegration has not yet been secured. The UN DDR Unit is developing the reintegration component of the program in collaboration with the two commissions and presented the plan to donors in August of 2007 to raise funds according to the estimated number of beneficiaries.<sup>37</sup> If the UNDP takes the lead in reintegration and the necessary fundraising activities, coordination will be required within the UNDDR unit to ensure that funds are available for a smooth transition from disarmament and demobilization to reintegration.

### *Effective verification*

According to the CPA, the Ceasefire Joint Military Committee will be responsible for verification of DDR activities. As DDR gains momentum, effective verification will be of

the utmost importance. Given the demonstrated atmosphere of mistrust, highly effective verification will help to prevent conflict, as parties are likely to suspect each other of cheating. If verification is perceived as credible, it will provide the framework for parties to engage in a confidence-building exercise through gauged demobilization. Promoting transparent policies and a proactive communication campaign, and updating stakeholders on the status of disarmament activities may help to build trust in the disarmament process. In case there are accusations of hedging or cheating, the UN could consider developing a preemptive conflict resolution mechanism.

## *Conclusion*

The potential contribution of DDR in Southern Sudan is limited by the complex political environment. The traditional goal of DDR, to create conditions for a long-term peace through disarmament and demilitarization, is limited by the parties' concern that hostilities will resume prior to the 2011 referendum. Given this concern, which has been fueled by instances of violence and conflict regarding transitional areas and OAGs, both parties are likely to want to maintain force readiness, despite the provisions in the CPA for negotiations regarding force reduction. The international community needs to reconcile the tension between the UNDDR unit's mandate to support national ownership, and the international and national commitment to the provisions of the CPA. The realistic objectives of the DDR program should be clearly communicated, for the sake of national and international accountability.

Despite the potential limitations to the program, DDR can contribute to peace and recovery in Southern Sudan in several important ways. The DDR of OAGs, WAAFG, disabled soldiers, and CAAFG can help to reduce local conflicts, build local economies, and reduce the tension between the north and the south. DDR activities implemented through the Community Security Support Framework, including civilian disarmament, will directly target local risks to security and, in some cases, will build capacity for reconciliation. The security sector reform activities aimed to help the SPLA formalize their army may prepare the ground for a future DDR program that can help the SPLA to run a more efficient and possibly smaller army.

DDR of special needs groups provides an opportunity for the demilitarization of many individuals in the north and south. These individuals will have the opportunity to begin civilian lives and become productive members of society. Demobilized individuals and their communities will receive grants for reintegration and these grants may stimulate local economies. If child DDR is successful, it will give youth support, opportunities, and incentives to become better educated and trained for civilian life.

Demobilizing OAGs may be the DDR program's most important contribution to community security, particularly in Southern Sudan. These groups continue to breed conflict throughout the north and south and are a hindrance to CPA compliance. If the north and south are able to make progress on the DDR of OAGs that have not yet aligned, it will be a major achievement for the entire peace process.

Similarly, supporting a voluntary, civilian-led civilian disarmament process is critical for long-term peace in Southern Sudan. Given the large number of armed civilians in the south and the prevalence of ethnic and tribal tensions, implementing this process in a strategic and careful way can minimize the risk of incidents such as the hostilities in Jonglei.

The national priority placed on DDR is a critical factor that will determine the speed and success of implementation. National and international stakeholders are encouraged to recognize the importance of DDR to the larger goal, and to promote the prioritization of DDR along with other national objectives. While there are many urgent priorities in Southern Sudan, DDR, even with limited goals and reach, represents a unique opportunity to reduce conflict between the north and the south, to promote local economies and reconciliation through economic and social reintegration, and for the GOSS to gain legitimacy among its large constituency of veterans. And, while the challenges to DDR are formidable, by understanding the context and challenges of the DDR program, and by clearly stating and pursuing the objectives of the program, stakeholders and actors can be better prepared to support and implement a successful program that will contribute to conditions for peace and economic recovery.

### *Appendix: Disarmament, Demobilization, and Reintegration*

In post-conflict environments, providing security is a prerequisite for development and democratization. DDR, one of the many components of an agreement that aims to build a lasting peace, plays a central role. If implemented correctly, it can deescalate the perceived threats for all parties to a conflict and help to create the conditions for long-term peace and development.

DDR, part of a larger Security Sector Reform (SSR) program, works to provide security by reducing the size of fighting forces, minimizing incentives to take up arms, and creating a more stable and secure environment for all communities. The goal of SSR is to design and implement a strategy for the management of security functions in a democratically accountable, efficient, and effective manner to initiate and support reform of the national security infrastructure (UN DDR Resource Centre 2006a). DDR advances the goal of SSR by helping to demilitarize fighting forces and to promote an efficient and professional military, while containing the spread of violence through arms control and reintegration packages for ex-combatants (Brzoska 2006).

There are three main components to DDR, which take relative importance in each situation according to the specific local context. While these components are often seen as occurring in a step-by-step progression, practitioners emphasize that DDR activities should be understood as taking place along a continuum (Hagman & Nielsen 2002). The following paragraphs describe the components of DDR.

*Disarmament* refers to the collection of arms and ammunition and the development of responsible arms management programs. It helps to prevent conflict by removing the means to prosecute civil war. Small arms, ammunition, explosives, and light and heavy weapons are collected from combatants and often also from civilians, and are documented, controlled,

disposed of, and/or turned over to legitimate forces. Monitoring and verification serve to deter cheating or fraudulent activity and to build confidence in the process of disarmament (Pouligny 2004).

*Demobilization* is the process by which individuals are disbanded from armed forces in a formal and controlled manner. Demobilization may include the following steps: encampment, registration, disarmament, predischARGE orientation, final discharge of ex-combatants (Pouligny 2004), and, finally, the provision of a 'reinsertion' or support package to the demobilized person (UN DDR Resource Centre 2006a). The tasks of demobilization and disarmament are bundled, but demobilization is thought to play a greater role in peace implementation than disarmament, as it is the process by which the command and control structures of operating fighters are broken (Spears 2002).

*Reintegration* supports short- and medium-term social and economic inclusion of former combatants into their communities of origin or new communities by helping ex-combatants become integrated civilians with employment and/or income-generating opportunities. Reintegration may require the development of national policy; support for implementation agencies; local emergency aid and transport to selected settlement regions; discharge payments; settling-in packages; facilitation of social reintegration and reconstruction projects; microgrants; and/or vocational training. This part of the process, while possibly the most complex and difficult, is considered the most effective way to break ties between combatants and fighting forces, and therefore plays a critical role in peacebuilding (Pouligny 2004). Reintegration is part of the development of a country, and often necessitates long-term assistance (UN DDR Resource Centre 2006a).

## *Notes*

1. Thanks are sincerely extended to Arop Mayak and the Southern Sudan Disarmament, Demobilization and Reintegration Commission and other key stakeholders for providing critical input to this research, and for their on-going efforts in Sudan. The author wishes to express her gratitude to Francis Kai-Kai and Maximo Halty for their leadership and for the enriching opportunity to work with the dedicated group of people that make up the UNMIS DDR team. In particular, the author thanks Aderemi Adekoya of UNMIS DDR for his unwavering support and feedback, which made this research possible. Jan Pronk, Philip Shelter-Jones, Sajid Khan, Huria Ogabamichael, Paula Souverign-Eisenberg, Cornelia Schneider, and Gillian Cull made the author's time with UNMIS possible, for which the author is very grateful. Victor Okello and Laban Cheruiyot guided the research process with consistent and excellent care, as did Adams Oloo and Emily Schroeder through their thorough and thoughtful reviews of various versions of this paper. Lastly, the author thanks Eileen Babbitt, Ted Morse, Sean Bradley, Anton Baare, Kelvin Ong, Tania Belisle-Leclerc, and Fumie Nakamura for their input.

2. Because of the difficulty in contacting South Sudan DDR Commission staff, SDDRC input to this article was limited. All possible efforts were made to contact the SDDRC and to reference secondary sources that could provide insight to the SDDRC perspective.

3. Further information on specific accomplishments of the DDR program can be found at UMMIS 2007.
4. The information in this paragraph, and all subsequent references to IDDRS, are from UNDDR Resource Centre 2006a.
5. For a further discussion of the challenges faced by the integrated units, see Muggah 2007.
6. The descriptive information in this paragraph and in the remainder of this section, except where otherwise cited, was culled from: Adekoya 2006a and 2006b.
7. According to IDDRS, “primary responsibility for the successful outcome of DDR programs rests with national and local actors, and national stakeholders,” as too much external control and lack of true partnerships can lead to unsustainable programs that are not adapted to the local context.
8. Personal communication with Aderemi Adekoya, UN DDR, 13 June 2007.
9. Interview with UN official, 25 January 2007.
10. The descriptive information in the referenced paragraph and in the remainder of this section, except where otherwise cited, was culled from: Adekoya 2006a and 2006b. More information on the child demobilization program in Southern Sudan may be found in an upcoming UNICEF assessment of 1,000 demobilized children.
11. Interview with Maximo Halty (DDR Program Manager 2005-2006), 25 January 2007.
12. Information on the CSS and Threat Mapping was culled from: "Community Security Support in Sudan: Frequently Asked Questions," (UNMIS 2007) and Adekoya 2007.
13. The first paragraph in each subheading of this framework draws from the framework in Spears 2002.
14. Interview with UN official, 19 January 2007.
15. Interview with UN official, 19 January 2007.
16. Interviews with UN officials, 14, 15 January 2007.
17. Interview with UN official, 17 January 2007.
18. Author's notes from a meeting with the Governor of Malakal, July 2006.
19. For further discussion of armed groups, see Khalid Ahmed's article in this volume.
20. Interview with UN official, 25 January 2007.
21. Personal communication with UN official, July 2006.



22. For further discussion of OAGs in Sudan, see Khalid Ahmed's article in this volume.
23. Interview with UN official 7 February 2007.
24. The May 2007 *CPA Monitor* reported that during May, the SAF unilaterally demobilized OAGs in the south that refused to deploy to the north. The SPLA contests the claim that there are no more SAF-aligned OAGs in the south.
25. Interview with Maximo Halty, 25 January 2007.
26. For further discussion of SARC in Sudan, see: Dan Alila's article in this volume.
27. Interview with UN official, 25 January 2007.
28. Young (2007) has raised the question of whether the disarmament process in Akobo could truly be considered voluntary, given the recent demonstration of violence toward a group that would not comply with SPLA demands to disarm.
29. Through restructuring activities at the end of 2006, the SPLA has identified 30,000 persons for DDR (Gebrehiwit, Morse, and Ileri 2006).
30. Interview with external consultant, 23 January 2007.
31. Interview with external consultant, 23 January 2007.
32. Interview with external consultant, 23 January 2007.
33. Interview with Arop Mayak Manytoc, 26 January 2007.
34. Interview with Arop Mayak Manytoc, 26 January 2007.
35. Interview with UN official, 24 January 2007.
36. This report notes that the SDDRC and UNICEF are taking measures regarding girls and child DDR, but highlights IDDRS recommendations, given the difficult situation for girl combatants in Sudan.
37. Personal communication with Aderemi Adekoya, UN DDR Unit, 13 June 2007.

## References

- Adekoya, Aderemi. 2006a. *Sudan Disarmament, Demobilization and Reintegration Newsletter*. Khartoum: The UN DDR Unit.
- . 2006b. Quarterly Report. *The Sudan Interim Disarmament, Demobilization and Reintegration Program Newsletter*. Khartoum: UNMIS DDR Unit.
- . 2007. *Sudan UN DDR Newsletter*. January.  
<http://www.unmis.org/english/2007Docs/DDRNewsletter-jan07.pdf>.
- Bah, Alhaji & Ian Johnstone. 2007. Sudan: Faltering protection and fragile peace. *Annual Review of Global Peace Operations 2007*. New York: Center on International Cooperation.
- Brzoska, M. 2006. Introduction: Criteria for evaluating post-conflict reconstruction and security sector reform in peace support operations. *International Peacekeeping* 13:1, 1-13.
- The Comprehensive Peace Agreement Between The Government of The Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army*. 2004. Annexure I: Permanent Ceasefire and Security Arrangements Implementation Modalities and Appendices.  
<http://www.unmis.org/English/documents/cpa-en.pdf>.
- Gebrehiwit, Mulugeta, Ted Morse & Peter Ileri. 2006. Every DDR is unique. Khartoum: DFID.
- Government of National Unity & Government of Southern Sudan. 2005. Interim Disarmament, Demobilization and Reintegration Programme for Sudan. Khartoum.  
[http://www.unmis.org/English/2006Docs/ddr\\_IDDRP%20Programme-Jul05.pdf](http://www.unmis.org/English/2006Docs/ddr_IDDRP%20Programme-Jul05.pdf).
- Hagman, Lotta & Zoe Nielsen. 2002. *A Framework for Lasting Disarmament, Demobilization, and Reintegration of Former Combatants in Crisis Situations*. Working paper, International Peace Academy. <http://www.ciaonet.org/wps/hal07>.
- Interim Disarmament Demobilization and Reintegration Programme for Sudan*. 2005. July.  
[http://www.unmis.org/English/2006Docs/ddr\\_IDDRP%20Programme-Jul05.pdf](http://www.unmis.org/English/2006Docs/ddr_IDDRP%20Programme-Jul05.pdf).
- International Crisis Group. 2005. *The Khartoum-SPLM Agreement: Sudan's Uncertain Peace*. Africa Report No. 96, 25 July. <http://www.crisisgroup.org/home/index.cfm?id=3582&l=1>.
- Kai-Kai, Francis. 2004. Closure of NCDDR. Freetown: National Commission for DDR.
- Muggah, Robert. 2007. Great expectations: (Dis)integrated DDR in Sudan and Haiti. *Practice and Policy Notes*. Graduate Institute of International Studies, University of Geneva.
- Pouligny, Béatrice. 2004. 'The Politics and Anti-Politics of Contemporary "Disarmament, Demobilization and Reintegration" Programs'. Geneva: The Graduate Institute of

International Studies, 2004. <http://www.ceri-sciences-po.org/cherlist/pouligny/rapportpouligny.pdf>.

Security Council Report. 2007. January 2007 Southern Sudan.. [http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.2294397/k.5AE3/January\\_2007BRSouthern\\_Sudan.htm](http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.2294397/k.5AE3/January_2007BRSouthern_Sudan.htm).

Spears, Joanna. 2002. Disarmament and Demobilization. In Stedman, Stephen, Donald Rothchild & Elizabeth Cousens, eds. *Ending Civil Wars: The Implementation of Peace Agreements*. Boulder: Lynne Rienner.

UNICEF. 1997. Cape Town Principles and Best Practices. [http://www.unicef.org/emerg/index\\_childsoldiers.html](http://www.unicef.org/emerg/index_childsoldiers.html).

UN DDR Resource Centre. 2006a. The Integrated Disarmament, Demobilization and Reintegration Standards. <http://www.unddr.org>.

———. 2006b. Sudan Country Program. <http://www.unddr.org/index.php>.

UNMIS 2006. *The CPA Monitor*. November. [http://www.unmis.org/common/documents/cpa-monitor/cpaMonitor\\_nov06.pdf](http://www.unmis.org/common/documents/cpa-monitor/cpaMonitor_nov06.pdf).

UNMIS. 2007. DDR documents and publications. <http://www.unmis.org/english/ddr-pub.htm>.

UN Security Council Resolution 1590. 2005. [http://www.un.org/Docs/sc/unsc\\_resolutions05.htm](http://www.un.org/Docs/sc/unsc_resolutions05.htm).

Young, John. 2007. *Sudan People's Liberation Army: Disarmament in Jonglei and its implications*. ISS Paper 137. Pretoria, South Africa: Institute for Security Studies. [http://www.iss.co.za/dynamic/administration/file\\_manager/file\\_links/PAPER137.PDF?link\\_id=3&slink\\_id=4472&link\\_type=12&slink\\_type=23&tmpl\\_id=3](http://www.iss.co.za/dynamic/administration/file_manager/file_links/PAPER137.PDF?link_id=3&slink_id=4472&link_type=12&slink_type=23&tmpl_id=3).



## Small Arms Legislation and Control Mechanisms in Sudan<sup>1</sup>

Dan Alila

### *Executive Summary*

The principal objective of this research was to analyze the existing legislation and mechanisms for the control of small arms and light weapons (SALW) in Sudan. Other objectives were to assess Sudan's commitment to both international and regional SALW control mechanisms and then make recommendations for policy formulation and legislation. Conclusions and recommendations are based on an assessment of the Comprehensive Peace Agreement (CPA), the interim Constitutions, and the relevant statutes, as well as the international and regional covenants on SALW so far signed by the Government of the Republic of Sudan (GOS). Additional analysis resulted from interviews, a review of the literature, and consultations with officials of the Government of Southern Sudan (GOSS) from both the legal and security sectors. It proved difficult to access any information on SALW control from the military in either the south or the north; government officials in Sudan at all levels are still sensitive to, and reserved on, matters related to weapons or the military.

There are serious legislation and policy deficits on SALW in Southern Sudan and inadequate legislation and policy in the north. Even though the GOS has signed some critical international and regional protocols aimed at SALW control, such covenants have yet to be incorporated into the country's laws. Existing security institutions were apparently designed to procure and distribute weapons for the internal wars and not to control weapons in the country, although there are some fundamentally flawed pieces of legislation on small arms in the north. Secrecy in Sudan on weaponry appears to be closely connected with the security situation on the ground as well as uncertainties associated with the CPA-dictated interim period.

The criminal justice system as mediated through the courts is not only ineffective and limited but unharmonious. Justice in the north is guided by the principles of *sharia* law while in the south common law principles are espoused. Such disharmony diminishes the effectiveness of SALW regulations. In the same context, exclusive legislative and executive powers at the state level (as stipulated in the CPA) could make for ineffective governance in matters concerning SALW legislation and related institutional policies. Harmonized legislative and policy formulation is recommended at both the federal and regional government levels.

Sudan's commitment to enforce international and regional SALW control mechanisms is doubtful. Government practice and the security situation on the ground are manifestly irreconcilable with such charters. It is safe to conclude that such engagements by the Sudan government are only symbolic and diplomatic postures at best. It is imperative that all stakeholders in arms control exert pressure on the GOS to ratify and actualize both international and regional SALW control mechanisms, and also to adhere strictly to the letter

and spirit of the CPA. Pressure should also be exerted on the GOSS to adhere to the terms of the CPA, particularly on security arrangements.

The paper concludes by noting that effective SALW control and management in Sudan lie neither in the signing of the protocols on SALW control nor on “gimmick” laws, but rather on adequate community security and protection, peacebuilding, and reconciliation, coupled with development efforts that lead to a genuine and sustainable peace. The reduction or elimination of conflict will logically minimize demand for weapons and facilitate effective SALW control through legislation and institutional policy designs. Thus the urgent challenge is first to usher in genuine peace in the whole country and then to bring in effective legislation and policies to control SALW.

### *Introduction*

This paper is an assessment of the current state of small arms legislation and control mechanisms in Sudan, a country that is awash with armed groups that have over the years maimed and killed fellow citizens. SALW have generally remained the weapons of choice.

The study’s objective was to analyze Sudan’s existing national legislation relating to SALW, its commitment to existing international and regional SALW control mechanisms, and challenges faced in the development of an operational SALW control regime in Southern Sudan, and to make recommendations.

Since independence in 1956, Sudan has undergone years of internal armed conflict and is now a showcase in the Horn of Africa for a largely ineffective control of small arms in terms of operational policies, functional legislation, and institutional rules. Some of the critical factors that have contributed to this situation are worth noting. First are the internal regional conflicts in the country, especially the GOS/Anyanya<sup>2</sup> wars and then the 21-year GOS/SPLA conflict that officially ended with a ceasefire and the CPA in 2005, the GOS/Beja conflict in the East and the ongoing conflict in Darfur in the western part of the country. These internal conflicts have caused the Khartoum-based government to adopt a policy of arming pro-government militia groups in these conflict-ridden regions (ICG 2003, p. 5). Similarly, the armed groups fighting against the government have also facilitated in-flow of arms into their geographical areas of control. Thus, the state of internal conflict has created a continuous demand for arms and consequently encouraged illicit trafficking of small arms and light weapons into the country from external sources.

Second, the absence of effective governance structures in the regions in conflict has led to the emergence of informal power structures, ostensibly to defend communities, which have facilitated the rapid spread of small arms to the civil population, particularly the herdsmen, gangs, and criminal elements. It is estimated that 1.9–3.2 million small arms are in circulation, two-thirds of which are held by civilians, 20 per cent by the GOS, and the remainder divided between the GOSS and current and former armed groups (SAS 2007, p. 2).

Third, military leadership of the government in Khartoum has favoured the proliferation of small arms in the entire country. The country has had military governments from 1958–64, 1969–85, and from 1989–2005 (ICJ 2002, p. 343).

Fourth, political turbulence in some of Sudan's neighbours—Ethiopia, Somalia, Uganda, and Democratic Republic of Congo—has also facilitated the flow of small arms into Sudan.

Lastly, some states in the Horn of Africa have armed rebel groups for purely political reasons. This kind of activity has greatly contributed to cross-border arms trafficking and is best illustrated by the case of the Lord's Resistance Army (LRA) in Southern Sudan (Clapham 1998, pp. 116-117).

However, since the signing of the CPA between the GOS and the SPLA/M in early 2005, there has been relative peace in Southern Sudan. There is also a Government of National Unity (GONU) in Khartoum comprising, among others, officials of the SPLA/M and the National Congress Party (NCP), which were the parties to the CPA. The country has enacted a six-year Interim National Constitution based on the CPA. The southern part of the country, that is Southern Sudan, has been given political autonomy to the extent that it has its own interim Constitution. The GONU exercises exclusive executive and legislative powers over matters pertaining to sovereignty, for instance, national defence and protection of national borders, foreign affairs, and signing of international treaties. The Juba-based government of Southern Sudan also exercises exclusive legislative and executive powers over matters touching on, *inter alia*, firearms, police, and security forces in the south. There are also areas of concurrent power between GONU and GOSS. However, in cases of dispute over decision making, the principle of subsidiarity holds sway.

### *Methodology*

The current status of legislation, policies, and institutional rules on small arms in Sudan and, particularly, Southern Sudan was assessed. The following documents, among others, were reviewed: the CPA, especially the protocols on security arrangements and power sharing; the interim National Constitution of Sudan; the interim Constitution of Southern Sudan; as well as relevant surviving statutes enacted long before the CPA, in particular, the Arms, Ammunition and Explosives Act, 1986 and the Arms, Ammunition and Explosives Regulations 1993, Incorporating Amendment No. 1 of 1997. Also reviewed were both the international and regional protocols on small arms and the extent to which Sudan has domesticated the two categories of covenants. An extensive review of the status of small arms in the Horn of Africa and the Great Lakes Region was carried out. Expert opinions on small arms in Sudan and the region were critically analyzed. Then existing gaps in legislation and/or policies were identified.

Issues relating to SALW are multi-dimensional; legislation and institutional mechanisms are only one aspect. Other essential perspectives to SALW control and management are not within the scope of this paper.

## *Small Arms and Insecurity in Sudan*

Both the interim National Constitution of Sudan (see schedules B and C) and the interim Constitution of Southern Sudan (see schedules B and C) make reference to “Fire Arms” without offering a definition. The CPA, particularly the protocols on security arrangements similarly offers no helpful definition. The pre-CPA legislation on small arms in Sudan, the Arms, Ammunition and Explosives Act, 1986 (AAEA 1986) provides the following definition in Article 8: “In the Act, unless the context otherwise requires: ‘Arms’, include firearms, ammunition, explosives, as the Arms Corps of the People’s Armed Forces may specify.” This definition is uncertain, unclear, and vague. The Act does not provide any definitions on ammunition, small arms, or other related materials/parts and components. However, the legal definition of what constitutes a small arm or light weapons varies widely from country to country and even among different sectors within a given country. This fact is explicitly underscored by Katherine Kramer (2001) in her work on SALW in Southeast Asia.

This paper adopts the definitions of small arms and light weapons found in the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (2004). **Small arms** are “weapons designed for personal use and shall include: light machine guns, sub-machine guns, including machine pistols, fully automatic rifles and assault rifles, and semi-automatic rifles.” Small arms include **firearms**, which are “any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899.” Firearms include “any other weapons or destructive device such as an explosive bomb, incendiary bomb or gas bomb, grenade, rocket launcher, missile, missile system or mine.” **Light weapons** include “portable weapons designed for use by several persons serving as crew: heavy machine guns, automatic cannons, howitzers, mortars of less than 100 mm calibre, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder-fired rockets, anti-aircraft weapons and launchers, and air defence weapons.” **Ammunition** means “the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a small arm or light weapon, provided that those components are themselves subject to authorisation in the respective State Party.” **Other related materials** are “any components, parts or replacement parts of a small arm or light weapon, that are essential to its operation.”

In spite of the CPA, both GONU and GOSS are still grappling with insecurity. In the north, there is a raging internal conflict in Darfur where rebel groups are fighting against the Janjaweed<sup>3</sup> militias reportedly backed by the government security forces. In the northeast, there are intermittent clashes between the Beja rebel groups and government forces. In both these zones of conflict, SALW are the weapons of choice.

In Southern Sudan, elements of pro-GONU militias still roam the countryside and violently resist disarmament. The GOSS has yet to provide adequate protection for communities or to police porous borders. Effective governance structures and law enforcement agencies are

still lacking in many areas. These are some of the reasons why many individuals and groups, especially pastoralists, own illegal guns and are reluctant to part with them.

In an effort to address the issue of insecurity, several measures are being considered and others are being implemented. For example, civil society in Sudan has been involved in peacebuilding and reconciliation work for quite some time. A considerable number of governmental and non-governmental organizations are also involved in de-mining activities in Southern Sudan. The CPA (see Section 1.7 of the protocol on power sharing) states that “the parties [to the CPA] agree to initiate a comprehensive process of national reconciliation and healing throughout the country as part of the peace-building process. Its mechanisms and form shall be worked out by the Government of National Unity.” Other pending measures include effective legislation and formulation of policy guidelines on SALW control and management, which could go a long way in supporting ongoing programs such as disarmament, demobilization, and reintegration (DDR). It is hoped that such measures will lead to a considerable reduction in conflicts as well as SALW-related human rights violations.

### *Small Arms Regime in Sudan: Legal Frameworks and Institutional Mechanisms*

Because SALW proliferate as a result of intentional human activity to design, produce, and procure SALW in response to demand by governments and/or civilians or armed groups, the significance of the legal regime in regulating and controlling SALW cannot be overemphasized. SALW are sold, resold, stolen, diverted and legally or illegally transferred. SALW are used during or after conflicts. Thus, in this complex chain of legal and illicit transfers, the activities of several kinds of actor need to be controlled by way of legislation.

Sudan has a considerable number of statutes operating under the 2005 Interim National Constitution (INC) that were in fact enacted under either the 1983 Constitution or the phased-out 1998 Constitution, both of which reflect an Islamic ideology (ICG 2003, pp. 5-7). Such statutes are based on the principle of *sharia* law (which is inapplicable in Southern Sudan) and are yet to be revised to conform to INC as well as the spirit and letter of the CPA. One such statute is the Basis of Judicial Judgments Act 1983, which rejects any source other than the principles of *sharia* law in the interpretation of the law. This statute is clearly biased against non-Muslims and is contrary to the spirit of the CPA.

A few statutes available to the public in the north refer in varying degrees to SALW control, although matters relating to weaponry have largely remained a confidential military affair (ICG 2003, p. 8). This is evidenced by legislations, such as the National Security Act 1999, the Arms, Ammunition and Explosives Act 1986, the Arms, Ammunition and Explosives Regulations 1993 (AAER 1993) and the 1987 Tribal Militia, Geish al-salem (“Peace Army”) charter enacted by the Sudanese parliament, which legalized the activities of pro-government militia groups that are coordinated by al-Quat al-Wataniya al-Shabiya (“National Popular Forces”) within the National Army. This practice is not surprising given the fact that the country has had internal wars and military rule for a considerable period of time.

The fact that statutes such as AAER 1986 are under the direction and control of the military is reinforced by the definition of arms in Article 8, which reads: “In the Act, unless the



context otherwise requires: “ARMS” include firearms, ammunition, explosives, as the Arms corps of the People’s Armed Forces may specify.” Both AAEA 1986 and AAER 1993 were enacted at the peak of the war between the GOS and the SPLM/A. These two pieces of legislation have been enforced selectively and partially especially in the western and eastern parts of the north, where pro-government militia groups such as the Janjaweed continue to wreak havoc upon the civilian population. Selective enforcement was also witnessed in the ex-garrison towns of Southern Sudan prior to the CPA. Interestingly, though, AAEA 1986 and AAER 1993 have facilitated the distribution of arms to pro-government elements (as implied by Schedule III, Art. 14[2][E] of AAER 1993). The two statutes appear *prima facie* to bear all the hallmarks of an arms control legal instrument. The following provisions, although fundamentally flawed, indicate this. Article 8 of AAEA 1986 provides for the definition of “Arms.” Articles 26, 29, 31, and 44 of AAEA 1986 detail licensing procedures for civilian possession and use of arms. Article 14 of AAER 1993 stipulates the license for possession. Article 15 of AAER 1993 stipulates conditions for possession. Article 16 of AAER 1993 stipulates the inspection of firearms. Article 10 of AAER 1993 stipulates the legal exchange of firearms. Article 23 of AAER 1993 stipulates the regulations for the renewal of firearms licenses. Article 25 of AAER 1993 stipulates general licensing rules.

No provisions exist for record keeping and marking of arms. Articles 5, 7, 10, 12, 16, 20, 21, 22, 23, 26, 44, 45, and 86 of AAEA 1986 deal with the import, export, and transit of arms. But the specified provisos omit record keeping requirements that are stipulated in both regional and international covenants to which Sudan is a signatory. The two pieces of legislation provide no regulation on arms brokering. Various aspects of manufacture of firearms are provided for under Articles 24 and 39 of AAEA 1986 and Articles 4, 5, 6, and 23 of AAER 1993. Further provisos on trade regulation fall under Articles 11, 14, 15, and 44 of AAEA 1986.

In particular, Articles 9, 18, and 44 of AAEA 1986 govern restrictions on sales/transfer of firearms; trade premises are governed by Articles 14, 39, and 44. No provision exists under either statute to pawn or pledge firearms. Penalties for trade-related offences fall under Articles 44 and 45 of AAEA 1986. Article 42 of AAEA 1986 and Article 26 of AAER 1993 focus on seizure, confiscation, and forfeiture of arms. Article 45 of AAEA 1986 and Articles 21 and 22 of AAER 1993 focus on the disposal and destruction of arms. Articles 16, 17, 33, and 44 of AAEA 1986 focus on inspection and enforcement. Article 45 of AAEA 1986 focuses on related offences and penalties. However, no legislation deals with the de-activation of arms. There are no provisions for arms embargoes, either. Articles 25, 27, and 29 and Schedules II and III of AAER 1993 regulate possession and use of arms by state employees. No provisions exist for record keeping, storage, importing, or transferring of state-owned arms. Offences related to state-owned arms are regulated by Article 44 of AAEA 1986 and disposal or destruction of such arms falls under Article 22 of AAER 1993, although the nature of the disposal is not specified.

It should be noted that not only are AAEA 1986 and AAER 1993 fundamentally inadequate and selectively and partially enforced, but they are also rarely applied to arms offences committed by pro-government militias. More often than not such matters are handled by non-public “special military courts,” which adopt irregular judicial procedures. This has been witnessed in many trials, including the widely reported “Nyala trials” of mid-2004. Such trials suppress evidence that would otherwise be given in an open court. In such non-public trials,

the accused cannot make any legal challenges, nor is legal representation allowed, so there is no chance to question or establish the source of arms used, or to know the officials and/or institutions responsible for issuing such arms and the reason for the issuance.

Therefore, it seems that AAEA 1986 and AAER 1993 have been used mainly to give the appearance that the government is serious about firearms control. In fact the statutes remain largely inoperative, particularly in cases where the state has an interest in an internal conflict involving the use of arms. In reality, AAEA 1986 and AAER 1993 are ineffective legal instruments for firearms control and management in Sudan.

The current legal regime has laid down institutional frameworks acceptable to both North and South that aim to, *inter alia*, control weapons in the country. Of particular relevance are the CPA, especially Chapter II, protocol on power sharing, Chapter VI on security arrangements, and the related annexure I; as well as the Interim National Constitution (Section 151 on the National Security Act, Section 148 on Police, Section 141 on the armed forces, and Section 181 on state judiciaries) and the Interim Constitution of Southern Sudan (Section 160 on the police service, Section 164 on security committees regulated by the National Security Act, Section 151 on the armed forces and Section 126 on the judiciary).

It is arguable, though, that in the north the status quo is likely to be maintained, with arms control remaining under the military docket as well as AAEA 1986 and AAER 1993. The INC makes no explicit reference to firearms control and management in the north but does refer to firearms licensing in Southern Sudan (see Schedules B and C) as a task for the GOSS. Such a Legislative Act has yet to be enacted by the Juba National Assembly. In the meantime, the GOSS is still guided by the SPLA military decrees and orders on weapons use and control and, in some cases, secular laws that were applied in the South after the Addis Ababa agreement of 1972. Most of these decrees/orders are confidential and not in the public domain. However, it should be noted that, on 26 June 2003, Dr. John Garang signed 29 laws and four more on 17 April 2004. Such laws included the SPLA Act, the Code of Criminal Procedure Act, the Penal Code Act, the Evidence Act, the Prison Act, the Interpretation of Laws and General Provisions Act, the Passport and Immigration Act, the Attorney General Chambers Act, the Police Act, and the Judiciary Act. These pre-CPA laws were evidently not meant to control small arms. For example, the Penal Code Act makes no reference to firearms control.

Now, following the promulgation of the CPA, the INC, and ICSS, these Acts will have to be revised or redrafted to conform to the Interim Constitutions and the CPA. This is likely to be a daunting task. The Chapter II of the CPA on power sharing prescribes three effective levels of government: the GONU, the GOSS (Regional) and the State Governments (14 northern and 10 southern). Regarding legislation, there are areas of concurrent powers and of exclusive powers, meaning that certain matters, such as sovereignty, can only be legislated by the Khartoum Parliament while others fall under the exclusive legislative and executive powers of the Juba National Assembly and the state Assemblies.

Some issues are subject to interpretation. The National Constitutional Court is mandated to adjudicate over such issues. For example, the Federal Ministry of Justice in Khartoum is still reluctant to approve the Constitutions enacted by the states of Southern Sudan.<sup>4</sup> This effectively puts an embargo on any legislative activity of the state legislatures, even though

the states enjoy exclusive executive and legislative powers over such crucial security areas as state police, prisons, and the licensing of firearms (see Schedule C of Part V of the CPA protocol on power sharing).

In the absence of an operational Police Act, Firearms Control Act, Penal Code, and reformed criminal justice system in Southern Sudan (as stipulated in the CPA), matters relating to small arms control and management, especially possession and use of firearms, issuance of firearms certificates, renewal of firearms certificates, manufacture of firearms and ammunitions, storage and packing of firearms, dealing in firearms, registration of firearms dealers, suspension and revocations of firearms certificates, powers of the court and police over firearms offences, punitive measures on misuse and abuse of firearms will continue to be managed under the SPLA military decrees and orders and to some extent by the security institutions approved by the CPA. In fact, the Ministry of Internal Affairs and the police department in Southern Sudan are reportedly considering the full enforcement of secular laws which were applicable in the first regional government in the south following the 1972 Addis Ababa Agreement.

In Northern Sudan such matters are likely to remain under pre-CPA security arrangements guided by the National Security Act of 1999, AAEA 1986, AAER 1993, the Tribal Militia Charter of 1987, The Penal Code of 1991, and the Code of Criminal Procedure of 1991. These include the Islamic punishments of *Hudud*, which discriminate between citizens on the basis of religion. However, it is not yet clear whether the security institutions approved by the CPA will play any substantive role in small arms control in the north, including conflict-ridden areas such as Darfur and Eastern Sudan, in which laws establishing armed popular defence forces (militias) and granting wide powers that restrict personal liberty are still operational and have yet to be revoked to conform with the CPA and the INC.

The CPA, particularly the protocols on power sharing and security arrangements, stipulates the establishment of a number of security institutions, including courts of law at the national, regional (GOSS), and state levels. The same provisions are reflected in the INC and the ICSS. Such institutions are charged with state security and the dispensing of justice. Some of these institutions, especially those falling under the security arrangements protocol, have the mandate to regulate weaponry, including SALW, during the interim period.

Thus, under Schedule A, Part V of the protocols on power sharing, the GONU has exclusive legislative and executive powers over national defence and security, protection of the national boundaries, establishment of the national police, the constitutional court, and the other national courts that are responsible for enforcing or applying national laws. Under Schedule B, Part V of the protocol on power sharing, the GOSS has exclusive legislative powers over police, prisons, wildlife services, security, and military forces (in the south) during the interim period (subject to the Agreement on Security Arrangements), as well as firearms licensing within Southern Sudan and the coordination of matters in Schedule C of Part V of the protocol on power sharing. Under Schedule C, Part IV of the protocols on power sharing, the individual states of Sudan have exclusive executive and legislative competencies over the constitution of the state (subject to the Interim Constitutions), state police, prisons, the state judiciary, the administration of justice, and firearms licensing.

Additional security institutions are established in Chapter VI of the CPA, including the Sudan Armed Forces (SAF), the Sudan People's Liberation Army (SPLA), and the Joint Integrated Units (JIU), whose deployment and functions are specified in the CPA. The overriding function, though, is to defend the country from external threats and ensure a full ceasefire and the cessation of all hostilities during the interim period. Under the ceasefire arrangements all these forces are to stop laying mines and engaging in other subversive activities; as well an embargo is put on the replenishment of ammunition, weapons, and other lethal or military equipments (Sections 5.3.3 and 5.3.5 of Annexure I on Permanent Ceasefire and Security Arrangements Implementation Modalities and Appendices).

To effectively monitor and verify the ceasefire, the CPA (Section 13 of Annexure I) provides for the establishment of four levels of bodies: the Ceasefire Political Commission (CPC), Ceasefire Joint Military Committee (CJMC), Area Joint Military Committee (AJMC), and Joint Military Teams (JMTs). The duties of the CPC will include the provision of disciplinary measures for violations. The functions of CJMC will include monitoring troop strength and the stocking of arms, ammunition, and other war-related equipment (Section 14.6.5.7 of Annexure I); the supervision of de-mining activities and the decommissioning of exploded ordnances and other forms of military hazards (Section 14.6.5.12); helping parties in disarming and reintegrating armed groups (Section 14.6.5.14); and monitoring and verifying the disarmament of all Sudanese civilians who are illegally armed (Section 14.6.5.15). The CJMC is also mandated by Section 10.2 of Annexure I to determine (in the event of violations of Ceasefire Arrangements) appropriate disciplinary measures, which may include exposing or shaming the guilty; to recommend severe punishment in the event of grave violations; and to recommend referral to civil or criminal trial procedures, or court martial of individuals or parties involved as applicable. Section 22.1.8 of Annexure I empowers the police at the appropriate level during the ceasefire period to combat illicit trafficking in narcotics, drugs, and firearms and other organized and transboundary crimes in the areas.

The issue of foreign insurgency groups is addressed under Section 12.3 of Annexure I, which empowers parties to the CPA to work together to disarm, repatriate, or expel such groups. Part III of Annexure I provides for the establishment of DDR institutions, including:

- The National DDR Coordination Council (NDDRCC), which will set policy and oversee the activities of the NDDRC and SDDRC;
- The Northern Sudan DDR Commission (NDDRC), which will design, implement, and manage the DDR process in Northern Sudan;
- The Southern Sudan DDR Commission (SDDRC), which will design, implement, and manage the DDR process in Southern Sudan; and
- State DDR commissions, which will implement programs at the state and local levels.

It is significant to note that all these institutions established by the CPA and reflected in the Interim Constitutions are at different stages of development—some have not taken off at all. Common to all is a lack of facilitating parliamentary legislation and comprehensive policy guidelines. A worrying trend has emerged in the security sector, in which there is no law distinguishing the operational jurisdiction of the civil police from that of military intelligence. The civil police are mandated by the CPA to handle domestic security issues (including firearms control) and yet military intelligence, particularly in the north, is often reportedly

involved in intricate political assignments, including the coordination, funding, recruitment, and support of pro-government militias<sup>5</sup> that are better categorized as Other Armed Groups (OAGs) and whose continued existence is a violation of the CPA.<sup>6</sup> Such forces include the *Murahaileen* (Armed Arab tribesmen of the Rezeighat and Messeriya at the transitional zones), *Mujabedeen* (“Holy warriors” in the North from Arab tribes), the *Janjaweed*, and the Southern-based militia groups. It is also significant to note that neither AAEA 1986 nor AAER 1993 makes explicit distinctions between the roles of the military and the police in enforcement of laws on SALW.

There is urgent need for the GONU to nullify legislation such as the Tribal Militia Charter of 1987 that recognizes such groups (ICG 2003, pp. 7-8) and makes impractical the control of SALW in the hands of militia groups within the country.

### *Sudan's Commitment to International and Regional Covenants on SALW*

The Government of Sudan has signed a number of international and regional covenants on SALW, including the UN Programme of Action, the Bamako Declaration, and the Nairobi Protocol for the Prevention, Control and Reduction of SALW in the Great Lakes Region and the Horn of Africa. The first two covenants are political commitments and are not legally binding. The Nairobi Protocol is legally binding upon ratification; Sudan signed on 21 April 2004 but has not ratified. Other covenants signed but not ratified by Sudan are the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (signed 18 September 1997) and the Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons, which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects. Sudan has neither signed nor ratified the United Nations Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (UN Firearms Protocol), which came into force in July 2005.

It is significant to note that both the international and regional covenants on SALW concur on certain minimum standards governing SALW. Such minimum standards require explicit legislation on matters relating to definitions, manufacture, possession, record keeping and marking, brokering, import, export, transit, seizure, disposal and enforcement, state ownership, and arms embargoes.

The following are the key standards set by both international and regional covenants:

#### *Definitions*

- Article 3 of the UN Firearms Protocol focuses on the definition of firearms, parts and components, and ammunition.
- Article 3 of the Nairobi Protocol defines small arms, light weapons, firearms, ammunition, and other related materials.

*Remark.* Sudan (GONU) should review its laws on SALW and, where necessary, enact laws; these laws should contain definitions that are clear, explicit, and ensure the coverage of

a broad range of arms and ammunition as specified in both regional and international covenants.

### *Civilian possession and use*

- Article 3 of the Nairobi Protocol and Article 3 of the UN PoA stipulate legislative measures.
- Article 3 of the Bamako Declaration urges legislative action.

*Remark.* GONU should review its laws while GOSS should enact laws to ensure conformity with both regional and international requirements for licensing of civilian possession and use of SALW. Enactments should specify limits on the number of licences and SALW to be held by any person at any given time. Conditions under which such licences are granted or withdrawn should be specified. Restrictions on safe storage and carriage and use should be made explicit.

### *Brokering*

- See Articles 1, 3, and 11 of the Nairobi Protocol; and Articles 5 and 15 of the UN Firearms Protocol.
- Article 3 of the Bamako Declaration urges legislative action.

*Remark.* The role of arms brokers in organizing deals that facilitate the trafficking of SALW cannot be underestimated. Both GONU and GOSS should ensure that provisions are made in their respective laws on SALW for the control of brokers. Such laws should require the registration of brokers as well as authorization of their transactions. The laws should require transparent and accountable operations of the brokers.

### *Manufacture*

- See Articles 1, 3, and 7 of the Nairobi Protocol; Articles 2, 3, and 9 of the UN PoA; Articles 3, 5, and 11 of the UN Firearms Protocol; and Articles 3 and 4 of the Bamako Declaration.

*Remark.* The regional and international covenants call for the effective control of manufacturers, traders, and small arms transfers. GOSS should enact laws while GONU should review its laws to require the licensing of manufacturers and their premises of production. Goldsmiths should also be registered. Such laws should be clear on licensing, authorization, and restrictions on various dealers of SALW. Specific requirements on marking SALW at the time of manufacture should be put in place. The law should also require the keeping of records of production and transfers of SALW.

### *Trade*

- See Article 3 of the Nairobi Protocol and Article 3 of the UN PoA.
- Legislative action urged in Articles 3 and 4 of the Bamako Declaration.

*Remark.* To conform to both regional and international agreements, GONU and GOSS should ensure that their respective laws on SALW provide for the licensing of traders in small arms and stipulate standards required of premises used for SALW trade. Such laws should also expressly prohibit pawning or pledging of SALW.

### *Seizure, disposal, and enforcement*

- See Articles 3, 8, and 9 of the Nairobi Protocol; Article 16 of the UN PoA; Articles 6 and 9 of the UN Firearms Protocol.
- Legislative action is urged in Article 3 of the Bamako Declaration.

*Remark.* In accordance with both regional and international agreements, the GONU and GOSS laws on SALW should make explicit provisions regarding conditions under which seizure, disposal, destruction, and reactivation of SALW may be conducted. There should also be provisions for effective monitoring and auditing of SALW.

### *Arms embargoes*

- See Article 3 of the Nairobi Protocol; Articles 15 and 26 of the UN PoA; and Article 3 of the Bamako Declaration.

*Remark.* As required by both regional and international covenants, GONU and GOSS should ensure that their respective laws on SALW contain explicit provisions that make it a criminal offence to breach arms embargoes, especially UN Security Council arms embargoes and other international sanctions on the export of weapons.

### *Import, export, and transit*

- See Articles 3, 7, and 10 of the Nairobi Protocol; and Articles 2, 8, 9, 11, 12, 13, and 15 of the UN PoA.
- Articles 3, 5, 10, and 11 of the UN Firearms Protocol regulate import, export, and transit.
- Article 3 of the Bamako Declaration urges legislative action.

*Remark.* GONU should review its laws while GOSS should enact laws on SALW to ensure that a licence or authorization is required to import small arms. The law should be clear on the quantities of SALW that may be imported and the requirements for records. The laws should also require end-user certificates and marking SALW at the time of import.

### *Recordkeeping and marking*

- See Articles 3 and 7 of the Nairobi Protocol; Articles 3, 9, 10, 16, 17, and 18 of the UN PoA; Articles 3, 5, 7, 8, 9, and 10 of the UN Firearms Protocol; and Article 3 of the Bamako Declaration.

*Remark.* In accordance with regional and international covenants, GONU and GOSS should ensure that their respective laws on SALW require proper recordkeeping, particularly

on civilian-owned small arms, trade in small arms, manufacture of SALW, and markings on SALW.

### *State-owned arms*

- See Articles 10, 17, 18, 19, and 29 of the UN PoA; and Articles 3, 6, 7, and 8 of the Nairobi Protocol.

*Remark.* GONU should review its laws while GOSS should enact laws, stipulating the kinds of SALW that may be owned by various state or government officials and the form of disposal of such SALW.

### *Penalties*

- All related penalties are covered by Article 5 of the UN Firearms Protocol, Article 3 of the UN PoA, and Articles 3 and 5 of the Nairobi Protocol.

*Remark.* GONU should review or update its laws to conform to both regional and international covenants on penalties. GOSS should enact laws to meet such standards.

In accordance with the Nairobi Protocol, Sudan has established a National Focal Point. It is housed at the office of the National Forensic Laboratory at police headquarters in Khartoum and is headed by Col. Abdelaziz Mohammed Malik, on secondment from the Sudan police department. The National Focal Point is mandated to coordinate with the Nairobi-based Regional Centre on Small Arms, which is responsible for coordinating the regional agenda for action on SALW to realize the objectives of the Nairobi Protocol. However, the National Focal Point has no presence or activities in Southern Sudan. No policy guideline on its work has been issued. Furthermore, it is not yet clear whether the covenants on SALW signed by the Khartoum government prior to the CPA will be recognized in legislation by Southern Sudan, which has exclusive legislative and executive powers over firearms control within its jurisdiction.

AAEA 1986 and AAER 1993 do not meet the set standards. Fundamental flaws obscure the ascertainment of the scope or applicability of the legislation. For instance, the definition of arms in Article 8 of AAEA 1986 is vague, unclear, and uncertain. Other fundamental omissions in the two statutes include: no legislative control on brokering; no requirement for marking SALW at time of manufacture and no requirement for keeping records; no provision for safekeeping of civilian-owned SALW; no provision on pawning or pledging of SALW; upon seizure, there is no provision for the disposal or destruction of SALW; no provisions on reactivation of deactivated SALW; no provisions relating to arms embargoes; no requirements for end-user certificates when SALW are bought and sold; and no requirements for keeping of records on the export/import and transit of SALW.

These fundamental omissions likely facilitate the transfer of SALW into the wrong hands. Such arms can be used to fuel armed violence or perpetrate human rights violations.



Sudan's commitment to regional and international covenants should be assessed from two perspectives: first, in terms of the conformity of its legislation to the covenants and, second, in terms of the enforceability of its legislation to realize the spirit and expectation of the covenants. And, while Sudan has made some efforts to enact appropriate legislation, the second perspective makes a mockery of the first. It serves no objective purpose to enact laws, like AAEA 1986 and AAER 1993, which are apparently not intended to be impartially and universally applied or enforced.

One is tempted to argue that the reluctance on the part of the Khartoum government to ratify or domesticate international covenants is not surprising at all, since the status quo has facilitated the operational survival of armed pro-government militia gangs in conflict-ridden regions of the country such as Darfur and eastern Sudan. Their continued existence is evidence of the Khartoum government's reluctance to prosecute them in courts of law. Instead, the control of arms and militia activities remain the concerns of military intelligence and courts martial.

Western intelligence services estimate that the Sudanese government spends US\$485-million on small arms each year, even though Sudan is one of the world's poorest countries. Alleged recent weapons suppliers to the Sudanese government include Libya, Qatar, and China. "Other alleged sources of small arms to the Sudanese government include Iran, South Africa, Jordan, Yemen and Qatar." Still, "a well documented case has proved the regular transfer of ammunition from Slovakia to agents for the government of Sudan. The ammunition leaves Slovakia by plane, with an end-user certificate signed by the defence ministry of Chad, but lands instead in Khartoum, Sudan, where part or all of its cargo is off-loaded" (SAS 2001, p. 173). Further reports suggest that Sudan is not living up to its obligations to international conventions. For instance, the Small Arms Survey (2002, pp. 18-19) reveals that "Sudan produces small arms ammunition in a state-owned company, the Military Industry Corporation, which has received support from a variety of countries in eastern Europe and the Middle East.... There are also unconfirmed reports that Pakistan Ordnance Factories (POF) helped recommission Sudan's small arms factories a few years ago.... The Military Industry Corporation is designed to meet the country's domestic needs but the country remains a net importer of ammunition. There are unconfirmed reports that the country manufactures small arms.

Based on these reports and the security situation in the country, the judgement of this paper is that Sudan's commitment to international and regional covenants on SALW control is highly doubtful. The legal instruments and institutions that have been established are seemingly intended to look good but not meet the spirit, expectation, and challenges of the covenants. Furthermore, the Sudanese government's inaction on SALW control on the ground is more likely to encourage its internal opponents to acquire more and more weapons in territory under their control.

### *Challenges to GOSS and GONU on SALW Control in Sudan*

The government of Southern Sudan (GOSS) came into existence following the signing of the CPA in early 2005. In principle, the GOSS operates within the context of the CPA and the Interim Constitutions. However, it has yet to establish governance structures in all the

states and the Juba legislative Assembly has yet to transform the Interim Constitution of Southern Sudan into specific statutes and to set minimum norms and standards to guide legislation in individual states, which are free to exercise exclusive legislative and executive powers in such areas as police, firearms, the state constitution, state judiciary, and the administration of justice and prisons.

GOSS has not yet produced comprehensive policy guidelines that would regulate, *inter alia*, the sale, procurement, and production of SALW in Southern Sudan. The situation has been aggravated by the slow implementation of the CPA on security arrangements, particularly the DDR program (which currently lacks policy guidelines and a statutory basis). And, while the CPA emphasizes the DDR of armed groups and ex-combatants, there is no explicit focus on civilian disarmament. Lack of effective border control has also facilitated continued cross-border trafficking of SALW. General policing on small arms is manifestly ineffective or nonexistent in many regions and the judicial system is not yet fully operational.<sup>7</sup> Thus, for now, a substantial number of small arms remain in the hands of the civilian population as well as OAGs in Southern Sudan and there is no effective control on the use or misuse of such arms.

There is no doubt that the nascent government of Southern Sudan faces serious challenges in controlling SALW, including policy and legislative deficits, the presence of militia groups in the south, ineffective governance, inadequate security and protection at the community level, Khartoum's inaction to control SALW in the north, the uncertainty associated with the ceasefire, an ineffective border control system, and the continued presence of foreign insurgency groups. But a possibly greater challenge lies in harmonizing the legislative processes in the 10 states of Southern Sudan. Major discrepancies in penalties relating to firearm misuse will not help efforts aimed at SALW control. A uniform penal law on SALW control cutting across the states could be more effective.

The fact that the CPA is a ceasefire document with a specific lifespan may also be an obstacle and indeed a disincentive to effective SALW control. There is no guarantee that the CPA will be smoothly implemented.<sup>8</sup> Uncertainties abound.<sup>9</sup> The government's continued importation and reported production of arms are also raising concern in the south and discouraging SALW control there.

However, it is encouraging to note that the Government of Southern Sudan appreciates the enormity of these challenges and has embarked on a process of developing a policy and legal framework for community security and arms control within its jurisdiction. This was revealed by key Government officials at the GOSS community security, and arms control policy workshop held in Juba from 26-27 February 2007, at which the establishment of community-based security structures was recommended.

Challenges for GONU include the impartial enforcement of laws, including those on SALW offences; reining in armed pro-government militias; ratifying regional and international covenants on SALW and adhering to the letter and spirit of such covenants; ensuring security and protection for all Sudanese; embracing peace and reconciliation and in the same spirit actualizing the terms of the CPA and the Eastern Sudan Peace Agreement; and cooperating with the international community in resolving the conflict in Darfur.

## *Recommendations*

Laws, policies, and institutional guidelines on SALW should be reviewed for the National Government, the Regional Government (GOSS), and state governments. The following recommendations serve this end.

- The Khartoum government should ratify the five international covenants touching on SALW.
- The National Police Act should be enacted or reviewed and should put SALW control exclusively under the jurisdiction of the police and the registrar of firearms. Military intelligence should be barred from involving itself in SALW issues outside of the military sector.
- National policy guidelines on SALW should guide policy formulation and enactment of laws on SALW control at regional and state levels.
- A uniform policy and legal framework formulated by the NDDRCC should guide the DDR program countrywide. Such laws should include harsh sanctions against SALW misuse.
- The governments in Khartoum and Juba should both enact laws on SALW control and review or revoke laws empowering the military to handle domestic SALW issues.
- The GONU and GOSS should address the issue of foreign insurgency groups (particularly the Lord's Resistance Army) in Sudan, as stipulated in the CPA.
- The Khartoum government should officially de-link itself from internal militia groups and actively rein in militia elements that are the major agents of SALW proliferation.
- There should be harmonized heavy minimum penalties for SALW/firearms crime (such as illegal possession of firearms) at all levels of government.
- National and regional SALW control policies should focus on domestic regulation of small arms production, illicit transfer, and destruction of weapons from disarmed civilians and militia groups, among others.
- There should be coordination and cooperation among states to ensure that SALW control laws are applied uniformly across the country.
- All levels of government should strengthen regulations on the use of small arms by state or national government officials to ensure that official security and law enforcement practices, including the use of small arms for security purposes, are consistent with international human rights standards and principles of good governance.

- All levels of government should support the ongoing DDR program aimed at removing SALW and other weapons illegally held by members of society.
- The GOSS and GONU should jointly facilitate and promote peacebuilding and reconciliation efforts in the regions of conflict in Sudan.

## *Conclusion*

In the face of raging internal conflicts in many parts of Sudan and the pending Southern question, it is apparent that effective legislation on SALW control and management may not be viable in Sudan in the short term, particularly during the interim period. Suspicions of arms control measures abound, both in the north and south. Against this background, the signing by the GOS of international conventions and regional protocols on SALW control appears symbolic at best. The signatures have yet to be translated into real commitments to control the very weapons that are now being used in internal conflicts. Perhaps the right time to discuss effective SALW control in Sudan will come only after the realization of genuine and sustainable internal peace in the country and the total cessation of hostilities.

In the meantime, there is a need for continued peacebuilding and reconciliation activities at all levels of government and among different communities and groups in the country. Such peacebuilding efforts should be accompanied by a well planned and equitable development program aimed at engaging the more active members of the society in productive undertakings, thereby diverting their attention and energies from conflict. Effective, responsible, transparent, and accountable governance structures should be encouraged in both existing and emerging key institutions in the country. Both GONU and GOSS should ensure adequate security and protection to communities living within their respective areas of jurisdiction.

Further research is needed to expose conflict-related activities such as the covert role of military intelligence in internal conflicts in the country. Military intelligence appears to be playing a critical role in arming pro-Khartoum militia groups as well as in coordinating their activities all over Sudan. Research should also focus on human rights violations committed with SALW in Sudan as well as trade in SALW in the Horn of Africa and the Great Lakes Region.

Concurrent and parallel pressures may still be exerted on both GONU and GOSS to act on SALW control. In the case of Khartoum, such pressures should be aimed at ensuring that the government ratifies international covenants on SALW control and implements the CPA. A focus should be put on the following covenants, which Sudan has not yet ratified:

- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity;
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (protocol I);
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II);
- The UN Firearms Protocol of 2005;

- The International Criminal Court Treaty.

In the case of GOSS the pressure should focus on the implementation of the CPA. But such pressures are likely to give rise to undesirable covert reserve arrangements by all the parties in conflict. Such reserve arrangements will always effectively undermine any effort towards SALW control.

While in Northern Sudan the existing legal regime, policies, and institutions are woefully inadequate for effective and meaningful SALW control and management, in Southern Sudan laws, policies, and related security/administrative institutions are yet to be put in place to address the SALW issue comprehensively.

### *Notes*

1. I wish to express my sincere appreciation to the Africa Peace Forum for giving me the opportunity to carry out the research that led to the production of this paper. I would also like to thank Emmanuel Balla of National Working Group on Civic Education and Peace for making available his well-kept personal archive, Dr. Richard Mulla of Mulla & Company Advocates (Juba Town) for an insightful and enlightening interview on the existing legal regime in the Sudan, the SPLA Commanders for their opinions on SALW in Sudan, and many Southern Sudanese for their opinions.

The laws of Sudan used in this paper were those available to me before 30 March 2007.

2. The first civil war in the south from 1955 to 1972 between southerners and the Khartoum government.

3. Janjaweed are nomadic Arab militia recruited largely from the Abbada Rezeighat group.

4. On 25 September 2006, the newspaper the *Khartoum Monitor* reported the GOSS Minister of Legal Affairs Michael Makuei Lueth as saying that the Federal Ministry of Justice had refused to endorse the Constitution of the 10 Southern States and issue certificates of compatibility with the Interim National Constitution. Lueth was also quoted as saying that Justice Minister Mohamed Ali Mardhi said that he would endorse the constitutions and issues compatibility certificates after the removal of references to state boundaries, state capitals, and the right to self-determination from each of the 10 Constitutions.

5. See ICG 2003, pp. 7-8; ICJ 2002, pp. 343-345; statements by formal governor of Darfur, Eltigani Ateem Seisi, on the “special military court” in Nyala for the “trial” of Janjaweed militia members, as reported by the Sudan Human Rights Organization, 23 July 2004 (Reeves 2004).

6. In an interview the Secretary-General of SPLM, Pa’gan Amum, stated that “there is one critical problem that is also a violation of the CPA: the continuing support for other militia groups in the Southern Sudan, specifically to Ismael Kony’s troops in Jonglei, Gordon Kong in Upper Nile, Tom Al Nour in Western Bahrel Ghazal and other smaller groups in Eastern

Equatoria; remnants of the Equatoria Defence Force(EDF),” *Sudan Mirror*, 31 July-13 August, 2006; also see the speech of the President of GOSS, Lt.-Gen. Salva Kiir, at Omaha, Nebraska (*Sudan Tribune* 2006).

7. Interviews with Cdr Mayom from Aweil township and three unnamed Commanders from Jonglei area of central Upper Nile on the security situation on the ground as well as the DDR program.

8. In the *Sudan Mirror* of 9 October 2006 (p. 1), the National Congress Party Deputy Leader Ibrahim A. Omar reportedly contended that “if invading forces entered Sudan and the SPLM, a partner in government welcomes them, there will be no National Unity Government and the Naivasha Agreement will cease to exist.”

9. As an illustration, see the reported statement by Michael Makuei Lueth on the constitutional stalemate at the state level in the *Khartoum Monitor*, 25 September 2006.

## References

Clapham, Christopher (Ed.). 1998. *African Guerrillas*. Kampala: Fountain Publishers.

International Commission of Jurists. 2002. Sudan—Attacks on justice 2002. [http://www.icj.org/news.php3?id\\_article=2671&lang=en](http://www.icj.org/news.php3?id_article=2671&lang=en).

International Crisis Group. 2003. Sudan’s Oil Fields Burn Again: Brinkmanship Endangers the Peace Process, 10 February. [http://www.crisisgroup.org/library/documents/report\\_archive/A400888\\_10022003.pdf](http://www.crisisgroup.org/library/documents/report_archive/A400888_10022003.pdf).

Kramer, Katherine. 2001. *Legal Controls on Small Arms and Light Weapons in Southeast Asia*. Occasional paper No. 3, July. Small Arms Survey and Nonviolence International Southeast Asia. [http://www.smallarmssurvey.org/files/sas/publications/o\\_papers\\_pdf/2001-op03-southeast\\_asia.pdf](http://www.smallarmssurvey.org/files/sas/publications/o_papers_pdf/2001-op03-southeast_asia.pdf).

Luak, Doug Samuel. n.d. Introduction to the laws of new Sudan. [http://www.gurtong.org/resourcecenter/documents/default.asp?s\\_DocName=&s\\_DocType\\_id=4](http://www.gurtong.org/resourcecenter/documents/default.asp?s_DocName=&s_DocType_id=4).

Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa. 2004. Nairobi, 21 April. <http://www.grip.org/bdg/g4552.html>.

Reeves, Eric. 2004. Belated international political response to Darfur catastrophe. 25 July. <http://freeworldnow.blogspot.com/2004/07/belated-international-political.html>.

Small Arms Survey. 2001. *Small Arms Survey 2001: Profiling the Problem*. Oxford: Oxford University Press.

———. 2002. *Small Arms Survey 2002: Counting the Human Cost*. Oxford: OUP.

———. 2007. *The Militarization of Sudan: A preliminary review of arms flows and holdings*. Sudan Issue Brief: Human Security Baseline Assessment. #6, April.  
[http://www.smallarmssurvey.org/files/portal/spotlight/sudan/Sudan\\_pdf/SIB%206%20militarization.pdf](http://www.smallarmssurvey.org/files/portal/spotlight/sudan/Sudan_pdf/SIB%206%20militarization.pdf).

*Sudan Tribune*. 2006. Salva Kiir speech to Sudanese community in US Omaha. 24 July.  
<http://www.sudantribune.com/spip.php?article16774>.



## **Armed Groups, DDR, and the CPA in Sudan: Possibilities for a Durable Peace<sup>1</sup>**

Khalid Ahmed

### *Executive Summary*

The Comprehensive Peace Agreement (CPA) is an inadequate mechanism to restore lasting peace in Sudan precisely because it is not comprehensive, but excludes important issues and actors in the country, including armed groups. The limitations of the CPA threaten the security of the South. While the armed groups are mainly portrayed by members of the Sudan People's Liberation Movement (SPLM) as tools of the National Congress Party (NCP) government, interviews with the local population in Juba reveal economic, political, and social reasons for forming the militias that are worth examining, although generally ignored by politicians and those concerned with peacebuilding in Southern Sudan. Genuine South-South dialogue, in which these militias are treated as genuine rebel groups, is needed to make these groups part of the disarmament, demobilization, and reintegration (DDR) and security processes, and participants in the government of the South.

### *Introduction*

Sudan is the largest country in Africa, with about 34 million people who speak more than 100 dialects, making it one of the most ethnically diverse countries in the world (UNSudanIG 2007). Between 1955-1972 and 1983-2005, northern and southern Sudan were engaged in civil war. In the phase that ended in 2005, about two million Sudanese died and many more became refugees; Deng Yai of the SPLM believes that one in eight refugees in the world is Sudanese. Sudan is home to four million internally displaced persons; this proportion of IDPs is one of the highest in the world. Colonial and post-colonial exploitation and manipulation, conflicting religions, indigenous perceptions of race and social standards, and economic marginalization are all important elements in Sudan's civil strife. However, none of these factors fully accounts for the war or its impact on Sudan's political, economic, and social life. And yet, while the toll is immense, the Sudanese civil war remains one of the least academically researched conflicts in the world.

To grasp the situation unfolding in Sudan with the signing of the CPA between the Government of Sudan (GOS) and the SPLM/A, analysis must be put in a historical context and take into account the political, economic, and social dimensions of the conflict right from the founding of the Sudanese state in 1956.

In this paper I argue<sup>2</sup> that the CPA is an inadequate mechanism for restoring lasting peace in Sudan precisely because it is not comprehensive, but excludes important issues and actors in the country. One such issue is the future of armed groups in Southern Sudan and other potential "spoilers" to the peace agreement. In the CPA, the DDR of armed groups<sup>3</sup> is only superficially addressed. The focus of the negotiations was on the distribution of oil revenues between the North and the South (wealth sharing) and formal distribution of governance in



the North and the South (power sharing) at the national and regional levels, to the detriment of all other issues. In the CPA, as with most peace efforts since Sudanese independence in 1956, there are few effective institutional mechanisms that solicit the participation of all conflicting political powers in Sudan in reaching an inclusive peace. This convoluted situation, if not examined and resolved, will undermine the serious tasks of meeting peacebuilding prerequisites and so jeopardize the CPA and durable peace in Sudan.

### *Origins of the Sudanese Conflict*

The problem of heightened structural ethnic divisions and geographically based ethnic identities dates as far back as 1930 when the British colonial administration practised their “divide and administer policy” in Sudan and implemented the “Southern Policy” (Johnson 2003). The policy sought to isolate southern Sudan from the north, administratively and culturally. The south has only 30 per cent of the total population of Sudan and is predominantly ethnically African; two-thirds of Southern Sudanese are Christian and one-third animist. Most of the northern Sudanese are Muslim Arabs. The south was separated from the north ostensibly to abolish the historical internal slave trade from south to north, and to minimize the southward spread of Arabic and Islam (UNSudanIG 2007). The line between north and south became subject to border control, with northerners requiring a travel permit to cross into the south (Sharkey 2003). This policy not only planted the seeds for ethnic and cultural division between the two regions of the country, but also led to the massive underdevelopment of the south. By the time of Sudanese independence in 1956, the groundwork for many of the grievances found today among southerners had already been created.

The British administration completely neglected the development of the South, permitting only the setting up of a few schools by Christian missionaries, to convert the animists and spread the English language. This policy continued until 1 January 1956 when Sudan became the first country in sub-Saharan Africa to gain independence. Within the vast land and defined borders Sudan began its national formation, under the leadership of the nationalist elites who were also former colonial employees and who inherited an administrative apparatus from the colonial state. The territorial boundaries at the time of independence, however, were not matched by internal cohesion. In Sudan, the term “failed state” seems inappropriate, as there was no attempt to create a sense of nationhood among all the country’s citizens (Johnson 2003). Since independence, the country has spent all but 12 years embroiled in civil war.

Before independence, the new government-in-waiting, dominated by northern elites, bluntly excluded the South and brushed aside its calls for federalism. Discontent in the south developed into the guerrilla warfare led by the Anyanya rebels that marked Sudan’s first civil war from 1955-1972. General Jaafar Nimeiri, who came to power through a military coup in 1969, ended the civil war in 1972. The GOS and the Anyanya signed the Addis Ababa Agreement that granted autonomy to the south. Peace lasted until 1983. The intervening 10 years, from 1972 to 1983, was a disastrous period of southern mismanagement and northern manipulation of ethnic tensions in the south.

In 1983 Nimeiri introduced nationwide Sharia laws, abolished southern autonomy, and redrew the north-south boundary to include the newly discovered oil fields as part of North Sudan. That year the Sudan People's Liberation Army (SPLA) began the second civil war in the south under the leadership of the late Colonel John Garang. The Nimeiri government was eventually ousted by a public revolution in 1985 and a brief period of democratic rule under Prime Minister Sadiq al-Mahdi followed. In 1989 the National Islamic Front (NIF), now renamed the National Congress Party (NCP), came to power through a military takeover. This extremist Islamic party intensified the civil war in the south between 1989 and 2005 and eventually, after a lengthy period of negotiations, on 9 January 2005 signed the CPA with the SPLM/A. The NCP headed by General Omar al-Bashir, along with some SPLM ministers, still govern Sudan.

### *Armed Groups in Southern Sudan: Complexities*

#### *Origins of armed groups*

Counterinsurgency was a major component of civil war in Sudan. This military strategy is used by the state to combat uprisings and resistance. Counterinsurgency groups are normally made up of local citizens who have information about resistance groups. Sudan's first dictator, General Abboud, created the Republican Guard to oppose the Anyanya movement from 1958 to 1964. From 1985-1989 Sadiq al-Mahdi created two different types of militia groups in Sudan—the Friendly Forces and the Marahil.

The Friendly Forces included elements from the Anyanya Two movement, led by Paulino Matip and Abdullah Shoal Deng and with such militia leaders as Gordon Tong in Upper Nile, Abdel-Bagi in Bahr el-Ghazal, Tom al-Noor in West Bahr-al-Ghazal, and Ismail Konya in Jongule-Bibur. The group was supported by the government of Khartoum and its Minister of Defence, Abdullah Burma, and instructed by al-Mahdi. The idea was to expand the concept of counterinsurgency throughout Sudan to gather intelligence and protect the government from an uprising by all marginalized groups in Sudan.<sup>4</sup> Thus al-Mahdi's government encouraged south-south conflict.

The Marahil, on the other hand, was comprised of Arab armed groups from the Misiriyya and Rizeigat tribes in Kordofan state. Its purpose was to weaken and destroy the insurgency base of the SPLA in the Nuba Mountains and the adjacent southern areas and to create a buffer zone to stop the influence of the SPLA from penetrating into the north. The government attempted to prevent marginalized groups in Sudan from joining the SPLA and from forming their own armed groups.

In 1989 the NCP began expanding and funding the Friendly Forces, later renamed the Southern Sudan Defence Forces (SSDF). The NCP restructured the SSDF under the single command of Paulino Matip. In the meanwhile they declared the war in the South to be a "jihad" or holy war and created the Public Defence Forces (PDF), the military wing of the NCP. The NCP intended to use the PDF to dismantle and weaken the Sudan Armed Forces (SAF) to get rid of all the officers who had allegiances to other political parties and leftist interests. They sought to Islamize the political institutions in Sudan to build a new Islamic

state—a form of state founded on extremist Islamic ideology. They then unleashed the PDF throughout the country to spread these values.

The government in Khartoum also tried to achieve peace in the south by destroying the SPLM/A. They attempted to promote tribal divisions by signing agreements with breakaway SPLM/A factions led by Lam Akol and Riek Machar from Upper Nile State and Mohammed Haroun Kafi from the Nuba Mountain region.<sup>5</sup> All along, the government kept the PDF fighting alongside the SSDF and the SAF (with NCP officer promoted to its upper ranks) in the intensified civil war in the south. However, to prevent Machar and the SSDF from becoming stronger and gaining military and political influence, the GOS also encouraged junior officers to split from the SSDF and form their own armed groups. All the armed groups then were used to weaken the SPLA and protect the oil fields in Upper Nile State.

With the intensification of war between the militias and the SPLA, and after the formation of the Nasir faction by Machar and Akol, civilian casualties skyrocketed, reaching the 2-million mark by 1992 (Johnson 2003). The government-backed militia implemented a ‘scorched earth’ policy to clear land for oil exploration and to destabilize and destroy the civilian base of the SPLA in the South. Cattle rustling by Miseiriyya and Rizeigat and slavery, particularly of the Farteet and Dinka, increased. The government particularly encouraged young Rizeigat men to make money by looting cattle and sorghum and obtaining slaves from the south.

### *Southern Sudan Defence Forces (SSDF)*

According to Brigadier Arop Mayak,<sup>6</sup> the Commissioner of the Southern Sudan Demobilization, Disarmament, and Reintegration Commission (SDDRC), almost 50 years of civil war has created a culture of war among many Sudanese, particularly those living in war zones, such as most of Southern Sudan. Historical competition among southern tribes and current conflicts over political power and resources have created the perfect breeding ground for counterinsurgency groups, which were funded and supported by the Government of Sudan under the umbrella of SSDF.

The establishment of the SSDF was facilitated by a major split in the higher ranks of the SPLM. On 28 August 1991 Machar and other major commanders in the Nasir area announced the overthrow of Dr. John Garang, then the leader of the SPLM/A. Internal fighting between the SPLA Nasir and the SPLA Torit faction intensified in the south. The Government of Sudan immediately embraced the runaway SPLM-Nasir faction and eventually negotiated the Khartoum Peace Agreement.

According to Chairman Mayak the 48 armed groups under the umbrella of the SSDF were “tools” of the Government of Sudan. The GOS provided these groups with housing in Khartoum and cash, and encouraged them to continue rustling cattle—a traditional way to gain prestige for many southern tribes. Other tribal leaders seeking wealth, status, and protection from cattle rustling were encouraged to form armed groups to fight the SPLA and receive these benefits. Junior officers in the armed group often felt they were not receiving a large enough share of the money received by Khartoum and split from the main

group to form their own militias, while still receiving funding from Khartoum. In this way Khartoum ensured that no one armed group became too strong and threatened the GOS. Building upon the existing poverty in the regions, this policy led to the proliferation of armed groups in the south.

Armed group leaders have rallied support from within their own tribes, pitting tribes against each other and wresting tribal authority from the chiefs and sultans. In this situation younger generations lose respect for the elders. For example, local chiefs in Eastern Equatoria state that they are dismayed by soldiers in Southern Sudan who refuse to observe local traditions and laws, and frustrated with soldiers' evading the punishments they impose. Chief John Odiong claimed in a Torit courthouse that the "soldiers undermine us," adding that "the government should set up a separate court, where the cases of soldiers can be handled" (*Sudan Tribune* 2007a).

The number of soldiers and even officers in armed groups is hard to determine. Personnel switch allegiances between groups and groups multiply through divisions. Soldiers and officers change allegiances according to the payments received and the amount of GOS wealth the leader of the armed group is willing to share with them. The leaders usually procure benefits for their own families and friends in exchange for loyalty, support, and protection. When officers break away from a group, they often form their own group and start fighting their former groups. Officers' ranks in the new groups are determined by the number of followers they can bring to the group. Many armed groups are family/clan/tribe-based with their headquarters in their home community.<sup>7</sup>

In January 2006, after the signing of the CPA and the DDR initiatives, the SPLA and the groups within the SSDF that were led by Matip jointly signed the Juba Declaration that integrated forces under the name of the SPLA to foster South-South dialogue. SSDF leaders Gabriel Tanginya (of the Fanjak Region), Gordon Kong (from Nasir), Mabior Mabor Dal (from Fanjak), Sabry (from Akoka), Kalamon Wani, and Kreyka refused to sign the Declaration. Now Mabior and Tanginya lead the remnants of the SSDF, with backing from the GOS.

Through such methods the Government of National Unity (GONU) is implementing the CPA tactically and partially while maintaining its influence indirectly, creating instability in the south. In an interview, SPLM leader Pa'gan Amum<sup>8</sup> explained that the government is seeking to re-occupy Southern Sudan and to control its resources again by initiating a south-south war, and even through direct actions at times. For instance, 16 armed men caught in Juba in the summer of 2006 after an incident of banditry between Torit and Juba were SAF soldiers from one unit and not from a new guerrilla movement as the SPLA initially thought. Another serious incident that created instability in the South was an altercation between soldiers of Tanginya and the bodyguards of the Commissioner of Fanjak County, which escalated into three days of fighting between the SPLA and the SSDF/SAF in Malakal in November 2006, with more than 150 killed and 400 injured (*Sudan Tribune* 2006). The officials in Khartoum denied their role in the conflict, claiming that it was instigated by the SSDF militia who were not yet been fully integrated into the regular northern forces, and their support for the SSDF led by Gabriel Tanginya.

Tanginya neither joined the SPLA nor integrated his forces into the regular northern forces; however, he holds the rank of General in the northern army. Had the CPA been properly implemented, Tanginya and his men would have been totally integrated into the Sudan army. Contrary to the stipulations of the CPA, Tanginya, along with other dissenting SSDF leaders, has been authorized and supported by the GOS to keep his forces and weapons. Pa'gan Amum<sup>9</sup> revealed that, on average, the militia leaders are given 25,000 to 30,000 US dollars per month to distributed among the soldiers, money which he contends ends up being distributed to relatives, creating grievances among the lower ranks, who in turn break up and separate and form new armed groups also supported by the Khartoum government. This is a clear violation of CPA Article 7 of the security agreement that states that by 9 January 2006, there would be no armed groups except the SAF and the SPLA in Sudan.

### *The Comprehensive Peace Agreement and Security*

Despite years of negotiation before the signing of the CPA in 2005, the peace agreement is not entirely comprehensive. The pressure applied to the two sides to reach agreement quickly by a United States increasingly interested in Sudanese oil led to the neglect of many issues that ought to have been included in the negotiations. Among those issues were the full recognition of the cultural and religious diversity of the country, equal citizenship, separation of state and religion, and justice and reconciliation.

Members of the political opposition in both the north and south contest the legitimacy of the GOS and the SPLM/A to exclusively represent North Sudan and Southern Sudan respectively. The negotiations excluded some important political actors in the country, including political parties such as the United Democratic Salvation Front in the South, and the Umma Party and Democratic Unionist Parties in the North; armed groups such as the SSDF; regions such as Darfur; and peoples such as the Beija. Representation was missing from regions such as the contested areas of the Nuba Mountains in southern Kordofan, the southern Blue Nile region, and Abyei.

### *Security and DDR*

According to the CPA, Sudan's security apparatus is governed by two distinct agreements. One is the *Permanent Ceasefire Agreement*, concluded on 31 December 2004 in Naivasha. The other agreement, reached 15 months earlier by the same parties, is the *Agreement on Security Arrangements During the Interim Period* (2003). The overall logic of the security arrangements is that during the interim period, Sudan would have two separate armies—the SAF and the SPLA. These two armies would redeploy their forces to North and Southern Sudan respectively, and all other armed groups would have to disband. The armies would create several joint/integrated units (JIUs). Depending on the outcome of the 2011 referendum (on independence for the South), the two forces would either merge into a single national army or become the armed forces of two separate states.

*Separate Armed Forces and the Joint/Integrated Units.* The security talks aimed at working out the division of military responsibilities during the interim period. As might be expected, each side tried to secure for itself the highest possible level of military control. To try to resolve this problem, discussions began in April 2003. Although not all points were resolved,

the two parties did agree to exclude other military actors such as the SSDF from the security negotiations.

Usually at the end of an internal war the armed forces of former adversaries merge into a unified army, sometimes along with other forces. In Sudan, however, the rebel forces (the SPLA) in Southern Sudan sought to be recognized as the southerners' sole army, at least until the referendum. The SPLM/A aimed to maintain its control over Southern Sudan, preserve a self-defence capacity, and provide itself with the necessary leverage to ensure implementation of the provisions of the CPA. In the same vein, the SPLM demanded the withdrawal of the SAF to the south-north border of 1 January 1956, while conceding that one, and only one, SAF unit could be maintained in the South as a symbol of unity and to provide security for northerners in the South. In turn, the SPLM/A also asked that some of its troops be deployed in Khartoum as a symbol of southern participation at the central level and to protect its leaders in the capital city. The government opposed this demand, contending that "one country" implied a single army and stressing the right of every sovereign state to deploy its armed forces all over the national territory, especially in and around the cities and oilfields. Nevertheless, since it was the SPLM/A's bottom line for the continuation of the negotiations, the GOS finally accepted the concept of two separate armies, with conditions on size and deployment.

In the end, the Naivasha Agreement reflected the following compromise solution: the Sudanese Armed Forces and the Sudan People's Liberation Army would remain largely separate during the interim period (between 2005 and 2011), although they would both be treated equally as Sudan's National Armed Forces. Should unity be chosen by southern voters at the referendum, the two forces would combine to form a single army in Sudan.

In the meantime, the parties agreed to redeploy their forces to their respective sides of the 1956 border and to form JIUs that would be composed of equal numbers of soldiers from the SAF and the SPLA. JIUs would be established in Southern Sudan (a total of 24,000 soldiers), the Nuba Mountains and Southern Blue Nile (6,000 troops each), Khartoum (3,000 troops) and, possibly, eastern Sudan. A Joint Defence Board (JDB) would be established under the Presidency to coordinate the two forces and command the JIUs. The Board would be composed of the two forces' chiefs of staff, deputies, and senior officials. The JDB, which would reach decisions by consensus, was to play a crucial role in clarifying differences and avoiding unexpected developments and clashes.

The very name "joint/integrated unit" indicates the initial disagreement on its nature and, especially, command structure. While "joint" means that the two armies would be deployed side by side and would retain their own command and control structure, "integrated" suggests that the armies would be merged and placed under a single command. Unable to agree on either model, the parties opted for a hybrid. The ultimate objective was to gradually shift from joint to fully integrated units within 52 months—that is, by May 2009. To that end, a common military doctrine would have to be developed by the parties, and JIU components would be jointly trained, including a joint air force and marine component in accordance with the SPLM/A request.

The JIUs would be dissolved if separation were to be voted for in the 2011 referendum. Nevertheless, they were expected to constitute the nucleus of a post-referendum army of

Sudan as stipulated in the agreement. In the meantime, the JIUs were also given the task of protecting the oilfields, and they would enable each party to maintain troops on the other's territory despite the obligations within the arrangements to withdraw from the other's areas.

During negotiations the GOS delegation insisting on increasing the size of the units and extending the timeline for redeployment while the SPLA demanded small units and short deadlines for redeployment. In the end, it was decided that the SAF would have to evacuate from the south within two-and-a-half years of the beginning of the pre-interim period, reducing its presence every six months—first by 17 per cent, then 14 per cent, then 19 per cent, then 22 per cent, and finally 28 per cent—until all troops were redeployed north of the 1956 border by July 2007. The SAF was authorized to maintain 12,000 troops in Southern Sudan within the JIUs. Similarly, the SPLA was obligated to pull out from the Nuba Mountains and Southern Blue Nile within six months of the deployment of JIUs there; each JIU in these areas could include up to 3,000 SPLA troops. To date, both sides have been slow in withdrawing.

It should be noted that the security arrangements were not fully finalized or elaborated on when the CPA was signed, and these arrangements differed from one region to another. In the case of Abyei, the parties agreed to constitute a joint battalion that was to be the only accepted military presence in the area, but failed to define its size. In the Nuba Mountains and Southern Blue Nile, the GOS reserved the possibility of deploying troops in addition to the proposed JIUs. Lastly, owing to GOS reluctance to accept Southern troops in a region that came under its jurisdiction, the parties failed to reach any agreement on the size and shape of a JIU in eastern Sudan. SPLA forces in Eastern Sudan were to be reduced by 30 per cent within four months after signing, another 40 per cent within eight months, and the final 30 per cent by January 2006. These differing arrangements for different regions reflect the dynamics of the negotiations in each case. The SPLM/A delegation was more successful in defending Southern interests than its allies' interests, especially in those areas that will, unlike Abyei, probably remain part of the North.

The Naivasha Agreement was received with much exuberance by southerners, as they would retain their own army during the interim period and so preserve a self-defence capacity (IRIN 2003). After securing agreement on having a referendum and a separate army, the SPLM/A had reached two major and mutually reinforcing objectives: the referendum would likely provide guarantees that the GOS would abide by its commitments (or face a vote against unity) and the security deal would also ensure that the outcome of the vote would be respected.

Nevertheless, as in the 1972 Addis Ababa Agreement, the SPLM/A had to accept the retention of northern troops in Southern Sudan. The South would keep its own army with the costs being borne by the Southern administration, relying on oil revenues and international assistance. In response to the SPLM/A's refusal to disclose its troop strength, the GoS delegation had refused to fund the Southern army from the national treasury. The government position is inconsistent with the agreement to treat both armies equally, and rather than assisting in unification, may have contributed to the setting up of a fully independent Southern military.

The CPA does not stipulate the troop strength for either the SAF or the SPLA. The parties agreed in principle to the downsizing of their forces in equal proportions, but will start negotiating the modalities only after the completion of redeployment by the SAF to North Sudan. This lack of clarity about the security agreements in operational terms has important implications for the disarmament, demobilization, and reintegration of combatants.

*DDR.* The disarmament, demobilization, and reintegration of former combatants were seen as crucial to a secure and peaceful Sudan. However, the implementation of the modalities for conducting DDR activities was not elaborated on in the CPA. The CPA mainly provided for the creation of a National DDR Coordination Council (NDDRCC), which was to be appointed by the President and responsible for the guidance and evaluation of two separate DDR committees in the North and the South. These committees were tasked with designing and implementing programs in their regions.

It is important to note that the interests of the two parties in DDR were asymmetrical. Since the GOS would redeploy a significant number of combatants from Southern Sudan to the North, it sought to demobilize and reintegrate many of its soldiers quickly. Yet, more than half of the 120,000 GOS combatants in the south were southerners who had either to be withdrawn (relocated in the North) or reintegrated into communities in Southern Sudan, the former enemy. By contrast, the SPLM/A was adamant about maintaining its own army throughout the interim period, and is therefore moving much more slowly towards DDR. In fact, until the parties find agreement on their respective troop levels, DDR will mainly focus on the so-called “nonessentials” (including child soldiers, the elderly, and the disabled), who were to be demobilized within six months of the signing of the agreement, and the Other Armed Groups (OAGs, that is, GOS-affiliated Southern militias).

### *Armed groups in Sudan as “spoilers”*

OAGs are the Southern militias that, since 1997, have been affiliated with and supported by the GOS. Their force strength is estimated to be around 45,259 soldiers (UNMIS 2006). Brought together under the umbrella of the Southern Sudan Defence Forces (SSDF), these militias are important military actors that control a large band of territory in Southern Sudan and provide security in the oilfields. Among them are a substantial contingent of Nuer, the second largest ethnic group in Southern Sudan (ISS 2004).<sup>10</sup> It seems obvious that the support of these militias for the CPA is essential for the sustainability of the peace process.

Yet the estimated 30 groups were only minimally involved in the security talks. According to chief mediator Sumbeiywo, “it would have been impossible to negotiate with all of Sudan’s different armed groups at the same time” (IRIN, 2004). Militias were considered to have been “indirectly included” in the negotiations as they were represented by the side with which they were affiliated—the GOS or the SPLM/A (IRIN 2004). In fact, neither party wanted the SSDF to be granted official status in the discussions. The GOS feared that their proxy forces would ultimately align with the SPLM/A, thereby depriving it of a useful means of pressure and destabilization. The SPLM/A was reluctant to acknowledge the military power of these groups and to be subjected to the influence of militias that were perceived essentially as ‘stooges’<sup>11</sup> of Khartoum; the SPLM/A preferred to postpone reconciliation with them until after they were weakened. On a case-by-case basis, Dr. Garang accepted



some militias, such as the Equatoria Defence Forces (EDF) and SPLM-United, but avoided negotiations with militias as a group. Thus, the non-inclusion of the SSDF reveals that South-South reconciliation was not really pursued by either the SPLM/A or the GOS. Although the SSDF were invited in April and August 2003 to attend the security talks as part of the GOS delegation, the armed groups concerned do not consider themselves to have been fully included or represented. Yet, the Naivasha Agreement has critical implications for them in the post-conflict Sudan.

In short, the two main parties agreed that only their forces would have official status during the interim period: “No armed group allied to either party shall be allowed to operate outside the two forces (Art. 7a CPA, Chap. VI, Security Arrangements). Therefore, while the Khartoum Peace Agreement, to which they were officially parties, entrusted the SSDF with providing security for the south until the holding of a referendum, the Naivasha Agreements state that the same groups had to disband: the parties mentioned in 7(a) “shall be incorporated into the organized forces of either Party (Army, Police, Prisons and Wildlife forces), while the rest shall be reintegrated into the civil service and civil society institutions” (Art. 7b) within a year.

The obvious question is whether all the groups concerned will abide by provisions of negotiation in which they were barely involved and that stipulate radical changes to their status.

Although the SSDF leadership reacted positively at first—presumably because of job opportunities in the armed forces and public administration—some militia did not accept the deal and refused to disband without resistance. Fighting in November 2006 in Malakal in the south suggests that certain military commanders were not keen to join either of the two official armies, especially the SPLM/A, which is perceived as Dinka-dominated, or to give up the territory, their source of income, under their control (ICG 2003). Commanders in oil-rich Unity state, where Nuer are the majority, may have been disgruntled by the provisions of the wealth-sharing agreement, which allocated only 2 per cent of oil revenues to oil-producing states instead of the 40 per cent of oil revenues assured in the Khartoum Agreement (ISS, 2004).

It should also be noted that the SSDF does not constitute a united force, but is made up of separate organizations and military forces over which the United Democratic Salvation Front, the SSDF's political wing, has in fact very little control. Within the SSDF, the real power is held by local field commanders, who are individually and directly in contact with the Sudanese government's military intelligence. In the absence of central command, each SSDF component would have to be disarmed and disbanded separately, and the persuasion of the GOS could ultimately make a critical difference. However, deteriorating security conditions in the south during the summer of 2006 suggest that Khartoum was still able and willing to use its influence over SSDF member organizations to undermine rather than to foster the peace process.

Unless the SSDF components are accommodated and included in Southern Sudan's political and military administration, they will remain potential spoilers both independently and at the service of other actors, mainly the GOS. The incorporation of a number of SSDF groups into the SPLA is a valid option, especially given the lack of civilian reintegration prospects in

Southern Sudan, but would increase the Southern army's running costs of approximately \$550 million a year, around 40 per cent of its total budget, and presuppose genuine rapprochement between the SSDF and SPLM/A leadership (*Sudan Tribune* 2007b).

Interestingly, the CPA refers to DDRR with an extra "R" for "reconciliation." There have been many discussions of, and appeals for, south-south reconciliation since the *Machakos Protocol*, but the results have been only partially successful. In January 2006 the Juba Declaration was reached between the SPLM and the SSDF to incorporate the militias into the SPLA, but not all militias accepted this merger. This lack of reconciliation and DDR among the southern armed groups greatly endangers the permanent ceasefire and CPA.

### *Rethinking armed groups*

Armed groups should be conceptualized differently in Sudan. Historically, armed groups have been considered stooges of the GOS—a convenient tool to destabilize the south. This conception is problematic. Interested parties should strive to avoid oversimplifying the root causes of the formation of OAGs. Comprehending the complexity and the multilayered dimensions of the armed groups would help to promote greater understanding and develop improved strategies of reconciliation and south-south dialogue. The ethnic, religious, socio-economic, and political dimensions of armed groups beg for further research and exploration. It would be prudent to analyze OAGs within the context of Southern Sudan. Interviews with armed group members and leaders highlighted an important reality: armed groups are not only being used by the GOS; they also use and exploit the GOS to meet their own objectives of providing protection for their communities and preventing the SPLM/A from accessing their resources.

Consequently, the question then becomes how to peacefully incorporate and reintegrate the armed groups into such security programs as DDR. And how could the GOSS address issues of recognition, protection, and opportunities? The armed groups believe that minority tribes are insufficiently represented in the GOSS and that there is limited power-sharing in the SPLM-dominated south.

It emerged that the OAGs dislike being labeled 'militias', as they feel that they, like the SPLM, fought their fair share. It is important to understand who they are, why they are fighting, and what cause they stand for. The next section will elaborate on their objectives and interests.

### *Security and DDR in Southern Sudan*

#### *Perspective of armed groups on security, GOSS, and DDR*

The OAGs have their own justifications for being. It is necessary to take these into consideration while discussing their role as spoilers of the DDR, and then to incorporate their concerns in order to promote a durable peace in which all actors can be included. In an interview on 13 December General Sultan Ismail Konye, a former OAG leader and a current Member of Parliament for the Jongule-Bibur region, explicated the reasons for the creation of his group, the Pbor Defense Forces. First, there was a need to prevent outsiders,

especially the government and the SPLA, from exploiting his tribe's (the Murle) resources. Historically, Konye explained, his tribe had had longstanding problems with other neighbouring tribes, and to protect themselves and to resolve conflicts they developed a strong local force. The Murle armed group started with 700 soldiers, using 'white' weapons—knives, swords, axes, and spears.

When the civil war erupted in 1983, their tribe was already armed with the traditional weapons. His armed group started being called a *militia* when it started fighting with the Government against the SPLA. It joined the Government because it "had more authority than the SPLA, so we sided with the government, to protect our region and resources." If they had refused to support the government at the time, he believed that the government could have devastated their area. In 2006 the group joined the SPLM/A because of their authority and influence in the south. It took the SPLA six months of negotiations to win the allegiance of this OAG.

Now Konye claims to command an armed group of 7,000 soldiers, of whom 300 are taking part in the joint military unit. He seems content as a Member of Parliament for the area of Jongule-Bibur as well as a General in the SPLA. He believes that his new status with the SPLM/A enables him to continue to protect the interests of his people and region.

On the role of the Sudanese government in discouraging militias generally, and him particularly, from joining the southern government, Konye says that "the militias are not influenced by the GOS; they [the militias] do not want to join the Government of Southern Sudan. The GOS does not play the 'divide and conquer' game with the south. That used to be done in the old days of war." He said that nobody in the government wanted him to actually fight Southern Sudan and that the government wants peace in the south. He claims that "these divisions in the south are old," adding that "the north has nothing to do with them. What we need to do is concentrate on resolving southern problems in the south, and forget about the north for now. No thief guides another thief to repentance."

Konye also asserted that there were serious problems in the GOSS, such as a lack of power-sharing. He said that foreigners and northerners alike think that the Dinka are the only educated tribe and the only people who know how to rule. To him, "they are not the guardians of the south. There are many people who belong to the south and have a stake in it." On power-sharing he elaborates: "I am not asking for a ministerial position or ambassador positions for all southerners. But how about managers of government storage or warehouses—managerial positions in general, officers in the police—what I am saying is equal distribution of positions."

Moreover, Konye is doubtful about the ability of DDR to help the soldiers. For example, he questioned the reintegration initiatives and complained about the lack of civilian job skill training for his soldiers, saying that there were no training centres in the south. For him, "DDR in its current form does not work." DDR was supposed to have been clearly defined and negotiated by the cabinet in the south. It should then have been discussed at the state level with the sultans and the educated. The next step would be to explain it to people at the local level. The Murle are demanding local ownership over DDR since "foreigners do not know what local conditions/needs are." He asks: "Where are they taking our weapons? What is the Government going to do with the weapons? Owing to the absence of security,

the Murle are concerned about disarmament. Tribes are very aggressive; there is no police to protect them from raids of other neighbouring tribes. There are still looting of cattle and robberies in their region.” According to him, to the Murle, the DDR “is nothing but ink on paper.”

### *Perspective of GOSS on armed groups, security, and DDR*

The GOSS is adamantly convinced that the armed groups are nothing but a northern tool to divide the south. For the SPLA, the militias are marginal to the CPA and its implementation. In an interview on 13 December 2006, Pa’gan Amum, Secretary-General of the SPLM, maintained that the armed groups were not included in the CPA because, once the peace was signed with the insurgents, the SPLM/A, there was no reason for the existence of the militias as counter-insurgents. In his view, the Khartoum government must stop sponsoring the militias. Then, with the end of their anti-SPLA stance, the remainder of the militias can join the SPLA with rights equal to those of other SSDF soldiers absorbed into the SPLA. Amum added that if militias were worried that the atrocities they carried out with Khartoum money would result in SPLA repercussions, then they could move to the north. The SPLM/A are ready to reconcile and the militias should believe that. Those who do not want to join either the SAF or SPLA will be disarmed and given money or tools to reintegrate into society. The SPLA strategy is to persuade the armed groups “to leave Khartoum by offering them the same [incentives]. If you want money from Khartoum, we will give you. If ranks, we will give you and your role is over as an armed group.”

Animosity and distrust surround reconciliatory attempts between the GOSS and the armed groups. However, the SPLM is maintaining an open-door policy for all militias, and has promised equal treatment. OAGs are not to be persecuted or abandoned and are to be treated fairly. On this basis, most SSDF forces under Paulino Matip’s leadership joined the SPLA in January 2006, following the Juba Declaration. Moreover, the SPLA in the Lu-Nuer negotiated with the chiefs and managed to disarm them. In an interview on 12 December 2006 John Luk, Minister of Culture, Youth, and Sports (SPLA), said, “If armed groups do not want to join the SPLM/A, they should join the democratic process and try to win elections in 2009, but they cannot get a gun and shoot the government.”

The SPLA is offering incentives to persuade all the armed groups to join their side. The offers of reconciliation and reintegration are expected to diffuse Khartoum’s efforts to divide the SPLM and drive the south to war. Deep distrust regarding northern intentions toward the south was a recurring theme during discussions with members of the government of Southern Sudan. Amum stated that if Khartoum insisted on supporting armed insurgency groups, the SPLA would punish these groups because they would have betrayed the south by furthering Khartoum’s intent to reoccupy the South. Should attempts at reconciliation fail, the SPLA is considering fighting a limited but vigorous war to crush the armed groups, and “absolutely defeat them.” Amum asserts that if Khartoum intervenes in this war the SPLA will fight them and make war a permanent feature in Sudan; the SPLA/M will form new alliances with potential insurgents in Darfur, the east, the south, and the north, which are as ready as they are to fight Khartoum. If Khartoum intervenes then peace will be over, a war of proxy will begin, and that will be the end of a unified Sudan. If the CPA articles are not implemented, Amum asserts, there will be no DDR.

Since many southerners claim to be former SPLA soldiers to get compensation and benefits from DDR, the SPLA's next step is to verify the actual number and ranks of the regular SPLA soldiers who were trained and fought in the war. This will facilitate decisions on the best DDR packages for them. Creating appropriate packages is one of the core challenges of DDR since some soldiers were seasonal fighters and fought only for a short period of time during the early stages of the war, but all claim to be SPLA fighters and seek inclusion in the DDR program. The SPLM leadership believes that the international community has to provide training and funding for the DDR commission to more effectively deal with these logistical constraints.

Along with implementing DDR in the South, some SPLM ministers believe that the SPLM/A has to develop a national political agenda and appeal to marginalized groups all over Sudan to change the Khartoum government's violent policies of marginalization.<sup>11</sup> This is an important step in the demilitarization of politics. If the SPLM manages to transform itself into a democratically built political party with national appeal, it could gather support and strength and help create a strong civil society in Sudan.

### *Requirements for a Lasting Resolution*

A critical prerequisite to peacebuilding, security, and DDR is addressing the root causes of the conflict. After conducting interviews with the local population in Sudan, DDR representatives, government officials, armed groups, UN officials, and scholars, I believe that the most significant recommendation is that security and the DDR process must be fostered through intensive dialogue between the SPLM and the members of the armed groups still outside the GOSS body.<sup>12</sup> It is vital that the SPLM/A not revert to fighting when it attempts to disarm the remaining armed groups. The use of coercion as a means of implementing DDR initiatives will only increase the south-south divide. Furthermore, the NCP must be pressured by the international community to discontinue its support for existing armed groups and the formation of new armed groups.

### *International and regional monitoring*

The presence of a credible international observer to monitor the implementation of the peace agreement is essential (Walter 2002). As a way forward, the international community, continental and regional organizations such as the African Union and the Intergovernmental Authority on Development, women's groups, and churches should initiate, and insist on, dialogue and reconciliation. It is one important solution that has to be seriously explored.

The international community could assist in improving local institutional mechanisms set up by the CPA to tackle the issues of armed groups and DDR. For example, the Other Armed Groups Collaborative Committee was supposed to be prepared to supervise the DDR process of armed groups by 31 March 2006. However, since the council is driven by conflicting political agendas, it seldom convenes and its members have not been able to agree on how to disarm the militias. The differences in the council could be bridged by the support of the international community. Furthermore, UNDDRU programs in Khartoum and Juba should invest in confidence-building activities, including south-south and north-

south dialogue, to foster trust and unity. And the UNDDRU must encourage the development of national DDR programs.

### *The development of national DDR programs*

Currently, DDR programs are designed and implemented separately in the north and south through independent DDR commissions—the Northern Sudan DDR Commission (NDDRC) and the Southern Sudan DDR Commission (SDDRC). The National DDR Coordination Council (NDDRCC), which is supposed to help implement national DDR programs, has only recently started to meet. It is important for commissions and council to have regular monthly meetings to review monthly reports of the armed groups' activities and to address identified needs and challenges to their reintegration in a timely, effective, and dynamic manner. Joint meetings between the NDDRC and SDDRC serve as platforms on which to build trust between north and south.

The two commissions should be encouraged to openly discuss their plans and implementation strategies and exchange opinions and information on armed group activities and actual numbers and locations of SSDF. As well, they could plan to disarm, demobilize, and reintegrate all SSDF or to incorporate them into the SAF or the SPLA. In addition, the SPLM could benefit from public consultations with OAG members and leaders. It is imperative to consider how insecure armed groups are about their future income and status or rank, and to ensure that these armed groups disarm after a process of negotiations and not because of force, and that their concerns are taken seriously. If these steps are not taken the GOS will always have a way to maximize on ethnic divisions.

The GOSS is young and still learning to govern. The transformation of SPLA officers into government administrators and the SPLA from a guerrilla movement into an army has created major problems. Some officials lack competence since their hiring was based on their ranking in the SPLA hierarchy and/or their ethnic affiliation.<sup>13</sup> On the other hand, the government in the north is driven by its own ideological and political agenda. Thus the DDR commissions are made up of representatives of two conflicting parties. It is imperative that the differences between the two commissions be reconciled, especially because the GOS is currently providing a safe haven for armed groups in Khartoum.

### *Law enforcement and security*

The prevalence of weapons presents another major challenge for DDR. While there is a national law that bans civilian possession of guns, this law is not being enforced.<sup>14</sup> Looting cattle was a common way for GOS-backed militias to make money during the war. Now, the continued possession of arms by OAGs sets them up as spoilers to the peace envisaged in the CPA. With modern weapons readily available, tribally based armed groups can easily be formed, tribal conflicts can worsen, and soldiers can abuse citizens with impunity.

Efforts to reintegrate members of armed groups into home communities that already face severe shortfalls in meeting their subsistence needs will only aggravate the situation if they do not take into account training and subsistence needs. Deplorable roads create another considerable obstacle to security and outreach programs in many remote communities.

Since all armed groups are tribally based, incorporating them into the SPLM/A should involve local tribal chiefs. Indeed, the GOSS must engage all concerned local parties in public consultations. Concerns that were repeatedly mentioned during my interviews included poverty, security, demobilization of warring parties and OAGs, disarmament of warring parties and OAGs, power-sharing, the demilitarization of politics, development of political parties, and development of a robust civil society.

### *Conclusion*

With the deaths and displacement of so many of its citizens and a foreign debt of \$24.9-billion, Sudan is carrying a burden it cannot endure. Sudan's internal and foreign policies have resulted in internal and regional crises (Johnson 2003). Now, with the signing of the CPA, there is an opportunity for Sudan to build internal peace. The CPA was rushed; a more comprehensive agreement detailing the requirements for DDR would have made Sudan's security challenges easier to overcome. However, Sudan and the international community still have to address, through the CPA, challenges to rebuilding the country after the longest civil war in Africa. It is useful and practical to analyze the CPA, DDR, potential spoilers of the CPA, and the government-backed armed groups in the south to ensure that the root causes of the insecurity in Sudan are addressed in implementing the CPA.

DDR is at the heart of inclusive peacebuilding efforts. Much work must be done if the armed groups are to be demobilized, disarmed, and reintegrated into the military and civilian institutions and communities in Sudan. This paper put the OAGs in their historical context. By reflecting and analyzing the opinions of local people, DDR representatives, government officials in the North and South, armed groups, UN officials, and scholars, it also cast light on the challenges involved in implementing DDR.

The limitations of the CPA and the exclusion of the armed groups from the negotiations of the CPA have created a security threat to the south. Leaders of armed groups, such as Gordon Tong in Upper Nile, Abdel-Bagi in Bahr el-Ghazal, and Tom al-Noor in West Bahr-al-Ghazal, have serious potential as spoilers of the CPA. This paper has demonstrated that the terms of the CPA on DDR, OAGs, and security are ambiguous, causing delays in the implementation of the Interim DDR Program (IDDRP), which is the framework of all DDR programs to be implemented during the first two years after the signing of the CPA. The ambiguity of the CPA is also to blame for the failure of the OAGCC. Weak guidelines and regulations left the political leadership to decide on the OAGCC formulation and the appointment of its members, effectively rendering the committee almost useless. Given the complex economic, political, and social situation of armed groups, the only way for them to be part of the DDR and security processes, and join the government of the South, is through genuine south-south dialogue in which they are treated as genuine rebel groups.

### *Notes*

1. The author is grateful to Dr. Peter Nyaba and Abuk Payiti for their very generous support during field research in Juba. Special thanks are extended to Professor Michael Stein at the University of Toronto for his guidance and supervision; Anne Eriksen, Mohammad Sid-Ahmed, and Nabila Toma for their incredible help; Emily Schroeder of Project Ploughshares

and Victor Okello of Africa Peace Forum for their patience, consideration, and support; and to all the interviewees for their time and invaluable assistance.

2. This paper draws on six weeks of field research in December 2006 and January 2007 in Khartoum and Juba, where open-ended interviews with key local populations in Sudan such as DDR representatives, government officials, a militia leader, UN officials, and scholars were conducted. See list below.

3. The terms “armed groups” and “militia groups” in this paper both refer to what is known in the CPA as “Other Armed Groups.”

4. Interview with Arop Mayak, Chairman of the SSDDRC, Juba, 7 December 2006.

5. The government signed the Khartoum Peace Agreement with Machar in 1997 and the Nuba Mountain Agreement with Kafi in the same year.

6. Mayak interview.

7. Mayak interview.

8. Interview with Pa’gan Amum, Secretary-General of the SPLM, Juba, 13 December 2006.

9. Interview 12 December 2006.

10. For more information on OAGs see Young 2006.

11. Interviews with Pa’gan Amum, 12, 13 December 2006; and Rebecca De Mabior, 14 December 2006.

12. In June 2007 the SPLA announced that 50,000 soldiers of the SSDF, the south’s largest militia under the command of General Paulino Matip, the SPLA Deputy Commander-in-Chief, would now be fully integrated, paid, and treated as equal to SPLA troops and would be moving into SPLA barracks throughout the south (*Sudan Tribune* 2007c).

13. An interview on 10 December 2006 with an anonymous senior member of the SPLM.

14. An interview with Daniel Deng on 8 December 2006.

### *Interviews*

Akolawin, Henry, Member of Parliament, Southern Sudan Legislative Assembly, Juba, 9 December 2006.

Atabani, Ghazi Salahuddin, Senior Advisor to the President of Sudan, Khartoum, 22 December 2006.



De Guzman, Diane, Civil Affairs Officer, UNMIS, Juba, 11 December 2006.

De Mabior, Rebecca, Minister of Transportation and Roads, Government of Southern Sudan, Juba, 14 December 2006.

Deng, Daniel, Chairman of Security and Public Order Committee and Member of Parliament, Southern Sudan Legislative Assembly, Juba, 8 December 2006.

Koni, Ismail, tribal chief, former militia leader, SPLA officer, and Member of Parliament, Juba, 13 December 2006.

Lochhead, David, Small Arms Officer, UNDP, Juba, 12 December 2006.

Luk, John, Minister of Sport, Youth, and Culture, Government of Southern Sudan, and Deputy Governor of the Jonglei State, Juba, 12 December 2006.

Mohammed, Sulafedeen Salih, Director of the DDR Commission, Khartoum; 3 December 2006.

Nyaba, Peter, scholar and Member of the National Assembly, Khartoum, 4 December 2006.

Officers in SAF, Khartoum, 17, 21 December 2006.

Payiti, Abuk, Member of Parliament, Southern Sudan Legislative Assembly, Juba, 10 December 2006.

Tejan-Kella, Mustapha, UNDDRU, UNMIS, Juba, 8 December 2006.

Yai, Deng, Secretary General of the National Democratic Alliance in Western Europe and Former Chair of the SPLM Chapter in UK and Northern Ireland, London, 7 May 2003.

### *Bibliography*

Agreement on Security during the Interim Period. 2003. Naivasha, Kenya, 25 September. <http://www.sd.undp.org/Publications/pub2/Protocol%20on%20security%20arrangements.htm>.

Abdel Salam, A.H. & de Waal, Alex (Eds.). 2001. *The Phoenix State: Civil Society and the Future of Sudan*. Trenton, NJ: Red Sea Press.

Ajawin, Yoanes & Alexander de Waal. 2004. *When Peace Comes: Civil Society and Development in Sudan*. Asmara: The Red Sea Press.

Al-Teraifi, A. 1991. Regionalism in Sudan: characteristics, problems and prospects. In *Sudan after Nimeiri*. London: Routledge.

Ali, Taisier & Robert Matthews Robert (Eds.). 1999. *Civil Wars in Africa: Roots and Resolutions*. Montreal & Kingston: McGill-Queen's University Press.

Alier, Abel. 1992. *Southern Sudan: Too Many Agreements Dishonoured*. Paul & Co. Publishing Consortium: Concord, MA.

Bates, Robert H. 2001. *Prosperity and Violence: The Political Economy of Development*. New York: W.W. Norton & Co.

Deng, Francis. 1993. *Protecting the Dispossessed: A challenge for the International Community*. Washington, D.C.: The Brookings Institution.

———. 1995. *War of Visions: Conflict of Identities in the Sudan*. Washington, D.C.: The Brookings Institution.

Deng, Francis & Larry Minear. 1992. *The Challenges of Famine Relief: Emergency Operations in the Sudan*. Washington, D.C.: The Brookings Institution.

Hampson, Fen Osler. 2002. *Madness in the Multitude: Human Security and World Disorder*. Don Mills: Oxford University Press Canada.

Harker, John. 2000. *Human Security in Sudan: The Report of a Canadian Assessment Mission*. Ottawa. <http://www.reliefweb.int/library/documents/cansudan2.pdf>.

Hodges, Tony. 2001. *Angola from Afro-Stalinism to Petro-Diamond Capitalism*. Bloomington: Indiana University Press.

Institute for Security Studies. 2004. The South Sudan Defence Force (SSDF): A challenge to the Sudan Peace Process. Situation Report. 8 April. <http://www.iss.co.za/AF/current/2004/sudanapr04.pdf>.

International Crisis Group. 2003. *Sudan: Towards an Incomplete Peace*. ICG Africa Report No. 73. Nairobi/Brussels. [http://www.crisisgroup.org/library/documents/africa/73\\_sudan\\_towards\\_an\\_incomplete\\_peace.pdf](http://www.crisisgroup.org/library/documents/africa/73_sudan_towards_an_incomplete_peace.pdf).

IRIN. 2003. Breakthrough security agreement signed. 25 September. <http://www.irinnews.org/Report.aspx?ReportId=46368>.

———. 2004. Sudan: Armed and angry—Sudan's southern militias still a threat to peace. 4 June. <http://www.irinnews.org/Report.aspx?ReportId=50116>.

Jendia, Catherine. 2002. *The Sudanese Civil Conflict, 1969-1985*. New York: Peter Lang.

Johnson, Douglas H. 2003. *The Root Causes of Sudan's Civil Wars*. London: The International African Institute.

Keen, David. 1994. *The Benefits of Famine: A Political Economy of Famine and Relief in Southwestern Sudan, 1983-1989*. Princeton: Princeton University Press.

Khalid, Mansour. 2003. *War and Peace in Sudan: A Tale of Two Countries*. London: Kegan Paul.

Lesch, Ann Mosely. 1998. *The Sudan: Contested National Identities*. Bloomington: Indiana University Press.

Lobban, Richard A., Jr., Robert A. Kramer & Carolyn Fluehr-Lobban (Eds.). 2002. *Historical Dictionary of the Sudan*. 3<sup>rd</sup> ed. Lanham and London: The Scarecrow Press.

Richards, Paul. 1996. *Fighting for the Rain Forest: War, Youth & Resources in Sierra Leone*. Oxford: Heinemann.

Sandbrook, Richard. 2000. *Closing the Circle: Democratization and Development in Africa*. Toronto: Between the Lines.

Sharkey, Heather. 2003. *Living with Colonialism: Nationalism and Culture in the Anglo-Egyptian Sudan*. Berkeley and Los Angeles: University of California Press.

Southern Kordofan State. 1996. The main report. *The Emergency Salvation and Development Programme*, Ministry of Finance and Economic Development, May, Kadugli.

Stewart, Frances & Valpy FitzGerald. 2000. *War and Underdevelopment: The Economic and Social Consequences of Conflict*. Oxford: Oxford University Press.

*Sudan Tribune*. 2006. Refugees return to South Sudan's Malakal after fighting. 5 December. <http://www.sudantribune.com/spip.php?article19073>.

———. 2007a. Soldiers undermine local chiefs authority in South Sudan. 2 February. <http://www.sudantribune.com/spip.php?article20059>.

———. 2007b. Southern Sudan army integrates largest militia. 10 June. <http://www.sudantribune.com/spip.php?article22307>.

———. 2007c. SPLA announces effective integration of largest South Sudan militia. 20 June. <http://www.sudantribune.com/spip.php?article22461>.

UNICEF. 2000. *Multiple Indicator Cluster Survey, 2000: Sudan—Final Report*. <http://www.childinfo.org/MICS2/newreports/sudan1/FianalMICSSudan.pdf>.

UNMIS. 2006. Security arrangements. *CPA Monitor*. October. <http://www.unmis.org/common/documents/cpa-monitor/CPA%20Monitor%20-%200610%20-%20final%20-%20Security.pdf>.

United Nations Sudan Information Gateway. 2007. About Sudan. <http://www.unsudanig.org>.

Walter, Barbara. 2001. *Committing to Peace: The Successful Settlement of Civil Wars*. Princeton: Princeton University Press.

Widner, Jennifer A. 2001. *Building the Rule of Law: Francis Nyalali and the Road to Judicial Independence in Africa*. New York: W.W. Norton.

Woodward, Peter (Ed.). 1991. *Sudan After Nimeiri*. London: Routledge.

Young, John. 2006. The South Sudan Defence Forces in the Wake of the Juba Declaration. Geneva: Small Arms Survey.

[http://www.smallarmssurvey.org/files/portal/spotlight/sudan/Sudan\\_pdf/SWP%201%20SSDF.pdf](http://www.smallarmssurvey.org/files/portal/spotlight/sudan/Sudan_pdf/SWP%201%20SSDF.pdf).

## Acronyms and Abbreviations

AAEA	Arms, Ammunition and Explosives Act
AAER	Arms, Ammunition and Explosives Regulations
AJMC	Area Joint Military Committee
ARC	Arms reduction and control
CAAFG	Children Associated with Armed Forces and Groups
CBO	Community-Based Organization
CJMC	Ceasefire Joint Military Committee
CPA	Comprehensive Peace Agreement
CPC	Ceasefire Political Commission
CSS	Community Security Support
DDR	Disarmament, Demobilization and Reintegration
DPKO	Department of Peacekeeping Operations
D-Day	Day of CPA finalization: 9 January 2005
EDF	Equatoria Defence Forces
ESPA	Eastern Sudan Peace Agreement
GONU	Government of National Unity
GOS	Government of Sudan
GOSS	Government of Southern Sudan
ICJ	International Commission of Jurists
ICSS	Interim Constitution of Southern Sudan
IDDRP	Interim DDR Program
IDDRS	Integrated DDR Standards
INC	Interim National Constitution
JDB	Joint Defence Board
JIU	Joint/Integrated Unit
JMT	Joint Military Team
LRA	Lord's Resistance Army
NCP	National Congress Party
NGO	Non-Governmental Organization
NDDRCC	National DDR Coordination Council
NIF	National Islamic Front
NDDRC	Northern Sudan DDR Commission
OAG	Other Armed Groups
OAGCC	Other Armed Groups Collaborative Committee
PDF	Public Defence Forces
SAF	Sudan Armed Forces
SALW	Small arms and light weapons
SPLA/M	Sudan People's Liberation Army/Movement
SNG	Special Needs Groups
SSCCSE	Southern Sudan Centre/Commission for Census, Statistics and Evaluation
SDDRC	Southern Sudan DDR Commission
SSDF	Southern Sudan Defence Forces
SSPP	Southern Sudan Psychosocial Program
SSR/T	Security Sector Reform/ Transformation

TCC	Technical Coordination Committee
UN PoA	UN Programme of Action (small arms)
UNDDRU	United Nations DDR Unit
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund
UNMIS	United Nations Mission in Sudan
WAAFG	Women Associated with Armed Forces and Groups

## About the Authors

KHALID AHMED, a refugee from Sudan, has an MA in Political Science with a specialist degree in Peace and Conflict Studies, and is now a PhD candidate at the University of Toronto. He is also the Secretary-General of the Sudanese Canadian Human Rights Organization.

DR. DAN ALILA is Director of the National Working Group on Civic Education & Peace Sudan. He obtained his PhD in Sociology from the Institute for Social Studies (ISS) in The Hague in 1998. Based in Kenya, Dr. Alila has worked with the public and private sectors and with nongovernmental organizations in Kenya and abroad. He currently coordinates the civic education program on the Comprehensive Peace Agreement in Southern Sudan.

XANTHE SCHARFF is a graduate of New York University and a PhD candidate at the Fletcher School at Tufts University in Medford, Massachusetts, studying post-conflict development and reform in countries in which education has been a factor driving war. She is the President of AGE—Advancement of Girls Education Scholarship Fund, which aims to help rural girls from Malawi earn high school diplomas.

Africa Peace Forum  
PO Box 76621  
Nairobi 00508,  
Kenya  
254-2-3874092/3871141/3871099  
Fax 254-2-3872803  
apfo@amaniafrika.org  
www.amaniafrika.org



*Africa Peace Forum*

Project Ploughshares  
57 Erb Street West  
Waterloo, Ontario N2L 6C2  
Canada  
519-888-6541 Fax 519-888-0018  
plough@ploughshares.ca  
www.ploughshares.ca

