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Workshop on Abductions, Slavery and Peacebuilding

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18 June 1999

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UNITED NATIONS FUND FOR CHILDREN
(UNICEF)

OPERATION LIFELINE SUDAN

WORKSHOP ON ABDUCTIONS, SLAVERY &
PEACEBUILDING

LANDMARK HOTEL
16TH - 18TH JUNE 1999

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CHAPTER ONE

1. INTRODUCTIONS

1.1 Opening

David Pulkol, Deputy Director, UNICEF East and Southern Africa Regional Office:

One of the purposes of having this workshop is because UNICEF aims for a rights-based transition from the welfare and relief approach to its programme interventions. There is need to develop a child rights culture globally. UNICEF has a comparative advantage to other UN organizations in dealing with children. Conflict in Sudan, like in all other parts of the world adversely affects mainly women and children. In the Sudan abductions, are common during inter-tribal clashes, and many children and women go missing as a result. With the advent of the current civil conflict something much worse has emerged - and that is the abominable practice of slavery. Many children, women and able-bodied young men have fallen victims to this crime against humanity. UNICEF must focus on eradicating this situation.

The experience, expertise and commitment amongst the participants of this workshop will be the building blocks for a strategic response. The significance of this meeting in bringing UNICEF North and South together is to develop a unified approach to the problem, by developing complimentary strategies. This meeting must design appropriate interventions, which will not only inform other offices in UNICEF, but will get the full support of the affected people. The outcome from this meeting will be helpful in dealing with Governments, NGOs and the critical mass at the grassroots level.

1.2 Expectations

Participants shared the following thoughts on the workshop:

Expectations/opportunities	Fears
<ol style="list-style-type: none"> 1. To share knowledge and expertise; 2. To contribute in helping UNICEF dealing with the problem of slavery; 3. To use this time to move towards a national position to rescue child abductees; 4. To ensure that the rights of women and children are given full attention 5. To come out with concrete steps on slavery and link up with peace building; 6. To develop a vision and strategy for grassroots initiatives for peace-building; 7. To develop a workable strategic framework and plan of action towards a practical programme; 8. To develop one vision, one stance between the UN family and NGOs 	<ol style="list-style-type: none"> 1. That whatever interventions developed at the meeting shall be bogged down in bureaucracy; 2. That this may be just another talk shop; 3. That an alien vision will be imposed on UNICEF working in Sudan; 4. That UNICEF may not have the ability to achieve plans developed here; 5. That participants may not be able mobilize willingness to follow through and just return to their individual offices after the workshop; 6. That the meeting will get bogged down in theoretical issues; <p>That the participants, especially from NGOs outside of UNICEF have unrealistically high expectations of the outcome of the workshop and therefore need periodic reality checks.</p>

1.3 Overall objective and Goals for the workshop

Background: This meeting is a follow-up of the Executive Director's statement on Slavery in the Sudan. This was a reactive and not a proactive statement. At the time of making the statement UNICEF as an organization did not have a strategy to counter the problem and NGOs are concerned that UNICEF is not doing enough. Discussions held after the statement was issued, recognized the critical issue in regard to the violations of the human rights of the persons affected. It was decided that in order to address the slavery/abduction issue UNICEF must also address peace building and conflict resolution, as conflict is one major cause of abductions. UNICEF must also develop a programme, which is rights-based to effectively address slavery and abduction issue adequately.

Primary Objective of the workshop: To develop a comprehensive operational framework within which UNICEF can address the issues of slavery and abductions by developing retrieval mechanisms and simultaneously using peace building as a means towards prevention of the occurrence of further abductions.

Goals:

1. To develop a unified OLS approach to the issue of slavery, and

abductions in the Sudan;

2. To develop and strategize on the integration of peace-building in all OLS programmes;
3. To develop an advocacy strategy based on a human rights approach for the furtherance of UNICEF's work in the Sudan.
4. To propose interventions and actions at the grassroots level on the retrieval of abductees as well as the peace building process.

CHAPTER TWO

2.1 NATURE AND EXTENT OF THE PROBLEM

Definition of slavery and abductions – Salem Mazoud, UNCHU

What is the difference between abduction and slavery? Slavery is the situation in which one is forced to work, or undertakes forced labor, or forced sexual relations. Abduction involves the element of a ransom.

Slavery is much more difficult to define. The classic definition is found in the 1926 Convention, which defines it as a 'situation where a person is exercising rights of property over another person (including selling them)'.¹ Slaves cannot by themselves change their status. Slavery, as defined is different from servitude, and there is need, therefore to go beyond the 1926, 1949 and 1956 Conventions as there are forms of slavery under different guises that are not dealt with in those Conventions.

There is also need to look into the background of the ownership and control of the slave. How is an individual inserted into a social situation by an act of force or violence?

Obvious forms of slavery can be found under share cropping, debt bondage, Serfdom (land tenure) and child soldiers.

There are however, social institutions that are arguably slavery – like or based on servitude and forced labor. These institutions fall within a 'gray' area, which makes it difficult to label them as outright slavery institutions. For example, the issue of employment of children as domestic servants is a common practice and a long established legacy. In Wau, 2/3 of the domestic workers are from Dinka families some of who are of school age.

There is also the land tenure bondage where land owned by tribes is worked upon by migrant people and yet they have no access to land – this creates bondage. Child labor in the rural economy, particularly in the pastoralist sector, where children look after cattle for rich livestock owners. Political marriages between ethnic groups are yet another social institution where girls are exchanged into permanent relationships with men without their consent. These forced marriages also apply within traditional institutions of redemption, where Arab groups marry from the Dinka.

The situation can therefore be very complex. UNICEF needs to develop all the different definitions of slavery or slavery-like practices in order to identify effective interventions. For example, political marriages must be looked at in perspective as most ethnic people have ideologies, or religious, traditional and cultural beliefs relating to the issue. Another

¹ See Chapter 3, Legal Framework .

gray area is the issue of child labor. There is need to develop standards that recognize formative labor (which is good for the child) versus exploitative labor (which is wrong). UNICEF needs to find a middle ground. Slavery is a complex thing. It must be looked at along two lines – principles and tactics. The word ‘slavery’ draws a strong reaction and commands much attention.

The primary cause of the current problem of abductions and slavery in the Sudan is not based on a traditional or historical basis, but on a more recently introduced military strategy to weaken rebel strength. The Sudanese government, in an attempt to rout out the SPLM, developed abductions as a method of depopulating areas, which the SPLM controlled or was about to take over. There are also tribal raiders, though on a lesser scale, who also conduct abductions for different reasons.

The different actors involved in slavery and abductions are listed as follows:

1. Ethnic armed militia (corporate tribal body)²
2. Joint military operation(PDF/army offensive)
3. Armed Bandits (5-10 persons on a raid)
4. “Voluntary enslavement” during famine, during migration, debt bondage, (there is no evidence so far of an organized market that this is a urban-rural problem all over Sudan);
5. Army personnel (who conduct child transfers for the purposes of domestic service in the field or even back to their homes)³
6. The Babanusa – Wau Train raids.

The problem should be dealt with using a rights-based approach. There are many applicable conventions and instruments. The Convention on the Rights of the Child can be the primary instrument for UNICEF for example, in the compilation of the Sudanese Country report. UNICEF must advocate no priorities amongst the rights, and develop a programme that protects all the rights provided for under the Convention.

2.2 Interventions of different NGO Actors-Sharing of experiences:

2.2.1 Save the Children Fund (SCF- UK).

The SCF programme has retrieved 400 children so far. Police and authorities brought some to SCF; others brought by tribal leaders. Official opposition has prevented the organization from going into the interior and looking for children, but where they are brought to the organization, care and assistance is given to them. Recent information received by the organization, reveals that there are 271 children who are currently abducted. It is, however, difficult to verify these figures. NGOs can work through the

² This applies to all ethnic tribes, and across religions (Muslims, Christians).

³ For example, one security officer who was interviewed took children from the South to Khartoum. There were no direct orders to do so, but there is evidence of government complicity.

courts, police, or tribal leaders, but this cannot be done without an enabling environment. An uncooperative Government official can block any investigation. It is vital that agencies have means to work with local communities who have these children. Reconciliation is paramount. One of the problems encountered by NGOs is – 'having found the children, what next?'

2.2.2 Interventions of different Governmental and Non-governmental Actors

There are many other questions that need to be addressed such as what is the legal position of abductees who do not want to return? Also, how many abductions actually end up in slavery? From the information received by Government and NGO's, quite a large number of abductions do end up in slavery. Many young boys end up as domestic servants, the majority of whom are badly treated and detained in conditions similar to slavery. Children taken by military officers to the North are either sold or given away to relatives (this is an act of trading). There may be about 5000–6000 overall. These figures are only for the Dinka Malual.⁴ Among Nuba, the Government sent a Commission and NGO team who confirmed such an activity. There are however no lists and therefore no clear idea of how many abductees there are. What, however, is well documented is children abducted during famine.

2.3 UNICEF's Role

UNICEF has been trapped in a 'milk and honey' syndrome. It has not done anything about the abductions as it sees its work purely in a programmatic sense. Initiatives have been made in this regard, for example the Government of Sudan wrote to UNICEF on assistance regarding tracing of abductees, and requested support for investigation into the abductions, especially those that lead to slavery. UNICEF is yet to clearly define what it means by the rights based approach. CSI is also putting pressure for more advocacy and action on the question of slavery/abductions in Sudan. The Bellamy statement has now changed this perspective. The ensuing Geneva meeting moved international actors from the denial mode into action between the European Union and the Government of Sudan who have indicated that they will deal with slavery if it is referred to as abduction. There has also been a request for a workshop to be held between the Government, NGOs, and other actors to develop a work-plan on how to tackle the problem. Representatives of the international community will also be involved in this workshop that will be facilitated by the UNICEF Sudan country office. A calendar has already been established on events preceding the workshop. UNICEF must use this entry point to get involved and utilize the Convention on the Rights of the Child to effect change.

⁴ Various lists indicate that the numbers are around 1,800, 2,000 and 4,000 taken at different times.

CHAPTER THREE

3.1 LEGAL FRAMEWORK

3.1.1 International Law

Most work affecting issues of slavery and abduction is done under the auspices of the United Nations by specialized agencies that have some concern and responsibility in the application and protection of Human Rights. History has shown that slavery has been central to the application and development of Human Rights. For example the British Government used the *Magna Carta* as an instrument against slavery beginning with the Kings arbitrary decision over peoples property.

Modern Human Rights Instruments are grounded in documentation from around 1680, introducing the rethinking of citizens' rights within the realm of sovereignty. French philosophers planted the seeds of the French Revolution of 1789 which allowed individual freedoms and led to the abolishment of slavery in 1794. The American Revolution against English colonial power, also saw the abolition of indention and servitude, although slavery itself was to be abolished later.

The two revolutions raised questions regarding state power including the nature and extent of protection from the state. Should citizens have natural rights, or are they given/handed to them by the state? Political thought identified inherent rights and fundamental rights that needed statute protection as part of the social contract between governor and governed. In this context slavery was found to be one of the greatest violations of such Rights in the 19th Century. However this approach only centered on colonial powers as opposed to broad-based Human Rights within specific colonies. For example, Anti Slavery regime in 17th Century – British used a common law legal process not statute. This applied largely to British subjects for example, Lord Mansfield, who advocated against slavery in Britain was clear that there should be no slavery '*on these fair shores*' yet slavery was practiced in their (British) colonies. In 1803 the British Government confirmed by a 1873 decision of Parliament abolished Slavery. Following the Berlin conference, British and French colonial powers prohibited colonial passage, prevented local use in 1920 in the Sudan.

In 1926, the League of Nations adopted the Slavery Convention (now referred to as the United Nations Slavery Convention 1926) which defined slavery as a situation where one person owns another in the same manner as he would chattels. The convention further prevents slavery in all its forms on the basis of this definition.

In 1949 the United Nations adopted the UN Convention for the suppression of the Traffic in Persons and of the Exploitation of Prostitution of others,⁵ which defined prostitution of

⁵ The debate on the application of the Convention divided feminist community, and engaging the religious and secular communities. The conservatives argued that all prostitution is a form of slavery, therefore women were not in a position to choose, and that all forms prostitution have to be abolished. The pragmatists defended the oldest profession as source of income for women as long as it was by

persons, including children as a form of slavery. This convention-covered situations where death bondage, forced marriages, child labor are outlawed under international human rights law.

One of the underlying causes of acceptance of such slavery institutions are the customary institutional practices that leave women without right to refuse. In most communities in the Sudan, a woman's husband, father or even a male clan member has the right to transfer her. It is common practice to treat women as chattels, even in the cases of debt bondage, forced labor, marriage, and widow inheritance. The issue of female genital mutilation (FGM) is also considered a form of slavery in some quarters as it concerns the use of a person's body without their permission or consent. It is also regarded as a form of torture. However, some schools of thought argue that FGM is not a form of slavery – as it's not- by strict definition of the conventions – where the definition of slavery includes a continuous act.⁶

Children under 18 are also regarded as property and may be delivered by parents or guardian to other parties as a form of reward. This way, the child inherits slavery and grows believing that slavery is a way of life.

Other conventions, which regulate the prevention and monitoring of slavery, include:

1. The Universal Declaration of Human Rights.
2. International Covenant on Civil and Political Rights.
3. Convention of the Elimination of All Forms of Discrimination against Women.⁷
4. Convention on the Rights of the Child.⁸
5. ILO Convention.
6. UNSCAS: Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery.
7. Cairo Declaration on Islam.⁹

choice. They argued that it was work and as most jobs, hazardous work needs protection like any other profession.

² FGM is often seen from a health perspective (a harmful practice) not from a Human Right perspective. Health because this does not challenge cultures and personal laws (it's a safer/not combative approach).

⁷ CEDAW - Addresses traditional practices. Art 8 - preservation of identity and family. The problem with CEDAW is it's a weak instrument. There is need to improve the system of putting it into effect. Although ratified universally countries such as the US and Somalia have not. Many ratifying countries have reservations as they still violate Human Rights.

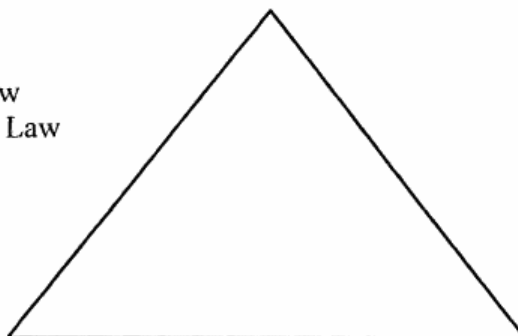
⁸ Convention on the Rights of the Child Blanket reservation. Article 6 not taken seriously. See provision of CRC.

⁹ Islam - child born free. This means that this is not a western culture.

3.1.2 National/Local legal provisions

The Sudan's constitutional framework is based largely on Sharia, although it does incorporate some English legislation:

1. Sharia
2. English Law
3. Customary Law



Under the Criminal and civil laws, abduction and kidnapping are considered illegal acts. There are also labor laws that are applied to prevent exploitative labor of persons, including under-age children.

Cultural relativism approach:

Despite the provision of these formal laws, the practice is that unwritten law (customary and religious) supercedes the written law/formal. There are therefore legal problems arising from the African customary law and Islamic sharia law. The legal status of women and children under these laws is inconsistent with international human rights standards. These laws apply different definitions of informed consent relating to marriage laws, adoption, inheritance and property law. Thus under some customs women and children are regarded as "chattels" and are treated in the same way. Forced marriages forced pregnancies and forced labor of women and children are therefore not viewed as socially or legally repugnant to most communities in the Sudan. This presents difficulties in challenging some of the types of abductions and slavery that take place because it poses a socio-economic dimension that conflicts with the law.

3.2. **Legal mechanisms and methods of intervention: Integrating Human rights into the African concept:**

One way of approaching this problem is to incorporate into the Sudanese law the provisions of the African Charter – OAU. In this manner the rights of children would not be interfered with on the basis of religion and culture. UNICEF should get observer status in the OAU and the international bodies to place pressure on the African countries to address legislation that will Africanise Human Rights and make them conform to universal standards.

CHAPTER FOUR

4.1 USING A HUMAN RIGHTS BASED APPROACH

4.1.1 UNICEF's current approach

Currently the UNICEF/OLS approach is based on providing humanitarian relief to the needy people of south Sudan. It is temporary and is not solution based. A human rights element would be more broad based and solution targeted.

One concern is that this approach often 'fails' because even the implementers don't believe in its effectiveness. Most people think that 'rights based' is just part of UN vocabulary that is meant to sound impressive. The common reason for this attitude is because people do not understand how fundamental human rights are to each individual, and why they should be promoted and respected in each society.

4.2. Understanding human rights -What is a Human Right?

UNICEF staff must think and understand human rights in a personal manner in order to integrate it into programmes. One basic understanding is that the denial of human rights dehumanizes a person. Human rights should be enjoyed as long as they do not infringe on other people's rights. Unfortunately religious and ethnic ideology frequently interfere with the protection and promotion of human rights. UNICEF staff should watch out for this, which can result in personal/job conflict.

4.3 Criteria and application of UNICEF's rights based programming

4.3.1 Directions from the Executive Director to staff:

- i. Heads of office must get involved;
- ii. Regional directors, country directors to report on progress;
- iii. Heads of office and senior programming staff should assume primary responsibility;
- iv. Rights based approach should be implemented in context of the on going work;
- v. Need for UNICEF to contribute to the changing global environment and in the implementation of UN reforms etc.

4.3.2. Key Guiding Principles (See handout)

4.3.3. Some examples:

1. Accountability and duties of states that sign and ratify treaty
2. CRC /CEDAW

Universality of rights – equal for all

Individual – interdependency on each others rights

- ◆ Foundation principles – UNICEF
- ◆ Non-discriminatory

- ◆ Best interest of the child **Article 3**
- ◆ Right to life – survival **Article 6**
- ◆ Views of the children **Article 13**
- ◆ Characteristics of CRC on specific child rights instrument.
- ◆ Children to be viewed as subject of rights/ holder of rights
- ◆ Role of parents, family, community, involving capacities of the child

4.3.4 Implementation of the CRC

- a. Realism of CRC – putting children first involving the existing resources
- b. International corporation (**article 4 – 45**) others
- c. Setting priorities at the country level. E.g. education, commitment to the ground rules, legal. Prioritize resources
- d. Relationship between CRC and CEDAW - Rights of women and those of a child go hand in hand

4.3.5 Latest Draft of Key Characteristics of Right Based Programming

UNICEF – training on HR for all staff, May, 1997 (see annex)

- 1) Children must be recognized as rights holders and social actors, not just as beneficiaries
- 2) Inclusiveness should be a more rigorous held principle than has been the case in the past
- 3) Ensuring that UNICEF programming on outcomes and process should be rights-oriented, participatory and empowering. (buying back abducted children is not right, it does not help anyone)
- 4) State's obligation – accountable to citizens, including children's interest to community
- 5) Families primary care givers/protectors of child rights (?)
- 6) International commitments of states and accountability – foundation on which UNICEF – corporation programmes built
- 7) (for 7 –8 see annex)

What is the best interest of the child?' UNICEF must come up with clear definitions and programmes which should be rights-based, and which clearly describe the best interest of the child. Every section projects plans of actions – every section should adopt this approach e.g. education etc all existing projects not just on issues dealing with slavery, but everything.

This is a vast amount of work (to overhaul) – and can be open to manipulation. Most of the already existing UNICEF programmes should be targeted for the rights based approach, as it will be cheaper and less tedious to approach. UNICEF needs to prioritize by targeting the already existing programmes – this is much simpler, as opposed to starting all over again.

Advocacy must be developed at the government, intermediate and field levels. Smaller organizations that are/have rights based programmes get enthusiastic dealing with child rights, slavery, etc

- Rights to clean water, health etc, this takes a bit of time—**David**
- RBA – identify unfulfilled rights and protection issues. Now this is wholesome not the 80% need only. That is do-able and most effective. If you can go above this e.g. 20% of children have their vaccination right violated as opposed to having 80% of children's vaccination needs met.
- Question of resources arises – so there is a real need to prioritize

CHAPTER FIVE

5.1 MAPPING OUT THE AFFECTED AREAS

5.1.1. Background

The abducted children, as well as those held in slavery, are scattered all over the rural areas and this makes it difficult to trace them in the small villages of Darfur and Kordofan regions. Cattlemen called Mbaroro from Central African Republic have also come into the Sudan to conduct raids as well as some from Chad. There are even reports that some abducted children have been taken as far as Libya.

Most of the affected communities are nomads. Normally during abductions, which include the transfer of abductees to other areas, the preferred age is between 9-13 years, as they can tend to have herding skills. Many raiders will also abduct employable mothers and their young children, as young children cannot escape easily. These children are usually under 10 years of age and this makes their mothers easy to manipulate. In Raga, women are abducted to be concubines to the army, while in Abyei, they work in plantations.

Children over 16 years can put up a fight and escape easily and are therefore not often targeted for capture. The abductors use a sophisticated surveillance mechanism with close knit coordination and good communication and therefore, many abductees never get the opportunity to escape.

Nomads in the south abduct children near Raja. They too have abducted women and children. The SPLA and other armed groups have also abducted women and children. The route along the Babanusa - Wau rail corridor is particularly vulnerable to raids for food, animals, camels, etc. Although nomadic movement is predictable, their villages are often seasonal making it difficult to achieve effective tracing and retrieval.

Slave retrievers

- How the children get back with the support from the Dinka
- SR set up in 1886 - an ongoing operation
- 1995 - CSI became operational - put report - case by case. Looked genuine
- CSI not interested in slavery in Sudan. They consider this - Christian fundamentalists work
- Fake campaigns - crucified priests
- An email sent earlier by the Americans calling themselves 'American Anti-slavery Group' Fake programming
- What is positive is that more children have been freed
- Canadian TV programme/CSI
- Group feels that CSI misleads people, especially on matters of data
- It can be used in several ways but not as a central source

- Use of retrievers, chiefs, the existing administration
- We need a bit from the chiefs of these areas, as they know whom; are the abductors. Cut out the middleman- who is unnecessary
- Institutionalizing the return of the children - for a reward

Nadi

- Some members of the community are now involved, and are reaping a profit from the whole CSI redemption process
- UNICEF Khartoum will not get involved but will provide an umbrella for the other NGOs

Ushari

- CSI used Dinka chiefs - went out found and identified the children. They gave logistics
- Gave police, administration to help encourage people to return
- Returned the abducted
- No legal systematized system
- Avoid disrupting the already existing CSI system/efforts
- Continue to operate east & west though this is not where the major problem is –otherwise turned off
- Not too many questions asked. They fled north and taken south or otherwise
- No mechanism to return, take them to where their relatives are
- The Dinka Malual chiefs have a way of sending them back. No identification process.
- Not allowed to operate

Who is the Head chief of the Dinka – Oder

Suggestions from the group

- Dinka to come to the rebel area, they come with knowledge from the SPLA government – aim to develop a registry
- UNICEF assists in the formation of a Dinka organization in the south. Bring these two together
- Can the Dinka get their children back in the south - to see their friends?
- Tribal leadership can help here. Operate from the chiefs base – Khartoum
- Appointed leaders to go get information – pose as information gatherers – work out a programme
- 1989- Programme approached government got authority to operate, facilitate meeting with chiefs of the Dinka community.
- SCF started helping in 1995/96 these are community elected. They don't speak Arabic, English - some are quite young representatives.
- Working in a way that they don't disadvantage their families and their children

- Reunited – for the best interest of the children – start a co-operation

Sudan Reflection

- *Ideal case scenario*
- Government of Sudan admit and help send these children home
- *Status quo scenario*
- Implications, refuse to cooperate with UNICEF
- *Worst case scenario*
- Military raid UNICEF camps for these children
- LRA came to the homes where these children are. Jeopardy in the children's lives.
- Would they be secure on UNICEF grounds?
- Will the staff be confident to handle these children?
- This could result in a stalemate

Treatment of children - 'UN person of concern'

- Strategy
- Government agreed – good information and promised cooperation, albeit, some investigation – coinciding with President Clinton's visit to Africa
- How to conceal without President Museveni and the LRA knowing – premature disclosure
- Finally the government sent investigators in the south, to confirm that the children are Ugandan and not Sudanese.
- Investigators never came back with the interview. Mission failed
- Other strategies set – lobbying – ICRC came in through the Ministry of Justice that children are in Khartoum. Wait for prisoners to be brought from Khartoum followed by the children – too much complication
- A matter of concern – EU – Presidents Mandela and Arafat, UNHCR, UNICEF's boss

Solution Assist Children to fly back through Kenya to Uganda, avoid the media

- Successful process – Uganda experience
- Sudan – turned round – 2 staff arrested, death threats – complications
- One week after return – congratulations from Sudan. The children opened the door. Issue seen from a different level – Machel, Garang
- Return of 17 children
- International media concern – POW taken over – Garang and others met – diluting issues
- Toppled by misinformation – seriousness of the matter. Keep going. Dynamics in Sudan programme put together Khartoum office and Kampala office aiming at repatriating over 500 children. This picked up again. – taken new perspective - any new strategies. LRA on how to collect the pieces again. i.e. strategies, lobbying etc.
- Need for concrete programme-

- UNICEF – is it going to do it jointly with LRA or separately?
- Government of Sudan wants to improve image. It's talking to all governments. New opportunities liberalize rights, SPLA etc.
- Regional groups – the way forward. Communication – is there change of heart? – peace
- What interventions/challenges are there?
- Who are going to be our allies?
- How do we go forward?
- Mobilize other governments- UK, African, EC, Governments
- Mobilized other actors, avoiding isolation with / a lone voice
- North/south hemisphere issue.

What is the best way forward?

- Approach these governments Sudan, Uganda, Egypt, Brussels, European etc
- To help this process from the grass root level – to the global level. What is wise/or not or how do we get involved?
- Modalities of communication between the north and the south
- Having access to the data base
- 2 way form of communication

Comments – Salem

- Political complex questions raised e.g. street children – violation brought to the level of military aspects
- Slavery is also viewed as a military strategy i.e. the government of Sudan supporting the LRA.

CHAPTER SIX

The UNICEF-Uganda and The LRA Abductions Experience. David Pulkol.

In Uganda, abduction has been used as a warfare strategy for involuntary recruitment into the rebel movement. The ages of abductees vary from 9-15 years of age. Most of the children are used to carry luggage, loot, fight etc. Attempted escapes are punished by death through firing squad that acts as a deterrent to others. Children have however been rescued by the military and handed back to their communities. Children have also been recovered through UNICEF Juba, which set up a UN window through which 20 - 30 children were delivered.

The Aboke Girls abduction in 1998, served to heighten political pressure on the Government and other Acts. This abduction, after the attack on a mission girl's school included a group of middle-class schoolgirls and nuns of which 21 have not yet been rescued.

UNICEF, together with the GOU and other actors formed an alliance to mount a worldwide campaign in order to pressurize for the release of the girls.

How was it done?

UNICEF first developed inventories and registers of all children especially in the poorer areas. It was recognized that many children were abducted at school or while doing domestic tasks such as fetching water from wells etc. This registration was done through the local authorities and the local community, parents reported in and gave information – the database included photographs of the children as well as other details such as date of birth etc.

World Vision also released a book called 'Shattered Innocence', documenting narratives of children who had escaped.

Some 8,000 – 10,000 children have returned, recovered or escaped, however according to information they brought many children are no longer in the LRA camps – these children are not there. Many simply disappear inside the Sudan. UNICEF found one boy in Juba who was able to explain how he was abducted, and was seeking assistance to return home.

UNICEF challenged – children's rights. Contacts made Kampala, Khartoum

- Tracing to identify children in these situations, helped by trailers
- Uganda case UNICEF – do we only focus on children or on the other issues, having no business with the government of the day?
- Is this possible? LRA soldiers?
- Is this divisible?
- What is the strategy? Is it outside UNICEF's agenda?

- David's contribution was three months tracing. Avoid military target and going for civilians
- The village girls difficult to find, as they are abducted on the way to fetch water – rights curtailed, children can not play/ feel safe at home
- Conflict – these, not just viewed as children, they are now viewed as deserters – court martial – understanding
- Can be used to go against the Uganda Military
- They are assets to those who want to keep them
- How do we let go of these children?
- How will the campaign be like?
- How do we avoid Christian fundamentalists hijacking it – avoid resentment from the other side.
- If we are the Arab world – (?????????????)
- Should this be a campaign or should we go in silently

Salem's contribution

- At what point did the LRA start abducting?
- 1986 – violent way of taking power while the rest flee. These fleeing soldiers set off a panic button – this sent citizens into Sudan
- August 1986 – Military government working with UNHCR. Sudan military got involved. SPLA strategies out to reach for Uganda refugees
- Euphoria of success by the military group
- 1993 – some people absorbed in the military as condition for surrender and freedom. No court process to face
- Peace process – others remained, as there was no total amnesty. Those who remained became hard-cores
- Did not comprehend the lack of absolute amnesty
- The two governments started talking to each other, picking up the pieces. Peace process to be a reality
- Start from bottom up and up bottom

Documentation

- Difference between Sudan and Uganda. We don't have data

Hemid

- Linking LRA issue with the Sudan issue – framework
- Both civil war context
- This reality – holistic vision on the issue of piece
- Nomads coming from central Africa and issue is not raised – Fulani from Mali, Chad etc
- Nomads from other countries involved
- Imperative- peace should be central as far as UNICEF is concerned – issue of programming

Strategy

- Strong strategies
 - I. Advocacy
 - II. Training and Education

III. Sponsoring peace initiative through NGO communities

IV. Peace initiative through UNICEF

- Counterparts - NGOs local communities, local institutions, local administration – rebel movements – LRA, SPLA
- Framework

5. Issue of Resources

- Change in structure/ allocation, New York, regional office etc fragment change in these offices
- Abduction within the south, cattle raids all to be included in all these, within the context of civil war
- Cattle raid – this is an act of warfare

LRA presentation

- UNICEF involvement beyond the 17 children rescue
- Contacts with NGOs in South Sudan, made contacts with abductors – helping LRA by giving food
- UNICEF could always open widows on the ground, but not limit itself to this i.e. delivering food
- Context of timing - to relieve this problem. Be aware this work must be in harmony with all levels, communities, chiefs, create middle contact levels – influence
- LRA, SPLA, Uganda government. This is not happening and it should
- What kind of advocacy, moderators, empowering those moderators, SPLA, LRA, etc
- LRA – it's possible to negotiate with them.
- Do we link all these mediators, government

Salem's contribution

- UNICEF's programmes. Do we have existing ones to approach LRA – preventing further abductions
- Attempt to get LRA to release children in captivity – as a condition to move forward. Girls who are now wives to commanders
- Can they be handed over?
- Ask for stop to abduction. LRA is dead. It cannot recruit or even increase its numbers to sustain itself
- Supporters of LRA – their children – how do we stop further raiding if they give these 21 back. 8-16 year olds
- Some have left LRA and even left Juba.

Conclusion

- Work with other NGOs, probation
- Facilitators to reach out for the freed ones and not free to go back home

Roberts Contribution

- Find the children who have left the LRA – this is very important
- What needs to be done is to look at the source. Uganda to make the resources available
- Somehow – international community to persuade government of Khartoum that its no longer worthwhile in supporting the LRA.
- The children now know much more
- No feeling in the government or international organizations, they don't see this as a problem. LRA issue - not on the agenda. This may take some time
- Look for ways to persuade Khartoum government – who have a larger stake

Salem

- Sale of International Children. Government of Sudan denied everything. No proof. Proof by a letter only produced denial

Ushari

- Issue of small children also to be included 7-8year olds
- The bulk 16-18 year olds the bulk of the army. Difficult to dismantle
- Produce a gratuistic approach

Hamish

- No deal with everyone. Don't impose minimum age on these children.
- Chose over 16 years – system of cadets
- *Carrot rabbit mode* - what do we put in this carrot. Conditions to be place?

(Alternative Operational Framework)

Stage 1	Conceptual Framework
Stage 2	Programmatic
Stage 3	Reunification
Stage 4	Peace-building

ANNEX 1 GROUP REPORT FINDINGS'

Group 1: TRACING

• Tracing as a method of intervention.

The tracing process as a frame work for discussion;

1. Identification: Who? Many children are not identified. Need to put in mechanisms so that abductions are listed.
2. Documentation: Documentation must be done thoroughly. Currently it is very vague. We need history of abduction including dates, location, age of child etc.
3. Tracing: Families are already doing this. Sometimes it is more structure into a Committee (????)
4. Verification: Whose child is it? There is a manual on this. Should be on everyone's desk. SCF? UNICEF? ICRC Manual. Procedures laid down in tracing. Training will be required to do this.
5. Reunification Legal issues. What if the family does not want child back? What if abductees does not want to go back (those who are abused) and not accepted by their own tribes –considered prostitutes.
6. Follow-up

Suggestions of a tracing checklist:

Stage 1: Prevention:

Stage 2; Retrieval

Stage 3; Rehabilitation

Note: peace building is part of every stage. Currently a protocol is under consideration

Agreed Principles:

1. Complementarity of stakeholder roles
2. Primary roles of tribal structures
3. Co-ordination and information sharing
4. No to the institutionalization of children
5. No to payment on the return of abductees
6. Use abduction as an operational term for both GOS and SPLM

Components of tracing Process

1. Tracing
2. Rehabilitation
3. Reconciliation
4. Prevention

Details:

I Identification and Documentation

1. Registry development – roles of GOS/SPLM/SPLA
2. Adoption of existing documentation instruments (registration and interview form)
3. Training of all those involved in tracing (SCF committed to undertake and support this).
4. Tribal Committees – as legitimate bodies; as trained actors can make decisions on complex issues. But to register all.
5. To address issue of children transferred by military personnel (GOS co-operation and role, responsibility) (discuss later trafficking).
6. To address issue of children transferred by civilians. (Search; local government roles)
7. From Committees among every affected tribal group (Ngok, Twic, Nuba; other)
8. From Rizeigat, Miseriya and other tribal groups to get involved in tracing
9. Establish centralized-decentralized database.

II Retrieval

1. Direct retrieval and removal (problem free).
2. Leaving traced abductees with abductors:
 - i) views of abductees;
 - ii) refusal by abductor to release abductee;
 - iii) other complication
3. Transitional arrangements following retrieval
 - i) direct care by committee members
 - ii) short-terms fostering with related group (ethnic, linguistic, religious)
 - iii) Small groups together in one home under supervision

III Payments

1. There is need to set up guidelines. When abductors demand for payment s we need to engage GOS committee to implement legal measures.
2. The Committee on individual cases can use discretion when abductee safety is threatened.
3. Principles and position of Executive Director of UNICEF to be upheld. Note that UNICEF is under the spotlight on the issue of “buying back”.

IV Prioritization:

1. Sensitization of retrieval teams on issues of prioritization. There is need for this to be based on available information i.e. sex and age.

V Reunification.

1. With families in IDP camps in area
2. With families in IDP camps OUTSIDE area.
3. With families in Southern Sudan (need for negotiated GOS/SPLM protocol)
4. Specification of work packages breakdown to determine resources needed for re-unification.
5. Every person, agency involved MUST undergo sensitization and training.

VI Follow-up

1. Rehabilitation:
 - i) Psycho-social support – indigenous systems of rehabilitation
 - ii) Basic services
2. Dilemma of reunification and denial of educational opportunities.
3. Follow-up returned children (establish a sustainable system).

VII Monitoring and verification

1. Establish and apply standards
2. Monitoring of progress i.e. number of children identified, retrieved, reunified and other.
3. Organize regular review meetings
4. Evaluation – ongoing - by independent bodies

VIII Amnesty and Impunity

1. Undertake further consultation and formulate guidelines

IX SPLM related abductions

1. Set up SPLM/SRRA committee on abduction
2. Undertake investigation – jointly with partners (NGOs, UNICEF)
3. Deal urgently with clear cases
4. Address all situations of abduction; inter and intra-tribal, forced portering; other

X Funding

1. Joint funding strategies
2. Flexibility
3. Information sharing

XI Workplans development

1. North workshop in August
2. South workshop to be planned

3. Participation by critical stakeholder (beneficiaries, affected; officials; donors; UN; NGOs)
4. Subsequent joint meetings
5. Sharing results and experiences of workshops.
6. Develop exit strategies: what structures to establish and sustain.

Group 2: PEACE BUILDING

LEVEL	ACTIVITY	WHO
1. Top Leadership – “intellectuals” Politicians Military Modern Tribal Elites Sudan Diaspora Higher Educational Institutions	<ul style="list-style-type: none"> •High level negotiations •Cease-fires •Humanitarian cease-fires •Political peaceful settlement •Human Rights •Humanitarian principles •Access 	IGAD TCHA (UNI OCHA) Ambassador V Special Humanita Envoy Individual politicians NDA/GOS/SPLM/ M Other countries UNESCO/UNDP
2. Middle – range Commissioner Governor Local Commander Country SRRA/RASS State Council County Lib Council Educational Institutions	<ul style="list-style-type: none"> •Awareness raising on tolerance, peace and co-existence •Conferences on reconciliation and mediation •Training workshops on negotiation etc. •Specific issues to be addressed: Raiding Constitutional reform Good governance Human rights Beneficiary rights Humanitarian principles 	SPLM/SRRA UNICEF/OLS SS UNICEF/OLS NS NGOS (I & S) Governing structure
3. Third – Grassroots PLC/ Local Council Tribal Chiefs Modern Tribal Elites (trained/Educated, Health, Education etc.) Religious Leaders Women leaders Youth Leaders Displaced representatives Disabled	1. Tribal reconciliation conferences: Issues: <ul style="list-style-type: none"> •Land and water resource sharing • Raiding (abductions – prevention and tracing) (livestock raiding) (death) (asset stripping) • Trade and Security •Revitalizing traditional peace processes •Strengthening of traditional institutions and agreements •Freedom of movement 	UNICEF/OLS NS – SS INGOS SINGOS CBO’S/institutions Religious groups

<p>representatives Widows Child headed HH Tribal singers School pupils and children</p>	<ul style="list-style-type: none"> •Missing Persons <p>4. Capacity building/empowerment</p> <ul style="list-style-type: none"> •Training on conflict resolution and management <ul style="list-style-type: none"> • Problem solving • Negotiation and mediation • Teaching on peace education and use of school, churches, mosques as methods of peace promotion of culture of peace through mobile schools • TOT for community leaders and civil society • TOT for women's groups and selected individuals <p>3.Resource materials:</p> <ul style="list-style-type: none"> • Think tank/working group OLS (SS/NS) • Curriculum for peace – this must be culturally sensitive • Videos camera and player • Development of radio network • Documentation/info-sharing of processes and output <p>4.Advocacy Awareness raising and confidence building</p> <p>5.Existing activities and processes</p> <ul style="list-style-type: none"> • Research, documentation and information sharing • Research and studies on traditional/historical peace processes and agreements • Dutch engendering the Peace process – training of women • Sudanese women's voice for peace –training women in conflict management and peace process • Wunlit Peace Conference – recommendations & lessons learned • Turkana/Toposa peace meeting • Miseriya/Dinka - NDA/SPLA ongoing talks • Hawazna/Baggara/Nuba meetings • Bor Dinka/Nuer meetings 	
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Notes:

1. The Peace Building proposal will incorporate these ideas, focussing on level 3 (with a slight overlap to level 2)
2. The pilot project will incorporate the following details:

Population Focus
Hawazma – Nuer, Nuba, Dinka, Twic
Riezgat – Dinka Malual
Mesiriya – Nuba, Dinka, Ngok, Twic

3. Geographical focus:

- S. Kordofan)
- W. Kordofan) Northern Bahr el Ghazal
- S. Darfur) W. Upper Nile

3. Other issues to be discussed within the project framework:

- Disarmament
- Child soldiers
- Development Rehabilitation for peace and confidence building as a framework for pledging funding
- Donors - Canadians
Norwegians
Dutch
Germans
- Outcome/Timeframe

Group 3: ADVOCACY AND HUMAN RIGHTS APPROACH.

Proposed strategic Framework for Addressing Abduction and Slavery in Sudan.

The **objective** of this strategic Framework is to **prevent the abduction of children** and women in Sudan and to **recover and retrieve** abducted children and women, some of whom are held in **slavery**. This strategic framework is one aspect of UNICEF's global objective of promoting and ensuring the fulfillment of **all human rights** of children and women and in particular, those accorded by the **CRC and CEDAW**.

Advocacy and Lobbying	ID, Tracing, re-unification, re-integration, psycho-social follow-up	Grassroots. Community capacity building for peace, conflict mitigation and human rights	Mainstreaming the rights base principle into UNICEF activities in particular to incorporate advocacy for the rights and protection of children at the community level and for the support of tracing etc. and
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<p>International Focus:</p> <p>Goals: *To get the GOS to prevent abductions; * Create on enabling environment support initiatives</p> <p>Strategies: *Committee on the Rights of the Child *Working Group on Prevention of Slavery</p>	<p>Ultimately there will be programmes developed for specific situations in different geographic regions throughout the country</p> <p>Pilot project for North BEG situation</p>	<p>Ultimately there will be specific programmes developed for specific ethnic/community level disputes throughout the country</p> <p>Pilot project for North BEG situation (Group 2)</p> <p>Next project should address the train? (is this grassroots issue?)</p>	<p>peace-building activity.</p> <p>Sectors: Household Food Security Health WES Education CEDC HP/Capacity building</p> <p>Key Elements: 1. 2. 3. 4.</p>
<p>This strategic framework must be based on a sound analysis and understanding of the problems it seeks to address.</p>			
<p>Responsibility:</p> <p>Northern Bahr El Ghazal: Ushari/Hamid Intra-South: Hamish/Nadi Northern Uganda: David</p>			

8. Group presentations: Discussion points.

Comments on group 1: Peace-building

1. Grassroots training:
2. Peace processes: Will UNICEF be involved in all the peace processes? UNICEF is already somewhat involved through its humanitarian work. There is interactivity between UNICEF and other key actors (i.e. IGAD, Lome etc.). One lobbying strategy for mainstreaming issues is to raise them at that forum. There is also need to network with donors to gain support and resources.

3. Development: Peace-building must include development not just relief and crisis management. There is need for grassroots support and contact by UNICEF on this issue. Slavery must be addressed in this broader context which will prove a golden opportunity to us.
4. Funding: So far Germans, Dutch, Canadians, Norwegians have indicated an interest in funding peace building. We need to look beyond Governments for funding into the NGO Sector. This project will be long-term and there is need to look immediately into a specific budget and timeline. The proposal must have a clear time frame.

Comments on group 2: Tracing

1. Reconciliation:
2. Payment upon retrieval: The issue of payment must be dealt with as a matter of principle. It should be declared illegal. Even where a child was actually paid for (cash or kind) by the 'owner', that person should not be compensated – as this will amount to compensation to slave traders, thus encouraging the trade. The Executive Director is clear on this issue. It was however noted that this was done in India, resulting in a lot of tension and must be discouraged in future. SEF does not practice this.
3. War crimes: Abduction is a war crime. There is therefore need to discuss blanket amnesties.
4. Domestic servants: The issue of domestic servants as "slaves" will change our focus, as this is very common in Sudan. Many children from Nuba are domestic servants. It reflects the class and ethnicity structure in Sudan. Our concern must be strategic choices, priorities and resources
5. Follow-up system: Should include rehabilitation under indigenous systems of rehabilitation. Children should be rehabilitated within their families and communities.

Comments on Group 3 Proposed strategic framework for addressing abduction and slavery in the Sudan.

1. Target group:
 - a. Should we include child soldiers so that they are a target group that fits in the general use/work of UNICEF?
2. Definition and use of word 'slavery':
 - a. We need to be careful, as the word "slavery" is not used in Khartoum at all although 'abduction' is sometimes used. We know we are dealing with all forms of slavery but working with GOS/SPLM means using 'abduction rather than 'slavery'. (i.e. programmatically – 'slavery', operationally – 'abduction')
 - b. If we use abductions instead of slavery the SPLM will assume that UNICEF is dictated to by Khartoum
 - c. How do we ensure sensitivity in wording? The Executive Director was clear in stating the use of the word 'slavery'. Perhaps we can educate the GOS and

SPLM on the proper definitions of the work slavery, so that it does not necessarily connote such a negative image.

- d. Perhaps UNICEF should come up with its own definition “ Slavery means and/or conditions amounting to slavery”. However we cannot dodge the word.

Comments on Group 4; Advocacy and Human Rights

1. **Dealing with the militia: It is important for the militia to be disbanded. The militia needs social discipline and restructuring. They should be targeted for peace building and be regularized under senior military officials. This approach can be used for the PDF, but what about ethnic raiders?**

What next from this workshop?

Outputs from the workshop.

1. **Report from the workshop**
2. **Development of strategic framework: (I) write up of group work (b) split of project (peace/abduction)**
3. **Nomination of working team: Peace-building: Nadi & Hamish
 Tracing: Mima & Ushari**

Draft Programme

Workshop on Abductions/Slavery and Peace Building from a Rights-based Perspective.

DAY ONE		
SESSION ONE – PM		
2.00	UNICEF Preliminary meeting	HY/DP/MP/CM/ME/ GW/ NO/UM
4.00 - 4.30	Introductions/ Expectations and Definitions of Specific Outputs	Facilitator HY/NO/UM/DP
SESSION TWO		
4.30 – 6.00	Brainstorming Session. Definition: Nature and extent of problem. UNICEF'S role/interventions	Facilitator
DAY TWO		
SESSION THREE – AM		
8.30 – 9.30	Understanding Human Rights (philosophical & legal framework). Legal Framework: Laws and Conventions on Slavery/Abductions CASE STUDY	Facilitator UM/HY
	Defining the Rights Based Approach. UNICEF's rights based programming – Criteria/application.	Facilitator HY/UM
10.00 – 10.30	TEA BREAK	
SESSION FOUR - AM/PM		
11.30 – 12.30	Discussions on the various Manifestations of the Problem. Mapping of the affected areas (using visuals)	UM/NO
12.30 – 2.00	LUNCH	
2.00 – 3.30	GOS/SPLM Response. Why the need for a unified single approach in addressing the Slavery/Abduction and Peace Building Issue.	UM/NO/MP Facilitator

3.30 – 4.00	TEA BREAK	
SESSION FIVE – PM		
4.00 – 5.00	Sharing of Experiences. How UNICEF –Kampala and GOU handled the LRA abduction issue.	DP
	The SCF experience	Sir Rf
5.00 – 5.20	Formation of groups	Facilitator
5.20 – 6.00	Group work	
8.00	DINNER at Mediteranno	Whole Group
DAY THREE		
SESSION SIX		
8.30 – 10.00	Group work	
10.00 – 10.30	TEA BREAK	
10.30 – 12.30	Group work	
12.30 – 2.00	LUNCH	
SESSION SEVEN		
2.00 –3.30	Presentation to plenary	
3.30 – 4.00	TEA BREAK	
4.00 – 6.00	Development of a rights based approach to address the issues of abduction/slavery and peace building in the Sudan within a logical framework.	Facilitator

**Workshop on Abductions/Slavery and Peace Building.
Landmark Hotel – 16th to 18th June 1999
Participants List**

NAME	AGENCY
David Pulkol	ESARO
Madeleine Eisner	ESARO
Ushari Mahmoud	UNICEF/OLS – northern sector
Hanan Ishag	UNICEF/OLS – northern sector
Hemid el Beshir	UNICEF/OLS – northern sector
Salman Masoud	UNCHU
Sir Robert ffolkes	SCF
Nick Southern	SCF
Hamish Young	UNICEF/OLS – southern sector
Mima Perisic	UNICEF/OLS - southern sector .
Charlie Main	UNICEF/OLS – southern sector
Gillian Wilcox	UNICEF/OLS – southern sector
Keith Mackenzie	UNICEF/OLS – southern sector
Nadi Osodo	UNICEF/OLS – southern sector

Checklist of general and specific measures for incorporating the four general principles of the CRC in programming

II Specific measures for incorporating the four general principles in programming

Questions/items of your checklist	Yes	No	Some what
• Non-discrimination			
1. Is your section considering the principle of non-discrimination while you are discussing cooperation with your partners? While you are designing your programs?			
2. Has your section first done an exercise to identify particularly disadvantaged and vulnerable groups of children?			
3. Does the design of your program ensure that there is no discrimination against children on the grounds of gender, unreachability, ethnic origin, or other status?			
4. Does your section collect disaggregated data to enable effective monitoring of potential discrimination on specific relevant grounds such as ethnic origin, rural-urban, poverty, religion, language, etc..?			
5. Does monitoring and evaluation of your programs/projects include consideration of the principle of non-discrimination?			
6. Do any of your programs/projects include specific activities to ensure that children are protected against all forms of discrimination on the basis of status, gender, ethnic background, reachability, language, religion, or other?			
• Best interest of the child			
1. Is your section undertaking any child impact assessment when you are making decisions concerning budget allocations, planning, and implementation of your activities?			
2. Has your section developed criteria for determining the best interests of children in particular circumstances that arise while you are implementing your program?			
3. Is your section monitoring whether the best interests of children are a primary consideration in the policy making and practice of your partners?			
• Respect for the views of the child			
1. Do children have access to adequate information from <i>your</i> section to enable them to express informed views on what you are doing in UNICEF?			
2. Do <i>relevant</i> children have access to play an <i>informal</i> role in your decision making process that affects them and other children?			
3. Does your program/project include any activities that promote children's participation?			
4. Do children harmed by programs/projects that you are party to have appropriate access to effective complaints procedures and to remedies for breaches of their rights?			
5. Are you including children participatory rights in all or any of the training workshops that you are organizing with partners?			
6. Are you monitoring respect of the child participation rights in all programs that your section is supporting?			

• **The right to life and maximum survival and development**

Is your section (not only the Health Section) addressing the following survival and development issues regarding the specific dimensions of the issue that are of relevance to *your* sectoral area:

Questions/items of your checklist

Yes No Some what

	Yes	No	Some what

1. Infant and child mortality
2. Abortion
3. Infanticide of disabled children
4. Child pregnancies
5. Circumstances in which the death penalty may be applied to children
6. Murdered children
7. Suicides by children

I. General Measures for incorporating the four general principles in programming

Questions/items of your checklist

Yes No Some what

	Yes	No	Some what

1. Have you identified, in coordination with the other sections, all the responsible departments and agencies, at all levels, of government that are affecting children directly or indirectly? (do you have an updateable list in your office or in your computer?). [All are of relevance to the implementation of the four principles]
2. Have you been coordinating, in unison with the other UNICEF sections, with all these responsible departments and agencies?
3. Have you identified, in coordination with the other UNICEF sections, the relevant non-governmental organizations and civil society groups that work with and for children throughout the country? (do you have an updateable list in your office or in your computer?) [All are of relevance to the implementation of the four principles]
4. Have you raised with your partners the importance for a comprehensive review of all legislation, policy, and practice to determine whether they are compatible with each and every one of the four general principles? Are you
5. Are you adopting a strategy, in coordination with other sections, to ensure full implementation of the four general principles? [a strategy with goals and indicators and which links up with other human rights standards, and thinks the international cooperation dimension]
6. Are you undertaking, in coordination with other sections, a budgetary analysis of your program to ensure implementation of the four general principles through an appropriate resource allocation?
7. Are you incorporating in your sectoral program any support for the Government's CRC monitoring mechanism (NATIONAL Council for Child Welfare NCCW)?
8. Have you budgeted for this year any funds for training and awareness-raising of your partners in relation to the four general principles

Special Protection Measures

- Each sectoral group and a "new programming areas" group are assigned one situation of children in need of special protection measures.
- Study, individually or as a group, the relevant CRC articles and the corresponding information in the Reporting Guidelines –as specified in the attached table.
- Consult the paper "A Review of UNICEF Policies and Strategies of Child Protection". You could also consult the Summary of this document.
- Note that the strategies proposed include: (1) mainstreaming by incorporating special protection concerns into existing programmatic frameworks; (2) preventive targeted activities; (3) compensatory targeted activities; and (4) rehabilitative targeted activities.
- Look into the situation assigned to you and answer the following questions:
 1. What specific activities would you propose to be added and integrated into existing PPAs in your section in order to address the problem of the children in need of special protection measures assigned to your group? (for the new programming areas group: think of a special PPA for this category of children)
 2. What specific sectorally-integrated interventions are necessary for the children in the selected situation? And what would your section do to contribute towards addressing the selected situation in an integrated way?
- Report to plenary.
- General discussion

Special Protection Measures

The circumstances imposed on children that put them at special disadvantage

Circumstances of harmful and disabling child labor

- Children performing paid or unpaid work that might be directly detrimental to their development or that might prevent them from exercising their other rights, including the right to education, health and leisure;
- These circumstances are found in formal and informal sectors: the streets, markets, households of employers or children's own households.

Circumstances of warfare and other forms of organized or large-scale violence

- Any situation of conflict or violence that jeopardizes children's safety and/or their physical, intellectual, moral or spiritual development.
- Related circumstances include:
 - Forced displacement
 - Involuntary separation from the family
 - Recruitment of children into the armed forces, militias, and guerilla cadres, or organized crime networks or gangs.

Circumstances of sexual abuse or exploitation

- Trafficking; prostitution; pornography; the use of children for the non-commercial sexual gratification of adults, including concubinage and child marriage.

Circumstances of disability

- Circumstances that lead to mental, physical or sensory impairments acquired in any way during, before or after birth, including those resulting from childhood illnesses such as vaccine-preventable diseases, those stemming from malnutrition caused by iodine or Vitamin A deficiencies, and those caused by accidents, war-fare or violence.

Circumstances of temporary or permanent loss of family and/or primary caregivers

Circumstances of deficient laws and/or abusive legal and judicial processes

- Any legal or judicial process that does not respect children's rights
- Systems that arbitrarily or improperly deprive children of liberty
- Systems that fail to protect children from maltreatment or abuse by legal systems and law enforcement agencies
- Systems that deprive children of identity due to a deficient or non-existent vital registration system
- Systems that allow the sale and trafficking of children and adoption that is not in the best interest of the child.

Special Protection Measures

Situations	Corresponding paragraph in the Reporting Guidelines	Article Title	Article Number
Circumstances of harmful and disabling child labor	151-154	Protection from economic exploitation	32
Circumstances of warfare and other forms of organized and large-scale violence (WES)	123-131	Children in armed conflict Recovery and re-integration IDPs	38 39 all other articles of the CRC
Circumstances of sexual abuse and exploitation of children	158-159	Protection from sexual exploitation	34
	160-162	Prevention of abduction, sale and traffic	35
Circumstances of childhood disabilities (Health Group)	92	Disabled child	23
Circumstances of temporary or permanent loss of family and/or primary caregivers	80-82	Parentless child	20
Circumstances of deficient laws and abusive legal and judicial processes (New programming areas group)	132-146	Treatment in penal matters (administration of juvenile justice)	40
		Torture/capital punishment (children deprived of their liberty)	37
Circumstances of linguistic, cultural and religious minority status (Education Group)	165-166	Children belonging to a minority or an indigenous group	30

Incorporating the four general principles of the CRC in programming

Part One

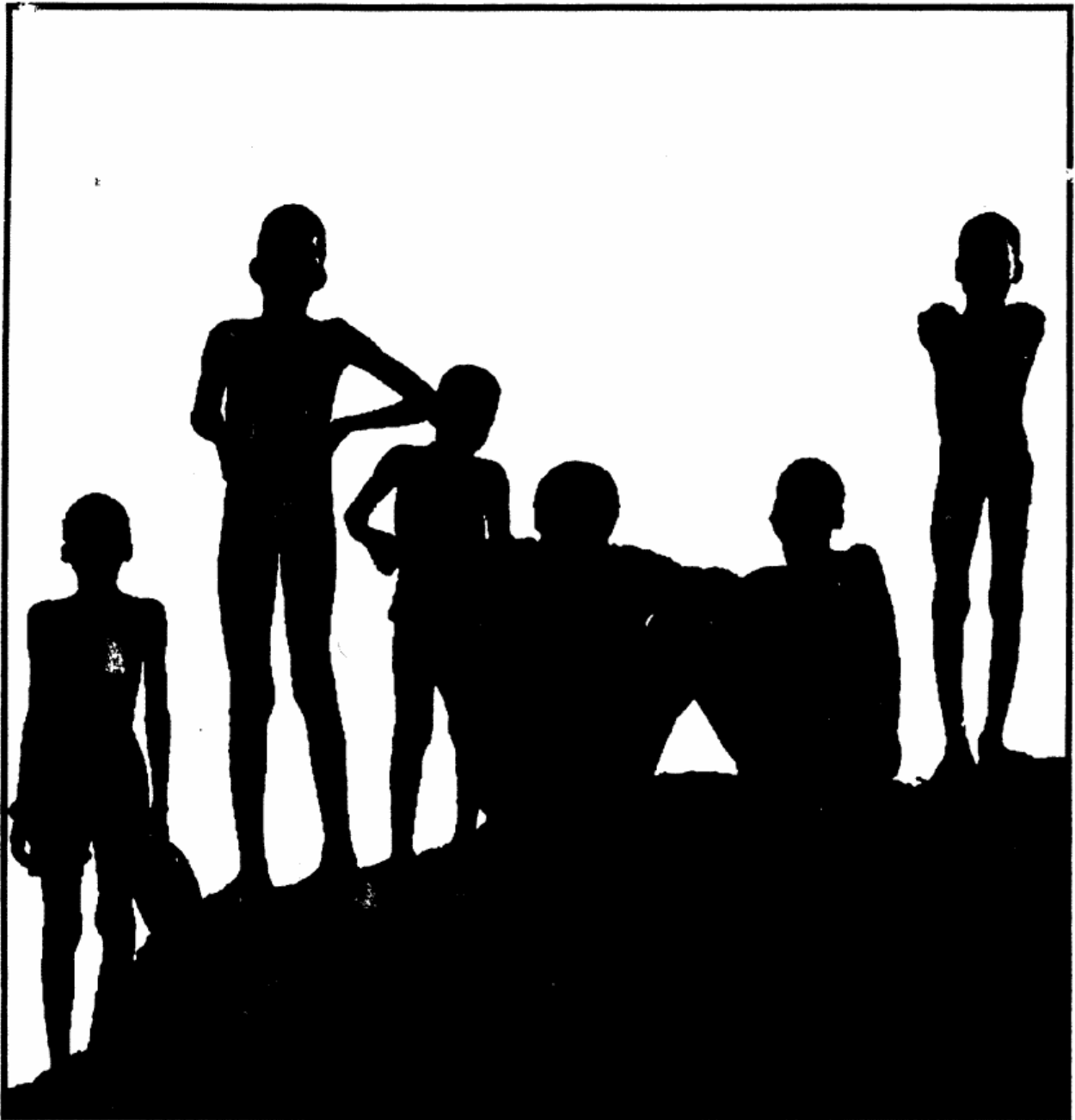
- Study, individually or together, the text of the article of each one of the four general principles. (Copies provided)
- Study the explanatory texts in the Reporting Guidelines which correspond to the articles of the four general principles. (Copies of the Reporting Guidelines provided)
- Each participant to individually go through the "*Checklist of general and specific measures for incorporating the four general principles of the CRC in programming*" and answer the questions: yes, no, somewhat.
- Discuss, as a group, the checklist and your individual answers.
- Open discussion.

Part Two

- Look into, browse through, or read attentively *one* selected PPA from the sections of Education, Water and Sanitation, Health, and Communication. (Copies of PPAs provided)
- Brainstorm in your group on how to incorporate the four general principles using the following question as a framework:

What *specific* activities would you adapt and/or add to ensure incorporation of *each and every one* of the four general principles in the PPA, pursuant of adopting the human-rights based approach to programming?

- Each group reports back to the plenary.
- Plenary discussion.



Slavery in Sudan

Peter Verney
Sudan Update & Anti-Slavery International

Slavery in Sudan

Copyright AntiSlavery International & Sudan Update 1997
British Library Cataloguing in Publication Data
ISBN 0-900918 39 X
Published May 1997
Graphic Design: Julia Denham Designs 0171 249 2160
Printers: The Print Bureau
Photography: Peter Moszynski / Globewise 0171 723 8538
(The Southern Sudanese people whose photographs appear here are NOT slaves)

Sudan Update is an independent, non-aligned information service on current affairs and human rights in Sudan. Based in the UK, it has monitored and networked news about Sudan since 1989. It publishes Sudan Update Newsletter, a non-partisan review of international media coverage of Sudan.

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Anti-Slavery International (ASI)

Anti-Slavery International (ASI) is the world's oldest international human rights organisation, founded in 1839. It promotes the eradication of slavery and slavery-like practices, and freedom for everyone who is subjected to them. The abuses which ASI opposes include: slavery and the buying and selling of people as objects; trafficking of women and the predicament of migrant workers who are trapped into servitude; debt bondage and other traditions which force people into low status work; forced labour; forced prostitution; abusive forms of child labour; and early or forced marriage and other forms of servile marriage. ASI focuses on the rights of people who are particularly vulnerable to exploitation of their labour, notably women, children, migrant workers and indigenous peoples.

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A leaflet, "Slavery in Sudan: Some Questions and Answers", is available from Anti-Slavery International. Written by the same author, it is being published alongside this report, intended as brief introduction to the issue of slavery in Sudan to be used in discussion in various arenas. It is designed to provide concise, accurate information on the main questions often raised about slavery in Sudan. It will be suitable for teachers, students and others looking for an introduction

PREFACE

Slavery is rooted in Sudan's history, and is part of its war-stricken present. Because of its emotional potency, it has also become an object of particular attention and debate in the international media, sometimes to the exclusion of other aspects of Sudan's prolonged civil war. This short report aims to outline how slavery has re-emerged as a consequence of government conduct of the war and inflammation of racial and religious hostility, and to highlight some of the subject's hidden complexities.

Actual enslavement is the most extreme manifestation of a range of opportunistic practices including abduction, kidnapping, hostage-taking and forced labour, taking place against a background of massive destruction of homes and livelihoods. Both sides in the war have committed such abuses; both have conscripted young teenagers to fight. Slavery stands out in this pattern of dehumanisation, in being imposed exclusively on southerners by northerners.

Since the mid-1980s governments in Khartoum have provided automatic weapons and vehicles for local militias, to create a "buffer zone" against rebel forces in the south. These militias raid civilian villages, killing, looting and seizing captives, some of whom are enslaved. While the governments can not be described as having directly participated in slavery, they have engineered and profited from the social chaos out of which slavery has reappeared.

The current government in Khartoum, led by General Omar Hassan al-Bashir and Dr Hassan al-Turabi's National Islamic Front, has been more ruthless and systematic than its predecessors in many ways. However, as this report seeks to demonstrate, there are dangers in singling it out for blame over slavery, which reappeared several years before General Bashir seized power in 1989. Both civilian and military governments of the last ten years have shown extreme reluctance, when confronted with evidence of slavery, to investigate fully.

Although the scale of actual slave-taking is far smaller than it was a hundred years ago, and it represents only a fraction of the human rights abuses now prevalent in the country, its revival exposes problems that must be acknowledged and wounds that must be healed if Africa's largest country is to find lasting peace. The antagonistic language of slavery permeates social attitudes at all levels in Sudan. Quotations from a variety of contemporary sources, including Sudanese poetry and song lyrics, give an indication of how deeply it affects the psyche of the country.

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GLOSSARY

ETHNIC GROUPS

Dinka - largest ethnic group in Southern Sudan, composed of numerous sections and clans, including the Ngok Dinka of Abyei

Fur - African Muslim peoples of Darfur, northwestern Sudan

Nuba - African ethnic groups of South Kordofan, equal proportions of Muslim and non-Muslim

Rezeigat, Meseriya - ethnic groups of Arab-African descent and Muslim affiliation; semi-nomadic cattle herders known collectively as Baggara in Darfur and Kordofan regions

VOCABULARY

'Abd (pl 'Abeed) - slave

Murahleen - Government-armed militia fighters drawn from some Meseriya and Rezeigat groups

Ghazwa - a raid by militias comprising Murahleen and/or Popular Defence Forces, in which slaves may be taken

Difa'a al-Shaabi - "Popular Defence Force" (PDF), government paramilitaries including tribal militias (Murahleen), urban conscripts and volunteers

Diyya - damages for families of the dead, payable in cash or kind

Mujahideen - "Jihad fighters", collective term for government forces

Nazir - Tribal or clan chieftain

Zakat - Islamic alms tax based on percentage of disposable income

Fatwa - Islamic ruling, as when pro-government religious leaders declared in 1992 that Muslim opponents of the regime, especially in the Nuba Mountains, were heretics punishable by death.

Dar as-Salaam - "Peace Village", name recurrently used by government to describe various relocation / transit camps and internment centres for war-displaced people

Da'wa al-Shamla - "Comprehensive Call", parastatal organisation implementing the government's Islamisation programme in "peace villages" and elsewhere

Janoubi (pl Janoubiin) - "Southern", used by Northern Sudanese to refer to Southerners

Jallaba - Merchant trader from Northern Sudan, a generic term used by Southerners for Northerners (from jallabiya, Arab dress)

Kasha - Street raids by police/security using lorries to round-up vagrants, unlicensed street traders and other "socially undesirable" people in towns

Shamasha - Street children and homeless people, literally "those who live without shade from the sun"

Kommer - Generic term for a truck notoriously used by police/security forces for kasha round-ups (originally Commer, a lorry of British manufacture)

POLITICAL

Transitional Military Council (TMC) - Interim government April 1985-1986

National Islamic Front (NIF) - Modernist Islamist party, main component of regime led by Lt-Gen Omar Hassan al-Bashir since coup in 1989

Umma - Political party based on the Ansar religious sect led by the Mahdi family, now banned

Democratic Unionist Party (DUP) - Political party based on the Khatmiyya religious sect led by the Mirghani family, now banned

National Democratic Alliance (NDA) - Coalition of banned opposition parties, ex-army officers and trade unionists

Sudan People's Liberation Army (SPLA) - Principal rebel movement founded in 1983

Southern Sudan Independence Army / Movement (SSIA/M) - Breakaway rebel faction, signed peace charter with government in April 1996

INDIVIDUALS

Al-Zubeir Pasha - Warlord and slave merchant of the 19th century

Lt-Gen Omar al-Bashir - President of Sudan, leader of 1989 coup that toppled Sadiq al-Mahdi's civilian government

Dr Hassan al-Turabi - NIF leader, Speaker in National Assembly

Ali Osman Muhammad Taha - Senior NIF Minister, architect of Dawa al-Shamla Islamisation policies.

Colonel John Garang - Commander in Chief of SPLA

Fadlalla Burma Nasser - Defence Minister in 1985 transitional military council and in subsequent government led by Sadiq al-Mahdi; Umma party member

Sadiq al-Mahdi - Former Prime Minister, leader of Umma party

Mubarak al-Fadil al-Mahdi - former minister and principal Umma party spokesman abroad

Mohamed Osman al-Mirghani - exiled leader of Democratic Unionist Party

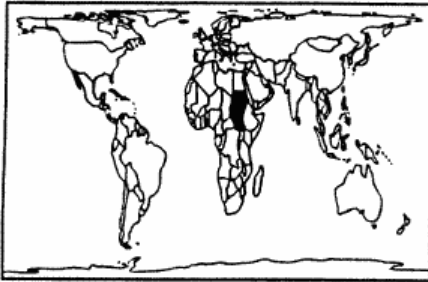
Nazir Debeka - Baggara clan leader involved in militia activities.

Hereka Izzeldin - Meseriya clan member, leader of Umma Party Parliamentary Group now with NIF; Amir of Lagowa district in South Kordofan

Kerubino Kwanyin Bol - Ex- SPLA commander now fighting alongside government in Bahr al-Ghazal

Riek Machar - Ex- SPLA commander, SSIA/M leader, now fighting on government side in Upper Nile region

SUDAN - MAPS



NORTHERN SUDAN

South Kordofan region

Kadugli - regional capital

Abyei - area disputed by Ngok Dinka & Meseriya

Nuba Mountains - home of Nuba tribes, scene of "ethnocide"

Safaha, watering point on seasonal migration route

South Darfur region

Ad-Da'ein - scene of massacre of Dinka in 1987

and first reports of renewed slavery

Nyala - regional capital

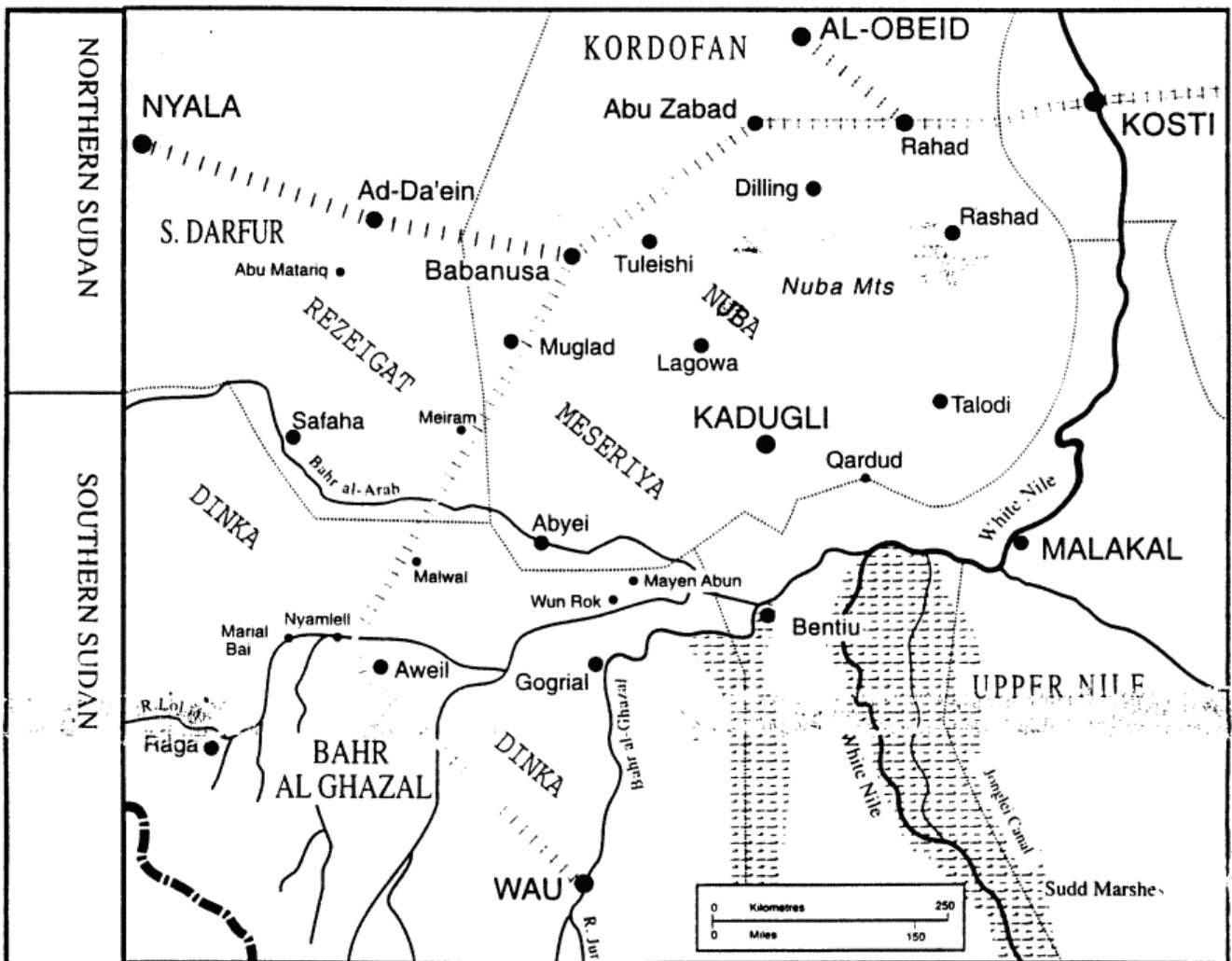
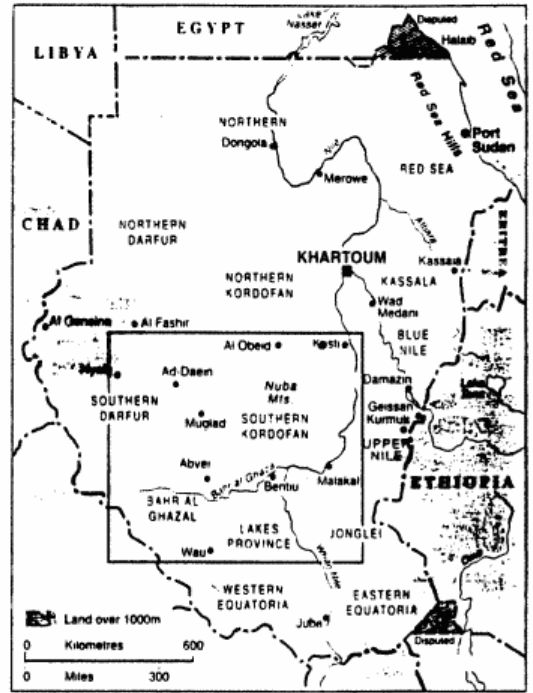
SOUTHERN SUDAN

Northern Bahr al-Ghazal region

Aweil, Nyamiell, Marial Bai -

scenes of 'slave' incidents

Wau - regional capital



INTRODUCTION

ON THE STREET AND IN THE MIND

On the streets of Sudan, it is still common for a citizen from the south of the country to be called a slave - "abd" - by a fellow citizen from the north. This single word, used in a dismissive and casual manner, embodies the painful history of conflict between northern and southern Sudan, and demonstrates how attitudes of racial and religious supremacy remain deeply ingrained in Africa's largest country. It provides a clue to the civil war that has kept southern Sudan in chaos for a generation, ruined the economy and brought hundreds of thousands of deaths. It also raises ghosts that will not be laid to rest by political settlement alone.

ANGER AND DENIAL

Any discussion of slavery arouses powerful emotions. The legacy of the trans-Atlantic slave trade from Africa to the west still has a profound effect on people whose ancestors were enslaved and who are calling for reparations for the damage that was done. The descendants of people who captured, owned or traded slaves often have difficulty either acknowledging the facts or resolving a sense of guilt.

Exactly the same is true in Sudan, where to raise the subject brings anger, mistrust and denial. Northern Sudanese reactions are strongest when the accusation is made that slavery is still going on, or that responsibility for its re-emergence is not confined to the current military-Islamist regime. Southern Sudanese, on the other hand, feel frustrated by the absence of acknowledgement of what was done to their kinsfolk, and feel betrayed by any attempt to minimise their claims. They are often vehement in their antipathy towards Arabic and Islamic culture as a result of their experiences.

A CLUE TO CONFLICT

Among the non-government organisations giving humanitarian assistance to the people of Sudan, there are also strong differences of opinion on how to respond. Some regard it as their moral duty to expose slavery; some go as far as to portray it as government policy. Others are anxious about giving excessive publicity to what they consider a marginal activity, for fear of jeopardising other operations. However, the slavery issue is such a vital clue in the struggle to resolve the conflict in Sudan - at the human level as well as the constitutional level - that it cannot be sidelined on the grounds of its sensitive nature.

FABRICATION OR FACT ?

Slavery exists in Sudan today. A series of human rights and media reports has brought slavery in Sudan to prominence in the mid-1990s, but its re-appearance was first documented in detail by two Khartoum University lecturers in 1987. It is sometimes argued that allegations of slavery in Sudan are fabrications intended to defame Islam, yet both authors are Sudanese Muslims. Sudanese journalists obtained and published the testimonies of escaped slaves in the late 1980s. After much denial and delay, the Sudan government of the time agreed to an international inquiry by the Anti-Slavery Society (now Anti-Slavery International). The inquiry was aborted when the current government seized power in a military coup in 1989. Other bodies including the International Labour Organisation (ILO) and the UN Commission on Human Rights have continued to gather evidence and to call on the Sudan government to take effective action. The western media paid only occasional attention to these investigations until 1996, when its imagination was stirred by reported purchases of slaves by western journalists and other foreigners.

EVIDENCE GROWS

Slavery has been illegal in Sudan for a century, and the enslavement that has been going on recently is furtive - no-one publicly admits to taking or owning slaves. The current government eventually responded to international pressure in 1996 by setting up investigative committees while continuing strenuously to deny that slavery is going on. Access to government-held territory where slaves might be held is extremely difficult for foreign investigators. Nonetheless, reports and testimonies from reliable sources have built up a body of evidence about the reality on the ground: who is responsible, how they take captives and from where, and how they can be freed and returned to their families. There are no precise figures for the total number of people enslaved in the last ten years, and it has been impossible to track how many have escaped or been returned to their families, but estimates consistently suggest that several thousand are involved. Although slave raiding may have decreased from a peak in the late 1980s, there are continuing reports that confirm the existence of slavery as an institution.



TREATMENT OF SLAVES

- **The ownership of human beings by other human beings, and their exchange for money or other commodities, is the main factor in defining slavery.**

WHO ARE THE SLAVES?

The slaves are mostly Dinka people from the north-east part of Bahr al-Ghazal region, plus small numbers from other war-stricken areas.

WHO CAPTURES THE SLAVES?

The main takers of slaves are government-armed militias from the Rezeigat and Meseriya people. Both groups belong to the Baggara, cattle-herding Arabic-speaking people who live in the neighbouring regions of Kordofan and Darfur. Other members of the "Popular Defence Force" (PDF) militias, as well as some regular army officers, are also involved.

WHAT HAPPENS?

Slaves are seized in violent raids on villages. Captors perceive and treat the captured person as their property. The master has absolute control over the captured person's life - disobedience may mean death. Physical punishment and denial of food are used as a punishment or coercion. The captured person may be sold, exchanged or bartered. He or she may be used as forced labour in agriculture, cattle-herding or domestic servitude. Typically, slaves are treated harshly: often beaten, given poor food and clothing, and may sleep in a flimsy shelter or in a cattle shed. Slaves are kept for years.

SEXUAL EXPLOITATION?

Sexual exploitation of males and females is commonplace. Women and older girls are often kept as concubines, reflected in the fact that many females who escape have been helped by the less-than-happy wives of the slave-owners.

"One of the taboo subjects in Sudan is the extent of sexual abuse of boy captives by soldiers" - *Nafir, the newsletter of Nuba Mountains Solidarity Ahmad, Vol. 1, No.3, 1996.*

WHO ARE THE SLAVE OWNERS?

- The wealthy slave-merchant is a figure from the past. Contemporary slavery in Sudan may be called **"small-holder slavery"**: the typical slave-owner is a farmer with a few dozen acres of land or a score of cattle or camels, holding one or two Southern women and children, perhaps more in exceptional cases.

"From the conversations we learn that the masters themselves are mainly poor subsistence herders or farmers, scratching a living from a harsh land, using slaves for sexual or domestic purposes. If they are girls, or the lowliest tasks in the fields if they are boys."
- Baltimore Sun

ARE THERE SLAVE PLANTATIONS?

In late 1987 the Sudan Times newspaper reported the use of captured Dinka, young and old, on commercial farms in Southern Kordofan. While there are no plantations built on slave labour in Sudan today, there are giant mechanised farms whose labour force is war-displaced

villagers interned in government **"peace camps"**, working for little or no pay. Although their living conditions are harsh and the forcible nature of their internment and labour is an abuse of their human rights, these people are not slaves.

SHACKLES?

There are occasional stories of slaves being put in shackles, but this is certainly not the norm. When captives are seized in violent raids, they are often roped together with wooden poles at their necks. Human Rights Watch/Africa interviewed a man who had been forced to work in the fields from morning through night, tied by the wrists and ankles while he slept. He was routinely beaten with a leather whip.

BRANDING?

There is no sign that branding of slaves is common or systematic, although there is some photographic evidence, and at least one case of a Dinka girl being branded has been widely publicised.

AUCTIONS?

There are no public slave auctions or slave markets, although there are cases in which individual slaves are passed from one master to another for cash payment.

MARKETS?

Southern Sudanese claim that transactions involving slaves have taken place in **Mazrub**, 50km NW of Al-Obeid, Kordofan's regional capital. But foreign accounts of **"slave markets"** at Nyamlell and Manyel in Bahr al-Ghazal region are descriptions of ordinary village market-places where cows and agricultural produce are sold. They are not the equivalent of the old slave markets, as visiting journalists seem to believe. They serve as natural meeting places, and they are in areas under the control of the rebel SPLA. This prompts the question: would the rebels permit actual slave trading in their territory?

When family members or concerned villagers meet intermediaries from the captors of their children in such places, they are not engaging in the auctions of the 19th century slave trade. By paying up to five cows each in what is euphemistically regarded as "expenses", they are settling a ransom for the return of their own children. They are not strangers buying strangers. When wealthy foreigners pay these ransoms in cash, however, observers fear they are artificially creating a "market" which distorts the practice.

"Slavery still fascinates the west [but] no-one has yet found a slave market such as existed in the Caribbean ports two hundred years ago. There is in fact no good evidence for the ORGANISED buying and selling of human beings as commodities." - *Nafir Vol.1, No.3*

EARLY HISTORY

FLASHPOINT FOR CONFLICT

Slavery in the Sahel region of Africa is hundreds of years old, and Sudan was a very active participant in the slave trade until early this century. The southwestern region of Bahr al-Ghazal was one of the most prominent centres of slave trading on the African continent in the late 19th century.

Southwestern Sudan, on the border with the Central African Republic, is divided by the Bahr-al-Arab and Bahr-al-Ghazal rivers into two zones. With followers of Islam in the north and of Christianity and traditional religions in the south, it is a microcosm of the way the country itself is divided. It has long been a flashpoint for conflicts, often spurred by competition for resources, and compounded by racial, religious and cultural differences.

For centuries northern Sudanese and Turco-Egyptian traders raided along the Nile, deep into Upper Nile, Equatoria and into the vast lands of Bahr al-Ghazal. Here African villagers were caught, beaten and roped together. Then they were walked and shipped great distances to be sold on as domestic servants, farm hands or concubines, in Northern Sudan, neighbouring countries like Egypt and Libya, or across the Red Sea.

ENCOURAGING HOSTILITY

Raiding and hostage-taking, slave-like conditions and child trafficking among rival Sudanese tribes existed before the arrival of invaders from the north. From the mid-1800s, however, foreign traders encouraged hostile tribal groups to raid each other for booty including ivory and slaves. The Baggara, Muslim cattle-herders who regard themselves as Arabs, penetrated south into Bahr al-Ghazal, the land of the Dinka and other African, non-Arabised tribes.

RISE OF THE JALLABA

In the early 19th century, the "Jallaba", a group of northern Muslim traders mostly from the Ja'aliyyin and Danagla tribes of the Nile valley, came in increasing numbers to southern Sudan, especially northern Bahr al-Ghazal, which became an important source of slaves. The Jallaba made their fortunes in the slave trade, although some also worked as boatmen and soldiers. They sent the slaves overland to markets in the north, and kept them in enclosures with thorny fences, called *zaribas*, en route. The Jallaba prospered, and became a powerful and wealthy community with vested interests in slavery. To this day, Southerners sometimes refer to Northerners as "Jallaba" as if, to them, the merchant class represents the entire society.

VIVID MEMORIES

The current inhabitants of Southern Sudan, the Nuba Mountains and Ingessana Hills are the people whose forebears remained free, and their tribes and families have vivid folk memories of the slave-raiding "Arabs" which influence their relationship with the Northern Sudanese today. The bloodlines of many present-day inhabitants of Northern Sudan, by contrast, are an intermingling of Arab and African genes, and many are the descendants of enslaved Africans.

My Cousin Mohamed

Listen!

You, Mohamed, and I, are not brothers
You're the son of my aunt -
You're my cousin!

Long ago your Arab father came,
also he came with the Holy Koran
and his traditional ways
But without a mistress for his wife!

...

You, cousin Mohamed in the Northern Sudan
are an offspring of my slave-aunt
who in her wretchedness stooped to
conquer by blood-strength
A reality as large as the Imatong Mountains!

You are no longer
a pure Arab like your father
You are the hybrid of Africa
The generous product
of many years of bloody war
on the African land
Your African Motherland!

...

My cousin Mohamed says
he knows everything
because he is educated.
When I sing songs about Freedom
Justice
and Equality,
My cousin gets angry and shouts at me:
"You APID!
You also want to be free,
and be equal to me!"

(- from *The Myth of Freedom and other poems*,
by Sirr Anai Kelueljang)

SEASONAL MIGRATION

During the "hungry season" of the year, the semi-nomadic Baggara traditionally migrate southwards with their cattle to parts of Northern Bahr al-Ghazal, leading to occasional, but often intense conflict with the pastoral Dinka tribes over the scarce resources of grazing land and water. Senior figures from both sides would periodically engage in conferences to resolve the worst of the conflicts and negotiate for the return of captives and slaves.

"Why are you after a soil as dark as the Dinka? What do you want from the dark soil of the Dinka? You are a people who simply go after grazing areas in the three months of the dry season. How can a person of three months' residence dispute the land with the settlers of all seasons?"

- Nazir Moneim Mansour to Nazir Babo Nimir at the Peace Conference in Abyei, March 1965
(Dr Francis M. Deng, Dinka Cosmology, p.265)

THE DAWN OF ABOLITION

Influenced by the primarily European-driven campaign to abolish the slave-trade, Muhammad Ali, the Khedive of Egypt, closed the public slave-markets in Khartoum. In June 1864 the Khartoum authorities established a police river patrol to track down traders' boats, and seized more than 3,500 slaves, but many slave-traders eluded or bribed the patrols.

In August 1877, the Khedive agreed to the Anglo-Egyptian Slave Trade Convention, prohibiting the sale and purchase of slaves in the Sudan by 1880. General Charles Gordon, British Governor General of Sudan, mobilised some Baggara chiefs against the notorious Sulayman of Bahr al Ghazal and other Jallaba slave-traders, and tried to hit at the root of the problem.

With the Mahdist revolution and Gordon's death, the slave trade blossomed again. Slaves were used as currency in the market as well as for tending the nomads' herds of cattle. The Ansar (followers of the Mahdi) held contemptuous attitudes towards the "infidels" from the South: "The sophisticated Arab, with a culture and tradition centuries old, felt, not unnaturally, that he was superior to the simple African who was created by Allah to be a slave." (1)

During this period slave-trading was carried out only by the Mahdist forces, while private trade was prohibited. Individual merchants were not permitted to acquire private armies that might pose a threat to the Mahdist government.

Anglo-Egyptian forces re-conquered Sudan in 1898. Slave raiding and trading were virtually ended, but existing cases of slavery and exploitation of slave labour continued into the early 20th century. It is reported that many of the men who fought in General Kitchener's army in 1898 were slaves.

Although it took measures to halt slavery around the capital, Khartoum, during the first two decades of the 20th century the attitude of the Anglo-Egyptian condominium administration towards the practice in the "marginal areas" of Sudan was either lax or pragmatic. The authorities of Bahr al-Ghazal region, short of funds and personnel, often did not take direct action against slavery but appealed to the tribal chiefs to end the practice. With no enforcement, these appeals were ignored. Slaves were still captured and smuggled in to be sold in the markets of Darfur and Kordofan. In 1907, the Slavery Repression Department believed that most towns of the western district concealed slaves bound for the north.

DARFUR

Darfur remained an independent Sultanate until 1916. Like the Baggara of Kordofan, the Fur people of Darfur regarded the non-Muslim peoples of the south as potential slaves - even the Fertit, originally kinsmen of the Fur who had fled southwards.

In the old Fur Sultanate, the ruling elite owned slaves as domestic servants, as labourers for "weeding, harvesting and the local herding and watering of animals", and as soldiers. They supplied slaves to merchants from Egypt and Khartoum, and gave them as gifts to royal guests

As well as the Baggara, freemen from the Fur led horseback raids into Bahr al-Ghazal to capture slaves, who were often taken to market in Kobbei, a day's journey north-west of the Darfur capital al-Fashir.



— BEFORE INDEPENDENCE 1900 -1956 —

PACIFICATION AND CLOSED DISTRICTS

In the first two decades of the 20th century the British conducted a "pacification" campaign in Southern Sudan and the Nuba Mountains. They used military force including the earliest aerial bombing against people who often regarded the British not as their saviours from slavery but as a new wave of invaders. Once this was complete, British policymakers pursued separate development approaches for Northern and Southern Sudan. "Southern Policy" sought not only to halt the clandestine slave trade but also to limit the penetration of Northern influences in the South. Some colonial governors wanted to incorporate the South with Uganda; Southern region governors attended administrative conferences in East Africa, not Khartoum.

In the 1920s a series of laws, the Closed Districts Ordinances, placed tight controls on access to the South, the Nuba Mountains, Darfur and Southern Blue Nile, whose peoples - after "pacification" - were now regarded as needing "protection". If its intention was to allow these less developed societies more time to determine their own futures by shielding them from outside interference, in practice the policy turned the areas into vulnerable "anthropological zoos" (in the words of one Nuba), which were unprepared for their sudden re-opening to the outside world two decades later. In the South, education opportunities were rare: only a handful of mission schools were established, because the British administrators were often as wary of Christian missionaries as they were of their Muslim counterparts. English rather than Arabic was the language of instruction and administration.

"SUDANISATION"

Meanwhile, the British concentrated on development in the North, building railways and a modern civil service. Nationalist political parties began to grow. Sayyid Abdel Rahman al-Mahdi, head of the Ansar sect and Sayyid Ali al-Mirghani, head of the Khatmiyya sect, were encouraged by the British to reconstitute their movements into political organizations along quasi-secular lines. The West and South were maintained under "native administration" using chiefs and sheikhs identified or created by the colonial government, with little investment for social or economic development.

In 1947 Southern Policy was abandoned after the Juba Conference organized by the colonial government, at which Southern chiefs agreed with northern nationalists to pursue a united Sudan. A crash programme of integration followed.

800 administrative posts were vacated by the British and "Sudanized" as "self-rule" was introduced, with a Westminster-style parliament. Northern politicians allocated just four of these posts to Southerners, a reflection both of racial prejudice and the inadequacy of Southern education. In the eyes of Southerners, "Sudanization" was effectively "Northernization". Southerners were not represented at the 1953 Cairo Conference on self-rule, on the grounds that they had "no party or organisation".

— AFTER INDEPENDENCE 1956 -1989 —

When Sudan became independent in 1956, open slave-trading had been eliminated for more than half a century. Old former slaves could still be found in the homes of their former masters for want of any alternative livelihood, but they were, in theory, free. Occasional covert slavery lingered in remote regions, but had virtually died out under the Anglo-Egyptian administration.

Human prejudices, however, changed more slowly, and it remained a struggle for Southern Sudanese - as well as Nuba, Ingessana and Dariuri peoples - to gain genuine recognition as social and political equals with their Arabic-speaking compatriots in northern Sudan.



THE FIRST CIVIL WAR

From 1955 until 1972 a long and bitter civil war was fought between successive governments and the Anya-Nya rebels who wanted independence for south Sudan. Despite many other atrocities, there were no reports at the time of an upsurge in slavery - although southerners do claim that it was going on. The war ended with an agreement signed in Addis Ababa which gave the south a form of autonomy and was regarded as the principal achievement of then president Jaafar Nimeiri.

However, this failed to solve the imbalance of economic power and was undermined over the next ten years, both by northern manoeuvring and by disputes among southern groups.

ABYEI - A PREMONITION?

An indication of terrors to come was in the violent ethnic clashes suffered by Dinka people in Abyei district in the 1970s. Abyei lies on the border-line between north and south, where Kordofan dips down into Bahr al-Ghazal. Most of Abyei's inhabitants were Ngok Dinka, who might have expected to be governed from Juba, which was then capital of an "autonomous" Southern Sudan. However, the disproportionate political power of the Meseriya Arab minority had helped to ensure that the district was incorporated into Kordofan, and ruled from Khartoum. This decision generated a great deal of local resentment, and Ngok Dinka activists pressed for Abyei to be made part of Bahr al-Ghazal.

In 1977 President Nimeiri made peace - called "National Reconciliation" - with Sadiq al-Mahdi, leader of the Umma Party, which Nimeiri had banned. He then used al-Mahdi to encourage the deployment of Meseriya militia forces - initially armed by the Umma - against Ngok Dinka villages around Abyei. Traditional arrangements between the leaders of the Arab and non-Arab tribes broke down as a result of outside interference with modern weaponry. Thousands of Ngok Dinka were displaced when their homes were burned and looted, many were killed at random, and others were seized as slaves, to sell or to hold to ransom.

The Road to Abyei

"It was hard to avoid hearing stories of atrocities committed by the Arab militias. This woman had been raped; this man tortured and castrated; the man's wife had been killed in front of him; a boy of ten had been kidnapped and kept for two years as a servant, beaten when he tried to escape, and finally killed. There were clearly many Dinka still in captivity".

(John Ryle, Granta 26, Spring 1989)



A Ngok Dinka Song

Fire continued to blaze, as houses burned
and our cattle were driven away,
but we had no one to hear our case.
We called and called,
but no one asked what we were calling about
We cried and cried,
but no one asked why we were crying.
We talked and talked,
but no one asked what we were saying.
God, it was you who gave the Dinka the cow
and you gave the Arabs their wealth in money.
The Arabs have consumed their wealth,
and they have gone to capture our herds.
And there is no one to whom we can take
our case:
Our cattle have been captured,
Our children have been captured
and our villages have been burned down;
We are now clustering under trees like birds.

(Francis Deng, War of Visions, p 329)

1983 - "ISLAMIC" LAW

Nimeiri was toppled from power in 1985, eighteen months after his collaboration with the National Islamic Front (NIF) of Dr Hassan al-Turabi to impose a version of "Islamic" or "shari'a" law on Sudan. It was a bid to save his political fortunes by embracing religion, but the *shari'a*, with its emphasis on emergency courts and poorly trained judges replacing the civil judiciary, was criticised even by the leaders of avowedly Muslim parties. Its tendency to punish the poor and racially disfavoured with disproportionate harshness made it unpopular among the majority of Northern Sudanese and a focus of bitter opposition for the Southerners. Even after the regime's overthrow, Nimeiri and Turabi's quasi-religious laws, no matter how flawed, were never entirely rescinded by their Muslim political opponents in the Umma and Democratic Unionist parties, who feared that their own aspirations to religious authority would be undermined if they did so.

CIVIL WAR RE-IGNITES

Southern Sudanese were already aggrieved over what they perceived as Khartoum's arrogant handling of crucial development issues, such as the siting in Northern Sudan of a refinery for oil extracted mostly from Southern Sudan, and the digging of the world's biggest canal through the marshes of Jonglei. They regarded the application of *shari'a* as intrinsically racist, and it provided a catalyst for the resumption of civil war.

ARMING THE MILITIAS

1985 - UNLEASHING "CIVILIAN DEVASTATION"

The civil war was gathering momentum. In July 1985 the SPLA attacked the Arab town of al-Gardud - their first incursion into Southern Kordofan. The Defence Minister in the transitional government, retired Major-General Fadlalla Burma Nasser, had close links to a section of the Meseriya at Muglad, South Kordofan. He began to channel modern weapons, vehicles and other supplies to clans within the Meseriya and Rezeigat, after militant tribal chiefs including Nazir Debeka and local politician al-Hureika Izzeddin held a series of meetings to urge him to assist them. Officially these arms were to enable the Baggara to protect themselves against SPLA insurgency, principally from the Dinka border lands of northern Bahr al-Ghazal, and also from the Nuba Mountains. In practice they gave the Baggara "*Murahleen*" (literally "*nomads*"), superior firepower in their age-old competition for survival with the Dinka.

After several decades of relative equilibrium, relations between the Dinka and Baggara were worsening dramatically, driven by local drought conditions and conflict over dwindling resources as much as the wider war. The SPLA was led by John Garang, a Dinka, and was assumed by the Baggara to be a Dinka movement. By providing

THE SPLA

In 1983, a series of mutinies by Southern Sudanese army garrisons led to the formation of the Sudan People's Liberation Army, the SPLA. This movement claimed to be fighting for the whole Sudan, rather than the southern independence that was the original aim of the rebels of the first civil war. The SPLA was not exclusively Southern, and in the early days it raised short-lived hopes of an overthrow of the religio-political state ushered in by Nimeiri and the NIF. However, the country's residual racism means that northerners would be unlikely to rally behind a southern-led movement.

LOSS OF MORAL AUTHORITY

When Nimeiri's regime executed a respected 76-year old religious scholar, Ustaz Mahmoud Mohamed Taha, for alleged 'apostasy', in January 1985, it damaged its claims to moral respectability. Taha was killed because his progressive, tolerant and subtle views on Islamic thought were regarded as a political threat. There was open public disgust at his execution.

UPRISING IN 1985

Two months later, as economic pressures grew, the Sudanese people turned decisively against Nimeiri in the *intifada* (popular uprising) of April 1985, and a transitional government - led by his former Army Chief of Staff, Swar ad-Dhahab Ahmad Eissa - took over.

arms for unofficial Baggara militias, the government turned traditional tribal hostilities to political ends, and opened the way for devastation of civilian populations.

The militias, encouraged by government officials and assisted through the army, launched a three-year campaign of terror against the Dinka people of Bahr al-Ghazal in 1985. Thousands were killed, captured or enslaved before the end of 1988, when the Dinka and the SPLA belatedly strengthened their defence of the area and reached local reconciliation agreements with Baggara chiefs.

WRANGLE OVER "PRIVATE ARMIES"

In 1986, an elected government headed by Umma Party leader Sadiq al-Mahdi took power. As Prime Minister of a series of coalitions, Sadiq allowed Fadlalla Burma Nasser to continue as Minister of State for Defence and develop the policy of arming sections of the Baggara.

Umma Party representatives strongly defended the militia policy, and in February 1989 - with support from the National Islamic Front - initiated legislation to establish a "**Popular Defence Force**" within which the tribal militias would have legal status. There were bitter complaints from other political parties and from the armed forces, who saw their role being undercut by the measure.

The Army responded by issuing a memorandum - in effect an ultimatum - which among other things forced the Prime Minister to back away from the legislation and assemble a new governing coalition which resisted what it saw as the formation of private armies. The coalition included the Umma and the Democratic Unionist Party (which had left the coalition in December 1988), Southern Sudanese parties, representatives of the trade unions, the Communist Party and the Sudan National Party. Tentative moves were made towards peace talks with the SPLA.

The National Islamic Front - led by Dr Hassan al-Turabi, Sadiq al-Mahdi's brother-in-law - was excluded, only to seize power in a military coup five months later.

ASSAULTS BEGIN ON DINKA VILLAGES

When the militias began to raid, loot and burn the villages and granaries of their Dinka neighbours, the Dinka responded by arming themselves, but this confirmed them as justifiable targets in the eyes of their attackers. In February 1986 a group of Murahleen, believed to be Rezeigat from nearby ad-Da'ein, began raiding small villages - including Ajok, Gok Macar, Achana, Majak Bai and Chirkou - around Marial Bai, the headquarters of Dinka Chief Riny Lual Dau. The villages were easily overrun, and cattle, grain and human beings were taken as "war booty" in the raids.

Attacks on the villages continued intermittently for six days. Chief Riny Lual Dau assembled his people in Marial Bai to pool their defensive resources: his own guards had rifles, as did each village chief, and the young men from Aweil town also gathered there.

The Murahleen responded to the Dinka gathering at Marial Bai by launching a massive seven-day assault which ended in their seizure of women and children as well as thousands of sheep, goats and cattle. It was among the first of many such raids, in which thousands of Dinka women and children were captured and forced to trek to Southern Darfur and Southern Kordofan. Some were put to work in the fields, and others were taken as domestic servants. Those surplus to requirements were sold.

CHILD HIRE - SWINDLE AT SAFAHA

During spells of severe famine in the 1980s, many destitute Dinka families loaned or hired their children to richer neighbours out of desperation, because they could not afford to feed them. This practice has a long history, but when some Dinka children became unpaid labour for Rezeigat families in the Bahri al-Ghazal famine of 1988, the outcome was brutally unbalanced.

Driven from their villages by drought and warfare, Dinka families began searching further afield for the means of survival. On their way to Darfur or Khartoum, they congregated at Safaha, the seasonal meeting place between the Dinka and Rezeigat pastoralists. It has water, plenty of fish and prosperous petty trade. Their arrival attracted the attention of a group of Rezeigat.

A 15-man committee from the Rezeigat community approached the Dinka migrants. A witness named four of them as Doka, Fadl Nabi, Barsham Mohammed Barsham and Musa Berou. They called an assembly to confer with the few surviving Dinka male elders, and asked the Dinka to let their children be hired as herders. The rate they offered was fixed: 500 Sudanese pounds per year, irrespective of the child's age, which could be from 7 to 15 years old. Half of the amount was to be paid immediately, and the balance was to be collected a year later with the child.

The Dinka families had little choice about accepting the offer, since the Rezeigat were armed and could have seized the children by force. After one year, however, the children were not returned, nor were their parents paid the balance of the hire.

(source: Deborah Scroggins, the Atlanta Constitution / Anti-Slavery International).



THE UMMA PARTY:

"First let us put the record straight:

- 1- The policy of the democratically elected government of Sadiq al-Mahdi was for peace through a negotiated settlement and not to escalate the war. Therefore through negotiations a ceasefire was reached in the last seven months of the democratic government and agreement was agreed upon. The military takeover came to power to stop that peace agreement.
- 2- No civilian had been armed during the democratic government time to fight the SPLA or any body else.
- 3- It was the transitional government of Swar al-Dahab and Gizouli Dafalla together with the trade unions that gave arms to some tribesmen to defend themselves against the Nuba/SPLA after the attacks on Algardoud and other villagers in the Nuba mountains, in 1985.
- 4- Fadlalla Burma Nasser was then a member of the TMC [transitional military council]."

(Umma Party Information Office UK, October 1996)

AD-DA'EIN MASSACRE

More than a thousand Dinka men, women and children were killed, some burned to death, by inhabitants of the town of Ad-Da'ein, in western Sudan in March 1987.

Ad-Da'ein is linked by railway to the regional capital Nyala and to Khartoum, and serving as a major commercial centre for the region, including the grain and cattle trade. Its population of 60,000 is largely from the Rezeigat ethnic group, with others from the Dinka, Fur, Zaghawa, Jur, Berti and Hausa, and it is an Umma party centre of influence.

The Dinka began migrating to Ad-Da'ein during the first civil war, but many returned south after the 1972 Addis Ababa peace accord.

When the second civil war broke out in the mid-1980s and their villages were repeatedly attacked by militias, many Dinka fled again to Ad-Da'ein in search of food and work. Most were employed as temporary labourers in agriculture and building: carrying water, digging latrines and bricklaying. Out of some 17,000 adults, only a handful were employed by the government.

In the 1960s the Dinka in Ad-Da'ein built a church on land given by one of the Rezeigat sheikhs, and attempted to develop good relations with the Muslim community. In the climate of hostility of the 1980s, however, some 400 hundred Muslims petitioned the local judge to remove the church. Even the church's roof-top solar heating system apparatus aroused suspicions of "espionage".

On the evening of 27 March, 1987, an armed Rezeigat group attacked the church, where 25 Dinka had congregated after evening prayers. The attackers went on to the homes of Dinka families in the neighbourhood and burned them down, killing at least five people.

That night, some Dinka fled; some hid with families in town, and others gathered, under police protection, in Hillat Sikka Hadid, a neighbourhood beside the railway station. Next morning, government officials moved them to the railway station itself, and put them into eight railway wagons, as well as the station police compound, intending to move them out of town for their own safety.

A mob of townspeople, mainly Rezeigat, descended upon the railway station and began attacking the southerners: by sunset more than a thousand Dinka had been killed, many burned alive in the railway wagons. Some children were abducted from the site. The train eventually set off, taking the survivors to Nyala.

Two lecturers from the University of Khartoum, Dr Fihri Mahmoud and Dr Suliman Baldo, learning of the massacre and the civilian government's attempts to cover it up, set out to investigate. They concluded that the various official accounts were contradictory, and the claims of "provocation" that were offered were too flimsy to explain the scale of the killings. Awkward questions arose about how much the massacre was planned or anticipated by government officials, and the disappearance of individuals such as the local Christian priest.

In gathering information from eye-witnesses and survivors, Dr Mahmoud and Dr Baldo also uncovered evidence of slavery. They presented testimonies which outlined the patterns of Rezeigat militia behaviour in seizing slaves, the role of government policy in the civil war in distorting inter-ethnic relations, and the government's lack of action against the practice of slavery.

Further investigation of the massacre at Ad-Da'ein was blocked by a majority vote in the parliament during Sadiq al-Mahdi's premiership. The university lecturers who had reported the massacre and the slavery were harassed and detained by the authorities on several occasions.

THE NUBA

Among the armed militias' first targets were the Nuba people of Southern Kordofan, who were regarded as sympathisers and likely accomplices of the SPLA. The Nuba are not Southern Sudanese like the Dinka. Instead they are a collection of indigenous African peoples, believed to have originated as far as North Darfur and Nubia, who over the centuries retreated into the hills in the face of invasion from the North.

Nuba people have embraced Christianity and Islam in equal proportions while maintaining older religious beliefs and customs. Known abroad for their wrestling and body art, they have provided fighting men for many armies, first as slaves and later as recruits to the British Army and even the Palestine Liberation Organisation.

Nuba society is nonetheless tolerant and avoids divisive conflict: traditional practices such as the keeping of pigs and the consumption of local alcohol, inimical to stricter Muslims, are accommodated. They have many similarities with the people of the Ingessana Hills further to the east. Since the ending of the Closed Districts Ordinances in the 1940s they have found themselves under pressure from Northern Sudanese who seek to homogenise them into the dominant Arab-Islamic culture and to exploit their land. This pressure has grown into systematic destruction in the last decade or more.

As with Dinka-Rezeigat relations, the Nuba farmers and their nomadic pastoralist neighbours, the Meseriya, had managed to live reasonably peacefully alongside one another over the last hundred years. The balance was upset by two things: the government's arming of some of the more war-like Meseriya clans, and its growing sequestration of the fertile lowlands on which the Nuba used to farm, and through which the nomads used to pass with their herds. From the 1970s more and more land was taken by merchant-farmers for mechanised farming schemes, squeezing out the traditional livelihoods of both the Meseriya and the Nuba. By arming the Meseriya, the government was turning the weak against the weaker.

CHILD SERVITUDE

Children are also brought from the South by soldiers and officers. These are children of Southern Sudanese ethnic groups who are poor or orphaned and serve the soldiers in their military camps. After the soldiers are transferred to the North, some of them bring these children with them.

The most notorious case was the "Toposa boys", where a military plane was reported to have brought 80 children from the South to Khartoum. These children were subsequently taken to various parts of Sudan. This documented case received some attention in the media during Sadiq al-Mahdi's government.

1980's

Colonel X's trophies

" I remember Colonel X used to come back from the south and bring with him one and sometimes two teenage "Janoubi" (Southern) boys to help his wife in cleaning the bathroom, sweeping, and carrying the heavy bags when she went to the "souq" (market). These teenagers used to sleep in the small, poorly lit storage room and eat the remains of the food. The Colonel used to boast to some of us how after entering an unsuspecting village, they would destroy anything alive. He would use the word "clean" to describe how they eradicated the village. The "lucky" ones were the ones that came with him... these kids don't speak Arabic that well and they don't even know where they are.

Sometimes when the Colonel feels he has extra "Janoubi boys" and owes someone a favour, he would give away one of their "boys". They enjoyed this gift giving and I still remember vividly on one of these "boy giving" days how happy the Colonel's wife looked as she sat in the front of the government "Commer" with their driver from the Nuba Mountains. The "boys" would be displayed in the back of the "Commer" like a trophy, wearing torn clothes and no shoes.

Usually these kids flee after one or two years. And when they escape they start selling cigarettes and "hot items", or become "shamasa" (street kids). As they cannot read or write and may not even speak the language, they will do all they can to survive and soon like others, they will be captured through "al-kasha" (police round-ups). They are then sent back to the war zone in the South where they get killed by fighting their own people."

1990's

Ngeth's children

"It was in the Southern Sudan town of Wau where my children: James Madol Robert (now 13), Santino Majok Robert (14) and Peter Monut Ayiei, child of a neighbour, met two Arab soldiers near their school at breakfast time in February, 1992.

The soldiers suggested that the three boys should go with them to the railway station for some work and that they will be paid. Hungry, the boys accepted, got onto the military lorry and made their way to the station where they met a number of boys taken there under the same pretext.

When the boys asked for the work they went for, they were taken to a different coach and were not allowed to get out of it. A few minutes later, the train started. As they cried for help, the soldiers told them they were being taken "North, where there is peace, food and happiness."

The train journey ended, for Ngeth's children and the other boy at Nyala, in the house of Ishak Ahmed Muhamed, one of the soldiers who took them to Wau railway station. At Nyala Muhamed divided the boys among his relatives to work as houseboys.

When Ngeth discovered that her children had been taken by a group of soldiers, she started a two year long search for them. She moved from village to village and from one town to another. Her search finally took her to the western Sudan town of al-Fashir, where she found her son James and the child of the neighbour, Peter. She found her second child, Santino at Kabkabia.

After learning the whereabouts of the boys she contacted the military authorities to facilitate their release. It was not easy for her to go about this, as Muhamed insisted that he should be paid some money for keeping the children.

However, the military authorities intervened and helped her to claim the three children and to make her way to Khartoum with them. She is now looking at the possibility of going back to Wau."

1989 - NATIONAL ISLAMIC FRONT

"There are genuine slaves, slave-raiders, and slave traders in contemporary Sudan. On a far larger scale, but falling short of the definition of slavery, there are also forced abductions, particularly of southern and western Sudanese children, who are subjected to a programme of religious and cultural indoctrination intended to give them an Arab Muslim identity, and often sent into military training and combat against their will."

- Southern Sudanese investigator Lawrence Tung, 1996

INTENSIFYING "POPULAR WAR"

On 30 June 1989, Lieutenant-General Omar Hassan al-Bashir led a military coup supported (clandestinely at first) by the National Islamic Front (NIF). Banning the old political parties, he promised a decisive end to the war. This turned out to mean pursuing military victory by systematically extending the use of militias alongside the regular army. To legitimise their formation, the Popular Defence Act, originally proposed under Sadiq al-Mahdi, was passed in 1990 by the regime that overthrew him. The Murahleen, or Baggara militias, were supplemented by urban NIF loyalist recruits, and by less willing conscripts including street children, would-be university entrants and government employees.

CLAMPDOWN ON DISSIDENCE

Under the security police state established by the National Islamic Front, oppression has been extended well beyond the war zones: in Northern Sudan, too, dissent is banned, and torture is rife. Most Northern political parties, together with trades unionists and former army officers, have formed an exiled opposition front called the National Democratic Alliance (NDA), which has now joined forces with the SPLA.

"KILL EVERYTHING THAT MOVES"

Some sections of the Baggara systematically organise "ghazwa" (slave raids), carried out by their fighters, whom the Rezeigat sometimes call "al-Fursan" - "the cavalry". Not everyone involved in the "ghazwa" is a "tribal militia fighter". Some secondary school students



from ad-Da'ein have also participated in them. More or less anyone can join in the "Popular Defence Force". The raiders divide the captives, separating small children from their older siblings and from their mothers. They set up surveillance systems to prevent the slaves from escaping, and treat them as property, to be exchanged for goats or sheep or money, or "married" in the case of enslaved women.

JOINT ARMY OPERATIONS

When a regular army unit organises a military operation in northern Bahr al-Ghazal, it is accompanied by the militia in its role as the Popular Defence Force unit in the area. The military instructions are not to go and get slaves, but to "kill everything that moves". Nonetheless, militia members do capture some women and children and bring them back with them.

What happens after that depends on the military commander's judgement and discretion. He can order the release of the captives, but he knows that this could be tricky for his future military operations, and will often turn a blind eye. Sometimes, however, they have stood firm, like the military commander who ordered that captured children be released and handed over to the local church in Abyei, March 1996.

ENCOURAGING CHAOS

Slavery and other forced abductions figure alongside the killings of civilians in the war zones and the loss of young men conscripted by the SPLA in depriving families and villages of the younger generation who would normally be playing a vital role in traditional cattle rearing and farming. This is a direct threat to the existence of the Dinka, Nul and other rural communities, a deliberate attack on their security which leaves them vulnerable to further upheavals, so that many more are displaced by war and war-related famine. Hunger has been endemic in the slave-raiding areas of Northern Bahr al-Ghazal since the mid-1980s.

Attacks on villages are not only carried out by raiders from the PDF and army. The government has also succeeded in turning former rebel commanders into government proxies.

PEACE CHARTERS AND PEACE CAMPS

"Some of the worst disruption in northern Bahr al-Ghazal in 1995 has been caused by Kerubino Kuanyin Bol's forces. Formerly one of the most senior commanders in the SPLA, Kerubino was arrested in 1987 by Ethiopian security officials cooperating with the SPLA and held in an SPLA prison until 1992. He was reportedly tortured. After his release he joined SPLA-United (renamed the SSIA in late 1994), led by Dr Riek Machar Teny Dhurgon. He returned to his home area of Gogrial in 1994 to recruit for SPLA-United / SSIA. While purporting to be fighting the Sudanese government, by the start of 1995 he was operating from a military base in the government-controlled town of Gogrial, armed and supplied by the authorities. In January 1995 he was expelled from the SSIA..." ("Sudan - Progress or public relations?" Amnesty International 29 May 1996)

Food supplies in the area have been severely disrupted by attacks on villages and relief centres, combined with the government's refusal to allow the UN Operation Lifeline Sudan access to northern Bahr al-Ghazal for much of the time. In the first half of 1995 the number of people displaced by war and moving to areas under government control had risen to 286,000.

In April 1996 Riek Machar's Southern Sudan Independence Army also signed an agreement with the government, called a "Peace Charter", which as designed to turn divisions among southerners to government advantage.

As a result of famine and raiding, many thousands of civilians have been forced from their homes in Bahr al-Ghazal and South Kordofan, as well as elsewhere in the war zone. Many are taken to so-called "Peace Camps", where children are separated from their families and taken for religious-political indoctrination and training by agencies close to the National Islamic Front government. This is a planned, systematic operation which is taking place on a far larger scale than the incidents of slavery: the conditions in

POLITICAL ADVANTAGE

"The government gains a political advantage [over] those who do not want anything to do with an Islamic government, those whose culture is not Arab or Muslim. It sees them as potential supporters of the SPLA. So they are really trying to humiliate and subdue them in different ways. Slavery is a political tool for the government."

*Sudan Human Rights Organisation representative
Mahjoub el-Treani.*

WHOSE RESPONSIBILITY ?

"Does the government tolerate slavery? Critics say yes - but there are also often police or court cases against alleged slave owners. Certainly the violations do not compare with Zubeir Pasha and his ilk."

- Nafir, the newsletter of Nuba Mountains Solidarity Abroad, Vol. 1, No.3, 1996.

COURT ACTION

The first line of rescue (and resistance) is the local police. They routinely rebuff family requests for assistance. Things rarely get as far as the courts. When families of slaves try to get their children back through the courts, prosecutors and others usually drag their heels and do nothing, or help the slave-holders. The local courts have not provided a remedy, except in one or two recorded cases.

TRAINLOADS OF WAR BOOTY

Trains carrying military supplies to Wau, the capital of Bahr al-Ghazal, are regularly accompanied by government forces, described by the government of Sudan as on "a noble mission of protecting the relief routes and fighting bandits and outlaws who regularly interfere with the relief operations..." In practice the troops and militia forces routinely attack villages along the way and capture civilians as war booty, and usually go unpunished. When a train arrived in Wau in December 1994 it was accompanied by "Mujahideen" government fighters whose booty included not only cattle, goats, chickens and food items, but also a number of small children whose relatives had either been killed or had fled when the

government forces raided villages some distance from the railway line. More captive children had been left at Gette, 25 miles northwest of Wau, in the custody of the army.

"The civil authorities in Wau are afraid to question the mujahideen and the army who have brought the children and the cattle of the innocent people in thousands. Soon the train will leave Wau for Babanusa, and the children, cattle and goats will find their ways into the northern Sudan markets."

When the SPLA attacked a similar train and its armed "protectors" in 1995, the government forces fled with their captives to Aweil, the nearest garrison town. There, a southern police chief prevented the militia and army personnel from taking the women and children with them when they left for the garrison town of Wau. It was estimated that 500 captured women and children were left behind... The militia and soldiers, however, managed to hold on to the 3,000 head of cattle they pillaged from the villages."
(Human Rights Watch/Africa)

FREEING SLAVES

DINKA COMMUNITY INITIATIVES

The Dinka community has set up its own "retrieval committee" to secure the return of enslaved women and children. It operates independently of the government and often at personal risk to its representatives.

Mrs Ayuel Anyai, the mother of four boys and a girl who were "hired" to Lagabi Suleiman Hassan but never returned, took her case to Aweil Dinka chiefs in Khartoum in 1989. Recognising the need to accumulate evidence with which to approach the (then civilian) government on such cases, in April 1989 the chiefs assembled a group of six dedicated young men and sent them to conduct investigations in Darfur.

They left Khartoum on 6 June 1989 and travelled to Darfur in secrecy, posing as workers looking for jobs. They worked on a number of agricultural schemes and farms as migrant labour. Moving from area to area, they compiled a list of people holding Dinka children, and managed to register hundreds of children by name.

Their findings enabled the Dinka chiefs to make a detailed report on enslavement in August 1989. Copies were sent to the Revolutionary Command Council (RCC), which had seized power on behalf of the National Islamic Front on 30 June; to the Governors of Bahr al-Ghazal and Darfur; to the indigenous NGO Sudan Aid and to the office of the Catholic Archbishop of Khartoum.

A sympathetic erstwhile government official helped open channels to the Governor of Darfur, Abu al-Gasim Ibrahim, in November 1989, and to the government of Southern Darfur. Abu al-Gasim gave the Dinka delegation accommodation in the state guest house, and on 16 December he called together the leaders of the Rezeigat groups to whom the main slave raiders belong, as well as Rezeigat intellectuals and other citizens.

Initially the Rezeigat denied holding any Dinka children against their will. Then the Dinka delegation brought forward four of the victims: Adeng Akok (12 years); her brother Akok Akok (10 years); Mual Aguer (8 years); and Kuol Nyot. Their testimonies confirmed that Dinka villages had been raided.

The Rezeigat leaders admitted this was so, but added that only certain sections had been responsible. They agreed that if the Dinka would provide transport (*muwassalat*) and food expenses (*muwassareef*), then the Rezeigat would secure the retrieval operation and accompany the Dinka delegation to the locations where captives were held. 103 children were subsequently freed.

To keep the retrieval operation going, in March 1991 a fund-raising campaign was launched among the Southern Sudanese community in Khartoum, which collected over

two hundred thousand Sudanese pounds (less than US\$1,000) over the next four years. The majority of the contributors were themselves displaced people, victims of continuous forced relocation to camps outside Khartoum, and financially hard pressed.

Despite their limited funds, the committee was able to bring cases of abducted children to the attention of the Bahr al-Ghazal authorities, solicit funds for their retrieval, trace the parents of identified children and inform their parents to receive the children when they were brought from Western Sudan. Two persons always accompanied any group of retrieved children.

The Dinka committee continues to co-operate with the State Government of Darfur: when it collects information about the slaves, it presents it to the government of south Darfur. If the evidence is accepted, its representatives are given a police escort to confront the captors, and the children are then taken back without any money changing hands. Such operations are rarely straightforward in practice.

KEEPING A LOW PROFILE

The committee has had to work very discreetly because of the sensitivity of the issues with the current and former regime in Khartoum. It has been obliged to adopt a low profile and endure numerous restrictions on its activities. Its research goes on within the government-controlled areas in a clandestine manner and with very limited funds.

The committee identified and retrieved 4 children in December 1989, 111 in March 1990, 16 in August 1993, 15 in 1994, and 39 in 1995. These children were re-united with parents or other surviving relatives. Many of these relatives currently live in the displaced camps of Jebel Aulia, Gaborona, Salama and Sahra- Mayo (15-40 kilometres from Khartoum city centre).

Ten of these children were recovered in the last quarter of 1995 between ad-Daein and Nyala. Another group was located in Raga, Northern Bahr al-Ghazal, in April 1996. Only Southern Darfur was covered by the survey, and that only partially. In Northern Darfur and Kordofan, which were not covered, the investigators fear that thousands of children may still be held.

INDIVIDUAL INITIATIVES

A number of parents and relatives have used their own initiative to seek the freedom of their children. To retrieve them they have had to pay money, cattle or, sometimes in the SPLA zone, guns and ammunition. These transactions reportedly take place within both the areas controlled by the NIF Government and the areas controlled by Southern fighting forces. The prices range from 1,000 to 100,000 Sudanese pounds, 2-5 cows or a gun and ammunition per child. There seems to be no fixed value as the prices

depend upon the health, physique of the captive and the whims of the seller.

Cases of trading in children have been brought in al-Obeid, the main town in North Kordofan, over children who have been sold for an average of 13,000 Sudanese pounds. The judicial process is long and complicated, and the traders usually refuse to let the children go free until they are repaid the money they claim to have spent on the children. Often the parents agree to an out of court settlement and raise the money needed to "compensate" the traders.

In mid-1994 the court in al-Obeid began hearing a claim by two Dinka leaders in respect of Dinka children kidnapped during a raid on Mabiior village, close to Aweil, on 25 January 1987. These children had been transported via Adila to al-Obeid, although only 30 out of 486 actually arrived in the regional capital. The rest were assumed to have been sold in the other villages, to have fled or died. A Dinka leader discovered one such kidnapped youth, the son of his aunt, in the suburbs of al-Obeid. He learned that the boy's sister had been sold at nearby Bara, and two others at Um Kredem and Um Ruwaba.

The man accused of the sales was a Lieutenant-Colonel in the Popular Defence Force. After three court sessions, the children were handed back to their relatives on 18 August

DANGERS

A member of the Dinka committee's investigation team was killed on a follow-up mission. Several individuals and families were themselves captured or killed in encounters with units of the Popular Defence Forces.

STRIKING DEALS

Rezeigat and Dinka chiefs in Aweil struck a deal in 1990 which facilitated the buying-back of enslaved Dinka children at the price of five cows (or equivalent) each. Agreements such as this have reduced, rather than stopped, the raiding into northern Bahr al Ghazal.

THE GO-BETWEEN

"The Slave Trader: He sits opposite us on a low bench. He refuses to give his real name out of fear for his life, he says, and asks to be called Adam el-Haj. He also refuses to have his face photographed.

...Since 1991, he says, he has freed 473 slaves, mainly women and children, returning them to their families for the set fee of 5 cows or the cash equivalent. An estimate 4000 Dinkas have been seized locally since the fighting started in the mid 1980s between the Islamic fundamentalist government of the north, and the non-Muslim African rebels of the south, according to local officials.

As we talk, a local official hands us a list of 59 children abducted in a raid on the village of Gokmacar in 1987 who have yet to be returned. The regime in Khartoum had made no effort to account for the whereabouts of these children, the official says. El Haj has 22 "associates" who scour the northern countryside looking for slaves. **"We swore on the holy Koran or the Bible to be honest and to secure the return of the abducted children to their parents,"** he says. That buyback system, he explains, was arranged between the chiefs of the Dinkas in the south and the northern Rizeigat tribe, to which El Haj belongs. In exchange for sanctioning the return of the slaves, the Rizeigat have the right to graze their cattle on Dinka land during the dry season.

"I have chosen this job not [NOT] because it is profitable," says El Haj **"I have chosen it because I have 200 head of cattle. This job strengthens the actual understanding between the tribes. It allows our cattle and our tribe to go to the Dinka land in peace. Without my doing this, the Dinkas would not let the Rizeigat cattle to graze on their land."**

Once he locates the children, he says, he must persuade the slave owners to release them - for a price. If the owner refuses, El Haj reports this to the Rizeigat chief."

(Baltimore Sun - June 1996)

Sold to a Camel Owner

"My name is Bol Deng, I am 16 years old. My home village is Mablör Nyang, Aweil. I was enslaved by Arabs in western Sudan for three years. While in slavery, I lost hope of ever walking into freedom. But thanks to the Voluntary Slave Tracing Team (VSTT). I can now narrate the brief story of how I was enslaved.

It was early one morning in 1989, and we were playing... All of a sudden, we saw a band of armed men on horseback. They went wild throughout the village, shooting live bullets at random. Some of the grown up villagers escaped but many of them were killed while attempting to flee. My father Deng Baak was shot dead in the incident. My mother was beaten up until she dropped down unconscious, but later recovered. Those of us who could not escape were surrounded by the armed Arab bandits. They herded us together, men, women, and children.

Then at gunpoint we were driven northwards. From our family four of us were captured: our mother, my elder brother, my sister and I.

We were journeying on foot and were worn out and very tired. On reaching Safaha - the border point dividing the Dinka from the Rezeigat Arabs - our captors stopped us and they divided us among themselves.

Husseini Mohieddin took possession of me. I was the only one among the captives who was owned by Mohieddin. My elder brother and sister were owned by the other Arab bandits.

Moheidin's village where we were staying was called Fardos, south of Da'ein. Fardos in Arabic means paradise. But for me this was no paradise at all but hell.

I stayed with Mohieddin for one year. When I first went into his house he was still a bachelor but later married while I was there. He had a herd of cattle and we used to look after them.

Moheidin was a harsh man. He used to cane me whenever a cow or a bull went astray. He and his wife insulted me and called me names which made me most unhappy.

Then gradually Mohieddin began to lose interest in maintaining me. One day he decided to sell me to a camel owner named Lagabi Suleiman Hassan. I don't know for how much I was sold to Suleiman, but from the way the negotiations were conducted between Mohieddin and Suleiman suggested that I was being sold to someone who was not related to Mohieddin in any way.

Suleiman was a Kordofani. Unlike Mohieddin, he did not beat me, but overworked me like a donkey. Day and night I had to keep watch over the man's camels. In the grazing land I often met my fellow captives - age-mates from my Dinka tribe. We shared our troubles and suffering together.

Suleiman was a family man. His wife was not very rude like Mohieddin's wife. Although she gave me food I was not allowed to share the same table with them. I ate alone.

I stayed with Suleiman for two years until the committee retrieved me from slavery. After that rescue operation I stayed a year in ad-Da'ein camp for displaced people until June 1993, when arrangements were finally made for my departure to Khartoum."

Abducted and raped. Enslaved?

"My name is Angelina Adut. I am a Dinka from Aweil. My home village is Nyamlel. I don't know how old I am because I was born in the village where there are no birth certificates.

My parents never entered any school, therefore they don't know how to count dates. I am not married.

I was a virgin, and had remained so several years after my customary initiation into womanhood, although I was looking forward to getting engaged to a young man from the village.

My hopes were dashed overnight in 1991. That night our village was woken from sleep by violent sounds of gunshots. The Arab Murahliin had attacked the village. My father's household was gripped with panic and confusion. The Arabs rode on horse-back and fired bullets at people and burned the grass huts. Many villagers were killed while trying to escape. I saw four men gunned down and I froze with fear.

I was among five women captured, in addition to the children whose mothers had abandoned while escaping the killing. The Murahliin looted cattle and goats.

We walked, at gun-point, for four days up to Daein. We were beaten and called many bad names. At the outskirts of Daein, we were ordered to settle at a big camp full of rough-looking Murahliin.

That night the other women were raped. There was this man called Hussein who wanted to rape me too. I put up a fight. He beat me using a hide whip.

He thought he would beat me into submission but I resisted. The other women saw something sinister in our struggle, so they advised me to give in lest I be killed because the Murahliin are renowned for ruthlessness. And so Hussein broke my virginity.

I stayed with Hussein for eight months and was already pregnant. Although we stayed together and shared one bed, I was not happy because he was not my husband but a brute who treated me like an animal, and he often forced me.

One day I made up my mind, I stole some of Hussein's money and ran away. I bought a train ticket and came to Khartoum where I found my mother and brothers at Al Salama camp for the displaced people. This was a family reunion since we were separated on that unforgettable night at Nyamlel, when the Murahliin attacked.

One month after my arrival to the camp in 1992 I gave birth to a baby boy with big red ears- a real Arab Murahliin. I was not happy with the baby because it was a boy. When I remembered how Hussein raped me and mistreated me I could not stomach the idea of bringing up a son of a Murahliin, because sons take after their fathers. I wouldn't have cared if the baby was a girl, because girls take after their mothers, and after all they get married anyway.

On the third night after I had delivered I made up my mind. I boldly gripped the sleeping baby by the neck and squeezed and squeezed until life went out of it. In the morning we buried it and that was all. I don't feel guilty because I have done away with that thing (mortal) which would otherwise be a living memory of my rape and days in bondage. I am happy now because I ran away from the torturing Murahliin".

INTERNATIONAL RESPONSE

'There has been an alarming increase in the number of reports ... of slavery, servitude, the slave trade and forced labour. I regret the total lack of interest shown by the competent Sudanese authorities...'

Dr Gaspar Biro, UN Rapporteur on Human Rights in Sudan, February 1996

HUMAN RIGHTS ACTION

Since 1992, the ILO and other organizations have systematically reported the reemergence of slavery in the Sudan. In a report submitted to the General Assembly, the UN Secretary General reiterated the same accusation.[61] The UN Commission on Human Rights is **"deeply concerned about continued reports of activities such as slavery, servitude, the slave trade and forced labour, the sale and trafficking of children, their abduction and forced internment at undisclosed locations, ideological indoctrination or inhuman and degrading punishments, especially but not exclusively affecting displaced families and women and children belonging to racial, ethnic and religious minorities from southern Sudan, the Nuba Mountains and the Ingessana Hills areas."** In a resolution passed on 19 April 1996 at its 52nd session the Commission urged the Government of Sudan to carry out investigations into such cases without delay.

The UN Special Rapporteur on Sudan, Dr Gaspar Biro, was careful to distinguish slavery from other extreme abuses. He was also careful to demarcate governmental responsibility for the practice. He said: **"the total passivity of the Government after having received information for years regarding this situation can only be interpreted as tacit political approval and support of the institution of slavery."**

Others, however, have gone further and have asserted that the government itself is actively engaged in the slave trade. For instance, Christian Solidarity International (CSI) claims that **"Government troops and Government-backed Arab militias regularly raid black African communities for slaves and other forms of booty."** The militias have done so, but the charge that government troops engage in raids for the purpose of seizing slaves is not backed by the evidence.

Another Christian group - the South African-based Frontline Fellowship - is also making a cause out of slavery. **Tens of thousands of Sudanese Christian men, women and children have been kidnapped and sold as slaves by government soldiers.** The organisation's philosophy appears in some ways as a mirror image of the government's jihad: a previous newsletter includes an article entitled "The Challenge of the Crusaders", adorned by a romantic engraving of Richard the Lionheart. It argues: **"there is much we can learn from the faith that inspired these epic undertakings..."**

To Southern Sudanese desperate for international recognition and support in their plight, the Christian Solidarity International / Front Line Fellowship approach may be highly attractive, and to criticise it may seem like hair-splitting. But if it is charged specifically with engaging in the slave trade, the Sudan Government may escape blame. A rigorous inquiry would probably find that it is condoning enslavement, but would not be able to demonstrate a policy of slave trading.

THE UNITED STATES

In the United States, a bipartisan congressional human rights caucus in July 1996 heard testimony on the issue. **"A representative for the exiled Sudan Human Rights Organization (SHRO) told the committee that as many as ten thousand slaves are being held under government control. Mahjoub el-Tigani said there is a tradition of slavery between Sudanese Arabs in the north and ethnic groups in the south. He says when these groups would fight they would take prisoners and enslave them. But SHRO accuses the National Islamic Front government of escalating slavery as part of its tactics against rebels of the Sudan People's Liberation Army (SPLA).**

US congressman Donald Payne, head of the Congressional Black Caucus, was reported to be preparing to introduce legislation calling for economic and arms embargoes against Sudan. He is also said to want United Nations and US human rights monitors stationed in the country." (*Voice of America July 1996*)

UGANDA

Uganda alleged in February 1995 that Sudan was **"aided, and directly involved in the abduction of children for sale into slavery"**, according to foreign minister Owiny Dollo. Brigadier Sherif Ali, the Ugandan northern region commander, said 110 children had been kidnapped in recent months by rebels of the Lord's Resistance Army. The foreign minister said they were taken across the border to Sudan where they were exchanged for weapons, and that the Ugandan government had raised the matter with the Sudanese authorities.



The Baltimore Sun buys "slaves" to challenge Louis Farrakhan

"U.N. Organizations have reported for years that children are sold into slavery in Sudan. But African American leader Louis Farrakhan charged that the reports were false... The Baltimore Sun recently decided to investigate, sending two reporters to Sudan. Their report of a transaction ... proves beyond doubt the existence of slavery."

"Two reporters from the Baltimore Sun newspaper travelled to [Southern Sudan] to see the situation for themselves, and even went through the process of buying slaves.... Publicity about it is creating greater awareness in the United States about slavery in Sudan.

"The State Department, international human rights organizations and Sudanese opposition groups have long been saying that slavery exists in Sudan. But many Americans, including politicians, ignored the story, refusing to believe it was true. Then last March, Nation of Islam Minister Louis Farrakhan was asked about the issue at a news conference in Washington. He had recently concluded a tour of Africa that included visits to Sudan, Libya and other countries opposed to the United States. Mr Farrakhan challenged the person asking the question to go to Sudan and get proof that slavery exists.

The Baltimore Sun decided it would take on that challenge and sent two reporters - one black and the other white - to a remote, dangerous area where slave trading was reportedly taking place. They were flown in by the Swiss-based human

rights group, Christian Solidarity International (CSI). In a three-part newspaper series based on their findings, the reporters accuse the Sudanese government of involvement in slave trade. They say unpaid Arab militia are directly helping the Islamic government in its 13-year war against rebels in the mostly Christian and animist south. The reporters spoke to locals who told them the militia raid villages with the consent of the government and take whatever booty they want - including humans, who are traded in the north and elsewhere as household slaves and concubines.

To prove to Minister Farrakhan that slavery was indeed real in Sudan, an editor at the Baltimore Sun told the reporters to try to buy a slave. Reporter Gilbert Lewthwaite explains what happened:

"We had learned during our research of a system that has been established between the chiefs of a local Arab tribe in the region we were in and the local Dinka tribe. In return for getting grazing rights in the Dinka land, [the Arab tribe] have undertaken to try to facilitate the return of enslaved women and children, but for a price. But the price is five cows each or 500 dollars, and that's the price we paid. The day after we arrived we heard in the nearby market town that an Arab trader had arrived with a group of young children to return them for the asking price to their parents. We met him under a mango tree and he agreed to sell us one of the slaves..."
(*Voice of America* 26 June 1996)

"Such outside intervention with big sums of money may make matters worse and can encourage others to capture and "facilitate" the retrieval of more children for economic motives." - a source close to the Dinka retrieval committee.

In Whose Interest?

The Baltimore Sun incident raises as many questions as it answers. Why did Minister Farrakhan's remarks prompt an investigation? Is the intention to discredit Farrakhan or to attract sympathy and understanding for people in Sudan?

When Baltimore Sun journalists "bought" a "slave" in the small town of Manyiel, in northern Bahr al-Ghazal, they were inside an area controlled by the rebel SPLA - which has taken a strong stand against slavery and has particularly welcomed the stance adopted by Christian Solidarity International. Would the SPLA permit a real slave market to exist on the territory it controls? The "seller" was not auctioning the children to the highest bidder: he was returning them to the families from whom they had been taken. These families were destitute and could not raise more than a very small sum of money. A profit-hungry broker would have looked elsewhere for wealthy buyers. The "slave-trader" they portray is more accurately a go-between, a representative in a pre-arranged settlement.

Defending the Sudan Government

One western observer who takes a pro-Sudan government line is right-wing libertarian David Hoile, who formerly promoted the public images of Renamo in Mozambique and Inkatha in apartheid-era South Africa. In an "Open letter to Baroness Cox and Christian Solidarity International" David Hoile emphasises instead the abuses - including abductions and forced labour - carried out by the SPLA. He lays the blame for slavery on the former civilian government of Sadiq al-Mahdi, and overlooks the mass of evidence of complicity by the National Islamic Front. He attacks Christian Solidarity International, whose evidence does not seem to prove its claim that the government actually organises raids for the purpose of enslavement, using this premise to conclude that the government is working hard to free slaves and is entirely innocent. Although his personal view is published by the London-based Sudan Foundation, which is independent but sympathetic to the government, Mr Hoile also works for Westminster Associates, contracted in 1996 to improve Sudan's international public image.

SUDAN GOVERNMENT RESPONSE

'The government has been unable with its limited wealth and law enforcement resources to eliminate all instances of rural abductions and ransoms stemming from tribal conflicts. Human rights in war zones and areas outside government control are not fully respected...'

- Mahdi Ibrahim Mohamed, Sudan's Ambassador to the United States, August 1996

PRAGMATISTS AND HARDLINERS

There are differing views within the government as to how to respond to the claims regarding slavery. A few individual members of the regime, notably from the minorities affected by slaving, have discreetly attempted to assist in the retrieval of captives and the elimination of the practice: pragmatists in the Ministry of External Relations realise, at the very least, that slavery is bad for Sudan's already tarnished international image. Members of the National Assembly's committee for human rights, including Angelo Beda, Fathi Khalil and an army officer, visited Southern Darfur in February 1996 to investigate reports of slavery.

Local authorities in ad-Da'ein in Southern Darfur are understood to have ordered the release of dozens of Dinka

children who had been brought to the town and outlying villages by the men who had captured them from around Aweil, in Bahr al-Ghazal region, in early 1996. The move is attributed to "international pressure".

The official government line combines denial of the existence of slavery with emollient offers to investigate the matter with the help of [selected] international organisations. Some members of the regime are particularly robust in rejecting the allegations outright, while the more subtle political operators aim to inject the right note of concern. Southern opponents, among others, say that key government officials are too closely linked to the paramilitary forces to be willing to seek the active elimination of slavery.

KHARTOUM INVESTIGATES

Reuter's news agency reported on 11 July 1996 that the Sudanese government 'is investigating allegations that slavery exists in the Nuba Mountains. It said it was willing to help international groups who wanted to join the search.

'The United Nations General Assembly in 1995 called on the government of the huge east African country to investigate allegations of slavery and similar practices.

The Ministry of External Relations said in a statement it was "deeply concerned" about the allegations and that Sudan was committed to eradicating slavery in line with international agreements and conventions.

"The Sudan strongly condemns such practices in all their forms and manifestations, wherever they exist, as being inhuman and degrading. It is willing at all times to exert its utmost effort to stop these practices," the statement said.

"The investigation committee is currently touring the Nuba Mountains and the neighboring areas to conduct site investigation of those allegations," it added.

The ministry said it was ready to provide logistical support to national, regional and international organizations and diplomats accredited to Sudan who would like to join the investigation. - Reuter 11 July 1996

Notwithstanding grudging Sudan government acceptance that there might be a need for international assistance to investigate slavery, it continues to claim that it is all due to the West's antagonism towards Islam.

SHIFTING THE BLAME

"The Sudan government tried to distract the world's gaze in a clumsy attempt to shift the blame to America and Britain. In 1993, writing in the official Khartoum newspaper al-Sudan al-Hadith, a Nuba member of the assembly, Ali Girfa, said he was going to demand recompense from these two countries for their historical maltreatment of the Nuba. He argued that Britain bore ultimate responsibility for the state of the Nuba, as it had treated the region as a "Closed District", thereby condemning it to under-development. As for the Americans, they were asked to pay \$60bn since, according to Mr Girfa, the United States had shipped thousands of slaves across the Atlantic, and hence Nuba labour had helped build the USA.

Nobody doubts that historically many thousands of Nuba were enslaved. In the late 1830s, one observer estimated that 200,000 slaves had been taken from the mountains since the beginning of Turco-Egyptian rule in 1821, and that export of slaves was continuing at over 10,000 a year. Later, the notorious slave trader Zubeir Pasha Rahma enslaved far greater numbers.

But why point the finger at Britain and the US? No Sudanese slaves crossed the Atlantic, and the Closed Districts Ordinance was decreed precisely to protect the Nuba from slavers. But in the Sudanese capital there is still a street that bears the name of Zubeir Pasha, as though he were still a national hero and not one of the world's greatest criminals."

Nafir Vol.1 No.3

CONCLUSION

"Should we call it slavery? Yes, because there is slavery in Sudan, by any definition. Also, Sudanese people know exactly what slavery is, from their own history. It is just that many do not want to come to terms with it. To call it anything else would lift the pressure on the government to cooperate in ending the practice."

(Sudanese Lawyer - Asma Abdel-Halim)

THE RISK OF EXAGGERATION

The Sudan Government is guilty of enough crimes for its critics not to need to exaggerate or distort its record. Unfortunately this is precisely what some of its opponents are doing in the slavery debate. There is a danger that wrangling over slavery can become a fatal distraction from abuses which are actually part of government policy - which slavery is emphatically not. Unless properly understood, the issue can become a tool for indiscriminate and wholly undeserved prejudice against Arabs and Muslims. Its misrepresentation is a gift to the Bashir-Turabi regime in its search for solidarity abroad. An individual who is captured may subsequently become a hostage, or a forced labourer, or a slave, depending on a variety of local circumstances. The criteria of "ownership" and "sale" which define an act of slavery are met in some, but by no means all cases. To call all captives "slaves" is to cry "Wolf!" and risk destroying the credibility of the human rights lobby. It is not practical to attempt to isolate simply those cases which strictly adhere to the definition of slavery, and the whole cluster of related abuses obviously needs to be addressed as a whole.

Yes, there is slavery in Sudan, and it is a crime. But the issue is a slippery one: slavery slides off into issues such as hostage-taking. The government is - largely - turning a blind eye rather than actually promoting the practice. Meanwhile, the real crime of the Sudan Government - its vane and brutal programme aimed at the social dismemberment of traditional societies and the political subjugation of those who survive the onslaught - is too readily overlooked.

Slavery is an issue which pre-existed the current regime, and blame for its resurgence should not be laid at its door alone. The political parties which allowed the growth of tribal militias in the 1980s are also culpable, and should not escape criticism of their human rights records simply because of their pro-Western orientation.

FACING RESPONSIBILITIES

The Sudanese opposition to the National Islamic Front has both northern and southern elements. The Umma, Democratic Unionist and Communist parties in the north have settled their differences with Colonel Garang's SPLA for the purpose of overthrowing the NIF and restoring their power bases in the country. Together with the predominantly northern Sudanese Alliance Forces, the coalition has succeeded in opening a military front on Sudan's eastern border which threatens the regime more directly than before. The 1980s role of the Umma party in accelerating the use of militias and, indirectly, the slavery that resulted,

is being overlooked for reasons of political expediency. In the long run, however, the implications of slavery cannot be ignored, whatever government is in power.

In the closed circles of Northern Sudan there is a series of unprintable slurs for Sudanese of non-Arab stock, all reflective of semi-concealed prejudice... Vestiges of the slave culture are still reflected in the prejudices that persist in modern Sudan with serious political and economic repercussions. What is abhorrent about slavery is, however, not the loss of liberty, loathsome as that may be, but the denial of worth. And as long as differentiations based on physical and cultural distinctions exist in the minds of people, particularly those who assume a role of national leadership, the potential for antagonism will always be there." (Dr Mansour Khalid: The Government they deserve - the role of the elite in Sudan's political evolution)

LOCAL SETTLEMENTS

The Dinka and the Baggara will continue to be obliged, by force of geography and ecology, to co-exist and co-operate over land and natural resources in the future. Both groups are threatened by the expansion into their grazing and watering areas of large-scale agricultural projects, often owned by friends of the government. Movement of their herds, essential for their survival, is increasingly restricted by the sequestration of land for businessmen farmers whose bases are in the towns, not the rural areas. The view of Dinka land as ripe for depopulation and takeover, and the implication that Dinka people are fit only to be enslaved, may temporarily distract their Baggara neighbours from noticing how little long-term benefit they gain from the conflict. At present, the imbalances of power between them, in political and military support, give the advantage to the Baggara. Religious differences continue to give the Baggara a sense of superiority and justification in their conflict with the "infidel" Dinka, and this is clearly manipulated by the central government for its own ends.

At the local level, however, there are signs that some Baggara pastoralists are realising that they, too, are marginalised by the central government, whatever its claims of religious or cultural solidarity. A handful have even joined the SPLA. Not all sections of the Rezeigat and Meseriya are as virulently militant as those who make up the Murahleen, and there is a growing frustration that central government assistance often goes no further than the provision of weapons and vehicles. When land is seized by the Murahleen, whether in Bahr al-Ghazal or Southern Kordofan, it does not go to the fighters, but to the government.

TOWARDS ELIMINATING SLAVERY

AT THE GOVERNMENT LEVEL

- Require police to assist families in locating their relatives, and to issue warrants for the release of the relatives without pay, once located.
- End the practice of arming local militias, Murahleen and PDF, which has resulted in slave raiding and child abductions.
- Allow local non-government human rights observers to share their information with international monitors.
- Encourage local reconciliation between the Dinka and Baggara peoples of southwestern Sudan, with assistance to restore traditional peace-keeping structures and methods.
- Ask international agencies with experience in the tracing and family reunification field to help set up and run such an agency inside Sudan. Assist researchers and tribal conferences to identify all enslaved individuals and facilitate their return - free of charge - to the affected families.
- All armed forces in the Sudan (including the SPLA, militias and security forces) should desist from taking children into slavery, forced Islamization or forced conscription and military training.

AT THE INTERNATIONAL LEVEL

1. Work for retrieval, rehabilitation and re-union with their families of any child kept in captivity.
2. The UN and independent human rights organizations should provide teams to monitor all parts of Northern and Southern Sudan in conjunction with local human rights observers.

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This Sudan!

Would you please stop pestering me
so that you and I
do not have to start questioning
each other's racial origin
so that you and I
can live together in peace?

*(Sirr Anai Kelueljang, from The Myth of Freedom and
other poems, New Beacon Books)*

International Law on Slavery

(1) Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

(2) The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and in general, every act of trade or transport in slaves.

(Article 1 of the 1926 Geneva Slavery Convention)

"Each of the States Parties to this Convention shall take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition of the following institutions and practices, where they still exist and whether or not they are covered by the definition of slavery contained in article 1 of the Slavery Convention signed at Geneva on 25 September 1926:

[...]

b) Serfdom, that is to say, the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status;

[...]

d) Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with view to the exploitation of the young child or young person or of his labour."

(from Article 1 of the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.)

"Slave trade means and includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a person acquired with a view to being sold or exchanged; and, in general, every act of trade or transport in slaves or, whatever means or conveyance."

(from Article 7 of the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.)

Slavery in Sudan



Controversy over allegations of a resurgence of slavery in Sudan has stirred international attention, but has the furore brought better understanding of Africa's largest country, and is it justified? Can the Sudan government, already treated as a pariah state, be held responsible for this most fundamental abuse of human rights, or is it genuinely unable to control the actions of "tribal" forces it has armed in the country's long-running civil war? Is slavery a central aim of the war, or a by-product.

This report, published jointly by Anti-Slavery International and Sudan Update, gives an outline of the history of slavery in Sudan and its re-emergence in the late 20th century.

Peter Verney, editor of Sudan Update, puts the slavery issue into context and examines the pitfalls of attributing responsibility solely to the present Government. He underlines the importance of racial prejudice in Sudan's conflict.

SUDAN UPDATE

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ISBN 0-900918 39 X
May 1997

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Human Rights-based Protection Strategies for UNICEF Sudan

1. Integrating the CRC and the principles of CEDAW into the programming process

Undertaking the Situation Analysis

- The CRC and the principles of CEDAW provide the framework for the Situation Analysis. The Reporting Guidelines for the preparation of the States Parties's periodic reports to the UN CRC Committee, together with other UNICEF initiatives in this area (e.g. Child Watch International's Project), will provide a basis for developing rights-based indicators and for identifying the various issues that need to be studied.
- Special protection measures for children at risk and for children victims of extreme disadvantage will constitute a *major* focus for the Situation Analysis.
- The Situation Analysis will be a dynamic process responsive to the requirements of a constantly evolving situation characterized by emergency dynamics.
- *New areas to be included for analysis:* (issues of youth and adolescents; legislative issues and issues of Sudan's legal obligations under international law; customary law and its impact on children and women; civil rights; communication systems and institutions; women issues such as their status, women rights, violence against women, women participation, and disadvantaged women; ethnic conflict and its impact on children and women; budgets for social services and public policies; and stakeholder analysis and analysis of UNICEF SCO's environment with regard to threats and opportunities).
- A multi-sectoral team from UNICEF and partners to oversee the continual updating of the Situation Analysis.
- The Situation Analysis will not result in a single comprehensive document, such as the last one undertaken. Rather, it will be a continuing process of study and analysis continually producing *permanent* drafts to inform and shape UNICEF programming for an evolving emergency situation. The implications for this in terms of information technology and of other aspects are considerable.

Human rights approach-driven programming (adjustments)

- Incorporating the four general principles of the CRC (participation, non-discrimination, best interest of the child, survival and development) in all programming.
- Mainstreaming **special protection measures** (formerly called CEDC, but is now more strategic than CEDC) in all sectoral programs: preventive and targeted rehabilitative interventions in *every* sectoral area and in emergency activities. Mainstreaming is to be *structurally* integrated and not a mere add on.

- Programming new areas (civil rights, juvenile justice, women rights, protection from various forms of exploitation, etc..)
- Operationalizing the complementarity between CRC and CEDAW in programming. The main focus is the girl child in the context of a life-cycle approach.
- Programmatic support for the Reporting Process, including the Concluding Observations. UNICEF programming should reflect, in the concrete, integration of the Concluding Observations.
- Advanced training for UNICEF senior and programming staff in human rights, including the human rights framework, international humanitarian law, and humanitarian principles.

Monitoring and evaluation

- Developing rights-based indicators for monitoring the implementation of the CRC. The groundwork for this has been done for the water and sanitation activities.
- Establishment of guidelines and mechanisms for monitoring child rights violations, including gross violations in the areas of exploitation, violence and abuse. (Graca Machel Report recommendations for UNICEF)

2. Support for and promotion of human rights oriented changes in national legislation

- A qualified lawyer is currently being contracted to fill the CRC post and to assist UNICEF in areas that need legal expertise.
- Support the introduction of the CRC and CEDAW in law schools curricula (ongoing project)
- Support for the ratification of human rights standards directly relevant to UNICEF mandate (CEDAW, the Rome Statute, Convention Against Torture, the Mines Treaty)
- Harmonization of national legislation, traditional customary law, and international human rights law, including the CRC.

3. Support for human rights education and dissemination of the Convention and of other human rights instruments

- Establish a sustainable system for training, material preparation and dissemination. This system is now being established as part of the EC-funded project of the "Protection of Human Rights of War-affected Children".
- Translation of the CRC and other related documents in some of the principal non-Arabic languages. (12 translations of the CRC completed, translation of the Guiding Principles for Internal Displacement in Shilluk, Dinka and Nuer is completed; the Universal Declaration of Human Rights is now being translated into several southern Sudanese languages)
- Translation into Arabic of critical documents in the area of children and women protection. The Human Rights-based Programming Guidelines has been translated into Arabic and is being prepared for printing and dissemination to Arabic-only speakers. The readings of the Humanitarian Principles Workshop (Mombassa) are under translation to Arabic.
- Incorporation of the CRC and of human rights principles in every planned sectoral training event. In progress.
- CRC training workshops on special protection measures for thematic areas (separated children, exploitation, child soldiers, juvenile justice, etc..). Agreements have been reached with Upper Nile University to start a series of workshops on these issues in Upper Nile State.

- Development of popular versions of the CRC for children and adults.
- Dissemination of knowledge about CEDAW and raising awareness thereof.

4. Supporting the Reporting Process

- Provision of advisory, technical, and financial assistance to the NCCW, Sudan's designated mechanism for monitoring the implementation the CRC, including support for starting work on the *second* periodic report.
- Incorporate new activities in the Country Program to support the Reporting Process.
- Assist in follow-up for the Concluding Observations
- Coordinate with OLS southern sector on the reporting by the rebel movement on the situation of children and women.
- Prepare for UNICEF participation in the Geneva meetings on the Sudan Report and support Government delegation with advise and technical support.
- Encourage children and youth participation in the reporting Process.
- Use the Reporting Process as an advocacy opportunity for UNICEF sectoral and emergency programs.
- Prepare for Sudan's second periodic report to the UN CRC committee.

5. Advocacy on behalf of children victims of serious abuse and on priority protection

• issues

- Advocacy on priority issues: access to humanitarian assistance, IDPs protection, abducted children and women, LRA-abducted children, Female Genital Mutilation, demobilization of child soldiers, linguistic and religious rights for children, exploitative labor, street children in camps and other institutions, protection of social budgets during emergency, more resources for development rights.
- Preparation of advocacy dossiers on the various issues
- Link advocacy program with all other programs

6. Networking and coordination

- Coordinate and share information with UNICEF/OLS southern sector.
- Support the cooperation between UNICEF and the National Council for Child Welfare (NCCW)
- Consolidate partnership with International Save the Children Alliance
- Cooperate with UNHCU on humanitarian principles and the IDPs
- Joint advocacy on certain issues with the donors (abducted children and women, LRA-abducted children, IDPs)
- Capacity building for media group



United Nations Children's Fund

Project Proposal for funding

Peace-building and human rights protection in war-affected communities in Sudan

I. Executive Summary

This project aims at contributing to the promotion of the peaceful transformation of second-tier ethnic conflicts and to address conflict-related human rights violations in war-affected communities in Sudan. The project targets six ethnic groups: the Dinka, Nuer, Fertit, Nuba, Rizeigat, and Miseiriyya. These groups have historically been in contact and in conflict over natural resources and political and administrative power in the area called the Transition Zone, which straddles the boundaries between southern and northern Sudan. (see map)

The deep-rooted and protracted conflicts among these ethnic groups have produced some grievous human rights violations; and they continue to generate new conflicts, maintain a culture of violence, frustrate humanitarian assistance to those who need it, and thwart the potential for addressing development prospects.

Moreover, the ethnic conflicts interact with the major conflict between the Government of Sudan and the rebel movement to produce devastating effects on the mostly traditional rural communities of southern Sudan and of the Nuba Mountains: starvation, displacement, abductions of children and women, gender-based violence, loss by children of primary family care, exploitation and abuse, war-, disease- and malnutrition- induced disabilities, forced conscription of children into armed hostilities, and psychosocial trauma on a massive scale.

At a structural level, the corrosive impact of the conflicts and related human rights abuses have further disempowered the affected communities, weakened and distorted their indigenous structures and value systems, and arrested their capacity to come with initiatives to break the cycle of violence and abuse.

In addition, humanitarian assistance in Sudan has often been seen as tending to exacerbate and prolong the existing conflicts. This takes place: when humanitarian food aid, for instance, is diverted by warring parties and is used for their own sustenance; when international assistance takes care of civilian needs and frees otherwise useable resources to support the war efforts of the warring parties; when the control of access to assistance gives legitimacy to otherwise unrepresentative war commanders and structures; and when the infusion of external assistance distorts local economies and confuses traditional legitimate leadership structures. All these developments impact negatively on the targeted ethnic communities and on the prospects for peace.

Such are the problems that this project aims at addressing. And it intends to address them through adoption of the following strategies:

- the generation of knowledge and advice on conflict resolution, peace-building, the culture of peace, and human rights promotion with a view to the dissemination of such knowledge and its articulation in ways that would effect attitude change, sensitize, create awareness, and build inter-ethnic understanding and tolerance;
- the empowerment and support of legitimate traditional community structures and institutions for peace-building and protection of children, women and the vulnerable.
- the integrated mainstreaming in humanitarian assistance of conflict transformation processes and human rights in order to increase the likelihood of long-term sustainable peace;
- expanding the constituencies of an infrastructure for peace-building by promoting women and youth participation and supporting their peace initiatives.

The project will target the following groups:

- youth, women, traditional leaders, teachers, and other influential personalities in six ethnic groups in the Transition Zone: the Dinka, Nuer, Fertit, Nuba, Miseriyya, and Dinka;
- selected educational institutions in the war-affected areas;
- National, sub-national and local departments and institutions, including those of the Government and of the SPLM, that interface or interact with the six ethnic groups in conflict;
- UNICEF Sudan Country office, including its field offices in southern Sudan and in the Transition Zone, UNICEF/Operation LifeLine-Sudan Southern Sector, NGOs, and partner UN agencies active in the provision of humanitarian assistance.

The time frame for the project will be two years with a view to continuity for an additional five-year period since it envisages further interventions during a post-conflict period for sustainability and because there is a likelihood that the underlying causes of ethnic conflict would continue to be reproduced in Sudan for a considerable time in the future. This time-frame is thus dictated by the imperative of linking crisis management and humanitarian relief activities with long-term goals of comprehensive reconciliation and sustainable peace and development.

Project implementation will be undertaken by a specially constituted transdisciplinary project team to be present and operating in the target areas. The project will be guided and monitored by a UNICEF team of project officers with professional experience and background in the areas of conflict transformation, human rights, law, gender, development, humanitarian relief, and communication. In addition, professional assistance from international conflict resolution experts and institutions will be sought to inform project design and implementation.

UNICEF considers conflict resolution, peace-building, and human rights to be of strategic importance for the protection of children and women in the politically complex, and by now deemed chronic, emergency situation of Sudan. Consequently, UNICEF envisages the undertaking of structural changes in its program cycle to suit the demands of the emergency situation. In addition, new structures responsive to the direction of engagement with peace-building and human rights protection in UNICEF are under consideration.

Moreover, UNICEF has comparative advantage to engage in a peace-building project which is conceptualized to integrate human rights, conflict resolution, development and humanitarian assistance. UNICEF's sectoral development and emergency programs in education, health, and water are all amenable to adjustments for such integration, particularly

in the context of the human rights-based approach to programming currently adopted by UNICEF. In addition, UNICEF implements programs that are related to addressing some of the root causes, as well as the proximate causes, of ethnic conflict: the household food security project and the livestock project. Both projects could be directly relevant to and supportive of peace-building. The livestock project is implemented in coordination by both OLS sectors and operates across conflict lines. Three of the assisted ethnic groups (Dinka, Miseriyya, and Rizeigat) are part of the targeted group for the peace-building project. Lastly, the European Union-funded project, "Protection of the human rights of war-affected children" in UNICEF-Sudan and the Humanitarian Principles Unit in UNICEF/OLS southern sector, together, constitute yet another advantageous element.

The funding requirements for this project amount to \$900,000.00 for two years.

Future funding for the project will be sought from UNICEF core resources and from other donors. UNICEF will also partner with other UN agencies which deal with conflict resolution and post-conflict reconstruction in Sudan (UNDP), the culture of peace (UNESCO), and human rights (Office of the UN High Commissioner for Human Rights).

2. Brief description of the ethnic geography of Sudan and of the target area

Sudan is a multi-ethnic, multi-cultural, multi-lingual, and multi-religious country. The 26 million inhabitants of the country come from more than 300 ethnic groups. Different ethnic groups describe themselves as Arab and or African notwithstanding classifications based on ethnic affiliation, language, culture, and geographic location. This diversity is reflected in the Transition Zone. And while the six targeted ethnic groups are predominant, the area is as ethnically diverse as the whole country.

Of Sudan's various ethnic group, more than 120 speak non-Arabic languages. About eighty of these non-Arabic languages are spoken in the southern Sudan and in the Nuba Mountains area. Arabic is the major language and lingua franca of Sudan. English has conspicuous presence in the south Sudan at the administrative level. Language itself has historically been a conflict issue as it related to identity, educational opportunity, and access to other services. It has also readily lent itself to manipulation as a conflict tool in the area of verbal performance to incite ethnic hatred and to exclude. The complexity of the language situation is reduced, in the conflict situation, to a perceived dichotomy between Arabs and Africans.

The majority of Sudanese professes Islam. Many ethnic groups of South Sudan, of the Ingassana area in the east of the country, and the Nuba profess African religions. An increasing number of these ethnic groups have been converting to Islam and to Christianity. Like the situation for language, the existing conflicts have resulted in concealing the religious diversities within ethnic groups and instead give salience to a framed dichotomy between Muslims and Christians.

The ethnic, linguistic, religious and cultural diversities of Sudan, and of the targeted area, continue to interact, in a dysfunctional mode, with environmental change, resource distribution, historical legacies, the on-going civil war, the socio-political and economic changes, and the state operations -all to generate further conflict, produce human rights violations, and maintain a culture of violence.

3. Ethnic conflict in the Transition Zone

Ethnic conflict in the targeted area of the Transition Zone has predated Sudan's civil war and even the creation of the country itself as a nation-state in its present borders. The various

existing groups have historically been locked into conflict, at times violent and at times not so violent, over grazing land, water, fish, cattle, trade, and women and children. Recent times added newer conflicts over political power, administrative borders and power of jurisdiction over contested areas such as the Abyei area in southern Kordofan, and oil.

The Dinka Malwal and the Rizeigat Arabs have been fighting over access to grazing land and water for decades. Their conflict produced massacres, abductions, famine, and displacement.

The Arab Miseiriyya have been in conflict with the Nuba. Their conflict has also produced numerous violations of human rights, including some displacement patterns which were often described as ethnic cleansing. There are still ominous indications for further violence to come. Alwaan, a daily newspaper of wide circulation, recently ran an article entitled "The danger of armed organizations before Sudan burns". It was referring to the Nuba and Miseiriyya Arabs arming themselves for future violent confrontations:

"I have heard whisperings among the Nuba people about new Arab harassment and of plans for forming an armed Arab brigade under the pretext of protecting the petrol pipeline but aiming at the genocide of every rutaani (i.e. non-Arabic speaker) in southern Kordofan. I have also read about the training of Nuba militias in daylight and within the hearing and sight of the federal authorities... all in readiness for consolidating the return to square one for the escalation of the conflict which was going on between the Baggara (Arab cattlemen) and the Nuba and which was stifled by the Khartoum Peace Agreement".

The Arab Miseiriyya have also been in conflict with the Dinka Ngok over natural resources and over the control of the Abyei administrative area. Abyei area is officially part of southern Kordofan in northern Sudan; but the Dinka, who form the overwhelming majority of the population, have been calling for its being part of southern Sudan. This conflict over administration and over opposing identifications has also been at times quite violent.

Some factions of the Arab Miseiriyya have been recruited into the Government's militias and para-military forces and have been attacking Dinka villages in southern Sudan. In addition, some Miseiriyya tribesmen, known as the *murahiliin*, have been engaged in attacks on Dinka villages stealing cattle and abducting women and children --on their individual account and in the context of their accompanying the government of Sudan military train from Babanusa to Wau across the Transition Zone.

The Fertit militias in Wau and the Dinka have been in conflict over political power and perceptions of domination. This conflict has also produced some serious human rights abuses and was one of the factors that led to the 1998 famine in Bahr el Ghazal.

These conflicts serve to demonstrate that humanitarian assistance without human rights protection and a peace-building component would be inadequate, notwithstanding its life-saving effects. Various interventions at several levels become necessary. For instance, the recently settled conflict between the Dinka and Nuer would still call for interventions to address the following issues:

- What concrete measures must be instituted, and in what order, to prevent the Dinka-Nuer Unlitt settlement from fraying and resulting in a new round of violence?
- What are the roles of the various actors, national and international, in the process?
- What is the role of humanitarian assistance in the maintenance of this settlement?

On the other hand, the other spiraling conflicts between the Dinka and the Rizeigat, the Dinka and the Misseiriyya, the Dinka and the Fertit, the Miseiriyya and the Nuba --would all call for

interventions at the levels of conflict management, peace-building, human rights protection, democratization, disseminating and sowing the seeds of a culture of peace, and the provision of basic services to the victims of the conflicts.

4. Project goals, objectives, and activities

4.1 Overall goal:

- To promote conflict prevention, the peaceful transformation of second-tier ethnic conflicts, peace-building, and the protection of human rights in war-affected areas in Sudan.

4.2 Project Objectives

- To reinvigorate leading traditional peace-building structures for preventing conflict, promoting reconciliation, and institutionalizing the culture of peace in six tribal groups (Dinka, Nuba, Fertit, Nuer, Miseriyya, and Rizeigat).
- To create and strengthen six initiatives of women and youth groups from the same tribal communities (Dinka, Nuba, Fertit, Nuer, Miseriyya, and Rizeigat) to enable them to engage in peace building and human rights protection projects.
- To mainstream the concepts and processes of conflict transformation, peace-building, and human rights in the interventions of partners involved in the delivery of assistance to war- and conflict-affected populations in the Transition Zone, including UNICEF Sudan Country Office, OLS, ten partner NGOs, and eight relevant Government departments (HAC, HAD, and line ministries in six war-affected states)

4.3. Principal project activities

4.3.1. Cross-cutting activities

1. Rapid assessments of the situations of ethnic conflict in the war-affected areas and in the Transition Zone. These assessments would include the nature and scope of the conflicts, their histories and evolution, their underlying and proximate causes, the stakeholders and actors involved, the coping mechanisms, and the prospects for peaceful transformation.
2. The articulation of a conceptual framework for the peaceful transformation of conflicts among the six tribal communities. The conceptual framework will integrate peace-building, conflict resolution, the culture of peace, development-oriented humanitarian assistance, and human rights.

4.3.2. First Objective: To reinvigorate leading traditional peace-building structures for preventing conflict, promoting reconciliation, and institutionalizing the culture of peace in six tribal groups (Dinka, Nuba, Fertit, Nuer, Miseriyya, and Rizeigat).

1. Rapid assessment of the situation of indigenous peace-building institutions in the six tribal communities.
2. Systematic and sustained consultations between the project team, the tribal chiefs, and leading personalities of the six ethnic groups on the issues of conflict, peace, protection of children and women, humanitarian assistance and development.
3. Awareness creation campaign and the organization of 10 individual and joint training workshops for critical stakeholders in the six tribal communities to build their capacity.
4. Technical assistance to the legitimate leaderships of the six tribal communities in the areas of management and mobilization of resources for social services -viewed as a

component of peace-building.

4. The support of democratization in these communities through advocacy for women's participation, training on the rules of parliamentary elections, and on the rule of law.
5. Financial and technical support for the convening of bi-annual tribal conferences (Dinka-Miseiryya, Dinka-Rizeigat, Dinka-Fertit, Dinka-Nuer, Miseriyya-Nuba), including for the discussion of child and women's protection issues.
6. Development and production of culturally adapted curricula and advocacy material in conflict transformation, peace building and peace education in Arabic and in local languages, using various media and channels of communication, targeting the six tribal communities.
7. Organization of sensitization and awareness-raising campaigns targeting militias and other tribal para-military groups in the six ethnic groups.
8. Financial and technical support for the establishment of 20 peace forums for potential leaders from youth and women within the six tribal communities. The forums will undertake the sensitization and dissemination campaigns.

4.3.3. Second Objective: To create and strengthen six initiatives of women and youth groups from the same tribal communities (Dinka, Nuba, Fertit, Nuer, Miseriyya, and Rizeigat) to enable them to engage in peace building and human rights protection initiatives.

1. Rapid assessment of the role of women in conflict transformation and peace building in the six tribal communities.
2. Financial and technical assistance to promote the formation of six women groups and forums to support peace-building.
3. Training and social organization of six women groups in the areas of: human rights education and monitoring, participation in decision making, management, and income generation.
4. Networking with existing women peace-building initiatives in Sudan.

4.3.4. Third Objective: To mainstream the concepts and processes of conflict transformation, peace-building, and human rights in the interventions of partners involved in the delivery of assistance to war- and conflict-affected populations in the Transition Zone, including UNICEF Sudan Country Office, OLS, ten partner NGOs, and eight relevant Government departments (HAC, HAD, and line ministries in six war-affected states)

1. Rapid assessments of the linkages between humanitarian assistance, conflict, peace-building, and human rights protection.
2. Six training workshops on conflict transformation and peace-building targeting UNICEF Sudan Country Office, OLS, ten NGOs, and line ministries in four federal states.
3. Technical support to four governmental and non-governmental local institutions in the areas of the six targeted groups to undertake human rights education.
4. Support for the creation and strengthening of sub-national governmental mechanisms for conflict management in the states of Dar Fur, Kordofan, and Bahr el Ghazal.
5. Networking and partnership building with existing initiatives, conflict resolution

centers, human rights institutions in Sudan and abroad.

5. Monitoring and Evaluation

By the end of the project	
Indicator 1	Bi-annual tribal conferences between the Dinka and Misseiriyya, the Dinka and Rizeigat, the Dinka and Fertit, the Dinka and Nuer, the Misseiriyya and Nuba --have taken place at least once
Indicator 2	A process of participatory evaluation is in place
Process indicators	
Indicator 1	Number of consultations between project team and tribal groups
Indicator 2	Number of youth and women's groups and forums supported
Indicator 3	Number of workshops on conflict transformation with government and NGO participation

6. Indicative Budget

\$900,000.00

Activity	UNICEF-Sudan Country Office \$	UNICEF/OLS Southern Sector \$
Assessments, conceptual framework formulation, and consultations	50,000	50,000
Support for indigenous structures and women initiatives	\$150,000	50,000
Curriculum development and production of material for conflict transformation and human rights	\$150,000	
Training and capacity building	\$150,000	100,000
Organizational set-up	\$120,000	80,000
Total	\$900,000	

SL/NY
IF/Amman
AE/NIR

Signature: Thomin

MAY 19 1999

The Eradication of Abduction of Women
and Children Order, 1999

In exercise of the powers conferred upon him by the Republican Decree 97/1994, the Ministry of Justice Act of 1983 and the Code of Criminal Procedure Act of 1991, the Minister of Justice and Attorney General, being the Chairman of the Advisory Council for Human Rights, hereby makes the following Order :-

Title and Coming into Force

1. This Order shall be cited as "The Eradication of Abduction of Women and Children Order, 1999", and shall come into force as of the date of signature.

Establishment of the Committee for the Eradication
of Abduction of Women and Children

2. (1) There shall be established a Committee called. "The Committee for the Eradication of Abduction of Women and Children - CEAWC".
(2) The composition of CEAWC shall be as follows :-
 - a- The Rapporteur of the Advisory Council for Human Rights - Chairman.
 - b- A representative of the Public Prosecutor- member.
 - c- A representative of the Ministry of Internal Affairs- Rapporteur.
 - d- A representative of the Armed Forces- member.
 - e- A representative of the internal security- member.
 - f- A representative of the Human Rights and Public Duties Committee of the National Assembly - member.
 - g- A representative of the Bar Association - member.
 - h - Ali Ahmed Al Nasri - member.
 - i- A representative of the Women's Union - member.
 - j- Omda/ James Agwara and other concerned tribal leaders - members.
 - k- A representative of the National Council for Child Welfare - member.
 - l - A representative of the external security - member.

Mandate of CEAWC

3. The mandate of CEAWC shall be as follows :-
 - (1) To facilitate the safe return of affected women and children to their families as a matter of priority by giving full support (whether financially, administratively or otherwise) to the efforts of the tribal leaders concerned.
 - (2) To investigate reports of the abduction of women and children, and to bring to trial any persons suspected of supporting or participating in such activities.
 - (3) To investigate into the causes of the abduction of women and children subjected to forced labour or similar conditions and recommend ways and means to obtain the eradication of this practice.

Powers of CEAWC

4. CEAWC shall have all the powers of the Minister of Justice and Attorney General under the Criminal Procedures Act of 1991, the Ministry of Justice Act of 1983 and the Republican Decree 97/1994 in connection with abduction of women and children , in particular the powers to arrest, investigate , search and bring cases of criminal relevance to trial.

Liaison Officers of CEAWC in the States

5. In each of the States of North Bahr- Al Ghazal, West Bahr- Al Ghazal, South Darfur, West Darfur , North Darfur, South Kordufan , West Kordufan , and North Kordufan , CEAWC shall have as its Liaison officers the chief prosecutor, the chief of the police , the chief of the Armed forces ,the chief of the internal security and the Director of the office of the Wali .

Finance

6. (1) The Government shall provide the necessary financial resources for CEAWC .
(2) CEAWC may accept national and international donations.
(3) The financial accounts of CEAWC shall be properly kept by the Administration of Finance of the Ministry of Justice and its internal auditing unit.

Head Office

7. CEAWC shall have its head office in the Ministry of Justice, and shall use the office facilities and the secretariat of the Advisory Council for Human Rights.

Interaction with the International Community

8. CEAWC shall consult, cooperate and coordinate with the international community in carrying out its mandate .

Made under my hand this ^{5th} day of May 1999 .



Ali . M.O. Yassin
Minister of Justice and Attorney General
Chairman of the Advisory Council for
Human Rights

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

JUN - 3 1999.

**The Committee for the Eradication of
Abduction of Women and Children
(CEAWC)**



القضاء على اختطاف النساء والأطفال

	Info/Action	Initial
Representative	X (سبوك)	
P.O. (PI/Coord)	X a	
P.O. (PI)		
P.O. (Health)		
P.O. (Edu)		
P.O. (Comm)		
S.P.O. (WES)		
P.O. (F.O.)		
Sec. Off. Advisory Council		201
Sec. Off. Human Rights		
Copy PLS :- 3	June 1999	
Secy.		

Date: M/HRH/D/264
Ref.: 3 June 1999
(6/14)

cc: H. E. Thomas Ekvall

H. E. Thomas Ekvall,
UNICEF Representative, Khartoum

Excellency,

**Re: Request for payment to implement the Conclusions and
Recommendations of CEAWC Workshop of 30 May 1999**

As you are well aware, CEAWC workshop of 30 May 1999, attended by UNICEF, has been the first step towards producing a comprehensive work plan with a detailed budget. We appreciate very much the pledge of 10,000 USD by UNICEF towards the work of CEAWC and we expect a full support to CEAWC activities.

The workshop has come out with the following conclusions and recommendation, for producing CEAWC comprehensive work plan:-

- (1) Welcoming the promulgation of the Eradication of Abduction of Women and Children Order of 1999 as being the proper legal instrument and a positive major step in the right direction. Also recognizing that the workshop itself is a proper initial step towards producing the comprehensive work plan with a detailed budget for CEAWC.
- (2) The comprehensive work plan should not be produced by CEAWC behind closed doors in Khartoum, and should be produced based on the following activities :-
 - a- a working paper prepared by CEAWC (delegation of 8 persons) after traveling and consulting with tribal leaders in the three Darfur States before the end of July 1999.
 - b- a working paper prepared by CEAWC (delegation of 8 persons) after traveling and consulting with tribal leaders in the three Kordufan States before the end of July 1999.
 - c- a working paper prepared by CEAWC (delegation of 8 persons) after traveling and consulting with tribal leaders in two Bahr - AL Ghazal States.

- d- *UNICEF should convene a meeting before the end of June 1999 in Khartoum between CEAWC and representatives of the international community, in particular UN Resident Representative, UNDP, EU Delegation and Ambassadors of EU to consult on what should be achieved by CEAWC delegations traveling in July to Darfur, Kordufan and Bahr- AL Gazal.*
 - e- *IAC should convene a meeting before the end of June 1999 in Khartoum between CEAWC and national and foreign NOGs interested in CEAWC activities to consult on their role in the process and on what should be achieved by CEAWC delegations traveling in July to Darfur , Kordufan and Bahr- AL Ghazal.*
- (2) *CEAWC should convene a second and final workshop after its delegations to Darfur , Kordufan and Bahr- AL Ghazal are back to produce CEAWC comprehensive work plan with a detailed budget based on the following:-*
- a- *the three working papers prepared by CEAWC delegations to Darfur , Kordufan and Bahr- AL Gazal.*
 - b- *CEAWC consultations with the international community arranged by UNICEF before the end of June 1999.*
 - c- *CEAWC consultations with the national and foreign NGOs arranged by IAC before the end of June 1999.*
- (3) *A-consultant should be hired to help CEAWC in producing the work plan in the second workshop.*
- (4) *The Federal Bureau, HAC and SCOVA should be represented in CEAWC.*
- (5) *The UNICEF should consult with the concerned government authorities in connection with the Wau- Babanusa train and abducted women and children in rebels-controlled areas.*
- (6) *Welcoming the support extended by the Government to CEAWC including the financial support to cover CEAWC activities till now, finance the workshop of 30 may 1999 and buying two fax machines to the two CEAWC liaison officers in North Darfur and North Kordufan.*
- (7) *Urges the international community to finance the preparation of CEAWC work plan as quantified by CEAWC , and also to finance the activities to be carried out under the work plan.*

Excellency,

We find those conclusions and recommendations very useful and endorse them fully. And in its third meeting on 2 June 1999, CEAWC has prepared the attached budget proposal for producing CEAWC comprehensive work plan for your kind consideration and authorization of payment of the budget requested to the amount of eighty eight thousands USD in the account of the Advisory Council for Human Rights , Account No. (2/12/910).

Thank you,

Sincerely yours,



*Dr. Ahmed El Mufti
Chairman of CEAWC*

1

THE HUMAN RIGHTS SYSTEM

What are human rights?

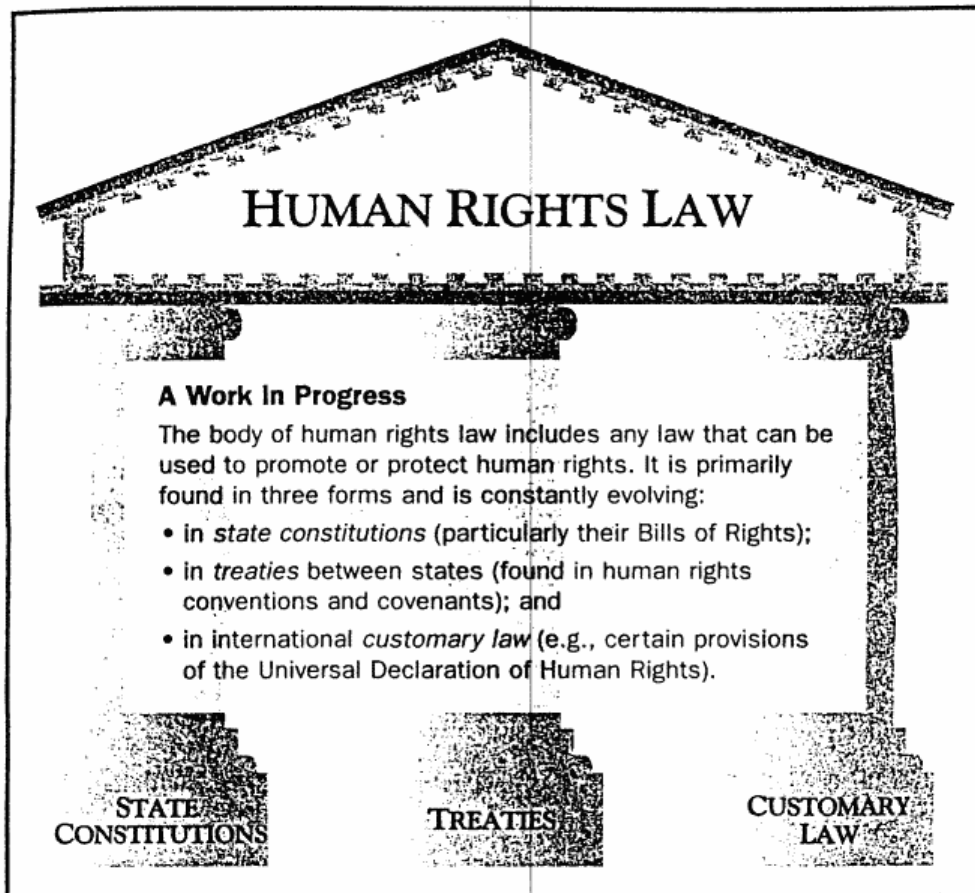
Human rights are those rights that every human being possesses and is entitled to enjoy simply by virtue of being human. At the 1993 World Conference on Human Rights, governments reaffirmed in the Vienna Declaration that human rights are the birthright of all human beings and that the protection of human rights is the first responsibility of governments. Human rights are based on the fundamental principle that all persons possess an inherent human dignity and that regardless of sex, race, color, language, national origin, age, class or religious or political beliefs, they are equally entitled to enjoy their rights.

The 1993 World Conference also specifically recognized the human rights of women and the duties of states to protect and promote such rights, including the right to freedom from violence. Most national, regional and international systems and mechanisms for enforcing human rights have been developed and implemented mainly with a male model in mind and, to date, the human rights system has not adequately taken into account the experiences and circumstances of women. This scenario is changing, however. Advocates for women's rights are increasingly using human rights to demand redress for injustices in women's lives.

The concept of human rights and human rights law is dynamic in nature. Although a range of fundamental human rights has already been legally recognized, nothing precludes existing rights from being more broadly interpreted or additional rights from being accepted at any time by the community of states. It is this dynamism that makes human rights a potentially powerful tool for promoting social justice and the dignity of all people. Human rights thus acquires new meaning and dimension at different points in history as oppressed groups demand recognition of their rights and new conditions give rise to the need for new protections.

How did human rights develop?

Current international human rights obligations are rooted in the Charter of the United Nations. Established on universally accepted principles of human dignity, the founding of the United Nations represented a critical point in the evolution of human consciousness. The trauma of World War II, the widespread abuses of people and groups—including genocide, mass killing and other forms of violence against humanity—motivated governments to demand and set standards for the treatment of people by their own governments.

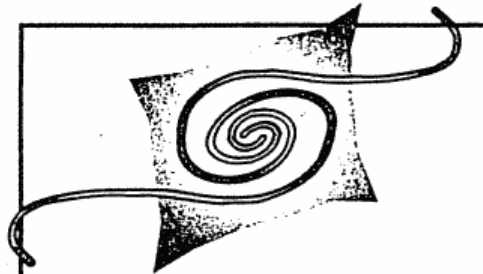


The first attempt to codify such standards was the Universal Declaration of Human Rights (UDHR) in 1947. The Declaration has come to be recognized as a common standard for all peoples and all nations to strive for in the promotion of human dignity. Among the rights enshrined in the Declaration are the rights to equality; freedom from discrimination; life, liberty and security of the person; freedom from slavery, torture or degrading treatment; recognition as a person before the law to seek a remedy by a competent tribunal; and freedom of expression and political participation.

Established to oversee and implement the UN human rights system, the United Nations Commission on Human Rights held its first regular session in February

1947. In addition to framing a declaration (the Universal Declaration of Human Rights), the Commission also established a *convention* (later divided into two sections and called *covenants*) as well as *mechanisms*, or measures, of implementation, including complaint, monitoring, reporting and other procedures.

The General Assembly of the United Nations adopted the Universal Declaration on December 10, 1948. Like most recommendations of the General Assembly, the UDHR was non-binding. Indeed, countries never ratified the UDHR as they would a formal treaty that creates legally binding obligations. However, most commentators now agree that most provisions of the Declaration have become binding as part of interna-



The Dynamics of Human Rights

- ▶ The universally acknowledged list of protected human rights (as found in the Universal Bill of Rights and subsequent human rights instruments) represents a powerful and important human consensus about the dignity that must be accorded all human beings and about the willingness of human society to respect basic rights for all. At the same time, human rights may exist that are not yet on any list of protected rights or acknowledged as part of the universal consensus. As a result, violations of human rights occur which are not seen as such and for which no one is held accountable.
- ▶ The history of human rights essentially traces two intertwining streams of human development: one stream represents the struggle to name previously unnamed rights and to gain their acceptance as human rights; the other stream represents the ongoing struggle to ensure the enforcement of established rights.
- ▶ This dynamic characteristic is what makes human rights a powerful tool for promoting social justice:
 - If the right is not *recognized*, the struggle is to assure recognition.
 - If the right is not *respected*, the struggle is to assure enforcement.
 - The process of *gaining* recognition of a right leads to better enforcement and the process of *enforcing* leads to greater recognition of the rights.

tional customary law. (In other words, countries do in fact act as if the provisions of the UDHR were law, thus making the UDHR law).

In order to translate the Universal Declaration's principles into legally binding human rights obligations—at least for the states that ratified them—the Commission drafted the first human rights *instrument*. The General Assembly eventually split it into two “covenants,” one on civil and political rights, and another on social, cultural and economic rights. This division was motivated by political considerations and reflected a compromise between states with “market-oriented” or “capitalist” economies (which tended to emphasize civil and political rights) and states with “planned” or “socialist” economies (which tended to emphasize economic and social rights). In 1966, after years of consideration by the Commission on Human Rights, the UN's Third Committee (the General Assembly's committee on human rights) finally adopted the two separate documents: The International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR)—which together with the Universal Declaration of Human Rights became collectively known as the International Bill of Rights—took effect in 1976. The ICCPR contained an Optional Protocol (or amendment to the treaty) allowing states to permit their own nationals to lodge petitions against them and requiring separate ratification.

Even as the international covenants were being drafted, the UN also started to use *treaties* to guarantee human rights in specific subject areas. The first such treaty, the Convention on the Prevention and Punishment of Genocide, entered into force in 1948. The Genocide Convention contained no enforcement provisions, meaning that although the

states were obligated to prevent genocide, the UN held no effective means to enforce this obligation. In contrast, most of the subsequent human rights treaties contain enforcement provisions. A listing of many of these treaties is found in Appendix 2. The primary convention pertaining to women, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), was signed in 1979 and entered into force in 1981, with many of the ratifying states entering a record number of *reservations*, that is, treaty provisions from which the signatories claimed exemption.

As a consequence of the development of the first two covenants, the UN Human Rights system tends to speak of two main categories of rights: civil and political rights, and economic, social and cultural rights—once termed “first generation” and “second generation” rights. According to some interpretations, social and economic rights merely reflect “goals” while civil and political rights are the only “true” rights. This kind of thinking has been flatly rejected by the United Nations. At the conclusion of the World Conference on Human Rights in Vienna in 1993, representatives from 171 countries adopted the Vienna Declaration, stating: “All human rights are universal, indivisible, interdependent and interrelated.” This reaffirmed the original intent of the framers of the human rights system, who gave civil and political rights equal weight with economic, social and cultural rights. Still, the oversight and enforcement mechanisms for civil and political rights remain far superior to those of economic and social rights.

An emerging “third generation” of “people’s rights” or “solidarity rights”—including the right to development, the right to peace, and the right to a healthy environment—have begun to be recog-

What Do Human Rights Treaties Offer?

- They guarantee specific rights to individuals.
- They establish state obligations related to the rights.
- They create mechanisms to monitor states’ compliance with their obligations and allow individuals to seek redress for violations of their rights.

nized in UN General Assembly resolutions and other documents. However, they have not yet been transformed into binding treaty obligations. The “right to development” appears to find the most support in the United Nations. The Vienna Declaration called this right a “universal and inalienable right and an integral part of fundamental human rights.” For the time being, however, it looks like human rights treaty-making by the UN has slowed and a new “right to development” treaty will not emerge in the near future. The UN General Assembly adopted an important resolution in 1987, which called on the UN and member states to give priority to the implementation of existing standards.

Where do we find human rights law?

Any law that can be used to promote or protect human rights may be considered to be part of human rights law. Thus, human rights law may be found in national constitutions, legislation and unwritten or common law. It can also be found at regional and international levels in various human rights treaties and in customary international law.

A *treaty* is a formal agreement between states. It creates legally binding obligations and rights among the states which are party to the treaty. At times a treaty may create rights in favor of individuals while creating obligations

with which states must comply. Human rights treaties fall within this category. The states agree to guarantee specific human rights for all individuals within their respective jurisdictions and to comply with corresponding obligations. Countries are supposed to adopt internal legislation and policies to implement applicable human rights standards. Countries that fail to abide by the set standards should be held accountable.

Some human rights treaties create mechanisms for monitoring and reporting on state compliance. Others provide avenues for individuals whose rights are violated to seek redress (see Chapters Two and Three).

Human rights treaties, often called "conventions" but also called "covenants," serve to define human rights concepts and set standards for government conduct. In doing so, they educate the public and help create conditions for external and internal pressures for improved human rights enforcement. Ratifying a treaty binds a member state to a dual obligation: first, to apply its provisions and second, to accept a measure of international supervision. While states can pick and choose which conventions to ratify, they are obligated to report regularly on their compliance with those they embrace.

Over time, the impact of international conventions tends to grow as the norms embodied in them enjoy more widespread respect. The more agreement there is among nations about the treaty, the greater the force of the treaty in human rights law.

Still, ratification of conventions may have little to do with their actual observance. Domestic institutions may pay lip service to international standards in principle and then ignore them altogether in practice. Moreover, the conventions may reflect agreement at the lowest common denominator. In order to garner as many ratifications as possible,

drafters may intentionally write vague standards and governments may assert reservations that negate or compromise the ultimate goal even though those reservations may be theoretically inadmissible under international law. Moreover, most of the bodies established to monitor treaty implementation have little or no ability to require states to comply and are severely backlogged and under-funded. All of these limitations, however, should not discourage rights advocates, but inspire them to find ways to move the development of the international human rights system toward more effective operation.

Note well that not only states are obligated to refrain from human rights abuse. Under international humanitarian law, like the Geneva Convention, parties to a conflict, whether state or non-state, are bound to refrain from certain abuse including rape and other sexual violence and enforced prostitution.

How are human rights standards enforced?

Every state has the primary responsibility within its territory to ensure that all members of society enjoy their human rights. States resistant to fostering social and economic rights have argued that civil and political rights involve only *negative obligations* (that is, they only prohibit governmental action that violates specified rights.) But others have demonstrated that most rights impose *positive obligations* as well. By signing and ratifying human rights conventions, governments at national and local levels must commit to avoiding any actions that would violate or lead to a violation of human rights. In addition, most treaty obligations require the government to take positive steps to adopt affirmative measures, to ensure or protect the enjoyment of human rights. They may also require enacting and enforcing legislation or adopting other appropriate measures to

ensure that individuals and other entities respect women's human rights.

To ensure enforcement of human rights obligations, various mechanisms exist at national, regional and international levels. At the international level, most of these mechanisms provide vehicles for monitoring compliance. Some offer petition procedures which allow individuals to challenge breaches by the state of their human rights obligations. In some cases mechanisms are linked to constitutions and national legislation, in others to human rights treaties and in still others to specialized agencies of the UN charged with the enforcement of specific rights, such as labor, refugee and health rights. The procedures and remedies provided by the full range of human rights mechanisms vary widely. Chapters Two Three and Four of this manual explore some of them in depth.

Mechanisms linked to national constitutions and legislation may offer more concrete and enforceable remedies and usually should be tried first, before turning to international petition procedures. At the national level the weight of the nation's legal system can be brought to bear on the enforcement of human rights; it may be possible for the victim to approach the courts to make a complaint and seek an enforceable remedy. Where this is not the case, it may be possible or necessary to seek redress beyond national boundaries. Unfortunately, international mechanisms tend to be less straightforward than national ones because the international legal system and human rights law depend on the good faith of states or their sensitivity to internal or international criticism of their human rights practices. International mechanisms have little power to force states to comply.

In order to achieve an effective improvement in the exercise of women's

human rights, it is important to understand the mechanisms that exist and the remedies they can provide. Using them to seek redress for specific violations keeps pressure on states to comply with their treaty obligations. Much of this manual addresses the potential of human rights mechanisms in this context. But before plunging into analysis of specific enforcement mechanisms, the rest of this chapter will discuss the origins, types and procedures of key international mechanisms.

Types of enforcement mechanisms

International human rights mechanisms can be divided generally into three categories: *charter-based*, *treaty-based* and *specialized agencies of the UN*.

Charter-based bodies

The Charter of the United Nations, the founding document of the UN, directly and indirectly creates several bodies that have a role in human rights standard setting and enforcement. The principal Charter-based bodies are the Security Council, the General Assembly, the Economic and Social Council, the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the UN Commission on the Status of Women. All of these bodies have jurisdiction over women's rights.

The primary charter body dealing with human rights is the Commission on Human Rights. The UN Charter did not create the Commission directly, but rather indirectly, by establishing the Economic and Social Council (ECOSOC) and declaring that this UN organ "shall set up commissions in economic and social fields for the promotion of human rights." Under these terms, in 1946, ECOSOC established the Commission on Human Rights.

The Commission on Human Rights is the primary body responsible for monitoring existing international

standards, recommending new standards, investigating violations and providing advisory and other technical services to countries in need of assistance. Human rights complaints can be brought directly to the Commission under the Resolution 1503 procedure and to the Commission's various thematic and geographic working groups, sub-commissions and special investigators, including the Special Rapporteur on Violence Against Women, Its Causes and Consequences, who is responsible for reporting on violence against women. Known as a "functional commission" of ECOSOC, the Commission is comprised of fifty-three governmental members elected in regional groupings by ECOSOC. The Commission reports its recommendations directly to ECOSOC.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities is the only sub-commission of the Commission. Although technically reporting to the Commission, the Sub-Commission has considerable autonomy and latitude in initiating substantive studies, proposing standards, and investigating human rights violations pertaining to minorities around the world. The Sub-Commission is comprised of twenty-six members, selected by the Commission by geographic region.

The UN Commission on the Status of Women (CSW) is another functional commission of ECOSOC. Established by ECOSOC in 1946, the CSW prepares recommendations and reports to the Council on promoting women's rights in political, economic, civil, social and educational fields. The CSW also makes recommendations to the Council on urgent problems requiring immediate attention in the field of women's rights. Its mission has been expanded in recent years, and the CSW is one of the primary bodies responsible for monitoring the implementation of the Platform for

Action adopted by the 1995 Fourth World Conference on Women. The Commission consists of 45 members elected by the Economic and Social Council for a period of four years.

The General Assembly, the most representative decision-making organ of the United Nations, also has broad powers with respect to consideration of human rights. The General Assembly elects the members of ECOSOC and reviews recommendations from ECOSOC. Chapter IV, Article 10 of the Charter authorizes the General Assembly to "discuss any questions or matters within the scope of the present Charter [and]...make recommendations to Members of the United Nations...on any such questions or matters." Article 13 authorizes the General Assembly to "make recommendations" for the purpose of "assisting in the realization of human rights." These recommendations are often in the form of declarations which, although non-binding, are important indications of international norms. For example, in 1993, the General Assembly passed a Declaration on the Elimination of All Forms of Violence Against Women. The main committees of the General Assembly which have participated in the drafting of human rights declarations or other processes on human rights are the Social, Humanitarian and Cultural Committee (Third Committee) and the Legal Committee (Sixth Committee).

The Security Council is comprised of five permanent members: China, France, the Russian Federation, the United Kingdom and the United States, as well as ten other members elected by the General Assembly. The Security Council's powers are set forth in Chapter VII of the UN Charter. These powers range from making recommendations to state parties to end a dispute, to taking military action "to maintain or restore

Types of Enforcement Mechanisms

Charter Based

Some Mechanisms

- Economic and Social Council (ECOSOC)
- Commission on Human Rights
 - 1503 Procedure
 - Working Groups
 - Special Rapporteurs
 - Sub-Commission on Prevention of Discrimination and Protection of Minorities
- Commission of the Status of Women
- General Assembly
- Security Council
- Human Rights Committee

What They Monitor

- Human Rights questions generally; activities of the Commission on Human Rights, Sub-Commission on Minorities, Commission on the Status of Women, and treaty-monitoring bodies and other bodies
- Human rights questions generally and on specific targeted issues:
 - Gross and systemic violations
 - Specified issues
 - Thematic and geographic issues
 - Human rights of minorities throughout the world
 - Human rights of women throughout the world
 - Broad discretion to initiate studies, recommend, promote, encourage, discuss and make recommendations to assist in the realization of human rights
- Threats to the peace, breach of the peace, or acts of aggression (Chapter VII, Article 39)
- International Covenant on Civil and Political Rights (ICCPR)

Treaty-Based

Some Mechanisms

- Committee on Economic, Social and Cultural Rights
- Committee on the Elimination of Discrimination Against Women
- Committee on the Elimination of Racial Discrimination

What They Monitor

- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- International Convention on the Elimination of All Forms of Racial Discrimination

Specialized Agencies

Some Mechanisms

- UN High Commissioner for Refugees (UNHCR)
- International Labour Organization (ILO)
- UN Educational, Scientific and Cultural Organization (UNESCO)
- UN World Health Organization (WHO)

What They Monitor

- Rights of refugees
- Labour rights
- Cultural and educational rights
- Health rights

international peace and security" (Article 42). The Council has increasingly taken an active role in peace-keeping, peace-making and peace-building, processes that inevitably involve human rights.

Treaty-based bodies

Most human rights treaties establish a committee or a commission to monitor how well the signatory states follow their obligations under the treaty. The treaty provides the substantive guarantees; the committee oversees implementation of those obligations. The committees of the UN human rights system, known as "treaty-monitoring bodies," include:

- The Human Rights Committee, which monitors the International Covenant on Civil and Political Rights;
- The Committee on Economic, Social and Cultural Rights (CESCR, technically a subsidiary body of ECOSOC), which monitors the International Covenant on Economic, Social and Cultural Rights;
- The Committee on the Elimination of All Forms of Discrimination Against Women, which monitors the Convention on the Elimination of All Forms of Discrimination Against Women ("the Women's Convention"); and
- The Committee on the Elimination of All Forms of Racial Discrimination, which monitors the International Convention on the Elimination of All Forms of Racial Discrimination.

The scope of these committees differs greatly from the Commission on Human Rights. While the Commission on Human Rights, the Charter-based body discussed above, can monitor and establish standards for human rights in all countries, the work of the committees applies only to the states that have ratified or acceded to the respective covenant.

The Centre for Human Rights, based at the UN in Geneva, staffs most of these

treaty bodies (except for CEDAW, which gets staff support from the Division for the Advancement of Women in New York). The type of enforcement procedures available under treaty-monitoring bodies can include: monitoring and reporting functions and inter-state and individual complaint procedures.

Specialized agencies of the UN

Treaty-monitoring bodies provide only one vehicle for redress of human rights violations at the UN level. Other means include the complaint and/or monitoring procedures of various UN organizations and agencies, such as the office of the United Nations High Commissioner for Refugees (UNHCR), the International Labour Organisation (ILO), the United Nations Educational, Scientific and Cultural Organisation (UNESCO) and the World Health Organisation (WHO). Each of these organizations may consider human rights questions within their topical area of focus.

What types of procedures do the mechanisms entail?

There are two general types of procedures: complaint procedures and monitoring/reporting procedures.

Complaint procedures

Commentators have identified two types of complaint procedures based on different goals and outcomes: complaint-recourse and complaint-information procedures.

Under *complaint-recourse* procedures, the goal of the procedure is the redress of specific grievances. The complainant (or plaintiff) is entitled—to various degrees—to participate in the proceedings. A successful complaint in this case may result in legally enforceable or in specific, albeit formally unenforceable, remedies such as orders that force the government to compensate a victim, reprimand the perpetrator or even change government policies and practices. For example, a woman unfairly fired from state employment may demand

reinstatement in the workplace; a woman abused by police may seek monetary damages; a woman's group denied the right to assemble and speak freely may demand a declaration that their rights were violated and a change in governmental policy.

The decisions reached under UN complaint-recourse procedures are not technically binding on states, but most states comply. Under the regional human rights systems in Europe and Africa, judgments of special courts are legally binding under international law (see Chapter Three).

Under complaint-information procedures, the goal is not to redress individual grievances but to identify broad human rights violations affecting a large population. Petitions are received only as part of the information before a body considering the matter. Authors of petitions have no right to a remedy, and may not even have a right to be informed about the disposition of the case. The UN Human Rights Commission's 1503 Procedure is an example of a confidential proceeding of this kind.

Monitoring and reporting procedures
Monitoring and reporting procedures do not generally result in legally enforceable remedies, nor do they rely on "law-like" complaints or other communications from individuals or groups. On the contrary, monitoring and reporting procedures resemble "reports" or "audits"

of government behavior and result in authoritative, non-binding recommendations. There are two ways in which the reporting procedure is generally activated. At times, the reporting resembles a "self-inspection" in which governments report on their own compliance with human rights obligations. In other cases, a monitoring body initiates the report on government behavior. Alternatively, the monitoring proceeds according to a regularly scheduled plan of inspection or, again, the process could be triggered by advocates who underscore a particularly pressing problem. Advocates may or may not be permitted to comment on the findings of the monitors. From the standpoint of human rights advocates, monitoring and reporting procedures are successful if they bring publicity to human rights abuses and shame governments and other human rights violators into changing their behavior.

Where are enforcement mechanisms found?

NATIONAL LEVEL

The first place an advocate should look for enforcement mechanisms is right at home, to the courts, commissions and other investigative and judicial bodies that exist at the national level. Countries are bound by treaties they have ratified or acceded to and by human rights principles that are accepted as part of

What Activists Can Do Using	→ Complaint Procedures	→ Monitoring Procedures
Direct advocacy - submission of arguments in a case.	✓	
Meeting with experts and representatives of human rights system.	✓	✓
Publicize a case.	✓	✓
Review, self-critique state's human rights practice.	✓	✓

international customary law. The enforcement of procedures and mechanisms varies greatly from country to country. For example, effective human rights commissions exist in some countries while they are unheard of in others. Similarly, constitutional courts may or may not exist and these and other domestic courts may or may not have jurisdiction to hear claims of violations of human rights based on domestic or international law. These courts may fully implement international law, or merely give lip service to it. Advocates should look to their own country's human rights systems to discover possibilities for human rights enforcement under national law and the potential limitations of this approach, particularly with regard to the adjudicability of international human rights norms. Chapter Four describes, in general terms, what procedures are used with respect to human rights litigation in national courts and national institutions for the protection of human rights.

INTERNATIONAL LEVEL

Regional human rights systems

A second place to look for human rights mechanisms is at the regional level. In several geographic regions, interstate agreements have established regional human rights "systems," in which groupings of human rights laws, courts, investigative bodies and other organizations provide enforcement mechanisms for a region. These systems establish procedures that may allow individual cases to be brought involving violations of regional human rights instruments. They may also provide for on-site visits to review systematic human rights violations in a country, or they might conduct general studies and educational programs concerning human rights issues. Regional human rights instruments may set up courts, commissions and/or other monitoring or adjudicative bodies. The

exact types of mechanisms and their function depend on the wording of particular regional agreements and their procedures and practices. There are three regional human rights systems, whose procedures are analyzed in Chapter Three. They are: the Inter-American, the European and the African systems. Where a region does not have its own human rights system (as in Asia), or where the existing systems may insufficiently address a claim (as, quite possibly, when the violation pertains to war and/or to refugee status), advocates may look instead to universal human rights procedures.

UN human rights system

Finally, advocates can look to enforcement mechanisms at the UN or "universal" level. In order to use treaty-based procedures, the state concerned must have accepted both the obligations under the relevant treaty and the particular procedure advocates may want to use. They must check whether their countries have ratified the relevant conventions, and in some cases (such as the International Covenant on Civil and Political Rights) whether they have acceded to the provisions that give international bodies jurisdiction over claims of individuals. Other mechanisms/procedures may be available against any state which is a member of the UN or specialized agency without the state having explicitly accepted the mechanism. Chapter Two of *Women's Human Rights Step by Step* will survey several international mechanisms of particular relevance to women, including:

1. Individual complaint procedures, monitoring procedures and interstate complaints based on *UN treaties* (focus on the UN Committee on Human Rights which monitors the ICCPR);
2. Monitoring procedures of *Special Rapporteurs and Working Groups* (focus on the Special Rapporteur

- on Violence Against Women);
3. The reporting and monitoring procedure of the *Committee on the Elimination of Discrimination Against Women* (CEDAW), which monitors the "Women's Convention";
 4. Complaints directly before the United Nations under the *1503 Procedure*;
 5. Complaint procedures of the *International Labour Organisation* (ILO);
 6. Individual communications before the *UN Commission on the Status of Women*; and
 7. Gender-specific reporting mechanisms before the *United Nations High Commissioner on Refugees*.

How should mechanisms be evaluated?

Whether on the national, regional, or global level, human rights enforcement mechanisms raise the following issues:

- What type is the procedure? (complaint, monitoring and reporting or "mixed")
- To whom is the procedure available?
- What must activists do to access the procedure? (admissibility requirements)
- How does the system work and what role can activists play?
- What are the possible remedies?
- What are the advantages and disadvantages of using the particular mechanism?

In Chapters Two and Three, specific mechanisms of relevance to women are analyzed according to this set of questions. They provide a checklist for deciding which mechanism will be the most appropriate and which strategy the most effective for women's rights advocates to pursue. The remainder of Chapter One provides general information for advocates to consider when answering these questions with respect to specific mechanisms.

Type of procedure

The goals and strategies of an advocacy effort will be influenced by what type of enforcement procedures are available to the activist. For example, while a complaint procedure may help establish a legally enforceable precedent and gain a clear remedy in a particular case or class of cases, it may not be available or desirable. On the other hand, monitoring and reporting procedures may better address broad, systemic problems and win more sweeping changes to advance women's human rights, but will not necessarily provide individual relief. Some human rights enforcement mechanisms use a combination of these two types of procedures or allow for some degree of choice.

Availability of procedure

Before expending any time developing a strategy around a mechanism, activists must learn whether it is available to them at all. Availability of an enforcement mechanism usually depends upon whether the country of origin (where the human rights abuse occurred) has ratified a human rights instrument that allows the human rights system to hear the matter—in other words, to have jurisdiction. For example, some human rights treaties attach provisions or amendments, known as optional protocols, that establish an individual complaint mechanism by which the treaty can be enforced. In these cases, only countries that have specifically agreed to the complaint procedure or signed and ratified (become parties to) the optional protocol will be able to use that procedure. If the country in which the suit is to be filed has not accepted the procedures under the optional protocol, advocates will have to look elsewhere for an international enforcement mechanism. However, some enforcement mechanisms do not require a country to agree in advance to submit itself to the jurisdiction of a judicial or fact-finding body.

2

THE UN HUMAN RIGHTS SYSTEM

Numerous mechanisms and approaches are available at the level of the United Nations. This chapter examines those mechanisms that have most relevance to women, specifically:

- individual complaint procedures, monitoring procedures and interstate complaints based on UN treaties (especially the UN Committee on Human Rights, which monitors the ICCPR);
- monitoring procedures of Special Rapporteurs and Working Groups (especially the Special Rapporteur on Violence Against Women);
- the reporting and monitoring procedure of the Committee on the Elimination of Discrimination Against Women (CEDAW), which monitors the "Women's Convention";
- complaints directly before the United Nations under the 1503 Procedure;
- complaint procedures of the International Labour Organization (ILO);
- individual communications before the UN Commission on the Status of Women; and
- gender-specific reporting mechanisms before the Office of the United Nations High Commissioner on Refugees (UNHCR).

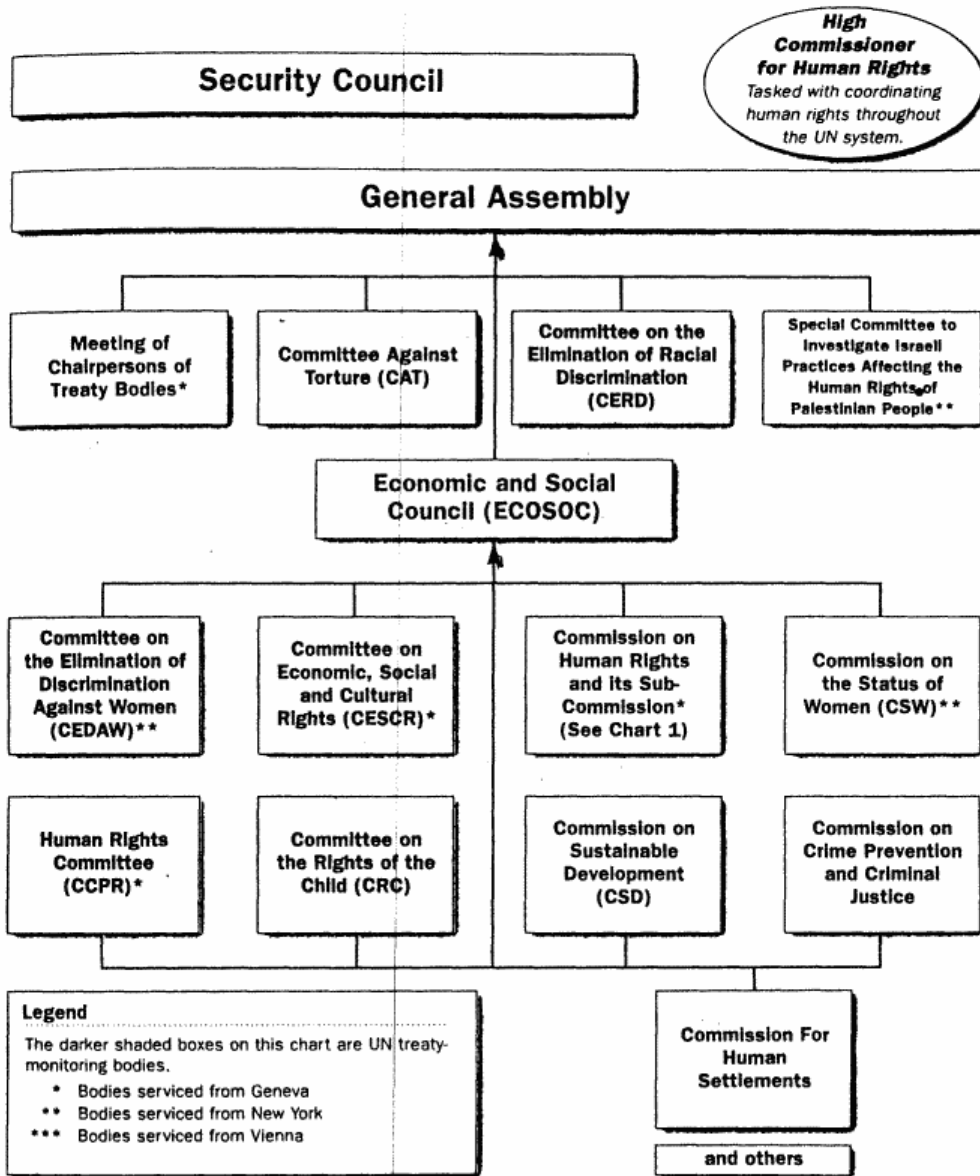
UN Committee on Human Rights

In some cases, individuals have the right to complain directly about human rights violations to expert bodies established under the UN human rights conventions. Three such expert committees currently allow individual complaint procedures:

- the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) (since 1977);
- the Committee on the Elimination of Racial Discrimination (CERD), under Article 14 to the International Convention on the Elimination of All Forms of Racial Discrimination (since 1982); and
- the Committee Against Torture, under Article 22 of the Convention Against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment (since 1988).

All of these procedures are contingent upon the state parties recognizing the competence of the expert body to hear individual complaints. The individual complaint procedure under CERD has been used most sparingly. The procedure under the ICCPR has been the most visible and effective of the complaint procedures administered by human rights treaty bodies; since the

Human Rights In the United Nations System



High Commissioner for Human Rights
 Tasked with coordinating human rights throughout the UN system.

Adapted from Human Rights Internet

- | | |
|---|---|
| <p>UN Specialized Agencies and other bodies (all of whom now have some concern for, and responsibilities in the area of, human rights). Including:</p> <p>International Labour Organization (ILO)—trade union rights, child labour, bonded labour, and labour rights generally</p> <p>UN Educational, Scientific and Cultural Organization (UNESCO)—the right to education, human rights education</p> | <p>World Health Organization (WHO)—the right to health, including HIV/AIDS</p> <p>UN development Programme (UNDP)—the right to development</p> <p>Food and Agricultural Organization (FAO)—the right to food</p> <p>UN Children's Fund (UNICEF)—the rights of the child</p> <p>UN High Commissioner for Refugees (UNHCR)—rights of refugees and displaced persons</p> <p>Bretton Woods Institutions, including the World Bank and the International Monetary Fund (IMF)—to do human rights impact assessments</p> |
|---|---|

UN Commission on Human Rights and its Subcommission

Office of the High Commissioner for Human Rights/UN Centre for Human Rights
(Services all bodies on this chart)

UN Commission on Human Rights

Sub-Commission on Prevention of Discrimination and Protection of Minorities

Special Procedures

Working Groups

- Enforced or involuntary disappearances
- Arbitrary detention
- Situations of gross violations (Res. 1503)
- Structural adjustment programmes and economic, social and cultural rights
- Right to development
- Drafting a declaration on human rights defenders
- Drafting an optional protocol to the Torture Convention
- Drafting an optional protocol to the Convention on the Rights of the Child, on children in armed conflict
- Drafting an optional protocol to the Convention on the Rights of the Child, on sale of children, child prostitution and child pornography

Special Rapporteurs (Thematic)

- Summary or arbitrary execution
- Torture
- Religious intolerance
- Mercenaries
- Sales of children, child prostitution and child pornography
- Freedom of opinion and expression
- Violence against women
- Racism, racial discrimination and xenophobia
- Internally displaced persons
- Independence of the judiciary
- Illicit movement & dumping of toxic and dangerous products

Special Rapporteurs or Representatives (Country-specific)

Alghanistan	Guatemala	Occupied Territories (Palestine)
Burundi	Haiti	Somalia
Cambodia	Iran	Sudan
Cuba	Iraq	Zaire
Equatorial Guinea	Myanmar	
Former Yugoslavia		

Advisory Services, training, fellowships, and promotional activities for:

- National plans of action
- Constitutions
- Free and fair elections
- Legislative reform
- National and regional human rights institutions
- Human rights in law enforcement
- The judiciary and the legal professions
- Human rights in prisons
- Human rights and the armed forces
- Internal conflict resolution
- Parliament and human rights
- Curriculum development and human rights in education
- Treaty reporting and international obligations
- Strengthening NGOs and the mass media

Working Groups

- Communications on gross violations
- Detention
- Indigenous populations
- Contemporary forms of slavery
- Minorities

Special Rapporteurs & Studies

- Traditional practices affecting health of women and children
- Cultural property of indigenous peoples
- Compensation to victims of gross violations
- Impunity of perpetrators of violations of human rights
- Discrimination against HIV- or AIDS-infected people
- Right to adequate housing
- Right to fair trial
- States of emergency
- Human rights in extreme poverty
- Treaties with indigenous peoples
- Human rights & population transfers
- Administration of justice
- Conscientious objection
- Forced evictions
- Human rights and income distribution
- Realization of economic, social and cultural rights
- Solution of problems involving minorities
- Privatization of prisons
- Human rights and the environment
- Peace and human rights
- Independence of the judiciary

The Special Rapporteurs/Special Representatives and Working Groups change according to resolutions of the Commission and Sub-Commission. This chart is intended to be illustrative, not definitive.

2

Optional Protocol entered into force in March 1976, over 500 cases have been registered under the procedure.

Advocates for women's rights may explore bringing individual claims under every procedure that is available to them—in other words, as long as the subject matter of their complaint falls under a procedure to which their state has consented. Although CERD does not apply specifically to women's human rights, for example, many of the kinds of rights violations women experience concern both gender and race discrimination. Similarly, although the Torture Convention does not mention gender explicitly, incidences of rape, sexual assault, abuse in detention and other acts may constitute torture or other forms of cruel, inhuman and degrading treatment. However, some of these procedures do not allow other procedures to be pursued in parallel.

In contrast to some other conventions, the ICCPR explicitly prohibits sex discrimination under Articles 2(1)3 and 26. The Human Rights Committee has interpreted these provisions broadly to include bans on state practices which have the purpose or effect of burdening women, regardless of whether men are treated in an identical manner. In the past, states have been responsive to recommendations of the Committee with respect to violations of women's human rights, and have in fact changed national laws as a result.

The general procedure for bringing individual complaints before any of these expert bodies is similar. Moreover, each of these treaty bodies provides for monitoring procedures and some kind of inter-state complaints. This section focuses on the procedures before the Human Rights Committee, the most utilized and developed set of procedures.

Type of procedure

The Committee provides for state reporting and committee monitoring, interstate communications (or complaints) and individual complaints (complaint-recourse) procedures.

Availability of procedure

For the reporting procedure, a state must be party to the ICCPR.

For the inter-state complaint procedure, the state must have accepted Article 41, which "recognizes the competence of the Committee to receive and consider communications to the effect that a state party claims that another state party is not fulfilling its obligations under the present Covenant..."

For individual complaints, the state must have accepted the Optional Protocol of the ICCPR, which "recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party."

An individual must be directly affected by a violation of the ICCPR. He or she cannot ask for a declaratory judgment or otherwise challenge a national law in an abstract way. This means that the Human Rights Committee cannot review in the abstract whether national legislation contravenes the ICCPR. Where the victim is unable to submit an application (for example, because the state is responsible for her disappearance), a close relative may submit the application. An individual need not be a resident of the state concerned as long as she was subject to the jurisdiction of the state at the time of the complaint. Normally this is interpreted as requiring the individual to have been present in the territory of the state concerned at the time of the alleged violation.

Getting access to the process*For the monitoring and reporting procedures:*

Usually only state parties can submit monitoring and reporting information. The Committee may consider information from individuals affected by an alleged state practice. Individual reports should be well-documented, factual and not frivolous, and they should show, if possible, the systematic nature of violations of one or more of the provisions of the Covenant.

For individual complaints:

Below are some of the requirements that the Human Rights Committee will take into account before deciding on the admissibility of an individual complaint.

1. Domestic remedies must be exhausted, unless it can be proved that domestic avenues of redress would entail unreasonable delay.
2. The problem cannot be under investigation or settlement by another international procedure (Article 5(2)(a)). The Committee tends to interpret this requirement narrowly as "identical parties to the complaints advanced and the facts adduced in support of them."
3. The communication cannot be anonymous, abusive or incompatible with the provisions of the ICCPR.
4. If it is proved that the alleged victim cannot submit the communication, a close relative may do so on her behalf provided that the relative can prove a sufficiently close connection to the alleged victim.
5. The violation must have occurred after the Optional Protocol took effect for the state in question. However, if a violation appears to have a continuing effect after the Protocol came into effect, the Committee still may consider the complaint.
6. The Committee has produced a model

communication to assist complainants in making applications. Essential information includes:

- name, address and nationality of victim and
- the author of complaint, if different;
- the state against which the complaint is made;
- the provision(s) of Parts II and III of the ICCPR that have been violated;
- steps taken to exhaust domestic remedies;
- a statement as to whether the same matter is being dealt with before another international body;
- a detailed description of the facts substantiating the allegations.

The Committee may ask the complainant or the state concerned for additional information within a prescribed period of time. There is no time limit for submitting complaints; however, "fresh" (i.e. more recent) complaints are generally better.

How the system works and the role of advocates*For state reporting:*

Article 40 of the ICCPR requires states to submit periodic reports on their efforts to comply with the Covenant, including any measures adopted to effect the rights protected by the Covenant and any progress on the enjoyment of rights. An initial report is due one year after the Covenant enters into force for a state, and thereafter at five-year intervals. The Human Rights Committee may also request supplementary reports when the state reports are insufficient or when a new problem arises.

A working group of the Committee reviews the state's report, identifies issues, and provides a list of additional questions to the state. Then the Committee publicly reviews the report. A state representative introduces the report, and Committee members question him or her in a strictly non-judicial proceeding.

The United Nations has emphasized that the Committee's role is not to pass judgment on the implementation of provisions of the Covenant in any given State. The main function of the Committee is to assist State parties in fulfilling their obligations under the Covenant.

The Committee studies the report and then submits its concluding observations to the state. The Committee is mandated to submit an annual report on all of its activities to the General Assembly (through ECOSOC).

Although no explicit provision in the ICCPR requires consideration of outside information by the Committee, in practice the Committee does accept information from NGOs and others. Specialized agencies of the UN and NGOs have been invited to the public meetings of the Committee where state reports are considered, and the Committee has sometimes invited NGOs to comment on reports.

At informal meetings with Committee members, advocates can attempt to influence their own state's writing of reports and can comment on Committee recommendations. Advocates can also issue their own, unofficial "alternative reports" on the status of women under the ICCPR in their country, and they may attend open meetings of the Committee. However, the Covenant does not mandate that the Committee consider NGO communications. Many advocates have found that the best path involves sending information directly to individual members of the Committee (such as those most likely to be sympathetic), who use it to raise the issue during the questioning of the representative of the reporting state.

For individual complaints:

Individual complaints must go through three stages:

Pre-admissibility: The Communications Section of the UN Centre for Human

Rights screens applications to determine whether the complaint raises issues under any of the relevant international instruments. The secretariat registers applications and forwards them to the Committee's Rapporteur on New Communications, who in turn asks for additional information on questions of admissibility if needed. Once an individual communication has been declared preliminarily admissible, the complaint is forwarded to the state. The state normally has two months to respond; the author of the complaint can then comment on the state's response.

Adoption of a decision on admissibility or inadmissibility: At this stage, it must be determined whether the applicant has exhausted all available domestic remedies; whether the claim is not being examined by another international or regional investigation; whether the claims are sufficiently substantiated; and whether they are compatible with the rights protected by any of the relevant international instruments. A working group of at least five members of the Committee meets one week prior to each session. This group can declare a case admissible so long as the decision is unanimous. Otherwise, the entire Committee considers the question of admissibility. Should the author fail at this point, he or she may request a review of the admissibility decision.

Consideration of the substance of a case previously declared admissible: Once a case has been declared admissible, the state concerned has an opportunity to explain the problem and any settlement of it (Article 4(2) of Protocol). The state has six months to reply. The complainant then has six weeks to reply to the state's communication. Documents relating to individual complaints are confidential and consideration of communications under the Optional Protocol takes place in closed meetings (Article 5(3) of Protocol). After a review of all communications, the Committee makes a decision,

which is sent to both the state and the complainant and made public (Article 5(4) of Protocol). There are no provisions in the Protocol for oral hearings or on-site investigations, and the Committee is not mandated to facilitate settlement.

Advocates can play a major role in this process, from the decision to go forward with an individual complaint, to submitting communications to the Committee about a complaint, to commenting on the final decision and monitoring state response to the comments of the Committee.

For interstate complaints:

The Committee will also consider state communications about the failure of other states to abide by their commitments under the ICCPR (Article 41). Roughly 44 countries have accepted the procedure, but to date no interstate complaint has been filed.

If one state party believes that another state party has violated the Covenant, the state may submit a communication to that effect. The state receiving the communication is obligated to respond within three months. If the matter is not resolved to the satisfaction of both parties, either party may refer it to the Human Rights Committee by giving notice to the Committee and the other state.

The Committee's primary function is to push for an amicable solution. During its closed sessions, the Committee may call the states parties to submit information. The Committee is to submit a report within twelve months of its involvement. Documents relating to interstate complaints are confidential. If no solution is reached, the Committee may appoint an ad hoc Conciliation Commission.

Remedies

The Committee does not issue legally binding opinions, merely recommendations (termed "views"). Individual members of the committee may include a summary of their own opinion. Under

new measures adopted in 1990, whenever the Committee finds a violation of the Covenant, it gives the state concerned 180 days to inform the Committee of the action it has taken in relation to the case. The Committee's annual report lists the states that have failed to provide a remedy.

The Committee has also appointed a Special Rapporteur for the follow-up of views to recommend action that should be taken when victims claim that states have not provided an appropriate remedy. The rapporteur may communicate directly with governments and victims. To increase the visibility of follow-up activities, the Human Rights Committee includes a summary of such activities in its annual reports.

Weighing advantages and disadvantages

Advantages:

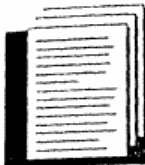
One of the best attributes of the ICCPR is the availability of individual complaint procedures under the Optional Protocol. This allows individuals to bring their allegations directly to the Committee. The individual complaint procedure is best suited for flagrant, egregious violations, where advocates want to make a political statement, not where individuals want a remedy to an immediate problem. The 1990 revisions to the enforcement procedures, and in particular the creation of a Special Rapporteur for the Follow-Up of Views, has improved the effectiveness of the complaints procedure. Individual complaints have been increasing.

The reporting mechanisms have also proved advantageous in many cases. The periodic reports by state parties, and the reports, formal decisions and official documents of the Committee are made public. While some states have been delinquent, many states have complied with the reporting requirements. By their very nature, the reporting requirements make states deal with human rights issues (and force them at least to try to explain

How a Compliant Procedure Works

"Typical" Steps Through the System

Step 1 Submission



Submission of complaint or request for investigation

Step 2 Investigation

Investigation and review of cases by human rights experts (generally on HR Commissions, committees, etc.)



Step 3 Communication



Communication with the accused government to hear its side

NGO Input (Not always available)

Step 4 Negotiation

Attempts at settlement



Step 5 Determination



A determination by the human rights body as to whether a human rights violation has occurred, and whether government (and some other body) is responsible

If it is determined that no violation has occurred—Case Closed
If it is determined that a violation has occurred, the case moves to judgment

Step 6 Judgment

If a Violation has occurred, a judgment can result in:

- Non-binding Recommendation...or...
- Binding Judgment



away problems). In practice, individual members of the Committee may rely greatly on NGOs in considering state reports. The reporting system has encouraged some states to bring their laws into compliance with the Covenant.

Advocates for women's rights have often found the Committee to be at least initially receptive to their claims. The Committee uses a relatively broad definition of discrimination, examining whether women are being disadvantaged because of their gender, not whether women are treated in an identical manner to men.

Disadvantages:

The individual complaint procedure is long and arduous. The process of determining admissibility may take up to a year. The process of determining the merits of a case may take up to three years. However, during the course of proceedings the Committee can order immediate, emergency relief (such as recommendations against imminent executions and expulsions). The Human Rights Committee is not a court with power to issue binding decisions in individual complaints.

The Committee has been conservative in its review of individual complaints. When considering whether a violation has occurred, the Committee will ordinarily defer to the judgment of national authorities in areas of their expertise (where the state has already evaluated the situation). States have an excuse to retain the status quo whenever the Committee refuses the complaint, even though the refusal may only have been on technical admissibility grounds and not on its merits.

Special Rapporteurs and Working Groups

Much of the work of the Commission on Human Rights is carried out through special rapporteurs and working groups—mechanisms that allow for immediate and targeted reporting on various human rights situations, dealing with individual

claims and making suggestions for action to improve respect for human rights. Special rapporteurs and working groups can be extremely effective at putting human rights issues prominently in front of the international community. Through offering information and comments, NGOs often play a role in the work of special rapporteurs and working groups.

Special rapporteurs are assigned to countries with particularly pressing human rights situations. In addition, thematic mandates have been established dealing with investigating and issuing reports on particularly serious violations, wherever they may occur, including arbitrary executions (1982), torture (1985), religious intolerance (1986) and the rights of the child (1990).

In March 1994, the Commission on Human Rights appointed Radhika Coomaraswamy as the *Special Rapporteur on Violence Against Women, Including Its Causes and Consequences*. The Special Rapporteur has a mandate to collect and analyze comprehensive data and to recommend measures aimed at eliminating violence at the international, national and regional levels. The mandate is threefold:

1. To collect information on violence against women and its causes and consequences from sources such as governments, treaty bodies, specialized agencies and intergovernmental and non-governmental organizations, and to respond effectively to such information;
2. To recommend measures at the national, regional and international levels to eliminate violence against women and its causes, and to remedy its consequences;
3. To work closely with other special rapporteurs, special representatives, working groups and independent experts of the Commission on Human Rights.

The Special Rapporteur on Violence Against Women already has carried out

Working Groups and Special Rapporteurs: Areas of Concern (as of May 1997)

<p>Working Groups</p> <ul style="list-style-type: none"> • Disappearances • Arbitrary Detention • Situations of Gross Violations (Res.1503) • Right to Development • Drafting a Declaration on Human Rights Defenders • Drafting an optional protocol to the Torture Convention • Drafting a declaration on the rights of indigenous peoples 	<ul style="list-style-type: none"> • Drafting an optional protocol to the Rights of the Child Convention on children in armed conflicts • Drafting guidelines for an optional protocol to the Rights of the Child Convention on sale of children, child prostitution and child pornography • The United Nations and Human Rights 												
<p>Special Rapporteurs: Thematic</p> <ul style="list-style-type: none"> • Summary or arbitrary execution • Torture • Religious intolerance • Mercenaries • Sale of children, child prostitution and child pornography • Freedom of opinion and expression • Violence against women 	<ul style="list-style-type: none"> • Racism, racial discrimination, and xenophobia • Internally displaced persons • Independence of the judiciary • Effect of illicit movement and dumping of toxic and dangerous products on the enjoyment of human rights 												
<p>Special Rapporteurs: Country</p> <table border="0"> <tbody> <tr> <td>Afghanistan</td> <td>Guatemala</td> </tr> <tr> <td>Burundi</td> <td>Haiti</td> </tr> <tr> <td>Cambodia</td> <td>Iran</td> </tr> <tr> <td>Cuba</td> <td>Iraq</td> </tr> <tr> <td>Equatorial Guinea</td> <td>Myanmar</td> </tr> <tr> <td>Former Yugoslavia</td> <td></td> </tr> </tbody> </table>	Afghanistan	Guatemala	Burundi	Haiti	Cambodia	Iran	Cuba	Iraq	Equatorial Guinea	Myanmar	Former Yugoslavia		<p>Occupied Territories (Palestine) Somalia Sudan Zaire</p>
Afghanistan	Guatemala												
Burundi	Haiti												
Cambodia	Iran												
Cuba	Iraq												
Equatorial Guinea	Myanmar												
Former Yugoslavia													

investigations in many countries and has reviewed information submitted by NGOs and states. A preliminary report in 1994 by Ms. Coomaraswamy focused on three areas of concern where women are particularly vulnerable: in the family (including domestic violence, traditional practices, infanticide); in the community (including rape, sexual assault, commercialized violence such as trafficking in women, labor exploitation, female migrant workers, etc.); and by the state (including violence against women in detention, refugee women and women in

situations of armed conflict). The work of the Special Rapporteur has increased the visibility of the issue of violence against women.

NGOs and individuals should submit information on human rights problems to any and all of the special rapporteurs who are investigating the issues in question. Information can be sent to rapporteurs in care of the Centre for Human Rights (using the Centre's address). In order to be included in a rapporteur's annual report, information should be submitted by the end of October each year. In

addition, should a rapporteur be scheduled to visit a given country (upon the consent of the state), NGOs may wish to invite the rapporteur to their offices to investigate their evidence of human rights violations.

The working groups of the Commission on Human Rights, which for the most part are drawn on thematic lines, consider ways to strengthen existing human rights mechanisms and debate possible clarifications of human rights norms and mechanisms. Working groups of particular importance to women's human rights are the Working Group on Disappearances and the Working Group on Arbitrary Detention.

In 1996, the working groups pursued the adoption of a declaration on the rights and responsibilities of individuals, groups and organs of society to promote and protect universally recognized

human rights and fundamental freedoms; drafted an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment concerning visits to prisons or places of detention; and drafted an optional protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflicts. Work is also underway on guidelines for a possible optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

NGOs and individuals can submit information to working groups in care of the Centre for Human Rights. In order to be considered in the working group's annual report, such information should be submitted by the end of August.

Mechanism Overview

THE UN HUMAN RIGHTS COMMITTEE

WHAT IT COVERS	The ICCPR .
OF INTEREST TO WOMEN	The ICCPR prohibits sex discrimination and the Human Rights Committee has interpreted this broadly.
TYPE OF PROCEDURE	The Committee monitors human rights violations and reports to member states. It also serves as a communications forum where states and individuals can bring complaints.
AVAILABILITY OF PROCEDURE	Participating states must be parties to the ICCPR for individual complaints and have ratified the Optional Protocol to the Convention.
ACCESSIBILITY REQUIREMENTS	States must explicitly recognize the competence of the Human Rights Committee to receive and consider formal complaints against each other. Individual complaints can only be received when the state has signed the Optional Protocol.

continued

*continued***The UN Human Rights Committee**

For monitoring and reporting procedures, only state signatories and legally recognized NGOs can submit information. The Committee may consider information from individuals affected by an alleged state practice.

**PROCEDURES &
HOW THE SYSTEM WORKS**

For monitoring and reporting: states must submit periodic reports on their efforts to comply with the ICCPR. A working group reviews the report initially, then the Committee publicly reviews the report. The Committee studies the report then submits its own report to the state and to the General Assembly through the Economic and Social Council.

For individual complaints: the UN Centre of Human Rights screens applications and submits them to the Committee's Special Rapporteur on New Communications. The complaint is forwarded to the State and the State can respond. The complainant then has six weeks to respond to the State's response. The Committee makes a decision based on the review of all communications.

For interstate complaints: States must submit a communication to the violating state. The violating state then must respond. The Committee will try to facilitate an amicable solution after which it submits a report.

ROLE OF ADVOCATES

The Committee sometimes invites NGOs to comment on reports. Advocates can influence their own state's writing of reports and can comment on Committee recommendations.

REMEDIES

The Committee issues recommendations. When a violation has occurred, the Committee gives the state 180 days in which it is to inform the Committee what action it has taken to remedy the violation.

The Committee has a Special Rapporteur for the Follow-up of Views to recommend actions when states have not provided an appropriate remedy.

**ADVANTAGES AND
DISADVANTAGES**

Many of the reports and formal decisions are made public. The reporting requires states to engage in human rights issues. Individual members of the Committee often rely on NGOs in their review of reports. The individual complaint mechanisms allows some individual complaints, thus giving individuals a formal role.

The African System

The African human rights system is the "youngest" regional system. In 1981, the Assembly of Heads of State and Government of the Organisation of African Unity (OAU) adopted the guiding human rights document for the system—the African Charter on Human and Peoples' Rights ("African Charter") which came into force in 1986. The most distinctive feature of the Charter is its recognition of collective rights. It views individual and peoples rights as inter-linked. Other distinctive features are inclusion of the right to development, duties of individuals and its drawback clauses which restrict rights in a broad sense. The African Commission on Human and Peoples' Rights ("African Commission"), the enforcement mechanism for the Charter, was established in 1987.

Article 18 of the Charter makes the elimination of discrimination against women a duty of member states and links the convention to all other international declarations and conventions on women. However, the protection of women under the Charter is ambiguous as the language of the Charter as a whole is oblivious of women, and Article 18 does not confer any rights as such.

The functions of the African Commission are:

To promote human and peoples' rights and, in particular, to:

Collect documents and undertake studies and research on African problems in the field of human and peoples' rights; organize seminars, symposia and conferences; disseminate information; encourage national and local institutions concerned with human and peoples' rights; and, should the case arise, give its views or make recommendations to governments.

Formulate principles and rules aimed

at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African governments may base their legislation.

Cooperate with other African and international institutions concerned with the promotion and protection of human and peoples' rights.

- Ensure the protection of human and peoples' rights as laid down by the African Charter.
- Interpret the provisions of the African Charter at the request of a state party, an institution of the OAU or an African organization recognized by the OAU.
- Perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government (Article 45, African Charter).

Type of procedure

Complaint-information and/or monitoring. Three basic types of procedure are available:

- inter-state complaints;
- complaints of individuals and groups against states (complaint-information); and
- studies and other activities undertaken by the African Commission at its own initiative.

The Commission can formulate and lay down principles and rules aimed at solving legal problems relating to human rights. In addition, it can cooperate with other African and international institutions concerned with the promotion and protection of human and peoples' rights.

Availability of procedure

One state may submit communications alleging violations of the African Charter by another state party to the Charter. Both states must have ratified the Charter.

The African Commission is also authorized to receive communications

The African System: Access for Advocates

Established in 1981, the African human rights system is the youngest regional system. Advocates can access the system through the:

African Commission on Human and People's Rights. The Commission accepts complaints by individuals and groups against states, as well as inter-state complaints. Individuals and groups



submit written communications alleging violation of the African Charter on Human and People's Rights. Members of the Commission have the discretion to decide which non-state communications to consider.

3

from non-state parties. This has been interpreted to mean that it can receive communications from both individuals and groups, including NGOs. Members of the Commission have the discretion to decide which non-state communications to consider. The African Charter provides that a communication shall be considered if a simple majority of its Commission members so decide.

Getting access to the process

For inter-state communications, the African Charter emphasizes the need to exhaust all domestic remedies unless the Commission decides that local remedies either do not exist or the procedure for achieving them is unduly long.

For complaint-information, a communication must satisfy the following requirements before it can be considered by the Commission:

- It must indicate the identity of the authors even if the latter request anonymity;
- Communications must be compatible with the Charter of the OAU and the African Charter on Human and Peoples' Rights;
- Communications must not be written in "disparaging or insulting language directed against the State concerned and its institutions," or against the

OAU;

- The communications must not be based exclusively on news disseminated through the mass media;
- All local remedies must be exhausted unless it is evident that this process is unduly time-consuming;
- The communication must be submitted within a reasonable time from after local remedies were exhausted or the date the African Commission was first notified of the matter; and
- The communications should not deal with cases which have been settled by the states involved in accordance with the principles of the Charter of the UN, the Charter of the OAU or the African Charter.

How the system works and the role of advocates

For inter-state complaints:

A state can, by written communication, draw another state's attention to the violation of the provisions of the African Charter by that state. Copies of the communication should be sent to the Secretary General of the OAU and the Chairman of the African Commission.

Within three months of receipt of the communication, the defaulting state must give a written explanation of the matter, including relevant information about the

laws, rules and procedures which have been applied or are applicable and the redress already given or the course of action available.

The two states then have to attempt to settle the matter by friendly negotiations.

If they cannot settle it within three months, either party then has the right to petition the African Commission, through its chairman, and the Secretary General of the OAU. Notice has to be sent to the other state of this step taken.

The Commission decides whether the admissibility requirements are satisfied and whether any exceptions apply. The Commission then proceeds to hear the matter. It may request relevant information from the state parties. States may be represented before the Commission and may make oral or written submissions.

The African Commission attempts to reach an amicable settlement between the parties. If that fails, the Commission prepares a report stating the facts and its findings and recommendations. The report is sent to the Assembly of Heads of State and Government.

For complaints-information:

Individuals or groups submit written communications to the African Commission alleging violation of the provisions of the African Charter by a state.

The Commission secretariat makes a list of such communications and transmits it to members of the Commission before each session. The members vote on which communications should be considered by the Commission. They may decide by a simple majority which cases should be heard.

If the African Commission decides to hear a case, it first determines if the complaint satisfies the admissibility requirements in Article 56. The communication is then brought to the attention of the state concerned by the chairman of the Commission. The Commission then deliberates on the communication.

If after deliberations the Commission

considers that one or more of the communications reveal "the existence of a series of serious or massive violations of human and peoples' rights," the attention of the Assembly is drawn to these cases.

The Assembly may then request the Commission to undertake an in-depth study of these cases and make a factual report, accompanied by its findings and recommendations. Emergency situations may also be drawn to the attention of the Chairman of the Assembly, who may unilaterally request an in-depth study.

When the Commission undertakes an investigation, whether of an inter-state communication or other complaint, it has the right to choose any appropriate method of investigation. It may hear from the Secretary General of the OAU or any other person capable of elucidating the matter. This opens a channel for women's rights advocates to educate the Commission on issues relating to women's human rights. All measures taken by the Commission are confidential and it is only the Assembly that can decide whether the report submitted by the Commission should be published.

For monitoring and reporting procedures:

Procedures of the monitoring arm of the African Commission are less clear. Advocates can bring any issue relating to women's human rights to the attention of the Commission and request them to conduct studies into the issue. This may result in in-depth examination of issues relating to women's human rights in a particular country and to recommendations to the government to improve the human rights of women. Advocates can also urge the Commission to lay down principles and rules for promoting women's rights, upon which African governments can base their legislation. For example, it can be urged to lay down rules for dealing with domestic violence as exemplified by CEDAW and other instruments. African governments could then be urged to adopt domestic violence

or other legislation aimed at protecting women.

Remedies

The Commission has no authority to grant a remedy or bind a state to its decision or to any findings made as a result of monitoring. The Commission submits reports of its findings to the Assembly which then determines what action, if any, is to be taken regarding the decision.

Weighing advantages and disadvantages

For complaints:

Advantages:

The procedure allows for groups including NGOs to initiate complaints before the Commission (Article 46). NGOs can also bring an issue before the Commission if it is proven that the individual directly affected is unable to do so.

Under Article 66, special protocols or agreements may supplement the African Charter. These could be used to remedy the situation of women under the Charter. At the meeting in Mauritius in 1996, the Commission passed a resolution to elaborate an additional protocol on women in the Charter. There is also in existence a draft protocol for the establishment of a court.

Article 18 of the African Charter makes the elimination of discrimination against women a priority and links the convention to all other international declarations and conventions on women. Articles 60 and 61 call on the Commission to draw inspiration from international covenants and in such a situation the Commission may be persuaded to interpret Article 18(3) of the Charter with reference to the provisions on women's rights in CEDAW and the Declaration on the Elimination of Violence Against Women. Women's rights advocates can therefore rely not only on the provisions of the African Charter to argue for women's human rights but can also authoritatively cite

CEDAW, DEVAW and other instruments with important provisions on women's rights.

Disadvantages:

The individual complainant and NGOs have a limited role in the system. The confidentiality of the complaint mechanism makes it difficult to assess how women have been able to use the system to promote and protect their human rights. Secrecy eliminates the potential for advocates to use publicity to embarrass governments into changing their ways. Cases are also very difficult to prove, as the standard is "serious or massive" violations of human and peoples' rights. Uncertainty exists as to the type of evidence that must be shown to meet this test. Moreover, the African Charter, in contrast to the European and Inter-American systems, does not allow for judicial review of the decisions of the Commission.

The overall effectiveness of the complaint procedure is weakened by the Charter's grant of power to the Assembly of Heads of States and Governments. If actions are brought against governments whose heads have final authority in the determination of the outcome of cases, there is very little likelihood that any effective action will be taken against any state.

For monitoring and reporting procedures:

Advantages:

The mandate granted to the African Commission is very broad, including undertaking of studies and research on human rights issues and the organizing of seminars, symposia and conferences on human rights. The Commission can work with African and international institutions concerned with the promotion and protection of human rights.

Disadvantages:

All these activities require financial resources; this has been a problem for the effective implementation of the mandate of the Commission. Also, the results of

Mechanism Overview

THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

WHAT IT COVERS

The African Charter on Human and Peoples' Rights. The Commission collects studies in the field of human rights; lays down principles and rules regarding human and peoples' rights; spurs cooperation with other African and international institutions; interprets all provisions of the Charter; and performs tasks entrusted to it by the Assembly of Heads of State.

OF INTEREST TO WOMEN

Can be used to promote and protect women's human rights in the Africa region.

TYPE OF PROCEDURE

Inter-state complaints, complaint-information and monitoring mechanisms.

AVAILABILITY OF PROCEDURE

State parties that have ratified the Convention.

ACCESSIBILITY REQUIREMENTS

Inter-state Complaints:
State parties must have exhausted all domestic remedies.

Complaint-information:
All authors must be identified. Communications must be compatible with the Charter of the OAU and the Charter on Human and Peoples' Rights and cannot be insulting to the OAU. They must be based on information other than mass media; all local remedies must be exhausted and communication must be submitted in a timely manner, and "should not deal with cases which have been settled by the States involved in accordance with the principles of the Charter of the UN, the Charter of the OAU or provisions of the African Charter."

PROCEDURES & HOW THE SYSTEM WORKS

Inter-state Complaints:
A state identifies a violation of another state through written communication. The responding state must respond within 3 months. States must make attempts to settle the matter amicably. If not, the communication is submitted to the Commission to decide if the admissibility requirements are met. The Commission hears the matter and attempts to reach an amicable settlement between the parties. If that fails, a report is prepared and sent to The Assembly of Heads of State and Government with recommendations from the Commission.

continued

For Complaint-information:

The Commission decides which written communications submitted by individuals or groups it will hear. If after considering the communication the Commission determines that it reveals "the existence of a series of serious or massive violations of human and peoples' rights" they will alert the Assembly.

The Assembly will study these cases and make a report.

ROLE OF ADVOCATES*For Monitoring and Reporting:*

Advocates can bring issues relating to women's human rights to the attention of the Commission and request an inquiry by the Commission. Advocates can also urge the Commission to lay down principles and rules.

REMEDIES

Non-binding recommendations.

ADVANTAGES AND DISADVANTAGES*For Complaints:**Advantages:*

NGOs can bring issues and complaints before the Commission. Women's groups can cite the Charter and authoritatively cite CEDAW and DEVAW and other instruments with relevant provisions.

Disadvantages:

Individuals and NGOs have a limited role in the system.

Secrecy limits the use of publicity to embarrass governments.

Cases are difficult to prove.

There is no judicial review of the decisions of the Commission.

*For Monitoring and Reporting Procedures:**Advantages:*

The Commission has a broad mandate.

Disadvantages:

The effective implementation of the mandate has been hindered by lack of financial resources.

Monitoring and reporting procedures do not bind states.

5

HUMAN RIGHTS ADVOCACY

Previous chapters introduced some of the mechanisms that can be used to seek redress and/or call attention to violations of women's human rights. This chapter provides an overview of human rights advocacy. It places the use of human rights mechanisms and other activities in the context of advocacy strategies and it examines the key components and characteristics of effective advocacy.

What is advocacy?

Advocacy is a political process designed to influence policy decisions at national and international levels. Advocacy is citizen-initiated and aimed at changing popular interests/needs/desires into definable policies, practices or even rights. Advocacy consists of actions designed to draw a community's attention to an issue and to direct policy-makers to a solution. It consists of political and legal activities that influence the shape and practice of laws or public policies. Successful advocacy often results in the recognition and greater respect of citizen rights.

Advocacy initiatives require organization, strategic thinking, information, communication, outreach and mobilization. Achieving a policy solution to a given issue means that advocates must:

- identify a clear issue, concern or problem that citizen action can play a role in resolving;
- investigate the nature and extent of the problem/concern;
- define a clear position and desired outcomes (e.g., articulate the entitlements or the rights desired and offer policy or legislative proposals, etc.);
- articulate the strategy (goals, target and actions to be taken);
- build alliances in support of the proposition;
- educate constituents, allies and the public about the issues; and
- lobby for the changes needed or litigate test cases to clarify the content of the rights or achieve the desired judgment.

There are many examples of advocacy in which an organization took the initiative to define a problem, propose a remedy and then draw in large numbers of people to support their position and lobby for the necessary changes. Consumer advocacy in many countries transformed people's concerns for product safety into sets of consumer rights to safe products, standards, and

Examples of Women's Human Rights Advocacy

International-level advocacy strategies:

- The worldwide initiative by women to add women's human rights to the agenda of the World Conference on Human Rights held in Vienna, Austria, in 1993.
- The effort of human rights advocates to make human rights the framework for the entire Platform for Action adopted at the Fourth World Conference on Women in Beijing, China, in 1995.
- Regional efforts to establish the Inter-American Convention on Violence Against Women.
- Campaigns to expose rape as a war crime in Bosnia and Rwanda.
- The campaign to compensate the "comfort women" who suffered systematic sexual abuse by the Japanese military during World War Two.
- Elaboration of additional Protocols on Women to the African Charter.

National-level advocacy strategies:

- Efforts in Ecuador, Peru and other Latin American countries to bring national laws into conformity with the new Inter-American Convention to eliminate violence against women.

enforcement mechanisms. Concern about the tragic deaths of people caused by auto drivers under the influence of alcohol sparked advocacy initiatives in several countries that changed the way the law, the police and the public view and deal with drunk drivers. The mobilization of communities to defend their land in the face of destructive practices by industry or government helped build the environmental movement and change ecological practices globally.

What is human rights advocacy?

Human rights advocacy and women's human rights advocacy use this same basic approach but their goals focus on human rights and their methods are framed by the human rights system. *Human rights advocacy* responds to citizen interest in transforming *formal* human rights into *genuine* and *effective* human rights. It uses constitutional guarantees and international norms, standards and mechanisms to hold governments accountable for their actions, to expand the core content of the guaranteed rights and to make the system itself more responsive and effective. In the same context, *women's human rights advocacy* aims to assure respect for and protection of

women's human rights and in particular to:

- *amplify the definition and understanding* of human rights to cover abuses of women that are not yet generally acknowledged as human rights violations;
- *expand the scope of state responsibility* for the protection of women's human rights in both the public and private spheres; and
- *enhance the effectiveness of the human rights system* at both national and international levels in enforcing women's rights and holding abusers accountable.

Within the framework of promoting and protecting women's human rights, advocacy initiatives vary widely because they are always grounded in particular circumstances, issues, opportunities and constraints. They tend, however, to focus on a few key targets within the human rights system at national, regional and international levels, particularly on:

- the laws and policies that define how women's human rights are interpreted;
- the institutions at national, regional and international levels charged with upholding these rights; and
- the attitudes and behaviors of officials and ordinary citizens (including

Making Formal Rights Real Rights

Type of Right

Rights found in the general human rights instruments intended to apply to both men and women.

Rights found in specialized instruments, such as CEDAW intended to cover rights specific to women, (such as freedom from sex discrimination).

Evolving rights (such as reproductive and sexual rights) that are not yet in any instrument.

Advocacy goals:

To assure that these apply to women consistently.

To assure that these rights be treated with the same seriousness as the general human rights.

To make explicit the identification, definition and protection of these rights.

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women) about women's rights. One advocacy initiative may aim to ensure that governments and human rights bodies take women's human rights more seriously, while another may seek to bring violations to the attention of monitoring bodies, governments or human rights organizations with the political influence and credibility to take up or remedy the cause of the victims. Still another may aim to achieve a definite decision or action with regard to a specific case. Another yet may seek to bring state law into compliance with human rights standards by pushing for reform of national laws. Each of these initiatives, in one way or another, contributes to *expanding the scope of rights, holding states accountable for violations and assuring that abusers are punished and remedies provided.*

What makes human rights advocacy effective?

Successful human rights advocacy presupposes a dynamic interaction between the issues to be addressed and the skills of the organizers. Conceptual clarity on the issue, strategic thinking in the design of the strategy and patience, energy and drive in carrying it out are all

needed for a successful advocacy endeavor. The following section examines some key characteristics of effective advocacy:

- strong organization and leadership,
- a compelling human rights issue,
- a clear analysis of the issue,
- a dynamic strategy,
- an appreciable constituency or support group,
- effective communication and education, and
- visible mobilization and action.

Strong organization and leadership

Organization and leadership are among the most critical elements in advocacy. An advocacy initiative only happens when someone makes it happen. Moreover, a complex advocacy strategy requires careful management of various elements, including information-gathering, communication, education and mobilization.

In the field of women's human rights, the people and groups best positioned to initiate and carry out advocacy strategies are those who know the women's human rights issues in their area, what the government has or has not done and

what women want. Often this is a local or national group; sometimes it is a regional or international group; sometimes it is a coalition of national and international groups collaborating to achieve a specific goal. Irrespective of the level, if the lead group is democratic, participatory, open to new ideas, flexible, and disciplined, it is even better positioned for the exacting work of advocacy.

Leadership inspires its own members as well as others to join in the process. Leadership knows how to build alliances, when to invite broader participation, when to seek expert input and obtain international support. It engages women and men to take the "right" kind of action at the "right" time in pursuit of the desired change. Initially, leadership provides the vision needed to frame the goals and recognize what needs to be done. In the course of the campaign, leadership contributes to the coordination, drive and continued inspiration required to press toward the achievement of the goal. Leadership with organizational capacity is thus the first pillar of advocacy.

A compelling human rights issue

The next characteristic of an effective strategy is a compelling human rights issue. That is, one that has a clear human rights content and a potentially positive impact on women. The starting point for this kind of advocacy is often the violation of a right, generally an act of gender-specific violence suffered by women or a law or practice that discriminates against women. Sex or gender-specific women's rights violations take place where the abuse constitutes a type of harm particular to the person's sex, such as rape, genital mutilation or pregnancy-related employment discrimination. There are also abuses that occur as the result of discrimination based on socially defined gender roles, as for

example, when women (but not men) are denied the freedom to choose whether, when and whom to marry.

Human rights issues can be identified through various means. Victims of abuse may seek help directly from advocates or advocates may learn through their own or other research about widespread violence against women or about laws that discriminate against women. Press or media reports disclosing abusive practices which can be connected with violations of women's human rights are also common sources.

Another source of information about abuses of women's human rights—or at least a point of reference for framing them—is the UN human rights system itself. The limitations and challenges to women's human rights emanating from official intergovernmental pronouncements, such as the Vienna Declaration, resolutions passed at CEDAW, CSW and the Commission on Human Rights, among others, offers fruitful ground for identifying issues suitable for advocacy. As explained in Chapter One, the dynamics of human rights are such that gaining consensus about the meaning of a right is an on-going process and often needs the extra push of advocacy to mature. Also, if governments, or even the UN are not in the habit of regarding women's human rights as authentic human rights—and therefore are failing to fulfill their obligations to protect all human rights—they also need the nudge of advocacy to become more consistent and responsible.

Whatever the nature or source of the advocacy issue, another consideration is the impact the issue will have on women and the community. Finding an issue that inspires people to active interest and commitment to action is also important. The "comfort women" advocacy issue, for example, (see case study on page 130) is powerful and engaging because of the number of abused women who might

directly benefit from a legal resolution, but also because of the way in which it has engaged various communities in Asia and the rest of the world. The "citizenship" issue (see case study on page 133) served a similar function in Africa because of the number of women affected and because of its relevance to women in many other parts of the continent and the world. Because of the blatant brutality embedded in the comfort women case and the unfairness in the citizenship case, these issues have the capacity to touch the sensibilities of people, helping them to reflect on and internalize the underlying human rights values and principles involved, thus consolidating a legal and personal culture of respect for human rights. The establishment or enforcement of legal principles that will make it more difficult for the same type of abuse to recur is one likely outcome of these efforts. A change in attitude about the status of women is another. The issue itself, thus, has potential impact on the women who were victims but also on human rights and on society as a whole.

Clear analysis of the issue

In addition to a compelling issue, effective advocacy presupposes a strong human rights "case," clearly defined, documented, and analyzed. Three elements go into building a strategic human rights case:

- showing that a right exists,
- proving that a violation of the right occurred, and
- demonstrating that the state was responsible for the violation.

Due to the fact that considerable ambiguity about women's rights still exists, arguing the existence of a right is not always simple. As noted above, major aspects of women's lives, such as reproductive and sexual freedom, are not yet fully recognized as being crucial to women's human dignity and therefore do

not receive full protection as human rights. Demonstrating state responsibility for a violation when the perpetrator of the violation is a private actor and not a direct agent of the state poses another challenge due to the same underdevelopment of human rights with regard to women and the fact that women routinely suffer abuse at the hands of non-state actors.

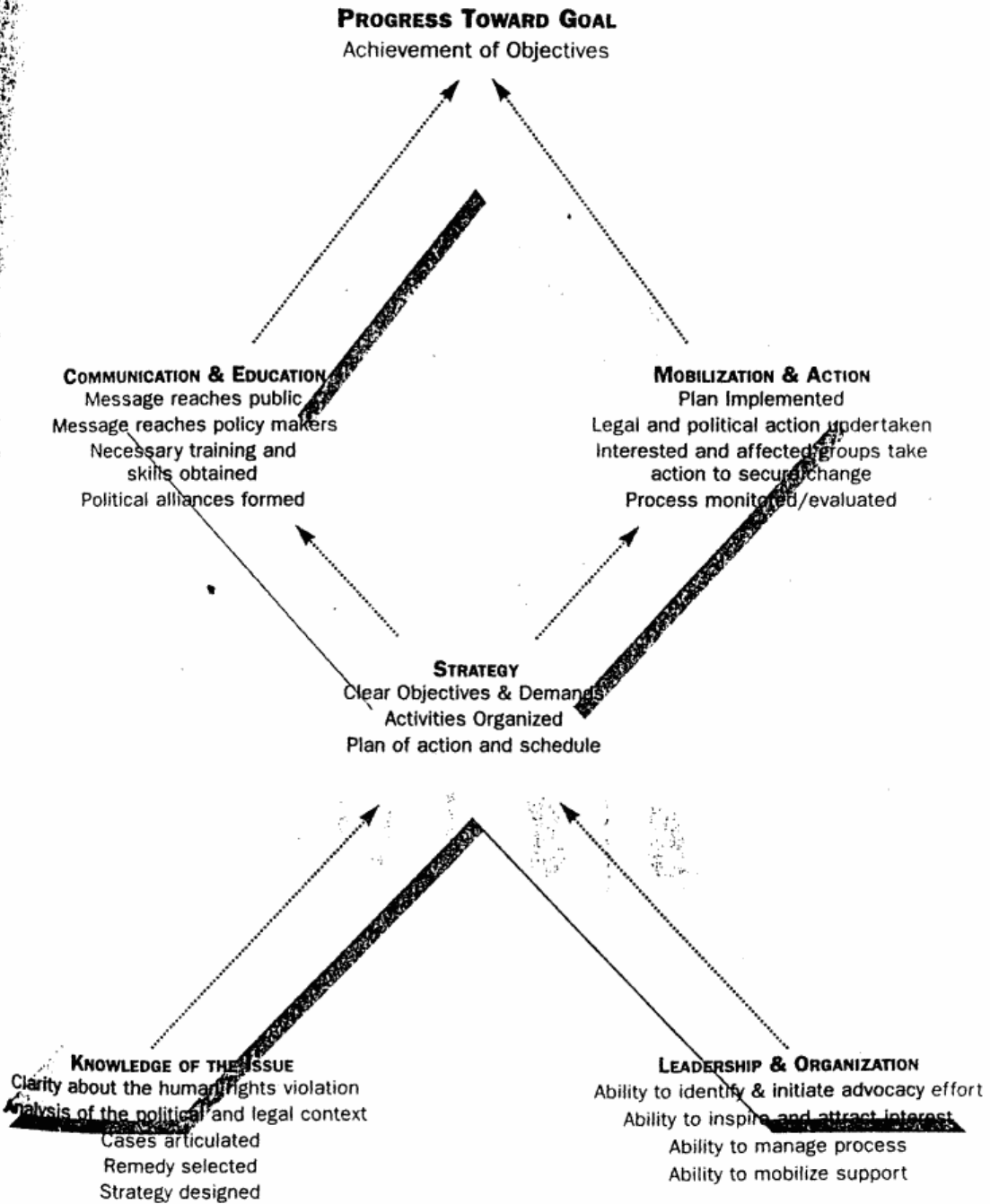
Confronting state impunity and inertia with regard to women's human rights and the place of women's human rights within religious or customary legal regimes likewise looms as a formidable task.

Fact-finding and analysis with regard to women's human rights contribute to overcoming conceptual problems in these areas. By revealing the link between women's day-to-day experience and human rights regimes at national, regional and international levels, investigation and documentation can contribute to expanding advocates' and governments' understanding of human rights as they apply to women. This process involves not only field research by women's human rights activists, but also academic inquiry and research. Publishing articles in scholarly journals or disseminating reports meant for broad consumption both have their place. Such efforts articulate perspectives that can influence the development of human rights law in favor of women's human rights and help assure that the treatment of women is consistent with international human rights standards.

Research and fact-finding around specific human rights abuses can thus serve an essential purpose in building a powerful case. Moreover, they can foster the development of human rights as a whole by clarifying and exposing inadequacies in the human rights system with respect to women.*

*Fact-finding is so important to the advocacy process that Chapter Six of this manual is dedicated entirely to data gathering, investigating and documenting violations of women's human rights.

Critical Components of the Advocacy Process in Action



Contemporary Challenges to Women's Human Rights *One Source of Suitable Issues for Advocacy*

Public/Private Dichotomy

- Abuses in the "private" sphere are not adequately acknowledged and states are not made accountable for them.
- Sexual and reproductive rights are not sufficiently articulated in human rights instruments and practice.

Universality of Human Rights

- Contradictions that exist between the guarantee of religious and cultural freedom and universality of human rights are still used to deny women's human rights.

Social and Economic Rights

- Social and Economic rights are not adequately defined.
- Mechanisms to enforce social and economic rights are underdeveloped.

Human Rights

Monitoring & Application

- Human rights concepts and mechanisms are not yet real in the lives of most women.
- Recommendations for improved handling of women's human rights are not adequately enforced.

A dynamic strategy

In addition to a compelling human rights issue and a strong human rights case, an effective advocacy initiative has a dynamic advocacy strategy based on a clear set of goals and objectives. The architects of effective strategies know what they want to achieve and what they have to do to get there. Effective advocates for women's human rights understand the remedies and the mechanisms offered by the human rights system at the local, as well as regional and international levels. They evaluate and select the most appropriate approach available, given the nature of the issue, the behavior of the state, and other relevant local circumstances. The advocacy groups with the most clarity on the issues involved and the possible actions that can be taken will be in the best position to be successful in their endeavors.

There are three parts of the advocacy plan that need to be in place: 1) goals and objectives, outlining what will be achieved; 2) a strategy design, outlining the type of actions to be carried out; and 3) a plan of action, defining the structure and sequence of activities, when they will be carried out and by whom.

Goals and objectives

The nature of the violation identified, the context of the abuse and the availability of remedies will shape the objectives and demands of the advocacy process. The objectives define what the advocacy strategy proposes to achieve, what its desired outcome will look like and what it will accept as "victory." Broad, generalized or abstract goals may provide worthy ideals, but do not necessarily translate into the concrete tactics necessary for a successful advocacy campaign.

While the goals of all advocacy efforts relate to expanding the scope of recognized rights, asserting state responsibility for violations of women's human rights and/or seeking remedies for individual violations, for a given initiative objectives must be concrete and specific. For example:

- If it is a gender-specific abuse directed against a woman or group of women, obtaining a legal remedy to stop the violation, punish the violators or compensate the women may be an appropriate objective.
- If the violation is the result of the application of a discriminatory law or

Some Human Rights Advocacy Strategies

Objectives to be Achieved	Legal Strategies	Political Strategies
Recognition of women's rights as human rights	Bring case on specific issue(s) to establish right(s) in domestic courts and ultimately to an international tribunal. Collect evidence and send it to an international monitoring body.	Awareness-raising campaigns, e.g. media campaigns, legal literacy programs. Letter-writing campaigns.
Stopping widespread and systematic violations of women's human rights	Identify victims and file cases in court. Prepare a "shadow report" and send it to any international body to which the offending government already sends periodic official reports. Send the shadow report to any domestic administrative human rights body.	Advocate for law reform, if existing laws are inadequate. Advocate for the passing of relevant legislation if none exists. Conduct investigations, write a report and send it to international NGOs so they may also pressure the government to take action.
Protection of individual rights	File a case in court for a remedy to stop the violation.	Raise public awareness about the case. Lobby parliamentarians.
Protection of women's human rights in emergency situations	File a case in court and apply for interlocutory measures to stop continued violation. Use emergency procedure to access international forum.	Publicize the situation using media campaigns, solidarity campaigns and alerts.

customary practice, or of the absence of a law which is needed to defend women's human rights, then a possible objective may be to seek legal reform or the passage of a new law to improve women's rights.

- If the violation is system-wide and government assistance is unlikely, then the appropriate objective may be

simply to raise public awareness about the issue or to report it to inter- or non-governmental organizations, which may be able to influence the government in question to take action to improve women's rights.

Effective advocacy presupposes that objectives be defined in *very clear and manageable terms* at the start. For

example, in the "comfort women" initiative, the overarching goals of "holding the government accountable for its actions" was translated into an unambiguous requirement that the government pay compensation to each of the survivors, and a demand to include in Japanese school text books the history of the sexual enslavement of women by the military during World War II. This is certainly more powerful than a vague goal of "raising awareness" about the issue. Goals and objectives that are defined in both short and long-term timeframes are also useful. The final outcome sought by the group may be the culmination of a series of small victories. Getting the government of Japan to pay compensation to the comfort women, for example, cannot happen without a long string of victories, including non-binding recommendations by various human rights entities, a strong support group formed in Japan and other countries in Asia and the world, etc. Each of these victories represents a worthy interim objective.

5 Targeted objectives answer clearly such questions as: Is the government being asked to reform a particular law? Is it being asked to stop specific actions constituting a violation of women's human rights? Is it being asked to ratify a treaty guaranteeing women's human rights? In an effective strategy, specific objectives and demands are understood by everyone involved.

Dynamic advocacy allows for growth and refinement of objectives as the process develops. Initial objectives are usually based on good hunches but incomplete information. They allow the process to move forward, but objectives and targets often change or become more specific as the plan unfolds. Additional data-gathering and documentation help refine the understanding of the chosen human rights issue and the legal and political context in which the advocacy

strategy will be carried out. As the research process deepens the analysis and understanding of the violations, objectives may need to be modified to assure that the strategy has maximum impact.

A strategy design

The second part of the strategic plan defines the political and legal actions that participants will undertake to achieve the objectives of the advocacy initiative. Women's human rights advocacy is essentially a political process because it seeks to influence policy decisions and conduct in favor of women's human rights. Yet, because it rests on the bedrock of national and international human rights law and enforcement mechanisms, human rights advocacy work often includes legal action. To achieve their objectives, advocacy strategies combine legal action, which directly engages the law, and political action, which mobilizes constituencies to pressure governments or institutions for change in both law and practice.

Recognizing the distinction between legal and political action is useful conceptually for planning and organizing purposes. However, human rights advocacy is hardly ever purely legal or purely political. The most effective strategies combine political action with legal action. The previous chapters detailed some of the judicial actions that advocates can initiate in favor of women's human rights, such as: bringing a test case to court (litigation); filing a complaint with a regional or UN human rights mechanism; or establishing a state's accountability for a violation of a specific human right which it is legally bound to uphold. Taking a government to court or submitting a complaint to an international body (legal actions) exert pressure and publicize a given issue (political actions). Lobbying, legislative advocacy and monitoring, the most directly political part of advocacy, are often essential

to the success of the more legally oriented advocacy efforts. The dynamic character of international law, and the fact that its remedies are fragile at best, requires human rights advocacy to include sustained political pressure. On the other hand, political pressure absent the weight of human rights law has less effect on governments than political pressure that invokes legal standards.

Ultimately, legal and political actions are mutually reinforcing and work together to shape more equitable policies, standards and attitudes and assure that governments and citizens comply with international human rights law. In the last analysis, effective strategies have a ratio between political and legal action that is appropriate to the nature of the issues, the political situation in the country and the human and material resources available to the group. In addition to reflecting the necessary balance between legal and political activities, the selection of activities is also based on efficiency and other criteria to be developed by the group. These criteria include, for example:

- Activities that are efficient and cost effective, i.e., that have a high results ratio for the effort involved.
- Actions that will best enable the involvement of all or most of the participants.
- Activities that will best publicize the issue and demands involved.
- A sequence best suited to achieving short-term and long-term goals.

A plan of action

The plan of action consists of the type and sequence of steps necessary to be undertaken given the activities that have been identified as essential to achieving the initiative's objectives and goals. Building on the strategy design, the plan of action simply spells out what will be done, when and by whom and criteria by which to measure progress. The plan also corre-

sponds to the short- and long-term goals of the advocacy effort.

An essential part of the plan defines how the work will be divided and who will take the lead on which activity. A clear division of roles and responsibilities among the participants is essential in order to prevent contradiction and confusion in the message being put across and to maximize efficiency and effect. When each participating organization or individual takes charge of a specific aspect of the strategy, it ensures that all aspects will be covered and that different skills/expertise will be used appropriately.

Maximum sharing of information among participants (about the strategy's progress, problems, need for further information, etc.) will empower all participants to execute their roles effectively as the strategy unfolds. Therefore, participants should understand and agree on the coordination of roles and activities and on how information is to be shared.

Finally, a plan should include evaluative criteria and a plan for evaluation. The plan should spell out:

- How achievements will be measured.
- How the lessons learned will be used.
- How the analysis of what works and what does not will be incorporated into the ongoing planning.
- How the advocacy process will be tracked and documented.
- The means that will be used to evaluate and monitor the effort in the interim and at the end of the process.

Effective advocacy requires a well thought out, strategic plan that is focused and targeted, but also flexible. Such a plan is the product of good organization and leadership.

An appreciable constituency or support group

The next element to be considered in an effective advocacy initiative is partici-

pation and support. Indeed, success in advocacy depends on popular support. This is particularly true in women's human rights advocacy. Women are at such a disadvantage in most societies that it requires the strength of numbers to make an impact on governments and other human rights actors.

Law-making bodies, government agents (including judges) and international agencies whose decisions affect women's rights respond to political pressure. If no one pushes them, the inertia of the status quo will rule the day. The effectiveness of an advocacy initiative will depend on the number and range of people involved and how they target their efforts.

All effective advocacy strategies include outreach or constituency-building activities. The advocacy issue itself often points to potential participants. Those already working on the issue or whose work might be significantly affected by the success or failure of the advocacy effort are potential participants and activists.

All women are affected by discrimination, violence and other forms of human rights abuse and they all can play a role in advocacy at the different levels of state power. Women, like other disadvantaged groups, can and will fight to end their own oppression when they recognize it and when they feel there is a clear solution or possibility of change. In addition, there are men who would like to promote social justice across gender divisions and be involved in advocacy to promote women's human rights. In short, anyone concerned about justice can be involved in advocacy.

The sooner such people are invited to join the effort, the more of a stake in the effort they will have and the more important they will become to it. Of course, not everyone will participate at the same level. Besides those who will cooperate actively in the organization and imple-

mentation of the strategy, there are individuals who will form opinions and support the initiative in less perceptible ways on a daily basis. They also form part of the support group or stake-holders.

The stronger and more vocal the support group, the better poised the advocacy strategy will be for success. An organized, diverse and articulate constituency, exerting influence on decision makers is a powerful engine for change in favor of women's human rights. When entire communities join women in mobilizing to demand their rights, their voices cannot be ignored.

Effective communication and education

The next characteristic of an effective strategy is a strong communication and public education program, a necessary condition for building citizen support for the advocacy initiative. People cannot support a cause if they don't know about it. Organizations with effective advocacy strategies understand the power of communication and public education and know how to use the media well.

In most countries, few people or organizations have experience working on issues of women's human rights. National laws remain discriminatory or silent on many aspects of women's human rights. Customary and religious laws, where applicable, often reinforce the systems that violate women's human rights. Under these circumstances, consciousness-raising, education, training and media strategies are important tools for developing a constituency of individuals committed to respecting women's human rights.

Public education and media

For affecting public opinion, nothing equals positive media coverage as a tool for publicizing the issue, getting the message out and influencing policy makers and the general public. Public opinion, educated by media reports, can

Working with the Media: Building a Strategy

"Think about media coverage as a water faucet. When the systems are turned on, water pours through the faucet. When the systems are turned off or left dormant, the water stops.... Likewise, if an organization aggressively works at getting news coverage...then good press coverage will become routine. Waiting passively for the media to call you may mean that your group stays invisible to the outside world. If the leaders of your group decide media coverage is a top priority, they must be prepared to allocate resources accordingly."

(from Strategic Media: Designing a Public Interest Campaign (Communications Consortium Media Center, 1994)

be powerful in swaying states to redress internal violations of women's human rights.

Media strategies can range in sophistication from minimal (e.g. one or two press conferences advertising the launch and the successful conclusion of an advocacy effort) to full-blown campaigns that include an in-house media relations office and ongoing relationships with national and international media contacts. Those groups that use media effectively have several practices in common.

- Early in the project, they decide where media coverage fits into the overall priorities of the advocacy effort. Media planning is thus incorporated into the initial blueprint for the project. This approach helps prevent tensions later over the use of valuable time and resources.
- The organization's top leaders and spokespersons get involved early in the process and are responsible for planning media coverage.
- Public opinion is periodically measured and tracked. Different approaches are used to change public opinion on the issue and to mobilize the people who already support the issue. Polling data can be enormously helpful in illuminating where the public stands on the issue. In many countries, polling sources are available to the public for little or no money.

- Past press coverage is charted. Reviewing previous press coverage of the issue, if any, helps assess how it might have been more accurate, who was quoted and what arguments were put forth by representatives from all sides of the issue.
- Creativity among people involved in the advocacy initiative is encouraged. By brainstorming strategies for achieving the best possible press coverage and how issues should be presented to reporters, results can be visualized and tracked over time.
- The message is periodically reviewed, revised, repeated. The media strategy is systematically evaluated throughout the advocacy campaign and revised as needed.

Education and training

Not all awareness-raising and educational goals associated with an advocacy initiative can be achieved through the media. A variety of educational activities are needed to reach specific individuals who have the capacity to play important roles in the success or failure of the effort and who may become either allies or opponents.

Most individuals interested in promoting greater respect for women's human rights need assistance in understanding how human rights systems work. Because of their long exclusion from the

human rights field, women's rights activists particularly require training. Police, judges and lawyers are also prime targets for training since their concepts of human rights are often biased or incomplete when it comes to women. People working with human rights bodies at all levels need training to build their capacity to protect women's human rights, as do human rights activists working in national or international human rights organizations that do not routinely address the rights of women.

In providing more in-depth training to judges, law enforcement agents, journalists, other NGOs, etc., effective advocates know that exposure to new thematic areas might make the critical difference in winning them over. Key themes, in addition to the specific content of a given advocacy initiative, include:

- The concept of human rights and the place of women's human rights in the human rights system and movement;
- How to investigate and document violations of women's human rights;
- How to push for legal reform aimed at bringing national laws in line with international human rights standards; and
- How to access and use to the best advantage national, regional and international human rights enforcement mechanisms.

Empowering women through advocacy

Training can be very limited if approached only as a technical exercise to help women understand the human rights system. What is also needed is an educational process that fosters a deeper

understanding of women's status as expressed in law and practice and the development of women's capacity to take action for change. Rights education in the context of advocacy should be aimed at facilitating the involvement of more women in exercising their human rights and demanding accountability for violations of those rights.

In the context of creating and defending rights, education plays an important role. Through empowering rights education the structures of the system can be exposed, challenged and pressed to be responsive to gender issues. In the final analysis, it is not changing the law or getting the favorable judgment that defines the value of women's human rights advocacy, it is the process by which women not only activate the rights they do have, but also redefine and reshape inadequate laws and human rights standards and ensure their full and fair application. Rights education in this context is about helping women to use the law, rights and the human rights system as a political resource, to gain the power needed to effect change.*

Visible mobilization and action

The final element in an effective advocacy strategy is its capacity to mobilize groups and individuals to take action in support of the desired change. Successful advocacy has both depth and breadth among its supporters. In addition to counting on expertise to build the case in legal terms, shape arguments, draft legislative proposals, document and verify abuse, etc., effective advocacy counts on ordinary people to stand up and defend or promote the issue from their own experience and perspective. Mobilization

*It is beyond the scope of this book to explore rights education in depth. See, Schuler, Margaret., and S. Kadirgama-Rajasingham (eds.) *Legal Literacy: A Tool for Women's Empowerment* for a fuller exploration of the methodology of rights education as empowerment. See also, Mertus, Julie, with Mallika Dutt, and Nancy Flowers, *Local Action/ Global Change: Learning About the Human Rights of Women and Girls* (New York: United Nations/ UNIFEM, forthcoming 1997) for a specific examination of how women can develop an understanding of their human rights.

activities that call on supporters for different inputs might include:

- Meetings with decision-makers and other persons who have influence over the violators;
- Meetings with the violators themselves;
- Media interviews to publicize the issue;
- Public hearings in which victims of the human rights violation narrate their experiences;
- Public meetings rallying the communities of the victims;
- Parliamentary hearings considering the merits of a law reform initiative;
- Court testimony;
- Turnout at the electoral polls;
- Petitions calling for specific reforms;
- Boycotts;
- Protest marches to highlight and oppose abusive practices;
- Letter-writing or email campaigns targeting officials responsible for abuse

The final test of advocacy is measured by the effective support it can muster.

In sum, advocacy is a powerful tool in the hands of citizens and particularly of non-governmental organizations. History shows us that the mechanism pushing forward the human rights process—from the articulation of basic human rights to their consistent application—has been the organized groups around the world willing to press for the definition of new or unrecognized rights and to hold governments and the human rights system itself to account. There is a current trend among some governments to view NGO's as obstructionist in the process. There is also a move to limit access of NGO's to the human rights system. It is essential, therefore, for women's rights advocacy groups to become proficient in human rights advocacy and to be astute and intelligent strategists. Much is riding on their success.

HISTORY AND STRUCTURE OF OPERATION LIFELINE SUDAN

OPERATION LIFELINE SUDAN'S MISSION STATEMENT

Operation Lifeline Sudan includes UN and non-governmental agencies (NGOs) working with technical counterparts and local populations whose survival and protection are jeopardised by the conflict. In striving to meet the needs of war-affected civilians, OLS aims to save lives, protect beneficiaries' safety and dignity, and strengthen resilience.

OLS accesses and delivers assistance to war-affected civilians in southern Sudan, the transitional zone and displaced settlements in the greater Khartoum area, through negotiated access agreements. Its actions are guided by a core set of humanitarian principles: neutrality, transparency, impartiality and accountability.

HOW OPERATION LIFELINE SUDAN BEGAN

In 1988, a devastating famine gripped southern Sudan, primarily in the Bahr el Ghazal region, killing an estimated 250,000 people. Unfortunately, the political climate and prevailing insecurity often prevented humanitarian agencies from reaching vulnerable people.

In March 1989, the Government of Sudan and the United Nations organised a Conference on Relief Operations in Khartoum, at which participants discussed a plan of action for a relief effort primarily concerned with nutritional assistance. James P. Grant, the UNICEF Executive Director, was appointed the UN Secretary General's Personal Representative for the newly created OLS, whose primary purpose was delivering assistance through corridors of tranquillity.

During the first week of April, the international community formally launched OLS operations when truck convoys departed from Khartoum and Nairobi for southern Sudan. UNICEF and WFP collaborated with a handful of NGOs to

deliver humanitarian assistance to civilians in need. These included the transitional zone (the southern part of the North and the northern part of the South), Government towns in the South, and areas in the countryside under control of the SPLM. Agencies accessed Government areas from Khartoum and delivered humanitarian relief to the south from Nairobi via the Kenyan village of Lokichokio near the Sudanese border. This made OLS the first humanitarian relief programme to operate cross-border into a war zone with the agreement of the sovereign government and other parties to the conflict.

IMPLEMENTATION HISTORY OF OLS

From 1989 to 1992, OLS operated under Plans of Action with the parties to the conflict. In 1990, OLS signed Letters of Understanding (LOUs) with participating NGOs, outlining basic programming requirements on the part of OLS and featuring pledges from the signatories to adhere to OLS humanitarian principles.

At the end of 1992, OLS significantly expanded in scope. At that time, the conflict was growing more complex, requiring increasingly sophisticated mechanisms to deliver aid to war-affected people. Consequently, the UN's Department of Humanitarian Affairs (now OCHA – the Office for the Coordination of Humanitarian Affairs) became responsible for coordinating OLS. In 1993, a UN Special Envoy for Humanitarian Affairs was appointed to liaise between the parties to the conflict on access to populations in need and maintain an open operating environment.

In 1994, the Government of Sudan, the UN, and the SPLM signed a tripartite agreement under the auspices of IGADD (the Inter-Governmental Authority on Drought and Development) giving the UN access to war-affected regions. The agreement included three major points: 1) relief assistance shall be delivered to all needy populations regardless of their locations; 2) humanitarian assistance shall benefit only

civilians and not be used by warring parties; and 3) all humanitarian actions and activities shall be transparent and carried out with the full knowledge of all parties. The 1994 agreement aimed to prevent unnecessary hunger, lower high levels of morbidity and mortality, assist civilians to re-establish traditional coping mechanisms, and restore basic social services.

STRUCTURE OF OPERATION LIFELINE SUDAN

OLS includes UN agencies and international NGOs and works through two operational sectors. OLS northern sector operates out of Khartoum while OLS southern sector is based in Nairobi with a forward staging base in Lokichokio in northern Kenya. The UN Resident Coordinator, based in Khartoum, is the UN Coordinator for Emergency and Relief Operations (UNCERO) and acts as overall coordinator for all OLS activities. UNCERO is supported by UNHCU, which serves as the secretariat.

The northern sector programme delivers humanitarian assistance to internally displaced persons and other war-affected populations mainly in Government locations, as well as some rebel-held areas. The southern sector delivers aid mainly to rebel-held areas of southern Sudan, but also to Government areas. Both OLS sectors operate airlifts to deliver food to vulnerable people on opposite sides of conflict lines.

In the northern sector, UNICEF is lead agency for non-food assistance and coordinates activities with WFP and NGOs, although there is no formal overall consortium. (Each NGO negotiates its own agreements with the Government and many sign Letters of

Understanding with UNICEF.) UNICEF also coordinates programme assistance with and provides supplies to NGOs operating in Government areas. Close coordination with other agencies ensures that programmes are complementary, and encourages them to share basic demographic and other data.

In the southern sector, UNICEF is the lead agency for coordinating programme activities and many logistical issues, such as operating the forward staging base at Lokichokio. Consequently, UNICEF shoulders special responsibilities in addition to its regular programmes for women and children. These responsibilities include:

- coordinating overall programme strategies, policies and priorities with an OLS consortium of more than 40 NGOS;
- promoting common, collaborative approaches among NGOs to identify needs, provide services and monitor progress;
- consulting with authorities on all sides of the conflict to plan and implement programmes, negotiate access and assess humanitarian needs;
- coordinating logistical support with WFP in transport, security and radio communications, and managing the OLS relief base at Lokichokio in northern Kenya.

In both sectors, WFP provides the vast majority of the food assistance for vulnerable people. In 1998, WFP operated the largest humanitarian airlift in UN history. WHO and FAO provide essential technical support for UNICEF programs in health and household food security, respectively. NGOs provide services in health, nutrition, water and environmental sanitation, education, household food security, and for children in especially difficult circumstances.

AN OVERVIEW OF UNICEF OLS PROGRAMMES

UNICEF IN THE FIELD

In both northern and southern Sudan, UNICEF supports programmes to promote the rights of children and women by providing supplies, coordination, technical advice, and training to partner non-governmental organisations (NGOs) and other institutions implementing humanitarian assistance activities in the field. In the north, a primary partner is the Government of Sudan (GOS), while in the south UNICEF works in rebel-held territory in a civil war where implementing partners are officials affiliated to the rebel movements. The arrangement requires UNICEF to support activities in the north out of Khartoum and those in the south from Nairobi and Lokichokio, Kenya.

Although UNICEF does not operate health clinics, it sometimes runs feeding centres when malnutrition is part of a major emergency. Most often, the agency provides high energy milk and UNIMIX to feeding centres, drugs and vaccines to health facilities, handpumps and other supplies for supplying potable water to communities, seeds and tools to farmers, books and education materials to schools and non-food items to displaced populations. It also works with partners to train community health workers, vaccinators, teachers and farmers. Often UNICEF resources go to train community leaders and local authorities on topics ranging from educating their citizens about the Convention on the Rights of the Child (CRC) to proper sanitation. These inputs combined with coordination forge measles campaigns, nutrition surveys, sometimes of entire towns, and help build wells and schools. In OLS, UNICEF also has a special role of coordinating response to breaking emergencies and maximising the use of resources.

In OLS Southern Sector, UNICEF has a special role as the designated lead or coordinating agency, the only place in the world where the agency assumes this responsibility while fulfilling its traditional

role. The agency provides leadership to a consortium of four UN agencies and more than 40 NGOs. It is responsible for negotiating access on behalf of OLS to rebel-held southern Sudan and for providing facilities and services benefiting the whole Southern Sector consortium. These services include the security umbrella to enable up to 400 UN and NGO staff to work inside southern Sudan, funding the common air bridge to enable NGO supplies to be transported from the forward staging base in Lokichokio into locations in southern Sudan, and managing the Lokichokio OLS camp.

EMERGENCY PREPAREDNESS AND RESPONSE

Conflict, drought, floods, and other disasters displace people and destroy their homes, often leaving them with few possessions beyond the clothes they wear and few belongings they can carry. This prompted UNICEF to create an Emergency Preparedness and Response programme and design it to boost OLS' capacity to respond to critical emergencies. It responds when populations are in dire need of assistance including food, medicines, water and non-food items, such as plastic sheeting to construct shelter, cups and cooking pots, clothing, and soap.

In 1998, UNICEF Northern Sector delivered more than 13,000 blankets and 50,000 square metres of plastic sheeting and tarpaulin to vulnerable people in GOS-held areas of southern Sudan. UNICEF prioritized these items for women and children in Wau town in Bahr al Ghazal.

In both sectors, UNICEF coordinated humanitarian response through Emergency Response Teams (ERT), operating out of Lokichokio and Khartoum. The ERTs were tasked to get to emergencies, assess needs, develop plans involving OLS agencies and counterparts, and coordinate the efforts of consortium members and counterparts, and required UNICEF to maintain strategic

emergency stocks. Throughout 1998, the teams coordinated assessments and interventions in all areas of acute emergencies, including those in the Bahr el Ghazal, western Upper Nile, and Equatoria regions.

In rebel-held areas of the Bahr el Ghazal region, the ERTs enabled UNICEF to deliver supplementary feeding supplies to centres managed by OLS NGOs, to ensure the adequate availability of supplies on the ground at all times, to provide flight priority to feeding centres, and to direct new NGOs to the areas in most need of assistance. Apart from conducting assessments in the western Upper Nile region, the ERT led OLS in seeking commitment of the warring parties to ensure security on the ground prior to relief deliveries and mobilised OLS consortium members to deliver essential quantities of relief supplies until the situation was more secure.

In the eastern Equatoria region, where massive flooding in Bor County had displaced approximately 114,000 people, the ERT worked with consortium NGOs and counterparts to relocate the displaced to more easily accessible areas, helped establish new air strips, and coordinated the deliveries of relief items to help communities resettle until the waters would subside. In the western Equatoria region, the ERTs coordinated assistance to more than 17,000 Sudanese refugees who had returned from Democratic Republic of Congo (DRC) in October. Their return followed reported insecurity in the vicinity of three refugee camps in the Dunga and Doruma areas in northeastern DRC on 3 October.

HEALTH

In 1998, malaria, diarrhoea, and acute respiratory infections accounted for two-thirds of the attendance at health facilities. An increasing trend of tuberculosis throughout the country was compounded by an emerging increase in HIV/AIDS. By November 1998, there were reports of more than 36,000 guinea worm infection cases and there were some 60,000 people affected with sleeping sickness in the Equatoria region. Throughout the south, river blindness was endemic with more than 850,000 people at risk of permanent sight disability. This constituted a large obligation

for health facilities, which potentially cover 40 per cent of the population.

In OLS Northern Sector, UNICEF works with the Government to try to meet people's basic health needs. All areas served by OLS Southern Sector, however, lack an overall governing health authority, giving UNICEF, as the OLS Southern Sector coordinator, the responsibility for guiding the planning, implementation, and review of health activities.

In 1998, UNICEF Northern Sector provided 1,077 essential drug kits, and other supplies including mosquito nets, to NGOs and government health facilities in Government garrison towns while the Southern Sector provided partners working in rebel-held areas, many previously unserved, with essential drug kits. Northern Sector also distributed 6.2 million sachets of Oral Rehydration Salts (ORS) to treat dehydrated children and adults. UNICEF OLS Southern Sector also increased the number of health NGOs in the northern Bahr el Ghazal region from one in February to 14 in August 1998. The drugs available at health units in both sectors drew mothers and families to these establishments, creating opportunities to promote basic health messages.

Some 1998 achievements stand out. The first Sub-National Immunisation Days (SNIDs) vaccinated more than 800,000 children against polio in Southern Sector. In OLS Northern Sector and other areas of northern Sudan, UNICEF assisted the government to vaccinate 4.2 million children (almost 100,000 of them in southern Sudan). The campaign covered locations previously without services, such as the Bahr el Ghazal and Upper Nile regions. Through the campaign, OLS also discovered guinea worm in 400 new villages. In the Bahr el Ghazal region, UNICEF initiated measles campaigns to vaccinate 25,000 children in the Northern Sector and more than 114,000 children in the Southern Sector. UNICEF Southern Sector also distributed doses of Vitamin A to more than 72,000 children. This was at the height of the famine, when the likelihood of a measles outbreak was at its height.

NUTRITION

The extraordinarily high malnutrition rates recorded in both sectors of UNICEF OLS during 1998 brought nutrition assistance to the fore of humanitarian assistance. In southern Sudan, malnutrition is often common in children (and mothers) with average rates of between 25 and 30 per cent. In 1998, however, more than 100,000 women and children were nutritionally vulnerable and required feeding. The main causes were poor household food security and lack of safe drinking water. The high prevalence of diseases exacerbated poor nutritional status. Often insecurity aggravated the situation, as was the case in the Bahr el Ghazal crisis, which resulted in high levels of malnutrition. The prevalence of global malnutrition for children below five years of age peaked at more than 50 per cent in some areas of OLS Southern Sector. Similarly, among new arrivals to Wau, the Northern Sector recorded a global malnutrition rate of 72 per cent.

In 1998, UNICEF OLS Northern Sector provided 896 MT of nutritional foods for nutrition rehabilitation activities, while the Southern Sector supplied centres with more than 1,500 MT of nutritional foods, the bulk to 17 centres benefiting people in the Bahr el Ghazal region. Action in the Bahr el Ghazal region helped reduce malnutrition. In the Southern Sector, the malnutrition rate fell from 50 per cent in June to 30 per cent in September. Mortality, associated with malnutrition, also dropped significantly from 26/10000/day in July to 3/1000/day in September. In the Wau town, served by the Northern Sector, the malnutrition rate dropped from 72 per cent among new arrivals in August to 26.8 per cent in late November.

Within UNICEF Southern Sector, the nutrition programme worked closely with the water and environmental sanitation programme to improve the impact of feeding activities and curb the potential for outbreaks of diseases, such as cholera.

Outside the Bahr al Ghazal region, the Northern Sector's nutrition programme provided nutritional food and other supplies to 18 feeding centres in the Upper Nile region, 24 centres around Juba in the Equatoria region,

and to displaced populations in the northern regions of Kordofan and Darfur as needed.

WATER AND ENVIRONMENTAL SANITATION (WES)

Limited access to safe water supplies caused major disease among rural populations, especially the children and women among war affected or displaced populations. As the World Health Organization estimates, approximately 90 per cent of epidemic diseases in Sudan are waterborne. The majority of the rural population had no access to safe drinking water and relied on unclean surface water or non-protected hand dug wells. The need for potable water and adequate sanitation rose significantly when these populations required feeding. Estimated coverage in Bahr el Ghazal was approximately 10 per cent for the minimum requirements of safe water (5 litres per person per day), and between 5 to 6 per cent in the western Upper Nile region. Sanitation facilities were inadequate and open defecation was widely practised.

In both sectors, UNICEF coordinated and provided technical assistance for WES programmes and assisted in planning, conducting geoelectrical and hydrogeological surveys, drilling boreholes, rehabilitating handpumps, converting traditional hand-dug wells to handpumps, and promoting hygiene education.

The UNICEF OLS Southern Sector supported 60 local counterpart water teams to operate and maintain existing water points while NGOs implemented the main activities in emergencies. UNICEF dispatched some US \$782,000 worth of supplies and materials to respond to the emergencies, facilitated flights and orientated NGOs wanting to work in the Bahr el Ghazal region. The supplies included those furnished to 45 major feeding centres and at the main food distribution points in the Bahr el Ghazal region. The agency complemented these activities by working with local authorities to promote hygiene awareness and construct 50 latrines. WES also created new water points by constructing hand dug wells and drilling boreholes in the Bahr el Ghazal region during rapid training courses in

hand drilling. In the western Upper Nile town of Leer, UNICEF coordinated and facilitated training courses and workshops for 15 members of counterpart water teams in June and helped the community construct a training centre. The three attacks on the town in 1998, however, completely destroyed the centre.

In the Northern Sector, UNICEF provided NGOs and government counterparts with concrete and other supplies needed to drill 41 boreholes, install 41 handpumps, improve 86 handdug wells, rehabilitate 666 handpumps, and construct 730 household latrines in government-held areas of southern Sudan.

HOUSEHOLD FOOD SECURITY: AGRICULTURE, FISHERIES AND LIVESTOCK

Insecurity and poor weather conditions negatively affected the people's access to both crops and livestock in 1998. In the Bahr el Ghazal region, an estimated 70 percent of the population suffered considerable losses of their productive assets. In the Upper Nile region, fighting prevented farmers from either cultivating or harvesting their crops. In the Equatoria region, the influx of more than 17,000 returning refugees from Democratic Republic of Congo in October placed further pressure on the food security situation. These developments were especially precarious to food security for the Jur and Moru tribes of the Bahr al Ghazal and western Equatoria regions that depend on grain and wild foods to meet 70 per cent of their food needs.

The Household Food Security program strengthens the ability of southern Sudanese to provide their own food needs through cultivating crops, fishing, and maintaining livestock. In 1998, it provided seeds and tools to farmers, trained vaccinators and animal health workers to treat cattle and other livestock, and supplied fishing hooks and other equipment to fishermen.

The ongoing conflict has completely disrupted the pre-war animal health services, which prompted UNICEF to establish community-based animal health services (CAHS) and to help control rinderpest in many areas. Livestock are important to food security in much of southern reaches of Sudan. Approximately 75 per cent of the southern

Sudanese population are agro-pastoralists who depend on livestock products, including milk and blood, to meet up to 40 per cent of their nutritional needs. However, disease, both endemic and epidemic and including rinderpest, which is the most devastating, threaten livestock productivity.

In the Northern Sector, UNICEF created Local Agricultural Committees that distributed seeds and tools and organised re-payment of the supplies at the end of the harvest.

In 1998, UNICEF coordinated the delivery of 2,293 MT of seed (1,842 MT from the Southern Sector and 451 MT in the Northern Sector), as well as 89 MT (plus MT from Northern Sector) of agricultural tools to farmers. The Northern Sector conducted distributions through Local Agricultural Committees while the Southern Sector coordinated distributions with 15 OLS and non-OLS partners. UNICEF designed activities with the Local Agricultural Committees so that farmers could repay the committees for the supplies at the end of the harvest. In the Southern Sector, UNICEF strengthened the performance monitoring of basic crops in 40 counties by helping to train 60 Southern Sudanese community representatives and agricultural coordinators in monitoring.

Through 1998 livestock activities, UNICEF supplied vaccines and equipment and maintained a cold chain to help reduce rinderpest, support investigations of reports of rinderpest outbreaks, and immunise cattle against anthrax, contagious bovine pleuropneumonia (CBPP) and haemorrhagic septicaemia (HS). Community-based animal health workers (CAHWs), who carried out vaccination campaigns, surveillance and reporting in all areas with either confirmed cases or rumours of rinderpest, were largely responsible. UNICEF provided 1,022 CAHWs in both sectors and 121 counterpart supervisors/coordinators in the Southern Sector with training, technical support, materials and overall supervision.

Item Distributed	Total
Seeds	450 MT
Tools	(16,238/89 MT)
Households reached	(69,517)
Fishing line	(16,448 spools)
Fishing hooks	(1,048,672)

Diseases	Number of Cattle Receiving Immunisations
Rinderpest	581,278
Anthrax	48,927
Contagious bovine pleuropneumonia (CBPP)	32,420
Haemorrhagic septicaemia (HS)	62,205

EDUCATION

Of the estimated 1 million primary school age children in southern Sudan, less than 25 per cent are in school, and girls represent only 20 per cent of the school population, even under the best conditions. The daily attendance of those children who go to school is also very low. As there are few secondary schools, a high number of adolescents are out of school. Education institutions are acutely short of resources, such as textbooks, exercise books, and pens and very poor infrastructure translates into almost non-existent administrative support. The lack of financial support/incentives has resulted in a lack of trained teachers, many of whom are unpaid volunteers and thus often forced to neglect their profession to ensure food and livelihood for their families.

A major UNICEF effort in 1998 was distributing 10,024 education kits (87 MT) to 44 locations in the Southern Sector and ## exercise books in Northern Sector areas of southern Sudan. (Each education kit contained enough materials for 200 children for a year.) The Northern Sector also promoted girls education in the transitional zone of South Kordofan and South Darfur by helping to organise evening classes, as most girls work during the day, providing clothes and shoes for 2,500 girls and advocating education for girls using messages based on folklore.

UNICEF's greatest contribution, however, was helping train teachers, while providing supplies, promoting girls' education and coordinating activities. UNICEF supported teacher training courses for some 30,000

teachers throughout Sudan. One course, with 80 teachers participating, was the first long teacher-training course ever in a rebel-held area of the northern Bahr el Ghazal region. Many of the teachers trained also received courses in English. In the Northern Sector, these courses supplement teachers' skills while in the Southern Sector they are used as a means of encouraging more female teachers to participate in the teacher-training courses. In 1998, some 1,100 teachers participated in English courses. UNICEF Southern Sector also distributed 1,127 Teacher Emergency Packages worth US \$56,000 to the teacher trainees.

Despite the gains in teacher training, in areas plagued by insecurity, lacking infrastructure and covered by the Southern Sector, the number of trained teachers was almost negligible, especially in the Bahr el Ghazal region. In Aweil West, only 10 per cent of teachers received training and in Twic County, only 22 of 202 teachers were trained. In Bieh province, the Upper Nile region, no training has taken place for the last few years.

CHILDREN IN ESPECIALLY DIFFICULT CIRCUMSTANCES

The long war has increased Sudanese children's vulnerability as thousands have become separated and displaced, recruited into the armed forces, abducted and traumatised. Many need psychosocial support with the support of their communities. During 1998 in the Bahr el Ghazal region, UNICEF and partners identified several thousands of unaccompanied children. Also, several thousands of "lost boys of Sudan" remained separated from their families, seven years after they left homes searching for security and education. According to numerous reports, many vulnerable children are recruited into the armed forces, although there is no information regarding how many.

In Southern Sector areas, UNICEF initiated and coordinated emergency assistance to unaccompanied children in 1998, enabling 906 separated children to be reunified with their families. In the Bahr el Ghazal region, UNICEF worked in rebel-held areas with partners and communities to open four centres, which provided food, shelter, health care and

active tracing and reunification services, for up to 200 unaccompanied children. In Wau, the Northern Sector worked with partners to evaluate the needs of 394 unaccompanied children, identified in a preliminary survey. Although the majority of these children probably had relatives living nearby, UNICEF's partners had begun family tracing activities by late 1998. This was a major development for the Northern Sector, as it was the first time the sector had specifically worked on projects serving unaccompanied children. UNICEF also helped reunify 182 "lost boys of Sudan", double the number of children reunified in 1997. Some 170 older unaccompanied children participated in teacher-training courses before they were reunified with their families. UNICEF also provided financial and logistical support and supplies to train 45 community social assistants to enable them to address special needs of war traumatised children.

MINE RISK EDUCATION, ADVOCACY AND INFORMATION GATHERING

In 1998, UNICEF Southern Sector initiated a mine risk education/awareness programme in response to the findings of a 1997 UN survey. The survey indicated between 500,000 and 2 million land mines and unexploded ordnances (UXO) in Sudan and found that children in southern Sudan were particularly vulnerable to death and injury from landmines and UXO. In 1998, UNICEF's principle strategy was to work through local organisations, such as churches, community health networks and indigenous mine action NGOs. The agency strongly supported the NGO Operation Save Innocent Lives-Sudan (OSIL) which conducted mine risk education activities. UNICEF funds enabled OSIL to open an operational headquarters in the Equatoria region and establish a coordination office in Nairobi. Two OSIL teams of eight mine risk education officers received training and materials to heighten awareness of the risks posed by landmines and UXO. With this support, OSIL conducted training sessions and lectures, presented videos, staged traditional plays and promoted songs and reached 1,050 people, mostly women and children, in six locations in the eastern Equatoria region. In the Upper Nile region, the programme provided support for most of 1998 for the on-

going activities of a mines action officer with the humanitarian wing of the area's rebel movements.

HUMANITARIAN PRINCIPLES

In 1998, UNICEF Southern Sector and counterparts reached some 6,000 people through a series of Ground Rules workshops that disseminated and promoted humanitarian principles, protection for civilians and child rights by strongly promoting and disseminating the CRC. Dissemination of the CEDAW took on a larger role in 1998. (Between 1995 and 1998, the programme reached more than 18,000 people.) UNICEF and counterpart staff jointly conducted these workshops, which drew heavily on traditional Sudanese values and universal values regarding protection and the rights of children.

One major achievement, UNICEF's support to the Joint Task Force on Vulnerabilities for its intensive three-week field study in the SPLM-controlled areas of the Bahr el Ghazal region, discovered a complicated set of interrelated factors constraining humanitarian intervention in the region. The Task Force was born after several field reports indicated some of the region's neediest people were not receiving adequate food. Task Force members included representatives from OLS agencies, the SRRA, and the SPLM.

MONITORING AND EVALUATION

In 1998, UNICEF, increasingly aware of the need to bolster monitoring and evaluation to support proper programme planning, worked with partners to begin establishing an information network or Geographic Information System (GIS) covering both sectors. This powerful analytical tool combines both the requirements of a centralised database and the ability to present and interpret information through maps. It will expand on the work of the Location Profile Database created in the Northern Sector to track population trends and social service information. Although the monitoring and evaluation project, operating since 1993, had developed databases for almost all programmes, the information was not complete, mainly due to UNICEF's lack of funding since 1996.

THE 1998 EMERGENCY IN SOUTHERN SUDAN

BACKGROUND TO THE WAR IN SUDAN

Sudan has suffered from civil conflict for 40 out of the last 50 years. The war's present phase, which began in 1983, has caused much agony, suffering and displacement for the civil population. One source, the United States Committee on Refugees, estimated in 1998 that 1.9 million Sudanese had died during the previous 15 years as a result of the civil war and more than 80 per cent of southern Sudan's population had been displaced. More than 4 million Sudanese are currently displaced, while some 350,000 Sudanese are refugees in six neighbouring countries.

Long years of low-intensity warfare, often exacerbated by drought, flooding and environmental degradation, have eroded the traditional way of life for the people of southern Sudan. The conflict has depleted many communities' resource-base, increasing their vulnerability and eroding their ability to ride out major trauma.

Overall, the experiences of 1998 clearly demonstrated that humanitarian relief activities, needed because of the war, cannot meet children's basic rights. A prolonged period of peace is essential to build an environment where children's rights are recognised, respected and protected.

THE MAGNITUDE OF THE 1998 CRISIS

The crisis in 1998 was the worst emergency experienced by Operation Lifeline Sudan (OLS) during its ten-year history. UNICEF and non-government organisations (NGOs) recorded the highest malnutrition rates ever seen in OLS in locations such as Wau, Ajiep, and Panthou. In Wau, an August 1998 survey indicated that 71.6 per cent of the newly arriving children less than five years of age were malnourished, while 25.6 per cent of the children resident in the town were

malnourished. Similar surveys in rebel areas confirmed that more than 50 per cent of the children were malnourished. Complete figures regarding the number of people who died during the 1998 famine will never be known, however UNICEF estimates that malnutrition and accompanying diseases killed thousands of people as they wandered the countryside searching for food, clean water, and shelter.

By early September 1998, the condition of most of the vulnerable people receiving OLS assistance had stabilized. In some areas, such as Wau and Panthou, malnutrition rates had dropped substantially, but in others, rates remained alarmingly high. In Ajiep, mortality rates fell from 60 deaths per 10,000 per day to 3 per 10,000 per day.

THE AREAS MOST AFFECTED BY WAR IN 1998

The Bahr al Ghazal Region: The 1998 famine occurred in the Bahr al Ghazal region because of chronic food deficits. This was due to drought and cattle raiding, fighting, and the difficulty in ensuring that relief items always reach the most vulnerable people between 1994 and early 1998. This region includes around 40 per cent of the population of southern Sudan. Some of the hardest hit areas were Twic County, Ajiep, and Wau.

The Upper Nile Region: Inter-factional fighting between commanders ostensibly loyal to the Government of Sudan created insecurity in the western Upper Nile region and destroyed Leer, one of the region's main bases for OLS activities. In the Leer area alone, some 23,700 head of cattle were raided, and crops and homes destroyed. Relief programmes ground to a halt after attackers burned and looted compounds of NGOs and prevented OLS from accessing people in need.

Once the conflict had subsided, floods marred the countryside, rendering much of the region inaccessible. Flooding in Bor and Zeraf provinces of Jonglei State displaced more than 100,000 people by September 1998. The

hardest hit areas were the more fertile low-lying regions, thereby reducing the 1998 harvest in these locations. In addition, a UNICEF rapid assessment conducted in December 1998 found that cattle suffered from the floods, as well, because prime grazing land was submerged.

Other Areas: In addition, 17,000 Sudanese returned to the western Equatoria region in late 1998 from refugee camps in the Democratic Republic of Congo (DRC). The need to assist these vulnerable people with relief items and household food security inputs further stretched OLS' resources and response capacity.

CAUSES OF THE 1998 EMERGENCY

While the crisis in southern Sudan was caused by a complicated combination of many factors, four causes stand out. Only one of these factors, drought, is unrelated to the war, while the majority were clearly the result of policies initiated by various parties to the conflict.

Chronic Food Insecurity Caused by Ongoing Drought and Raiding: In late 1997, OLS identified a two-year drought as a major cause of food insecurity in southern Sudan. In 1997, crop yields on traditional farms in southern Sudan plummeted from 314,700 MT in 1996 to 173,500 MT, according to the WFP/FAO Crop Assessment. The drought also contributed to loss of livestock because grazing lands were dry and could not sustain the herds and because many people traded their livestock for sorghum.

Periodic raids between 1994 and 1998 by the forces of Kerubino Kwanyin Bol, a warlord allied with the Government of Sudan (GOS), as well as irregular armed forces accompanying military trains through the northern Bahr al Ghazal region, also stripped the populations of large portions of their livestock. Loss of these animals was especially significant for the Dinka who inhabit the northern Bahr al Ghazal region because animal reserves such as milk provide

key portions of their food needs. Children receive the majority of their protein needs from these milk supplies.

Mass Population Movements: In late January 1998, fighting erupted in major towns in the northern Bahr al Ghazal region when Kerubino Kwanyin Bol re-joined the Sudanese People's Liberation Army (SPLA). Kerubino's raids on Wau, Aweil, and Gogrial caused approximately 110,000 people to flee these three towns and cross into SPLA-held territory. These people roamed the countryside in search of wild foods on which they could survive, but the drought and increased demand on wild resources reduced the availability of wild fruits and other foods. Moreover, additional displacement occurred between April and June, when militia on horseback swept through villages in Abyei and Twic counties, looting structures, homes and cattle.

At the height of the crisis, from July to September, approximately 65,000 people arrived in the Government town of Wau in search of food, health care, and shelter. The arrival rates peaked at 2,000 people arriving in the town every day. Similarly, 70,000 people congregated in the nearby rebel-held town of Ajiep. In the western Upper Nile region, intra-factional fighting between rival militias, which were formerly part of the South Sudan Independence Army (SSIA), displaced at least 100,000 persons.

In normal times, kinship relationships and traditional community obligations for those in distress would have helped the displaced people. However, the severity of the crisis and the depletion of the resources in the host communities exhausted almost all coping mechanisms. Humanitarian agencies do not possess complete figures regarding the number of people who fled as a result of the insecurity and famine in 1998. However, the statistics are certainly in the hundreds of thousands.

Limited Access to Relief Food: When OLS was finally able to reach vulnerable

populations, it targeted the most vulnerable people who could not survive without assistance. However, a joint UN/SPLM task force investigated distribution methods in July and August 1998 and discovered that an extremely complicated set of factors prevented some food from reaching the most vulnerable people.

The mission determined that many groups of the neediest people were locked out of the distribution process because communities were 'redistributing' food. After food arrived in a location, and distribution was carried out according to WFP and SRRA procedures, the chiefs and local community subsequently re-gathered the food and divided it according to their own priorities. Displaced people without kinship ties, widows, and other marginalised groups were locked out of these re-distributions. In addition, households with a member in a feeding center were often excluded from re-distributions due to the misperception that they had already received adequate food at the feeding center.

Government Flight Ban Restricted Access to Vulnerable People: In late January 1998, the GOS responded to the outbreak of violence in the Bahr al Ghazal region by restricting flight access to the entire region, which accounted for 40 per cent of the population of southern Sudan, until March 30, 1998. The GOS partially lifted the flight suspension in mid-February, allowing OLS to provide emergency assistance to a growing vulnerable population.

The partial lifting of the flight ban in mid-February enabled agencies to provide health services, nutrition assistance, relief items, and food at only four locations in the Bahr al Ghazal region, two of which were inaccessible to people who had fled on foot. As a result, OLS flew in the bulk of its supplies to Ajiep, attracting an enormous concentration of people hoping to find food and other assistance. It became the epicentre of the humanitarian disaster with a mortality rate of 60 deaths per 10,000 people per day in a population of close to 70,000.

OLS ACHIEVEMENTS IN 1998

As the extent of the humanitarian need became clear, UNICEF determined that only a massive airlift of nutrition supplies, seeds and tools, essential drugs, and other items would bring the local populations back from the brink of complete starvation. OLS coordinated activities in Nairobi, Lokichokio and Khartoum through Emergency Response Teams, including UNICEF, WFP, UNHCR and NGO partners.

At the same time, the World Food Program obtained clearance for additional aircraft to transport food into southern Sudan. WFP increased its fleet from one aircraft during the flight ban to 18 aircraft and operated out of air base at Khartoum and Al Obeid in northern Sudan. By August, WFP was transporting over 16,000 MT of food per month and operating the largest airlift in UN history. The total deliveries during 1998 were over 111,000 MT.

In 1998, UNICEF OLS achieved the following to help the people of southern Sudan.

- Delivered 2,400 MT supplementary and therapeutic foods to nutrition programs throughout southern Sudan
- Distributed 2,292 MT seeds and 110 MT tools to traditional farmers.
- Vaccinated some 773,000 cattle against rinderpest and other diseases.
- Vaccinated more than 140,000 children against measles to prevent an outbreak that could wipe out entire populations.
- Rehabilitated 244 handpumps, drilled eight new boreholes, and constructed 76 latrines to provide clean water and prevent the spread of waterborne diseases in GOS areas of the Bahr al Ghazal region alone. In rebel areas, UNICEF supported over 60 local counterpart water teams to maintain existing water points.
- Reunified almost 1,100 unaccompanied children and "lost boys of the Sudan" with their families.

**Key characteristics of rights-based programming
(DRAFT for UNICEF Human Rights Core Course for Staff, May 1999)**

1. Children must be recognised as rights-holders and social actors and not just as "beneficiaries".
2. Inclusiveness should be a more rigorously held principle than has been the case in the past. That is, goals to reach 80%, leaving out the hardest to reach, are not acceptable.
3. Programme goals must be directly related to the fulfillment, protection, respect or facilitation of rights.
4. There should be a focus in UNICEF programming not only on outcomes but all on the process by which outcomes are achieved. Processes that do not promote, facilitate, protect or respect the rights of children and women or contribute to their rights in the long run are to be avoided. Programme processes should be participatory and empowering.
5. States have obligations with respect to the rights of women and children and are accountable to their citizens, including children, and to the international community. This is the characteristic of states most relevant to UNICEF's programmes of cooperation with governments.
6. International commitments of states and the accountability associated with them are the foundation on which UNICEF programmes of cooperation will be built.
7. Families are recognised as primary care-givers, protectors of children's rights, and guides.
8. UNICEF offices need to build a wider range of partnerships and alliances than has been the case in the past to achieve the objectives of rights-based programming.
9. The vision on which programmes of cooperation will be built is broad and intersectoral, covering a wide range of rights, but choices of programme actions are strategic and thus not as broad.
10. Root causes of problems must be addressed and should be well articulated in a conceptual framework positing determinants of child rights fulfillment or child rights violations.
11. The participation of children in programme design, implementation and evaluation is to be encouraged, depending on their age and abilities.

WUNLIT DINKA-NUER PEACE DOCUMENTS

**Dinka-Nuer West Bank Peace and Reconciliation Conference
27 February - 8 March, 1999
Wunlit, Bahr el Ghazal, Sudan**

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Introduction

This brief publication provides the basic documents of the Dinka-Nuer West Bank Peace and Reconciliation Conference held in Wunlit, Bahr el Ghazal, Sudan from the 27th of February until the 8th of March 1999. The purpose of this publication is to immediately make the core documents available to:

- The Dinka and Nuer communities who have established the Wunlit Covenant and will be responsible to implement the resolutions;
- The broader Sudanese community who are eager to read the results of the Conference in Wunlit and will be responsible to expand this peace to other areas of Sudan;
- The political movements in southern Sudan who have assisted in this people-to-people peace process and will now have key roles in the implementation of the resolutions; and
- The international community with special focus on the partners and donors who have contributed to this process and those who will need to assist in the implementation.

BACKGROUND: The Dinka-Nuer West Bank Peace and Reconciliation Conference is a major step in a much larger process. It is designed to bring reconciliation to many groups and people of south Sudan who are in conflict with one another. As this process grows and expands it carries the potential to transform the dynamics of the macro Sudan conflict.

In June 1998, under the facilitation of the New Sudan Council of Churches (NSCC), thirty-five Dinka and Nuer border chiefs and church leaders on both the west and east sides of the Nile River met in Lokichogio (Loki), Kenya. They considered ways to bring peace and reconciliation to their peoples. They met for nine days to share the stories of the pain and suffering they have inflicted on one another for seven years. After coming to a consensus that they must help their people find a way to make peace, the chiefs and church leaders began planning for major Dinka-Nuer peace conferences. It was anticipated that conferences should be held on the west and east banks of the Nile. The Loki conference ended with the signing of the Nuer-Dinka Loki Accord (*see Appendix B*). The West Bank conference was established as the next major step in the process.

NSCC established an organising team and hired short-term staff to focus exclusively on the Dinka-Nuer peace process. During the following eight months the team included field mobilisers and organisers, women, chiefs, liaisons from the Sudan Peoples Liberation Movement (SPLM) and United Democratic Salvation Front (UDSF), intellectuals from the Sudanese Diaspora, and a consultant peacemaking facilitator. The SPLM was requested and agreed to release to NSCC the services of Mr. Mario Muor Muor to serve as the conference site organiser at Wunlit, Tonj County. With the organising skills of a local chief nearly three hundred citizens laboured for three months to build an entire village for the peace conference. One hundred fifty *tukuls* (houses), a large meeting hall were built, cattle, goats and chickens were pledged and provided for meat. A well was drilled, additional food was imported, extensive transportation was planned, and relationships were maintained

with all levels of society from local chiefs to the highest levels of the political movements.

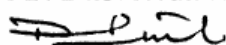
Prior to the Conference a high profile chiefs exchange visit took place between the Nuer and Dinka areas. The Nuer chiefs had to be satisfied that there would be adequate security for their leadership to come into Dinkaland to attend the conference. Dinka chiefs had to be satisfied that the Nuer communities were very serious about this peace effort. These exchange visits took place from the 11th to the 16th of February in Thiet and Wunlit in Bahr el Ghazal among the Dinka, and in Leer in Western Upper Nile among the Nuer. The visits ignited the enthusiasm of the local populations, demonstrated to the conference site builders that the peace was underway, and convinced the key leaders that security would be guaranteed. Hundreds of delegates, chosen by counties and provinces from the Dinka and Nuer communities, began moving toward the site. An airlift was organised to bring one hundred fifty Nuer delegates, arriving on the day before the opening. A total of ??? delegates signed the eventual Covenant. The Conference site became a living peace village with hundreds of security personnel, teams of women cooking and serving each of five "villages," youth working through the night to meet the water needs of a total community of 1200-1500 people, and international observers and journalists living simply and free to observe and later report the story as the peace process unfolded.

The Wunlit Conference opened with the ceremonial sacrifice of a great White Bull, provided as a gift by the local chief. The Ceremonial Opening meeting included Christian worship led by church leaders followed by welcoming addresses. Speeches were made by NSCC Executive Secretary Dr. Haruun Ruun, Governor Nhial Deng Nhial of Bahr el Ghazal, Deputy Chairman of the SPLM/A Cdr. Salva Kiir Mayardit, Commissioners of Tonj and Leer, women leaders from Dinka and Nuer, and traditional spiritual leaders of Dinka and Nuer. The Conference closed with the signing of the Wunlit Dinka-Nuer Covenant with its included resolutions. Each person placed his or her thumb print and some also chose to sign the final document.

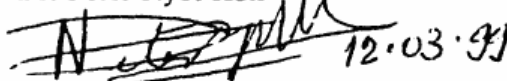
Another publication will follow this initial one. That future publication will include key speeches, selected quotes from the many participants, the minutes developed by the Rapporteurs, and a selection of pictures that tell the story of Wunlit.

This official publication is presented by NSCC and is approved by the following Rapporteur Team:

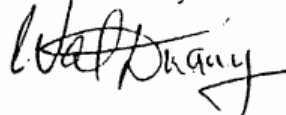
Mr. Dhol Acuil Aleu



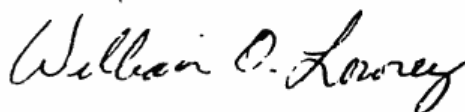
Dr. Peter Nyot Kok

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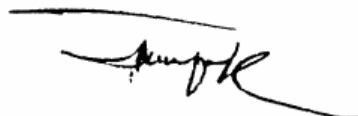
Dr. Wal D'wany



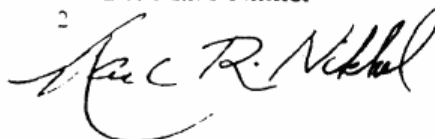
Dr. William O. Lowrey



Mr. John Luk Jok



Dr. Marc Nikkel



Wunlit Dinka-Nuer Covenant

**Dinka-Nuer West Bank Peace and Reconciliation Conference
27 February - 8 March 1999
Wunlit, Bahr el Ghazal, Sudan**

Dinka and Nuer Chiefs, church, civil and community leaders, elders, women and youth have met in a peace and reconciliation meeting in Wunlit, Bahr el Ghazal, Sudan under the auspices of the New Sudan Council of Churches (NSCC). We have established this Covenant of peace and reconciliation and declare an end to seven and a half years of intense conflict.

We the participants hereby make and adopt the following Covenant and pledge ourselves to observe and implement it scrupulously and conscientiously in keeping with the solemn vows of peace, reconciliation and familial co-existence. We initiated our Conference with the sacrifice of the White Bull (*Mabior Thon / Tu-bor*) and have sealed the Covenant in Christian worship and traditional sacrifice.

We declare the following:

- All hostile acts shall cease between Dinka and Nuer whether between their respective military forces or armed civilians. A permanent cease-fire is hereby declared between the Dinka and Nuer people with immediate effect.
- Amnesty is hereby declared for all offences against people and property committed prior to 1/1/99 involving Dinka and Nuer on the West Bank of the Nile River.
- Freedom of movement is affirmed and inter-communal commerce, trade, development and services are encouraged.
- Local cross-border agreements and arrangements are encouraged and shall be respected.
- It is hereby declared that border grazing lands and fishing grounds shall be available immediately as shared resources.
- Displaced communities are encouraged to return to their original homes and rebuild relationships with their neighbours.
- The spirit of peace and reconciliation this Covenant represents must be extended to all of South Sudan.

All Resolutions adopted by the Conference are hereby incorporated into this Covenant.

We appeal to the SPLM/A and the UDSF/SSDF to endorse, embrace and assist in implementation of this Covenant and its Resolutions.

We appeal to the International Community to endorse, embrace and assist in implementation of this Covenant and its Resolutions.

Official version: 10th March 1999

Resolutions

Dinka-Nuer West Bank Peace and Reconciliation Conference

Wunlit, Bahr el Ghazal, Sudan

27th February to 8th March, 1999

Process used at Wunlit Dinka-Nuer Conference to develop Resolutions: The following process was used to identify issues and develop resolutions that address the issues and provide solutions for the identified problems:

- **Storytelling and Issue Identification:** A little more than a full day was given to Dinka to tell their stories to the Nuer and to surface the issues that were outstanding between Dinka and Nuer. This was followed by a similar amount of time for story telling by the Nuer, including their responses to what had been said by the Dinka. Finally a day was given for dialogue and rebuttal, comments from key border chiefs, and observations from chiefs who had come as observers from the east bank of the Nile River. The three and a half days of speaking generated a list of issues and a number of proposals for solutions.
- **Management Team Synthesis of Issues:** The Conference Management Team developed a list of six major categories that had arisen out of the storytelling. Rappateurs were assigned for each group. The categories and Rappateurs were:
 1. **Missing Persons and Marriages to Abductees,** Mr. Dhol Acuil Aleu
 2. **Reclaiming the Land and Rebuilding Relationships,** Dr. Peter Nyot Kok; Rev. Matthew Mathiang Deang
 3. **Institutional Arrangements,** Dr. Wal Duany
 4. **Monitoring the Borders,** Mr. Telar Deng
 5. **People Outside the Peace Process,** Mr. Farouk Gatkuoth Kam
 6. **Extending the Peace to the East Bank of the Nile and Equatoria,** Mr. John Luk Jok
- **Working Groups:** Six working groups were established with each one focused on a single issue category. It was decided that the groups would work only in the Dinka and Nuer languages or Arabic where needed. English translation would not be provided for observers because of the amount of time that would be lost in an additional translation. The six issue areas were explained to the conference delegates and they were encouraged to choose the area of their greatest interest. There were thirty to sixty people in each working group. The groups worked for half a day to develop their proposals.

- **Plenary Presentations and Consensus Approval:** Each working group presented its proposals through its Rapporteur. Discussion was held, additions and amendments were made and each set of recommendations were adopted when consensus was gained.

I. Resolutions Regarding: Missing Persons and Marriages to Abductees

A. Girls who have been abducted but are not yet married.

1. Shall be repatriated to their parents/relatives as soon as they are identified.

B. Girls who have been Married in Captivity

1. As soon as they are identified they shall be asked by their parents/relatives if they want to remain with their husbands.
2. If a woman declares that she wants to remain with her husband, than the bride wealth must be collected and presented to her parents/relatives.
3. If she desires to return to her parents/relatives she is to be repatriated.
4. If there are children of the marriage, the natural father may choose to redeem the children according to Dinka/Nuer traditions.
5. If the father refuses to redeem the children, the mother is free to leave with them.
6. If a woman is married to or held by a soldier on the SPLA side, a letter should be sent to Commander Salva Kiir Mayardit, Chief of General Staff of SPLA, so that the girl is able to state before her parents/relatives whether she wants to remain with her soldier-husband or return to her family. If a woman is married to or held by a soldier on the UDSF side, a letter should be sent to Commander Elijah Hon Tap, Chief of Staff of SSSF, so that the girl is able to state before her parents/relatives whether she wants to remain with her soldier-husband or return to her family.
 - If she wants to return to her parents, then she must go.
 - Whether she has a single child or several the natural father may choose to redeem the children, according to the custom of the Dinka/Nuer.
 - If the father refuses to redeem the children, the mother is free to leave with them.

C. Married Women Abducted into Captivity

1. As soon as a woman in this category is identified she should be repatriated to her home area with all her children born in captivity.

D. Boys or Men in Captivity.

1. In all cases boys and men who have been abducted and held in captivity shall be freed and repatriated to their natural parents or guardians as soon as they are discovered.

2. A man who has been provided a wife by his captor must be asked where he himself wants to live. If he chooses to return to live with his parents/relatives, then his family shall pay the bride wealth which was paid by his captor.
3. If his father/relatives pay the bride wealth on his behalf, then he is free to return to his land of origin with his children and wife.

E. Boys or Men who were abducted, then freed, and have settled on their own accord.

1. This group shall be left undisturbed wherever they are found. (Cases regarding minors shall be handled according to Dinka/Nuer customary law.)

F. Creation of Abductee Identification Teams

1. On both Dinka and Nuer sides an Abductee Identification Team shall be formed made up of chiefs. The two teams shall work together, accompanying each other on tours of both Dinka and Nuer territories.

II. Resolutions Regarding:

Reclaiming the Land and Rebuilding Relationships

(A provisional list was developed of villages and settlements that have been abandoned due to the Dinka-Nuer conflict during the past seven and a half years and should be considered for reconstruction. The Covenant encourages displaced communities to return to their original homes and rebuild relationships with their neighbours. The provisional list includes the names of more than 400 villages and settlements in Appendix A.)

A. Formation of a Technical and Planning Committee on Land Settlement and Reclamation responsible for:

1. Advising on consolidation and relocation of villages and stations.
2. Advising on linking villages and settlements to productive areas, introduction of ox ploughing, provision of bore wells, medical care, and veterinary services. Promotion of joint Dinka-Nuer cattle and commodity markets.

B. Affirm Freedom of Movement in Peace and Security

1. We propose a market based near the border where Dinka and Nuer can trade together, with all benefiting from the diversity of items and wealth we will be able to share together.

C. Promotion of Dinka-Nuer Reconciliation and Familial Co-Existence.

1. Establishment of a Dinka-Nuer Veterinary Centre to be jointly shared by Dinka and Nuer. This is to encourage a common concern for animal health as a vested interest which needs to be protected.
2. Establishment of Dinka-Nuer co-operatives in agricultural and commercial fields.
3. Establishment of a model Dinka-Nuer Primary School near the border, with both Dinka and Nuer students enrolled.

4. Produce a unified Re-statement of Dinka and Nuer Customary Law to assist the local courts, law enforcement and administrative officials.
5. Establish an annual award that shall be conferred by the Council upon those who are proficient in both Dinka and Nuer languages.

III. Resolutions Regarding: Institutional Arrangements

A. Police *(The list of border stations or police posts found in this section and the list in section IV will be finalised in a meeting of the Peace Council in Ganyiel in November 1999. Between March and November 1999 the counties and provinces will work to harmonise the two lists.)*

1. **BAHR EL GHAZAL REGION** shall have the following police posts:

- | | |
|-----------|----------------|
| 1. Adior | 6. Meshra Acol |
| 2. Pagrau | 7. Majak Juer |
| 3. Luel | 8. Mayen Jur |
| 4. Madol | 9. Mayom Adony |
| 5. Makuac | 10. Mathiang |

2. **UNITY STATE** shall have corresponding posts as follows:

- | | |
|--------------|----------------|
| 1. Dhiau Rid | 8. Porjuer |
| 2. Jerweng | 9. Luel |
| 3. Mayom | 10. Majok |
| 4. Kaikon | 11. Rialthiang |
| 5. Tar | 12. Tangyier |
| 6. Madol | 13. Riak |
| 7. Lony | |

3. The composition of the force command and other provisions shall include:

- | | |
|----------------------|----------------------------|
| • arms & ammunitions | • radio communication sets |
| • uniforms | • medicines |
| • stationery | • rations |
| • transport | • training |

4. **Joint police forces** shall be formed during the dry season in the areas of contact. This will assist in areas where conflict has arisen over grazing lands. A Joint Police force from both Unity State and Bahr el Ghazal will work together in the grazing and fishing areas during the dry season.

B. The Border Courts

1. We recommend the revival and strengthening of existing border courts as well as training of para-legals to man the courts.
2. Re-affirm the present border chiefs and increase their numbers when necessary.
3. Border courts constituted in Bahr el Ghazal and Unity states shall consist of 5 to 7 members each.
4. Pending further arrangements the law applicable in both courts shall be customary law.
5. Convicts on either side shall be imprisoned where the offence was committed and shall be treated in accordance with international human rights norms.

C. Appeal Processes

1. Border courts shall be courts of original jurisdiction except in capital offences. (Capital offences go directly to the county or province judge.)
2. Appeals from border courts shall lie to the relevant peoples' regional court .
3. Appeals from the peoples' regional court shall lie to the county judge or province judge as the case may be.

D. Dinka-Nuer Peace Council

1. Composition: Three members, one of whom shall be a woman, shall be chosen by each county/province.
2. The Council shall meet twice a year and may meet upon the emergency call of the chairperson.
3. The Council shall elect its chairperson at its first meeting and this person shall serve in this office for a period of one year with effect from the date of his/her election.
4. The venue for the meetings shall alternate dependent on the security situation.
5. The Functions of the Council.
 - To oversee the implementation of the Wunlit Dinka-Nuer Covenant and Resolutions.
 - A budget shall be considered and prepared by each of the respective administrations. In addition the council is urged to consider ways to involve the local communities in supporting these structures ourselves.
 - The council is also authorised to raise funds through appeals to international and indigenous NGOs.
 - Review annual performance and recommend future plans.
 - Recommend a larger forum or meeting between Dinka/Nuer chiefs, elders and political leaders in the event of serious violations of the Covenant and Resolutions.
 - The Council shall maintain contacts with the political leadership on security issues.

IV. Resolutions Regarding: Monitoring the Borders

- A. Border stations or posts for the purpose of monitoring the peace shall be established at the following locations. *(The list of border stations or police posts found in this section and the list in section IV will be finalised in a meeting of the Peace Council in Ganyiel in November 1999. Between March and November 1999 the counties and provinces will work to harmonised the two lists.)*

NUER DISTRICTS:

Nyal District

Luony
Pabwong

Madub
Kau Akon

Ador District

Papui
Yian

Pakam Alothai
Manyiel

Jagei District

Bilnyang

Dol

DINKA DISTRICTS:

Yirol District

Adhel Muoth
Karer

Nyibor

Gogrial District:

Majok
Matiel
Wathtong

Mading
Ayan
Atemrot

Rumbek County:

Amokpiny
Malek

Apac
Madol

Tonj County:

Makwac Adel
Paweng
Akop
Majak Juer
Mangar Deng Kwal

Pagor
Meshra
Athieng Ruol
Acier Cok
Aru

- B. Each district is to have a radio, totalling 9 radios

- 5 of these are for Bahr el Ghazal
- 4 are for Western Upper Nile. *(This does not include the Bul section since they were not present. Additional radios may be needed in the future)*

- C. Stations will be manned by police and border chiefs.

D. Disarmament: As peace comes to an area, all citizens holding firearms are either to be disarmed or join the army. The local civilian militia are called *Jiec-nin-bor* in Nuer, or *Gelweng* in Dinka. The unanimous decision was that once peace is established there would be no need for these. Both Dinka and Nuer agree that these are a source of insecurity at the border, and a source of insecurity internally. The disarmament process is to be done in three stages:

- All armed civilian forces are to immediately come under the discipline of the military forces in each area;
- Firearms held by civilians shall be registered according to chieftainships;
- As peace comes to an area, arms are to be stored in local armouries under the control of the local authorities.

V. Resolutions Regarding: People Outside the Peace Process

- A. The concerned authorities of the Conference, Dinka and Nuer, are to disseminate the Covenant and Resolutions of the Conference in their areas with the assistance of the local authorities and the New Sudan Council of Churches.**
- B. The Conference calls on Kerubino Kuanyin Bol and Paulino Matip Nhial to join the peace and reconciliation process and embrace the Wunlit Dinka-Nuer Covenant and Resolutions.**
- C. The Conference calls on Dr. Riek Machar and the peace-loving people of Upper Nile to use their influence to bring Kerubino Kuanyin Bol and Paulino Matip Nhial to the peace process.**
- D. The Conference makes the following recommendations:**
1. A letter shall be written to Dr. John Garang and Riek Machar urging them to resolve their differences and embrace and promote the peace and reconciliation process.
 2. Once the conflicting communities in the south are reconciled, it is recommended that an inclusive peace and reconciliation conference be organised among southern political leaders.
 3. The Conference extends its gratitude to the NSCC for facilitating this important conference, and to the SPLM/SPLA for allowing this conference in Tonj County and for providing adequate security. Our gratitude also goes to the UDSF for having confidence in the security arrangements made by SPLA and for allowing delegates from UDSF controlled areas.

VI. Resolutions Regarding: Extending the Peace to the East Bank of the Nile and Equatoria

A. "Why do we want to extend this peace to the other side?"

1. The Dinka and Nuer of the East Bank of the Nile are equally in conflict as are those on the West side of the Nile.
2. We need peace for the entire South so that all can live in harmony.

B. The conflicts to be addressed in the East Bank are:

- Nuer-Dinka Bor
- Murle-Nuer & Murle-Dinka Bor
- Murle-Anyua
- Nuer-Shilluk
- Lou Nuer-Gaawar Nuer

C. The conflicts to be addressed in Equatoria are:

- Taposa - Didinga
- Didinga-Displaced Nilotics
- Taposa-Murle
- Jee-Murle
- Mandari-Dinka Bor
- Boya-Taposa

D. Recommended Mechanisms or modalities for taking this peace to the East Bank

1. Holding a peace conference on the East Bank among the Nuer, Dinka Bor, Murle, Shilluk, and Anyua.
2. Holding a mini-peace and reconciliation conference among the Lou and Gaawar Nuer.
3. Holding a peace and reconciliation conference in Equatoria to resolve conflicts.
4. Holding a general peace conference for south Sudan.
5. Form a peace enlightenment committee to explain the Wunlit Dinka-Nuer Covenant and Resolutions and educate the people on the peace process.
6. Copies of the Wunlit Dinka-Nuer Covenant and Resolutions should be widely disseminated to all communities and regions of the south as well as the Diaspora.

E. Participants in these conferences will be similar to what was done in Wunlit:

1. Chiefs
2. Women
3. Church leaders
4. Elders
5. Representatives from the SPLM and the USDF
6. Members of self-organised ethnic militia
7. Traditional spiritual leaders

8. Observers from Bahr el Ghazal and Western Upper Nile
9. Intellectuals from the Diaspora

F. These conferences shall be organised by:

1. NSCC
2. UDSF
3. SPLM
4. Community Leaders and chiefs
5. Women's Leaders
6. Youth

G. Roles for each group

1. NSCC
 - Fundraising and Co-ordination
 - Logistics
 - Prayer
 - Transport of delegates to the venue
2. UDSF will ensure the security of the East Bank Conference
3. SPLA will co-ordinate with the NSCC and UDSF concerning security and transport of delegates from its area to the Conference site.
4. Chiefs and Community Leaders
 - Building of Conference accommodation
 - Contribute cattle and foodstuffs locally available
 - Mobilise and inform the local population concerning peace and reconciliation
5. Women
 - As organised by local women's associations
6. Venue and Date Options:
 - Venue options: Akobo, Waat, Ayod
 - Date options: To be decided by participants
7. Other Peace and Reconciliation Conferences
 - **Mini-Conference for Lou & Gaawar**, proposed for April
 - **Peace Conference in Equatoria.** After holding the major conference in the East Bank a second major Conference should be prepared in Equatoria.
 - **All South Inclusive Conference.** This largest and most inclusive gathering shall follow the Conference in Equatoria, and will include representatives from all areas of the South: Equatoria, Bahr el Ghazal, and Upper Nile. It will encompass not only the grassroots civilian population (as the Wunlit conference) but also political and other leaders. All groups, of every persuasion and faction will meet in an atmosphere of great flexibility. All participants will be entitled to speak and contribute freely.

I. Gogrial County, Bahr el Ghazel
Dinka-Nuer West Bank Peace & Reconciliation Conference

1. Chief Alfred Amet Kuol

[Signature]

2. Chief Morris Ngor Ater

[Signature]

3. Chief Dhol Anyon Longar

4. Chief Thiik Riny Giir

[Signature]

5. Chief Wek Deng Arie

[Signature]

6. Chief Mou Mou Aken

7. Chief Mabior Wek Kuanyin

[Signature]

8. Chief Akot Nuer Wieu

9. Chief Madut Ayat Barpiny

[Signature]

10. Chief Nyal Chan Nyal

[Signature]

11. Chief Anei Dhal Wol

[Signature]

12. Chief Bol Giir Thiik

[Signature]

13. Chief Madut Kuol Bak

[Signature]

14. Chief Garang Tong Majok

[Signature]

15. Chief Madut Mathiang Madut

[Signature]

16. Commissioner Acuil Manoli

[Signature]

17. Spiritual Leader Akol Giir Thiik

[Signature]

18. Spiritual Leader Wol Wol Aro

19. Spiritual Leader. Madut Akok Madut

[Signature]

20. Spiritual Leader Deng Magok Deng

21. Spiritual Leader Wol Madut Wol

[Signature]

22. Mrs. Angong Angou Madut

[Signature]

23. Mrs. Amou Longar Any

[Signature]

24. Mrs. Akok Acuil Dem

[Signature]

25. Mrs. Amou Thiik Giir

26. Mrs. Nyanut Madut Akol

27. Mr. Martin Malueth Adiu

[Signature]

28. Mr. Ireneo Agany Agany

[Signature]

29. Mr. Henry Madut Dhal

[Signature]

30. Mr. Bona Atem Thuc

[Signature]


31. Mr. Angelo Deng Akol

[Signature]

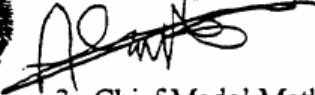
II. Rumbek County, Bahr el Ghazal

Dinka-Nuer West Bank Peace & Reconciliation Conference

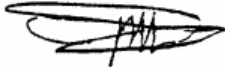
1. Chief Marial Malual Arop



2. Chief Aparer Chut Dhuol



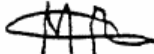
3. Chief Madol Mathok Agolder



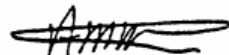
4. Chief Jul Machok Lieng



5. Chief Muorwei Agok Manyiel



6. Chief Manyang Monydhel Macok



7. Chief Maker Warwut Thok



8. Chief Manyiel Lieny Wol



9. Chief Chol Madol

10. Chief Luth Gner Wol

MAYOMRIAK

11. Chief Mayom Riak



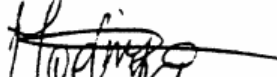
12. Chief Barnaba Maluong Wel



13. Chief Macar Maper



14. Chief Paul Makoi Maleth

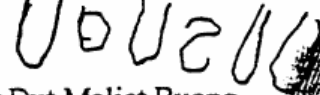


15. Chief Madul Maper Diding

16. Chief Kulong Marial Wol



17. Chief Chol Maguar Gel



18. Elder Dut Maliet Buong



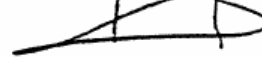
19. Chief Mataba Yoro



20. Mrs. Monica Ayen Maguat



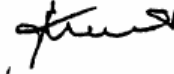
21. Mrs. Chol Tong Mayai



22. Mrs. Sunday Ater Malieth



23. Mrs. Mangar Tur



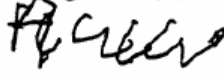
24. Mrs. Mayek Marial



25. Mrs. Salah Alfred



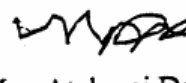
26. Mrs. Agok Anyijong Ater



27. Mrs. Ayen Rok-Koc



28. Mrs. Diing Matok



29. Mrs. Atakwei Dalkoc



30. Mrs. Nyabec Balang Madol

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MAYOMRIAK

III. Tonj County, Bahr el Ghazel

Dinka-Nuer West Bank Peace & Reconciliation Conference

1. Chief Madut Aguer Adel

16. Mr. Magar Lual Magar

2. Chief Det Madhieu Anyuon

17. Mr. Dhol Maleth Dhol

3. Chief Ajuong Mading Ruop

18. Mr. Lueth Ayiei Baar

4. Chief Mayik Amenjang Majok

19. Mr. Murngic Kiir Cirop

5. Chief Maria Malok Lual

20. Mr. Jok Rual Jok

6. Chief Wol Lual Wol

21. Mrs. Awadia Macot Aruong

7. Chief Natale Anei Them

22. Mrs. Saada Mangok Mabok

8. Chief Dhor Arik Mawien

23. Mrs. Adior Deng Kur

9. Chief Malek Akuien

24. Mrs. Nyanut Mapuol Aruop

10. Chief Malok Akot Wut

25. Mr. Cadar Tong Buoc

11. Chief Ariath Mayer Maren

26. Mr. Dut Yol Monyok

12. Chief Chol Malok Deng

27. Mr. Malok Wol Madhieu

13. Chief Makom Majok Makom

28. Mr. Madut Mathok Madut

14. Chief Gum Mading Akuobany

29. Mr. Deng Agok Wol

15. Mr. Wilfred Ring Aduer

30. Mr. Arkangelo Maduok Majok

29. Kwol Deng Kwol

31. And so on

IV. Twic County, Bahr el Ghazel

Dinka-Nuer West Bank Peace & Reconciliation Conference

1. Chief Madhol Lang Juk



2. Chief Garang Nyuol Bol

3. Chief Mayar Majok Deng

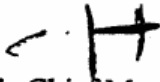
4. Chief Ring Chol Ring



5. Chief Manut Atem



6. Chief Majok Cuol



7. Chief Mawien Bol

Chief Aker Bol Bhak

9. Chief Michael Ruei Diek

(Bul Nuer)



10. Chief Gahgah Riek Macar

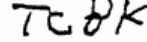
(Bul Nuer)



11. Chief Albino Akang Ayual



12. Chief Tong Buok Deng



13. Chief Gabriel Abut Majak



14. Mrs. Ayuong Deng Mabil

15. Mrs. Akon Nyuol Bol

16. Mrs. Atit Bol Yor



17. Mrs. Nyakuol Rethael Rual

18. Mrs. Nyandit Madut Majok

19. Mr. Matthew Wanbang Nyater



20. Mr. Gordon Gatwieg Tutrou



21. Mr. Mabany Cirbang Cuol

22. Mr. Madut Deng Yor



23. Alfonse Anai Deng



V. Yirol County, Bahr el Ghazal

Dinka-Nuer West Bank Peace & Reconciliation Conference

1. Chief Makeny Kamie Apetbeu

MAKENY

2. Chief Bahon Mabior Deng

BAHON MABIOR

3. Chief Reec Anyieth Reec

Reec dit Anyieth

4. Chief Madit Maker Gum

MADIT

5. Chief Dhor Majak Yek

DHOR MAJAK

6. Chief Mabor Cuot Cap

MABOR CUOT

7. Chief Dhor Macar Kuer

DHOR MACAR

8. Chief Marial Dhieu Malual

9. Ex. Chief Maker Dhol Jok

MAKER

10. Ex. Chief Marial Nyibol Kuer

MARIAL NYIBOL

11. Ex. Chief Rin Gac Ahou

RIN GAC

12. CM Long Ngolow Jok

LONG NGOLOW

13. CM Banek Nguet Ariak

BANEK NGUET

14. Sub Chief Mayen Balang Kenjok

MAYEN

15. Sub Chf. Makok Manyang Cengaan

MAKOK

16. Spiritual Ldr. Bol Malual Ayuele

BOL

17. Spiritual Leader Reec Ater Bar

REEC

18. Spiritual Leader Dor Majak Alit

DOR

19. Spiritual Leader Majok Cap Kuer

20. Spiritual Leader Apugi Wath Bar

21. Mr. Mayen Kot Thon

MAYEN

22. Mr. Macar Akot Manyuat

MACAR

23. Mr. Tur Telar Gai

TUR

24. Mr. Dhieu Manyar Cap

25. Mr. Mabor Kuol Yuec

MABOR

26. Mrs. Yar Malek Malual

27. Mr. Ajuot Dhieu Akat

28. Amuor Bol Acol

29. Guet Arol Mathiang

I. Jagei District (Koch), Western Upper Nile

Dinka-Nuer West Bank Peace & Reconciliation Conference

1. Head Chief Kong Kulang Ket

2. Head Chief Mager Ret Wuor

3. Head Chief Yaac Chuol Youc

4. Head Chief Kong Jambil

5. Mrs. Nyabiei Thiec Kuac

6. Mrs. Nyakuot^h Duop Kaang

7. Mrs. Nyalel Lony Gat Yiel

8. Mrs. Nyapata Gatw^h

9. Mr. Nyuon Yiet Gai

10. Mr. David Tap Kot

11. Elder Peter Kun Lief

II. Jikany Guet District, Western Upper Nile

Dinka-Nuer West Bank Peace & Reconciliation Conference

1. Head Chief Joseph Koang Yuor

2. Head Chief Peter Rieng Patai


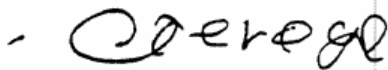
3. Mr. James Kuol Hoth

4. Mrs. Nyakuor Jany Luak

III. Leek District (Kaljaak), Western Upper Nue


Dinka-Nuer West Bank Peace & Reconciliation Conference

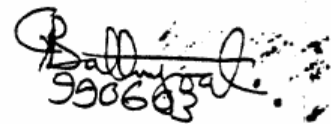
1. Chief George Kuagany Keek


 


2. Mr. Teresa Diang Kulaang


 


 3. Commander Gabriel Both Yol



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 ABRAHAM JUACTHOR

 MADUT AKIER BAAK

 ~~MADUT~~
ABRAHAM GENG TOP

 AMAL IBRAHIM TAWIL

 AWADIA ~~AWADIA~~ HASSAN Abdalla

 REGINA ACHOL ATEM
~~REGINA~~

 AM Mary Nyaboth NEP

 SARAH NYAKHEK TOANG


IV. Leer District (Dok), Western Upper Nile
Dinka-Nuer West Bank Peace & Reconciliation Conference

1. Head Chief Isaac Magok Gatluak

Isaac Magok Gatluak

2. Head Chief Gideon Biding Jageah

Gideon Biding Jageah

3. Head Chief Stephen Kuong Mabel

Stephen Kuong Mabel

4. Head Chief Yoanes Kuol Kai

Yoanes Kuol Kai

5. Head Chief Gabriel Boor Ghany

Gabriel Boor Ghany

6. Head Chief Chany Buoth Niang

Chany Buoth Niang

7. Head Chief Lipjiok Buor Ruei

Lipjiok Buor Ruei

8. Exec. Chief James Gatluak Riek

James Gatluak Riek

9. Exec. Chief George Maawich Dual

George Maawich Dual

10. Exec. Chief Yoak Wuon Tuany

Yoak Wuon Tuany

11. Exec. Chief Chual Toy Gien

Chual Toy Gien

12. Mr. Joseph Jany Chol

Joseph Jany Chol

13. Mr. Thiekuey Bol Pan

Thiekuey Bol Pan

14. Mr. Simon Gatjiaak Nhiaal

Simon Gatjiaak Nhiaal

15. Mr. Paul Kuong Doung

Paul Kuong Doung

16. Mr. John Kuok Lieth

John Kuok Lieth

17. Mr. Simon Both Niang

Simon Both Niang

18. Mr. John Kuong Chual

John Kuong Chual

19. Mrs. Debora Nyadien Jany

Debora Nyadien Jany

20. Mrs. Martha Makin Kuong

Martha Makin Kuong

21. Mrs. Sarah Kuany Choar

Sarah Kuany Choar

22. Mrs. Ruth Nyagany Gatchang

Ruth Nyagany Gatchang

23. Mrs. Marie Nyamuon Chuol

Marie Nyamuon Chuol

24. Mrs. Teresa Deng Kuony

Teresa Deng Kuony

25. Mrs. Josephina Dalat Mangwet

Josephina Dalat Mangwet

26. Rev. George Riek Kurithoi

27. Elder William Matiek Chath

28. Cmdr. Peter Par Jiek

Peter Par Jiek

29. Alt. Cmdr. Michael Thoat Jany

30. Mr. Simori Gatjuat Jaal

~~6-3-99~~

Mr. James Nguang Chackuoth

6.3.1999

32. Mr. Jeremiah Gatnoor Manguet

6.3.1999

33. Mr. Peter Machar Kuol

34. Mr. James Gatjung Jiaal

6-3-1999

35. Mrs. Elizabeth Nyakuer Jany

Joseph

36. Mr. William Jany Chuol

37. Mr. Ruot Gatwich Ruei

38. Mr. James Gatluok Mabuor

39. Mr. Koryom Teny Deng

Gabriel Gatpan Bapiny

41. Mr. Machiek Nereu Wel

42. Mr. Simon Riek Makumy

Mr. Magek Joak

44. Mr. Kot Riak Dong

45. Mr. Thon Nyak Joak

46. Mr. Banguang Kan Lapethor

BANK

47. Mr. Kong Yar Diu

Kong Yar Diu

48. Mr. William Tut Mut

49. Mrs. Nyayang Nhial Chuol

50. Mr. Gatkuoth E... Kuol

Gatkuoth E... Kuol

51. Mr. James Majook Ruot

James Majook Ruot

52. Mr. John Gatluak Duk

John Gatluak Duk

53. Mr. Bang Jual

54. Spiritual Leader Gai Jaal Do

55. Mr. Koang Mabuor

56. Mr. Gai Kaang

57. Mr. John Jock Kuac

John Jock Kuac

58. Mr. John Maguet Gai

John Maguet Gai

59. Mr. Peter Kor Puay

Peter Kor Puay

60. Mr. Sin:en Choudar Gatluak

Sin:en Choudar Gatluak

61. Mr. Stephen Tut Gil

[Signature]

62. Mr. Thomas Tap Shilliny

[Signature]

63. Mr. Michael Manyuon Beliu

[Signature]

64. Mr. Simon Gatjuat Jaal

65. Mr. Michael ^{Thot} Mtoo Jany

[Signature]

66. Mr. Gabriel Machol Gai

[Signature]

67. Mr. John Kuony Muotick

[Signature]

68. Mr. Mamor Guale

[Signature]

69. Mr. Peter Gut Chual

70. Mr. Peter Gatkuoth Chual

[Signature]

71. Mr. Baac Duok Lok

72. Mr. Simon Kuony ^{Batu}

[Signature]
6/3/1999

73. Mrs. Nyakon Riek

74. Mrs. Ruth Nyagany Gatchong

75. Mr. Paul Biel Tang

[Signature]

76. Mr. Stephen Choal Garang

[Signature]

77. Commissioner Joseph Juac Kuon

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[Signature]

78. Mrs. Nyakueny Ruot Ka

79. Mr. Thiec Ruot Puot

[Signature]

80. Mr. Gatwich Joak Raan

Joseph Geng Dho

82. Mary Nyagany

83. Elizabeth Nyabur

84. Alok Mabon

85. Peter Nie Matar

86. Dabla Turgun Lee

87. William Bantun Lal

88. Ruth Nyaba

89. Peter Gal Kong

Pette

90. Simon Tak Lok

[Signature]

V. Panyijar District (Nyong), Western Upper Nile

Dinka-Nuer West Bank Peace & Reconciliation Conference

1. Head Chief Daniel Malual Wun

2. Head Chief Peter Nyong Danhier

PETER NYONG DANHIER

3. Head Chief William Ruei Kuong

WILLIAM

Chief Keribino Nyuon Yar

5. Mr. Simon Kuol Beliu

6/3/1999

John Tong Chany

7. Mr. Marco Gatjung Diu

6/2/1999

Mrs. Sarah Nyangut Chuol

9. Mr. Kabur Teny Dak

10. Mr. Gabriel Kuol Duoth

GABRIEL KUOL DUOTH

11. Mrs. Nyayuol Ruei Koang

12. Mr. Muon Machok

13. Mr. Keel Ruei Kuong

Peter Gatjung Kuol

15. Mr. John Mayak Mat

16. Mr. Juljiok Malual Wun

17. Mrs. Teresa Nyakuoth Pur

18. Mr. Mabor Beliu Dor

19. Mrs. Nyakueka Tong Chany

20. Mr. Guor Kuerkua Duer

21. Mrs. Nyanget Get Gatkek

22. Mr. Yoal Dowan Dhoar

23. Mr. Kuol Duoth Nual

24. Mr. Riak Koang Luak

25. Mr. David Baany Lar

26. Mr. Diang Niel Kulang

27. Mr. Kuony Kulaang Deang

28. Mr. Thiec Rut Put

29. Mrs. Nyakuic Ruot Kai

30. Mr. Mabor Kuajien Duer

31. Mr. Buor Latjor

Invited Observers

Dinka-Nuer West Bank Peace & Reconciliation Conference

1. Head Chief Stephen Wall Kaang



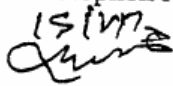
2. Head Chief Peter Kaclech Yuot



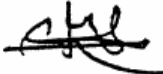
3. Head Chief Car Reath Kok



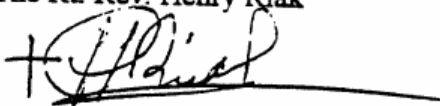
4. Head Chief Stephen Alan



5. Head Chief Adoc Lotiti



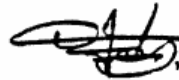
6. The Rt. Rev. Henry Riak



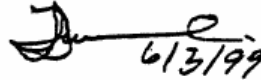
7. Mr. Justin Makuac



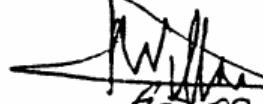
8. Rev. John Okumu




9. Mr. Timothy Tot


6/3/99

10. Mr. William Twil


6/3/99

11. Mr. Billi Mar



12. Pastor Simon Bilil



13. Mrs. Mary Abuk



14. Costa Aken Arigony



**Witnesses to the Covenant,
NSCC Conference Management Team**

Dinka-Nuer West Bank Peace & Reconciliation Conference

1. Dr. Haruun Ruun

2. Dr. William Lowrey

3. Rev. Matthew Mathian Deng

4. Judge Telar Deng

5. Dr. Peter Nyot Kok

6. Dr. Michael Wal Duany

7. Mr. Mario Mour Mour

Dinka-Nuer West Bank Peace Council
Organising Meeting
Wunlit, Bahr el Ghazal, Sudan
Sunday 7th March 1999

On Sunday the 7th of March 1999 the organising meeting of the Dinka-Nuer West Bank Peace Council convened in Wunlit, Bahr el Ghazal, Sudan at 5 p.m. Sudan Local Time. The following members of the Council had been selected by their respective counties and provinces. If upon return to their areas a decision is made to change any members that information will be communicated to the New Sudan Council of Churches.

Membership: Three members, one of whom being a woman, were selected from each of the five border counties in Bahr el Ghazal and the six border provinces in Western Upper Nile. One additional member represented NSCC.

Elected Initial Membership:

Bahr el Ghazal

Gogrial County

Mr. Madut Ayat Barpiny
Mr. Tito Acuil Madut
Mrs. Karman Adongwei Ring

Rumbek County

Chief Jul Macok Lieny
Chief Mnyiel Lieny Wol
Mrs. Agok Anyijong Ater

Tonj County

Mr. Andrew Kuac Mayol
Chief Mario Malok Lual
Mrs. Awut Deng Acuil

Twic County

Mr. Jacob Madhol Lang
Mr. Garang Nyuol Bol
Mrs. Aker Bol Bak

Yirol County

Mr. Telar Deng
Chief Makeny Kamic
Mrs. Yar Malek Malual

Western Upper Nile

Bul

Chief Machael Ruel Diu
Mr. James Lili Kol
Mrs. Nyaluk Kuajien

Jagei

Chief Magai Reat Wuor
Mr. William Dawood Riek
Elisa David Dobuol

Jikany West

Chief Peter Ring Patai
Mr. Thomas Kume Kan
Mrs. Nyador Rieka Diu

Leek

Chief Tung Guar Kuei Cuong
Mr. Koang Tut Dor
Mrs. Chuai Gatkuoth

Leer

Chief Isaac Magok Gatluak
Mrs. Mary Nyabuath Dou
Mr. Joseph Juac Kon

Nyuong

Chief Peter Nyuong Danhier
Mrs. Nyagar Garwec
Mr. Peter Gai Joak

NSCC

Rev. John Okumu

Officers: The Council elected the following slate of officers:

Chairman: Mr. Telar Deng
Deputy Chairman: Mr. William Dawood Riek
Secretary General: Mr. Kong Tut Dor
Secretary of Information: Mrs. Awut Deng Acuil
Treasurer: NSCC Representative

Official Name: The name of the implementing group shall be: Dinka-Nuer West Bank Peace Council.

Next Meeting Date and Place: The next meeting of the Council shall be in November 1999 in Ganyiel, Western Upper Nile.

Discussions and Decisions:

- Elected officers shall serve for two years.
- Each county shall replace its members as needed but shall maintain the requirement of one women within the three member delegation.
- Communications shall be done through radio making use of the offices of the Commissioners, the offices of SRRA and RASS, and the office of NSCC.
- Copies of the Covenant and Resolutions are urgently needed in the field to assist in the process of educating the public of the results of the Wunlit Conference.

Appendix A.
**Provisional List of Villages and Settlements Abandoned and
Considered for Reconstruction**

Dinka-Nuer West Bank
Peace & Reconciliation Conference

Appendix to II. Reclaiming the Land and Rebuilding Relationships

UNITY STATE

DOR DISTRICT; Chief Daniel Malual Wun

- | | | |
|---------------|--------------|--------------|
| 1. Lo Thi | 7. Wun Luak | 13.Pabuong |
| 2. Gualagok | 8. Maar | 14.Pakam |
| 3. Manyal | 9. Wun Theep | 15.Dhol LuaI |
| 4. Acuk | 10.Cot LuaI | 16.Dhol Luak |
| 5. Ayanga | 11.Marial | 17.Pangak |
| 6. Pan Malwal | 12.Pulmuk | |

NYAL DISTRICT; Chief Peter Nyuong Danhier

- | | | |
|-------------|-------------|--------------|
| 1. Ngai | 7. Dhiak | 13.Magok |
| 2. Pak | 8. Koteek | 14.Duong |
| 3. Koiakon | 9. Kuerdiil | 15.Jaliny |
| 4. Joknyiym | 10.Mayom | 16.Riahnyaar |
| 5. Marial | 11.Wunpaab | |
| 6. Pakeen | 12.Maker | |

KWEI DISTRICT; Chief Cany Buth / William Tut

- | | | |
|---------------|------------|--------------|
| 1. Gopacuul | 6. Madol | 11.Ku Wail |
| 2. Titwunley | 7. Pabuong | 12.Bor |
| 3. Patiaptiap | 8. Beng | 13.Boloc |
| 4. Rumajuong | 9. Manyal | 14.Bangdhook |
| 5. Ganyni | 10.Bathjob | |

BEAK DISTRICT: Chief Lipjok Bur & Chief Simon Thieei

- | | | |
|--------------|-------------|-----------|
| 1. Luny | 4. Alowiir | 7. Buot |
| 2. Bou Thian | 5. Karumun | 8. Manyal |
| 3. Makuac | 6. Wekdoong | |

JAGEI DISTRICT: Chief Magei Reat Wuor & Chief Niin Duop

- | | | |
|-------------|------------|----------------|
| 1. Paguany | 7. Cotlual | 13. Nyalou |
| 2. Baar | 8. Kekon | 14. Guang-Coot |
| 3. Peem | 9. Kaleeni | 15. Diet |
| 4. Wangani | 10. Pakuuk | 16. Molshow |
| 5. Tuolpuot | 11. Boc | 17. Wumliit |
| 6. Ngoni | 12. Pibor | |

BAHR EL GHAZAL REGION

ADOR PAYAM: Chief Maker Dhel Jok

- | | | |
|---------------|------------|----------------|
| 1. Macar | 7. Warthok | 13. Karagook |
| 2. Adhion | 8. Pakoi | 14. Panhomlong |
| 3. Malengdony | 9. Macuor | 15. Mayen |
| 4. Ameth | 10. Pakany | 16. Bunakoon |
| 5. Wonachol | 11. Macot | 17. Aguur |
| 6. Makoi | 12. Gol | 18. Adior |

PAGARAU PAYAM: Chief Mabor Cuot

- | | | |
|-------------|----------------|--------------|
| 1. Aleel | 7. Pagarau | 13. Magoole |
| 2. Malekjok | 8. Buttic | 14. Gooragot |
| 3. Maluel | 9. Dhiaukuei | 15. Mageer |
| 4. Mathiang | 10. Adhalmuoth | 16. Acigoor |
| 5. Kap | 11. Dhiop | |
| 6. Wunabyei | 12. Majakjok | |

AKOT PAYAM: Chief Marial Malual

- | | | |
|----------------|-----------------|----------------|
| 1. Paloic | 9. Tim loor | 17. Panlothok |
| 2. Adhuny | 10. Atiaba | 18. Pulareu |
| 3. Riectiel | 11. Tin Macar | 19. Jielic |
| 4. Mangar | 12. Adol | 20. Mathiang |
| 5. Door Mayiep | 13. Kolwith | 21. Malon |
| 6. Akuc | 14. Manyiel | 22. Bunthokrou |
| 7. Mayom | 15. Madol | 23. Aduel |
| 8. Aganyliel | 16. Ameethagook | |

ALLAB PAYAM; Chief Jul Macok Lieny

- | | | |
|--------------|-----------------|-----------------|
| 1. Amongpiny | 9. Rubcok | 17. Agukkuel(2) |
| 2. Agukkuel | 10. Panhomakoon | 18. Tokanuj |
| 3. Payieny | 11. Meen | 19. Akotbeet |
| 4. Bawuur | 12. Malwal | 20. Alueth |
| 5. Ajaang | 13. Malek | 21. Amuol |
| 6. Amalyaar | 14. Jongjak | 22. Abyei |
| 7. Kori | 15. Makuac | 23. Jarbil |
| 8. Keer | 16. Ajakdut | 24. Mabor |

KABEER PAYAM; Chief Mawaat Manger Kurke

- | | | |
|------------|--------------|--------------|
| 1. Rukkwac | 5. Rorbar | 9. Malwal |
| 2. Amer | 6. Mojongrit | 10. Wai Wony |
| 3. Meer | 7. Ameer | 11. Adol |
| 4. Paboj | 8. Karagook | 12. Yaric |

MALEK PAYAM; Chief Macar Magot

- | | | |
|--------------------|------------------|-----------------|
| 1. Ken Malek Abaja | 11. Dholliet | 21. Keraweeu |
| 2. Pacuok | 12. Kayiic | 22. Manycihol |
| 3. Raak Ayen | 13. meeth | 23. Dong |
| 4. Ajuong | 14. Mayom (Akok) | 24. Wegdier |
| 5. Akot | 15. Mayom Jath | 25. Mamer (Bor) |
| 6. Amalyar | 16. Cuei | 26. Thor Nyook |
| 7. Ajak | 17. Cor | 27. Kolmeer |
| 8. Thon | 18. Lang | 28. Dong |
| 9. Path | 19. Tim Kwac | 29. Thuongul |
| 10. Apeet | 20. Kaar | |

LUAC PAYAM; Chief Lino Madut Aguer

- | | | |
|-------------------|-------------------|---------------------|
| 1. Makuac | 17. Wuniet (2) | 33. Pugotdit |
| 2. Panaok | 18. Wunkuel | 34. Pogot Thii |
| 3. Wunakot | 19. Ayok | 35. Ruel Thoom |
| 4. Dhil Anegnijok | 20. Gomgaak | 36. Wucaat |
| 5. Kwakayen | 21. Rumdeek | 37. Cin Thiotonguem |
| 6. Paruelruel | 22. Kwolgiic | 38. Amer |
| 7. Makuanydit | 23. Adial | 39. Nelmar |
| 8. Plor | 24. Aliet | 40. Matcibc |
| 9. Rakayen | 25. Dengtwongkur | 41. Buongathiak |
| 10. Pipur | 26. Makeer Akwol | 42. Col Aguet |
| 11. Pamit | 27. Romngiic | 43. Mading Manyiel |
| 12. Wunliet | 28. Adau Waal | 44. Pagor |
| 13. Ahem | 29. Pamiok | 45. Pabiei |
| 14. Panrual | 30. Panhom Thigak | 46. Biyin |
| 15. Wuncuei | 31. Yawuor | 47. Riangnhom |
| 16. Malualgaap | 32. Pnhompaap | 48. Pajak |

49. Kenthot
50. Panwieth
51. Mendour

52. Ajot
53. Wayaak
54. Wunliet

55. Luolnot
56. Papaiwei

PAKAM PAYAM; Chief Abengo Maker Wurut

1. Maper
2. Mavén
3. Malueth
4. Camcuer
5. Amok Alor
6. Mordol
7. Acoot
8. Thoncol
9. Awec
10. Malang
11. Biliak
12. Kabeek
13. Cattom
14. Panyang
15. Aliet
16. Kaak
17. Riaklai
18. Makuac
19. Malual Cum
20. Dook
21. Amethcek
22. Ngarker
23. Abuuc
24. Polynom
25. Mok Adiong
26. Duonyguk
27. Koot
28. Rier
29. Acolbutic
30. Kuanyong
31. Meer
32. Yiikga
33. Panhiam Cot
34. Makuacdeu
35. Acany
36. Pamakeer
37. Ngabyal Nal
38. Ajuong
39. Ciel
40. Pakuel
41. Katkol
42. Bengjaia

43. Wutjual
44. Rualthiek
45. Jieric
46. Marial
47. Cakong
48. Maumer Ayok
49. Noong
50. Mono
51. Ayen
52. Dibiel
53. Agany
54. Macliith
55. Lenger
56. Mabor Pan Aciek
57. Mabor Pandeng
58. Abei
59. Uwaak
60. Kuun
61. Kuor Nhiem
62. Taangier
63. Pajuot
64. Awai
65. Athomthol
66. Jielingjok
67. Angokjong
68. Theithak
69. Pakourn
70. Macar Akuoc
71. Rumcuol
72. Kenagel
73. Keer Wieth
74. Yar Manner
75. Lang Athok
76. Alec
77. Acieek
78. Atuek
79. Abuooth
80. Adiim
81. Wutbuol
82. Cating
83. Ngagok
84. Malith

85. Payak
86. Magok
87. Wutbath
88. Aloor
89. Mamer Gak
90. Cum
91. Majak
92. Malual Gai
93. Mabil
94. Mabang Anin
95. Kuol
96. Adir
97. Pan Kuel Anin
98. Pamakeer
99. Pan Thiong
100. Acol
101. Makuoic Pamol
102. Makuac Pacoldor
103. Nyitong
104. Majok
105. Nyueny
106. Malual Anin
107. Rumdiar
108. Rumkoor
109. Kuom
110. Rumdong
111. Agathdang
112. Manyiel
113. Thonbar
114. Acoi
115. Agar
116. Lou
117. Wutangui
118. Riaklaigok
119. Makol
120. Ajomdeng
121. Biar
122. Cuei Aret
123. Anyac Wei
124. Makuei
125. Ajieng
126. Thial

127.Kacuol
128.Rathyic
129.Jeec
130.Piny
131.Ngaptok
132.Cintikmoc
133.Lang Adel
134.Ajok
135.Tongthei
136.Juatwei
137.Citingdou
138.Agnath
139.Wuru
140.Ayong

141.Mabor Ahec Koc
142.Anget
143.Bolou
144.Acacath
145.Nyoryic
146.Anyom
147.Pathaweer
148.Jaweng Gak
149.Pan Ayak
150.Awetgiir
151.Barmac
152.Kijeltueny
153.Wutdhiet
154.Kepret

155.Alenger
156.Look
157.Metnyiel
158.Kukung
159.Nyiel
160.Jierangok
161.Apew
162.Duop
163.Maker
164.Mangok
165.Yomgak
166.Magaan
167.Kunor

NUER – DINKA LOKI ACCORD

Lokichokio June 2-10, 1998

Nuer and Dinka Chiefs and Church leaders have met in a peace and reconciliation meeting in Lokichokio Kenya under the auspices of the New Sudan Council of Churches (NSCC). We now issue this call for peace among our people.


After 15 years of conflict, we the joint committee of chiefs and church leaders demand: -

- That Commanders of both sides refrain from hostile acts
- That local agreements be respected and honoured
- A stop to cattle raiding
- A stop to all killing, and abduction of women and children
- To return recently abducted women and children to their homes
- To stop burning of homesteads
- Permit free movement between Nuer and Dinka areas.

We have further agreed to hold a series of meetings throughout all communities in the East and West Banks of the Nile to pursue all possible means towards a just and lasting peace in the land of Nuer and Dinka.

Signed:


CHIEFS

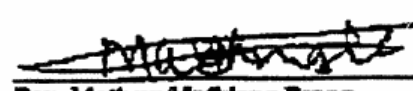

Kalang Marial West,
Rumbek County



Ben Matim Arop, Alot


Bong Duni Dhuu,
Ayod

CHURCH LEADERS


Rt. Rev. Nathaniel Garang,
ECS Diocese


Rev. Matthew Mafiang Dhuu,
PCoS


Fr. Raphael Riak,
RCC Rumbek Diocese

CHIEFS

Magok Gatsink,
Law

Myung Dambler,
Nyal

Wilton Rensen

William Marc Snow,
Canyot

MAFENY

Maloney Kanda,
Yani

Gashink Thak Than Kwoy,
Want

Technical adviser:

Talar Dwan,
South Sudan Law Society

CHURCH LEADERS

The Very Rev. Abraham Maywa Afbatu,
Archdeacon,
ECS Rumbek Diocese

The Very Rev. Daniel Don, Archdeacon
ECS Bor

Rev. Ayar Dwig,
Sudan Interior Church, Melit

Rev. David Kuer Widiuk,
PCoS, Want

Rev. John Mazar Than, Rumbek Diocese
ECS Bor

Rev. George Khak Kairthai,
PCoS, Low

Rev. Peter Kyal Gha,
PCoS Khambak Parish

Justin Makone M. Dot,
ECS Rumbek Diocese

DRAFT PAPER ON THE ISSUE OF SLAVERY/ABDUCTIONS IN SUDAN. For Discussion.

Background.

Sudan the largest country in Africa, is land of extraordinary geographical and cultural diversity. It is a country with a population of about 26 million who speak over 400 languages. Of Sudan's 43 years of independence only 11 of those have Sudanese peoples known peace. Unfortunately for the Sudanese people – Slavery, which rooted in the history of Sudan, has become and is a part of it war-stricken present. It has re-emerged as a consequence of the government's conduct of war as well as the inflammation of racial and religious hostility.

To enslave is actually the most extreme manifestation of a range of opportunistic practices, which take place against a background of massive destruction of livelihoods and homes. These abuses have been carried out by all the parties in the war. Slavery however, stands out as the most dehumanizing in this pattern of abuses and is so far understood to being solely imposed on southerners by the northerners. There are no hard facts on these, but increasingly there is information that some southerners particularly within the ranks of the SPLM are also involved in the slave trade. They are said to have taken advantage of the buy back scheme backed by the CSI and have organized with the mixed blood Dinkas from northern BEG to round up children from the communities and pose as northern merchants who have brought children back and these traders are then paid off by CSI. Understandably these high placed persons within the movement are the link with CSI and inform CSI when children are supposedly recovered. The money then received by so-called trader is then split with these high-ranking officials.

It is also evident that, from the mid-1980s the various governments in Khartoum have provided vehicles and automatic weaponry for local tribal militias to sort of create a "buffer zone" against the rebel forces in the south. These tribal militias are pillaging, looting, raiding, killing and seizing captives, particularly women and children, of whom some end up being enslaved. The current government may not have been the mastermind of the revival of slavery but it has been the most ruthless and systematic in waging its war against the people of the south. The issue of slavery and abductions constitute but a fraction of the human rights violations now prevalent in Sudan, but it must be added that, its revival exposes problems that must be acknowledged and deep wounds that need to be healed if the country has to find a solution to lasting peace.

A Tentative Analysis of the Current Situation.

There is a general understanding that the slavery issue is a north – south concern. As referred to in the above paragraph the issue of slavery was revived in the Sudan context in the mid – 1980s as a mechanism or tool of the current



war. It has been said that enslaving the southerners was a carefully thought out plan by the then regime in power of the Umma party. It would seem the idea was to weaken the southern efforts towards the war by breaking their very spirit. Complete destruction of homes, livelihoods and enslavement of the survivors was then developed as a war strategy. The current regime is said to have intensified this strategy of the war by arming tribal militias who are in the forefront of perpetrating these crimes against humanity. It is also understood that certain GOS forces especially those guarding the train are involved in these wicked actions. As the GOS has to a large extent failed to bring to book those soldiers under their control, coupled with the fact that the same GOS arms the tribal militia with sophisticated weaponry – it can only be concluded that the GOS certainly has a hand or condones the practice of slavery – which it sees as a political advantage. Better put in the words of Mahjoub el-Tigani (Sudan Human Rights Rep.) – “The GOS gains a political advantage (over) those who do not want anything to do with an Islamic government, those whose culture is not Arab or Muslim. It sees them as potential supporters of the SPLA. So they are really trying to humiliate and subdue them in different ways. Slavery is a political tool for the GOS”. (Slavery in Sudan by Peter Verney, 1997)

Unverified sources are also indicating that ranks within the SPLM/A are found a lucrative angle in the slave trade. Certainly not by selling their own to the slave traders or say aiding the northern militia in capturing slaves, but in hoodwinking CSI into believing their buying back genuinely recovered slaves. CSI came into help the poor of BEG after the settlement that was reached by the northern BEG Dinkas and the Rezeigat. The Rezeigat would recover slaves from further north in return for grazing pasture for their cattle during the dry season. Also a payment of 5 cows was given for each recovered person to the Arab trader. CSI understandably for the sake of media exposure prefer to buy back directly from Arab looking traders. It is said that a few high ranking members of the SPLM/A both on the ground and outside have organized a group of Arab looking Dinka men to pose as Arab traders from the north. Understandably these Arab looking Dinkas (Dinkas of mixed blood) collude with parents to round up children and have custody of them until CSI is informed that a good number of children/persons have been recovered. This is done through an extensive network from the field to representatives in Europe who are said to have close links with CSI. Once CSI is informed then they fly to BEG and the recovered persons are then bought back for a figure of some say as little as USD 50 and others as much as USD 500. It is said that once CSI officials have left then the money is divided up. This allegation would need a thorough investigation before such information can be made public.

It is also understood that many children captured are at a very tender age. Explanation for that is so that they can be easily Islamised and Arabised and that they would not attempt to run away. Information from a field trip to Phanthou – (following the incident at the Warwar market) report by the Education/CEDC officer earlier this year indicates that the majority of kids were below the ages of

five. It is very serious that children of such a tender age should be taken into bondage – a thorough investigation into what happens to these children after they have been taken into captivity.

Limitations/Discussions Points.

- There is hardly any recording and a lack of documentation from the south of abduction cases or of those enslaved. And if such information exists (possibly from agencies on the ground) it is not/has not been shared. This lack of information or knowledge of what is actually happening on the ground and a lack of accurate/no data is a handicap in the formulation of a strategy to address the issue.
- Developing of an intervention strategy would need the w/shop to discuss the formation of a joint investigative team to look into the slavery abduction issue. A joint team with all actors is necessary to avoid any group trying to impose or manipulate the other during the investigation period. A TOR for the team would also have to be jointly developed to avoid the surfacing of hidden agendas by any part of the team at any stage of the investigation.
- What are the responses of the actors in the current war on the issue of abductions/slavery and what actions have the respective parties taken so far? How does UNICEF fit into the whole picture and what can it do?
- What alternative measures can be taken to redeem the slaves as opposed to buy back schemes of CSI and the local initiatives of the Dinka and Reziggat tribes? UNICEF must be able to come up with a viable alternative that would be attractive to all the actors in the cases of abductions/slavery and that would secure a lasting freedom from bondage of the affected Dinka tribes – an option that would not encourage other greedy and evil persons develop an alternative racket e.g. the suspected racket developed alongside the CSI buy back option – explained above. Developing this alternative would be a great challenge for those opposed to the buy back scheme as those already benefit would most likely work against any efforts that would affect the benefits they are currently receiving.
- What possibilities are there of a cooperation between GOS and the SPLM (if at all they are genuine in that they too would like to see an end to cases of abduction/slavery)? The SPLM for example has indicated that they are not in favor of the buy back scheme – what guarantees are there that they would support UNICEF if it developed an alternative option?
- How do we handle the buy back scheme of CSI – what is involved in the CSI buy back scheme and its implications on the slave trade and the local initiatives by the Dinka and Reziggat tribes?

- How would UNICEF develop/support local capacity to sustain/maintain a peaceful co-existence between the affected tribes and therefore stamp out abductions/slavery all together.
- "Trainloads of war booty" – it is known that the troops and militia that accompany the train from Babanusa to Wau in its supposedly 'noble mission of protecting the relief routes', while actually they routinely attack villages along the way where they not only capture war booty of cattle, goats food items but also civilians. All these find their way into markets in the north.
- Are there any punitive and legal measures taken against the perpetrators of this hideous crime against humanity?

Proposed Action.

- Define the problem and the extent of it as well as its impact on the affected persons.
- Identify the geographical areas affected.
- UNICEF (southern sector) to follow-up on meeting with Deng Alor (see attached NFR) – on the setting up of a joint investigative team into the affected areas. TOR for the team to be jointly developed.
- Facilitate and coordinate activities of the team.
- Provide support for the documentation of the team's findings – (also a ensure proper documentation of case studies) and implementation of proposed viable actions.
- Develop and set up mechanisms on how to involve the community members – particularly parents on the recording and reporting of slavery/abduction cases.
- Set up retrieval systems with affected communities, local authorities, legal enforcement institutions, etc on either side as well as mechanisms on re-integration/reunion, rehabilitation of those who had been kept in captivity – free of charge develop an alternative.
- UNICEF (northern sector) to develop a strong lobby strategy for the GOS to stop arming and possibly disarm tribal militias – who have engaged in raiding of villages resulting in the taking of slaves and abductions particularly of children and women.
- Initiate and support local reconciliation efforts among the affected tribes with an aim to restoring and sustaining traditional peacekeeping structures and methods.

Author: Ted Chaiban at PO326C01

Date: 5/27/99 7:27 PM

Priority: Normal

TO: Thomas Ekvall at PO564A01, Ushari Mahmud at PO564A01, Sharad Sapra at PO287A01,
Stephen Lewis at PO641A06

CC: Alan Everest, Mima Perisic, Nadi Osodo, Gillian Wilcox, David Pulkol at PO326B01,
Saad Houry at PO320A01

Subject: Meeting with Deng Alor

Please find below an NFR of a meeting held with Deng Alor, SPLM Secretary for Foreign Affairs on the abduction/slavery in BEG issue. I will be sending a separate NFR of a meeting I had with Mr. Alor today during which this subject was also discussed. It provides more detail. Ted

Forward Header

Subject: Meeting with Deng Alor

Author: Mima Perisic at PO326C01

Date: 5/27/99 4:19 PM

NOTE FOR THE RECORD

On the meeting with Deng Alor, SPLM, on abduction/slavery issues

Date: 26 May 1999

Participants: Nadi Osodo, CB/GAD; Mima Perisic, CEDC/Education

Venu: DA's house

DA gave a short history of the abduction/slavery problem emphasizing that it has reached the current proportion and consequences since 1986, when the Government supported formation of militias. It has turned into lucrative business and incentives for militias. He denied any knowledge of SPLM being involved in the buying back business. DA said SPLM is against the CSI strategy of buying back the slaves and would like to see an alternative offered for the retrieval of enslaved children and women. He aired the view that local authorities in Darfur and Kordofan are concerned with the negative effect that the slavery issue has on their business and international credibility and are ready to try to solve it. He mentioned two Arab/Dinka conciliatory conferences planned in the near future. The first will be organized in Cairo between the intellectuals of Kordofan, Darfu and Dinka. SPLM has not yet set the date for the conference. The second will take place on the ground in NBEG between chiefs from the both sides. The meetings will be an opportunity to discuss a series of questions such as water, grazing land as well as abduction and to start with the sharing of information on abduction.

DA stated that the abduction/slavery issues have been recently discussed at the highest SPLM level. The decision has been made to set up a SPLM/SRRA committee on abduction/slavery, which will be UNICEF/OLS contact point on the issues. Committee's first task will be to go into the field and visit the six mostly affected counties (Raga, two Aweils, Twitch, Abiye, Gogrial) and to carry out an assessment of the magnitude of the problem. DA stressed the need to well document the problem of abduction. UNICEF proposed provision of technical assistance in the preparation and implementation of the assessment exercise, which DA accepted. The assessment report should also include the recommendations on relevant strategies and on divisions of responsibilities in addressing the abduction and slavery issues. The

committee is expected to be formed within the next two weeks.

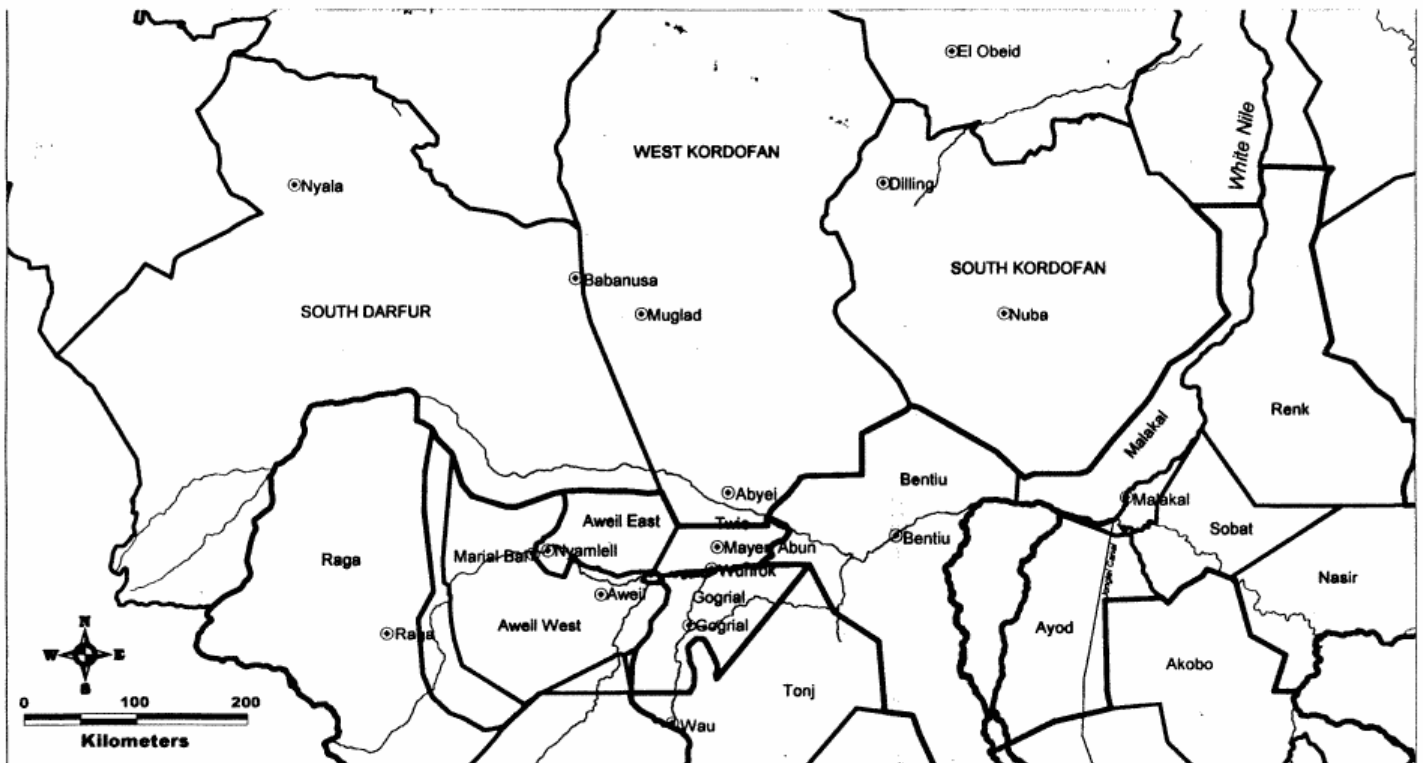
The following table gives some indication of the magnitude of the problem for a series of raids by the PDF spanning January 98 to February 99 for which accurate data is available:

Abductions global analysis BeG from Rapid Assessment Team Data March 99						
Village/Area	Name	Age	Sex	Number	Date	Returned
				Abducted		
Udici		adult	F	9	01/28	8
				9		
Akoch		child	M/F	193	02/26	
		adult	M	316	02/26	
		adult	F	360	02/26	
				869		
Bai, Madhol, Malual Bai		child	M/F	409	02/04	
		adult	M/F	550	02/04	
				959		
Malual east		adult	M	49	12/06	
		adult	F	52	12/06	
		child	M	35	12/06	
		child	F	38	12/06	
				174		
Gogrol (Baau)		adult	F	9	01/28	
Two attacks		child	M/F	20	02/04	
				29		
Kongor (Wuncum)		child	F	2	02/06	
		adult	M	9		
				11		
Wathmuk		adult	M	5	02/11	
		adult	F	6		
		child	M/F	43		
			Sub tot	54		
			total child	740		
			Grand tot			

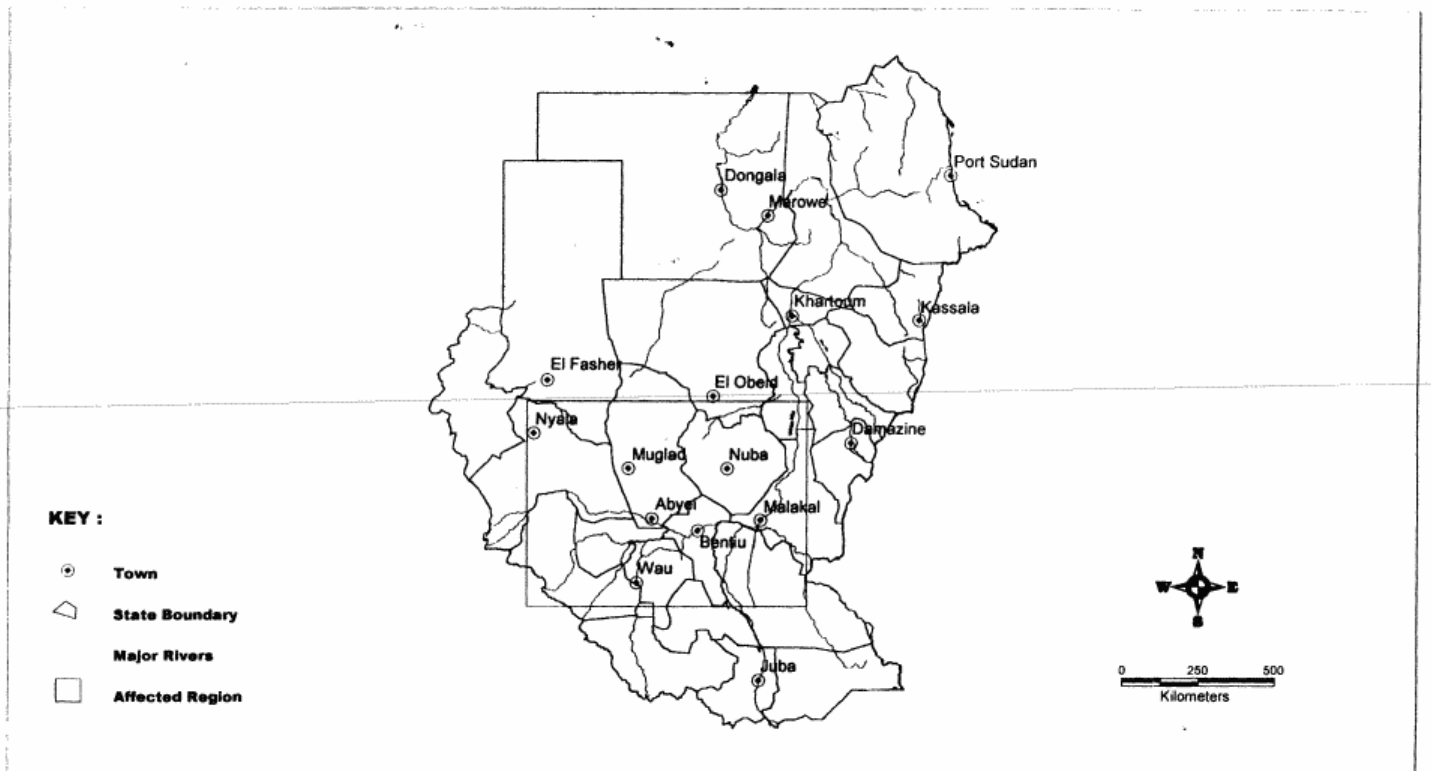
				2,105		
	Percentage children		35.15			

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 APRIL 1999

SLAVERY IN SUDAN : AFFECTED REGION 1999



SLAVERY IN SUDAN 1999



The UNICEF Sudan (Khartoum and UNICEF/OLS Southern Sector) Workshop on

Abduction and Slavery in Sudan

16 – 18 June

Nairobi, Kenya

Position on Redemption of Slaves

While accepting the good intentions of most of the individuals involved in and supporting attempts to buy – back or redeem slaves, this meeting does not support the practice for the following reasons:

1. Law and Principle

Abduction and enslavement of human beings is an extremely serious violation of international human rights law and Sudanese national law. The Government of Sudan is responsible for protecting its citizens from such crimes, and for rescuing its citizens when they are victims of such crimes. The Sudanese Government is also responsible for investigating and prosecuting the perpetrators of such crimes according to due legal process. As a matter of principle, UNICEF cannot condone the payment of money to criminals who the Sudanese Government should be pursuing with the full force of the law.

Slavery is a crime against humanity. As a matter of principle UNICEF will not reward individuals for committing crimes against humanity

2. Addressing the Root Cause of the Problem

The practice of buying slaves for release does nothing to address the causes of the problem at any level.

3. Encouraging the Practice of Slavery

The practice of buying back slaves encourages the practice of taking slaves by creating additional markets and demand and by driving up the prices for slaves.

4. Abuse of the Process

The practice of buying back slaves is open to abuse at all levels:

- Slave purchasers can and do obtain children from anywhere and claim they are rescued slaves, when in fact they are not.
- Local communities receive payment from the slave purchasers which ensure their ongoing compliance with sham slave redemption.
- Unscrupulous individuals within, and closely associated with, the SPLM, can manipulate the entire process. They accompany CSI officials throughout the process, from Europe, to Nairobi and to northern BEG. These officials receive a portion of the money that is brought in by CSI and others.

5. Political Motivation

Many of the organizations (as opposed to individual contributors, such as school children) involved in slave redemption are seeking to promote a particular religious and political cause, rather than simply trying to reunite and return abducted children and women to their families and communities.

6. No programme or follow-up

The current practice of purchasing slaves in Sudan is carried out on an ad-hoc basis and does not appear to be part of any proper reunification and reintegration programme that would assist abducted children and women to deal with the many and complex social problems encountered when returning to traditional communities. Assistance programmes for reintegration are particularly important if the abductees have been held in captivity for long periods and if they have been subject to sexual abuse.

7. Payment by Families and/or Local Community Representatives

It is perfectly understandable that, when given the opportunity, a family or community would be prepared to make some kind of payment for the return of its members. UNICEF should not object to local arrangements that do not involve payment by foreign agencies.

8. Alternatives

Supporters of slave redemption often argue that there is no alternative to their actions. This is not true. Alternatives include the following:

- Programmes such as that run successfully by Save the Children Fund through local structures such as the Dinka Malwal Chiefs Committee.
- Grass roots level reconciliation aimed at voluntary reunification of abducted children and women and peace-building through traditional local structures, such as that proposed by this meeting.
- International pressure at all levels to force the Government of Sudan to line up to its commitments under international human rights and humanitarian law and to enforce its own domestic law.

WORKSHOP ON ABDUCTERS/SLAVERY AND PEACEBUILDING

LANDMARK HOTEL – 16 – 18 JUNE 1999

EVALUATION FORM

I. How did you find the different sessions (subject content)

Session	Excellent	Good	Fair	Poor
1. Introductions				
2. Definition, nature, extent of problem				
3. Legal Framework				
4. Tracing (UM) Understanding				
5. Human Rights				
6. Defining Rights based approach				
7. Mapping				
8. SCF presentation				
9. LRA				
10. Group Work				
11. Any other				

II. What would you have liked to hear/discuss more on?

III. Do you think UNICEF is now well equipped to initiate a rights based intervention on Slavery/Abduction

Very well

Well enough

Not really

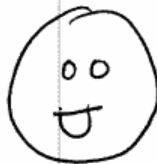
Not at all

IV. Logistical and other: How well do you rate?

Item	Excellent	Good	Fair	Poor
Venue				
Time Frame				
Resource Persons				
Facilitators				
Materials				
Presentations				

V. At the end of this workshop you feel

(tick please)



VI. Any additional comments