

Enhancing Sudanese civil society participation in peace-building

Nairobi
15–16 August 2005



Africa Peace Forum, InterAfrica Group, Saferworld

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Report of a dialogue meeting between civil society representatives from North and South Sudan and the European Commission

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Executive summary

The signing of the Comprehensive Peace Agreement (CPA) by the Government of Sudan and the Sudan People's Liberation Movement (SPLM) on 9 January 2005, represented a major step towards ending the devastating 21 year civil war between the North and South of the country. The agreement calls for far-reaching changes to Sudan's structure and governance, including new interim national and state constitutions, and the formation of a new Government of National Unity and the Government of South Sudan. Furthermore, the agreement has paved the way for the European Union (EU) and other donors to resume development co-operation with Sudan.

Sudanese civil society organisations face many obstacles to participating in the peace-building process and influencing government and donor policies. However, their participation is critical to the emergence of a more open and democratic culture in Sudan and to holding the parties to the CPA accountable for implementing it. Furthermore, civil society potentially has a key role to play in broadening popular understanding and support for the peace agreement, and advocating for measures to bring an end to ongoing violence and humanitarian suffering in the northwest region of Darfur, as well as other parts of the country.

On 15-16 August 2005, representatives from civil society organisations from North and South Sudan met in Nairobi in order to identify ways in which they can work together to participate in and to influence the peace process, donor policies and Sudan's new governance structures. The meeting was organised by Saferworld, Africa Peace Forum and InterAfrica Group, as part of a joint project 'Enhancing the capacity of the EU to foster peace and security in the Horn of Africa'. The meeting provided an opportunity for dialogue between civil society representatives from different regions of Sudan, including representatives from the Non-state Actor (NSA) Interim Committees for both North and South Sudan and civil society representatives from the east and west of the country. It also provided an opportunity for dialogue between Sudanese civil society representatives and the European Commission (EC). The meeting was a follow up to an earlier dialogue meeting held on 21-23 September 2004 in Addis Ababa.¹

The participants reviewed the achievements and challenges faced by civil society in participating in the implementation of the CPA and the constitution drafting process. They also discussed the EU's engagement in Sudan, the opportunities for civil society to access funding, and the problems associated with delays in implementing the EU's non-state actor capacity-building programme. The discussions also focused on analysing the key opportunities, threats and challenges to the peace process in Sudan, and developing recommendations for how civil society and other actors could take action to address them.

A key challenge identified by the participants was a lack of awareness by the wider public of the provisions of the CPA and the constitutional process and their implications for the future of Sudan. They identified this as a major obstacle to broadening public support for the peace process and to opening up space for wider popular participation

¹ Africa Peace Forum, InterAfrica Group and Saferworld have published the report of this meeting, 'Developing Sudanese civil society engagement in the Cotonou Agreement', Addis Ababa, 21-23 September 2004.

in the new governance structures of Sudan.

The participants agreed to enhance co-operation between civil society organisations from North and South Sudan by working together towards a common goal. They decided that a key priority for the NSA committees from North and South Sudan would be to work together to raise awareness and provide civic education on the CPA and the constitutional process.

1

Introduction

The civil society dialogue meeting was attended by 46 participants, including representatives from Sudanese civil society, the European Commission (EC) and international non-governmental organizations (NGOs). This included civil society representatives from the NSA Interim Committees for North and South Sudan, as well as civil society representatives from the east and west of the country. The meeting was organised by Africa Peace Forum, InterAfrica Group and Saferworld, as part of the joint project 'Enhancing the capacity of the EU to foster peace and security in the Horn of Africa', as a follow up to the dialogue meeting held in September 2004 in Addis Ababa.

The overall aim of the meeting was to bring together key stakeholders to identify common priorities for civil society from North and South Sudan to work together to strengthen peace-building in the country.

Objectives

- To discuss progress, experiences and challenges faced by Sudanese civil society in participating in the implementation of the CPA and the constitution drafting processes
- To strengthen dialogue between civil society representatives from the North and South, and to broaden this dialogue to include representatives from the east and west of the country.
- To inform civil society of EU engagement in Sudan and encourage dialogue between the EC and Sudanese civil society representatives
- To analyse the opportunities, threats and challenges to peace-building in Sudan and to develop recommendations for civil society and other stakeholders to address them
- To identify and agree priority actions and next steps for the North and South Sudan NSA Interim Committees

Outcomes

The participants agreed that the key priority for the North and South Sudan NSA Interim Committees in the next six months to one year is to popularise the CPA, the Interim National Constitution, and the process for developing state constitutions by providing civic education and awareness-raising. Participants agreed that this was a crucial next step for broadening popular support for the peace process and opening up the space for Sudanese civil society to participate in the new governance structures of Sudan.

Participants agreed to enhance co-operation between the North and South Sudan Interim Committees through working together towards this common objective. There was support for the idea of forming a national NSA forum, as well as local and regional forums, as a means of sharing information and engaging with donors, including the EU. However, participants expressed concern that establishment of the forums had been held up due to prolonged delays in disbursing funds under the EC NSA capacity-

building programme. Furthermore, some participants raised concerns that the issues of organisational structure and networking should not take priority over action to raise awareness of the CPA and the constitutional process. They felt that the awareness-raising activities should not wait until a national NSA forum is formed and that civil society should learn, build capacity, legalise and develop structures through the process of working together, rather than as a prerequisite for this.

2

The role of civil society in peace-building in Sudan

Since the dialogue meeting in September 2004, there have been a number of major political developments in Sudan. The signing of the CPA by the government of Sudan and the SPLM on 9 January 2005, represented a major step towards ending over two decades of civil war between North and South. However, violence in the western region of Darfur and tensions in the east continued to escalate, threatening to destabilise large areas of the country and to undermine the implementation of the CPA. Sudanese civil society representatives acknowledge that despite its weaknesses, the signing of the CPA represents a significant opportunity for peace-building in Sudan. However, they also recognise that a major challenge to peace-building will be to broaden support for the CPA and to find a peaceful resolution to the conflicts in Darfur and the east.

Significant progress has been made in implementing the CPA, which brings about major changes to Sudan's structure and governance. The CPA calls for the formation of a transitional Government of National Unity (GNU), based on an Interim National Constitution, and a six-year interim period. The Interim National Constitution was signed into law in July 2005, paving the way for the formation of the GNU. However, the sudden death of John Garang de Mabior on 30 July, only weeks after he was sworn in as First Vice President, raised anxiety and contributed to uncertainty about the implementation of the CPA. Participants acknowledged the increased risk of violence in the aftermath of Dr Garang's death and expressed support for the new leadership of the SPLM to safeguard the CPA and to carry forward Dr Garang's vision.

The CPA also calls for the formation of the Government of South Sudan (GoSS), based upon the South Sudan Constitution. Following the interim period, a referendum will determine whether the South will remain part of the country or become separate.

The meeting began with presentations on the achievements and challenges faced by civil society in participating in the implementation of the CPA and the constitution drafting and review processes in both North and South. Speakers also reflected upon progress in following up on the recommendations of the previous meeting in September 2004.

Gender dynamics in the Constitution drafting process

Suzanne Jambo, New Sudanese Indigenous NGO Network

With the beginning of the interim period in July, a key challenge is the formulation of a legitimate constitution for the GNU and the GoSS. An even greater challenge is adequate inclusion of women in this process. In some conflict-affected areas of the South, it is estimated that women and girls make up to 60 percent of the population. Sidelining such a large percentage of citizens from the constitution-making process would severely undermine sustainable peace and democratic governance in Sudan.

There are a number of challenges to women's participation in the constitution making process:

Firstly, international norms and standards on women's rights have not been adequately observed by the parties in the CPA implementation process. The parties to the CPA have not adopted UN Resolution 1325 on the inclusion of women in the implementation modalities of the CPA. Furthermore, Sudan has not ratified and implemented the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Secondly, there is a historical legacy of discrimination against women in Sudan, which continues to impact on women's participation in political processes. Women do not hold key positions and are 'given' very few peripheral positions in the political system. There are also numerous cultural norms that reinforce men's dominance over women. In addition, women lack social and economic rights, such as the right to own property and access to basic education, which in turn limits their ability to advocate for their rights and participate adequately or fully in the country. As a result of this historical legacy, many women lack confidence in their ability to input into policy processes or fear that their rights will not be protected.

Thirdly, the constitutional process itself has not been fully transparent, democratic and inclusive of civil society, and constitutionalism has not yet been entrenched within Sudan's institutions and political culture.

In order to address these issues, the following recommendations can be put forward:

- The GNU should adopt UN Resolution 1325 and ratify CEDAW to guarantee the rights of women in post-conflict nation-building and in the CPA implementation process.
- The UN and AU peacekeeping forces should be trained to be sensitive to gender issues and women should be included in these forces. This would help ensure that peacekeepers protect women from violence and address their safety and security concerns, and would encourage reporting of gender-based violence.
- Civil society organisations should actively lobby for women's rights and for women's participation in all aspects of post-conflict nation-building in Sudan. This will require consistent external support from donors, including the EU, for community-based organisations and NGOs that focus on gender issues, as well as broader advocacy and support for the empowerment of civil society. Within the South, civil society should form a network that focuses specifically on advocating for women's rights and participation in constitutional and CPA implementation processes in the South.
- The GNU and GoSS, in partnership with donors and civil society, should promote pro-poor socio-economic policies, which would ensure the economic empowerment of women, who are represented disproportionately among the poor. The provision of universal free primary education for all Sudanese citizens would benefit women and others in regions such as the South, who have not historically had equal access to education. In addition, there is an urgent need for training for government officials,

including women, in order to promote good governance and women's participation in government.

- Finally, there is a need to support information-gathering and research to assess the specific problems and challenges faced by women in Sudan, in order to develop specific strategies to address them.

Sudanese civil society participation in the mechanisms for implementing the CPA and the development of the Interim National Constitution

Dr Shaddad Maiwa, Chair, NSAs Interim Committee for North Sudan

The report of the Sudan dialogue meeting held on 21-23 September 2004 in Addis Ababa outlines a number of recommendations for enhancing the capacity of civil society to participate in the constitutional process and the implementation of the CPA. However, progress in making this vision a reality has been frustrated by a number of factors. It is important to take this opportunity to review this experience, to consider the key constraints on effective participation by civil society and to re-evaluate our strategy.

There are two key constraints that will need to be addressed if civil society is to participate in and influence the implementation of the CPA and play an active role in the post-conflict structures of Sudan at the national level:

- **Legal framework and enabling environment.** The lack of an enabling environment for civil society, including a legal framework that guarantees civil liberties and democratic rights, is a key constraint to the participation of civil society in the peace process at the national level. Furthermore, opening up space for civil society has not been given sufficient priority by the international community in its engagement with the parties throughout the peace process. There has been very little space for civil society in the Joint Assessment Mission (JAM) process, in the negotiation and implementation modalities of the CPA and in the process for drafting and reviewing the Interim National Constitution.
- **Funding for civil society capacity-building.** Civil society organisations require external support and funding in order to build their capacity to effectively engage in political and policy processes in post-conflict Sudan. NSAs have planned activities aimed at capacity-building, however, the difficulties with accessing funding and support to carry out these activities have been a key constraint.

Southern civil society participation in the development of the South Sudan Constitution

Yoanes Ajawin, Justice Africa

Southern Sudanese civil society is actively participating in the process of drafting and reviewing the South Sudan Constitution. This process has been led by the Southern Sudan Constitution and Civil Society Initiative, and began in December 2004, when a committee was established to determine how Southern Sudanese civil society should be governed. Justice Africa, alongside the New Sudan Council of Churches, the South Sudan Law Society (SSLS) and a number of other civil society organisations formed a

committee to co-ordinate civil society input into the constitutional process. In February 2005, 57 Southern Sudanese civil society organisations participated in a consultation with the SPLM on the South Sudan Constitution.

Southern Sudanese civil society organisations have been relatively influential and effective in inputting into the constitution-making process. A key reason for this is that they were proactive. Donors were not interested in supporting civil society work on the South Sudan Constitution until after the CPA was signed and the pre-interim period ended. However, this would have been too late to provide meaningful input and so civil society had to go ahead without external support. Similarly, civil society needs to think ahead of government rather than following the government's lead, which in turn may help the government to meet its own deadlines.

There have also been important steps taken in the North-South dialogue process, including a dialogue meeting held in October 2004. At this meeting, Northern and Southern civil society organisations began the process of identifying what they will co-operate on and a minimum common agenda between North and South. The next step will be to further the healing and reconciliation process, particularly at the grassroots level.

3

European Union engagement in Sudan

Kent Degerfelt, Head of EC Delegation, Khartoum

Huda Eltom, EC Delegation, Khartoum

Gaetano Calamita di Tria, South Sudan Regional Manager, EC NSACBP

The EU suspended development co-operation with Sudan in the 1990s due to concerns about human rights violations and the conflict in the South. However, with the signing of the CPA, the EU is now in a position to fully resume development cooperation. The EC and the Government of Sudan signed a Country Strategy Paper in January 2005, which allocates 318 million euros to the reconstruction and development process in Sudan. In addition, the EC contributes funds from other sources, which brings the total EC contribution to over 400 million euros.

There are several EC funding streams that are currently or will be available to civil society organisations in Sudan:

- The **Non-state Actors Capacity-building Programme (NSACBP)** aims to build the capacity of NSAs to be development partners as envisaged under the Cotonou agreement. However, the programme has suffered significant setbacks and delays, which will be addressed in more detail below.
- The **European Initiative for Democracy and Human Rights (EIDHR)** is expected to provide approximately one million euros to directly fund small projects. The funds are available for micro projects broadly related to human rights. A call for proposals is expected to be launched towards the end of 2005, with projects to be appraised and funded thereafter.
- NSAs may also benefit indirectly from the European Development Fund and RECAP funding streams. These are indirect channels, but are based on the Cotonou principles of co-operation and ownership.

The EC advises that Sudanese NSAs maintain regular contact with the EC Delegation offices in order to stay informed of funding opportunities and calls for proposals. The EC has been working with NSAs to establish a database of NSAs in Sudan that will assist in disseminating and sharing information regarding funding applications. Completion of this database has been delayed, however, and the EC Delegation in Khartoum is looking for funds to complete it.

Non-state Actors Capacity-building Programme: Current status and way forward

The NSACBP has suffered delays and setbacks that have seriously hampered its viability in its present form. Although the programme has a budget of nearly two million euros and officially started in February 2004, the programme funds are not yet available due to administrative and procedural difficulties. However, the EC is currently working to get the programme up and running.

The EC sees the re-launching the programme as an **opportunity also to review its methodology** and decide, through consultation with NSAs, what would be the best way to support capacity-building activities for NSAs, given the time and funding constraints faced by the EC. In addition, the EC sees it as an **opportunity to adapt the programme to the current context in Sudan** after the signature of the CPA.

The timeline and activities for the re-launched programme will be clarified following a consultation workshop on the preparation of the regional NSA forums. At this workshop, the EC will put forward an initial agenda for capacity-building activities for NSAs to be discussed. The EC anticipates that the initial NSA capacity-building activities would be carried out in both North and South Sudan and would include a series of regional workshops and forums. These would be designed to disseminate information about the project (eg the Cotonou agreement and the EC-Sudan relationship), collect information about NSA training needs, propose the formation of regional and national networks, and provide space for dialogue on the participation of NSAs in North-South peace-building through regional forums. After the regional NSA forums are established, and if funds allow, the EC will consider supporting the establishment of a national NSA forum. Through the regional and national forums, NSAs will be able to communicate their capacity-building needs to the EC and other donors and make recommendations for funding.

4

Recommendations and priorities for follow up

Discussions from the meeting focused on identifying the opportunities, threats and challenges to peace-building in Sudan and developing recommendations for addressing these issues. Three working groups were formed to discuss these issues and to identify priorities for follow up on the meeting. The following is a synthesis of recommendations that emerged from these discussions.

To Sudanese civil society

■ **Advocate for opening up ‘civil space’**

A key challenge for Sudanese civil society is the lack of a legal framework that guarantees civil liberties and rights. Sudanese civil society should lobby for greater space for dialogue and constructive engagement with government officials and donors in the peace-building process and for transparent, inclusive and participatory decision-making processes. This should include challenging customs and norms that inhibit women’s participation.

In particular, Sudanese civil society have a key role to play in advocating for greater transparency and space for participation in the constitution drafting and review processes, both at the state and national levels, such as the selection process for the South Sudan Constitutional Review Commission. Sudanese civil society should also advocate for representation within the institutional mechanisms established to implement the CPA. In addition, they have a role to play in monitoring and lobbying for transparency in the appointment process for government personnel, and for monitoring the implementation of the constitutions.

■ **Raise awareness of the Comprehensive Peace Agreement and the constitutional process.**

The CPA provides the framework for the peace process in Sudan, however the public are not widely aware of its provisions and their broader implications for the structure and governance of Sudan. The Sudanese people need to understand the CPA in order to hold the parties accountable for its implementation and in order to have a voice in the peace-building process. However, raising awareness of the CPA and the constitutional process is particularly challenging due to widespread illiteracy, the multitude of languages spoken, and government control of the media.

Sudanese civil society have networks that extend to the grassroots level throughout Sudan and therefore have the potential to play a major role in raising awareness of the CPA, the constitutional process, and their implications for Sudan. Some awareness-raising activities are already underway, particularly in the South. These activities should

be expanded and built upon to reach all of Sudan's regions, and should be designed to encourage popular participation in the peace-building and constitutional processes.

■ **Encourage processes for reconciliation, justice and healing**

Participants identified the need for processes for reconciliation, justice and healing in order to recover from the psychological and social consequences of conflict in Sudan. In particular, they discussed the need for psycho-social treatment and rehabilitation of those traumatised by the war. In addition, they discussed the need to address the feelings of animosity and mistrust between ethnic groups as a consequence of conflict, and expressed concern that if unaddressed, these tensions could easily erupt into violence, as occurred in the riots following the death of John Garang. Finally, they discussed the need to establish mechanisms to bring about justice for past crimes and to end impunity, in order for the process of reconciliation to begin. Civil society should encourage the reconciliation and healing processes, both by working directly with affected communities, and by appealing for external support to address these issues.

■ **Promote dialogue among civil society representatives from different regions of Sudan and between civil society, donors and government.**

Participants agreed that an important means of promoting dialogue among civil society from different regions of Sudan would be to work together towards a common goal. In addition, civil society participants expressed support for the idea of establishing a national NSA forum in Sudan as a formal means of sharing information and promoting dialogue among civil society and between civil society, donors and government. The process for establishing the national NSA forum, as well as regional and local forums, is already underway. However it has been held up due to delays in EC funding.

To the European Commission

■ **Immediately re-launch programmes to build the capacity of civil society**

Civil society participants expressed frustration and concern over continued delays in disbursing funds to civil society under the EC's NSA capacity-building programme. Participants from civil society indicated that they had developed capacity-building programmes and activities, but that these activities could not be implemented due to delays in disbursing EC funds. Delays in implementing these programmes to build the capacity of NSAs could have serious implications for civil society participation in the peace process due to the time-bound nature of the implementation of the CPA.

To the government, donors and the international community

■ **Increase assistance directly available to civil society and avoid delays due to conditionality**

Civil society participants called for donors to expand the funding opportunities available to Sudanese civil society. In addition, they felt that assistance to civil society should not be held up by lack of compliance with conditionality by the government or other third parties. Civil society participants felt that while it was appropriate to work in partnership with government in some areas, direct funding for civil society was required in order to engage in advocacy and maintain the independence of civil society in other areas.

■ **Promote pro-poor policies**

The unequal distribution of resources and inadequate provision of social services has been an important factor contributing to conflict in Sudan. It is therefore important that the newly formed GNU and the regional and local governments adopt pro-poor policies and ensure more equitable provision of social services among Sudan's regions and communities. The adoption of pro-poor policies should also benefit women, who are disproportionately represented among the poor.

- **Promote transparency in the management of natural resource wealth and end forced displacement and human rights abuses associated with oil exploitation**

Forced displacement and human rights abuses associated with oil exploitation as well as mismanagement, corruption and unfair distribution of revenues from natural resource wealth were identified as factors contributing to conflict in Sudan. Participants called for transparency and accountability in the management of natural resource wealth. In particular, those companies and government officials engaged in oil exploitation, both nationally and internationally, should be held accountable for displacement, human rights abuses and environmental degradation associated with this and should be required to provide compensation.

- **Support the Disarmament, Demobilisation and Reintegration (DDR) process and small arms control**

Participants identified the availability of small arms as an important factor increasing the risk of armed violence. They stressed that if those demobilised are not successfully reintegrated and provided with vocational skills and economic opportunities, the DDR process could lead to increased insecurity and the resumption of armed violence.

Priorities for follow up

The participants agreed that the immediate priority for follow up in the next six months to one year was for the North and South Sudan NSA Interim Committees to work together to popularise the CPA and the constitutional process by providing civic education and awareness-raising. Participants agreed that this is essential to broadening popular support for the peace process and opening up the space for Sudanese civil society to participate in the new governance structures of Sudan.

The next step would be for the NSA Interim Committees to develop a strategy for carrying out joint awareness-raising activities. These activities would need to be designed to complement or link with existing initiatives.

Appendix 1: Agenda

15 August

Thomas Ansorg, Saferworld and *Timnit Abraha*, InterAfrica Group, Welcome remarks and recap of the September 2004 meeting in Addis Ababa

Presentations and plenary discussion: Civil society participation in the implementation of the CPA and the constitution drafting process

Suzanne Jambo, New Sudanese Indigenous NGO Network, Gender dynamics in the Constitution drafting process

Dr Shaddad Maiwa, Chair, NSAs Interim Committee for North Sudan, Sudanese civil society participation in the mechanisms for implementing the CPA and the development of the Interim National Constitution

Yoanes Ajawin, Justice Africa, Southern civil society participation in the development of the South Sudan Constitution

Working group: Conflict analysis

Three working groups were formed to discuss opportunities, threats and challenges to the peace agreement and the current transitional period and to identify how these threats and challenges could best be addressed by different stakeholders, including government, donors, local and international NGOs.

Report back from group work

16 August

Recap of the outcomes of day one

Presentations and plenary discussion: EU engagement in Sudan

Kent Degerfelt, Head of EC Delegation, Khartoum, Resumption of EC development cooperation with Sudan since the signing of the CPA

Huda Eltom, Programme Manager and National NSA Focal Point, EC Delegation, Khartoum, EC funding for NSAs

Gaetano Calamita Di Tria, EC NSA Capacity-building Programme, Goals, objectives and update on the EC's NSA Capacity-building Programme

Presentation: *Justus Okoko*, Saferworld, The role of civil society in community-based policing and safety: lessons from Kenya

Working group: Action plan and follow-up steps

The three working groups reviewed their group's recommendations from the previous day and discussed the priorities for Sudanese civil society and the next steps for the interim committees. Each group agreed to several key directions or priorities.

Report back from group work and discussion of priorities for follow up

Appendix 2: Participants

Sudanese civil society representatives

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Africa Peace Forum (APFO), based in Kenya, contributes to the prevention, resolution and effective management of conflict by engaging state and non-state actors in developing collaborative approaches towards lasting peace and enhanced human security in the Greater Horn of Africa and beyond.

InterAfrica Group (IAG) is an independent regional organisation based in Addis Ababa, Ethiopia, which focuses on advancing peace, justice and respect for humanitarian law in the Greater Horn of Africa.

Saferworld is an independent non-governmental organisation that works with governments and civil society internationally to research, promote and implement new strategies to increase human security and prevent armed violence.



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