

# MINE BAN EDUCATION WORKSHOP IN SOUTHERN SUDAN

## REPORT OF PROCEEDINGS AND RECOMMENDATIONS

New Site, Kapoeta County, Southern Sudan  
29 September – 1 October 2003



GENERAL HEADQUARTERS

SUDAN PEOPLES' LIBERATION MOVEMENT  
AND SUDAN PEOPLES' LIBERATION ARMY



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<< **Caption:** Participants arrive by cargo plane at the airstrip for transport to the workshop location at New Site, Kapoeta County, September 2003

Photo credit: Geneva Call

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**Geneva Call and the Sudan People's Liberation Movement/Army (SPLM/A)**  
in collaboration with Operation Save Innocent Lives (OSIL) and with the financial support of the European Commission

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# LIST OF ACRONYMS

<b>AMREF</b>	African Medical and Research Foundation
<b>AP</b>	Anti-Personnel Mine
<b>AT</b>	Anti-Tank Mine
<b>DCA</b>	Danish Church Aid
<b>FSD</b>	Swiss Foundation for Mine Action
<b>GoS</b>	Government of Sudan
<b>ICBL</b>	International Campaign to Ban Landmines
<b>ICRC</b>	International Committee of the Red Cross
<b>IDP</b>	Internally Displaced People
<b>IED</b>	Improvised Explosive Device
<b>IGAD</b>	Inter-Governmental Authority on Development
<b>IHL</b>	International Humanitarian Law
<b>IMAS</b>	International Mine Action Standards
<b>IMSMA</b>	Information Management System for Mine Action
<b>ISS</b>	Institute of Strategic Studies
<b>JMC</b>	Joint Monitoring Commission
<b>KCAL</b>	Kenya Coalition Against Landmines
<b>LM</b>	Landmine Monitor
<b>MAG</b>	Mines Advisory Group
<b>MBT</b>	Mine Ban Treaty
<b>MILF</b>	Moro Islamic Liberation Front
<b>MoU</b>	Memorandum of Understanding
<b>MRE</b>	Mine Risk Education
<b>NGO</b>	Non-Governmental Organisation
<b>NLC</b>	National Liberation Council
<b>NMAO</b>	National Mine Action Office
<b>NSA</b>	Non-State Actor
<b>OSIL</b>	Operation Save Innocent Lives
<b>SIMAS</b>	Sudan Integrated Mine Action Service
<b>SLIRI</b>	Sudan Landmine Information and Response Initiative
<b>SPLM/A</b>	Sudan People's Liberation Movement/Army
<b>UN</b>	United Nations
<b>UNICEF</b>	United Nations Children's Fund
<b>UNMAS</b>	United Nations Mine Action Service
<b>UXO</b>	Unexploded Ordnance
<b>VMT</b>	Verification and Monitoring Team



**Caption: Photo (from left to right):** Cdr. Edward Lino, *SPLM/A Director for External Security and member of the New Sudan Authority on Landmines*, Dr. Riek Machar, *SPLM/A Deputy Chairman*, Lare Okungu, *Geneva Call Regional Director for Africa*, Mereso Agina, *Coordinator of the Kenya Coalition Against Landmines*, Dr. John Garang de Mabior, *SPLM/A Chairman and Commander-in-Chief*, Elisabeth Reusse-Decrey, *Geneva Call President* and Cdr. Malik Agar Ayrie, *SPLM/A Governor of Southern Blue Nile and Funj Region. New Site, September 2003.*  
Photo credit: Geneva Call

# I. INTRODUCTION

Upon signing the Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action (Deed of Commitment)<sup>1</sup>, the SPLM/A identified the need for an education campaign directed at its rank and file to strengthen adherence to the new mine ban policy and requested Geneva Call's assistance. The SPLM/A pointed out the challenges of changing the behavior of its military and the practical difficulties in disseminating its policy over the vast and remote areas under its authority. In response to these challenges, the first mine ban education workshop was held at the New Site, in Kapoeta County, southern Sudan, from 29 September to 1 October 2003. The workshop was designed to promote awareness of the Deed of Commitment obligations and to develop recommendations for dissemination and implementation.

SPLM/A Chairman and Commander-in-Chief, Dr. John Garang de Mabior, opened the workshop, and stressed the urgent need to implement the mine ban in order to facilitate Sudan's recovery from 20 years of civil war and in support of the ongoing peace talks. Participants came from all over the SPLM/A controlled areas. They included SPLM/A political leaders, regional commanders, officers and foot soldiers, local civil authorities, representatives of women's groups, youth organisations and church associations, local and international mine action non-governmental organisations (NGOs), the International Committee of the Red Cross (ICRC), the Inter-Governmental Authority on Development (IGAD) and United Nations (UN) agencies working in Sudan. In all, more than 100 people participated in the three-day workshop.

The workshop was organised in collaboration with the SPLM/A and its humanitarian demining agency Operation Save Innocent Lives (OSIL), with financial support provided by the European Commission. It combined plenary and working group sessions. Presentations by expert panellists, representing local and international organisations, helped facilitate discussion on their respective areas of expertise.

<sup>1</sup> Cf. annex C.



The workshop strategised ways and means to disseminate the SPLM/A ban policy throughout its rank and file and to the grassroots level, to promote greater adherence to and understanding of the SPLM/A obligations under the Deed of Commitment. At the end of the workshop, participants adopted a series of concrete recommendations for moving forward in these areas. Key recommendations include:

- organising a series of tailor-made educational workshops at the sub-regional level;
- developing mine ban legislation and appropriate sanctions for adoption by the SPLM/A National Liberation Council (NLC);
- incorporating into the SPLM/A military trainings and teachings aspects of the mine ban and other humanitarian norms;
- improving transparency and information-sharing by the SPLM/A, particularly with regard to the locations of emplaced mines and stockpiles;
- developing guidelines for stockpile destruction; and,
- building a local campaign of community-based groups and NGOs to help disseminate information about the ban, the benefits of implementing it and to monitor implementation.

This report summarises the presentations, discussions and recommendations of the workshop.

# II. REPORT OF PROCEEDINGS

## 1. OPENING STATEMENTS

**Welcome**, by Cdr. Edward Lino, *SPLM/A Director for External Security and Member of the New Sudan Authority on Landmines*

Cdr. Lino welcomed participants and started by making note of the responsibility shared by armed groups in the landmine problem. *“Not only governments are using mines, but also rebel groups. All of us, as human beings, are guilty in the use of mines.”* He said that while states have the Ottawa Convention, or Mine Ban Treaty (MBT)<sup>2</sup>, to tackle the problem, armed groups could take action through the Geneva Call Deed of Commitment. The SPLM/A has taken ownership of the mine problem in southern Sudan and was among the first armed movements to sign the Deed of Commitment. It considers itself to be part and parcel of the campaign against landmines.

The struggle to free southern Sudan from the scourge of landmines has progressed, as have the efforts made by other rebel groups in other parts of the world, for example, the Moro Islamic Liberation Front (MILF) in the Philippines and the Kurdish liberation movements in Iraq. *“Now my Kurdish colleagues have a national responsibility in dealing with the landmine problem. They have become members of the interim government coalition established in Iraq after the war.”*

Cdr. Lino said that the present workshop was timely after the signing of the agreement on security arrangements in Naivasha, 25 September 2003. Even recent peace negotiations, he said, could not overshadow the significance of the workshop such are the concerns associated with landmines and the SPLM/A commitment to address these. This is evidenced by the participation of SPLM/A Chairman and Commander-in-Chief, Dr. John Garang de Mabior, and other senior SPLM/A officials, including Cdr. Riek Machar Teny Dhurgon, Deputy Chairman of the

<sup>2</sup> The terms Mine Ban Treaty and Ottawa Convention/Treaty are used interchangeably in this report.

SPLM/A, Cdr. Malik Agar Ayrie, SPLM/A Governor of Southern Blue Nile and Funj Region and Moulana Michael Makuei Lueth, SPLM/A Director General for Legal Affairs and Law Enforcement Agencies.

Cdr. Lino concluded by commending the organisers and welcoming the presence of the United Nations Mine Action Service (UNMAS), United Nations Children's Fund (UNICEF), IGAD, ICRC, the Kenya Coalition Against Landmines (KCAL) and other local and international NGOs.

**Keynote Address**, by Dr. John Garang de Mabior,  
*Chairman and Commander-in-Chief of the SPLM/A*

Dr. Garang also welcomed the timely convening of the workshop. While the recent conclusion of a landmark agreement on security arrangements with the Government of Sudan (GoS) increased prospects for peace in southern Sudan, it also underscored the urgent need to deal with the landmines crisis. Years of war have left thousands of scattered and unrecorded anti-personnel (AP) mines and unexploded ordnance (UXO) in Sudan, particularly in southern Sudan, the Nuba Mountains, Funj area and some parts of eastern Sudan, said Dr. Garang. These landmines were originally used to impede troop movements and halt "the engines of war." Later, they were used to displace populations and deny use of basic facilities. Even in areas where war is over for several years, landmines and UXO continue to claim civilians and deny land to refugees and internally displaced people (IDP). Many roads are unusable because of mines, which makes it impossible to access certain communities to provide them with services and discourages trade.

Communities in conflict are the most heavily affected and yet are the least able to address the problems caused by landmines and UXO. Dr. Garang explained that the SPLM/A,

*"concerned about the plight of the civil population and the unsettling realisation that we might end up with mined land rather than the homeland we are fighting for, declared the unilateral ban on the use of landmines in 1996<sup>3</sup>, before states signed the Ottawa Convention in 1997. So you can see the SPLM/A has*

<sup>3</sup> Cf. annex B.



**Caption:** Dr. John Garang de Mabior, *SPLM/A Chairman and Commandor-in-Chief*, and Elisabeth Reusse-Decrey, *President of Geneva Call*, New Site, September 2003  
Photo credit: Geneva Call

*been in the forefront of the international campaign against the use of landmines and actually led the state.”*

Dr. Garang shares SPLM/A’s conviction that mine action can be started during conflict and that it is not necessary to wait for peace. He said it is possible to save innocent lives in a conflict and heal communities by returning land, roads, water resources, schools and health centres to them through mine action. He mentioned the role of local NGOs such as OSIL and SIMAS who, despite limited international support, had achieved a lot locally and internationally with the encouragement of the SPLM/A leadership. Through the signing of the Deed of Commitment and the tripartite Memorandum of Understanding (MoU) on mine action support with the GoS and UNMAS<sup>4</sup>, help is now available for the clearance of mines and UXO. While grateful for the contributions of international organisations such as Geneva Call, KCAL, UNMAS, UNICEF, ICRC and others, Dr. Garang encouraged workshop participants, particularly members of the SPLM/A, to develop ways to reinforce the movement’s commitment to a total mine ban.

*“In this workshop, you will appraise yourselves and understand the commitments of your movement toward international action against the use of landmines and come up with recommendations which will make it possible for the SPLM/A to address the treaty obligations it has signed [under the Deed of Commitment], and discuss these with international partners, so as to come up with best ways to save the lives of our innocent people from landmines (...).”*

Dr. Garang then outlined the history of the peace process and the recent Naivasha agreement on security arrangements. He described the peace process as irreversible and, acknowledging that mine clearance will take time, concluded his address with an appeal to the international community for assistance in mine action.

<sup>4</sup> Cf. annex D.

## Opening Words, by Elisabeth Reusse-Decrey, *President of Geneva Call*

Ms. Reusse-Decrey offered an opening statement in which she thanked the SPLM/A for giving Geneva Call an opportunity to take part in such an important gathering. *“It is an honour to be welcome here and a sign of confidence and will to work together to eradicate the scourge of landmines,”* she said.

Ms. Reusse-Decrey then recounted the important events that occurred since the first meeting between Geneva Call and the SPLM/A in 2000, when the leadership reaffirmed its desire to stop the use of landmines at a conference in Geneva. She noted that since signing the Deed of Commitment in 2001, the movement has acted upon its commitment by publicising its experience as a positive example of how engagement by an armed group can work, most notably before the European Parliament in March 2002 and at a roundtable with the GoS in the UN building in Geneva during the September 2002 Meeting of States Parties to the MBT. Ms. Reusse-Decrey stated that this workshop is yet another step in the right direction. She welcomed the fact that this time, the event takes place in the SPLM/A’s homeland.

Ms. Reusse-Decrey explained that Geneva Call pursues a straightforward objective, which is to do everything possible to put an end to the human drama created by landmines. While the international treaty banning AP mines contributes greatly to this objective, it does not suffice to enlist only states in the fight. First, states are not the sole actors using these weapons and, second, they are often not able to address the tragic consequences of mined land for all of the people living within their borders. Armed groups must be granted an opportunity to participate in the mine ban and doing so requires pragmatic and innovative solutions.

*“When a mine brutally ends the life of a child and the futures of a generation are blasted into oblivion, when refugees cannot return to their homes, when families are forced to live in conditions of war and terror even as peace treaties are signed and the accords upheld, we must be bold to challenge ourselves and others, we must be leaders and intervene. We have to bring the mine ban norm to new frontiers.”*



**Caption:** Cdr. Edward Lino, *SPLM/A Director for External Security*, and Dr. Sulafeldin Salih Mohamed, *Head of the Humanitarian Aid Commission, GoS*, at a roundtable discussion on landmines, UN building, Geneva, September 2002.

Photo credit: Geneva Call

Geneva Call was launched in 2000 with this in mind. The Deed of Commitment was developed to provide the possibility for armed groups to publicly commit to adhering to and respecting the mine ban and other fundamental norms of international humanitarian law (IHL).

Geneva Call is not interested in just collecting signatures but also in the follow up. Ms. Reusse-Decrey insisted on this point by stating that an essential part of implementing the mine ban depends on creating an enabling environment for mine action. This means facilitating the launch of mine clearance and victim assistance activities. It means educating the rank and file of signatory movements about the humanitarian consequences of AP mine use and the obligations undertaken by their leadership upon signing the Deed of Commitment. The present workshop is intended to do just that by gathering members of the SPLM/A and representatives of civil society in southern Sudan.

Ms. Reusse-Decrey concluded her opening statement by telling Dr. Garang that she was grateful for his personal engagement in the struggle against landmines, as well as for the interest and support he has shown to Geneva Call. Ms. Reusse-Decrey also extended her particular thanks to Cdr. Edward Lino and Cdr. Aleu Ayieny Aleu for their efforts to promote the mine ban within the SPLM/A and for their assistance in organising the workshop. The participants were thanked for taking part and the European Commission for funding the event.

## **2. THE GLOBAL LANDMINE PROBLEM AND BAN**

*The Global Landmine Problem*, by Celina Tuttle, *Communications and Advocacy Officer for Geneva Call*

Ms. Tuttle provided a global overview of the landmine problem. She began by describing an AP mine as an explosive device designed to maim or kill the person who triggers it. AP mines are indiscriminate, unable to distinguish between a soldier and a child. They remain active and continue to endanger innocent people even when war is over. The human and socio-economic devastation caused by AP mines are horrendous and long lasting, explained Ms. Tuttle.



Civilians are killed or injured in remote areas, away from any form of medical assistance or means of communication. Many die in the fields from loss of blood or lack of transport. The injuries caused by mines are extreme. Health facilities are poorly equipped or non-existent. It is very difficult to know the numbers of deaths and injuries due to mines, because figures available are based on reported mine injuries and do not include the many casualties that are believed to go unreported. It is estimated that more than 300,000 people live with injuries caused by landmines.

People who survive a landmine blast will require long-term care. Victims of landmines often experience psychological trauma. Those who lose legs or arms will require prosthetic limbs. These wear out and need repairs or must be replaced. According to the ICRC, a young child will require as many as 40 prosthetic appliances in a lifetime. Noting that medical problems can occur years after the original accident, a surgeon in Angola observed that women who had leg amputations in childhood could experience trauma in childbirth.

In mine-affected areas, families and communities incur significant costs: lost productivity and increased medical expenses drain scarce resources and place a heavy burden on local economies already severely damaged as a result of conflict. AP mines severely hinder development. Their presence in and around communities, on roads, in farmland and near water prevents the productive use of land, water resources and infrastructure. Farming is dangerous. Livestock are killed. Roads are unusable, services undeliverable, consequently, those most in need are denied access to aid. The presence of landmines slows down or stops reconstruction efforts and creates further insecurity in already vulnerable societies. They pose a major obstacle to sustainable development and peace.

Globally, there are more than 82 countries today that are affected by mines or UXO. The myriad of problems created by AP mine use belongs to everyone. *"We are all in some way impacted by landmines. We each have a responsibility to work toward a solution, whether because we live in mine-affected communities or because we can work as advocates for changes in attitudes and policies in our own countries,"* said Ms. Tuttle in closing.



**Caption:** Bones and bombs, Kapoeta County, April 2004  
Photo credit: Peter Moszynski ©

## **The Global Mine Ban Movement and Treaty,** by Mereso Agina, *KCAL Coordinator*

Ms. Agina provided a history of the global efforts to ban AP mines. She explained that humanitarian NGOs, working alongside people in landmine-infested areas, were the first to turn world attention to this problem. In 1992, they joined together to form the International Campaign to Ban Landmines (ICBL). The ICBL advocated for a total ban on the use of AP mines based on field-based evidence showing that the negative long-term impacts of these weapons on civilian populations outweighs any short-lived military gain. While political momentum for a ban continued to build, international negotiations to regulate mine use and proliferation through the 1980 UN Convention on Certain Conventional Weapons failed to produce substantive results. Faced with growing popular concern and a stalled UN process, a small group of like-minded governments, with the ICBL and the ICRC, began in 1996 to discuss the possibility of a total mine ban in what became known as the “Ottawa Process.” The Ottawa Process culminated in 1997 when the MBT, known also as the Ottawa Convention or Treaty, was adopted and more than 122 countries signed. The same year, the ICBL received the Nobel Peace Prize.

Ms. Agina said that this success story was the result of unprecedented, close cooperation between civil society organisations and friendly governments concerned about the landmine issue. The level of awareness was increased through bringing people together in meetings to discuss the issue. Regional meetings have been particularly effective in focusing attention on the issue and raising awareness.

After the adoption of the MBT there was a certain amount of cynicism among NGOs, many of whom felt that states would sign the treaty but nothing would change in the field. In response, the ICBL created in 1999 the Landmine Monitor (LM), a civil society research initiative to monitor state implementation of and compliance with obligations under the MBT. The LM network covers every government, whether they have signed the MBT or not, and also monitors armed groups’ action regarding landmines.

In this regard, Ms. Agina highlighted the importance of engaging rebel groups in the effort to end the landmine crisis. Although the campaign to ban landmines started in 1992, efforts have until recently focused primarily on states. Armed groups, however, are also concerned with the landmine issue. The past few years have seen increasing efforts at the international level to engage them. More and more, states recognise the importance of these efforts, as noted in the annual declarations of States Parties to the MBT beginning in 2001. She also noted the issue of mine use is addressed in peace agreements and ceasefires, such as the Machakos Protocol.

Ms. Agina gave a brief review of how she came to work on the mine problem in Sudan. In 1995 at a women's conference in Nairobi, Ms. Agina said she was able to talk to Sudanese women about the mine problem in their country. Together they used the conference as a platform to put the AP mine issue on the agenda. Eventually, the networking extended to include OSIL, which over the years was introduced to others in the global campaign to ban landmines. The SPLM/A started working on the mine ban in 1996, before the GoS. Ms. Agina concluded with an appeal to the participants to follow the mine policy adopted by the SPLM/A leadership and to live up to the commitment made under the Geneva Call Deed of Commitment.

**Introduction to International Humanitarian Law,**  
by Sadia Shafaqoj Kaenzig, *ICRC delegate in Sudan*

Ms. Shafaqoj Kaenzig gave a presentation on IHL, its aims, origins and main rules. She explained that IHL, also known as the “law of armed conflict” or the “law of war,” was developed to alleviate human suffering in times of armed conflict. Under IHL, even wars have limits and belligerents must respect certain rules. Not all methods and means of warfare are permitted. Of fundamental importance are the rules of war that protect those who do not participate in conflict, i.e., civilians, or those who are no longer participating in hostilities, i.e., wounded soldiers or prisoners. Violating these rules is considered to be a war crime.

The origins of IHL can be found in sacred texts and customs of war. These were codified in 1864. Since then, IHL has evolved in stages



**Caption:** Presentation on IHL, New Site, September 2003  
**Photo credit:** Geneva Call

to meet the growing need for humanitarian protection resulting from developments in weaponry and new types of conflict. Every treaty, the 1949 Geneva Conventions and their Additional Protocols, the conventions banning biological weapons and AP mines, the Rome Statute and others, is the result of an event and efforts to prevent recurrence, said Ms. Shafaqoj Kaenzig. For example, the 1949 Geneva Conventions were adopted in response to the terrible effects of the Second World War on civilians. The 1977 Additional Protocols were prompted by the effects of wars of national liberation, which the 1949 Conventions only partially covered. The MBT was developed in response to the terrible devastation caused by AP mines. It is based on two key principles of IHL. These are the principles of distinction and proportionality. The principle of distinction prohibits the use of weapons that are unable to distinguish between combatants and civilians and are thus likely to harm non-military targets. The principle of proportionality requires that the achievement of military objectives must be weighed against the harm caused to civilians. This principle also applies to the types of weapons used in conflict. The impact of weapons that cause unnecessary suffering or extreme injury must also be weighed against military objectives.

The ICRC is mandated by the Geneva Conventions to act as both guardian and promoter of IHL. It seeks to encourage respect for IHL by assisting states in the promotion and implementation of IHL, by disseminating it to the armed actors and civilians and by monitoring its application. Thus, through a confidential and constructive dialogue based on its fundamental principles, the ICRC reminds the parties in conflict to abide by IHL rules. The parties should also provide direct remedies when breaches of IHL are committed.

Ms. Shafaqoj Kaenzig concluded by explaining the differences between IHL and human rights law. She said that both strive to protect the lives, health and dignity of individuals, albeit from different standpoints. The main difference she explained is that IHL applies only in situations of armed conflict, whereas human rights, or at least some of them, protect the individual at all times, in times of war and peace. However, during war, some human rights treaties permit governments to derogate from certain rights. The right to life is not guaranteed. In fact, IHL does give combatants during armed conflict the “license” to kill enemy combat-

ants. Importantly, when enemy combatants are no longer participating in hostilities because they are either imprisoned, sick, wounded or shipwrecked, their lives should be protected under all circumstances. No ill-treatment or torture of prisoners is allowed. It is here that IHL and human rights converge - the lives of civilians should be spared and protected at all times. All parties should respect and ensure respect for IHL. In case war crimes and breaches to the above are committed, the alleged culprits are not only accountable under national law but also under the international jurisdiction embodied by the International Criminal Court.

### **Comments and discussion:**

#### *Awareness of IHL, dissemination and implementation by parties to conflict*

A commander of the SPLM/A said neither he nor many senior officers within the SPLM/A he has spoken with have heard about the Geneva Conventions and yet there are cases of armed groups before international tribunals and courts. Politicians sign these conventions but armed forces ignore them without consequence.

A quick response to this statement was that “*ignorance of the law is no justification for crimes against humanity.*” Even if people do not know there exists a body of rules protecting combatants and civilians in conflict, the basic principles of human respect should be known and followed by all – “*don’t commit murder, don’t rape and don’t deprive people.*”

The ICRC disseminates information on IHL daily but it cannot tell governments or armed groups how to implement it. It was emphasised that the main responsibility for implementing IHL lies with states. ICRC only provides assistance and information. For example, it assists the SPLM/A to train its soldiers in IHL through a training of trainers programme or through dissemination exercises, such as the present workshop. It also assists the GoS to implement its obligations under IHL through the development of national legislation. The GoS recently established a National Commission on IHL.

Other participants questioned the impact of the ICRC's efforts to disseminate IHL in Sudan and to what extent the effort has influenced or changed the behaviour of the parties to conflict. They were particularly concerned with the issue of prisoners of war. Another participant wondered what the advantages of implementing IHL were and why there were no apparent repercussions for non-compliance.

It was noted the ICRC is not able to enforce compliance. Political leaders, whether of a government or of an armed group, must be willing to respect IHL and to see that others respect it. Beyond offering some measure of protections for civilians and combatants during conflict, respecting IHL during hostilities can facilitate agreement in peace talks in the future and any future reconciliation process.

*Involving civil society in the campaign against landmines and in victim assistance*

Participants asked about mechanisms to involve civil society in the mine ban movement and what resources are available to help communities and victims become more involved.

Capacity building is required at various levels and takes place through different mechanisms. The KCAL, based in Nairobi, is one of the lead contact points for organisations based in Africa and wanting to know about campaign activities. Geneva Call works closely with rebel signatory groups in order to determine the assistance required for them to implement their obligations under the Deed of Commitment and for humanitarian mine action, including victim assistance programmes, to take place in the areas under their control. There are several groups dealing with victim assistance and socio-economic reintegration. *Raising The Voices* is a leadership training programme designed to develop in-depth training for survivors to be full participants in the implementation of the MBT.



### 3. SUDAN LANDMINE PROBLEM AND SPLM/A MINE POLICY AND ACTION

**Sudan Landmine Problem**, by Peter Moszynski,  
*Researcher for LM in southern Sudan*

Mr. Moszynski began by highlighting the fact that when he first started research for LM it was difficult to get information because the landmine issue was considered to be a low priority and competing with other issues such as malnutrition. Only two NGOs, OSIL and MAG, were active in mine action. He said that since the signing of the Deed of Commitment and the ceasefire agreements, much more attention is now paid to the issue, most notably by the UN.

Mr. Moszynski made the following observations before launching into his report on the landmine problem in Sudan:

- Monitoring and evaluation of the mine situation in Sudan is extremely difficult, due in part to what he described as the lack of “proactive cooperation” by the parties involved, combined with the general lack of infrastructure and the very limited means of transportation.
- Monitoring compliance is further complicated because it is necessary to distinguish between the types of mines prohibited and under which agreements. For example, the Deed of Commitment prohibits only victim-activated mines while both the Nuba Mountains Cease-fire Agreement and the Machakos Protocol, signed in 2002 by the GoS and the SPLM/A, prohibit use of all mines, including anti-tank (AT) mines. It is also important to identify when UXO is the cause of an explosion, in order to rule out use of AP or AT mines.
- With the implementation of the Deed of Commitment and the 2002 tripartite MoU on mine action, he is encouraged that in future more information about the mine situation will be available.
- In the absence of a comprehensive survey, accurate figures for mine contamination are not available. However, the number of mines is of little consequence because if an area is believed to be contaminated people will not use it.

Mr. Moszynski reported that the GoS signed the MBT in 1997 but had not yet ratified, although some progress had been made. In May 2003, the Council of Ministers of Sudan officially endorsed the treaty and transmitted it to the Parliament for ratification.<sup>5</sup> The SPLM/A signed the Deed of Commitment in 2001. In addition, both the Nuba Mountains and the Machakos ceasefire agreements commit both parties to no use of any types of landmines. Despite these various commitments, each side continues to allege mine use by the other. The SPLM/A has charged that the government militias, supplied by Khartoum, have continued to use mines around all government towns and garrisons and to defend oil fields. The GoS has also repeatedly accused the SPLM/A of using AP mines in rural areas, in oil fields and along major roads. The GoS has said on many occasions that it does not produce, import or export AP mines and that it has no stockpiles. It maintains that all mines collected during demining or captured from rebel forces are destroyed. However, these assertions are at odds with allegations of use of AP mines.

Mr. Moszynski said that although the SPLM/A concedes there may have been limited mine use, due to a lack of awareness of the ban policy among junior commanders, they have not yet found anyone actually using mines. In November 2002, the SPLM/A formed a new committee on mine action that agreed to take disciplinary action against commanders and fighters who failed to comply with their commitment against AP mines.

There has not been a comprehensive landmine survey in Sudan although some initial assessments were carried out in the Nuba Mountains after the 2002 ceasefire. In general, the problem is not large minefields contaminating whole areas, but rather a number of relatively random mines endangering local communities, refugees and humanitarian staff. The suspected presence of mines along most roads prevents access to key areas, forcing the bulk of aid relief to be delivered by air at tremendous cost.

<sup>5</sup> The GoS eventually ratified the MBT on 13 October 2003



Caption: Mine victim, Nuba Mountains, December 2003  
Photo credit: Peter Moszynski ©

Given recent developments in Sudan, mine clearance and mine risk education (MRE) activities have expanded and there are increased possibilities for mine action funding. Conversely, some donors are hesitant, preferring to wait for a comprehensive peace settlement in Sudan before committing funds to mine action. The government's delay in ratifying the MBT has also discouraged some donors.

**SPLM/A Mine Policy and Action**, by Cdr. Aleu Ayieny Aleu,  
*Executive Director of OSIL*

Cdr. Ayieny began by reminding participants, particularly the SPLM/A commanders and officers present, of the statement made by SPLM/A Chairman Dr. Garang earlier in the day and the urgent need to implement the Deed of Commitment in order to rehabilitate southern Sudan. *"No use of AP mines or victim-activated explosive devices under any circumstances - this is the movement's policy,"* said Cdr. Ayieny.

Cdr. Ayieny recalled the history behind the SPLM/A policy. The use of landmines in Sudan dates back to the Second World War, especially in the north when the Germans and the British were fighting on the border. Since the civil war started in 1955, all parties extensively used mines.

*"As freedom fighters, we first considered mines as good weapons because we didn't know the consequences of their use,"* said Cdr. Ayieny. *"Then we started to realise that mines are not of any strategic or tactical importance. As an active commander, I saw what they did to my own soldiers."* He challenged SPLM/A commanders and officers in the room to refute this, saying *"I do not think any one of you here can tell me of a single objective denied to the government forces by landmines. Not one."*

The SPLM/A commitment to ban AP mines is not donor driven, its only motivation said Cdr. Ayieny is concern for the lives of the people that the SPLM/A wants to liberate and concern for the land. *"The movement came to understand that we might end up with a mined land rather than the homeland we are fighting for,"* he said, recalling the severe problems faced in Eastern Equatoria, formerly the "bread basket" of southern Sudan.

Consequently, in 1996 the SPLM/A declared a unilateral moratorium on the use of landmines, before the 1997 MBT, and commissioned OSIL to clear mines in liberated areas. The international community was sceptical about conducting mine action without peace said Cdr. Ayieny. OSIL, spurred on by the high number of casualties, persevered and recruited former soldiers, starting clearance operations in 1997. Support from NGOs like MAG enabled OSIL to build its capacities. Since then, OSIL has made steady progress clearing and destroying mines and UXO, as have other local NGOs. In 2001, the signature of the Deed of Commitment made it possible to make known to the international community the SPLM/A's efforts in mine action and to later conclude a cross-conflict MoU with the GoS and UNMAS in the UN "House of Nations" in Geneva in 2002. The conclusion of the MoU appears to have boosted the interest of the international mine action community, resulting in increased activities. A National Mine Action Office (NMAO) has been established in Khartoum and a counterpart in Rumbek. International NGOs have started new operations and the GoS is in the process of ratifying the MBT.

*"The policy of the movement helped to do this,"* said Cdr. Ayieny. He appealed to participants, all stakeholders in mine action, to put forward recommendations on how best to proceed with implementation. *"With peace coming, it is in the interest of everyone to clear mines to enable refugees and IDP to return home,"* he said in closing.

#### **Comments and discussion:**

##### *GoS mine policy*

A member of the SPLM/A expressed doubts about the sincerity of the GoS to ban landmines. He said that whenever the SPLM/A captured a town, it found mines that were laid by government forces.

Cdr. Ayieny replied that both the GoS and the SPLMA had decided to treat mines as a humanitarian issue and *"to remove them from politics."* Over the last two years, the two have been negotiating to develop a national mine action strategy. In reference to the cross-conflict clearance training programme in the Nuba Mountains, Cdr. Ayieny said, *"the only*

*war in the Nuba Mountains now is a war against mines.*” He said the UN programme is a direct result of both sides committing to the ban.

On the issue of monitoring GoS commitments or reporting violations, Cdr. Ayieny said LM is best positioned to do this. *“Our responsibility is to ensure our mines do not kill others or contaminate the land of our neighbors,”* he said, noting the difficulties enforcing the SPLM/A ban. Some mines have been transferred or sold to other rebel groups or allies in the region.

It was suggested the SPLM/A issue a military law banning AP mine use and the transfer of mines. It was noted the effectiveness of the law could be limited because of low literacy rates and problems disseminating information.

#### **4. GENEVA CALL AND THE DEED OF COMMITMENT**

**Geneva Call**, by Elisabeth Reusse-Decrey, *President of Geneva Call*

Ms. Reusse-Decrey started by explaining that Geneva Call was launched in 2000 with the realisation that a ban on AP mines by states alone was not enough to end the use of these inhumane weapons. Most armed conflicts in the world today are fought within states and involve armed groups fighting government forces or each other. As parties to these conflicts, the landmine issue also concerns armed groups:

- Many of them use, manufacture and stockpile AP mines. In 2001-2003, armed groups are reported to have used this weapon in at least 26 countries.
- Members of armed groups, and the communities who live in areas under their control, are affected by landmines and often find themselves without proper humanitarian assistance.
- Armed groups affect state mine policy. Some governments cite rebel mine use as reason for not joining the MBT. Others claim they are not in a position to accede to the treaty or to fulfill their obligations as States Parties because they do not fully control the national territory.



Caption: Workshop participants, New Site, October 2003  
Photo credit: Geneva Call

For these reasons, the cooperation of armed groups is essential to solve the landmine problem. Yet, as non-state actors (NSAs), they are not eligible to sign international treaties such as the MBT. Geneva Call was launched in response to this reality. It is an international humanitarian NGO dedicated to engage armed groups in adhering to the mine ban and to other humanitarian norms. The organisation provides a mechanism by which armed groups can join the mine ban by signing a parallel commitment called the Deed of Commitment. The Government of the Republic and Canton of Geneva serves as custodian of these Deeds.

Under the Deed of Commitment, signatory groups commit themselves to:

- Adhere to a total ban on the use, production, stockpiling and transfer of AP mines;
- Cooperate in and undertake stockpile destruction, mine clearance, victim assistance, mine awareness and other forms of mine action;
- Allow and cooperate in the monitoring and verification of their commitments;
- Issue the necessary orders and directives to the commanders and fighters; and,
- Treat their commitment as one step or part of a broader commitment in principle to the ideal of humanitarian norms.

Ms. Reusse-Decrey said that 20 armed groups have signed the Deed of Commitment:

- the SPLM/A;
- the MILF and the Revolutionary Proletarian Army/Alex Boncayao Brigade in the Philippines;
- the two Kurdistan Regional Governments in Iraq; and,
- 15 Somali factions, including the Transitional National Government and Puntland.

Dialogue is ongoing in Burma, Burundi, Colombia, Indonesia, Nepal and Sri Lanka, among other countries.

Other than the Deed of Commitment, some groups have issued public statements against the use of landmines or support mine action in areas



under their control. Ceasefire agreements with mine ban clauses have also been made in countries such as Burundi and Sudan. For example, the Nuba Mountains ceasefire and the Machakos Protocol commit both parties not to use any types of landmines.

Ms. Reusse-Decrey explained armed groups commit to a mine ban for many reasons. Fighters themselves, or the people they claim to fight for, are suffering because of mines and, like the SPLM/A, they realise continued use will lead to a mined land instead of a homeland. The limited military utility of mines has also helped convince armed groups to ban mines. Others may ban mines to demonstrate their willingness to adhere to IHL or to enhance their respectability.

Ms. Reusse-Decrey stressed that engaging armed groups means more than having them sign the Deed of Commitment. It means ensuring commitments are implemented on the ground. Geneva Call helps signatory groups implement their commitments. This may involve assistance in disseminating the ban policy to the grassroots level, by providing technical support in mine action via specialised partner organisations or by promoting mine action in areas under their control.

Geneva Call monitors compliance by requesting signatory groups to report on measures they have put in place to implement the Deed of Commitment, through networking with independent local and international organisations working in the field, and through on-site verification missions to evaluate progress made and to verify alleged violations. Compliance with the Deed of Commitment, said Ms. Reusse-Decrey, has beneficial outcomes: communities are spared from new mines being planted in the ground and the likelihood for mine action in affected areas increases. Compliance also facilitates accession by states to the Ottawa Convention and it builds confidence among parties to the conflict.

Ms. Reusse-Decrey concluded her presentation by outlining some of the lessons that Geneva Call has learned through its experience.

One important lesson she highlighted is the need to ensure a clear understanding of the Deed of Commitment obligations, especially the types

of mines covered by the ban and the correct interpretations of the concept of “command detonation”. This is something Geneva Call learned from its field mission to the MILF controlled areas in Mindanao, southern Philippines. The MILF used what they described as “string-pulled command detonated” improvised landmines around their camps. The MILF compared these improvised devices to Claymore mines which, when used in command detonate mode, are not prohibited under the Deed of Commitment or the MBT. The “string-pull” devices however were used with mortar rounds and were not kept under permanent surveillance. They could have been detonated by passers-by and as such are banned under the Deed of Commitment.

Another lesson relates to the need to secure cooperation from governments, notably through their granting enabling conditions and access to Geneva Call in order to engage and monitor armed groups in their respective countries. In Colombia for example, Geneva Call was allowed to visit leaders of the National Liberation Army jailed in a high security prison. Working with both the government and the rebel groups builds confidence between the parties and in Geneva Call as an impartial interlocutor. In Sudan, Geneva Call facilitated consultations between the GoS, the SPLM/A and the UN, which resulted in the tripartite MoU for emergency mine action support. Not all governments are supportive though. In the Philippines, a last minute decision by the Department of Defense prevented some members of the Geneva Call verification mission from going to the region under the control of the MILF.

**The Deed of Commitment, a Review**, by Soliman Santos,  
*Geneva Call Regional Director for Asia*

Mr. Santos gave a detailed presentation of the Deed of Commitment clauses. He explained each of its three parts: 1\_the preamble, 2\_the operative paragraphs and 3\_the section for signatories.

*1\_Preamble*

The seven prefatory statements put forward the reasons behind the Deed of Commitment. The section starts with recognition of the global landmine problem and its victims, underscoring a humanitarian per-

spective. A global problem necessitates a global solution, including all actors, whether state or NSAs.

Several prefatory clauses reflect the key principles of IHL, particularly the principles of distinction (i.e. only military targets), limitation (banning of certain weapons) and proportionality (do not more harm than justified by the military objective), and the basic purpose of IHL, which is the protection of civilians. Also significant is the Deed's adoption of a human rights framework for banning AP mines because they violate the "rights to life, to human dignity, and to development," the three basic human rights. The Deed of Commitment is therefore both a humanitarian and human rights commitment.

## *2\_ Operative paragraphs*

The operative part of the Deed of Commitment consists of ten clauses addressing the following issues: a total ban on AP mines, mine action, accountability, implementation, humanitarian norms, legal status, publicity, promotion, repealing and effectivity clause. Instead of discussing each clause in detail, Mr. Santos reviewed the four key issues addressed through the Deed of Commitment:

- a) Adherence to a total ban on AP mines and to other humanitarian norms;
  - b) Implementation and assistance;
  - c) Accountability; and,
  - d) Participation in norm building.
- 
- a) Adherence to a total ban on AP mines and to other humanitarian norms

Under the Deed of Commitment, AP mines are defined as devices that explode by the presence, proximity or contact of a person. This refers to any mines or other explosive devices that are victim-activated, including:

- commercially manufactured AP mines;
- victim-activated improvised explosive devices (IEDs) or booby traps; and,

- AT mines, or anti-vehicle mines, that can be triggered by the pressure or weight of a person.

Mines that are not banned under the Deed of Commitment are command detonated mines and AT mines which cannot be triggered by the pressure or weight of a person. Command detonated mines, Mr. Santos explained, are detonated manually, usually by an electric firing mechanism. They require a person to be present to detonate the mine, in order to have complete control over its effect. In this way, the mine is not indiscriminate.

Mr. Santos stressed that unlike the Deed of Commitment, the MBT prohibits only those mines that are deliberately *designed* to be victim-activated. This does not protect people from mines that are designed as AT mines and yet can be activated by a person. Under the Deed of Commitment, such mines are banned. What is most significant is the *effect or impact* on the people, not the design.

Under the Deed of Commitment, there are no exceptions or reservations. It aims for a total and unconditional ban on AP mines. Signatories commit to no use, development, production, acquisition, stockpiling, retention and transfer of AP mines under any circumstances. The total ban requires the destruction of all prohibited weapons.

Mr. Santos reminded participants that the Deed of Commitment is a mechanism for adherence not only to the mine ban but to humanitarian norms in general. Under paragraph 5, signatory groups commit to treat their commitment as *“one step or part of a broader commitment in principle to the ideal of humanitarian norms.”*

#### b) Implementation and assistance

The Deed of Commitment has provisions for implementation of the mine ban (paragraph 4) and also for mine action (paragraph 2). Implementation measures include the issuance of orders to the rank and file, information dissemination, military doctrine change, military manuals and training and disciplinary sanctions. Mine action takes the various forms of stockpile destruction, identification, marking and eventual clearance of minefields, victim assistance, mine awareness or MRE.



Caption: An assortment of landmines  
Photo credit: ICRC 1995 ©

Primary responsibility for these activities lies with the signatory group. It is the responsibility of the SPLM/A to ensure that its rank and file are aware of and abide by the Deed of Commitment. It is the responsibility of the SPLM/A to cooperate in and to undertake mine action. Geneva Call's own responsibility under the Deed of Commitment involves finding ways to assist the signatory group to be able to meet its obligations. Geneva Call provides support for implementation through the organisation of workshops to help signatories disseminate their mine ban policies, facilitation of mine action planning and technical assistance, and the promotion of mine action in areas controlled by signatory groups.

### c) Accountability

The Deed of Commitment provides for the following accountability mechanisms:

- compliance reports, where signatories are requested to report on the measures taken to implement their commitments;
- monitoring networks with independent local and international organisations working on the ground, especially organisations monitoring the mine ban, human rights, IHL and ceasefire agreements; and,
- field verification missions to evaluate progress in implementation and inspect actual sites to verify alleged violations of the Deed of Commitment.

In addition, there is also positive (for compliance) or negative (for non-compliance) publicity as a sanction under paragraph 7.

### d) Participation in norm building

Mr. Santos explained that most armed conflicts today involve armed groups. Yet these actors are excluded from the processes of making international rules and are not likely to feel bound by them. The MBT, for example, leaves criminalisation of AP mine use to national governments. How, asked Mr. Santos, can it be expected that rebel groups comply with a treaty that has been ratified by government they are fighting against? The Deed of Commitment was developed to provide

a mechanism for armed groups to express their adherence to the mine ban norm and to participate in the norm-building process so that it increases compliance with IHL. Under paragraph 5, signatories commit to ensure respect for and further development of humanitarian norms. This relates directly to the prefatory statement on the role of armed groups not only as participants in armed conflicts, but also in the practice and development of norms for such conflicts.

Mr. Santos explained that norm building takes place through consistent field practice, official declarations, special agreements and mechanisms like the Deed of Commitment. By signing and complying with the Deed of Commitment, signatory groups are contributing to the building of the mine ban norm as a new customary norm of international law. Also related to participation in the universalisation of humanitarian norms is the promotion or attraction clause, paragraph 8, in which signatory groups “*see the desirability of attracting adherence of other armed groups to this Deed of Commitment and will do our part to promote it.*” Signatory groups not only serve as positive role models but also undertake to promote the Deed of Commitment with other movements.

### *3\_Signatory part*

In concluding his review of the Deed of Commitment, Mr. Santos explained that there are three signatory parties to each Deed – the signatory group, Geneva Call as an intermediary between the armed group and the international community, and the Government of the Republic and Canton of Geneva. Noting that Geneva is considered the home of IHL, Mr. Santos said its role as custodian adds solemnity and weight to the Deed of Commitment as an international mechanism.

#### **Comments and discussion:**

##### *The role of civil society and grassroots advocacy needs*

Recalling that the global ban movement started as a grassroots activity, using information from the field to lobby governments, one participant questioned whether civil society could play a similar role in engaging armed groups in the mine ban norm through the Deed of Commitment. Discussion on this point recognised that civil society plays a key role in

all aspects of engagement, from urging armed groups to commit to a mine ban, through implementation, monitoring and in some aspects of mine action. Noting that involvement of civil society organisations and communities in southern Sudan will provide a system of checks and balances for the SPLM/A, it was stressed that further efforts be made to encourage civil society participation and to develop strategies for achieving this.

Several participants underscored the need to ensure activities in this area are developed in keeping with local realities, for example literacy levels and local dialects will need to be considered. Advocacy and outreach efforts will not be successful if local realities are not taken into account.

### *Issues of legitimacy and language*

A commander of the SPLM/A encouraged Geneva Call to make clear to armed groups that signature to the Deed of Commitment does not change in any way their legal status or lend legitimacy to their struggles. He wondered if the decision to use the name “Deed of Commitment,” rather than “protocol” or “treaty,” was a deliberate choice to discourage this misconception. Geneva Call replied the choice of name was made so as not to alarm states, as was inclusion of Article 6 of the Deed of Commitment that clearly states that a group’s signature does not change its status. It was also noted that the word “renunciation” appeared in early drafts of the Deed of Commitment. This was changed to “commitment” to more positively reflect actions to ban the use of AP mines.

### *When signatory groups become state actors*

Noting that some signatories have become part of state institutions or coalition governments, i.e., the two signatories in Iraq, and the likelihood of the SPLM/A becoming a state actor, particularly if there is a vote for independence after the period of transition, a SPLM/A commander asked what signatories would be expected to do in these circumstances. The question led to discussion relating to the parallels and differences between the Deed of Commitment and the MBT.



It was clear to participants that signatories would be expected to advocate for immediate accession to the MBT in their new role as state actors. This would not be in contradiction to their current commitments and would illustrate continued leadership in establishing the mine ban norm.

Some participants suggested that the MBT and the Deed of Commitment should at some point be considered equivalent documents, in which case the status of the signatory would be irrelevant and one signature would be enough. Subsequent discussion underscored key differences between the two documents, particularly the scope of the ban under the Deed of Commitment and the higher standards demanded of armed groups under it. It was suggested the Deed of Commitment put NSAs at a disadvantage.

While the Deed of Commitment is not intended to put armed groups at a disadvantage vis-à-vis government forces, it was stressed that civilians would benefit from the ban on victim-activated explosive devices and might not see this as a disadvantage. Rebel adherence to the higher standard required under the Deed of Commitment would reflect higher moral ground and could in fact push states to go beyond the terms of the MBT. The Italian government, for example, chose to ban both AP and AT mines. Society as a whole would benefit from the higher standards demanded of armed groups under the Deed of Commitment.

## **5. WORKING GROUPS: IMPLEMENTATION AND MONITORING OF THE SPLM/A DEED OF COMMITMENT**

Following the panel presentations, participants divided into two groups to explore in depth two key issues relating to the SPLM/A's signature of the Deed of Commitment: implementation and monitoring. In addition to encouraging further discussion, each group was asked to identify key problem areas, to suggest appropriate actions and to formulate recommendations for follow up.

## Implementation working group

In framing the discussion, Pascal Bongard, Programme Coordinator of Geneva Call, reiterated that a commitment is much more than a signature on a piece of paper. Of utmost importance is implementation and the changes that occur on the ground as a result. While the SPLM/A is responsible for ensuring its commitment is enforced at field level, Geneva Call is committed to provide support for implementation. The workshop itself he explained, was convened in response to a request for support from the SPLM/A. Another example of support for implementation facilitated by Geneva Call was the 2002 MoU for emergency mine action support in Sudan. Geneva Call works in partnership with specialised mine action organisations to provide technical assistance to signatories for implementation. Implementation is a process of cooperation between the SPLM/A, Geneva Call and other stakeholders.

## Discussion highlights and recommendations

### *Definitions*

- The SPLM/A commanders and rank and file must be made aware that the ban on the use and production of AP mines also includes explosive devices that can be triggered by the victim, which includes IEDs, booby traps and AT mines that can be triggered by the pressure or weight of a person. It does not include AT mines that *cannot* be triggered by a person.
- The SPLM/A commanders and rank and file must be made aware that the use of AP mines and other victim-activated devices are not allowed under any circumstances, regardless of whether the GoS continues to use them.
- The SPLM/A commanders and rank and file must be made aware that it is prohibited to transfer, sell, trade or give stockpiles of AP mines or IEDs away to others. The weapons that poison the ground of southern Sudan must not be allowed to poison the ground of other regions or countries and destroy the lives of other people.

### *Cooperation in mine action*

- The SPLM/A commanders and rank and file must be aware that all AP mines and IEDs are to be destroyed. As a first step, the stockpiles must be counted, classified by type and recorded by lot number. Focal points for mine action need to be identified and information must be provided to these authorities.
- Under the MBT, each State Party commits to ensure the destruction of all stockpiled AP mines it possesses as soon as possible but not later than four years after the entry into force of the Treaty. Similar implementing guidelines or benchmarks should be set for armed groups who have signed the Deed of Commitment.
- The SPLM/A commanders must share information about locations of mined areas so that local and international humanitarian mine action organisations can help to clear or destroy mines and implement mine risk education (MRE) and other programmes offering protection to affected communities and assistance to victims.
- The SPLM/A has a critical role to play in the struggle against AP mines. Through an effective policy of non-use and through sharing information about mined areas and stockpiles, the SPLM/A can help build donor confidence. Demonstrating its commitment to implement a ban and its willingness to respond to the landmine problem will support efforts made by humanitarian mine action organisations to raise funds to be able to work in Sudan.
- The SPLM/A should create an inclusive mine action structure or authority, comprised of all secretariats and commissions concerned, e.g. education, health, security, etcetera, to develop national policy on landmines in coordination with other stakeholders.<sup>6</sup>

<sup>6</sup> Such authority was formed by the SPLM/A in May 2004 (cf. annex E).

### *Dissemination and training*

- The SPLM/A, Geneva Call, the mine action community, local civil authority and civil society should work together to further disseminate the Deed of Commitment obligations and the SPLM/A's mine ban policy, particularly in areas under the authority of the SPLM/A not represented at the workshop and at the grassroots level. Special effort should be made to ensure that information is tailored to address the field and language realities of the target areas in order to make sure the message is clearly conveyed. The present report should be distributed widely throughout southern Sudan.
- The mine ban and SPLM/A policy on this issue should be introduced in military training manuals and courses given by the SPLM/A Institute of Strategic Studies (ISS) in Yei.

### *Sanctions*

- The NLC should adopt a SPLM/A law that will prohibit mine use and provide sanctions in case of non-compliance. Sanctions must be in conformity with human rights law and IHL.

### **Monitoring working group**

A brief summary of the challenges faced by the Verification and Monitoring Team (VMT), tasked with monitoring the Machakos ceasefire agreement, underscored some of the issues that must be overcome in order to monitor the mine ban in Sudan. Major Francis Kaya of the VMT said that without the support and cooperation of the SPLM/A and the government, monitoring would be ineffective. The VMT has investigated less than a handful of the 83 violations registered. The VMT was created in February 2003 and began work in June.

VMT patrols typically consist of four people: an international leading the patrol, a GoS monitor, a SPLM/A monitor and a monitor from an IGAD member state. It was forced to stop its investigations recently due to the GoS denial of visas to team members. The team is now based in Nairobi and is focused on the creation of a field office around Leer in western Upper Nile.

## Discussion highlights and recommendations

### *Effective monitoring involves a broad range of activities*

- In order to distinguish between old mine use and the placement of new mines, it will be necessary to collect, analyse and consider a variety of issues including location of mined areas and stockpiles of mines, as well as the locations of incidents and numbers of casualties.

### *Dissemination and education*

- Knowledge of the landmine crisis in southern Sudan and the efforts to end it will empower the people and encourage them to take action to end the crisis and monitor the progress made by the SPLM/A. A crucial first step is to increase awareness of the SPLM/A mine ban policy throughout southern Sudan. Establishment of the mine ban norm may be reinforced if people are aware of the reasons for the ban, i.e., to protect the people of Sudan and to end the suffering caused by AP mines.
- It was noted that many people in southern Sudan still consider AP mines as a legitimate weapon in certain circumstances, particularly for self-defense or preservation.<sup>7</sup> There is a need to challenge this view and stigmatise mine use via an education campaign. By speaking of the ban and the reasons for it to all people and institutions, it will be possible to change the view that use of AP mines will free the people of Sudan. Implementation of MRE programmes was suggested as an appropriate vehicle for such an awareness campaign in southern Sudan. Another proposal made was organisation of an annual national mine ban day where activities would be conducted at all levels of society.

<sup>7</sup> An informal evaluation made at the conclusion of the workshop confirmed this view. It showed that some SPLM/A participants, despite their movement's mine ban policy, still feel that use of AP mines is justified in certain circumstances, when the enemy is too strong for example. This is cause for concern and indicative of the need for additional training and education within the ranks of the SPLM/A.



Caption: Monitoring working group, New Site, September 2003  
Photo credit: Geneva Call

- Civil society participation will be key in creating awareness of and monitoring the mine ban in southern Sudan. A local campaign comprised of local NGOs and community-based groups should be established and supported. This would help to create pressure on the SPLM/A and improve compliance and monitoring.

#### *Self-regulation and monitoring systems*

- The SPLM/A should develop mechanisms for self-regulation and reporting systems for its commanders and rank and file members. These would include orders and directives from the leadership clearly establishing the mine ban policy, information dissemination, training on the mine ban and disciplinary sanctions. Activities in this area should be designed with a view to ensuring military personnel are aware of and abide by the Deed of Commitment.
- The SPLM/A must actively participate in and facilitate monitoring efforts, including those by LM researchers. Greater access and support for access is needed to monitor areas within SPLM/A territories. Currently there are too many obstacles to monitoring efforts including travel restrictions, poor planning and lack of transparency.
- Geneva Call should establish a closer association with other actors to monitor the implementation of the Deed of Commitment, particularly with LM and independent mine action NGOs. Geneva Call should also develop relationships with the VMT and the Joint Monitoring Commission (JMC) in the Nuba Mountains. These two organisations are of particular relevance because they are mandated to monitor the cessation of hostilities agreements between the GoS and the SPLM/A, which specify no use of mines.
- Geneva Call should periodically send a field mission into southern Sudan to evaluate progress in implementation and the involvement of local communities.

## 6. INTRODUCTION TO HUMANITARIAN MINE ACTION

**Humanitarian mine clearance**, by Ian Clarke,  
*Director of Operations for the Swiss Foundation for Mine Action (FSD)*

Mr. Clarke began his presentation stressing that prioritisation of mine action is critical. There is no blueprint for conducting mine action. Mr. Clarke said his presentation was intended to get the participants thinking about what steps would be involved in developing a mine action plan for southern Sudan.

Mr. Clarke outlined the following steps:

- Assessing the situation

It is necessary to ascertain both the nature of the problem and the location of the landmines. Since no one person will have that information, this step requires the cooperation of all the relevant actors in the conflict. Another aspect of assessment is evaluating the capacity of existing structures for mine action. In this respect, UNMAS is a helpful partner; its primary role is to assist in developing a mine action plan.

- Resource mobilisation

In order to mobilise the donor community, it is necessary to assess the resources needed in terms of personnel and equipment. Questions to be asked include whether the current personnel is sufficient to cover all the locations to be cleared, what kind of equipment is needed and whether the technology chosen is best suited to the particular needs of the mined areas.

- National database

Sudan currently lacks the capacity to survey. However, it is possible to learn from belligerents and communities the location of suspected mined areas and their socio-economic impact. In order to be effective, this information needs to be recorded in a database and then reported back to the communities for their knowledge and feedback. The Information Management System for Mine Action (IMSMA) can be useful in supporting the development of such a database.



- Preparation of standards and training

Each organisation involved in mine action must develop operating procedures based on the international mine action standards (IMAS), and train its staff accordingly. UNMAS can assist in this process.

- Deployment of tasking and prioritisation

This step is important to ensure that the areas to be cleared have been prioritised according to the needs of the affected communities. At this level, their continuous cooperation is central in influencing tasking determinations. Tasking also involves quality control.

- Dissemination of information

In order for affected communities to start benefiting from mine clearance, it is important to physically show them where it is safe to circulate and to clearly mark areas that may still be dangerous.

In closing, Mr. Clarke reminded the participants that as mine action activities are carried out, stakeholders need to be informed in a transparent manner about what is being done and, in the case of donors, about how their money is being spent.

**Mine Risk Education**, by Jo Durham,  
*MRE Coordinator for UNICEF in southern Sudan*

Ms. Durham introduced the topic of MRE by recalling that heightened awareness at the grassroots level can help with monitoring compliance. She explained that while mine clearance is the very best solution to reduce the mine threat, it is slow, expensive and not always possible. MRE is very important to help people protect themselves in the interim. MRE provides people with information to enable them to make informed decisions on how to better manage the threat of mines/UXO and how to develop safe behaviour.

Ms. Durham outlined the key objectives pursued by MRE:

- Raise awareness of the mine/UXO threat among a diverse range of actors, from donors, policy makers, government and non-government service providers, to all levels of affected communities, including refugees;



Caption: MRE session, southern Sudan, 2002  
Photo credit: MAG ©

- Promote safe behaviour and informed decision making; and,
- Promote the participation of affected communities in mine/UXO related decisions.

MRE involves the development of public information campaigns (through radio, posters, leaflets, songs, drama, etcetera), the inclusion of appropriate programmes in the school curriculum and in other non-formal education arenas, and the promotion of community liaison. Ms. Durham gave the following examples of what MRE messages can include: recognition of various shapes, colours and sizes of mines/UXO; recognition of warning signs; safe behaviour; maintenance of mine marking signs and consequences of mine accidents.

Ms. Durham reported that there has been a recent realisation that while mine awareness via public information and dissemination can raise awareness and is a prerequisite in behaviour change, it is only a first step in tackling the problem of high-risk behaviour. Socio-economic factors rather than ignorance often drive high-risk behaviours such as going into mined areas, tampering with mines/UXO or using explosives for clearing land. Education on its own is unlikely to promote sustained behavioural change. MRE therefore should aim to go beyond public information and education aimed solely at affected individuals and communities to include advocacy, community liaison and institutional capacity building and is likely to be more effective when better integrated with other development initiatives.

She explained that community liaison is crucial in all phases – pre-clearance, during clearance and post-clearance – in order to provide a bridge between affected communities and demining organisations, and to ensure that those most affected are involved in the planning and prioritisation process.

Ms. Durham concluded by saying that safe behaviour requires not only knowledge of the mine/UXO threat but also a supportive political and economic environment, including implementation of the ban on land-mines.

**Victim Assistance**, by Sue Eitel,  
*a physiotherapist working with the Omega Project*

Ms. Eitel began by pointing out that the MBT is not only a disarmament treaty since it includes a provision relating to victims (Article 6), and that this feature makes it rather unique. A similar provision is found in the Deed of Commitment (Paragraph 2) signed by the SPLM/A, whereby the movement commits to cooperate in mine action, including victim assistance.

Ms. Eitel distinguished between the terms landmine survivor, victim and victim assistance. A “survivor” is an individual who has suffered a landmine injury and “victims” are the survivors as well as their families and communities. Victim assistance is directed at both groups. On the one hand, it is concerned with providing medical care, prosthetics, and rehabilitation services to individuals. On the other hand, it also includes the wider issues of economic reintegration and family support. Ms. Eitel emphasised that an important part of victim assistance is ensuring that there is equal access to services, regardless of whether or not the disability is landmine related. If particular care is reserved for landmine victims, then this will create a sense of injustice for people with other disabilities in the affected communities.

Ms. Eitel explained that there are nine principal categories of victim assistance:

1. Emergency care
2. Continuing medical care
3. Physical rehabilitation, prosthesis and assistive devices
4. Psychological and social support
5. Employment and economic integration
6. Capacity building and sustainability
7. Legislation and public awareness
8. Access to services
9. Data collection

Ms. Eitel stressed to participants that no matter how well intended the effort to help survivors and affected communities, all work must be conducted so as not to give false hope or to raise the expectations of those in need.

**Coping with landmine injuries in the field**, by Bob Leitch,  
*Advisor for the African Medical and Research Foundation (AMREF)*

Mr. Leitch gave an interactive presentation on landmine injuries in the field. The simulation he cautioned was not intended as instruction in providing immediate medical care but rather as an illustration of coping with extreme injuries in the field. He hoped the exercise would further emphasise the need to implement the SPLM/A commitment, particularly with the members of the rank and file who are in the field everyday. He began by asking how many of the participants present had witnessed someone being injured by a landmine. Most participants raised their hands. When he asked how many of them had to treat the victims, very few responded.

Mr. Leitch explained that panic and fear are immediate responses to a mine explosion; these reactions are exacerbated by the screaming of the victim and the urge to get out of the area as quickly as possible. Stressing the need to remain calm, Mr. Leitch said leaving the area is dangerous because there might be other mines around. He noted that while the screaming of the victim might add to this sense of urgency, these are more likely to be from fear than pain because shock will numb the pain. He suggested that those near to the victim should call for help. While waiting for help, victims should be turned on their sides to clear breathing passages; belts and headdresses could be employed as tourniquets to stop bleeding (being careful not to cut off circulation). Another suggestion for coping in the field was to stabilise an injured leg by using the uninjured leg as a splint. Mr. Leitch said that in all cases, the victim should be kept calm and warm, and given water if possible. Others need to remain calm and to continue talking to the victim until s/he can be transported to the nearest medical facility.



Caption: Demonstration on coping with landmines injuries in the field to workshop participants, New Site, September 2003  
Photo credit: Geneva Call

## **Comments and discussion:**

### *Advocacy for and by victims*

A participant asked what could be done right away to help survivors and mine-affected communities. It was suggested that affected communities need not wait for outside intervention before organising themselves to assist victims and survivors. People in the community could facilitate victim assistance by collecting information about victims and their needs that can be used to advocate for support.

Noting that pictures of victims, especially small children, have helped promote awareness on the landmine problem but seems to have done very little to help victims, one participant cautioned that victims might feel exploited. He stressed that advocacy efforts need to do more for the victims.

It was agreed that involving victims in advocacy efforts in support of a ban has been very effective. In fact, it is crucial to give victims a voice in the process. One avenue for their involvement is through community based development organisations that could include people with disabilities or education centres in their advocacy efforts. It was suggested that members of the SPLM/A who have been injured could be very good advocates for survivors and survivors' needs.

### *Land Resettlement and Use*

The issue of land distribution and resettlement after clearance was raised. Once land has been cleared, the question arises of who is entitled to occupy it. Land in Cambodia and in Mozambique was improperly allocated or used after clearance. The question requires careful consideration and policy must balance property rights and ownership with the needs of the community as a whole. There is no easy answer but if this issue is not addressed before mine clearance starts then there are risks of outbreaks of violence.

It was suggested that the issue of land use is likely not to be one of concern in southern Sudan since the land belongs to the community as a whole. Nonetheless, it will be necessary to prioritise who among the widows, people with disabilities, orphans, IDP and refugees, should get the land first.

## 7. OVERVIEW OF MINE ACTION ACTIVITIES IN SUDAN

**United Nations Mine Action Service (UNMAS)**, by Jim Pansegrouw,  
*Chief Technical Advisor in Sudan*

Mr. Pansegrouw started by briefly outlining the extent of the landmine problem in Sudan, based on the findings of a UN assessment mission which took place in 1997. According to the UN mission, roughly one-third of Sudan is infested by landmines and UXO. The number of mines has been estimated to be between 500,000 and 2 million, with the vast majority located in southern and eastern Sudan. No one knows the exact number of landmine casualties. The GoS estimates that Sudan has 70,000 victims resulting from mine accidents but this number has not been verified. The ICRC reported 5,000 amputees registered in its hospitals, however, this small number of survivors is probably due to the fact that most victims die before reaching health care facilities and go unreported. The mine threat has also denied large areas of land for cultivation, preventing farmers and shepherds from working in their fields, and has severely restricted the ability to deliver humanitarian aid by road.

Landmines are believed to have been used extensively by all parties: the government forces to protect its garrison towns and to interdict the movement of insurgents and the rebels to interrupt the government forces' movement and confine them to the towns.

Mr. Pansegrouw then explained the action of UNMAS in this context. In September 2002, a MoU was agreed to in Geneva between the GoS, the SPLM/A and UNMAS regarding UN emergency mine action support to Sudan. According to the MoU, the UN will assist both parties to jointly develop a national mine action plan. In September 2002, UNMAS established the NMAO in Khartoum and two regional offices in Rumbek and Kadugli. IMSMA databases have been installed in each office to record information gathered on the locations of suspected mined areas. The role of the NMAO is to provide technical advice to the parties, coordination and facilitation of mine action, accreditation, quality assurance monitoring, resource mobilisation and capacity-building. Mr. Pansegrouw described mine clearance operations conducted in





Caption: OSIL deminers trained by MAG, southern Sudan, March 2003  
Photo credit: Peter Moszynski ©

the Nuba Mountains by RONCO, a US-based commercial firm, and the NGO Danish Church Aid (DCA). He added that future projects will include road clearance by the FSD and survey work.

Mr. Pansegrouw concluded his presentation by describing some of the difficulties and challenges faced by mine action organisations in Sudan. These include lack of funding, poor infrastructure (particularly poor road conditions), and general suspicions held by both parties toward independent mine action, which is still perceived as an infringement on military affairs.

**Mines Advisory Group (MAG)**, by Tim Carstairs, *Policy Director*

Mr. Carstairs shared MAG's experience working with armed groups in countries such as Afghanistan, Angola, Burma, Iraq, Lebanon, Sri Lanka and Sudan, and explained how international NGOs can help build local capacities.

In Sudan for example, MAG started in 1998 to provide technical support to OSIL staff on mine clearance, MRE, community liaison and management. Because a local capacity already existed in Sudan, MAG expatriates needed only to share their technical know-how. The experience in Sri Lanka is similar. The Tamil rebels did not wait for international NGOs to demine but they had little resources, equipment and funding. MAG provides support there too. The situation however, is different in other countries where there is no local capacity. This was the case in Iraqi Kurdistan when MAG started in 1991/2, just after the first Gulf War. MAG developed a Kurdish demining force to address the landmine problem. Today, there are 700 local deminers. With more than ten years of experience and training, local staff are now operating well. MAG continues to ensure financial management, funding and technical monitoring.

Mr. Carstairs said MAG's experience working with armed groups shows that partnership, transparency and confidence are key. International NGOs such as MAG can provide what local partners do not have. But donors are reluctant to fund mine action if there is no commitment to ban landmines. In Iraq, MAG faced this problem and managed to

obtain unilateral commitments from the Kurdish groups in order to persuade donors to continue support. This shows how important it is that the Deed of Commitment is implemented. Mr. Carstairs concluded with an appeal to the SPLM/A to meet its obligations under the Deed of Commitment and to be seen to comply. Compliance will help mine action organisations to raise funds and do their job.

**Sudan Integrated Mine Action Service (SIMAS),**  
by Salvatore Garang, *Director*

Mr. Garang explained that SIMAS is the only local NGO active in mine action with OSIL. It is mainly active in MRE around Rumbek and the Nuba Mountains. Mr. Garang stated that SIMAS has manpower but lacks equipment and funding.

**The Sudan Landmine Information and Response Initiative (SLIRI),**  
by Malek Ruben, *Coordinator in southern Sudan*

Mr. Ruben explained that SLIRI is one of the largest national cross-conflict mine action initiatives in Sudan, working with a civil society network of organisations operating in both government and SPLM/A-controlled areas. The SLIRI was established in 2002 to gather an accurate and comprehensive body of information on the landmine problem in Sudan in order to prepare for a rapid response when peace comes. SLIRI deployed operational field bases throughout Sudan. Its head offices are in Khartoum and Yei. A technical training and advisory team with Landmine Action UK has been established to support SLIRI. Networking is being pursued with key stakeholders. Local populations have also been contacted to make them aware of the objectives of the project in terms of resettlement, rehabilitation and planning. Future activities include information dissemination; mine risk education and other community mine action responses. Mr. Ruben concluded by stressing the need for cooperation among all stakeholders for the benefit of a Sudan free from landmines.

UNICEF, by Jo Durham, *MRE Coordinator in southern Sudan*

Ms. Durham explained that current MRE operators in SPLM/A controlled areas include OSIL, SIMAS (with limited resources), SLIRI and more recently DCA. UNICEF is also a newcomer. Ms. Durham arrived only recently in Rumbek and UNICEF's MRE programme in southern Sudan is still very much in its inception phase, with information gathering to develop strategy being a key focus.

A recent major step in this process said Ms. Durham, was a MRE stakeholders meeting in Rumbek in September 2003. The meeting aimed at providing an overview of MRE within southern Sudan and exploring current opportunities, constraints, priorities and ways forward. Ms. Durham said that the existing MRE experience and capacity, the presence of civil society structures and of UNMAS and the local and international political will were identified as opportunities. Constraints included: limited coordination and information available, the size of Sudan and the remoteness of some areas within it, and poor socio-economic conditions.

Stakeholders identified three key target groups for different messages and strategies related to raising awareness of the mine threat. These groups are: policy makers and decision makers, service providers and affected communities.

Ms. Durham concluded her presentation by listing the MRE priorities as recommended by the meeting:

- Incorporate mine/UXO injury surveillance into existing primary health care and hospital surveillance system. This will help secure a better understanding of the scope of the problem and identify trends;
- Undertake cross-sectional surveys to better understand MRE needs on the ground;
- Develop public information;
- Work at all levels of society to raise awareness;
- Work with relevant bodies to ensure the mine issue is taken into account cross-sectorally;
- Integrate MRE in pupil's curriculum and life skills curriculum;

- Work with other mine action actors to ensure the voices and needs of those most affected are heard; and,
- Ensure indigenous participation and ownership at all levels.

### **Comments and discussion:**

#### *Coordination among stakeholders*

Key actors and stakeholders in southern Sudan's mine action efforts include SPLM/A political and military leaders and structures, civil authorities, civil society organisations and representatives, UN agencies and local and international mine action NGOs. It was noted that while cooperation among stakeholders already existed, there was need for more institutionalised coordination.

#### *Funding and transparency*

Noting that current resources for mine action are insufficient, that victims go without needed assistance and deminers lack equipment, it was suggested that the SPLM/A could increase support received from the international community by being more transparent on the location of mined areas and stockpiles and by fully complying with the Deed of Commitment.

A SPLM/A commander insisted the SPLM/A has shown strong commitment to the mine ban and had undertaken on its own initiative mine clearance. He said that even without financial support from the international community, good progress has been made. The SPLM/A took the initiative to sign the Deed of Commitment and a MoU on emergency mine action with UNMAS and the GoS. He said the SPLM/A would continue its efforts with or without international support. *"It is our conscience which dictates us, not international pressure."*

Participants generally agreed that transparency will contribute to a longer term confidence-building process and that SPLM/A engineers will be key players in the process. They are the core people who know where the mines are. It was suggested the question of transparency would need to be addressed first within the SPLM/A committee on mines, otherwise, some engineers might mistakenly share classified information and face sanctions for doing so.

## 8. CLOSING WORDS

In his closing words to the workshop, Cdr. Edward Lino said that the SPLM/A in a time of war was mistaken in using AP mines and was taking responsibility for this before the international community. *“We used landmines more than the GoS and are paying the price for this now. We are the victims of our own mines.”*

He recognised the contributions that each participant in the workshop made and commended Geneva Call for the significant and unique role it plays in engaging armed groups. He said that over the coming months, the SPLM/A, with Geneva Call, will increase efforts to raise awareness of the mine ban among the SPLM/A rank and file and at the grassroots level. Concerted efforts will be made to locate and identify areas contaminated by mines and UXO so that demining can take place and the mines can be destroyed. Communities will be encouraged to inform the SPLM/A of mined areas so that appropriate action can be taken.

He regretted the absence of the commanders from the eastern front who could not attend the workshop but anticipates their participation in the upcoming campaign.

Securing full compliance with the mine ban in southern Sudan will require tremendous commitment and effort Cdr. Lino said. He appealed to the international community to continue to help the SPLM/A build its capacity to undertake effective mine action, and to collaborate in the collection and dissemination of information on mines.

He concluded the workshop by saying that the SPLM/A has tasked itself to address the landmine problem and it will do this willingly. Cdr. Lino requested participants to continue to work together as partners and not to shy away from the challenges ahead. He said the people of southern Sudan look forward to one day having a peaceful and mine free land, and the workshop helped to make clearer the road toward that goal.



Caption: Cdr. Edward Lino and Akol Meyan Kuol, New Site, October 2003  
Photo credit: Geneva Call

# **III. RECOMMENDATIONS**



**Mine Ban Education Workshop in Southern Sudan,  
New Site, Kapoeta County, Southern Sudan  
29 SEP - 1 OCT 2003  
Organised by Geneva Call and the SPLM/A**

**RECOMMENDATIONS OF WORKSHOP DISCUSSIONS:**

*Clarity of message*

One of the main points raised was the need to be clear in what we are talking about. We are talking about the need to stop use in all situations, the use of antipersonnel mines and victim activated improvised explosive devices. This means that no victim activated explosive devices are used or produced or transferred. It means that no antipersonnel mines are kept for use and it should be recognised that only antipersonnel mines rendered inoperable are to be used for training in mine clearance or other activities. While the SPLM/A and the people of South Sudan are no longer using antipersonnel mines, it does not mean that they can give these mines to others to use. All antipersonnel mines and victim activated improvised explosive devices are to be destroyed.

*Implementation of commitment*

Several recommendations were made as to how the SPLM/A could implement its commitment to ban antipersonnel mines. A first step was to ensure that commanders and soldiers understood the commitment. Direct orders should be given to commanders and soldiers that under no circumstances are mines to be used. It should be made clear to the officers of the SPLM/A and to the international community that the SPLM/A Chairman supports this policy of no use of antipersonnel mines under any circumstances. The SPLM/A should also include in its teachings to the military the obligations under the Deed of Commitment to ban antipersonnel mines and to facilitate mine action. A mine ban curriculum should also be introduced in training courses at the SPLM/A –Institute of Strategic Studies (ISS). It was suggested that a training manual for the military be developed which would include guidelines for implementing the SPLM/A obligations to ban antipersonnel mines and abstracts on International Humanitarian Law.

At the civilian level, it was recommended that laws be introduced banning antipersonnel mines. These laws could be introduced through the National Liberation Council (NLC). Such laws would make it illegal to use antipersonnel mines and would include penal sanctions to those in violation of the people's own laws. This law would apply to military and the civilian population.

In general, a change of attitude regarding the use of landmines needs to be fostered. It was also suggested the implementing guidelines could be developed to help the SPLM/A in this important step.

*Disseminating the information about the antipersonnel mine crisis in Sudan and the SPLM/A commitment to end this crisis*

It was noted that the SPLM/A's commitment to ban antipersonnel mines needed to be further spread not just within the military and civilian structures, but also to society as a whole. Proposal was made to establish a joint committee comprised of SPLM/A, Geneva Call and other stakeholders. This committee would be mandated to design and implement a program to disseminate information on the Deed of Commitment. Some ideas for the program involved a series of workshops, such as the Mine Ban Education in Southern Sudan and similar workshops in other areas controlled by the SPLM/A. Workshops should be customised for each situation and replicated at the grassroots level. Areas and regions weak in the knowledge of the ban should be addressed. The role of the media, youth, women and religious organizations should be identified and emphasised. Civil society, local NGOs and international organizations need to talk about the

ban and what it means for the people of Sudan, bearing in mind that there is need to build the capacity of indigenous NGOs and to provide support for their active involvement in efforts to eradicate antipersonnel mines from their communities. It was suggested that a local campaign be created to help spread this knowledge to the people of South Sudan and other areas controlled by the SPLM/A and through centres for information sharing.

A more specific suggestion was made to designate a National Mine Ban Day where activities could be held, such as workshops, training courses and drama presentations, geared towards educating all levels of society regarding the antipersonnel mine ban and the impacts of mines on Sudanese society.

It was pointed out that information needs to be provided in the languages of the communities. At the same time, a word of caution was raised that printed material may not be effective, as not everyone in South Sudan and other areas controlled by the SPLM/A can read.

#### *Mine Action*

Recommendations for mine action were also raised. Mined areas need to be identified. The SPLM/A needs to analyse its strategies for demining and to set priorities so that resources are used to the maximum benefit of the mine-affected communities and victims and survivors. This would include initiating and supporting emergency mine action. In this process, it was suggested to identify early on who will inhabit the land once it is cleared, for example widows, orphans, victims or displaced populations.

Several ideas were suggested to improve Mine Risk Education, which not only raises awareness, but can function as a mechanism for community liaison. These suggestions include:

- incorporating Mine Risk Education in school curricula
- using drama to sensitise the population
- mobilising local resources and capacity to conduct Mine Risk Education
- putting up posters displaying the dangers posed by landmines
- publicise information on mine action within communities

Finally, there was a call to assist victims in rebuilding their lives. They should not be forgotten.

#### *Coordination & Capacity Building*

Currently, coordination and the sharing of information among stakeholders is almost non-existent in Sudan, thus it is important to establish links of communication. Already a coordination system exists through the agreement with UNMAS – GOS – SPLM/A. This system for coordination needs to be used and made useful at the national level, however all can share in the role of collecting, processing and sharing information on the landmine problem and reporting this information to concerned parties, particularly IMSMA. A mine action civil authority comprised of Ministers of Education, Health, Infrastructure and Foreign Relations should be established.

IGAD's role as an agent of development and peace building in the sub region should be further explored as a resource mobilization and capacity building body in the landmine issue.

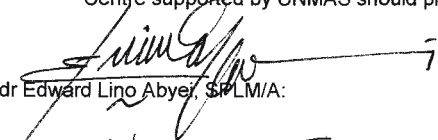
However, there is also a need for all stakeholders, specifically civil society, to work together to promote and share information on the mine ban and to raise the level of awareness of donors and to work in mine action.

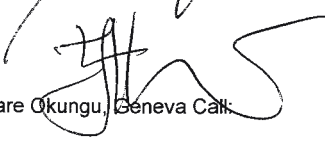
To do this, capacity needs to be built at all levels of society, so everyone can become involved in implementing the ban in all its aspects.

Information about the mine situation and the efforts by the SPLM/A to comply with their commitment can help in the efforts to appeal to the international community for assistance to provide equipment, training, demining, medical care, reconstruction and repatriation. International partners shall assist in efforts to advance the ban.

### *Closing Recommendations*

- Signing the Deed of Commitment is not enough if there is no political will and without the support of the people, nothing can be done
- What any single party to the conflict does, and the way it may disregard humanitarian practices, should not be used as a reason for any other party to do the same. The people of Sudan are suffering and any single party involved in the conflict can significantly influence the duration of this suffering by rising to a higher standard (becoming an example for others, whether government or NSAs).
- Political will for a ban is there, however the SPLM/A requires assistance to implement its obligations.
- It is recommended that any dividends from the peace process be utilized for mine action and development. Efforts to use peace dividends to address the landmines issue within Sudan will reduce dependency on foreign donors.
- The SPLM/A's adherence to the Deed of Commitment and the UN - SPLM/A - GOS Memorandum of Understanding that provide for the total ban of antipersonnel mines and other agreements, such as the Nuba Mountains Ceasefire Agreement and the Machakos Protocol, will help to advance mine action while supporting the creation of an environment in which the efforts to ban antipersonnel mines will flourish.
- We should recognise the need to demobilize and integrate combatants into mine action programs.
- There is a need for more transparency and information sharing by the SPLM/A for mine action in general, particularly the locations of emplaced mines and stockpiles. Information sharing is a crucial confidence building measure and process. The newly established SPLMA Committee on Mine Action and the Southern Sudan Mine Action Centre supported by UNMAS should play key roles in this process.

  
Cdr Edward Lino Abye, SPLM/A:

  
Lare Okungu, Geneva Call:

# IV. ANNEXES

## **WORKSHOP PROGRAMME**

*29 September 2003*

### **Registration of participants**

#### **Opening statements**

- Welcome, Cdr Edward Lino, SPLM/A Director for External Security
- Keynote address, Dr John Garang de Mabior, SPLM/A Chairman and Commander-in-Chief
- Opening words, Elisabeth Reusse-Decrey, President of Geneva Call

#### **Panel 1: The global landmine problem and ban**

- Global overview of the landmine problem, Celina Tuttle, Geneva Call
- The global mine ban movement and treaty, Mereso Agina, Kenya Coalition Against Landmines (KCAL)
- Introduction to international humanitarian law, Sadia Shafaqoj Kaenzig, ICRC  
Questions and discussion

#### **Panel 2: The Sudan landmine problem and SPLM/A mine policy and action**

- Sudan landmine problem, Peter Moszynski, Landmine Monitor
- SPLM/A mine policy and action, Cdr. Aleu Ayieny Aleu, Operation Save Innocent Lives (OSIL)  
Questions and discussion

*30 September 2003*

#### **Panel 3: Geneva Call and the Deed of Commitment**

- Geneva Call, Elisabeth Reusse-Decrey, Geneva Call
- The Deed of Commitment, a Review, Soliman Santos, Geneva Call  
Questions and discussion

## **Working groups sessions**

- Implementation of the SPLM/A Deed of Commitment
- Monitoring of the SPLM/A Deed of Commitment
- Plenary reports of working groups

### **Panel 4: Introduction to humanitarian mine action**

- Mine Clearance, Ian Clark, Swiss Foundation for Mine Action (FSD)
  - Mine Risk Education, Jo Durham, UNICEF
  - Victim Assistance, Sue Eitel, Omega Project and Bob Leitch, African Medical and Research Foundation (AMREF)
- Questions and discussion

*1 October 2003*

### **Panel 5: Overview of mine action activities in Sudan**

- United Nations Mine Action Service (UNMAS), Jim Pansegrouw
  - Mines Advisory Group (MAG), Tim Carstairs
  - Sudan Integrated Mine Action Service (SIMAS), Salvatore Garang
  - Sudan Landmine Information and Response Initiative (SLIRI), Malek Ruben
  - UNICEF, Jo Durham
  - Video projection: The Ottawa Treaty: Towards a world free of anti-personnel mines
- Questions and discussion

## **Recommendations**

## **Closing words**

# Sudan Peoples Liberation Army

(SPLM)



General Headquarters  
New Kush - Himan.



1st November 1996.

## RESOLUTION ON PROBLEM POSED BY PROLIFERATION OF ANTI-PERSONNEL MINES IN LIBERATED PARTS OF NEW SUDAN.

The Sudan Peoples Liberation Movement and Sudan Peoples Liberation Army (SPLM/SPLA),

Deeply Concerned over the tragic consequences of indiscriminate use of Anti-personnel mines in particular and the presence of unexploded sub-munition from cluster bombs and other unexploded ordnance.

Particularly alarmed at the significant increase in the number of mines and sub-munition victims among the civil population.

Having Considered voluntarily the 1980 United Nations Convention on the prohibitions or Restriction of use of certain Conventional Weapons which may be deemed to be excessively injurious, (Doc. CM/1884 (LX II) Annex 1).

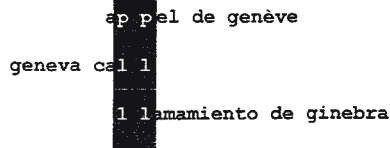
Considering Resolution CM/Res. 1526 (LX) on respect for International Humanitarian Law and Support for Humanitarian Action in Armed conflicts.

The SPLM/A commits itself to unilateral demining effort in the areas under its control, and hereby commissions the Operation Save Innocent Lives - Sudan (OSIL-SUDAN) as an indigenous voluntary organization to demine the liberated areas of New Sudan and to help put an end this scourge.

SPLM/A appeals to the international community to support OSIL-SUDAN in this humanitarian endeavour.



CDR Saïva Kfir Maya'adit,  
Deputy Chairman, NLC/NEC(SPLM),  
and SPLA Chief of General Staff.



**DEED OF COMMITMENT UNDER GENEVA CALL  
FOR ADHERENCE TO A TOTAL BAN ON ANTI-PERSONNEL MINES  
AND FOR COOPERATION IN MINE ACTION**

WE, the Sudan People's Liberation Movement and Sudan People's Liberation Army (SPLM/A), through our duly authorized representative,

*Recognising* the global scourge of anti-personnel mines which indiscriminately and inhumanely kill and maim combatants and civilians, mostly innocent and defenceless people, especially women and children, even after the armed conflict is over;

*Realising* that the limited military utility of anti-personnel mines is far outweighed by their appalling humanitarian, socio-economic and environmental consequences, including on post-conflict reconciliation and reconstruction;

*Rejecting* the notion that revolutionary ends or just causes justify inhumane means and methods of warfare of a nature to cause unnecessary suffering;

*Reaffirming* our determination to protect the civilian population from the effects or dangers of military actions, and to respect their rights to life, to human dignity, and to development;

*Resolved* to play our role not only as actors in armed conflicts but also as participants in the practice and development of legal and normative standards for such conflicts, starting with a contribution to the overall humanitarian effort to solve the global landmine problem for the sake of its victims;

*Accepting* that international humanitarian law and human rights apply to and oblige all parties to armed conflicts;

*Acknowledging* the norm of a total ban on anti-personnel mines established by the 1997 Ottawa Treaty, which is an important step toward the total eradication of landmines;

NOW, THEREFORE, hereby solemnly commit ourselves to the following terms:

1. TO ADHERE to a total ban on anti-personnel mines. By anti-personnel mines, we refer to those devices which effectively explode by the presence, proximity or contact of a person, including other victim-activated explosive devices and anti-vehicle mines with the same effect whether with or without anti-handling devices. By total ban, we refer to a complete prohibition on all use, development, production, acquisition, stockpiling, retention, and transfer of such mines, under any circumstances. This includes an undertaking on the destruction of all such mines.



2. TO COOPERATE IN AND UNDERTAKE stockpile destruction, mine clearance, victim assistance, mine awareness, and various other forms of mine action, especially where these programs are being implemented by independent international and national organisations.
3. TO ALLOW AND COOPERATE in the monitoring and verification of our commitment to a total ban on anti-personnel mines by Geneva Call and other independent international and national organisations associated for this purpose with Geneva Call. Such monitoring and verification include visits and inspections in all areas where anti-personnel mines may be present, and the provision of the necessary information and reports, as may be required for such purposes in the spirit of transparency and accountability.
4. TO ISSUE the necessary orders and directives to our commanders and fighters for the implementation and enforcement of our commitment under the foregoing paragraphs, including measures for information dissemination and training, as well as disciplinary sanctions in case of non-compliance.
5. TO TREAT this commitment as one step or part of a broader commitment in principle to the ideal of humanitarian norms, particularly of international humanitarian law and human rights, and to contribute to their respect in field practice as well as to the further development of humanitarian norms for armed conflicts.
6. This Deed of Commitment shall not affect our legal status, pursuant to the relevant clause in common article 3 of the Geneva Conventions of August 12, 1949.
7. We understand that Geneva Call may publicize our compliance or non-compliance with this Deed of Commitment.
8. We see the desirability of attracting the adherence of other armed groups to this Deed of Commitment and will do our part to promote it.
9. This Deed of Commitment complements or supercedes, as the case may be, any existing unilateral declaration of ours on anti-personnel mines.
10. This Deed of Commitment shall take effect immediately upon its signing and receipt by the Government of the Republic and Canton of Geneva which receives it as the custodian of such deeds and similar unilateral declarations.

Done this 4<sup>th</sup> of October 2001 in Geneva, Switzerland.

**For THE SUDAN PEOPLE'S LIBERATION MOVEMENT  
AND SUDAN PEOPLE'S LIBERATION ARMY (SPLM/A):**

*N. Nhial Deng Nhial*



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Chairman of SPLM Commission for External Relations, Information & Humanitarian Affairs

**For GENEVA CALL:**

*Elisabeth Reusse-Decrey*

ELISABETH REUSSE-DECREY  
President

*Lare Okungu*

LARE OKUNGU  
Regional Director for Africa

**For THE GOVERNMENT OF THE REPUBLIC AND CANTON OF GENEVA:**

ROBERT HENSLEY  
Chancelier d'Etat



*Robert Hensley*  
Robert HENSLEY  
Chancelier d'Etat

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**THE GOVERNMENT OF SUDAN,**  
**THE SUDAN PEOPLES LIBERATION MOVEMENT**  
**AND THE**  
**UNITED NATIONS**  
**REGARDING UNITED NATIONS MINE ACTION SUPPORT TO**  
**SUDAN**

At the request of the Government of Sudan (GoS) and the Sudan Peoples Liberation Movement (SPLM), the United Nations (UN) is implementing an Emergency Mine Action Project in Sudan.

The Project intends to operate in both GoS and SPLM controlled areas with the objective of reducing mine/UXO casualties among the civilian population and humanitarian aid community with initial offices being established in Khartoum and Rumbek.

The UN will seek to assist both parties to jointly develop a National mine action strategy that meets the immediate needs of the emergency humanitarian situation and plans ahead to a post-conflict Sudan. Such a strategy will eventually lead to a mutually agreed National Mine Action Plan.

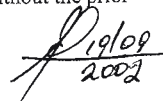
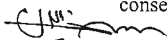
The Project will operate under the guiding principle of Sudanese ownership and will seek from the outset to support the development of a national capacity that is able to adequately manage the mine/UXO situation in Sudan.

A National Mine Action Office, supported by the UN and with representation of both parties, will be established to develop common strategies and a prioritised humanitarian clearance plan.

Key elements that will be addressed are: Accreditation, Operational Co-ordination, National Technical Guidelines and Standards, Quality Assurance monitoring, centralised reporting, appropriate resource mobilisation and capacity building. These elements will establish a framework to encompass the work of all organisations involved now, or in the future, in mine action activities within Sudan.

The UN recognises the conflict situation in Sudan and the resulting sensitivity of mine/UXO related information. Field Offices will be established where operationally appropriate and the dissemination of any mine/UXO information gathered at these locations will be limited to an agreed Area of Responsibility. Each Field Office will be equipped with the Information Management System for Mine Action.

At no time will any information regarding mine/UXO's be released without the prior consent of the relevant Party.



The UN will not instigate clearance of disputed areas without explicit consent from both parties and further agrees that no direct mine clearance will take place without full consultation with both parties and prior agreement that such clearance may take place.

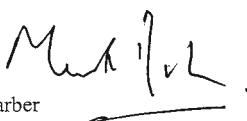
This agreement sets out an initial framework of co-operation and further detailed plans will be developed with full consultation of all parties.

Signed:  19/9/2002

Dr Sulafadin Salih  
Commissioner General  
Humanitarian Aid Commission  
Government of Sudan

Signed:  19/09/2002

Edward Abeyi Lino  
Commander  
Sudan Peoples Liberation Movement

Signed: 

Mr Martin Barber  
Chief  
United Nations Mine Action Service

Date: 19 September 2002

Place: Geneva



GENERAL HEADQUARTERS  
**SUDAN PEOPLES' LIBERATION MOVEMENT  
AND SUDAN PEOPLES' LIBERATION ARMY**



Chairman and Commander - in - Chief



SPLM/NSLMA/A-1

Ref. No.....

Date..... 9<sup>th</sup> MAY 2004

**FORMATION OF NEW SUDAN AUTHORITY ON LANDMINES**

The Sudan Peoples Liberation Movement and Sudan Peoples Liberation Army (SPLM/SPLA),

**Deeply concerned** over the tragic consequences of war particularly the presence of Landmines and Unexploded Ordnance (UXOs)

**Particularly alarmed** by the significant injuries and death inflicted by landmines and UXOs to the civil population,

**Concerned** about land, roads and other public utilities denied by landmines and UXOs,

**Aware** of key challenges posed by the landmines as we are moving towards peace,

**Having considered** voluntarily the 1980 United Nations Convention on the prohibitions or restriction of use of certain conventional weapons which may be deemed to be excessively injurious, (Doc.CM/1884(LX11) Annex II),

**Committed** to our obligations in the "Deeds of Commitment" signed between the SPLM/A and the Geneva Call,

**Considering** resolution CM/Res.1526 (LX) on respect for International Humanitarian Law and support for Humanitarian Action in armed conflicts,

The SPLM/A hereby commissions the New Sudan Authority on Landmines (NSAL) under the Office of the SPLM/A Chairman and to be composed of the following SPLM secretariats, commissions or their representatives:-

1. Commissioner for Foreign Relations – Chairman
2. Chief of General Staff – Member
3. Commissioner of SRRC – Member
4. Secretary for Finance and Economic Planning – Member
5. Secretary for Legal Affairs – Member
6. Secretary for Education – Member
7. Secretary for Health – Member
8. Secretary for Information – Member
9. Secretary for Local Government – Member
10. Secretary for Roads and Communications – Member
11. Secretary for Agriculture – Member
12. Secretary for women and Child Welfare – Member
13. Director of External Security – Member
14. Director of Military Intelligence – Member
15. Director of SPLM Peace Desk in the Civil Society Commission – Member
16. Director of SPLM Gender Desk in the Civil Society Commission – Member
17. Executive Director of New Sudan Mine Action Directorate – Secretary

The functions of the New Sudan Authority on Landmines shall be the following:-

1. Develop and approve national policies on landmines.
2. Develop and approve national technical guidelines, human resources policies and memorandum of understandings between SPLM Mine Action Directorate and international partners.
3. National and International advocacy in support of mine action.
4. Cross Conflict coordination and negotiations, on issues of landmines
5. Prioritisation and approvals of mine action activities and programmes.
6. Supervision of the SPLM Mine Action Directorate.
7. Keep the Chairman/Commander-in-Chief briefed and informed on landmine action.

The New Sudan Authority on Landmines shall have under it the New Sudan Mine Action Directorate (NSMAD), functions of which shall be the following:-

1. Develop New Sudan's capacity to address mine action issues.
2. Develop programmes and help in raising funds for mine action activities
3. Sign MOUs and accreditations with international partners in consultation with New Sudan Authority on landmines
4. Conduct and refer matters of Cross-Conflict policies on landmines to New Sudan Authority on Landmines.
5. Supervise National and International partners' adherence to national policies, technical guidelines, human resources Policies and quality assurance, and monitoring and reporting of these to New Sudan Authority on Landmines.
6. Supervise information management systems for mine action with international partners and approve information sharing with non-partners.
7. Implement taskings and programmes approved by New Sudan Authority on Landmines.

These responsibilities for New Sudan Authority on Landmine and New Sudan Mine Action Directorate shall be revised from time to time as experience shall dictate, and as the progress of the peace process in the Sudan shall determine.

Cdr. Aleu Ayieny Aleu is here appointed as Executive Director of the New Sudan Mine Action Directorate with effect from May 9<sup>th</sup>, 2004, and all concerned are requested to kindly give him and his office all necessary assistance and facilitation of his work.

(Signed):



Dr. John Garang de Mabior  
Chairman and Commander-in-Chief, SPLM/SPLA  
Yei and New Cush: 9<sup>th</sup> May 2004